

**BIE Part B FFY 2007 SPP/APR Response Table**

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 BIE graduating with a regular diploma.</p> <p>[Results Indicator]</p>	<p>The BIE revised the targets, and improvement activities for this indicator and OSEP accepts the revised improvement activities. OSEP’s June 6, 2008 FFY 2006 SPP/APR response table required the BIE to include in the FFY 2007 APR, due February 2, 2009, revised targets. OSEP accepts the target listed on pg. 3 of the APR for FFY 2007. However, the targets listed on pg. 7 for FFY 2008-2010 compare the graduation rates of students with disabilities to students without disabilities. The measurement requires a comparison of the graduation rate of students with IEPs and all youth. For this reason, OSEP cannot accept the revised targets for FFY 2008-2010.</p> <p>The BIE’s FFY 2007 reported data for this indicator are 44.1% of students with disabilities graduated compared to 48.7% of all youth. OSEP was unable to determine whether there was progress or slippage because the BIE changed the method for collecting and reporting the data.</p> <p>The BIE did not meet its FFY 2007 target that the graduation rate for students with disabilities will not be less than that of the all group.</p>	<p>The BIE must provide revised targets in the FFY 2008 APR, due February 1, 2010 that are consistent with the required measurement. The targets must compare the percent of youths with IEPs graduating from high school with a regular diploma to the percent of all youth in the BIE graduating with a regular diploma.</p> <p>OSEP looks forward to the BIE’s data demonstrating improvement in performance in the FFY 2008 APR, due February 1, 2010.</p>
<p>2. Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the BIE dropping out of high school.</p> <p>[Results Indicator]</p>	<p>The BIE’s FFY 2007 reported data for this indicator are 11.32%. These data represent slippage from the FFY 2006 data of 9.4%.</p> <p>The BIE did not meet its FFY 2007 target of 9.6%.</p>	<p>OSEP looks forward to the BIE’s data demonstrating improvement in performance in the FFY 2008 APR, due February 1, 2010.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>A. Percent of districts that have a disability subgroup that meets the State’s minimum “n” size meeting the State’s AYP objectives for progress for disability subgroup.</p> <p>[Results Indicator]</p>	<p>The BIE revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The BIE’s FFY 2007 reported data for this indicator are one out of 32 (3.13%) schools, with sufficient “n” to calculate AYP for students with disabilities, met AYP objectives for the disability subgroup. These data represent slippage from the FFY 2006 data of five of 14 (35.71%) schools.</p> <p>The BIE did not meet its FFY 2007 target of seven schools with sufficient “n” size achieving AYP objectives for the disability subgroup.</p>	<p>OSEP looks forward to the BIE’s data demonstrating improvement in performance in the FFY 2008 APR, due February 1, 2010.</p>
<p>3. Participation and performance</p>	<p>The BIE revised the improvement activities for this indicator and OSEP</p>	<p>OSEP appreciates the BIE’s efforts to</p>

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<p>of children with disabilities on statewide assessments:</p> <p>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.</p> <p>[Results Indicator]</p>	<p>accepts those revisions.</p> <p>The BIE's FFY 2007 reported data for this indicator are 98.23% for reading and 98.46% for math. These data represent progress from the FFY 2006 data of 97.7% for reading and 97.9% for math.</p> <p>The BIE met its FFY 2007 targets of 95.5%.</p>	<p>improve performance.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.</p> <p>[Results Indicator]</p>	<p>The BIE revised the FFY 2006 data and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The BIE's FFY 2007 reported data for this indicator are 16.61% for reading and 14.74% for math. This represents a 22.21% gap for reading and 17.90% 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 a decrease of .87% in the gap for reading from the preceding year and a decrease of 1.21% in the gap for math from the preceding year.</p> <p>The BIE did not meet its FFY 2007 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 proficient/advanced level by 20% of the preceding year's gap.</p>	<p>OSEP looks forward to the BIE's data demonstrating improvement in performance in the FFY 2008 APR, due February 1, 2010.</p>
<p>4. Rates of suspension and expulsion:</p> <p>A. 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; and</p> <p>[Results Indicator]</p>	<p>The BIE revised the baseline, improvement activities and targets for this indicator. OSEP accepts the revised baseline, improvement activities and targets.</p> <p>The BIE's FFY 2007 reported data for this indicator are four secondary schools meeting the minimum "n" size having a significant discrepancy and eight elementary schools meeting the minimum "n" size having a significant discrepancy. OSEP was unable to determine whether there was progress or slippage, or whether or not the BIE met its target, because the FFY 2007 data represent new baseline data for this indicator.</p>	<p>The BIE must ensure that the definition embedded in the targets matches the stated definition used in its calculations in the FFY 2008 APR, due February 1, 2010.</p> <p>The BIE reported that noncompliance identified in FFY 2004, 2005 and 2006 as a result of the review of policies, procedures and practices required in 34 CFR §300.170(b) was partially corrected. The BIE must demonstrate, in the FFY 2008</p>

