

Bureau of Indian Education Part B FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>Status of Public Reporting on LEA Performance: While the BIE has publicly reported on the FFY 2006 (July 1, 2006-June 30, 2007) and FFY 2007 (July 1, 2007-June 30, 2008) performance of each elementary and secondary school for Indian children operated or funded by the Secretary of the Interior on the targets in the BIE's State performance plan (SPP) as required by section 616(b)(2)(C)(ii)(I) of IDEA and 34 CFR §300.708(d), those reports do not contain the required information. Specifically: no target is listed for Indicator 3A; no actual target data is listed for 3A, 3B, and 3C; one number is included for actual target data for Indicators 5A, 5B, and 5C, instead of one number for each of the sub-indicators; and, a number of schools are listed as having met the target for Indicator 11, although the school's actual target data is less than 100%. In addition, the BIE posted the FFY 2007 reports at the end of October 2009, nearly four months beyond the 120 day timeline required in 34 CFR §§300.602(b)(1)(i)(A) and 300.716.</p>		
<p>SPP Revisions: The SPP, as required under section 616(b) of IDEA, must include targets and improvement activities that cover the full six years of the SPP. The SPP submitted by the BIE on April 26, 2010 only includes targets for FFY 2008, FFY 2009, and FFY 2010, and does not include improvement activities that cover the full six years of the SPP. BIE must provide a revised SPP that includes targets and improvement activities that cover the full six years of the SPP with its FFY 2009 APR, due February 1, 2011.</p>		
<p>1. Percent of youth with IEPs graduating from high school with a regular diploma. [Results Indicator]</p>	<p>The BIE revised the indicator and measurement language (consistent with changes in the Indicator Measurement Table), targets, and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The BIE's FFY 2008 reported data for this indicator are 47.08% of students with disabilities graduated compared to 52.45% of all youth, representing a gap of 5.37% between students with disabilities and all youth. These data represent slippage from the FFY 2007 data of 44.1% for students with disabilities compared with 48.7% of all youth, representing a gap of 4.6% between students with disabilities and all youth. The BIE did not meet its FFY 2008 target of reducing the gap in the graduation rate between students with disabilities and all students by .5% over the previous year.</p> <p>The BIE used the same graduation rate calculation for APR reporting as it uses for reporting to the Department of Education under the Elementary and Secondary Education Act (ESEA). The BIE is located in 23 States and uses the calculations and formulas of the States in which a school is located for ESEA reporting. In its APR submitted February 1, 2010, the BIE reported FFY 2008 data for this indicator.</p> <p>OSEP notes that, as required by OSEP's June 1, 2009 FFY 2007 SPP/APR response table, the BIE revised its targets in the FFY 2008 APR and its FFY 2008 and FFY 2009 targets in the SPP to compare the percent of youths with IEPs graduating from high school with a regular diploma to the percent of all</p>	<p>OSEP looks forward to the BIE's data demonstrating improvement in performance in the FFY 2009 APR, due February 1, 2011.</p> <p>The BIE must revise its FFY 2010 target for this indicator in the SPP to 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. The BIE must make the required revision in the SPP that it submits with its FFY 2009 APR.</p>

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	youth in the BIE graduating with a regular diploma. However, the target for FFY 2010 in the SPP compares the percent of youths with IEPs graduating from high school with a regular diploma to the percent of non-disabled youth graduating from high school with a regular diploma.	
<p>2. Percent of youth with IEPs dropping out of high school. [Results Indicator]</p>	<p>The BIE revised the indicator and measurement language (consistent with changes in the Indicator Measurement Table) and the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The BIE's FFY 2008 reported data for this indicator are 9.87%. These data represent progress from the FFY 2007 data of 11.32%. The BIE did not meet its FFY 2008 target of 9.3%.</p> <p>The BIE did not report that it used the same dropout rate calculation for APR reporting as it uses for reporting to the Department of Education under the ESEA. The BIE is located in 23 States and uses the calculations and formulas of the States in which a school is located for ESEA reporting. In its APR submitted February 1, 2010, the BIE reported FFY 2008 data for this indicator.</p>	<p>OSEP looks forward to the BIE's data demonstrating improvement in performance in the FFY 2009 APR.</p>
<p>3. Participation and performance of children with IEPs on statewide assessments: A. Percent of the districts with a disability subgroup that meets the State's minimum "n" size that meet the State's AYP targets for the disability subgroup. [Results Indicator]</p>	<p>The BIE revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The BIE's FFY 2008 reported data for this indicator are 13 out of 53 (24.53%) schools with sufficient "n" to calculate AYP for students with disabilities met AYP objectives for the disability subgroup. These data represent progress from the FFY 2007 data of one out of 32 (3.13%) schools. The BIE met its FFY 2008 target of nine schools with sufficient "n" size achieving AYP objectives for the disability subgroup.</p>	<p>OSEP appreciates the BIE's efforts to improve performance.</p>
<p>3. Participation and performance of children with IEPs on statewide assessments: B. Participation rate for children with IEPs.</p>	<p>The BIE revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table) and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The BIE's FFY 2008 data for this indicator are 96.95% for reading and 97.43% for math. The data source for this indicator has changed. Therefore, OSEP cannot determine progress or slippage from the State's reported FFY</p>	<p>OSEP appreciates the BIE's efforts to improve performance.</p>

