

North Dakota FFY 2010 – 2011 Annual Performance Report For Special Education



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Table of Contents

	Page
Introduction and Overview:	
Introduction	1
Technical Assistance Received	1
Stakeholder Input	1
Explanation of the Special Education Offices Held in ND	2
Explanation of Improvement Activities	3
Improvement Activities Related Overall	4
New Improvement Activities Related to the Overall ND SPP Indicators	9
New Improvement Activities Related to Specific Indicators	10
Indicators:	
Indicator 1: Graduation Rate	11
Indicator 2: Dropout Rate	16
Indicator 3: Participation and Performance on Assessments	19
Indicator 4: Suspension and Expulsion Rates	27
Indicator 5: School Age LRE	34
Indicator 6: Preschool LRE	36
Indicator 7: Preschool Outcomes	37
Indicator 8: Parent Involvement	46
Indicator 9: Racial/Ethnic Disproportionate Representation	49
Indicator 10: Racial/Ethnic Disproportionate Representation by Disability	53
Indicator 11: Evaluation Timeline	57
Indicator 12: Preschool Transition	62
Indicator 13: Secondary Transition	67
Indicator 14: Secondary Outcomes	71
Indicator 15: General Supervision Corrective Actions	75
Indicator 16: Complaint Investigation Timelines	84
Indicator 17: Due Process Hearing Timelines	87
Indicator 18: Resolution Sessions	89
Indicator 19: Mediation	91
Indicator 20: Data Accuracy and Timeliness	95

Figures:

Figure 1.1 Graduation Rates Over Time..... 14
Figure 2.1 Dropout Results Over Time..... 17
Figure 3.1 Participation Rate of Students with Disabilities in Reading, Over Time 23
Figure 3.2 Participation Rate of Students with Disabilities in Math, Over Time 23
Figure 3.3 Proficiency Rate of Students with Disabilities in Reading, Over Time 23
Figure 3.4 Proficiency Rate of Students with Disabilities in Math, Over Time 24
Figure 4.1 Percent of LEAs Flagged for Significant Discrepancy, 4A, Results Over Time..... 29

Appendices:

Appendix A: Indicator 7 Data Comparison..... 100
Appendix B: Indicator 7 Data Talking Points..... 102
Appendix C: Indicator 8 Parent Survey 106
Appendix D: Disproportionality Review Document 108

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 members when discussing the intent for improved outcomes for children with disabilities. The data collected through the SPP provide specificity for many critical issues in ND special education. Annual progress in each of the indicators is reported in this Annual Performance Report (APR). The SPP and APR are also used to make the connection for parents and educators to the increased expectations from the U. S. Department of Education contained in the *Individuals with Disabilities Education Act, 2004* (IDEA 2004) and the *No Child Left Behind Act* (NCLB).

Technical Assistance Received

To ensure North Dakota met requirements during the FFY2010 and maintains continuous improvement in the ND special education processes and accountability system, technical assistance was sought and received from the U.S. Department of Education, Office of Special Education Programs (OSEP) and various regional and national technical assistance centers. These centers include the Mountain Plains Regional Resource Center (MPRRC), Technical Assistance for Excellence in Special Education (TAESE), Data Accountability Center (DAC), The National Early Childhood Technical Assistance Center (NECTAC), The National Association of State Directors of Special Education (NASDSE), The Personnel Center, IDEA Partnership and National Community of Practice on Transition, National Post School Outcomes Center (NPSO), and the National Secondary Transition Technical Assistance Center (NSTTAC).

Stakeholder Input

The NDDPI has actively solicited broad stakeholder input on a statewide basis as State staff members met periodically during the year to review and update the SPP indicators and activities. Stakeholder agencies in North Dakota include the ND IDEA Part B Advisory Committee and Part C ND Interagency Coordinating Council; the Parent Involvement Workgroup (a subcommittee of the ND IDEA Advisory Committee); the ND Early Childhood Outcomes Team; the ND Response to Intervention (RTI) State Leadership Team; the ND Secondary Transition Community of Practice Advisory Council; the Speech and Language Taskforce; the ND Personnel Development Taskforce; the ND Administrators in Special Education Study Council; Early Childhood Education Council; Autism Spectrum Disorder Task Force; and the North Dakota Council of Educational Leaders. These stakeholder groups are comprised of members from the ND Department of Human Services (Part C), Developmental Disabilities; ND Pathfinder Parent Center (ND Parent Training and Information and Parent Information Resource Center); ND Division of Juvenile Services; ND Protection and Advocacy Project; State Child Welfare Agency; ND Board for Career and Technical Education; Vocational Rehabilitation Agency; ND Job Services; Special Education administrators; the ND Center for Persons with Disabilities; university professors; educators; parents; and students. In addition to taskforce meetings, NDDPI holds an annual statewide Special Education Leadership Institute with all local special education directors in attendance. During the August 2010 session, NDDPI staff members proposed changes, described new information pertaining to the indicators, presented technical assistance in areas of need, and collected feedback from the field. A similar training meeting is scheduled for March 22, 2012. Furthermore, the ND IDEA Advisory Committee has had continuous involvement in revisions and continues to indicate general consensus in support of the new and revised ND targets and improvement activities as written in the ND SPP.

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

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

In addition to the public posting of the documents described above, the ND Special Education Guidelines are also publicly available on the NDDPI Special Education website:

<http://www.dpi.state.nd.us/speced/guide/index.shtm>. Presentations on each of the guidelines and their requirements were also given to various stakeholder groups, state agencies, and special education staff when necessary throughout the year. NDDPI staff members developed training materials that were widely disseminated across the state. Presentations on the topic of the SPP and APR indicators, requirements, and data collection methods continue to be a frequent activity in North Dakota at parent and education forums.

Explanation of the 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.

- *The State Education Agency (SEA)* in North Dakota is the North Dakota Department of Public Instruction (NDDPI). The following special education positions are held within the Special Education office of the ND Department of Public Instruction:
 - *Special Education State Director:* The NDDPI employs one SEA special education director. Responsibilities include oversight of IDEA Regulations at the local special education units, local special education programs, and LEA levels, state legislative responsibilities, and NDDPI special education personnel;
 - *Special Education Assistant Directors:* The NDDPI currently employs two (2) assistant directors. Each assistant director assists the Director with different components of IDEA Regulations oversight at the local special education units, local special education programs, and LEA levels, state legislative responsibilities, and/or special projects.
 - *SEA Special Education Coordinators:* The NDDPI Special Education office employs six (6) Special Education Coordinators. Each coordinator has a portfolio that includes specific statewide responsibilities related to disability categories, trainings, monitoring, and special education program responsibilities. Four of the coordinators' offices are located in the ND Department of Public Instruction, the other coordinator works from a satellite office outside of the Bismarck area;
 - *IDEA Grant Manager:* The NDDPI employs one grant manager who oversees the *IDEA B* and State special education budgets; and
 - The NDDPI Special Education Unit also has two positions shared within NDDPI. One position is an Assistant Director of Standards and Achievement. The main responsibility of this position is the Alternate Assessment. The second position is an Assistant Director of Title I programs. This individual is responsible to share information between the NDDPI Title I and Special Education staff as well as coordinate joint efforts between the two programs.

- *Special Education Units (SEU):* North Dakota is divided into 31 special education units. Each special education unit is responsible for the special education programs and related services in at least one and as many as nineteen school districts. Each of the special education unit staff members are local SEU positions and are not employees of the state office. The following offices may be held within each of the local special education units:
 - *Special Education Unit Director:* oversight of all special education programs in member school districts, in partnership with NDDPI and LEA administrative personnel within the special education unit, and special education unit personnel;
 - *Assistant Special Education Unit Director:* assists the local Special Education Unit Director with the oversight of all special education programs in member school districts, in partnership with NDDPI and LEA administrative personnel within the special education unit, and special education unit personnel;
 - *Special Education Unit Coordinator:* Each unit coordinator has a portfolio that contains specific unit-wide initiative and program responsibilities. Each unit coordinator is responsible for the oversight of technical assistance in each of the LEAs within the special education unit, in partnership with LEA personnel and the NDDPI.

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

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

Explanation of Improvement Activities and Improvement Activities Tables

To ensure public awareness of overall ongoing activities, this section describes the ongoing activities related to the 20 SPP 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 (light blue), completed (light orange), revised (pink), or ongoing (green). The color-coding is presented in the table below:

Activity	Color
New	Light Blue
Completed (In SPP)	Light Orange
Revised	Pink
Ongoing	Green

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

Since the development of the first North Dakota State Performance Plan (SPP) in 2005 several activities have been implemented and completed. To maintain current information in this APR,

completed activities have been removed from the indicator activities tables and moved to the SPP. In addition to maintaining current activities in the APR, the NDDPI special education staff members reviewed all indicator activities to decide which are new and which are considered part of the ongoing responsibilities of the office. Activities that are part of our general responsibilities have been removed from the APR but continue to be listed in the SPP. Please note, although it may appear, when compared to last year's APR, that improvement activities have decreased, they have in fact increased but are more succinctly reported in this document. All previous and/or continuous improvement activities continue to be available in the SPP for review. North Dakota NDDPI would also like to note that all "continuous" or "ongoing" activities will continue until or beyond the FFY2012, depending on need and current data reviews.

Improvement Activities Related Overall.

The following activities have been successful in increasing overall positive results in North Dakota and its SPP indicators. Therefore, NDDPI is continuing the following activities through and beyond the FFY2012:

1. *North Dakota Longitudinal Data System Update:*

In March 2009, NDDPI received a federal grant to design, develop, and implement a North Dakota Statewide Longitudinal Data System (SLDS) to track K-12 student outcomes. NDDPI contracted with a vendor to assist with design and development of the SLDS. The SLDS development team then set up several pilot districts and data stewardship groups to assist with planning and design.

An SLDS committee was established in North Dakota state law. It is made of representatives from several state agencies including NDDPI, North Dakota University Systems (NDUS), Department of Human Services (DHS), and Workforce. It also includes two state legislators. It established the State Information Technology Department (ITD) as a neutral third party that would host the data. Each member of the committee signed agreements allowing the sharing of data across agencies.

The first step was to take advantage of the fact that *PowerSchool* is the state mandated student information system for public schools. The state began nightly extracts of student level information. This data include course information, course grades, attendance, and enrollment. The team set up procedures to automatically assign the unique state student IDs to a student as they are loaded in *PowerSchool*. The SLDS team is also working to establish a standard set of attendance categories to be used in *PowerSchool*.

The next step was to look at assessment data. An assessment committee was formed that included both state and district representatives. The SLDS began to pull in the North Dakota State Assessment (NDSA). The SLDS team also developed a list of the most widely used interim assessments based on district feedback. They worked with the assessment vendor to draft user agreements that allowed the SLDS to pull the data directly from the vendor. These assessments include NWEA, AIMSWeb, DIBELS, and mCLASS. The team is contacting the districts asking them to sign the agreements; currently about 30% have signed. The state also mandates that all students in 11th grade take the ACT. The SLDS team contracted with ACT to receive all North Dakota ACT results.

During the development of the SLDS, new federal mandates were established requiring college readiness and feedback reports. NDDPI and the NDUS have successfully linked the student unique identifiers in both systems from 2005 to present with roughly an 85% match rate. The SLDS team began working with NDUS to extract student level information on timely college enrollment, remediation and course completion.

There are also other multi-agencies data efforts taking place. ND DHS and DPI established an early childhood data collaborative to begin linking early childhood programs to K12. The DHS is providing immunization data to be linked to student information and provided to schools. Workforce and NDUS are linking data to K12 to provide follow-up information on students transitioning from K12 into post-secondary and the job market settings.

The team is also working with both the K12 districts and NDUS to establish an eTranscript system to allow student to electronically move validated transcripts from the K12 system into the post-secondary data systems.

2. *Dispute Resolution Improvement Activities:*

Due to the lengthy update of the following activities and their relationship with indicators 16-19, several Dispute Resolution activities are located in this section.

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

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

The NDDPI also purchased an annual membership in the *Technical Assistance for Excellence in Special Education (TAESE)* Dispute Resolution Consortium. This permits the NDDPI dispute resolution coordinator to access regularly scheduled professional development activities for IDEA complaint investigators, mediators, hearing officers, as well as state education agency personnel.

To increase positive resolution activities, the NDDPI dispute resolution coordinator created new resource binders for its contracted IEP facilitators and mediators. These materials are intended to provide as-needed resources for these dispute resolution professionals. The resource binders include operational procedures, dispute resolution tips and techniques, and essential procedural safeguard information regarding the IDEA.

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

3. *NDDPI and Title I Collaboration:*

October of 2011, the NDDPI Office of Special Education in partnership with the NDDPI Title I and the 21st Century Offices hosted the second annual *ND Title I, Special Education, and 21st Century Annual Conference*. This second annual conference had an attendance of over 800 general and special education professionals from across North Dakota.

4. *Resident Teacher Program:*

NDDPI continues to support ongoing personnel development projects in collaboration with two state university programs, to increase the number of qualified special educators across the state. Financial support for this program began in 1998 and continues to assist in meeting the special educator shortage needs in North Dakota.

5. *Speech-Language Pathology Scholarship:*

Due to a shortage of Speech-Language Pathologists in North Dakota, four scholarships are given to graduate level Speech-Language Pathologists at two North Dakota universities funded through the State Personnel Development Grant. The scholarships fund the student's tuition and books. For each year the student accepts the scholarship, he/she signs an agreement to work in a rural school district in North Dakota. For example, in May 2011, four (4) Speech-Language Pathologist graduated from the two universities. Three (3) of the Speech-Language Pathologists are employed in rural school districts in North Dakota. One (1) of the Speech-Language Pathologists repaid the scholarship and accepted a position in another state.

6. *Traineeship Scholarship:*

Each year NDDPI awards Traineeship Scholarships in priority disabilities areas to ND teachers who wish to pursue graduate level retraining in the field of special education. As part of the application, a recommendation is completed by the local Special Education Unit Director where the applicant is working. This recommendation includes information about the applicant's skills as well as an identified need in the Special Education Unit to have a teacher trained in the identified area. Scholarship amounts are based on the credit hours of coursework taken during a semester. Once accepted for the Traineeship Scholarship, applicants may be funded for a maximum of three (3) years or until they complete their endorsement (whichever comes first). The number of Traineeship Scholarships given fall 2010, spring 2011 and summer 2011 totaled 96 in 8 endorsement areas.

