

North Dakota FFY 2007 Annual Performance Report For Special Education



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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). The NDDPI has 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 and various regional and national technical assistance centers. These centers include the Mountain Plains Regional Resource Center (MPRRC), WESTAT, The National Center for Special Education Accountability Monitoring, 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 ND Early Childhood Outcomes Team; the ND Response to Intervention (RTI) State Leadership Team; the ND Transition Steering Council; the Speech and Language Taskforce; the ND Personnel Development Taskforce; the ND Administrators in Special Education Study Council; 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 Parent Training and Information Center (ND PTI); 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, the NDDPI holds an annual statewide Special Education Leadership Institute with all local special education directors in attendance. During the September 2008 session, the 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 continuous involvement in revisions and continues to indicate general consensus in support of the 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 special education administrators, ND Parent Training and Information Center (Pathfinders), and IDEA Advisory Committee members. The ND SPP and APR are posted on the North Dakota Department of Public Instruction web site for public viewing at <http://www.dpi.state.nd.us/speced/index.shtml> and <http://www.dpi.state.nd.us/speced/reports.shtml>

The Special Education Guidelines are publicly available on the NDDPI Special Education website: <http://www.dpi.state.nd.us/speced/guide/index.shtml>. During 2007, the Early Childhood, Autism, and Emotional Disturbances Guidelines were written in partnership with the ND Department of Human Services, IDEA Part C staff and stakeholders. Once guidelines were revised, statewide training began. These trainings have continued as necessary. The NDDPI also assisted special education unit administrators in the revisions of district level Policy and Procedure Manuals based on these revised guidelines. Presentations on each of the guidelines and their requirements were also given to various stakeholder groups, state agencies and special education staff. The NDDPI 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 six 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.

- Special Education Units: North Dakota is divided into 31 special education units. Each special education unit is responsible for the special education programs 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 are generally 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 a portfolio that contains 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 186 local school districts. Each school district belongs to a special education unit and collaborates with the special education unit to ensure children with disabilities receive the appropriate 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, ongoing, or removed. The color-coding is presented in the table below:

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

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

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. *Response to Intervention (RTI) implementation:*

The NDDPI has implemented an RTI model which, in adhering to best practice, is presented within the context of multiple tiers of intervention service delivery for students demonstrating learning difficulties. Students who are identified as at-risk through universal screening activities have their progress monitored and receive increasingly intense, multi-tiered interventions, which may eventuate in eligibility for special education and related services.

First implemented on a statewide basis three years ago, a total of 35 schools, each with a team of five to six school-based professionals have gone through the highly intensive, hands-on training provided by individuals under contract with NDDPI. In the current school year, 48 educators representing 14 new schools are participating in four day long trainings spread throughout the year. These in-person training sessions are supplemented by intensive assignments which apply the knowledge required within to the classroom setting.

2. *Positive Behavioral Supports (PBS) Collaborative project:*

The Positive Behavioral Supports (PBS) Collaborative project is in its sixth year of implementation. A multi-departmental and agency effort, representatives from NDDPI's offices of Special Education, School Health, Title I, and Approval and Accreditation, as well as the state Department of Human Services, coordinate the effort and activities of five trainers. These trainers provide highly focused training specific to the individual school based team's level of involvement and over the four years have provided this training to 37 school teams. Ten focused training sessions are provided in the eastern part of the state and another 10 in the western part of the state per year. Teams receiving training during the first year of activity are still receiving training, albeit at a higher level, five years later.

The purpose of Positive Behavior Support is, ultimately, to improve academic performance. PBS is not a curriculum that dictates what schools or districts must do; rather it is a way to create a positive climate that fits with the individual culture of each school. PBS benefits children through reduction in problem behavior, increased student engagement, improved academic performance, and improved family involvement. PBS benefits to faculty and staff include collaboration in support of individual students, improved classroom management, reduced faculty absenteeism, increased faculty retention, improved substitute performance/perception, and increased ratings of faculty "effectiveness." PBS is a seamless system as expectations apply to all students and all staff, proactively establishing the school culture.

PBS results are dramatic. All participating schools have had documented decreases in office discipline referrals. Reduction in office referrals results in more time for students in the classroom, which may result in improved academic performance. An additional benefit was reported by a principal whose school made AYP for the first time and who credits PBS as the primary reason.

PBS can be implemented as a stand-alone initiative or companioned with RTI. The NDDPI is in the process of merging the two programs.

3. *NDDPI and Title I Collaboration:*

- a. *ND Teacher Reading Academies:* The NDDPI Office of Special Education in partnership with the NDDPI Title I Office hosts the annual ND Teacher Reading Academies. These academies are four day long professional development trainings that can help 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. *ND Elementary Math Institute:* The NDDPI Office of Special Education in partnership with the NDDPI Title I Office hosts the annual Elementary Math Institute for Struggling Students. This two-day session for elementary grades will share ideas on building a base of mathematical language in the elementary classroom. This includes building math content understanding, instruction on how students learn mathematics, and practical methods for achieving these goals.

4. *Resident Teacher Program:*

The NDDPI continues to support ongoing personnel development projects in collaboration with state university training programs to increase the number of qualified special educators across the state. This was achieved through the increased support to the mentoring model, Resident Teacher Program, in pre-service teacher preparation programs.

5. *School Bullying Prevention:*

The NDDPI will continue the statewide dissemination of instructional materials and Bullying Prevention website regarding prevention of school bullying. ND has partnered with the Parent Advocacy Coalition for Educational Rights (PACER) Center to distribute information annually.

6. *National Instructional Materials Accessibility Standard*

Within each indicator's improvement activities is the provision of accessible instructional materials. The provision of accessible instructional materials in a timely manner is an essential component of making a free appropriate public education (FAPE) available to children who, due to their disability, cannot access standard text materials. The NDDPI has adopted the National Instructional Materials Accessibility Standard (NIMAS) requirements under IDEA 2004 and has provided assurances to OSEP, as part of the State's Part B application, that students who need curriculum materials in alternate formats are provided those formats in a timely manner. The 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 has presented 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. The NDDPI currently has one authorized user, the ND Vision Services/School for the Blind. During the 2009 legislative session; NDDPI will propose expanding the mission of the ND Vision Services/ School for the Blind 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 NDDPI will also continue to provide districts with market model.

It should be noted that NDDPI is dedicated to supporting efforts that implement universal design for learning 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, skills, and enthusiasm for learning; and their learning is validly assessed. The NDDPI believes that UDL is a natural complement to early intervening initiatives, such as RTI and PBS.

In FFY2007, NDDPI presented information relating to the NIMAS and Universal Design for Learning to educational leaders statewide.

New Activities Related to the Overall ND SPP Indicators. The *Statewide Web-based Case Management System* is now being utilized in all districts statewide. Therefore, the following activities have been added to the ND SPP and APR.

1. *North Dakota Longitudinal Data System:*

The 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 September of 2008, NDDPI applied for a federal grant to design, develop, and implement a North Dakota Statewide Longitudinal Data System (ndSLEDS) to track K-12 student outcomes. In January 2009 DPI received a pre-award notice and plans on 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 is anticipated to begin April 2009 for completion by April 2013.

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.

2. *Statewide Web-based Case Management System:*

The Statewide Web-based Case Management System is an electronic system, available via the Internet, which contains all of the components of the Individual Education Program (IEP) and other required forms required for students receiving special education services. The system increases the clarity and accuracy of all student data submitted to the state. It also includes review and validation procedures to check for compliance when the IEP is completed and allows the NDDPI staff to continuously and randomly monitor timely correction of noncompliance issues. This system was designed to increase 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, unit, state, and federal levels. The contract for the Statewide Special Education Web-based Case Management system was completed in 2008 and is now being utilized in all school districts across North Dakota. This statewide system will significantly increase the accuracy of data reported in Indicators 15 and 20.

3. *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 will significantly increase the accuracy of data reported in all SPP indicators and the required improvement activities.
4. *Technical Assistance Needs Inventory:*

During the fall Special Education Leadership Institute, the NDDPI special education staff distributed a *Technical Assistance Needs Inventory* to each of the local special education unit directors. This request for information contained a table (Appendix A) of the SPP indicators and columns requesting information of technical assistance required from the NDDPI. This information was submitted to the NDDPI November 2008, compiled, and categorized based on local TA needs and overall statewide TA needs. Technical assistance based on this information is being developed and will be described in the ND APR submitted February, 2010.
5. *NDDPI IDEA Indicator Accountability Site:*

The NDDPI special education staff members are developing an IDEA indicator accountability website. 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>
6. *NDDPI Improvement Planning Core Team:*

Personnel from various units of the NDDPI, including special education, Title I, Approval and Accreditation, and Standards and Achievement participated in training regarding strategies for guiding improvement efforts. As a result of that training a departmental Core Team was established. The primary purpose of the Core Team is to align improvement activities related to both IDEA 2004 and the *No Child Left Behind Act* of 2002. Through reviews of statewide data the Core Team will provide oversight and guidance to the improvement process, coordinate improvement planning, and ensure that improvement planning is implemented as intended.
7. *Improvement Activities Training:*

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

During the OSEP National Accountability Conference, 2008, NDDPI staff met with staff from the NCRRC and the MPRRC to schedule trainings for the NDDPI staff. November 2008 the NDDPI special education staff began training. To create a collaborative NDDPI school improvement process, staff from the NDDPI Title I, Bilingual and Language Acquisition, School Approval and Accreditation, Standards and Achievement, and Testing and Assessment units joined the training sessions in December 2008. In an inclusive and collaborative effort, NDDPI staff will begin working with local personnel in the Spring of 2009.

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, may influence the outcomes of more than one indicator thus outlined in this introduction. Activities that will influence one specific indicator are described in that indicator.

1. *Special Education -Title Programs Collaboration:*
All Indicators
Beginning Fall 2009, the NDDPI Office of Special Education in partnership with the NDDPI Title I Office hosts the annual *ND Title I – Special Education Annual Conference*. The Department has hired an individual who will work in the Special Education, Title I, Title III, and Title IV offices. Responsibilities will include bridging the gap between the two programs through coordinating the fall conference and training such as the *Thinking Through Improvement: Tools and Strategies to Guide Improvement Activities*. Responsibilities will also include researching, coordinating, and developing joint personnel development projects. These coordinated efforts will increase teachers' understanding, in both special and general education, in methods and strategies to support and assist all students in North Dakota.
2. *Increased Statistical Accuracy:*
Indicator 5
To ensure the statewide results are accurately reported, the NDDPI staff has contracted with a regional data consultant through the Mountain Plains Regional Resource Center to review and revise the calculation model of these data.
3. *Parent Involvement Taskforce:*
Indicator 8
The NDDPI is in the process of creating a parent involvement taskforce to discuss strategies to increase parent involvement in ND schools. This taskforce will include the Executive Directors of the ND PTI, the ND Family Voices, the ND Rural Health Network - Family Support, local district superintendents, Special Education Directors, general and special educators, and parents. It is the intent of this taskforce to increase parent involvement with a focus on minority populations. This taskforce will begin in the spring of 2009 and results will be reported in the 2010 submission of the APR.
4. *NDDPI Special Education and Title I Collaboration in Parent Involvement*
Indicator 8
The NDDPI Title I has recently adopted the *Parent Involvement Toolkit* in collaboration with the ND State Parental Involvement Resource Center. Using the Six Types of Parental Involvement framework developed by Dr. Joyce Epstein, this Toolkit trains school staff in the following areas: Collaborating with Community; Communicating; Decision-Making; Learning at Home; Parenting; and Volunteering. The NDDPI special education staff is supporting the training and use of this Toolkit among the special education staff in ND.
5. *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.
6. *Two Additional Exceptions to the 60-day Rule:*
Indicator 11
As described in the narrative following Table 11.2, OSEP regulations allow two exceptions to the 60-day timeline for this indicator. North Dakota has shown marked improvement in meeting the 60-day timeline. However, due to situations outside the control of the IEP teams, it would be impossible to expect North Dakota to meet the target of 100%. The NDDPI staff members

consulted with the OSEP contact person and decided not to extend the 60-day timeline but instead add two specific exceptions. The NDDPI Special Education Office is proposing two new Administrative Rules that would 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 necessary because of extreme weather that prevented or interfered with the evaluation and the extreme weather is documented; and
- b. *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.

To ensure these exceptions will not be over-used, 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 out-of-state appointment 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.

These additional exceptions, if approved, would be in effect beginning July 1, 2009. NDDPI staff will distribute guidance pertaining to these exceptions in July and conduct trainings at the Fall Leadership Conference in August of 2009.

7. *Professional Technical Assistance Information Collection:*
Indicator 12

Survey: 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 the ND early childhood transition process? The results of the survey along with the Team Action Plans developed by each Special Education Unit and Indicator 12 data will assist in planning future technical assistance.

Interactive Video Network (IVN) Meeting(s): In November 2008 and additional dates if needed, the NDDPI hosted a statewide IVN meeting 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 is vital to the success of the transition process to have continual communication with the professionals implementing the process.

8. *North Dakota Community of Practice on Secondary Transition:*
Indicator 1, 2, 13, and 14

Over the last four years, ND has been a member of the National Community of Practice on Secondary Transition. In September 2008, the ND State Transition Steering Council began to move beyond an Advisory Council to a Community of Practice. Joanne Cashman from the IDEA Partnership at The National Association of State Directors of Special Education (NASDSE) facilitated the discussion and the organizational shift from an Advisory Council to a Community of Practice. As an Advisory Council the membership consisted of designated representative's from various groups and areas of the state. They met together on a quarterly basis to share information and give their views on issues. The newly created Community of Practice continues the Advisory Council as a state team and adds a new and ongoing connection to regional teams. Before, after, and between the quarterly meetings of the state Community of Practice, the regions actively engage those that are the implementers and intended beneficiaries of the transition

initiatives. They are invited to become actively involved in sharing practices and working on issues with those in other agencies and in other parts of the state.

9. *Improvement Activities Training:*

Indicator 15

In the Fall of 2007 the staff of the North Central Regional Resource Center (NCRRC) developed the *Thinking Through Improvement: Tools and Strategies to Guide Improvement Activities*. This guide provides state agencies a concise format with which to train staff at local special education units and school districts methods in data collection, analyzing, and designing data-driven improvement activities. During the OSEP National Accountability Conference, 2008, NDDPI staff met with staff from the NCRRC and the MPRRC to schedule trainings for the NDDPI staff. November 2008 the NDDPI special education staff began training. To create a collaborative NDDPI school improvement process, staff from the NDDPI Title I, Bilingual and Language Acquisition, School Approval and Accreditation, and Standards and Achievement offices joined the training sessions in December 2008. In an inclusive and collaborative effort, NDDPI staff will begin training local personnel in the Spring of 2009.

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 compared to percent of all youth in the State graduating with a regular diploma.
(20 U.S.C. 1416 (a)(3)(A))

Measurement: Measurement for youth with IEPs should be the same measurement as for all youth. Explain calculation.

Table 1.1 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2007 (2007-2008)	The percentage of youth with IEPs graduating from high school will increase to 71%.

Actual Target Data for 2007-2008:

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%

The target of 71.0% was met.

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 calculation for graduation rate is:

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

(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 and Explanation of Progress or Slippage that occurred for FFY2007:

Explanation of Slippage:

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

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

As indicated in Table 1.3, the percentage of students with disabilities who graduated has decreased since FFY2006.

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 and 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 2008-09 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, and 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
Provide technical assistance to school districts in collecting quality data and in designing research based interventions.	Summer/Fall 2006	National Dropout Prevention Center	Ongoing
Statewide dissemination of instructional materials regarding prevention of school bullying.	Spring 2006	Pacer Center, Minneapolis, MN, NDDPI Safe and Drug-Free Schools	Ongoing
Implement a statewide process designed to improve the overall planning of Transition services for high school youth with disabilities.	2006-08	Mountain Plains Regional Resource Center "Transition Outcomes Project" (TOPS)	Ongoing
Collaborate in sharing data and improvement strategies to promote evidence-based practices to increase high school graduation opportunities for adjudicated youth with disabilities	2007-08	ND Division of Juvenile Services, ND Youth Correctional Center	Ongoing

Expand statewide Positive Behavioral Supports (PBS) 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	PBS 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
Completed “Guidelines: Identifying and Serving Children and Youth with Emotional Disturbance”. Conduct regional training on these guidelines.	2006	Task Force on Guidelines (Emotional Disturbance); ND Department of Human Services, MPRRC	Completed
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	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 is coded to ensure uniformity, and accuracy of data definitions and collection.	FFY2008	NDDPI staff	New

Revisions, with Justification, 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. However, there are additional activities.

Overview of the Annual Performance Report Development:

See Indicator 1 for complete overview.

Monitoring Priority: FAPE in the LRE

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.

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

Measurement: Measurement for youth with IEPs should be the same measurement as for all youth. Explain calculation.

Table 2.1. Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2007 (2007-2008)	The percent of youth with IEPs dropping out of high school will decrease by .97 percent to 12.95 percent.

Actual Target Data for 2007-2008

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%

The target of 12.95% was 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 FFY2007:

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 student's 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
# of students with disabilities who dropped out	110	123	137
# of students with disabilities in the cohort	840	886	821
Percent of students with disabilities who dropped out	13.10%	13.88%	16.69%

Explanation of Improvement Activities:

The NDDPI staff members are increasing the following activities: trainings in parent involvement, RTI, PBS, 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
Provide technical assistance to school districts in collecting quality data and in designing research based interventions.	Summer/F all 2006	National Dropout Prevention Center	Completed
Support the provision of distance education through technology to ensure that students with disabilities have additional options for graduating from high school.	Ongoing	ND Division of Independent Study, ND State University	Ongoing
Statewide dissemination of instructional materials regarding prevention of school bullying.	Spring 2006	Pacer Center, Minneapolis, MN	Ongoing
Implement a statewide process designed to improve the overall planning of Transition services for high school youth with disabilities.	FFY2006	Mountain Plains Regional Resource Center "Transition Outcomes Project" (TOPS)	Ongoing
Collaborate in sharing data and improvement strategies to promote evidence-based practices to increase high school graduation opportunities for adjudicated youth with disabilities	FFY2007	ND Division of Juvenile Services, ND Youth Correctional Center	Ongoing

Expand statewide Positive Behavioral Supports (PBS) 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	PBS 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
Completed “Guidelines: Identifying and Serving Children and Youth with Emotional Disturbance”. Conduct regional training on these guidelines.	FFY2006	Task Force on Guidelines (Emotional Disturbance); ND Department of Human Services, MPRRC	Completed
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	In Process
Validating reported exit data using the Web-based Case Management System and STARS.	FFY2008	NDDPI staff	New
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	In Process
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	New
Guidance to school districts on how data are coded to ensure uniformity, and accuracy of data definitions and collection.	FFY2008	NDDPI staff	New

Revisions, with Justification, 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. However, there are additional activities.