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[Results Indicator]	<p>2007 data. The BIE met its FFY 2008 targets of 95%.</p> <p>The BIE provided a web link to 2008 publicly-reported assessment results at http://www.bie.edu.</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, modified and alternate academic achievement standards.</p> <p>[Results Indicator]</p>	<p>The BIE revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table) and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The BIE's FFY 2008 reported data for this indicator are 15.71% of students with IEPs scored at the proficient/advanced level for reading and 15.17% of students with IEPs scored at the proficient/advanced level for math. This represents a 21.84% gap for reading and an 18.09% gap for math between all students who scored at the proficient/advanced level and students with IEPs who scored at the proficient/advanced level. OSEP recalculated the gap between all students who scored at the proficient/advanced level and students with IEPs who scored at the proficient/advanced level for reading and math because BIE included the incorrect percentages for students with disabilities in Table 7 on page 22 of the APR. The data source for this indicator has changed. Therefore, OSEP cannot determine progress or slippage from the BIE's reported FFY 2007 data. The BIE did not meet its FFY 2008 targets of reducing the gap between the percentage of all students achieving at a proficient/advanced level and the percentage of students with disabilities achieving at a proficient/advanced level by 20% of the proceeding year's gap.</p> <p>The BIE provided a web link to 2008 publicly-reported assessment results at http://www.bie.edu.</p>	<p>OSEP looks forward to the BIE's data demonstrating improvement in performance in the FFY 2009 APR.</p>
<p>4. Rates of suspension and expulsion:</p> <p>A. Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and</p> <p>[Results Indicator]</p>	<p>The BIE's reported FFY 2007 data for this indicator are five of 61 high schools (8.2%) having a significant discrepancy and 9 of 113 elementary schools (7.9%) having a significant discrepancy. Because the BIE's actual target data for this indicator are from the same year as the data reported for this indicator in the BIE's FFY 2007 APR, OSEP cannot comment on whether there is progress or slippage. BIE's FFY 2007 data represent new baseline data for this indicator because, prior to FFY 2007, the BIE reported on the number of agencies that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs. Therefore, OSEP was unable to determine whether the</p>	<p>OSEP looks forward to the BIE's data demonstrating improvement in performance in the FFY 2009 APR.</p> <p>The BIE reported that noncompliance identified in FFY 2007 as a result of the review it conducted pursuant to 34 CFR §300.170(b) was partially corrected. When reporting on the correction of noncompliance, the BIE must demonstrate,</p>

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	<p>BIE met its FFY 2007 target that is based on the number of agencies having a significant discrepancy.</p> <p>The BIE reported its definition of “significant discrepancy.”</p> <p>The BIE reported that it reviewed the school’s 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 schools identified with significant discrepancies for FFY 2007.</p> <p>The BIE reported that it revised (or required the affected schools to revise), the school’s 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, pursuant to 34 CFR §300.170(b) for the schools identified with significant discrepancies for FFY 2007.</p> <p>The BIE reported that noncompliance identified through the review of policies, procedures and practices, pursuant to 34 CFR §300.170(b), of schools identified with a significant discrepancy in FFY 2007 was partially corrected.</p> <p>OSEP’s June 1, 2009 FFY 2007 SPP/APR response table required BIE to demonstrate in the FFY 2008 APR, that uncorrected noncompliance identified in FFY 2004, 2005 and 2006 through the review of policies, procedures and practices, pursuant to 34 CFR §300.170(b), was corrected. The BIE reported that noncompliance identified in FFYs 2004, 2005 and 2006 through the review of policies, procedures, and practices, pursuant to 34 CFR §300.170(b), was corrected.</p> <p>OSEP’s June 1, 2009 FFY 2007 SPP/APR response table required the BIE to ensure in the FFY 2008 APR, that the definition of significant discrepancy embedded in the targets matches the stated definition used in its calculations. The definition embedded in the targets and the stated definition used in the calculations are the same.</p> <p>OSEP’s response table also required the BIE to clarify in the FFY 2008 APR 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</p>	<p>in the FFY 2009 APR, that it has verified that each school with remaining noncompliance identified in FFY 2007 is correctly implementing the specific regulatory requirement.</p>