7. *IDEA Indicator Accountability Site:*

The NDDPI special education staff members update the IDEA indicator accountability website as new corrective action guidance documents are available. This website contains a description of each indicator requirements and calculation. The site also houses self-assessment and drill-down documents to assist local special education units, in collaboration with school district staff, monitor and correct noncompliance in a timely manner. This website is under new construction but it can be accessed at <http://www.dpi.state.nd.us/speced/accountability/accountability.shtm>

8. *Statewide TIENET Database:*

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

Assessment Plan	Integrated Written Assessment Report
Behavior Intervention Plan	Internal Monitoring Transition Req. Checklist
Building Level Support Team Intervention Plan	Joint Prior Written Notice (Part C to B)
Building Level Support Team Interview Log	Manifestation Determination Documentation
Building Level Support Team Observational Record	Meeting Notes
Building Level Support Team Request for Collaboration/Assistance	North Dakota Assistive Technology Consideration
Consent for Evaluation	ND Child Outcomes Summary Form
Consent for Initial Placement in Special Education	North Dakota Child Outcomes Summary Form
Consent to Bill Medicaid	Notice of Changes to IEP Without an IEP Team
ECSE Student Profile: Evaluation	Prior Written Notice
Excusal of Required IEP Team Member(s)	Release of Information
Exit Form	Request to Invite Outside Agency Reps to IEP
Standard Treatment Protocol Documentation Form	Revocation of Consent for Special Education and Related Service
Follow-up Interview Questions	RTI Cumulative Folder
Functional Behavior Assessment	Extended School Year Plan
IEP - Transition 16-21	Student Profile: Evaluation
IEP Ages 3-5	Summary of Performance
IEP Ages 6-15	Transfer of Rights to Student
Individual Diagnostic Report	Verification of Eligibility to use NIMAS Materials
Individualized Service Program	

This database includes current data review capabilities and validation procedures to ensure compliance. This also allows NDDPI staff members and local administrators to monitor current data to ensure timely correction of noncompliance. This database increases the ease and accuracy of data input, while providing and maintaining a significant number of generated reports used for monitoring at the student, school, LEA, SEU, and state levels. Additional report topics available through this database include, but are not limited to Assistive Technology,

Extended School Year, Exit, Assessment, and Indicators 3, 5, 6, 7, 11, 12, and 13. A wide variety of reports is also generated based on immediate need and has been used in all school districts across North Dakota since 2009.

9. *National Instructional Materials Accessibility Standard:*

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

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

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

10. *Universal Design for Learning:*

It should be noted that NDDPI is dedicated to supporting efforts that implement universal design for learning (UDL) principles in the general education classroom and large-scale assessment. Universal design for learning is a framework and set of principles designed to provide all students equal opportunities to learn. Curriculum barriers are reduced; learning is supported; students gain knowledge and skills; and their learning is validly assessed. NDDPI supports UDL as a natural complement to early intervening initiatives, such as RTI and RTI-B. NDDPI has developed a training module on UDL for teachers as part of our online professional development series. The first UDL module provides teachers with an introduction to the foundational principles of UDL, its basis in research, and the role of technology. This module, designed for general and special education teachers, is posted on the department's website at <http://www.dpi.state.nd.us/SPECED/resource/curriculum/index.shtm>.

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

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

New Improvement Activities Related to the Overall ND SPP Indicators.

1. *State and Local Monitoring Improvements:*

The NDDPI has been training local special education directors and staff in methods of using the Statewide TIENET database for continuous local self-assessment purposes. To ensure all local special education staff members are informed and trained, *WebEx* meetings were held throughout the 2009-10 and 2010-11 school years. Using the *WebEx* system, local directors and special educators attended these meetings from their local offices, thus increasing statewide attendance. These trainings significantly increased the accuracy of the self-assessment process and the required improvement activities.

2. *North Dakota School for the Deaf Future Planning:*

During the 2008 ND legislative session, House Bill 1013 was passed and signed by the ND State Governor. Section 19 of the bill includes language related to a *Future Services Plan and Implementation – School for the Deaf*. This legislation directed the NDDPI and the ND School for the Deaf (NDS) to develop a plan for future services to be offered by NDS.

To develop the *Future Services Plan*, a Transition Team was organized. This Team was comprised of 13 individuals representing a broad-based constituency, selected and appointed by the ND Superintendent of Public Instruction. The Team was charged with the task of identifying a plan to meet the changing needs of deaf and hard of hearing students and citizens of the state as mandated in HB 1013, Section 19.

During the 2009-10 school years, the *Future Services Plan* Transition Team met monthly to address and respond specifically to each of the six tasks identified in HB 1013. These tasks included:

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

The Future Services Plan for the North Dakota School for the Deaf will “be a valuable resource that can be utilized by the ND Department of Public Instruction and NDSB/State Center of Excellence staff and Advisory Committee in the development of the strategy/plan to move the ND School for the Deaf Transition Plan forward and to further focus the efforts of the committee members on those activities that must be addressed if the recommendations are to be moved from ‘paper to reality.’” (July 15, 2010, *Report to The North Dakota Department of Public Instruction (DPI) Regarding the Activities and Recommendations of The North Dakota School for the Deaf Future Services Plan Transition Team*, p.15). The plan will be presented to the 2011 ND Legislative Assembly. The *Future Services Plan* Transition Team final report documents can be found at <http://nd.gov/ndsd/future/>.

During the 2010-11 school year, a *Future Services Team* was formed to review the NDSB Future Services Plan. This review led to the development of an NDSB Strategic Plan. The NDSB Strategic Plan focuses on an Action Plan to begin to implement the outreach recommendations of the Future Services Plan and, through the mission of the North Dakota School for the Deaf, provide services to more deaf and hard of hearing children, students and adults in the state.

New Improvement Activities Related to Specific Indicators

Activities that will influence only specific indicators are described in the respective indicator narrative. These and the completed activities are also described in the ND State Performance Plan (SPP) within the indicator narratives for historical purposes.

INDICATOR 1

Monitoring Priority: FAPE in the LRE

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

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

Table 1.1 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2010 (2010-2011)	The percentage of youth with IEPs graduating from high school will be 89% or higher.

Actual Target Data for FFY2010

Table 1.2 Graduation Rate of All Students and Students with Disabilities

	Students w/Disabilities
# of students with disabilities who graduated	639
# of students with disabilities in the cohort	896
Percent of students with disabilities who graduated	71.32%

Please note that the 2010-11 data are the 2009-10 data due to the OSEP “data lag” requirement. This represents the four (4) year cohort rate based on the 2009-10 graduating cohort (2006-07 entering freshman cohort).

The FFY2010 target of 89% was not met.

Even when applying the confidence interval, the target is still not met.

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

The State will provide within its 2010-11 adequate yearly progress report for each high school and district the following: the 2010 four-year cohort graduation rate, the 2009 five-year extended cohort graduation rate, the six-year extended cohort graduation rate, and the proper adequate yearly progress determination, which applies commensurately higher graduation target rates for the five-year extended

graduation rate (12.5%) and the six-year extended graduation rate (15%). For the purposes of determining a graduation adequate yearly progress rate, NDDPI will credit and report an adequate yearly progress determination based on the higher value among the four-year, five-year, or six-year adjusted cohort graduation rates.

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

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

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

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

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

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

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

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

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

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

Valid and Reliable 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 FFY2010:

Explanation of Slippage:

As indicated in Table 1.3 the percentage of students with disabilities who graduated has decreased since FFY2005. However, the rate has been fairly consistent since FFY 2007.

Table 1.3 Percent of Students with Disabilities Who Graduated – Results Over Time.
Four (4) year Cohort Graduation Rate (2005-2010)

	FFY2006	FFY2007	FFY2008	FFY2009	FFY2010
# of students with disabilities who graduated	705	600	600	677	639
# of students with disabilities in the cohort	886	821	821	927	896
Percent of students with disabilities who graduated	79.57%	73.08%	73.08%	73.03%	71.32%

*Beginning with FFY2008, NDDPI has used the OSEP “data lag” option.

Table 1.4 Percent of Students with Disabilities Who Graduated.
Five (5) and Six (6) year Cohort Graduation Rates – Results Over Time.

	2007-08 6-year rate	2008-09 5-year rate	2009-10 4-year rate
# of students with disabilities who graduated	689	735	639
# of students with disabilities in the cohort	903	1,018	896
Percent of students with disabilities who graduated	76.3%	72.2%	71.3%

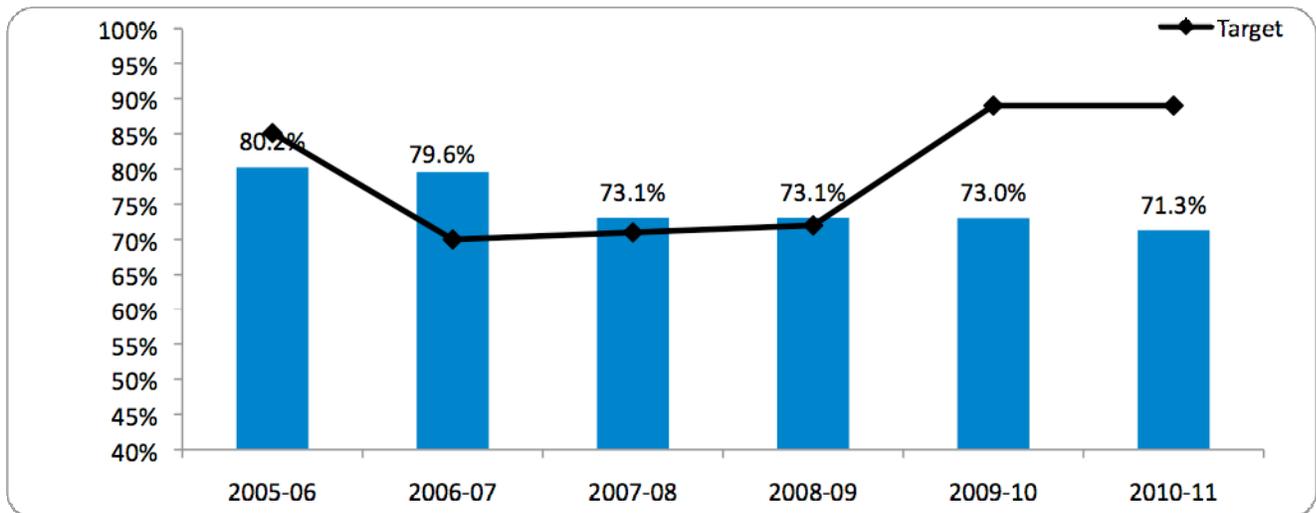


Figure 1.1 Graduation Rates Over Time

Explanation of Improvement Activities:

Table 1.5 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
Improve data collection and reporting in collaboration with general education partners with the NDDPI and LEAs	Ongoing	NDDPI MIS office, Standards & Achievement, STARS data base	Ongoing
Validating reported graduation and Exit data using the TIENET database	FFY2010-FFY2011	NDDPI staff	Ongoing
Increased collaboration between the general education and special education office at NDDPI for clarity, uniformity, and accuracy of data definitions and collection.	FFY2010-FFY2011	NDDPI staff	Ongoing
Guidance to school districts on how data are coded to ensure uniformity, and accuracy of data definitions and collection.	FFY2010-FFY2011	NDDPI staff	Ongoing
Reconfigure the scale up process for RTI-A and RTI-B to include a regional support infrastructure that focuses on districts and	Fall 2011, identified 1-2 transformation	ND State Management Team, State Transformation Team,	Ongoing

transformation zones, made up of one or more large districts and surrounding smaller districts. Provide a range of supports with the intent of building infrastructure to sustain the innovations over the long term.	zones for scale up activity	Regional Implementation Teams, MPRRC	
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Note: All “continuous” or “ongoing” activities will continue until or beyond 2013, as needed.

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

No additional information was required from North Dakota.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2010: N/A

INDICATOR 2

Monitoring Priority: FAPE in the LRE

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

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

Table 2.1 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2010 (2010-2011)	The percentage of youth with IEPs dropping out of high school will be 19.80% or lower.

Actual Target Data for FFY2010

Table 2.2 Dropout Rate of All Students and Students with Disabilities

	Students w/Disabilities
# of students with disabilities who dropped out	156
# of students with disabilities in the cohort	896
Percent of students with disabilities who dropped out	17.41%

*Please note that the FFY2010 data are the FFY2009 data due to the OSEP “data lag” requirement.

The target of 19.80% was met.

Valid and Reliable Data

Each year, graduation data are collected from the STARs. 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 FFY2010:

Explanation of Progress/Slippage:

As indicated in Table 2.2 the percentage of students with disabilities who dropped out increased from FFY 2005 to FFY2009 but decreased in FFY2010.

The NDDPI Office of Special Education collects graduation and dropout data from all North Dakota schools through the *Standards and Achievement* office of NDDPI. Dropouts are defined as students who

leave school prior to graduation for reasons other than transfer to another school. Therefore, students receiving special education services who exit with a certificate of completion 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 dropout rates with increased accuracy. One method in discussion is the use of data documented in the TIENET database. 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 TIENET database (the students’ IEP), the NDDPI special education office validates current data as reported in STARS.

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

	FFY2006	FFY2007	FFY2008	FFY2009	FFY2010
# of students with disabilities who dropped out	123	137	137	182	156
# of students with disabilities in the cohort	886	821	821	927	896
Percent of students with disabilities who dropped out	13.88%	16.69%	16.69%	19.63%	17.41%

*Beginning with FFY2009, NDDPI has used the OSEP “data lag” option.

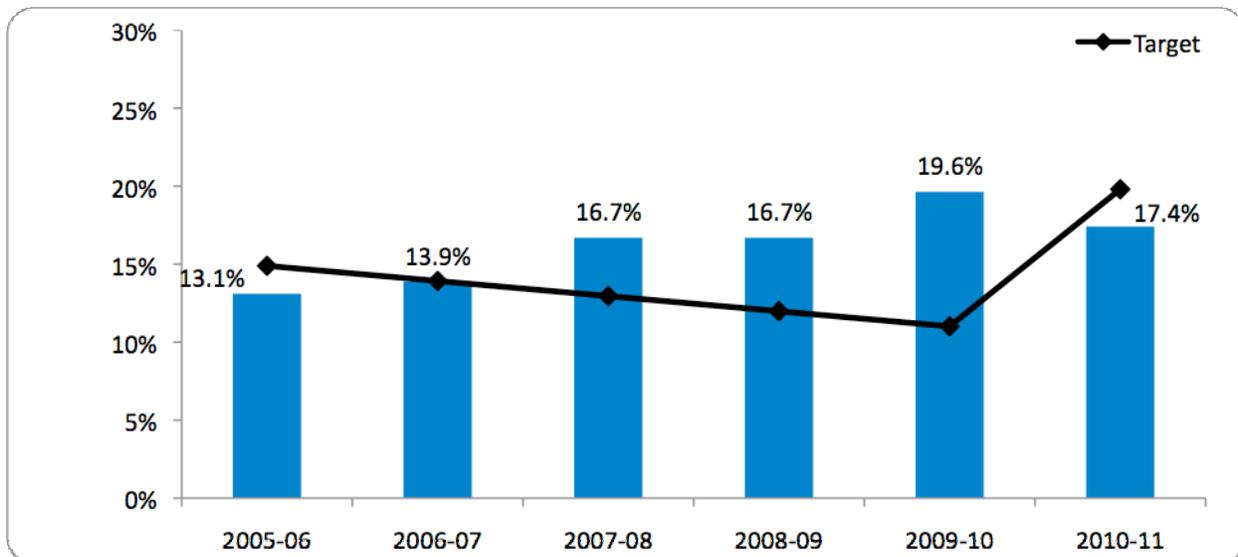


Figure 2.1. Dropout Results Over Time

Explanation of Improvement Activities:

The NDDPI staff members are increasing the following activities: trainings in parent involvement, Response to Intervention-Academics (RTI-A), Response to Intervention-Behavior (RTI-B), differentiated instruction and strategies, and transition planning. In addition to increasing existing activities, NDDPI has been researching strategies directly focused on decreasing dropout rates locally and statewide. Table

2.4 displays current and new activities.

