

# **North Dakota FFY 2005 – 2012 State Performance Plan For Special Education**



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**Kirsten Baesler, State Superintendent  
Department of Public Instruction  
600 E Boulevard Ave, Dept. 201  
Bismarck, ND 58505-0440**

# **The North Dakota Part B State Performance Plan For Special Education FFY 2005 – 2012**

## **Introduction**

The Individuals with Disabilities Education Improvement Act (IDEA) of 2004 established a requirement that all states develop and submit to the U.S. Department of Education, Office of Special Education Programs (OSEP) a performance plan designed to improve the educational and functional outcomes for children with disabilities. The state plan must encompass baseline data (where available), projected targets, and activities to achieve those targets. The state is required to submit an Annual Performance Report (APR) in the years following the submission of the performance plan to inform OSEP and the public on the progress toward meeting those goals. This document is the first step of that process – the State Performance Plan for Special Education.

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## Overview of the State Performance Plan Development Introduction

Throughout the implementation of the North Dakota (ND) State Performance Plan (SPP), the SPP indicators have become the focal point in local and statewide communication and are referenced by the North Dakota Department of Public Instruction (NDDPI) special education staff members when discussing the intent for improved outcomes for children with disabilities. The data collected through the SPP provide specificity for many critical issues in ND special education. Annual progress in each of the indicators is reported in this Annual Performance Report (APR). The SPP and APR are also used to make the connection for parents and educators to the increased expectations from the U. S. Department of Education contained in the *Individuals with Disabilities Education Act, 2004* (IDEA 2004) and the *No Child Left Behind Act* (NCLB).

### **Technical Assistance Received**

To ensure North Dakota met requirements during the FFY2011 and maintained continuous improvement in the ND special education processes and accountability system, technical assistance was sought and received from the U.S. Department of Education, Office of Special Education Programs (OSEP) and various regional and national technical assistance centers. These centers include the Mountain Plains Regional Resource Center (MPRRC), Technical Assistance for Excellence in Special Education (TAESE), Data Accountability Center (DAC), The National Early Childhood Technical Assistance Center (NECTAC), The National Association of State Directors of Special Education (NASDSE), The Personnel Center, IDEA Partnership and National Community of Practice on Transition, National Post School Outcomes Center (NPSO), and the National Secondary Transition Technical Assistance Center (NSTTAC).

### **Stakeholder Input**

The NDDPI has actively solicited broad stakeholder input on a statewide basis as State staff members met periodically during the year to review and update the SPP indicators and activities. Stakeholder agencies in North Dakota include the ND IDEA Part B Advisory Committee and Part C ND Interagency Coordinating Council; the ND Early Childhood Special Education Advisory Committee; the MTSS State Transformation Team; the ND Secondary Transition Community of Practice Advisory Council; the Speech and Language Taskforce; NDAA Workgroup/ Advisory Committee; the ND State Personnel Development Grant (SPDG) Advisory Committee; the ND Administrators in Special Education Study Council; Early Childhood Education Council; Autism Spectrum Disorder Task Force; and the ND Council of Educational Leaders. These stakeholder groups are comprised of members from the ND Department of Human Services (Part C); Vocational Rehabilitation Agency; ND Department of Human Services/ Children and Family Services; Developmental Disabilities; ND Pathfinder Parent Center (ND Parent Training and Information and Parent Information Resource Center); ND Division of Juvenile Services; ND Protection and Advocacy Project; ND Board for Career and Technical Education; ND Job Services; Special Education administrators; the ND Center for Persons with Disabilities; university professors; educators; parents; and students. In addition to taskforce meetings, NDDPI holds both a Spring and Fall statewide Special Education Leadership Institute with all local special education directors in attendance. During these sessions, NDDPI staff members proposed changes, described new information pertaining to the indicators, presented technical assistance in areas of need, and collected feedback from the field. Furthermore, the ND IDEA Advisory Committee has had continuous involvement in revisions and continues to indicate general consensus in support of the new and revised ND targets and improvement activities as written in the ND SPP.

The NDDPI sent notification of the final ND SPP and APR location on the NDDPI website via email to all local special education administrators, the ND Pathfinder Parent Center, and the IDEA Advisory Committee members. Both the ND SPP and APR are available for public viewing at <http://www.dpi.state.nd.us/speced1/data/data.shtm>

District Performance Reports are also publicly posted approximately one month after the APR and SPP are submitted at <http://www.dpi.state.nd.us/dpi/reports/Profile/index.shtm>. After being posted on this webpage, reports can be viewed by selecting the specific district and school year desired.

In addition to the public posting of the documents described above, the ND Special Education Guidelines are also publicly available on the NDDPI Special Education website: <http://www.dpi.state.nd.us/speced1/index.shtm>. Presentations on each of the guidelines and their requirements were also given to various stakeholder groups, state agencies, and special education staff when necessary throughout the year. NDDPI staff members developed training materials that were widely disseminated across the state. Presentations on the topic of the SPP and APR indicators, requirements, and data collection methods continue to be a frequent activity in North Dakota at parent and education forums.

### ***Explanation of the NDDPI Special Education Office***

There are varying levels and offices of special education in North Dakota. This section describes each level and the respective responsibilities.

- *The State Education Agency (SEA)* in North Dakota is the North Dakota Department of Public Instruction (NDDPI). The following special education positions are held within the Special Education office of the ND Department of Public Instruction:
  - *Special Education State Director:* The NDDPI employs one SEA special education director. Responsibilities include oversight of IDEA Regulations at the local special education units, local special education programs, and LEA levels, state legislative responsibilities, and NDDPI special education personnel;
  - *Special Education SEA Staff:* The NDDPI SEA Staff assist the Director with components of IDEA Regulations, and oversight of the local special education units, district special education programs, and special projects. Staff members hold portfolios that include specific statewide responsibilities related to disability categories, trainings, monitoring, and special education program responsibilities;
  - *IDEA Grant Manager:* The NDDPI employs one grant manager who oversees the *IDEA B* and State special education budgets; and
  - *Shared Positions:* The NDDPI Special Education Unit also has three positions shared within NDDPI. One position is an Assistant Director of Standards and Achievement. The main responsibility of this position is the Alternate Assessment. *The second position* is an Assistant Director of Title I/Special Education programs. This individual is responsible to share information between the NDDPI Title I and Special Education staff as well as coordinate joint professional development activities between the two programs. The third position is an Assistant Director of Title I who also serves as the NDDPI Early Childhood State Administrator. As the departmental Early Childhood contact, this person provides technical assistance and professional development for a broad range of early childhood educational statewide initiatives and topics. This individual is responsible for the coordination of the early childhood education curriculum and assessment task force which is a collaborative effort between Title I and Special Education. Her responsibilities also include initiating and maintaining Public Service Announcements and contracts with individuals involved with the task force. In addition, this person attends the Early Childhood Special Education advisory committee meetings.
- *Special Education Units (SEU):* North Dakota is divided into 31 special education units. Each special education unit is responsible for the special education programs and related services in at least one and as many as nineteen school districts. Each of the special education unit staff members are local SEU positions and are not employees of the state office. The following offices may be held within each of the local special education units:
  - *Special Education Unit Director:* oversight of all special education programs in member school districts, in partnership with NDDPI and LEA administrative personnel within the special education unit, and special education unit personnel;
  - *Assistant Special Education Unit Director:* assists the local Special Education Unit Director with the oversight of all special education programs in member school districts, in partnership with NDDPI and LEA administrative personnel within the special education unit, and special education unit personnel;
  - *Special Education Unit Coordinator:* Each unit coordinator has a portfolio that contains specific unit-wide initiative and program responsibilities. Each unit coordinator is responsible for the oversight of technical assistance in each of the LEAs within the special education unit, in

partnership with LEA personnel and the NDDPI.

- *Local Education Agencies (LEA)*: North Dakota currently has 182 local school districts. Each school district belongs to a special education unit and collaborates with the special education unit staff to ensure children with disabilities receive the appropriate and individualized special education services.

The NDDPI Office of Special Education is proud of its history of mutual respect, collaboration, and partnerships with local special education unit and LEA personnel. Although being a small state often presents its difficulties, the benefit from these collaborative efforts occurring at all levels cannot be overstated.

**Explanation of Improvement Activities and Improvement Activities Tables**

To ensure public awareness of new and ongoing activities, this section describes the ongoing activities related to each of the 20 SPP indicators, activities that are new and related to each of the 20 SPP indicators, and activities that are new to specific indicators. For information on ongoing activities specific to each indicator, please see the narrative for that indicator.

To further increase awareness of the progress in North Dakota, each indicator narrative contains a table of improvement activities. Each activity is color-coded based on the status of the activity: new, completed, revised, or ongoing. The color-coding is as follows:

Activity	Color
New	Light Blue
Completed	Light Orange
Revised	Pink
Ongoing	Green

Note: NDDPI acknowledges Washington State Office of Superintendent of Public Instruction (OSPI) for establishing this model.

Since the development of the first North Dakota State Performance Plan (SPP) several activities have been implemented and completed. To maintain current information in the accompanying APR, completed activities dating back to the initial SPP have been removed from APR indicator activities tables. For historical purposes, these improvement activities are recorded and can be reviewed in this SPP. Additionally, activities described in this introduction will also remain for historical purposes and comparisons to the new or updated information in the APR.

**Ongoing Activities Related Overall.** The following activities have been successful in increasing overall positive results to the ND SPP and its indicators. Therefore, NDDPI is continuing the following activities updated results are reported in the APR:

1. *North Dakota Statewide Longitudinal Data System:*  
NDDPI’s current data system, the State Automated Reporting System (STARs) is designed primarily for “one-way” data collection and used to comply with federal and state reporting requirements. While STARs contains a wealth of K-12 data, it is not readily accessible to outside stakeholders. In addition, STARs provide “point in time” reports with little ability to track data “longitudinally” or over time.

In May 2007, NDDPI received a federal grant for \$525,800 for the purpose of creating and implementing direct certification procedures. DPI and the ND Department of Human Services (DHS) which administers Temporary Aid to Needy Families (TANF) and Food Stamps (FS) have jointly implemented a Master Data Management (MDM) Entity Resolution (ER) system for matching TANF and FS school aged children to LEA enrolled students to determine children

eligible to receive free meals through the National School Lunch Program (NSLP). This project is scheduled to be fully implemented by September 2010.

In March 2009, NDDPI received a federal grant to design, develop, and implement a North Dakota Statewide Longitudinal Data System (NDSLDS) to track K-12 student outcomes. NDDPI is developing an accountability infrastructure that goes beyond reporting of data to a system that provides data useful for advancing professional practice in the classroom and for educational research that informs both policy and practice. By providing access to quality and timely data, the State of North Dakota will be better able to identify promising instructional practices, improve student achievement, and reduce achievement gaps among student groups. The NDSLDS project has an anticipated completion date of April 2013.

To develop linkages between early childhood programs and later K-20 outcomes, effort will be needed to identify processes for collecting data and to establish meaningful metrics and reports. ND DPI and DHS (who administers IDEA Part C) plans on maximizing investments in the MDM developed as part of the Direct Certification. This system will be used to identify children receiving early intervention services through IDEA part C and register them in STARs assigning a state student ID number to allow for the longitudinal linkage as the child transitions through other early childhood programs such as Head Start through the enrollment of IDEA part B and into the LEA.

The NDDPI is also participating with other stakeholders on the State Longitudinal Data System Committee. This committee proposes developing an “umbrella” statewide longitudinal data system that would combine data from K-12, North Dakota University System, the Department of Human Services, Workforce, and others. Because K-12 supplies the data for students at the beginning of the education and workforce pipeline, they provide the foundation for further analysis.

In December 2009, NDDPI applied for a Statewide Longitudinal Data System Recovery Act Grant to build on North Dakota’s K12 Longitudinal Data System by addressing the remaining five of seven system capabilities outlined in the Grants for Statewide Longitudinal Data Systems Under the *American Recovery And Reinvestment Act of 2009* and the remaining six of twelve elements prescribed by the America Competes Act.

The Statewide Longitudinal Data System Recovery Act Grant will provide the ability to link data on ND Head Start children by expanding the SEA State Automated Reporting System (STARs) to include Early Head Start and Head Start programs in North Dakota. STARs will allow the programs to register all children and assign a state student ID (ND Head Start programs are familiar with the SEA STARs and TIENET database due to their cooperative work with ND special education units). Please refer to the APR for the updated NDSLDS report.

In Spring 2012, the NDDPI Special Education staff met with Information Technology (IT) development professionals for a requirements gathering session. Various special education data sources were discussed, in creating necessary input and output content. The SPP/APR indicators and eight 618 Data Table Submissions were explored as possible reports from the SLDS. The development team will continue to work towards embedding this content in the system.

Representatives from LEAs, as well as North Dakota Council of Education Leaders (NDCEL), North Dakota LEAD Center (an information and training support center for school administrators), EduTech (Education Technology Services for North Dakota schools), NDDPI, Career and Technical Education, Education Standards and Practices Board, and ND Information Technology Department have all worked collaboratively to build a comprehensive data system. This system will put critical information in the hands of decision makers.

The ND Lead Center has completed a first training schedule as part of the statewide roll-out of the system. The first round of training was made available to all districts. This training schedule consisted of instructing LEAs how to access the system and run the currently available reports. The tighter integration between PowerSchool, SLDS and State Automated Reporting System (STARS) blurs the line between systems making it difficult to determine who to contact for assistance. To better serve LEAs, a joint EduTech, ITD, and NDDPI team was established to review problems and jointly develop a solution. A user need only contact the EduTech help desk, and any issue will be resolved by the joint team.

Currently, access to the data will be at the district level (LEAs) and will provide to authenticated users:

- State assessments with growth model;
- ACT scores;
- Post-secondary remediation data (currently these do not identify students, however the data is available and efforts are underway developing useful reports for program evaluation using identified students);
- Northwest Evaluation Association (NWEA) assessment data for those districts that have signed the data release agreements. A majority of the districts have signed the agreements allowing the state to load assessment data directly from the vendor;
- Drop-out and graduation rates; the SLDS team is working with NDDPI to align the students contained in official rates identified in the SLDS to prepare for reports and research;
- Attendance and truancy data; and
- Student course information including grades.

The SLDS development team is currently working on:

- Teacher level access, with a pilot program with a few schools beginning in Fall 2012;
- Electronic Transcripts (eTranscripts), a pilot program with a few schools beginning in Fall 2012;
- A better user experience by continually refining the look and feel of the SLDS portal;
- Increased assessment data; AIMSWeb (Pearson Publishing) is the next major assessment to be loaded;
- An integrated feedback system in the SLDS portal; and
- Improved performance as the system moves from beta to full release.

## 2. *NDDPI and Title I Collaboration:*

- a. October 8 -9, 2009, the NDDPI Office of Special Education in partnership with the NDDPI Title I Office also hosted the first annual *ND Title I – Special Education Annual Conference*. This first annual conference had an attendance of over 900 general and special education professionals from across North Dakota.
- b. Summer Symposium: The NDDPI Office of Special Education and the NDDPI Title I Office also hosted the 2009 Annual Summer Symposium. This Symposium provides a range of trainings for general and special education teachers. Session strands were targeted to improving instruction in Mathematics and Reading at the elementary and secondary level.
- c. In October of 2011, the NDDPI Office of Special Education in partnership with the NDDPI Title I and 21<sup>st</sup> Century Community Learning Centers offices hosted the second annual *ND Title I, Special Education and 21st Century Community Learning Centers Fall Conference*. This second annual conference had an attendance of over 1,000 general and special education professionals from across North Dakota. Title I and Special Education jointly write a newsletter which is disseminated to the Special Education and Title I field staff each month. Title I and Special Education also collaborate in summer trainings for the field staff.

The Title I and Special Education Offices are collaborating to complete a series of documents which will guide professionals in the provision of high quality and consistent statewide services for all preschool age children throughout ND. In FFY2012, NDDPI will complete the first two documents in the series: *Guidelines for Inclusive Preschool Practices: a Developmental Framework*; and *Selecting a Comprehensive Preschool Curriculum: A Decision-Making Guide for Educators*.

3. *NDDPI Special Education and Standards & Achievement Collaboration:*  
The Standards and Achievement Office works in cooperation with the Special Education Office in providing technical assistance to the field on an ongoing basis. The Assistant Director manages North Dakota's alternate assessments (NDAA1 and NDAA2), and provides technical assistance to special education teachers and local unit directors on changes and updates concerning these assessments. This position manages an Alternate Assessment Workgroup of ND teachers and administrators who participate in ongoing item writing and in discussing issues that surround the alternate assessments. These Workgroup Members also serve as ND Community of Practice Members for the National Center State Collaborate (NCSC) project, which North Dakota is a governing member.
4. *Dispute Resolution Improvement Activities:*  
*Due to the lengthy update of the following activities and their relationship with indicators 16-19, several Dispute Resolution activities are located in this section.*

The NDDPI formalized a working relationship with the University of North Dakota (UND) Conflict Resolution Center, the only organization of its kind in the state. The NDDPI provided fiscal support for contracted IEP meeting facilitators to participate in a 4-day foundational training regarding nonviolent communication which was conducted by the Conflict Resolution Center. Intended outcomes for the special education IEP facilitators included skill development in strengthening parent-relationships, improving teamwork, efficiency and cooperation, maximizing the individual potential of all students, and resolving conflict peacefully and quickly.

The NDDPI coordinator for IDEA dispute resolution participated in the National Symposium on Dispute Resolution in Special Education hosted by the *Consortium for Appropriate Dispute Resolution in Special Education (CADRE)*. Additionally, NDDPI participates in *webinars* hosted by CADRE that support state education agency personnel in management of the dispute resolution provisions of the IDEA. CADRE provided a Continuum of Special Education Conflict Resolution Options with levels of intervention. The NDDPI has focused its dispute resolution efforts more formally on prevention of conflict through exemplary activities highlighted by CADRE. Examples of this include greater emphasis placed on providing a telephone intermediary between parents and local education agencies regarding special education services, and involving the IDEA state advisory committee and other stakeholder groups, e.g., special education administrators, in data review and policy planning.

The NDDPI also purchased an annual membership in the *Technical Assistance for Excellence in Special Education (TAESE) Dispute Resolution Consortium*. This permits the NDDPI dispute resolution coordinator to access regularly scheduled professional development activities for IDEA complaint investigators, mediators, hearing officers, as well as state education agency personnel. To increase positive resolution activities, the NDDPI dispute resolution coordinator created new resource binders for its contracted IEP facilitators and mediators. These materials are intended to provide as-needed resources for these dispute resolution professionals. The resource binders include operational procedures, dispute resolution tips and techniques, and essential procedural safeguard information regarding the IDEA.

Finally, NDDPI provided financial support for contracted IDEA complaint investigators and Administrative Law Judges to attend and participate in regional and national special education law conferences. The purpose of this support is to ensure that these essential persons are familiar with current legal issues related to the implementation of the IDEA.

5. *Resident Teacher Program:*

The Resident Teacher Program in Special Education seeks to attract and keep teachers in rural schools in North Dakota that have great difficulty recruiting and retaining teachers. The purpose is to increase the pool of endorsed and well prepared special educators in the region by enabling teachers, who are already certified and are admitted to graduate programs in special education, to complete a full-year internship in a school district or special education unit. The resident teachers work under the joint supervision of an experienced special educator and a university special education faculty member. Financial support for this program began in 1998 and continues to assist in meeting the special educator shortage needs in North Dakota.

6. *Speech-Language Pathology Scholarship:*

Due to a shortage of Speech-Language Pathologists in North Dakota, four scholarships were awarded to graduate level Speech-Language Pathologists at two North Dakota universities funded through the State Personnel Development Grant. These scholarships fund the student's tuition and books. For each year the student accepts the scholarship, he/she signs an agreement to work in a rural school district in North Dakota. For example, in May 2012, two (2) Speech-Language Pathologists graduated from the two universities. Both of these Speech-Language Pathologists are employed in rural school districts in North Dakota.

7. *Traineeship Scholarship:*

Each year NDDPI awards Traineeship Scholarships in priority disability areas to ND teachers who wish to pursue graduate level retraining in the field of special education. As part of the application, a recommendation is provided by the local Special Education Unit Director where the applicant is working. This recommendation includes information about the applicant's skills as well as the identified need of the Special Education Unit for a teacher trained in the identified area. Scholarship amounts are based on the credit hours of coursework taken during a semester. Once accepted for the Traineeship Scholarship, applicants may be funded for a maximum of three (3) years or until they complete their endorsement (whichever comes first). The number of Traineeship Scholarships given fall 2011, spring 2012, and summer 2012 totaled 83 in 9 special education and related service areas.

8. *Statewide TIENET Database System:*

The statewide TIENET database is a web-based student file database available via a secured Internet site. This database contains all of the components of the Individualized Education Program (IEP) and other forms required for students receiving special education services. This database has increased the clarity and accuracy of all student data submitted to the state. The following forms are included and maintained within this electronic database and are currently used for reviewing current data and the verifying of correction:

Assessment Plan	Integrated Written Assessment Report
Behavior Intervention Plan	Internal Monitoring Transition Req. Checklist
Building Level Support Team Intervention Plan	Joint Prior Written Notice (Part C to B)
Building Level Support Team Interview Log	Manifestation Determination Documentation
Building Level Support Team Observational Record	Meeting Notes
Building Level Support Team Request for Collaboration/Assistance	North Dakota Assistive Technology Consideration
Consent for Evaluation	Child Outcomes Summary Form
Consent for Initial Placement in Special Education	Notice of Changes to IEP Without an IEP Team
Consent to Bill Medicaid	Prior Written Notice

ECSE Student Profile: Evaluation	Release of Information
Excusal of Required IEP Team Member(s)	Request to Invite Outside Agency Reps to IEP
Exit Form	Revocation of Consent for Special Education and Related Service
Extended School Year Plan	RTI Cumulative Folder
Functional Behavior Assessment	Standard Treatment Protocol Documentation Form
IEP - Transition 16-21	Student Profile: Evaluation
IEP Ages 3-5	Summary of Performance
IEP Ages 6-15	Transfer of Rights to Student
Individual Diagnostic Report	Verification of Eligibility to use NIMAS Materials
Individualized Service Program	

This database includes current data review capabilities and validation procedures to ensure compliance. This also allows NDDPI staff members and local administrators to monitor current data to ensure timely correction of noncompliance. This database increases the ease and accuracy of data input, while providing and maintaining a significant number of generated reports used for monitoring at the student, school, LEA, SEU, and state levels. Additional report topics available through this database include, but are not limited to Assistive Technology, Extended School Year, Exit, Assessment, and Indicators 3, 5, 6, 7, 11, 12, and 13. A wide variety of reports is also generated based on immediate need and has been used in all school districts across North Dakota since 2009.

9. *IDEA Indicator Accountability Site:*

The NDDPI special education staff members update the IDEA indicator accountability website, as needed. This website contains a description of each indicator requirements and calculation. The site also houses self-assessment and drill-down documents to assist special education units, in collaboration with school district staff, monitor and correct noncompliance in a timely manner.

10. *NDDPI Improvement Planning Core Team:*

Directors from various units of NDDPI participated in training regarding strategies for guiding improvement efforts. As a result of that training a departmental Core Team was established. The primary purpose of the Core Team was to align improvement activities related to both IDEA 2004 and the *No Child Left Behind Act* (NCLB). Through reviews of statewide needs, the Core Team provides oversight and guidance to the improvement process, coordinates improvement planning, and ensures that improvement planning is implemented as intended. This core team has expanded and is now the *North Dakota Moving to Improve Learning for Everyone* (ND MILE).

11. *North Dakota Moving to Improve Learning for Everyone* (ND MILE): Beginning November 2009, NDDPI initiated a new process for monitoring federal programs in North Dakota and assisting schools in their improvement efforts with the support of the Center on Innovation and Improvement and the North Central Comprehensive Center. The collaborative NDDPI team is comprised of representatives from the following federal programs: Title I, School Approval and Accreditation, Standards and Achievement, Coordinated School Health, Education and Community Support, Management Information Systems, and Special Education.

This process is the evolution (and blend) of the previous *Consolidated School Improvement*, *High Risk School Improvement Process*, and *Statewide System of Support* initiatives, unifying the monitoring and improvement plans required for both the NCLB and IDEA in North Dakota. This web-based process is designed to improve the performance of the district, the school, and ultimately the student. This is accomplished through the use of a planning and coaching process

using research based indicators that can be modified and aligned to meet the needs of the state. Districts participating in this process will experience an integrated and simplified reporting process and on-going support through the electronic tool and on-site coaches.

12. *School Bullying Prevention:*

NDDPI has partnered with the Parent Advocacy Coalition for Educational Rights (PACER) Center to distribute information annually. NDDPI has also created an Anti-Bullying Taskforce, which includes staff from Special Education, Title I, and Coordinated School Health. The NDDPI Office of Coordinated Health also offers links to “bully-free” curricula such as a K-12 violence and bullying research-based prevention curriculum. These links are located on the NDDPI website at <http://www.dpi.state.nd.us/health/SDFSC/curriculum.shtml/>

13. *National Instructional Materials Accessibility Standard:*

Within each indicator’s improvement activities is the provision of accessible instructional materials. The provision of accessible instructional materials in a timely manner is an essential component of making a free appropriate public education (FAPE) available to children who, due to their disability, cannot access standard text materials. The NDDPI has adopted the National Instructional Materials Accessibility Standard (NIMAS) requirements under IDEA 2004 and has provided assurances to OSEP, as part of the State’s Part B application, that students who need curriculum materials in alternate formats are provided those formats in a timely manner. NDDPI is coordinating with the National Instructional Materials Access Center (NIMAC), which is the national repository of NIMAS source files that can then be converted into formats that are accessible by students who are blind or have other print disabilities. The NDDPI has also provided an assurance to OSEP regarding our participation in the NIMAC. North Dakota is an open territory state and is committed to assisting local education agencies in acquiring student-ready versions in a more timely and cost-efficient manner. North Dakota assigned the North Dakota Vision Services/School for the Blind as the primary authorized user for downloading or assigning the source files from the NIMAC to have them developed into student ready versions.

The NDDPI continues to present information related to the NIMAS and NIMAC to state educational leaders and school personnel, and coordinate with the NIMAC. NDDPI currently has one authorized user, the ND Vision Services/School for the Blind (ND VS/SB). NDDPI has posted a NIMAS policy paper, flow chart with definitions, and brochure at <http://www.dpi.state.nd.us/speced1/index.shtml>. The NDDPI has also developed an online training related to NIMAS that is posted to the same website. This training explains the purpose of NIMAS, its importance to instruction, and how to access materials in accessible formats. NDDPI will also continue to provide LEAs with guidance on ensuring that students will be provided accessible materials within our state’s model.

14. *Universal Design for Learning (UDL):*

In conjunction with North Dakota’s adoption of Common Core Standards, NDDPI continues to provide technical assistance and professional development focused on instructional planning incorporating UDL principles. NDDPI is dedicated to supporting efforts that advocate usage of UDL design in the general education classroom and large-scale assessment. Universal design for learning is a framework and set of principles designed to provide all students with equal access and opportunities to learn. Curriculum barriers are reduced; learning is supported; students gain knowledge and skills; and their learning is validly assessed. UDL is a natural component of early intervening initiatives, such as Multi-Tiered Systems of Support (MTSS). NDDPI has developed a training module on UDL for teachers as part of our online professional development series. The first UDL module provides teachers with an introduction to the foundational principles of UDL, its basis in research, and the role of technology. This module, designed for general and special education teachers, is posted on the department’s website at <http://www.dpi.state.nd.us/speced1/index.shtml>.

The UDL, NIMAS and AT coordinator has been visiting with districts within the state regarding their training and implementation needs to increase the incorporation of UDL principles in instruction.

The NDDPI is coordinating a series of online professional development modules designed to address the needs created by a changing service delivery model for students with Sensory Impairments. The NIMAS and UDL modules represent one strand of this series that has universal applications for improving instructional practice for all students.

15. *North Dakota Work Group on Improving Functional Behavioral Assessments (FBA) and Behavior Intervention Plans (BIP)*

In the Spring of 2011, NDDPI formed a small work group of six individuals who, because of their roles, have more expertise experience in the implementation of functional behavioral assessments and behavior intervention plans than most special educators. NDDPI was aware of some compliance issues, and confusion regarding use of these processes. Special education guidance documents were viewed as not adequately addressing these two processes and it was suggested that the materials were out of date with changes in practice. A small work group met with a consultant from University of South Florida, Dr. Rose Iovanonne, who has worked with colleagues at University of South Florida on improvement of FBAs and BIPs. This direction was based in their development of an extensive survey of literature identifying resources relevant to technical adequacy of the FBA and BIP. These sessions were considered as a planning process for a larger workgroup that would meet during the 2011-12 school year.

A larger work group was identified and met in February, April and June 2012 to identify issues and concerns. A Mountain Plains Regional Resource Center (MPRRC) consultant facilitated the work group. The group identified issues and concerns in development and ongoing use of FBAs and BIPs. The process of conducting technical adequacy evaluations of FBAs and BIPs was the focus of training by Dr. Iovanonne for the group. Work group members brought their own FBA and BIP examples and evaluated their own work. This experience was also used as a beginning point for the development of new guidelines. A guideline document outline was developed by the entire group. A smaller subset of the work group members agreed to continue the writing and development process for new guidelines for use of FBAs and BIPs. A draft of the guidelines document was developed by Fall 2012. The larger work group recommended a pilot test of a revised behavior intervention plan form based in the technical adequacy evaluation analysis for potential future use statewide. The piloting process will be conducted by the work group members and will continue throughout the 2012-13 school year.

An additional outcome of the planning process was statewide training on the FBA/BIP Technical Adequacy Evaluation process scheduled for November 2012. The training would be provided by Dr. Iovanonne at eastern and western North Dakota locations. A spring meeting in 2013 will bring the work group back together to address designing a coaching support process for individuals using the technical adequacy evaluation process as grounding. Dr. Iovanonne will continue to provide consulting support to the work group on development of the coaching process.

**Activities Related to the Overall ND SPP Indicators.** The following activities have been added to the ND SPP and APR.

1. *State and Local Monitoring Improvements:*

The NDDPI staff trained local special education directors and staff in methods of using the TIENET Database for local monitoring purposes. The staff of NDDPI has also worked with local special education unit staff to refine IEP and monitoring forms. As additional monitoring forms are added to this system, training is updated to include the range of monitoring options. To ensure all local special education staff members are continuously informed and trained, monthly interactive video network (IVN) meetings are held. Using the IVN system, local directors and special educators attend these meetings from their local offices, thus increasing statewide attendance. These trainings have significantly increased the accuracy of data reported in all SPP indicators and the required improvement activities.

2. *Autism Initiative:*  
As a result of the increased incidence of diagnoses of Autism in children, the state legislature passed Senate Bill 2174 during the last legislative session. This bill created an Autism Spectrum Disorder Task Force to identify the range of services needed by individuals having this disorder throughout their lifetime and to begin developing a state plan to address these needs by July 1, 2010.
3. *North Dakota School for the Deaf Future Planning:*  
During the 2009 legislative session, House Bill 1013 was passed and signed by the State Governor. Section 19 of the bill includes language related to a *Future Services Plan and Implementation – School for the Deaf*. This legislation directed NDDPI and the ND School for the Deaf (NDSD) to develop a plan for future services to be offered by NDSD. The Future Services Plan will be developed the first year of the biennium (July 1, 2009 - June 2010) and begin implementation the second year of the biennium (July 1, 2010 - June 2011).

As part of the Future Services Plan, NDDPI and NDSD shall:

1. Review the needs of all deaf and hearing-impaired persons throughout the state and develop a plan to provide comprehensive outreach services to all North Dakota citizens who are deaf or hearing-impaired.
2. Explore the development of partnerships with other states relating to the provision of residential and educational services to individuals who are deaf or hearing-impaired.
3. Review current research and national trends in the provision of services to students who are deaf or hearing-impaired.
4. Meet regularly with a transition team appointed by the superintendent of public instruction consisting of representation from the legislative assembly, parents of school for the deaf students, school for the deaf employees, members of the local community, school for the deaf alumni, and others.
5. Explore the feasibility of implementing revenue-generating activities at the school for the deaf.
6. Develop a long-range site and facility plan for the school for the deaf campus.

In October 2009, the NDSD Future Services Plan Transition Team began monthly meetings focusing on the development of the Plan. Additional information relating to the Transition Team Members and meeting minutes can be found at <http://www.nd.gov/ndsd/future/>

4. *NDDPI and Title I Collaboration:*  
June 4, 2009, the NDDPI Office of Special Education in partnership with the NDDPI Title I Office hosted the first “Drive-in” conference. This one day conference was scheduled in 15 minute time-slots per presentation. This unique conference design allowed the opportunity for 20 presentations on varying Title I and/or special education topics without overlap.

### Activities Related to Specific Indicators

The following activities have been added to the ND SPP and APR. The following activities are considered indicator specific; however, they may influence the outcomes of more than one indicator thus outlined in this introduction. Activities that will influence only specific indicators are described in the respective indicator narrative.

1. *Parent Involvement Taskforce:*

Indicator 8

The NDDPI has developed, with the assistance from the MPRRC, a Parent Involvement workgroup to discuss strategies that will increase parent involvement in ND schools. This workgroup includes a representative from the NDDPI Special Education and Title I offices, the ND Pathfinder Parent Center, the ND Family Voices, the ND Federation of Families, local district superintendent, Special Education Director, special educator, and parents. It is the intent of this workgroup to increase parent involvement with a focus on minority populations. Results of the workgroup meetings are reported in the narrative of Indicator 8.

2. *Disproportionate Representation Taskforce:*

Indicators 9 and 10

To ensure that the cut-off points used are appropriate, the NDDPI developed a taskforce to review the current cutoff points of Disproportionate Representation and Significant Disproportionality and the processes used by districts identified in noncompliance. This taskforce is currently studying race and ethnicity issues and will offer recommendations. In addition, this taskforce will offer recommendations regarding revising the statewide policies and procedures review guidance materials, personnel development needs, and/or technical assistance resources to support minority populations in ND schools. Results from this taskforce are reported in the APR submitted in February, 2012: However, the recommended revised cutoff point for under-representation was used in indicators 9 and 10 of this SPP.

3. *Two Additional Exceptions to the 60-day Rule:*

Indicator 11

The NDDPI Special Education Unit has added two new Administrative Rules that serve as North Dakota specific exceptions to Indicator 11: Adverse Weather Conditions and Limited Access to Qualified Evaluators.

- a. *Adverse Weather Conditions.* An extension is granted when extreme weather prevents or interferes with the evaluation timeline and when these extreme weather events are documented; and
- b. *Limited Access to Qualified Evaluators:* An extension is granted when either party establishes to NDDPI's satisfaction that access to a qualified evaluator is so limited that the evaluation cannot occur in the initial 60 days.

The district is required to maintain complete documentation in reference to their decision to delay. For example, the district would be required to document details pertaining to the attempts at scheduling out-of-state appointments for evaluations and the waiting period for an appointment at the outside agency. If weather conditions caused the delay, documentation from the ND State Department of Transportation are maintained as proof.

These additional exceptions became effective on October 1, 2009. NDDPI staff members distributed guidance pertaining to these exceptions at the Fall Leadership Conference in September of 2009. These exceptions applied to initial evaluations conducted on or after October 1, 2009.

4. *ND Secondary Transition Indicator 13 Monitoring Team:*

The 2009-10 Indicator 13 monitoring was completed by the NDDPI Indicator 13 State Monitoring Team. This team was trained by NDDPI staff members over the course of the 2009-10 school to ensure understanding of the requirements of Indicator 13 and competence in using the ND Special Education Statewide TIENET database for accessing the student files. This training also ensured inter-rater reliability.

In June 2010 the team met for one week and reviewed 370 student files from across the state. The intention was to review one student file for each Case Manager of students 16-21 who were on an IEP during the 2009-10 school year. The sample was selected based on the statewide representation of disability for students 16-21 across the state.

The individuals selected to be a part of the State Indicator 13 Monitoring Team consisted of University professors who work with pre-service special education teachers, state Special Education personnel, and local Special Education Coordinators

**Completed Activities Related Overall**1. *Technical Assistance Needs Inventory:*

During the fall Special Education Leadership Institute 2008, the NDDPI special education staff distributed a *Technical Assistance Needs Inventory* to each of the local special education unit

directors. This request for information (Appendix A) offered an opportunity to local administrators to share their technical assistance needs required from NDDPI. This information was submitted to NDDPI November 2008, compiled, and categorized based on local TA needs and overall statewide TA needs. Technical assistance based on this information is described in the ND APR submitted February, 2010.

2. *Improvement Activities Training:*

In the fall of 2007 the staff of the North Central Regional Resource Center (NCRRC) developed the *Thinking Through Improvement: Tools and Strategies to Guide Improvement Activities*. This guide provides state agencies a concise format with which to train staff at local special education units and school districts methods in data collection, analyzing, and designing data-driven improvement activities.

During the OSEP National Accountability Conference, 2008, NDDPI staff members met with staff from the NCRRC and the MPRRC to schedule trainings for NDDPI staff. November 2008 the NDDPI special education staff began training. To create a collaborative NDDPI school improvement process, staff from the NDDPI Title I, Bilingual and Language Acquisition, School Approval and Accreditation, Standards and Achievement, and Testing and Assessment units joined the training sessions in December 2008. In an inclusive and collaborative effort, NDDPI developed a Core Team previously described in this section.

### Improvement Activities Index

To further increase awareness of the progress in North Dakota, the FFY2011 APR includes an Improvement Activities Index. This index illustrates the various activities specific to indicators, and demonstrates the interconnectivity of special education improvement. Each activity is color-coded based on the status of the activity: new (light blue) or ongoing (green). The color-coding is presented in the Table i.i below. The index also lists the specific purpose category for each activity. These codes are presented in Table i.ii below.

**Table i.i Improvement Activity Color Codes**

Activity	Color
New	Light Blue
Ongoing	Green

Note: NDDPI acknowledges Washington State Office of Superintendent of Public Instruction (OSPI) for establishing this model.