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 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.

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

Measurement:

A. Percent = $[(\# \text{ of districts meeting the State's AYP objectives for progress for the disability subgroup (children with IEPs)}) \div (\text{total } \# \text{ of districts that have a disability subgroup that meets the State's minimum "n" size in the State})] \times 100$.

B. Participation rate =

- a. # of children with IEPs in assessed grades;
- b. # of children with IEPs in regular assessment with no accommodations (percent = $[(b) \div (a)] \times 100$);
- c. # of children with IEPs in regular assessment with accommodations (percent = $[(c) \div (a)] \times 100$);
- d. # of children with IEPs in alternate assessment against grade level achievement standards (percent = $[(d) \div (a)] \times 100$); and
- e. # of children with IEPs in alternate assessment against alternate achievement standards (percent = $[(e) \div (a)] \times 100$).

Account for any children included in a but not included in b, c, d, or e above.

Overall Percent = $[(b + c + d + e) \div (a)]$.

C. Proficiency rate =

- a. # of children with IEPs in assessed grades;
- b. # of children with IEPs in assessed grades who are proficient or above as measured by the regular assessment with no accommodations (percent = $[(b) \div (a)] \times 100$);
- c. # of children with IEPs in assessed grades who are proficient or above as measured by the regular assessment with accommodations (percent = $[(c) \div (a)] \times 100$);
- d. # of children with IEPs in assessed grades who are proficient or above as measured by the alternate assessment against grade level achievement standards (percent = $[(d) \div (a)] \times 100$); and
- e. # of children with IEPs in assessed grades who are proficient or above as measured against alternate achievement standards (percent = $[(e) \div (a)] \times 100$).

Account for any children included in a but not included in b, c, d, or e above.

Overall Percent = $[(b + c + d + e) \div (a)]$.

Table 3.1 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2007 (2007-2008)	A) Percent of districts meeting the State AYP objectives for disability subgroups in reading will be 96.5 percent. Percent of districts meeting the State AYP objectives for disability subgroups in math will be 97.5 percent. B) Participation rate for children with IEPs in a regular assessment in reading will be 95.0 percent and in math will be 95.0 percent. C) The percentage of IEP students that will meet proficiency for reading will be 60 percent. The percentage of IEP students that will meet proficiency for math will be 55 percent.

Actual Target Data for FFY2007

Table 3.2 Results for FFY2007

	2007-2008	2007-08 Target	Was Target Met?
A. Percent of Districts Meeting AYP Objective for IEP subgroup			
Reading	68.13%	96.5%	No
Math	85.63%	97.5%	No
B. Participation Rate of IEP students			
Reading	96.61%	95.0%	Yes
Math	97.87%	95.0%	Yes
C. Proficiency Rate of IEP students			
Reading	53.63%	60.0%	No
Math	57.07%	55.0%	Yes

The targets for 3A were not met.

The targets for 3B were met for both math and reading.

The targets for 3C were met for math but not reading.

Even when applying the confidence interval for 3C reading proficiency, the target is still not met.

Indicator 3A for reading is based on 109 of 160 districts meeting AYP for the IEP subgroup and for math is based on 137 of 160 districts meeting AYP for the IEP subgroup.

The NDDPI has met the targets set for the 2007-2008 school year in three of the six categories as described in the following discussion of data.

Tables 3.3 and 3.4 provide details on the participation and proficiency rates.

Table 3.3 Participation Rate Details for FFY2007

	Reading		Math	
	Number	Percent of Total	Number	Percent of Total
a. Total IEP Students	7276	100.0%	7276	100.0%
b. Took regular assessment with no accommodations	1586	21.80%	1584	21.77%
c. Took regular assessment with accommodations	3597	49.44%	3916	53.82%
d. Took alternate assessment against grade-level achievement standards	0	0.0%	0	0.0%
e1. Took alternate assessment against modified achievement standards	1227	16.86%	991	13.62%
e2. Took alternate assessment against alternate achievement standards	619	8.51%	630	8.66%
# in a but not in b, c, d, or e	247	3.39%	155	2.13%
Participation Rate (b+c+d+e)/a	7029	96.61%	7121	97.87%

Table 3.4 Proficiency Rate Details for FFY2007

	Reading	Math
a. Total IEP Students who took test and received a score	7019	7110
b. Took regular assessment with no accommodations and scored proficient	921	1029
c. Took regular assessment with accommodations and scored proficient	1311	1629
d. Took alternate assessment against grade-level achievement standards and scored proficient	0	0
e1. Took alternate assessment against modified achievement standards and scored proficient	978	820
e2. Took alternate assessment against alternate achievement standards and scored proficient	554	580
# who did not score proficient	3255	3052
Proficiency Rate (b+c+d+e)/a	53.63%	57.07%

*Note: In Table 3.3 7,029 are credited with taking the reading test and 7021 are credited with taking the math test; but in Table 3.4, 7,019 are listed as receiving a reading score and 7,010 a math score. This is because 11 students were LEP newly-arrived students who participated in the ELP test and thus counted as participants on the state test but not in the state proficiency rates (one of these 11 students did not take the reading test; all 11 took the math test). The figures in Table 3.4 match those in Table 6. Item "d" on both tables 3.3 and 3.4 has no score because North Dakota does not have a separate AA based on grade level achievement standards.

Explanation of Progress or Slippage

As Table 3.5 indicates, the percentage of districts meeting the AYP objective for the IEP subgroup has greatly decreased from FFY2006 to FFY2007. The reason 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.

The participation rate of IEP students slightly decreased from FFY2006 to FFY2007 for reading in FFY2006 but still met the target of 95%. The participation rate of IEP students slightly increased from FFY2006 to FFY2007 for math.

The proficiency rate of IEP students decreased from FFY2006 to FFY2007 for reading; the proficiency rate of all students also decreased from FFY2006 to FFY2007, so this decrease is not specific to IEP students. The proficiency rate of IEP students slightly decreased from FFY2006 to FFY2007 for math; a similar decrease was found for all students as well. 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 cognitive 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 3.5 Results Over Time

	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008
A. Percent of Districts Meeting AYP Objective for IEP subgroup*						
Reading	76.5%	93.5%	92.4%	93.0%	91.3%	68.3%
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%
Math	98.3%	97.8%	98.5%	98.1%	97.4%	97.9%
C. Proficiency Rate of IEP students						
Reading	24.9%	39.7%	48.1%	54.3%	61.2%	53.6%
Math	12.5%	21.6%	43.0%	50.2%	58.6%	57.1%

Note 1: The denominator for Indicator 3A includes only those districts for which an IEP proficiency rate could be calculated.

Note 2: For Indicator 3A, AYP data for 2003, 2004, and 2005 are based on the results of students in grades 4, 8, and 12; 2005 and 2006 AYP data are based on the results of students in grades 4, 8, and 11.

Note 3: For Indicators 3B and 3C, participation and proficiency data for 2003, 2004, and 2005 are based on the results of students in grades 4, 8, and 12; 2005 and 2006 data are based on the results of students in grades 3-8 and 11.

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 “alike 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.

Table 3.6 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	Ongoing; yearly each fall	IDEA-B Consultant MPRRC and NAAC	Ongoing
Survey of teachers regarding training needs for instructional strategies linked to the NDAA1 and NDAA2. Feedback from teachers has been increasingly positive regarding standards-based education for students with disabilities. The state plans to continue training on linking standards to education and the IEP each fall imbedded in the fall training modules. In the summer of 2009 the state plans to include instructional strategies training in the Summer Reading and Math Institute.	2006 & 2008	State Dept Part B funds	Ongoing
Statewide training as follow-up to needs identified in response surveys. In the summer of 2009 the state plans to include instructional strategies training in the Summer Reading and Math Institute. This activity is done on a yearly basis now and findings are incorporated into fall training modules.	2007 & 2009	Part B funds State Personnel Consultants	Ongoing
Develop resources and implement trainings to LEA staff on assistive technology and universal design.	Fall 2007	NDDPI staff	Completed and Ongoing
ND teachers will gather to create science portions of the NDALT for the fall 2006.	Summer 2006	NDALT Work Committee Consultant MPRRC ND Teachers State Dept	Completed
Scoring and evaluation of the validity, reliability, and quality of the NDAA1 and NDAA2 for necessary revisions and electronic updates each year performed by ongoing NDAA committee. The state is	Annually	NDALT Work Committee Consultant MPRRC ND Teachers	Ongoing

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.		State Dept	
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 Positive Behavioral Supports (PBS) 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	PBS 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

Revisions, with Justification, 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

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 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.

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

Measurement:

A. Percent = [(# of districts identified by the State as having significant discrepancies in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year) divided by the (# of districts in the State)] times 100.

Include State’s definition of “significant discrepancy.”

Table 4.1 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2007 (2007-2008)	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, given a 99% confidence interval.

Revised 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.

Please note that this represents a change in definition from prior years. The prior years’ definition was based on comparing the number of long-term suspensions/expulsions of students with disabilities to the number of long-term suspensions/expulsions of students without disabilities using a straight one-to-one comparison. The previous definition did not take into account the total number of students with and without disabilities at a school district; as such, it did not compare the percent of students with disabilities suspended to the percent of students without disabilities suspended. This new definition is based on rates of suspensions/expulsions and therefore represents a legitimate comparison.

Actual Target Data for FFY2007:

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%

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 was one school district that experienced significant discrepancy in FFY2006. The district was required to review its policies, procedures, and practices. After a review by NDDPI staff, it was found that policies, procedures and suspensions were appropriate. The NDDPI reviewed the long-term suspension/expulsion rates in FFY2007 of this district and determined that it no longer had a significant discrepancy. In fact, in FFY2007, this district did not suspend/expel any student with a disability for more than 10 days. Thus, this LEA no longer meets the definition of significant discrepancy.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2007:

Explanation of Progress:

In FFY2006, .05 percent of school districts had a significant discrepancy in their long-term suspension/expulsion rates. This year's rate of 0.0 percent represents an improvement (Please note that last year a different definition was used so the comparison over time is not a "clean" comparison). The totals in FFY2007 are lower than previous years due to removal of students who attend North Dakota schools that are under jurisdiction of the Bureau of Indian Education (BIE). Due to state funding practices that provide resources to schools on reservations, there are long-standing issues regarding data accuracy and confusion regarding assignment of responsibility. The BIE students were removed because NDDPI lacks authority to hold the BIE schools accountable for performance, and this is a particular problem relative to discipline. Technical Assistance will be requested from OSEP, and other offices in US Department of Education, if appropriate, as well as individuals representing BIE to sort out this matter and develop long-term solutions to the ongoing data concerns.

North Dakota has historically maintained low suspension and expulsion rates. Table 4.3 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, PBS, and procedural safeguards. All activities related to this indicator described in the SPP and displayed in Table 4.4 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 Raw Data: Suspension and Expulsion Over Time

Students with Suspension / Expulsion >10 total days	FFY2003	FFY2004	FFY2005	FFY2006	FFY2007
Total Students	34	69	110	76	41
General Education students	28	46	91	59	34
Students with disabilities	6	23	19	26	7

Explanation of Improvement Activities:

Table 4.4 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
Expand statewide Positive Behavioral Supports (PBS) 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	PBS 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.	Ongoing	Part B Disc. Funds; MPRRC	Ongoing
Provide training on statewide guidelines for identification and services for students with emotional disturbance as needed. This activity is also designed to address issues identified in Indicators 9 and 10.	Spring 2007	ED Work Group, MPRRC	Completed, but continues as needed
Co-host Title I Summer Reading and Math institutes.	Ongoing	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.	Ongoing	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.	Ongoing	SEA Staff	Ongoing
Statewide dissemination of instructional materials regarding prevention of school bullying. This activity	Spring 2006	Pacer Center, Minneapolis, MN	Ongoing

is also designed to address issues identified in Indicators 1 and 2.			
NDDPI, BIE, OSEP representatives consultation	FFY2008	NDDPI, BIE, OSEP	New
Increased collaboration between the NDDPI offices of Special Education and Title I.	FFY2008	NDDPI	See description below.

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

Revisions to 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

Revisions to Baseline: Yes. The new baseline is 0.0%

Revisions to Measurable and Rigorous Targets: Yes, Please see the ND SPP for target revisions.

Revisions to Improvement Activities: No revisions. However, there are additional activities.

New Activity: Special Education-Title I Collaboration.

Beginning Fall 2009, the NDDPI Office of Special Education in partnership with the NDDPI Title I Office hosts the annual *ND Title I – Special Education Annual Conference*. The NDDPI Office of Special Education has also hired an individual who will work in both the Title I and Special Education offices. Responsibilities will include bridging the gap between the two programs through coordinating the fall conference and researching, coordinating, and developing joint personnel development projects. These coordinated efforts will increase teachers’ understanding, in both special and general education, of methods to support and assist all students in North Dakota.

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:

- A. Removed from regular class less than 21% of the day;
- B. Removed from regular class greater than 60% of the day; or
- C. Served in public or private separate schools, residential placements, or homebound or hospital placements.

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

Measurement:

- A. Percent = [(# of children with IEPs removed from regular class less than 21% of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.
- B. Percent = [(# of children with IEPs removed from regular class greater than 60% 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 public or private separate schools, residential placements, or homebound or hospital placements) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.

Table 5.1 Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target
2007 (2007-2008)	a) 79 percent of children with disabilities will be educated outside the regular classroom less than 21 percent of the day. b) 3.8 percent will be educated outside the regular classroom more than 60 percent of the day. c) 2 percent will be placed in separate schools, residential schools, or homebound/hospital.

Table 5.2 Actual Data for 2007-08

Year	Number of students	(a) Removed from regular class less than 21% of the day	(b) Removed from regular class greater than 60% of the day	(c) Served in public or private separate schools, residential placements, or homebound or hospital placements
2007-08	11,988	77.68%	4.39%	1.53%

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 and Explanation of Progress or Slippage that occurred:

Explanation of Slippage:

As displayed in Table 5.3, the percentage of students in the regular classroom slightly decreased from FFY2006 to FFY2007. The percentage of students in separate classrooms slightly increased from FFY2006 to FFY2007. The percentage of students in separate facilities slightly decreased from FFY2006 to FFY2007. Prior to FFY2007, 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 this year than last. Further drill-down of the data will take place so that appropriate actions can be taken to increase this percentage.

Data quality procedures have been implemented for FFY2007 to remove other *Environments* data that were inappropriately applied to LRE (e.g., parentally placed private school children were inappropriately included in the LRE data), to sort out data that should have been applied to the Bureau of Indian Education counts rather than North Dakota’s data, and correction of other errors. Although it is extremely difficult to gauge the impact, North Dakota is also experiencing school consolidations of smaller districts. Over four school years, 21 districts consolidated into seven districts and an additional 17 schools/districts closed. This reorganization process sometimes requires redistribution of special education personnel among the communities that have been consolidated into a district and may be impacting decisions about special education services (e.g., personnel that travel more than in the past) that affect availability of services to children. In addition, rural North Dakota districts continue to struggle with availability of personnel in some service categories. This issue may be influencing LRE decisions and will be studied to determine whether this is a factor, and, if it is, what changes in procedures or practices might be made to address the impacts.

In addition, North Dakota’s target is high by national standards. Of the states, only Vermont has a similar target. It is predictable that progress would be more difficult with this high an expectation. It would be much easier to move from 50 to 51% than it is to move from 78 to 79%. When the targets were set, the stakeholder group may not have been able to predict the complexity. Twelve districts have been identified as having the greatest contribution to the current fluctuations and will be targeted for improvement activities in the upcoming year.

Table 5.3 Results for Indicator 5 – Results Over Time

	FFY2004	FFY2005	FFY2006	FFY2007
(a) Removed from regular class less than 21% of the day	77.69%	78.62%	79.00%	77.68%
(b) Removed from regular class greater than 60% of the day	4.24%	3.94%	3.61%	4.39%
(c) Served in public or private separate schools, residential placements, or homebound or hospital placements	2.33%	2.14%	2.09%	1.53%

Explanation of Improvement Activities:

NIMAS and UDL:

In FFY2007, NDDPI presented information relating to the NIMAS and Universal Design for Learning to educational leaders, including:

1. The State Special Education Leadership conference for Special Education Directors and Coordinators (August 2007);
2. The ND Council of Educational Leaders (October 2007);
3. ND Education Association (October 2007);
4. A Webinar on the requirements of NIMAS through the ND Center for Persons with Disabilities (NDCPD) Seminar Series (February 2008);

5. Additional guidance has been provided on the NDDPI website regarding how the specialized materials are considered and documented through the web-based case management system (TIENET). A new policy paper was developed and will be submitted to the NDDPI website for additional guidance on how schools access the NIMAC through the authorized user in North Dakota.

Table 5.4 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
Expand statewide Positive Behavioral Supports (PBS) 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	PBS State Leadership Team; University of Oregon; MPRRC	Ongoing
Develop resources and implement trainings to school district staff on assistive technology and universal design.	Fall 2007	NDDPI staff	Completed
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	Iowa state staff; Part B Disc. Funds; MPRRC	Completed
Develop, provide training, and implement statewide guidelines for identification and services for students with emotional disturbance.	Spring 2006	E.D. Work Group; MPRRC	Completed
Co-host NDDPI Title I Summer Reading and Math institutes.	Ongoing	Part B Disc. Funds	Ongoing
Prepare and disseminate resources to LEA staff to increase proficiency in assistive technology and universal design use during school-wide assessments.	Ongoing	NDDPI staff	Completed and Ongoing
Provide training and implementation of The Special Education Integrated Accountability System for data analysis and improvement planning.	Implement statewide in 2007 -08	Part B admin. funds;	Completed
Support ongoing personnel development projects in collaboration with state university training programs to increase the number of qualified special educators across the state. Support mentoring models in preservice teacher preparation programs.	Ongoing	Stipends; scholar-ships; tuition reimbursements; UND; Minot State University; University of Mary	Ongoing
Support professional development for general education (secondary) on differentiated instruction/strategies.	Ongoing	ND University System Faculty	Ongoing
Increased Statistical Accuracy	FFY2007	NDDPI staff MPRRC	Described below
Provide (or support) professional learning opportunities on NIMAS and universal design for learning.	FFY2008	NDDPI staff	New

Revisions, with Justification, 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. However, there are additional activities.

New Activity: Increased Statistical Accuracy

To ensure the statewide results are accurately reflected, the NDDPI staff has contracted with a regional data consultant through the Mountain Plains Regional Resource Center to review and revise the calculation model of these data.

