

**Bureau of Indian Education (BIE) Part B FFY 2006 SPP/APR Response Table**

While BIE has publicly reported on the performance for each school on the targets in BIE’s performance plan as required by IDEA section 616(b)(2)(C)(ii)(I), those reports do not contain the required information. Specifically, BIE did not report SPP targets for all relevant indicators and its report did not clearly reflect school program data on all relevant indicators.

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>1. Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma. [Results Indicator]</p>	<p>BIE revised the baseline and targets for this indicator. OSEP accepts the revised baseline, but cannot accept the revised targets. The FFY 2007 target states, “the graduation rate for students with disabilities will not be less than that of nondisabled peers.” The targets for the remaining years of the SPP, including the final year, are “maintain.” OSEP cannot accept the revised targets because BIE’s revised end target may not reflect improvement over the baseline data.</p> <p>BIE’s revised FFY 2005 data for this indicator are 89.35% of students with disabilities graduated compared to 72.57% of nondisabled youth.</p> <p>BIE’s FFY 2006 data for this indicator are 74.88% of students with disabilities graduated compared to 70.14% of nondisabled youth. BIE reported that it would use FFY 2006 data as the baseline data. OSEP was unable to determine whether there was progress or slippage because BIE established a new baseline with FFY 2006 data. In addition, OSEP cannot determine whether BIE met its FFY 2006 target because BIE revised its targets and OSEP cannot accept the revised targets.</p>	<p>OSEP’s June 15, 2007 FFY 2005 SPP/APR response table required BIE to include in the FFY 2006 APR, due February 1, 2008, complete FFY 2005 progress data and FFY 2006 progress data. BIE included the required information.</p> <p>BIE must submit revised targets in the FFY 2007 APR, due February 1, 2009.</p> <p>OSEP looks forward to BIE’s data demonstrating improvement in performance in the FFY 2007 APR, due February 1, 2009.</p>
<p>2. Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school. Results Indicator]</p>	<p>BIE’s FFY 2006 reported data for this indicator are 9.4%. These data represent progress from the FFY 2005 data of 10.65%.</p> <p>BIE met its FFY 2006 target of 9.6%.</p>	<p>OSEP’s June 15, 2007 FFY 2005 SPP/APR response table required BIE to include in the FFY 2006 APR, due February 1, 2008, complete FFY 2005 progress data and FFY 2006 progress data. BIE included the required information.</p> <p>OSEP appreciates BIE’s efforts to improve performance.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments: A. Percent of districts that have a disability subgroup that meets the State’s minimum “n” size meeting the State’s AYP objectives for</p>	<p>BIE’s FFY 2006 reported data for this indicator are that five of 14 (35.71%) schools, with sufficient “n” to calculate AYP for students with disabilities, met AYP objectives for the disability subgroup.</p> <p>This demonstrates progress from the FFY 2005 data of four of 24 (16.66%) schools, with sufficient “n” to calculate AYP for students with disabilities, which met AYP objectives for the disability subgroup.</p>	<p>OSEP’s June 15, 2007 FFY 2005 SPP/APR response table required BIE to include in the FFY 2006 APR, due February 1, 2008, (1) Table 6 of its 618 submission; and (2) complete FFY 2005 progress data and FFY 2006 progress data consistent with the required measurement. BIE included the</p>