**Table i.ii Improvement Activity Category Codes**

Category	Code
Data	Data Analysis, Accuracy, or Utilization
DR	Dispute Resolution
FSC	Fiscal
PCY	SEA Policy Enhancement
PI	Parent Involvement
PP	Personnel Preparation
MTR	Monitoring
TAPD	Technical Assistance/ Professional Development

Improvement Activities Index

Improvement Activities	Category	1/2	3	4A/4B	5	6	7	8	9/10	11	12	13	14	15	18	19	20
NDDPI Special Education Office will work with NDDPI Director of Indian Education to analyze indicator data for Native American SWD	Data	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
NDDPI will begin researching the feasibility of housing the follow-up interview protocol in the TIENET database and link to the Statewide Longitudinal Database System. Interviewers will access the Protocol on this system. Data will be retrieved through the TIENET database.	Data												X				X

Improvement Activities	Category	1/2	3	4A/4B	5	6	7	8	9/10	11	12	13	14	15	18	19	20	
NDDPI Special Education Office will develop and distribute a Least Restrictive Environment Guidance Document	<b>Data, MTR, PCY, TAPD</b>				X	X												X
NDDPI Special Education Office will develop a training document for writing IEP goals using Common Core Standards	<b>Data, MTR, PCY, TAPD</b>		X									X		X				

Improvement Activities	Category	1/2	3	4A/4B	5	6	7	8	9/10	11	12	13	14	15	18	19	20
Functional Behavior Assessment-Behavior Intervention Plan Workgroup will develop guidelines of evidence-based behavioral planning supports including policies and procedures that will assist districts and early intervention programs to establish their FBA/BIP process	<b>Data, MTR, TAPD</b>	X	X	X	X		X						X	X			
Preschool Developmental Framework, Preschool Curriculum and Assessment Initiative	<b>Data, MTR, TAPD</b>				X	X	X										

Improvement Activities	Category	1/2	3	4A/4B	5	6	7	8	9/10	11	12	13	14	15	18	19	20
NDDPI will begin researching the potential for the state to have Follow-up interviews conducted by district staff.	<b>Data, PCY</b>												X				X
The NDDPI began publishing a monthly newsletter for Special Education and Title I school personnel; this includes technical assistance on promoting parent involvement in education	<b>Data, PP, TAPD</b>		X					X							X	X	X

Improvement Activities	Category	1/2	3	4A/4B	5	6	7	8	9/10	11	12	13	14	15	18	19	20
NDDPI will partner with ND Parent Training and Information (PTI) Center to offer information, technical assistance, and outreach to parents to help them successfully engage with educators regarding multi-tiered systems of support (MTSS)	<b>Data, TAPD</b>		X					X							X	X	X
Modify State IEP form format to include Common Core State Standards to insure the goals of SWD are aligned with these standards	<b>MTR, TAPD</b>	X	X		X							X	X	X			X
	<b>TAPD</b>		X		X							X					

Improvement Activities	Category	1/2	3	4A/4B	5	6	7	8	9/10	11	12	13	14	15	18	19	20
NDDPI Secondary Transition/ Parent Involvement Conference will include professional development on predictors of success for SWD	TAPD	X	X	X	X			X				X	X	X	X	X	
Provide technical assistance and ongoing training to improve data collection and reporting in collaboration with general education partners with the NDDPI and LEAs	Data	X	X	X	X	X	X		X	X	X	X	X				X
Continue to develop guidance materials in varied formats so that stakeholders can access the information through different modes.	Data, DR, PI, TAPD							X							X	X	X

Improvement Activities	Category	1/2	3	4A/4B	5	6	7	8	9/10	11	12	13	14	15	18	19	20
NDDPI will continue to share dispute resolution annual data with the IDEA Advisory Committee, ND Protection and Advocacy, the ND PTI, other parent organizations and the public, through website access. The NDDPI will also share this information with BIE special education administrators in the state.	<b>Data, DR, PI, TAPD</b>							X							X	X	X
NDDPI will plan and convene a skills enhancement training for dispute resolution IEP facilitators, mediators, and the UND Conflict Resolution Center that supplies mediators for	<b>Data, DR, PI, TAPD</b>							X							X	X	X

Improvement Activities	Category	1/2	3	4A/4B	5	6	7	8	9/10	11	12	13	14	15	18	19	20
IDEA disputes.																	
NDDPI has purchased a participation membership in the Dispute Resolution in Special Education Consortium	<b>Data, DR, PI, TAPD</b>							X							X	X	X
Examine methods to compile and share Part C and Part B data using the data sharing program NDSLDS	<b>Data, MTR</b>										X			X			X

Improvement Activities	Category	1/2	3	4A/4B	5	6	7	8	9/10	11	12	13	14	15	18	19	20
NDDPI Statewide Longitudinal Database System will include Part B data, in order to identify predictors of student outcomes (eg. achievement, drop-out, graduation, behavior, and suspension) for students with disabilities	<b>Data, MTR, PCY</b>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Provide technical assistance to LEAs to strengthen understanding and compliance to the IDEA 04 transition requirements and develop transition modules based on data drill down in Indicator 13 data	<b>Data, MTR, PCY, TAPD</b>	X	X		X							X	X	X			X

Improvement Activities	Category	1/2	3	4A/4B	5	6	7	8	9/10	11	12	13	14	15	18	19	20
Conduct a statewide data drilldown with NDDPI staff and contracted focused monitoring team in order to develop priority issues for monitoring, TA/PD, and other APR improvement activities; to make data-based decisions regarding the effectiveness of current monitoring, TA/PD, and APR improvement activities. Develop or enhance improvement activities based on the results.	<b>Data, MTR, PI, TAPD</b>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Provide training and implementation of the special education monitoring system for data analysis and improvement	<b>Data, MTR, TAPD</b>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

Improvement Activities	Category	1/2	3	4A/4B	5	6	7	8	9/10	11	12	13	14	15	18	19	20
planning.																	
Technical Assistance and training to promote parent involvement	<b>Data, MTR, TAPD</b>							X						X	X	X	
Support and collaborate with statewide family organizations to increase knowledge and promote parent involvement	<b>Data, MTR, TAPD</b>							X						X	X	X	

Improvement Activities	Category	1/2	3	4A/4B	5	6	7	8	9/10	11	12	13	14	15	18	19	20
Ensure the correction of noncompliance discovered through data analysis, monitoring, and complaint resolution activities within one year through the development and full implementation of corrective action plans	<b>Data, MTR, TAPD</b>									X	X	X		X			
Redesign of the internal monitoring system to the self-assessment monitoring (SAM)	<b>Data, MTR, TAPD</b>													X			X
Assure the ND COSF Quality Assurance checklist is in place and enhance technical assistance to meet statewide needs.	<b>Data, PCY, MTR, TAPD</b>						X										

Improvement Activities	Category	1/2	3	4A/4B	5	6	7	8	9/10	11	12	13	14	15	18	19	20
NDDPI will develop and initiate a marketing program: develop documents, trainings, and presentations designed to increase parent, district educators, and other statewide stakeholders' awareness of the ND Follow-Up Process.	<b>Data, PCY, PI, TAPD</b>							X					X				X
NDDPI will continue to support ongoing Pilot projects for districts to use the National Post School Outcomes (NPSO) Data Use Toolkit for the analyses of local data for improvement planning.	<b>Data, PCY, TAPD</b>	X										X	X				

Improvement Activities	Category	1/2	3	4A/4B	5	6	7	8	9/10	11	12	13	14	15	18	19	20
NDDPI will sponsor SEA and LEA representatives to attend the NPSO Cross Regional Meeting on the State Toolkit for Examining Post-School Success	<b>Data, PCY, TAPD</b>	X										X	X	X			X
ND continues to receive TA through NPSO Intensive State Technical Assistance grant	<b>Data, PCY, TAPD</b>	X										X	X	X			X

Improvement Activities	Category	1/2	3	4A/4B	5	6	7	8	9/10	11	12	13	14	15	18	19	20
Reconfigure the scale up process for Multi-Tiered Systems of Support to include a regional support infrastructure that focuses on districts and transformation zones, made up of one or more large districts and surrounding smaller districts. Provide a range of supports with the intent of building infrastructure to sustain the innovations over the long term.	<b>Data, TAPD</b>	X	X	X	X				X	X		X	X				

Improvement Activities	Category	1/2	3	4A/4B	5	6	7	8	9/10	11	12	13	14	15	18	19	20
Collaborate with the NDDHS and Parent Training and Information Center in sponsoring the annual parent information and involvement statewide conference	<b>Data, TAPD</b>							X							X	X	
NDDPI will share the results of a qualitative research project regarding facilitated IEP meetings with its IDEA State Advisory Committee and seek input for future improvements.	<b>DR, TAPD</b>							X							X	X	X

Improvement Activities	Category	1/2	3	4A/4B	5	6	7	8	9/10	11	12	13	14	15	18	19	20
Support ongoing personnel development projects in collaboration with state university training programs to increase the number of qualified special educators and speech language pathologists across the state. Support mentoring models in the resident teacher preparation program.	FSC, PP	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Established the Focus Monitoring system with a contracted monitoring team	MTR, PCY	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

Improvement Activities	Category	1/2	3	4A/4B	5	6	7	8	9/10	11	12	13	14	15	18	19	20
Revision of the NDDPI Specific Learning Disabilities (SLD) Guidelines to include the use of the MTSS model for the evaluation process.	<b>MTR, PCY, TAPD</b>								X	X				X			X
Update and revise Understanding Early Childhood Transition: A Guide for Families and Professionals	<b>MTR, TAPD</b>										X			X			X
The ND Community of Practice on Secondary Transition will continue to serve as a model to the regional transition committees related to solving transition related issues	<b>PCY, TAPD</b>	X										X	X				

Improvement Activities	Category	1/2	3	4A/4B	5	6	7	8	9/10	11	12	13	14	15	18	19	20
ND ECO Training Components for NDDPI Early Childhood Special Education Website	PP, TAPD						X										
Statewide IVN meetings for administrators and early childhood professionals	PP, TAPD					X	X				X			X			X
Provide statewide annual training on NDAA1 and NDAA2 including technical quality improvements of the assessment. ND has updated assessments rigorously in response to USDOE Peer Reviews	TAPD		X														

Improvement Activities	Category	1/2	3	4A/4B	5	6	7	8	9/10	11	12	13	14	15	18	19	20
Statewide training as follow-up to needs identified in response surveys. This activity is done on a yearly basis now and findings are incorporated into fall training modules.	TAPD		X														

Note: All "New" or "Ongoing" activities will continue until or beyond 2014, as needed.

**Indicator 1**

**Overview of the State Performance Plan Development:**

See Introduction for complete overview and stakeholder input.

**Monitoring Priority: FAPE in the LRE**

**Indicator 1:** Percent of youth with IEPs graduating from high school with a regular diploma.  
(20 U.S.C. 1416 (a)(3)(A))

**Measurement:**

States must report using the graduation rate calculation and timeline established by the Department under the ESEA.

**Overview of Issue/Description of System or Process:**

In North Dakota, the Department of Public Instruction (NDDPI) and local school districts have the authority to set graduation standards, grading policies, and conditions for awarding diplomas as long as those policies do not violate the civil rights of students.

The completion of a course of study prescribed under state and local requirements should result in a formal recognition of the completion of that study. Diplomas for students who receive special education services are awarded in the same manner as diplomas are awarded to students without disabilities. North Dakota School Century Code 15.1-21-02.1 includes the following requirement: Before a school district, a non-public high school, or the ND Department of Independent Study, issues a diploma to a student, the student must have successfully completed at least 21 units of high school course work from the minimum curriculum offerings established by section 15.1-21-02.

As the Special Education State Performance Plan was developed through collaborative work across units within NDDPI, analysis revealed that the state’s ability to track exiters from special education was more accurate than for students who had not received special education. On June 1, 2005 NDDPI wrote to the United States Department of Education to request consideration and approval for amendments to the North Dakota Consolidated State Application Accountability Workbook, dated July 27, 2004. One of the requested amendments related to “the one year extension of the current graduation formula for the 2004-05 school year and a resulting one-year delay of the previously approved graduation formula, beginning with the 2005-06 school year.”

The graduation rate defined within ESEA section 1111 required the State to report graduates, retentions, and dropouts, within cohorts, in the aggregate and disaggregated by subgroups. The State initiated measures to collect and report this information to the specification of the Act; however, the State’s full capacity to do so did not become effective until 2005. In the interim, until State data to perform the required calculations became available, the State defined and used an alternative measure, based on schools’ reported dropout and graduation data within cohorts where graduation occurred in a standard number of years. The interim measure, effective for the graduating classes of 2003 and 2004, was defined by the following equation:

$$\frac{\text{Number of Graduates}}{\text{(divided by)}} \frac{\text{Number of Graduates} + \text{Dropouts Yr1} + \text{Dropouts Yr2} + \text{Dropouts Yr3} + \text{Dropouts Yr4}}$$

The State stipulated, as required under final Title I regulations, this definition would avoid counting a dropout as a transfer and would not include students who receive a non-standard diploma (e.g., attendance certificate, GED). Students that transferred in or out of the school after the State Assessment administration were not included in the denominator or numerator.

The State established the target graduation rate based on the same 20 percent ranking rule used for determining achievement targets. Any district with a graduation rate lower than this target point was identified for not making Adequate Yearly Progress. This target point remained as the State reference for graduation throughout the duration of the 2001-2005 school years. Based on this interim definition, the State established a graduation target point of 89.9 percent based on North Dakota 2001-02 graduation baseline impact data. This 89.9 percent target rate was applied for the first time to 2002-03 graduation rates.

In 2005, the State transferred from its current definition of graduation to that used within NCLBA and recalculated the target graduation rate using the 20 percent ranking rule for graduation rates. This target point will remain as the State definition for graduation throughout the duration of the 2005-2014 school years. Therefore, the State’s interim graduation target point of 89.9 percent was revised with the scheduled 2005 recalculation.

The State began reporting graduation rates using the No Child Left Behind Act (NCLBA) definition in 2005, using collected cohort State data from 2001 - 2005. The rate was calculated based on the following equation:

$$\frac{\# \text{ Graduates (with regular diploma) who completed high school in four years}}{\text{(divided by)}} \frac{[\# \text{ Graduates (same as above) + \# of 9}^{\text{th}} \text{ grade dropouts/retentions + \# 10}^{\text{th}} \text{ grade dropouts/retentions + \# 11}^{\text{th}} \text{ grade dropouts/retentions + \# 12}^{\text{th}} \text{ grade dropouts/retentions + \# students who complete 12}^{\text{th}} \text{ grade without a regular diploma}]}$$

The data for each class will be tracked forward from 9<sup>th</sup> grade. Dropouts are defined as students who leave school prior to graduation for reasons other than transfer to another school. Students who are retained in grade, and thus leave their original class, will not count toward the number of graduates, but will be included in the denominator as members of the original class.

The State stipulates that any school or district that has met the requirements of safe harbor for any specified subgroup must also demonstrate that it has met the requirements for graduation rate for that same specified subgroup as required under 34 CFR 200.19(d)(2)(i). The State worked to have a student data warehouse in place by 2005, to accommodate the monitoring and reporting of disaggregated graduation rates. Prior to its full implementation, the State required schools or districts that met safe harbor within a specified subgroup to also evidence the achievement of the graduation rate for that specified subgroup. The State independently reviewed all school and district information to validate the authenticity of these data. Following 2005, the State planned to automate this activity with the statewide student data warehouse.

The graduation rate defined within the Elementary and Secondary Education Act (ESEA) section 1111 requires the State to report graduates, retentions, and dropouts, within cohorts, in the aggregate and disaggregated by subgroups. The Department reaffirmed its commitment to proceed with the determination of adequate yearly progress based on these elements.

The NDDPI is also mindful of its responsibility to administer the provisions of the IDEA 04. Inherent throughout the Act is the paramount importance of schools to provide appropriate instruction to each student with a disability according to the design of that student’s unique individualized education program. By definition, a student’s individualized education program sets the course of study for that student, including curriculum, instructional strategy, assessment, service supports, and educational schedule, including anticipated graduation. Within North Dakota law, services to students with disabilities may

extend beyond the traditional twelve years up to the age of 21 inclusive. In such circumstances, a student with a disability may properly graduate, according to the dictates of the student's individualized education program, at age 21, several years beyond a traditional graduation that, for a typical student, may be completed within four years of entering high school.

To ensure that schools properly exercise their instructional duties according to a student's Individualized Education Program (IEP), NDDPI monitors school's compliance with the provisions of the IDEA 04, including the proper development and administration of a student's individualized education program. The Department monitors graduation rates of all students with disabilities, including those students whose graduation rates extend to age 21. The State provides oversight on all services provided to students with disabilities, including the proper conclusion of their services and the bestowal of graduation at a time prescribed within the student's individualized education program. Given the high educational standards and service schedules set forth within a student's individualized education program and the civil rights granted to students with disabilities to receive the full benefit of these standards and service schedules, it is incumbent on the State to offer every support to schools to provide the full benefit of instruction to all students with disabilities, regardless of the duration of their education. It is likewise incumbent on the State to eliminate any barriers that might impede or otherwise deter schools from properly administering their duties to all students, regardless of disability status. This concern includes the bestowal of a standard graduation on students with disabilities, whose individualized education programs require a high school instruction period that extends beyond the traditional four years. Any policy that places pressures on schools to divert their full attention on the needs of students with disabilities must be reviewed and amended accordingly (ND Accountability Application Workbook, Proposed June 1, 2005 Amendment).

In order to ensure consistent measurement of the high school graduation rate in North Dakota, NDDPI Office of Special Education must fully collaborate with general education to ensure that measurement for youth with IEPs will be the same measurement as for all youth. The state goal for the general education graduation rate is 89.9 percent (See Table 1.1). This goal helped shape the special education graduation rate targets in the state performance plan.

Effective with the FFY2010, the NDDPI incorporated a conditional, five and six-year extended adjusted cohort graduation rate rule, which includes the effect of students who take longer than four years to receive their high school graduation diploma. This five and six-year extended adjusted cohort graduation rate credits schools and districts for successfully graduating students who take longer than four years to graduate high school with a regular high school diploma. NDDPI stipulates that it will account for the proper compilation, calculation, and reporting of any five-year and six-year extended cohort graduation rates as specified in the non-regulatory guidance, dated December 22, 2008, issued by the U. S. Department of Education.

Starting with the 2010-11 adequate yearly progress report for each high school and district, the state provides the following: the 2010 four-year cohort graduation rate, the 2009 five-year extended cohort graduation rate, the six-year extended cohort graduation rate, and the proper adequate yearly progress determination, which applies commensurately higher graduation target rates for the five-year extended graduation rate (12.5%) and the six-year extended graduation rate (15%). For the purposes of determining a graduation adequate yearly progress rate, NDDPI will credit and report an adequate yearly progress determination based on the higher value among the four-year, five-year, or six-year adjusted cohort graduation rates.

NDDPI will retain the 89% graduation goal and the primary reference for determining sufficient achievement. NDDPI will establish unique targets for each of the respective years: the four-year cohort graduation rate will use the currently approved 10% target; the five-year extended cohort graduation rate will use a 12.5% target (a 25% increase in expectation from the four-year target base); and the six-year extended cohort graduation rate will use a 15% target (a 50% increase in expectation from the four-year target base). The target is measured as the percent reduction of non-graduates from the preceding year against the 89% goal. NDDPI will first examine whether a school or district has met the goal (89%) or the target (10 percent reduction in non-graduates against the goal (89%) from the previous year's rate) for the four-year graduation rate. If it did not, the State would then determine whether the school or district had

met the five-year extended year graduation rate target (12.5% percent reduction in non-graduates against the goal (89%) from the previous year’s rate). If it did not meet the five-year rate, the State would then determine whether the school or district had met the six-year extended year graduation rate target (15% percent reduction in non-graduates against the goal (89%) from the previous year’s rate. Meeting the goal or the targets for any of the four-year, five-year extended, or six-year extended graduation rates would mean that the school or district had met the secondary indicator for adequate yearly progress.

The State will retain this graduation rate goal and target until such time that it submits an amendment for review and approval by the U.S. Department of Education.

The following formula provides the manner in which the four-year adjusted cohort graduation rate will be calculated for any cohort entering 9<sup>th</sup> grade for the first time and graduating four years later.

$$\frac{\text{Number of cohort members who earned a regular high school diploma Through the summer of their 12<sup>th</sup> grade}}{\text{Number of first-time 9<sup>th</sup> graders (starting cohort) plus students who transfer in, Minus students who transfer out, emigrate, or die during their 9<sup>th</sup> grade, 10<sup>th</sup> grade, 11<sup>th</sup> grade and 12<sup>th</sup> grade through the summer of the 12<sup>th</sup> grade}}$$

The following formula provides the manner in which the five-year extended adjusted cohort graduation rate will be calculated for any cohort entering 9<sup>th</sup> grade for the first time and graduating five years later.

$$\frac{\text{Numerator in the four-year adjusted cohort graduation rate plus the number of students from the cohort who earned a regular high school diploma by the end of the extended fifth school year}}{\text{Denominator in the four-year adjusted cohort graduation rate plus students who transferred in during the extended fifth school year minus students who transferred out, emigrated, or died during the extended fifth school year}}$$

The following formula provides the manner in which the six-year extended adjusted cohort graduation rate will be calculated for any cohort entering 9<sup>th</sup> grade for the first time and graduating six years later.

$$\frac{\text{Numerator in the five-year extended adjusted cohort graduation rate plus the number of students from the cohort who earned a regular high school diploma by the end of the extended sixth school year}}{\text{Denominator in the five-year extended adjusted cohort graduation rate plus students who transferred in during the extended sixth school year minus students who transferred out, emigrated, or died during the extended sixth school year}}$$

The data for each class will be tracked forward from 9<sup>th</sup> grade. Dropouts are defined as students who leave school prior to graduation for reasons other than transfer to another school. Students who are retained in grade, and thus leave their original cohort class, will not count toward the number of graduates until the year of the student’s graduation, but will be included in the denominator as members of the original cohort class.

NDDPI stipulates that any school or district that has met the requirements of safe harbor (decreasing the percentage of students in the non-proficient category by 10%) for any specified subgroup must also demonstrate that it has met the requirements for graduation rate for that same specified subgroup as required under 34 CFR 200.19(d)(2)(i). The State will require schools or districts that have met safe harbor within a specified subgroup to also evidence the achievement of the graduation rate for that specified subgroup.

**Baseline Data for FFY 2004 (2004-2005):****Table 1.1.** Baseline Data for FFY2004

<b>North Dakota Graduation Data for 2004-05</b>		
<b>All Students</b>		
<b>These are the students that counted in the graduation rate</b>		
	Number	Percentage
No exit code	1137	11.60%
Graduated	<b>7931</b>	<b>80.89%</b>
Dropped out	586	5.98%
Transferred within District	151	1.54%
	9805	
<b>These are the students who were excluded from the graduation rate</b>		
Deceased	14	0.66%
Transferred out of District	1594	75.08%
Extended IEP/LEP	42	1.98%
Excluded for other reason (e.g., home education, duplicate record)	473	22.28%
	2123	
	<i>612 of these were assigned elsewhere</i>	
<b>Special Education</b>		
<b>These are the students that counted in the graduation rate</b>		
	Number	Percentage
No exit code	79	8.30%
Graduated	<b>801</b>	<b>84.14%</b>
Dropped out	59	6.20%
Transferred within District	13	1.37%
	952	
<b>These are the students who were excluded from the graduation rate</b>		
	Number	Percentage
Deceased	2	1.02%
Transferred out of District	97	49.24%
Extended IEP/LEP	40	20.30%
Excluded for other reason (e.g., home education, duplicate record)	58	29.44%
	197	
	<i>63 of these were assigned elsewhere</i>	

**Discussion of Baseline Data:**

In the Annual Performance Report for 2003-2004 prepared by NDDPI, the percentage of students with disabilities who exited school through graduation was computed by dividing the number of exiters with exit reasons of "graduation with diploma" by the total number of exiters who exited through graduation, received a certificate, reached maximum age, or dropped out. The percent of graduates for all students was computed by dividing the number graduating by the number in the 12<sup>th</sup> grade at the beginning of the school year. For purposes of reporting graduates at the statewide level, and in order to be considered a graduate, the student must meet the minimum graduation requirements of the local school district.

The data collected in December, 2005 indicate the number of students were included in various categories (graduates, dropouts, transfers, etc.). The NDDPI maintains a spreadsheet that shows the

graduation rate for each school. This spreadsheet also presents the percentage of the total number of students not included in the graduation rate calculation for such reasons as transferring out of district, deceased, home education, etc. It is significant to note that the summary of the data show the final graduation rate for all students equals 80.89 percent and the final graduation rate for youth with IEPs equals 84.14 percent. This reflects the positive benefits of special education in helping students with disabilities complete high school.

**Table 1.2** Measurable and Rigorous Targets for Indicator 1.

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2005</b> (2005-2006)	The percentage of youth with IEPs graduating from high school will increase to 85.1%
<b>2006</b> (2006-2007)	The percentage of youth with IEPs graduating from high school will increase to 70%
<b>2007</b> (2007-2008)	The percentage of youth with IEPs graduating from high school will increase to 71%
<b>2008</b> (2008-2009)	The percentage of youth with IEPs graduating from high school will increase to 72%
<b>2009</b> (2009-2010)	The percentage of youth with IEPs graduating from high school will be 89%
<b>2010</b> (2010-2011)	The percentage of youth with IEPs graduating from high school will be 89%
<b>2011</b> (2011-2012)	The percentage of youth with IEPs graduating from high school will be 89%
<b>2012</b> (2012-2013)	The percentage of youth with IEPs graduating from high school will be 89%

**Table 1.3.** Improvement Activities/Timelines/Resources for Indicator 1

Activities	Timelines	Resources	Status
Provide technical assistance to school districts in collecting quality data and in designing research based interventions.	Summer/Fall 2006	National Dropout Prevention Center	Ongoing
Statewide dissemination of instructional materials regarding prevention of school bullying.	Spring 2006	Pacer Center, Minneapolis, MN, NDDPI Safe and Drug-Free Schools	Ongoing
Implement a statewide process designed to improve the overall planning of Transition services for high school youth with disabilities.	2006-08	Mountain Plains Regional Resource Center "Transition Outcomes Project" (TOPS)	Ongoing
Collaborate in sharing data and improvement strategies to promote evidence-based practices to increase high school graduation opportunities for adjudicated youth with disabilities	2007-08	ND Division of Juvenile Services, ND Youth Correctional Center	Ongoing
Improve data collection and reporting in collaboration with general education partners with NDDPI and with school districts.	Ongoing	NDDPI Management Information Systems, NDDPI Standards and Achievement, STARS	Ongoing
Support professional development for general education (secondary) on differentiated instruction/strategies.	Ongoing	ND University System Faculty	Ongoing
Support the provision of distance education through technology to ensure that students with disabilities have additional options for graduating from high school.	FFY2008	ND Division of Independent Study, ND State University	Ongoing
Validating reported graduation data using the TIENET Database.	FFY2008	NDDPI staff	Ongoing
Increased collaboration between the general education and special education office at NDDPI for clarity, uniformity, and accuracy of data definitions and collection.	FFY2008	NDDPI staff	Ongoing
Guidance to school districts on how data are coded to ensure uniformity, and accuracy of data definitions and collection.	FFY2008	NDDPI staff	Ongoing

Note: All "continuous" or "ongoing" activities will continue until or beyond 2013, as needed.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2011: N/A**

**Indicator 2****Overview of the State Performance Plan Development:**

See Introduction for complete overview and stakeholder input.

**Monitoring Priority: FAPE in the LRE**

**Indicator 2:** Percent of youth with IEPs dropping out of high school.  
(20 U.S.C. 1416 (a)(3)(A))

**Measurement:**

States must report using the dropout data used in the ESEA graduation rate calculation and follow the timeline established by the Department under the ESEA.

**Overview of Issue/Description of System or Process:**

Analysis of the high school graduation rate for students with disabilities (Indicator 1) and the drop-out rate for youth with IEPs (Indicator 2) seems best done in synchronization. The NDDPI's rationale for this is that research-based interventions designed to prevent students from dropping out of high school will lead to improved rates of high school completion. Therefore, NDDPI will simultaneously widely disseminate high school graduation and drop-out rate data for students with disabilities with local school districts, local special education administrative units, parent organizations and parents of students with disabilities. The NDDPI proposes to employ the same improvement activities to address both indicators 1 and 2. North Dakota will determine drop-out rates for special education in alignment with the method in the State's Accountability Application Workbook as previously referenced in Indicator 1. A detailed description of the process for collecting and reporting both graduation and dropout rates is included under Indicator 1.

**Baseline Data for FFY2004:**

The baseline data for 2004-2005 for the percent of youth with IEPs dropping out of high school compared to all youth in the State dropping out of high school are reported under Indicator 1.

**Discussion of Baseline Data:**

The data collected in December, 2005 indicate the number of students were included in various categories (graduates, dropouts, transfers, etc.). The NDDPI maintains a spreadsheet that displays the dropout rate for each school. This spreadsheet also shows what percentage of the total number of students were not included in the dropout rate calculation for such reasons as transferring out of district, deceased, home-education, etc. The dropout rate for all students was 19.11percent. The dropout rate for youth with IEPs was 15.86 percent, or 3.25 percent better than for all youth in the state. As previously noted in the analysis of North Dakota's high school graduation rate for youth with IEPs, the comparatively lower dropout rate also reflects the benefits of special education services for helping students with disabilities complete their high school education.

**All students dropout rate = 19.11 percent**

**Special Education students dropout rate = 15.86 percent**

**Table 2.1.** Measurable and Rigorous Targets for Indicator 2.

FFY	Measurable and Rigorous Target
<b>2005</b> (2005-2006)	The percentage of youth with IEPs dropping out of high school will decrease by .97 percent to 14.89 percent.
<b>2006</b> (2006-2007)	The percentage of youth with IEPs dropping out of high school will decrease by .97 percent to 13.92 percent.
<b>2007</b> (2007-2008)	The percentage of youth with IEPs dropping out of high school will decrease by .97 percent to 12.95 percent.
<b>2008</b> (2008-2009)	The percentage of youth with IEPs dropping out of high school will decrease by .97 percent to 11.98 percent.
<b>2009</b> (2009-2010)	The percentage of youth with IEPs dropping out of high school will decrease by .97 percent to 11.01 percent.
<b>2010</b> (2010-2011)	The percentage of youth with IEPs dropping out of high school will be 19.80% or lower.
<b>2011</b> (2011-2012)	The percentage of youth with IEPs dropping out of high school will be 19.60% or lower.
<b>2012</b> (2012-2013)	The percentage of youth with IEPs dropping out of high school will be 19.50% or lower.

**Table 2.2** Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
Provide technical assistance to school districts in collecting quality data and in designing research based interventions.	Summer/Fall 2006	National Dropout Prevention Center	Completed
Support the provision of distance education through technology to ensure that students with disabilities have additional options for graduating from high school.	Ongoing	ND Division of Independent Study, ND State University	Ongoing
Statewide dissemination of instructional materials regarding prevention of school bullying.	Spring 2006	Pacer Center, Minneapolis, MN	Ongoing
Implement a statewide process designed to improve the overall planning of Transition services for high school youth with disabilities.	FFY2006	Mountain Plains Regional Resource Center <i>Transition Outcomes Project (TOPS)</i>	Ongoing
Collaborate in sharing data and improvement strategies to promote evidence-based practices to increase high school graduation opportunities for adjudicated youth with disabilities	FFY2007	ND Division of Juvenile Services, ND Youth Correctional Center	Ongoing
Improve data collection and reporting in collaboration with general education partners with NDDPI and with school districts.	Ongoing	NDDPI Management Information Systems, NDDPI Standards and Achievement, STARS	Ongoing
Support professional development for general education (secondary) on differentiated instruction/strategies.	Ongoing	ND University System Faculty	Ongoing
New data collection and data amendment deadlines	Ongoing	NDDPI Staff	Ongoing
Validating reported exit data using the TIENET Database and STARS.	FFY2008	NDDPI Staff	Ongoing

Activities	Timelines	Resources	Status
Clearly defining the definition of drop out and graduation, providing guidance for decision making, and development of web-based training that is available on an ongoing basis as local situations arise.	FFY2008	NDDPI Staff	Ongoing
Increased collaboration between the general education and special education offices locally and within NDDPI for clarity, uniformity, and accuracy of data definitions and collection.	FFY2008	NDDPI staff	Ongoing
Guidance to school districts on how data are coded to ensure uniformity, and accuracy of data definitions and collection.	FFY2008	NDDPI staff	Ongoing

Note: All "continuous" or "ongoing" activities will continue until or beyond 2013, as needed.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2011:**

In FFY2010, a different methodology to align with new federal regulations was used to calculate graduation and drop-out rates, the NDDPI adjusted the FFY2010 drop-out rate target and set the following FFY2011 and FFY2012 targets. This had previously not been listed in the State Performance Plan.

**Table 2.3** Revised Measurable and Rigorous Targets

<b>2010</b> (2010-2011)	The percentage of youth with IEPs dropping out of high school will be 19.80% or lower.
<b>2011</b> (2011-2012)	The percentage of youth with IEPs dropping out of high school will be 19.60% or lower.
<b>2012</b> (2012-2013)	The percentage of youth with IEPs dropping out of high school will be 19.50% or lower.

**Indicator 3****Overview of the State Performance Plan Development:**

See Introduction for complete overview and stakeholder input.

**Monitoring Priority: FAPE in the LRE****Indicator 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.
  - B. Participation rate for children with IEPs.
  - C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.
- (20 U.S.C. 1416 (a)(3)(A))

**Measurement:**

A. AYP percent = [(# of districts with a disability subgroup that meets the State's minimum "n" size that meet the State's AYP targets for the disability subgroup) divided by the (total # of districts that have a disability subgroup that meets the State's minimum "n" size)] times 100.

B. Participation rate percent = [(# of children with IEPs participating in the assessment) divided by the (total # of children with IEPs enrolled during the testing window, calculated separately for reading and math)]. The participation rate is based on all children with IEPs, including both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year.

C. Proficiency rate percent = ((# of children with IEPs enrolled for a full academic year scoring at or above proficient) divided by the (total # of children with IEPs enrolled for a full academic year, calculated separately for reading and math)].

**Overview of Issue/Description of System or Process:**

The North Dakota State Assessment (NDSA) was initially administered in 2001-02. Its key features include:

- Criterion referenced
- Aligned to state content standards
- Utilizes selected response and constructed response items
- Assesses reading/language arts and mathematics
- Assesses in grades 4, 8, and 12 (2001-02 through 2003-04), and grades 3-8 and 11 (beginning 2004-05)
- Administered in the fall to all grades, beginning 2004-05
- Required of all public schools; allows non-public and BIA schools to participate
- Collects student demographic and special codes data
- Reports achievement by content area, standard, and benchmark
- Validated data from ND State Assessment, along with graduation and attendance data, are used to generate reports on adequate yearly progress (AYP) for schools. Achievement scores for students using the ND Alternate Assessment are included in the AYP data base.
- Data on achievement and demographics/special codes are entered into TetraData warehouse for use in school improvement and research efforts.
- North Dakota teachers play a key role in developing content and achievement standards, aligning test items to standards, and setting cut scores for the ND State Assessment.

The ND Alternate Assessment (NDALT) was initially administered in the fall of 2000. Each year the NDALT has been reviewed and revised to improve the quality of the assessment.

The NDALT was developed to:

1) align the NDALT at the current grade level in which the student is enrolled, as well as, 2) cover the breadth and depth of the state content standards to the extent that the general assessment covers them. The population of students with severe cognitive disabilities is assessed against alternate achievement standards which are linked to the state content standards. Students with “persistent learning problems” served under IDEA 04, will be assessed against modified achievement standards, through the NDALT, which are aligned to state content standards. In an effort to meet the requirements set forth by No Child Left Behind, the North Dakota Department of Public Instruction (NDDPI) brought together educators from across North Dakota in July and August of 2005, to write activities (based on the “essence” of grade level state content standards and benchmarks), that are (in their professional judgment) aligned at either a high level, a mid level, or linked to grade level content standard and benchmarks. The NDDPI followed the recommendations made by the National Alternate Assessment Center, at The University of Kentucky, regarding linkage, alignment, and coverage of the standards and cognitive demand (per Bloom’s Taxonomy). The 2005-2006 North Dakota Alternate Assessment reflects those changes. The North Dakota Alternate Assessment (NDALT) is a performance-based assessment, which assesses how students perform against the North Dakota State Content Standards and thus, the general curriculum. The Content Standards consist of a description of what all students should know and be able to do within a particular core subject area. The Benchmarks are a translation of a standard into what all students should understand and be able to do at developmentally appropriate grade levels. The NDALT includes activities based on the “essence” of the benchmark (i.e. what the benchmark is asking for), at three different alignment levels. High and middle alignment activities are for those students, served under IDEA 04, who have “persistent learning problems” that preclude them from taking the NDSA, even with accommodations (a.k.a. the 2% population). The third level of alignment is where the activity is “linked” to the grade- level benchmark, and is intended for those students who have significant cognitive disabilities (a.k.a. the 1% population).

**Baseline Data for FFY 2004 (2004-2005):**

**Table 3.1.** Indicator 3 Summary

	2001-02	2002-03	2003-04	2004-05
<b>A. Percent of Districts Meeting AYP Objective for IEP subgroup</b>				
Reading	63.6%	76.5%	93.5%	92.4%
Math	75.0%	80.4%	84.1%	95.4%
<b>B. Participation Rate of IEP students</b>				
Reading	95.1%	98.6%	98.0%	98.6%
Math	95.2%	98.3%	97.8%	98.5%
<b>C. Proficiency Rate of IEP students</b>				
Reading	26.0%	24.9%	39.7%	48.1%
Math	14.1%	12.5%	21.6%	43.0%

Note 1: The denominator for Indicator A includes only those districts where an IEP proficiency rate could be calculated.

Note 2: For Indicator A, AYP data for 2002, 2003, and 2004 are based on the results of students in grades 4, 8, and 12; 2005 AYP data are based on the results of students in grades 4, 8, and 11.

Note: 3 For Indicators B and C, participation and proficiency data for 2002, 2003, and 2004 are based on the results of students in grades 4, 8, and 12; 2005 data are based on the results of students in grades 3-8 and 11.

**Data Summary**

- The percentage of districts meeting the AYP objective for the IEP subgroup has greatly increased over time.
  - For reading, this percentage has increased by almost 30 percentage points (from 63.6% to 92.4%).
  - For math, this percentage has increased by 20 percentage points (from 75.0% to 95.4%).
- The participation rate of IEP students has increased from about 95 percent to over 98 percent.
- The proficiency rate of IEP students has dramatically increased over time.
  - For reading, the proficiency rate has increased by over 20 percentage points (from 26.0% to 48.1%).
  - For math, the proficiency rate has increased by almost 30 percentage points (from 14.1% to 43.0%).