New Activity: Significance Testing

To determine whether the targets for indicators 5A and 5B were met, a significance test was applied. (The target for 5C was met outright, so no significance test was needed). This significance test determined that the state rates were significantly lower than the targets; as such the state did not meet the targets for indicators 5A and 5B. The purpose of the significance test is to address a state policy that has differentially impacted certain districts within special education collaborative units. The state policy changed the assignment of residency for students. Instead of a child's assignment being related to residency of the child's parents, the child's assignment is now with the serving district. The policy was put in place to satisfy districts' requests for a simplified approach to the flow of funding to serving districts.

This factor has impacted the state's LRE data. Whereas in the past, a child attending school outside the district of residence to access services that were not available in his/her resident district would have been assigned to the child's district of residence, the child is now assigned to the child's serving district for LRE purposes. Given that 81% of the state's districts serve fewer than 50 students with disabilities and, breaking this down further, 36% of the total districts serve fewer than 20 students and 19% have fewer than 10, the, the implications of this policy change are just beginning to be understood. For groups of rural districts that work collaboratively to provide special education services, the brunt of the impact has been that what is usually the largest district of that group is being assigned many of the students with highly individualized needs who may require more intensive levels of special education services. This situation not only impacts LRE data, but also the assignment of AYP designations under NCLB. The NDDPI has requested approval of an appeal process to address assignment of children who are being served outside their district of residence that is the result of this state policy. After some study of the impact on LRE, the NDDPI is adding a significance test to the existing analysis to adjust for the unintended consequence that this policy has created.

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 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).

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

Measurement: Percent = [(# of preschool children with IEPs who received special education services in settings with typically developing peers) divided by the (total # of preschool children with IEPs)] times 100.

Table 6.1 Measurable and Rigorous Targets for Indicator 6.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	51 percent of preschool children with IEPs will receive special education services in settings with typically developing peers.
2006 (2006-2007)	51.5 percent of preschool children with IEPs will receive special education services in settings with typically developing peers.
2007 (2007-2008)	52 percent of preschool children with IEPs will receive special education services in settings with typically developing peers.
2008 (2008-2009)	52.5 percent of preschool children with IEPs will receive special education services in settings with typically developing peers.
2009 (2009-2010)	53 percent of preschool children with IEPs will receive special education services in settings with typically developing peers.
2010 (2010-2011)	53.5 percent of preschool children with IEPs will receive special education services in settings with typically developing peers.

As directed by OSEP, Indicator 6 will be reported in the Annual Performance Report submitted February 1, 2010.

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 with IEPs who demonstrate improved:

- a. Positive social-emotional skills (including social relationships);
- b. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and
- c. Use of appropriate behaviors to meet their needs.

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

Measurement:

A. Positive social-emotional skills (including social relationships):

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

If a + b + c + d + e does not sum to 100%, explain the difference.

B. Acquisition and use of knowledge and skills (including early language/communication and early literacy):

- a. Percent of preschool children who did not improve functioning = $[(\# \text{ of preschool children who did not improve functioning}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$.
- b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = $[(\# \text{ of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$.
- c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it = $[(\# \text{ of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$.
- d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers = $[(\# \text{ of preschool children who improved functioning to reach a level comparable to same-aged peers}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$.
- 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 the (# of preschool children with IEPs assessed)] times 100.

If a + b + c + d + e does not sum to 100%, explain the difference.

C. Use of appropriate behaviors to meet their needs:

- a. Percent of preschool children who did not improve functioning = [(# of preschool children who did not improve functioning) divided by the (# 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 the (# 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 the (# 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 the (# 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 the (# of preschool children with IEPs assessed)] times 100.

If a + b + c + d + e does not sum to 100%, explain the difference.

As directed by OSEP, updates regarding the measurement system for Indicator 7, the ND Early Childhood Outcomes Process can be found in the North Dakota State Performance Plan at <http://www.dpi.state.nd.us/speced/general/perfplan.pdf>

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))

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 8.1 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2007 (2007-2008)	88 percent of parents with a child receiving special education services report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

Actual Target Data for FFY2007:

The Likert Scale designed for the purpose of this survey used a five point scale: 1 indicates that participant *Strongly Disagrees*; 2 indicates *Disagrees*; 3 indicates *Undecided*; 4 indicates *Agrees*; and 5 indicates the participant *Strongly Agrees* with the statement.

Table 8.2 Parent Survey Results FFY2007

Question	Grades	Count	Results*
I am asked to participate in the development of my child's individualized education program (IEP).	PK - 12	1206	98%
I am encouraged to share my knowledge and experience of my child with school personnel.	PK - 12	1208	95%
We discussed whether my child could be educated satisfactorily in the regular classroom with appropriate accommodations and modifications.	PK - 12	1195	94%
The IEP team encourages me to participate in the IEP decision-making process.	PK - 12	1200	96%
I participated in the development of my child's transition IEP plan.	K - 12	334	96%
Q1-Q5			96%

*Results Based on Agree and Strongly Agree Responses

The NDDPI Parent Involvement Survey includes questions pertaining to parents of children in the Pre-Kindergarten and Kindergarten through Grade 12 levels.

Table 8.3 Parent Survey Results by Grade

<u>Question:</u>	<u>Grade: PK Only</u>			<u>Grade: K - 12</u>		
	<u>Count:</u>	<u>Mean:</u>	<u>Result:</u>	<u>Count:</u>	<u>Mean:</u>	<u>Result:</u>
I am asked to participate in the development of my child's individualized education program (IEP)	112	4.72	98%	1094	4.70	98%
I am encouraged to share my knowledge and experience of my child with school personnel.	112	4.54	92%	1096	4.52	94%
We discussed whether my child could be educated satisfactorily in the regular classroom with appropriate accommodations and modifications.	109	4.49	92%	1086	4.5	95%
The IEP team encourages me to participate in the IEP decision-making process.	110	4.63	94%	1090	4.59	96%
I participated in the development of my child's transition IEP plan.	50	4.56	90%	284	4.55	96%
Average		4.59	94%		4.58	96%

The target of 88% was met.

Table 8.4 Results over Time

	FFY2005	FFY2006	FFY2007
% 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%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2007:

Explanation of Progress:

The NDDPI has increased collaboration with the ND Parent Training and Information Center and the ND Department of Human Services in effort to increase parent awareness of the Parent Survey and increase knowledge of parental involvement in special education services. The NDDPI special education staff has also increased the partnership between the NDDPI Title I program staff. These activities are described in the section following the Improvement Activities table.

Explanation of Improvement Activities:

APR/SPP Summary: To assist NDDPI in communicating clearly, especially with parents of children and youth who have disabilities, *Summary of the North Dakota Special Education Annual Performance Report 2005-2006 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 B). This document was designed to inform parents and other interested individuals of the current status of the ND indicator results and activities. 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.

The NDDPI staff also updated all special education guidelines and offered statewide trainings on each. A copy of the *Parental Rights for Public School Students Receiving Special Education and Related Services: Notice of Procedural Safeguards* guidance document and an audio version can be found at 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> In addition, the NDDPI provides parent-friendly documents which are included on the NDDPI Special Education web site (e.g., The ND State Performance Plan and Annual Performance Report Summary).

The activities related to this indicator are ongoing. 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
Consultation with Mountain Plains Regional Resource Center.	2007	NDDPI Mountain Plains Regional Resource Center.	Completed
Technical Assistance and training to promote parent involvement.	Ongoing	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.	Ongoing	NDDPI staff Pathfinders Statewide parent organizations	Ongoing
Support and collaborate with statewide family organizations to increase knowledge and promote parent involvement.	Ongoing	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.	Ongoing	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.	Ongoing	Pathfinders Pacer Center, Minneapolis, MN	Ongoing
Collaborate with the Dept Human Services and Parent Training and Information Center in sponsoring the annual parent information and involvement statewide conference.	FFY2007	Dept Human Services, Parent Training and Information Center	New, See description below

Parent Involvement Taskforce	FFY2008	NDDPI SE staff, NDPTI, NDDHS, Title I, and statewide stakeholders	New, See description below.
NDDPI Special Education and Title I Collaboration in Parent Involvement	FFY2008	NDDPISE staff and NDDPI Title I	New, See description below
Parent Involvement Toolkit training to special educators during the Fall 2009 Title I – Special Education Conference.	FFY2008	NDDPI, Title I	New
Dissemination of parent brochures and documents to parents of children with disabilities.	FFY2008	NNDPI	New

Revisions, with Justification, 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. However, there are additional activities.

The following are new activities developed or are in the process of being developed in effort to increase parent involvement in special education services and the schools in North Dakota.

New Activity: Annual Family Involvement Conference

In an effort to promote statewide collaboration, the North Dakota Department of Public Instruction, Department of Human Services (NDDHS), and the Parent Training and Information Center (NDPTI) have planned the first annual Parent Involvement Conference to be held April 16 and 17, 2009. Previously, the NDDHS and NDDPI co-sponsored the ND Family Connections Conference while the NDPTI sponsored a separate conference.

New Activity: Parent Involvement Taskforce

The NDDPI is in the process of creating a parent involvement taskforce to discuss strategies to increase parent involvement in ND schools. This taskforce will include the Executive Directors of the ND PTI, the ND Family Voices, the ND Rural Health Network - Family Support, district superintendents, Special Education Directors, general and special educators, and parents. It is the intent of this taskforce to increase parent involvement with a focus on minority populations. This taskforce will begin in the spring of 2009 and results will be reported in the 2010 submission of the APR.

New Activity: NDDPI Special Education and Title I Collaboration in Parent Involvement

The NDDPI Title I has recently developed the Parent Involvement Toolkit in collaboration with the ND State Parental Involvement Resource Center. The Six Types of Parental Involvement framework developed by Dr. Joyce Epstein, is used to train school staff in the following areas: Collaborating with Community; Communicating; Decision-Making; Learning at Home; Parenting; and Volunteering. The NDDPI special education staff is supporting the training and use of this Toolkit among the special education staff in ND.

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))

Measurement:

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

Include State’s definition of “disproportionate representation.”

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

Table 9.1 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2007 (2007-2008)	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.

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.

Actual Target Data for FFY2007:

Table 9.2 Disproportionate Representation: Over and Under FFY2007

	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 of 0% was met.

Under-representation:

Using the cutoff point of 0.5, the FFY2007 data indicated that all districts met the target of 0.0%.

Overrepresentation:

Using the cutoff point of 3.00, the FFY2007 data indicated that all districts met the target of 0.0%.

Table 9.3 Results Over Time

	FFY2005	FFY2006	FFY2007
% 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%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2007:

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

When necessary, technical assistance will be offered from the NDDPI staff as well as the 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 9.4 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 on statewide guidelines for identification and services for students with emotional disturbance as needed. This activity is also designed to address issues identified in	Spring 2007	ED Work Group, MPRRC	Completed

Indicators 4 and 10.			
Provide training and implementation of the special education monitoring system for data analysis and improvement planning. This activity is also designed to address issues identified in all Indicators.	Implement statewide FFY2007	Part B admin. funds;	Ongoing
Support ongoing personnel development projects in collaboration with state university training programs to increase the number of qualified special educators across the state. Support mentoring models (such as Resident Teacher) in pre-service teacher preparation programs. This activity is also designed to address issues identified in Indicators 4 and 10.	Ongoing	SPD Grant; Stipends; scholarships; tuition reimbursements, UND, Minot State University; University of Mary	Ongoing
The NDDPI participates in the newly formed workgroup within the MPRRC region to address concerns related to disproportionate representation. A member of the NDDPI staff will participate in a regional meeting on this topic in April, 2008. Information from this meeting will be shared with stakeholders, including the ND IDEA Advisory Committee and local education agency administrators.	FFY2007	NDDPI Staff MPRRC	Completed
Disproportionate Representation Statewide Taskforce	FFY2008	NDDPI. Full description below.	New
Presentation to ND Council of Education Leaders (NDCEL) on Disproportionate Representation in collaboration with MPRRC.	FFY2008	NDDPI, NDCEL, MPRRC	New
Development and distribution of Disproportionate Representation fact sheets.	FFY2008	NDDPI, MPRRC resources	New

Revisions, with Justification, 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. However, there are additional activities.

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 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 disproportionate representation presentations to education agencies in North Dakota such as the North Dakota Council of Education Leaders. The NDDPI will also will also present this information at the 2009 ND Special

Education Leadership Institute this fall.

Response to OSEP's Concerns

In the FFY2006 SPP/APR Response Table, OSEP indicated that the NDDPI was required to update the appendix related to this indicator. These updates are completed and found in Appendix C.

The SPP/APR Response Table also indicated the need for an explanation of the results reported in the FFY2006 APR. The districts identified as having potential disproportionate representation in the FFY2006 APR were found to be in compliance based on the appropriate identification of students requiring special education services.

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))

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

Include State’s definition of “disproportionate representation.”

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

Table 10.1 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2007 (2007-2008)	School districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification will be 0 percent.

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 10.2 Disproportionate Representation by Race/Ethnicity FFY2007

District	Disability Category	Race/Ethnicity	Percent	RR Results	District Review of Process
District A	SI	American Indian	4.9%	3.35	In Compliance
District B	SLD	American Indian	21.8%	4.15	In Compliance
District C	ED	American Indian	6.13%	3.81	In Compliance
District D	ED	American Indian	4.75%	3.33	In Compliance
District E	MR	American Indian	2.77%	3.24	In Compliance

Table 10.3 Disproportionate Representation: Over and Under FFY2007

	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 10.4 Results Over Time

	FFY2005	FFY2006	FFY2007
% 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%

Under-representation:

The FFY2007 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 FFY2007 data indicated five districts (Table 10.2) as having disproportionate representation potentially due to inappropriate identification. Each of the five 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.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2007:

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 templates required for the required reviews (Appendix C) ; and
- Requires the LEA to publicly report on the revision of policies, practices and procedures.

When necessary, technical assistance will be offered from the NDDPI staff as well as the 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.

It was determined and reported to each of the five districts that disproportionate representation was not a result of inappropriate identification processes.

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 10.4 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 on statewide guidelines for identification and services for students with emotional disturbance as needed. This activity is also designed to address issues identified in Indicators 4 and 10.	Spring 2007	ED Work Group, MPRRC	Completed
Provide training and implementation of the special education monitoring system for data analysis and improvement planning. This activity is also designed to address issues identified in all Indicators.	Implement statewide FFY2007	Part B admin. funds;	Ongoing
Support ongoing personnel development projects in collaboration with state university training programs to increase the number of qualified special educators across the state. Support mentoring models (such as Resident Teacher) in pre-service teacher preparation programs. This activity is also designed to address issues identified in Indicators 4 and 10.	Ongoing	SPD Grant; Stipends; scholarships; tuition reimbursements, UND, Minot State University; University of Mary	Ongoing
The NDDPI participates in the newly formed workgroup within the MPRRC region to address concerns related to disproportionate representation. A member of the NDDPI staff will participate in a regional meeting on this topic in April, 2008. Information from this meeting will be shared with stakeholders, including the ND IDEA Advisory Committee and local education agency administrators.	FFY2007	NDDPI Staff MPRRC	Completed
Disproportionate Representation Statewide Taskforce	FFY2008	NDDPI. Full description below.	New
Presentation to ND Council of Education Leaders (NDCEL) on Disproportionate	FFY2008	NDDPI, NDCEL,	New

Representation in collaboration with MPRRC.		MPRRC	
Development and distribution of Disproportionate Representation fact sheets.	FFY2008	NDDPI, MPRRC resources	New

Revisions, with Justification, 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. However, there are additional activities.

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.

New Activity: *Presentations in Disproportionality*

The NDDPI staff members will contact individuals from MPRRC to schedule disproportionate representation presentations to education agencies in North Dakota such as the North Dakota Council of Education Leaders. The NDDPI will also will also present this information at the 2009 ND Special Education Leadership Institute this fall.

Response to OSEP's Concerns

In the FFY2006 SPP/APR Response Table, OSEP indicated that the NDDPI was required to update the appendix related to this indicator. These updates are complete and found in Appendix C.

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

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

Measurement:

- a. # of children for whom parental consent to evaluate was received.
- b. # determined not eligible whose evaluations were completed within 60 days (or State established timeline).
- c. # determined eligible whose evaluations were completed within 60 days (or State established timeline).

Account for children included in a but not included in b or c. Indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.

Percent = [(b + c) divided by (a)] times 100.

Table 11.1 Measurable and Rigorous Target

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

Actual Target Data for FFY2007

Table 11.2 Initial Evaluation Data Collected between July 1 and June 30, 2008

	FFY2007
(a) Total # of children with parental consent	3432
(b) Total # of children determined not eligible within 60 days	632
(c) Total # of children determined eligible within 60 days	2646
Total # of children whose evaluation occurred past 60 day timeline	154
Percent who met the indicator	98.4%

The target of 100% was not met. However, more than 95% met the indicator.

Table 11.3 Initial Evaluation Data Collected – Results Over Time

	FFY2005	FFY2006	FFY2007
(a) Total # of children with parental consent	1424	3610	3432
(b) Total # of children determined not eligible within 60 days	268	750	632
(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
Percent who met the indicator	88.09%	95.4%	98.4%

Discussion of FFY2007 Data:

The data indicate that once OSEP approved exceptions were factored in, 98.4 percent of children with parental consent to evaluate were evaluated within 60 days.

§ 300.301 (d) *Exception.* The timeframe described in paragraph (c)(1) of this section does not apply to a public agency if—

- (1) The parent of a child repeatedly fails or refuses to produce the child for the evaluation; or
- (2) A child enrolls in a school of another public agency after the relevant timeframe in paragraph (c)(1) of this section has begun, and prior to a determination by the child's previous public agency as to whether the child is a child with a disability under § 300.8.

(e) The exception in paragraph (d)(2) of this section applies only if the subsequent public agency is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent public agency agree to a specific time when the evaluation will be completed.

§ 300.309 (c) The public agency must promptly request parental consent to evaluate the child to determine if the child needs special education and related services, and must adhere to the timeframes described in §§ 300.301 and 300.303, unless extended by mutual written agreement of the child's parents and a group of qualified professionals, as described in § 300.306(a)(1).

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2007:*Explanation of Progress:*

The NDDPI FFY2005 baseline was 88.09 percent. The FFY2007 data indicate a 10.31 percent increase from the baseline year and a 3 percent increase when compared to the previous year (Table 11.3). The districts were notified of the noncompliance through a letter from NDDPI. This letter informed the districts of the necessity to meet the requirements of this indicator, the corrective action required, and timelines. The letter also informed the districts of the availability of technical assistance, if desired or necessary.