Table 2.4 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
Improve data collection and reporting in collaboration with general education partners with the NDDPI and LEAs	Ongoing	NDDPI MIS office, Standards & Achievement, STARS data base	Ongoing
Validating reported graduation and Exit data using the TIENET database	FFY2010-FFY2011	NDDPI staff	Ongoing
Increased collaboration between the general education and special education office at NDDPI for clarity, uniformity, and accuracy of data definitions and collection.	FFY2010-FFY2011	NDDPI staff	Ongoing
Guidance to school districts on data coding to ensure uniformity, and accuracy of data definitions and collection.	FFY2010-FFY2011	NDDPI staff	Ongoing
Reconfigure the scale up process for RTI-A and RTI-B to include a regional support infrastructure that focuses on districts and transformation zones, made up of one or more large districts and surrounding smaller districts. Provide a range of supports with the intent of building infrastructure to sustain the innovations over the long term.	Fall 2011, identified 1-2 transformation zones for scale up activity	ND State Management Team, State Transformation Team, Regional Implementation Teams, MPRRC	Ongoing
Planning Committee to develop a Drop-out Prevention Taskforce	Winter 2011	NDDPI	Winter 2011 through 2012

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

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

No additional information was required from North Dakota.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2010: N/A

INDICATOR 3

Monitoring Priority: FAPE in the LRE

Indicator 3: Participation and performance of children with IEPs on statewide assessments:

- A. Percent of the districts with a disability subgroup that meets the State’s minimum “n” size that meet the State’s AYP targets for the disability subgroup.
- B. Participation rate for children with IEPs.
- C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.

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

Measurement:

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

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

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

Table 3.1 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2010 (2010-2011)	A) Percent of districts meeting the State AYP objectives for disability subgroups in reading and math will be 75.5%. B) Participation rate for children with IEPs in a regular assessment in reading will be 95.0% in math will be 95.0%. C) The percentage of IEP students that will meet proficiency for reading will be 89.13%. The percentage of IEP students that will meet proficiency for math will be 83.57%.

Actual Target Data for FFY2010

Table 3.2 Summary Results for FFY2010

FFY 2010	Measurable and Rigorous Targets and Results				
	Districts Meeting AYP for Disability Subgroup (3A)	Participation for Students with IEPs (3B)		Proficiency for Students with IEPs (3C)	
	Both Reading and Math	Reading	Math	Reading	Math
Targets for FFY 2010	75.5%	95.0%	95.0%	89.13%	83.57%
Number meeting target	90	6,507	6,521	3,341	3,374
Number in denominator	155	6,652	6,652	5,740	5,751
Percent meeting target	58.1%	97.82%	98.03%	58.21%	58.67%
Was Target Met?	No	Yes	Yes	No	No

The target for 3A was not met.

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

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

3A - Actual AYP Target Data for FFY 2010

Table 3.3 Districts with a disability subgroup that meet the State’s minimum “n” size AND met the State’s AYP target for the disability subgroup.

Year	Total Number of Districts	Number of Districts Meeting the “n” size	Number of Districts that meet the minimum “n” size and met AYP for FFY 2008	Percent of Districts
FFY 2010 (2010-2011)	179	155	90	58.1%

The target of 75.5% for 3A was not met.

3B – Actual Participation Target Data for FFY 2010**Table 3.4** Participation Rate Details for FFY2010

These data are based on all IEP students – those enrolled for a full academic year and those not enrolled a full academic year.

	Reading		Math	
	Number	Percent of Total	Number	Percent of Total
a. Total IEP Students	6652	100.00%	6652	100.00%
b. Took regular assessment with no accommodations	759	11.41%	752	11.30%
c. Took regular assessment with accommodations	3775	56.75%	4022	60.46%
d. Took alternate assessment against grade-level achievement standards	0	0.00%	0	0.00%
e. Took alternate assessment against modified achievement standards	1354	20.35%	1121	16.85%
f. Took alternate assessment against alternate achievement standards	619	9.31%	626	9.41%
g. Overall Participation (b+c+d+e+f)	6507	97.82%	6521	98.03%
# in a but not in b, c, d, e, or f	145	2.18%	131	1.97%

The targets for 3B were met.

3C – Actual Performance Target Data for FFY2010**Table 3.5** Proficiency Rate Details for FFY2010

These data are based on only those students who were enrolled a full academic year.

	Reading		Math	
	Number	Percent of Total	Number	Percent of Total
a. Total IEP Students who took test and received a score	5740	100.00%	5751	100.00%
b. Took regular assessment with no accommodations and scored proficient	472	8.22%	497	8.64%
c. Took regular assessment with accommodations and scored proficient	1496	26.06%	1667	28.99%
d. Took alternate assessment against grade-level achievement standards and scored proficient	0	0.00%	0	0.00%
e. Took alternate assessment against modified achievement standards and scored proficient	894	15.57%	716	12.45%
f. Took alternate assessment against alternate achievement standards and scored proficient	479	8.34%	494	8.59%
g. Overall Proficient (b+c+d+e+f)	3341	58.21%	3374	58.67%

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

Explanation of Progress or Slippage

As Table 3.6 indicates, the percentage of districts meeting the AYP objective for the IEP subgroup decreased from FFY2006 to FFY2007, rebounded in FFY2008, and then decreased again in FFY 2009 and FFY 2010. The reason for the decrease is that the percent of students who had to score proficient in order for the district to be designated as meeting AYP increased significantly from FFY2006 to FFY2007 and from FFY 2009 to FFY 2010. This resulted in fewer districts meeting AYP overall as well as fewer districts meeting AYP for this subgroup. This goal increases every three years in order to reach the NCLB goal of 100% by 2014.

The participation rate of students with IEPs has been fairly stable since FFY2006. The proficiency rate of students with IEPs has decreased from FFY2006 to FFY2007 then increased to FFY2009; In FFY2010, scores decreased. The pattern of IEP proficiency rates is similar to that for all students.

Table 3.6 Results Over Time

	2005-06	2006-07	2007-28	2008-09	2009-10	2010-11
A. Percent of Districts Meeting AYP Objective for IEP subgroup*						
Reading	93.0%	91.3%	68.3%	85.6%	77.7%	62.6%
Math	94.2%	97.4%	85.6%	95.1%	89.9%	76.3%
B. Participation Rate of IEP students						
Reading	98.1%	97.5%	96.6%	97.4%	97.6%	97.8%
Math	98.1%	97.4%	97.9%	97.9%	98.2%	98.0%
C. Proficiency Rate of IEP students						
Reading	54.1%	61.4%	53.8%	61.1%	62.8%	58.2%
Math	50.3%	58.9%	57.7%	61.9%	63.3%	58.7%

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

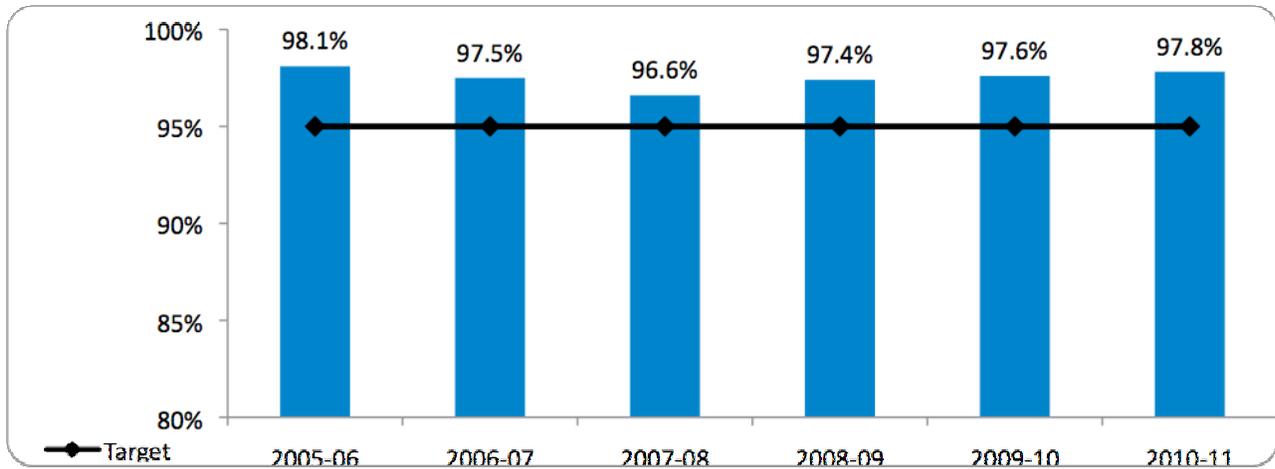


Figure 3.1 Participation Rate of Students with Disabilities in Reading, Over Time

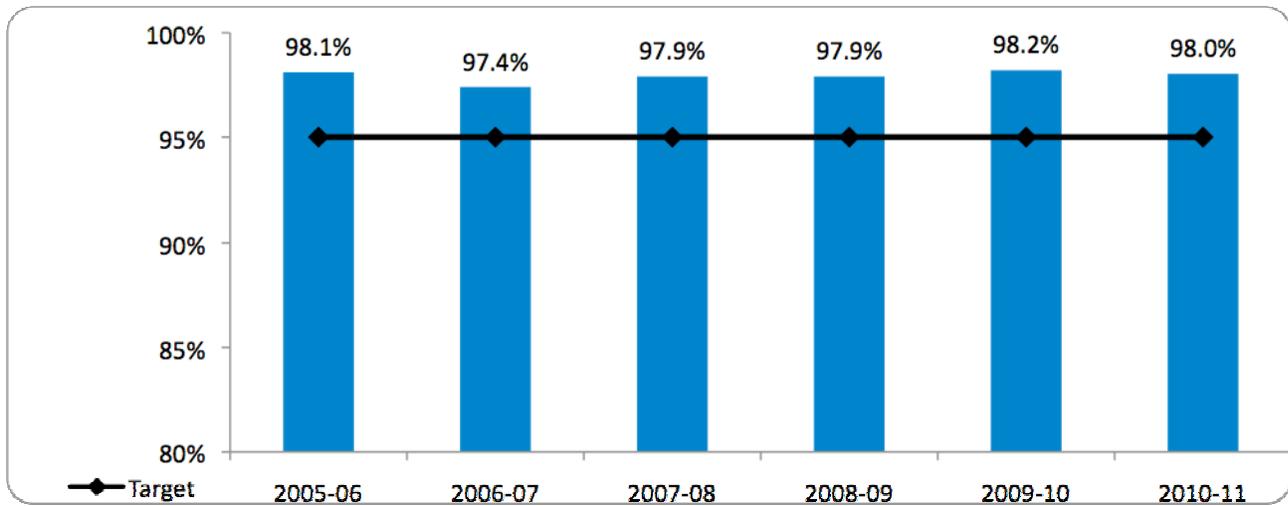


Figure 3.2 Participation Rate of Students with Disabilities in Math, Over Time

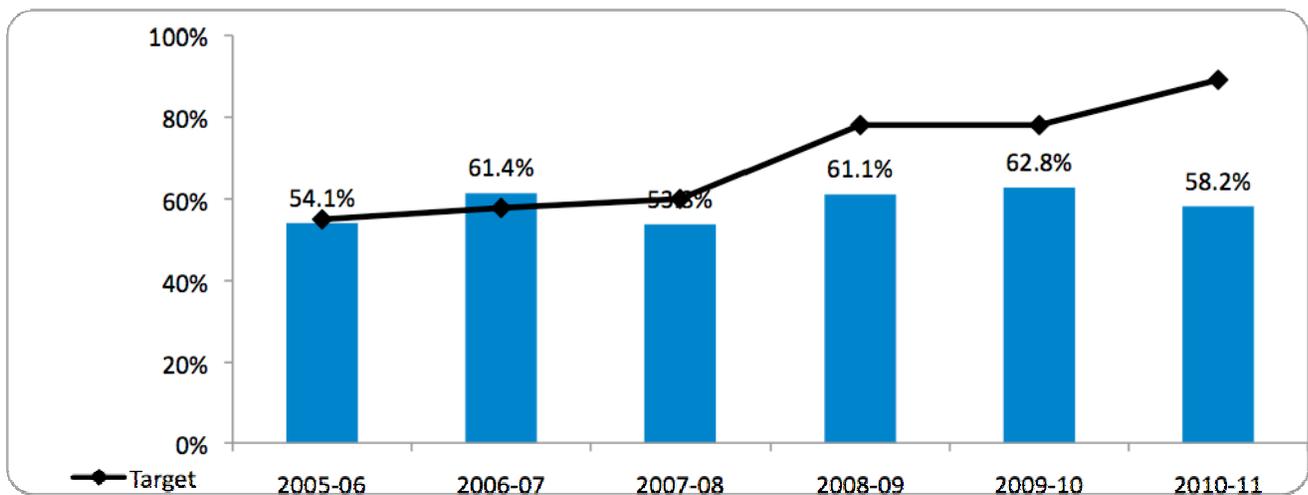


Figure 3.3 Proficiency Rate of Students with Disabilities in Reading, Over Time

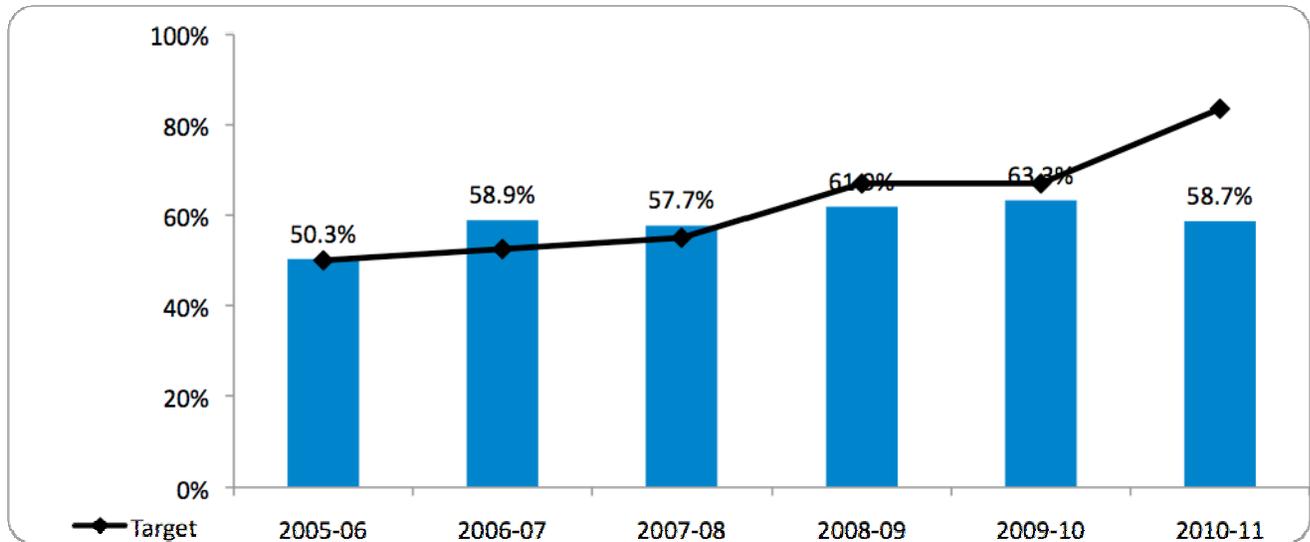


Figure 3.4 Proficiency Rate of Students with Disabilities in Math, Over Time

Explanation of Improvement Activities:

Teacher feedback has indicated increased knowledge of and use of the state Content Standards in educating students with disabilities. The NCLB requirement for meeting Adequate Yearly Progress has encouraged districts to place more emphasis on teaching the standards and providing access to general education for all students. Teachers continue to report positive effects of the alignment of standards to inclusionary efforts with an increased participation rate in classroom activities for students with disabilities who may have experienced less involvement in the past. Teachers have also reported a positive correlation between students being included in the state assessment system and feeling more “like their peers.”

