

**OSEP’s Verification of Correction of Noncompliance
BIE 2019 DMS VISIT**

Findings of Noncompliance in OSEP’s October 23, 2019, letter (2019 DMS letter)	Required Actions/ Next Steps in 2019 DMS letter	Information from the BIE’s April 2, 2020, Response to the 2019 DMS letter; CAP quarterly reports submitted in October 2020, February 2021, April 2021, and July 2021; and provided verbally by BIE during phone conversations and video meetings during the 2020-2021 school year	OSEP’s Verification of the BIE’s Correction of Noncompliance July 30, 2021
<p>1. The BIE has not established its final policies and procedures related to implementation of Part B of the IDEA. Therefore, the BIE does not have policies and procedures in effect that meet the requirements of the IDEA, as required by 20 U.S.C. 1411(h)(2)(A) and 1412(a) and 34 C.F.R. § 300.708(a). To ensure effective monitoring and supervision, the final policies and procedures must address the circumstances, if any, wherein a BIE-funded school is permitted to follow the policies and procedures established by the State in which the school is located.</p>	<p>1. Within 90 days from the date of this letter, the BIE must provide documentation of the proposed plan and timeline that ensure the adoption of final policies and procedures within one year of the date of this report, related to implementation of Part B of the IDEA that meet the requirements under 20 U.S.C. 1411(h)(2)(A) and 1412(a) and 34 C.F.R. § 300.708(a).</p> <p>2. Within 90 days from the date of this letter, to the extent possible, prior to the publication of final policies and procedures, the BIE must provide notice to BIE-funded schools regarding any requirements that give flexibility to BIE-funded schools to follow the timeline established by the State where they are located instead of the timeline established by the BIE.</p>	<p>April 2, 2020: BIE response to 2019 DMS letter: BIE has entered into a multi-year comprehensive partnership with Public Policy Associates, Inc. (PPA). PPA is currently reviewing BIE’s draft policies and procedures and will provide feedback. After this step is completed, BIE will review PPA’s recommendations and make revisions to the draft as appropriate. BIE is confident that adoption of final IDEA policies and procedures will occur during 2020.</p> <p>June 8, 2021: Video meeting: The BIE reported that draft policies have been developed by the Performance Office but the meetings to discuss these keep getting cancelled.</p> <p>July 13, 2021: Video Meeting: The BIE reported that Policies & Procedures development is in progress; the Performance Officer has taken the lead on these.</p>	<p>On April 2, 2020, the BIE submitted a proposed plan for the adoption of final policies and procedures. However, the BIE did not submit a timeline to ensure the adoption of final policies and procedures within one year of the date of the 2019 DMS letter.</p> <p><u>Further action is required to close this finding.</u> Specifically, the BIE must provide a detailed timeline for the adoption of final policies and procedures in a timely manner and provide verification that the new policies and procedures have been adopted.</p> <p>This monitoring finding has been added to the Specific Conditions on the BIE’s Federal fiscal year (FFY) 2021 IDEA Part B grant award, in Task C.1.0 as Milestones C.1.1.1, C.1.1.2, and C.1.1.3.</p>
<p>2. The BIE does not have a general supervision system that is reasonably designed to ensure that the BIE issues written notice of findings of</p>	<p>3. Within 90 days from the date of this letter, the BIE must provide documentation that:</p> <p>a. The BIE has taken the necessary steps to ensure it</p>	<p>April 2, 2020: BIE response to 2019 DMS letter: BIE noted in both its first and second quarterly SY 2018-2019 Corrective Action Plan (CAP) reports, in August 2019, BIE issued forty-four fiscal monitoring reports (dated August 28, 2019) to BIE-funded schools.</p>	<p>The BIE has issued written reports of findings of noncompliance in a timely manner for the monitorings completed during the 2020-2021</p>