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<p>progress for disability subgroup. [Results Indicator]</p>	<p>BIE met its FFY 2006 target of five schools with sufficient “n” size achieving AYP objectives for the disability subgroup.</p>	<p>required information. OSEP appreciates BIE’s efforts to improve performance.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments: B. Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards. [Results Indicator]</p>	<p>BIE’s FFY 2006 reported data for this indicator were 97.7% for reading and 97.9% for math. These data represent progress from the FFY 2005 data of 93.52% for reading and 92.28% for math. BIE met its FFY 2006 targets of 95% for reading, and 95% for math.</p>	<p>OSEP’s June 15, 2007 FFY 2005 SPP/APR response table required BIE to include in the FFY 2006 APR, due February 1, 2008, complete FFY 2005 progress data and FFY 2006 progress data that includes valid and reliable data for its high school students. BIE reported that “better training has enabled better reporting” of the participation rate of high school students.  BIE has requested guidance regarding whether to combine scores for Reading and Language Arts when reporting assessment data under section 618 of IDEA. OSEP is available to provide technical assistance on this issue.  OSEP appreciates BIE’s efforts to improve performance.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments: C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards. [Results Indicator]</p>	<p>BIE’s FFY 2006 reported data for this indicator are 15.33% for reading and 15.17% for math. This represents a 23.17% gap for reading and 18.27% for math between all students who scored at the proficient/advanced level and children with IEPs who scored at the proficient/advanced level. This represents an increase of 1.36% in the gap for reading from the preceding year and an increase of 2.74% in the gap for math from the preceding year.  BIE did not meet its FFY 2006 targets for reading and math of reducing the gap between the percent of all students achieving at proficient/advanced level and the percentage of students with disabilities achieving at proficiency/advanced level by 20% of the preceding year’s gap.</p>	<p>OSEP’s June 15, 2007 FFY 2005 SPP/APR response table required BIE to include in the FFY 2006 APR, due February 1, 2008, complete FFY 2005 progress data and FFY 2006 progress data. BIE included the required information.  OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2007 APR, due February 1, 2009.</p>
<p>4. Rates of suspension and expulsion: A. Percent of districts identified by the State as having a significant discrepancy in the rates of</p>	<p>BIE’s FFY 2006 reported data are that 34 schools exceeded the average suspension and expulsion rate of students with disabilities. BIE reported that 24 of the 34 were high schools, which was 36.36% of the high schools, and 10 were elementary schools, which was 9.3% of the elementary schools. BIE reported that four agencies have suspension/expulsion rates that exceed the</p>	<p>OSEP’s June 15, 2007 FFY 2005 SPP/APR response table required BIE to include in the FFY 2006 APR, due February 1, 2008, a description of the review, and if appropriate revision, of policies, procedures, and practices</p>

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<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
<p>suspensions and expulsions of children with disabilities for greater than 10 days in a school year; and [Results Indicator]</p>	<p>BIE average for students with disabilities. These data remain unchanged from the FFY 2005 data of four agencies with significant discrepancies.</p> <p>BIE's did not meet its FFY 2006 target of no more than two agencies with suspension and expulsion rates greater than two times the BIE average.</p> <p>BIE did not describe, as required in the FFY 2005 response table, the review, and if appropriate revision, of policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA for: (1) the four agencies identified in the FFY 2004 APR as having a significant discrepancy; and (2) the four agencies identified in the FFY 2005 APR as having a significant discrepancy.</p>	<p>relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA for the agencies identified as having a significant discrepancy. BIE did not provide the required information. This constitutes noncompliance with 34 CFR §300.170(b).</p> <p>This indicator requires States to report on the “percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.” Because BIE does not have LEAs, BIE chose to report on the percent of agencies having a significant discrepancy in the suspension/expulsion rate of children with disabilities. BIE stated that, due to a reorganization that changes the composition of agencies, it would like to report by school groupings (i.e., elementary school and high school). If BIE chooses to change how it is calculating its data for this indicator in the FFY 2007 APR, it must revise its targets to reflect a comparison among school groupings, rather than agencies. For example, BIE may choose to revise its targets to reflect the percent of high schools and elementary schools identified as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year. In addition, BIE reported that “significant discrepancy” was defined as an “agency that had greater than twice the discipline removals as compared to the BIE average” and this definition would continue to be used. However, BIE identified a school as having a</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps				
		<p>significant discrepancy in FFY 2006 if it had a suspension/expulsion rate that exceeded the average suspension/expulsion rate of students with disabilities. BIE must ensure that its definition of “significant discrepancy” in the FFY 2007 APR, due February 1, 2009, is consistent with the way it is reporting data for this indicator. In reporting on this indicator in the FFY 2007 APR, due February 1, 2009, BIE must describe the results of BIE’s examination of data from FFY 2007 (2007-2008). In addition, BIE must describe the review, and if appropriate, revision, of policies, procedures and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA for the agencies identified with significant discrepancies in FFY 2005 and FFY 2006, as required by 34 CFR §300.170(b).</p>				
<p>4. Rates of suspension and expulsion: B. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity. [Results Indicator]</p>	<p>Reporting on Indicator 4B was not required for the FFY 2006 APR.</p>					
<p>5. Percent of children with IEPs aged 6 through 21: A. Removed from regular class less than 21% of the day;</p>	<p>The State’s reported data for this indicator are:</p> <table border="1" data-bbox="550 1398 1444 1516"> <tr> <td></td> <td align="center">FFY 2005 Data</td> <td align="center">FFY 2006 Data</td> <td align="center">FFY 2006 Target</td> </tr> </table>		FFY 2005 Data	FFY 2006 Data	FFY 2006 Target	<p>OSEP’s June 15, 2007 FFY 2005 SPP/APR response table required BIE to include in the FFY 2006 APR, due February 1, 2008, clarification of its calculation method for its targets for Indicators 5A and 5B. BIE</p>
	FFY 2005 Data	FFY 2006 Data	FFY 2006 Target			