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	noncompliance. The BIE provided the required information.	
<p>4. Rates of suspension and expulsion:</p> <p>B. Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>[Compliance Indicator; New for FFY 2009]</p>	Not applicable	Not applicable
<p>5. Percent of children with IEPs aged 6 through 21 served:</p> <p>A. Inside the regular class 80% or more of the day;</p> <p>B. Inside the regular class less than 40% of the day; or</p> <p>C. In separate schools, residential facilities, or homebound/hospital placements.</p> <p>[Results Indicator]</p>	<p>The BIE revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table) and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The BIE revised its targets for Indicator 5A. The BIE did not indicate that stakeholders were provided an opportunity to comment on the revised targets. The revised targets are less rigorous than the previously-established targets.</p> <p>The BIE's reported data for this indicator are:</p>	<p>OSEP appreciates the BIE's efforts to improve performance and looks forward to the State's data demonstrating improvement in performance in the FFY 2009 APR.</p>

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		FFY 2007 Data	FFY 2008 Data	FFY 2008 Target	Progress	
	A. % Inside the regular class 80% or more of the day	64.17	69.48	64.49	5.31	
	B. % Inside the regular class less than 40% of the day	9.08	7.41	9.03	.1.67	
	C. % In separate schools, residential facilities, or homebound/hospital placements	.82	.81	.45	0.01%	
	These data represent progress from the FFY 2007 data. The BIE met its FFY 2008 targets for 5A and 5B, but did not meet its target for 5C.					
<p>6. Percent of children aged 3 through 5 with IEPs attending a:</p> <p>A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and</p> <p>B. Separate special education class, separate school or residential facility.</p> <p>[Results Indicator; New]</p>	Not applicable					Not applicable
<p>7. Percent of preschool children age 3 through 5 with IEPs who demonstrate improved:</p> <p>A. Positive social-emotional skills</p>	Not applicable					Not applicable

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<p>(including social relationships); B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and C. Use of appropriate behaviors to meet their needs. [Results Indicator]</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. [Results Indicator]</p>	<p>The BIE's reported FFY 2008 data for this indicator are 34%. These data represent progress from the FFY 2007 data of 33%. The BIE did not meet its FFY 2008 target 41.3%.</p>	<p>OSEP looks forward to the BIE's data demonstrating improvement in performance in the FFY 2009 APR.</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. [Compliance Indicator]</p>	<p>Not applicable</p>	<p>Not applicable</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. [Compliance Indicator]</p>	<p>Not applicable</p>	<p>Not applicable</p>
<p>11. Percent of children who were evaluated within 60 days of</p>	<p>The BIE revised the measurement language (consistent with revisions in the Indicator Measurement Table) and improvement activities for this indicator</p>	<p>The BIE must demonstrate, in the FFY 2009 APR, that the BIE is in compliance</p>