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	<p>OSEP’s June 6, 2008 FFY 2006 SPP/APR response table required the BIE, if it chose to change how it is calculating its data for this indicator in the FFY 2007 APR, due February 2, 2009, to revise its targets to reflect a comparison among school groupings, rather than agencies. The BIE provided the required information. The revised targets listed on pg. 30 for FFY 2008-2010 reference a comparison between school groupings.</p> <p>OSEP’s June 6, 2008 FFY 2006 SPP/APR response table also required the BIE in the FFY 2007 APR, due February 2, 2009, to ensure that its definition of “significant discrepancy” is consistent with the way it is reporting data for this indicator. On pg. 28 of the APR, the BIE reported that in calculating data in FFY 2007, it defined significant discrepancy as “three times the average for each group with high schools and elementary schools comprising the two groups.” On pg. 30 of the APR, the revised targets for FFY 2008-2010 include the older definition of two times the BIE average.</p> <p>In addition, OSEP’s June 6, 2008 FFY 2006 SPP/APR response table required the BIE to describe how the BIE reviewed, and if appropriate, revised its 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, as required by 34 CFR §300.170(b) for the agencies identified with significant discrepancies for FFY 2005 and 2006.</p> <p>The BIE provided the required information. The BIE reported that noncompliance identified in FFY 2004, 2005 and 2006 through the review of policies, procedures, and practices, pursuant to 34 CFR §300.170(b), was partially corrected. The BIE must demonstrate, in the FFY 2008 APR, due February 1, 2010, that the uncorrected noncompliance was corrected.</p> <p>In its FFY 2007 APR, the BIE indicated that it considers there to be a finding of noncompliance if an agency’s performance was less than 95% (see APR p. 28). While the BIE may take into account the extent of the noncompliance in determining what corrective action is needed, the BIE must ensure the correction of any noncompliance, notwithstanding the extent of the noncompliance.</p>	<p>APR, due February 1, 2010, that the uncorrected noncompliance was corrected, by reporting that it has verified that each agency with remaining noncompliance identified in FFY 2004, 2005, and 2006 is correctly implementing the specific regulatory requirement.</p> <p>As noted in the revised Part B Indicator Measurement Table, in reporting on this indicator in the FFY 2008 APR, due February 1, 2010, the BIE must describe the results of the State’s examination of data from FFY 2007 (2007-2008). The BIE must also describe the review, and if appropriate, revision of policies, procedures and practices relating to the development and implementation of the IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA for the schools identified with significant discrepancies in FFY 2007, as required by 34 CFR §300.170(b).</p> <p>In addition, the BIE must clarify in the FFY 2008 APR, due February 1, 2010, that it ensures correction of noncompliance as soon as possible, but in no case more than one year from identification, notwithstanding the extent of the noncompliance.</p>
4. Rates of suspension and expulsion:	Not Applicable.	