Explanation of Improvement Activities:

Several activities for this indicator are described in the SPP as ongoing. Progress has been indicated through ND statewide data. To ensure continued progress, the NDDPI staff will continue offering these activities. Training and technical assistance have been provided as a needed basis throughout the FFY2007 to ensure that special education unit administrators understand appropriate reporting procedures required for this indicator. This progress can be attributed to increased training and assistance in meeting the 60-day timeline as well as better data collection practices.

Table 11.4 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
Clarification about specific data to be collected and provide technical assistance to school districts in collecting quality data	FFY2006	NDDPI Coordinator	Completed
Clarification that this is initial evaluation data, including preschool students.	FFY2006	NDDPI Coordinator	Completed
Continued technical assistance on the use of the Excel spreadsheet	FFY2006	NDDPI Coordinator	Completed
Communication and technical assistance with units when areas in need of improvement were identified	FFY2006	NDDPI Coordinator	Completed
Revise the Excel spreadsheet based on suggestions from local units.	FFY2006	NDDPI Coordinator	Completed
Disseminate and provide training for revised guideline documents including Evaluations, SLD, and IEP.	Ongoing	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.	Ongoing	NDDPI Staff	Ongoing
Review improvement plans specific to this indicator as required.	Ongoing	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.	Ongoing	SPD Grant; Stipends; scholarships; tuition reimbursements, 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.	Ongoing	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.	Implement statewide in FFY2007 Follow-up in FFY2008 through FFY2010	Part B admin. funds;	Ongoing

Consider incorporating additional state approved exceptions to the 60 day timeline into state guidelines.	FFY2007	NDDPI Staff	Completed
Piloting of the Statewide Special Education Web-based Case Management System (Spring 2008) with full implementation Fall 2008.	FFY2007	NDDPI Staff, District Administrators.	Completed
Two Additional Exceptions to the 60-day Rule	FFY2008	NDDPI Staff	Described below
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

Revisions, with Justification, 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. However, there are additional activities.

New Activity – Two Additional Exceptions to the 60-day Rule:

As described in the narrative following Table 11.2, OSEP regulations allow two exceptions to the 60-day timeline for this indicator. North Dakota has shown marked improvement in meeting the 60-day timeline. However, due to situations outside the control of the IEP teams, it would be impossible to expect North Dakota to meet the target of 100%. The NDDPI staff members consulted with the OSEP contact person and decided not to extent the 60 day timeline but instead add two specific exceptions. The NDDPI Special Education Office is proposing two new Administrative Rules that would 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 necessary because of extreme weather that prevented or interfered with the evaluation and the extreme weather is documented; and
- b. *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.

To ensure these exceptions will not be over-used, 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 out-of-state appointment 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.

These additional exceptions, if approved, would be in effect beginning July 1, 2009. NDDPI staff will distribute guidance pertaining to these exceptions in July and conduct trainings at the Fall Leadership Conference in August of 2009.

Response to OSEP's Concerns

In the FFY2006 SPP/APR Response Table, OSEP indicated that the NDDPI was required to demonstrate that the uncorrected noncompliance reported in previous APRs was corrected.

The reported noncompliance in the FFY2005, FFY2006 and FFY2007 APRs were due to completing the evaluations and developing the IEP outside the limit of 60-days. All noncompliance areas in Indicator 11 during FFY2005, FFY2006, and FFY2007 have been corrected by ensuring all children requiring an IEP had one developed and implemented as soon as possible, albeit later than 60 days. Corrective actions

also included special education units utilizing a process that will ensure future IEPs are developed and implemented within the 60-day timeframe.

Reasons delaying the development of IEPs included delays in obtaining and/or completing evaluations conducted by outside agencies, weather conditions delaying the arrival of district staff and/or outside agency staff, and district staff errors in scheduling. After discussing the requirements of this indicator with local special education directors and staff, the NDDPI staff understands that delays caused by adverse weather conditions and outside agency scheduling conflicts are outside the control of districts. For this reason, the NDDPI has requested the two additional exceptions previously described in this narrative.

To ensure districts complete evaluations and develop the IEP within the 60-day timeline, NDDPI has continued trainings related to the requirement of this indicator. As indicated in Table 11.3, compliance has increased, districts have shown marked improvement over the last three years, and ND has achieved better than 95% compliance with this requirement.

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))

Measurement:

- a. # of children who have been served in Part C and referred to Part B for 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.

Account for children included in a but not included in b, c or d. 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)] times 100.

Table 12.1 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2007 (2007-2008)	100 percent of children referred by Part C prior to age 3, and who are found eligible for Part B, will have an IEP developed and implemented by their third birthday.

Description of Process:

In the Spring of 2007, a partnership between ND Department of Human Services (NDDHS) Part C and ND Department of Public Instruction (NDDPI) Part B was developed and a system of data-sharing for Indicator 12 became possible. The NDDHS collects and compiles the necessary Part C early childhood transition data through the Department’s data system.

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/general/idea/plan.pdf> 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 IEP created dates on the Statewide Web-based Case Management System.

For the FFY2007, the NDDHS sent, electronically, spreadsheets containing the data for children transitioning from Part C services who were found eligible for Part B services. Information on the spreadsheet was then compared to the NDDPI Child Count data and the data submitted by each special education unit. Once the NDDPI staff complete this analysis, data needing further clarification were then disaggregated based on the school district of each child. These data were entered into spreadsheets and sent electronically to the appropriate special education director to verify the data and return to NDDPI. Areas requiring clarification from Special Education Units were: 1) children listed on Part C data but not Part B data; 2) children listed on Part B data but not Part C data; 3) inconsistency regarding children’s birthdates and/or date of initial IEPs; 4) inconsistencies between Special Education Unit data and Child Count Part B data; and 5) minor errors such as the spelling of names.

Once the spreadsheets were returned, an NDDPI special education regional coordinator conducted follow-up telephone calls if further clarification was needed. This process ensured that children were accounted for during and after transitioning from Part C to Part B services and that the data submitted was correct.

Through this system of data sharing, the NDDPI has collected the necessary data and has calculated the percentage of children found eligible for preschool special education services who received services by their third birthday for the FFY2007.

Actual Target Data for FFY2007:

Table 12.2 Percent of children referred by Part C who are found eligible for Part B and have an IEP developed by their third birthday

	FFY2007
a. # of children served in Part C and referred to Part B	325
b. # found not eligible and whose eligibility was determined prior to third birthday	70
c. # of those found eligible who have an IEP developed and implemented by their third birthdays	199
d. # for whom parent refusals to provide consent caused delays in evaluation or initial services	46
# in a but not in b, c, or d	11
Percent who met the indicator	95.2%

The target of 100% was not met. However, more than 95% of the IEPs were developed and implemented by the third birthday.

Table 12.3 Percent of children referred by Part C who are found eligible for Part B and have an IEP developed by their third birthday -- Results Over Time

	FFY2004	FFY2005	FFY2006	FFY2007
a. # of children served in Part C and referred to Part B	311	370	393	325
b. # found not eligible and whose eligibility was determined prior to third birthday	145	186	134	70
c. # of those found eligible who have an IEP developed and implemented by their third birthdays	139	159	191	199
d. # for whom parent refusals to provide consent caused delays in evaluation or initial services	12	16	47	46
# in a but not in b, c, or d	20	12	21	11
Percent who met the indicator	90.26%	94.62%	90.09%	95.2%

The school districts notified of noncompliance in FFY2005 and FFY2006 were required to ensure that all future children would have eligibility determined and an IEP developed and implemented by their third birthday.

birthday. The NDDPI corrective action trainings are described in the section *Compliance Related Process and Training* in the Indicator 12 narrative of the SPP. The number of LEAs identified for noncompliance in FFY2005 and FFY2006 that are now in compliance is indicated in Table 12.4. The 12 school districts identified for noncompliance in FFY2007 ensured the children had IEPs developed and implemented no longer than 29 days (range: 2 – 29 days) after their third birthdays.

Table 12.4 Percent of LEAs who corrected noncompliance overtime

	FFY2005	FFY2006	FFY2007
# of LEAs out of compliance	9	21	10
# of LEAs who corrected compliance within one year	9	21	10
% of LEAs who corrected compliance within one year	100%	100%	100%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2007:

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 95.2% (FFY2007). Survey results (see 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.

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.

Table 12.5 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
Developed training activities for Transition Guideline.	Summer 2006	NDDPI, NDDHS, MPRRC, and NECTAC	Completed
Conducted Transition Guideline Regional Trainings.	Fall 2006	NDDPI, NDDHS, MPRRC, and NECTAC	Completed
Follow up on regional training plans relating to Guideline Training.	Spring and Summer 2007	NDDPI and NDDHS	Completed
Examine methods to compile and share Part C and Part B data electronically.	Winter 2006-2007	NDDPI and NDDHS	Ongoing
Develop and disseminate Indicator 12	Fall 2006	NDDPI Internal	Ongoing

Excel spreadsheet to special education units.		monitoring by local education agencies	
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
Piloting of the Statewide Special Education Web-based Case Management System (Spring 2008) with full implementation Fall 2008.	FFY2007	NDDPI Staff, District Administrators.	Completed
Ensuring the Statewide Special Education Web-based Case Management System Indicator 12 table will accurately collect and report data.	FFY2008	NDDPI Staff, District Administrators	2008-2009
Statewide survey to all special education units re: early childhood transition services	FFY2008	NDDPI Staff	Completed
Statewide IVN meeting for administrators and early childhood professionals	FFY2008	NDDPI Staff	Ongoing annually. Described below
Provide statewide findings from survey to IDEA/ICC Advisory committee.	Winter 2008	NDDPI Staff	Winter 2008. Described below
Validating reported IEP created and implemented date using the Web-based Case Management System.	FFY2008	NDDPI staff	New

Revisions, with Justification, 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. However, there are additional activities.

New Activities:

Web-based Case Management System: During the FFY2007, NDDPI piloted a Statewide Web-based Special Education Case Management System. The statewide system was implemented in all schools by the start of the 2008-09 school year. The new NDDPI Statewide Web-based Case Management System will significantly enhance local and state administrators' ability to monitor for compliance to assure that all children who are referred from Part C and found eligible for Part B will have an IEP written and implemented by age 3. As part of this system, key questions will address components within Indicator 12, e.g. is this child transitioning from Part C services, date of initial IEP, if IEP was delayed, what were the reasons for delay. Each component of the Indicator 12 measurement will be embedded within the Statewide Special Education Web-based Case Management System that will accurately collect and report data. Data gathered from the web-based form along with the information received from NDDHS will be used to determine the percent of children referred by Part C who are found eligible for Part B and have

an IEP developed by their third birthday.

Survey: 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? The results of the survey along with the Team Action Plans developed by each Special Education Unit and Indicator 12 data will assist in planning future technical assistance.

Interactive Video Network (IVN) Meeting(s): In November 2008 and additional dates as needed, the NDDPI hosted a statewide IVN meeting 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 is vital to the success of the transition process to have continual communication with the professionals implementing the process.

Response to OSEP's Concerns

In the FFY2006 SPP/APR Response Table, OSEP indicated that the NDDPI was required to report correction of noncompliance reported in the FFY2006 APR. These corrections are reported in Table 12.5. The NDDPI was also required to revise the improvement activities if necessary related to this indicator. NDDPI chose to add new activities which are described in the above section.

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 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.

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

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

Table 13.1 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2007 (2007-2008)	One hundred (100) percent of youth aged 16 and above will have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.

Actual Target Data for FFY2007:

Table 13.2 Percent of youth aged 16 and above with an IEP that meets Indicator 13

	FFY2007
# of youth whose IEPs were reviewed	1,531
# of youth whose IEPs met the indicator	1,475
Percent of youth whose IEPs met the indicator	96.3%

The target of 100% was not met. However, more than 95% of the IEP files met the indicator.

Data on this indicator were collected from all school districts using the ND Internal Monitoring Transition Requirement Checklist which was adapted from the National Secondary Transition Technical Assistance Center's (NSTTAC) I-13 Checklist. For each school district, a random sample of student files of students with disabilities aged 16 and older was selected. The number of files chosen to be reviewed at each school district was dependent on the size of the school district. The NDDPI selected a stratified random sample of files for each LEA to review.

To obtain the overall state percentage of students who met this indicator, the data were weighted to reflect each school district's appropriate proportion of students age 16 and above in the state (i.e., given that some school districts completed the checklist on all their qualifying students and other school districts collected data on only a proportion of their qualifying students, weighting was needed). For an IEP to meet compliance on this indicator, at least four of six checklist items must be present in the IEP. These are the same criteria that were used in FFY2006.

Reliability and Validity of Data Collected

Annual training was provided to all school districts on the ND Internal Monitoring Transition Requirement Checklist to ensure that the checklist was completed consistently and accurately across school districts. In addition, the ND Internal Monitoring Transition Requirement Checklist data were verified by the state via follow-up discussion with district monitoring teams. Further, NDDPI selected a stratified random sample of files for each school district to review (as opposed to the school district selecting the files), and as such, a representative sample of files was ensured.

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

As indicated in Table 13.3, NDDPI experienced great progress on this indicator. In FFY2005, of the 376 files reviewed, 18.1% met the indicator. In FFY2006, 68.1% met the indicator. In FFY2007, 96.3% met this indicator. As reported in the FFY2006 APR, ND began the implementation of the Transition Outcomes Project (TOPs). This project has been ongoing in annual phases. Phase one occurred during the FFY2006 in which 24 districts participated. In the FFY2007, 33 additional school districts participated in the ND TOPs project. Each of these districts developed an improvement action plan. Technical assistance had been targeted and was ongoing with these districts through the FFY2007.

In the Spring of 2008 the North Dakota professional development resource *ND Strategies and Activities to Improve Compliance to Indicator 13* was created. This resource was developed after examination of the strategies and activities implemented in the 57 districts participating in the TOPs project. These strategies and activities were identified by the districts as having the most impact on their improvement rate. This resource was compiled by the NDDPI Transition Coordinator and disseminated to the remaining districts in the state and is posted on the NDDPI/Transition website as well as the NDDPI *IDEA Indicator Accountability* website.

Additional professional development activities on how to write IEPs containing coordinated, measurable annual IEP goals and transition services will continue to be provided to secondary special education teachers statewide to ensure increased compliance with this indicator.

Table 13.3 Percent of youth aged 16 and above with an IEP that meets Indicator 13 – Results Over-Time

	FFY2005	FFY2006	FFY2007
# 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%

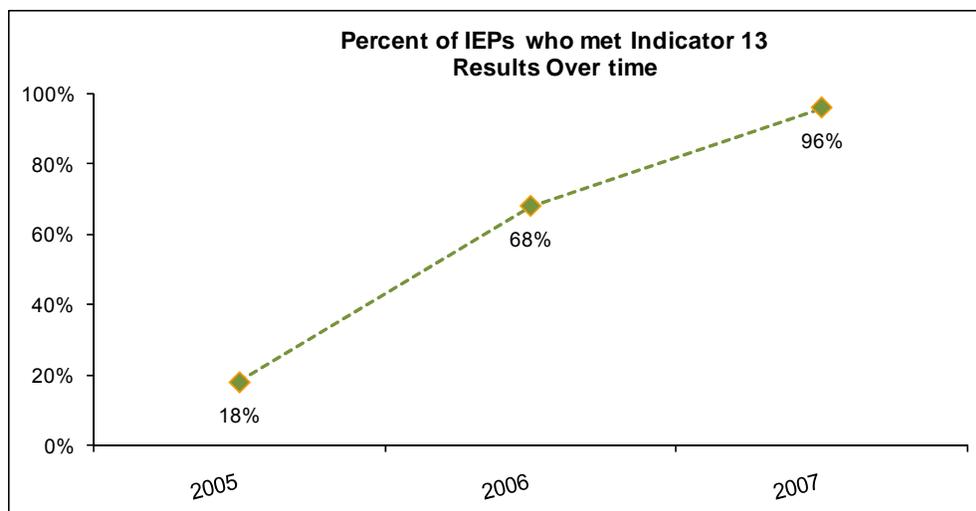


Figure 13.1 Percent of youth aged 16 and above with an IEP that meets Indicator 13 – Results Over Time

In addition to the overall gains, progress was also made on the individual ND Internal Monitoring Transition Requirement Checklist items. As displayed in Table 13.4, significant progress was realized on six of the six checklist items. For example, the percentage of files that had a measurable postsecondary goal that covered education improved from 15% in FFY2005 to 89% in FFY2007.

Several activities were implemented by the NDDPI Transition Coordinator to facilitate increased compliance specifically to each of the Transition Requirements checklist items:

- Examples of measurable postsecondary goals were posted on the NDDPI/Transition Website. This information was also disseminated to the individual districts as well as presented at conferences.
- The National Secondary Transition Technical Assistance Center (NSTTAAC) created examples and resources were distributed to the districts.
- In Fall 2007, a state-wide webcast on Age Appropriate Transition Assessment was conducted.
- Ongoing technical assistance continued specifically with the districts involved in the TOPs project and districts not meeting compliance for FFY2006.
- A state recommended Parental Consent Form for agency invitation was developed and recommended to the school districts.
- NDDPI provided Seed Grant awards to the Regional Transition Committees in ND. These funds supported the creation of Interagency Informational brochures and the organization of Transition and Career Fairs in each of the eight regions in ND. These activities were designed to increase the knowledge of parents, students and educators regarding the types of services available and the eligibility requirements of the various adult service agencies. These interagency resources are posted on the NDDPI Transition Website as well as on the National Community of Practice on Secondary Transition Sharedwork website.
- Periodic and ongoing transmission of updates, resources, and other information was sent to each district secondary special education case manager through email. This information was specific to fostering understanding of the IDEA requirements related to secondary transition.
- Presentations were given at the NDEA State conference, PTI conference, and Council for Exceptional Children (CEC) on Transition Services, Postsecondary goals, and Transition assessment.

Table 13.4 Percent of IEPs who met a given requirement of the ND Internal Monitoring Transition Requirement Checklist – Results Over Time

Requirement	FFY2005	FFY2006	FFY2007
<i>Number of Reviewed IEPs</i>	376	856	1,531
1. Is there a measurable postsecondary goal or goals that cover education or training and employment?	15%	47%	89%
2. Is (are) there annual IEP goal(s) that will reasonably enable the child to meet the postsecondary goal(s)?	23%	68%	95%
3. Are there transition services in the IEP that focus on improving the academic and functional achievement of the child to facilitate their movement from school to post-school?	68%	84%	98%
4. For transition services that are likely to be provided or paid for by other agencies with parent (or child once the age of majority is reached) consent, is there evidence that representatives of the agency(ies) were invited to the IEP meeting?	41%	65%	86%
5. Is there evidence that the measurable postsecondary goal(s) were based on age-appropriate transition assessment(s)?	12%	58%	86%
6. Do the transition services include courses of study that focus on improving the academic and functional achievement of the child to facilitate their movement from school to post-school?	62%	88%	97%
IEPs that met the requirements for Indicator 13	18%	68%	96%

Twenty-three school districts were identified as being in noncompliance in FFY2007. These school districts were required to complete a transition improvement action plan; the percent who correct noncompliance within one year will be reported on the February 1, 2010 APR.