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<p>receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.</p> <p>[Compliance Indicator]</p>	<p>and OSEP accepts those revisions.</p> <p>The BIE's reported FFY 2008 data for this indicator are 92.89%. OSEP was unable to determine if there was progress or slippage because the BIE did not submit valid and reliable data in FFY 2007. The BIE did not meet its FFY 2008 target of 100%.</p> <p>The BIE reported that 38 of 39 findings of noncompliance identified in FFY 2007 were corrected in a timely manner and that the remaining finding subsequently was corrected by February 1, 2010.</p> <p>The BIE reported that the five findings of noncompliance identified in FFY 2006 for this indicator were corrected.</p> <p>OSEP's June 1, 2009 FFY 2007 SPP/APR response table required the BIE to submit in the FFY 2008 APR, valid and reliable data. The BIE provided the required data.</p>	<p>with the timely initial evaluation requirement in 34 CFR §300.301(c)(1). Because the BIE reported less than 100% compliance for FFY 2008, the BIE must report on the status of correction of noncompliance reflected in the data the BIE reported for this indicator.</p> <p>When reporting on the correction of noncompliance, the BIE must report, in its FFY 2009 APR, that it has verified that each school with noncompliance reflected in the FFY 2008 data the BIE reported for this indicator: (1) is correctly implementing 34 CFR §300.301(c)(1) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a BIE data system; and (2) has completed the evaluation, although late, for any child whose initial evaluation was not timely, unless the child is no longer within the jurisdiction of the school, consistent with Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02). In the FFY 2009 APR, the BIE must describe the specific actions that were taken to verify the correction. If the BIE does not report 100% compliance in the FFY 2009 APR, the BIE must review its improvement activities and revise them, if necessary.</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</p>	<p>Not applicable</p>	<p>Not applicable</p>

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<p>implemented by their third birthdays.</p> <p>[Compliance Indicator]</p>		
<p>13. Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student’s transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.</p> <p>[Compliance Indicator]</p>	<p>The BIE is not required to provide actual target data for FFY 2008 for this indicator.</p> <p>The BIE reported that 20 of 21 findings of noncompliance identified in FFY 2007 were corrected in a timely manner. The BIE reported on the actions it took to address the uncorrected noncompliance.</p> <p>The BIE reported that eight of nine findings of noncompliance identified in FFY 2006 were corrected. The BIE reported on the actions it took to address the uncorrected noncompliance.</p>	<p>In the FFY 2009 APR, the BIE must provide a revised baseline using data from 2009-2010. Targets must remain 100%.</p> <p>The BIE must demonstrate, in the FFY 2009 APR, that the remaining uncorrected noncompliance finding identified in FFY 2007 was corrected.</p> <p>When reporting on the correction of noncompliance, the BIE must report in its FFY 2009 APR, that it has verified that the school with remaining noncompliance identified in FFY 2007: (1) is correctly implementing 34 CFR §300.320(b) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a BIE data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the school, consistent with OSEP Memo 09-02. In the FFY 2009 APR, the BIE must describe the specific actions that were taken to verify the correction.</p> <p>The BIE must demonstrate in the FFY 2009 APR that the remaining uncorrected noncompliance finding identified in FFY 2006 was corrected.</p>
<p>14. Percent of youth who are no</p>	<p>The BIE is not required to provide actual target data, targets, or improvement</p>	<p>In the FFY 2009 APR, the BIE must report</p>

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<p>longer in secondary school, had IEPs in effect at the time they left school, and were:</p> <p>A. Enrolled in higher education within one year of leaving high school.</p> <p>B. Enrolled in higher education or competitively employed within one year of leaving high school.</p> <p>C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.</p> <p>[Results Indicator]</p>	<p>activities for FFY 2008 for this indicator.</p>	<p>a new baseline, targets, and, as needed, improvement activities.</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 2008 reported data for this indicator are 93.49%. OSEP notes that on pages 72 and 73 of the APR, BIE reported FFY 2008 data of 93.36% for this indicator. OSEP was unable to determine whether there was progress or slippage because the BIE changed the way data were reported. The BIE did not meet its FFY 2008 target of 100%.</p> <p>The BIE reported that 201 of 215 findings of noncompliance identified in FFY 2007 were corrected in a timely manner. For the remaining 14 findings of noncompliance that were not corrected, the BIE reported on the actions it took to address the uncorrected noncompliance.</p> <p>The BIE did not report, as required by OSEP Memo 09-02, that it verified that each school with noncompliance identified in FFY 2007: (1) is correctly implementing the specific regulatory requirements; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the school.</p>	<p>The BIE must demonstrate, in the FFY 2009 APR, that the remaining 14 findings of noncompliance identified in FFY 2007 and the remaining eight findings of noncompliance identified in FFY 2006 that were not reported as corrected in the FFY 2008 APR were corrected.</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 2009 APR, demonstrating that the BIE timely corrected noncompliance identified by the BIE in FFY 2008 in accordance with 20 U.S.C. 1232d(b)(3)(E), 34 CFR §§300.149 and 300.600(e), and OSEP Memo 09-02.</p> <p>Although the BIE did not report for this</p>