**Table 3.2.** Participation Rate Details

Reading	Number	Percent of 7,161	Number in group who received a valid score	Percent of group who received a valid score
a. Total IEP Students	7161	100.0%	7061	98.6%
b. Took regular assessment with no accommodations	1845	25.8%	1775	96.2%
c. Took regular assessment with accommodations	4560	63.7%	4537	99.5%
e. Took alternate assessment against alternate achievement standards	756	10.6%	749	99.1%

Math	Number	Percent of 7,161	Number in group who received a valid score	Percent of group who received a valid score
a. Total IEP Students	7161	100.0%	7054	98.5%
b. Took regular assessment with no accommodations	1989	27.8%	1916	96.3%
c. Took regular assessment with accommodations	4381	61.2%	4357	99.5%
e. Took alternate assessment against alternate achievement standards	791	11.0%	781	98.7%

**Data Summary**

- The percentage of IEP students who received a valid score is very high – above 98 percent.
- About 1/4 of IEP students took the regular assessment with no accommodations.
- Almost 2/3 of IEP students took the regular assessment with accommodations.

- About 10 percent took the Alternate Assessment that is measured against alternate achievement standards (in 2004-05, an alternate assessment that was measured against grade level standards did not exist).
- IEP students who took the regular assessment without accommodations were slightly less likely to receive a valid score than IEP students who took the test with accommodations or who took the alternate assessment.

**Table 3.3.** Proficiency Rate Details

Reading	Number in group who received a valid score	Number in group who received a proficient score	Percent of group who received a proficient score
a. Total IEP students	7061	3397	48.1%
b. Took regular assessment with no accommodations	1775	913	51.4%
c. Took regular assessment with accommodations	4537	2032	44.8%
e. Took alternate assessment against alternate achievement standards	749	452	60.3%

Math	Number in group who received a valid score	Number in group who received a proficient score	Percent of group who received a proficient score
a. Total IEP Students	7054	3032	43.0%
b. Took regular assessment with no accommodations	1916	990	51.7%
c. Took regular assessment with accommodations	4357	1544	35.4%
e. Took alternate assessment against alternate achievement standards	781	498	63.8%

**Data Summary**

- Over 40 percent of IEP students received a proficient score. In fact, almost half of IEP students received a proficient score in reading.
- IEP students who took the alternate assessment have the highest proficiency rate; IEP students who took the regular assessment with accommodations have the lowest proficiency rate.
  - About 1/2 of IEP students who took the regular assessment with no accommodations received a proficient score.
  - Between 35-45 percent of students who took the regular assessment with accommodations received a proficient score.
  - Almost 2/3 of IEP students who took the Alternate Assessment received a proficient score.

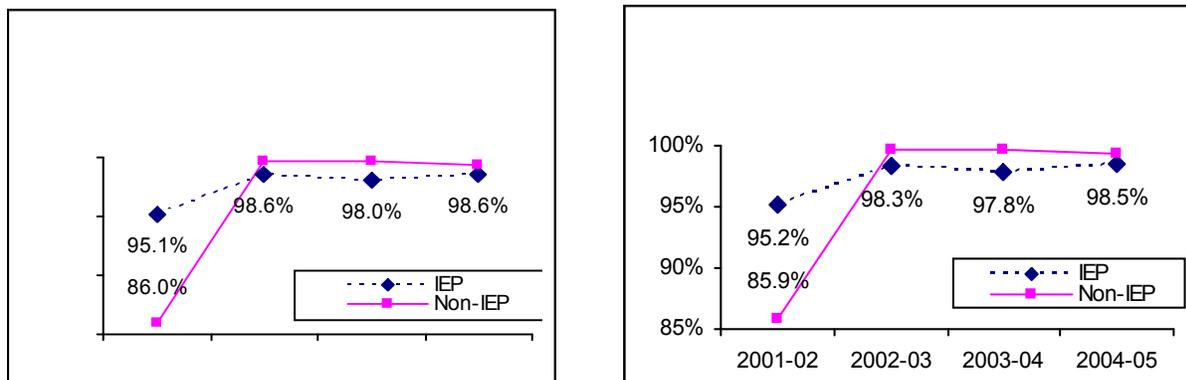


Figure 3.1. Comparison of IEP Students' to Non-IEP Students' Participation Rates

**Data Summary**

Since 2002-03, the participation rate of IEP students has been very similar to that for non-IEP students.

The IEP participation rate is less than one percentage point lower than the non-IEP participation rate.

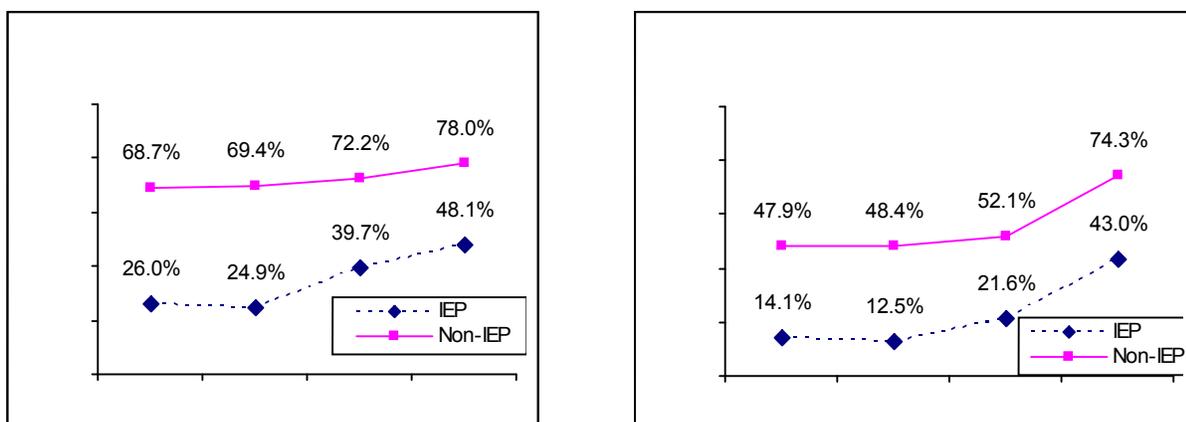


Figure 3.2. Comparison of IEP Students' to Non-IEP Students' Proficiency Rates

**Data Summary**

- IEP students have a lower proficiency rate than non-IEP students. However, the gap between the two groups is decreasing.
  - In 2001-02, the gap between the two groups for reading was over 42 percentage points. In 2004-05, the gap is 30 percentage points.
  - In 2001-02, the gap between the two groups for math was almost 34 percentage points. In 2004-05, the gap is 31 percentage points.

**Discussion of Baseline Data:**

**Highlights**

- The percentage of districts meeting the AYP objective for the IEP subgroup has greatly increased over time. Over 90 percent of districts met the AYP objective for the IEP subgroup in 2005.
- The percentage of IEP students who receive a valid score is very high – above 98 percent.
- Over 40 percent of IEP students received a proficient score. In fact, almost half of IEP students received a proficient score in reading.

- The participation and proficiency rates of IEP students have increased over time – from around 95 percent to over 98 percent.
- The proficiency rate of IEP students has increased by 20 percentage points for reading (to a high of 48.1%) and by 30 percentage points for math (to a high of 43.0%) since 2001-02.
- The participation rate of IEP students is very similar to that for non-IEP students.
- The proficiency rate of IEP students is lower than that of non-IEP students; however the gap between the two groups has decreased from about 40 percentage points to about 30 percentage points since 2001-02.

**Table 3.4.** Measurable and Rigorous Targets for Indicator 3.

FFY	Measurable and Rigorous Target
<p><b>2005</b> (2005-2006)</p>	<p>a) Percent of districts meeting the State AYP objectives for disability subgroups in reading will be 95.5 percent. Percent of districts meeting the State AYP objectives for disability subgroups in math will be 97.2 percent. b) Participation rate for children with IEPs in a regular assessment in reading will be 95.0 percent and in math will be 95.0 percent. c) The percentage of IEP students that will meet proficiency for reading will be 55 percent. The percentage of IEP students that will meet proficiency for math will be 50 percent.</p>
<p><b>2006</b> (2006-2007)</p>	<p>a) Percent of districts meeting the State AYP objectives for disability subgroups in reading will be 96.0 percent. Percent of districts meeting the State AYP objectives for disability subgroups in math will be 97.3 percent. b) Participation rate for children with IEPs in a regular assessment in reading will be 95.0 percent and in math will be 95.0 percent. c) The percentage of IEP students that will meet proficiency for reading will be 57.8 percent. The percentage of IEP students that will meet proficiency for math will be 52.5 percent.</p>
<p><b>2007</b> (2007-2008)</p>	<p>a) Percent of districts meeting the State AYP objectives for disability subgroups in reading will be 96.5 percent. Percent of districts meeting the State AYP objectives for disability subgroups in math will be 97.5 percent. b) Participation rate for children with IEPs in a regular assessment in reading will be 95.0 percent and in math will be 95.0 percent. c) The percentage of IEP students that will meet proficiency for reading will be 60 percent. The percentage of IEP students that will meet proficiency for math will be 55 percent.</p>
<p><b>2008</b> (2008-2009)</p>	<p>a) Percent of districts meeting the State AYP objectives for disability subgroups in reading and math will be 97.0 percent. b) Participation rate for children with IEPs in a regular assessment in reading will be 95.0 percent and in math will be 95.0 percent. c) The percentage of IEP students that will meet proficiency for reading will be 78.07 percent. The percentage of IEP students that will meet proficiency for math will be 67.03 percent. <i>(Please note that the targets for 3A are a change from what was originally in the SPP; in prior years, separate targets for reading and math existed. The targets for 3C are also a change from what is in the SPP. The targets were changed in order to be aligned with ESEA.)</i></p>
<p><b>2009</b> (2009-2010)</p>	<p>a) Percent of districts meeting the State AYP objectives for disability subgroups in both reading and math will be 97.1 percent. b) Participation rate for children with IEPs in a regular assessment in reading will be 95.0 percent and in math will be 95.0 percent. c) The percentage of IEP students that will meet proficiency for reading will be 78.07 percent. The percentage of IEP students that will meet proficiency for math will be 67.03 percent. <i>(Please note that the targets for 3A are a change from what was originally in the SPP; in prior years, separate targets for reading and math existed. The targets for 3C are also a change from what is in the SPP. The targets were changed in order to be aligned with ESEA.)</i></p>
<p><b>2010</b> (2010-2011)</p>	<p>a) Percent of districts meeting the State AYP objectives for disability subgroups in reading and math will be 75.5 percent. b) Participation rate for children with IEPs in a regular assessment in reading will be 95.0 percent and in math will be 95.0 percent. c) The percentage of IEP students that will meet proficiency for reading will be 89.13</p>

	percent. The percentage of IEP students that will meet proficiency for math will be 83.57%.
<b>2011</b> (2011-2012)	a) Percent of districts meeting the State AYP objectives for disability subgroups in both reading and math will be 87.5 percent. b) Participation rate for children with IEPs in a regular assessment in reading will be 95.0 percent and in math will be 95.0 percent. c) The percentage of IEP students that will meet proficiency for reading will be 89.13 percent. The percentage of IEP students that will meet proficiency for math will be 83.57 percent.
<b>2012</b> (2012-2013)	a) Percent of districts meeting the State AYP objectives for disability subgroups in both reading and math will be 88.0 percent. b) Participation rate for children with IEPs in a regular assessment in reading will be 95.0 percent and in math will be 95.0 percent. c) The percentage of IEP students that will meet proficiency for reading will be 89.13 percent. The percentage of IEP students that will meet proficiency for math will be 83.57 percent.

**Table 3.5** Improvement Activities/Timelines/Resources for Indicator 3.

Activities	Timelines	Resources	Status
Provide statewide annual training on NDAA1 and NDAA2 including annual technical quality improvements of the assessment. The state has gone through numerous UDSOE Peer Review sessions and has updated the assessments rigorously in response to said Peer Reviews	Ongoing; yearly each fall	IDEA-B Consultant MPRRC and NAAC	Ongoing
Survey of teachers regarding training needs for instructional strategies linked to the NDAA1 and NDAA2. Feedback from teachers has been increasingly positive regarding standards-based education for students with disabilities. The state plans to continue training on linking standards to education and the IEP each fall imbedded in the fall training modules. In the summer of 2009 the state plans to include instructional strategies training in the Summer Reading and Math Institute.	2006 & 2008	State Dept Part B funds	Ongoing
Statewide training as follow-up to needs identified in response surveys. In the summer of 2009 the state plans to include instructional strategies training in the Summer Reading and Math Institute. This activity is done on a yearly basis now and findings are incorporated into fall training modules.	2007 & 2009	Part B funds State Personnel Consultants	Ongoing
Develop resources and implement trainings to LEA staff on assistive technology and universal design.	Fall 2007	NDDPI staff	Completed and Ongoing
ND teachers will gather to create science portions of the NDALT for the fall 2006.	Summer 2006	NDALT Work Committee Consultant, MPRRC ND Teachers, NDDPI	Completed
Scoring and evaluation of the validity, reliability, and quality of the NDAA1 and NDAA2 for necessary revisions and electronic updates each year performed by ongoing NDAA committee. The state is involved in ongoing activities of improving the quality of the NDAA 1 and NDAA2 through the rigorous Peer Review process through the USDOE. We have increased outside consultants to include Technical Assistance members from all over the US; have contracted an	Annually	NDALT Work Committee Consultant MPRRC ND Teachers State Dept	Ongoing

independent alignment study for the NDAA2 through NCIEA; have placed the assessments on the web on a secure site; have improved the scoring through electronic scoring; and have increased the level of rigor and depth and breadth of the assessment items to more closely align to the state grade-level achievement standards.			
Prepare and disseminate resources to LEA staff to increase proficiency in assistive technology and universal design use during school-wide assessments.	Ongoing	NDDPI staff	Completed and Ongoing
Support professional development for general education (secondary) on differentiated instruction/strategies.	Ongoing	ND University System Faculty	Ongoing

Note: All "continuous" or "ongoing" activities will continue until or beyond 2013, as needed.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2011: N/A**

INDICATOR 4a

**Monitoring Priority: FAPE in the LRE**

Indicator 4a: Rates of suspension and expulsion:  
 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;  
 (20 U.S.C. 1416(a)(3)(A); 1412(a)(22))

**Measurement:**  
 A. Percent = [(# of districts that have a significant discrepancy in the rates of suspensions and expulsions for greater than 10 days in a school year of children with IEPs) divided by the (# of districts in the State)] times 100.

**Definition of Significant Discrepancy and Methodology**  
 NDDPI uses the “state bar” method for defining significant discrepancy. The FFY2011 state rate for suspending/expelling students with disabilities for more than 10 days is .17%. NDDPI is setting the state bar as five percentage points higher than the state rate. Thus, any district that suspends or expels 5.17% or more of its students with disabilities for more than 10 days is flagged for significant discrepancy. There must be at least 30 students in the denominator of a suspension rate for it to be flagged.

**Table 4a.1** Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
<b>2009</b> (2008-2009 data)	The percent of LEAs identified by NDDPI as having a significant discrepancy in the rate of suspensions and expulsions of children with disabilities for greater than 10 school days in a school year will not exceed 0.97 percent.
<b>2010</b> (2009-2010 data)	The percent of LEAs identified by NDDPI as having a significant discrepancy in the rate of suspensions and expulsions of children with disabilities for greater than 10 school days in a school year will not exceed 0.97 percent.
<b>2011</b> (2010-2011 data)	The percent of LEAs identified by NDDPI as having a significant discrepancy in the rate of suspensions and expulsions of children with disabilities for greater than 10 school days in a school year will not exceed 0.97 percent.
<b>2012</b> (2011-2012 data)	The percent of LEAs identified by NDDPI as having a significant discrepancy in the rate of suspensions and expulsions of children with disabilities for greater than 10 school days in a school year will not exceed 0.97 percent.

***For this indicator, baseline data are for the year before the reporting year. Therefore, the baseline data reported are the FFY2008 data.***

**Discussion of Baseline Data:**  
 In analyzing data for Indicator 4a, the State used the data collected on Table 5 of Information Collection 1820-0621 (Report of Children with Disabilities Unilaterally Removed or Suspended/Expelled for More than 10 Days) for the school year 2008-2009 due November 1, 2009. North Dakota does not sample.

Data on suspensions and expulsions of children with disabilities is derived from 618 data submitted by districts via the State’s STARS database. Each North Dakota school is required to submit an annual Suspension, Expulsion and Truancy report using STARS; all incidents must be entered. The Suspension, Expulsion and Truancy STARS report was designed in such a way that schools can enter incidents as they occur or on a regular basis rather than entering all data at the end of each school year. The annual school suspension, expulsion and truancy data is collected to comply with the following federal data reports: ESEA, Title IV – Safe and Drug-Free Schools and Communities Act; ESEA, Title XIV, Part F – Gun-Free School Act; Individuals with Disabilities Education Act; ESEA, and Title IX – Unsafe School Choice Option. NDDPI verifies the reliability and accuracy of the State’s data through automated verification checks through the STARS database.

**Table 4a.2 Baseline Data:** Districts with Significant Discrepancy in Rates for Suspension and Expulsion

Year	Total Number of LEAs	Number of LEAs that have Significant Discrepancies	Percent
<b>FFY 2009</b> (2008-2009 data)	187	0	0.00%

Please note that the 2009-2010 data are the 2008-09 data due to the OSEP “data lag” requirement.

**Table 4a.3 Improvement Activities/Timelines/Resources**

Activities	Timelines	Resources	Status
Provide training and implementation of the special education monitoring system for data analysis and improvement planning.	Implement statewide in 2007 - 08	Part B admin. funds;	Ongoing
Statewide dissemination of instructional materials regarding prevention of school bullying.	Spring 2006	Pacer Center, Minneapolis, MN	Ongoing
NDDPI, BIE, OSEP representatives consultation	Fall 2009	NDDPI, BIE, OSEP	Ongoing

Note: All “continuous” or “ongoing” activities will continue until or beyond 2013, as needed.

**Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):**

No additional information was required from North Dakota. However, NDDPI expanded the Definition and methodology section for increased clarity.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources: N/A**

**Indicator 4b**

**Overview of the State Performance Plan Development:**

See Introduction for complete overview and stakeholder input.

**Monitoring Priority: FAPE in the LRE**

**Indicator 4B:** Rates of suspension and expulsion:

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.

(20 U.S.C. 1416(a)(3)(A); 1412(a)(22))

**Measurement:**

Percent = [(# of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of 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) divided by the (# of districts in the State)] times 100.

**Overview of Issue/Description of System or Process:**

*Definition of Significant Discrepancy and Methodology*

*Definition of Significant Discrepancy:* The rates of suspensions and expulsions of greater than 10 days in a school year for children with IEPs in each LEA compared to the rates for nondisabled children in the same LEA. A school district is determined to have a significant discrepancy if the long-term suspension and expulsion rate for students with disabilities is significantly higher than the long-term suspension and expulsion rate for students without disabilities. Long-term suspension/expulsion rates are calculated for only those school districts that suspended or expelled at least three students with disabilities for more than 10 days.

**Table 4b.1** Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
<b>2009</b> (using 2008-2009 data)	The percent of LEAs identified by NDDPI as having (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 will not exceed 0.97 percent.
<b>2010</b> (using 2009-2010 data)	4b. The percent of LEAs that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions & 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 will be 0%.

<p><b>2011</b> (using 2010-2011 data)</p>	<p>4b. The percent of LEAs that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions &amp; 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 will be 0%.</p>
<p><b>2012</b> (using 2011-2012 data)</p>	<p>4b. The percent of LEAs that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions &amp; 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 will be 0%.</p>

***For this indicator, baseline data are for the year before the reporting year. Therefore, the baseline data reported are the FFY2008 data.***

**Discussion of Baseline Data:**

North Dakota has chosen to use the minimum N size of three (3). However, the FFY2009 (2008-09) data indicated the no school districts exceeded the requirement for this indicator, with or without consideration of the minimum N size.

In analyzing data for Indicator 4b, the State used the data collected on Table 5 of Information Collection 1820-0621 (Report of Children with Disabilities Unilaterally Removed or Suspended/Expelled for More than 10 Days) for the school year 2008-2009 due November 1, 2009. North Dakota does not sample.

Data on suspensions and expulsions of children with disabilities are derived from 618 data submitted by districts via the State’s STARS database. Each North Dakota school is required to submit an annual Suspension, Expulsion and Truancy report using STARS; all incidents must be entered. The Suspension, Expulsion and Truancy STARS report was designed in such a way that schools can enter incidents as they occur or on a regular basis rather than entering all data at the end of each school year. The annual school suspension, expulsion and truancy data are collected to comply with the following federal data reports: ESEA, Title IV – Safe and Drug-Free Schools and Communities Act; ESEA, Title XIV, Part F – Gun-Free School Act; Individuals with Disabilities Education Act; ESEA, and Title IX – Unsafe School Choice Option. The NDDPI verifies the reliability and accuracy of the State’s data through automated verification checks through the STARS database.

4B(b). LEAs with Significant Discrepancy, by Race or Ethnicity, in Rates of Suspensions and Expulsions; and 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.

**Table 4b.2 Baseline Data:** LEAs that have Policies, Procedures, or Practices that Contribute to Noncompliance

Year	Total Number of LEAs*	Number of LEAs that have Significant Discrepancies, by Race or Ethnicity, and 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.	Percent
<p><b>FFY2009</b> (2008-2009 data)</p>	<p>187</p>	<p>0</p>	<p>0.00%</p>

\*States can choose to either: (1) include the total number of LEAs in the State in the denominator; or (2) include only the number of LEAs that meet the minimum n-size in the denominator. Please note that the 2009-2010 data are the 2008-09 data due to the OSEP “data lag” requirement.

**Review of Policies, Procedures, and Practices** (completed in FFY2009 using 2008-2009 data): North Dakota met this target with 0.00% of the districts’ data indicating significant discrepancies in the rate of suspensions and expulsions of children with disabilities for greater than 10 school days in a school year.

If cases existed where school districts were found to have significant discrepancy, a review of policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards in identified school districts would have occurred in collaboration with the special education unit. If deemed necessary, revisions would have included policies, procedures, and practices relating to development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

North Dakota has not had issues with this indicator in the past; however, policy, practices, and procedures review documents have been developed proactively and are available should a district be found out of compliance. These documents are located in Appendix B. These documents have also been used for the policy, practices, and procedures review for disproportionate representation. Therefore, as the Disproportionality Taskforce complete the task of revising these documents, revisions to the review process will also affect the review process for this indicator. These revisions are reported in the APR submitted February 2013.

**Improvement Activities/Timelines/Resources:**

**Table 4b.3** Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
Co-host Title I Summer Reading and Math institutes.	FFY2006	Part B Disc. Funds	Ongoing
Provide training and implementation of the special education monitoring system for data analysis and improvement planning.	Implemented statewide in FFY2007	Part B admin. funds;	Ongoing
Support ongoing personnel development projects in collaboration with state university training programs to increase the number of qualified special educators across the state. Support mentoring models (such as Resident Teacher) in pre-service teacher preparation programs.	FFY2006	SPD Grant; Stipends; scholarships; tuition reimbursements, UND, Minot State University; University of Mary	Ongoing
Review school district policies and procedures for suspensions and expulsions of all schools identified as having suspension and expulsions rates greater than those identified in the state’s target matrix. Provide technical assistance where necessary in revising school district policies and procedures.	FFY2006	SEA Staff	Ongoing
Statewide dissemination of instructional materials regarding prevention of school bullying.	Spring 2006	Pacer Center, Minneapolis, MN	Ongoing
NDDPI, BIE, OSEP representatives consultation	Fall 2009	NDDPI, BIE, OSEP	Ongoing
Increased collaboration between NDDPI offices of Special Education and Title I.	FFY2008	NDDPI	Ongoing

Note: All “continuous” or “ongoing” activities will continue until or beyond 2013, as needed.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources: N/A**

## Indicator 5

**Overview of the State Performance Plan Development:**

See Introduction for complete overview and stakeholder input.

**Monitoring Priority: FAPE in the LRE**

**Indicator 5:** Percent of children with IEPs aged 6 through 21 served:

- A. Inside the regular class 80% or more of the day;
- B. Inside the regular class less than 40% of the day; and
- C. In separate schools, residential facilities, or homebound/hospital placements.

(20 U.S.C. 1416(a)(3)(A))

**Measurement:**

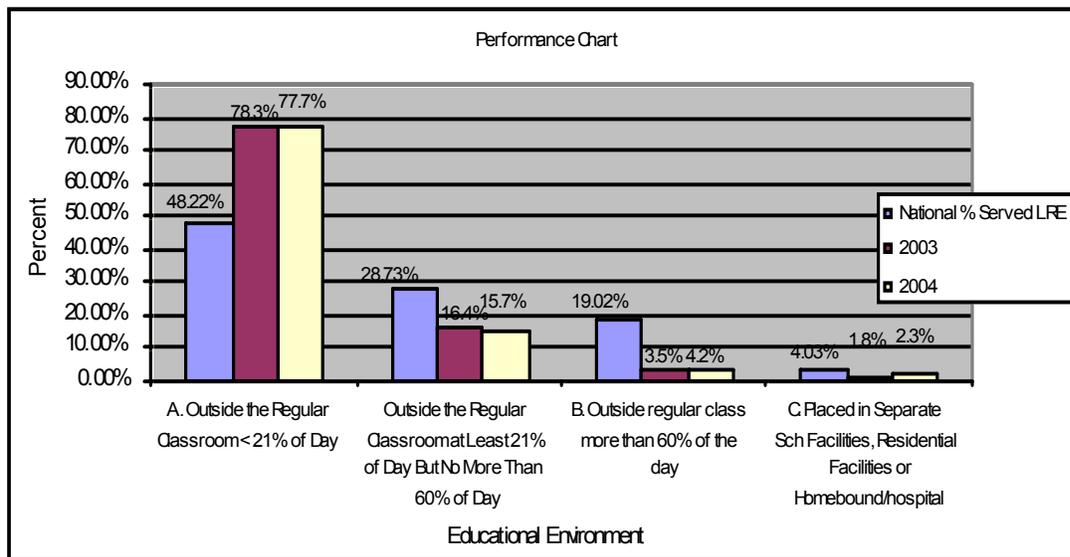
- A. Percent = [(# of children with IEPs served inside the regular class 80% or more of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.
- B. Percent = [(# of children with IEPs served inside the regular class less than 40% of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.
- C. Percent = [(# of children with IEPs served in separate schools, residential facilities, or homebound/hospital placements) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.

**Overview of Issue/Description of System or Process:**

Starting with the 2004-2005 school year, NDDPI utilized an Online Reporting System (ORS) to collect student data for reporting Section 618 Table I, Child Count, Table 3, Educational Environment, and Table 4, Exiting to OSEP annually. Table II, Personnel, will be added for collection during the 2006-2007 school year with Table VIII, Report on Provision of Early Intervening Services added during 2007-2008. The latter two tables were scheduled to be added during 2005-2006. However, a complete rewrite of the online system is currently in process utilizing a computer language, DotNet that will allow for easier manipulation of the online data collection system in the future. The ORS system is the statewide online system used to collect statistical information about all students in PK-12 schools. Data are submitted via the internet through individual student data records, with each record holding a unique student identifier number. This unique student identifier ensures collection of data without duplication errors in reporting. Additionally, the data system is designed to be a one-time collection point with numerous built in validation features which increase the overall accuracy of the data collected. In each school district, typically the superintendent identifies appropriate users allowing various levels of access to the system, including read, write, and submit privileges. Access to the system is available through both Netscape and Internet Explorer. Once logged on with a user name and password, the user has access to only those reports allowed by the district administrator. To maintain strict confidentiality, district personnel do not have access to user names and passwords for the Special Education Membership Report. The Special Education Membership Report, containing data reported to OSEP, is completed by Special Education Unit Personnel. Twice annually, the data collected are migrated to a data warehouse allowing for increased analyses of trend data at the plant, district, special education unit, and state levels.

**Baseline Data for FFY 2004 (2004-2005):**

**Table 5.1.** Baseline Data for Indicator 5, 2004 - 2005



**OSEP Data Tables: Table AB2 2002-03**

**Discussion of Baseline Data:**

As was the case during the 2002-03 and 2003-04 APR reporting periods, the percentage of ND students with disabilities who are placed outside the regular class less than 21 percent of the day far exceeds the national baseline. A longstanding commitment to inclusive educational practices by parents, local administrators, and NDDPI has resulted in a high ranking for our state in the area of general education placements for services and educational supports for students with disabilities. Although data indicate a slight drop in placements outside the regular classroom less than 21 percent of the day, NDDPI staff members believe this can be accounted for by a related increase in the percentage of children who were placed in separate school facilities, residential facilities or who are homebound or in hospital care. These numbers are also slight but may reflect the natural annual variation on the least Restrictive Environment (LRE) continuum due to such factors as chronic medical conditions that may require more restrictive placements. The NDDPI will monitor these data over the next reporting period. Another possible variable is the increase of students placed for purposes other than education in more restrictive settings for reasons unrelated to educational issues. These placements are facilitated by other state agencies rather than schools. Note the change of language in the Measurable and Rigorous Targets Table beginning FFY2008.

**Table 5. 2** Measurable and Rigorous Targets for Indicator 5.

FFY	Measurable and Rigorous Target
<b>2005</b> (2005-2006)	a) 78 percent of children with disabilities will be educated outside the regular classroom less than 21 percent of the day. b) 4 percent will be educated outside the regular classroom more than 60 percent of the day. c) 2 percent will be placed in separate schools, residential schools, or homebound/hospital.
<b>2006</b> (2006-2007)	a) 78.5 percent of children with disabilities will be educated outside the regular classroom less than 21 percent of the day. b) 3.9 percent will be educated outside the regular classroom more than 60 percent of the day. c) 2 percent will be placed in separate schools, residential schools, or homebound/hospital.

<b>2007</b> (2007-2008)	a) 79 percent of children with disabilities will be educated outside the regular classroom less than 21 percent of the day. b) 3.8 percent will be educated outside the regular classroom more than 60 percent of the day. c) 2 percent will be placed in separate schools, residential schools, or homebound/hospital.
<b>2008</b> (2008-2009) Note: New Indicator Language	a) 79.5 percent of children with IEPs served inside the regular class 80% or more of the day b) 3.7 percent of children with IEPs served inside the regular class less than 40% of the day c) 2 percent of children with IEPs served in separate schools, residential facilities, or homebound/hospital placements
<b>2009</b> (2009-2010)	a) 80 percent of children with IEPs served inside the regular class 80% or more of the day. b) 3.6 percent of children with IEPs served inside the regular class less than 40% of the day. c) 2 percent of children with IEPs served in separate schools, residential facilities, or homebound/hospital placements
<b>2010</b> (2010-2011)	a) 78.0 percent of children with disabilities will be served inside the regular class 80% or more of the day. b) 4.05 percent will be served inside the regular class less than 40% of the day. c) 2 percent will be served in separate schools, residential facilities, or homebound/hospital placements
<b>2011</b> (2011-2012)	a) 78.1 percent of children with disabilities will be served inside the regular class 80% or more of the day. b) 4.00 percent will be served inside the regular class less than 40% of the day. c) 2 percent will be served in separate schools, residential facilities, or homebound/hospital placements
<b>2012</b> (2012-2013)	a) 78.8 percent of children with disabilities will be served inside the regular class 80% or more of the day. b) 3.90 percent will be served inside the regular class less than 40% of the day. c) 2 percent will be served in separate schools, residential facilities, or homebound/hospital placements

**Table 5.3** Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
Develop resources and implement trainings to school district staff on assistive technology and universal design.	Fall 2007	NDDPI staff	Completed
Co-host NDDPI Title I Summer Reading and Math institutes.	Ongoing	Part B Disc. Funds	Ongoing
Co-host NDDPI Title I Summer Symposium with an increased focus on secondary education.	Ongoing	NDDPI staff	Ongoing
Prepare and disseminate resources to LEA staff to increase proficiency in assistive technology and universal design use during school-wide assessments.	Ongoing	NDDPI staff	Completed and Ongoing
Provide training and implementation of The Special Education Integrated Accountability System for data analysis and improvement planning.	Implemented statewide in 2007 -08	Part B admin. funds;	Completed
Support ongoing personnel development projects in collaboration with state university training programs to increase the number of qualified special educators across the state. Support mentoring models in preservice teacher preparation programs.	Ongoing	Stipends; scholar-ships; tuition reimbursements; UND; Minot State University; University of Mary	Ongoing
Support professional development for general education (secondary) on differentiated instruction/strategies.	Ongoing	ND University System Faculty	Ongoing
Increased Statistical Accuracy	FFY2007	NDDPI staff MPRRC	Ongoing

Provide (or support) professional learning opportunities on NIMAS and universal design for learning	FFY2008	NDDPI staff	Ongoing
Deeper Analysis of data by category	Fall 2009	NDDPI staff	Ongoing

Note: All “continuous” or “ongoing” activities will continue until or beyond 2013, as needed.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2011: N/A**

**Indicator 6**

**Overview of the State Performance Plan Development:** See Introduction for complete overview and stakeholder input.

<b>Monitoring Priority: FAPE in the LRE</b>
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**Indicator 6: Preschool LRE**

Percent of children aged 3 through 5 with IEPs attending a:

- A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and
- B. Separate special education class, separate school or residential facility.

(20 U.S.C. 1416(a)(3)(A))

**Measurement**

- A. Percent =  $[(\# \text{ of children aged 3 through 5 with IEPs attending a regular early childhood program and receiving the majority of special education and related services in the regular early childhood program}) \div (\text{total } \# \text{ of children aged 3 through 5 with IEPs})] \times 100$ .
- B. Percent =  $[(\# \text{ of children aged 3 through 5 with IEPs attending a separate special education class, separate school or residential facility}) \div (\text{total } \# \text{ of children aged 3 through 5 with IEPs})] \times 100$ .

**Overview of Issue/Description of System or Process**

The ND Department of Public Instruction, NDDPI, is responsible for the administration of the early childhood special education programs (Part B, Section 619) for children aged 3-5. On December 1<sup>st</sup> of each year, the NDDPI collects preschool least restrictive environment (LRE) data for children aged 3–5 receiving special education services through the State Automated Reporting System, STARs. STARs is used to collect student data for reporting Section 618 Table 1, Child Count, Table 3, Educational Environments OSEP annually.

The STARs system is the statewide online system used to collect statistical information about all students in PK-12 schools. Data are submitted via the internet through individual student data records, with each record holding a unique student identifier number. This unique student identifier ensures collection of data without duplication errors in reporting. Additionally, the data system is designed to be a one-time collection point with numerous built in validation features which increase the overall accuracy of the data collected. In each school district, typically the superintendent identifies appropriate users allowing various levels of access to the system, including read, write, and submit privileges. To maintain strict confidentiality, district personnel do not have access to user names and passwords for the Special Education Membership Report. The Special Education Membership Report, containing data reported to OSEP, is completed by Special Education Unit Personnel.

**Baseline Data for FFY2011**

Table 6.1 documents the total number of children ages 3-5 by educational environmental codes. Table 6.2 provides a description of the baseline data for Indicators 6A and 6B including the total number of children ages 3–5 reported on the December 1, 2011 Child Count.

Table 6.1

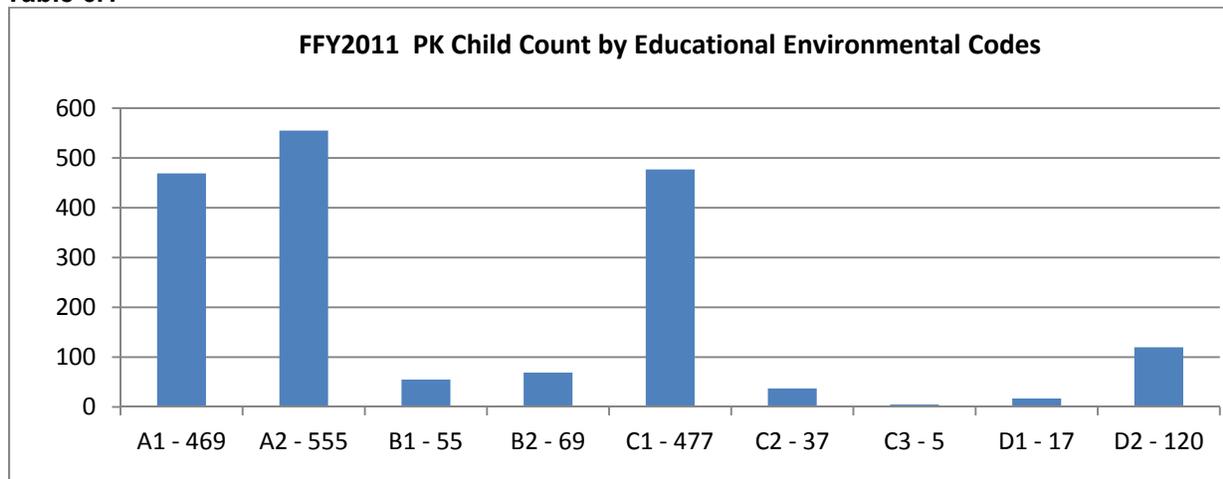


Table 6.2 FFY 2011 Baseline Data

FFY2011 Data Summary	Indicator 6 Baseline Data	
	6A	6B
Number of children	524	519
Percentage of children	29.05	28.77
Number of children aged 3–5 reported for 12/1/11 Child Count	1804	

**Discussion of Baseline Data for FFY2011**

The baseline data shows that 29.05% of children aged 3–5 are attending a regular early childhood program and receiving the majority of their special education and related services in the regular early childhood or kindergarten program. 28.77% are attending a separate special education class, separate school or residential facility.

NDDPI completed several steps to achieve quality baseline data statewide. To assure consistent use of the PK educational environment codes, NDDPI provided trainings and technical assistance documents when the revised PK educational environment codes were introduced in 2010. The PowerPoint and training documents used during these trainings can be found at: <http://www.dpi.state.nd.us/speced/early/index.shtm> In addition, the ND Section 619 Coordinator collaborated with NECTAC to develop the Decision Tree for Coding Educational Environments found at <http://www.dpi.state.nd.us/speced/early/settingsdecisiontree.pdf>

To develop an overall picture of the PK LRE data and determine possible data patterns, the NDDPI Data Manager and Section 619 Coordinator reviewed a comparison of FFY2010 and FFY2011 statewide and district wide PK LRE data by disability category, race, and age. In addition, Table 6.3 provides a comparison of baseline data which included all 3-5 year olds reporting on the December 1, 2011 child count compared to baseline data of the same group excluding all five year old children who are in kindergarten and 1<sup>st</sup> grade settings. Each comparison provided valuable input in the determination of data patterns for individual SEUs and in the development of improvement activities for this Indicator.