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<p>B. Removed from regular class greater than 60% of the day; or</p> <p>C. Served in public or private separate schools, residential placements, or homebound or hospital placements.</p> <p>[Results Indicator]</p>	A. Removed from regular class less than 21% of the day	57.6%	65.01%	58.13%	<p>provided the required clarification.</p> <p>In the FFY 2007 APR, due February 1, 2009, BIE must include the FFY 2007 targets for 5A, 5B and 5C in the APR and calculate the FFY 2007 targets for 5A and 5B.</p> <p>OSEP appreciates BIE’s efforts to improve performance and looks forward to BIE’s data demonstrating improvement in performance in the FFY 2007 APR, due February 1, 2009.</p>
	B. Removed from regular class greater than 60% of the day	9.5%	8.92%	9.025%	
	C. Served in public or private separate schools, residential placements, or homebound or hospital placements.	.74%	.84%	.45%	
	<p>These data represent progress for 5A and 5B, and slippage for 5C from the FFY 2005 data.</p> <p>Although BIE did not report all of its targets for this indicator in the APR, OSEP made calculations based on the targets in BIE’s SPP.</p> <p>BIE provided the information required by the FFY 2005 SPP/APR response table related to clarification of the 1% calculation from the last reporting period. BIE’s target for 5A is “to show at least a 1% growth in the number of students receiving appropriate special education services outside the general education &lt; 21% of the time.” BIE reported that the FFY 2005 target for 5A was 57.21%. BIE explained that it multiplied the FFY 2004 baseline (56.64) by .01 and added that to the baseline (57.21). Based on that explanation, OSEP calculates the FFY 2006 target for Indicator 5A to be 58.13% (FFY 2005 data (57.56) X .01=.5756)(FFY 2005 data 57.56+.5756=58.13). BIE’s target for 5B is “to show at least a 5% decrease in the number of students receiving appropriate special education services outside the general education &gt;60% of the time.” OSEP calculates the FFY 2006 target for Indicator 5B to be 9.025% (FFY 2005 data (9.50) X .05=.475)(FFY 2005 data 9.50 -.475 = 9.025).</p> <p>BIE met its FFY 2006 targets for 5A and 5B and did not meet its target for 5C.</p>				
<p>6. Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (i.e., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).</p> <p>[Results Indicator]</p>	N/A				

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<p>7. Percent of preschool children with IEPs who demonstrate improved:</p> <p>A. Positive social-emotional skills (including social relationships);</p> <p>B. Acquisition and use of knowledge and skills (including early language/ communication and early literacy); and</p> <p>C. Use of appropriate behaviors to meet their needs.</p> <p>[Results Indicator; New]</p>	<p>N/A</p>	
<p>8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.</p> <p>[Results Indicator]</p>	<p>BIE's FFY 2006 reported data for this indicator are 33%. These data represent progress from the FFY 2005 data of 31%.</p> <p>BIE did not meet its FFY 2006 target of 34.1%.</p>	<p>OSEP's June 15, 2007 FFY 2005 SPP/APR response table required BIE to include in the FFY 2006 APR, due February 1, 2008, the number of respondent parents who report schools facilitated parent involvement or the total number of respondent parents of children with disabilities. BIE submitted the required information.</p> <p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2007 APR, due February 1, 2009.</p>
<p>9. Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.</p> <p>[Compliance Indicator]</p>	<p>N/A</p>	
<p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result</p>	<p>N/A</p>	

