



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

Honorable Brian Drapeaux  
Acting Director  
Bureau of Indian Education  
1849 C Street NW  
MS-3609 MIB  
Washington, DC 20240

**JUN 28 2012**

Dear Acting Director Drapeaux:

Thank you for the timely submission of the Bureau of Indian Education's (BIE's) Federal fiscal year (FFY) 2010 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part B of the Individuals with Disabilities Education Act (IDEA).

The Department has determined that, under IDEA section 616(d)(2)(A)(iii), the BIE needs intervention in implementing the requirements of Part B of IDEA. The Department's determination is based on the totality of the BIE's data and information including the BIE's FFY 2010 APR and revised SPP, other BIE-reported data, the BIE's submissions under any Special Conditions on the BIE's FFY 2011 Part B grants, and other publicly available information. See the enclosure entitled "How the Department Made Determinations under Section 616(d) of the IDEA in 2012: Part B" for further details.

The specific factor affecting the Office of Special Education Programs' (OSEP's) determination of needs intervention for the Bureau of Indian Education (BIE) was that its reported FFY 2010 data reflect a very low level of compliance with compliance Indicator 13 at 29.25%. Under Indicator 13, the BIE was required to provide data on the percent of youth with individualized education programs (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. This is a critical indicator since inclusion of appropriate postsecondary goals and transition services in a student's IEP enables the student to make a successful transition from school to post-school activities, including postsecondary education, vocational education, integrated employment and independent living. We hope the BIE will be able to demonstrate that it meets requirements in the next APR.

The enclosed table provides OSEP's analysis of the BIE's FFY 2010 APR and revised SPP and identifies, by indicator, OSEP's review of any revisions made by the BIE to its targets, improvement activities (timelines and resources) and baseline data in the BIE's SPP. The table also identifies, by indicator: (1) the BIE's reported FFY 2010 data; (2) whether such data met the BIE's FFY 2010 targets and reflect progress or slippage from the prior year's data; (3) if

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applicable, that the BIE's data are not valid and reliable; and (4) whether the BIE corrected findings of noncompliance.

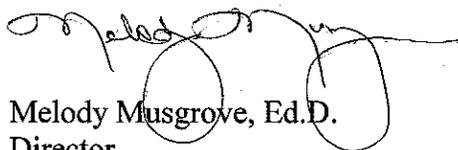
The BIE may want to consider taking advantage of available sources of technical assistance. A list of sources of technical assistance related to the SPP/APR indicators is available by clicking on the "Technical Assistance Related to Determinations" box on the opening page of "The Right IDEA" Web site at: <http://therightidea.tadnet.org/technicalassistance>. You will be directed to a list of indicators. Click on specific indicators for a list of centers, documents, Web seminars and other sources of relevant technical assistance for that indicator.

As you know, pursuant to IDEA section 616(b)(2)(C)(ii)(I) and 34 CFR §300.602(b)(1)(i)(A), the BIE must report annually to the public on the performance of each school located in the BIE on the targets in the SPP as soon as practicable, but no later than June 1, 2012. In addition, the BIE must: (1) review school performance against targets in the BIE's SPP; (2) determine if each school "meets requirements" of Part B, or "needs assistance," "needs intervention," or "needs substantial intervention" in implementing Part B of the IDEA; (3) take appropriate enforcement action; and (4) inform each school of its determination. 34 CFR §300.600(a)(2) and (3). For further information regarding these requirements, see "The Right IDEA" Web site at: <http://therightidea.tadnet.org/determinations>. Finally, please ensure that your updated SPP is posted on the BIE's Web site and made available to the public, consistent with 34 CFR §300.602(b)(1)(i)(B).

Pursuant to section 616(d)(2)(B) of the IDEA and 34 CFR §300.603(b)(2), a State that is determined to need intervention or need substantial intervention, and does not agree with this determination, may request an opportunity to meet with the Assistant Secretary to demonstrate why the Department should change the State's determination. To request a hearing, submit a letter to Alexa Posny, Assistant Secretary, United States Department of Education, 400 Maryland Avenue SW, Washington, DC 20202 within 15 days of the date of this letter. The letter must include the basis for your request for a change in the BIE's determination.

OSEP is committed to supporting BIE's efforts to improve results for children and youth with disabilities and looks forward to working with your BIE over the next year. If you have any questions, would like to discuss this further, or want to request technical assistance, please contact Matthew Schneer, your OSEP State Contact, at 202-245-6755.

Sincerely,



Melody Musgrove, Ed.D.  
Director  
Office of Special Education Programs

Enclosures

cc: State Director of Special Education