North Dakota
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Overview of the Annual Performance Report Development
Introduction

Throughout the implementation of the ND State Performance Plan (SPP), the SPP indicators have become the focal point in local and statewide communication and are referenced by the ND Department of Public Instruction (NDDPI) special education staff 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. 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). NDDPI also revised its strategic plan to reflect the 20 indicators of the SPP.

Stakeholder Input

To ensure continuous improvement in the ND special education processes and accountability system, meetings were held with the Office of Special Education Programs (OSEP) and various regional and national technical assistance centers. These centers include the Mountain Plains Regional Resource Center (MPRRC), WESTAT, The National Early Childhood Technical Assistance Center, The National Association of State Directors of Special Education: The Personnel Center, and the National Secondary Transition Technical Assistance Center. The NDDPI has actively solicited broad stakeholder input on a statewide basis as State staff met periodically during the year to review and update the SPP indicators and activities. Stakeholder groups in North Dakota include the Part B and Part C joint committees of the ND IDEA Advisory Committee and the ND Interagency Coordinating Council; the Parent Involvement Workgroup (a subcommittee of the ND IDEA Advisory Committee); the ND Early Childhood Outcomes Team; the ND Response to Intervention (RTI) State Leadership Team; the ND Secondary Transition Community of Practice Advisory Council; the Speech and Language Taskforce; the ND Personnel Development Taskforce; the ND Administrators in Special Education Study Council; Early Childhood Education Council; Autism Spectrum Disorder Task Force; and the North Dakota Council of Educational Leaders. These stakeholder groups are comprised of members from the ND Department of Human Services (Part C), 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; Bureau of Indian Education; State Child Welfare Agency; ND Board for Career and Technical Education; Vocational Rehabilitation Agency; 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 an annual statewide Special Education Leadership Institute with all local special education directors in attendance. During the September 2009 session, NDDPI staff 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 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, ND Pathfinder Parent Center, and IDEA Advisory Committee members. The ND SPP and APR are available for public viewing at http://www.dpi.state.nd.us/speced/index.shtm and http://www.dpi.state.nd.us/speced/reports.shtm. District Performance Reports are also publicly posted approximately one month after the APR and APR are submitted at http://www.dpi.state.nd.us/dpi/reports/Profile/index.shtm. Once on this webpage, reports can be viewed by selecting the specific district and school year desired.

The Special Education Guidelines are also publicly available on the NDDPI Special Education website: http://www.dpi.state.nd.us/speced/guide/index.shtm. Presentations on each of the guidelines and their requirements were also given to various stakeholder groups, state agencies, and special education staff. NDDPI staff 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 Special Education offices held in North Dakota

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

- SEA: the State Education Agency 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 Department:
    - Special Education State Director: oversight of all special education units, special education programs in ND school districts, and NDDPI special education personnel;
    - Assistant Special Education State Director: assists the State Special Education Director with the oversight of all special education units, special education programs in ND school districts, and NDDPI special education personnel;
    - Regional Special Education Coordinators: The NDDPI Office of Special Education employs seven (7) Regional Special Education Coordinators. Each coordinator has portfolios that include specific statewide initiatives relating to disability areas, trainings, and program responsibilities. Each regional special education coordinator also is responsible for technical assistance to approximately five special education units. Six of the coordinators' offices are located in the Department of Public Instruction, the other coordinator works from an office outside of Bismarck.

- Special Education Units: 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 positions are local positions and are not employees of the state office, NDDPI. The following offices may be held within each of the special education units:
    - Special Education Unit Director: oversight of all special education programs in member school districts, in partnership with school district personnel, within the special education unit, and special education unit personnel;
    - Assistant Special Education Unit Director: assists the Special Education Unit Director with the oversight of all special education programs in member school districts, in partnership with school district personnel, within the special education unit, and special education unit personnel;
    - Special Education Unit Coordinator: Each unit coordinator has portfolios that contain specific unit-wide initiative and program responsibilities. Each unit coordinator is responsible for the oversight of technical assistance in the school districts within the special education unit, in partnership with school district personnel.

- Local School Districts: North Dakota currently has 185 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 personnel at the special education unit and school district levels. 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 presented in the table below:

Activity	Color
New	Light Blue
Completed (In SPP)	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 this APR, completed activities have been removed from the APR indicator activities tables. These improvement activities are recorded and can be reviewed in the SPP for historical purposes.

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:

1. *North Dakota 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 (ndSLEDS) 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 ndSLEDS 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 state-wide online special education case management system due to their cooperative work with ND special education units).

2. *Response to Intervention (RTI) implementation*:
The NDDPI has been implementing RTI since 2006. Each year a new cohort of schools has been recruited to begin a four-day training process that continues throughout the school year. Additional training is provided for Year 2 schools on the progress monitoring process. New schools receive Year 1 training which offers an introduction to the model. Four days of training are offered across the school year allowing each school to gradually add the components of the model. Year 2 schools begin to focus on the progress monitoring portion of RTI.

Beginning in the Spring of 2009, leadership personnel involved in RTI and in Response to Intervention-Behavior (RTI-B) from across the state came together to look at combining the two initiatives under one state planning team. The group reviewed the existing state plans for the two initiatives and came up with a set of priorities for moving the two initiatives forward in a more consistent and structured process. During the summer of 2009, the state planning team developed a document called an Innovation Configuration (from the Concerns Based Adoption Model by Hall and Hord) that describes the implementation of complex initiatives. In particular, the Innovation Configuration (or IC) spells out key components of the model (e.g., Leadership, Data Collection, Sustainability) and establishes an implementation continuum that describes how each component will look at the district level if a) the district is not implementing the model yet, b) the implementation process is in progress but not fully realized, or c) the district is implementing the key features of a particular component or subcomponent of the model. The IC is particularly useful in implementing a complex, multi-year initiative because it offers a gauge for what implementation looks like at each of the three stages and specifies the nature of the work to reach full implementation per component.

The number of schools involved in implementing RTI in North Dakota has grown to the point where two of the largest districts in the state are implementing RTI across all of the elementary schools within these districts. There are requests to begin to move RTI to middle and high schools as well as to expand to elementary schools that have not been involved in implementation. The Department of Public Instruction is not adequately staffed to handle the local needs for training and technical assistance. To address this issue, a request for proposals was established to access regional-level education service agency assistance in the management, coordination and data collection aspects of scaling up RTI (and RTI-B also). Two grantees have received grant awards and will work collaboratively with the remaining educational service agencies to expand the training, technical assistance, and data collection services as part of the scale up.

Technical assistance from the National RTI Center and from the National Implementation

Research Network (NIRN) as well as support from Mountain Plains Regional Resource Center (MPRRC) and other states within the MPRRC region has been very helpful.

3. *Positive Behavioral Supports Implementation.*
With the reformulation of the state leadership and planning teams for RTI and RTI-B, the description for RTI-B is identical to the description for RTI. Because both models are based on the same pyramid or triangle model that includes differentiated levels of support based on student needs, it has been possible to combine the two in designing plans for scaling up the models. It continues to be important for the training for schools to be separate at this time. RTI-B has been implemented for a longer period of time nationally and, because of this, is more deeply designed. It has features that address the realities of implementation in complex systems like schools and school districts and has a very well developed data collection process. It includes a strong coaching component for school teams that will be used as a model for adding this feature to RTI implementation in North Dakota schools.

The State Team is moving to begin the training for schools interested in RTI-B to the Spring so that schools may begin their implementation on the first day of the new school year in the Fall. Having the RTI-B data collection process ready to go the first day of the new school year is a desirable outcome for school teams that want to reduce their office referrals and improve consistency in how challenging behaviors are handled by all personnel within a school. With these improvements, the State Team will be tracking schools sustainability of RTI-B implementation in schools.

4. *NDDPI and Title I Collaboration:*
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.

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. This year's symposium offered two additional trainings to support the state initiative related to scaling up Response to Intervention (RtI).

a. *Reading:* This year's Symposium included a two-day training on scientifically based research and instructional strategies related to reading. Specific sessions addressed: vocabulary instruction, use of DIBELS data to identify student needs and appropriate remediation, comprehension strategies, Literacy Centers, and culturally sensitive reading instruction.

   ND Teacher Reading Academies for Kindergarten, First, and Second Grade: The NDDPI Office of Special Education in partnership with the NDDPI Title I Office hosted the annual ND Teacher Reading Academies. These academies are four day professional development trainings that assist school districts meet the challenges of the *No Child Left Behind Act* and IDEA 2004. The academies are built on scientifically based reading research and highlight issues such as grouping, monitoring student progress to inform instruction, and providing interventions for struggling readers.

b. *Mathematics ND Elementary Math Institute:* The Elementary Math Institute for Struggling Students is a two-day session targeted to improve mathematics instruction at the elementary and middle grades. This session provided teachers with the research background essential to developing in students a solid foundation in the language of mathematics and instructional strategies for each of the NCTM content standards. This Institute provided teachers with opportunities to increase their understanding of how students learn mathematics and practical instructional strategies to address student

needs that will improve their understanding and achievement in mathematics.

c. *Response to Intervention*: Two sessions related to the state RTI initiative. One session focused on the elements of successful implementation of an RTI process for reading. This session explored the range of identifying struggling students and the necessary range of academic and behavioral supports to facilitate their learning. The other session addressed how teachers can meet the instructional needs of students who do not qualify for special education but struggle in the area of reading.

5. *Resident Teacher Program:*
NDDPI continues to support ongoing personnel development projects in collaboration with university programs, to increase the number of qualified special educators across the state. This has been achieved through State Personnel Development Grant, and the increased support to the mentoring model, Resident Teacher Program, in pre-service teacher preparation programs. In ten years of the program, 128/190 (67%) Resident Teachers have been employed as special education teachers in 39 school districts in the state of North Dakota. Thirty-eight school districts in North Dakota have participated in the Resident Teacher program with a total of 91 different schools in the state having received special education support through this program.

6. *Statewide Web-based Case Management System*:
The Statewide Web-based Case Management System is an electronic system, available via a secured site on the Internet, which contains all of the components of the Individual Education Program (IEP) and other forms required for students receiving special education services. This system has increased the clarity and accuracy of all student data submitted to the state. After several state and local reviews of student level documentation required, the following forms are now included and maintained within this electronic system and currently used for verification:

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	ND Child Outcomes Summary Form
Consent for Initial Placement in Special Education	North Dakota Child Outcomes Summary Form
Consent to Bill Medicaid	Notice of Changes to IEP Without an IEP Team
ECSE Student Profile: Evaluation	Prior Written Notice
Excusal of Required IEP Team Member(s)	Release of Information
Exit Form	Request to Invite Outside Agency Reps to IEP
Standard Treatment Protocol Documentation Form	Revocation of Consent for Special Education and Related Service
Follow-up Interview Questions	RTI Cumulative Folder
Functional Behavior Assessment	Extended School Year Plan
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	

It also includes review and validation procedures to check for compliance when the IEP is completed and allows NDDPI staff to continuously and randomly monitor timely correction of noncompliance issues. This system increases the ease and accuracy of data input, while providing and maintaining a significant number of generated reports that are used for monitoring at the student, plant, district, special education unit, state, and federal levels. Report topics available through this electronic system include, but are not limited to: Assistive Technology, Extended School Year, Exit, Assessment, and Indicators 5, 6, 7, 11, 12, and 13. A wide variety of reports are also generated based on immediate need. This system is being fully utilized in all school districts across North Dakota.

7. *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. This website can be accessed at
   http://www.dpi.state.nd.us/speced/accountability/accountability.shtm

8. *NDDPI Improvement Planning Core Team*:
   Directors from various units of the NDDPI participated in training regarding strategies for guiding improvement efforts. One of these trainings included the *Thinking Through Improvements: Tools and Strategies to Guide Improvement Efforts* offered by the North Central Regional Resource Center. As a result of this training the unified educational needs of North Dakota were recognized and 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). After reviewing statewide needs and focusing on the importance of educational reform toward more accountable systems, the Core Team underwent several training activities. The Core Team now provides oversight and guidance to the statewide improvement process, coordinates improvement planning, and ensures that improvement planning is implemented as intended. This core team has expanded and its members are now members of the *North Dakota Moving to Improve Learning for Everyone* (ND MILE).

9. *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.

10. *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.shtm

11. *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. 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 and 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.

North Dakota continues to present information related to the NIMAS and NIMAC to state educational leaders, including: The State Special Education Leadership conference for Special Education Directors and Coordinators; The ND Council of Educational Leaders; ND Education Association (NDEA); and to a diverse audience through the ND Center for Persons with Disabilities (NDCPD) Webinar Seminar Series.

The NDDPI will continue to coordinate with the NIMAC. NDDPI currently has one authorized user, the ND Vision Services/School for the Blind (ND VS/SB). During the 2009 legislative session, NDDPI proposed expanding the mission of the ND VS/ SB to include the provision of accessible instructional materials to students with a physical impairment who cannot access the printed page and students who have a reading disability of organic origin. The state legislature during the 2009 legislative session passed House Bill 1078 which expanded the mission of the ND VS/SB to accommodate students with physical impairments and reading disabilities. This bill also authorized a half-time position at the ND VS/SB to assist with the anticipated increase in the number of requests for these materials. NDDPI has posted a NIMAS policy paper, flow chart with definitions, and brochure at http://www.dpi.state.nd.us/speced/index.shtm NDDPI has also developed an online training related to NIMAS that will be posted in the near future. 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 districts with guidance on ensuring that students will be provided accessible materials within our state's market model.

12. *Universal Design:*
It should be noted that NDDPI is dedicated to supporting efforts that implement universal design for learning (UDL) principles 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 equal opportunities to learn. Curriculum barriers are reduced; learning is supported; students gain knowledge and skills; and their learning is validly assessed. NDDPI supports UDL as a natural complement to early intervening initiatives, such as RTI and RTI-B. NDDPI has developed two trainings 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 has been designed for general and special education teachers. It is posted to the department's website at http://www.dpi.state.nd.us/SPECED/resource/curriculum/index.shtm.

The second module (in development) will present teachers a model for analyzing student needs in content area instruction and using that knowledge to design lesson plans that address those needs.

The NDDPI is coordinating a series of on-line 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.

New 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 has been training local special education directors and staff in methods of using the Statewide Web-based Case Management system for local monitoring purposes. The staff of the NDDPI has also been working 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 can attend these meetings from their local offices, thus increasing statewide attendance. These trainings significantly increase 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. The NDDPI special education staff will be involved in this state planning. For example, the NDDPI special education staff are currently reviewing support options for special education teachers toward the additional training required to meet the needs of children with Autism.

3. *North Dakota School for the Deaf Future Planning:*
   During the past 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 the 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, the 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.

New 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 is in the process of developing a taskforce specific to American Indians in North Dakota Schools, cutoff points of Disproportionate Representation and Significant Disproportionality, and review process used by districts identified in noncompliance. The taskforce will study issues and make recommendations to ensure that the NDDPI is using appropriate targets for determining disproportionate representation of American Indian students in North Dakota schools. In addition, this taskforce will make recommendations regarding additional statewide policies and procedures, guidance materials, personnel development needs, and/or technical assistance resources to support minority populations in ND schools. Results from this taskforce will be reported in the APR submitted in February, 2011.

3. *Two Additional Exceptions to the 60-day Rule:*
   Indicator 11
   The NDDPI Special Education Office 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 and when these extreme weather events are documented; and
   b. *Limited Access to Qualified Evaluators:* An extension is granted when either party establishes to the NDDPI's satisfaction that access to a qualified evaluator is so limited that the evaluation cannot occur in the initial 60 days.

   The district will be required to submit a variety of documents supporting their decision to delay. For example, the district would be required to submit documentation detailing the attempts at making out-of-state appointments for evaluations and documents indicating the waiting period for an appointment at the outside agency. If weather conditions caused the delay, documentation

from the ND State Department of Transportation could also be submitted as proof.
These additional exceptions were approved and became effective on October 1, 2009. NDDPI staff distributed guidance pertaining to these exceptions at the Fall Leadership Conference in September of 2009. These new exceptions will not be retroactive to July 1, 2009 but will apply to evaluations conducted on or after October 1, 2009.

4. *ND Secondary Transition Indicator 13 Monitoring Team:* Beginning Spring 2010, the monitoring of Indicator 13 will be completed by a Secondary Transition Monitoring Team. NDDPI staff will organize and train a team of professionals to review the state selected IEPs of students 16 and older. Training will be designed to assure understanding of the requirements of Indicator 13 and also to foster inter-rater reliability. Monitoring of the IEPs will be completed by gathering individual student data through the ND web-based Special Education Case Management System.

INDICATOR 1

Overview of the Annual Performance Report 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.

Table 1.1 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2008 (2008-2009)	The percentage of youth with IEPs graduating from high school will increase to71%

Actual Target Data for 2008-2009:

Table 1.2 Graduation Rate of All Students and Students with Disabilities

	Students w/Disabilities
# of students with disabilities who graduated	600
# of students with disabilities in the cohort	821
Percent of students with disabilities who graduated	**73.08%**

Please note that the FFY2008 data are the FFY2007 data due to the OSEP "data lag" requirement.

The FFY2007 target of 71% was met.
The data reported for Indicator 1 are from FFY2007 due to the data lag requirement of OSEP. Therefore, NDDPI has chosen to also use the FFY2007 targets for this reporting period.

The NDDPI Office of Special Education collects graduation and drop-out data from all North Dakota schools through the Standards and Achievement Unit of NDDPI. Only students who graduate with a high school diploma are considered graduates; all others are considered non-graduates. Non-graduates are then factored into the dropout calculation. Therefore, students in special education who exit with a certificate or reach the age limit of attendance are factored into the dropout category.

Diplomas for students who receive special education services are awarded in the same manner as diplomas are awarded to students without disabilities. ND Century Code 15.1-21002.1 details 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 coursework from the minimum curriculum

offerings established by Section 15.1-21.02.

As described in the *North Dakota Consolidated State Application Accountability Workbook*, 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 (www.dpi.state.nd.us/grants/final%20AYP07.pdf) (p. 55).

The graduation rate is based on a statewide graduation cohort model, which incorporates student enrollment and dropout data across four years (i.e., freshman, sophomore, junior, and senior data). This four-year cohort model reflected the true definition of the four-year cohort model and was made possible due to improved data collection within the State Automated Reporting System (STARS). The graduation rate calculation is the same as that used by the NDDPI under ESEA. The calculation for graduation rate for the FFY2007 is:

Graduates (with regular diploma) who completed high school in four years

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(divided by)

[# Graduates (same as above) + # of 9th grade dropouts/retentions + # 10th grade dropouts/retentions + # 11th grade dropouts/retentions + # 12th grade dropouts/retentions + # students who complete 12th grade without a regular diploma]

Reliability and Validity of the Data

Each year, graduation data are collected from the ND STARs. The graduation status of each student in the graduation cohort is calculated and the assignment of each student to only one district is determined; this information is then reported back to each school district. Each district then reviews and validates each student's status and assignment to ensure valid and reliable reporting. This way the NDDPI ensures that students are not counted more than once and that their status is accurate.

Discussion of Improvement Activities Completed <u>and</u> Explanation of Progress or Slippage that occurred for FFY2008:

Explanation of Slippage:

Table 1.3 Percent of students with disabilities who graduated – Results Over Time

	FFY2005	FFY2006	FFY2007	FFY2008*
# of students with disabilities who graduated	674	705	600	600
# of students with disabilities in the cohort	840	886	821	821
Percent of students with disabilities who graduated	**80.24%**	**79.57%**	**73.08%**	**73.08%**

*Please note that the FFY2008 data are the FFY2007 data due to the OSEP "data lag" requirement.

As indicated in Table 1.3, the percentage of students with disabilities who graduated has decreased since FFY2005.

Students who are continuing their education beyond the timeframe of their four-year cohort, based on their IEP plan, are coded with an Exit Code of 9. Students with an Exit Code of 9 are removed from the graduation formula. In the FFY2007, the Standards and Achievement Unit added Exit Code of 6. Exit Code 6 is defined as students continuing their education beyond the four year cohort timeframe but not based on the IEP plan (See Table 1.4). All students who are coded with an Exit Code 6 are factored into the denominator thus reducing the graduation results. Although guidance was given, the similarity between Exit Code 6 and Exit Code 9 may be creating inconsistencies across the school districts. This is neither incorrect nor inaccurate data reporting, as both exit codes are defined by students continuing their education beyond the timeframe of the four-year cohort. However, additional technical assistance will be given to ensure that students are coded in either an Exit Code 6 or Exit Code 9 based on their IEP plan.

An additional exit code that may adversely affect the graduation rate is Exit Code 5. Exit Code 5 is defined as students who have transferred within the district to an alternative educational setting other than the public high school. Students receiving special education services who choose to attend an alternative school or transitional setting are coded in Exit Code 5. These students have neither graduated nor dropped-out. The total count of students in Exit Code 5 is factored into the denominator thus reducing the graduation rate.

Table 1.4 FFY Graduation and Drop-Out Exit Codes

Exit Code	Definition	Total Count FFY2007
Exit Code 5	To claim this status code, the local school district must maintain documentation of enrollment at the receiving school. The NDDPI may monitor for evidence of documentation. A student who transfers to a public school that is located within the jurisdiction of the same local school district.	29 students
Exit Code 6	A student who is enrolled in the 2007-08 school year but failed to earn sufficient credit hours to graduate with his or her cohort class of 2008; or A student who has been temporarily placed in an institution that has an educational program, e.g., mental health institutions, juvenile service agencies, care shelters, or detention facilities.	55 students
Exit Code 9	A student who has an extended graduation date documented within his or her IEP or LEP service plan or program. A standard diploma must be awarded prior to the student reaching the age of 21. The NDDPI may monitor for evidence of documentation.	76 students

Explanation of Improvement Activities:

Table 1.5 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
Statewide dissemination of instructional materials regarding prevention of school bullying.	Spring 2006	Pacer Center, Minneapolis, MN, NDDPI Safe and Drug-Free Schools	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
Expand statewide Response to Intervention Behavior (RTI-B) Collaborative project by adding 10 – 15 school districts/plants per school year. Provide training, coaching, and data collection software to participating districts. Data collection and analysis will be used for school improvement planning.	Ongoing through 2010 as needed, 4 to 6 days of training per year	RTI-B State Leadership Team; University of Oregon; MPRRC	Ongoing
Improve data collection and reporting in collaboration with general education partners with the 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	In Process
Validating reported graduation data using the Web-based Case Management System.	FFY2008	NDDPI staff	Newly 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	Newly Ongoing
Guidance to school districts on how data are coded to ensure uniformity, and accuracy of data definitions and collection.	FFY2008	NDDPI staff	Newly Ongoing

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2008:

Revisions to Baseline: No

Revisions to Measurable and Rigorous Targets: No. However, in order to align with ESEA, the NDDPI the graduation targets will be revised in the SPP and APR submitted February 2011.