Table 13.5 Percent of IEPs with Corrected Noncompliance.

	FFY2005	FFY2006
# of IEPs out of compliance	180	273
# of IEPs that were corrected noncompliance within one year	124	253
# of IEPs that were corrected noncompliance within two years	56	
% of IEPs with corrected compliance within one year		100%
% of IEPs with corrected compliance within two years*	100%	

* See Response to OSEP's Concerns

Explanation of Improvement Activities:

Table 13.6 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
Sponsor and promote the North Dakota Interagency Transition Institute	Alternating years beginning October 2006.	State Transition Steering Council (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.	Ongoing	National Secondary Transition Technical Assistance Center (NSTTAC), TOPs Project	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	New and Ongoing
Implement a statewide process designed to improve the overall planning of transition services for high school youth with disabilities. This activity is also designed to address issues identified in Indicator 14.	Ongoing	Dr. Ed O’Leary, Mountain Plains Regional Resource Center	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	Ongoing	Partnership with State Rehabilitation Field Services Director, IDEA Partnership National Community of Practice on Transition	Ongoing
Develop and Disseminate Indicator 13 Excel spreadsheet and directions for internal monitoring to school districts.	Fall 2006- Spring 2009	NDDPI, NSTTAC	Completed
Develop Transition training modules for Regular Educators through partnership with NDEA. This activity is also designed to address issues identified in Indicator 14.	Spring 2007	Professional Development and Adult Learning Seed Grant (IDEA Partnership at NASDSE)	Completed

Conduct State Transition Steering Council meetings. Work to change Steering Council from Advisory capacity of a Community of Practice. This activity is also designed to address issues identified in Indicators 14.	Ongoing	Statewide membership of individuals in transition related positions, National Transition Community of Practice (IDEA Partnership)	Ongoing
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	New and 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	Revised FFY2207
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	New and 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

Discussion of Improvement Activities Completed:

- A joint NDDPI and ND Vocational Rehabilitation (ND VR) training conference on secondary transition occurred October 2008. A one day Pre-conference for Special Educators on Student Involvement in the IEP process and Self-Determination curricula was included. This pre-conference was presented by James Martin, PhD., Director of the Oklahoma University Zarrow Center. This indicator is also used to improve results for Indicator 14.
- The NDDPI Transition Coordinator provided several training sessions throughout the state to strengthen understanding and compliance to the IDEA 2004 transition requirements. Trainings have occurred through State conferences, local staff training workshops and state-wide webinars, Training

documents are posted on the NDDPI Transition website. The NDDPI, in collaboration with the ND Vocational Rehabilitation Consulting and Services and the ND Center for Persons with Disabilities (NDCPD), created and is disseminating an expanded version of the secondary transition compact disk (CD): *Taking the Next Step*. This disk which was developed for parents, students, and professionals provides information on transitioning to post-secondary education and employment.

- As of August 2007, 57 school districts have participated in the ND Transition Outcomes Project (TOPs), progressing the implementation of a statewide process designed to improve the overall planning of transition services for high school youth. Furthermore, all ND Transition IEPs are created in the Statewide Web-based Case Management System. This indicator is also used to improve results for Indicator 14.
- In the Spring of 2008, the North Dakota professional development resource *ND Strategies and Activities to Improve Compliance to Indicator 13* was created. This resource was developed after examination of the strategies and activities implemented in the 57 districts participating in the TOPs project. These strategies and activities were identified by the districts as having the most impact on their improvement rate. This resource was compiled by the NDDPI Transition Coordinator and disseminated to the remaining districts in the state and is posted on the NDDPI/Transition website as well as the NDDPI IDEA Indicator Accountability site.
- ND continued to develop and disseminate Indicator 13 Excel spreadsheet and directions for internal monitoring to the school districts for the FFY2008.
- NDDPI and ND Education Association completed development of a training module for general educators on their role in the secondary transition process. As a result of the development of this module a two day class was presented on two college campuses in ND during the summer of 2008. Thirty educators took the class for credit. Credit was paid using the ND Collaborative Professional Development & Adult Learning Seed Grant provided by the IDEA Partnership.
- The State Transition Steering Council re-organized in the Fall of 2008 and is in the process of moving from an Advisory Council to a Community of Practice. Technical assistance is ongoing with the IDEA Partnership National Community of Practice on Transition. This indicator is also used to improve results for Indicator 14.
- North Dakota has presented 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 NDCPD Webinar Seminar Series.

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

Revisions to Baseline: No

Revisions to Measurable and Rigorous Targets: No

Revisions to Improvement Activities: Yes, See Improvement Activities Table

New Activity: Monitoring Through the Web-based System

Beginning Spring 2010, the monitoring of Indicator 13 will be completed by districts and state staff through use of the Statewide Web-based Case Management System.

New Activity: Community of Practice

The ND Community of Practice on Secondary Transition will develop and provide a community of practice model. This model will be adopted by the Regional Transition Committees beginning Spring, 2009.

New Activity: NDEA Collaboration

The NDDPI will collaborate with the NDEA to provide ongoing professional development opportunities to

general educators regarding their role in the Secondary Transition process.

Response to OSEP Concerns

In June 2008, OSEP required that all uncorrected compliance reported in the FFY2005 APR on Indicator 13 be corrected. Table 13.4 shows that all noncompliance has been corrected. These corrections were completed at the district level through the *TOPs* program and were validated through the use of the *Cutting Edj* data program (authored by Dr. Ed O’Leary).

The FFY2006 corrections, as displayed on Table 13.4, 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 percent of the IEP files cited as out of compliance in FFY2006 were corrected. The revision of the ND Special Education Guidelines: *Individualized Education Planning Process*, along with the transition to state required IEP forms through the Statewide Web-based Case Management system, have benefitted the school districts in this area. Ongoing professional development will remain essential in maintaining compliance to this indicator.

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 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.

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

Measurement: 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) divided by the (# of youth assessed who had IEPs and are no longer in secondary school)] times 100.

Table 14.1 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2007 (2007-2008)	81.85% of youth who had IEPs and are no longer in secondary school will have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.

Actual Target Data for FFY2007:

Table 14.2 Number and Percent of Exiters Who Have Engaged in Employment and/or Education

	Number	Percent
Attended Post-Secondary Education Only	36	11.4%
Have Been Competitively Employed Only	120	38.0%
Attended Post-Secondary Education AND Have Been Employed	118	37.3%
Neither Attended Post-Secondary Education OR Have Been Employed	42	13.3%
Attended Post-Secondary Education and/or Have Been Competitively Employed	279	86.7%

The target of 81.85% was met.

A total of 857 students exited school in 2006-07 as either a graduate, drop-out, or age-out. A total of 316 (37%) of the 857 exiters were successfully contacted and interviewed. As Table 14.2 indicates, 86.7% of exiters have been competitively employed and/or attended post-secondary education in the year since leaving high school.

The interview protocol that was used is the 2007 Follow-Up Interview Protocol, modeled after the Post School Data Collection Protocol developed by the National Post-School Outcomes Center. Interviews were conducted between April and September of 2008. Given the small numbers of exiting students, sampling was not employed on this indicator; and as such all exiting students were attempted to be contacted by telephone. To ensure the greatest number of respondents and representativeness, up to

five attempted contacts were made with each of the 857 exiters. Interviewers tracked calls and may have made additional attempts when necessary. The individuals conducting the interviews were trained through use of the *Post-school Outcomes Data Collection Guide Training Interviewers*. Interviews were conducted with the 2007 school exiter or a family member.

Definitions

The following definitions were used for this indicator.

Postsecondary education: Enrollment, either full or part time, in a two to four year college, university, adult education program, or vocational or technical education program after exiting secondary school. Enrollment is determined by the program in which the student is enrolled.

Competitive employment: Work that is performed on a full time or part time basis in an integrated setting for which an individual is compensated at or above the minimum wage (as articulated by the Rehabilitation Act and recommended by the National Post School Outcomes, February 2006).

- Full-time: 35 or more hours per week
- Part-time: Less than 35 hours per week.

Exiter: A student who has exited the school through means of graduating with a regular diploma, who completed the program with a certificate or modified diploma, who dropped out, reached maximum age (21). This does not include students who no longer require an IEP and special education services, has transferred to another program or school, residential or rehabilitation program, or correctional center.

Drop-out: An individual who was enrolled at the start of the reporting period but was not enrolled at the end of the reporting period, and did not exit through the any of the other means described as exiting. This does not include transfer to another program, private school or home school, or state or district approved education program; temporarily absent due to suspension, approved illness, or anticipated late enrollment.

Valid and Reliable Data

The characteristics of those who were successfully contacted and interviewed were compared to those who were not successfully contacted and interviewed to determine if the interviewed students are representative of all exiting students.

The response rates were analyzed by these demographic characteristics: gender, race/ethnicity, primary disability, and type of exiter. No significant differences existed in response rates by gender. White students were slightly more likely to respond (40%) than non-white students (22%). Students with an emotional disturbance were slightly less likely to respond (22%) than students with other disabilities (37%). Students who graduated with a regular diploma were more likely to respond (44%) than students who dropped out (14%) (Table 14.3).

The responses were analyzed by these same demographic characteristics. Participant results indicated that there are no significant differences in outcomes by type of exiter, gender, or race/ethnicity. Students with mental retardation were less likely to meet the indicator (64.4%) than students with other health impairments (97.4%) or students with a specific learning disability (92.1%). Thus, given the similar outcomes rates by demographic groups, the differences in response rates most likely had little effect on the overall results on this indicator. Therefore, the results are representative of all exiting students. The NDDPI has identified ways to increase the response rates of minorities, drop-outs, and students with an emotional disability in the future.

Table 14.3 Response Rates and Success Rates, by Demographic Group

	Number in Sample	Number Interviewed	Response Rate	Percent Who Were:			Percent who met the Indicator*
				Enrolled in post-secondary school Only	Competitively employed Only	Enrolled in post-secondary education AND competitively employed	
Totals	857	316	37%				
Male	559	228	41%	10.5%	40.4%	38.2%	89.0%
Female	298	88	30%	13.6%	31.8%	35.2%	80.7%
Asian	6	0	0%				
Black	11	2	18%				
Hispanic	15	4	27%				
Native American	125	28	22%	7.1%	42.9%	25.0%	75.0%
White	700	282	40%	12.1%	37.6%	38.3%	87.9%
Autism	19	7	37%				
Emotional Disturbance	129	26	20%	15.4%	30.8%	34.6%	80.8%
Hearing Impaired	4	4	100%				
Mental Retardation	114	45	39%	4.4%	48.9%	11.1%	64.4%
Other Health Impairments	104	38	37%	15.8%	44.7%	36.8%	97.4%
Orthopedic Impairments	2	0	0%				
Specific Learning Disability	409	165	40%	9.1%	37.0%	46.1%	92.1%
Speech Impairment	71	26	37%	15.4%	42.3%	27.0%	84.6%
Traumatic Brain Injury	2	1	50%				
Visual Impairment	3	2	67%				
Regular Diploma	613	272	44%	11.8%	38.6%	37.9%	88.2%
Certificate of Completion	11	3	27%				
Maximum Age of Eligibility	31	13	42%	7.7%	46.2%	30.8%	84.6%
Dropped-out	202	28	14%	10.7%	28.6%	35.7%	75.0%

If fewer than 10 respondents were in a category, then indicator results are not shown.

Explanation of Progress:

As indicated in Table 14.4, the NDDPI experienced progress on this indicator. In FFY2006, 81.8% of exiters were competitively employed and/or enrolled in post-secondary education. In FFY2007, 86.7% were competitively employed and/or enrolled in post-secondary education.

Table 14.4 Percent of Exiters Who Have Engaged in Employment and/or Education, Results Over Time

	FFY2006	FFY2007
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%

Explanation of Improvement Activities:

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

Table 14.5 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
NDDPI in partnership with the North Dakota Vocational Rehabilitation Agency (VR) will create a collaborative annual conference. This conference will serve as the ND Interagency Secondary Transition Conference.	October 2008 and annually each proceeding year.	State Transition Steering Council (ND stakeholders in the transition process). IDEA Partnership and National Community of Practice on Transition. ND VR agency.	Ongoing
Fall, 2008 the NDDPI will have in operation a Statewide Web-Based Case Management System. This will improve accessibility to demographics of exiter groups.	Beginning Fall 2008	NDDPI staff	Completed
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.	FFY 2010	NDDPI Staff District Administrators	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

<p>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.</p>	<p>Spring 2008 and annually thereafter</p>	<p>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</p>	<p>Ongoing</p>
<p>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.</p>	<p>Fall 2008 and annually thereafter</p>	<p>NDDPI Staff ND State Web-based Case Management System National post-School Outcome Center National Dropout Prevention Center for SD</p>	<p>Ongoing</p>
<p>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.</p>	<p>Ongoing</p>	<p>NDDPI Staff National Secondary Transition and Technical Assistance Center (NSTTAC) Transition Outcomes Project (TOPs) Dr. Ed O'Leary, Mountain Plains Regional Resource Center</p>	<p>Ongoing</p>
<p>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.</p>	<p>Ongoing</p>	<p>Dr. Ed O'Leary, Mountain Plains Regional Resource Center National Secondary Transition Technical Assistance Center (NSTTAC) IDEA Partnership National Community of Practice on Transition</p>	<p>Ongoing</p>
<p>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.</p>	<p>Ongoing</p>	<p>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</p>	<p>Ongoing</p>
<p>Plan and coordinate presentation of transition training modules for general educators. This activity is also designed to address issues identified in Indicator 13.</p>	<p>Initiate presentation in Summer, 2008.</p>	<p>NDDPI staff North Dakota Education Association Professional Development Director. Professional Development and Adult Learning Seed Grant (IDEA Partnership at NASDSE)</p>	<p>Completed</p>

<p>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.</p>	<p>Initiated summer of 2008</p>	<p>NDDPI Staff, NDEA Professional Development Director. Professional Development and Adult Learning Seed Grant (IDEA Partnership at NASDSE)</p>	<p>New</p>
<p>Support collaboration of stakeholders in the secondary transition process through State Transition Steering Council meetings, and participation in national secondary transition forums. This activity is also designed to address issues identified in Indicators 1, 2, and 13.</p>	<p>Ongoing</p>	<p>NDDPI Staff National Transition Community of Practice (IDEA Partnership) National Postschool Outcomes Center NSTTAC</p>	<p>Ongoing</p>
<p>The ND Community of Practice on Secondary Transition will develop and provide a community of practice model to the regional transition committees. Regional Transition Committees will transform and work as Communities of Practice.</p>	<p>Spring-Fall 2009</p>	<p>NDDPI Transition Coordinator, State Transition Steering Council Community of Practice National Community of Practice on Transition (IDEA Partnership)Regional Interagency stakeholders in transition</p>	<p>New</p>
<p>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.</p>	<p>Ongoing</p>	<p>ND DPI State Transition Coordinator NDDPI State Assistive Technology Coordinator ND Interagency Program for Assistive Technology (IPAT)</p>	<p>Ongoing</p>
<p>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.</p>	<p>Spring 2009</p>	<p>NDDPI Staff NSTTAC State Transition Steering Council Community of Practice Statewide membership of individuals in transition related positions</p>	<p>Revised</p>

Discussion of Improvement Activities Completed:

- Fall 2008, all ND school districts began implementation o the ND Statewide Web-based Case Management System. This will improve accessibility to the demographics of the exited students. Demographic and contact information for exiting students will be collected through this statewide system as well the Summary of Performance. The Statewide Web-based Case Management System has a built in prompt to alert case managers to update student contact information at the time of the completion of the Summary of Performance. Improved access to exited student demographics will enable NDDPI to increase the representation and response rate of the cohort groups interviewed one year after exiting.

- Annually NDDPI provides four presentations and poster sessions at State Conferences regarding information on the ND Follow-Up Interview Process. This information was presented at conferences specifically for parents, educators, and interagency personnel. The information is presented to foster understanding of the Follow-Up Interview process, therefore, increasing participation and successful contact rates.
- The NDDPI and ND Education Association completed development of a training module for general educators on their role in the secondary transition process. As a result of the development of this module a two day class was presented on two college campuses in ND during the summer of 2008. Thirty educators took the class for credit. Credit was paid using the ND Collaborative Professional Development & Adult Learning Seed Grant provided by the IDEA Partnership.
- The NDDPI Transition Coordinator provided several training sessions throughout the state to strengthen understanding and compliance to the IDEA 2004 transition requirements. Trainings have occurred through State conferences, local staff training workshops and state-wide webinars. Training documents are posted on the NDDPI Transition website. The NDDPI in collaboration with the ND Vocational Rehabilitation Consulting and Services and the ND Center for Persons with Disabilities, created, disseminated, and continues to disseminate a new and expanded version of the secondary transition CD. Taking the Next Step. This CD which was developed for parents, students, and professionals provides information on transitioning to post-secondary education and employment.

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

Revisions to Baseline: No

Revisions to Measurable and Rigorous Targets: No

Revisions to Improvement Activities: Yes, See Improvement Activities Table

New Activity: Follow-up Protocol Housed in the Web-based System

The Follow-up Interview Protocol will be housed in the State Web-based Case Management System. Former student demographics and exit reasons will be readily accessed through this system. Follow-up Interview data will be retrieved through this system.

New Activity: Community of Practice

The ND Community of Practice on Secondary Transition (NDCOP) will develop and provide a community of practice model to the regional transition committees. Regional Transition Committees will transform and work as Communities of Practice. The NDCOP development of cross-agency policies and the possible reduction of policy barriers will provide ongoing connections to the regional COPs thus facilitating smoother transitions.

New Activity: Self-Determination Curriculum

The NDDPI will continue state sponsored trainings on Self-Determination Curricula and Student Involvement in the IEP Process. This will enhance awareness among educators of the types of Self-Determination curriculums available as well as research based evidence that student involvement in the IEP process results in greater success after graduation.

New Activity: NDEA Collaboration

The NDDPI will collaborate with the NDEA to provide ongoing professional development opportunities to general educators regarding their role in the Secondary Transition process.

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))

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.

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

Table 15.1 Measurable and Rigorous Target

FFY	Measurable and Rigorous Targets – Focused Monitoring
2007 (2007-2008)	100 percent identified noncompliance will be corrected within one year of identification.

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 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; ND Center for Persons with Disabilities, special education administrators; school district superintendents; university professors; educators; parents; and students.

