north dakota
department of
human services

Developmental Disabilities Division
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October 3, 2014

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Kristen Vander Vorst
Regional DD Program Administrator
West Central Human Service Center
1237 W Divide Ave Ste 5
Bismarck, ND 58501-1208

Dear Michelle & Kristen,

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 the 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 the ND's EI Policies and Procedures.

In considering your FFY 2012 determination, the Division reviewed data beginning July 1, 2012 and ending June 30, 2013. 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. Also enclosed you will find your FFY 2012 regional program report. Based upon your agency's performance, the Division has issued the following determination: **Needs Assistance, for the third year in a row**. Due to this determination, you will continue in your Regional Action Plan.

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 November 1st, 2014 and shared at the next NDICC meeting, December 4th, 2014.

The Division is committed to supporting 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 701-328-8936.

Sincerely,

Amanda Carlson

Amanda Carlson, MSW/LSW
Part C Coordinator