Alignment studies and attention to rigor have increased the expectations for students with disabilities in the state's Alternate Assessments. Educators have reported improvement of their own level of expectation for students with disabilities on general curriculum and performance has improved as expectations have increased.

Schools are documenting the need for and use of assessment accommodations for students with disabilities on both the general assessment and the North Dakota Alternate Assessment 2 (NDAA2). This has increased the awareness and use of accommodations in the state assessment system. Accommodations worksheets for the NDSA and NDAA2 are available in the State Test Coordinators Manual and the North Dakota Alternate Assessment Test Directions Manual on the Department of Public Instruction website: <http://www.dpi.state.nd.us/testing/index.shtm>.

To assist schools, IEP decision making materials, test directions, training presentation, data chart, and grade level activities are publicly posted on the NDDPI website: <http://www.dpi.state.nd.us/speced/resource/alternate/index.shtm>.

Table 3.7 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 USDOE Peer Review sessions and has updated the assessments rigorously in response to said Peer Reviews	Annually each fall	IDEA-B funds, Consult from MPRRC and NAAC, USDOE Peer Review Feedback	Ongoing
Survey of teachers regarding training needs for instructional strategies linked to the NDAA1 and NDAA2. Feedback from teachers has been increasingly positive regarding standards-based education for students with disabilities. The state plans to continue training on linking standards to education and the IEP each fall imbedded in the fall training modules. In 2008-09 the state underwent independent alignment studies with NCIEA on the states alternate assessments and will plan training activities based on needs and changes for the 2010 training. Significant alignment and instruction to teachers has been added in both the NDAA1 and NDAA2 Test Directions Manuals and Training Power Points in 2010 and 2011.	2010-2012	State Dept Part B funds, NDAA Teacher Survey, National Center for Improvement of Education Assessment (NCIEA) consultants and ND teachers.	Ongoing
Statewide training as follow-up to needs identified in response surveys. This activity is done on a yearly basis now and findings are incorporated into fall training modules.	Annually each Fall	Part B funds State Personnel Consultants	Ongoing
Scoring and evaluation of the validity, reliability, and quality of the NDAA1 and NDAA2 for necessary revisions and electronic updates each year performed by ongoing NDAA committee. The state is involved in ongoing activities of improving the quality of the NDAA 1 and NDAA2 through the rigorous Peer Review process through the USDOE. We have increased outside consultants to include Technical Assistance members from all over the US; have contracted an independent alignment study for the NDAA2 through NCIEA; have placed the assessments on the web on a secure site; have improved the scoring through electronic scoring; and have increased the level of rigor and depth and breadth of the assessment items to more closely align to the state grade-level achievement standards. ND is a level I member of the National Centers-State Consortiums G-SEG for the purpose of creating an AA-based on Alternate Achievement Standards that meet s the needs of students and teachers. ND is	2011 - 2014	NDDPI staff, NDAA Writing Committee, Consultant from MPRRC, ND Teachers, State Dept. Staff, NCIEA consultants	Ongoing

dedicated to pursuing the most comprehensive and valid and reliable assessment system for students with significant cognitive disabilities in the changing landscape of assessment. ND is also involved in the Smarter Balance and PARK Consortiums at present.			
Support professional development for general education (secondary) on differentiated instruction/strategies.	Ongoing	ND University System Faculty	Ongoing

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

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

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

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2010: N/A

INDICATOR 4a

Monitoring Priority: FAPE in the LRE

Indicator 4a: Rates of suspension and expulsion:

Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; (20 U.S.C. 1416(a)(3)(A); 1412(a)(22))

Measurement:

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

Definition of Significant Discrepancy and Methodology

The NDDPI uses the “state bar” method for defining significant discrepancy. The FFY2010 state rate for suspending/expelling students with disabilities for more than 10 days is .14%. The NDDPI is setting the state bar as five percentage points higher than the state rate. Thus, any district that suspends or expels 5.14% or more of its students with disabilities for more than 10 days is flagged for significant discrepancy. There must be at least 30 students in the denominator of a suspension rate for it to be flagged.

Table 4a.1 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2010 (2009-2010 data)	4A. 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.

Actual Target Data for FFY 2010 (using 2009-2010 data)

Table 4a.2 LEAs with Significant Discrepancy in Rates for Suspension and Expulsion

Year	Total Number of LEAs	Number of LEAs that have Significant Discrepancies	Percent
FFY 2010 (2009-2010 data)	182	0	0.0%

Note: Of the 182 LEAs, 99 districts were excluded because their suspension/expulsion rate had fewer than 30 enrolled students with disabilities in the denominator. Ninety-six (96) of these had a 0% suspension/expulsion rate; the other three (3) suspended only one student each.

The target for 4A was met.

Valid and Reliable Data

In analyzing data for Indicator 4, the State used the data collected on Table 5 of *Information Collection 1820-0621 (Report of Children with Disabilities Unilaterally Removed or Suspended/Expelled for More than 10 Days)* for the school year 2009-2010 due November 1, 2010. North Dakota does not sample.

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

Review of Policies, Procedures, and Practices

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.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY2010:

Explanation of Progress/Slippage:

Of the 182 LEAs in North Dakota, none were identified as having significant discrepancy in FFY 2010. In the entire state of North Dakota, only 19 students with disabilities were suspended/expelled for greater than 10 days in FFY2010. Only 12 LEAs had a suspension rate greater than 0%; of these 12 LEAs, three were excluded because there were not at least 30 students with disabilities enrolled at these districts. Thus, only 3 of the 182 LEAs were excluded from the analyses.

Given the very low suspension/expulsion rate, the NDDPI concludes that the LEAs in North Dakota are doing what they have been trained to do, and that is to find more student-centered ways of dealing with behavioral issues than suspensions and expulsions.

As Table 4a.3 indicates, North Dakota has maintained a 0% suspension/expulsion rate since FFY2007 for indicator 4a.

Table 4a.3 Percent of LEAs flagged for Significant Discrepancy, 4A, Results Over Time

	FFY2006	FFY2007	FFY2008	FFY2009	FFY2010
Percent of Districts with Significant Discrepancy	0.05%	0.0%	0.0%*	0.0%	0.0%

*Beginning with FFY2008, NDDPI has used the OSEP “data lag” option.

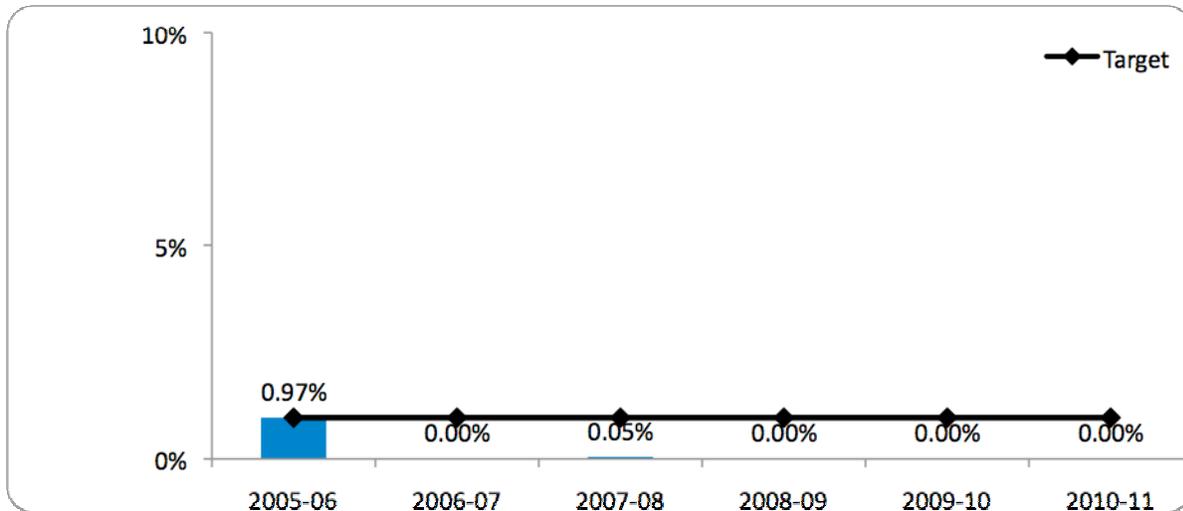


Figure 4.1 Percent of LEAs flagged for Significant Discrepancy, 4A, Results Over Time

Table 4a.4 Correction of FFY2009 Findings of Noncompliance

1. Number of findings of noncompliance the State made during FFY2009 (the period from July 1, 2009 through June 30, 2010) using 20078-2009 data	0
2. Number of FFY2009 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	0
3. Number of FFY2009 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	00

Table 4a.5 Correction of FFY2009 Findings of Noncompliance Not Timely Corrected

4. Number of FFY2009 findings not timely corrected (same as the number from (3) above)	0
5. Number of FFY2009 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	0
6. Number of FFY2009 findings <u>not</u> yet verified as corrected [(4) minus (5)]	00

Actions Taken if Noncompliance Not Corrected:

No action was necessary as North Dakota met this target in FFY2009.

Verification of Correction (either timely or subsequent):

Verification was not necessary as North Dakota met this target in FFY2009.

Table 4a.6 Correction of Remaining FFY2008 Findings of Noncompliance (if applicable):

1. Number of remaining FFY2008 findings (identified in July 1, 2008 – June 30, 2009 using 2007-2008 data).	0
1. Number of remaining FFY2008 findings the State has verified as corrected	0
2. Number of remaining FFY2008 findings the State has NOT verified as corrected [(1) minus (2)]	0

Correction of Any Remaining Findings of Noncompliance from FFY2007 or Earlier (if applicable):

No action was necessary as North Dakota met this target in FFY2007.

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

No additional information was required from North Dakota.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY2010:

Explanation of Progress/Slippage:

Of the 182 LEAs in North Dakota, none were identified as having significant discrepancy in FFY2010. In the entire state of North Dakota, only 19 students with disabilities were suspended or expelled for greater than 10 days. Only 12 LEAs had a suspension rate greater than 0%; of these 12 LEAs, three were excluded because there were not at least 30 students with disabilities enrolled at these districts. Thus, only 3 of the 182 LEAs were excluded from the analyses.

Given the very low suspension and expulsion rate, the NDDPI concludes that the LEAs in North Dakota have the appropriate policies and practices in place and are finding student-centered strategies to deal with behavioral issues other than suspensions and expulsions.

Explanation of Improvement Activities:

Table 4a.7 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
Provide information, resources, and support for Response to Intervention model and implementation. Revise state guidelines for assessment to include RTI model and process.	FFY2011	Part B Disc. Funds; MPRRC	Ongoing
Provide training and implementation of the special education monitoring system for data analysis and improvement planning.	Implement statewide in 2007 - 08	Part B admin. funds;	Ongoing
Statewide dissemination of instructional materials regarding prevention of school bullying.	Spring 2006	Pacer Center, Minneapolis, MN	Ongoing
NDDPI, BIE, OSEP representatives consultation	Fall 2009	NDDPI, BIE, OSEP	Ongoing
Reconfigure the scale up process for RTI-A and RTI-B to include a regional support infrastructure that focuses on districts and transformation zones, made up of one or more large districts and surrounding smaller districts. Provide a range of supports with the intent of building infrastructure to sustain the innovations over the long term.	Fall 2011, identified 1-2 transformation zones for scale up activity	ND State Management Team, State Transformation Team, Regional Implementation Teams, MPRRC	Ongoing

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

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

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

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

INDICATOR 4b

Monitoring Priority: FAPE in the LRE

Indicator 4B: Rates of suspension and expulsion:

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

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

Measurement:

Percent = [(# of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards) divided by the (# of districts in the State)] times 100.

Definition of Significant Discrepancy and Methodology

The NDDPI uses the “state bar” method for defining significant discrepancy. The FFY2010 state rate for suspending/expelling students with disabilities for more than 10 days is .14%. The NDDPI is setting the state bar as five percentage points higher than the state rate. Thus, any district that suspends or expels 5.14% or more of its students with disabilities of a given race/ethnicity for more than 10 days is flagged for significant discrepancy. There must be at least 30 students in the denominator of a suspension rate for it to be flagged.

Table 4b.1. Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
<p>2010 (2009-2010 data)</p>	<p>4b. The percent of LEAs that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions & expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards will be 0%.</p>

Actual Target Data for FFY 2010 (using 2009-2010 data)

Display 4b.2 LEAs with Significant Discrepancy in Rates for Suspension and Expulsion by Race/Ethnicity (using 2009-2010 data)

Total # of LEAs	179
# of LEAs determined to have numerical significant discrepancy	0
% of LEAs determined to have numerical significant discrepancy	0.0%
# of LEAs found to have significant discrepancy due to inappropriate policies, practices, and procedures	0
Percent of LEAs that had significant discrepancy due to inappropriate policies, practices, and procedures	0.0%

Note: Of the 182 LEAs, 104 districts were excluded because their suspension/expulsion rate had fewer than 30 enrolled students with disabilities in the denominator for any given race/ethnicity category. One hundred-one (101) of these had a 0% suspension/expulsion rate; the other three (3) suspended only one student each.

The target for 4B was met.

Valid and Reliable Data

In analyzing data for Indicator 4, the State used the data collected on Table 5 of *Information Collection 1820-0621 (Report of Children with Disabilities Unilaterally Removed or Suspended/Expelled for More than 10 Days)* for the school year 2009-2010 due November 1, 2010. North Dakota does not sample.

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

Review of Policies, Procedures, and Practices

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.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY2010:

Explanation of Progress/Slippage:

Of the 182 LEAs in North Dakota, none were identified as having significant discrepancy in FFY2010. In the entire state of North Dakota, only 19 students with disabilities were suspended/expelled for greater

than 10 days in FFY2010. Only 12 LEAs had a suspension rate greater than 0%; of these 12 LEAs, three were excluded because there were not at least 30 students with disabilities of a given race/ethnicity enrolled at these districts. Thus, only 3 of the 182 LEAs were excluded from the analyses.

Given the very low suspension/expulsion rate, the NDDPI concludes that the LEAs in North Dakota are doing what they have been trained to do, and that is to find more student-centered ways of dealing with behavioral issues than suspensions and expulsions. Table 4b.3 shows that for the past two years, North Dakota has maintained a 0% suspension/expulsion rate by race/ethnicity.

Table 4b.3 Percent of LEAs flagged for Significant Discrepancy due to Inappropriate Policies, Practices, and Procedures, 4B, Results Over Time

	FFY2009	FFY2010
Percent of Districts with Significant Discrepancy	0.0%	0.0%

Table 4b.4 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
Provide training and implementation of the special education monitoring system for data analysis and improvement planning.	Implement statewide in 2007 - 08	Part B admin. funds;	Ongoing
Statewide dissemination of instructional materials regarding prevention of school bullying.	Spring 2006	Pacer Center, Minneapolis, MN	Ongoing
NDDPI, BIE, OSEP representatives consultation	Fall 2009	NDDPI, BIE, OSEP	Ongoing
Reconfigure the scale up process for RTI-A and RTI-B to include a regional support infrastructure that focuses on districts and transformation zones, made up of one or more large districts and surrounding smaller districts. Provide a range of supports with the intent of building infrastructure to sustain the innovations over the long term.	Fall 2011, identified 1-2 transformation zones for scale up activity	ND State Management Team, Part B Disc. Funds; State Transformation Team, Regional Implementation Teams, MPRRC	Ongoing

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

Correction of FFY2009 Findings of Noncompliance: N/A

Verification of Correction (either timely or subsequent):

The state did not have any findings of noncompliance from FFY2009; therefore, no verification of correction was necessary.