Monitoring: Activities or actions conducted in three tiers to determine the functioning of a program or services compared to what is required by a regulation or requirement for the purpose of accountability.

Tier 1: The NDDPI special education staff, including the IDEA Part B Grant Manager (Fiscal), reviews applications and utilization of the Part B funds, analyzes local program performance on SPP indicators, compares results to state targets, and notifies districts of noncompliance identified and corrective actions required. An additional component of the Tier 1 process is the publication by NDDPI of each district's *Special Education Performance Information: North Dakota District Report Card*.

Tier 2: The NDDPI requires all districts to conduct a self-assessment using approved department procedures.

Tier 3: The NDDPI uses indicator data and IEP file reviews to identify which districts have the lowest rates of positive outcomes for students receiving special education services. The districts with the lowest rates of positive outcomes for students with disabilities receive a focused review. This process includes a complete review of district data, formation of hypotheses, and investigation related to performance and possible noncompliance. Following this review, each district identified in Tier 3 receives a report detailing areas of noncompliance and required corrective actions with 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 from the date the NDDPI notifies the school district in writing of the noncompliant policies and/or practices. Notification of findings needs to occur as soon as possible after the NDDPI concludes that the school district has noncompliance.

Correction of Noncompliance:

- The NDDPI verifies through follow up review of data, other documentation, and/or interviews that the noncompliance policies, procedures, and/or practices have been revised and the noncompliance has been corrected.
- The NDDPI notifies the school district in writing that the noncompliance is corrected.
- For the purposes of the SPP/APR reporting, timely correction occurs when noncompliance is 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 verifies correction of noncompliance through the following actions:

- NDDPI staff ensures that the corrective action required begins as soon as possible after the school district has been notified.
- District submission of documents pertaining to the corrective actions such as training dates, locations, and agendas, participation lists;
- When required, NDDPI staff conducts on-site and/or off-site activities to verify correction of noncompliance; and
- The NDDPI staff verifies corrections through a three-month review of district level data using the Statewide Special Education Web-based Case Management System.

ND Special Education Integrated Accountability System: The accountability process that integrates data from multiple sources: the APR compliance and performance indicators, IEP files, and dispute resolution data (Tier 1); and individual student file reviews and district level assessments (Tier 2). During the Tier 3 process, these data are integrated and a multi-level analysis of the districts occur, allowing the NDDPI staff to identify which districts require a more focused examination through on-site and/or off-site reviews. These districts will be provided technical assistance.

The timely correction of noncompliance is displayed in Table 15.2. As described in Indicators 16-19, North Dakota historically has not had an issue in the areas of dispute resolution: complaints and hearings. Also, topics involved in the dispute resolution were not indicator specific. Therefore, the NDDPI staff members have chosen to address the timely correction of noncompliance related to dispute resolution in a separate section at the end of Table 15.2.

Table 15.2 Actual Target Data for FFY2007

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2006 (7/1/06 to 6/30/07)	(a) # of Findings of noncompliance identified in FFY 2006 (7/1/06 to 6/30/07)	(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, 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	1	1	1
	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, On-Site Visits, or Other			
6. Percent of preschool children aged 3 through 5 – early childhood placement.	Dispute Resolution: Complaints, Hearings			

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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 Other	0	0	0
	Dispute Resolution: Complaints, Hearings			
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	1	1	1
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, On-Site Visits, or Other	52	186	186
	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, On-Site Visits, or Other	9	21	21
	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, On-Site Visits, or Other	38	273	273
	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	192	340	340

	Dispute Resolution: Complaints, Hearings			
Other areas of noncompliance: Failure to implement the IEP	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings	1	0	0
Other areas of noncompliance: Failure to inform staff of their responsibilities outlined in the IEP	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings	1	1	1
Other areas of noncompliance: Failure to carry out required procedures for transmitting student records to juvenile enforcement or court authorities	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings	1	1	1
Sum the numbers down Column a and Column b			824	824
Percent of noncompliance corrected within one year of identification =			100.00%	
Note: [column (b) sum divided by column (a) sum] times 100.				

The Target of 100% Corrections Within One Year Was Met.

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

Explanation of Progress:

The percent of identified noncompliance corrected within one year is 100%. This overall percentage reflects a increase from the previous results in Indicator 15 (submitted February 2008). This increase may be a result of NDDPI revising and improving data collection methods and timelines, increased technical assistance to special education units and school districts, decreased time between notification and SEA expectations, and increased and/or revised improvement activities. These revisions have been reported in each of the respective indicators. The percent of noncompliance corrected within one year is indicative to the increasingly complete and accurate data collection, and dedication to appropriately serving North Dakota’s students with disabilities.

Explanation of Improvement Activities:

The NDDPI has completed the migration of data from the previous data collections system (ORS) to the State Automated Reporting System (STARS). The Department has also piloted and revised the Web-based Case Management System based on suggestions during the piloting period. The Web-based Case Management System is now in full implementation across all school districts in North Dakota. The Web-based Case Management System houses all documents related to and including the IEP. With the assistance of this new system, monitoring abilities have increased. The NDDPI staff is now able to conduct desk audits on a number of IEP and Indicator related issues, monitor corrections in a timely manner, and use information learned toward more targeted technical assistance. Furthermore, the NDDPI is now able to target technical assistance to the plant, school district, special education unit, or state level.

Table 15.8 Improvement Activities/ Timelines/ Resources

Activities	Timelines	Resources	Status
NDDPI will develop regional education administrative units (REA). The regions will make NDDPI staff more accessible and make it possible for greater professional development to occur statewide. The trainings will include best practices as well as law and compliance. This has a mandated timeline from the Governor’s Commission on Education (2006).	FFY 2007	Special education unit administrators, Joint Powers Consortiums Administrators, DPI professionals	Ongoing
The NDDPI has migrated data from the ORS to the new STARS system for online data collection.	FFY 2007	Eductech, DPI MIS staff, DPI professionals.	Completed
Piloting of the Statewide Special Education Web-based Case Management System (Spring 2008) with full implementation Fall 2008.	FFY2007	NDDPI Staff, District Administrators.	Completed
Implementation of a school improvement process, previously the Consolidated Monitoring and School Improvement, now the High Risk School Improvement.	FFY 2007	NDDPI staff	Completed
Continue to offer technical assistance to parents and schools through early dispute resolution options.	Ongoing	NDDPI Staff	Ongoing

Increased partnerships with parent organizations and agencies.	Ongoing	NDDPI staff, ND PTI, ND Family to Family	Ongoing
Develop ways to improve correlation between monitoring noncompliance and complaint findings.	Ongoing	NDDPI staff	Ongoing
Targeted desk audits by NDDPI staff	FFY2008	NDDPI staff, Contracted individuals	New
Compilation of the special education unit Technical Assistance Inventory for TA development and dissemination.	FFY2008	NDDPI staff	New
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

Explanation of New Activities:

New Activity: Statewide Web-based Case Management System

The Statewide Web-based Case Management System is an electronic system, available via the Internet, which contains all of the components of the Individual Education Program (IEP) and other required forms required for students requiring special education services. The system increases the clarity and accuracy of all student data submitted to the state. It also includes review and validation procedures to check for compliance once the IEP is completed and allows the NDDPI staff to continuously and randomly monitor timely correction of noncompliance issues. This system was designed to increase 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, unit, state, and federal levels. The contract for the Statewide Special Education Web-based Case Management system was completed in 2008 and is now being utilized in all school districts across North Dakota. This statewide system will significantly increase the accuracy of data reported in Indicators 15 and 20.

New Activity: 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 will significantly increase the accuracy of data reported in all SPP indicators and the required improvement activities.

New Activity: Technical Assistance Needs Inventory

During the fall Special Education Leadership Institute, the NDDPI special education staff distributed a *Technical Assistance Needs Inventory* to each of the local special education unit directors. This request for information contained a table (Appendix A) of the SPP indicators and columns requesting information of technical assistance required from the NDDPI. This information was submitted to NDDPI November 2008, compiled, and categorized based on local TA needs and overall statewide TA needs. Technical assistance based on this information is being developed and will be described in the ND APR submitted February, 2010.

New Activity: NDDPI IDEA Indicator Accountability Site

The NDDPI special education staff members are developing an IDEA indicator accountability website.

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>

New Activity: Improvement Activities Training

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

During the OSEP National Accountability Conference, 2008, NDDPI staff met with staff from the NCRRC and the MPRRC to schedule trainings for the NDDPI staff. November 2008 the NDDPI special education staff began training. To create a collaborative NDDPI school improvement process, staff from the NDDPI Title I, Bilingual and Language Acquisition, School Approval and Accreditation, Standards and Achievement, and Testing and Assessment units joined the training sessions in December 2008. In an inclusive and collaborative effort, NDDPI staff will begin working with local personnel in the Spring of 2009.

Revisions, with Justification, 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. However, there are additional activities.

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.

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

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

Table 16.1 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2007 (2007-2008)	100 percent of signed written complaints will be investigated and have reports issued within the 60-day timeline, or have documentation of a timeline extended for exceptional circumstances.

Actual Target Data for FFY2007

The target of 100% was met.

Table 16.2 Signed Written Complaints FFY2007

(1) Total signed written complaints	4
(1.1) Complaints with reports issued	3
(a) Reports with findings	3
(b) Reports within timeline	2
(c) Reports within extended timeline	1
(1.2) Complaints withdrawn or dismissed	1
(1.3) Complaints pending	0
(a) Complaint pending a due process hearing	0

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. Of the three that were investigated in FFY2007, two were investigated with a report issued within 60 days and one was completed within 74 days per parent request for extension. The parent requested that the complaint investigator review new documentation and conduct any necessary interviews necessary as a result of the documentation.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2007:

Explanation of Progress:

The NDDPI State Complaints brochure was revised in the last APR to reflect the new requirements under the IDEA 2004. The brochure explains the complaint process to interested individuals <http://www.dpi.state.nd.us/speced/resource/conflict/complaint.pdf>. 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 opts to file 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, training was provided to:

- special education unit directors at the 2007 Fall Special Education Leadership Conference;
- parents at the spring 2008 ND PTI 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 conference, by providing the annual dispute resolution report to the committee and answering questions.

Attached to the 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 D) and the *Annual Dispute Resolution Report* (Appendix E) 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, including due process hearings and resolution meetings, state complaint investigations, mediations, and IEP facilitations.

Data for the FFY2007 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.

Improvement Activities:

Table 16.4. Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
Provide training in the new IDEA 2004 Procedural Safeguards; Revise guidance documents; Develop and revise model forms;	FFY2005	NDDPI Dispute Resolution Coordinator	Completed
Improve complaint data collection and analysis through Department database. <i>NOTE: Dispute resolution data did not match the online reporting system. Database is being used effectively.</i>	FFY2006 and Ongoing	NDDPI Dispute Resolution Coordinator and NDDPI staff	Revised.
Improve complaint data analysis to be more effectively incorporated into monitoring data	FFY2008 and ongoing	NDDPI Dispute Resolution Coordinator and NDDPI staff	New
Review data and develop action plan for dealing with systemic issues.	Ongoing	NDDPI Dispute Resolution Coordinator	Ongoing
Develop guidance materials in varied formats so that parents can access the information through different modes (brochures, videos, audio tapes, sign-language interpreter, etc.).	Ongoing	NDDPI staff, and other interested stakeholders	Ongoing (NOTE: Completed brochures, , provided online text to speech version of procedural safeguards- no audiotapes have been produced)
Provide trainings and technical assistance to PTI, Protection and Advocacy, Parent organizations, and LEAs.	Ongoing	NDDPI Dispute Resolution Coordinator	Ongoing
Analyze and improve upon existing follow-up methods for ensuring completion of corrective actions in a timely fashion.	Ongoing	NDDPI Dispute Resolution Coordinator	Ongoing
The NDDPI will continue to share dispute resolution annual data with the IDEA Advisory Committee, ND Protection and Advocacy, the ND Parent Training and Information Center, other parent organizations and the public, through website access. The NDDPI will also share this information with BIE special education administrators in the state.	Ongoing	NDDPI Dispute Resolution Coordinator	Timeline Revised

Revisions, with Justification, 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. However, there is one new activity.

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 fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.

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

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

Table 17.1 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2007 (2007-2008)	100 percent of due process hearing decisions will be fully adjudicated and completed within the 45-day timeline, or have documentation of a timeline extended for exceptional circumstances.

Actual Target Data for FFY2007

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 FFY2007:

There was no progress or slippage because there were no due process hearing requests for the FFY2007 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:

The NDDPI received no due process hearing requests in the FFY2007. 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 and 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, training was provided to:

- special education unit directors at the 2007 Fall Special Education Leadership Conference;
- parents at the spring 2008 ND PTI 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 conference, by providing the annual dispute resolution report to the committee and answering questions.

Attached to the 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 D) and the *Annual Dispute Resolution Report* (Appendix E) 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.shtml> or at <http://www.dpi.state.nd.us/speced/guide/guidance/index.shtml>

Improvement Activities:

Table 17.4 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
Provide training in the new IDEA 2004 Procedural Safeguards; Revise guidance documents; Develop and revise model forms.	FFY2005	NDDPI Dispute Resolution Coordinator and NDDPI staff	Completed
Improve complaint data collection and analysis through Department database. <i>NOTE: Dispute resolution data did not match the online reporting system. Database is being used effectively.</i>	FFY2006 and Ongoing	NDDPI Dispute Resolution Coordinator and NDDPI staff	Revised.
Improve complaint data analysis to be more effectively incorporated into monitoring data	FFY2008 and ongoing	NDDPI Dispute Resolution Coordinator and NDDPI staff	New
Review data and develop action plan for dealing with systemic issues.	Ongoing	NDDPI Dispute Resolution Coordinator	Ongoing
Develop guidance materials in varied formats so that parents can access the information through different modes (brochures, videos, audio tapes, sign-language interpreter, etc.).	Ongoing	NDDPI staff, and other interested stakeholders	Ongoing (NOTE: Completed brochures, , provided online text to speech version of procedural safeguards- no audiotapes have been produced)
Provide trainings and technical assistance to PTI, Protection and Advocacy, Parent organizations, and LEAs.	Ongoing	NDDPI Dispute Resolution Coordinator	Ongoing
Analyze and improve upon existing follow-up methods for ensuring completion of corrective actions in a timely fashion.	Ongoing	NDDPI Dispute Resolution Coordinator	Ongoing
The NDDPI will continue to share dispute resolution annual data with the IDEA Advisory Committee, ND Protection and Advocacy, the ND Parent Training and Information Center, other parent organizations and the public, through website access. The NDDPI will also share this information with BIE special education administrators in the state.	Ongoing	NDDPI Dispute Resolution Coordinator	Timeline Revised

Revisions, with Justification, 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

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))

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

Table 18.1 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2007 (2007-2008)	35 percent of Resolution Sessions will be facilitated successfully.

Actual Target Data for FFY2007:

There were no due process hearing requests during this reporting period.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2007:

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, training was provided to:

- special education unit directors at the 2007 Fall Special Education Leadership Conference;
- parents at the spring 2008 ND PTI 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 conference, by providing the annual dispute resolution report to the committee and answering questions.

Attached to the 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 D) and the *Annual Dispute Resolution Report* (Appendix E) 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 a complaint is received, but may be accessed earlier if the conflict is made known to the Department 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 18.2. Improvement Activities/Timelines/Resources

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

Improve complaint data analysis to be more effectively incorporated into monitoring data	08-09 and ongoing	NDDPI Dispute Resolution Coordinator and NDDPI staff	New
Monitor issues presented in resolution meetings for the purpose of handling systemic issues.	Ongoing	NDDPI Dispute Resolution Coordinator	Ongoing NOTE: There have been no due process hearing requests to allow for this activity
Develop guidance materials in varied formats so that parents can access the information through different modes.	FFY2006 and FFY2007	NDDPI staff, and interested stakeholders	Completed (NOTE: Completed brochures, provided online text to speech version of procedural safeguards- no audiotapes have been produced)
The NDDPI will continue to share dispute resolution annual data with the IDEA Advisory Committee, ND Protection and Advocacy, the ND Parent Training and Information Center, other parent organizations and the public, through website access. The NDDPI will also share this information with BIE special education administrators in the state.	Ongoing	NDDPI Dispute Resolution Coordinator	Ongoing

Revisions, with Justification, 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

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))

Measurement:

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

Table 19.1 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2007 (2007-2008)	A state need not set targets for this indicator unless its baseline data reflects that it has received a minimum threshold of 10 mediation requests. Historically North Dakota has a minimum threshold of less than 10 mediation requests per year.

Actual Target Data for FFY2007:

There was only one mediation request during this reporting period. The request was later withdrawn. 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. 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. IEP facilitation is paid for by the NDDPI. A request form and a brochure were developed for parties interested in participating in a facilitated IEP meeting. These can be found on the NDDPI website at: <http://www.dpi.state.nd.us/speced/resource/conflict/index.shtm>

Table 19.2. Mediation Requests

(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)	1

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2007:

Explanation of Progress:

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 been reduced because the NDDPI offers IEP Facilitation as an early dispute resolution option at no cost to the parties. There were eight IEP facilitation requests in the FFY2007. Of those eight, seven were held and all resulted in a successful completion of an appropriate IEP. The NDDPI continues to assist parties in early resolution of disputes.

The NDDPI updated the Mediation brochure and manual to reflect the IDEA 2004 federal regulations. The NDDPI offers mediation whenever conflict between a parent and school exists or when a complaint is filed. Either the parents or school district may request mediation. Mediation can be requested whenever conflict between a parent and school exists. 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 will be 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, training was provided to:

- special education unit directors at the 2007 Fall Special Education Leadership Conference;
- parents at the spring 2008 ND PTI 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 conference, by providing the annual dispute resolution report to the committee and answering questions.

Attached to the 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 D) and the *Annual Dispute Resolution Report* (Appendix E) 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 2004 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 18.2. Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
Provide stakeholder training in the new IDEA 2004 regulations on procedural safeguards and dispute resolution options. Revise guidance documents.	FFY2006	NDDPI Dispute Resolution Coordinator	Completed
Continue to expand existing facilitator pool; provide facilitation and IDEA 2004 training to facilitators.	FFY2007 and ongoing	NDDPI Dispute Resolution Coordinator	Ongoing
Monitor all resolution meetings through internal database.	Ongoing	NDDPI Dispute Resolution Coordinator	Ongoing <i>NOTE: There have been no due process hearing requests to allow for this activity.</i>
Improve complaint data analysis to be more effectively incorporated into monitoring data	FFY2008 and Ongoing	NDDPI Dispute Resolution Coordinator and NDDPI staff	New
Monitor issues presented in resolution meetings for the purpose of handling systemic issues.	Ongoing	NDDPI Dispute Resolution Coordinator	Ongoing <i>NOTE: There have been no due process hearing requests to allow for this activity</i>
Develop guidance materials in varied formats so that parents can access the information through different modes.	Ongoing	NDDPI staff, and interested stakeholders	Ongoing <i>(NOTE: Completed brochures, , provided online text to speech version of procedural safeguards- no audiotapes have been produced)</i>
The NDDPI will continue to share dispute resolution annual data with the IDEA Advisory Committee, ND Protection and Advocacy, the ND Parent Training and Information Center, other parent organizations and the public, through website access. The NDDPI will also share this information with BIE special education administrators in the state.	Ongoing	NDDPI Dispute Resolution Coordinator	Ongoing

Revisions, with Justification, 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

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))

Measurement:

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

- A. Submitted on or before due dates (February 1 for child count, including race and ethnicity; placement; November 1 for exiting, discipline, personnel; and February 1 for Annual Performance Reports); and
- B. Accurate (describe mechanisms for ensuring error free, consistent, valid and reliable data and evidence that these standards are met).

