

Table A – Bureau of Indian Affairs – Part B
Issues Identified in the State Performance Plan

SPP Indicator	Issue	Required Action
<p>Indicator 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. (20 U.S.C. 1416 (a)(3)(B))</p>	<p>Noncompliance: See Table B Other: The State did not provide baseline data in the SPP in response to Indicators 15B and 15C. On page 52 of the SPP, BIA reported that no data was available for Indicator 15B. For Indicator 15C, the BIA reported ten complaint investigations resulting in 31 findings but there was no documentation that the corrective actions were implemented. Therefore, there was no data on the percentage of noncompliance identified through other mechanisms such as complaints, that was corrected within one year of identification.</p>	<p>See Table B The State must include in the APR, due February 1, 2007, both baseline data for Indicators 15B and 15C from FFY 2005 (July 1, 2004 through June 30, 2005 and progress data from FFY 2005 (July 1, 2005 through June 30, 2006). Failure to include these data may affect OSEP's determination of the State's status under section 616(d) of IDEA.</p>
<p>Indicator 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 officer at the request of either party. (20 U.S.C. 1416(a)(3)(B))</p>	<p>On page 58 of the SPP, BIA stated there were two due process hearings requested; one was resolved via mediation and one was fully adjudicated within a 60-day timeline instead of the timelines required at 34 CFR 300.511(a) and (c).</p>	<p>The State must include in the APR, due February 1, 2007, the 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 officer, at the request of either party.</p>