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

No additional information was required from North Dakota.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2010: N/A

INDICATOR 5

Monitoring Priority: FAPE in the LRE

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

- A. Inside the regular class 80% or more of the day;
 - B. Inside the regular class less than 40% of the day; and
 - C. In separate schools, residential facilities, or homebound/hospital placements.
- (20 U.S.C. 1416(a)(3)(A))

Measurement:

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

Table 5.1 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2010 (2010-2011)	a) 78.0% of children with disabilities will be served inside the regular class 80% or more of the day. b) 4.05% will be served inside the regular class less than 40% of the day. c) 2.00% will be served in separate schools, residential facilities, or homebound/hospital placements

Actual Target Data for FFY2010

Table 5.2 Percent of Students with Disabilities being Served in Various Environments

FFY	Number of students	(a) Percent of children with IEPs served inside the regular class 80% or more of the day	(b) Percent of children with IEPs served inside the regular class less than 40% of the day	(c) Percent of children with IEPs served in separate schools, residential facilities, or homebound/hospital placements
2010-11	11,230	78.24%	3.96%	1.40%

The target for indicator 5A was met.

The target for indicator 5B was met.

The target for indicator 5C was met.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2010:

Explanation of Progress/Slippage:

The percentage of children served in the regular classroom at least 80% of the day slightly increased in FFY2010 and is higher than that achieved in 4 of the past 6 years. Furthermore, the percentage of children served in the regular classroom less than 40% of the day decreased slightly in FFY2010 and is lower than that achieved in 4 of the past 6 years. The percentage of students in separate facilities slightly increased from FFY2009 to FFY2010 but is lower than that achieved in 4 of the past 6 years. North Dakota has one of the highest 5A rates and one of the lowest 5B rates in the country.

Table 5.3 Percent of Students with Disabilities being Served in Various Environments – Results Over Time

	FFY2006	FFY2007	FFY2008	FFY2009	FFY2010
5A: Regular Classroom > 80%	79.00%	77.68%	77.17%	77.88%	78.24%
5B: Regular Classroom < 40%	3.61%	4.39%	4.98%	4.11%	3.96%
5C: Separate Facilities	2.09%	1.53%	1.09%	1.33%	1.40%

Discussion of Improvement Activities:

Table 5.4 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
Prepare and disseminate resources to LEA staff to increase proficiency in assistive technology and universal design use during school-wide assessments.	Ongoing	NDDPI staff	Completed and Ongoing
Support ongoing personnel development projects in collaboration with state university training programs to increase the number of qualified special educators across the state. Support mentoring models in preservice teacher preparation programs.	Ongoing	Stipends; scholarships; UND; Minot State University; University of Mary	Ongoing
Support professional development for general education (secondary) on differentiated instruction/strategies.	Ongoing	ND University System Faculty	Ongoing
Provide (or support) professional learning opportunities on NIMAS.	Ongoing	NDDPI staff	Ongoing
Reconfigure the scale up process for RTI-A and RTI-B to include a regional support infrastructure that focuses on districts and transformation zones, made up of one or more large districts and surrounding smaller districts. Provide a range of supports with the intent of building infrastructure to sustain the innovations over the long term.	Fall 2011, identified 1-2 transformation zones for scale up activity	ND State Management Team, State Transformation Team, Regional Implementation Teams, MPRRC	Ongoing

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

Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):N/A
Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2010: N/A

INDICATOR 6

Monitoring Priority: FAPE in the LRE

Indicator 6: Percent of children aged 3 through 5 with IEPs attending a:

- A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and
 - B. Separate special education class, separate school or residential facility.
- (20 U.S.C. 1416(a)(3)(A))

Measurement

Measurement:

A. Percent = [(# of children aged 3 through 5 with IEPs attending a regular early childhood program and receiving the majority of special education and related services in the regular early childhood program) divided by the (total # of children aged 3 through 5 with IEPs)] times 100.

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

Table 6.1 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
N/A	Targets will be reported in the FFY2011 State Performance Plan (SPP) submitted February 1, 2013.

The State is not required to report on this indicator in this FFY2009 APR.

North Dakota’s indicator 6 report, new baseline, targets, and revised improvement activities will be reported in the FFY2011 State Performance Plan (SPP) submitted February 1, 2013.

INDICATOR 7

Monitoring Priority: FAPE in the LRE

Indicator 7: Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved:

- A. Positive social-emotional skills (including social relationships);
 - B. Acquisition and use of knowledge and skills (including early language/ communication and early literacy); and
 - C. Use of appropriate behaviors to meet their needs.
- (20 U.S.C.1416 (a)(3)(A))

Measurement: Outcomes:

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

Progress categories for A, B and C:

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

Summary Statements for Each of the Three Outcomes:

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

Measurement for Summary Statement 1:

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

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

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

Table 7.1 Targets and Actual Data for Preschool Children Exiting in FFY2010

Summary Statements	Actual % FFY 2009 (# of children)	Actual % FFY 2010 (# of children)	Targets FFY2010 (% of children)
Outcome A: Positive social-emotional skills (including social relationships)			
1. Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program Formula: $c+d/a+b+c+d$	82.44% (216/262)	86.2% (419/486)	83.5%
2. The percent of children who were functioning within age expectations in Outcome A by the time they turned 6 years of age or exited the program. Formula: $d+e/a+b+c+d+e$	68% (259/381)	68.5% (446/651)	69.7%
Outcome B: Acquisition and use of knowledge and skills (including early language/communication and early literacy)			
1. Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program Formula: $c+d/a+b+c+d$	81.82% (234/286)	86.2% (463/537)	84.0%
2. The percent of children who were functioning within age expectations in Outcome B by the time they turned 6 years of age or exited the program Formula: $d+e/a+b+c+d+e$	63% (241/381)	60.2% (392/651)	59.4%
Outcome C: Use of appropriate behaviors to meet their needs			
1. Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program Formula: $c+d/a+b+c+d$	88.32% (174/197)	82.7 % (330/399)	80.5%
2. The percent of children who were functioning within age expectations in Outcome C by the time they turned 6 years of age or exited the program Formula: $d+e/a+b+c+d+e$	83% (316/381)	76.3% (497/651)	76.1%

Discussion of Summary Statements and a-e Progress Data for FFY2010

On July 1, 2008 the ND Early Childhood Outcomes, ECO, Process was implemented statewide. FFY2010 Summary Statements and Progress Data represent the third year of the ND ECO Process. Each year the ND ECO Process has been in place, there has been a predictable increase of entry/exit/progress ratings leading to 651 children reported for FFY2010. This increase provides a comprehensive database to assist in determining statewide and district wide data patterns.

Table 7.1 documents the comparison of Summary Statement data for FFY2009/FFY2010 and FFY2010 Summary Statement Targets. This comparison supports the following findings:

- Outcome A: Consistent data percentages from FFY2009 to FFY2010 for Summary Statements 1 and 2. FFY2010 Targets were met for Summary Statement 1 and were not met for Summary Statement 2.
- Outcome B: An increase in percentages from FFY2009 to FFY2010 for Summary Statements 1 and a decrease in percentages from FFY2009 to FFY2010 Summary Statement 2. FFY2010 Targets were met for Summary Statements 1 and 2.
- Outcome C: A decrease in percentages from FFY2009 to FFY2010 for Summary Statements 1 and 2. FFY2010 Targets were met for Summary Statements 1 and 2.

Further analysis of the FFY2010 data was completed by NDDPI to identify the SEUs not meeting FFY2010 Summary Statement Targets. NDDPI will work with the SEUs during the FFY2011 to provide guidance on the process of analysis of Indicator 7 data to determine possible data patterns and to develop professional development to address need areas. To assist in this analysis, NDDPI and SEUs will have access to Indicator 7 TIENET database reports ranging from statewide reports to child specific data. The TIENET database includes Indicator 7 reports for three data years (FFY2009, FFY2010, FFY2011) at the statewide, SEU, and district levels. Access to these reports as well as child specific data provides NDDPI and SEUs administrators the information needed to complete a comprehensive analysis for each Outcome area. Table 7.2 provides an example of the TIENET database Indicator 7 Advanced Reports.

In addition, NDDPI has developed a subcommittee of early childhood special education professionals to assist in the continuation of analysis of Indicator 7 data to establish statewide patterns and training needs.

Table 7.2 Indicator 7 TIENET Advanced Report

	Social Emotional Skills		Acquiring and Using Knowledge and Skills		Taking Appropriate Action to Meet Needs	
	# of Children	% of Children	# of Children	% of Children	# of Children	% of Children
a. Percent of infants and toddlers who did not improve functioning.	2	0.31%	0	0%	1	0.15%
b. Percent of infants and toddlers who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers.	65	9.98%	74	11.37%	68	10.45%
c. Percent of infants and toddlers who improved functioning to a level nearer to same-aged peers but did not reach.	138	21.2%	185	28.42%	85	13.06%
d. Percent of infants and toddlers who improved functioning to reach a level compared to same-aged peers.	281	43.16%	278	42.7%	245	37.63%
e. Percent of infants and toddlers who maintained functioning at a level comparable to same-aged peers.	165	25.35%	114	17.51%	252	38.71%
TOTAL	651	100%	651	100%	651	100%
SUMMARY STATEMENTS						
1. Of those children who entered the program below age expectations in [outcome], the percent that substantially increased their rate of growth in [outcome] by the time exited.		86.21%		86.22%		82.71%
2. Percent of children who were functioning within age expectations in [outcome], by the time exited.		68.5%		60.2%		76.3%

Data Comparison Report

Table 7.3 contains the FFY2010 Progress Data for children who had both entry and exit data and had participated in early childhood special education services for at least 6 months during the FFY2010 data collection time period. Progress Data was available for 651 students from the ND Special Education Units (SEU).

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

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

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

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

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

Table 7.3 Progress Data for Preschool Children FFY2010

A. Positive social-emotional skills (including social relationships):	Number of children FFY2010	% of children FFY2010
a. Percent of children who did not improve functioning	2	.31%
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	65	9.98%
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	138	21.2%
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	281	43.16%
e. Percent of children who maintained functioning at a level comparable to same-aged peers	165	25.35%
Total	651	100%
B. Acquisition and use of knowledge and skills (including early language/communication and early literacy):	Number of children	% of children
a. Percent of children who did not improve functioning	0	0%
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	74	11.37%
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	185	28.42%
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	278	42.7%
e. Percent of children who maintained functioning at a level comparable to same-aged peers	114	17.51
Total	651	100%
C. Use of appropriate behaviors to meet their needs:	Number of children	% of children
a. Percent of children who did not improve functioning	1	.15%
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	68	10.45%
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	85	13.06%
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	245	37.63%
e. Percent of children who maintained functioning at a level comparable to same-aged peers	252	38.71%
Total	651	100%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2010:

FFY2010 Improvement Activities

ND Early Childhood Special Education Advisory Committee

The ND Early Childhood Special Education, ECSE, Advisory Committee continued to meet quarterly to assist the NDDPI in the successful implementation of the ND Early Childhood Outcomes Process and the development of technical assistance documents and activities. Membership in this committee includes early childhood special education professionals from throughout ND.

ND Child Outcomes Summary Form Quality Assurance Checklist and Training

Through requests from early childhood special education professionals from throughout ND, the ND Early Childhood Outcomes Committee developed and piloted the ND Child Outcomes Summary Form,

ND COSF, Quality Assurance Checklist (See <http://www.dpi.state.nd.us/speced/early/index.shtm>). Components within the Checklist focus on establishing consistent and quality COSF data throughout ND. The Checklist will be incorporated into and used for the overall and ongoing NDDPI monitoring system. Results from these monitoring activities will allow for individualized technical assistance for districts requiring corrective actions and or improvement with components of this indicator.

To acquaint early childhood special education professionals and administrators to the ND COSF Quality Assurance Checklist, NDDPI provided several two-hour trainings for SEUs throughout ND. Each training focused on: 1) review of the COSF ratings to assure consistent interpretation of entry and exit ratings state wide and within each SEU; and 2) practice by participants in completing each section of the Checklist using COSFs completed by the participants. NDDPI recommended to SEUs that the Checklist be completed by individuals responsible to assure quality data within their SEU. The information gathered from the review of COSFs would provide valuable information which will assist in determining training needs for the SEU. During FFY2011, NDDPI will include the ND COSF Quality Assurance Checklist as a key component of the individual and SEU trainings regarding the analysis of Indicator 7 TIENET database reports and individual child specific data.

NDDPI presented the ND COSF Quality Assurance Checklist as part of the 2010 OSEP Leadership Mega Conference – Measuring Child and Family Outcomes. The Session “Having and Using High Quality Data” focused on promoting consistent quality outcome data and using these data in the monitoring process.

Age Expectation Developmental Milestones

The ND ECO Process Age Expectation Developmental Milestones were developed to provide consistent guidance for individuals involved in the development of Individualized Education Programs (IEPs) and ND Child Outcomes Summary Forms for preschool children with disabilities. The Age Expectation Developmental Milestones are specifically designed to be used upon entrance into early childhood special education and exit from early childhood special education, but could also be used throughout programming to assist in goal setting as well as progress monitoring. In addition, the Age Expectation Developmental Milestones were included as a key element in the *Preschool Curriculum and Assessment Initiative* (see FFY2011 activities).

The Age Expectation Developmental Milestones have been developed in three formats: Quick Reference; by Age Groups and a Full version with References and Resources. Copies of each of these formats can be found at: <http://www.dpi.state.nd.us/speced/early/index.shtm>.

Statewide TIENET Database

During the FFY2007, NDDPI piloted the TIENET database. The TIENET database was implemented in all schools by the start of the FFY2008. Embedded within this database is the ND Child Outcomes Summary Form. Data gathered from the web-based form is used to determine the required OSEP reporting categories. During the FFY2009, Indicator 7 data were gathered through questions embedded in the web-based ND Child Outcome Summary Form. As has been done for several years, SEUs continued to collect Indicator 7 data through the electronic spreadsheet. During FFY2010 comparison and revisions were made with the goal of collecting and monitoring all Indicator 7 data through the TIENET database for the FFY2011.

Interactive Video Network (IVN) Meeting(s) and Newsletter Articles

In January 2011, the NDDPI hosted a statewide IVN meeting for administrators and early childhood

professionals to address current questions and issues relating to the ND ECO Process. In addition, NDDPI staff members continued to submit articles relating to the ND ECO Process to stakeholder groups. It is vital to the success of the ND ECO Process to have continual communication with the professionals implementing the process.