Table 20.1 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2007 (2007-2008)	100 percent of required data reports will be accurately completed and submitted on time.

Actual Target Data for FFY2007:

Table 20.2 Valid and Reliable APR FFY2007 Data

SPP/APR Data - Indicator 20				
APR Indicator	Valid and Reliable	Correct Calculation	Followed Instructions	Total
1	1		1	2
2	1		1	2
3A	1	1	1	3
3B	1	1	1	3
3C	1	1	1	3
4A	1	1	1	3
5	1	1	1	3
7	1	1	1	3
8	1	1	1	3
9	1	1	1	3
10	1	1	1	3
11	1	1	1	3

12	1	1	1	3
13	1	1	1	3
14	1	1	1	3
15	1	1	1	3
16	1	1	1	3
17	1	1	1	3
18	1	1	1	3
19	1	1	1	3
			Subtotal	58
APR Score Calculation		Timely Submission Points - If the FFY2006 APR was submitted on-time, place the number 5 in the cell on the right.		5
		Grand Total - (Sum of subtotal and Timely Submission Points) =		63

Table 20.3 618 Data and APR Data Submitted on Time and Accurately

618 Data - Indicator 20					
Table	Timely	Complete Data	Passed Edit Check	Responded to Data Note Requests	Total
Table 1 - Child Count Due Date: 2/1/07	1	1	1	1	4
Table 2 - Personnel Due Date: 11/1/07	1	1	1	1	4
Table 3 - Ed. Environments Due Date: 2/1/07	1	1	1	1	4
Table 4 - Exiting Due Date: 11/1/07	1	1	1	1	4
Table 5 - Discipline Due Date: 11/1/07	1	1	1	1	4
Table 6 - State Assessment Due Date: 2/1/07	1	1	1	1	4

Table 7 - Dispute Resolution Due Date: 11/1/07	1	1	1	1	4
				Subtotal	28
618 Score Calculation			Grand Total (Subtotal X 2) =		56

Table 20.4 Grand Totals of the Timeliness and Accuracy of 618 and APR Data

Indicator #20 Calculation	
A. APR Grand Total	63
B. 618 Grand Total	56
C. APR Grand Total (A) + 618 Grand Total (B) =	119
	Total N/A in APR
	0
	Total N/A in 618
	0
	Base
	119
D. Subtotal (C divided by Base*) =	1.000
E. Indicator Score (Subtotal D x 100) =	100.0

The target of 100% was met.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2007:

Explanation of Progress:

Results of Indicator 20 has improved 98.4% reported in the APR FFY2006 to 100% reported in this APR. The NDDPI staff members thoroughly reviewed the data, timely corrections, improvement activities, and OSEP responses to each of the indicator results reported in the APR FFY2006. Areas requiring improvement included statewide representation in Indicator 8, calculations which included appropriate identification reviews in Indicators 9 and 10, and timely corrections reported in indicator 15. The 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 is reliable and valid. Reliability and validity checks occurred 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 data through the new Web-based Case Management System where available. 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. 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 2007 conference was ensuring timely and accurate data

Documents were distributed and presentations given on each of the indicators data requirements and timelines. It was also stressed that inaccurate and late data effects the indicator to which the data are reported, indicator 15, and indicator 20. Furthermore, data which are not timely and/or accurate 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 in conference participants.

The NDDPI has developed a *Technical Assistance Needs Inventory*. This *Technical Assistance Needs Inventory* was distributed to each of the local special education unit directors. 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. Technical assistance based on this information is being developed and will be described in the ND APR submitted February, 2010.

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
Piloting of the Statewide Special Education Web-based Case Management System (Spring 2008) with full implementation Fall 2008.	FFY2007	NDDPI Staff, District Administrators.	Completed
The NDDPI Standards and Achievement Unit has moved the annual school district data submission date to an earlier deadline of November 1.	Ongoing	NDDPI staff	Date change Completed
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 is coded to ensure uniformity, and accuracy of data definitions and collection.	FFY2008	NDDPI staff	New

Revisions, with Justification, 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. However, there are additional activities.

Appendix A

Special Education Technical Needs Inventory

Special Education Unit (SEU):

Contact Person for the SEU:

Date Finalized by SEU:

**Needs Assessment:
2008-2009 Special Education Improvement Planning**

NDDPI Purposes:

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

Indicator	Sp Ed Unit	Assessment of needs across districts within the SEU (see page 5 of handout for descriptors)	Issues re. Timely and Accurate Data
Indicator 1 Graduation			
Indicator 2 Dropout			
Indicator 3 Assessment			
Indicator 4 Suspension-Expulsion			

Indicator 5 Least Restrictive Environment			
Indicator 6 Early Childhood LRE			
Indicator 8 Parent Involvement			
Indicator 9 Disproportionate Representation			
Indicator 10 Disproportionate Representation- Specific Disability Category			
Indicator 11 60-Day Evaluation Timeline			

Indicator 12 In by Three			
Indicator 13 Coordinated Transition Services			
Indicator 14 Postsecondary Outcomes			
Indicator 15 General Supervision			
Indicator 20 Timely and Accurate Data			

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

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

- Describe **evaluation/performance measurement practices** that would demonstrate progress toward the desired result.
- Specify **timeline**.

Improvement Activities Analysis Categories

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

CODES based on Availability of TA: A. Technical Assistance not available in SEU

B. SEU will provide assistance

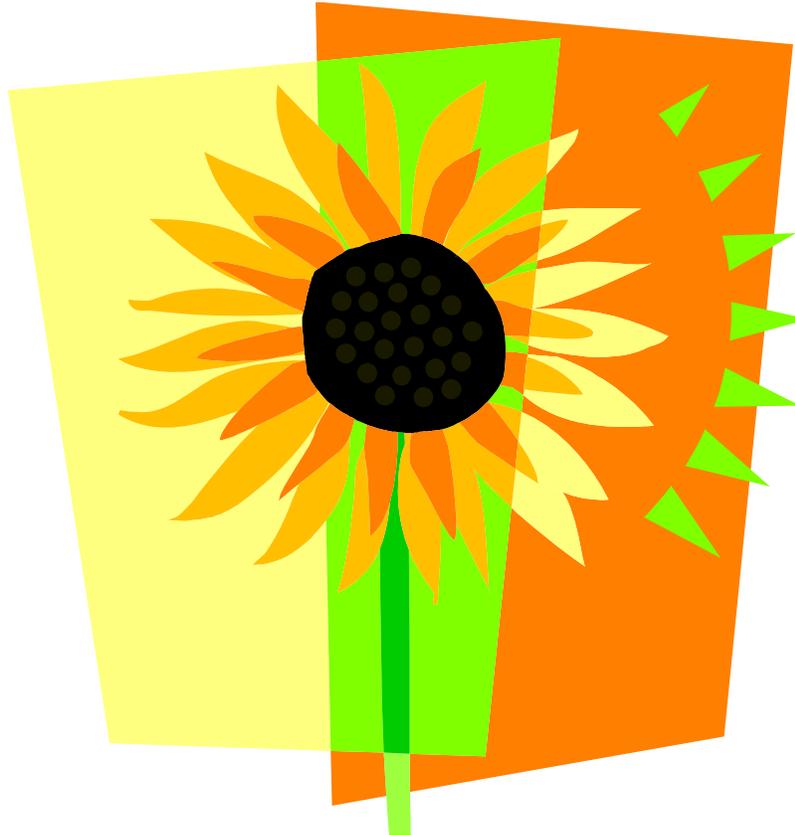
C. District will handle this without assistance

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

Appendix B

***Summary of the North Dakota
Special Education
Annual Performance Report FFY2007
and
State Performance Plan 2005-2010***

**The North Dakota Special Education
State Performance Plan and
Annual Performance Report Summary
2007-2008**



Individuals with Disabilities Education Act, 2004



Department of Public Instruction
Office of Special Education

Robert Rutten
State Special Education Director

Brenda Oas
Assistant State Director

Regional Special Education Coordinators:

Nancy Skorheim	Guy McDonald
Gerry Teevens	Teresa Monicken
Alison Dollar	Patrick Moran
Doreen Strode	

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.

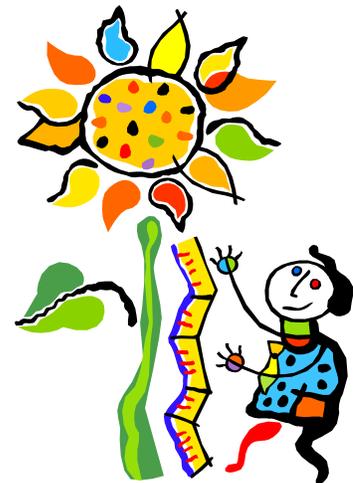
After collecting the data for each of these indicators, the special education staff at the NDDPI reviews the information. School districts that are identified as needing assistance are contacted and a letter is sent describing the concern found. They are also given specific corrective actions based on 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%.

Baseline: Graduation rate for students with IEPs = 84.14%; graduation rate for all children = 80.98%

Achievement to Date:

	FFY2004	FFY2005	FFY2006	FFY2007
# 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%

Improvement Activities: Indicators 1 and 2 are directly related. Therefore, the activities for Indicator 2 are those of Indicator 1.

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%;

Achievement to Date:

	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008
A. Percent of Districts Meeting AYP Objective for IEP subgroup						
Reading	76.5%	93.5%	92.4%	93.0%	91.3%	68.3%
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%
Math	98.3%	97.8%	98.5%	98.1%	97.4%	97.9%
C. Proficiency Rate of IEP students						
Reading	24.9%	39.7%	48.1%	54.3%	61.2%	53.6%
Math	12.5%	21.6%	43.0%	50.2%	58.6%	57.1%

Annual Target for 2007 - 2008:

- a) Percent of districts meeting the State AYP objectives for disability subgroups in reading will be 96.5 percent. Percent of districts meeting the State AYP objectives for disability subgroups in math will be 97.5 percent.
- b) Participation rate for children with IEPs in a regular assessment in reading will be 95.0 percent and in math will be 95.0 percent.
- c) The percentage of IEP students that will meet proficiency for reading will be 60 percent. The percentage of IEP students that will meet proficiency for math will be 55 percent.

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.



Indicator 5

Percent of children with IEPs aged 6 through 21: A) Removed from regular class less than 21% of the day; B) Removed from regular class greater than 60% of the day; or C) Served in public or private separate schools, residential placements, or homebound or 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:

	FFY2004	FFY2005	FFY2006	FFY2007
(a) Removed from regular class less than 21% of the day	77.69%	78.62%	79.00%	77.68%
(b) Removed from regular class greater than 60% of the day	4.24%	3.94%	3.61%	4.39%
(c) Served in public or private separate schools, residential placements, or homebound or hospital placements	2.33%	2.14%	2.09%	1.53%

Annual Target for 2007 - 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%

Achieved in 2005 – 2006: 52%

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.



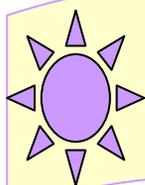
Target for 2010 - 2011: 94 percent of parents with a child receiving special education services report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

Baseline (2005-2006 data): 92.8%

Achievement to Date:

	FFY2005	FFY2006	FFY2007
% 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%

Annual Target for 2007-2008: 88%

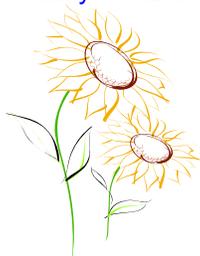


If you are a parent and your child has a disability, please go to <http://www.dpi.state.nd.us/speced/parent/> to participate in the **Parent Survey**.

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:

	FFY2005	FFY2006	FFY2007
% 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%

Annual Target for 2007 - 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

	FFY2005	FFY2006	FFY2007
% 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%

Annual Target for 2007 - 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).



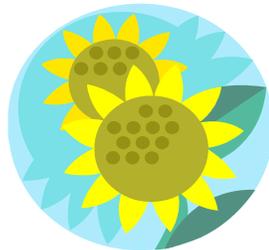
Target for 2010 - 2011: 100% of children with parental consent to evaluate are evaluated within 60 days.

Baseline: 95.51%

Achievement to Date:

	2005-2006	2006-2007	2007-2008
(a) Total # of children with parental consent	1424	3610	3432
(b) Total # of children determined not eligible within 60 days	268	750	632
(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
Percent who met the indicator	88.09%	95.4%	98.4%

Annual Target for 2007-2008: 100%



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:

	FFY2004	FFY2005	FFY2006	FFY2007
a. # of children served in Part C and referred to Part B	311	370	393	317
b. # found not eligible and whose eligibility was determined prior to third birthday	145	186	134	70
c. # of those found eligible who have an IEP developed and implemented by their third birthdays	139	159	191	190
d. # for whom parent refusals to provide consent caused delays in evaluation or initial services	12	16	47	43
# in a but not in b, c, or d	20	12	21	14
Percent who met the indicator	90.26%	94.62%	90.09%	93.1%

Annual Target for 2007-2008: 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:

	FFY2005	FFY2006	FFY2007
# 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 2007-2008: 100%

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.



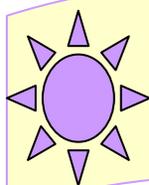
Target for 2010 - 2011: Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school will meet or exceed 83.0%

Baseline: 81.8%

Achievement Over Time

	2006-2007	2007-2008
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.



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.

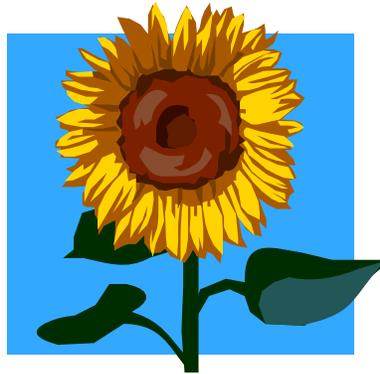
Target for 2010 - 2011: 100% identified noncompliance will be corrected within one year of identification.

Baseline: 87.8%

Achievement to Date:

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

Annual Target for 2007-2008: 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 C

**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:					
<ul style="list-style-type: none"> Research-based or appropriate 					Specifically relevant for students referred for interventions or for an evaluation for special education.
<ul style="list-style-type: none"> Matched to skill level of student 					
<ul style="list-style-type: none"> Motivating and rewarding 					
<ul style="list-style-type: none"> Provided by qualified teachers 					
Early interventions for academic/behavior concerns:					
<ul style="list-style-type: none"> Is there evidence of multiple interventions 					
<ul style="list-style-type: none"> Does intervention data includes baseline, adequate monitoring, and expected performance outcomes 					Does the intervention plan allow for progress monitoring?
<ul style="list-style-type: none"> 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:					
<ul style="list-style-type: none"> Adequate frequency 					Are intervention protocols aligned with research?
<ul style="list-style-type: none"> Adequate time per session 					
<ul style="list-style-type: none"> Reasonably sized group 					
Behavior Issues:					
<ul style="list-style-type: none"> Positive behavior intervention(s) 					When appropriate, were behavior plans developed, implemented, and evaluated for effectiveness?
<ul style="list-style-type: none"> Functional behavioral assessment 					When appropriate, were plans implemented and followed?
<ul style="list-style-type: none"> Behavior intervention plan 					
Results of intervention					
<ul style="list-style-type: none"> Meetings to review progress 					Were a sufficient number of meetings held?
<ul style="list-style-type: none"> 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 D

Dispute Resolution: What We've Learned

ND Department of Public Instruction Office of Special Education

What We've Learned: 2007-2008

State Complaint Investigations

Complaint 1

The IDEA does not specify what constitutes sufficient "consideration" of a child's needs for assistive technology. But according to one expert, "There are two approaches: the team has considered AT and is able to make an immediate decision, or more information is needed. Depending on how much information is needed, an assessment is performed on the child." *IEP AT Services: The AT Coordinator is the Linchpin, an Interview with John Castellani, Ph.D.*, Associate Professor, Johns Hopkins University and Program Director, Maryland Assistive Technology Network (MATN). Make sure that the IEP team has enough information to consider the child's needs for AT. If not, refer the student for assessment. Consider and document whether the student is making adequate progress without requested technology.

Complaint 1

In developing a student's IEP, make sure that the IEP team considers the results of the initial or most recent evaluation of the child. Document consideration of any evaluation.

Complaint 2

To qualify for special education and related services under the IDEA, the student must meet the definition of one or more of the categories of disabilities specified under the IDEA, *AND* the student must be shown to be in need of special education and related services as a result of his disability or disabilities. Don't assume that because a child has a disability, that child is in need of special education. It must first be determined whether the student's performance is problematic and whether the difficulty is the result of a disability. If the problem is a result of a disability, then the question is whether reasonable accommodation is sufficient to enable the student to benefit from the regular education curriculum. If not, then the student should be referred for special education. Remember that it is inappropriate to implement IDEA procedures until it becomes evident that the student has a need that exceeds reasonable accommodation.

Complaint 2

It is not advisable to include non-mandatory items in an IEP. If a school includes programming or related services in an IEP that exceeds the obligation to provide FAPE in order to appease parents, due process requirements attach, and the school may be required to provide that service throughout the period covered by the IEP, regardless of whether that service is necessary for FAPE. And, providing non-mandatory items may prevent the student from developing necessary skills or experiencing the natural consequences of behavior not related to a disability.

Complaint 2

Be aware of applicable due process proceedings and decisions. If the school district is not aware of a due process decision involving the same parties, the IEP team may develop IEPs and goals that are contrary to a decision that is binding on the SEA.

Complaint 3

Avoid misunderstandings by helping parents understand the amount of time their children will be in the regular classroom. Provide a schedule so that parents better understand when their children will be in the regular classroom, the resource room, etc. Document for parents what curriculum will be modified, how it will be modified, and whether that curriculum will be taught in the regular classroom or elsewhere. Parents should have a good understanding of environmental setting options.