Table 6.3

	PK/K/1 <sup>st</sup> Grade (1804) Baseline Data	PK only (1380) Baseline Data
Measurement A	29.05%	24.64%
Measurement B	28.77%	34.35%

**Stakeholder Input**

To receive input regarding the FFY2011 baseline data and FFY2012 targets, NDDPI presented Indicator 6 statewide data to several stakeholder groups. These groups included the: ND Special Education Unit Directors and Early Childhood Special Education Coordinators; ND State IDEA Advisory Committee; NDDPI Office of Special Education staff; and ND Early Childhood Special Education Advisory Committee. In addition to input from the groups mentioned above, the ND Section 619 Coordinator and Data Manager have attended national phone calls and meetings focused on Indicator 6. Stakeholder input regarding Indicator 6 target setting and improvement activities are embedded within the information presented in the description of proposed targets and improvement activities listed below.

**Proposed Targets/Improvement Activities/Timelines/Resources for FFY2012**

Targets were set based on the analysis of the FFY2011 baseline data and input from stakeholder groups. NDDPI has determined to set the FFY2012 target for Measurement 6A a half point higher from the current FFY2011 Measurement 6A baseline data. The FFY2012 target for Measurement 6B will be set a half point lower from the current FFY2011 Measurement 6B baseline data.

**Table 6.4** Proposed FFY 2012 Targets

	Measurements and Targets	
	6A	6B
<b>FFY2012</b>	29.55%	28.27%

**Table 6.5** Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
Provide baseline PK LRE child count data to special education units	FFY2012	NDDPI Staff	New
Complete compliance and focused monitoring activities which include PK LRE requirements	FFY2012	NDDPI Staff	Ongoing
Complete statewide and district wide analysis of preschool LRE data to determine patterns and technical assistance needs	FFY2012	NDDPI staff	New
Provide information and professional development activities for LEAs regarding district preschool LRE data collection, analysis and reporting needs	FFY2012	NDDPI Staff	New
Develop and distribute LRE Policy Paper	FFY2012	NDDPI Staff	New

## Indicator 7

**Overview of the State Performance Plan Development:**

See Introduction for complete overview and stakeholder input.

<b>Monitoring Priority: FAPE in the LRE</b>
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**Indicator 7:** Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved:

- A. Positive social-emotional skills (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.

(20 U.S.C. 1416 (a)(3)(A))

**Measurement:**

Outcomes:

- A. Positive social-emotional skills (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.

Progress categories for A, B and C:

- a. Percent of preschool children who did not improve functioning = [(# of preschool children who did not improve functioning) divided by (# of preschool children with IEPs assessed)] times 100.
- b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = [(# of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.
- c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it = [(# of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it) divided by (# of preschool children with IEPs assessed)] times 100.
- d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers = [(# of preschool children who improved functioning to reach a level comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.
- e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers = [(# of preschool children who maintained functioning at a level comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.

**Summary Statements for Each of the Three Outcomes (use for FFY 2008-2009 reporting):**

**Summary Statement 1:** Of those preschool children who entered the preschool program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.

**Measurement for Summary Statement 1:**

Percent = # of preschool children reported in progress category (c) plus # of preschool children reported in category (d) divided by [# of preschool children reported in progress category (a) plus # of preschool children reported in progress category (b) plus # of preschool children reported in progress category (c) plus # of preschool children reported in progress category (d)] times 100.

**Summary Statement 2:** The percent of preschool children who were functioning within age expectations in each Outcome by the time they turned 6 years of age or exited the program.

**Measurement for Summary Statement 2:** Percent = # of preschool children reported in progress category (d) plus [# of preschool children reported in progress category (e) divided by the total # of preschool children reported in progress categories (a) + (b) + (c) + (d) + (e)] times 100.

**Overview of Issue/Description of System or Process****ND Early Childhood Outcomes Process**

NDDPI completed the piloting of the ND Early Childhood Outcomes (ND ECO) Process June 30, 2008. The results from the two-year pilot resulted in improved procedures, forms, and process. Piloting the ND ECO Process has allowed ND to develop forms and procedures that assured a successful process including accurate data collection when it was implemented statewide on July 1, 2008.

The ND ECO Process is completed in conjunction with three other processes: the ND Early Childhood Transition Process, the ND Evaluation Process, and the ND Individualized Education Program (IEP) Planning Process. Additional guidance for these processes can be found at:

<http://www.dpi.state.nd.us/speced/index.shtm>

**ND Early Childhood Outcomes Process**

The following provides a brief description of the updated ND ECO Process. The child's team follows these steps:

1. When a child enters into early childhood special education services, discuss the ND ECO Process with parents and professionals. The North Dakota Early Childhood Outcomes Project Brochure provides general information that will assist in this discussion. Entry into Part B early childhood special education services may occur when a child: 1) is newly identified as eligible for Part B; 2) transitions from Part C to Part B; 3) enters a ND ECSE program from another state; or 4) reenters a program after an exit rating was completed.
2. As part of the process to gather information needed to determine the child's outcome ratings, determine and administer the most appropriate Anchor Tool. The process that this step will be incorporated into will depend on the child, e.g., if the child is transitioning from Part C services, determination of the Anchor Tool may be part of the early childhood transition process; for children newly identified as eligible for Part B services, this step in the process may be part of the ND Evaluation Process. If an Anchor Tool has been administered recently to the child, the results of this assessment may be used to complete the ND Child Outcomes Summary Form (ND COSF).
3. As part of the IEP process, the team should discuss the three child outcomes areas and the ND COSF rating score that most closely matches to the child's performance using the Anchor Tool scores and other valuable information from IEP Team Members.
4. Complete the ND COSF by selecting the appropriate ratings that characterize the child's skills and behaviors in each outcome area and provide evidence to support these ratings. Entry ratings can be determined up to 60 days upon entrance to early childhood special education services.
5. Submit a copy of the completed ND COSF to the person in the district or special education unit who is designated to compile and report the data to the state.
6. The ND ECO Process must also be completed when a child exits early childhood special education services if they have been receiving services for at least 6 months. Following the ND ECO Process, exit and progress ratings should be determined during the time period right before the child leaves early childhood special education services or by the time the child turns 6 years of age.

**ND Early Childhood Outcomes Process Guide**

The ND ECO Process Guide was developed to provide an understanding of the components of the ND ECO Process for professionals responsible for the implementation of the ND ECO Process within each local school district. The Guide includes the history of the development of the early childhood outcomes process at the federal and state level and a description of several components of the ND ECO Process. This Guideline was updated August 2008. The ND Section 619 Coordinator presented on this Guideline during the August 2008 National Early Childhood Outcome Conference. The ND ECO Process Guide is located at: [http://www.dpi.state.nd.us/speced/early/outcomes\\_process\\_guide.pdf](http://www.dpi.state.nd.us/speced/early/outcomes_process_guide.pdf)

**ND Early Childhood Outcomes Process Statewide Training and Technical Assistance**

A description and visual depiction of training and technical assistance activities relating to the implementation and planned follow up activities relating to the implementation of the ND ECO Process is

located in the Technical Assistance Activities Section and Improvement Activities/Timelines/Resources table (Table 7.5).

### **Measurement Strategies**

Preschool children included in the ND ECO Process are children ages three through five years of age who receive early childhood special education services for at least six months. If a child enters preschool services and will not be receiving preschool services for longer than 6 month then the district will not complete entry or exit scores for the child.

Entry data must be collected when a child enters Part B early childhood special education services. Entry into Part B early childhood special education services may occur when a child: 1) is newly identified as eligible for Part B; 2) transitions from Part C to Part B; 3) enters a ND ECSE program from another state; or 4) reenters a program after an exit rating was completed. Entry data can be determined up to 60 days upon entrance to early childhood special education services.

The ND ECO Process must also be completed when a child exits preschool services and they have attended at least 6 months. Exit data should be gathered during the time period right before the child leaves the early childhood special education services or by the time the child turns 6 years of age.

### **Assessment Measures – Anchor Tools**

A key step within the ND ECO Process is the administration of a state approved Anchor Tool. Anchor Tools are assessment measures that have been determined to be appropriate for measuring the progress of young children, ages 3 through 5, with disabilities. Administration of the Anchor Tool must be completed by qualified individuals as specified by each assessment measure. Information gathered from the Anchor Tool along with other valuable information from IEP team members provides the information needed to determine the extent to which the child displays behaviors and skills expected for his or her age related to each outcome area.

The criteria that were used in the review of the current Anchor Tools were selected by the ND ECO Committee through strategic planning. Criteria that are considered essential to assure integrity of the process were included in the review criteria. These criteria are also used as part of a formal review process for consideration of recommended Anchor Tools. The criteria consist of:

1. How well does the instrument address each of the three outcome areas including a) Positive social/emotional skills including social relationships, b) Acquiring and using knowledge and skills, and c) Use of appropriate behavior to meet needs?
2. Are the items, activities and materials culturally appropriate for the different populations served?
3. Is the instrument appropriate for children with disabilities?
4. Who is intended to administer the instrument? Do we have the qualified personnel or the capacity to train personnel?
5. Are there clear guides/instructions for how to adapt with diverse populations?
6. Do we have information on reliability and validity?
7. To what extent is the instrument being used in the state?

The current list of Anchor Tools includes:

1. Brigance Inventory of Early Development - II
2. Assessment, Evaluation, and Programming Systems for Infants and Children (AEPS), Second Edition
3. Hawaii Early Learning Profile for Preschoolers– HELP
4. Battelle Developmental Inventory – Second Edition
5. Developmental Assessment of Young Children (DAY-C)
6. Carolina Curriculum for Preschoolers with Special Needs
7. Psychoeducational Profile – Third Edition

Screening tools for children with articulation and/or phonological impairments to be completed with a comprehensive communication assessment include:

1. Battelle Developmental Inventory – Second Edition Screening Test
2. Brigance Inventory for Early Development – Screen II
3. Developmental Indicators for the Assessment of Learning (DIAL-3)

### **Method to Summarize the Data**

As part of the ND ECO Process, NDDPI has adapted a version of the Early Childhood Outcomes Center Child Outcomes Summary Form (COSF) to collect data on this indicator. The criteria for determining “comparable to same aged peers” has been defined as a child whose functioning has been rated as a 6 or 7 on the COSF.

To complete the ND COSF, the child’s team discusses the three child outcomes areas and the COSF rating score that most closely matches to the child’s performance using the Anchor Tool scores and other valuable information from IEP team members. The team then completes the ND Child Outcomes Summary Form by selecting the appropriate ratings that characterize the child’s skills and behaviors in each outcome area and provide evidence to support these ratings. The child’s IEP case manager then submits a copy of the completed ND Child Outcomes Summary Form to the person in their district or special education unit designated to compile and report the data to the state.

Since the implementation of the pilot ND ECO Process, May 2006, the special education units participating in the pilot project have submitted unit data using the Early Childhood Outcomes Center spreadsheet found at: [http://www.fpg.unc.edu/~eco/pdfs/COSF\\_to\\_OSEP\\_Calculator\\_Analytic.xls](http://www.fpg.unc.edu/~eco/pdfs/COSF_to_OSEP_Calculator_Analytic.xls). The special education unit designee submits a compilation of this information to the NDDPI for each July 1 through June 30 time period. The NDDPI uses the *COSF to OSEP Calculator* found at the ECO Center website listed above to determine the required OSEP reporting categories.

During the 2007-08 school year, NDDPI piloted the TIENET Database. The statewide system was implemented in all schools by the start of the 2008-09 school year. Embedded within this system is the ND Child Outcomes Summary Form. Data gathered from the web-based form is used to determine the required OSEP reporting categories. During the FFY 2009, Indicator 7 data will be gathered through questions embedded in the ND Child Outcome Summary Form located on the web-based system. As done for several years, LEAs will continue to collect Indicator 7 data through the electronic spreadsheet. Comparison and revisions will be made with the goal of collecting and monitoring all Indicator 7 data through TIENET. This system will be used for the purposes of monitoring at local and statewide levels.

### *Progress Data*

Table 7.1 shows the progress data for children who had both entry and exit data and had participated in the early childhood special education services for at least 6 months during the FFY2008 data collection time period. Progress data was available for 155 students from the ND Special Education Units. NDDPI used the Early Childhood Outcomes Calculators to calculate the child outcome summary form reporting category percentage and the summary statement percentages.

**Table 7.1** Percent of Children in Each Reporting Category

Reporting Category	Outcome 1		Outcome 2		Outcome 3	
	Number	Percentage	Number	Percentage	Number	Percentage
a: Children who did not improve functioning	0	0.0%	0	0.0%	0	0.0%
b: Children who improved functioning but not sufficient to move nearer to functioning comparable to same age peers	18	11.6%	19	12.3%	17	11.0%
c: Children who improved functioning to a level nearer to same-aged peers but did not reach it	29	18.7%	44	28.4%	20	12.9%
d: Children who improved functioning to reach a level comparable to same-aged peers	62	40.0%	56	36.1%	50	32.3%
e: Children who maintained functioning at a level comparable to same-aged peers	46	29.7%	36	23.2%	68	43.9%
Total	155	100%	155	100%	155	100%

**Table 7.2** Include the baseline data summary statements for FFY2008

Summary Statements	% of children
<b>Outcome A: Positive social-emotional skills (including social relationships)</b>	
1. Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program	83.5%
2. The percent of children who were functioning within age expectations in Outcome A by the time they turned 6 years of age or exited the program	69.7%
<b>Outcome B: Acquisition and use of knowledge and skills (including early language/communication and early literacy)</b>	
1. Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program	84.0%
2. The percent of children who were functioning within age expectations in Outcome B by the time they turned 6 years of age or exited the program	59.4%
<b>Outcome C: Use of appropriate behaviors to meet their needs</b>	
1. Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program	80.5%
2. The percent of children who were functioning within age expectations in Outcome C by the time they turned 6 years of age or exited the program	76.1%

**Discussion of Baseline Data**

The NDDPI collected entry and exit/progress data on all children entering Part B services from Special Education Units (SEU). The ND ECO Pilot Project began May 15, 2006 and went through June 30, 2008. The following eight SEUs participated in the ND ECO Pilot Project: Peace Garden, Northern Plains, Bismarck, Emmons County, Dickinson, Souris Valley, Morton/Sioux and Lake Region. These SEUs provided a representative sample of the population in ND including rural, urban and different ethnic backgrounds. Of the 155 reported entry/exit/progress ratings for FFY2008, 122 (79%) were reported from the Special Education Units involved in the ND ECO Pilot Project.

On July 1, 2008 the ND ECO Process was implemented statewide. The remaining 23 Special Education Units joined the eight ND ECO Pilot Project Special Education Units in collecting entry/exit/progress ratings. As noted in Table 7.3 below, 11 of the 23 Units had entry data but no exit/progress data and the remaining 12 Units submitted several entry data but limited entry/exit/progress data.

**Table 7.3** Entry, Exit, and Progress Data

Number of Special Education Units	Total Entry/Exit/Progress Ratings Submitted by each Unit	Total Ratings
1 Unit	38	38
1 Unit	25	25
1 Unit	23	23
1 Unit	17	17
1 Unit	9	9
1 Unit	6	6
3 Units	5	15 (3 Units x 5)
1 Units	4	4
3 Units	3	9 (3 Units x 3)
2 Units	2	4 (2 Units x 2)
5 Units	1	5 (5 Units x 1)
11 Units	0	0
Total Units = 31		Total Ratings = 155

**Table 7.4** Targets for FFY2009 and FFY2010

Summary Statements	Targets FFY2009 (% of children)	Targets FFY2010 (% of children)
<b>Outcome A: Positive social-emotional skills (including social relationships)</b>		
1. Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program	83.5%	84%
2. The percent of children who were functioning within age expectations in Outcome A by the time they exited the program	69.7%	70.2%
<b>Outcome B: Acquisition and use of knowledge and skills (including early language/communication and early literacy)</b>		
1. Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they exited the program	84.0%	84.5%
2. The percent of children who were functioning within age expectations in Outcome B by the time they exited the program	59.4%	59.9%
<b>Outcome C: Use of appropriate behaviors to meet their needs</b>		
1. Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they exited the program	80.5%	81%
2. The percent of children who were functioning within age expectations in Outcome C by the time they exited the program	76.1%	76.6%

*Analyses of progress data and baseline data*

NDDPI completed several steps to assure quality progress and base line data. Since the implementation of the pilot ND ECO Process, May 2006, the special education units participating in the pilot project have submitted unit data using the Early Childhood Outcomes Center spreadsheet. Beginning July 1, 2008 all special education units (31 units) began implementing the ND ECO Process. All ND special education unit designee submitted unit data to NDDPI for the July 1 through June 30 time period. NDDPI reviewed the data and compared current data to past data submission to assure accuracy in reporting and ratings. If questions arose, NDDPI staff members contacted the appropriate unit personnel for clarification. The NDDPI then used the *COSF to OSEP Calculator* found at the ECO Center website to determine the required OSEP reporting categories and baseline summary statements.

As noted in Table 7.3, the Special Education Units that were members of the ND ECO Pilot Project submitted 79% of the data. Several representatives from these Units are also members of the ND ECO Committee. During the fall 2009 ND ECO Committee meeting, members received a copy of their Unit data submitted for FFY2008; the Units overall averages for each outcome area; and the summary statements for their Unit's data. Each Committee member reviewed these data and reported that the data was accurate. The Committee then reviewed the data for possible patterns and/or data that may skew the final baseline summary statements (outliers).

*Stakeholder Input*

To receive input regarding the FFY2008 Progress Data and Baseline Summary Statements, NDDPI presented ND ECO data to several stakeholder groups. These groups included: NECTAC staff; ND Directors of Special Education; IDEA and ICC statewide Advisory Committees; NDDPI Office of Special Education staff; ND ECO Committee; and early childhood special education professionals throughout ND through a statewide Interactive Video Network (IVN) call.

In addition to input from the groups mentioned above, the ND Section 619 Coordinator attended the ECO Center/NECTAC national outcomes conference in August 2008. She also attended the June 2009 conference along with a team from the ND ECO Committee. The ECO Center and NECTAC also provided several valuable national phone calls relating to analyzing outcomes data and setting targets. NECTAC staff provided exceptional guidance to the ND ECO Committee members and ND Section 619 Coordinator.

Through input from the stakeholder groups, NDDPI determined to set the FFY2010 target at the current baseline and to set the FFY2011 target a half point higher. It was also recommended to revisit the established baselines and targets when NDDPI has received the statewide FFY 2009 outcome data. As stated above, 79% of the FFY2008 data was submitted by Units involved in the ND ECO Pilot Project. Because the ND ECO Process went statewide on July 1, 2008, the FFY2009 data will include entry/exit/data from all 31 Special Education Units. In addition, input from the stakeholder groups encouraged future review of the state outcomes data to establish patterns relating to areas such as: 1) the comparison of progress ratings for children with a speech language disability with other disability categories; 2) statewide review of Part B eligibility throughout the state; and 3) the comparison of children in the non categorical delay (NCD) category with other disability categories.

**Improvement Activities/Timelines/Resources:**

The following activities are also found on the Improvement Activities/Timelines/Resources Table (Table 7.5).

**2007-08 Technical Assistance Activities**

During the FFY2007, NDDPI completed several training activities to provide technical assistance for professionals responsible for the implementation of the ND ECO Process before it went statewide July 1, 2008.

***Early Childhood Special Education Update***

In December 2007, NDDPI created and disseminated the second edition of the *Early Childhood Special Education Update* (Appendix C). This edition focused on the *ND Early Childhood Outcomes Process*. The Update was e-mailed to all Special Education Units in ND and Early Childhood Special Education Coordinators. It was also sent to professionals providing early childhood special education in ND.

***ND Early Childhood Outcomes Process Guide and Training***

In January 2008, the ND ECO Process Guide was completed. The Guide was developed to provide an understanding of the components of the ND ECO Process for professionals responsible for the implementation of the ND ECO Process within each local school district. The Guide includes the history of the development of the early childhood outcomes process at the federal and state level and a description of several components of the ND ECO Process. The ND ECO Process Guide is located at: [http://www.dpi.state.nd.us/speced/early/outcomes\\_process\\_guide.pdf](http://www.dpi.state.nd.us/speced/early/outcomes_process_guide.pdf) Trainings focused on the ND ECO Process Guide were presented through three successive one-hour sessions on the ND Interactive Video Network (IVN). Following each IVN training NDDPI made available the Power Point presentations on the NDDPI website listed above. Participants were encouraged to use the Power Point presentations for individuals who were not able to attend the IVN trainings and for future professional development opportunities.

***ND Child Outcomes Summary Form Trainings***

During February and March 2008, NDDPI and the National Early Childhood Technical Assistance Center (NECTAC), completed statewide trainings relating to the ND Child Outcomes Summary Form, COSF (Appendix D). The purposes of the trainings were that participants would: 1) understand the purposes and how to use the ND COSF, 2) practice using the COSF to ensure a common understanding of the 7-point rating scale, and 3) determine next steps for collecting and reporting child outcomes data. Two training options were made available for professionals to receive training relating to the implementation of the ND COSF. Option 1 was provided through three statewide one-day trainings for professionals who have the responsibility to complete the COSF as part of a preschool child's IEP. Option 2 was an alternative to the one-day trainings, with NECTAC staff conducting a similar COSF training as the one day training mentioned above by instead using a conference call format. These calls were conducted in a series of three phone calls with participants using a toll free number.

**2008-09 Technical Assistance Activities*****Survey***

In September 2008, NDDPI sent a survey to professionals who have the responsibility of implementing the ND ECO Process in their Special Education Unit. This survey asked: 1) What do you feel are the major issues/challenges relating to the ND Early Childhood Outcomes Process? 2) What questions does your Unit have relating to the ND Early Childhood Outcomes Process? and 3) Do you have suggestions for technical assistance relating the ND Early Childhood Outcomes Process? The results of the survey along with the Unit Plans completed during the May Conference and May Conference Evaluations assisted in planning technical assistance activities relating to the ND ECO Process.

***Interactive Video Network (IVN) Meeting(s)***

In November 2008, NDDPI hosted a statewide IVN meeting for administrators and early childhood professionals to address current questions and issues relating to the ND ECO Process. It is vital to the success of the ND ECO Process to have continual communication with the professionals implementing the process.

***ND ECO Committee Meetings and Conference Calls***

The ND ECO Committee continued to meet to assist NDDPI in the successful implementation of the ND ECO Process and the development of technical assistance documents and activities.

In January 2009, the ND ECO Committee participated in two Web Ex online conferencing system meetings hosted by NECTAC. Using their Units entry and exit/progress data from the past two years of piloting, the participants analyzed their data to make data-driven decisions for program improvement.

The trainings focused on the evidence, making inferences based on the evidence, and determining actions based on the inferences.

### ***Statewide ND COSF Quality Assurance Trainings***

In February 2009, NDDPI and NECTAC hosted two 1½ day trainings in Grand Forks, ND and Bismarck, ND. These trainings were for professionals responsible for assuring the quality of the ND COSF data. The trainings focused on areas such as: 1) strategies that can be implemented before, during and after the ND ECO Process to ensure quality data; 2) discussions focusing on the factors relating to quality data; and 3) activities involving team discussions during the ND ECO Process and family involvement in the ND ECO Process.

### ***Indicator 7 Talking Points***

During FFY2011, NDDDI included district Indicator 7 Early Childhood Outcome Summary Statements results as part of the ND District Report Cards for FFY2009. To assist in the understanding of these data, NDDPI developed a document *Indicator 7 Talking Point*. This document included a series of 11 questions which provided the reader with a sequential explanation of the Summary Statement data (Appendix E).

### ***Data Comparison Report***

For FFY2010, NDDPI used the SEU data submitted through the TIENET database to calculate the child outcome summary form (COSF) reporting category percentages and the summary statement percentages. In addition, as was done for several years, SEUs continued to collect Indicator 7 data through an electronic spreadsheet. During the collection period (July 1 - June 30), local special education unit administrators contacted NDDPI staff members to discuss questions they had based on individual cases. Once the data were submitted (June 30) they were reviewed by NDDPI staff.

To assure consistent high-quality data, NDDPI staff members completed an Indicator 7 Data Comparison Report (See Appendix F) for each SEU. Each report included the following components:

1. *Comparison of TIENET Indicator 7 report and SEUs spreadsheet.* This was completed as a cross check of the children entered in each data gathering system. NDDPI compared each child listed on the SEUs Indicator 7 TIENET report to the SEUs Indicator 7 spreadsheet. Further information needed was included on the SEUs Data Comparison Report.
2. *Preschool children with an initial IEP without a COSF and/or entry ratings.* This was completed to assure that children who are/were between 3-6 years of age and who had an initial IEP completed during this data year had a COSF completed with entry ratings. NDDPI staff members completing a data review through the state data system, STARS, of children fitting the above criteria and did not have a COSF. NDDPI reviewed each of these students in the TIENET database. Further information needed was included on the SEUs Data Comparison Report.
3. *Preschool children exiting preschool services without COSF and/or exit-progress ratings.* This was completed as an initial check that all preschool children had a completed COSF when they exited preschool services. NDDPI completing a data review through the state data system, STARS, of all children who exited into kindergarten without a completed COSF during the FFY2010 data period. NDDPI reviewed each of these students in the TIENET database. Further information needed was included on the SEUs Data Comparison Report.

Areas needing clarifications were added to the Data Comparison Report and the SEUs were given two weeks to respond. Through this system of data sharing, NDDPI collected the necessary data and calculated the percentage of preschool children aged 3 through 5 with IEPs who demonstrate improved: positive social-emotional skills (including social relationships); acquisition and use of knowledge and skills (including early language/ communication and early literacy); and use of appropriate behaviors to meet their needs.

Updates and revisions regarding the appropriate completion of Indicator 7 components within the TIENET database forms will be provided through meetings with special education unit directors and early childhood special educators throughout each data year. In addition, NDDPI will meet with individual SEUs to determine the cause for possible data patterns and to assure continuation of data accuracy.

**Revisions to Proposed Targets**

The ND Early Childhood Outcomes (ECO) Pilot Project began May 15, 2006 and went through June 30, 2008. Eight of the 31 ND SEUs participated in the original ND ECO Pilot Project. These SEUs provided a representative sample of the population in ND including rural, urban and different ethnic backgrounds.

On July 1, 2008 the ND ECO Process was implemented statewide. The remaining 23 SEUs joined the ND ECO Pilot Project SEUs in collecting entry/exit/progress ratings. For FFY2008, 11 of the 23 SEUs had entry ratings but no exit/progress ratings yet and the remaining 12 SEUs submitted several entry ratings but limited exit/progress ratings. Of the 155 reported entry/exit/progress ratings, 122 (79%) were reported from the SEUs involved in the ND ECO Pilot Project.

FFY2009 Progress Data represents the second year that the ND ECO Process has been implemented statewide. 27 of the 31 SEUs reported 381 entry/exit/progress ratings which provide a broader representation of state Progress Data. Table 7.3 provides a comparison between the FFY2008 and FFY2009 Progress Data. This comparison supports the following facts:

- ✓ There is an increase in SEUs reporting entry/exit/progress ratings, i.e. 11 SEUs did not have entry/exit/progress ratings to report in FFY 2008 as compared to 4 SEUs in FFY2009.
- ✓ There is an increase in the number of entry/exit/progress ratings reported per SEU, i.e. 6 SEUs reported over 6 entry/exit/progress ratings in FFY 2008 as compared to 15 SEUs reporting 6 or more entry/exit/progress ratings in FFY2009.

**Table 7.6** Range of Ratings Reported

Range of entry/exit/progress ratings reported	Number of SEUs Reporting		Total entry/exit/progress ratings	
	FFY2008	FFY2009	FFY2008	FFY2009
0	11	4	0	0
1 to 5	25	12	37	32
6-10	2	3	15	24
11 to 15	0	3	0	42
16 to 20	1	4	17	73
21 to 25	2	2	48	44
30 to 55	1	1	38	38
55 to 69	0	1	0	58
70	0	1	0	70
Total	31	31	155	381

Through NDDPI and stakeholder review of the FFY2008 and FFY2009 data, NDDPI has determined to maintain the FFY2008 baseline and FFY2009 targets as set through the FFY2009 SPP (Table 7.4). NDDPI will maintain the FFY2009 targets for the FFY2010, 2011 and 2012 data years. NDDPI will set the FFY 2013 targets a half point higher. During the FFY2010, 2011 and 2012, a steady increase of entry/exit/progress ratings is expected as the ND ECO Process continues to be implemented statewide, leading to an approximate 550 entry/exit/progress ratings per data year as determined by the FFY2009 3-5 year old child count. This increase will provide a more comprehensive picture which will assist in determining statewide and district data patterns.

**Table 7.7** Targets for Preschool Children Exiting in FFY2009 and FFY2010 and Reported in Feb 2011, 2012, and 2013

Summary Statements	Targets FFY2009 (% of children)	Targets FFY2010 (% of children)	Targets FFY2011 (% of children)	Targets FFY2012 (% of children)	Targets FFY2013 (% of children)
<b>Outcome A: Positive social-emotional skills (including social relationships)</b>					
Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program	83.5%	83.5%	83.5%	83.5%	84%
The percent of children who were functioning within age expectations in Outcome A by the time they exited the program	69.7%	69.7%	69.7%	69.7%	70.2%
<b>Outcome B: Acquisition and use of knowledge and skills (including early language/communication and early literacy)</b>					
1 Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they exited the program	84.0%	84.0%	84.0%	84.0%	84.5%
2. The percent of children who were functioning within age expectations in Outcome B by the time they exited the program	59.4%	59.4%	59.4%	59.4%	59.9%
<b>Outcome C: Use of appropriate behaviors to meet their needs</b>					
1 Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they exited the program	80.5%	80.5%	80.5%	80.5%	81%
2. The percent of children who were functioning within age expectations in Outcome C by the time they exited the program	76.1%	76.1%	76.1%	76.1%	76.6%

**Table 7.5** Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
Pilot Project Sites collect Entry Data	May 2006 - December 2006	NDDPI and NDECO Pilot Project Sites	Completed and ongoing
Pilot Project Sites meet with NDDPI to review Pilot Project Process and determine training needs	Fall 2006 and Winter 2007	NDDPI , NDECO Pilot Project Sites, and NECTAC	Completed
Participate in a national group for the development of training materials	Winter 2006	NDDPI and ECO	Ongoing

Establish and implement NDECO pilot process for Articulation only students	Fall 2006 to June 30, 2008-	NDDPI, Pilot Project members and SLPs	Completed
The NDDPI recruits additional sites for Phase I of the statewide NDECO Project	During Winter 2007	NDDPI	Completed
ND Pilot Sites collect entry and exit data	Starting January 2007	NDDPI and NDECO Pilot Project sites	Completed and Ongoing
Training of sites for Phase one of the statewide NDECO Project	May 2007	NDDPI , NDECO Pilot Project Sites, and NECTAC	Completed
Phase I sites begin collecting entry data –	July – Dec. 2007	NDDPI and Phase I sites	Completed and Ongoing
Pilot Sites and Phase I sites collect entry and exit data	Jan- June 2008	NDDPI, Pilot Project Sites, Phase I sites	Completed and Ongoing
Establish and complete statewide training Update: <ul style="list-style-type: none"> <li>Develop ND ECO Process Guide</li> <li>Provide training on Guide via Interactive Video Network statewide and on NDDPI Website</li> <li>COSF training in three sites by NECTAC and 1-800 training over three sessions</li> <li>Statewide conference in for ECSE professionals</li> </ul>	Jan-June 2008 Nov. 2007 Jan. Feb. March 2008 Feb. 2008 March 2008 May 2008	NDDPI, Pilot Project Sites, Phase I sites  Special Education professionals; ECSE Professionals; and SLP working with early childhood special education	Completed Completed Completed Completed
Implement ND ECO statewide	July 1, 2008	NDDPI and all sites	Completed
Follow up training relating to statewide implementation of the ND ECO Process <ul style="list-style-type: none"> <li>Statewide survey to all special education units, re: ND ECO Process questions, TA needs, issues</li> </ul>	Sept/Oct. 2008	NDDPI	Completed
<ul style="list-style-type: none"> <li>Follow up to ND ECO survey issues and questions via Interactive Video Network statewide</li> <li>ND ECO Committee Phone Conferences</li> <li>Statewide Quality Assurance trainings</li> </ul>	Nov. 2008  Jan. 2009  Feb.2009	NDDPI and ND ECO Committee  NDDPI  NDDPI and National Early Childhood Technical Assistance Center(NECTAC)	Completed  Completed
Data gathered from the Statewide TIENET Database form will be used to determine the required OSEP reporting categories. This system will be used for the purposes of monitoring at local and state levels.	FFY2008	NDDPI staff	Ongoing
Develop and provide training relating to determine statewide technical assistance needs	July 2009 to Summer 2010	NDDPI Staff, ND ECO Committee Members	Ongoing
Develop and implement a ND COSF Quality Assurance Checklist	July 2009 to Summer 2010	NDDPI Staff, ND ECO Committee Members	Ongoing
Assure the checklist is in place and enhance technical assistance to meet statewide needs.	FFY2009 FFY2010	NDDPI Staff, ND ECO Committee Members	Ongoing
Update and distribute ND Early Childhood Outcome Binder	FFY2010	NDDPI Staff	Ongoing

Develop Age Expectation Developmental Milestones and distribute statewide	FFY2009 FFY 2010	NDDPI Staff, ND ECO Committee Members	Ongoing
ND ECO Process Training Component for Preservice programs	FFY2010	NDDPI	Ongoing
ND ECO Training Components for NDDPI Early Childhood Special Education Website	FFY2010	NDDPI	Ongoing
Indicator 7 <i>Talking Points</i> document	FFY 2010	NDDPI Staff	Completed and Ongoing
Early Childhood Special Education May Institute	FFY2010	NDDPI Staff	Completed
Early Childhood Outcomes Professional Development Resource Binder	FFY2010	NDDPI Staff	Completed

Note: All “continuous” or “ongoing” activities will continue until or beyond 2013, as needed.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2011:**

Through NDDPI and stakeholder review of the FFY2008 and FFY 2009 data, NDDPI has determined to maintain the FFY2008 baseline and FFY2009 targets as set through the FFY2009 SPP (Table 7.4). NDDPI will maintain the FFY2009 targets for the FFY2010, 2011 and 2012 data years. NDDPI will set the FFY2013 targets a half point higher. During the FFY2010, 2011 and 2012, there will be a steady increase of entry/exit/progress ratings as the ND ECO Process continues to be implemented statewide, leading to an approximate 550 entry/exit/progress ratings per data year as determined by the FFY2009 3-5 year old child count. This increase will provide a more comprehensive picture which will assist in determining statewide and district data patterns. This had previously not been listed in the State Performance Plan.

Targets for Preschool Children Exiting in FFY2009 and FFY2010 and Reported in Feb 2011, 2012, and 2013

Summary Statements	Targets FFY2009 (% of children)	Targets FFY2010 (% of children)	Targets FFY2011 (% of children)	Targets FFY2012 (% of children)	Targets FFY2013 (% of children)
<b>Outcome A: Positive social-emotional skills (including social relationships)</b>					
Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program	83.5%	83.5%	83.5%	83.5%	84%
The percent of children who were functioning within age expectations in Outcome A by the time they exited the program	69.7%	69.7%	69.7%	69.7%	70.2%
<b>Outcome B: Acquisition and use of knowledge and skills (including early language/communication and early literacy)</b>					
1 Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they exited the program	84.0%	84.0%	84.0%	84.0%	84.5%

2. The percent of children who were functioning within age expectations in Outcome B by the time they exited the program	59.4%	59.4%	59.4%	59.4%	59.9%
<b>Outcome C: Use of appropriate behaviors to meet their needs</b>					
1 Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they exited the program	80.5%	80.5%	80.5%	80.5%	81%
2. The percent of children who were functioning within age expectations in Outcome C by the time they exited the program	76.1%	76.1%	76.1%	76.1%	76.6%

Indicator 8

**Overview of the State Performance Plan Development:**

See Introduction for complete overview and stakeholder input.

**Monitoring Priority: FAPE in the LRE**

**Indicator 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. (20 U.S.C. 1416(a)(3)(A))

**Measurement:**

Percent = [(# of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities) divided by the (total # of respondent parents of children with disabilities)] times 100.

**Overview of Issue/Description of System or Process:**

**Table 8.1** Percent of Parents Who Report that the School Facilitated Their Involvement

	FFY2009
Total number of Parent respondents	2099
Number who reported school facilitated their involvement	1437
Percentage who reported school facilitated their involvement	68.5%

**This baseline (68.5%) will be used to set future targets.**

In FFY 2009, the survey was distributed to all parents of students with disabilities in the state. Of the 13,261 parents who received a survey, 2,099 returned it for a response rate of 15.8%. A copy of the survey is in Appendix G. The reason for developing a new survey is that the previous survey was not found to be useful to the districts. Furthermore, it was too long (two pages), the response rate had been consistently under 10%, and the survey consisted of items that did not measure “the school facilitating parent involvement.” A survey that consisted of 10 “parent involvement” items, three demographic items, and two open-ended items was developed with a stakeholder group.

To arrive at the percent of parents who report that the school facilitated their involvement, a “percent of maximum” score based on the 20 items in Section A of the survey was calculated for each respondent. A respondent who rated the school district a “5” (Strongly Agree) on each of the 20 items received a 100% score; a respondent who rated the preschool a “1” (Strongly Disagree) on each of the 20 items received a 0% score. A respondent who rated the school district a “4” (Agree) on each of the 20 items received a 75% score. A parent who has a percent of maximum score of 75% or above was identified as one who reported that the school facilitated his/her involvement. A 75% cut-score represents a parent who on average agrees with each of the ten items. (This cut-score was established with input from the stakeholder group.)

**Reliability and Validity**

The representativeness of the surveys was assessed by examining the demographic characteristics of the children of the parents who responded to the survey to the demographic characteristics of all special education students. This comparison indicates the results are representative (1) by geographic region where the child attends school; (2) by the race/ethnicity of the child; (3) by the grade level of the child; and (4) by the primary disability of the child. For example, 25% of the parents who returned a survey

indicated that their children's primary disability is a speech/language impairment, and 26% of special education students have a speech impairment; 36% of the parents who returned a survey indicated that their children's primary disability is a learning disability, and 32% of special education students have a learning disability. Parents of white students were slightly over-represented (92% of parent respondents indicated that their student is White, and 81% of special education students are White) and parents of Native American students were slightly under-represented (4% of parent respondents indicated that their student is Native American, and 12% of special education students are Native American). The NDDPI will follow-up with districts that are predominantly Native American to ensure that they are distributing and collecting the parent survey in 2010-11.

#### **Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2009:**

##### *Explanation of Progress:*

Since this is the first year of the new parent survey, progress data cannot be examined.

##### *Explanation of Improvement Activities:*

*APR/SPP Summary:* To assist NDDPI in communicating clearly, especially with parents of children and youth who have disabilities, the *Summary of the North Dakota Special Education Annual Performance Report FFY2010 and State Performance Plan FFY2005-2012* was created and submitted as an appendix in the first ND APR. This summary has been revised annually, sharing annual results with parents in a user-friendly document. This document was designed to inform parents and other interested individuals of the current and ongoing status of the ND indicator results. This summary has been distributed at conferences and meetings. It is also available to the public on the NDDPI website: <http://www.dpi.state.nd.us/speced/resource/parent/summary.pdf>. Not only has this document increased parent awareness and understanding of the APR, the Mountain Plains Regional Resource Center highlighted this document in other states as an effective method of ensuring that parents understand the purposes of the SPP and APR.