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	<p>The BIE reported that 13 of 21 findings of noncompliance identified in FFY 2006 were corrected. For the uncorrected noncompliance, the BIE reported on the actions it took to address the uncorrected noncompliance.</p> <p>OSEP's June 1, 2009 FFY 2007 SPP/APR response table required the BIE to include in the FFY 2008 APR, the number of tribally-controlled schools and the number of BIE-operated schools with uncorrected noncompliance identified in FFY 2006 and FFY 2007 that was not corrected within one year from identification, and what actions, including follow-up visits and technical assistance, the BIE has taken to ensure correction in these schools. The BIE provided the required information for FFY 2007 but not for FFY 2006.</p> <p>The FFY 2009 <u>Special Conditions</u> required that the BIE, in lieu of reporting in the second quarterly report for the 2009-2010 PIAP, due January 31, 2010, report in the FFY 2008 APR, as required in the FFY 2007 SPP/APR Response Table under Indicator 15. Except as noted above, the BIE has provided the required information.</p>	<p>indicator that it verified correction of noncompliance identified in FFY 2007 consistent with the OSEP Memo 09-02, OSEP accepted the data for this indicator this year because this indicator measures timely correction of noncompliance and OSEP Memo 09-02 was issued after the beginning of the FFY 2008 correction period.</p> <p>In reporting on the correction of noncompliance in the FFY 2009 APR, the BIE must report that it verified that each school with noncompliance identified in FFY 2008: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a BIE data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the school, consistent with OSEP Memo 09-02. In the FFY 2009 APR, the BIE must describe the specific actions that were taken to verify the correction. In addition, in reporting on Indicator 15 in the FFY 2009 APR, the BIE must use the Indicator 15 Worksheet.</p> <p>In responding to Indicators 4A, 11 and 13 in the FFY 2009 APR, the BIE must report on correction of the noncompliance described in this table under that indicator.</p>
16. Percent of signed written complaints with reports issued that	The BIE revised the indicator language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those	OSEP appreciates the BIE's efforts in achieving compliance with the timely

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<p>were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State.</p> <p>[Compliance Indicator]</p>	<p>revisions.</p> <p>The BIE FFY 2008 reported data for this indicator are 100%. The BIE's data reported in this indicator are not the same as the BIE's data reported in Table 7. The BIE provided an explanation. These data are based on one complaint. The BIE met its FFY 2008 target of 100%.</p>	<p>complaint resolution requirements in 34 CFR §300.152.</p>
<p>17. Percent of adjudicated due process hearing requests that were adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines.</p> <p>[Compliance Indicator]</p>	<p>The BIE revised the indicator language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p> <p>The BIE reported that it did not have any due process hearing requests that were fully adjudicated during the reporting period.</p>	<p>OSEP looks forward to reviewing the BIE's data in the FFY 2009 APR.</p>
<p>18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.</p> <p>[Results Indicator]</p>	<p>The BIE reported that two out of three resolution sessions resulted in settlement agreements.</p> <p>The BIE reported fewer than ten resolution sessions were held in FFY 2008. The BIE is not required to provide targets or improvement activities until any fiscal year in which ten or more resolution sessions were held.</p>	<p>OSEP looks forward to reviewing the BIE's data in the FFY 2009 APR.</p>
<p>19. Percent of mediations held that resulted in mediation agreements.</p> <p>[Results Indicator]</p>	<p>The BIE reported that its one mediation resulted in a mediation agreement.</p> <p>The BIE reported fewer than ten mediations held in FFY 2008. The BIE is not required to provide targets or improvement activities except in any fiscal year in which ten or more mediations were held.</p>	<p>OSEP looks forward to reviewing the BIE's data in the FFY 2009 APR.</p>

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<p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p>	<p>The BIE's FFY 2008 reported data for this indicator are 97.34%. However, OSEP's calculation of the data for this indicator is 92.04%. These data represent progress from the FFY 2007 reported data of 90.8%. The BIE did not meet its FFY 2008 target of 100%.</p>	<p>The BIE must review its improvement activities and revise them, if necessary, to ensure they will enable the BIE to provide data in the FFY 2009 APR, demonstrating that it 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).</p> <p>In reporting on Indicator 20 in the FFY 2009 APR, the BIE must use the Indicator 20 Data Rubric.</p>