INDICATOR 2

Overview of the Annual Performance Report 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.

Table 2.1. Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2008 (2008-2009)	The percent of youth with IEPs dropping out of high school will decrease by .97 percent to 12.95 percent.

Actual Target Data for FFY2008 (note these are FFY2007 data due to this being a data-lag year)

Table 2.2 Drop-Out Rate of All Students and Students with Disabilities

	Students w/Disabilities
# of students with disabilities who dropped out	137
# of students with disabilities in the cohort	821
Percent of students with disabilities who dropped out	**16.69%***

*Please note that the FFY2008 data are the FFY2007 data due to the OSEP "data lag" requirement.

The target of 12.95% was not met.
Even when applying the confidence interval, the target was still not met.

Reliability and Validity of the Data
Each year, graduation data is collected from the STARs. Each year the exit status of each student in the graduation cohort is calculated and the assignment of each student to only one district is determined; this information is then reported back to each school district. Each school district then reviews and validates each student's status and assignment to ensure valid and reliable reporting. This way the state ensures that students are not counted more than once and that their status is accurate.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2008:

Explanation of Slippage:

As indicated in Table 2.3 the percentage of students with disabilities who dropped out has increased over time.

The NDDPI Office of Special Education collects graduation and drop-out data from all North Dakota schools through the Standards and Achievement Unit of NDDPI. Only students who graduate with a high school diploma are considered graduates, students in special education who exit with a certificate or have reached the age limitation of attendance are considered dropouts. Also, students choosing to exit school to attend an alternative form of education such as a transition program or employment training program are also factored into the dropout total. Therefore, the actual number of students in special education programs dropping out of high school is less than the number identified in this indicator.

The NDDPI staff members are researching methods of reporting special education drop-out rates with increased accuracy. One method in discussion is the use of data documented in the web-based case management system. Currently, the graduation rate is based on a statewide graduation cohort model, which incorporates student enrollment and dropout data across four years (i.e., freshman, sophomore, junior, and senior data). By validating these data with those reported in the web-based case management system (the students' IEP), the NDDPI office of special education can validate data as reported in STARs.

Table 2.3 Percent of students with disabilities who dropped out – Results Over Time

	FFY2005	FFY2006	FFY2007	FFY2008*
# of students with disabilities who dropped out	110	123	137	137
# of students with disabilities in the cohort	840	886	821	821
Percent of students with disabilities who dropped out	**13.10%**	**13.88%**	**16.69%**	**16.69%**

*Please note that the FFY2008 data are the FFY2007 data due to the OSEP "data lag" requirement.

Explanation of Improvement Activities:

The NDDPI staff members are increasing the following activities: trainings in parent involvement, RTI, RTI-B, differentiated instruction and strategies, and transition planning. In addition to increasing existing activities, NDDPI has been researching strategies directly focused on decreasing dropout rates locally and statewide. Table 2.4 displays current and new activities.

Table 2.4 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
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
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
Expand statewide Response to Intervention-Behavior (RTI-B) Collaborative project by adding 10 – 15 school districts/plants per school year. Provide training, coaching, and data collection software to participating districts. Data collection and analysis will be used for school improvement planning.	Ongoing through 2010 as needed, 4 to 6 days of training per year	RTI-B State Leadership Team; University of Oregon; MPRRC	Ongoing
Improve data collection and reporting in collaboration with general education partners with the 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
Review options for monetary sanctions due to late data submission (policy clarification). Also review other sanction options.	FFY2008	NDDPI Staff	Newly Ongoing
Validating reported exit data using the Web-based Case Management System and STARS.	FFY2008	NDDPI staff	Newly Ongoing
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	Newly 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	Newly Ongoing
Guidance to school districts on how data are coded to ensure uniformity, and accuracy of data definitions and collection.	FFY2008	NDDPI staff	Newly Ongoing

Revisions, <u>with Justification</u>, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2008:

Revisions to Baseline: No
Revisions to Measurable and Rigorous Targets: No
Revisions to Improvement Activities: No.

INDICATOR 3

Overview of the Annual Performance Report 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))

Table 3.1 Measurement

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)].

Table 3.2 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2008 (2008-2009)	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. *(Please note that the targets for 3A are a change from what is 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.)*

Targets and Actual Target Data for FFY2008:

Table 3.3 Summary Results for FFY2008

FFY2008	Measurable and Rigorous Targets and Results				
	Districts Meeting AYP for Disability Subgroup (3A)	**Participation for Students with IEPs (3B)**		**Proficiency for Students with IEPs (3C)**	
	Both Reading and Math	Reading	Math	Reading	Math
Targets for FFY2008	97.0%	95.0%	95.0%	78.07%	67.03%
Number meeting target	141	6,706	6,738	3,786	3,861
Number in denominator	163	6,882	6,882	6,199	6,236
Percent meeting target	86.5%	97.44%	97.91%	61.07%	61.91%
Was Target Met?	No	Yes	Yes	No	No

The target for 3A was not met.
The targets for 3B were met for both math and reading.
The targets for 3C were not met, even when the confidence interval is applied.

3.A - Actual AYP Target Data for FFY2008:

Table 3.4 Districts with a disability subgroup that meet the State's minimum "n" size AND met the State's AYP target for the disability subgroup.

Year	Total Number of Districts	Number of Districts Meeting the "n" size	Number of Districts that meet the minimum "n" size and met AYP for FFY2008	Percent of Districts
FFY2008 (2008-2009)	**183**	**163**	**141**	**86.5%**

The target of 97% for 3A was not met.

3.B – Actual Participation Target Data for FFY2008:

Table 3.54 Participation Rate Details for FFY2008
These data are based on all IEP students – those enrolled for a full academic year and those not enrolled a full academic year.

	Reading		Math	
	Number	Percent of Total	Number	Percent of Total
a. Total IEP Students	6882	100.0%	6882	100.0%
b. Took regular assessment with no accommodations	1290	18.74%	1293	18.79%
c. Took regular assessment with accommodations	3314	48.15%	3581	52.03%
d. Took alternate assessment against grade-level achievement standards	0	0.0%	0	0.0%
e. Took alternate assessment against modified achievement standards	1477	21.46%	1244	18.08%
f. Took alternate assessment against alternate achievement standards	625	9.08%	620	9.01%
g. Overall Participation (b+c+d+e+f)	**6706**	**97.44%**	**6738**	**97.91%**
# in a but not in b, c, d, e, or f	247	2.56%	155	2.09%

The targets for 3B were met.

3.C – Actual Performance Target Data for FFY2008

Table 3.65 Proficiency Rate Details for FFY2008
These data are based on only those students who were enrolled a full academic year.

	Reading		Math	
	Number	Percent of Total	Number	Percent of Total
a. Total IEP Students who took test and received a score	6199	100.0%	6236	100.0%
b. Took regular assessment with no accommodations and scored proficient	734	11.84%	787	12.62%
c. Took regular assessment with accommodations and scored proficient	1437	23.18%	1584	25.40%
d. Took alternate assessment against grade-level achievement standards and scored proficient	0	0.0%	0	0.0%
e. Took alternate assessment against modified achievement standards and scored proficient	1089	17.57%	950	15.23%
f. Took alternate assessment against alternate achievement standards and scored proficient	526	8.49%	540	8.66%
g. Overall Proficient (b+c+d+e+f)	**3786**	**61.07%**	**3861**	**61.91%**

The targets for 3C were not met even when the confidence interval is applied.

Explanation of Progress or Slippage

As Table 3.7 indicates, the percentage of districts meeting the AYP objective for the IEP subgroup has greatly decreased from FFY2006 to FFY2007 but rebounded in FFY2008. The reason for the decrease is that the percent of students who had to score proficient in order for the district to be designated as meeting AYP increased significantly from FFY2006 to FFY2007. This resulted in fewer districts meeting AYP overall as well as fewer districts meeting AYP for the IEP subgroup. This goal increases every three years in order to reach the NCLB goal of 100% by 2014. In FFY2008, the percentage of IEP students (as well as all students) scoring proficient increased and thus, more districts met AYP this year than the prior year.

The participation rate of IEP students has been fairly stable since FFY2006.

The proficiency rate of IEP students decreased from FFY2006 to FFY2007 but increased in FFY2008. In fact, the FFY2008 math proficiency rates are the highest of the past four years. The pattern of IEP proficiency rates is similar to that for all students. Two changes occurred on the state Alternate Assessment in FFY2007. The state put in place two separate Alternate Assessments (where there had been one in place that covered the 1% and 2% using the same procedure but different activities).

In the fall of 2007, the state offered the NDAA1 for students with severe cognitive disabilities based on alternate achievement standards and the NDAA2 for students with persistent learning difficulties and based on modified achievement standards. The format for submission changed to online web-based submission through a secure site.

The NDAA 1 remained basically the same with the exception of added activities and pilot items.
The NDAA 2 changed significantly based on guidance from the USDOE on requirements for rigor, grade-level alignment to standards and benchmarks, and the change to a computer-based multiple choice assessment.

The second change in the ND assessment system that affected the sub-group of students with disabilities, was the removal of “reading the reading test-text” as an approved accommodation. Prior to 2007, this accommodation was acceptable if it was documented in the student’s IEP. This is a possible reason for the decrease in reading proficiency.

Table 3.7 Results Over Time

	FFY2005	FFY2006	FFY2007	FFY2008
A. Percent of Districts Meeting AYP Objective for IEP subgroup*				
Reading	93.0%	91.3%	68.3%	85.6%
Math	94.2%	97.4%	85.6%	95.1%
B. Participation Rate of IEP students				
Reading	98.1%	97.5%	96.6%	97.4%
Math	98.1%	97.4%	97.9%	97.9%
C. Proficiency Rate of IEP students				
Reading	54.1%	61.4%	53.8%	61.1%
Math	50.3%	58.9%	57.7%	61.9%

Note : The denominator for Indicator 3A includes only those districts for which an IEP proficiency rate could be calculated.

Explanation of Improvement Activities:

The state has seen an improved understanding from teachers (based on teacher feedback) on the use of standards in educating students with disabilities. Teachers have reported positive effects of the alignment of standards to inclusionary efforts with an increased participation rate in classroom activities for students with disabilities who may have experienced less involvement in the past. Teachers have also reported a positive correlation between students being included in the state assessment system and feeling more "like their peers". Completion of the science assessments (NDAA1 and NDAA 2) has provided enhanced opportunity for direct participation in science standards based activities in general education settings. To assists schools, IEP decision making materials, test directions, training presentation, data chart, and grade level activities are publicly posted on the NDDPI website: http://www.dpi.state.nd.us/speced/resource/alternate/index.shtm

Table 3.8 Improvement Activities/Timelines/Resources

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	Annually each fall	IDEA-B funds, Consult from MPRRC and NAAC, USDOE Peer Review Feedback	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 2008-09 the state underwent independent alignment studies with NCIEA on the states alternate assessments and will plan training activities based on needs and changes for the 2010 training. In the summer of 2010 the state plans to include this "instructional strategies" training in the Summer Reading and Math Institute.	2008-09 2010	State Dept Part B funds, NDAA Teacher Survey, National Center for Improvement of Education Assessment (NCIEA) consultants,	Ongoing
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. In the summer of 2010 the state plans to include "instructional strategies training" in the Summer Reading and Math Institute.	2008-2009 2010	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
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 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.	Annually	NDAA Writing Committee, Consultant from MPRRC, ND Teachers, State Dept. Staff, NCIEA consultants	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
Expand statewide Response to Intervention (RTI-B)Collaborative project by adding 10 – 15 school districts/plants per school year. Provide training, coaching, and data collection software to participating districts. Data collection and analysis will be used for school improvement planning.	Ongoing through 2010 as needed, 4 to 6 days of training per year	RTI-B State Leadership Team; University of Oregon; MPRRC	Ongoing
Provide information, resources, and support for Response to Intervention model and implementation. Revise state guidelines for assessment to include RtI model and process.	2005 – 06, Statewide summits; ongoing	Part B Disc. Funds; MPRRC	Ongoing
Support professional development for general education (secondary) on differentiated instruction/strategies.	Ongoing	ND University System Faculty	Ongoing

Public Reporting Information: Public reports of assessment results conforming with 34 CFR §300.160(f) may be found at: http://www.dpi.state.nd.us/dpi/reports/Profile/index.shtm

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2008:

Revisions to Baseline: No
Revisions to Measurable and Rigorous Targets: Yes. Because NDDPI is now required to report the percentage of districts that meet AYP for the students with disabilities subgroup for both reading and math, the NDDPI has made the following revisions to the 3A targets.

Table 3.9 Revised 3a Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target
2008 (2008-2009)	a) Percent of districts meeting the State AYP objectives for disability subgroups in both reading and math will be 97.0 percent.
2009 (2009-2010)	a) Percent of districts meeting the State AYP objectives for disability subgroups in both reading and math will be 97.1 percent.
2010 (2010-2011)	a) Percent of districts meeting the State AYP objectives for disability subgroups in both reading and math will be 97.2 percent.

Because the NDDPI is now required to align 3C targets with those of ESEA, the NDDPI has made the following adjustments in the 3C targets.

Table 3.10 Revised 3c Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target
2008 (2008-2009)	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.
2009 (2009-2010)	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.
2010 (2010-2011)	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.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2008:

Revisions to Baseline: No
Revisions to Measurable and Rigorous Targets: Yes. The targets for 3A are a change from what is 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.

Revisions to Improvement Activities: No

INDICATOR 4

Overview of the Annual Performance Report Development: See Introduction for complete overview and stakeholder input.

Monitoring Priority: FAPE in the LRE

Indicator 4: Rates of suspension and expulsion:

A. Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and
B. Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

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

Table 4.1 Measurement

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.
B. 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.

Include State's definition of "significant discrepancy."

Table 4.2 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2008 (2008-2009)	The percent of LEAs identified by the 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.

The State is not required to report on Indicator 4b in this FFY2008 APR. The following information is relative to Indicator 4a only. This is also a data lag year for indicator 4a; therefore, data reported are FFY2007 data.

***Significant Discrepancy* Definition:**

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.

Actual Target Data for FFY2008:

Table 4.2 Percent of Districts Identified with Significant Discrepancy

	FFY2007
# of School Districts	192
# of School Districts with significant discrepancy in suspension/expulsion rates	0
% of School Districts with significant discrepancy in suspension/expulsion rates	**0.0%***

*Please note that the FFY2008 data are the FFY2007 data due to the OSEP "data lag" requirement.

The target of .97% was met.

In cases where school districts are 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 will be conducted, in collaboration with the special education unit. If appropriate, revisions include policies, procedures, and practices relating to development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

Reliability and Validity of the Data
Each North Dakota school building 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.

Correction of Non-compliance
There were no school districts that experienced significant discrepancy in FFY2007.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2008:

Explanation of Progress:

North Dakota has historically maintained low suspension and expulsion rates. Table 4.4 displays the raw data from the previous five years. NDDPI staff members continuously work with special education staff in special education units and districts in areas of RTI, RTI-B, and procedural safeguards. All activities related to this indicator described in the SPP and displayed in Table 4.5 are ongoing. The suspension/expulsion data indicate these activities as successful in decreasing inappropriate suspension/expulsion practices. Several activities listed in Indicator 4 were also used to improve results in other indicators. For a full description of these activities, please see the introductory section of this report.

Table 4.3 Percent of Districts with Significant Discrepancy Over Time

	FFY2004	FFY2005	FFY2006	FFY2007	FFY2008
Percent of Districts with Significant Discrepancy	0.97%	0.0%	0.05%	0.0%	0.0%*

*Please note that the FFY2008 data are the FFY2007 data due to the OSEP "data lag" requirement.

Table 4.4 Raw Data: Suspension and Expulsion Over Time

Students with Suspension / Expulsion >10 total days	FFY2004	FFY2005	FFY2006	FFY2007	FFY2008*
Total Students	69	110	76	41	41
General Education students	46	91	59	34	34
Students with disabilities	23	19	26	7	7

*Please note that the FFY2008 data are the FFY2007 data due to the OSEP "data lag" requirement.

Explanation of Improvement Activities:

Table 4.5 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
Expand statewide Response to Intervention (RTI-B) Collaborative project by adding 10 – 15 school districts/plants per school year. Provide training, coaching, and data collection software to participating school districts. Data collection and analysis will be used for school improvement planning.	Ongoing through 2010 as needed, 4 to 6 days of training per year	RTI-B State Leadership Team; University of Oregon; MPRRC	Ongoing
Provide information, resources, and support for Response to Intervention model and implementation. Revise state guidelines for assessment to include RtI model and process. This activity is also designed to address issues identified in Indicators 9 and 10.	FFY2006	Part B Disc. Funds; MPRRC	Ongoing
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. This activity is also designed to address issues identified in all Indicators.	Implement statewide in 2007 - 08	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 9 and 10.	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. This activity is also designed to address issues identified in Indicators 1 and 2.	Spring 2006	Pacer Center, Minneapolis, MN	Ongoing
NDDPI, BIE, OSEP representatives consultation	Fall 2009	NDDPI, BIE, OSEP	Ongoing
Increased collaboration between the NDDPI offices of Special Education and Title I.	FFY2008	NDDPI	Ongoing

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2008:

Revisions to Baseline: **No**
Revisions to Measurable and Rigorous Targets: No. NDDPI staff had considered changing the targets once the data calculations were complete. It has been determined that the targets as set in the original SPP continue to be rigorous targets.
Revisions to Improvement Activities: **No**

INDICATOR 5

Overview of the Annual Performance Report 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))

Table 5.1 Measurement

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.

Table 5.2 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2008 (2008-2009)	a) 79.5 percent of children with disabilities will be served inside the regular class 80% or more of the day. b) 3.7 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

Actual Target Data for FFY2008:

Table 5.3 Actual Data for 2008-09

FFY	Number of students	(a) Percent of children with IEPs served inside the regular class 80% or more of the day	(b) Percent of children with IEPs served inside the regular class less than 40% of the day	(c) Percent of children with IEPs served in separate schools, residential facilities, or homebound/hospital placements
2008-09	11,608	77.17%	4.98%	1.09%

The target for indicator 5A was not met.
The target for indicator 5B was not met.
The target for indicator 5C was met.

Discussion of Improvement Activities Completed <u>and</u> Explanation of Progress or Slippage that occurred for FFY2008:

Explanation of Slippage:
As displayed in Table 5.4, the percentage of students in the regular classroom slightly decreased from FFY2007 to FFY2008. The percentage of students in separate classrooms slightly increased from FFY2007 to FFY2008. The percentage of students in separate facilities also slightly increased from

FFY2007 to FFY2008. Prior to FFY2008, data on this indicator was following a positive trend from FFY2004 to FFY2006.

Data on indicator 5 were examined by district and by district size to attempt to determine why a smaller percentage of students were in the regular classroom over the last two years as compared to previous years. Data were also examined in the area of 5c. Districts were contacted and placement data were reviewed and corrected where required. In some cases, students were reported in the categories of 5c when they should have been reported in 5a. These reports were corrected prior to submission of this APR and the data are correct as reported.

Table 5.4 Results for Indicator 5 – Results Over Time

	FFY2004	FFY2005	FFY2006	FFY2007	FFY2008
(a) Percent of children with IEPs served inside the regular class 80% or more of the day	77.69%	78.62%	79.00%	77.68%	77.17%
(b) Percent of children with IEPs served inside the regular class less than 40% of the day	4.24%	3.94%	3.61%	4.39%	4.98%
(c) Percent of children with IEPs served in separate schools, residential facilities, or homebound/hospital placements	2.33%	2.14%	2.09%	1.53%	1.09%

Discussion of Improvement Activities:

Table 5.4 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
Expand statewide Response to Intervention –Behavior (RTI-B). Collaborative project by adding 10 – 15 school districts/plants per school year. Provide training, coaching, and data collection software to participating districts. Data collection and analysis will be used for school improvement planning.	Ongoing through 2010 as needed, 4 to 6 days of training per year	RTI-B State Leadership Team; University of Oregon; MPRRC	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
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; scholarships; 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	Ongoing	NDDPI staff MPRRC	Ongoing
Provide (or support) professional learning opportunities on NIMAS and universal design for learning .	Ongoing	NDDPI staff	Ongoing
Deeper Analysis of data by category	Fall 2009	NDDPI staff	New
Co-host NDDPI Title I Summer Symposium with an increased focus on secondary education.	Fall 2010	NDDPI staff	New

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2008:

Deeper Analysis of Data by Category:
The NDDPI special education staff began and will continue to review and analyze the data collected for this indicator. Through the online web-based case management system, staff have the opportunity to review these data by individual student. Reviews have included review of identified disabilities, services offered, location of services, and educational placement recommended by local special education administrators and IEP team members. This review is being conducted to ensure students continue to receive the appropriate special education and related services in the most inclusive setting as possible.

NDDPI Title I Summer Symposium:
This annual 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. It is expected that the Summer Symposium 2010, will have an increased focus on secondary education and transition planning.

INDICATOR 6

Overview of the Annual Performance Report Development: See Introduction for complete overview and stakeholder input.

Monitoring Priority: FAPE in the LRE

Indicator 6: 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))

Table 6.1 Measurement

Measurement:
A. Percent = [(# 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) divided by the (total # of children aged 3 through 5 with IEPs)] times 100. B. Percent = [(# of children aged 3 through 5 with IEPs attending a separate special education class, separate school or residential facility) divided by the (total # of children aged 3 through 5 with IEPs)] times 100.

Table 6.2 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2008 (2008-2009)	52.5 percent of preschool children with IEPs will receive special education services in settings with typically developing peers.

The State is not required to report on this indicator in this FFY2008 APR.
North Dakota will report the new baseline, targets, and revised the improvement activities in the SPP submitted on February 1, 2011.

INDICATOR 7

Overview of the Annual Performance Report Development: See Introduction for complete overview and stakeholder input.

Monitoring Priority: FAPE in the LRE

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))

Table 7.1 Measurement

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 FFY2008-2009 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.

Table 7.2 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2008 (2008-2009)	*Please see the North Dakota State Performance Plan*

The State is not required to report on this indicator in this FFY2008 APR. Please refer to the North Dakota FFY2008 SPP for Progress information and data pertaining to this indicator.

INDICATOR 8

Overview of the Annual Performance Report 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))

Table 8.1 Measurement

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.

Table 8.2 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
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.

Actual Target Data for FFY2008:

Table 8.3 Percent of Parents Who Report that the School Facilitated Their Involvement

	FFY2008
Total number of Parent respondents	841
Number of parents who reported school facilitated their involvement	800
Percentage of parents who reported school facilitated their involvement	95.1%

NDDPI exceeded the target of 90%.