*Parent Involvement Workgroup:* The NDDPI has developed, with the assistance from the MPRRC, a Parent Involvement workgroup to discuss strategies that will increase parent involvement in ND schools. This workgroup includes a representative from the NDDPI Special Education and Title I offices, the ND Pathfinder Parent Center, the ND Family Voices, the ND Federation of Families, local district superintendent, Special Education Director, special educator, and parents. It is the intent of this workgroup to increase parent involvement with a focus on minority populations.

This workgroup met several times to review and revise the parent survey questions. A new survey was developed and distributed to parents in hardcopy format by mail. The results from this survey were originally reported in the APR submitted in 2011. The survey is located in Appendix G.

*Special Education – Title I Collaboration:* The NDDPI staff members continue to support and collaborate with statewide family organizations to increase knowledge and promote parent involvement. The NDDPI special education dispute resolution staff also continues to prepare and disseminate updated resources and provide trainings to parents regarding alternative dispute resolution processes, including IEP facilitation.

*Parent Involvement Technical Assistance:* NDDPI has established a new contract with an individual to offer technical assistance focused on increasing parent involvement in schools. This individual works with the LEAs by promoting the Special Education survey and assisting LEAs to increase parent and family involvement using strategies in the six areas of parenting, communicating, volunteering, learning at home, decision making, and collaborating with the community. This technical assistance contract is in the pilot stage. NDDPI will collect assistance requested, assistance received, and improvement data through quarterly reports.

*Special Education – Title I Collaboration:* NDDPI staff members continue to support and collaborate with statewide family organizations to increase knowledge and promote parent involvement. The new parent involvement contract is a joint effort between the NDDPI Title I and Special Education offices. Also, the NDDPI special education dispute resolution coordinator continues to prepare and disseminate updated resources and provide trainings to parents regarding alternative dispute resolution processes, including IEP facilitation.

*Web-based Parent Involvement Survey (Appendix G):* North Dakota originally collected parent involvement data through a web-based survey. It was decided in 2009 to move that survey to a paper format which was mailed to every parent with a child with a disability. This mail-out survey was intended to increase awareness of the survey itself. Beginning January 2012, the survey will be again offered through the online format. Parents will be informed of this format through various forms of communication.

**Discussion of Baseline Data:**

Baseline for the school year 2005 - 2006 was 92.8% based on a previous survey and different calculation process. The baseline was revised as indicated above. The new baseline is 68.5%

**Table 8.2.** Measurable and Rigorous Targets for Indicator 8.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	
2006 (2006-2007)	86 percent of parents with a child receiving special education services report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.
2007 (2007-2008)	88 percent of parents with a child receiving special education services report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.
2008 (2008-2009)	90 percent of parents with a child receiving special education services report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.
2009 (2009-2010)	92 percent of parents with a child receiving special education services report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.
2010 (2010-2011)	68.5% of parents will report that the school facilitated their involvement.
2011 (2011-2012)	68.9% of parents will report that the school facilitated their involvement.
2012 (2012-2013)	69.5% of parents will report that the school facilitated their involvement.

**Table 8.3.** Improvement Activities/Timelines/Resources for Indicator 8.

Activities	Timelines	Resources	Status
Consultation with Mountain Plains Regional Resource Center.	2007	NDDPI Mountain Plains Regional Resource Center.	Complete
Technical Assistance and training to promote parent involvement.	FFY2007	ND Parent Training and Information Center (Pathfinders) Pacer Center, Minneapolis, MN	Ongoing
Distribute parent summary of the SPP with parent survey described and web address included.	FFY2006	NDDPI staff Pathfinders Statewide parent organizations	Ongoing
Support and collaborate with statewide family organizations to increase knowledge and promote parent involvement.	FFY2006	Family Connections Family to Family Network	Ongoing
Prepare and disseminate updated resources and provide trainings to parents regarding alternative dispute resolution processes, including IEP facilitation.	FFY2006	State Parent Involvement Coordinator State Dispute Resolution Coordinator, Pathfinders Pacer Center, Minneapolis	Ongoing
Collaborate with ND Pathfinders to update existing documents and develop new materials related to parent involvement.	FFY2007	Pathfinders Pacer Center, Minneapolis, MN	Ongoing
Collaborate with the Dept Human Services and Parent Training and Information Center in sponsoring the annual parent information and involvement statewide conference.	FFY2007	Dept Human Services, Parent Training and Information Center	New, See description below
Parent Involvement Toolkit training to special educators during the Fall 2009 Title I – Special Education Conference.	FFY2007	NDDPI, Title I	Ongoing
Dissemination of parent brochures and documents to parents of children with disabilities.	FFY2007	NNDPI	Ongoing
ND Parent Involvement Workgroup review of Parent Survey data and possible strategies to improve parent involvement in the schools.	FFY2009	NDDPI SE staff, NDPTI, NDDHS, Title I, and statewide stakeholders	Completed

Note: All “continuous” or “ongoing” activities will continue until or beyond 2013, as needed.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2011: N/A**

**Indicator 9**

**Overview of the State Performance Plan Development:** See Introduction for complete overview and stakeholder input.

**Monitoring Priority: Disproportionality**

**Indicator 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. (20 U.S.C. 1416(a)(3)(C))

**Measurement:**

Percent = [(# of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification) divided by the (# of districts in the State)] times 100.

Include State’s definition of “disproportionate representation.”

Describe how the State determined that disproportionate representation of racial and ethnic groups in special education and related services was the result of inappropriate identification, e.g., monitoring data, review of policies, practices and procedures under 618(d), etc.

**Overview of Issue/Description of System or Process:**

North Dakota includes many small schools in rural school districts. A demographic characteristic of our state is that it is not as racially or ethnically diverse as other parts of the nation. North Dakota’s official source of population statistics, the ND State Data Center, created the *ND Profile of General Demographic Characteristics* based on the most recent census count in 2000. Table 9.1 displays the current profile of our state includes the following data by race.

**Table 9.1.** Profile of North Dakota Population

Race/ Ethnicity	2000	2010
White	92.40%	90.01%
Black or African American	0.60%	1.18%
American Indian	4.90%	5.44%
Asian	0.60%	1.07%
Hispanic or Latin American	1.20%	2.00%

\*NDDPI acknowledges the ND State Data Center for 2000 & 2010 Race/ Ethnicity profile

North Dakota has four federally recognized American Indian Tribes and one Indian community:

- Spirit Lake Nation
- Standing Rock Nation
- Mandan, Arikara, and Hidatsa Nation
- Turtle Mountain Band of Chippewa Nation
- Trenton Indian Service Area

The students enrolled in the public schools on these four reservations and the Trenton Service Area are almost exclusively American Indian. Therefore, the percentage of students receiving special education and related services in these predominantly American Indian schools is also almost exclusively American Indian. The NDDPI collects special education child count data in these schools. A higher identification rate for special education has been reported in some of these schools compared to statewide rates of identification for all students. However, the identification rates reported in these reservation schools are not in contrast to non-American Indian students; they are in contrast to other American Indian students in these same reservation schools.

A topic that NDDPI wishes to explore further is the rate of identification of students for special education and related services in North Dakota's public schools on American Indian reservations in contrast to the rate of identification for students in those North Dakota schools administered by the Bureau of Indian Affairs and Tribal Councils. The NDDPI has proposed and is working toward collaboration with the Bureau of Indian Education in analyzing these data and in devising improvement strategies that will promote consistent use of evidenced-based evaluation practices and strategies that will increase educational placements in less restrictive settings.

In consideration of these very small populations of Black or African American, American Indian or Alaska Native, Asian, and Hispanic or Latino citizens in our state, various methods to define disproportionate representation were considered. For purposes of communicating with the public, NDDPI elects to use the definition of disproportionality as articulated by the National Center for Culturally Responsive Educational Systems' (NCCREST) synopsis of provisions of IDEA 04 (October, 2005):

*Disproportionality refers to comparisons made between groups of students by race or ethnicity or language who are identified for special education services. Where students from particular ethnic or linguistic groups are identified either at a greater or lesser rate than all other students then that group may be said to be disproportionately represented in special education.*

North Dakota has many small and rural school districts. In order to ensure the confidentiality of students from particular ethnic or linguistic groups in the public schools of our state, NDDPI adopted a weighted risk ratio developed for OSEP by WESTAT, a federally supported research corporation consulting in statistical design, data collection and management, and research analysis work. Once statistical analysis is complete and school districts are identified, the raw data for each school district are reviewed individually for anomalies. Also, NDDPI chooses not to publicly report situations with ten or fewer students in a subcategory of special education.

Data collected by NDDPI are shared with schools regarding their school districts' academic achievement as well as to determine if disproportionate representation in identification, eligibility category, or placement is occurring. In accordance with regulations, if district data indicate disproportionate representation, the state:

- Requires the review and revision of policies, practices and procedures that contribute to disproportionate representation;
- Provides the state accepted plan and templates required for the required reviews (Appendix B) ; and
- Requires the LEA to publicly report on the revision of policies, practices and procedures.

When necessary, technical assistance will be offered from NDDPI staff members as well as NDDPI will contract with a consultant who will offer the technical assistance required by school districts in reference to appropriate identification of children who require special education services.

The NDDPI staff members will extend this data dissemination process statewide through the posting of the indicators results by district in the State Performance Report Card on the NDDPI Special Education website. By communicating with local schools, school districts, and special education administrative units about the ND SPP indicators, NDDPI will create broad awareness regarding the weighted risk ratio as determination of disproportionate representation.

#### **Revision of the Baseline Data for FFY2005 (2005-2006):**

The NDDPI planned to implement a decreasing cut-off point each year, increasing the stringency of this indicator and Indicator 10. However, after lengthy review of these indicators and the technical assistance from North Dakota's regional resource center, Mountain Plains, it was decided that this constantly changing cut-off point created a situation of "aiming at a moving target." It was impossible to document annual improvement with constantly changing cutoff points. Therefore, NDDPI chose to maintain a consistent cut-off point of 3.0 for disproportionate representation. With a constant cut-off point, annual district results can be compared and improvements toward these indicators can be reported accurately. Therefore, tables projecting future disproportionate representation based on the previous formula have been removed from this SPP as these projections are no longer accurate.

**Discussion of FFY2005 Baseline Data:**

The 2005 - 2006 data indicate that 6 school districts (3.02%) were identified. Therefore, 3.02% of school districts were notified as having disproportionate identification potentially resulting from inappropriate identification. After reviewing identification processes, it was determined that disproportionate representation was not caused by inappropriate identification of students requiring special education services.

**Table 9.2** Measurable and Rigorous Targets For Indicator 9

FFY	Measurable and Rigorous Target
<p><b>2005</b> (2005-2006)</p>	
<p><b>2006</b> (2006-2007)</p>	<p>School districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification will be 0 percent.</p>
<p><b>2007</b> (2007-2008)</p>	<p>School districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification will be 0 percent.</p>
<p><b>2008</b> (2008-2009)</p>	<p>School districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification will be 0 percent.</p>
<p><b>2009</b> (2009-2010)</p>	<p>School districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification will be 0 percent.</p>
<p><b>2010</b> (2010-2011)</p>	<p>School districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification will be 0 percent.</p>
<p><b>2011</b> (2011-2012)</p>	<p>School districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification will be 0 percent.</p>
<p><b>2012</b> (2012-2013)</p>	<p>School districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification will be 0 percent.</p>

**Improvement Activities/Timelines/Resources:**

The NDDPI identifies school districts that have disproportionate identification. Before determining an area of noncompliance, districts are required to review each individual student case as well as their policies, procedures, and practices of identification. The NDDPI staff members offer technical assistance as necessary and monitors this review to ensure completion. Determination of compliance with the indicator is complete once documentation of the district review is complete and examined by NDDPI staff.

*Disproportionality Taskforce*

NDDPI, with the assistance of MPRRC, developed a Disproportionality Taskforce. The taskforce reviewed the trend data and recommended to change the cutoff point for under-representation from .50 to .25. NDDPI reported this recommendation to OSEP in the FFY2009 SPP and is now using the new cut-off points. The taskforce then reviewed guidance for policy, procedures, and practices as well as strategies for improving the education and settings for all students in ND. The new review reporting document used is located in Appendix B.

**Table 9.3** Improvement Activities/Timelines/Resources for Indicator 9.

Activities	Timelines	Resources	Status
Obtain and disseminate materials on disproportionate representation as a result of inappropriate identification from the NCCRESt and disseminate to the field. This activity is also designed to address issues identified in Indicator 10.	Ongoing	NDDPI staff NCCRESt	Ongoing
Provide information and technical assistance to school districts that demonstrate a disproportionate representation as a result of inappropriate identification. This activity is also designed to address issues identified in Indicator 10.	Ongoing	NDDPI staff	Ongoing
Provide training on statewide guidelines for identification and services for students with emotional disturbance as needed. This activity is also designed to address issues identified in Indicators 4 and 10.	Spring 2007	ED Work Group, MPRRC	Completed
Provide training and implementation of the special education monitoring system for data analysis and improvement planning. This activity is also designed to address issues identified in all Indicators.	Implement statewide FFY2007	Part B admin. funds;	Ongoing
Support ongoing personnel development projects in collaboration with state university training programs to increase the number of qualified special educators across the state. Support mentoring models (such as Resident Teacher) in pre-service teacher preparation programs. This activity is also designed to address issues identified in Indicators 4 and 10.	Ongoing	SPD Grant; Stipends; scholarships; tuition reimbursements, UND, Minot State University; University of Mary	Ongoing
NDDPI participates in the newly formed workgroup within the MPRRC region to address concerns related to disproportionate representation. A member of the NDDPI staff will participate in a regional meeting on this topic in April, 2008. Information from this meeting will be shared with stakeholders, including the ND IDEA Advisory Committee and local education agency administrators.	FFY2007	NDDPI Staff MPRRC	Completed
Summer Symposium presentation on Culturally Responsive teaching of Reading	FFY2008	Theodore Jamerson School (BIE)	Completed
Disproportionate Representation Statewide Taskforce	FFY2009	NDDPI	Ongoing
Development and distribution of Disproportionate Representation fact sheets.	FFY2009	NDDPI, MPRRC resources	Ongoing
Summer Symposium presentation on Culturally Responsive Rtl.	FFY2009	Bueno Center	Ongoing

Note: All “continuous” or “ongoing” activities will continue until or beyond 2013, as needed.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2011: N/A**

Indicator 10

**Overview of the State Performance Plan Development:** See Introduction for complete overview and stakeholder input.

**Monitoring Priority: Disproportionality**

**Indicator 10:** Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.  
(20 U.S.C. 1416(a)(3)(C))

**Measurement:**

Percent = [(# of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification) divided by the (# of districts in the State)] times 100.

Include State’s definition of “disproportionate representation.”

Describe how the State determined that disproportionate representation of racial and ethnic groups in specific disability categories was the result of inappropriate identification, e.g., monitoring data, review of policies, practices and procedures under 618(d), etc.

**Overview of Issue/Description of System or Process:**

North Dakota includes many small schools in rural school districts. A demographic characteristic of our state is that it is not as racially or ethnically diverse as other parts of the nation. The current profile (See Table 10.1) of our state includes the following data by race.

**Table 10.1.** Profile of North Dakota Population

Race/ Ethnicity	2000	2010
White	92.40%	90.01%
Black or African American	0.60%	1.18%
American Indian	4.90%	5.44%
Asian	0.60%	1.07%
Hispanic or Latin American	1.20%	2.00%

\*NDDPI acknowledges the ND State Data Center for 2000 & 2010 Race/ Ethnicity profile.

North Dakota has four federally recognized American Indian Tribes and one Indian community:

- Spirit Lake Nation
- Standing Rock Nation
- Mandan, Arikara, and Hidatsa Nation
- Turtle Mountain Band of Chippewa Nation
- Trenton Indian Service Area

The students enrolled in the public schools on these four reservations and the Trenton Service Area are almost exclusively American Indian. Therefore, the percentage of students receiving special education and related services in these predominantly American Indian schools is also almost exclusively American Indian. The NDDPI collects special education child count data in these schools. Higher identification rates for special education in some of these schools compared to statewide rates of identification for all students have been reported. However, the identification rates reported in these reservation schools are not in contrast to non-American Indian students; they are in contrast to other American Indian students in these same reservation schools.

A topic that the NDDPI wishes to explore further is the rate of identification of students for special education and related services in North Dakota’s public schools on American Indian reservations in

contrast to the rate of identification for students in those North Dakota schools administered by the Bureau of Indian Affairs and Tribal Councils. The NDDPI proposes collaboration with the Bureau of Indian Affairs in analyzing these data and in devising improving strategies that will promote consistent use of evidenced-based evaluation practices and strategies that will increase educational placements in less restrictive settings.

In consideration of these very small populations of Black or African American, American Indian or Alaska Native, Asian, and Hispanic or Latino citizens in our state, various methods to define disproportionate representation were considered. For purposes of communicating with the public, NDDPI elects to use the definition of disproportionality as articulated by the National Center for Culturally Responsive Educational Systems' (NCCREST) synopsis of provisions of IDEA 04 (October, 2005):

*Disproportionality refers to comparisons made between groups of students by race or ethnicity or language who are identified for special education services. Where students from particular ethnic or linguistic groups are identified either at a greater or lesser rate than all other students then that group may be said to be disproportionately represented in special education.*

North Dakota has many small and rural school districts. In order to ensure the confidentiality of students from particular ethnic or linguistic groups in the public schools of our state, NDDPI adopted a weighted risk ratio developed for OSEP by WESTAT, a federally supported research corporation consulting in statistical design, data collection and management, and research analysis work. Once statistical analysis is complete and school districts are identified, the raw data for each school district are reviewed individually for anomalies. Also, NDDPI chooses not to publicly report situations with ten or fewer students in a subcategory of special education.

Data collected by NDDPI are shared with schools regarding their school districts' academic achievement as well as to determine if disproportionate representation in identification, eligibility category, or placement is occurring. In accordance with regulations, if district data indicate disproportionate representation, the state:

- Requires the review and revision of policies, practices and procedures that contribute to disproportionate representation;
- Provides the state accepted plan and templates required for the required reviews (Appendix B) ; and
- Requires the LEA to publicly report on the revision of policies, practices and procedures.

When necessary, technical assistance will be offered from NDDPI staff as well as NDDPI will contract with a consultant who will offer the technical assistance required by school districts in reference to appropriate identification of children who require special education services.

The NDDPI staff members will extend this data dissemination process statewide through the posting of the indicators results by district in the State Performance Report Card on the NDDPI Special Education website. By communicating with local schools, school districts, and special education administrative units about the ND SPP indicators, NDDPI will create broad awareness regarding the weighted risk ratio as determination of disproportionate representation.

#### **Revision of the Baseline Data for FFY2005 (2005-2006):**

The NDDPI planned to implement a decreasing cut-off point each year, increasing the stringency of this indicator and Indicator 9. However, after lengthy review of these indicators and the technical assistance from North Dakota's regional resource center, Mountain Plains, it was decided that this constantly changing cut-off point created a situation of "aiming at a moving target." It was impossible to document annual improvement with constantly changing cutoff points. Therefore, NDDPI chose to maintain a consistent cut-off point of 3.0 for disproportionate representation. With a constant cut-off point, annual district results can be compared and improvements toward these indicators can be reported accurately. Therefore, tables projecting future disproportionate representation based on the previous formula have been removed from this SPP as these projections are no longer accurate.

**Discussion of FFY2005 Baseline Data:**

The 2005-2006 baseline of 13.57 percent is the combination of the six categories. Data indicated disproportionate identification potentially resulting from inappropriate identification in the following subcategories using a 3.25 cutoff point. Four school districts (2.01%) were identified in the disability area of Mental Retardation; 2 school districts (1.00%) in Emotional Disturbance; 13 school districts (6.53%) in Specific Learning Disabilities; 3 school districts (1.51%) in Speech Impairment; 6 school districts (3.02%) in Other Health Impairment; and 4 school districts (1.00 %) in Autism (see Table 10.3). Four school districts were identified in two or more categories. It should be noted that the raw data from school districts identified have not been individually reviewed for district anomalies nor have school districts with ten or less students in a subcategory been removed from the total.

The NDDPI staff members notified both the superintendent and the local special education directors in each school district identified and outlined the required review each individual student case as well as their policies, procedures, and practices of identification in specific disability categories. Letters of notification also informed the school district of the availability of technical assistance. After reviewing identification processes, it was determined that disproportionate representation was not caused by inappropriate identification of students requiring special education services.

**Table 10.2** Measurable and Rigorous Targets for Indicator 10.

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2005</b> (2005-2006)	
<b>2006</b> (2006-2007)	School districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification will be 0 percent.
<b>2007</b> (2007-2008)	School districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification will be 0 percent.
<b>2008</b> (2008-2009)	School districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification will be 0 percent.
<b>2009</b> (2009-2010)	School districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification will be 0 percent.
<b>2010</b> (2010-2011)	School districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification will be 0 percent.
<b>2011</b> (2011-2012)	School districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification will be 0 percent.
<b>2012</b> (2012-2013)	School districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification will be 0 percent.

**Improvement Activities/Timelines/Resources:**

The NDDPI identifies school districts that have disproportionate identification. Before determining an area of noncompliance, districts are required to review each individual student case as well as their policies, procedures, and practices of identification. The NDDPI staff members offer technical assistance as necessary and monitors this review to ensure completion. Determination of compliance with the indicator is complete once documentation of the district review is complete and examined by NDDPI staff.

*Disproportionality Taskforce*

NDDPI, with the assistance of MPRRC, developed a Disproportionality Taskforce. The taskforce reviewed the trend data and recommended to change the cutoff point for under-representation from .50 to .25. NDDPI reported this recommendation to OSEP in the FFY2009 SPP and is now using the new cut-off points. The taskforce then reviewed guidance for policy, procedures, and practices as well as strategies for improving the education and settings for all students in ND. The new review reporting document used is located in Appendix B.

**Table 10.3** Improvement Activities/Timelines/Resources for Indicator 10.

Activities	Timelines	Resources	Status
Obtain and disseminate materials on disproportionate representation as a result of inappropriate identification from the NCCRESt and disseminate to the field. This activity is also designed to address issues identified in Indicator 10.	Ongoing	NDDPI staff NCCRESt	Ongoing
Provide information and technical assistance to school districts that demonstrate a disproportionate representation as a result of inappropriate identification. This activity is also designed to address issues identified in Indicator 10.	Ongoing	NDDPI staff	Ongoing
Provide training on statewide guidelines for identification and services for students with emotional disturbance as needed. This activity is also designed to address issues identified in Indicators 4 and 10.	Spring 2007	ED Work Group, MPRRC	Completed
Provide training and implementation of the special education monitoring system for data analysis and improvement planning. This activity is also designed to address issues identified in all Indicators.	Implement statewide FFY2007	Part B admin. funds;	Ongoing
Support ongoing personnel development projects in collaboration with state university training programs to increase the number of qualified special educators across the state. Support mentoring models (such as Resident Teacher) in pre-service teacher preparation programs. This activity is also designed to address issues identified in Indicators 4 and 10.	Ongoing	SPD Grant; Stipends; scholarships; tuition reimbursements, UND, Minot State University; University of Mary	Ongoing
The NDDPI participates in the newly formed workgroup within the MPRRC region to address concerns related to disproportionate representation. A member of the NDDPI staff will participate in a regional meeting on this topic in April, 2008. Information from this meeting will be shared with stakeholders, including the ND IDEA Advisory Committee and local education agency administrators.	FFY2007	NDDPI Staff MPRRC	Completed
Summer Symposium presentation on Culturally Responsive teaching of Reading	FFY2008	Theodore Jamerson School (BIE)	Completed
Disproportionate Representation Statewide Taskforce	FFY2009	NDDPI	Ongoing
Development and distribution of Disproportionate Representation fact sheets.	FFY2009	NDDPI, MPRRC resources	Ongoing
Summer Symposium presentation on Culturally Responsive Rtl.	FFY2009	Bueno Center	Ongoing

Note: All “continuous” or “ongoing” activities will continue until or beyond 2013, as needed.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2011:**

## Indicator 11

**Overview of the State Performance Plan Development:** See Introduction for complete overview and stakeholder input. Please note, the red font identifies the new indicator language.

<b>Monitoring Priority: Effective General Supervision Part B / Child Find</b>
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**Indicator 11:** Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.

(20 U.S.C. 1416(a)(3)(B))

<b>Measurement:</b>
---------------------

- |  |
|--|
| <p>a. # of children for whom parental consent to evaluate was received.</p> <p>b. # of children whose evaluations were completed within 60 days (or State-established timeline).</p> |
|--|

<p>Account for children included in a but not included in b. Indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.</p>
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<p>Percent = [(b) divided by (a)] times 100.</p>
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**Overview of Issue/Description of System or Process:**

Previous to the reauthorization of the IDEA in 2004, North Dakota did not have specific timelines for completion of evaluations and reevaluations. Some local special education units had created their own timelines for conducting evaluation and reevaluations. Timelines that were identified at the local units ranged from 30 days to 60 days. Furthermore, no clear baseline data were presently available in this area for North Dakota. Local special education directors identified a variety of methods of collecting data in this area. These methods included using established internal monitoring procedures, locally established data collection procedures, or electronic data base systems. In the fall of 2005 several local special education unit directors were contacted by telephone to discuss what would be the most efficient way to collect the most accurate data for this indicator. The data collection method now being used is a result of those conversations.

In February, 2006 data collection directions and an Excel spreadsheet were developed and sent to all of the special education directors. The data collection period for this indicator began on March 1, 2006 to June 30, 2006. The following information was collected from each participating unit:

- special education unit and home school district;
- number of children for whom parental consent to evaluate was received;
- number of children eligible whose evaluations and eligibility determinations were completed within 60 days;
- number of children not determined eligible whose evaluations and eligibility determinations were completed within 60 days;
- a narrative account for children whom consent to evaluate was received but evaluation or determination was not completed;
- indication of the range of days beyond the timeline when eligibility was determined; and
- a narrative account of reasons for delays.

**Baseline Data for FFY2005 (2005-2006):**

**Table 11.1.** Children with Parental Consent for 60 Day Evaluation.

(a) Total # of children with parental consent	(b) Total # of children determined not eligible within 60 days	(c) Total # of children determined eligible within 60 days	Total # of children whose evaluation occurred past 60 day timeline
1424	268 (18.82%)	998 (70.08%)	158 (11.09%)

Note: In the APR FFY2008 submitted 2/1/2009, data described in Column A and B have been combined.

**Discussion of Baseline Data:**

The data indicate that 88.09 percent of children with parental consent to evaluate were evaluated within 60 days. Therefore, 88.09 percent, based on the formula for this indicator, is NDDPI's baseline. Delays ranged from 1 day to 161 days. However, after reviewing reasons for delay NDDPI has created a list of approved reasons for delay. This list included reasons including Delay Requested by Parent, Unavoidable Health Issues, Accidents, and Team Decisions Causing Delays. After comparing reasons for the delays with the approved reasons for delay, fewer school districts were identified. The data indicate that 95.51 percent of children with parental consent to evaluate were evaluated within 60 days or had approved reasons for delay. Reasons NDDPI did not consider approved included reasons such as human error (both administrative and teacher), and school holiday delayed evaluations.

Data indicate that two school districts had five or more children whose evaluation did not meet the 60 day timeline and did not have approved reasons for the delays. These school districts were notified through a letter from NDDPI. This letter informs the school districts of the necessity to meet the requirements of this indicator, the corrective action required, and timelines. Letters are also sent to school districts that are near the cut-off point (5) to serve as caution to review their evaluation timeline policy and procedures. The letter also informs the school district of the availability of technical assistance, if desired or necessary.

Inconsistencies in the data collection among special education units were found. These included:

- two units did not report data;
- varying methods were used to collect the data;
- consent for evaluation was collected before Rtl was implemented;
- varying times of data collection (some units collected only for the time period from March to June, others reported data for the entire year);
- confusion about if data collected could be re-evaluations and/or initial evaluations;
- confusion on what data went under which column on the spreadsheet;
- confusion about what to do with evaluations that were in process on June 30 when data were to be reported; and
- confusion about whether or not preschool students were included.

North Dakota allows for four different reasons in which noncompliance for this indicator does not apply. These include (1) the parent of a child repeatedly fails or refuses to produce the child for the evaluation ; (2) the child enrolls in a school of another public agency after the timeframe for initial evaluation has begun and prior to a determination by the child's previous public agency as to whether the child has a disability; (3) an extension is necessary because of extreme weather that prevented or interfered with the evaluation and the extreme weather is documented; and (4) access to a qualified evaluator is so limited that the evaluation cannot occur in the initial 60 days.

Table 11.2 Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target
2006 (2006-2007)	100 percent of children with parental consent to evaluate are evaluated within 60 days.
2007 (2007-2008)	100 percent of children with parental consent to evaluate are evaluated within 60 days.
2008 (2008-2009)	100 percent of children with parental consent to evaluate are evaluated within 60 days.
2009 (2009-2010)	100 percent of children with parental consent to evaluate are evaluated within 60 days.
2010 (2010-2011)	100 percent of children with parental consent to evaluate are evaluated within 60 days.
2011 (2011-2012)	100 percent of children with parental consent to evaluate are evaluated within 60 days.
2012 (2012-2013)	100 percent of children with parental consent to evaluate are evaluated within 60 days.

Table 11.3 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
Clarification about specific data to be collected and provide technical assistance to LEAs in collecting quality data	FFY2006	NDDPI Coordinator	Complete
Clarification that this is initial evaluation data, including preschool students.	FFY2006	NDDPI Coordinator	Complete
Continued technical assistance on the use of the Excel spreadsheet	FFY2006	NDDPI Coordinator	Complete
Communication and technical assistance with units when areas in need of improvement were identified	FFY2006	NDDPI Coordinator	Complete
Revise the Excel spreadsheet based on suggestions from local units.	FFY2006	NDDPI Coordinator	Complete
Disseminate and provide training for revised guideline documents including Evaluations, SLD, and IEP.	FFY2006	NDDPI Staff	Ongoing
Review school district policies and procedures of all schools identified as having evaluations exceeding the 60 day timelines. Provide technical assistance where necessary in revising LEA policies and procedures.	FFY2006	NDDPI Staff	Ongoing
Review improvement plans specific to this indicator as required.	FFY2006	NDDPI Staff	Ongoing
Support ongoing personnel development projects in collaboration with state university training programs to increase the number of qualified special educators across the state. Support mentoring models (such as Resident Teacher) in pre-service teacher preparation programs. This activity is also designed to address issues identified in Indicators 4, 9 and 10.	FFY2006	SPD Grant; Stipends; scholarships; tuition reimbursements, UND, Minot State University; University of Mary	Ongoing

Provide training and implementation of the Special Education Integrated Accountability System for data analysis and improvement planning. This activity is also designed to address issues identified in all Indicators.	Implement statewide in 2007 – 08. Follow-up in 2008 through 2010	Part B admin. funds;	Ongoing
Consider incorporating additional state approved exceptions to the 60-day timeline into state guidelines.	FFY2007-8	NDDPI Staff	Complete
Piloting of the Statewide TIENET Database (Spring 2008) with full implementation Fall 2008.	FFY2007	NDDPI Staff, District Administrators.	Complete
Two Additional Exceptions to the 60-day Rule	FFY2008	NDDPI Staff	Complete
Technical assistance on the use of the revised Excel spreadsheet.	FFY2009	NDDPI staff	Ongoing
Data gathered from the Statewide TIENET Database will be used for the purpose of monitoring at local and state levels.	FFY2009	NDDPI staff, Local special education units	Ongoing

Note: All "continuous" or "ongoing" activities will continue until or beyond 2013, as needed.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2011: N/A**

## Indicator 12

**Overview of the State Performance Plan Development:** See Introduction for complete overview and stakeholder input.

<b>Monitoring Priority: Effective General Supervision Part B / Effective Transition</b>
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**Indicator 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.  
(20 U.S.C. 1416(a)(3)(B))

**Measurement:**

- a. # of children who have been served in Part C and referred to Part B for Part B eligibility determination.
- b. # of those referred determined to be NOT eligible and whose eligibility was determined prior to their third birthdays.
- c. # of those found eligible who have an IEP developed and implemented by their third birthdays.
- d. # of children for whom parent refusal to provide consent caused delays in evaluation or initial services.
- e. # of children who were referred to Part C less than 90 days before their third birthdays.

Account for children included in a but not included in b, c, d or e. Indicate the range of days beyond the third birthday when eligibility was determined and the IEP developed and the reasons for the delays.  
Percent = [(c) divided by (a - b - d - e)] times 100.

**Overview of Issue/Description of System or Process:**

The Department of Human Services (NDDHS) collects and compiles early childhood data. Previously NDDPI and NDDHS were not able to develop a system that could share these data. In the spring of 2007, a partnership between NDDHS and NDDPI was developed and system of data-sharing became possible. The NDDHS sent, electronically, three spreadsheets containing the necessary data for all children transitioning from Part C services for the FFY2004-05, 2005-06, and 2006-07. In addition, each special education unit is required to collect and submit required Indicator 12 data annually. The special education unit designee submits a compilation of this information to NDDPI for each July 1 through June 30 time period. A copy of this spreadsheet can be found at: <http://www.dpi.state.nd.us/speced/general/idea/plan.pdf> Information on each NDDHS spreadsheet is then compared to the appropriate year's Child Count data contained in NDDPI Online Reporting System (ORS) and the data submitted by each special education unit. Once NDDPI staff members completed this analysis, data are then disaggregated based on the school district of each child. Individual school district spreadsheets are then developed. These spreadsheets are sent to the appropriate special education director to verify the data and return to NDDPI.

In cases when the special education unit directors reported that individual children were not found within their units, a NDDPI Special Education Regional Coordinator will conduct follow-up telephone calls to locate and collect transition data for the each of the children. This ensures that all children were accounted for during and after transitioning from Part C to Part B services.

Through this system of data sharing, NDDPI has collected the necessary data and has calculated the percentage of children found eligible for preschool special education services who received services by their third birthday for each data collection period.

It is expected that beginning Fall 2008, this data will be collected through the ND Statewide TIENET Database. However, until this system is developed, the partnership between NDDHS, NDDPI, and the special education unit directors offers a successful method to collect the necessary data.

**Table 12.1** Baseline Data for FFY2004

	FFY2004
a. # of children served in Part C and referred to Part B	173
b. # found not eligible and whose eligibility was determined prior to third birthday	20
c. # of those found eligible who have an IEP developed and implemented by their third birthdays	135
d. # for whom parent refusals to provide consent caused delays in evaluation or initial services	12
# in a but not in b, c, or d	6
<b>Percent who met the indicator</b>	<b>95.74%</b>

**Discussion of Baseline Data**

A detailed discussion of the baseline is available in the previous sections of this indicator.

**Reliability and Validity of the Data**

Each year, data relevant to children transitioning from Part C to Part B are collected from the NDDHS. A comparison of Part C data and Part B data is compared and the assignment of each student to only one district is determined. This information and a questionnaire are sent to each of the appropriate Special Education Unit directors. Each director then reviews and validates each student’s status and assignment to ensure valid and reliable reporting and completes the questionnaire. This method ensures that every student is counted, that students are not counted more than once, and that their eligibility and IEP status is accurate.

**Transition Guidelines**

Through review of the NDDHS and NDDPI data and field surveys, it was determined that variances existed between ND regions in the percentage of children who were not eligible for Part B services at 3 years of age. This information was further analyzed to determine inconsistencies in reasons for exit when children were determined to be ineligible for Part B and inconsistencies in eligibility practices across special education units.

The NDDPI and NDDHS facilitated meetings of the Early Childhood Guidelines Workgroup to develop joint guidelines that would address inconsistencies determined in the transition process from Part B to Part C.

The NDDPI and NDDHS worked with the National Early Childhood Technical Assistance Center, NECTAC, and the Mountain Plains Regional Resource Center (MPPRC) to develop the *Understanding Early Childhood Transition: A Guide for Families and Professionals* guideline. Throughout 2005-06, the guideline workgroup established a list of essential components for the guideline along with common expectations for programs performance across the Part C, Early Intervention Programs, and local education agencies (LEAs). Parents and early childhood special education professionals were involved in the development of the guideline.

As part of the Guideline regional trainings, participants from each region will complete a school district plan for implementation and follow up relating to the Guideline. The NDDHS and NDDPI staff will follow up with each region regarding the plans. In addition to follow up visits, NDDPI will review and compare pre and post Guideline training data to establish future need areas. This will be done by comparison of the NDDHS data and NDDPI district internal monitoring spreadsheet data; input from the parent survey and unit monitoring data.

Review of Guideline Activities from June 30, 2005 to October 2006

- Development of the *Understanding Early Childhood Transition: A Guide for Families and Professionals*, through several small and large group meetings of members of the Early Childhood Guidelines Workgroup. These meetings took place through meetings held face to face, through the interactive video network and conference calls. MPRRC and NECTAC participated and facilitated most of these meetings along with key staff members from the NDDHS and NDDPI.
- Drafts of the Guidelines were reviewed by outside readers with expertise in the area of early childhood and special education
- Guidelines were completed June 2006 and a training plan was developed for fall 2006.
- Guideline training completed in September and October 2006

### **Compliance Related Process and Training**

As part of the compliance-related process, in the September and October trainings on the Guideline - *Understanding Early Childhood Transition: A Guide for Families and Professionals*, regional teams developed “Team Action Plans” to determine “Our Vision – Where we want to be in one Year”. This plan included discussions focused on: transition activities that the teams currently had in place; identification of change needed in the transition process; and the action steps needed to accomplish these changes. Also included in the steps were the individuals who needed to be involved in implementing the changes and suggested timelines to complete the action steps. As a follow up to the initial Guideline training, during May 2007, NDDPI and NDDHS conducted regional meetings to: 1) celebrate what is working well for regions regarding the early childhood transition process and Guidelines, 2) discuss how NDDPI and NDDHS can assist in areas that are remaining a challenge in implementation of the early childhood transition process, and 3) discuss how the Guidelines have been used in each location. Participants discussed progress relating to the “Team Action Plans” and gave input as to how the new Guideline has improved the early childhood transition process. Input from these meeting was collected and used for statewide transition planning and monitoring by NDDPI and NDDHS.