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																				
<p>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.</p> <p>[Results Indicator]</p>																						
<p>5. Percent of children with IEPs aged 6 through 21:</p> <p>A. Removed from regular class less than 21% of the day;</p> <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>	<p>The BIE revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The BIE's reported data for this indicator are:</p> <table border="1" data-bbox="550 683 1470 1211"> <thead> <tr> <th></th> <th>FFY 2006 Data</th> <th>FFY 2007 Data</th> <th>FFY 2007 Target</th> <th>Progress</th> </tr> </thead> <tbody> <tr> <td>A. %Removed from regular class less than 21% of the day.</td> <td>65.01</td> <td>64.17</td> <td>65.67</td> <td>-0.84%</td> </tr> <tr> <td>B. % Removed from regular class greater than 60% of the day.</td> <td>8.92</td> <td>9.08</td> <td>8.47</td> <td>-0.16%</td> </tr> <tr> <td>C. % Served in public or private separate schools, residential placements, or homebound or hospital placements.</td> <td>.84</td> <td>.82</td> <td>.45</td> <td>0.02%</td> </tr> </tbody> </table> <p>These data represent progress for 5C and slippage for 5B from the FFY 2006 data.</p> <p>BIE did not meet its FFY 2006 targets for 5A, 5B and 5C.</p> <p>OSEP's June 6, 2008 FFY 2006 SPP/APR response table required the BIE to include in the FFY 2007 APR, due February 2, 2009, the FFY 2007 targets for 5A, 5B and 5C in the APR and calculate the FFY 2007 targets for 5A and 5B.</p>		FFY 2006 Data	FFY 2007 Data	FFY 2007 Target	Progress	A. %Removed from regular class less than 21% of the day.	65.01	64.17	65.67	-0.84%	B. % Removed from regular class greater than 60% of the day.	8.92	9.08	8.47	-0.16%	C. % Served in public or private separate schools, residential placements, or homebound or hospital placements.	.84	.82	.45	0.02%	<p>OSEP looks forward to the BIE's data demonstrating improvement in performance in the FFY 2008 APR, due February 1, 2010.</p>
	FFY 2006 Data	FFY 2007 Data	FFY 2007 Target	Progress																		
A. %Removed from regular class less than 21% of the day.	65.01	64.17	65.67	-0.84%																		
B. % Removed from regular class greater than 60% of the day.	8.92	9.08	8.47	-0.16%																		
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	The BIE provided the required information.	
<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>	Not Applicable.	
<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]</p>	Not Applicable.	
<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>The BIE's FFY 2007 reported data for this indicator are 33%. These data remain unchanged from the FFY 2006 data of 33%.</p> <p>The BIE did not meet its FFY 2007 target of 37.5%.</p>	<p>OSEP looks forward to the BIE's data demonstrating improvement in performance in the FFY 2008 APR, due February 1, 2010.</p>
<p>9. Percent of districts with disproportionate representation of</p>	Not Applicable.	

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<p>racial and ethnic groups in special education and related services that is the result of inappropriate identification.</p> <p>[Compliance Indicator]</p>		
<p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>[Compliance Indicator]</p>	<p>Not Applicable.</p>	
<p>11. Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State-established timeline).</p> <p>[Compliance Indicator]</p>	<p>The BIE revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The BIE’s FFY 2007 reported data for this indicator are 96.38%. However, the BIE’s FFY 2007 data for this indicator are not valid and reliable because the BIE did not provide data consistent with the required measurement. The BIE stated that “For SY 2007-2008, this review did not include students who were not determined to be eligible for special education services. The tool has been revised so the data for students not deemed to be in need of special education services will be included in the SY 2008-2009 collection.” The measurement for this indicator is the percent of children with parental consent to evaluate, who were evaluated within 60 days. This measurement must include students who were found ineligible for special education services, as well as students who were found eligible. Therefore, OSEP could not determine whether there was progress or slippage or whether the BIE met its target.</p> <p>OSEP’s June 6, 2008 FFY 2006 SPP/APR response table required the BIE to include in the FFY 2007 APR, due February 2, 2009, evidence that noncompliance identified in FFY 2005 with the timely evaluation requirements in 34 CFR §300.301(c)(1) was corrected in a timely manner, or if not corrected in a timely manner, when the noncompliance was corrected. The BIE did not provide the required information.</p> <p>The BIE reported that eight of 13 findings of noncompliance identified in FFY</p>	<p>The BIE provided a plan to collect and report the valid and reliable data beginning with the FFY 2008 APR. The BIE must provide the required data in the FFY 2008 APR, due February 1, 2010.</p> <p>The BIE has not provided these data, although required, for three years. This raises concerns about the BIE’s compliance with the requirements in IDEA section 616 and 34 CFR §300.601(b). In the FFY 2008 APR, due February 1, 2010, the BIE must submit valid and reliable FFY 2008 data.</p> <p>The BIE reported that noncompliance identified in FFY 2006 with the timely initial evaluation requirements in 34 CFR §300.301(c)(1) was partially corrected. The BIE must demonstrate, in the FFY 2008 APR, due February 1, 2010, that the remaining five uncorrected noncompliance findings were corrected.</p> <p>The BIE must demonstrate, in the FFY 2008 APR due February 1, 2010, that the</p>