Table 8.4 Percent of Parents Who Report that the School Facilitated Their Involvement, Results Over Time

	FFY2005	FFY2006	FFY2007	FFY2008
Percent of parents who reported school facilitated their involvement	93%	95%	96%	95.1%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2008:

Explanation of Progress:

Although when compared to the FFY2007 results it appears that ND has had slippage, ND continues to exceed the annual target set for this indicator. The NDDPI Office of Special Education continues its collaborative efforts with the ND Parent Training and Information Center (Pathfinder) and the ND Department of Human Services (NDDHS) in effort to increase awareness of the Parent Survey and increase parent knowledge of special education services. The NDDPI special education staff has also increased the partnership between the NDDPI Title I program staff.

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 FFY2008 and State Performance Plan 2005-2010* 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 (Appendix A). 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 has met on three occasions and has reviewed and revised the parent survey questions. A new survey was developed and distributed to parents in hardcopy format by mail. The results from this survey will be reported in the APR submitted in 2011.

Special Education – Title I Collaboration: The NDDPI staff continues 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.

Table 8.5 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
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	ND PTI, 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	Ongoing
NDDPI Special Education and Title I Collaboration in Parent Involvement	FFY2007	NDDPISE staff and NDDPI Title I	Ongoing
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	New

Revisions, <u>with Justification</u>, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2007:

Revisions to Baseline: No
Revisions to Measurable and Rigorous Targets: No
Revisions to Improvement Activities: No revisions as this time. However, as the Parent Involvement Workgroup continues to meet, revisions may be reported in the FFY2009 ARP submitted February, 2011.

INDICATOR 9

Overview of the Annual Performance Report 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))

Table 9.1 Measurement

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." Based on its review of the 618 data for FFY2008, describe how the State made its annual determination that the disproportionate representation it identified (consider both over and underrepresentation) of racial and ethnic groups in special education and related services was the result of inappropriate identification as required by §§300.600(d)(3) and 300.602(a), e.g., using monitoring data; reviewing policies, practices and procedures, etc. In determining disproportionate representation, analyze data, for each district, for all racial and ethnic groups in the district, or all racial and ethnic groups in the district that meet a minimum 'n' size set by the State. Report on the percent of districts in which disproportionate representation of racial and ethnic groups in special education and related services is the result of inappropriate identification, even if the determination of inappropriate identification was made after the end of the FFY2009 reporting period, i.e., after June 30, 2010. If inappropriate identification is identified, report on corrective actions taken.

Table 9.2 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2008 (2008-2009)	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.

Actual Target Data for FFY2008:
***Definitions*:**
Under-representation:
Using the cutoff point of 0.5, the FFY2008 data indicated that all districts met the target of 0.0%.
Over-representation:
Using the cutoff point of 3.00, the FFY2008 data indicated that all districts met the target of 0.0%.

Table 9.3 Disproportionate Representation

Year	Total Number of Districts	Number of Districts with Disproportionate Representation	Number of Districts with Disproportionate Representation of Racial and Ethnic Groups that was the Result of Inappropriate Identification	Percent of Districts
FFY2008 (2008-2009)	**183**	**0**	**0**	**0.00%**

Table 9.4 Disproportionate Representation Over and Under. FFY2008

	Risk ratio cutoffs	# of Districts	% of Districts
Overrepresentation	3.00	0	0.00%
Under-representation	0.5	0	0.00%
Total		**0**	**0.00%**

The target for Indicator 9 was met.

Table 9.5 Results Over Time

	FFY2005	FFY2006	FFY2007	FFY2008
% of school districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.	0.00%	0.00%	0.00%	0.00%

Correction of FFY2007 Findings of Noncompliance (if State reported more than 0% compliance): Level of compliance (actual target data) State reported for FFY2007 for this indicator: 0.00%

Correction of FFY2007 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance): There are no outstanding cases of noncompliance for this indicator.

Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable): There was no additional information required from North Dakota.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2008:

Explanation of Progress:
All districts continue to meet the annual targets. In accordance with regulations, if district data indicate disproportionate representation, the state will:

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

When necessary, technical assistance will be offered from the 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.

Explanation of Improvement Activities:
All activities related to this indicator described in the SPP are ongoing. The disproportionality data indicate these activities as successful in decreasing inappropriate identification based on race/ethnicity. Several activities listed in Indicator 9 were also used to improve results in other indicators. For a full description of these activities, please see the introductory section of the APR.

Table 9.6 Improvement Activities/Timelines/Resources

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 information, resources, and support for Response to Intervention model and implementation. Revise state guidelines for assessment to include RTI model and process. This activity is also designed to address issues identified in Indicators 4 and 10.	Ongoing	Part B Disc. Funds; MPRRC	Ongoing
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
Disproportionate Representation Statewide Taskforce	FFY2009	NDDPI. Full description below.	New
Development and distribution of Disproportionate Representation fact sheets.	FFY2009	NDDPI, MPRRC resources	New
Summer Symposium presentation on Culturally Responsive RtI.	FFY2009	Bueno Center	New

Revisions, <u>with Justification</u>, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2008:

Revisions to Baseline: No
Revisions to Measurable and Rigorous Targets: No
Revisions to Improvement Activities: No revisions.
New Activity: *Disproportionality Taskforce*
The NDDPI staff members are in the process of developing a taskforce specific to disproportionality in North Dakota Schools. This taskforce will study issues and make recommendations to ensure that NDDPI is using appropriate targets for determining disproportionate representation of American Indian students in North Dakota schools. In addition, this taskforce will make recommendations regarding additional statewide policies and procedures, guidance materials, personnel development needs, and/or technical assistance resources to support minority populations in ND schools.

New Activity: *Presentations in Disproportionality*
The NDDPI staff members will contact individuals from MPRRC to schedule presentations on issues of disproportionate representation to education agencies in North Dakota such as the North Dakota Council of Education Leaders.

INDICATOR 10

Overview of the Annual Performance Report 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))

Table 10.1 Measurement

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."
Based on its review of the 618 data for FFY2008, describe how the State made its annual determination that the disproportionate representation it identified (consider both over and under representation) of racial and ethnic groups in specific disability categories was the result of inappropriate identification as required by §§300.600(d)(3) and 300.602(a), e.g., using monitoring data; reviewing policies, practices and procedures, etc. In determining disproportionate representation, analyze data, for each district, for all racial and ethnic groups in the district, or all racial and ethnic groups in the district that meet a minimum 'n' size set by the State. Report on the percent of districts in which disproportionate representation of racial and ethnic groups in specific disability categories is the result of inappropriate identification, even if the determination of inappropriate identification was made after the end of the FFY2009, i.e., after June 30, 2010. If inappropriate identification is identified, report on corrective actions taken.

Table 10.2 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2008 (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.

Disproportionate representation is defined as a weighted risk ratio of 3.00 or above for over-representation and a weighted risk ratio of .5 and below for under-representation.

Table 10.3 Disproportionate Representation by Race/Ethnicity FFY2008

District	Disability Category	Race/Ethnicity	Percent	District Results Post-Review
District A	SLD	American Indian	19.6%	0.00%
District B	ED	American Indian	5.58%	0.00%
District C	ED	American Indian	6.8%	0.00%

The target for Indicator 10 was met.

Table 10.4 Disproportionate Representation: FFY2008

Year	Total Number of Districts	Number of Districts with Disproportionate Representation	Number of Districts with Disproportionate Representation of Racial and Ethnic Groups in specific disability categories that was the Result of Inappropriate Identification	Percent of Districts
FFY 2008 (2008-2009)	**183**	**3**	**0**	**0**

Table 10.5 Disproportionate Representation: Over and Under FFY2008

	Risk ratio cutoffs	# of Districts	% of Districts
Overrepresentation	3.00	0	0.00%
Under-representation	0.05	0	0.00%
Total		**0**	**0.00%**

The target of 0% was met.

Table 10.6 Results Over Time

	FFY2005	FFY2006	FFY2007	FFY2008
% of school districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification	0.00%	0.00%	0.00%	0.00%

Under-representation:
The FFY2008 data, using the cutoff point of 0.5, did not indicate disproportionate under-representation in any of North Dakota's school districts.

Overrepresentation:
Using the cutoff point of 3.00, the FFY2008 data indicated three (3) districts (Table 10.3) as having disproportionate representation potentially due to inappropriate identification. Each of the three districts was required to review the identification process used for each student in the category identified. The districts were also required to review their policy, procedures, and practices pertaining to identification and disproportionate representation. After close review of the submitted reports, it was determined that the students were identified appropriately and the districts are in compliance.

Correction of FFY2007 Findings of Noncompliance (if State reported more than 0% compliance): Level of compliance (actual target data) State reported for FFY2007 for this indicator: 0.00%

Correction of FFY2007 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance): There are no outstanding cases of noncompliance for this indicator.

Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable): There was no additional information required from North Dakota.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2008:

Explanation of Progress:
NDDPI staff examined the district reviews of the identification process used for each student in the category identified and the district policy, procedures, and practices pertaining to identification of students requiring special education services and disproportionate representation. In accordance with regulations, if district data indicate disproportionate representation, the state:

- Requires the review and revision of polices, practices and procedures that contribute to disproportionate representation;
- Provides the state accepted plan and/or the completed templates which can be used for reviews (Appendix B) ; and
- Requires the LEA to publicly report on the revision of policies, practices and procedures, if revisions are required.

When necessary, technical assistance is offered from the NDDPI staff as well as the NDDPI will contract with a consultant who will offer additional technical assistance required by school districts in reference to appropriate identification of children who require special education services. After careful review of the identification process of each of the districts listed in Table 10.3, it was determined and reported to each of the three districts that disproportionate representation was not a result of inappropriate identification processes. Each of the children identified and receiving special education services have been appropriately identified and will benefit from these services.

Explanation of Improvement Activities:
All activities related to this indicator described in the SPP are ongoing. The disproportionate representation data indicate these activities as successful in decreasing inappropriate identification based on race/ethnicity. Several activities listed in Indicator 10 were also used to improve results in other indicators. For a full description of these activities, please see the introductory section of the APR.

Table 10.7 Improvement Activities/Timelines/Resources

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 9.	FFY2007	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 9.	FFY2007	NDDPI staff	Ongoing
Provide information, resources, and support for Response to Intervention model and implementation. Revise state guidelines for assessment to include RTI model and process. This activity is also designed to address issues identified in Indicators 4 and 9	FFY2007	Part B Disc. Funds; MPRRC	Ongoing
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	FFY2007	SPD Grant; Stipends; scholarships; tuition reimbursements,	Ongoing

Resident Teacher) in pre-service teacher preparation programs. This activity is also designed to address issues identified in Indicators 4 and 9.		UND, Minot State University: University of Mary	
Presentation to ND Council of Education Leaders (NDCEL) on Disproportionate Representation in collaboration with MPRRC.	FFY2008	NDDPI, NDCEL, MPRRC	Ongoing
Disproportionate Representation Statewide Taskforce	FFY2009	NDDPI. Full description below.	New
Development and distribution of Disproportionate Representation fact sheets.	FFY2009	NDDPI, MPRRC resources	New
Summer Symposium presentation on Culturally Responsive RtI.	FFY2009	Bueno Center	New

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2008:

Revisions to Baseline: No
Revisions to Measurable and Rigorous Targets: No
Revisions to Improvement Activities: No revisions.

New Activity: *Disproportionality Taskforce*
The NDDPI is in the process of developing a taskforce specific to disproportionality in North Dakota Schools. This taskforce will study issues and make recommendations to ensure that the NDDPI is using appropriate targets for determining disproportionate representation of American Indian students in North Dakota schools. In addition, this taskforce will make recommendations regarding additional statewide policies and procedures, guidance materials, personnel development needs, and/or technical assistance resources to support minority populations in ND schools.

INDICATOR 11

Overview of the Annual Performance Report Development: See Introduction for complete overview and stakeholder input.

Monitoring Priority: Effective General Supervision Part B / Child Find

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))

Table 11.1 Measurement

Measurement:
a. # of children for whom parental consent to evaluate was received. b. # of children whose evaluations were completed within 60 days (or State-established timeline). 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. Percent = [(b) divided by (a)] times 100.

Table 11.2 Measurable and Rigorous Target

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

Actual Target Data for FFY2008:

North Dakota collected these data through a spreadsheet that was developed at the time of the original State Performance Plan. However, it was been revised and updated to reflect the current change OSEP has made to this indicator. Local special education directors, in partnership with the district, track students through the year and submit this spreadsheet annually. The Indicator 11 spreadsheet is available for review in Appendix C. This spreadsheet was also used as the model for the data details that will be drawn into the new annual report created through the web-based case management system. June 30, 2010 will be the first report created by this web-based system, the results from this report will be compared to the report submitted by each district for accuracy. Once certain that the web-based system is pulling and calculating the data correctly, future reports for this indicator will be automatically created by pulling data directly from the electronic student files and compiled into the report.

Table 11.3 Children Evaluated Within 60 Days

a. Number of children for whom parental consent to evaluate was received	2232
b. Number of children whose evaluations were completed within 60 days	2215
Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State established-timeline) (Percent = [(b) divided by (a)] times 100)	99%

The target for Indicator 11 was not met. However, it has improved to 99% compliance.

Although North Dakota had a compliance rate of 99% as reported on Table 11.3, all noncompliance has been corrected to 100% by the time of this APR submission.

Account for children included in (a) but not included in (b):
During the FFY2008, 2,232 parental consents for evaluations were received in North Dakota schools. As indicated on Table 11.3, 2,215 evaluations were completed within the 60 day-timeline. The difference (17 children) did not have the evaluations completed within the 60 day timeline. However, all evaluations were completed, and if the child was found eligible for services, an IEP was developed. There were no cases where a child with parental consent for an evaluation did not have the process completed. The range of days and reasons for delay are described on Table 11.4. One school district had difficulty filling positions placing sole responsibility for ensuring compliance for this indicator on the local special education director. These unfilled positions have since been filled and this district should not have similar issues in the future. Other than this uncommon issue, two of the most frequent reasons for delay were adverse weather conditions and delays caused by evaluations conducted by outside agencies.

Table 11.4 Range of days beyond the timeline and Reasons

Number of Districts with Delays	Reason for Delay	Occurrences for each Reason	Range of Days Delayed
12	Unfilled positions	4	1 - 240 days
	Weather	3	1-40 days
	Outside Agency Evaluation	5	1- 37 days
	Teacher error	3	1- 4 days
	Christmas break	2	4 days
	Number of Evaluations beyond 60 days	**17**	

Discussion of Improvement Activities Completed <u>and</u> Explanation of Progress or Slippage that Occurred for FFY2008:

Explanation of Progress:
The ND FFY2005 baseline was 88.09 percent. The FFY2008 data indicate an 11.12 percent increase from the baseline year and a .81 percent increase when compared to the previous year (Table 11.5).

Table 11.5 Initial Evaluation Data Collected – Results Over Time

	FFY2005	**FFY2006**	**FFY2007**	**FFY2008**
(a) Total # of children with parental consent	1424	3610	3432	2232
(b) Total # of children determined not eligible within 60 days	268	750	632	2215
(c)Total # of children determined eligible within 60 days	998	2574	2646	
Total # of children whose evaluation occurred past 60 day timeline	158	286	154	17
Percent who met the indicator	**88.09%**	**95.4%**	**98.4%**	**99.21%**

To ensure continuous improvement, the following occurs. During the collection period (July 1 - June 30), local special education directors contacted NDDPI staff to discuss individual cases. School districts were then notified of noncompliance through a letter of notification from NDDPI. This letter informed the districts of their results, indicator requirements, corrective action required, timelines, and the availability of

technical assistance, if desired or necessary. Also included with this letter was the district's special education performance report. Once the required corrective action were completed and verified by reviewing the IEPs in question using the web-based IEP system, a letter was sent to the school district superintendent informing the district of this completion of corrective actions.

In addition to the letters of notification, the NDDPI staff holds an annual Special Education Leadership conference. The purpose of this conference is to introduce new statewide initiatives and monitoring plans; review the results of the annual performance report; discuss issues or concerns, and distribute training materials to be used at the school level. Changes to the exceptions and expectations for this indicator were also discussed during this training.

North Dakota is also fortunate to have dedicated statewide special education personnel who take personal responsibility in correcting and/or maintaining compliance in all areas. The 60-day timeline is no exception. All areas of noncompliance for Indicator 11 were corrected as soon as possible after the 60th day (range of days: 1 to 240). The 240-day delay is an exception not often found in North Dakota. This delay was caused by not having the staff necessary to complete the requirement. Positions have since been filled and the district is not expecting to have this difficulty in the future.

Correction of FFY2007 Findings of Noncompliance (if State reported less than 100% compliance):
Level of compliance (actual target data) State reported for FFY2007 for this indicator: 98.4%

Table 11.6 Correction of FFY2007 Findings of Noncompliance

1. Number of findings of noncompliance the State made during FFY2007 (the period from July 1, 2007 through June 30, 2008)	**154**
2. Number of FFY2007 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	**154**
3. Number of FFY2007 findings not verified as corrected within one year [(1) minus (2)]	**0**

Through the use of the web-based case management system, NDDPI has verified that all noncompliance, at the individual student level, were corrected to 100% at the time of this APR submission.

Correction of FFY2007 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

Table 11.7 Correction of FFY2007 Findings of Noncompliance Not Timely Corrected

4. Number of FFY2007 findings not timely corrected (same as the number from (3) above)	**0**
5. Number of FFY2007 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	**NA**
6. Number of FFY2007 findings not verified as corrected [(4) minus (5)]	**NA**

Actions Taken if Noncompliance Not Corrected:
No Action necessary.

Verification of Correction (either timely or subsequent):
Two years ago NDDPI developed and implemented an online special education case management

system which is now being utilized by all North Dakota school districts. Therefore, all IEPs are located in one electronic web-based case management system. Through the use of this system, the NDDPI staff accessed student files and verified, at the individual student level, parent signature and evaluation dates.

Correction of Remaining FFY2006 Findings of Noncompliance (if applicable):
There are no outstanding cases of noncompliance for this indicator.

Table 11.8 Correction of Remaining FFY2006 Findings of Noncompliance

1. Number of remaining FFY2006 findings noted in OSEP's June 1, 2009 FFY2007 APR response table for this indicator	**0**
2. Number of remaining FFY2006 findings the State has verified as corrected	**0**
3. Number of remaining FFY2006 findings the State has NOT verified as corrected [(1) minus (2)]	**0**

Correction of Any Remaining Findings of Noncompliance from FFY2005 or Earlier (if applicable):
There are no outstanding cases of noncompliance for this indicator.

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

Table 11.9 State Response to OSEP

Statement from the Response Table	State's Response
The State must report, in its FFY2008 APR due February 1, 2010, that it has verified that each LEA with noncompliance reported by the State under this indicator in the FFY2007 APR: (1) is correctly implementing the specific regulatory requirements; and	All IEPs are located in the online special education case management system. Using this electronic system, NDDPI staff can access and verify information such as all IEP components, parent signature dates, evaluation dates, etc.
2) has completed the initial evaluation, although late, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02).	There were no cases where a child with parental consent for an evaluation did not have the process completed.

Revisions, <u>with Justification</u>, to Improvement Activities / Timelines / Resources for FFY2008:

Improvement Activities Completed:
As described in the ND APR submitted February, 2009, the NDDPI has requested and received permission for two additional exceptions to Indicator 11. Beginning October 1, 2009, the two additional exceptions to the 60-day timeline are:

- *Adverse Weather Conditions.* An extension is necessary because of extreme weather that prevented or interfered with the evaluation and the extreme weather is documented; and
- *Limited Access to Qualified Evaluators:* Either party establishes to the NDDPI's satisfaction that access to a qualified evaluator is so limited that the evaluation cannot occur in the initial 60 days.

The district will be required to have a variety of documents supporting their decision to delay. For example, the district would be required to submit documentation detailing the attempts at making an outside agency appointment, indicating the date of the first attempt, and documents indicating the waiting period for an appointment at the outside agency. If weather conditions caused the delay, documentation

from the ND State Department of Transportation could be submitted as proof.

The data collection period of this indicator is July 1 to June 30. These exceptions are not retroactive to the July 1, 2009 but will be considered after October 1, 2009.

Table 11.4 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
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 school district 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, UND, Minot State University; University of Mary	Ongoing
Provide information, resources, and support for Response to Intervention model and implementation. Revise state guidelines for assessment to include RTI model and process. This activity is also designed to address issues identified in Indicators 4, 9 and 10.	FFY2006	Part B Disc. Funds; MPRRC	Ongoing
Provide training and implementation of the special education accountability system for data analysis and improvement planning. This activity is also designed to address issues identified in all Indicators.	Follow-up in FFY2008 through FFY2010	Part B admin. funds;	Ongoing
Two Additional Exceptions to the 60-day Rule	FFY2008	NDDPI Staff	Effective 10/1/2009
Technical assistance on the use of the revised Excel spreadsheet.	FFY2009	NDDPI Coordinator	New
Data gathered from the Statewide Special Education Web-based Case Management System compared Spring 2010 for possible use in monitoring at local and state levels.	FFY2009	NDDPI staff, Local special education units	New. See description below.

Revisions, <u>with Justification,</u> to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2007:

Revisions to Baseline: No
Revisions to Measurable and Rigorous Targets: No
Revisions to Improvement Activities: Web-based Case Management System tracking and monitoring.

New Activities:
Web-based Case Management System: NDDPI piloted a Statewide Web-based Special Education Case Management System during the FFY2007. The statewide system was implemented in all schools by the

start of the 2008-09 school year. The NDDPI Statewide Web-based Case Management System has significantly enhanced local and state administrators' ability to monitor compliance to assure that all children were evaluated within 60 days of receiving parental consent for initial evaluation. During FFY 2008, each component of the Indicator 11 measurement was embedded within the Statewide Special Education Web-based Case Management System to assist NDDPI and the LEAs in accurately collecting and reporting Indicator 11 data. During the FFY2009, all Indicator 11 data will be gathered through questions embedded within forms located on the web-based system. As has been done for several years, LEAs will continue to collect Indicator 11 data through the electronic spreadsheet. Comparison and revisions will be made with the goal of collecting and monitoring all Indicator 11 data through the web based system.

INDICATOR 12

Overview of the Annual Performance Report Development: See Introduction for complete overview and stakeholder input.

Monitoring Priority: Effective General Supervision Part B / Effective Transition

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))

Table 12.1 Measurement

Measurement:
a. # of children who have been served in Part C and referred to Part B (LEA notified pursuant to IDEA section 637(a)(9)(A) for Part B eligibility determination.)
b. # of those referred determined to be NOT eligible and whose eligibilities were 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.

Table 12.2 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2008 (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.