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<p>of inappropriate identification. [Compliance Indicator]</p>		
<p>11. Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State established timeline). [Compliance Indicator]</p>	<p>BIE's FFY 2006 reported data for this indicator are 85.99%.</p> <p>These data are not valid or reliable because BIE reported that the data collection process did not result in the collection of data consistent with the required measurement for the indicator. BIE reported that "few centralized records or lists have been maintained for students who have been referred yet not determined to need special education." Therefore, OSEP could not determine whether there was progress or slippage or whether the State met its target.</p> <p>As required by the FFY 2005 response table, BIE did not identify for those children whose evaluations were completed within required timelines the number of children determined eligible and the number determined not eligible. BIE also did not account for children whose evaluations were not completed within the 60-day timeline by indicating the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.</p> <p>OSEP could not determine if the BIE timely corrected prior findings of noncompliance (identified in FFY 2005) because BIE did not report on previous noncompliance for this indicator.</p>	<p>OSEP's June 15, 2007 FFY 2005 SPP/APR response table required BIE to include in the FFY 2006 APR, due February 1, 2008, the number of children for whom parental consent to evaluate was received, the number of children determined not eligible whose evaluations were completed within the 60-day timeline, and the number of children determined eligible whose evaluations were completed within 60 days. BIE was also required to account for children whose evaluations were not completed within the 60-day timeline by indicating the range of days beyond the timeline when the evaluation was completed and any reasons for the delays. BIE did not provide the required information.</p> <p>OSEP could not determine whether noncompliance identified in FFY 2005 with the timely evaluation requirements in 34 CFR §300.301(c)(1) was corrected in a timely manner. The State must demonstrate, in the FFY 2007 APR, due February 1, 2009, that this noncompliance was corrected in a timely manner, or if not corrected in a timely manner, when the noncompliance was corrected.</p> <p>BIE did not submit valid and reliable data in FFY 2005 and has not submitted valid and reliable data in FFY 2006. BIE reported it has corrected the data collection process to ensure the collection of valid and reliable data. BIE reported "the 2<sup>nd</sup> tier monitoring tool has been revised so that both the time between parent consent to evaluate and the evaluation completed and an eligibility</p>

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		determination made is captured but the tool will also collect the reason for delay if the process was not completed in the required time-line.” BIE must submit valid and reliable data in the FFY 2007 APR, due February 1, 2009.
<p>12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.</p> <p>[Compliance Indicator]</p>	<p>N/A</p>	
<p>13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.</p> <p>[Compliance Indicator]</p>	<p>BIE’s FFY 2006 reported data for this indicator are 90%. These data represent progress from the FFY 2005 data of 86%.</p> <p>BIE did not meet its FFY 2006 target of 100%.</p> <p>BIE reported that it is unable to report on timely correction of noncompliance identified in FFY 2005 related to this indicator. BIE reported that it has developed a process for both identification and tracking of such noncompliance currently and in the future and will require documentation of correction in a timely manner.</p>	<p>The State reported that noncompliance identified in FFY 2005 with the secondary transition requirements in 34 CFR §300.320(b) was not corrected. The State must demonstrate, in the FFY 2007 APR, due February 1, 2009, that the uncorrected noncompliance was corrected.</p> <p>BIE must review its improvement activities and revise them, if appropriate, to ensure they will enable it to provide data in the FFY 2007 APR, due February 1, 2009, demonstrating that BIE is in compliance with the requirements in 34 CFR §300.320(b), including reporting correction of the noncompliance identified in the FFY 2006 APR..</p>
<p>14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high</p>	<p>BIE provided baseline data, targets and improvement activities for this indicator in its SPP and OSEP accepts the SPP for this indicator.</p> <p>The State’s FFY 2006 baseline data for this indicator are 67.4%.</p> <p>These data are not valid and reliable because BIE reported that a significant number of students may have been erroneously counted twice.</p>	<p>OSEP’s June 15, 2007 FFY 2005 SPP/APR response table required BIE to include in the FFY 2006 APR, due February 1, 2008, the definitions of competitive employment and postsecondary education. BIE provided the required information.</p>



