May 22, 2019

Southeast Human Service Center – DD Program Management  
Attn: Aaron Benson  
2624 9th Ave S  
Fargo ND 58103

Early Intervention Partners  
Attn: Stacey Miller  
3060 Frontier Way S.  
Fargo, ND  58104

Dear Aaron and Stacey:

Federal regulations for the Individuals with Disabilities in Education Improvement Act (IDEA 2004) specify that the United States Secretary of Education shall annually make a determination on the outcomes of each state’s performance in meeting the requirements and purposes of the law. Likewise states are required to make a determination for every early intervention service agency (EIS) within the state. In North Dakota, these EIS’s are recognized as the Early Intervention Program which includes the regional Developmental Disabilities Program Management unit and the licensed Infant Development provider. The North Dakota Department of Human Services, Division of Developmental Disabilities, has collected, verified, and analyzed data and made local determinations. Determination categories are a way to specify the level of assistance each local program needs from the Lead Agency in meeting the requirements and purposes of IDEA 2004. The law is specific to four categories of determinations. These four categories are used both by the United States Department of Education’s Office of Special Education Programs (OSEP) in making state determinations and by the North Dakota Department of Human Services, Division of Developmental Disabilities in making local determinations. The four categories are as follows:

- Meets Requirements
- Needs Assistance in meeting the requirements
- Needs Intervention in meeting the requirements
- Needs Substantial Intervention in meeting the requirements

If it is determined that for two consecutive years, a provider agency needs assistance under §303.703(b)(1)(ii) in implementing the requirements of Part C of IDEA, one or more of the actions reference in 17.5 of ND’s EI Policies and Procedures.

If it is determined that for three or more consecutive years, a provider agency needs intervention under §303.703(b)(1)(iii) in implementing the requirements of Part C of IDEA, one or more of the actions reference in 17.5 of ND’s EI Policies and Procedures.
In considering your FFY 2017 determination, the Division reviewed data beginning July 1, 2017 and ending June 30, 2018. The method for scoring your overall compliance and making your determination is found in the enclosed document North Dakota Local Program Determination Worksheet. Performance analysis for your agency’s determination is derived from your agency’s performance on the Annual Performance Report compliance and performance indicators; correction of non-compliance; timely, reliable data; dispute resolution; and audit findings. Based upon your agency’s performance, the Division has issued the following determination: Needs Assistance.

This information will be posted on the ND Early Intervention website to meet the federal IDEA requirements on public reporting. This information will be posted to the website by June 1st, 2019 and shared at the next NDICC meeting, June 27th, 2018.

I sincerely appreciate the effort and work you have put in to improving services for children and their families in your region. The Division remains committed to supporting your efforts to improve results for infants and toddlers with disabilities and their families and looks forward to working with you over the next year. If you have any questions, would like to discuss this further, or want to request technical assistance, please do not hesitate to call me at 701-328-8968.

Sincerely,

Jackie Adusumilli, M.Ed.
Part C Coordinator