Actual Target Data for FFY2008:

The NDDPI collects early childhood transition data by means of each special education unit compiling and submitting a spreadsheet which includes the required Indicator 12 data. A copy of this spreadsheet can be found at: http://www.dpi.state.nd.us/speced/indicator12.xls The special education unit designee submits this spreadsheet to the NDDPI for each July 1 through June 30 time period. In addition, the NDDPI uses vital information (Children age 3 and initial IEP dates) from the Child Count data found on the NDDPI State Automated Reporting System (STARs), and reviewing data developed within the Statewide Web-based Case Management System.

During the collection period (July 1 - June 30), local special education directors contacted NDDPI staff to discuss questions they had based on individual cases. Once the data were submitted (June 30) they were reviewed by NDDPI staff and, where questions arose, NDDPI staff contacted the appropriate local offices for clarification. Once the spreadsheets were returned, an NDDPI special education regional coordinator conducted follow-up telephone calls if further clarification was needed. Through this system of data sharing, the NDDPI collected the necessary data and calculated the percentage of children found eligible for preschool special education services who received services on or before their third birthday for the FFY2008.

School districts were then notified of noncompliance through a letter of notification from NDDPI. This letter informed the districts of their results, indicator requirements, corrective action required, timelines,

and the availability of technical assistance, if desired or necessary. Also included with this letter was the district's special education performance report. Once the required corrective action were completed and verified by reviewing the IEPs in question using the web-based IEP system, a letter was sent to the school district superintendent informing the district of this completion of corrective actions.

In addition to the letters of notification, the NDDPI staff holds an annual Special Education Leadership conference. The purpose of this conference is to introduce new statewide initiatives and monitoring plans; review the results of the annual performance report; discuss issues or concerns, and distribute training materials to be used at the school level. During this conference, updates and issues relating to Indicator 12 were discussed.

North Dakota is also fortunate to have dedicated statewide special education personnel who take personal responsibility in correcting and/or maintaining compliance in all areas. The transition from Part C to Part B is no exception. All areas of noncompliance for Indicator 12 were corrected as soon as possible after the third birthday (range of days: one day to 120 days). There was no case where a child was referred from Part C and not evaluated and received the services as required.

Table 12.3 Actual State Data (Numbers)

a. # of children who have been served in Part C and referred to Part B (LEA notified pursuant to IDEA section 637(a)(9)(A) for Part B eligibility determination)	438
b. # of those referred determined to be NOT eligible and whose eligibility was determined prior to third birthday	119
c. # of those found eligible who have an IEP developed and implemented by their third birthdays	266
d. # for whom parent refusals to provide consent caused delays in evaluation or initial services	48
e. # of children who were referred to Part C less than 90 days before their third birthdays. *[This information is not required until the 2011 submission but may be reported in 2010 if the State's data are available.]*	
# in a but not in b, c, d, or e.	5
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 Percent = [(c) / (a-b-d-e)] * 100	98.15%

The target for Indicator 12 was not met. However, it has improved to 98.15% compliance.

Although North Dakota had a compliance rate of 98.15% as reported on Table 12.3. Through the use of the web-based case management system NDDPI has verified that all noncompliance has been corrected to 100% at the time of this APR submission.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2008:

Explanation of Improvement Activities:

All completed activities related to this indicator are described in the SPP. The Part C to Part B transition data indicate these completed and ongoing activities have been successful in increasing the 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. Several activities listed in other indicators were also used to improve results in indicator 12. For a full description of these activities, please see the introductory section of the APR.

Explanation of Progress:

North Dakota has made extensive improvements toward collecting and verifying data for this indicator. Data indicate an improvement from 90.09% (FFY2006) to 98.15% (FFY2008). Survey results (see explanation below) and statewide meeting input has shown an increased understanding and improved implementation of the early childhood transition process among services providers. When analyzing the Indicator 12 data collected by special education units, improvement was noted in the quality and consistency of the reported information as compared to previous years. In addition, improved early childhood collaborative practices between Part C and Part B service providers have been noted through reports and conversations with service providers. Further improvements at the local level include an increased conscientiousness in both planning joint meetings and in tracking children through the transition period.

Correction of FFY2007 Findings of Noncompliance (if State reported less than 100% compliance)
Level of compliance (actual target data) State reported for FFY2007 for this indicator was 95.2%

Table 12.4 Correction of FFY2007 Findings of Noncompliance

1. Number of findings of noncompliance the State made during FFY2007 (the period from July 1, 2007 through June 30, 2008)	**14**
2. Number of FFY2007 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	**14**
3. Number of FFY2007 findings not verified as corrected within one year [(1) minus (2)]	**0**

Correction of FFY2007 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

Table 12.5 Correction of FFY2007 Findings of Noncompliance Not Timely Corrected

4. Number of FFY2007 findings not timely corrected (same as the number from (3) above)	**0**
5. Number of FFY2007 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	**NA**
6. Number of FFY2007 findings not yet verified as corrected [(4) minus (5)]	**NA**

Through the use of the web-based case management system, NDDPI has verified that all noncompliance, at the individual student level, were corrected to 100% at the time of this APR submission.

Actions Taken if Noncompliance Not Corrected:
No Action necessary.

Verification of Correction (either timely or subsequent):
Two years ago NDDPI developed and implemented an online special education case management system which is now being utilized by all North Dakota school districts. Therefore, all IEPs are located in one electronic web-based case management system. Through the use of this system, the NDDPI staff accessed student files and verified, at the individual student level, that all requirements were complete and the child had an IEP developed and implemented by the child's third birthday.

Correction of Remaining FFY2006 Findings of Noncompliance (if applicable):
There are no outstanding cases of noncompliance for this indicator.

Table 12.6 Correction of Remaining FFY2006 Findings of Noncompliance

1. Number of remaining FFY2006 findings noted in OSEP's June 1, 2009 FFY2007 APR response table for this indicator	0
2. Number of remaining FFY2006 findings the State has verified as corrected	NA
3. Number of remaining FFY2006 findings the State has NOT verified as corrected [(1) minus (2)]	NA

Correction of Any Remaining Findings of Noncompliance from FFY2005 or Earlier (if applicable)
There are no outstanding cases of noncompliance for this indicator.

Additional Information Required by the OSEP APR Response Table (if applicable)

Table 12.7 State Response to OSEP

Statement from the Response Table	State's Response
The State must report, in its FFY2008 APR due February 1, 2010, that it has verified that each LEA with noncompliance reported by the State under this indicator in the FFY2007 APR: (1) is correctly implementing the specific regulatory requirements; and	North Dakota has reported these data in Table 12.3 through 12.6.
(2) has developed and implemented an IEP, although late, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02.	All IEPs were developed and implemented for children transitioning from Part C to Part B. Although in some cases the IEP was late, there were no cases where an IEP was not developed when required to ensure the appropriate education.

Revisions, with Justification, to Improvement Activities / Timelines / Resources for FFY2008:

Table 12.5 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
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 special education units	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.	Annually beginning Spring 2008	NDDPI, NDDHS, and PTI	Annually, beginning Spring 2008
Ensuring the Statewide Special Education Web-based Case Management System Indicator 12 table will accurately collect and report data.	FFY2008	NDDPI Staff, District Administrators	Revised and Ongoing
Statewide IVN meeting for administrators and early childhood professionals	FFY2008	NDDPI Staff	Ongoing annually. Described below
Provide survey findings statewide for use in creating improved strategies for collaborative planning between Part C and Part B.	FFY2009	NDDPI Staff	New
Comparison and validation of LEA electronic spreadsheet data for Indicator 12 to spreadsheet data from Web-based Case Management System.	FFY2009	NDDPI Staff	New
Examine methods to compile and share Part C and Part B data using the data sharing program ndSLEDS	FFY2009	NDDPI and NDDHS	Revised and Ongoing

Revisions to Baseline: No
Revisions to Measurable and Rigorous Targets: No
Revisions to Improvement Activities: No revisions. However, there are additional activities.

New Activities:
Web-based Case Management System: NDDPI piloted a Statewide Web-based Special Education Case Management System during the FFY2007. The statewide system was implemented in all schools by the start of the 2008-09 school year. The NDDPI Statewide Web-based Case Management System has significantly enhanced 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. During FFY2008, each component of the Indicator 12 measurement was embedded within the Statewide Special Education Web-based Case Management System to assist NDDPI and the LEAs in accurately collecting and reporting Indicator 12 data. NDDPI provided a guidance document (Appendix D) and training related to the new form components. During the FFY 2009, all Indicator 12 data will be gathered through questions embedded within forms located on the web-based system. As done for several years, LEAs will continue to collect Indicator 12 data through the electronic spreadsheet. Comparison and revisions will be made with the goal of collecting and monitoring all Indicator 12 data through the web based system.

Survey Follow Up: In September 2008, the NDDPI e-mailed a survey to professionals who have the

responsibility of implementing the early childhood transition process in their Special Education Unit. This survey asked: 1) What do you feel are the major issues/challenges relating to the transition of children with disabilities from Part C Service to Part B Services? 2) What questions does your Unit have relating to the ND early childhood transition process? and 3) Do you have suggestions for technical assistance relating to the ND early childhood transition process?

Several concerns focused on the need for collaborative planning between the two separate agencies providing Part C and Part B services. The NDDPI Special Education Director and the NDDPI Section 619 Coordinator presented at statewide IDEA and ICC Advisory Board meetings to receive feedback on a process that can be developed to assure alignment between agencies. In addition, a statewide Interactive Video Network (IVN) Meeting was hosted by NDDPI on November 2008 for administrators and early childhood professionals to address current questions and issues relating to early childhood special education including the early childhood transition process. It will be vital to the success of the transition process to have continual communication with the professionals implementing the process.

INDICATOR 13

Overview of the Annual Performance Report 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))

Table 13.1 Measurement

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 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.

NOTE:
ND is in the process of establishing new baseline, targets and improvement activities which will be reported in the FFY2009 submission due February 1, 2011. The first APR reporting for this indicator will be the FFY2010 APR due February 1, 2012.

During the collection period (July 1 - June 30), local special education directors contacted NDDPI staff to discuss individual cases. Once the data were submitted (June 30) they were reviewed by NDDPI staff and, if questions arise, NDDPI staff contacted the appropriate local offices for clarification. Once the spreadsheets were returned, an NDDPI special education regional coordinator conducted follow-up telephone calls if further clarification was needed. Through this system of data sharing, the NDDPI collected the necessary data and calculated the percentage of children found eligible for preschool special education services who received services by their third birthday for the FFY2008.

The next step occurred after the APR was submitted. School districts were notified of noncompliance through a letter of notification from NDDPI. This letter informed the districts of their results, indicator requirements, corrective action required, and timelines. The letter also informed the districts of the availability of technical assistance, if desired or necessary. Included with this letter was the district's special education performance report. Once the corrective action has been completed and verified by reviewing the IEPs in question using the online IEP system, a letter was sent to the school district superintendent informing them of this completion of corrective actions.

The FFY2007 corrections, as displayed on Table 13.2, were validated by the NDDPI staff. Validation consisted of a follow-up review of the IEP files in which corrections had been made by the school district. One hundred per cent of the IEP files cited as out of compliance in FFY2007 were corrected. Ongoing NDDPI professional development along with targeted trainings have benefited the school districts' case

managers in completing corrections as well as better understanding the requirements of Indicator 13 and the transition IEP process. Once the corrective action was completed, a letter was sent to the school district superintendent informing them of this completion.

Correction of FFY2007 Findings of Noncompliance:
Level of compliance (actual target data) State reported for FFY2007 for this indicator was 96.3%

Table 13.2 Correction of FFY2007 Findings of Noncompliance

1. Number of findings of noncompliance the State made during FFY2007 (the period from July 1, 2007 through June 30, 2008)	56
2. Number of FFY2007 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	56
3. Number of FFY2007 findings not verified as corrected within one year [(1) minus (2)]	**0**

Through the use of the web-based case management system NDDPI has verified that all noncompliance has been corrected to 100% at the time of this APR submission.

Correction of FFY2007 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

Table 13.3 Correction of FFY2007 Findings of Noncompliance Not Timely Corrected

4. Number of FFY2007 findings not timely corrected (same as the number from (3) above)	**0**
5. Number of FFY2007 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	**NA**
6. Number of FFY2007 findings not yet verified as corrected [(4) minus (5)]	**NA**

Actions Taken if Noncompliance Not Corrected:
No Action necessary.

Verification of Correction (either timely or subsequent):
Two years ago NDDPI developed and implemented an online special education case management system which is now being utilized by all North Dakota school districts. Therefore, all IEPs are located in one electronic web-based case management system. Through the use of this system, the NDDPI staff accessed student files and verified, at the individual student level, that all requirements were met related to having measureable postsecondary goals that met the requirements of the Transition Checklist.

Correction of Remaining FFY2006 Findings of Noncompliance (if applicable):
There are no outstanding cases of noncompliance for this indicator.

Table 13.4 Correction of Remaining FFY2006 Findings of Noncompliance

1. Number of remaining FFY2006 findings noted in OSEP's June 1, 2009 FFY2007 APR response table for this indicator	0
2. Number of remaining FFY2006 findings the State has verified as corrected	0
3. Number of remaining FFY2006 findings the State has NOT verified as corrected [(1) minus (2)]	**0**

Correction of Any Remaining Findings of Noncompliance from FFY2005 or Earlier (if applicable):
There are no outstanding cases of noncompliance for this indicator.

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

Table 13.5 State's Response to OSEP

Statement from the Response Table	State's Response
The State must report, in its FFY2008 APR due February 1, 2010, that it has verified that each LEA with noncompliance reported by the State under this indicator in the FFY2007 APR: (1) is correctly implementing the specific regulatory requirements; and	North Dakota has reported these data in Table 13.2 through 13.4.
(2) has developed an IEP that includes the required transition content for each youth, unless the youth is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02.	All IEPs included the required transition content for each youth. There were no cases where a Transition IEP was not developed when required to ensure the appropriate education.

Revisions, with Justification, to Improvement Activities / Timelines / Resources for FFY2008 (if applicable):

Table 13.6 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.	Alternating years beginning October 2006.	ND Transition Community of Practice (ND stakeholders in the transition process),. IDEA Partnership and National Community of Practice on Transition.	Ongoing
Provide technical assistance to school districts to strengthen understanding and compliance to the IDEA 2004 transition requirements. Develop "transition" modules designed as web casts. This activity is also designed to address issues identified in Indicators 1, 2, and 14.	Fall 2006	NDDPI Transition Coordinator, National Secondary Transition Technical Assistance Center (NSTTAC),	Ongoing
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	Ongoing
Partner with ND State Vocational Rehabilitation to provide assistance to regional stakeholders in the transition process to develop regional transition committees throughout the state. This activity is also designed to address issues identified in Indicator 14	Fall 2006	Partnership with State Rehabilitation Field Services Director, IDEA Partnership National Community of Practice on 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 Indicators 6 and 12.	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. This activity is also designed to address issues identified in Indicators 1, 2, and 14.	Spring 2009	NDDPI State Transition Steering Council, Statewide membership of individuals in transition related positions	Ongoing
Continue collaboration with 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	IDEA Partnership, NDEA, ND University System	Ongoing
Develop an Indicator 13 Transition Monitoring Team. The Statewide Special Education Web-based Case Management System will be used for the purpose of monitoring of the IEPs across the state and for the collection of the compliance data.	FFY2009	NDDPI staff, Higher Education Professionals, LEA professionals	New
The ND Community of Practice on Secondary Transition will develop and provide a model to the regional transition committees. Regional Transition Committees will transform and work as Communities of Practice.	Spring-Fall 2009 and ongoing	IDEA Partnership/National Community of Practice on Transition	Ongoing

New Activity: ND Secondary Transition Indicator 13 Monitoring Team: Beginning Spring 2010, the monitoring of Indicator 13 will be completed by a Secondary Transition Monitoring Team. NDDPI staff will organize and train a team of professionals to review the state selected IEPs of students 16 and older. Training will be designed to assure understanding of the requirements of Indicator 13 and also to foster inter-rater reliability. Monitoring of the IEPs will be completed by gathering individual student data through the ND web-based Special Education Case Management System.

INDICATOR 14

Overview of the Annual Performance Report Development: See Introduction for complete overview and stakeholder input.

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))

Table 14.1 Measurement

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.

Table 14.2 Measureable and Rigorous Target

FFY	Measurable and Rigorous Target
2008 (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 82.25%

ND is in the process of establishing new baseline, targets and improvement activities which will be reported in the FFY2009 submission due February 1, 2011. The first APR reporting for this revised indicator will be in the FFY2010 APR due February 1, 2012.

This is not a new indicator; therefore the Improvement Activities found on Table 14.3 will continue. NDDPI staff will review the new baseline and improvement activities during this school year and revise as necessary in the next APR, submitted February 2011.

Table 14.3 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
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 thereafter	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 school districts to incorporate each school year to enhance the NDDPI's ability to track students one year out who had exited school informally.	Fall 2008 and annually thereafter	NDDPI Staff ND State Web-based Case Management System, National post-School Outcome Center, National Dropout Prevention Center for SD	Ongoing
The NDDPI will provide ongoing technical assistance to school districts to strengthen understanding and compliance to the IDEA 2004 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	NDDPI Staff National Secondary Transition and Technical Assistance Center (NSTTAC) Transition Outcomes Project (TOPs) Dr. Ed O'Leary, Mountain Plains Regional Resource Center	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 National Secondary Transition Technical Assistance 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 (ND stakeholders in the transition process). IDEA Partnership National Community of Practice on Transition	Ongoing
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 classes and other professional development opportunities.	Summer 2008	NDDPI Staff, NDEA Professional Development Director. Professional Development and Adult Learning Seed Grant (IDEA Partnership at NASDSE)	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
Support collaboration of stakeholders in the secondary transition process through State Transition Steering Council meetings, and participation in national secondary transition forums.	Ongoing	NDDPI Staff, National Transition Community of Practice (IDEA Partnership), National Postschool Outcomes Center, NSTTAC	Ongoing
The ND Community of Practice on Secondary Transition will develop and provide model to the regional transition committees. Regional Transition Committees will transform and work as Communities of Practice.	Spring-Fall 2009	NDDPI Transition Coordinator, State Transition Steering Council Community of Practice National Community of Practice on Transition (IDEA Partnership)Regional Interagency stakeholders in transition	New

NDDPI will begin researching the potential for the state to have Follow-up Interviews conducted by district staff.	Beginning Fall 2009	NDDPI Staff. ND IDEA Advisory Committee, ND Communities of Practice on Transition, NPSO Center	New
The follow-up interview protocol will be housed in the State Web-based Case Management System. Interviewers will access the Protocol on this system. Data will be retrieved through the Web-based Case Management System.	FFY2010	NDDPI Staff, District Administrators	New
Continue state sponsored trainings on Self-Determination Curriculums and Student Involvement in the IEP Process. This activity is also designed to address issues identified in Indicators 1, 2, and 13.	Spring 2009	NDDPI Staff, NSTTAC, State Transition Steering Council Community of Practice Statewide membership of individuals in transition related positions	Revised

INDICATOR 15

Overview of the Annual Performance Report Development: See Introduction for complete overview and stakeholder input.

Monitoring Priority: Effective General Supervision Part B / General Supervision

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))

Table 15.1 Measurement

Measurement:
Percent of noncompliance corrected within one year of identification:
a. # of findings of noncompliance.
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.

Table 15.2 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2008 (2008-2009)	100 percent identified noncompliance will be corrected within one year of identification.

The target for Indicator 15 was met.

Table 15.3 Actual Target Data Summary FFY2008

	Column A	Column B
Sum the numbers down Column a and Column b	1876	1876
Percent of noncompliance corrected within one year of identification =	100%	

Actual target data are detailed on the following pages as displayed on Table 15.3. The description of each indicator is found within the respective indicator narratives.

Table 15.4 Actual Target Data Over Time

	FFY2005	FFY2006	FFY2007	FFY2008
Percent of identified noncompliance corrected within one year of identification.	98%	70.27%	100%	100%

Table 15.5 Actual Target Data for FFY2008

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2007 (7/1/07 to 6/30/08)	(a) # of Findings of noncompliance identified in FFY 2007 (7/1/07 to 6/30/08)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
1. Percent of youth with IEPs graduating from high school with a regular diploma.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
2. Percent of youth with IEPs dropping out of high school.				
14. 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.	Dispute Resolution: Complaints, Hearings	0	0	0
3. Participation and performance of children with disabilities on statewide assessments.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit through Online Case Management system, On-Site Visits, or Other	0	0	0
7. Percent of preschool children with IEPs who demonstrated improved outcomes.	Dispute Resolution: Complaints, Hearings			
4A. Percent of districts identified as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings			
5. Percent of children with IEPs aged 6 through 21 -educational placements.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit through Online Case Management system, On-Site Visits, or Other	0	0	0
6. Percent of preschool children aged 3 through 5 – early childhood placement.	Dispute Resolution: Complaints, Hearings			
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.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Dispute Resolution: Complaints, Hearings	0	0	0

9. Percent of districts with disproportionate representation of racial and ethnic groups in special education that is the result of inappropriate identification.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	**0**	**0**	**0**
10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	Dispute Resolution: Complaints, Hearings	**0**	**0**	**0**
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.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit through Online Case Management system, On-Site Visits, or Other	**17**	**154**	**154**
	Dispute Resolution: Complaints, Hearings			
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.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit through Online Case Management system, On-Site Visits, or Other	**3**	**14**	**14**
	Dispute Resolution: Complaints, Hearings			
13. Percent of youth aged 16 and above with IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable student to meet the post-secondary goals.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit through Online Case Management system, On-Site Visits, or Other		**1518 IEPs**	**1518 IEPs**
	Dispute Resolution: Complaints, Hearings			
Other areas of noncompliance: Internal Monitoring	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	**8**	**190 areas**	**190**
	Dispute Resolution: Complaints, Hearings			
Other areas of noncompliance: Failure to provide biological parent with access to educational records, even if biological parent is the non-custodial parent, as required under FERPA.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Dispute Resolution: Complaints, Hearings	1	1	1

Other areas of noncompliance: Failure to develop an appropriate transition plan.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings	2	1	1
			1878	**1878**
Sum the numbers down Column a and Column b				
Percent of noncompliance corrected within one year of identification = [column (b) sum divided by column (a) sum] times 100.			**100%**	

Correction of FFY2007 Findings of Noncompliance Timely Corrected (corrected within one year from identification of the noncompliance):

Table 15.6 Correction of FFY2007 Findings of Noncompliance Timely Corrected

1. Number of findings of noncompliance the State made during FFY2007 (the period from July 1, 2007 through June 30, 2008) (Sum of Column a on the Indicator B15 Worksheet)	**1878**
2. Number of findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding) (Sum of Column b on the Indicator B15 Worksheet)	**1878**
3. Number of findings not verified as corrected within one year [(1) minus (2)]	**0**

Correction of FFY2007 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

Table 15.7 Correction of FFY2007 Findings of Noncompliance Not Timely Corrected

4. Number of FFY2007 findings not timely corrected (same as the number from (3) above)	**0**
5. Number of findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	**0**
6. Number of findings not yet verified as corrected [(4) minus (5)]	**0**

Actions Taken if Noncompliance Not Corrected:
No Action necessary.