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<p>noncompliance and ensure that the noncompliance is corrected as soon as possible, and in no case later than one year after the BIE’s identification of the noncompliance. Specifically, although the BIE informed OSEP that it works with the schools to correct any noncompliance identified, the BIE does not have a functional mechanism for issuing written notice of the noncompliance, and ensuring the noncompliance is corrected as soon as possible, and in no case later than one year after the BIE’s identification of the noncompliance. In order to effectively monitor implementation of Part B of the IDEA, the BIE must issue written notice of noncompliance it identifies in BIE-funded schools and ensure that the noncompliance is corrected as soon as possible, and in no case later than one year after the BIE’s identification of the noncompliance, consistent with 20 U.S.C. 1411(h)(2), 1412(a)(11), 1416, and 1232d(b)(3)(E); and 34 C.F.R. §§ 300.149, 300.600(e), 300.708, and 300.716. See also OSEP’s Frequently Asked</p>	<p>provides written findings of noncompliance it identifies in BIE-funded schools as soon as possible after the BIE concludes that a school has noncompliance, generally in less than three months from discovery; and</p> <p>b. The BIE has taken the necessary steps to ensure that noncompliance identified in BIE-funded schools is corrected as soon as possible, and in no case later than one year after identification of the noncompliance, including, as appropriate, notification to schools when the finding has not been corrected.</p>	<ul style="list-style-type: none"> • Fifteen reports were for SY 2016-2017, • Fifteen reports were for SY 2017-2018, and • Fourteen reports were for SY 2018-2019. <p>July 30, 2021: 2020-2021 CAP Quarter Four Report: The BIE issued fiscal and programmatic monitoring reports for two schools which were virtually monitored during the third quarter; and for three schools that were virtually monitored during the fourth quarter. These reports were shared with U.S. Department of Education on May 28, 2021 via email. The BIE continues to work with the remaining 38 schools with open findings of noncompliance to close out the fiscal and programmatic monitoring findings issued in SY 2016-17, SY 2017-18, and SY 2018-19.</p>	<p>school year. This satisfies the required action 3.a. The BIE has not provided evidence of correction of identified noncompliance, as required under required action 3.b.</p> <p><u>Further action is required to close this finding.</u> Specifically, the BIE must provide documentation that it has taken the necessary steps to ensure that noncompliance identified in BIE-funded schools is corrected as soon as possible, and in no case later than one year after identification of the noncompliance, including, as appropriate, notification to schools when the finding has not been corrected.</p> <p>This monitoring finding has been incorporated into the Specific Conditions on the BIE’s FFY 2021 IDEA Part B grant award, in Task C.2.0 as Milestone C.2.1.1.</p>
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<p>Questions Regarding Identification and Correction of Noncompliance and Reporting on Correction in the State Performance Plan (SPP)/Annual Performance Report (APR), dated September 3, 2008, and OSEP Memorandum 09-02, issued October 17, 2008. In addition, given that BIE-funded schools have reported the BIE does not provide feedback on the sufficiency of their actions to correct findings of noncompliance, OSEP strongly recommends that the BIE provide timely notifications to each school with findings as to the sufficiency of its corrective actions in demonstrating correction of noncompliance identified by the BIE.</p>			
<p>3. The BIE has failed to make annual local determinations in accordance with 20 U.S.C. 1411(h)(2)(A) and 1416(a) and 34 C.F.R. §§ 300.600(a)(2), 300.708(d), and 300.716. The BIE must make determinations annually about the performance of each BIE-funded school using the categories in 34 C.F.R. § 300.603(b)(1). Further, when making annual determinations on the performance of the BIE-funded</p>	<p>4. Within 90 days from the date of this letter, the BIE must provide a timeline for issuing annual determinations on the performance of all BIE-funded schools, which includes any school-specific audit findings, and uncorrected noncompliance from any source, consistent with 20 U.S.C. 1416(a) and (e).</p>	<p>April 2, 2020: BIE response to DMS letter: The BIE reported that they have criteria and a process in place to issue annual determinations to BIE-funded schools. Each year, the BIE starts the implementation of the determinations process (data from the SPP/APR indicators, data matrix, excel data spreadsheet to enter data by formula) at the end of April, following OSEP’s SPP/APR clarification week, and submits the determinations to schools by the end of July. During FFY 2015, FFY 2016, and FFY 2017, due to staff transitions, the BIE was unable to complete the determinations process in a timely manner. However, since that time, the BIE has dedicated resources to improving non-compliance in this area and re-organized</p>	<p>On April 2, 2020, the BIE sent in a proposed plan for issuing annual local determinations. However, the BIE has still not issued annual determinations for BIE-funded schools for FFY 2019 and prior missing years. Therefore, the BIE remains out of compliance with the requirement in 20 U.S.C. 1411(h)(2)(A) and 1416(a) and 34 C.F.R. §§ 300.600(a)(2), 300.708(d), and 300.716, to make annual local</p>