Table 7.4 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Activity Status
Develop and implement a ND COSF Quality Assurance Checklist with LEA Trainings	July 2009 to Summer 2010	NDDPI Staff, ND ECO Committee Members	Completed and Ongoing
Assure the checklist is in place and enhance technical assistance to meet statewide needs.	FFY2009 FFY2010	NDDPI Staff, ND ECO Committee Members	Completed and Ongoing
Update and distribute ND Early Childhood Outcome Binder	FFY2010	NDDPI Staff	Completed and Ongoing
Develop Age Expectation Developmental Milestones and distribute statewide	FFY 2009 FFY 2010	NDDPI Staff, ND ECO Committee Members	Completed and Ongoing
ND ECO Process Training Component for Pre-service programs	FFY 2010	NDDPI Staff	Ongoing
ND ECO Training Components for NDDPI Early Childhood Special Education Website	FFY 2010	NDDPI Staff	Completed and Ongoing
Indicator 7 <i>Talking Points</i> document	FFY 2010	NDDPI Staff	Completed and Ongoing
Preschool Curriculum and Assessment Initiative	FFY 2010 FFY 2011	NDDPI Staff	Ongoing

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

New Activities

Indicator 7 Talking Points

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

Early Childhood Outcomes Professional Development Resource Binder

To assist in the need for a variety of levels of professional development related to the ND Early Childhood Outcomes Process, NDDPI develop the Early Childhood Outcomes Professional Development Resource Binder. This Binder provides a collection of training and technical assistance materials focusing on the Early Childhood Outcome Process. These resources are to be used by early childhood special education administrators as a refresher course for current staff and as an introduction to the Early Childhood Outcomes Process for new staff. The majority of the materials included in the binder are PowerPoint slides, activities, and handouts developed by the Early Childhood Outcomes (ECO) Center. In

addition to the ECO materials, NDDPI included the ND Early Childhood Outcomes Process resources appropriate for each section. These resources include chapters from the ND ECO Process Guide and forms that correspond with the topic for the section.

Early Childhood Special Education May Institute 2011

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

Preschool Curriculum and Assessment Initiative

ND Department of Public Instruction, NDDPI, Title I and Special Education implement several early childhood state and federal initiatives including the ND Early Childhood Outcome Process. While each initiative has a specific focus, NDDPI determined that all initiatives would be strengthened by the development and use of common statewide guidance and practices relating to preschool curriculum and assessment. To accomplish this goal, NDDPI determined the need to: 1) develop a common understanding of statewide and national requirements as it relates to preschool curriculum and assessment; 2) review and establish current best practices regarding curriculum and assessment; 3) review current statewide practices relating to these requirements and best practices; and 4) provide appropriate guidance to ND school district.

To address the above mentioned needs, NDDPI pursued the development of two Projects. The first Project involved the review and alignment of key documents currently utilized by ND early childhood professionals, i.e. the ND Department of Human Services, North Dakota Early Learning Guidelines: Ages 3 through 5; the ND Early Childhood Outcomes Process: Age Expectation Developmental Milestones Quick Reference; the NDDPI Title I Kindergarten Reading and Math Standards; and the NDDPI Kindergarten Standards. After completing a systematic comparison of these and other ND early childhood documents, a supplement was developed to provide comprehensive guidance for early childhood professionals in the key areas relating to the aligned documents.

The second Project focused on research of current information as it relates to the question, "What are the critical components of a comprehensive early childhood curriculum?" This Project included the analyzing of current research focusing on the indicators of quality preschool curriculum materials. A final product resulting from this analysis was developed as guidance for preschool personnel focusing on: 1) the current research and best practices relative to preschool curriculum; 2) the critical components of a preschool curriculum; and 3) a set of criteria for guiding preschool personnel in making decisions on the selection of published or locally developed curriculum materials.

During FFY2011, a Curriculum and Alignment Committee will meet to determine the "Next Steps" relating to the two Projects. The Next Steps will focus on: 1) in-depth research focused on the indicators of a quality preschool curriculum; 2) synthesis of the indicators within the current Alignment document and; 3) development of an on-going assessment tool to be utilized by preschool personnel.

Statewide TIENET Database

During the FFY2011, Indicator 7 data will be gathered through questions embedded in the ND Child Outcome Summary Form located on the statewide TIENET database. Collecting and monitoring all Indicator 7 data will be completed through the TIENET database for the FFY2011 data year.

Meetings and Newsletter Articles

In March 2012, NDDPI will host a statewide meeting for SEU administrators and early childhood professionals to address current questions and issues relating to the ND ECO Process. In addition, NDDPI staff members will continue to submit articles relating to the ND ECO Process to stakeholder groups. It is vital to the success of the ND ECO Process to have continual communication with the professionals implementing the process.

Pre-service Programs

NDDPI continues working with the ND University early childhood special education programs to embed a training component relating to the ND Early Childhood Outcomes Process. NDDPI will continue to meet with university staff to determine needs and develop training information.

INDICATOR 8

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
2010 (2010-2011)	68.5% of parents will report that the school facilitated their involvement.

Actual Target Data for FFY2010

Table 8.2 Percent of Parents Who Report that the School Facilitated Their Involvement

	FFY2010
Total number of Parent respondents	1845
Number who reported school facilitated their involvement	1315
Percentage who reported school facilitated their involvement	71.3%

In FFY2010, the survey was distributed to all parents of students with disabilities in the state. Of the 13,170 parents who received a survey, 1,845 returned it for a response rate of 14.0%.

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

Valid and Reliable Data

The representativeness of the survey was assessed by examining the demographic characteristics of the students of the parents who responded to the survey to the demographic characteristics of all special

education students. This comparison indicates the results are representative (1) by geographic region where the child attends school; (2) by the race/ethnicity of the child; (3) by the grade level of the child; and (4) by the primary disability of the child. For example, 26% of the parents who returned a survey indicated that their children’s primary disability is a speech/language impairment, and 25% of special education students have a speech impairment; 33% of the parents who returned a survey indicated that their children’s primary disability is a learning disability, and 31% of special education students have a learning disability. Parents of white students were slightly over-represented (92% of parent respondents indicated that their student is White, and 81% of special education students are White) and parents of Native American students were slightly under-represented (4% of parent respondents indicated that their student is Native American, and 12% of special education students are Native American). The NDDPI will follow-up with districts that are predominantly Native American to ensure that they are distributing and collecting the parent survey in 2011-12.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2010:

Explanation of Progress/Slippage:

As indicated in Table 8.3, the percentage of parents who reported that the school facilitated their involvement increased from FFY2009.

Table 8.3 Percent of Parents Who Report that the School Facilitated Their Involvement, Results Over Time

	FFY2009	FFY2010
Total number of Parent respondents	2099	1845
Number who reported school facilitated their involvement	1437	1315
Percentage who reported school facilitated their involvement	68.5%	71.3%

Explanation of Improvement Activities:

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

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

Web-based Parent Involvement Survey: North Dakota originally collected parent involvement data through a web-based survey. It was decided in 2009 to move that survey to a paper format which was mailed to every parent with a child with a disability. This mail-out survey was intended to increase

awareness of the survey itself. Beginning January 2012, the survey will be again be online.

Table 8.4 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
Technical Assistance and training to promote parent involvement.	FFY2007	ND PTI (Pathfinders), Pacer Center, Minneapolis, MN	Ongoing
Support and collaborate with statewide family organizations to increase knowledge and promote parent involvement.	FFY2006	ND PTI, UND Family to Family Network	Ongoing
Collaborate with the Dept Human Services and Parent Training and Information Center in sponsoring the annual parent information and involvement statewide conference.	FFY2007	Dept Human Services, Parent Training and Information Center	Ongoing
ND Parent Involvement Workgroup review of Parent Survey data and possible strategies to improve parent involvement in the schools.	FFY2009	NDDPI SE staff, NDPTI, NDDHS, Title I, and statewide stakeholders	Ongoing
Parent Involvement Technical Assistance contract	Pilot: Fall 2011	ND PTI	New

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

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

No additional information was required from North Dakota.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2010: N/A

INDICATOR 9

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.

Table 9.1 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2010 (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%.

Actual target data from FFY2010

Table 9.2: Percent of LEAs with Disproportionate Representation that is a result of Inappropriate Identification

	Under-representation	Over-representation
Total # of LEAs	182	182
# of LEAs flagged for disproportionate representation	0	0
% of LEAs flagged for disproportionate representation	0%	0%
# of LEAs found to have disproportionate representation due to inappropriate identification	0	0
Percent of LEAs that had disproportionate representation due to inappropriate identification	0.0%	0.0%

Table 9.3 Cut-Scores for Flagging the LEAs for Possible Inappropriate Identification

Level	Weighted Risk Ratio
Over-Representation	3.00 and up
Under-Representation	.25 and below

The NDDPI defines disproportionate representation as a Weighted Risk Ratio of 3.00 or above (over-representation) or .25 or below (under-representation).

In analyzing data for this indicator, the State used data collected on Table 1 (Child Count) of Information Collection 1820-0043 (Report of Children with Disabilities Receiving Special Education under Part B of the IDEA, as amended) for all children with disabilities aged 6 through 21 served under IDEA.

Risk ratios are difficult to interpret when they are based on small numbers of students (either in the racial/ethnic group or the comparison group). When risk ratios are based on small numbers, minor variations in the number of students in either the racial/ethnic group or the comparison group can produce dramatic changes in the size of the risk ratio. Thus, a Weighted Risk Ratio was determined only if there were 10 or more students in the target group and the comparison group.

After the calculations for disproportionate representation were complete, all LEAs were found to be in compliance.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2010:

Explanation of Progress/Slippage:

For indicator 9, 182 LEAs were included in the analyses. Of these 182 LEAs, 19 met the minimum n requirements at least one time for a Final Risk Ratio to be calculated (for each LEA seven (7) risk ratios could be calculated; one for each racial/ethnic group). Please note that many LEAs in North Dakota have between 0-2 students with a disability of a particular race/ethnicity. Thus, very small numbers prevent reliable and meaningful risk ratios from being calculated.

In each of the last six years, NDDPI has met the target of 0%. In accordance with regulations, if district data had indicated disproportionate representation, the state would:

- 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 D); and
- Require the LEA to publicly report on the revision of policies, practices and procedures.

When necessary, technical assistance is offered from the NDDPI staff. NDDPI also contracts with a consultant who offers the technical assistance required by LEAs in reference to appropriate identification of children who require special education services.

Table 9.4 Results Over Time

	FFY2005	FFY2006	FFY2007	FFY2008	FFY2009	FFY2010
% of school districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%

Explanation of Improvement Activities:

Table 9.5 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
Provide training and implementation of the special education monitoring system for data analysis and improvement planning.	Implement statewide FFY2007	Part B admin. funds;	Ongoing
Disproportionate Representation Statewide Taskforce	FFY2009	NDDPI. Full description below.	Complete
Development and distribution of Disproportionate Representation fact sheets.	FFY2009	NDDPI, MPRRC resources	Ongoing
Reconfigure the scale up process for RTI-A and RTI-B to include a regional support infrastructure that focuses on districts and transformation zones, made up of one or more large districts and surrounding smaller districts. Provide a range of supports with the intent of building infrastructure to sustain the innovations over the long term.	Fall 2011, identified 1-2 transformation zones for scale up activity	ND State Management Team, State Transformation Team, Regional Implementation Teams, MPRRC	Ongoing

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

Correction of FFY2009 Findings of Noncompliance (if State reported more than 0% compliance):

Level of compliance (actual target data) State reported for FFY2009 for this indicator: 0.00%

Table 9.6 Correction of FFY2009 Findings of Noncompliance

1. Number of findings of noncompliance the State made during FFY2009 (the period from July 1, 2009 through June 30, 2010)	0
2. Number of FFY2009 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	0
3. Number of FFY2009 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

Table 9.7 Correction of FFY2009 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

7. Number of FFY2009 findings not timely corrected (same as the number from (3) above)	0
8. Number of FFY2009 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	0
9. Number of FFY2009 findings <u>not</u> yet verified as corrected [(4) minus (5)]	0

Actions Taken if Noncompliance Not Corrected:

North Dakota was in compliance with this indicator; therefore, no action was necessary.

Verification of Correction (either timely or subsequent):

Corrective action was not required; therefore, verification of corrections was not necessary.

Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY2009 and FFY2008:

All LEAs in North Dakota were found in compliance; therefore, verification of corrections was not necessary.

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

No additional information was required from North Dakota.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2010:

Revisions to Improvement Activities:

Disproportionality Taskforce

The NDDPI, with the assistance of MPRRC, developed a Disproportionality Taskforce. The taskforce reviewed the trend data and recommended to change the cutoff point for under-representation from .50 to .25. The NDDPI has made this recommended change. The taskforce then reviewed guidance for policy, procedures, and practices as well as strategies for improving the education and settings for all students in ND. The new review reporting document used is located in Appendix D.

INDICATOR 10

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.

Table 10.1 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2010 (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%.

Actual target data from FFY 2010

Table 10.2: Percent of LEAs with Disproportionate Representation that is a result of Inappropriate Identification

	Under-representation	Over-representation
Total # of LEAs	182	182
# of LEAs flagged for disproportionate representation	3	3
% of LEAs flagged for disproportionate representation	1.6%	1.6%
# of LEAs found to have disproportionate representation due to inappropriate identification	0	0
Percent of LEAs that had disproportionate representation due to inappropriate identification	0.0%	0.0%

Table 10.3 Cut-Scores for Flagging the LEAs for Possible Inappropriate Identification

Level	Weighted Risk Ratio
Over-Representation	3.00 and up
Under-Representation	.25 and below

The NDDPI defines disproportionate representation as a Weighted Risk Ratio of 3.00 or above (over-representation) or .25 or below (under-representation).

In analyzing data for this indicator, the State used data collected on Table 1 (Child Count) of Information Collection 1820-0043 (Report of Children with Disabilities Receiving Special Education under Part B of the IDEA, as amended) for all children with disabilities aged 6 through 21 served under IDEA.

Risk ratios are difficult to interpret when they are based on small numbers of students (either in the racial/ethnic group or the comparison group). When risk ratios are based on small numbers, minor variations in the number of students in either the racial/ethnic group or the comparison group can produce dramatic changes in the size of the risk ratio. Thus, a Weighted Risk Ratio was determined only if there were 10 or more students in the target group and the comparison group.

After the calculations for disproportionate representation were complete, three LEAs were notified to conduct a review of their policies and procedures of that LEA, using the document located in Appendix D. NDDPI special education staff examined these reviews and it was determined in each case that the disproportionate representation was not due to inappropriate identification. All three (3) LEAs were found in compliance.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2010:

Explanation of Progress/Slippage:

For indicator 10, 182 LEAs are included in the analyses. Of these 182 LEAs, 10 met the minimum n requirements at least one time for a Final Risk Ratio to be calculated (for each LEA, 42 risk ratios could be calculated, one for each racial/ethnic group for each of six disability categories). Please note that many LEAs in North Dakota have between 0-2 students with a disability of a particular race/ethnicity. Thus, very small numbers prevent reliable and meaningful risk ratios from being calculated.

In each of the last six years, NDDPI has met the target of 0%. All districts continue to meet the annual targets. In accordance with regulations, if district data had indicated disproportionate representation, the state would:

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

When necessary, technical assistance is offered from the NDDPI staff. NDDPI also contracts 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.

Table 10.4 Results Over Time

	FFY2005	FFY2006	FFY2007	FFY2008	FFY2009	FFY2010
% of school districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%

Explanation of Improvement Activities:

Table 10.5 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
Provide training and implementation of the special education monitoring system for data analysis and improvement planning.	Implement statewide FFY2007	Part B admin. funds;	Ongoing
Disproportionate Representation Statewide Taskforce	FFY2009	NDDPI. Full description below.	Complete
Development and distribution of Disproportionate Representation fact sheets.	FFY2009	NDDPI, MPRRC resources	Ongoing
Reconfigure the scale up process for RTI-A and RTI-B to include a regional support infrastructure that focuses on districts and transformation zones, made up of one or more large districts and surrounding smaller districts. Provide a range of supports with the intent of building infrastructure to sustain the innovations over the long term.	Fall 2011, identified 1-2 transformation zones for scale up activity	ND State Management Team, State Transformation Team, Regional Implementation Teams, MPRRC	Ongoing

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

Table 10. 6: Correction of FFY2009 Findings of Noncompliance (if State reported more than 0% compliance). Level of compliance (actual target data) State reported for FFY2009 for this indicator: 0.00%

1. Number of findings of noncompliance the State made during FFY 2009 (the period from July 1, 2009 through June 30, 2010)	0
2. Number of FFY2009 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	0
3. Number of FFY2009 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

Table 10. 7: Correction of FFY 2009 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

4. Number of FFY 2009 findings not timely corrected (same as the number from (3) above)	0
5. Number of FFY 2009 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	0
6. Number of FFY 2009 findings <u>not</u> yet verified as corrected [(4) minus (5)]	0

Actions Taken if Noncompliance Not Corrected:

North Dakota in compliance with this indicator; therefore, no action was necessary.