Verification of Correction (either timely or subsequent):
Two years ago NDDPI developed and implemented an online special education case management system which is now being utilized by all North Dakota school districts. Therefore, all IEPs are located in one electronic web-based case management system in which NDDPI staff accessed and verified information such as IEPs, IEP components, form dates, and evaluation dates. In cases where documents were not stored in the web-paged case management system, such as documents requiring parents signatures, these documents were faxed to NDDPI or NDDPI staff went onsite to review the actual document.

Correction of Remaining FFY2006 Findings of Noncompliance (if applicable):
There are no outstanding cases of noncompliance for this indicator.

Table 15.8 Correction of Remaining FFY2006 Findings of Noncompliance

1. Number of remaining FFY2006 findings noted in OSEP's June 1, 2009 FFY2007 APR response table for this indicator	0
2. Number of remaining FFY2006 findings the State has verified as corrected	0
3. Number of remaining FFY2006 findings the State has NOT verified as corrected [(1) minus (2)]	**0**

Correction of Any Remaining Findings of Noncompliance from FFY2005 or Earlier (if applicable)
There are no outstanding cases of noncompliance for this indicator.

Additional Information Required by the OSEP APR Response Table (if applicable)

Table 15.9 State's Response to OSEP

Statement from the Response Table	State's Response
The State must report that it has: (1) corrected all instances of noncompliance (including noncompliance identified through the State's monitoring system, through the State's data system and by the Department).	As reported in Tables 15.3 through Table 15.8 all findings of noncompliance have been corrected.
(2) verified that each LEA with identified noncompliance is correctly implementing the specific regulatory requirements, consistent with OSEP Memo 09-	The correction of noncompliance have been verified through the following reviews depending on the area of noncompliance: district reports, data review, IEP and/or student file review.
In addition, in responding to Indicators 11, 12, and 13 in the FFY2008 APR due February 1, 2010, the State must report on correction of the noncompliance described in this table under those indicators.	All corrections of noncompliance have been reported within the respective indicator section.

Definitions

Stakeholders: Stakeholder groups in North Dakota include the ND IDEA Advisory Committee; The ND Early Childhood Outcomes Team; ND Response to Intervention State Leadership Team; The State Personnel Development Grant Advisory Council, The ND Transition Steering Council (now the Community of Practice on Secondary Transition); Speech and Language Taskforce; and the ND Personnel Development Taskforce. These stakeholder groups are comprised of members from the ND Department of Human Services (IDEA Part C); Developmental Disabilities; ND Parent Training and Information Center; ND Division of Juvenile Services; ND Protection and Advocacy Project; Bureau of Indian Education; State Child Welfare Agency; ND Board for Career and Technical Education; Vocational Rehabilitation Agency; ND Job Services; Early Childhood Education Council; Autism Spectrum Disorder Task Force; ND Center for Persons with Disabilities, local special education administrators; school district superintendents; university professors; educators; parents; and students.

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 verify compliance and, when required, the timely correction of noncompliance:

ND Special Education Integrated Accountability System: The accountability process integrates data from multiple sources: 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 were integrated and a multi-level analysis of the districts occurs, this allowed the NDDPI staff to identify which districts required a more focused examination through on-site and/or off-site reviews. These districts were 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), reviewed applications and utilization of the Part B funds, analyzed local program performance on SPP indicators, compared results to state targets, and notified districts of noncompliance identified and corrective actions required. An additional component of this process was the publication by NDDPI of each district's *Special Education Performance Information: North Dakota District Report Card*.
2. The NDDPI required all districts to conduct a self-assessment using approved department procedures.
3. The NDDPI used 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 received a more focused review. This process included 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 received 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 notified the school district, in writing, of the noncompliant policies and/or practices. Notification of findings occurred as soon as possible after the NDDPI concluded that the school district has an area of noncompliance.

Correction of Noncompliance:

- The NDDPI verified through follow up review of data, other documentation, and/or interviews that the noncompliant policies, procedures, and/or practices were revised and the noncompliance was corrected.
- The NDDPI notified the school district in writing that the noncompliance was corrected as required. This "close-out" letter informed the superintendent and the local special education director of the noncompliance and the approved completed correction.
- Timely correction occurred when the noncompliance was corrected as soon as possible but no later than one year from the written notification of the noncompliance.

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

- NDDPI staff ensured that the corrective action required began as soon as possible after the school district was notified;
- NDDPI staff reviewed the district submission of documents pertaining to the corrective actions such as training dates, locations, agendas, and participation lists;
- When required, NDDPI staff conducted on-site and/or off-site activities to verify correction of noncompliance; and
- The NDDPI staff randomly verified compliance through a three-month review of district level data and student level data (when necessary) using the web-based case management system. As described in the introduction of this report (p.6), the majority of the student forms are available in the web-based system. Throughout the year, NDDPI special education regional coordinators log into the system and view any student's file in question. If the corrective action has not taken place as planned, the NDDPI regional coordinator contacted the local special education director to discuss the timeline of required correction. At the agreed upon date, the NDDPI regional coordinator will again log into the system and verify the correction is complete. Once the corrective action has been completed and the noncompliance corrected, the NDDPI regional coordinator sent a "close-out" letter to the local special education director and school district superintendent verifying those corrections and the date of completion.
- NDDPI special education staff also maintains an Excel spreadsheet that tracks all areas of noncompliance. This spreadsheet contains the districts who have received a letter of notification and the following: date of the letters of noncompliance to school districts, 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 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 15.10 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).	FFY2007	Special education unit administrators, Joint Powers Consortiums Administrators, NDDPI staff	Ongoing
Continue to offer technical assistance to parents and schools through early dispute resolution options.	FFY2006	NDDPI Staff	Ongoing
Increased partnerships with parent organizations and agencies.	FFY2006	NDDPI staff, ND PTI, ND Family to Family	Ongoing
Develop ways to improve correlation between monitoring noncompliance and complaint findings.	FFY2006	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 Statewide Special Education Web-based Case Management System 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	New

Revisions, <u>with Justification</u>, to Improvement Activities / Timelines / Resources for FFY2008 (if applicable):

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 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 being designed to improve the performance of the district, the school, and ultimately the student. This will be accomplished through the use of a planning and coaching process using research-based indicators that can be modified and aligned to meet the specific 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.

INDICATOR 16

Overview of the Annual Performance Report Development: See Introduction for complete overview and stakeholder input.

Monitoring Priority: Effective General Supervision Part B / General Supervision

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))

Table 16.1 Measurement

Measurement: Percent = [(1.1(b) + 1.1(c)) divided by 1.1] times 100.

Table 16.2 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2008 (2008-2009)	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.

Actual Target Data for FFY2008:

Table 16.3 Actual Target Data

(1) Total signed written complaints	1
(1.1) Complaints with reports issued	1
(a) Reports with findings	1
(b) Reports within timeline	1
(c) Reports within extended timeline	0
(1.2) Complaints withdrawn or dismissed	0
(1.3) Complaints pending	0
(a) Complaint pending a due process hearing	0

The target of 100% was met.

The NDDPI maintained 100 percent compliance for signed written complaints with reports issued within the 60-day timeline, or have documentation of a timeline extended for exceptional circumstances. There was only one complaint filed and investigated with a report issued within 60 days.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2008:
Explanation of Progress:

There has been a noticeable decrease in state complaint investigations filed over the last two reporting periods. NDDPI believes that this has been a result of early intervention, including a significant increase in IEP facilitations. The requirements for an IEP facilitation can be found on the NDDPI website at: http://www.dpi.state.nd.us/speced/resource/conflict/facilitation.pdf and a request form can be downloaded for completion directly from the website at: http://www.dpi.state.nd.us/forms/sfn58305.pdf . The NDDPI supports early intervention and offers IEP Facilitation and Mediation at any time in the life of a conflict. The 2008-2009 IEP Facilitation Data Summary can be found in Appendix E.

Summary of IEP Facilitation Issues:
The majority of IEP facilitation issues focused on Identification/Evaluation, Placement, Adaptations, Services and Implementation of the IEP. Other issues included appropriateness of goals, assistive technology, effective behavior plan, ESY, and Transition Services. All resulted in improved and mutually agreed upon IEPs.

The NDDPI process for handling inquiries and complaints has not changed since the last FFY2008 APR. When parents request information on how to file a complaint, the NDDPI Dispute Resolution Coordinator discusses the many dispute resolution options available through the NDDPI Office of Special Education. The parents are assisted in framing issues and in exploring the dispute resolution option best suited to their individual situation. When appropriate, the parents are referred to other individuals who may assist them, such as with the local special education case manager or director, or Protection and Advocacy. If a parent files a complaint, the NDDPI sends a copy of the procedural safeguards, the state complaint investigation brochure and a letter outlining how a complaint must be filed in order to initiate the complaint investigation process. Mediation is offered as soon as a complaint is received, but may be accessed earlier if the conflict is made known to NDDPI prior to a formal complaint being filed. The complainant may submit their complaint request on the SFN 58618 *Request for a Complaint Investigation* form or by sending a letter to the NDDPI Director of Special Education. If the complaint does not meet the criteria for a formal complaint under CFR §300.153(b) the complainant is given an opportunity to correct or clarify the areas in question and resubmit the complaint. Parents are often referred to Protection and Advocacy for assistance. Once the formal complaint is received by both NDDPI and the LEA, the complaint investigation and required 60-day timeline are initiated. 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.

Upon completion of interviews, review of pertinent documents, and, when appropriate, an on-site visit, the investigator meets with the complaint team. The complaint team consists of the investigator, the NDDPI director or assistant director, the NDDPI regional coordinator responsible for that district, and, if appropriate, a coordinator with expertise in the disability area. Once the complaint findings have been formalized, 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. When corrective actions are required, the NDDPI Dispute Resolution Coordinator forwards the NDDPI Regional Coordinator responsible for that district a corrective action tracking form for documenting progress in correction of the non-compliance. When all complaint corrective actions are completed to the expectation of the NDDPI Regional Coordinator, the NDDPI sends a final complaint closure letter to all parties. If the complainant disagrees with the outcome of the complaint, they may request a due process hearing.

Training and guidance on document revisions have been provided to various stakeholder groups regarding the IDEA 2004 regulations. Stakeholders continue to be informed of the dispute resolution options available under the IDEA 2004 and within the NDDPI Office of Special Education. During this reporting period, dispute resolution information or training was provided to:

- Special education unit directors at the 2008 Fall Special Education Leadership Conference;
- Parents at the spring 2009 NDPTI conference;
- Any interested party, by posting IDEA 2004 regulations and dispute resolution brochures on the NDDPI website; and
- The IDEA Advisory Committee at the Fall meeting, by providing the annual dispute resolution report to the committee and answering questions.

Submitted with this APR are two documents that were provided during the Leadership Institute and the Fall IDEA Advisory Committee meeting. They are the *What We've Learned* (Appendix F) and the *Annual Dispute Resolution Report* (Appendix G) documents. These documents will also be provided at the ND PTI conference in May.

Stakeholders have also been informed of the updated version of the *Parental Rights for Public School Students Receiving Special Education and Related Services: Notice of Procedural Safeguards.* A copy of this updated guidance document and an audio version can be found in two separate locations on the

NDDPI website: http://www.dpi.state.nd.us/speced/resource/parent/index.shtm or at http://www.dpi.state.nd.us/speced/guide/guidance/index.shtm. NDDPI revised all dispute resolution brochures in 2008, including due process hearings and resolution meetings, state complaint investigations, mediations, and IEP facilitations.

Data for the FFY2008 dispute resolution reporting period are reviewed and compared to other compliance indicators for determining systemic issues. The NDDPI analyzes the dispute resolution data by district, disability, age, race, and across dispute resolution options. Improvement strategies currently consist of expanding follow-up methods for ensuring completion of corrective actions in a timely fashion. As new complaints are investigated, the NDDPI Special Education staff members assigned to specific regions are instructed as to how to track corrective actions identified in the report, document relevant correspondence, and ensure prompt verification from districts that are found in violation of IDEA 2004.

Table 16.4 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
Continue to collect and analyze complaint investigation data through the Department database.	FFY2005	NDDPI DR Coordinator and NDDPI staff	Ongoing
Improve complaint data analysis to be more effectively incorporated into monitoring data	FFY2006	NDDPI DR Coordinator and NDDPI staff	Ongoing
Review data and develop action plan for dealing with systemic issues.	FFY2006	NDDPI DR Coordinator	Ongoing
Provide trainings and technical assistance to PTI, Protection and Advocacy, Parent organizations, and LEAs.	FFY2006	NDDPI DR Coordinator	Ongoing
Analyze and improve upon existing follow-up methods for ensuring completion of corrective actions in a timely fashion.	FFY2006	NDDPI DR 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.	FFY2006	NDDPI DR 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	New

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2008: NA

INDICATOR 17

Overview of the Annual Performance Report Development: See Introduction for complete overview and stakeholder input.

Monitoring Priority: Effective General Supervision Part B / General Supervision

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))

Table 17.1 Measurement

Measurement: Percent = [(3.2(a) + 3.2(b)) divided by 3.2] times 100.

Table 17.2 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
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.

Actual Target Data for FFY2008:
There were no due process hearings that occurred during the reporting period, so there are no data to report.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2008:
There was no progress or slippage because there were no due process hearing requests for the FFY2008 reporting period.

Table 17.2 Hearing Requests

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

The NDDPI continues to meet the 100 percent compliance target of timely due process hearing decisions.

Explanation of Progress:

Historically, NDDPI has received very few Due Process Hearing requests in any given year. The NDDPI is also seeing a significant reduction in the number of state investigation complaints filed. NDDPI attributes this reduction to early intervention processes, including the increased use of IEP facilitations. The requirements for an IEP facilitation can be found on the NDDPI website at: http://www.dpi.state.nd.us/speced/resource/conflict/facilitation.pdf and a request form can be downloaded for completion directly from the website at: http://www.dpi.state.nd.us/forms/sfn58305.pdf . The NDDPI supports early intervention and offers IEP Facilitation and Mediation at any time in the life of a conflict. The 2008-2009 IEP Facilitation Data Summary can be found in Appendix E.
The NDDPI received no due process hearing requests in the FFY2008. The NDDPI's Due Process

brochure has been revised to reflect the IDEA 2004 regulations. The due process brochure explains the resolution meeting and the due process hearing procedures http://www.dpi.state.nd.us/speced/resource/conflict/dueprocess.pdf. When parents request information on how to file a complaint, the NDDPI dispute resolution coordinator assists parents in framing their issues and in exploring the various dispute resolution option best suited to their individual situation. When appropriate, the parents are referred to other individuals who may assist them, such as with the local special education coordinator or director, the ND PTI or the ND Protection and Advocacy Project. The differences between a due process complaint and a state complaint investigation have been clearly explained in the Notice of Procedural Safeguards, titled *Parental Rights for Public School Students Receiving Special Education and Related Services: Notice of Procedural Safeguards* and in both the state complaint and due process brochures. Parents and public agencies are informed that they may request a due process hearing regarding the identification, evaluation, placement or the provision of a free appropriate public education (FAPE) of a student with a disability. The NDDPI has a single tier due process system; therefore, the hearing officer's decision is final. Parties are notified that they may appeal the decision through state or federal district court within 90 days of receiving the Due Process Hearing decision.

In order to initiate a due process hearing, the complainant must either complete, sign, and return a Due Process Complaint form (SFN 9461) to the Department, *or* submit a letter containing the same elements required under the IDEA 2004 CFR §300.508(b). The due process complaint must be presented to the other party (receiving party) and a copy must be sent to the NDDPI. Resolution meeting timelines are not set in motion until the date of receipt of the due process complaint by the other party. The due process complaint is logged within the Office of Special Education and sent to Office of Administrative Hearings for assignment of hearing officer. The hearing officer 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. The hearing officer must be knowledgeable about the legal and educational issues which may arise under Part B of the IDEA. Mediation is offered as soon as a complaint is received, but may be accessed earlier if the conflict is made known to the NDDPI prior to the date a formal complaint being filed. The parties are informed that they must participate in a resolution meeting before the due process hearing officer will conduct the hearing, unless the parties both agree to participate in mediation or they both agree to waive the resolution meeting and mediation. If the parties are unable to resolve the issues through the resolution meeting, the due process hearing will occur and the timelines commence. If systemic issues are identified through dispute resolution data, the NDDPI will focus monitoring efforts on that school district.

Training and guidance on document revisions have been provided to various stakeholder groups regarding the IDEA 2004 regulations. Stakeholders continue to be informed of the dispute resolution options available under the IDEA 2004 and within the NDDPI Office of Special Education. During this reporting period, dispute resolution information or training was provided to:

- Special education unit directors at the 2008 Fall Special Education Leadership Conference;
- Parents at the spring 2009 NDPTI conference;
- Any interested party, by posting IDEA 2004 regulations and dispute resolution brochures on the NDDPI website; and
- The IDEA Advisory Committee at the Fall meeting, by providing the annual dispute resolution report to the committee and answering questions.

Submitted with this APR are two documents that were provided during the Leadership Institute and the Fall IDEA Advisory Committee meeting. They are the *What We've Learned* (Appendix F) and the *Annual Dispute Resolution Report* (Appendix G) documents. These documents will also be provided at the ND PTI conference in May.

Stakeholders have also been informed of the updated version of the *Parental Rights for Public School Students Receiving Special Education and Related Services: Notice of Procedural Safeguards.* A copy of this updated guidance document and an audio version can be found in two separate locations on the NDDPI website: http://www.dpi.state.nd.us/speced/resource/parent/index.shtm or at http://www.dpi.state.nd.us/speced/guide/guidance/index.shtm

Table 17.3 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
Continue to collect and analyze complaint investigation data through Department database.	FFY2005	NDDPI DR Coordinator and NDDPI staff	Ongoing
Improve complaint data analysis to be more effectively incorporated into monitoring data	FFY2006	NDDPI Dispute Resolution Coordinator and NDDPI staff	Ongoing
Review data and develop action plan for dealing with systemic issues.	FFY2006	NDDPI DR Coordinator	Ongoing
Provide trainings and technical assistance to PTI, Protection and Advocacy, Parent organizations, and LEAs.	FFY2006	NDDPI DR Coordinator	Ongoing
Analyze and improve upon existing follow-up methods for ensuring completion of corrective actions in a timely fashion.	FFY2006	NDDPI DR 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.	FFY2006	NDDPI DR 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	New

Revisions, <u>with Justification</u>, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2008:

Revisions to Baseline: No
Revisions to Measurable and Rigorous Targets: No
Revisions to Improvement Activities: No

INDICATOR 18

Overview of the Annual Performance Report Development: See Introduction for complete overview and stakeholder input.

Monitoring Priority: Effective General Supervision Part B / General Supervision

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))

Table 18.1 Measurement

Measurement: Percent = (3.1(a) divided by 3.1) times 100.

Table 18.2 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2008 (2008-2009)	45 percent of Resolution Sessions will be facilitated successfully.

Actual Target Data for FFY2008:
There were no due process hearing requests during this reporting period.

Discussion of Improvement Activities Completed <u>and</u> Explanation of Progress or Slippage that occurred for FFY2008:
Explanation of Progress or Slippage:

There were no due process hearing requests during this reporting period; therefore, there was no progress or slippage to report relative to resolution meetings.

The NDDPI's Due Process brochure reflects the IDEA 2004 regulations. The brochure 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 referred to other individuals who may assist them, such as with the local special education case manager or director, or Protection and Advocacy.

The requirements of the resolution meeting were outlined in the updated *Due Process Hearing and Resolution Meeting* brochure. These requirements were also articulated in the *Parental Rights for Public School Students Receiving Special Education and Related Services: Notice of Procedural Safeguards.*

The NDDPI Procedures for the Resolution Meeting:
Upon receipt of the due process complaint, the parties are informed of the required resolution meeting and the associated timelines. The parties are also informed that the resolution meeting must occur unless both parties agree to waive the resolution meeting or they choose to participate in mediation to resolve their differences. The parties are sent the *Due Process Hearing and Resolution Meeting* brochure and the parents are also sent the *Parental Rights for Public School Students Receiving Special Education and Related Services: Notice of Procedural Safeguards.*

Training and guidance on document revisions have been provided to various stakeholder groups regarding the IDEA 2004 regulations. Stakeholders continue to be informed of the dispute resolution

options available under the IDEA 2004 and within the NDDPI Office of Special Education. During this reporting period, dispute resolution information or training was provided to:

- Special education unit directors at the 2008 Fall Special Education Leadership Conference;
- Parents at the spring 2009 NDPTI conference;
- Any interested party, by posting IDEA 2004 regulations and dispute resolution brochures on the NDDPI website; and
- The IDEA Advisory Committee at the Fall meeting, by providing the annual dispute resolution report to the committee and answering questions.

Submitted with this APR are two documents that were provided during the Leadership Institute and the Fall IDEA Advisory Committee meeting. They are the *What We've Learned* (Appendix F) and the *Annual Dispute Resolution Report* (Appendix G) documents. These documents will also be provided at the ND PTI conference in May.

Stakeholders have also been informed of the updated version of the *Parental Rights for Public School Students Receiving Special Education and Related Services: Notice of Procedural Safeguards.* A copy of this updated guidance document and an audio version can be found in two separate locations on the NDDPI website: http://www.dpi.state.nd.us/speced/resource/parent/index.shtm or at http://www.dpi.state.nd.us/speced/guide/guidance/index.shtm

Mediation is offered as soon as any complaint is received, but may be accessed earlier if the conflict is made known to NDDPI prior to the date a formal complaint being filed. Mediation is offered as an alternative to the Resolution Meeting.

The NDDPI also offers early dispute resolution options such as IEP Facilitation at no cost to either party. This process may be accessed whenever IEP teams reach an impasse and when both parties agree to participate.

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

Explanation of Improvement Activities:

Table 18.3 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
Continue to expand existing facilitator pool; provide facilitation and IDEA 2004 training to facilitators.	FFY2006	NDDPI DR Coordinator	Ongoing
Monitor all resolution meetings through internal database.	FFY2006	NDDPI DR Coordinator	Ongoing
Improve resolution meeting data analysis to be more effectively incorporated into monitoring data	FFY2008	NDDPI DR Coordinator and NDDPI staff	Ongoing
Monitor issues presented in resolution meetings for the purpose of handling systemic issues.	FFY2006	NDDPI DR 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.	FFY2006	NDDPI DR Coordinator	Ongoing
Update and revise webpage for Dispute Resolution. Add resources and links to support parties' participation in early intervention processes.	FFY2009	NDDPI DR Coordinator and MIS Department	New

* **NOTE:** There have been no due process hearing requests for these activities to occur.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2008:

Revisions to Baseline: No
Revisions to Measurable and Rigorous Targets: No
Revisions to Improvement Activities: No

INDICATOR 19

Overview of the Annual Performance Report Development: See Introduction for complete overview and stakeholder input.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 19: Percent of mediations held that resulted in mediation agreements.
(20 U.S.C. 1416(a)(3)(B))

Table 19.1 Measurement

Measurement: Percent = [(2.1(a)(i) + 2.1(b)(i)) divided by 2.1] times 100.