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<p>schools, the BIE must consider the results of any school-specific audit findings, as required in 20 U.S.C. 1416(b)(2)(C) and 34 C.F.R. § 300.602. See also Question C-9 of OSEP’s <i>Questions and Answers on Monitoring, Technical Assistance, and Enforcement</i> (revised June 2009).</p>		<p>staff in order to improve the implementation of the annual determinations process. As a result of these efforts, the BIE is currently working on the FFY 2018 determinations, and estimates the FFY 2018 determinations will be issued to schools by the end of July 2020. This will include the missing determinations from prior years. Additionally, when making these determinations, the BIE will consider the results of any school-specific audit findings, as required in 20 U.S.C. § 1416(b)(2)(C) and 34 C.F.R. § 300.602.</p> <p>July 13, 2021: Video Meeting: The BIE confirmed verbally that the determinations have been made but not yet issued to the schools. Extra staff have been temporarily assigned to assist with issuing the school determinations.</p>	<p>determinations on the performance of each BIE-funded school.</p> <p><u>Further action is required to close this finding.</u> The BIE must demonstrate that it has a system in place for issuing annual determinations on the performance of all BIE-funded schools, which includes any school-specific audit findings, and uncorrected noncompliance from any source. Specifically, the BIE must provide an updated timeline that ensures it will issue annual determinations on the performance of all BIE-funded schools for FFY 2018 and FFY 2019 as soon as possible. The BIE must also provide documentation that demonstrates it has issued the annual local determinations for those two years as well as provide updates on the status of the issuance of FFY 2020 annual determinations.</p> <p>This finding has been incorporated into the Specific Conditions on the BIE’s FFY 2021 IDEA Part B grant award, as Milestone C.2.2.2 under Task C.2.0.</p>
<p>4. The BIE does not have procedures and practices that are reasonably designed to</p>	<p>5. Within 90 days from the date of this letter, the BIE must provide documentation that it</p>	<p>April 2, 2020: BIE response to DMS letter: The BIE is working closely with the IDEA Data Center technical assistance providers to complete the detailed process of</p>	<p>The BIE demonstrated correction of this finding by providing a link to the public</p>

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<p>ensure it reports to the public on the performance of each of the BIE-funded schools no later than 120 days after the submission of its SPP/APR, as required by 34 C.F.R. §§ 300.602(b)(1)(i)(A), 300.708(d), and 300.716.</p>	<p>will be reporting to the public on the performance of each BIE-funded school on the targets in the BIE’s performance plan for FFY 2014, FFY 2015, FFY 2016, and FFY 2017 no later than 120 days following the BIE’s submission of the FFY 2018 SPP/APR, due on February 3, 2020, and in accordance with 34 C.F.R. § 300.602(b)(1)(i)(A), 300.708(d), and 300.716.</p>	<p>compiling all FFY 2018 SPP/APR indicator data for each school. The BIE will be complying with the required action to publicly report FFY 2018 data within 90 days of the BIE’s submission of the prior years’ data that will also be publicly reported. Of the years requested to be reported to the public, BIE already has available FFY 2016 data at this link: https://www.bie.edu/cs/groups/xbie/documents/text/idc2-096922.pdf</p> <p>February 1, 2021: FFY 2019 SPP/APR submission: “A link to the BIE’s State Performance Plan/Annual Performance Report (SPP/APR) for previous years (FFY 2018, FFY 2017, FFY 2016, FFY 2015 and FFY 2014) is posted on the special education webpage of the BIE's website: https://www.bie.edu/topic-page/special-education-performance-plan-and-annual-performance-reports. A link for the FFY 2019 APR will be posted no later than June 1, 2021. The BIE also posts a link to each school's annual performance on the SPP/APR indicators on this webpage. School level performance for FFY 2019 will be posted no later than June 1, 2021.”</p> <p>August 6, 2021: OSEP review of the BIE’s website: Reports of each BIE-funded school’s performance on the targets in the SPP are found at https://www.bie.edu/topic-page/performance-data-statistics. Reports for FFY 2019, FFY 2018, FFY 2017, FFY 2016, FFY 2015, and FFY 2014 are posted.</p>	<p>posting of the performance of each BIE-funded school on the targets in the BIE’s performance plan for FFY 2018, FFY 2017, FFY 2016, FFY 2015, and FFY 2014, in the FFY 2019 SPP/APR submitted on February 1, 2021.</p> <p>After the February 1, 2021, submission of its FFY 2019 SPP/APR, the BIE added a report of the performance of each BIE-funded school against the FFY 2019 targets in the BIE’s performance plan.</p> <p>No further action is needed.</p>