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	<p>2006 were corrected in a timely manner. The BIE did not report on any specific enforcement or sanctions to correct the uncorrected noncompliance.</p>	<p>BIE is in compliance with the requirements in 34 CFR §300.301(c)(1), including correction of the noncompliance the BIE reported under this indicator in the FFY 2007 APR. The BIE must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each school with noncompliance reported by the BIE under this indicator in the 2007 APR and each of the five agencies with remaining noncompliance identified in FFY 2006: (1) is correctly implementing the specific regulatory requirements; and (2) has completed initial evaluation, although late, unless the child is no longer within the jurisdiction of the school, consistent with OSEP' Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02).</p> <p>If the BIE is unable to demonstrate compliance in the FFY 2008 APR, the BIE must review its improvement activities and revise them, if necessary to ensure compliance.</p>
<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>Not Applicable.</p>	
<p>13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services</p>	<p>The BIE revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The BIE's FFY 2007 reported data for this indicator are 95%. These data</p>	<p>The BIE reported that noncompliance identified in FFY 2006 with the secondary transition requirements in 34 CFR §300.320(b) was partially corrected. The</p>

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<p>that will reasonably enable the student to meet the postsecondary goals.</p> <p>[Compliance Indicator]</p>	<p>represent progress from the FFY 2006 data of 90%.</p> <p>The BIE did not meet its FFY 2007 target of 100%.</p> <p>The BIE reported that four of 12 findings of noncompliance identified at the agency level in FFY 2006 related to this indicator were corrected in a timely manner. The BIE also explained “it is changing data reporting from agencies to schools; however the data collection at the time of identification of issues was primarily by agencies and is therefore reported that way.” The BIE further reported that 34 of 56 findings of noncompliance identified at the school level in FFY 2006 related to this indicator were corrected in a timely manner. The BIE did not report on any specific enforcement or sanctions to correct the uncorrected noncompliance.</p> <p>OSEP’s June 6, 2008 FFY 2006 SPP/APR response table required the BIE to include in the FFY 2007 APR, due February 2, 2009, evidence that uncorrected noncompliance identified in FFY 2005 with the secondary transition requirements in 34 CFR §300.320(b) was corrected. The BIE reported that it was unable to demonstrate correction of noncompliance identified in FFY 2005 because data from 2005 on secondary transition was reported by averaging three items of the transition section for each line office, then averaging the total for BIE, which resulted in an 86% compliance rate.</p>	<p>BIE must demonstrate, in the FFY 2008 APR, due February 1, 2010, that the remaining eight uncorrected noncompliance findings identified in FFY 2006 at the agency level were corrected or the remaining 22 uncorrected noncompliance findings identified in FFY 2006 at the school level were corrected.</p> <p>Although the BIE is not required to report data for this indicator in the FFY 2008 APR, the BIE must report on the timely correction of the noncompliance reported by the BIE under this indicator in the FFY 2007 APR. The BIE must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each school with noncompliance reported by the BIE under this indicator in the FFY 2007 APR and each of the eight agencies or 22 schools with remaining noncompliance identified in FFY 2006: (1) is correctly implementing the specific regulatory requirements; and (2) has developed an IEP that includes the required transition content for each youth, unless the youth is no longer within the jurisdiction of the school or agency, consistent with OSEP Memo 09-02.</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 school.</p> <p>[Results Indicator]</p>	<p>The BIE revised the baseline, targets and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The BIE indicated that stakeholders were provided an opportunity to comment on the revised targets. The revised targets are more rigorous than the previously-established targets.</p> <p>The BIE’s FFY 2007 reported data for this indicator are 81.91%.</p> <p>OSEP’s June 6, 2008 FFY 2006 SPP/APR response table required the BIE to</p>	<p>The State is not required to report on this indicator in the FFY 2008 APR, due February 1, 2010.</p>