Table 19.2 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2008 (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.

Actual Target Data for FFY2008:
There was only one mediation request during this reporting period. Although the number of annual mediations has reduced to average of four per year, this is believed to have been influenced by the increase in IEP facilitation requests.

Table 19.3 Actual Target Data

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

Discussion of Improvement Activities Completed <u>and</u> Explanation of Progress or Slippage that occurred for FFY2008:
Total number of mediation requests was less than 10, so the state is not required to report on mediation.

It should be noted that requests for mediation have likely been reduced because the NDDPI offers IEP Facilitation as an early dispute resolution option at no cost to the parties. There were seven IEP facilitation requests in the FFY2008. Of those seven, all were held and all resulted in a successful completion of an appropriate IEP. The NDDPI has focused on early intervention strategies for resolving conflicts between schools and parents before they reach complaint level. In addition to mediation, IEP facilitation is offered to parties early in the conflict when team members reach an impasse. Both IEP facilitation and mediation are paid for by the NDDPI. Brochures and request forms for each process can be found on the NDDPI website at: http://www.dpi.state.nd.us/speced/resource/conflict/index.shtm

The NDDPI offers mediation or IEP Facilitation whenever conflict between a parent and school exists or whenever a complaint is filed. Either the parents or school district may request mediation or IEP Facilitation from the NDDPI.

The NDDPI ensures that mediation:
- is voluntary on the part of both parties;
- is not used to deny or delay a parent's right to a due process hearing;
- is conducted by a qualified and impartial mediator;
- costs are the responsibility of the state education agency;
- sessions are held in a timely manner and in a convenient location;
- binding agreements are created by the parties following successful mediation;
- sessions are confidential and not used in subsequent due process hearings.

The NDDPI's current mediation manual informs parties that mediation may occur prior to or concurrently with a state complaint investigation or request for a due process hearing.

Once the initial *Request for Mediation* is received, the Office of Special Education then initiates contact with the other identified party to seek participation. If the other party agrees to participate in mediation, they also complete the *Request for Mediation* form to document their concerns or issues. If the other party declines to participate in mediation, all efforts to resolve conflict via mediation end. In agreeing to participate in mediation, the participants acknowledge that they are fully informed of the following:
- ❖ The mediator does not provide the parents, the school district, or the student with legal representation;
- ❖ The mediator does not provide counseling or therapy services;
- ❖ The mediator is a neutral third party who will assist the group in developing an agreement that is mutually satisfactory;
- ❖ If an agreement is reached, the written and signed agreement may be shared with other individuals working with the child/student;
- ❖ The signed written agreement is considered legally-binding under IDEA 2004;
- ❖ Discussions during the mediation session will be held confidential and cannot be used during subsequent proceedings pertaining to the child/student's case; and
- ❖ The IEP team should reconvene to discuss components of the agreement that should be implemented in the student's IEP.

Mediators are chosen on a rotational basis. However, geographic location and disability category of the student are taken into account for specific cases when selecting a mediator. Individuals selected to serve as mediators have successfully completed a training program in mediation. In addition, mediators participate in regularly scheduled in-service sessions to assure updating of appropriate information and skills. The IDEA does not support co-mediation (the use of two mediators working together). Additionally, mediators are selected by NDDPI on the basis of these areas of expertise:
- Sensitive to cultural, linguistic and socio-economic differences;
- Neutrality, both real and perceived;
- Knowledge of the process of mediation; 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. At the conclusion of the session, each party receives a copy of the written agreement. If mediation results in an agreement that would require changes to a student's IEP, the NDDPI recommends to the parties that an IEP team meeting is 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. If the mediation is tied to a due process hearing request, the outcome of the mediation is communicated to the hearing officer.

The mediator disseminates an exit survey immediately following the mediation as part of a continuous improvement process. The participants may return the survey to NDDPI in the accompanying self-addressed/stamped envelope at their convenience.

NDDPI received three mediation requests during the 2006-2007 school year. Of those three requests,

one was withdrawn. Of the two that went to mediation, one resulted in agreement.

Training and guidance on document revisions have been provided to various stakeholder groups regarding the IDEA 2004 regulations. Stakeholders continue to be informed of the dispute resolution options available under the IDEA 2004 and within the NDDPI Office of Special Education. During this reporting period, dispute resolution information or training was provided to:

- Special education unit directors at the 2008 Fall Special Education Leadership Conference;
- Parents at the spring 2009 NDPTI conference;
- Any interested party, by posting IDEA 2004 regulations and dispute resolution brochures on the NDDPI website; and
- The IDEA Advisory Committee at the Fall meeting, by providing the annual dispute resolution report to the committee and answering questions.

Submitted with this APR are two documents that were provided during the Leadership Institute and the Fall IDEA Advisory Committee meeting. They are the *What We've Learned* (Appendix F) and the *Annual Dispute Resolution Report* (Appendix G) documents. These documents will also be provided at the ND PTI conference in May.

Stakeholders have also been informed of the updated version of the *Parental Rights for Public School Students Receiving Special Education and Related Services: Notice of Procedural Safeguards.* A copy of this updated guidance document and an audio version can be found in two separate locations on the NDDPI website: http://www.dpi.state.nd.us/speced/resource/parent/index.shtm or at http://www.dpi.state.nd.us/speced/guide/guidance/index.shtm

Mediators are provided training annually or biennially on effective mediation practices and on the IDEA federal regulations. The NDDPI analyzes the dispute resolution data by district, disability, age, race/ethnicity, and across dispute resolution options. Dispute resolution data are also reviewed and compared to other compliance indicators for determining systemic issues.

Explanation of Improvement Activities:

Table 19.4 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
Continue to expand existing mediator pool; provide training to mediators annually or biennially.	FFY2008	NDDPI DR Coordinator	Ongoing
Monitor all mediations through internal database.	FFY2006	NDDPI DR Coordinator	Ongoing
Improve mediation data analysis to be more effectively incorporated into monitoring data	FFY2008	NDDPI DR Coordinator and NDDPI staff	Ongoing
Monitor issues presented in mediations for the purpose of handling systemic issues.	FFY2006	NDDPI DR Coordinator	Ongoing
Continue to develop guidance materials in varied formats so that stakeholders can access the information through different modes.	FFY2006	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 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.	FFY2006	NDDPI DR Coordinator	Ongoing
Update and revise webpage for Dispute Resolution. Add resources and links to support parties' participation in early intervention processes.	FFY2009	NDDPI DR Coordinator and MIS Department	New

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2008:

Revisions to Baseline: No
Revisions to Measurable and Rigorous Targets: No
Revisions to Improvement Activities: No

INDICATOR 20

Overview of the Annual Performance Report 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))

Table 20.1 Measurement

Measurement:
State reported data, including 618 data, State Performance Plan, 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 dispute resolution; and February 1 for Annual Performance Reports and assessment); and
b. Accurate, including covering the correct year and following the correct measurement.
States are required to use the "Indicator 20 Scoring Rubric" for reporting data for this indicator (see Attachment B).

Table 20.1 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2008 (2008-2009)	100 percent of required data reports will be accurately completed and submitted on time.

Indicator 20 Definitions:
1. *Timely* – Data for all indicators are submitted electronically to OSEP on or before February 1, 2010.
2. *Valid and Reliable* – Data provided are from the correct time period, consistent with the indicator's measurement, consistent with IDEA 618 data submission (when appropriate), and are consistent with indicator data from previous years (unless explained).
3. *Correct Calculation* – The result produced for the indicator is determined by using the required calculation based on the each indicator's instructions.

Actual Target Data for FFY2008
Table 20.2 Percent of 618 Data and APR Data Submitted on Time and Accurately

A. APR Grand Total	39
1. Timeliness (Timely Submission points)	5
2. Accuracy (Subtotal points)	34
B. 618 Grand Total	39
1. Timeliness (Timely Subtotal x 2)	13
2. Accuracy ((B. + C. + D. Subtotals) x 2)	26
C. APR Grand Total (A) + 618 Grand Total (B)	78
D. Subtotal (C/78)	1.000
a. Overall Timeliness Score ((A1+B1)/18)	100.0%
b. Overall Accuracy Score ((A2+B2)/60)	100.0%
E. Overall Indicator Score (Subtotal D x 100)	100.0%

Table 20.3 Valid and Reliable SPP/APR FFY2008 Data

Part B Indicator 20 - SPP/APR Data			
APR Indicator	**Valid and reliable**	**Correct calculation**	**Total**
1	1		1
2	1		1
3A	1	1	2
3B	1	1	2
3C	1	1	2
4A	1	1	2
5	1	1	2
7	1	1	2
8	1	1	2
9	1	1	2
10	1	1	2
11	1	1	2
12	1	1	2
13	* NA	* NA	0
14	* NA	* NA	0
15	1	1	2
16	1	1	2
17	1	1	2
18	1	1	2
19	1	1	2
		Subtotal	34
APR Score Calculation	**Timely Submission Points** (5 pts for submission of APR/SPP by February 1, 2010)		5
	Grand Total		39

Table 20.4 Valid and Reliable FFY2008 618 Data

Part B Indicator 20 - 618 Data					
Table	**Timely**	**Complete Data**	**Passed Edit Check**	**Responded to Date Note Requests**	**Total**
Table 1 – Child Count Due Date: 2/1/08	1	1	1	1	4
Table 2 – Personnel Due Date: 11/1/08	1	1	1	N/A	3
Table 3 – Ed. Environments Due Date: 2/1/08	1	1	1	1	4
Table 4 – Exiting Due Date: 11/1/08	1	1	1	N/A	3
Table 5 – Discipline Due Date: 11/1/08	1	1	1	N/A	3
Table 6 – State Assessment Due Date: 2/1/09	1	1	1	N/A	1
Table 7 – Dispute Resolution Due Date: 11/1/08	1	1	1	N/A	3
				Subtotal	21
			Weighted Total (subtotal X 1.8)		39
Indicator #20 Calculation					
			A. APR Total	39	39
			B. 618 Total	39	39
			C. Grand Total	78	78
Percent of timely and accurate data = (C divided by 78 times 100)			(C) / (78) X 100 =		100%

Discussion of Improvement Activities Completed <u>and</u> Explanation of Progress or Slippage that occurred for FFY2008:

Explanation of Progress:

Results of Indicator 20 has improved from the baseline of 98.4% reported in the APR FFY2006 to 100% reported for this FFY2008. The NDDPI staff members thoroughly reviewed the data, timely corrections, improvement activities, and OSEP responses to each of the indicator results reported in this APR. Based on the ND OSEP FFY2007 Response Letter, North Dakota did not have continuing issues from the previous year. NDDPI staff members attended OSEP teleconference meetings, national conferences, and regional meetings/conferences to ensure indicator requirements were clearly understood, collected, corrected, and reported. These issues have been corrected and data submitted in this APR are accurately represented and calculated.

As noted in the indicator narratives, the data collected on all indicators are reliable and valid. The type of reliability and validity checks were based on the data required. For example, data collected for Indicators 1, 2, 12, and 13 were reported to NDDPI, calculated and reviewed by NDDPI staff and then returned to the LEA staff for final review, verification, and correction if necessary. The NDDPI staff also validated available data through the new Special Education Web-based Case Management System. For example, the dates reported by special education units of the initial IEPs developed and implemented for children transitioning from Part C were validated by reviewing the actual IEP on the web-based system. Another example of monitoring through this web-based system is the correction of non-compliance, such as the IEP reviews for the corrections required in Indicator 13. NDDPI staff members are able to ensure corrections are complete in a timely manner by reviewing actual IEPs through a desk audit. Furthermore,

NDDPI has contracted with a data consultant through the MPRRC who provides technical assistance in statistical analyses.

Explanation of Improvement Activities:

Annually, the NDDPI special education staff members conduct a Special Education Leadership Conference. The emphasis of the Fall 2008 conference was ensuring timely and accurate data Documents were distributed and presentations given on each of the indicators data requirements and timelines. It was stressed during this conference that inaccurate and late data effect the results of not only the indicator to which the data were reported, but also indicator 15, and indicator 20. Furthermore, data which were not submitted in a timely manner or were not accurate when submitted effects results received at the plant, school district, and special education unit level. By stressing the interrelatedness of each indicator, a deeper understanding of indicator data collecting and reporting was achieved with conference participants.

The NDDPI developed a *Technical Assistance Needs Inventory.* This *Technical Assistance Needs Inventory* was distributed to each of the local special education unit directors during the fall conference of 2008. This request for information contained a table (Appendix A) of the SPP indicators requesting information of technical assistance required from the NDDPI. This information was submitted to the NDDPI November 2008, compiled, and categorized based on specific local TA needs to overall statewide TA needs. Statewide technical assistance included areas of Least Restrictive Environment data collection and submission; internal monitoring at the local level; and clarity on state definitions of graduation and drop out. This *Technical Assistance Needs Inventory* allowed local administrators an opportunity to discuss issues through a formal and informal discussion process as well as reporting and recording local level needs. This inventory also brought the state office to a closer understanding of local issues requiring further attention.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2008:

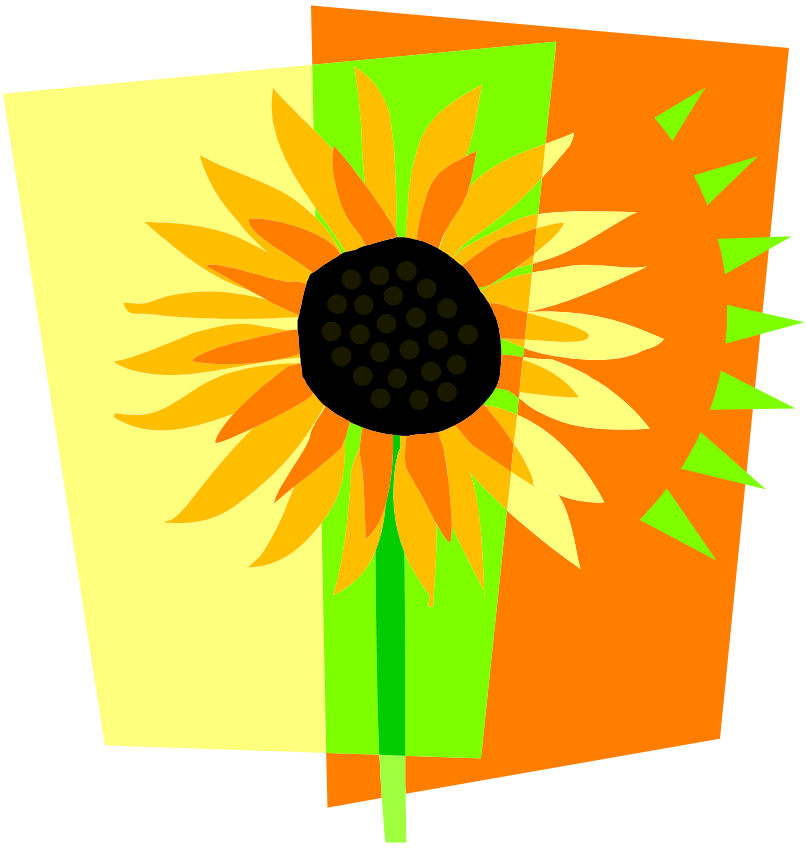
Table 20.5. Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
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
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 Statewide Special Education Web-based Case Management System will be used for the purpose of monitoring at local and state levels.	FFY2008	NDDPI staff, Local special education units	New
Technical Assistance Needs Inventory	FFY2008	NDDPI staff, Local special education units	New
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	New
Guidance to school districts on how data are coded to ensure uniformity, and accuracy of data definitions and collection.	FFY2008	NDDPI staff	New

Appendix A

Summary of the North Dakota Special Education Annual Performance Report FFY2008

The North Dakota Special Education State Performance Plan and Annual Performance Report Summary 2008-2009



Individuals with Disabilities Education Act, 2004

Dr. Wayne G. Sanstead, State Superintendent
Department of Public Instruction
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Bismarck, ND 58505-0440

Robert Rutten
State Special Education Director

Brenda Oas
Assistant State Director

Regional Special Education Coordinators:

Nancy Skorheim	Lynn Dodge
Doreen Strode	Gerry Teevens
Alison Dollar	Mary McCarvel-O'Connor
Danielle Woodward	Guy McDonald

Greetings from our Director

Major changes are taking place in education across the nation. Two important federal education laws, the *No Child Left Behind Act* and the *Individuals with Disabilities Education Act*, require states and local school districts to be more accountable for what they are doing. There is an increased emphasis on achievement results for students. Data-driven decision making has become increasingly common in American schools.

One requirement of the *Individuals with Disabilities Education Act* (IDEA) is for a state education agency to have a six year special education State Performance Plan (SPP). The purpose of the SPP is to plan for the improvement of outcomes for children and youth with disabilities. Each year a state must now have an Annual Performance Report (APR) to show how a state is progressing toward the targets established in the State Performance Plan.

We have worked hard in North Dakota to create a meaningful and useful special education State Performance Plan. However, we realize that it is a lengthy and complicated document. It is also something that might be overlooked because it is so detailed. The document you are now reading is intended to explain our special education State Performance Plan and how the Annual Performance Report allows us to measure our progress. This is a condensed version of our SPP and can serve as an introduction to these new tools for parents and educators to see how students with disabilities are achieving in our schools.

The ND Department of Public Instruction is committed to improving results for students with disabilities. We know that well informed parents and dedicated educators who provide special education and related services in the schools of our state are critical partners in making those improved results possible.

Respectfully,
Robert Rutten
Director of Special Education
ND Department of Public Instruction

Introduction

The North Dakota State Special Education Performance Plan is our six-year plan for improving the educational results for all children with disabilities. There are 20 indicators and each indicator detailed in the State Performance Plan contains information such as details of baseline data, the measurable and rigorous annual targets, and improvement activities. Beginning in 2005, through 2011, the North Dakota Department of Public Instruction (NDDPI) will collect data from all of the school districts and solicit input from parent surveys, statewide or regional standing committees, and workgroups. This information is used to continuously improve both state and school district activities thus improving results for all children with disabilities.

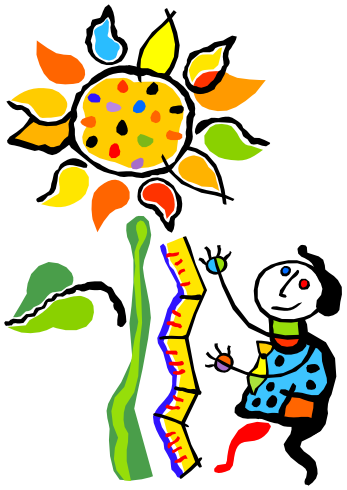
After collecting the data for each of these indicators, the special education staff at the NDDPI reviews the information. School districts that are identified as needing assistance are contacted and a letter is sent describing the concern found. They are also given specific corrective actions based on the indicator that must be completed within a specific timeframe. Once the school district has completed the corrective actions, the NDDPI staff is notified to review the actions completed. Through this process, issues of concern will decrease and positive results for students with disabilities will increase. This information is given to school districts, publicly available on our website and reported to the U. S. Department of Education, Office of Special Education Programs (OSEP) in our Annual Performance Report (APR).

Because the SPP (what we are doing) and the APR (how we are doing) appear very similar, this summary was designed to assist you in understanding the purpose of both reports and the importance of the data collected. Through this condensed version of the SPP, you can quickly review each indicator, the baseline data, the previous year's results, and the current year's targets. It should be noted that each indicator has its own timeline, based on OSEP's requirements. Therefore, you may notice a difference in years being reported. The improvement activities are listed in the full documents so you can review our plan toward improving special education services and the results for all children with disabilities in North Dakota.

The annual results of each of the indicators in the SPP are reported in our Special Education Annual Performance Report (APR). For example, in this document the "Achieved for 2007-2008" rates are given. The full description of this achievement is found in the APR. When revisions to the plan are necessary, these revisions are made in the SPP. For detailed information, please see the full reports. Both the APR and the SPP are posted on the special education web page within the NDDPI Special Education web site http://www.dpi.state.nd.us/speced/

The Three Monitoring Priorities:

- **Free appropriate public education in the least restrictive environment (FAPE in the LRE).**
- **Disproportionality by race/ethnicity.**
- **Effective general supervision.**



Monitoring Priority 1

Free appropriate public education in the least restrictive environment
(FAPE in the LRE)

The Individualized Education Program (IEP) describes the specific services provided by special education and related services staff that a child with disabilities requires to meet his or her individual needs. These services are provided in the least restrictive environment (LRE). This means children with disabilities are educated to the greatest extent appropriate in the same settings that are offered to all students. Services appropriate for children with disabilities to achieve educational success through the public education system are offered without extra fees to the parent. This is free appropriate public education, otherwise known as FAPE.

Monitoring for FAPE in the LRE allows NDDPI, school districts, and parents to ensure that, as appropriate, children with disabilities are educated in the general education setting while receiving the services necessary for positive educational results. Indicators 1 through 8 monitor FAPE in the LRE. These include increasing the graduation rate with a regular diploma, reducing the dropout rate, mastery of state grade-level content standards in mathematics and reading, suspension and expulsion rates as compared to children without disabilities, and the percentage of students with disabilities who are educated in various settings outside the general classroom. Indicators 6 and 7 are specific to the placement of preschool children and positive early childhood outcomes. Indicator 8 is the final indicator in this priority. Indicator 8 measures the percentage of parents who report their school facilitated parent involvement as a means of improving services and results for students with disabilities.

Indicator 1

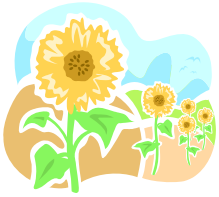
Percent of students with IEPs graduating from high school with a regular diploma compared to percent of all students in the state graduating with a regular diploma.

Target for 2010 - 2011: The percentage of youth with IEPs graduating from high school will increase to 73.09%. This year is a “data lag” year. This means the 2007 data are reported again this year while NDDPI develops new data collection and targets.
Baseline: Graduation rate for students with IEPs = 84.14%; graduation rate for all children = 80.98%

Achievement to Date:

	FFY2004	FFY2005	FFY2006	FFFY2007
# of students with disabilities who graduated	791	674	705	600
# of students with disabilities in the cohort	925	840	886	821
Percent of students with disabilities who graduated	**85.51%**	**80.24%**	**79.57%**	**73.08%**

Annual Target for 2007 - 2008: 71.0%



Indicator 2

Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school.