<p>5. The BIE does not have a general supervision system that is reasonably designed to identify noncompliance with 34 C.F.R. § 300.323(a) and (c). Specifically, the BIE has no functional mechanism for</p>	<p>6. Within 90 days from the date of this letter, the BIE must provide revised monitoring procedures that include identifying noncompliance with 34 C.F.R. § 300.323(a) and (c). These procedures must require</p>	<p>April 2, 2020: BIE response to DMS letter: The BIE reached out to the Chief Financial Officer, Department of Interior, Indian Affairs, for updated information on related service contracts in Bureau Operated Schools (BOS). The contracting process will be included in the revisions of the monitoring procedures.</p> <p>October 23, 2020: 2020-2021 CAP Quarter One Report:</p>	<p><u>Further action is required to close this finding.</u> Specifically, the BIE must demonstrate it has implemented a general supervision system to ensure compliance with all Part B requirements, including the</p>

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<p>monitoring whether BIE-funded schools have contracted with related service providers to implement a child’s IEP as required under 34 C.F.R. § 300.323(a) and (c) and as required under 20 U.S.C. 1412(a) and 34 C.F.R. § 300.101 to make FAPE available to children with disabilities. To effectively monitor the implementation of Part B of the IDEA, as required by 20 U.S.C. 1411(h)(2)(A), 1412(a)(11), 1416, and 1232d(b)(3)(E), and 34 C.F.R. §§ 300.149, 300.600, 300.708, and 300.716, the BIE must have procedures for monitoring for compliance with all Part B requirements, including the IEP-related requirements at 34 C.F.R. § 300.323(a) and (c).</p>	<p>the BIE to issue written findings of noncompliance when data and information collected demonstrate that a BIE-funded school is in noncompliance with providing related service providers to implement a child’s IEP as required under 34 C.F.R. § 300.323(a) and (c) and as required under 20 U.S.C. 1412(a) and 34 C.F.R. § 300.101 to make FAPE available to children with disabilities.</p>	<p>On September 25, 2020, San Felipe Pueblo Elementary School reported that it did not have a related services contract for the period September 16-25, 2020. The school will determine any missed services that were not provided during that time. The BIE is adding three additional indicators (Related Services, Contracts, and Initial Evaluations) to the current indicators utilized to conduct on-site fiscal and programmatic reviews. The BIE submitted a proposed monitoring plan addressing specific issues regarding the provision of related services at San Felipe Pueblo Elementary School as well as overall contracting issues for BIE-funded schools. DPA has begun working with the National Center for Systemic Improvement. The BIE provided information about its revised contracting process that will ensure the provision of related services in accordance with each child’s IEP.</p> <p>February 1, 2021: 2020-2021 CAP Quarter Two Report: As previously reported, San Felipe Pueblo Elementary School indicated that it did not have a related services contract for the period September 16-25, 2020. Due to the period the school did not have a contract in place for speech and language and psychological services, sixteen students are owed services. Additionally, eight students are owed compensatory psychological services.</p> <p>February 1, 2021: 2020-2021 CAP Quarter Two report: The BIE provided a monitoring plan which was accepted by the Department of Education.</p> <p>July 30, 2021: 2020-2021 CAP Quarter Four report: The BIE implemented its monitoring plan during the third and fourth quarters of SY 2020-2021. The BIE issued written documentation of noncompliance to each school after monitoring in a timely manner.</p>	<p>provision of related services. This finding has been incorporated into the Specific Conditions on the BIE’s FFY 2021 IDEA Part B grant award in Task C.6.0 as Milestones C.6.1.1, C.6.2.1, and C.6.3.1.</p>