Furthermore, during the initial training and the May follow up meeting, the requirement of a child having an IEP or IFSP with required IEP components by age 3 was reinforced. Teams were reminded that by following the process outlined in the Guideline, a family and their child would experience a smooth transition from Part C to Part B services with a IEP developed and implemented by age 3.

During the 2007-08 school year, NDDPI will pilot the Statewide TIENET Database. The statewide system will be implemented in all schools by the start of the 2008-09 school year. The TIENET Database will significantly enhance local and state administrators’ ability to monitor for compliance to assure that all children who are referred from Part C and found eligible for Part B will have an IEP written and implemented by age 3. As part of this system, key questions will address components within Indicator 12, e.g. is this child transitioning from Part C services, date of initial IEP, if IEP was delayed, what were the reasons for delay. Each component of the Indicator 12 measurement will be embedded within the TIENET Database to will accurately collect and report data. Data gathered from the web-based form along with the information received from NDDHS will be used to determine the percent of children referred by Part C who are found eligible for Part B and have an IEP developed by their third birthday.

### *Early Childhood Special Education May Institute 2011*

NDDPI hosted an Early Childhood Special Education Institute “*Data Analysis for Program Improvement*”. Institute participants were special education unit teams consisting of early childhood special education administrators and lead ECSE instructors. Information provided during the Institute related to national, state and local data in the areas of Early Childhood Transition, Early Childhood Least Restrictive Environment and Early Childhood Outcomes. Keynote presenters from The ECO Center and NECTAC provided the audience with a national picture relating to each of the areas. Each of these presentations was followed by an overview of statewide data provided by NDDPI professionals. Institute participants took part in activities which provided guidance in the analysis of state and local data with the goal of using district’s data to plan for program improvement.

**Table 12.2** Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target
<b>2005</b> (2005-2006)	Initial targets will be established by Summer 2007 through data gathered from Part C and Part B in addition to school district internal monitoring data
<b>2006</b> (2006-2007)	100 percent of children referred by Part C prior to age 3, and who are found eligible for Part B, will have an IEP developed and implemented by their third birthday.
<b>2007</b> (2007-2008)	100 percent of children referred by Part C prior to age 3, and who are found eligible for Part B, will have an IEP developed and implemented by their third birthday.
<b>2008</b> (2008-2009)	100 percent of children referred by Part C prior to age 3, and who are found eligible for Part B, will have an IEP developed and implemented by their third birthday.
<b>2009</b> (2009-2010)	100 percent of children referred by Part C prior to age 3, and who are found eligible for Part B, will have an IEP developed and implemented by their third birthday.
<b>2010</b> (2010-2011)	100 percent of children referred by Part C prior to age 3, and who are found eligible for Part B, will have an IEP developed and implemented by their third birthday.
<b>2011</b> (2011-2012)	100 percent of children referred by Part C prior to age 3, and who are found eligible for Part B, will have an IEP developed and implemented by their third birthday.
<b>2012</b> (2012-2013)	100 percent of children referred by Part C prior to age 3, and who are found eligible for Part B, will have an IEP developed and implemented by their third birthday.

**Table 12.3** Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
Developed training activities for Transition Guideline.	Summer 2006	NDDPI, NDDHS, MPRRC, and NECTAC	Completed
Conducted Transition Guideline Regional Trainings.	Fall 2006	NDDPI, NDDHS, MPRRC, and NECTAC	Completed
Follow up on regional training plans relating to Guideline Training.	Spring and Summer 2007	NDDPI and NDDHS	Completed
Examine methods to compile and share Part C and Part B data electronically.	Winter 2006-2007	NDDPI and NDDHS	Ongoing
Develop and disseminate Indicator 12 Excel spreadsheet to special education units.	Fall 2006	NDDPI Internal monitoring by local education agencies	Ongoing
Facilitate capacity building to promote consideration and use of assistive technology and universal design principles in the IEP.	Fall 2007	NDDPI staff	Ongoing
Internal monitoring by state and local education agencies	Ongoing	NDDPI and LEAs	Ongoing
Increased collaboration between the NDDHS, NDDPI, and the ND Parent Training and Information Center (PTI).	Ongoing	NDDPI, NDDHS, and PTI	Ongoing
NDDPI, NDDHS, and PTI First Annual Parent Involvement Conference.	2008	NDDPI, NDDHS, and PTI	Annually, beginning Spring 2008

Piloting of the TIENET Database (Spring 2008) with full implementation Fall 2008.	2007-2008	NDDPI Staff, District Administrators.	Completed
Ensuring the TIENET Database Indicator 12 table will accurately collect and report data.	2008-2009	NDDPI Staff, District Administrators	Ongoing
Statewide survey to all special education units re: early childhood transition services	2008-2009	NDDPI Staff	Completed
Statewide IVN meeting for administrators and early childhood professionals	2008-2009	NDDPI Staff	Ongoing annually
Provide statewide findings from survey to IDEA/ICC Advisory committee.	Winter 2008	NDDPI Staff	Completed in FFY2009
Validating reported IEP created and implemented date using the TIENET Database.	FFY2008	NDDPI staff	Ongoing
Examine methods to compile and share Part C and Part B data using the data sharing program ND Statewide Longitudinal Data System	FFY2009	NDDPI staff	Ongoing
Update and revise Understanding Early Childhood Transition: A Guide for Families and Professionals	FFY2010 and FFY 2011	NDDPI and NDDHS	Ongoing
Early Childhood Special Education May Institute 2011	FFY 2010	NDDPI Staff	Completed

Note: All “continuous” or “ongoing” activities will continue until or beyond 2013, as needed.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2011: N/A**

## Indicator 13

**Overview of the State Performance Plan Development:**

See Introduction for complete overview and stakeholder input.

**Monitoring Priority: Effective General Supervision Part B / Effective Transition**

**Indicator 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.  
(20 U.S.C. 1416(a)(3)(B))

**Measurement:** 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) divided by the (# of youth with an IEP age 16 and above)] times 100.

**Overview of Issue/Description of System or Process:**

The 2009-10 Indicator 13 monitoring was completed by the NDDPI Indicator 13 State Monitoring Team. This team was trained by NDDPI over the course of the 2009-10 school year to ensure an understanding of the requirements of Indicator 13, to ensure competence in using the TIENET Database for accessing the student files, and to ensure inter-rater reliability during the scoring process. The individuals selected to be a part of this team were selected with the intention of strengthening the capacity in our state for consistent knowledge and training throughout the state related to the secondary transition requirements of IDEA 2004. The team consisted of university professors who work with pre-service special education teachers, state special education personnel, and local Special Education Coordinators. These individuals demonstrated a clear understanding of the transition requirements of IDEA and Indicator 13. Training of the NDDPI Indicator 13 State Monitoring Team will occur annually, with the intention of maintaining the same personnel on the team to the greatest extent possible.

The TIENET Database provides access to every student special education file throughout the state. The Indicator 13 Transition Requirement Checklist has been built into the TIENET database for school, district, and state monitoring and verification needs. The State Monitoring Team accessed each student's IEP file to both review files and to accumulate the data related to the findings of Indicator 13 monitoring. The Indicator 13 Transition Requirement Checklist used by ND was adapted from the Transition Requirement Checklist developed by the National Secondary Transition Technical Assistance Center.

**Table 13.1** Baseline Data for FFY2009

Indicator 13 Checklist	Total # Documents	# with Yes response	% with Yes response
1. Are there appropriate measurable post-secondary goal or goals that cover education or training, employment, and, as needed, independent living?	370	342	92.43%
2. Are the postsecondary goals updated annually?	370	369	99.73%
3. Is there evidence that the measurable postsecondary goals were based on age appropriate transition assessment?	370	340	91.89%
4. Are there transition services in the IEP that will reasonably enable the student to meet his or her postsecondary goals?	370	344	92.97%
5. Do the transition services include courses of study that will reasonably enable the student to meet his or her postsecondary goals?	370	336	90.81%
6. Are there annual IEP goal(s) related to the student's transition services needs?	370	355	95.95%
7. Is there evidence that the student was invited to the IEP Team meeting where transition services were discussed?	370	360	97.30%
8. If appropriate, is there evidence that a representative of any participating agency was invited to the IEP Team meeting with the prior written consent of the parent or student who has reached the age of majority?	370	359	97.03%
IEPs that meet all transition requirements for Indicator 13	370	276	74.56%

**Discussion of Baseline Data:**

*Statewide Representation:* In June 2010 the State Indicator 13 Monitoring Team met for one week and reviewed 370 student files from across the state. The objective was to review one student file from each Case Manager of students 16-21 who were on an IEP during the 2009-10 school year. The state representation of disability categories was calculated and used to select the appropriate disability categories to ensure statewide representation was achieved. Due to the different case loads per case manager, exact representation was difficult to achieve on all categories.

Disability Category	State Total	State Percentage	Sample Percentage
OI	115	0.87%	1.10%
SLD	4159	31.36%	46.80%
MR	801	6.04%	14.00%
ED	913	6.88%	12.50%
OHI	1606	12.11%	18.20%
AUT	586	4.42%	4.90%
SI	3439	25.93%	9.40%
HI	5	0.04%	1.10%
VI	51	0.38%	0.50%
TBI	50	0.38%	0.50%

As of the 2009-2010 school year, the TIENET Database was used by every public school district in North Dakota. Therefore, all student files are located in this online system. Built into the system are a number of student, district, and state level indicator reports including indicator 13.

The data reported as the FFY2009 baseline are those generated from every file reviewed for students aged 16-21. The file review information indicated that of the 370 files reviewed 94 did not meet all of the components for the eight questions in the ND Transition Requirements Checklist. Further analyses of these data indicated that although a file may have been in compliance for a majority of the components of the indicator 13 checklist, the end result was that because it did not meet all of the requirements of the Indicator 13 checklist, it did not meet the requirement of this indicator. Therefore, the baseline for this indicator is 74.56% as displayed on Table 13.1.

**Table 13.2** Correction of Noncompliance

Number of IEPs Reviewed	Number of Findings of Noncompliance	Number of Corrections Completed	Number of Noncompliance to be Corrected No Later than One Year.
370	94	89	5

The five remaining findings of noncompliance will be corrected no later than one year from this report and were reported in the FFY2010 APR submitted February 2012. All corrections of noncompliance were verified by review the individual student files through the TIENET database. Letters indicating correction of noncompliance were sent to the school districts.

**Table 13.3** Measurable and Rigorous Targets for Indicator 13.

FFY	Measurable and Rigorous Target
<b>2005</b> (2005-2006)	100 percent of youth aged 16 and above will have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.
<b>2006</b> (2006-2007)	100 percent of youth aged 16 and above will have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.
<b>2007</b> (2007-2008)	100 percent of youth aged 16 and above will have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.
<b>2008</b> (2008-2009)	100 percent of youth aged 16 and above will have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.
<b>2009</b> (2009-2010)	100 percent of youth aged 16 and above will have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.
<b>2010</b> (2010-2011)	100 percent of youth aged 16 and above will have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.
<b>2011</b> (2012-2012)	100 percent of youth aged 16 and above will have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.
<b>2012</b> (2012-2013)	100 percent of youth aged 16 and above will have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.

**Improvement Activities/Timelines/Resources:**

Table 13.4 Improvement Activities/Timelines/Resources for Indicator 13.

Activities	Timelines	Resources	Status
Sponsor and facilitate the participation of a ND state team in the National Secondary Transition Planning Meeting	Ongoing, every May	ND DPI, NSTTAC, NPSO, National Drop Out Prevention Center for Students with Disabilities, IDEA Partnership	Ongoing
Provide technical assistance to LEAs to strengthen understanding and compliance to the IDEA 04 transition requirements. Develop “transition” modules designed as web casts. Select training modules based on data drill down in Indicator 13 data.	Ongoing	NSTTAC, National Postschool Outcome Center	Ongoing
Implement a statewide process designed to improve the overall planning of transition services for high school youth with disabilities.	Ongoing	Dr. Ed O’Leary, Mountain Plains Regional Resource Center	Completed
Partner with ND State Vocational Rehabilitation to provide assistance to regional stakeholders in the transition process to develop regional transition committees throughout the state.	Ongoing	Partnership with State Vocational Rehabilitation Transition Coordinator IDEA Partnership National Community of Practice on Transition	Completed
Develop and Disseminate Indicator 13 Excel spreadsheet and directions for internal monitoring to LEAs.	Fall 2006- Spring 2009	NDDPI NSTTAC	Completed
Develop a professional development resource for school districts based on “lessons learned” of districts involved in the Transition Outcomes Project.	Spring 2008 and updated annually	NDDPI, special education units, TOPs Project Coordinators, NSTTAC	Completed
Develop Transition training modules for Regular Educators through partnership with NDEA.	Spring 2007	Professional Development and Adult Learning Seed Grant (IDEA Partnership at NASDSE)	Completed
Conduct State Transition Steering Council meetings. Work to change Steering Council from Advisory capacity of a Community of Practice.	Ongoing	Statewide membership of individuals in transition related positions National Transition Community of Practice (IDEA Partnership)	Completed
Facilitate capacity building to promote consideration and use of assistive technology and universal design principles in the IEP.	Ongoing	NDDPI State Transition Coordinator State Assistive Technology Coordinator	Ongoing
Continue state sponsored trainings on Self-Determination Curriculums and Student involvement in the IEP process.	Spring 2009	NDDPI State Transition Steering Council Statewide membership of individuals in transition related positions	Ongoing
Piloting of the TIENET Database (Spring 2008) with full implementation Fall 2008.	FFY2007	NDDPI Staff, District Administrators.	Completed

Develop system of internal monitoring of Indicator 13 by LEA & SEA through the TIENET Database	Spring 2008- Spring 2010	NDDPI Staff, District Administrators	Completed
Continue collaboration with ND Education Association (NDEA) through the IDEA Partnership, to present the ND transition training module for general education staff through continuing education and professional development opportunities.	Initiated Summer 2008	IDEA Partnership NDEA ND University System	Ongoing
The ND Community of Practice on Secondary Transition will provide a community of practice model to the regional transition committees. Regional Transition Committees will be provided support as needed to achieve the transition goals or priorities of their region.	Spring-Fall 2009 and ongoing	ND DPI ND Vocational Rehabilitation ND Secondary Transition Community of Practice IDEA Partnership/National Community of Practice on Transition	Ongoing
Sponsor and promote the North Dakota Interagency Transition Conference with focus on “data based decision making’	Alternating years beginning April 2011	NDDPI, ND State Transition Community of Practice IDEA Partnership and National Community of Practice on Transition. NSTTAC, National Postschool Outcome Center	Ongoing
Design the North Dakota Indicator 13 monitoring process to facilitate further drill down of the data to identify professional development needs of case managers.	Summer 2011	ND DPI, ND Secondary Transition Community of Practice NSTTAC, National PostSchool Outcomes Center	Ongoing

Note: All “continuous” or “ongoing” activities will continue until or beyond 2013, as needed.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2011: N/A**

## Indicator 14

**Overview of the State Performance Plan Development:**

See Introduction for complete overview and stakeholder input.

**Monitoring Priority: Effective General Supervision Part B / Effective Transition**

**Monitoring Priority: Effective General Supervision Part B / Effective Transition**

**Indicator 14:** Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:

- A. Enrolled in higher education within one year of leaving high school.
- B. Enrolled in higher education or competitively employed within one year of leaving high school.
- 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.

(20 U.S.C. 1416(a)(3)(B))

**Measurement:**

A. Percent enrolled in higher education = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education within one year of leaving high school) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.

B. Percent enrolled in higher education or competitively employed within one year of leaving high school = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education or competitively employed within one year of leaving high school) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.

C. Percent enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.

**Overview of Issue/Description of System or Process:**

In the spring of each year, districts are required to provide current contact information on students with disabilities who exited high school during the prior school year. Exiters are students with disabilities who either graduated with a regular diploma, completed high school with a certificate or modified diploma, who dropped-out, who reached maximum age (21) for receipt of special education services, or who moved out of district and weren't known to be continuing. Given the small number of exiters statewide, NDDPI will not be implementing sampling. Each year there will be an attempt to contact all exiters.

Districts are given the state-assigned student ID number of all their high-school exiters and asked to provide the student name, phone number, and address. Professional phone interviews are then conducted and attempts to call each of the exiters are provided through a contract with a third party vendor.

As per the Part B Measurement Table, definitions are as follows:

*Enrolled in higher education* as used in measures A, B and C means youth have been enrolled on a full- or part-time basis in a community college (two year program) or college/university (four or more year program) for at least one complete term, at any time in the year since leaving high school.

*Competitive employment* as used in measures B and C means that youth have worked for pay at or above the minimum wage in a setting with others who are nondisabled for a period of 20 hours a week for at least 90 days at any time in the year since leaving high school. This includes military employment.

*Enrolled in other postsecondary education or training* as used in measure C, means youth have been enrolled on a full- or part-time basis for at least 1 complete term at any time in the year since leaving high school in an education or training program (e.g., Job Corps, adult education, workforce development program, vocational technical school which is less than a two year program).

*Some other employment* as used in measure C means youth have worked for pay or been self-employed for a period of at least 90 days at any time in the year since leaving high school. This includes working in a family business (e.g., farm, store, fishing, ranching, catering services, etc.).

**Baseline Data for FFY2009 (2009-2010):**

**Table 14.1:** Number and Percent of Exiters Engaged in Employment and/or Education

Category	Number	Percent
Interviewed Exiters	103	100.0%
Measurement A: Percent of youth enrolled in higher education within one year of leaving high school;	22	21.4%
Measurement B: Measurement A plus percent of youth competitively employed within one year of leaving high school	59	57.3%
Measurement C: Measurement B plus percent of youth enrolled in any other type of post-secondary education/training or employed in any other type of employment	70	68.0%

**Table 14.2:** Number and Percent of Exiters in each of Four Categories

Category	Number	Percent
1. Enrolled in higher education as defined in measure A	22	21.4%
2. Engaged in Competitive employment as defined in measure B (but not in 1.)	37	35.9%
3. Enrolled in other postsecondary education or training as defined in measure C (but not in 1. or 2.)	6	5.8%
4. Engaged in some other employment as defined in measure C (but not in 1. or 2. or 3.)	5	4.9%
Not in any of the above four categories	33	32.0%
Total	103	100.0%

In April 2010, contact information was obtained on the 710 students with disabilities who exited North Dakota schools in 2008-09. Contact was attempted with each of these exiters between April 2009 and September 2009 and 103 exiters were successfully interviewed on the phone for a response rate of 14.5%. 244 exiters had missing or incorrect phone numbers. If these “non-reachable” exiters are excluded from the denominator, the adjusted response rate is 22.1% (103/466).

The response rates were analyzed by demographic characteristics: gender, race/ethnicity, and type of exiter. No significant differences existed in response rates by gender, type of exiter, or race/ethnicity. The responses were also analyzed by these same demographic characteristics. No significant differences existed in response rates by gender, type of exiter, or race/ethnicity.

**Table 14.3** Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
<b>2006</b> (2006-2007)	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 will meet or exceed <b>81.82%</b>
<b>2007</b> (2007-2008)	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 will meet or exceed <b>81.85%</b>
<b>2008</b> (2008-2009)	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 will meet or exceed <b>82.25%</b>
<b>2009</b> (2009-2010)	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 will meet or exceed <b>82.75%</b>

**Table 14.5** Additional and New Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target		
	Measure A	Measure B	Measure C
<b>2010</b> (2010-2011)	21.4%	57.3%	68.0%
<b>2011</b> (2011-2012)	21.7%	57.6%	68.3%
<b>2012</b> (2012-2013)	22.4%	58.3%	69.0%

**Improvement Activities/Timelines/Resources:**

NDDPI is currently reviewing its method of collecting these data in order to improve both participation rates and improvement opportunities based in results. The NDDPI recently received an *Intensive State Partnership Technical Assistance* grant from National Post-School Outcomes Center. The NDDPI staff members look forward to this assistance

The following improvement activities will be incorporated to: 1) increase the number of youth with disabilities exiting school who are employed, attending postsecondary education, or both, one year after exiting; 2) Increase the response rate and representation of the cohort group interviewed one year after exiting school.

**Table 14.4** Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
NDDPI in partnership with the North Dakota Vocational Rehabilitation Agency (VR) will create a collaborative annual conference. This conference will serve as the ND Interagency Secondary Transition Conference.	October 2008 and annually each proceeding year.	State Transition Steering Council (ND stakeholders in the transition process). IDEA Partnership and National Community of Practice on Transition. ND VR agency.	Ongoing
Fall, 2008 NDDPI will have in operation the TIENET Database. This will improve accessibility to demographics of exiter groups.	Beginning Fall 2008	NDDPI staff District Administrators	Completed
The follow-up interview protocol will be housed in the TIENET Database. Interviewers will access the Protocol on this system. Data will be retrieved through TIENET.	FFY 2010	NDDPI Staff District Administrators	Ongoing
NDDPI will begin researching the potential for the state to have Follow-up interviews conducted by district staff.	Beginning Fall 2009	NDDPI, ND IDEA Advisory Committee, ND Communities of Practice on Transition	Ongoing
The NDDPI will develop documents, trainings, and presentations designed to increase parent, district educators, and other statewide stakeholders' awareness of the ND Follow-Up Process.	Spring 2008 and annually	NDDPI Secondary Transition Coordinator State Transition Steering Council (ND stakeholders in the transition process). National post-School Outcome Center National Dropout Prevention Center for SD	Ongoing
Provide identified strategies and approaches to LEAs to incorporate each school year to enhance NDDPI's ability to track students one year out who had exited school informally.	Fall 2008 and annually thereafter	NDPI Staff TIENET Database National post-School Outcome Center National Dropout Prevention Center for SD	Ongoing
The NDDPI will provide ongoing technical assistance to LEAs to strengthen understanding and compliance to the IDEA 04 transition requirements. This will include continued development of "transition" modules designed as web casts. This activity is also designed to address issues identified in Indicators 1, 2, and 13.	Ongoing	National Secondary Transition and Technical Assistance Center (NSTTAC) Transition Outcomes Project (TOPs)	Ongoing

Continue progression of a statewide process designed to improve the overall planning of transition services and evidence based practices for high school youth with disabilities. This activity is also designed to address issues identified in Indicator 13 and positively influence results in Indicators 1 and 2.	Ongoing	Dr. Ed O’Leary, Mountain Plains Regional Resource Center NSTTAC, IDEA Partnership National Community of Practice on Transition	Ongoing
Continue partnership with ND State Vocational Rehabilitation Agency to provide technical assistance and resources to the eight regional interagency transition committees (Communities of Practice) throughout the state.	Ongoing	The NDDPI North Dakota Vocational Rehabilitation Agency State Transition Steering Council, IDEA Partnership National Community of Practice on Transition	Ongoing
Plan and coordinate presentation of transition training modules for general educators.	Initiate presentation in Summer, 2008, ongoing thereafter.	NDDPI staff North Dakota Education Association Professional Development Director. Professional Development and Adult Learning Seed Grant (IDEA Partnership at NASDSE)	Completed
Continue collaboration with the ND Education association (NDEA) through the IDEA Partnership, to present the transition training module for general education staff through continuing education and professional development opportunities.	Initiated Summer 2008	NDDPI ,North Dakota Education Association Professional Development Director. (IDEA Partnership at NASDSE) Professional Development and Adult Learning Seed Grant	Ongoing
Support collaboration of stakeholders through State Transition Steering Council meetings, and national secondary transition forums.	Ongoing	NDDPI Staff National Transition Community of Practice (IDEA Partnership), NPSC and NSTTAC	Ongoing
The ND Community of Practice on Secondary Transition will develop and provide a community of practice model to the regional transition committees. Regional Transition Committees will transform and work as Communities of Practice.	Spring-Fall 2009	ND DPI. ND Community of Practice membership, IDEA Partnership/National Community of Practice on Transition, Regional interagency stakeholders in transition.	Ongoing
Facilitate capacity building to promote consideration and use of assistive technology and universal design principles in the IEP. This activity is also designed to address issues identified in all indicators.	Ongoing	ND DPI State Transition Coordinator NDDPI State Assistive Technology Coordinator ND Interagency Program for Assistive Technology (IPAT)	Ongoing
Continue state sponsored trainings on Self-Determination Curriculums and Student Involvement in the IEP Process.	Spring 2009	NSTTAC State Transition Steering Council Statewide membership of individuals in transition related positions	Ongoing
NDDPI will support a Pilot project for two districts to use the National Post School Outcomes (NPSO) <i>Data Use Toolkit</i> for the analyses of local data for improvement planning.	Spring 2012	NDDPI staff NPSO LEAs	Ongoing

Note: All “continuous” or “ongoing” activities will continue until or beyond 2013, as needed.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2011: N/A**

## Indicator 15

**Overview of the State Performance Plan Development:** See Introduction for complete overview and stakeholder input.

<b>Monitoring Priority: Effective General Supervision Part B / General Supervision</b>
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**Indicator 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. (20 U.S.C. 1416 (a)(3)(B))

**Measurement:**

- A. Percent of noncompliance related to monitoring priority areas and indicators corrected within one year of identification:
- a. # of findings of noncompliance made related to monitoring priority areas and indicators.
  - b. # of corrections completed as soon as possible but in no case later than one year from identification.

Percent = b divided by a times 100.

For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and/or enforcement that the State has taken.

- B. Percent of noncompliance related to areas not included in the above monitoring priority areas and indicators corrected within one year of identification:
- a. # of findings of noncompliance made related to such areas.
  - b. # of corrections completed as soon as possible but in no case later than one year from identification.

Percent = b divided by a times 100.

For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and/or enforcement that the State has taken.

- C. Percent of noncompliance identified through other mechanisms (complaints, due process hearings, mediations, etc.) corrected within one year of identification:
- a. # of agencies in which noncompliance was identified through other mechanisms.
  - b. # of findings of noncompliance made.
  - c. # of corrections completed as soon as possible but in no case later than one year from identification.

Percent = c divided by b times 100.

For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and/or enforcement that the State has taken.

**Overview of Issue/Description of System or Process:**

The monitoring and oversight of general supervision in North Dakota uses two components; the emerging Comprehensive School Improvement (CSI) System and the internal monitoring system used at the special education unit level.

A critical feature of NDDPI's future monitoring system is the TIENET Database. Together with the TIENET, this monitoring system contains a single set of forms for implementation of IDEA 04 in all ND school districts. This system will significantly increase NDDPI's capability to ensure the identification and timely correction of compliance with Part B requirements. This system also offers particular emphasis on the priority areas and indicators most closely related to improving educational results and functional outcomes for all children with disabilities. Special education unit directors also agreed that such a system will enable them to more efficiently conduct sophisticated and reliable internal monitoring.

The Comprehensive School Improvement (CSI) System for monitoring general supervision is part of the new, collaborative system based on the Continuous Improvement and Focused Monitoring System

(OSEP, 2003). A self-assessment tool has been prepared inclusive of all federal and state programs (Special Education, Title I, IIa, IIc, III, IV and ND Approval and Accreditation) to measure all compliance issues involving the status and achievement of students in North Dakota schools. This will be combined with performance standards ranging from transition at age 3, academic achievement, student and staff culture, graduation and dropouts rates, transition to adulthood, and parent and community involvement for all students attending a local education agency. This system is now being reviewed by all staff at NDDPI with the initial implementation beginning February 2007 in the Roughrider Educational Services Program, one of ND's Regional Education Agencies (REA) The goal is statewide implementation in the remaining 8 REAs during the 2007-2008 school year. The REAs will serve as the primary training venues for the implementation of the new monitoring system. Each school district will complete the compliance self-assessment with a performance assessment. The school districts will complete data analyses of the findings based on NDDPI guided focus areas. A school improvement and professional development plan will be developed based on the findings at the building level.

A system for ranking schools based on achievement and secondary indicators that are descriptive of the learning environment, professional environment, parent and community involvement as well as program compliance will be used to determine the schools/districts in greatest need of intervention. The SPP indicators are the basis for comprehensive primary and secondary indicators for school improvement. This ranking system is based on local and state targets based on state performance plans. The NDDPI will monitor for compliance, assess school needs, and assist in the development of the school improvement plan. The NDDPI will also provide guidance and resources for the corresponding professional development plans for the 16 lowest ranked schools.

Correcting areas of noncompliance will be addressed through the self-assessment tool, onsite monitoring, and data review. With the identification of noncompliance issues through the self-assessment process, a timeline and action plan for addressing compliance issues will be included. The NDDPI will assist in developing the action plan if an issue is severe or demands immediate change. The school districts identified will submit a follow-up summary of the changes made with appropriate documentation to demonstrate the compliance issues have been addressed.

The NDDPI Special Education Office has the authority to withhold funding if school districts fail to comply with federal law. A system of sanctions and rewards for school plants is being developed as part of the CIS that is responsive to the level of achievement and failure.

Baseline Data for FFY2004:

Table 15.1. Baseline Data for FFY2004

Monitoring Priority: Effective General Supervision Part B		
Indicator	Measurement Calculation	Explanation
<p>Indicator 15, part A: Percent of noncompliance related to monitoring priority areas and indicators corrected within one year of identification:</p> <p># of findings of noncompliance made related to monitoring priority areas and indicators</p> <p># of corrections completed as soon as possible but in no case later than one year from identification.</p>	<p>Calculation chart identifying specifics of indicator 15 attached as <b>compilation Table I</b>.</p> <p>A = 66</p> <p>B = 58</p> <p><b>Formula used:</b>  <b>(B/A) * 100</b>                      or  <b>58 / 66 = .878</b>  <b>.878 * 100 = 84.8 or 87.8%</b></p>	<p>The data used to create a baseline for indicator 15 was derived from Title IV onsite monitoring, Testing and Assessment Unit's data review, Approval and Accreditation Unit's data review, Special Education Unit, and the North Dakota Educational Services Improvement Project's self-assessment schools and pilot schools. The data was taken for the 2004-2005 school year (FFY2004). The baseline is 87.8% derived from the preceding data sources. Compilation Table I provides the specific information gathered. The baseline does not include indicators 7, 8, 9, 10, 11, 13 or 14. Data are not collected specific to those indicators as of FFY2004. Onsite and self-assessment monitoring has been in flux since FFY2004 due to a monitoring process change for Special Education. Special Education in North Dakota is moving from the Continuous Improvement Monitoring Program (CIMP) to a consolidated approach with the Continuous Improvement and Focused Monitoring System (CIFMS). Due to this, data collection and sampling has also been in transition while the new monitoring system is in continued development. This is reflected in the number of schools used for the baseline and the data sources during the 2004-05 school year.</p>

Table 15.2. Compilation of Specific Indicators.

Indicator	Monitoring Mechanism	# Reviewed	# with Findings	A. # of Findings	B. # Corrected w/in 1 yr.	% Corrected w/in 1 yr.
1. Percent of youth with IEPs graduating from high school with a regular diploma. (2004-2005 ND; 95% of special education)	Self-Assessment	6	0	0	0	NA
	On-site Visit	6	1	2	2	100%
	Data Review	15	3	5	5	100%

Indicator	Monitoring Mechanism	# Reviewed	# with Findings	A. # of Findings	B. # Corrected w/in 1 yr.	% Corrected w/in 1 yr.
<i>student graduated)</i>	Other	0	NA	NA	NA	NA
2. Percent of youth with IEPs dropping out of high school.	Self-Assessment	6	4	7	7	100%
	On-site Visit	6	4	4	4	100%
	Data Review	0	NA	NA	NA	NA
	Other	0	NA	NA	NA	NA
3. Participation and performance of children with disabilities on statewide assessments.	Self-Assessment	6	0	0	0	NA
	On-site Visit	6	0	0	0	NA
	Data Review	15	2	5	4	80%
	Other	0	NA	NA	NA	NA
4. Rates of suspension and expulsion.	Self-Assessment	6	4	8	8	100%
	On-site Visit	26	16	29	22	75.8%
	Data Review	0	NA	NA	NA	NA
	Other	0	NA	NA	NA	NA
5. Percent of children with IEPs aged 6 through 21—educational placement.	Self-Assessment	6	1	2	2	100%
	On-site Visit	6	2	3	3	100%
	Data Review	0	NA	NA	NA	NA
	Other	0	NA	NA	NA	NA
6. Percent of preschool children who received special education and related services in settings with typically developing peers.	Self-Assessment	0	NA	NA	NA	NA
	On-site Visit	6	0	0	0	NA
	Data Review	0	NA	NA	NA	NA
	Other	0	NA	NA	NA	NA
12. Percent of children referred by Part C prior to age 3 have an IEP developed and implemented by their third birthday.	Self-Assessment	6	0	0	0	NA
	On-site Visit	6	1	1	1	100%
	Data Review	0	NA	NA	NA	NA
	Other	0	NA	NA	NA	NA
<b>Indicator 7, 8, 9, 10, 11, 13, and 14 are new indicators; no data for</b>	NA	NA	NA	NA	NA	NA

Indicator	Monitoring Mechanism	# Reviewed	# with Findings	A. # of Findings	B. # Corrected w/in 1 yr.	% Corrected w/in 1 yr.
<b>2004-2005</b>						
<b>TOTALS</b>	Sum of Column A and B			<b>66</b>	<b>58</b>	

**Self-Assessment:** LEAs assess compliance with federal programs and report areas identified as needing improvement to NDDPI.

**On-Site Visit:** The NDDPI staff members make on-site visits to check for compliance in specific areas.

**Data Review:** Desk review of compliance information and data submitted to NDDPI. Desk review may include telecommunication and electronic review.

Other: The NDDPI does not utilize any other monitoring mechanisms at this time.

**Table 15.3.** Non compliance identified through dispute resolution processes

Table for Indicator 15C. Non compliance identified through dispute resolution processes		
Indicator	Measurement Calculation	Explanation
15C. Percent of noncompliance identified through complaints, due process, etc. corrected within 1 yr # of agencies noncompliance was identified through complaints =1 # of findings of noncompliance made = 1 # of corrections completed as soon as possible but in no case later than one year from identification = 1	Percent = c divided by b times 100  1 divided by 1 times 100 = 100% noncompliance through other mechanisms were corrected within one year of identification.	Out of 3 complaint investigations and one due process hearing, <u>one</u> issue was identified to be in violation of IDEA 04 relative to notification requirements. One LEA was involved in the issue.  The finding was corrected within 1 month after the LEA received the corrective action directive from the complaint investigation report.

**Discussion of Baseline Data:**

The local education agencies monitored to create the baseline for indicator 15 were in 3 categories; self assessment, on-site monitoring, and data review. The 6 schools used for self assessment were LEAs asked to report general supervision data for the purpose of potential involvement in the pilot test of the CIFMS for the 2004-2005 school year. These schools represented a small scale representation of school size based on foundation aid category. The 6 LEAs that were monitored on-site were the pilot participants for CIFMS in the 2004-2005 school year. An on-site visit to review data and basic compliance occurred as part of the training to test the CIFMS. The schools information was reviewed through paper copies of monitoring and compliance reviews for the 2004-2005 school year. This information was gathered for the purpose of creating a baseline for the area mentioned in the table and based on foundation aid category to have a reasonable representation of the state. It is of note that Table I, number 4 has 26 schools listed as on-site monitored. Twenty of the twenty six schools were monitored by the Title IV program. A data review of their findings contributed to the total for A and B.

The LEAs used to assess and create a baseline for indicator 15 were put into 3 categories noted above; onsite visit, data review, and self assessment. The definitions used to categorize the LEAs are as follows. A school that was visited onsite has an NDDPI individual or team in the school building reviewing compliance, documentation, and data in order to determine areas needing attention in the LEA. A data review is the desk review of information and data submitted to NDDPI. The LEA is a participant in a data review through phone conversations and email. NDDPI staff members assess the needs of the LEA based on the required documentation submitted. Self assessment is where an LEA submits a report or requested information to NDDPI that has already determined areas of need through an internal review process

**NDDPI Definitions:**

*Monitoring:* Activities or actions conducted to determine the functioning of a program or services compared to what is required by a regulation or requirement for the purpose of accountability. The following steps are used to monitor and verify compliance and, when required, the timely correction of noncompliance:

*ND Special Education Integrated Accountability System:* The accountability process integrates data from multiple sources: focus monitoring, self-assessment results, the APR compliance and performance indicators, IEP files, individual student file reviews, district level assessments, and dispute resolution data. During the final stage, these data are integrated and a multi-level analysis of the districts occurs, this allows the NDDPI staff to identify which districts require a more focused examination through on-site and/or off-site reviews. These districts are offered technical assistance to prepare for the visit and to correct any additional noncompliance found during the visit.

1. The NDDPI special education staff members, including the IDEA Part B Grant Manager (Fiscal), review applications and utilization of the Part B funds, analyze local program performance on SPP indicators, compare results to state targets, and notify districts of noncompliance identified and corrective actions required. An additional component of this process is the publication of each district's *Special Education Performance Information: North Dakota District Report Card*.
2. The NDDPI requires all districts to conduct a self-assessment using approved department procedures.
3. The NDDPI uses indicator data, self-assessment documents, and IEP file reviews to identify which districts had the lowest rates of positive outcomes for students receiving special education services. The districts with the lowest rates of positive outcomes for students with disabilities receive a focused review. This process includes a complete review of district data, formation of hypotheses, and investigation related to performance and possible noncompliance. Following this review, each district identified in this stage receives a report detailing areas of noncompliance and required corrective actions with completion timelines.

*Finding:* A written conclusion that includes citation of the regulation/requirement and a description of the quantitative and/or qualitative data supporting a decision of compliance or noncompliance with that regulation/requirement.

*Notification of Noncompliance:* The one-year correction timeline begins on the date the NDDPI notifies the school district, in writing, of the noncompliant policies and/or practices. Notification of findings occurs as soon as possible after the NDDPI concludes that the LEA has a finding of noncompliance.

**Correction of Noncompliance:**

- The NDDPI monitoring staff verifies correction through follow-up review of data, other documentation, and/or interviews. These follow-up procedures ensure that the noncompliant policies, procedures, and/or practices were revised and the noncompliance was corrected.
- Timely correction occurs when the noncompliance is corrected as soon as possible but no later than one year from the written notification of the noncompliance.
- The NDDPI monitoring staff notifies the LEA in writing that the noncompliance was corrected as required. This "close-out" letter informs the superintendent and the local special education unit director of the noncompliance and the approved completed correction.