Target for 2010-2011: The percentage of youth with IEPs dropping out of high school will decrease to 10.04%.

Baseline: Students with IEPs dropout rate = 15.86%; All students dropout rate = 19.11%

Achievement to Date:

	FFY2004	FFY2005	FFY2006	FFY2007
# of students with disabilities who dropped out	66	110	123	137
# of students with disabilities in the cohort	925	840	886	821
Percent of students with disabilities who dropped out	**7.14%**	**13.10%**	**13.88%**	**16.69%**

Annual Target for 2007-2008: 12.95%
This year is a "data lag" year for Indicator 2 also. This means the 2007 data are reported again this year while NDDPI develops new data collection and targets.

Indicator 3

Participation and performance of children with disabilities on statewide assessments: A) Percent of districts that have a disability subgroup that meets the State's minimum "n" size* meeting the State's AYP objectives for progress for disability subgroup; B) Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards; C) Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.

*The minimum "n" size for North Dakota is 10.

Target for 2010 - 2011: Percent of districts meeting the State AYP objectives for disability subgroups in reading will be 97.5%. Percent of districts meeting the State AYP objectives for disability subgroups in math will be 97.8%.

Baseline: A) Reading - 92.4% and Math - 95.4%; B) 98%; and C) Reading – 48.1% and Math – 43.0%.

This year the first measurement for this indicator has been changed to combine results in both reading and math. Previously, states were to report these results separately.

Achievement to Date:

	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009
A. Percent of Districts Meeting AYP Objective for IEP subgroup							
Reading	76.5%	93.5%	92.4%	93.0%	91.3%	68.3%	86.5%
Math	80.4%	84.1%	95.4%	94.2%	97.4%	85.6%	
B. Participation Rate of IEP students							
Reading	98.6%	98.0%	98.6%	98.1%	97.5%	96.6%	97.44%
Math	98.3%	97.8%	98.5%	98.1%	97.4%	97.9%	97.91%
C. Proficiency Rate of IEP students							
Reading	24.9%	39.7%	48.1%	54.3%	61.2%	53.6%	61.07%
Math	12.5%	21.6%	43.0%	50.2%	58.6%	57.1%	61.91%

Annual Target for 2007 - 2008:

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 60 percent. The percentage of IEP students that will meet proficiency for math will be 55 percent.

Indicator 4

Rates of suspension and expulsion: A) Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year; and B) Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity.

Target for 2010 - 2011: The percent of school districts identified by the 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%.

Baseline: the baseline is currently being revised using the new calculation process for this indicator.

Achievement to Date:

	FFY2006	FFY2007
% of school districts identified by the 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.	0.00%	0.00%

Annual Target for 2007 - 2008: Percent of school districts will not exceed 0.97%.
NDDPI met the target for 2007-08.
This is also a "data lag" year for this indicator. Therefore, the data for 2007 are reported again this year while NDDPI develops new targets.

Indicator 5

Percent of children with IEPs aged 6 through 21: 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.

Target for 2010 - 2011: a) 80.5% of children with disabilities will be educated outside the regular classroom less than 21 percent of the day. b) 3.5% will be educated outside the regular classroom more than 60 percent of the day. c) 2% will be placed in separate schools, residential schools, or homebound/hospital.

Baseline: A) 77.7%; B) 4.2%; and C) 2.3%

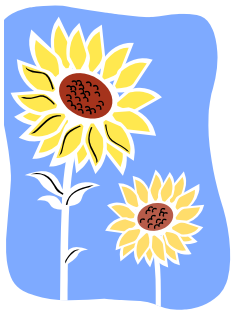
Achievement to Date:

	2004	2005	2006	2007	2008
(a) Percent of children with IEPs served inside the regular class 80% or more of the day	77.69%	78.62%	79.00%	77.68%	77.17%
(b) Percent of children with IEPs served inside the regular class less than 40% of the day	4.24%	3.94%	3.61%	4.39%	4.98%
(c) Percent of children with IEPs served in separate schools, residential facilities, or homebound/hospital placements	2.33%	2.14%	2.09%	1.53%	1.09%

Annual Target for 2008: A) 79%; B) 3.8%; and C) 2%.

Indicator 6

Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (i.e., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).



Target for 2010 - 2011: 53.5% of preschool children with IEPs will receive special education services in settings with typically developing peers.
Baseline: 49.9% *Note:* The US Department of Education, Office of Special Education (OSEP) is in the process of revising this indicator. Therefore, state reports are not due until 2010.

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.

Under the direction of the US Department of Education, Office of Special Education, only a progress report is due in the SPP. Please see the SPP for the full report.

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.

Target for 2010 - 2011: 94 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.

Baseline (2005-2006 data): 92.8%

Achievement to Date:

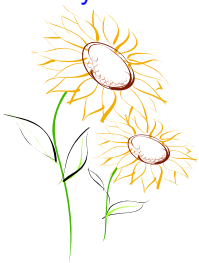
	2005	2006	2007	2008
% of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.	93%	95%	96%	95.1%

Annual Target for 2008: 90%

Monitoring Priority 2

Disproportionate Representation

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. Indicators 9 and 10 monitor disproportionality in ND schools.



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.

Target for 2010 - 2011: 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%.

Baseline: 5.58% were found with disproportionate identification.

Achievement to Date:

	2005	2006	2007	2008
% of school districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.	0.00%	0.00%	0.00%	0.00%

Annual Target for 2008: 0.00%

Indicator 10

Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

Target for 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%.

Achievement over time

	2005	2006	2007	2008
% of school districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification	0.00%	0.00%	0.00%	0.00%

Annual Target for 2008: 0.00%

Monitoring Priority 3

Effective General Supervision Part B

General supervision monitors and ranks districts and schools based on achievement and indicators that are descriptive of the learning environment, professional environment, parent and community involvement as well as program compliance to determine the areas in greatest need of technical assistance. The ranking system is based on local and state targets based on the state performance plan. The NDDPI monitors for compliance, assesses school needs, assists in the development of the school improvement plan, and provides guidance and resources for the corresponding professional development plans. Although the entire SPP are included in the data required for general supervision, the balance of the SPP indicators are specific to this priority.

Indicator 11

Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State established timeline).

Target for 2010 - 2011: 100% of children with parental consent to evaluate are evaluated within 60 days.

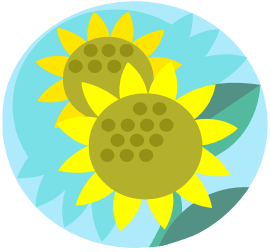
Baseline: 95.51%

Achievement to Date:

	2005	2006	2007	2008
(a) Total # of children with parental consent	1424	3610	3432	2232
(b) Total # of children determined not eligible within 60 days	268	750	632	2215
(c)Total # of children determined eligible within 60 days	998	2574	2646	
Total # of children whose evaluation occurred past 60 day timeline	158	286	154	17
Percent who met the indicator	**88.09%**	**95.4%**	**98.4%**	**99%**

Annual Target for 2008: 100%

This year the measurement was changed to combine the number of children determined eligible and determined not eligible rather than report the two separately as in previous reports.



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.

Target for 2010 - 2011: 100% of the 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.

Baseline: 95.74% of the 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.

Achievement to Date:

	2004	2005	2006	2007	2008
a. # of children served in Part C and referred to Part B	311	370	393	317	438
b. # found not eligible and whose eligibility was determined prior to third birthday	145	186	134	70	119
c. # of those found eligible who have an IEP developed and implemented by their third birthdays	139	159	191	190	266
d. # for whom parent refusals to provide consent caused delays in evaluation or initial services	12	16	47	43	48
# in a but not in b, c, or d	20	12	21	14	5
Percent who met the indicator	**90.26%**	**94.62%**	**90.09%**	**93.1%**	**98.15%**

Annual Target for 2008: 100%

Indicator 13

Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.

Target for 2010 - 2011: 100% 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.

Baseline: 68.1%

Achievement to Date:

	2005	2006	2007
# of youth whose IEPs were reviewed	376	856	1,531
# of youth whose IEPs met the indicator	68	583	1475
Percent of youth whose IEPs met the indicator	**18.1%**	**68.1%**	**96.3%**

Annual Target for 2007: 100%
Because of a change to this indicator, states are not required to report results for this indicator until next year.

Indicator 14

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.

Target for 2010 - 2011: 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 83.0%

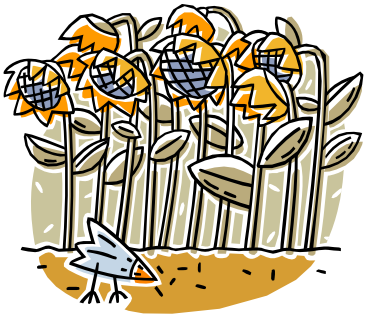
Baseline: 81.8%

Achievement Over Time

	2006	2007
Attended Post-Secondary Education Only	16.4%	11.4%
Was Competitively Employed Only	36.4%	38.0%
Attended Post-Secondary Education AND Have Been Employed	29.1%	37.3%
Neither Attended Post-Secondary Education OR Have Been Employed	18.2%	13.3%
Attended Post-Secondary Education and/or Have Been Competitively Employed	81.8%	86.7%

Note: this indicator depends upon a survey completed by students who have exited school or their parents. Participation is voluntary but extremely important.
This indicator has also changed; therefore states are not required to report results for this indicator until next year.

If your child has a disability
and is exiting school this year, please update your contact information at your school. To collect data for this indicator, we will contact you one year from now so you can participate in the
Post-school Follow-up Survey.



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.

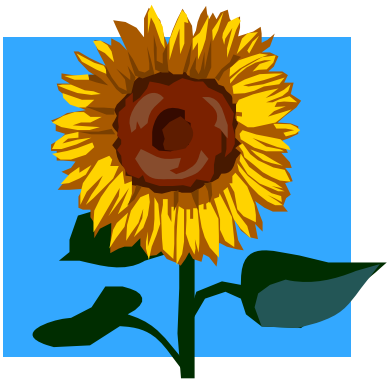
Target for 2010 - 2011: 100% identified noncompliance will be corrected within one year of identification.

Baseline: 87.8%

Achievement to Date:

	2005	2006	2007	2008
Percent of identified noncompliance corrected within one year of identification.	98%	70.27%	100%	100%

Annual Target for 2008: 100%



For more information on the State Performance Plan or the Annual Performance Report please contact the

Special Education Office
North Dakota Department of Public Instruction
600 East Boulevard Avenue
Bismarck, North Dakota. 58505

Telephone: 701 - 328 - 2277
TTY: 701 - 328 - 4920
Toll Free: 866 - 741 - 3519
Fax: 701 - 328 - 4149

Appendix B

Disproportionate Representation Due to Inappropriate Identification

North Dakota Department of Public Instruction

Office of Special Education

State Plan to Identify Disproportionate Representation

Disproportionate representation refers to comparisons made between groups of students by race or ethnicity who are identified for special education services. Where students from a particular ethnic group or race are identified at a greater rate than all other students, then that group may be said to be disproportionately represented in special education. As required by USCS § 1416 (b) Indicators 9 and 10 of the North Dakota Special Education State Performance Plan (SPP), the NDDPI must monitor disproportionate representation that is a result of inappropriate identification in ND schools.

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.

Indicator 10: Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

1. North Dakota Weighted Risk Ratio process which includes:
   a. Risk (compared to state averages for Whites)
   b. Risk ratio (compared to all others)
   c. Weighted (incorporates small “n” size concerns)
   d. Statistical presumption that *disproportionate representation* requires at least ten students inappropriately identified within a racial group in a given category and is the result of inappropriate identification.
   e. Smaller districts (less than 10 students in category) receive follow-up information when identified
   f. State averages for identification rates within subcategories considered
   g. Provide data to local areas prior to being identified as *disproportionate representation* that could be the result of inappropriate identification

2. Must include policies and procedures designed to prevent the inappropriate over-identification or under-identification that is the result of inappropriate identification.
   a. Not limited to noncompliance with IDEA
   b. Prevention must be tied to regular and special education
   c. Expect school districts to maintain a quality pre-referral process
   d. Once flagged, expand the scope of inquiry

North Dakota Department of Public Instruction
Office of Special Education

Local Investigation to Reduce Disproportionate Representation that is the result of inappropriate identification.

Using local protocol, the identified district should:

1. Expand the scope of the district's current internal examination of student data and educational policies and practices.
2. Evaluate the quality of the district's pre-referral process to ensure there is an effective procedure in place to provide early interventions based on individual student data and is:
    a. research based or appropriate;
    b. suitable for the skill level of students;
    c. motivating and rewarding; and
    d. provided by qualified teachers.
3. Determine whether over-identification is connected to insufficient instruction in Reading and Math. Are teaching staff adequately trained to provide instruction in reading and math to the students in identified race/ethnic groups?
4. Review classroom management procedures.
    a. Are issues being resolved effectively?
    b. Is there a system of positive behavior interventions in place?
    c. Is there a language, LEP, or cultural issue confusing the learning process?
    d. Consider student behavioral data and compare:
        i. Special education data to regular education data;
        ii. Student data at various social economic levels;
        iii. Student data at various age ranges; and
        iv. Student data within various environments.
5. Consider possible systemic issues such as:
    a. Are there comprehensive systems of student evaluation in place that lead to timely interventions?
    b. Is disproportionate representation considered *only* a special education concern?
    c. Does the over-identification concern lie primarily in special education categories that tend to rely on subjective decisions?
    d. Is there equitable access for all students to highly qualified teachers and resources?
    e. Do general education and special education teachers have time to collaborate together?
    f. Has the system studied the needs of culturally diverse learners?
    g. Are all teachers trained to understand and eliminate unconscious bias? Teachers should be more familiar with the beliefs, values, cultural practices, and discourse styles of the students they teach.
    h. Does the district's identification rate compare to the state identification rate per special education category?
    i. Is the district using data to identify problems and inform solutions?
    j. Do administrators and staff understand the depth and breadth of special education Due Process rights in the following areas:
        - Referral,
        - Evaluation,
        - Identification,
        - Placement,
        - Discipline, and
        - Least Restrictive Environment.
    k. Do parents who are culturally diverse or economically disadvantaged have adequate knowledge about their children's rights?

Research suggested best practices:

1. Provide students equal access to highly qualified and experienced teachers.
2. Provide effective supports for inexperienced and struggling teachers.
3. Establish a strong pre-referral and referral process.
4. Maintain extensive use of curriculum based assessment.
5. Examine instructional methodology as part of the pre-referral intervention process.
6. Provide early intervening practices:
    a. Maintain sufficient meetings to review student progress.
    b. Promote parent involvement at student progress meetings.
    c. Report baseline data, expected trajectory, and ongoing performance measurement in all areas of intervention.
    d. Institute timely progress monitoring of interventions.
    e. Provide repeated student assessment at reasonable intervals.
    f. Maintain formal assessment of student progress during instruction.
    g. Document outcomes of interventions.
7. Ensure the appropriateness of the special education assessment tools used to determine eligibility and the adequacy of training for the professionals conducting the student evaluations.
8. Consider the student's special education and LRE placement annually.

North Dakota Department of Public Instruction
Office of Special Education
Disproportionate Representation Due to Inappropriate Identification Procedural Review

Areas of Inquiry	Policy/ Procedures	General Education	Documents	Interview	Observation	Comments
Evidence instruction generally has been:						
• Research-based or appropriate						Specifically relevant for students referred for interventions or for an evaluation for special education.
• Matched to skill level of student						
• Motivating and rewarding						
• Provided by qualified teachers						
Early interventions for academic/behavior concerns:						
• Is there evidence of multiple interventions						
• Does intervention data includes baseline, adequate monitoring, and expected performance outcomes						Does the intervention plan allow for progress monitoring?
• Is Students' learning/behavior viewed within the context of their cultural/linguistic background						For LEP students, English language acquisition and impact on academic performance is considered.
Academic Issues:						
• Adequate frequency						Are intervention protocols aligned with research?
• Adequate time per session						
• Reasonably sized group						
Behavior Issues:						
• Positive behavior intervention(s)						When appropriate, were behavior plans developed, implemented, and evaluated for effectiveness?
• Functional behavioral assessment						When appropriate, were plans implemented and followed?
• Behavior intervention plan						
Results of intervention						
• Meetings to review progress						Were a sufficient number of meetings held?
• Parent attended meetings						

North Dakota Department of Public Instruction
Office of Special Education

Disproportionate Representation Due to Inappropriate Identification
Procedural Student File Review

Name:_____ **Race/Ethnicity:** _____ **Disability** _____
LRE: _____

School: _____ **Grade:** _____ **Reviewer:** _____
Date of Review: _____

Evidence instruction in reading generally has been:	Yes	No	Evidence for "NO"
• Research-based or appropriate			
• Matched to skill level of student			
• Motivating and rewarding			
• Provided by qualified teacher			
Intervention meeting held to address academic/behavioral concerns			
• Evidence of multiple interventions			
• Intervention data includes baseline, adequate data monitoring, and expected performance outcomes			
• Student's learning/behavior is viewed within the context of their cultural/linguistic background			
Academic issues: evidence of			
• Adequate frequency			
• Adequate time per session			
• Reasonably sized group			
Behavioral issues: evidence of			
• Positive behavioral intervention(s)			
• Functional behavioral assessment (FBA)			
• Behavior intervention plan in place (BIP)			
Progress Measurement: evidence of			
• Timely assessment			
• Timely reporting of expected performance			
• Data provided to student's parents			
Outcome (select outcome of intervention below)	√ 1 of 6		

1. Discontinued intervention: sufficient progress		
2. Discontinued intervention: insufficient progress (considered the following)		
- Appropriate number of weeks for intervention		
- Interventions changed to improve progress		
3. Continued intervention: sufficient progress		
4. Continued intervention: insufficient progress		
5. Appropriate referral for Section 504		
6. Appropriate referral for IDEA evaluation		

Appendix C

60-day Timeline Spreadsheet

Instructions for Completing Indicator 11 – 60 Day Evaluation Spreadsheet
Data gathered from July 1, 2009 through June 30, 2010

Column A – *Student ID number*

Column B – *First Name of child for whom parental consent to evaluate was received*
Enter the first name of child for whom consent for initial evaluation has been signed between July 1, 2009 and June 30, 2010.

Column C – *Last Name of child for whom parental consent to evaluate was received*
Enter the last name of child for whom consent for initial evaluation has been signed between July 1, 2009 and June 30, 2010.

Column D – *Special Education Unit*

Column E – *School District and ID number*

Column F – *Date of Parent Consent to Evaluate*

Column G – *Date of IWAR*

Column H – *Was the child's determination completed within 60 days*
This column has been revised based on OSEP's directions. Please enter a "Yes" if the determination was completed within 60 days, regardless of whether or not the child was determined eligible.

Column I – *Reason for the delay in determination for this child*
If the determination was not completed within 60 days, please clearly describe the reason for the delay.

Column J - *Number of days delayed beyond 60*
Enter the number of days the determination was delayed. Do not include the first 60 days, begin the count on the 61st day. For example if the determination was 74 days after the consent was signed, insert 14 days.

Student ID #	First name of child for whom parental consent to evaluate was received	Last name of child for whom parental consent to evaluate was received	Special Ed. Unit	District Name and ID #	Date of Parent Consent to Evaluate	Date of IWAR	Was the child's evaluation completed within 60 days	Reason for the delay in determination for this child	Number of days delayed beyond 60

Training Chart for Indicator 11 Instructions
Spreadsheet and Web-based System Forms

Indicator 11 Spreadsheet	Column Heading	Web-Based System Ind 11 Report
Column A	*Student ID Number*	Demographic – **Student Profile**
Column B	*First Name of child for whom parental consent to evaluate was received*	Demographic – **Student Profile**
Column C	*Last Name of child for whom parental consent to evaluate was received*	Demographic – **Student Profile**
Column D	*Special Education Unit*	Demographic – **Student Profile**
Column E	*School District and ID number*	Demographic – **Student Profile**
Column F	*Date of Parent Consent to Evaluate*	**Parent Consent to Evaluate** document
Column G	*Date of IWAR*	**IWAR**
Column H	*Was the child's evaluation completed within 60 days*	Difference between date of **Parent Consent to Evaluate** and Date of **IWAR.** **Response:** **60 days or less – Yes;** **61 days or more – No.**
Column I	*Reason for the delay in determination for this child*	Textbox response on **IWAR:** : *"If Initial Evaluation took longer than 60 days from Initial Consent date to Date for ND disability on IWAR, document reason here"*
Column J	*Number of days delayed beyond 60*	Difference between date of **Consent for Evaluation** and **IWAR** date: **Response:** **Number of Days after the 60th day.**

Appendix D

Early Childhood Transition Spreadsheet

Instructions for Completing Indicator 12 – Early Childhood Transition
July 1, 2009 through June 30, 2010

Complete this form for all children who:

- √ **Have been served in Part C and referred to Part B and**
- √ **Have turned three between July 1, 2009 through June 30, 2010**

Column A-B	Enter child's first and last name
Column C	Enter child's birth date
Column D	Enter child's special education unit
Column E	Enter child's home school district
Column F	Enter the date that the district received the referral from Part C
Column G	Was Part B eligibility determination completed for this child prior to their third birthday? Yes/No
Column H	If no, enter the reason for the delay, e.g. parent refusal to consent, child was ill, family crisis, late referral to Part C (after 2 yrs- 9mths)
Column I	Enter the number of days eligibility determination was delayed
Column J	Was the child found eligible for Part B services? Yes/No
Column K	Was an IEP developed and implemented by the child's third birthday? Yes/No
Column L	If no, enter the reason for the delay, e.g. parent refusal to consent, child was ill, family crisis, late referral to Part C (after 2 yrs- 9mths)
Column M	Enter the number of days development and implementation of the child's IEP was delayed

First Name	Last Name	Birth Date	SpEd Unit	District ID # and Name	Date child was referred from Part C	Eligibility determination completed prior to third birthday?	Reason for eligibility delay	Number of days eligibility was delayed	Eligible for Part B Services?	IEP by third birthday?	Reason for IEP delay	Number of days IEP was delayed

Training Chart for Indicator 12 Instructions
Spreadsheet and Web-based System Forms

Column	Spreadsheet	Web-based system Forms
Column A-B	Enter child's first and last name	Demographic – Student Profile
Column C	Enter child's birth date	Demographic – Student Profile
Column D	Enter child's special education unit	Demographic – Student Profile
Column E	Enter child's home school district	Demographic – Student Profile
Column F	Enter the date that the district received the referral from Part C	Question on Evaluation: Student Profile
Column G	Was Part B eligibility determination completed for this child prior to their third birthday? Yes/No	TieNet compares - *Date of Birth* and *Current Date* on IWAR
Column H	If no, enter the reason for the delay, e.g. parent refusal to consent, child was ill, family crisis, late referral to Part C (after 2 yrs- 9mths)	Response to IWAR question- *Reason for Determination being completed after the third birthday*
Column I	Enter the number of days eligibility determination was delayed	TieNet compares - *Date of Birth* and *Current Date* on IWAR to give # of days beyond 3rd birthday
Column J	Was the child found eligible for Part B services? Yes/No	Response to IWAR question – *Does the student have a disability according to the ND Guidelines*
Column K	Was an IEP developed and implemented by the child's third birthday? Yes/No	TieNet compares - *Date of Birth* and *Current Date* on IEP
Column L	If no, enter the reason for the delay, e.g. parent refusal to consent, child was ill, family crisis, late referral to Part C (after 2 yrs- 9mths)	Response to IEP question – *Reason for IEP being completed after 3rd birthday*
Column M	Enter the number of days development and implementation of the child's IEP was delayed	TieNet compares - *Date of Birth* and *Current Date* on IEP to give # of days beyond 3rd birthday

Appendix E

2008-2009 Facilitated IEP
Summary of Exit Survey Data

These data reflect all Exit Survey responses received between July 1, 2008 - June 30, 2009.