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<p>6. The BIE is not exercising its general supervisory and monitoring responsibilities to ensure the implementation of certain IDEA requirements related to dispute resolution, consistent with 20 U.S.C. 1411(h)(2)(A), 1412(a)(11), 1415, 1416(a), and 1232d(b)(3)(E), and 34 C.F.R. §§ 300.149, 300.500, 300.507 through 300.518, 300.532, 300.600(a) and (d)(2), 300.708(a), and 300.716. Specifically:</p> <p>a. The BIE does not have a mechanism for tracking the resolution process for due process complaints to determine compliance with: (i) the 15-day timeline for convening a resolution meeting, consistent with 20 U.S.C. 1415(f)(1)(B)(i)(I) and 34 C.F.R. § 300.510(a); (ii) the 30-day timeline for resolving a due process complaint before a due process hearing may occur, consistent with 20 U.S.C. 1415(f)(1)(B)(ii) and 34 C.F.R. §§ 300.510(b)(1) and (c) and 300.716; and (iii) the 45-day timeline for due process hearings if the school does not resolve the due process complaint to the satisfaction of the parent, consistent with 20</p>	<p>7. Within 90 days from the date of this letter, the BIE must provide written documentation that it has revised and implemented its dispute resolution procedures and practices to ensure that:</p> <p>a. The BIE has a mechanism for tracking the resolution process for due process complaints to determine compliance with: (i) the 15-day timeline for convening a resolution meeting, consistent with 20 U.S.C. 1415(f)(1)(B)(i)(I) and 34 C.F.R. § 300.510(a); (ii) the 30-day timeline for resolving a due process complaint before a due process hearing may occur, consistent with 20 U.S.C. 1415(f)(1)(B)(ii) and 34 C.F.R. §§ 300.510(b)(1) and (c) and 300.716; and (iii) the 45-day timeline for due process hearings if the school does not resolve the due process complaint to the satisfaction of the parent, consistent with 20 U.S.C. 1415(f)(1)(B)(ii) and 34 C.F.R. §§ 300.510(c), 300.515(a), and 300.716;</p> <p>b. The BIE has a mechanism to ensure that extensions of the 45-day due process hearing timeline are granted only at the</p>	<p>April 2, 2020: BIE response to DMS letter: “BIE is exercising its general supervisory and monitoring responsibilities to ensure the implementation of certain IDEA requirements related to dispute resolution. For example, BIE has a Dispute Resolution Education Program Specialist dedicated to ensuring that BIE timely addresses due process, State complaint and mediation requests. The Dispute Resolution Education Program Specialist also follows a Dispute Resolution Protocol and a copy of this protocol is attached for your reference. The protocol addresses procedures related to state complaints, requests for mediation, and due process complaints. Additionally, for the Department’s reference, attached is BIE’s notice of Procedural Safeguards under IDEA, which is also referenced in the Dispute Resolution Protocol.”</p> <p>“As the Department is aware as part of the Specific Conditions on BIE’s FFY 2019 IDEA Part B grant award, BIE is required to report on the status of dispute resolution processes in accordance with IDEA requirements and timelines. BIE takes its responsibility to report under this requirement seriously and has timely provided updates to the Department under task C.5.0. of its Corrective Action Plan.”</p> <p>“PPA is currently reviewing BIE draft policies and procedures and will provide feedback. After this step is completed, BIE will review the draft and make additional recommendations.”</p>	<p>As OSEP previously explained in the September 3, 2020, response to the BIE’s April 2, 2020, submission, although the BIE sent in a proposed plan on April 2, 2020, the BIE did not provide sufficient documentation indicating it had revised and implemented its dispute resolution procedures and practices to ensure it has a mechanism for tracking compliance with the timeline requirements noted in Required Actions 7a, 7b, and 7c. OSEP also previously noted that the BIE’s submissions under C.5.0 of its 2019-2020 CAP pertained to compliance with the 60-day timeline for resolving State complaints under 34 C.F.R. § 300.152(a) and (b), which is separate from and not related to any of the findings or required actions in the 2019 DMS letter.</p> <p>In the September 3, 2020, response to the BIE’s April 2, 2020, submission, OSEP required the BIE to provide the attachment referenced in its April 2, 2020, letter: a copy of the Dispute Resolution Protocol containing the BIE’s notice of Procedural Safeguards under IDEA. To date, the BIE has not</p>