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	<p>include in the FFY 2007 APR, due February 2, 2009, valid and reliable data for this indicator. The BIE provided the required data.</p> <p>In its description of its FFY 2007 data, the BIE included a statement that because of the high response rate, they are satisfied that the data were representative. However, this does not adequately address the requirement to address the representativeness of the data.</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.</p> <p>[Compliance Indicator]</p>	<p>The BIE revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The BIE's FFY 2007 reported data for this indicator are 51.43%. These data represent slippage from the FFY 2006 data of 93%.</p> <p>The BIE did not meet its FFY 2007 target 100%.</p> <p>The BIE reported that 18 of 35 findings of noncompliance identified in FFY 2006 were corrected in a timely manner. The BIE did not report on any specific enforcement or sanctions to correct the uncorrected noncompliance.</p> <p>OSEP's June 6, 2008 FFY 2006 SPP/APR response table required the BIE to continue to include in the FFY 2007 APR, due February 2, 2009, 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, the BIE has taken to ensure correction in these schools. The BIE did not provide the required information. As noted above, there were 17 findings of noncompliance identified in FFY 2006 that were not corrected within one year of identification. The BIE did not report 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, the BIE has taken to ensure correction in these schools.</p>	<p>The BIE did not report 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, the BIE has taken to ensure correction in these schools. The BIE must provide the required data and information for noncompliance identified in FFY 2006 and FFY 2007 that was not corrected within one year of identification in the FFY 2008 APR, due February 1, 2010.</p> <p>The BIE must demonstrate, in the FFY 2008 APR, due February 1, 2010, that the BIE has corrected the remaining 17 findings of noncompliance identified in FFY 2006 that the BIE reported were not corrected under this indicator in the FFY 2007 APR.</p> <p>The BIE must review its improvement activities and revise them, if appropriate, to ensure they will enable the BIE to provide data in the FFY 2008 APR, due February 1, 2010, demonstrating that the BIE timely corrected noncompliance identified by the BIE in FFY 2007, in accordance with 20 U.S.C. 1232d(b)(3)(E) and 34 CFR §§300.149 and 300.600(e) and OSEP</p>

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		<p>Memo 09-02.</p> <p>In reporting on correction of noncompliance, the BIE must report that it has: (1) corrected all instances of noncompliance (including noncompliance identified through the BIE’s monitoring system, through the BIE’s data system and by the Department); and (2) verified that each school with identified noncompliance is correctly implementing the specific regulatory requirements, consistent with OSEP Memo 09-02.</p> <p>In addition, in responding to Indicators 11 and 13 in the FFY 2008 APR due February 1, 2010, the BIE must report on correction of the noncompliance described in this table under those indicators.</p> <p>In reporting on Indicator 15 in the FFY 2008 APR, the BIE must use the Indicator 15 Worksheet.</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.</p> <p>[Compliance Indicator]</p>	<p>The BIE’s FFY 2007 reported data for this indicator are 100%. These data are based on one complaint. These data remain unchanged from the FFY 2006 data of 100%.</p> <p>The BIE met its FFY 2007 target of 100%.</p>	<p>OSEP appreciates the 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>The BIE’s FFY 2007 reported data for this indicator are 100%. However, the BIE’s FFY 2007 data under IDEA section 618 for this indicator are 0%. These data are based on one due process hearing. In FFY 2006, BIE reported that there were no fully adjudicated due process hearings during the reporting</p>	<p>The BIE must review its improvement activities and revise them, if appropriate, to ensure they will enable the BIE to provide data in the FFY 2008 APR, due February 1, 2010, demonstrating that the BIE is in</p>

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<p>officer at the request of either party. [Compliance Indicator]</p>	<p>period. The BIE did not meet its FFY 2007 target of 100%.</p>	<p>compliance with the due process hearing timeline requirements in 34 CFR §300.515.</p>
<p>18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements. [Results Indicator]</p>	<p>The BIE’s FFY 2007 data under IDEA section 618 for this indicator are that one resolution session resulted in a settlement agreement. The BIE reported fewer than ten resolution sessions held in FFY 2007. The BIE is not required to provide targets or improvement activities until any FFY in which ten or more resolution sessions were held.</p>	<p>OSEP looks forward to reviewing the BIE’s data in the FFY 2008 APR, due February 1, 2010.</p>
<p>19. Percent of mediations held that resulted in mediation agreements. [Results Indicator]</p>	<p>The BIE’s FFY 2007 data under IDEA section 618 for this indicator are that the one mediation session held did not result in a mediation agreement. The BIE is not required to provide targets or improvement activities until any FFY in which ten or more mediations were held.</p>	<p>OSEP looks forward to reviewing the BIE’s data in the FFY 2008 APR, due February 1, 2010.</p>
<p>20. State reported data (618 and BIE Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]</p>	<p>The BIE’s FFY 2007 reported data for this indicator are 96.55%. However, OSEP’s calculation of the data for this indicator is 90.8%. These data represent progress from the FFY 2006 of 86.1%. The BIE did not meet its FFY 2007 target of 100%.</p>	<p>The BIE must review its improvement activities and revise them, if appropriate, to ensure they will enable it to provide data in the FFY 2008 APR, due February 1, 2010, demonstrating that the BIE is in compliance with the timely and accurate data reporting requirements in IDEA sections 616 and 618 and 34 CFR §§76.720 and 300.601(b).  In reporting on Indicator 20 in the FFY 2008 APR, the BIE must use the Indicator 20 Data Rubric.</p>