FACILITATED IEP EXIT SURVEY SUMMARY OF DATA
JULY 1, 2008 - JUNE 30, 2009

(6 Facilitated IEPs)

Participants: TOTAL: 21 Participant Responses

A - Family member or student: 4 = 19%
B - School representative: 14 = 67%
C - Family advocate: 2 = 10%
D - School advocate: 1 = 4%

Q1: Outcome of meeting? (21 Participant Responses)

A - Consensus on all issues: 17 = 81%
B - Consensus on some but not all issues: 3 = 14%
C - Consensus was not reached on any issues: 1 = 5%

Q2: Based on the information or materials provided by the facilitator or DPI, how prepared did you feel for the IEP meeting? (21 Participant Responses)

A - Very prepared: 17 = 81%
B - Somewhat prepared: 4 = 19%
C - Somewhat unprepared: 0
D - Very unprepared: 0

Q3: To what extent did you have an opportunity to relate your issues and concerns during the IEP meeting? (21 Participant Responses)

A - Had full opportunity to relate issues and concerns: 19 = 90%
B - Had some opportunity to relate issues and concerns: 2 = 10%
C - Had no opportunity to relate issues and concerns: 0

Q4: If the IEP was fully developed, do you feel you had an appropriate level of input in the development of the IEP? (21 Participant Responses)

A – Yes: 20 = 95%
B – No: (1 stated N/A)

Q5: When you compare your situation before and after the Facilitated IEP, how has it affected the relationship between the family and the school? (21 Participant Responses)

A - The Facilitated IEP has improved the relationship: 16 = 76%
B - The Facilitated IEP has had little or no effect on the relationship: 4 = 19%
C - The Facilitated IEP has harmed the relationship: 1 = 5%

Q6: How productive or unproductive was a Facilitated IEP for this matter? (21 Participant Responses)

A - Very productive: 15 = 71%
B - Somewhat productive: 5 = 24%
C - Somewhat unproductive: 1 = 5%
D - Very unproductive: 0

Q7: How skilled was the facilitator at listening and understanding your concerns? (21 Participant Responses)

A - Very skilled: 18 = 86%
B - Somewhat skilled: 3 = 14%
C - Not at all skilled: 0

Q8: How skilled was the facilitator at asking relevant questions? (21 Participant Responses)

A - Very skilled: 18 = 86%
B - Somewhat skilled: 3 = 14%
C - Not at all skilled: 0

Q9: How skilled was the facilitator in helping you generate and consider options for resolving the dispute? (21 Participant Responses)

A - Very skilled: 19 = 90%
B - Somewhat skilled: 2 = 10%
C - Not at all skilled: 0

Q10: How knowledgeable of relevant laws and regulations was the facilitator? (20 Participant Responses – 1 did not respond)

A - Very knowledgeable: 18 = 86%
B - Somewhat knowledgeable: 2 = 10%
C - Not at all knowledgeable: 0

Q11: Concerning the impartiality of the facilitator, how did you feel? (21 Participant Responses)

A - The facilitator was neutral and favored neither party: 19 = 95%
B - The facilitator favored the family: 2 = 10%
C - The facilitator favored the school: 0

Q12: How satisfied are you with the outcome of the Facilitated IEP? (21 Participant Responses)

A - Very satisfied: 15 = 71%
B - Somewhat satisfied: 4 = 19%
C - Somewhat dissatisfied: 2 = 10%
D - Very dissatisfied: 0

Q13: Compared to other means of resolving this matter, how did the Facilitated IEP affect the time spent addressing this matter? (20 Participant Responses – 1 did not respond)

A - It will shorten the time spent: 8 = 38%
B - Don't know: 9 = 43%
C - It will increase the time spent: 3 = 14%
D - There will be no change in time spent: 2 = 15%

Note: Questions 14 and 15 required narrative responses. All responses from participant exit surveys were entered as they were written, to the extent that they were legible.

Q14: In case this evaluation has failed to cover certain aspects of the Facilitated IEP – positive or negative – what were most important to you?

A – Family member or student responses were:

1. Having the facilitator meant coming to resolution. I don't know if a resolution would have been reached without a facilitator.
2. The neutral, impartial view of the facilitator was a very positive factor.

B – School representative responses were:

1. As a team we were able to get the student to speak more and it was good to hear his input. I thought it kept us focused on him and his needs.
2. It was a very positive meeting and a good plan has been developed for the student. I believe that the prep work that went into the draft IEP with the student prior to the meeting was positive. The student was in agreement and had his input without parent monopolizing the conversation at the meeting.
3. Both sides were affirmed by the facilitator. The facilitator was very positive and processional.
4. The facilitator was great!
5. The meeting focused the team to keep focus on the student and leave all previous baggage behind.
6. I appreciate a neutral party. In this case, I really don't know who or how things got off track in the first place. This was a very good and thoughtful parent, working with a very good and thoughtful team. At today's meeting, there was no animosity demonstrated at all.
7. The school team was also very skilled, prepared and competent – which helped the facilitator be successful! The facilitator was a wonderful, comfortable facilitator. Thank you for sending her.
8. I felt that the facilitator had already reached her decision before the meeting began. Service providers and family members stated how they felt – no vote was taken.

C – Family advocate responses were:

1. Understanding the disability and rights of child & parent.

D – Other:

1. The facilitator was very professional and knowledgeable; it was comforting to have the facilitator at our meeting.

Q15: Please provide suggestions for improvements to the facilitation process.

B – School representative responses were:

1. Very good meeting – glad we requested facilitation again, thanks**.**
2. Thank you for facilitating – it went very well!
3. The facilitator did a very good job articulating their role and purpose, asked questions for clarification and I think helped everyone do their best.
4. I think all team members need to vote after information is given. As soon as the facilitator spoke that was the end result.
5. If parties have already discussed options. I would have liked to see that information prior to meeting. Parents left satisfied but team member still did not agree.

Appendix F

“What We’ve Learned”

NDDPI -Office of Special Education
Annual Dispute Resolution Report
What We've Learned: 2008-2009

State Complaint Investigations

There are many complications for determining when LEAs are responsible for providing FAPE when students with disabilities are also in foster care or residential programs and are placed by a non-educational agency outside the boundaries of their district of residence.

- In order to address an individual LEA's responsibilities with regard to the biological parent's substantive and procedural rights under IDEA, it is necessary to identify the responsible LEAs
    - IDEA has provided for the continuity of services when children with disabilities in foster care or who are homeless move from one school or one school district to another. For example, 34 CFR300.323(e) provides that if a child with a disability (who had an IEP) transfers to a new public agency in the same state, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) must provide FAPE to the child (including services comparable to those described in the child's IEP from the previous public agency), until the new public agency either adopts the IEP from the previous public agency; or develops a new IEP.
    - Anyone can file a complaint. However, the issues outlined in the complaint mayor may not reflect the concerns of the parent.
    - When custody of an unmarried minor child is awarded to a person, agency, organization, or institution under N.D.C.C. ' 14-09-06.1, both "legal" and "physical" custody are awarded and along with that, the right and responsibility to make decisions relating to the health, education, and welfare of the child. "Unlike some other states, North Dakota law does not separate 'physical custody' from 'legal custody.'" *Dickson v. Dickson*, 1997 ND 167.
        - When a biological parent does not retain authority to make educational decisions for the child, the biological parent is not presumed to be a "parent" for purposes of 34 CFR 300.30 and is not entitled to prior written notice of IEP meetings as the "parent." That does not mean that the biological parent without authority to make educational decisions may not be invited to participate in IEP meetings.
        - The concept of custody must be separated from the concept of rights that FERPA gives parents. Under the Family Educational Rights and Privacy Act (FERPA), noncustodial parents generally retain full rights of access to and control of the child's education record, unless there is a court order, state law, or legally binding document *that specifically revokes those rights*.

Mediations

• When either party is unwilling to consider any alternatives to their own position, you can expect there will be limited movement toward agreement

• DPI will incorporate into future training methods for mediators to build capacity of all participants before they meet and require participants to itemize more than one possible resolution to the issue(s) before the meeting.

IEP Facilitations

• When a student attends the IEP meeting, provide more opportunities for him or her to speak. Hearing the student's perspective encourages the team to keep the meeting focused on the student and his or her needs.

• When all team members are fully informed, they can participate more capably.

- Do not to withhold information until the day of the meeting.
- Avoid behind the scenes discussions. It creates a "them versus us" divide between the school and the parents.

• Leaving previous baggage behind is often easier said than done, but every effort should be made to maintain focus on the present and future needs of the student.

• Building a more comprehensive and collaborative understanding of a disability will help the team with development of an appropriate IEP

• One facilitator communicated that "good transition coordinators are worth their weight in gold at an IEP meeting. These people need to have many skill sets that allow families to discover what transition has to offer their young adult child."

• A draft IEP can be very useful as long as the parent is made fully aware that it is a DRAFT and that the parent is given ample time to review the draft (i.e., not 10 minutes before the meeting).

• One of the facilitators suggested that, "letting the parent go first at the meeting helps a great deal. Sometimes they just need to vent and definitely want to be heard. If the school starts first and goes through their agenda, a great deal of time (and jargon) can go by before the parent gets a chance to speak."

• Parking lot for ideas is not just a tool that can just be used by facilitators and mediators. It can be used to demonstrate to any team member that, although their point is either not an IEP related issue or that it is not feasible to discuss at this time, it can be pursued at a later date by the team or through other means.

• All of the facilitators have at one time or another pointed out the critical importance of effective communication. Many of the cases involve some level of communication difficulties between the parents and the school personnel.

- In one particular case, the team had developed a behavior plan that the school thought was working well. The parents did not feel the plan was working and wanted the school to be responsive. However, the parent did not effectively communicate their concerns to the school.

• When developing a behavior plan, consider how environments might overlap.

Appendix G

Annual Dispute Resolution Report

ND Dept of Public Instruction
Office of Special Education

Annual Report for
Dispute Resolution
July 1, 2008 – June 30, 2009

Dispute Resolution Management History

If you have any questions concerning the information in this report, feel free to contact NDDPI at (701) 328-2277

	IEP FACILITATION REQUESTS (COMPLETED)	MEDIATION REQUESTS (COMPLETED)	COMPLAINT INVESTIGATION REQUESTS (COMPLETED)	DUE PROCESS HEARING REQUESTS (COMPLETED)
7/1/08 – 6/30/09	**7 (6)**	**1 (1)**	**1 (1)**	**0 (0)**
7/1/07-6/30/08	**8 (7)**	**1 (0)**	**3 (3)**	**0 (0)**
7/01/06-6/30/07	**3 (3)**	**3 (3)**	**3 (3)**	**0 (0)**
7/1/05-6/30/06	**4 (4)**	**3 (5)**	**8 (8)**	**2 (2)**
9/1/04-8/30/05	**N/A**	**4 (4)**	**3 (3)**	**1 (1)**
9/1/03-8/30/04	**N/A**	**1 (1)**	**11 (11)**	**0 (0)**

Complaint Investigation: July 1, 2008 – June 30, 2009

FILED BY	DATE OF RECEIPT OF COMPLAINT	ISSUES	VIOLATION Y/N	DATE OF REPORT TO COMPLAINANT
Outside Party	10/14/08	1. Failure to provide parent prior written notice 2. Failure to receive parent consent for evaluation 3. Failure to provide access to educational records 4. Failure to develop appropriate transition plan 5. Failure to document parent participation in IEP 6. Failure to reconsider disability category	1. No 2. No 3. Yes 4. Yes 5. No 6. No	Due: 12-18-08 Sent: 12-18-08

*** Due Process Hearing: July 1, 2008 - June 30, 2009***

There were no due process hearing, expedited due process hearing requests, or resolution meetings held during the 2008-2009 school year.

Requests for Mediation: July 1, 2008 – June 30, 2009

	DATE REQUEST RECEIVED	DISPUTE ISSUE(S)	FILED BY	OUTCOME
1	4-06-09	1. Accommodations, adaptations, grades	Parent	Agreement was not reached

Requests for IEP Facilitation: July 1, 2008 - June 30, 2009

DATE OF REQUEST	ISSUE(S)	MEETING DATE(S)	RESULTS
5/21/09	1. Placement 2. Services 3. Goals 4. Adaptations/Accommodations 5 Assistive Technology 6. Implementation of IEP	Tabled to Fall 2009 – Scheduled October 2, 2009	Pending
3/9/09	1. Identification/Evaluation	4/2/09; 4/9/09	IWAR contentious; IEP successfully developed
3/9/09	1. Identification/evaluation	4/2/09	Successful completion of IEP
2/25/09	1. Behavior Plan	4/15/09	Behavior plan was revised to accommodate behaviors across environments
1/2/09	1. Identification/Placement 2. Services 3. Adaptations /Accommodations 4. Related Serv. 5. Implementation of IEP	1/22/09	Successful completion of IEP
12/9/08	1. Extended school year	Scheduled for 12/22/08, then rescheduled to February 2009.	Incorporated ESY into IEP to meet the individual needs of the student.
9/23/08	1. Transition Services	11/5/08	Appropriate job placement determined as part of Transition plan

Table 7: 2008 – 2009
Dispute Resolution – Complaints, Mediations, and Due Process Hearings Data

SECTION A: Written, signed complaints	
(1) Written, signed complaints total	**1**
(1.1) Complaints with reports issued	**1**
(a) Reports with findings	**1**
(b) Reports within timeline	**1**
(c) Reports within extended timelines	**0**
(1.2) Complaints withdrawn or dismissed	**0**
(1.3) Complaints pending	**0**
(a) Complaint pending a due process hearing	**0**
SECTION B: Mediation requests	
(2) Mediation requests total	**1**
(2.1) Mediations	
(a) Mediations related to due process	**0**
(i) Mediation agreements	**0**
(b) Mediations not related to due process	**1**
(i) Mediation agreements	**0**
(2.2) Mediations not held (including pending)	**0**
SECTION C: Hearing requests	
(3) Hearing requests total	**0**
(3.1) Resolution sessions	**0**
(a) Settlement agreements	**0**
(3.2) Hearings (fully adjudicated)	**0**
(a) Decisions within timeline	**0**
(b) Decisions within extended timeline	**0**
(3.3) Resolved without a hearing	**0**
SECTION D: Expedited hearing requests (related to disciplinary decision)	
(4) Expedited hearing requests total	**0**
(4.1) Resolution sessions	**0**
(a) Settlement agreements	**0**
(4.2) Expedited hearings (fully adjudicated)	**0**
(a) Change of placement ordered	**0**

NDDPI – SPECIAL EDUCATION COMPLAINT SYNOPSIS
July 1, 2008 – June 30, 2009

Note: This summary is intended to provide information in a greatly condensed format. All complaints are decided on their unique facts. Readers are encouraged to consult the Department or other advisors before applying the conclusions indicated below to another fact situation.

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COMPLAINT #1

This complaint was filed by a third party (someone other than the parent or the school) and it involved more than one local education agencies (LEAs). During the 2006-2007 school year, *District #1* was the LEA of residence and location. When the student transferred to *District #2* in April 2007, *District #2* (as the new public agency) was required to provide FAPE to the student under the existing IEP, until it either adopted the IEP or developed a new one. *District #2* developed a new IEP in October 2007. In November 2007, the student was placed in a residential facility and attended a private school associated with the residential facility. The student did not transfer to a new public agency and *District #2* was still responsible for providing FAPE. However, financial responsibility for FAPE fell to DPI on September 15, 2007, because [Student's] biological parent was living out of state and there was no LEA of residence. In December 2007, [Biological Parent] moved back to *District #1* and continued to maintain residence in *District #1*. In June 2008, the student moved to another residential facility and attended the private school associated with the residential facility. Effective September 15, 2008, *District #1* was identified as the district of residence and, as the new public agency, was responsible for providing FAPE to [Student].

The following issues were investigated:
Issue 1: *Did the school fail to provide the biological parent with prior written notice of IEP meetings in violation of IDEA?* **No violation**

> Full care, custody and control of [Student] was awarded to [Social Services] and the judicial order did not allocate any rights to [Biological Parent], the noncustodial parent. Since the biological parent did not retain authority to make educational decisions for the child, the biological parent was not presumed to be a "parent" for purposes of 34 CFR 300.30 and was not entitled to prior written notice of IEP meetings as the "parent." [Biological Parent] was not deprived of the procedural protections of prior written notice of IEP meetings because she was not considered a "parent" under IDEA entitled to prior written notice. However, the biological parent without authority to make educational decisions may still be invited to participate in IEP meetings. In this case, the record showed that the biological mother was invited to IEP meetings and did participate.

Issue 2: *Did the school fail to obtain the biological parent's consent for an evaluation in violation of IDEA?* **No violation.**

> The complaint alleges that *District #2* failed to obtain parental consent for the student's evaluation upon [Student's] transfer to *District #2* in April 2007. A complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received. 34 CFR 300.153. *District #2* completed [Student's] cognitive and academic testing in September 2007. That is more than one year before the complaint was received
> on October 17, 2008. The allegation of a violation that occurred more than a year before the

complaint was received is not timely. No other evaluations requiring consent were conducted during the year preceding the receipt of the complaint.

Issue 3: *Did the school fail to provide the biological parent with access to educational records, including copies of IEPs and progress notes in violation of IDEA?* **Violation of FERPA**

With regard to educational decision making, [Biological Parent] had no authority. But [Biological Parent's] rights under IDEA are different than her right to access educational records under FERPA. A judicial order dated gave [Social Services] authority to access school records, but the order did not state that the biological parent does not have the authority to inspect and review records relating to her child. A school must provide access to non-custodial parents unless there is a court order that specifically removes the biological parent's FERPA rights. Here, the court order did not specifically revoke [Biological Parent's] FERPA rights. Therefore, both [Social Services] and [Biological Parent] have rights under FERPA. The school was not required to automatically send copies of IEPs or progress notes to [Biological Parent]. The school's failure to grant access to [Student's] education records did not result in a denial of FAPE in violation of the IDEA. On the other hand, [Biological Parent] had a right to access her son's educational records under FERPA and those rights were violated. State educational agencies have the authority to resolve complaints alleging violations of Part B of the IDEA Confidentiality of Information regulations, including 34 CFR 300.613, access rights even if the parent could also seek relief under FERPA. *Letter to Anderson*, 50 IDELR 167 (OSEP 2008).
Corrective Action: *District #2* was required to review all FERPA regulations, the Rights of Non-Custodial Parents in the Family Educational Rights and Privacy Act of 1974 brochure, and review and develop policies and procedures for handling noncustodial parent requests for records. The review was to be conducted with all appropriate staff within 60 days of receipt of the Complaint Investigation report. Evidence of completion was to have been submitted to the NDDPI within the 60 day timeline.

Issue 4: *Did the school fail to develop an appropriate transition plan in violation of IDEA?* **Violation of IDEA.**

The 2007 and 2008 IEPs recognize [Student's] wish to graduate from high school and go on to vocational education. They also showed that [Student] was taking applied courses. However, while the applied courses may have been appropriate for [Student], the postsecondary goal was not stated with any clarity and it could not be determined whether the applied courses [Student] were appropriate to facilitate [Student's] movement to postsecondary training or education. Because the postsecondary goals were not appropriately stated, it could not be determined whether the appropriate transition services had been identified. So, while all of the elements required to be considered for transition services were considered by the team, the discussion and decision making in the IEP must be based on the postsecondary goals of the student. Because the postsecondary goals were not appropriately stated, it could not be determined whether the appropriate transition services had been identified, resulting in a denial of FAPE.
Corrective Action: *District #1* and *District #2* were required to review, with appropriate staff, the Secondary Transition IEP Process and Forms in *Appendix B of the NDDPI Guidelines: Individualized Education Program Planning Process* within 60 days of receipt of the Complaint Investigation report. The *District #1* Special Education Unit personnel were also required to coordinate with the residential facility and school where the student was placed to conduct an IEP

meeting to provide appropriate measurable postsecondary goals and supporting transition services. The IEP team was to consider whether the Course of Study was appropriate given the newly stated postsecondary goals and evidence of completion was to be submitted to the NDDPI within the 60 day timeline.

Issue 5: *Did the school fail to document the biological parent's participation in the 2008 IEP, resulting in a violation of IDEA?* **No violation.**

The complaint alleges that the January, 2008 IEP did not document the biological parent's participation in the IEP process, even though the IEP states that she attended the IEP meeting. An IEP that does not include all the necessary elements is not necessarily invalid. Procedural deficiencies do not justify setting aside an IEP when the deficiencies don't compromise the student's right to an appropriate education or hamper the parent's ability to participate. Here, the biological parent participated. Any failure to fully document that participation by quoting every comment or recommendation made by that parent cannot be deemed to compromise the student's right to an appropriate education or hamper the parent's ability to participate, especially when the biological parent does not retain educational decision making authority.

Issue 6: *Did the school fail to reconsider the student's category of disability specified under the IDEA after an evaluation identified the student as having mental retardation, resulting in a violation of IDEA?* **No violation.**

The complaint alleges that [Student] was diagnosed as MR and that the school should have revisited his category of eligibility. [Biological Parent] did not believe that MR was an appropriate eligibility category. [Biological Parent] believed that [Student's] current eligibility categories of ED and SI were appropriate and that the educational program was appropriate. The label affixed to a child's disability is not as important as the education and services the child receives under the IDEA. A school offers FAPE if it provides education and services that meet a student's unique needs, regardless of the student's specific category of eligibility. It was determined that the team did not misdiagnose [Student's] disability or fail to develop an IEP that addressed [Student's] unique needs, regardless of his specific category of eligibility.