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<p>U.S.C. 1415(f)(1)(B)(ii) and 34 C.F.R. §§ 300.510(c), 300.515(a), and 300.716;</p> <p>b. The BIE has no mechanism to ensure that extensions of the 45-day due process hearing timeline are granted only at the request of a party, consistent with 34 C.F.R. §§ 300.510(b) and (c) and 300.716.</p> <p>c. The BIE has not ensured that due process complaints filed pursuant to 20 U.S.C. 1415(k)(3) and 34 C.F.R. § 300.532(a) are treated in an expedited manner. Specifically, the BIE does not have procedures in place to ensure that expedited due process hearings are conducted within 20 school days of the date the complaint requesting the hearing is filed, and that a hearing officer makes a determination within 10 school days after the hearing, in accordance with 34 C.F.R. §§ 300.532(c)(2) and 300.716.</p>	<p>request of a party, consistent with 34 C.F.R. §§ 300.510(b) and (c) and 300.716; and</p> <p>c. The BIE has established procedures to ensure that hearings on due process complaints filed pursuant to 20 U.S.C. §1415(k)(3) and 34 C.F.R. § 300.532(a) are conducted within 20 school days of the date the complaint requesting the hearing is filed, and that a hearing officer makes a determination within 10 school days after the hearing, in accordance with 34 C.F.R. §§ 300.532(c)(2) and 300.716.</p>		<p>provided this document as required.</p> <p><u>Further action is required to close this finding.</u> Specifically, the BIE must provide a copy of the Dispute Resolution Protocol containing the BIE’s notice of Procedural Safeguards under IDEA, referenced in the BIE’s April 2, 2020, submission. In addition, the BIE must provide written documentation that the BIE has revised and implemented its dispute resolution practices to be consistent with IDEA. This monitoring finding has been incorporated into the Specific Conditions on the BIE’s FFY 2021 IDEA Part B grant award, as Milestones 3.1.1, 3.1.2, and 3.1.3 under Task C.3.0.</p>
<p>7. The BIE has not submitted any of the reports on the status of the corrective actions OSEP imposed in its August 8, 2018, letter, which required the BIE to take a set of actions and report quarterly to OSEP on these actions related to the</p>	<p>8. The BIE must submit reports on the status of the corrective actions OSEP imposed in its August 8, 2018, letter regarding the failure to provide related services and timely initial evaluations in San Felipe Pueblo Elementary School and</p>	<p>April 2, 2020: BIE Response to DMS letter: As it relates to San Felipe Pueblo Elementary School, there are currently thirty-four students with disabilities (NASIS, 2020) enrolled at the school and BIE consistently follows up with the Bureau Operated School’s Education Specialist (Special Education) to ensure that they are receiving the required services in accordance with their IEPs. For the additional five schools (Jemez, San</p>	<p>The BIE’s quarterly reports submitted during the 2020-2021 school year indicate that many of these items remain unresolved.</p> <p><u>Further action is required to close this finding.</u> Specifically, the BIE must submit</p>

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<p>failure to provide related services and timely evaluations in San Felipe Pueblo Elementary School and six other BIE-funded schools. To date, the BIE has not provided any of the reports required on the status of the corrective actions. As stated in the August 8, 2018, letter, the failure to provide services in accordance with a child’s IEP is a violation of the fundamental IDEA requirement to make FAPE available to all eligible children with disabilities. 20 U.S.C. 1411(a)(1). It is also a violation of the requirement in 34 CFR § 300.323(c)(2) to ensure that, “[a]s soon as possible following development of the IEP, special education and related services are made available to the child in accordance with the child’s IEP.” In addition, under 34 CFR § 300.301(c)(1), initial evaluations must be conducted within 60 days of receiving parental consent for the evaluation. The BIE, which is required to exercise the general supervisory responsibility of an SEA under IDEA Part B, is responsible for ensuring that BIE-funded schools meet their affirmative obligation to identify, locate and evaluate all</p>	<p>six other BIE-funded schools. As required in the Specific Conditions on the BIE’s FFY 2019 IDEA Part B grant award, the BIE must report on the status of the corrective actions in each quarterly progress report it submits under the 2019-2020 Corrective Action Plan (specifically, Milestones C.9.1.1, C.9.2.1., C.9.3.1., and C.9.4.1) by the due dates specified in the Specific Conditions (i.e., October 31, 2019, January 31, 2020, April 30, 2020, and July 31, 2020).