



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES  
OFFICE OF SPECIAL EDUCATION PROGRAMS

September 8, 2021

Honorable Tony L. Dearman  
Director  
Bureau of Indian Education  
1849 C Street NW  
MS-3609-MIB  
Washington, District of Columbia 20240  
Tony.Dearman@bie.edu

Dear Director Dearman:

The purpose of this letter is to provide you with an update on the status of the findings of noncompliance and corrective actions issued by the U. S. Department of Education's (Department) Office of Special Education Programs (OSEP) in the October 23, 2019, letter (2019 DMS letter), resulting from the differentiated monitoring and support (DMS) activities conducted by OSEP during an on-site visit to the Bureau of Indian Education (BIE) the week of March 25, 2019, and three schools on March 29, April 9, and April 11, 2019. On September 3, 2020, OSEP provided a written evaluation of the information submitted by the BIE in its April 2, 2020, response to OSEP's 2019 DMS letter, explaining why OSEP was unable to close any of the findings at that time and requiring further actions to close the findings. For this update, OSEP reviewed the BIE's quarterly progress reports submitted under the 2020-2021 Corrective Action Plan (CAP) on October 31, 2020, February 1, 2021, April 30, 2021, and July 30, 2021, as well as information that the BIE provided verbally during phone conversations and video meetings with OSEP during the 2020-2021 school year.

Attached is a chart that details OSEP's evaluation of the information submitted by the BIE in the 2020-2021 CAP quarterly progress reports as it relates to the findings and required actions described in the 2019 DMS letter, and information provided by the BIE during phone conversations and video meetings during the 2020-2021 school year. As noted in the attached chart, based on the information reported by the BIE, OSEP is able to close some of the DMS findings at this time. Specifically, OSEP is closing out Required Action 3.a (provide written findings of noncompliance identified in BIE-funded schools) and Required Action 5 (public reporting on the performance of each BIE-funded school). The required actions and next steps outlined in the State Systemic Improvement Plan section of the 2019 DMS letter will now be reviewed as part of the State Performance Plan/Annual Performance Report rather than with the DMS findings.

The remaining findings in the 2019 DMS letter were added to the Specific Conditions on the BIE's Federal fiscal year 2021 IDEA Part B grant award. OSEP looks forward to reviewing additional documentation provided by the BIE to close the remaining DMS findings.

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We appreciate your efforts to improve results for children with disabilities. If you have any questions, please contact Susan Kirlin, your OSEP State Lead, at 202-245-7443 or [susan.kirlin@ed.gov](mailto:susan.kirlin@ed.gov).

Sincerely,

A handwritten signature in cursive script that reads "David Cantrell".

David Cantrell, PhD  
Acting Director  
Office of Special Education Programs

cc: Dr. Eugene Thompson, Supervisory Education Specialist (IDEA)

Enclosure:  
OSEP's Verification of Correction of Noncompliance Chart