Verification of Correction (either timely or subsequent):

Corrective action was not required; therefore, verification of corrections was not necessary.

Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY2009 and FFY2008:

All LEAs in North Dakota were found in compliance; therefore, verification of corrections was not necessary.

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

No additional information was required from North Dakota.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2010:

Revisions to Improvement Activities:

Disproportionality Taskforce

The NDDPI, with the assistance of MPRRC, developed a Disproportionality Taskforce. The taskforce reviewed the trend data and recommended to change the cutoff point for under-representation from .50 to .25. The NDDPI has made this recommended change. The taskforce then reviewed guidance for policy, procedures, and practices as well as strategies for improving the education and settings for all students in ND. The new review reporting document used is located in Appendix D.

INDICATOR 11

Monitoring Priority: Effective General Supervision Part B / Child Find

Indicator 11: Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.
(20 U.S.C. 1416(a)(3)(B))

Measurement:
 a. # of children for whom parental consent to evaluate was received.
 b. # of children whose evaluations were completed within 60 days (or State-established timeline).
 Account for children included in a but not included in b. Indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.
 Percent = [(b) divided by (a)] times 100.

Table 11.1 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2010 (2010-2011)	100% of children with parental consent to evaluate are evaluated within 60 days.

Actual Target Data for FFY20010

Table 11.2 Children Evaluated Within 60 Days: FFY2010

a. Number of children for whom parental consent to evaluate was received	2228
b. Number of children whose evaluations were completed within 60 days	2221
Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State established-timeline) (Percent = [(b) divided by (a)] times 100)	99.69%
# of IEPs late but correction verified and IEPs are in place for each of the students	7
Percent of Verification of Compliance based on Current Data FFY2010	100%

The target for Indicator 11 was not met. However, all IEPs were written and data were verified at 100% correct.

Although North Dakota had a compliance rate of 99.69% as reported on Table 11.2, all noncompliance has been corrected to 100%. Current data were reviewed and correction of noncompliance has been verified by NDDPI special education staff.

Account for children included in (a) but not included in (b):

During FFY2010, 2,228 parental consents for evaluations were received in North Dakota schools. As indicated on Table 11.2, 2,221 evaluations were completed within the 60-day timeline. However, all evaluations **were timely corrected within the one-year timeframe of notification and** if the child was found eligible for services, an IEP was developed. There were no cases where a child with parental consent for an evaluation did not have the evaluation process completed. The range of days and reasons

for delay are described on Table 11.3. The two of the most frequent reasons for delay were scheduling at the school level and beginning the process before a holiday break.

Table 11.3 Range of days beyond the timeline and Reasons

Reason for Delay	Number of Districts with Delays	Occurrences for each Reason	Range of Days Delayed
Scheduling mistake	3	4	1-21
Student absences	1	1	8 days
Holiday Break	2	2	9-24 days
TOTAL Unique Districts	6	7	1-24 days

Valid and Reliable Data

North Dakota has implemented the statewide TIENET database. The data compiled and reported through this database have replaced the previously submitted LEA spreadsheets. NDDPI continues to offer trainings in accurate data input into this database and has had ongoing meetings with Maximus, the company that developed this system, to ensure accurate component parts of this report. The reports pulled from this database compare the date of parent signature and date of the completed Integrated Written Assessment Report (IWAR). It is the consensus of the NDDPI special education staff that the date of the IWAR is an accurate reflection of the date evaluation was completed and results documented.

To further ensure compliance with this indicator, the new annual self-assessment monitoring requirements and documentation contain a section specifically focused on initial evaluations and the required timelines. North Dakota has increased monitoring, verification, and training for this indicator.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY2010:

Explanation of Progress/Slippage:

The FFY2005 baseline was 88%. Since then, the percentage of timely evaluations has been consistently above 95% with corrections verified and compliance ensured before APR submissions.

Table 11.4 Initial Evaluation Data Collected – Results Over Time

	FFY2005	FFY2006	FFY2007	FFY2008	FFY2009	FFY2010
(a) Total # of children with parental consent	1424	3610	3432	2232	2187	2228
(b) Total # of children determined not eligible within 60 days	268	750	632	2215	2181	2221
(c) Total # of children determined eligible within 60 days	998	2574	2646			
Total # of children whose evaluation occurred past 60 day timeline	158	286	154	17	6	7
Percent who met the indicator	88.09%	95.4%	98.4%	99.21%	99.73%	99.69%
% of Verified Corrections			100%	100%	100%	100%

North Dakota is also fortunate to have dedicated statewide special education personnel who take personal responsibility in correcting and/or maintaining compliance in all areas. The 60-day timeline is no exception. All areas of noncompliance for Indicator 11 were **corrected within the one-year timeframe of notification**.

Correction of FFY2009 Findings of Noncompliance (if State reported less than 100% compliance):

Level of compliance (actual target data) State reported for FFY2009 for this indicator: 100%

Table 11.5 Correction of FFY 2009 Findings of Noncompliance

1. Number of findings of noncompliance the State made during FFY2009 (the period from July 1, 2009 through June 30, 2010)	6
2. Number of FFY2009 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	6
3. Number of FFY2009 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0
4. % Corrected and Verified within one year from date of notification	100%

Correction of FFY2009 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

Table 11.6 Correction of FFY2009 Findings of Noncompliance Not Timely Corrected

5. Number of FFY2009 findings not timely corrected (same as the number from (3) above)	0
6. Number of FFY2009 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	0
7. Number of FFY2009 findings <u>not</u> verified as corrected [(4) minus (5)]	0

Actions Taken if Noncompliance Not Corrected:

All findings of noncompliance were corrected as soon as possible after the finding was issued. All findings of non-compliance in FFY2009 were corrected before the submission of the FFY2009 APR. Corrections were verified through the review of current data located using the statewide TIENET database.

Verification of Correction (either timely or subsequent):

NDDPI verified that the remaining 17 issues of noncompliance in FFY2008 have been (1) timely corrected within the one-year timeframe of notification and (2) is currently implementing the regulator requirements, based on a review of updated data consistent with the requirements described in the OSEP Memorandum 09-02.

Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY2008

The 17 issues of noncompliance were corrected prior to submitting the FFY2008 APR (p. 66): “During the FFY2008, 2,232 parental consents for evaluations were received in North Dakota schools. The 2,215 evaluations were completed within the 60 day-timeline. The difference (17 children) did not have the evaluations completed within the 60 day timeline. However, all evaluations were completed, and if the child was found eligible for services, an IEP was developed. There were no cases where a child with

parental consent for an evaluation did not have the process completed and a decision about services made. Corrections were verified through telephone calls to the local special education unit and through a review of individual student data using the ND DPI statewide online case management system.”

To further explain the completed verification of correction, NDDPI staff and the NDDPI contracted monitoring team reviewed the district data, individual student files, and current data and ensured that all IEPs were developed for all children who qualified for special education services as identified through the initial evaluation process. Furthermore, the (17) IEPs that were not developed within the 60-day timeline in FFY2008 (2008-09 data) were developed shortly thereafter; thus ensuring all students who required special education services had an IEP developed.

NDDPI verified that the remaining 17 issues of noncompliance in FFY2008 have been (1) timely corrected within the one-year timeframe of notification and (2) is currently implementing the regulator requirements, based on a review of updated data consistent with the requirements described in the OSEP Memorandum 09-02.

Correction of Remaining FFY2007 Findings of Noncompliance (if applicable):

All findings of non compliance in FFY2007 were corrected before the submission of the FFY2007 APR. Corrections were verified through the review of current data.

Actions Taken if Noncompliance Not Corrected:

All noncompliance were corrected and verified through the review of current data using the statewide TIENET database.

Table 11.7 Additional Information Required by the OSEP APR Response Table for this Indicator

Statement from the Response Table	State’s Response
<p>When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each LEA with noncompliance reflected in the FFY 2009 data the State reported for this indicator and for the LEAs with the 17 remaining uncorrected FFY 2008 findings of noncompliance: (1) is correctly implementing 34 CFR §300.301(c)(1) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has completed the evaluation, although late, for any child whose initial evaluation was not timely, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction.</p>	<p>The NDDPI special education monitoring staff reviewed the current data collected using the statewide TIENET database. All noncompliance for the FFY2008 (the 17 evaluations) were timely corrected within the one-year timeframe. The FFY2009 were corrected and correction verified before the submission of the FFY2009 APR. NDDPI verified that each district with noncompliance in FFY2008 and FFY2009 was (1) timely corrected within the one-year timeframe of notification and (2) is currently implementing the regulator requirements of this indicator based on a review of updated data consistent with OSEP Memorandum 09-02.</p>

Explanation of Improvement Activities:

Table 11.8 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
Disseminate and provide training for revised guideline documents including Evaluations, SLD, and IEP.	FFY2006	NDDPI Staff	Ongoing
Review school district policies and procedures of all schools identified as having evaluations exceeding the 60-day timelines. Provide technical assistance where necessary in revising school district policies and procedures.	FFY2006	NDDPI Staff	Ongoing
Support ongoing personnel development projects in collaboration with state university training programs to increase the number of qualified special educators across the state. Support mentoring models (such as Resident Teacher) in pre-service teacher preparation programs.	FFY2006	SPD Grant; Stipends; scholarships, UND, MSU; UMary	Ongoing
Data gathered from the Statewide TIENET database used in monitoring at local and state levels.	FFY2011	NDDPI staff, SEUs	Ongoing

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

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

No additional information was required from North Dakota.

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY2010: N/A

INDICATOR 12

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 for Part B eligibility determination.
- b. # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays.
- c. # of those found eligible who have an IEP developed and implemented by their third birthdays.
- d. # of children for whom parent refusal to provide consent caused delays in evaluation or initial services or to whom exceptions under 34 CFR §300.301(d) applied.
- e. # of children who were referred to Part C less than 90 days before their third birthdays.

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

Table 12.1. Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2010 (2010-2011)	100 percent of children referred by Part C prior to age 3, and who are found eligible for Part B, will have an IEP developed and implemented by their third birthday.

Actual State Data

Table 12.2 Actual Data for FFY2010

a. # of children who have been served in Part C and referred to Part B for Part B eligibility determination.	392
b. # of those referred determined to be NOT eligible and whose eligibility was determined prior to third birthday	100
c. # of those found eligible who have an IEP developed and implemented by their third birthdays	283
d. # for whom parent refusals to provide consent caused delays in evaluation or initial services or to whom exceptions under 34 CFR §300.301(d) applied.	3
e. # of children who were referred to Part C less than 90 days before their third birthdays.	1
# in a but not in b, c, d, or e.	5
Percent of children referred by Part C prior to age 3 who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays. Percent = [(c) / (a-b-d-e)] * 100	98.26%
Using current data: Verification of corrections	100%

Account for Children Included in a, but not in b, c, d, or e. Indicate the range of days beyond the third birthday and the reasons for the delays: Five children were referred late to Part B from Part C. The range of delays was from 9-57 days. NDDPI staff accessed student files in the TIENET database and verified, at the individual student level, that all requirements were complete and the child had an IEP developed and implemented as soon as possible after the child's third birthday.

The NDDPI collects early childhood transition data by means of each special education unit (SEU), compiling and submitting a spreadsheet which includes the required Indicator 12 data. A copy of this spreadsheet can be found at: <http://www.dpi.state.nd.us/speced/indicator12.xls> The special education unit designee submits this spreadsheet to the NDDPI for each July 1 through June 30 time period. In addition transition-specific data are collected within the statewide TieNet database.

During the collection period (July 1 - June 30), local special education unit administrators contacted NDDPI staff members to discuss questions they had based on individual cases. To assure consistent high-quality data, NDDPI staff members completed an Indicator 12 data comparison of each SEUs statewide TIENET database Indicator 12 report and SEUs' spreadsheet. This was completed as a cross check of the children entered in each data gathering system. NDDPI compared each child listed on the SEUs Indicator 12 statewide TIENET database report to the SEUs Indicator 12 spreadsheet. An NDDPI special education regional coordinator conducted follow-up e-mails and calls to gather clarification when needed.

Updates and revisions regarding the appropriate completion of Indicator 12 components within the statewide TIENET database will be provided through annual IVN meetings and special education directors and early childhood special educators meetings throughout each data year. In addition, NDDPI will meet with individual SEUs to determine the cause for possible data patterns and to assure continuation of data accuracy.

Through this system of data sharing, the NDDPI collected the necessary data and calculated the percentage of children found eligible for preschool special education services who received services on or before their third birthday for the FFY2010.

Table 12.3 Transition from Part C to Part B - Results Overtime

	FFY2006	FFY2007	FFY2008	FFY2009	FFY2010
a. # of children served in Part C and referred to Part B	393	317	438	430	392
b. # found not eligible and whose eligibility was determined prior to third birthday	134	70	119	92	100
c. # of those found eligible who have an IEP developed and implemented by their third birthdays	191	190	266	275	283
d. # for whom parent refusals to provide consent caused delays in evaluation or initial services	47	43	48	60	3
e.# of children who were referred to Part C less than 90 days before their third birthdays				3	1
# in a but not in b, c, or d	21	14	5	5	5
Percent who met the indicator	90.09%	93.1%	98.15%	100%	98.26%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2010:

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.

Explanation of Progress:

North Dakota has made extensive improvements toward the smooth transition for children turning three years old. Data indicate an improvement from 90.09% (FFY2006 Baseline) to 100% (FFY2009 and FFY 2010). Statewide 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. Further improvements at the local level continue to be necessary; however, an increased conscientiousness in both planning joint meetings and in tracking children through the transition period is evident. NDDPI staff members continue to work closely with the DHS Early Childhood staff to ensure a smooth process across systems and in regards to the development of a definition and referral process for children receiving Part C services who are Potentially Eligible for Part B.

Correction of FFY2009 Findings of Noncompliance (if State reported less than 100% compliance in its FFY2009 APR):

Table 12.4 Level of Compliance that ND reported for the FFY2009 was 100%.

1. Number of findings of noncompliance the State made during FFY2009 (the period from July 1, 2009 through June 30, 2010)	0
2. Number of FFY2009 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	NA
3. Number of FFY2009 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	NA

Correction of FFY2009 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

Table 12.5 Noncompliance Not Timely Corrected

4. Number of FFY2009 findings not timely corrected (same as the number from (3) above)	NA
5. Number of FF 2009 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	NA
6. Number of FFY2009 findings <u>not</u> verified as corrected [(4) minus (5)]	NA

Actions Taken if Noncompliance Not Corrected:

No Action was necessary as ND reported 100% compliance for FFY2009

Correction of Remaining FFY2008 Findings of Noncompliance (if applicable)

Level of compliance ND reported for FFY2008 for this indicator was 98.15%. Through the use of the statewide TIENET database, NDDPI verified that all noncompliance, at the individual student level, were corrected to 100% at the time of the FFY2008 APR submission.