</p>	<p>Ildefonso, Taos, T’siya, Riverside), the Bureau Operated School Education Resource Center (ERC) staff and the school principals are currently assisting the BIE special education staff in providing current information on the number of students not receiving related services as a result of contract issues, any compensatory services needed to remedy services not previously provided, the number of requested evaluations that have not been conducted or have been delayed, steps that are being taken to ensure correction of any noncompliance, and identifying any other Bureau operated schools that are unable to provide services or conduct timely evaluations due to contracting issues. The sixth school (Sky City) converted from Bureau Operated to a Tribally Controlled School.</p> <p>BIE will follow up with the Chief Financial Officer for Indian Affairs to obtain updated data regarding related service contracts in other BIE-funded schools.</p> <p>BIE is also seeking ways to ensure that contracting issues do not impact the delivery of special education and/or related services that are required for students’ IEPs. BIE Washington DC office will assist the DPA special education unit to collaborate closely with the BIA Chief Financial Officer and his staff to get a list of related service contracts for BOS. The related services contracting issues will be elevated with the BIE School Operations office so that a contract specialist can be assigned who will assist in expediting related service contracts for BOS.</p> <p>July 30, 2021: 2020-2021 CAP Quarter Four report: During the fourth quarter, San Felipe Pueblo Elementary School reported that one student received compensatory services, which completed this student’s remaining balance of compensatory services. Six students still have outstanding compensatory services for speech therapy and eight students have outstanding compensatory</p>	<p>documentation that special education and related services are made available in accordance with each child’s IEP and that initial evaluation are conducted within 60 days of receiving parental consent for the evaluation, for all BIE-funded schools.</p> <p>These items are also included in the Specific Conditions with the 2021 grant as Task C.2.0 (Milestone C.2.1.1) and Task C.6.0.</p>
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<p>children with disabilities in accordance with IDEA requirements, and for ensuring that FAPE is made available to all eligible children with disabilities in BIE-funded schools. 20 U.S.C. 1411(h)(2)(A), 1412(a)(1), 1412(a)(3), and 1412(a)(11); 34 C.F.R. §§ 300.111, 300.301(c)(1), 300.600, 300.708(a) and 300.716.</p>		<p>services for psychological services. One initial evaluation was completed during the third quarter, and one initial evaluation was completed during the fourth quarter; both students are now receiving services. As previously reported, there were eight students at Tecnospos Community School with expired IEPs. The Acting Education Specialist (Special Education) for ADD Navajo region continues to work with the schools to determine the number of students and amount of services owed at Pueblo Pintado Community School, Sanostee Day School and Bread Springs Day School. During the reporting period, there were no additional instances of students with disabilities who were not receiving related services in accordance with their IEPs or students who did not receive an initial evaluation in a timely manner.</p>	
<p>SSIP</p>	<p>In its FFY 2018 IDEA Part B SPP/APR submission due February 3, 2020, as required by the measurement for Part B SPP/APR Indicator 17, consistent with 20 U.S.C. 1416(b)(2)(B)(i) and 34 C.F.R. §§ 300.601(b)(1), 300.708(d), and 300.716, the BIE must: Explicitly align the milestones from the SSIP and the BIE’s strategic plan, and provide a connection to the BIE’s theory of action in the SSIP; Clearly outline the distinctions between the intended outcomes of each tier of support; Identify clear interim measures of progress for each coherent</p>	<p>April 1, 2021: The BIE submitted an SSIP for Indicator 17 of the FFY 2018 SPP/APR, and the SSIP included some of the required information.</p>	<p>Required actions related to this finding will now be addressed through the SPP/APR submission and review process. No further action is required through this monitoring or the CAP.</p>

**OSEP's Verification of Correction of Noncompliance
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	improvement strategy and each evidence-based practice; and Clearly and strategically connect evidence-based practices and coherent improvement strategies and any reported progress to the activities conducted.		
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