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<p>school. [Results Indicator; New]</p>		<p>The State did not submit valid and reliable data. BIE reported that because it recognizes that “an overlap exists and does not know to what extent those numbers may have affected the first and second category, the baseline will be established at 50%.” OSEP cannot accept 50% as the baseline data because it is not valid and reliable data. BIE reported that it has taken steps to improve the data collection and attached a revised survey and the direction to school personnel regarding completion of the survey. The State must provide the required data in the in the FFY 2007 APR, due February 1, 2009.</p> <p>OSEP looks forward to reviewing the State’s data in the FFY 2007 APR, due February 1, 2009.</p>
<p>15. General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification. [Compliance Indicator]</p>	<p>BIE’s FFY 2006 reported data for this indicator are 93%. These data represent progress from the FFY 2005 data of 74%.</p> <p>BIE did not meet its FFY 2006 target of 100%.</p> <p>BIE reported that 66 of 71 findings of noncompliance identified in FFY 2005 were corrected in a timely manner. BIE reported that the remaining five findings of noncompliance were from two schools, one BIE operated and one tribally operated, and all five findings were corrected. Also, BIE reported that all outstanding findings of noncompliance identified in FFY 2003 and FFY 2004 have been corrected.</p>	<p>OSEP’s June 15, 2007 FFY 2005 SPP/APR response table required BIE to include in the FFY 2006 APR, due February 1, 2008, the number of tribally controlled schools and the number of BIE-operated schools with uncorrected noncompliance one year later and what actions BIE has taken to ensure correction in these schools, and data on the correction of outstanding noncompliance identified in the FFY 2004 and FFY 2005 APR. BIE provided the required information.</p> <p>BIE was also required to submit revised complaint procedures that address the requirements of 34 CFR §§300.151-300.153 and clarification of whether there is a provision in the Tribally Controlled Schools Act (TCSA) or Indian Self-Determination Act that authorizes the designation of Part B funds as “no year funds.” Based on OSEP’s review of BIE’s October 12, 2007 and April 7, 2008</p>

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		<p>letters, OSEP has concluded that BIE provided the required information.</p> <p>In the FFY 2007 APR, due February 1, 2009, BIE must continue to include the number of tribally controlled schools and the number of BIE-operated schools with uncorrected noncompliance one year later and what actions, including follow-up visits and technical assistance, BIE has taken to ensure correction in these schools</p> <p>BIE must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to provide data in the FFY 2007 APR, due February 1, 2009, demonstrating that BIE timely corrected noncompliance identified in FFY 2006 (2006-2007) under this indicator in accordance with 20 U.S.C. 1232d(b)(3)(E) and 34 CFR §§300.149 and 300.600.</p>
<p>16. Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint. [Compliance Indicator]</p>	<p>BIE's FFY 2006 reported data for this indicator are 100%. These data are based on five complaints. These data remain unchanged from the FFY 2005 data of 100%.</p> <p>BIE met its FFY 2006 target of 100%.</p>	<p>In response to OSEP's January 29, 2008, letter, BIE submitted revisions to its <i>Procedures for the Investigation and Resolution of Special Education Complaints</i> manual on April 7, 2008 to address inconsistencies with the requirements in 34 CFR §§300.151 through 300.153. OSEP accepts the revised document.</p> <p>OSEP appreciates BIE's efforts in achieving compliance with the timely complaint resolution requirements in 34 CFR §300.152.</p>
<p>17. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing</p>	<p>BIE reported that there were no fully adjudicated hearings during the reporting period.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2007 APR, due February 1, 2009.</p>

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officer at the request of either party. [Compliance Indicator]		
18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements. [Results Indicator]	BIE reported that one of one resolution session resulted in a settlement agreement. BIE is not required to provide or meet its targets or provide improvement activities until any FFY in which 10 or more resolution meetings were held.  BIE's FFY 2006 reported data for this indicator are 100%.	OSEP looks forward to reviewing the State's data in the FFY 2007 APR, due February 1, 2009.
19. Percent of mediations held that resulted in mediation agreements. [Results Indicator]	BIE reported that six of six mediations held resulted in mediation agreements. BIE is not required to provide or meet its targets or provide improvement activities until any FFY in which 10 or more mediations were held.  BIE's FFY 2006 reported data for this indicator are 100%.	OSEP looks forward to reviewing the State's data in the FFY 2007 APR, due February 1, 2009.
20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]	BIE's FFY 2006 reported data for this indicator are 100%. However, OSEP's calculation of the data for this indicator is 86.1%.  BIE did not meet its FFY 2006 target of 100%.	BIE must review its improvement activities and revise them, if appropriate, to ensure they will enable it to provide data in the FFY 2007 APR, due February 1, 2009, demonstrating that BIE is in compliance with the timely and accurate data requirements in IDEA sections 616 and 618 and 34 CFR §§76.720 and 300.601(b).