Complaint 3

When faced with a deteriorating relationship between parents and the school, remain calm, listen, and provide all requested opportunities to be heard. Consider bringing other neutral personnel to the table to help diffuse an acrimonious relationship. Consider a change in case manager or other school staff in order to facilitate a less adversarial relationship between the parties. The IDEA encourages parties to work together. It would undermine the collaborative approach envisioned in the IDEA to allow hostility to invalidate an otherwise appropriate program.

Complaint 3

A school district is not required to schedule an IEP meeting upon parental request, but if the parents of a child with a disability believe that the child is not progressing satisfactorily or that there is a problem with the child's IEP, it is appropriate to have an IEP meeting. Parents might not specifically ask for an IEP meeting, but the school is responsible for determining when it is necessary to conduct an IEP meeting and must ascertain the parents' intent. Ask the parents if they want an IEP meeting, with all of the associated notice and procedural protections, or if they just want an opportunity to discuss their concerns.

Complaint 3

Take notes at all meetings. While a school district is not required to produce minutes or other documentation of the proceedings of IEP meetings over and above the IEP document itself, "staffing notes" or other minutes are helpful to demonstrate both that parents have been provided an opportunity for meaningful input, that the school is operating in good faith, and that the parents' concerns have been addressed. The minutes will also provide a record of interventions attempted and considered.

Complaint 3

Parents are not entitled to transportation costs if they unilaterally transfer their child to another school where the school provided an IEP that was appropriate.

Mediations

Parties are not required to file a complaint in order to request mediation. While IDEA 1997 stipulated that mediation must be offered to parties whenever a complaint was received by the state education agency, IDEA 2004 clarified that mediation can be offered at any point in a conflict. Parents of students with disabilities and school staff may request mediation whenever they disagree or have other conflicts that hinder their working together on behalf of the student. Mediation offers an informal, effective way to resolve differences. It may focus on issues specific to a student's educational services or it may address communication issues that affect the working relationship of parents and educators.

IEP FacilitationsFacilitated IEP #1 and #3 (same school district and family)

It is important for the whole team to have the best understanding possible of the severity of the student's disability.

- The regular education teachers had a "user friendly" understanding of the severity of the disability. Therefore, accommodations and modifications were not always appropriate.
- Discussion regarding the students type and severity of disability at the beginning of the IEP meeting lead to a better understanding of the overall challenges that the student experiences.
 - Some disabilities are "hidden" making them difficult to understand completely.

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

Facilitated IEP #2

Conflict often occurs because team members, particularly parents, do not feel their message has been heard. In this facilitation it took two meetings before the parents finally began to feel that they were being heard.

- IEP facilitations can create an atmosphere where all team members feel their position has been respectfully heard. It also helps the parties to clarify their differences and to seek alternatives not previously considered.

Facilitated IEP #4

- In cases where there is a concern about placement, the IEP team discusses and determines additional information that might be needed to help the team determine the least restrictive environment for the placement.
 - In this case, the facilitator referred parents to an outside evaluator without going through the team process.
- IEP facilitators are not members of the IEP team and do not make unilateral decisions. The facilitator should not make recommendations to the parent, for instance, that is not part of the IEP team process.

Facilitated IEP #5

- Separate pre-meetings can be useful. Before conducting an IEP facilitation it is important to get both parties perspective on the situation and to determine how far apart the team members are.

- In cases where the student is involved in the IEP meeting, it is also important to meet with the student alone to get his/her perspective since this may change once the parent is in the room. This is especially true with older students.

Facilitated IEP #5

The team should ensure that there is an ongoing assessment of IEP goals.

- If a student's progress on IEP goals and classroom performance indicates the student no longer needs special education, the student's progress and current performance data should be thorough and should clearly substantiate that services are no longer needed.

Facilitated IEP #6

As long as everyone at the meeting has received the same copy of the IEP, it is considered valid whether it has been all typed, all hand written, or a mixture of both. It would not have been appropriate if the parent had received a copy with hand written inserts that no one else on the team, including the school file, had received.

- Most of the IEP was written during the IEP meeting, but due to equipment failure, a section of it could not be completed that day. This team was working hard to use technology to visually show the IEP on a projected screen for all team members to see. The projected image worked fine until we could not fill in one section.
 - So, that section's information was written in by the case manager.
 - This caused the parent much distress, for which she contacted the Department to have them correct. It isn't non-compliance to complete part of the IEP by computer and part by hand when there is equipment failure.

Facilitated IEP #7

At times, it's not easy to reach consensus or make the best decision regarding placement for a child because of how hard the team has worked to accommodate a child.

- Children with disabilities are important to all team members.
- This team worked very hard to provide an appropriate school environment for a student with autism. Small rural schools many times have to provide "homespun" services.
- This team worked hard to cross train for appropriate service provision.
- The parents wanted to have a more standardized type of programming which could be provided just a few miles away.

Miscellaneous

- Include in the IEP all programming and services required to provide FAPE even if not currently available at the school or within a district – with a statement of how the school district plans to address provision of those services.
 - Example: SLP services. Provide parent with all information. Involve parent in the decisions regarding what other options the district can provide to provide FAPE.
- If you are seeing the same or similar issues showing up in your indicator data as may have also been brought out through a complaint or one of the other dispute resolution options, make sure that you are focusing your efforts on those issues relative to your improvement planning.

Appendix E

Annual Report for Dispute Resolution

***ND Dept of Public Instruction
Office of Special Education***

***Annual Report for
Dispute Resolution
July 1, 2007 – June 30, 2008***

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

Dispute Resolution Management History

	IEP FACILITATION REQUESTS (ACTUAL)	MEDIATION REQUESTS (ACTUAL)	COMPLAINT INVESTIGATION REQUESTS (ACTUAL)	DUE PROCESS HEARING REQUESTS (ACTUAL)
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)

Requests for Complaint Investigation: July 1, 2007 – June 30, 2008

FILED BY	DATE OF RECEIPT OF COMPLAINT	ISSUES	VIOLATION Y/N	DATE OF REPORT TO COMPLAINANT
<u>Parent</u> <u>(#1)</u>	11/07/07	1. Failure to consider AT devices & services for IEP.	1. No	Due: January 7, 2008 Sent: Dec. 31, 2007
<u>Parent</u> <u>(#2)</u>	02/06/08	1. Failure to state measurable annual goal as related to student's disability	1. No	Due: April 7, 2008 Sent: April 7, 2008
<u>Parent</u> <u>(#3)</u>	05/12/08	Did the District: 1. Fail to include the student in the regular classroom? 2. Fail to modify curriculum for social studies and science? 3. Maintain a hostile relationship with the parents? 4. Fail to observe notice and procedural protections? 5. Are parents entitled reimbursement for transp.	1. No 2. No 3. No 4. No 5. No	Due: July 11, 2008 (Extension Requested by Complainant and granted for two weeks) Sent: July 25, 2008
<u>SpEd Unit</u> <u>Director</u> <u>(#4)</u>	6/06/08	Did the District fail to provide FAPE?	NA	Withdrawn

Requests for Due Process Hearing: July 1, 2007 - June 30, 2008

There were no due process hearing requests or resolution meetings held during the 2007-2008 school year.

Requests for Mediation: July 1, 2007 – June 30, 2008

DATE REQUEST RECEIVED	DISPUTE ISSUE(S)	FILED BY	OUTCOME
1 6-19-08	1. Issues outlined in the complaint <ul style="list-style-type: none"> ▪ Child find ▪ Failure to implement IEP ▪ Highly qualified teacher ▪ Violation of FERPA 	Special Ed Unit Director	<ul style="list-style-type: none"> ▪ Mediation request was tied to a complaint investigation request. ▪ Request for both mediation and complaint were withdrawn on 6-23-08 ▪ School board submitted their request for mediation on 6-27-08 then withdrew by phone a month later. ▪ The parties agreed to give new district Superintendent a chance to resolve at the beginning of the 2008-09 school year.

Requests for IEP Facilitation: July 1, 2007 - June 30, 2008

DATE OF REQUEST	ISSUE(S)	MEETING DATE(S)	RESULTS
4/22/2008	1. Progress Reporting 2. Discipline/Behavior 3. Implementation of IEP	5/22/2008	Student will attend [PRIVATE FACILITY] and transportation will be provided.
4/18/2008	1. Placement & Services 2. Identification 3. Services 4. Goals 5. Adaptations 6.AT 7. Progress Reports 8. Implementation of IEP	5/15/2008	Successful completion of IEP
2/6/2008	1. IEP Goals	1st mtg: 02/18/08; 2nd mtg: 03/19/08	Student determined not eligible under IDEA; 504 Plan being developed
12/13/2007	1. Placement & Services	4/16/2008	Family disagrees with placement decision of the team; considering DPH
12/6/2007	1. Adapt./accommodations	12/20/07	Successful completion of IEP
11/6/2007	1. Implementing IEP Services 2. Behavior Plan 3. Adapt./accommodations 4. Placement	1st mtg: 11/23/07 2nd mtg: 1/08/08	Successful completion of IEP; behavior plan and placement decision
10/2/2007	1. Implementing transition & IEP goals	1st mtg: 10/23/07 2nd mtg: 11/06/07	Successful completion of IEP
9/11/2007 11/9/2007	1. Services 2. IEP Implementation 4. Placement	XXXXXX	Parent declined placement decision

Table 7: 2007 – 2008
Dispute Resolution – Complaints, Mediations, and Due Process Hearings Data

SECTION A: Written, signed complaints	
(1) Written, signed complaints total	4
(1.1) Complaints with reports issued	3
(a) Reports with findings	0
(b) Reports within timeline	2
(c) Reports within extended timelines	1
(1.2) Complaints withdrawn or dismissed	1
(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	0
(i) Mediation agreements	0
(2.2) Mediations not held (including pending)	1
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 SYNOPSES
July 1, 2007 – June 30, 2008**

Note: These summaries are 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.

COMPLAINT 1

Issue 1: Did the school fail to consider the need for assistive technology devices and services for the student's individualized education program (IEP) effective 1/24/07 to 1/24/08, as required by 34 CFR section 300.324, resulting in a violation of IDEA?

Conclusion: No violation. The school did not fail to consider the student's needs for assistive technology when it developed the IEP.

Regulations implementing the IDEA provide that in developing each child's IEP, the IEP Team must consider whether the child needs assistive technology devices and services. An assistive technology device (or service) can be special education, a related service, or a supplementary aid or service. The choice of a particular assistive technology device is left to the school district, provided the device it selects provides an appropriate level of educational benefit or support. The IEP team did consider assistive technology and determined that the student did not need it to access the general curriculum. The team noted that the student was performing successfully without AT and that the student's hand writing and organization difficulties could be addressed with appropriate low tech accommodations, access to computers at school and assistance in the resource room. The parent advocated the use of a "Tablet PC" and maintained that the team should have considered a 2005 AT assessment that recommended AT. Regulations implementing IDEA provide that in developing each child's IEP, the IEP team must consider the results of the initial or most recent evaluation of the child. Nothing in the IDEA defines "consideration." Accordingly, what is sufficient consideration is an open question. Here however, some members of the IEP team had reviewed the 2005 assessment, the IEP team considered the hand writing and organization difficulties noted in the assessment and the team considered the need for AT. Given the student's recent academic progress without assistive technology, assistive technology was not required for the student to derive benefit from his education. Further, there was evidence that the school had offered appropriate accommodations and devices, but the student had refused them. That the student wouldn't use the software or computers at school, use the resource room to complete homework, or make efforts to complete work as required was not the school's responsibility. The school does not have to offer the AT device of the student's choosing and in fact, providing unneeded AT may be counterproductive. The record showed that the student did not require AT to derive benefit from his education. The student's academic difficulties were not related to a lack of assistive technology - they were related to poor attendance and behavior unrelated to his disability.

COMPLAINT 2

Issue 1: Did the school fail to include a statement of measurable annual goals designed to meet the student's needs that result from his disability, in the student's individualized education program (IEP) effective 1/24/07 to 1/24/08, as required by 34 CFR section 300.320, resulting in a violation of IDEA?

Conclusion: No violation. The school did not fail to include annual goals to meet the student's needs resulting from his disability.

The parent and student alleged that the student's IEP was defective because it contained only one goal related to improving the student's attendance, yet the school maintained that the student's truancy was not related to his disability. The parent asked that the goal on attendance be included in the IEP and the IEP team agreed to write the goal to improve attendance because the team believed that if the student could get to school, the student would do well. But no member of the team believed that the student's attendance problems were related to student's disabilities. First, the parent considered the attendance goal and the IEP to be appropriate at the time it was developed. Case law holds that parents' claims that IEP goals are trivial and inappropriate will not be accepted if they had previously approved of those goals. Second, that the student's attendance problems were not related to his disabilities had already been determined in a prior

due process decision involving the same parties. The IDEA provides that if an issue raised in a complaint has previously been decided in a due process hearing involving the same parties, the due process hearing decision is binding on that issue. Accordingly, the finding that the student's attendance problems were not related to his disability is binding on the SEA and shows that the school was not required to write a goal related to attendance. That the school agreed to write a goal for attendance, when it was not required to do so, does not, by itself, invalidate the IEP. It may however create an obligation to provide that programming throughout the period covered by the IEP, regardless of whether that service or programming is necessary for FAPE.

COMPLAINT 3

Issue 1: Did the school district fail to include the student in the regular classroom in accordance with the IEP, resulting in a violation of IDEA?

Conclusion: The school was in substantial compliance with the requirements of IDEA for inclusion in accordance with the IEP.

Documents from the school and interviews with school personnel showed that the student was included in the classroom in accordance with the IEP. The amount of time the student was in the regular education classroom for any given subject fluctuated according to the student's needs, but the total amount of time the student spent in the classroom and resource room was within the percentages specified in the IEP and in accordance with the environmental setting set forth in the IEP. These environmental setting options "are not intended to hinder the team's creativity but to serve as a summary statement about where the child with a disability spends most of his or her day." *Guidelines: Individualized Education Program Planning Process*, North Dakota Department of Public Instruction, p. 54 (2007).

Issue 2: Did the school district fail to modify curriculum for social studies and science in accordance with the IEP, resulting in a violation of IDEA?

Conclusion: No violation. The school did not fail to modify curriculum for social studies and science in accordance with the IEP.

The parents claimed that the curriculum was not properly modified to allow the student to be successfully included in the regular education classroom. Upon investigation, it was determined that all of the student's work was appropriately modified and the parents were mistaken as to the nature and extent of the modifications made to the student's curriculum. Modifications were not readily apparent and despite explanations from school personnel, the parents remained unconvinced that appropriate modifications were being made. They believed that the modifications could have been done better and they pointed to curriculum modifications made at another school as superior to those provided to the student. The record showed however that the student did receive an appropriately modified curriculum in social studies and science. And while modifications could have been done better or differently, that is a question of education methodology, which is within the discretion of the school district, provided the method chosen offers FAPE.

Issue 3: Did the school district maintain a hostile relationship with the parents of the student in violation of the IDEA?

Conclusion: No violation. The school did not maintain a hostile relationship and claims of hostility cannot defeat an appropriate IEP.

The parents claimed that when they attempted to work with the school to have the IEP implemented, they were met with rudeness, obstruction, and resistance. The school agreed that there was a personality conflict between the special education teacher and the mother. Despite the admitted poor relationship between the parties, the parents were provided requested meetings, their concerns were addressed and their suggestions were considered. The IDEA requires that parents be given an opportunity for meaningful input and there is no evidence that the parents were denied an opportunity for meaningful input. The evidence did not support the parents' claim that the school district created a hostile environment such that the student should not be educated at the school. While the school ultimately agreed to pay for the student's transfer to another school because of the acrimonious relationship between the parties, the IDEA encourages parties to work together and it would undermine the collaborative approach envisioned in the IDEA to allow claims of hostility to invalidate an otherwise appropriate program.

Issue 4: Did the school fail to take minutes at meetings and fail to consider certain meetings as IEP meetings with all of the associated notice and procedural protections, resulting in a violation of the IDEA?

Conclusion: No violation. The school did not fail to convene a required IEP meeting or fail to take minutes of proceedings of IEP meetings.

The parents complain that they requested several meetings with school staff to discuss their concerns about the implementation of the IEP and that these meetings should have been deemed IEP meetings, with all of the associated

notice and procedural protections. The parents agreed that they did not specifically request any IEP meetings, and the school did not determine that it was necessary to conduct any IEP meetings, but when the parents requested meetings, they were held. Parents and staff discussed the implementation of the IEP, including curriculum modifications and inclusion. Meetings were also held to discuss the student's transfer to another school. No modifications to the IEP resulted and the student's IEP was implemented without change in the new school. The IDEA would not have required the school to convene an IEP meeting for every meeting requested and held to address the parents' concerns about the student's program. Nor is a school district required to convene an IEP meeting prior to a change in location. A transfer of a student from one school to another school, which has a comparable educational program, is generally considered a change in location only. The record did not show that any of the meetings held should have been IEP meetings, although best practice would be to schedule an IEP meeting when parents believe that the student is not progressing satisfactorily or that there is a problem with the current IEP.

With regard to whether minutes should have been kept, a school district is not required to produce minutes or other documentation of the proceedings of IEP meetings over and above the IEP document itself. Likewise, recommendations discussed by participants in meetings not considered IEP meetings would not have required documentation. Nevertheless, the school did take staffing notes and the parents were told that they could supplement the staffing notes to the extent they felt appropriate.

Issue 5: Are the parents entitled to be reimbursed for transportation costs?

Conclusion: No. The school did not fail to offer an appropriate placement.

The parents unilaterally placed the student in another school district because they believed that the first school had created a hostile environment and they did not believe that the student's IEP was implemented as written. They believed they should be reimbursed for having to drive their child to another school. The resident school district agreed to pay for the student's tuition to attend another school because of the strained relationship between the parties, but the school did not agree to pay for transportation. Under IDEA, a family is entitled to reimbursement for tuition and transportation costs where the school district failed to offer appropriate placement. The evidence did not show that the school created a hostile environment such that the student should not be educated in the district, nor did the evidence show that the school failed to provide FAPE such to require it to pay tuition. Accordingly, the parent's placement of their child in another district did not entitle them to reimbursement for transportation for the 2007-2008 school year.

The parents also asked for reimbursement for future transportation costs. However, the student has been transferred for the 2008-2009 school year pursuant to an application for open enrollment. North Dakota law does not require the district of residence to provide transportation. Case law provides that a school district does not discriminate or deny FAPE when it adheres to a facially-neutral transportation policy for its transfer program. Requiring the school to spend any money to provide transportation to the student would fundamentally alter open enrollment as it is set out in North Dakota law.

Complaint #4: Withdrawn