*Follow-up and Verification:* The NDDPI staff members verify correction of noncompliance through the following actions:

- NDDPI monitoring staff ensure that the corrective actions required begin as soon as possible after the school district is notified;
- NDDPI monitoring staff review the district submission of documents pertaining to the corrective actions such as individual student level correction of noncompliance and training dates, locations, agendas, and participation lists;
- When required, NDDPI staff members conduct on-site and/or off-site activities to verify correction of noncompliance; and
- The NDDPI monitoring staff randomly verified compliance through district and student level data (when necessary) using the TIENET database. As described in the introduction of this report (p.7), the majority of the student forms are available in the TIENET database. Throughout the year, NDDPI special education coordinators log into the database and view the student files in question. If the corrective action has not taken place as planned, the NDDPI Special Education General Supervision coordinator contacts the local special education director to discuss the timeline of the required correction. At the agreed upon date, the NDDPI Special Education General Supervision coordinator will again log into the system and verify the correction is complete. Once the corrective action is complete and the noncompliance corrected, the NDDPI Special Education General Supervision coordinator sends a “close-out” letter to the local special education unit director and LEA superintendent verifying those corrections and the date of completion.

The NDDPI Special Education General Supervision coordinator also maintains an Excel spreadsheet that tracks all findings. This spreadsheet contains the districts who received a letter of notification and the following: date of the letters of noncompliance to LEA, date of accepted corrective action plan, date the corrective action plan was completed, date the NDDPI verified the correction of noncompliance, and date of the Close-out letter to the school district superintendent. All corrective actions must be completed as soon as possible, but no longer than one year, after receiving a letter detailing the issue of noncompliance.

**Table 15.4.** Measurable and Rigorous Targets for Focused Monitoring, Indicator 15.

FFY	Measurable and Rigorous Targets
<b>2005</b> (2005-2006)	100 percent identified noncompliance will be corrected within one year of identification.
<b>2006</b> (2006-2007)	100 percent identified noncompliance will be corrected within one year of identification.
<b>2007</b> (2007-2008)	100 percent identified noncompliance will be corrected within one year of identification.
<b>2008</b> (2008-2009)	100 percent identified noncompliance will be corrected within one year of identification.
<b>2009</b> (2009-2010)	100 percent identified noncompliance will be corrected within one year of identification.
<b>2010</b> (2010-2011)	100 percent identified noncompliance will be corrected within one year of identification.
<b>2011</b> (2011-2012)	100 percent identified noncompliance will be corrected within one year of identification.
<b>2012</b> (2012-2013)	100 percent identified noncompliance will be corrected within one year of identification.

**Table 15.5** Improvement Activities/ Timelines/ Resources

Activities	Timelines	Resources	Status
NDDPI will develop regional education administrative units (REA). The regions will make NDDPI staff more accessible and make it possible for greater professional development to occur statewide. The trainings will include best practices as well as law and compliance. This has a mandated timeline from the Governor’s Commission on Education (2006).	FFY 2007	Special education unit administrators, Joint Powers Consortiums Administrators, DPI professionals	Ongoing
The NDDPI has migrated data from the ORS to the new STARS system for online data collection.	FFY 2007	Eductech, DPI MIS staff, DPI professionals.	Completed
Piloting of the TIENET Database (Spring 2008) with full implementation Fall 2008.	FFY2007	NDDPI Staff, District Administrators.	Completed
Implementation of a school improvement process, previously the Consolidated Monitoring and School Improvement, now the High Risk School Improvement.	FFY 2007	NDDPI staff	Completed
Continue to offer technical assistance to parents and schools through early dispute resolution options.	Ongoing	NDDPI Staff	Ongoing
Increased partnerships with parent organizations and agencies.	Ongoing	NDDPI staff, ND PTI, ND Family to Family	Ongoing
Develop ways to improve correlation between monitoring noncompliance and complaint findings.	Ongoing	NDDPI staff	Ongoing
Targeted desk audits by NDDPI staff	FFY2008	NDDPI staff, Contracted individuals	Ongoing
Compilation of the special education unit Technical Assistance Inventory for TA development and dissemination.	FFY2008	NDDPI staff	Ongoing
Data gathered from the TIENET Database will be used for the purpose of monitoring at local and state levels.	FFY2008	NDDPI staff, Local special education units	Ongoing
North Dakota Moving to Improve Learning for Everyone (ND MILE) initiative	FFY2009	NDDPI Federal Programs	Ongoing
Redesign of the internal monitoring system to the self-assessment monitoring (SAM).	FFY2009	NDDPI staff	Ongoing
Re-establishing the Focused Monitoring system	FFY2010	NDDPI, WDE monitoring staff, MPRRC statistician	Ongoing

Note: All “continuous” or “ongoing” activities will continue until or beyond 2013, as needed.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2011: N/A**

Indicator 16

**Overview of the State Performance Plan Development:** See Introduction for complete overview and stakeholder input.

**Monitoring Priority: Effective General Supervision Part B / General Supervision**

***NOTE: As of FFY2011, per OSEP guidance to States, Indicators 16 and 17 are no longer reported in the APR. This section remains as historical reference.***

**Indicator 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, 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. (20 U.S.C. 1416(a)(3)(B))

**Measurement:**

Percent = (1.1(b) + 1.1(c)) divided by (1.1) times 100.  
 NDDPI Percent = 2 + 1 divided by 3 = 1 times 100 = 100%

**Overview of Issue/Description of System or Process:**

NDDPI has developed a Complaints Manual that explains the complaint process to interested individuals. When parents request information on how to file a complaint, the NDDPI Dispute Resolution Coordinator discusses the many dispute resolution options available through the State Office. The parents are assisted in framing issues and in exploring the dispute resolution option best suited to their individual situation. The parents are also guided to other individuals who may assist them if they have not already discussed the issue with the local special education case manager or director. If the parents opt to file a complaint, NDDPI sends a copy of the procedural safeguards, the complaint process manual and a letter outlining how a complaint must be filed in order to initiate the complaint investigation process. Once received, if the complaint does not meet the criteria for a formal complaint (i.e., address not included; not signed by the complainant) the complainant is given an opportunity to correct or clarify the areas in question and resubmit the complaint. Parents are typically referred to Protection and Advocacy for assistance. Once the formal complaint is received, the complaint investigation and required (60-day) timeline are initiated. Mediation is offered as soon as a complaint is received, but may be accessed earlier if the conflict is made known to the Department prior to a formal complaint being filed. Upon completion of interviews and review of pertinent documents, the investigator writes the complaint investigation report. A complaint investigation report may or may not contain corrective actions depending on the outcome of the investigation. The NDDPI sends the final complaint closure letter to all parties when all complaint corrective actions are completed to the expectation of the NDDPI Regional Coordinator. A complainant may withdraw their letter of complaint at any time prior to the 60 day deadline for investigation. This request must be in writing to the Director of Special Education, requesting the original complaint be withdrawn.

**Baseline Data for FFY2004 (2004-2005):**

**Table 16.1.** Baseline Data for 2004 - 2005

(1) Total signed written complaints	3
(1.1) Complaints with reports issued	3
(a) Reports with findings	1
(b) Reports within timeline	2
(c) Reports within extended timeline	1

(1.2) Complaints withdrawn or dismissed	0
(1.3) Complaints pending	0
(a) Complaint pending a due process hearing	0

**Discussion of Baseline Data:**

Three complaints were filed with NDDPI for complaint investigation in 2004-2005. Of those three complaints, 100 percent were investigated within the 60 calendar days. During this reporting period, one of the three complaints was found to have at least one violation and two were found to have no violations. There were 8 specific issues, one of which was determined to be a violation under IDEA 04. The most frequently occurring issue included in the three complaints was the failure to implement the IEP. Two of the three complaints were filed by the same parent.

The State level Dispute Resolution Coordinator provides early intervention options such as:

- Helping parents identify and frame issues to discuss with the child’s IEP team, case manager, building principal or special education administrator;
- Helping parents identify possible solutions to the issue(s);
- Offering to contact the case manager, building principal, local Special Education Coordinator or Director when appropriate;
- Assisting parents in determining if they should request that the IEP team reconvene to discuss the issue;
- Referring parents to a local parent organization or protection and advocacy for assistance/support;
- Providing guidance documents and references for questions pertaining to the parents issues;
- Explaining the resolution options of IEP facilitation, mediation, complaints and due process;
- Helping the parents identify the best resolution option for their individual situation;
- Providing follow-up of each of the dispute resolution processes.

Based on the number of children with disabilities in the state (14,681 students) out of the total state enrollment (107,564 students), the percentage of the total complaints, mediations and due process hearings filed with NDDPI was .05 percent for the 2004-2005 school year.

It is a high priority for NDDPI Special Education to educate parents and advocates about procedural safeguards so that parents are knowledgeable of their rights. This is conducted in a variety of ways. Presentations regarding procedural safeguards and dispute resolution options are offered through NDDPI by way of: the ND IDEA Advisory committee; Pathfinder Parent Training and Information Center annual conference; the Family Connections annual conference; and other conferences in which NDDPI is invited to participate.

The NDDPI also provides technical assistance for P &A advocates, the ND PTI (Pathfinders) and other parent organizations and the local education agencies. The NDDPI forwards copies of procedural safeguards to the special education units as part of the assurance that public agencies meet the requirements in 34 CFR 300.500-300.529. The procedural safeguards are also posted on the NDDPI website.

**Table 16.2.** Measurable and Rigorous Targets for Indicator 16.

FFY	Measurable and Rigorous Target
<b>2005 (2005-2006)</b>	100 percent of signed written complaints will be investigated and have reports issued within the 60-day timeline or within a specific extended timeline for exceptional circumstances.
<b>2006 (2006-2007)</b>	100 percent of signed written complaints will be investigated and have reports issued within the 60-day timeline or within a specific extended timeline for exceptional circumstances.
<b>2007 (2007-2008)</b>	100 percent of signed written complaints will be investigated and have reports issued within the 60-day timeline or within a specific extended timeline for exceptional circumstances.
<b>2008 (2008-2009)</b>	100 percent of signed written complaints will be investigated and have reports issued within the 60-day timeline or within a specific extended timeline for exceptional circumstances.
<b>2009 (2009-2010)</b>	100 percent of signed written complaints will be investigated and have reports issued within the 60-day timeline or within a specific extended timeline for exceptional circumstances.
<b>2010 (2010-2011)</b>	100 percent of signed written complaints will be investigated and have reports issued within the 60-day timeline or within a specific extended timeline for exceptional circumstances.

**Improvement Activities/Timelines/Resources:**

The NDDPI will maintain 100 percent of all complaints be investigated and reports issued within the 60-day timeline, or have documentation of a timeline extended for exceptional circumstances. The NDDPI will continue use of early dispute resolution processes.

The NDDPI activities will focus on continuing to improve tracking methods, data collection, database structures and maintenance procedures, and improve follow-up procedures. Data collection will occur through an internal Department level database rather than through the statewide Online Reporting System, which collects data from each school district in North Dakota. It was determined that because the complaint numbers are not significant, the dispute resolution data would best be collected internally and by way of comparing longitudinal data with data from the focused monitoring results.

The NDDPI is confident that parents are given many opportunities for learning about their procedural safeguards. However, NDDPI is cognizant of the need to develop new approaches to disseminate and communicate this information to accommodate diverse abilities and preferences.

**Table 16.3.** Improvement Activities/Timelines/Resources for Indicator 16.

Activities	Timelines	Resources	Status
Provide training in the new IDEA 2004 Procedural Safeguards; Revise guidance documents; Develop and revise model forms;	FFY2005	NDDPI Dispute Resolution Coordinator	Completed
Improve complaint data analysis to be more effectively incorporated into monitoring data	FFY2008 and ongoing	NDDPI Dispute Resolution Coordinator and NDDPI staff	Ongoing
Review data and develop action plan for dealing with systemic issues.	Ongoing	NDDPI Dispute Resolution Coordinator	Ongoing
Develop guidance materials in varied formats so that parents can access the information through different modes (brochures, videos, audio tapes, sign-language interpreter, etc.).	Ongoing	NDDPI staff, and other interested stakeholders	Ongoing

Provide trainings and technical assistance to PTI, Protection and Advocacy, Parent organizations, and LEAs.	Ongoing	NDDPI Dispute Resolution Coordinator	Ongoing
Analyze and improve upon existing follow-up methods for ensuring completion of corrective actions in a timely fashion.	Ongoing	NDDPI Dispute Resolution Coordinator	Ongoing
The NDDPI will continue to share dispute resolution annual data with the IDEA Advisory Committee, ND Protection and Advocacy, the ND Parent Training and Information Center, other parent organizations and the public, through website access. The NDDPI will also share this information with BIE special education administrators in the state.	Ongoing	NDDPI Dispute Resolution Coordinator	Ongoing
Update and revise webpage for Dispute Resolution. Add resources and links to support parties' participation in early intervention processes.	FFY2009 and ongoing	NDDPI DR Coordinator and MIS Department	Ongoing
The Department of Public Instruction will share the results of a qualitative research project regarding facilitated IEP meetings with its IDEA State Advisory Committee and seek input for future improvements.	June 2011	NDDPI DR Coordinator	Ongoing
The Department of Public Instruction will plan and convene a skills enhancement training for dispute resolution IEP facilitators, mediators, and the <i>UND Conflict Resolution Center</i> that supplies mediators for IDEA disputes.	June 2011	NDDPI DR Coordinator, UND Conflict Resolution Center, CADRE.	Ongoing
NDDPI has purchased a participation membership in the <i>Dispute Resolution in Special Education Consortium</i>	January 2011	NDDPI DR Coordinator	Ongoing

Note: All "continuous" or "ongoing" activities will continue until or beyond 2013, as needed.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2011: N/A**

Indicator 17

**Overview of the State Performance Plan Development:** See Introduction for complete overview and stakeholder input

**Monitoring Priority: Effective General Supervision Part B / General Supervision**

***NOTE: As of FFY2011, per OSEP guidance to States, Indicators 16 and 17 are no longer reported in the APR. This section remains as historical reference.***

**Indicator 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.  
(20 U.S.C. 1416(a)(3)(B))

**Measurement:**

Percent = (3.2(a) + 3.2(b)) divided by (3.2) times 100.  
NDDPI Percent = 0 + 1 divided by 1 times 100 = 100%

**Overview of Issue/Description of System or Process:**

The NDDPI has developed a Due Process Manual that explains the due process hearing procedures to interested individuals. When parents request information on how to file a complaint, the NDDPI Dispute Resolution Coordinator discusses the many dispute resolution options available through the State. The parents are assisted in framing issues and in exploring the dispute resolution option best suited to their individual situation. The parents are also guided to other individuals who may assist them if they have not already discussed the issue with the local special education case manager or director. Parents are referred to Protection and Advocacy for assistance.

Either a parent or public education agency may request a due process (DP) hearing regarding the identification, evaluation, placement or the provision of a free appropriate public education (FAPE) of a student with a disability. The DP request must meet the requirements before the process can be initiated. Once the DP request is accepted through NDDPI, the request is sent to the Office of Administrative Hearings (OAH), which will select an Administrative Law Judge (a.k.a. Impartial Hearing Officer (IHO)) to be appointed. The IHO has the responsibility to be impartial, not to be employed by an agency involved with the care or education of the child, or a school board official, and who is knowledgeable about the legal and educational issues which may arise under Part B of the Individuals with Disabilities Education Act in connection with the matters in dispute at a hearing initiated pursuant to this regulation. During the period of time between the date of the filing of the Application for Request for Due Process Hearing and the commencement of a hearing, the Department offers mediation to remedy the dispute between the parents and the special education unit. A final report is sent to NDDPI once a decision has been made.

**Baseline Data for FFY2004:**

**Table 17.1.** Baseline Data for 2004 - 2005

(3) Hearing requests total	1
(3.1) Resolution sessions	0
(a) Settlement agreements	0
(3.2) Hearings (fully adjudicated)	1
(c) Decisions within timeline	0
(b) Decisions within extended timeline	1
(3.3) Resolved without a hearing	0

**Discussion of Baseline Data:**

One Due Process Hearing request was filed with NDDPI in 2004-2005. The Due Process Hearing occurred within the extended timeline requirement. Two extensions were requested and accepted by both parties. This particular due process hearing decision determined that the school district was not in violation of IDEA 04 for any of the three alleged violations. The parent who filed for a due process hearing accessed other dispute resolution options prior to filing, including IEP facilitation, mediation, and complaint investigation.

To maintain historical data, the original indicator language remains in the introductory section this year. Please see the current APR, FFY2008, for the new indicator language: *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.*

See Indicator 16 for a description of the NDDPI’s Dispute Resolution Coordinator early intervention activities that support families and schools in conflict.

**Table 17.2.** Measurable and Rigorous Targets for Indicator 17.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100 percent of due process hearing decisions will be fully adjudicated and completed within the 45-day timeline or within a properly extended timeline.
2006 (2006-2007)	100 percent of due process hearing decisions will be fully adjudicated and completed within the 45-day timeline or within a properly extended timeline.
2007 (2007-2008)	100 percent of due process hearing decisions will be fully adjudicated and completed within the 45-day timeline or within a properly extended timeline.
2008 (2008-2009)	100 percent of due process hearing decisions will be fully adjudicated and completed within the 45-day timeline or within a properly extended timeline.
2009 (2009-2010)	100 percent of due process hearing decisions will be fully adjudicated and completed within the 45-day timeline or within a properly extended timeline.
2010 (2010-2011)	100 percent of due process hearing decisions will be fully adjudicated and completed within the 45-day timeline or within a properly extended timeline.

**Improvement Activities/Timelines/Resources:**

The NDDPI will meet the 100 percent requirement for all due process hearing decisions and reports to be issued within the 45-day timeline, or have documentation of a timeline extended for exceptional circumstances. NDDPI will continue use of early dispute resolution processes.

The NDDPI activities will focus on continuing to improve tracking methods, data collection, database structures and maintenance procedures, and improve follow-up procedures. Data collection will occur through an internal Department level database rather than through the statewide Online Reporting System, which collects data from each school district in North Dakota. It was determined that because the complaint numbers are not significant, the dispute resolution data would best be collected internally and by way of comparing longitudinal data with data from the focused monitoring results.

NDDPI is confident that parents are given many opportunities for learning about their procedural safeguards. However, NDDPI is cognizant of the need to develop new approaches to disseminate and communicate this information to accommodate diverse abilities and preferences.

**Table 17.3.** Improvement Activities/Timelines/Resources for Indicator 17.

Activities	Timelines	Resources	Status
Provide training in the new IDEA 2004 Procedural Safeguards; Revise guidance documents; Develop and revise model forms.	FFY2005	NDDPI Dispute Resolution Coordinator and NDDPI staff	Completed
Improve complaint data analysis to be more effectively incorporated into monitoring data	FFY2008 and ongoing	NDDPI Dispute Resolution Coordinator and NDDPI staff	Ongoing
Review data and develop action plan for dealing with systemic issues.	Ongoing	NDDPI Dispute Resolution Coordinator	Ongoing
Develop guidance materials in varied formats so that parents can access the information through different modes (brochures, videos, audio tapes, sign-language interpreter, etc.).	Ongoing	NDDPI staff, and other interested stakeholders	Ongoing
Provide trainings and technical assistance to PTI, Protection and Advocacy, Parent organizations, and LEAs.	Ongoing	NDDPI Dispute Resolution Coordinator	Ongoing
Analyze and improve upon existing follow-up methods for ensuring completion of corrective actions in a timely fashion.	Ongoing	NDDPI Dispute Resolution Coordinator	Ongoing
The NDDPI will continue to share dispute resolution annual data with the IDEA Advisory Committee, ND Protection and Advocacy, the ND Parent Training and Information Center, other parent organizations and the public, through website access. The NDDPI will also share this information with BIE special education administrators in the state.	Ongoing	NDDPI Dispute Resolution Coordinator	Ongoing
Update and revise webpage for Dispute Resolution. Add resources and links to support parties' participation in early intervention processes.	FFY2009 and ongoing	NDDPI DR Coordinator and MIS Department	Ongoing
The NDDPI will share the results of a qualitative research project regarding facilitated IEP meetings with its IDEA State Advisory Committee and seek input for future improvements.	June 2011	NDDPI DR Coordinator	Ongoing
The NDDPI will plan and convene a skills enhancement training for dispute resolution IEP facilitators, mediators, and the <i>UND Conflict Resolution Center</i> that supplies mediators for IDEA disputes.	June 2011	NDDPI DR Coordinator, UND Conflict Resolution Center, CADRE.	Ongoing
NDDPI has purchased a participation membership in the <i>Dispute Resolution in Special Education Consortium</i>	January 2011	NDDPI DR Coordinator	Ongoing

Note: All “continuous” or “ongoing” activities will continue until or beyond 2013, as needed.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2011: N/A**

## Indicator 18

**Overview of the State Performance Plan Development:** See Introduction for complete overview and stakeholder input.

<b>Monitoring Priority: Effective General Supervision Part B / General Supervision</b>
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**Indicator 18:** Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.  
(20 U.S.C. 1416(a)(3(B)))

<b>Measurement:</b> Percent = (3.1(a) divided by 3.1) times 100.
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**Overview of Issue/Description of System or Process:**

The NDDPI has developed a model Resolution Session Agreement form that may be used by local school districts. The NDDPI has also developed a process and worksheet for tracking timelines associated with the Resolution Session and Due Process Hearing requirements. Once a due process hearing complaint notice is received by both the LEA and NDDPI, NDDPI forwards the notice to the Office of Administrative Hearings (OAH) for assignment of an Administrative Law Judge, (Impartial Hearing Officer (IHO)). This ensures the prompt transfer of information, tracking of timelines, and handling any sufficiency contest of the Due Process Complaint Notice.

Due to NDDPI's small number of due process hearing requests each year, the state decided to assist the school district and parents involved in the conflict in arranging for neutral facilitators. The facilitator's role is to facilitate the meeting and to assist the parties who have reached an agreement in documenting the terms of the agreement using the Resolution Session Agreement form. The NDDPI receives a copy of the agreement, if one is completed. The NDDPI also assists in the tracking of timelines associated with the Resolution Session and documenting the following:

- Whether the parties wish to resolve the issues through mediation rather than through the resolution session;
- Whether the parties have submitted in writing to waive the resolution session;
- Whether the school has fulfilled the terms of the agreement to the satisfaction of the parent within the 30 day timeline;
- Whether the party who requested the due process hearing wishes to proceed with the due process hearing after the 30-day time frame.

**Baseline Data for FFY2005:**

The NDDPI Dispute Resolution Coordinator monitors the data to compare against the state performance plan targets. Of the two due process hearings conducted during the 2005-2006 school year, only one entered into a resolution session meeting. The meeting resulted in no agreement. A neutral facilitator assisted the parties in the meeting, but the parties could not come to agreement on any of the issues presented in the complaint. The parties in the other due process agreed to waive the resolution session and did not wish to participate in mediation.

**Discussion of Baseline Data:**

North Dakota asserts that it is counter intuitive to strive for 100 percent in agreement rates because it brings an agenda separate from what the parties bring. If the goal is to achieve 100 percent agreements from the resolution session, the process becomes authoritative and third-party controlled rather than participant controlled.

The resolution session agreement rate for 2005-2006 was below NDDPI’s original target of 50 percent. North Dakota typically has very small due process numbers which creates a statistical conundrum because there are too few to derive any statistical conclusions. In light of NDDPI having had only one resolution session during the 2005-2006 school year (out of two due process hearing requests), NDDPI has created new targets for resolution session agreements.

**Table 18.1.** Measurable and Rigorous Targets for Indicator 18.

FFY	Measurable and Rigorous Target
<b>2005</b> (2005-2006)	30 percent of Resolution Sessions will be facilitated successfully.
<b>2006</b> (2006-2007)	35 percent of Resolution Sessions will be facilitated successfully.
<b>2007</b> (2007-2008)	40 percent of Resolution Sessions will be facilitated successfully.
<b>2008</b> (2008-2009)	45 percent of Resolution Sessions will be facilitated successfully.
<b>2009</b> (2009-2010)	50 percent of Resolution sessions will be facilitated successfully.
<b>2010</b> (2010-2011)	55 percent of Resolution sessions will be facilitated successfully.
<b>2011</b> (2011-2012)	60 percent of Resolution sessions will be facilitated successfully.
<b>2012</b> (2012-2013)	65 percent of Resolution sessions will be facilitated successfully.

**Table 18.2.** Improvement Activities/Timelines/Resources for Indicator 18.

Activities	Timelines	Resources	Status
Provide stakeholder training in the new IDEA 2004 regulations on procedural safeguards and dispute resolution options. Revise guidance documents.	FFY2006	NDDPI Dispute Resolution Coordinator	Completed
Continue to expand existing facilitator pool; provide facilitation and IDEA 2004 training to facilitators.	FFY2006 and ongoing	NDDPI Dispute Resolution Coordinator	Ongoing
Monitor all resolution meetings through internal database.	Ongoing	NDDPI Dispute Resolution Coordinator	Ongoing <i>NOTE: There have been no due process hearing requests to allow for this activity.</i>
Improve complaint data analysis to be more effectively incorporated into monitoring data	Ongoing	NDDPI Dispute Resolution Coordinator and NDDPI staff	Ongoing

Monitor issues presented in resolution meetings for the purpose of handling systemic issues.	Ongoing	NDDPI Dispute Resolution Coordinator	Ongoing NOTE: There have been no due process hearing requests to allow for this activity
Develop guidance materials in varied formats so that parents can access the information through different modes.	FFY2006 and FFY2007	NDDPI staff, and interested stakeholders	Completed
The NDDPI will continue to share dispute resolution annual data with the IDEA Advisory Committee, ND Protection and Advocacy, the ND Parent Training and Information Center, other parent organizations and the public, through website access. The NDDPI will also share this information with BIE special education administrators in the state.	Ongoing	NDDPI Dispute Resolution Coordinator	Ongoing
Update and revise webpage for Dispute Resolution. Add resources and links to support parties' participation in early intervention processes.	FFY2009 and ongoing	NDDPI DR Coordinator and MIS Department	Ongoing
The Department of Public Instruction will share the results of a qualitative research project regarding facilitated IEP meetings with its IDEA State Advisory Committee and seek input for future improvements.	June 2011	NDDPI DR Coordinator	Ongoing
The Department of Public Instruction will plan and convene a skills enhancement training for dispute resolution IEP facilitators, mediators, and the <i>UND Conflict Resolution Center</i> that supplies mediators for IDEA disputes.	June 2011	NDDPI DR Coordinator, UND Conflict Resolution Center, CADRE.	Ongoing

Note: All "continuous" or "ongoing" activities will continue until or beyond 2013, as needed.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2011: N/A**

## Indicator 19

**Overview of the State Performance Plan Development:** See Introduction for complete overview and stakeholder input.

<b>Monitoring Priority: Effective General Supervision Part B / General Supervision</b>
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**Indicator 19:** Percent of mediations held that resulted in mediation agreements.  
(20 U.S.C. 1416(a)(3)(B))

<b>Measurement:</b>
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Percent = (2.1(a)(i) + 2.1(b)(i)) divided by (2.1) times 100.
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**Overview of Issue/Description of System or Process:**

The NDDPI offers mediation when conflict between a parent and school exists or when a due process hearing is requested. A request for mediation may occur when parents and schools reach an impasse after having made good faith efforts to resolve their differences. Either the parents or school district can request mediation. Mediation may occur on any issue considered appropriate for a due process hearing or complaint investigation. The NDDPI's guidance document on mediation informs parties that mediation may occur prior to or concurrent with a request for a due process hearing or the filing of a complaint but that it may not interfere with the right to a due process hearing.

Once the parents and school district agree to mediation, each party completes an *Agreement to Mediate* form and sends the document to NDDPI, who then contacts the other identified party to seek participation. If one party declines to participate in mediation, all efforts to resolve conflict via mediation end. Mediators will be chosen on a rotational basis. This is a change from our previous method of allowing the parties to choose the mediator. Mediations are few in North Dakota and some mediators expressed concern that their familiarity with special education mediation issues was compromised when they were not given an opportunity to perform special education mediation on an annual basis. Although training is provided for all mediators, NDDPI agreed that mediators would benefit from being selected rotationally so that they might each have an opportunity to mediate a special education case in any given year. The rotation process includes:

- The mediator who is next on the list will be contacted. If that mediator is not available, the next mediator on the list is contacted.
- Disability category of the student will be taken into account for special cases when selecting a mediator if a particular mediator has extensive experience in a particular disability area (i.e., mental illness).
- Geographic location of the mediator will only be taken into account if the parties' issues are so widespread that several meetings would be required to effectively resolve the issues presented in the mediation request.

The NDDPI has improved the collection of participant feedback data. The mediator disseminates a NDDPI generated mediation exit survey immediately following the mediation as part of continuous improvement process. The participants may send it in the accompanying self-addressed/stamped envelope at their convenience. The information obtained from the surveys are held confidential to the extent that no names are attached to the survey and data is strictly used to improve the mediation process and mediator trainings, or to convey trend data to stakeholders at parent or leadership conferences.

To ensure objectivity, the mediator is given only the *Agreement to Mediate* forms submitted by the parties. The mediator is not made aware of any phone conversations between the parties and NDDPI staff.

Mediators are selected to be available to NDDPI on the basis of these qualifications: sensitivity to cultural, linguistic and class differences; neutrality; knowledge of the process of mediation; fundamental understanding of IDEA 04 requirements; and appropriate personal communication skills.

The parties determine the terms of the agreement and, if the parties agree, the mediator puts the agreement in writing. Both parties and the mediator sign the mediation agreement. At the conclusion of the session, each party receives a copy. If mediation results in an agreement that would require changes to a student’s IEP, NDDPI recommends to the parties that an IEP team meeting be convened as soon as possible to consider incorporating some or all elements of the agreement into the student’s IEP. If agreement is not reached, the mediator will certify to the parties, in writing, that the mediation has been unsuccessful.

**Baseline Data for FFY2004:**

**Table 19.1.** Baseline Data 2004 - 2005.

(2) Mediation request total	4
(2.1) Mediations	
(a) Mediations related to due process	1
(i) Mediation agreements	0
(b) Mediations not related to due process	3
(i) Mediation agreements	3
(2.2) Mediations not held (including pending)	0

**Discussion of Baseline Data:**

NDDPI received five mediation requests during the 2004-2005 school year. Of those five, one was declined by the other party. Of the four that went to mediation, one was related to a due process hearing, which resulted in no agreement. Of the four that went to mediation, three were not related to due process and those three resulted in a mediation agreement. All mediations were completed within a 3 week time period. The most frequently occurring mediation issue was placement.

Mediations related to due process hearings

During the 2004-05 school year, 0 percent of mediations related to due process resulted in agreement.

Mediations not related to due process hearings:

During the 2004-05 school year, 100 percent of mediations not related to due process hearings resulted in agreement.

**Table 19.2.** Mediation Baseline Data 2004 - 2005.

Year	Total Mediations	Mediations related to Due Process	Mediation Agreements related to Due Process	Mediation not related to Due Process	Mediation Agreements not related to Due Process
2004-05	4	1	0	3	3

Although the number of annual mediations has not changed significantly over the last 7 years, there has been a new focus on early intervention for resolving conflicts between schools and parents before they reach complaint level. Please see Indicator 16 for a description of NDDPI’s early intervention activities that support families and schools in conflict.

North Dakota asserts that it is counterintuitive to strive for an increase in agreement rates because it brings to the table an agenda separate from what the parties bring. If the goal is to achieve 100 percent agreements from mediation, then the process becomes a mediator-centered rather than client-centered process.

**Table 19.3.** Measurable and Rigorous Targets for Indicator 19.

FFY	Measurable and Rigorous Target
<b>2005</b> (2005-2006)	A state need not set targets for this indicator unless its baseline data reflects that it has received a minimum threshold of 10 mediation requests. Historically North Dakota has a minimum threshold of less than 10 mediation requests per year.
<b>2006</b> (2006-2007)	A state need not set targets for this indicator unless its baseline data reflects that it has received a minimum threshold of 10 mediation requests. Historically North Dakota has a minimum threshold of less than 10 mediation requests per year.
<b>2007</b> (2007-2008)	A state need not set targets for this indicator unless its baseline data reflects that it has received a minimum threshold of 10 mediation requests. Historically North Dakota has a minimum threshold of less than 10 mediation requests per year.
<b>2008</b> (2008-2009)	A state need not set targets for this indicator unless its baseline data reflects that it has received a minimum threshold of 10 mediation requests. Historically North Dakota has a minimum threshold of less than 10 mediation requests per year.
<b>2009</b> (2009-2010)	A state need not set targets for this indicator unless its baseline data reflects that it has received a minimum threshold of 10 mediation requests. Historically North Dakota has a minimum threshold of less than 10 mediation requests per year.
<b>2010</b> (2010-2011)	A state need not set targets for this indicator unless its baseline data reflects that it has received a minimum threshold of 10 mediation requests. Historically North Dakota has a minimum threshold of less than 10 mediation requests per year.
<b>2011</b> (2011-2012)	A state need not set targets for this indicator unless its baseline data reflects that it has received a minimum threshold of 10 mediation requests. Historically North Dakota has a minimum threshold of less than 10 mediation requests per year.
<b>2012</b> (2012-2013)	A state need not set targets for this indicator unless its baseline data reflects that it has received a minimum threshold of 10 mediation requests. Historically North Dakota has a minimum threshold of less than 10 mediation requests per year.

**Improvement Activities/Timelines/Resources:**

NDDPI activities will focus on: improving mediator training about IDEA 04; increasing the existing mediator pool; implementing new tracking methods; enhancing data collection, including database structures and maintenance; and expanding follow-up procedures.

Data collection will occur through an internal Department level database rather than through the statewide Online Reporting System, which collects data from each school district in North Dakota. It was determined that because the complaint numbers are not significant, the dispute resolution data would best be collected internally and by way of comparing longitudinal data with data from the focused monitoring results.

**Table 19.4.** Improvement Activities/Timelines/Resources for Indicator 19.

Activities	Timelines	Resources	Status
Provide stakeholder training in the new IDEA 2004 regulations on procedural safeguards and dispute resolution options. Revise guidance documents.	FFY2006	NDDPI Dispute Resolution Coordinator	Completed
Continue to expand existing facilitator pool; provide facilitation and IDEA 2004 training to facilitators.	FFY2007 and ongoing	NDDPI Dispute Resolution Coordinator	Ongoing
Monitor all resolution meetings through internal database.	Ongoing	NDDPI Dispute Resolution Coordinator	Ongoing as needed

Improve complaint data analysis to be more effectively incorporated into monitoring data	FFY2008 and Ongoing	NDDPI Dispute Resolution Coordinator and NDDPI staff	Ongoing
Monitor issues presented in resolution meetings for the purpose of handling systemic issues.	Ongoing	NDDPI Dispute Resolution Coordinator	Ongoing as needed
Develop guidance materials in varied formats so that parents can access the information through different modes.	Ongoing	NDDPI staff, and interested stakeholders	Ongoing
The NDDPI will continue to share dispute resolution annual data with the IDEA Advisory Committee, ND Protection and Advocacy, the ND Parent Training and Information Center, other parent organizations and the public, through website access. The NDDPI will also share this information with BIE special education administrators in the state.	Ongoing	NDDPI Dispute Resolution Coordinator	Ongoing
Update and revise webpage for Dispute Resolution. Add resources and links to support parties' participation in early intervention processes.	FFY2009 and ongoing	NDDPI DR Coordinator and MIS Department	Ongoing
The Department of Public Instruction will share the results of a qualitative research project regarding facilitated IEP meetings with its IDEA State Advisory Committee and seek input for future improvements.	June 2011	NDDPI DR Coordinator	Ongoing
The Department of Public Instruction will plan and convene a skills enhancement training for dispute resolution IEP facilitators, mediators, and the <i>UND Conflict Resolution Center</i> that supplies mediators for IDEA disputes.	June 2011	NDDPI DR Coordinator, UND Conflict Resolution Center, CADRE.	Ongoing
NDDPI has purchased a participation membership in the <i>Dispute Resolution in Special Education Consortium</i>	January 2011	NDDPI DR Coordinator	Ongoing

Note: All "continuous" or "ongoing" activities will continue until or beyond 2013, as needed.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2011: N/A**

## Indicator 20

**Overview of the State Performance Plan Development:** See Introduction for complete overview and stakeholder input.

**Monitoring Priority: Effective General Supervision Part B / General Supervision**

**Indicator 20:** State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.  
(20 U.S.C. 1416(a)(3)(B))

**Measurement:**

State reported data, including 618 data and annual performance reports, are:

- a. Submitted on or before due dates (February 1 for child count, including race and ethnicity, placement; November 1 for exiting, discipline, personnel; and February 1 for Annual Performance Reports); and
- b. Accurate (describe mechanisms for ensuring accuracy).

**Overview of Issue/Description of System or Process:**

In 2003 NDDPI determined that the state's special education data collection and reporting system was no longer sufficient for meeting increasing reporting requirements. During an October, 2003 conference with local special education administrators NDDPI's director of the Management Information Systems (MIS) unit explained the Department's plan for collecting and reporting special education data with a new online reporting system (ORS). Beginning with the 2004-05 school year, all special education data collection and reporting was done with the ORS.

In the development of North Dakota's Special Education Annual Performance Reports for the 2002-03 and 2003-04 school years, NDDPI recognized that various units within the state education agency collected essential data, however, different methods of collecting these data were sometimes used. An example of this was the required reporting of suspension and expulsion data which had been historically collected by the NDDPI office of Coordinated School Health through its administration of the Safe and Drug-Free Schools program. It also became essential for the special education office at NDDPI to work collaboratively with the NDDPI Title I staff and personnel from the MIS unit, the Standards and Achievement unit, and the Assessment staff in order to accurately collect and report data regarding the participation and performance of students with disabilities on state assessments. Steady improvements in the coordination of this data collection and analysis within NDDPI are occurring.

Upon returning from the U.S. Department of Education Office of Special Education Program's 2005 *Summer Institute* personnel from the NDDPI office of special education met with key staff from the NDDPI Management Information System unit regarding the data collection and reporting requirements of the State Performance Plan. Similar meetings were held with other key personnel within the Department of Public Instruction to ensure accuracy and consistency across the agency in establishing baseline data, e.g., graduation and dropout rates, suspension and expulsion rates, personnel qualifications, etc. In October, 2005, a coordinator from the NDDPI special education unit accompanied the director of the NDDPI Management Information Systems unit to the U.S. Department of Education's conference for education data managers. These collaborative activities are promoting increased awareness within the agency regarding general and special education performance targets, improvement strategies, resources, and opportunities for potential collaborative technical assistance.

The NDDPI office of special education began informally researching the possibility of initiating a new statewide electronic individualized education program (IEP) during the 2004-05 school year. Personnel from the Nebraska state education agency met with staff from NDDPI to review a web-based IEP system that is currently used in Nebraska. In the summer of 2005, the NDDPI office of special education initiated

a contract with the ND Center for Persons with Disabilities (NDCPD) at Minot State University to more formally research the interest and willingness of ND school districts and special education units to adopt one web-based IEP system for statewide usage. It is anticipated that formal recommendations will emerge from this study that will be the basis of the state's planning about an electronic IEP. It is the intention of NDDPI to review these recommendations with the ND IDEA State Advisory Committee. Pending the conclusion of that consultation and if there is evidence of broad-based support, NDDPI intends to actively pursue an electronic IEP for the students, families, and schools of our state. Development of a web-based IEP would be done in coordination with DPI's online reporting system. The NDDPI office of special education anticipates that the proposed statewide electronic IEP will significantly enhance the SEA's ability to collect and analyze student, building, district, special education unit, and statewide data for purposes of improvement planning and IDEA 04 compliance monitoring.

The NDDPI office of special education consistently documents the timely completion of IDEA 04 complaint investigation reports, due process hearings, and mediations, and submits required data reports (Annual Performance Report, Sec. 618) to the U.S. Department of Education on or before required deadlines.

Personnel from NDDPI have already conducted statewide and district specific training on the SEA's online reporting system. The ORS has a feature that allows users to submit queries to personnel within the Department of Public Instruction, thereby allowing personalized technical assistance. Additionally, NDDPI will provide ongoing training and support for LEAs in the collection, reporting, and analysis of data for improvement planning.

**Baseline Data for FFY2004 (2004-2005):**

Required data reports are submitted to the U.S. Department of Education on or before due dates (February 1 for Child Count and LRE; November 1 for Exiting, Suspension/Expulsion, and Personnel; and February 1 for Annual Performance Reports.)

On October 31, 2005, NDDPI was notified by the U.S. Office of Planning, Evaluation and Policy Development (OPEPD) that it is one of the first states to be excused from traditional reporting of data to the U.S. Department of Education. Due to the high quality and accuracy of EDEN submissions for SY2003-04, North Dakota has been qualified to supply the data for the Report of Children with Disabilities Exiting Special Education during the School Year exclusively through the Education Data Exchange Network (EDEN).

**Discussion of Baseline Data:**

As described in the Overview of Issue/Description of System or Process, NDDPI continues efforts to improve statewide data collection systems that will ensure accuracy. The continued development and eventual implementation of a web-based IEP system will support these efforts. In addition refinement of data collection for graduation and drop-out, suspension and expulsion, family involvement, preschool outcomes, secondary transition, and evaluation completion timelines will continue.

**Table 20.1.** Measurable and Rigorous Targets for Indicator 20.

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2005</b> (2005-2006)	100 percent of required data reports will be accurately completed and submitted on time.
<b>2006</b> (2006-2007)	100 percent of required data reports will be accurately completed and submitted on time.
<b>2007</b> (2007-2008)	100 percent of required data reports will be accurately completed and submitted on time.
<b>2008</b> (2008-2009)	100 percent of required data reports will be accurately completed and submitted on time.
<b>2009</b> (2009-2010)	100 percent of required data reports will be accurately completed and submitted on time.
<b>2010</b> (2010-2011)	100 percent of required data reports will be accurately completed and submitted on time.
<b>2011</b> (2011-2012)	100 percent of required data reports will be accurately completed and submitted on time.
<b>2012</b> (2012-2013)	100 percent of required data reports will be accurately completed and submitted on time.

**Table 20.2** Improvement Activities/Timelines/Resources for Indicator 20.

<b>Activities</b>	<b>Timelines</b>	<b>Resources</b>	<b>Status</b>
Training for school district staff who are responsible for entering student record data.	Ongoing	NDDPI staff	Ongoing
Individual technical assistance to school district staff as needed.	Ongoing	NDDPI staff	Ongoing
Further refinement of State Automated Reporting Systems (STARS)	Ongoing	State MIS Staff	Ongoing
Piloting of the TIENET Database (Spring 2008) with full implementation Fall 2008.	FFY2007	NDDPI Staff, District Administrators.	Completed
The NDDPI Standards and Achievement Unit has moved the annual school district data submission date to an earlier deadline of November 1.	Ongoing	NDDPI staff	Ongoing
Provide training and implementation of the special education monitoring system for data analysis and improvement planning.	Implement statewide in FFY2008	Part B admin. funds;	Ongoing
Data gathered from the TIENET Database will be used for the purpose of monitoring at local and state levels.	FFY2008	NDDPI staff, Local special education units	Ongoing

Technical Assistance Needs Inventory	FFY2008	NDDPI staff, Local special education units	Ongoing
Increased collaboration between the general education and special education office at NDDPI for clarity, uniformity, and accuracy of data definitions and collection.	FFY2008	NDDPI staff	Ongoing
Guidance to school districts on how data are coded to ensure uniformity, and accuracy of data definitions and collection.	FFY2008	NDDPI staff	Ongoing

Note: All "continuous" or "ongoing" activities will continue until or beyond 2013, as needed.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2011:**

According to the FFY2011 Part B SPP/APR Measurement Table provided by OSEP, *States may, but are not required, to report data for this indicator. OSEP will use the Indicator 20 Rubric to calculate the State's data for this indicator. States will have an opportunity to review and respond to OSEP's calculation of the State's data.*

North Dakota's FFY2011 Indicator 20 data and Scoring Rubric will be provided to the State by OSEP after submittal on February 15<sup>th</sup>, 2013. Upon receiving this Indicator from OSEP, North Dakota will include all data and scoring in the updated version of this Annual Performance Report.

*APPENDIX A*

**Special Education Technical Assistance Needs Inventory**

**Special Education Unit (SEU):**

**Contact Person for the SEU:**

**Date Finalized by SEU:**

**Needs Assessment:**

**2008-2009 Special Education Improvement Planning**

NDDPI Purposes:

- Provision of appropriate and timely technical assistance
- Information for Feb. 2, 2009 APR
- Identification of statewide/region-wide priorities
- Anticipate need for state resources OR access to other resources (MPRRC)

Indicator	Sp Ed Unit	Assessment of needs across districts within the SEU (see page 5 of handout for descriptors)	Issues re. Timely and Accurate Data
<b>Indicator 1 Graduation</b>			
<b>Indicator 2 Dropout</b>			
<b>Indicator 3 Assessment</b>			

<b>Indicator 4 Suspension-Expulsion</b>			
<b>Indicator 5 Least Restrictive Environment</b>			
<b>Indicator 6 Early Childhood LRE</b>			
<b>Indicator 8 Parent Involvement</b>			
<b>Indicator 9 Disproportionate Representation</b>			
<b>Indicator 10 Disproportionate Representation- Specific Disability Category</b>			

<b>Indicator 11 60-Day Evaluation Timeline</b>			
<b>Indicator 12 In by Three</b>			
<b>Indicator 13 Coordinated Transition Services</b>			
<b>Indicator 14 Postsecondary Outcomes</b>			
<b>Indicator 15 General Supervision</b>			
<b>Indicator 20 Timely and Accurate Data</b>			

**Descriptors for Column 2: Assessment of needs across districts within the SEU**

- Describe **parameters of the targeted audience** such as specific schools, grade level(s), content area(s), student group(s): “Students with disabilities ages 16-21 in schools X, Y, Z.”
- Describe the **nature of the problem** such as “Math assessment data reveal that student subgroups (disability, LEP, educationally disadvantaged) in grades 6-8 account for the failure to make AYP during the 2007-2008 school year for the following schools: X, Y, Z.”
- Describe the **desired result** such as “Due to problems in completing related services components of the evaluation process, performance on indicator 11 will be improved by making arrangements for shared...”
- Describe **improvement activities** that would be appropriate and sufficient to bring about the desired result.
- Describe **evaluation/performance measurement practices** that would demonstrate progress toward the desired result.
- Specify **timeline**.

**Improvement Activities Analysis Categories**

- Improve data collection and reporting
- Improve systems administration and monitoring
- Provide training/professional development
- Provide technical assistance
- Clarify/develop policies and procedures
- Program development
- Collaboration/coordination
- Evaluation
- Increase/adjust FTE
- Other

**CODES based on Availability of TA:** **A. Technical Assistance not available in SEU**  
**B. SEU will provide assistance**  
**C. District will handle this without assistance**

**Finalized needs assessment is due to the SEU’s Regional Coordinator by November 28, 2008**

***APPENDIX B***

**Indicators 4, 9, and 10**

**Disproportionate Representation District Review**

# North Dakota Department of Public Instruction Special Education

## Disproportionate Representation of Minority Students District Report for: [NAME] School District District Response Required by [DATE]



Kirsten Baesler, State Superintendent  
Department of Public Instruction  
600 E Boulevard Ave, Dept. 201  
Bismarck, ND 58505-0440

**Flagged Categories and Weighted Risk Ratios**

**Definitions and Process**

- 1.) Disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.
- 2.) Disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

Step 1	Preliminary Data Review	Preliminary data for districts flagged with disproportionate over-representation and/or under-representation based on race and ethnicity with respect to eligibility and/or placement will be submitted to districts in order to verify accuracy of data and re-submittal to the NDDPI Office of Special Education for recalculation.
Step 2	Recalculated Data Results	<p>Following verification and recalculations, all districts still flagged with disproportionate over-representation and/or under-representation based on race and ethnicity with respect to eligibility and/or placement <b>must</b> use the criteria as a self-assessment tool.</p> <ol style="list-style-type: none"> <li>1. The district will review policies, procedures and practices specific to the identified racial/ethnic group to determine if the identified practices with the IDEA 2004 Regulations occur.</li> </ol>
Step 3	After Policy Review	<p><b><u>All Practices occur and are documented within policies:</u></b> No corrective action plan will be required.</p> <p><b><u>Some Practices do not occur and are not documented within policies:</u></b></p> <ol style="list-style-type: none"> <li>1. Confer with a consultant assigned by NDDPI.</li> <li>2. District will be found out of compliance and will identify the Corrective Action Plan activities that will target the specific practice and include timelines for completion.</li> <li>3. Submit an <b>electronic</b> copy of the Corrective Action Plan. The district is responsible for implementing and completing the plan within one year upon written receipt of notification of review of improvement plan by the NDDPI Office of Special Education.</li> <li>4. A summary report of progress will be required at 6 and 12 months to the NDDPI Office of Special Education.</li> </ol>

**Flagged Categories and Weighted Risk Ratios**

School District	Date Completed																												
<p>Disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.</p> <p>If any category is flagged, an on-site review or consultation may be conducted.</p>	<p><b>Identified Racial/Ethnic Group and Weighted Risk Ratio:</b></p> <table border="1" data-bbox="1262 444 1906 688"> <thead> <tr> <th>Flagged</th> <th>Ethnicity/Race</th> <th>WRR</th> </tr> </thead> <tbody> <tr> <td></td> <td>White</td> <td></td> </tr> <tr> <td></td> <td>Hispanic</td> <td></td> </tr> <tr> <td></td> <td>American Indian</td> <td></td> </tr> <tr> <td></td> <td>African American/Black</td> <td></td> </tr> <tr> <td></td> <td>Asian Pacific</td> <td></td> </tr> </tbody> </table>	Flagged	Ethnicity/Race	WRR		White			Hispanic			American Indian			African American/Black			Asian Pacific											
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	White																												
	Hispanic																												
	American Indian																												
	African American/Black																												
	Asian Pacific																												
<p>Disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>The following pages are the district’s self assessment procedures that will be reviewed by the DPI Special Education staff. If any category is flagged, an on-site review or consultation may be conducted.</p>	<table border="1" data-bbox="1169 846 1990 1122"> <thead> <tr> <th>Flagged</th> <th>Ethnicity/Race</th> <th>Disability Category</th> <th>WRR</th> </tr> </thead> <tbody> <tr> <td></td> <td>White</td> <td>AU</td> <td></td> </tr> <tr> <td></td> <td>Hispanic</td> <td>ED</td> <td></td> </tr> <tr> <td></td> <td>American Indian</td> <td>ID</td> <td></td> </tr> <tr> <td></td> <td>African American/Black</td> <td>OHI</td> <td></td> </tr> <tr> <td></td> <td>Asian Pacific</td> <td>SLD</td> <td></td> </tr> <tr> <td></td> <td></td> <td>SI</td> <td></td> </tr> </tbody> </table>	Flagged	Ethnicity/Race	Disability Category	WRR		White	AU			Hispanic	ED			American Indian	ID			African American/Black	OHI			Asian Pacific	SLD				SI	
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**Note: To complete the following Self-Assessment Tool, keep in mind each flagged ethnicity and race and/or disability category to determine if district policies, procedures and practices reflect specific academic, and cultural – both within the general education classroom as well as within supplemental special education services.**

**Self-Assessment for Disproportionate Representation By Race/Ethnicity and Disability  
State Performance Plan (SPP) Indicators**

**ACCESS TO GENERAL CURRICULUM/CHILD FIND/REFERRAL**

Policies, Practices and Procedures	Practice Occurs Y/N	YES - Practice Occurs Provide specific reference in which this practice is defined.
<p><b>A) Access to General Curriculum</b> The district shall ensure access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children. 34 CFR 300.39 (b)(3)(ii)</p> <p><b>District will review policies, practices and procedures to determine that:</b></p> <p>1) A variety of accommodations are provided in the general classroom available to all children.</p> <p>2) Early intervening services and practices are in place and used across all demographic areas.</p> <p>3) School rules/discipline policies are equitable to all children.</p>	<p>1)</p> <p>2)</p> <p>3)</p>	
<p><b>B) Child Find</b> The district shall review and revise policies and procedures to identify, locate, and evaluate all children with exceptionalities residing in its jurisdiction, including children with exceptionalities who meet any of the following criteria: (1) Attend private schools; 2) are highly mobile, including migrant and homeless children; or (3) are suspected of being children with disabilities even though they are advancing from grade to grade. 34 CFR 300.646 &amp; 34 CFR 300.111</p> <p><b>District will review and determine that policies, practices and procedures for child find:</b></p> <p>1) Are equitable, multidisciplinary, and culturally sensitive.</p> <p>2) Are in place to review student behavioral and academic results, identify students who are at risk, and identify strategies for continuous improvement of student results.</p>	<p>1)</p> <p>2)</p>	
<p><b>C) Referral</b> The district is consistent with the consent requirements of 300.300, either a parent of a child or a public agency may initiate a request for an initial evaluation to determine if the child is a child with a disability. 34 CFR 300.301(b)</p> <p><b>District will review policies, practices and procedures to determine:</b></p> <p>1) Referral policies, practices and procedures are culturally sensitive.</p> <p>2) Instructional and positive behavioral interventions are sensitive to cultural and linguistic differences.</p> <p>3) Cultural and linguistic considerations are included in data reviewed to make referral determination</p>	<p>1)</p> <p>2)</p> <p>3)</p>	

<b>If district marks no to any of the questions:</b> Identify the missing policies, practices and procedures. Missing documentation needs to be submitted to the NDDPI Office of Special Education within the determined timeline upon receipt of notification by the NDDPI Office of Special Education.
A)-
B)-
C)-

*Self-Assessment for Disproportionate Representation By Race/Ethnicity and Disability  
State Performance Plan (SPP) Indicators*

**EVALUATION/ELIGIBILITY DETERMINATION**

<b>Policies, Practices and Procedures</b>	<b>Practice Occurs Y/N</b>	<b>YES - Practice Occurs</b> Provide specific reference in which this practice is defined.
<p><b>A) Evaluation</b> Each district must conduct a full and individual initial evaluation, in accordance with 300.305 and 300.306, before the initial provision of special education and related services to a child with a disability under this part. 34 CFR 300.301 (a)</p> <p>A district must ensure that a reevaluation of each child with a disability is conducted in accordance with 300.304 through 300.311. 34 CFR 300.303</p> <p>In conducting the evaluation, the district must (1) Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information provided by the parent. (2) Not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability. 34 CFR 300.304 (b)</p> <p>Each district must ensure that (1) assessments and other evaluation materials used to assess a child under this part (i) are selected and administered so as not to be discriminatory on a racial or cultural basis; (ii) are provided an administered in the child’s native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer. 34 CFR 300.304 (c)</p> <p><b>District will review policies, practices and procedures to determine that:</b></p> <ol style="list-style-type: none"> <li>1) Written evaluation policies and procedures contain clear guidance for consideration of cultural factors.</li> <li>2) A variety of culturally appropriate assessment instruments are used and described by population and purpose for which instrument has been validated.</li> <li>3) A variety of evaluation data include cultural considerations.</li> <li>4) A variety of individuals contribute to the evaluation process, including parents and others familiar with special cultural factors.</li> </ol>	<p>1)</p> <p>2)</p> <p>3)</p> <p>4)</p>	
<p><b>B) Eligibility</b> A child must not be determined to be a child with a disability under this part (i) if the determinant factor for that determination is (i) lack of appropriate instruction in reading.(ii) lack of appropriate instruction in math; or (iii) limited English proficiency. CFR 300.306 (a) (b)</p> <p>In interpreting evaluation data for the purpose of determining if a child is a child with a disability under 300.8 and the educational needs of the child, each public agency must (i) draw upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child’s physical condition, social or cultural background, and adaptive behavior. CFR 300.306 (c) (1)</p>		

**State Performance Plan IDEA B: 2005 – 2012**

North Dakota

<i>District will review policies, practices and procedures to determine that:</i>		
1) Written eligibility criteria and documentation requirements specify cultural considerations.	1)	
2) The participants in decisions include parent and others familiar with special cultural and linguistic factors.	2)	
3) Placement decisions consider cultural factors when determining least restrictive environment.	3)	
<p><b>If district marks no to any of the questions:</b> Identify the missing policies, practices and procedures. Missing documentation needs to be submitted to the NDDPI Office of Special Education within the determined timeline upon written receipt of notification by the NDDPI Office of Special Education.</p>		
A)-		
B)-		
C)-		

<i>Self-Assessment for Disproportionate Representation By Race/Ethnicity and Disability State Performance Plan (SPP) Indicators</i>		
NDDPI USE ONLY - REVIEW		
<b>Self Assessment Tool Review</b>		
<b>Date: Self Assessment Tool Emailed to District</b>		
<b>Date: Completed Self Assessment Tool returned to NDDPI Office of Special Education.</b>		
<b>Date: NDDPI Compliance Notification sent to District</b>		
<b>Final Compliance Determination</b>	<b>COMPLIANT</b>  <b>NON-COMPLIANT Improvement Plan Required</b>	Comments
<b>Improvement Plan Review</b>		
<b>Date: Review by NDPI of missing policies, practices, procedures</b>		
<b>Date: NDDPI Final Notification sent to District</b>		
<b>Date: Correction of Noncompliance due to the NDDPI Office of Special Education</b>		
<b>Date: Correction of Noncompliance Submitted</b>	<b>COMPLIANT</b>  <b>NON-COMPLIANT No correction of noncompliance</b>	Comments

***APPENDIX C***

**Early Childhood Special Education Update**

**Early Childhood Special Education Update**  
December 2007

The ND Department of Public Instruction (NDDPI) Office of Special Education presents the second edition of the *Early Childhood Special Education Update*. The first edition of the *Update*, January 2006, provided updates on several early childhood special education projects. This edition focuses on one of the projects: the *ND Early Childhood Outcomes Process*.

The NDDPI Office of Special Education is responsible for assuring that young children with disabilities receive high quality services and supports. To work toward achieving this goal, the NDDPI developed the *ND Early Childhood Outcomes (ND ECO) Process*. The *ND ECO Process* was developed through the collaborative efforts of local, state and national professionals in the area of early childhood special education. On **July 1, 2008** the *ND ECO Process* will be implemented statewide in ND. Individuals responsible for the development of Individualized Education Programs (IEPs) for preschool children with disabilities will be involved in the implementation of the *ND ECO Process*.

This *Early Childhood Special Education Update* will provide readers with: 1) an introduction to the new federal requirements focused on the measurement of preschool outcomes, 2) a brief overview of the *ND ECO Process*, and 3) a description of *ND ECO Process* training opportunities.

**Federal and State Requirements**

The Individuals with Disabilities Education Improvement Act 2004 (IDEA) includes a heightened emphasis on accountability, focusing on improving educational results for children with disabilities. As required by IDEA 2004, the federal Office of Special Education Programs (OSEP) directed

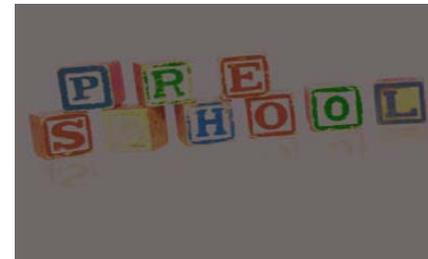
states to develop a six year State Performance Plan (SPP) and to submit Annual Performance Reports (APRs) relating to the Indicators specified for the SPP. Within the current SPP there are 20 Indicators. Each Indicator contains information such as: details of baseline data, measurable and rigorous annual targets, and improvement activities. Indicator 7 of the SPP focuses on the process to measure skills of preschool children with IEPs.

**Indicator 7:** Percent of preschool children with IEPs who demonstrate improved:

- A. Positive social-emotional skills (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.

The NDDPI Office of Special Education and preschool programs that serve preschool children with disabilities are required to report data on Indicator 7 each year as part of the APR. The US Department of Education Office of Special Education Programs uses each state's data to determine how well local school district programs are making a positive difference for young children and their families.

A complete copy of the North Dakota State Performance Plan and Annual Performance Reports can be found on the ND Department of Public Instruction website at <http://www.dpi.state.nd.us/>



**The ND ECO Process**

The *ND ECO Process* provides an entry score for every preschool child with an IEP when they begin receiving early childhood special education services and then an exit score when the child transitions out of or exits services. The entry and exit scores are gathered in three outcome areas: children have positive social-emotional skills; children acquire and use knowledge and skills; and children use appropriate behavior to meet their needs.

The *ND ECO Process* was developed through a collaborative effort between the NDDPI, the National Early Childhood



Technical Assistance Center (NECTAC), a workgroup of North Dakota Early Childhood Special Education professionals and input from professionals providing direct service in early childhood special education.

The ND ECO Pilot Project began May 15, 2006. Peace Garden Special Education Unit, Bismarck Special Education Unit, Emmons County Special Education Unit and Lake Region Special Education Unit participated in the initial pilot project. From May 2006

through June 2007, members from each of the initial pilot project units gathered valuable information relating to the determination of appropriate Anchor Tools, the design of the ND Child Outcomes Summary Form, and the *ND ECO Process*.

On July 1, 2007, three additional special education units joined the ND ECO Pilot Project as the Phase I sites. These units included: Souris Valley Special Education Unit, Dickinson Special Education Unit and Morton Sioux Special Education Unit. These units joined the initial pilot project units in finalizing the initial list of the ND ECO Process Anchor Tools and in the fine-tuning of the ND ECO Process forms and procedures. Piloting the *ND ECO Process* has allowed ND to develop forms and procedures that will assure success when it is implemented statewide on **July 1, 2008**.

**How will I learn more about the ND ECO Process?**

During the winter and spring 2008, the NDDPI will be offering several training opportunities for professionals who will be responsible for implementation of the ND ECO Process.

These opportunities will provide:

1. An overview of the *ND Early Childhood Outcomes Process Guide* which will be presented through the ND Interactive Video Network (IVN) and NDDPI website Power Point presentations;
2. Face-to-face trainings or conference call format trainings on the implementation of the ND Child Outcomes Summary Form, and
3. A statewide conference focusing on the key components in the implementation of a successful outcomes system.

A description of the *ND ECO Process* training opportunities and registration form is included as an attachment to the *Early Childhood Special Education Update*. Please consult with your special education administrator to determine which trainings you should be attending.

The NDDPI looks forward to providing each of you with the necessary guidance to facilitate statewide implementation of the *ND ECO Process* by **July 1, 2008**. The successful implementation of this process will assist in assuring that young children with disabilities receive high-quality services and supports.

*APPENDIX D*

**ND COSF Quality Assurance Checklist**

## ND Child Outcomes Summary Form Quality Assurance Checklist Directions

To assure consistent high quality data within each ND Child Outcomes Summary Form (ND COSF), the ND Early Childhood Outcomes Committee developed and piloted the ND COSF - Quality Assurance Checklist. It is recommended that the ND COSF Checklist be completed by individuals responsible to assure quality data within their unit/district. The information gathered from the review of unit/district ND COSFs will provide valuable information which will assist in determining training needs for the district/unit.

Provided below are the directions to complete each section of the ND COSF Checklist. Each section within the directions corresponds with each section found on the Checklist.

### Directions

Enter the child's name and check if you are reviewing entry rating data and/or exit rating data. Enter the date of the review, the person completing the review and the case manager responsible for the completion of the ND COSF for the file being reviewed.

#### 1. ND COSF was completed in a timely manner

Entry Data can be determined up to 60 days upon entrance to early childhood special education services. Exit data should be gathered during the time period right before the child leaves early childhood special education services or by the time the child turns 6 years of age if they are receiving ESCE services beyond their 6<sup>th</sup> birth date. If the team did not complete the entry and/or exit rating in a timely manner, check no and review the data within the COSF for an explanation of the delay and note the reason in the comment section. This information may also be located in the section *Exit Rating not completed because*.

#### 2. The child's IEP team completed the ND COSF

The ND COSF should be completed as part of the child's IEP process. IEP team members should be listed on the top section of the ND COSF. If the team completed the ND COSF, check "yes". If the IEP team did not complete the COSF, check "no" and state who completed the COSF in the comment section.

#### 3. All areas of the ND COSF were completed

The focus of #3 is to assure that all appropriate sections within the ND COSF are **completed**. Sections 4-5-6 focus on the quality of the information within each section.

##### Demographic Section -

If all appropriate (entry and/or exit information) areas of the demographic section of the ND COSF are completed, check yes for this part of #3. This assures that areas have been completed. If areas are not completed, check no and add additional information in the comment section.

Top areas of the ND COSF that must be completed are:

- Child's name and birth date
- Date Entry/Exit Ratings (if child is exiting) were completed
- The reason there is no Exit rating is explained (if appropriate)
- Date preschool services began/ended
- Team members (names and their roles)
- Anchor Tool used for Entry and Exit (if child is exiting) Ratings

##### Outcome Areas -

To assure that information relating to each outcome area is completed, review and respond with a Yes, No, or NA for Outcome 1, 2, and 3. The Child Summary Rating Section of the ND COSF are:

- Entry/Exit (if the child is exiting) Ratings
- Sources of Information
- Supporting Evidence
- If it is an exit meeting, the "b" question, regarding Progress, must be addressed for each outcome area

#### 4. Multiple Sources of Information were considered

Many types of quality information should be considered in determining a rating. In addition to the state-approved Anchor Tool, results from other types of information may include but are not limited to: parent and clinical observations; curriculum-based assessments; norm-referenced assessments; service provider notes about

performance in different situations; and the child's IEP. Review the Sources of Information for each outcome area to assure that multiple sources of quality information were documented for each outcome and that the state-approved Anchor Tool was documented in each outcome area.

## 5. Supporting Evidence was functional and addressed each outcome area

### Does the evidence correspond to the appropriate outcome area?

Does the information provided in the Supporting Evidence section relate to the appropriate outcome per area? In other words, does the evidence for Outcome 1 relate to social relationships, Outcome 2 to acquisition and use of knowledge and skills, Outcome 3 to taking action to meet needs?

### Does the evidence cover all appropriate aspects of the outcome?

In Outcome 1, for example, does the evidence address relationships with peers as well as adults? In Outcome 2, does the evidence address thinking and problem-solving as well as language development, etc.? In Outcome 3, does the evidence address feeding, dressing, getting from place to place, etc.?

### Is the evidence functional?

Are examples of functioning provided? In other words, does the Supporting Evidence section include examples of the child's every-day functioning with emphasis on "how" the child is able to carry out meaningful behaviors in a meaningful context, rather than a list of skills or items from an assessment tool?

### Is appropriate discipline-specific evidence provided to support the targeted outcome?

For example, if speech skills are concerns, do speech concerns related to socialization appear under Outcome 1, speech concerns related to learning appear under Outcome 2, and speech concerns related to getting needs met appear under Outcome 3?

### Does the documentation include evidence of the child's performance across settings and situations?

The Supporting Evidence information should provide an overall picture of how the child functions for each outcome area across a variety of typical settings and people in their life. For example, the evidence should include information from the several settings the child participates in, i.e. preschool, home, community. It should also show evidence of how the child participates in a variety of situations such as playing with peers, self-help skills at school and at home.

## 6. Supporting Evidence supported the assigned rating

In other words, if the rating is:

- 7 -- Does the Supporting Evidence illustrate age-appropriate skills and behaviors?
- 6 -- Does the Supporting Evidence illustrate skills and behaviors that are age appropriate but with an identified area of concern?
- 5 -- Is there a mix of skills and behaviors that are age-appropriate and not age appropriate?
- 4 -- Are there a few examples of skills and behaviors that are age appropriate, but mostly not age appropriate?
- 3 -- Does the Supporting Evidence reflect immediate foundational skills, and no age-appropriate skills?
- 2 -- Are there a few examples of immediate foundational skills, but most skills and behaviors are much lower than age expectations?
- 1 -- Does the Supporting Evidence reflect skills and behaviors that are much lower than age expectations, with no immediate foundational skills?

### Is enough information provided to support the rating given?

The Supporting Evidence should provide a summary of key information that supports the rating. This would include information related to the Anchor Tool.

### Does the evidence reflect the child's functioning compared to same-age peers?

For example, for ratings of 1 and 2, do the child's skills and behaviors reflect those of a much younger child? For a rating of 5, does the evidence reflect a mixture of age-appropriate and not age-appropriate skills and behaviors all of the time?

### Does the evidence support the progress rating for children who are exiting?

Does the evidence support the progress rating? Progress is defined as the acquisition of at least one new skill or behavior related to the outcome since the entry date. If the team checked yes, the child made progress, then the team must describe the general nature of the progress in the space provided, *Describe Progress*:

**ND Child Outcome Summary Form  
Quality Assurance Checklist**

Child's Name \_\_\_\_\_  entry rating review  exit rating review  
 Person completing the ND COSF review \_\_\_\_\_ Date of review \_\_\_\_\_  
 Child's Case Manager \_\_\_\_\_

Checklist Components				Comments
<b>1. ND COSF was completed in a timely manner</b> For entry – up to 60 days upon entrance to ECSE services	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> n/a			
For exit – time period right before the child leaves ECSE services	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> n/a			
<b>2. The child's IEP team completed the ND COSF</b>	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> n/a			
<b>3. All areas of the COSF were completed</b> Demographic Section completed	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> n/a			
<i>Respond Yes (Y), No (N) or Not Applicable (NA) for each outcome</i>	<b>Outcome</b>			
	<b>1</b>	<b>2</b>	<b>3</b>	
Entry and/or Exit ratings for each outcome (as appropriate)				
Sources of Information were listed				
Supporting Evidence was provided for each outcome				
For Exit COSF, answers were given for each "b" section.				
<b>4. Multiple Sources of Information</b> Multiple Sources of Information were documented				
Approved Anchor Tool was listed				
<b>5. Supporting Evidence is functional and addresses each outcome area</b> Evidence relates to the outcome area				
Evidence covers appropriate aspects of the outcome area				
Evidence includes examples of the child's functioning				
Discipline-specific evidence is included				
Evidence includes performance across settings and situations				
<b>6. Supporting Evidence supports assigned rating</b> Evidence supports rating criteria				
Sufficient evidence to support rating				
Evidence shows comparison to child's age				
For exit rating, progress number was checked and progress described				

***APPENDIX E***

**Indicator 7  
Data Talking Points**

**Indicator 7 “Data Talking Points”****1. Why does NDDPI collect information relating to Early Childhood Outcomes?**

The ND Department of Public Instruction, Office of Special Education and local education agencies, LEAs that serve preschool children with disabilities are required to report data on Indicator 7 each year as part of the APR. The federal Office of Special Education Programs, OSEP, uses each state’s data to determine how well the state’s programs have helped young children and to determine whether or not local school district programs are making a positive difference for young children and their families.

**2. How is the information for Indicator 7 collected?**

In North Dakota, the ND Early Childhood Outcomes Process provides an entry rating for every preschool child with an IEP when they begin receiving early childhood special education services and an exit rating when the child transitions out of or exits services. The entry and exit ratings are gathered in the following three outcome areas:

1. Children have positive social emotional skills;
2. Children acquire and use knowledge and skills; and
3. Children use appropriate behavior to meet their needs.

For additional information relating to the ND ECO Process go to:

[http://www.dpi.state.nd.us/speced/early/outcomes\\_process\\_guide.pdf](http://www.dpi.state.nd.us/speced/early/outcomes_process_guide.pdf)

**3. Where are the entry and exit/progress ratings gathered?**

The NDDPI Office of Special Education utilizes the Child Outcomes Summary Form (COSF) to document the three child outcomes scores. The COSF is a form and process developed by the Early Childhood Outcomes Center that provides a 7-point scale for describing children’s functioning compared to age expectations in each of the three outcome areas required by OSEP. The COSF provides a way for teams to summarize the child’s level of functioning using information from many sources including assessment measures and parent and provider reports. Using the COSF does not require that programs collect more data about children’s progress; it is a mechanism to summarize assessment information for federal reporting as well as for accountability, program planning and program improvement.

**4. What is the 7-point scale within the NDCOSF?**

The Child Outcome Summary Form uses a 7-point scale to capture a child’s current level of functioning in the three child outcome areas. The summary ratings provide an overall picture of how the child functions for each outcome area across a variety of typical settings and people in their life at a particular time in their life.

In addition to summarizing across settings and situations, the rating progress compares a child’s skills and behaviors to those of their peers. For each of the three outcome areas, the team decides the extent to which the child displays behaviors and skills expected for their age.

A description of the 7-point scale can be found at:

[http://www.fpg.unc.edu/~eco/assets/pdfs/Definitions\\_Outcome\\_Ratings.pdf](http://www.fpg.unc.edu/~eco/assets/pdfs/Definitions_Outcome_Ratings.pdf)

**5. How are the entry and exit/progress ratings converted into a Progress Category?**

Once the child’s team has completed the entry/exit/progress ratings on the child’s COSF, the entry/exit/progress ratings are combined to determine the appropriate Progress Category for each child. The chart below provides a summary of the possible Progress Category combinations. In ND, this conversion is completed within TIENET. Student specific information can be found in TIENET under *Standard Reports - Indicator 7 2010-11*.

Progress Category	Explanation	COSF Ratings
a. Did not improve functioning	Children who acquired no new skills or regressed during their time in the program.	Rated lower at exit than entry; OR rated 1 at both entry and exit; AND "No" on the progress question (b)
b. Improved functioning, but not sufficient to move nearer to functioning comparable to same-aged peers	Children who acquired new skills but continued to grow at the same rate throughout their time in the program.	Rated 5 or lower at entry; AND rated the same or lower at exit; AND "Yes" on the progress question (b)
c. Improved functioning to a level nearer to same-aged peers but did not reach it	Children who acquired new skills but accelerated their rate of growth during their time in the program. They were making progress toward catching up with their same aged peers but were still functioning below age expectations when they left the program.	Rated higher at exit than entry; AND rated 5 or below at exit
d. Improved functioning to reach a level comparable to same-aged peers	Children who were functioning below age expectations when they entered the program but were functioning at age expectations when they left.	Rated 5 or lower at entry; AND rated 6 or 7 at exit
e. Maintained functioning at a level comparable to same-aged peers	Children who were functioning at age expectations when they entered the program and were functioning at age expectations when they left.	Rated 6 or 7 at entry; AND rated 6 or 7 at exit

Chart found at [http://www.fpg.unc.edu/~eco/assests/pdfs/Federal\\_Reporting\\_Categories.pdf](http://www.fpg.unc.edu/~eco/assests/pdfs/Federal_Reporting_Categories.pdf)

**6. On the district Report Card, why are the district ratings for Indicator 7 provided in two Summary Statements?**

Through the SPP/APR process, ND is required to set targets based on the baseline information for Indicator 7. During the development of this target setting process, OSEP received comments regarding the number of targets associated with Indicator 7. This would have meant establishing 15 targets; five Progress Categories (A-E) for three Outcome Area (3x15=15 targets). Through a comprehensive review and input process, OSEP developed two Summary Statements which incorporate the district's Progress Category information.

**7. What are the first Summary Statement and the formula for determining the district rate?**

Summary Statement #1 states: *Of those children who entered the program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.* In other words - How many children changed growth trajectories during their time in the preschool program? Using each district's combined Progress Category information, the formula used to determine the percentage for Summary Statement #1 is:

$$\frac{c + d}{a + b + c + d} \times 100$$

**8. On the district's Report Cards, why is the number of students in Summary Statement #1 sometimes less than Summary Statement #2?**

Children in Progress Category "e" are not included in Summary Statement #1 (see formula in Question 7) because Summary Statement #1 presents a picture of the children who narrowed and closed the gap. Children from category "e" are children who were functioning at age expectations when they entered the program and were functioning at age expectations when they left.

**9. What are the second Summary Statement and the formula for determining the district rate?**

Summary Statement #2 states: *The percent of children who were functioning within age expectations in each outcome by the time they turn 6 years of age or exited the program.* In other words – How many children were functioning like same aged peers when they left the program? Using each district's combined Progress Category information, the formula used to determine the percentage for this Summary Statement is:

$$\frac{d + e}{a + b + c + d + e} \times 100$$

**10. Where would each Unit locate a summary of the district rates for each Outcome area?**

TieNet has embedded the summary statements calculator developed by the national Early Childhood Outcome Center within the Indicator 7 Advanced Report. This calculator allows ND to take our district wide and unit wide OSEP progress category data for the three child outcomes and convert it to the summary statements which will be used to generate percentages related to the summary statements. NDDPI is in the process of making this report available to Units.

**11. Summarize the process described above.**

- Child's team determines entry/exit/progress ratings 1-7
- Ratings are convert to Progress Categories A-E
- Progress Ratings are calculated within the Summary Statement formulas to determine district wide and unit wide percentage

*APPENDIX F*

**Indicator 7  
Data Comparison**

Data Comparison for Indicator 7  
2010-2011

Below are your Unit results from three reports that were developed through review and comparison of the 2010-2011 Indicator 7 data found in your Unit Spreadsheets and TIENET reports. The first column lists the reports that were developed for the data collected from July 1, 2010 to June 30, 2011. The second column list ID numbers for the children that each Unit must review to determine the reason they were listed on the report. In the third column the Unit must provide a **brief** response for each child. Examples of possible brief responses could be: *did not receive preschool services for 6 months; COSF data updated see child's file; etc.*

Please review and respond within two weeks of receiving this information. NDDPI will then provide a final response in the last column. Thank you ahead of time for this information.

Unit Name:

Date:

Reports	Children Name and ID Numbers	Units Response	NDDPI Response
Comparison of TieNet Indicator 7 Report and Unit's Spreadsheet			
TieNet Report - preschool children with initial IEP without a COSF and/or entry ratings			
TieNet Report -preschool children exiting preschool services without COSF and/or exit-progress ratings			
Additional Questions			

***APPENDIX G***

**Indicator 8  
Parent Survey**