Table 12.6 FFY2008 Findings of Noncompliance

3. Number of remaining FFY 2008 findings noted in OSEP’s June 2010 FFY 2009 APR response table for this indicator	0
4. Number of remaining FFY 2008 findings the State has verified as corrected	NA
5. Number of remaining FFY 2008 findings the State has NOT verified as corrected [(1) minus (2)]	NA

Describe of the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2008:

All noncompliance for FFY2008 was corrected and correction verified before the submission of the FFY2008 APR. NDDPI verified that each district with noncompliance in FFY2008 had (1) developed and implemented the IEP, even though it was after the child’s third birthday (unless the child was no longer in the district) and (2) is currently implementing the regulator requirements of this indicator based on a review of updated data consistent with OSEP Memorandum 09-02.

Table 12.7 Additional Information required by the OSEP APR Response Table for this Indicator

Statement from the Response Table	State’s Response
The State must demonstrate, in the FFY2012 APR that the remaining five uncorrected noncompliance findings identified in the FFY2008 were corrected. When reporting on the correction of noncompliance, the State must report it its FFY2010 APR, that it has verified that each of the LEAs with remaining noncompliance identified in FFY2008 is correctly implementing 34 CFR §300.124(b).	The NDDPI special education monitoring staff reviewed the current data using the statewide TIENET database. All noncompliance for FFY2008 was corrected and correction verified before the submission of the FFY2008 APR. NDDPI again verified that each of the five districts with a finding of noncompliance in FFY2008 had (1) developed and implemented the IEP, even though it was after the child’s third birthday (unless the child was no longer in the district) and (2) is currently implementing the regulator requirements of this indicator based on a review of updated data consistent with OSEP Memorandum 09-02. Districts are notified through a <i>Close-out</i> letter once corrections are verified.

Table 12.8 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
Ensuring the Statewide TIENET database will accurately collect and report data.	FFY2011	NDDPI Staff, LEA Administrators	Ongoing
Statewide IVN meetings for administrators and early childhood professionals	FFY2011	NDDPI Staff	Ongoing
Examine methods to compile and share Part C and Part B data using the data sharing program NDSLDS	FFY2011	NDDPI and NDDHS	Ongoing
Update and revise Understanding Early Childhood Transition: A Guide for Families and Professionals	FFY2010	NDDPI and NDDHS	New
Update and revise Understanding Early Childhood Transition: A Guide for Families and Professionals	FFY2010 FFY2011	NDDPI and NDDHS	Ongoing
Early Childhood Special Education May Institute 2011	FFY 2010	NDDPI Staff	Completed

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

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2010:*Statewide TIENET database*

NDDPI piloted the statewide TIENET database during the FFY2007. The statewide database was implemented in all schools by the start of the 2008-09 school year. This database has significantly enhanced local and state administrators' ability to monitor for compliance to assure that all children who are referred from Part C and found eligible for Part B will have an IEP written and implemented by age 3. During FFY2008, each component of the Indicator 12 measurement was embedded within the TIENET database to assist NDDPI and the LEAs in accurately collecting and reporting Indicator 12 data. During the FFY2010, Indicator 12 data was gathered through the web-based system and Special Education Unit Indicator 12 spreadsheets. NDDPI completed a comparison and made revisions within the TIENET database with the goal of collecting and monitoring all Indicator 12 data through the database during the 2011-12 data year. Updates and revisions regarding the appropriate completion Indicator 12 components within the web-based forms will be provided through annual IVN meetings and special education directors and early childhood special educators meetings throughout each data year.

Interactive Video Network Meetings

A statewide annual Interactive Video Network (IVN) Meeting was hosted by NDDPI in January 2011 for administrators and early childhood professionals to address current questions and issues relating to early childhood special education including the early childhood transition process. It will be vital to the success of the transition process to have continual communication with the professionals implementing the process.

Transition Guidelines

The ND Department of Human Services (DHS) and NDDPI continue to complete the revisions to the Understanding Early Childhood Transition: A Guide for Families and Professionals. MPRRC/TAESE and NECTAC continue to provide additional guidance to be included within the Guideline. This guidance will include the most recent Part B regulations of the 2004 statute which were not in effect at the time the Guideline was written and the 2011 Part C regulations. Key elements relating to the definition and the referral procedure to be implemented relating to children who are receiving Part C services and who are Potentially Eligible for Part B will be included within this Guideline. During the FFY2011 DHS and NDDPI will provide regional trainings relating to the updated guidance with professionals and administrators responsible to assure a smooth transition for children and their families.

Early Childhood Special Education May Institute 2011

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

INDICATOR 13

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 13: Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student’s transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.

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

Measurement:
 Percent = [(# of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student’s transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority) divided by the (# of youth with an IEP age 16 and above)] times 100.

Table 13.1: Actual Target Data for FFY 2010

FFY	Measurable and Rigorous Target
2010 (2010-2011)	100 percent of youth aged 16 and above will have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.

Actual Target Data for FFY2010

The FFY2010 Indicator 13 monitoring was completed by the NDDPI Indicator 13 State Monitoring Team. This is the second consecutive year the Indicator 13 monitoring was completed by this team. The individuals chosen to be part of this team were selected with the intention of strengthening the capacity in ND for consistent knowledge and training throughout the state relative to the secondary transition IDEA 2004 requirements. The team consisted of university professors who work with pre-service special education teachers, state special education personnel, and local special education program coordinators. The 2010-11 Indicator 13 State Monitoring team consisted of the same individuals as the 2009-10 Indicator 13 State Monitoring Team. This provided increased consistency to the process. The team was again trained by the NDDPI through FFY2010 to ensure an understanding of the requirements of Indicator 13, competence in using the statewide TIENET database System for accessing the student files, and inter-rater reliability during the scoring process. During the trainings, the team reviewed the previous year’s process and fine-tuned the collection methods as well as the data report sheets given to the units after the review process.

Statewide representation: In June 2010 the State Indicator 13 State Monitoring team met for one week and reviewed 345 student files from across the state. The objective was to review one student file from each case manager of students 16-21 who were on an IEP during FFY2010. The state representation of disability categories was calculated and used to select the appropriate disability categories to ensure statewide representation was achieved. Statewide representation is displayed in Table 13.4.

The file review information indicated that of the 345 files reviewed 61 did not meet all of the components of the eight questions in the ND Transition Requirements Checklist. Further analysis of these data indicated that although a file may have been in compliance for a majority of the components of the Indicator 13 checklist, it did not meet the requirement of this indicator. Therefore the target data for FFY for this indicator is 82.31% as displayed on Table 13.1. The correction of non-compliance was verified through review of current data.

Table 13.2 Target Data for FFY 2010

Year	Total number of youth aged 16 and above with an IEP	Total number of youth aged 16 and above with an IEP that meets the requirements	Percent of youth aged 16 and above with an IEP that meets the requirements
FFY2010 (2010-2011)	345	284	82.31%
Verification of correction of non-compliance			100%

Table 13.3 Target Data for FFY2010

Indicator 13 Checklist	Total #	# with Yes	% with Yes
1. Are there appropriate measurable post-secondary goal or goals that cover education or training, employment, and, as needed, independent living?	345	341	98.84%
2. Are the postsecondary goals updated annually?	345	337	97.68%
3. Is there evidence that the measurable postsecondary goals were based on age appropriate transition assessment?	345	289	83.77%
4. Are there transition services in the IEP that will reasonably enable the student to meet his or her postsecondary goals?	345	334	96.81%
5. Do the transition services include courses of study that will reasonably enable the student to meet his or her postsecondary goals?	345	329	95.36%
6. Are there annual IEP goal(s) related to the student’s transition services needs?	345	334	96.81%
7. Is there evidence that the student was invited to the IEP Team meeting where transition services were discussed?	345	342	99.13%
8. If appropriate, is there evidence that a representative of any participating agency was invited to the IEP Team meeting with the prior written consent of the parent or student who has reached the age of majority?	345	342	99.13%
IEPs that meet all transition requirements for Indicator 13	345	284	82.31%

Table 13.4 *Statewide Representation:*

Disability Category	State total	State Percentage	Sample Percentage
Orthopedic Impairment	26	.96%	.87%
Specific Learning Disability	1229	45.40%	46.38%
Intellectual Disability	307	11.34%	11.59%
Emotional Disability	305	11.27%	11.59%
Other Health Impairment	489	18.06%	18.26%
Autism	147	5.43%	5.22%
Speech Impairment	232	8.57%	8.70%
Hearing Impairment	27	1.00%	.87%
Vision Impairment	11	.41%	.41%
Traumatic Brain Injury	19	.70%	.58%

Correction of FFY2009 Findings of Noncompliance:

Level of compliance (actual target data) State reported for FFY2009 for this indicator: 74.56%

Table 13.5 Correction of FFY 2009 Findings of Noncompliance:

1. Number of findings of noncompliance the State made during FFY2009 (the period from July 1, 2009 through June 30, 2010)	5
2. Number of FFY2009 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	5
3. Number of FFY2009 findings not verified as corrected within one year [(1) minus (2)]	0

Correction of FFY2009 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

Table 13.6 Correction of FFY2009 Findings of Noncompliance Not Timely Corrected

4. Number of FFY2009 findings <i>not timely</i> corrected (same as the number from (3) above)	0
5. Number of FFY2009 findings the State has verified as corrected beyond the <i>one-year timeline</i> ("subsequent correction")	0
6. Number of FFY2009 findings <i>not</i> verified as corrected [(4) minus (5)]	0

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY2010:

North Dakota has made progress towards increasing the number of youth with IEPs in compliance to Indicator 13. Data indicate an improvement from 74.56% (FFY2009 Baseline) to 82.31% (FFY2010). Statewide input and data review has shown an increased understanding and improved implementation of the transition requirements among secondary transition case managers. When analyzing the Indicator 13 data collected by the State Monitoring Team improvement was noted in six of the eight components of the Transition Requirement Checklist as well as in the total number of IEPs in compliance. Further analysis indicated the need for continued and targeted training on the use of transition assessment for the development of postsecondary goals and transition services in the student IEP. Recently a State resource was created by the members of the ND Secondary Transition Community of Practice. It is a web-based tool for secondary teachers to access when determining and selecting the type of transition

assessments to conduct with their students. The tool can be found on the ND DPI website: <http://www.dpi.state.nd.us/transitn/matrix/matrix.shtm> Promotion of the use of this tool and training on how to use the tool will be included in the professional development presented across the state by the NDDPI staff members for the special education units as technical assistance is implemented.

Table 13.7 Additional Information required by the OSEP APR Response Table for this Indicator

Statement from the OSEP Response Table	State’s Response
When reporting on the correction of noncompliance, the State must report, in its FFY2010 APR, that it has verified that each LEA with noncompliance reflected in the FFY2009 data the State reported for this indicator: (1) is correctly implementing 34 CFR §§300.320(b) and 300.321(b)	The NDDPI special education transition monitoring team reviewed current data using the statewide TIENET database. All noncompliance for FFY2009 was corrected and correction verified. NDDPI verified that each district with noncompliance in FFY2009 had (1) developed and implemented IEPs in compliance with the transition requirements and (2) is currently implementing the regulator requirements of this indicator based on a review of updated data consistent with OSEP Memorandum 09-02. Districts are notified through a <i>Close-out</i> letter once corrections are verified.

Table 13.8 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
Continue state sponsored trainings on Self-Determination Curriculums and Student involvement in the IEP process.	Spring 2009	NDDPI State Transition Steering Council, Statewide membership of individuals in transition related positions	Ongoing
Provide technical assistance to LEAs to strengthen understanding and compliance to the IDEA 04 transition requirements. Develop transition modules based on data drill down in Indicator 13 data.	Ongoing	NSTTAC, NPSO	Ongoing
The <i>ND Community of Practice on Secondary Transition</i> will develop and provide a model to the regional transition committees. Regional transition committees will transform and work as <i>Communities of Practice</i> .	Spring-Fall 2009 and ongoing	IDEA Partnership/National Community of Practice on Transition	Ongoing
Sponsor and Promote the North Dakota Interagency Transition Conference with focus on data-based decision making.	Beginning April 2011 and ongoing	NDDPI, ND State Transition Community of Practice, IDEA Partnership and National Community of Practice on Transition NSTTAC, NPSO	New

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

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2010: N/A

INDICATOR 14

Monitoring Priority: Effective General Supervision Part B / Effective Transition

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

- A. Enrolled in higher education within one year of leaving high school.
- B. Enrolled in higher education or competitively employed within one year of leaving high school.
- C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.

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

Measurement:

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

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

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

Table 14.1 Measurable and Rigorous Target

	Measurable and Rigorous Target		
FFY	Measure A	Measure B	Measure C
2010 (2010-2011)	21.4%	57.3%	68.0%

Actual Target Data for FFY2010

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

Category	Number	Percent
Interviewed Exiters	277	100.0%
Measurement A: Percent of youth enrolled in higher education within one year of leaving high school;	139	50.2%
Measurement B: Measurement A plus percent of youth competitively employed within one year of leaving high school	187	67.5%
Measurement C: Measurement B plus percent of youth enrolled in any other type of post-secondary education/training or employed in any other type of employment	231	83.4%

Table 14.3 Number and Percent of Exiters in each of Four Categories

Category	Number	Percent
1. Enrolled in higher education as defined in measure A	139	50.2%
2. Engaged in Competitive employment as defined in measure B (but not in 1)	48	17.3%
3. Enrolled in other postsecondary education or training as defined in measure C (but not in 1 or 2)	9	3.3%
4. Engaged in some other employment as defined in measure C (but not in 1, 2, or 3)	35	12.6%
Not in any of the above four categories	46	16.6%
Total	277	100.0%

In April 2011, contact information was obtained on the 809 students with disabilities who exited North Dakota schools in 2009-10. Contact was attempted with each of these exiters between June 2011 and July 2011.

Two hundred seventy-seven (277) exiters were successfully interviewed on the phone for a response rate of 34.2%. Two hundred-seventy six (276) of the 809 exiters had incorrect phone numbers. If these “non-reachable” exiters are excluded from the denominator, the adjusted response rate is 52.0% (277/533).

Valid and Reliable Data

In FFY 2010, a concerted effort was made to increase the response rate from years’ past in order to increase the validity of the results. In FFY2009, the response rate was 14.5% and 103 exiters were interviewed. In FFY2010, the response rate was 34.2% and 277 exiters were interviewed. Thus, we are more confident in the validity of the results. The response rates were analyzed by demographic characteristics: gender, race/ethnicity, and type of exiter. No significant differences existed in response rates by gender or race/ethnicity. However, students who dropped out were less likely to respond (18%) than students who graduated (39%) or students who aged out (44%). Further, students with emotional disabilities were less likely to respond (18%) than students with other health impairments, learning

disabilities, or speech language impairments (30-37%). The NDDPI will explore methods for increasing the response rates of these two groups of exiters.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2010:

Explanation of Progress/Slippage:

The percentage of exiters enrolled in higher education, competitively employed, and engaged in other post-secondary education and employment opportunities increased from FFY 2009 to FFY 2010.

Table 14.4 Results Over Time

	FFY2009	FFY2010
Measurement A	21.4%	50.2%
Measurement B	57.3%	67.5%
Measurement C	68.0%	83.4%

Explanation of Improvement Activities:

Table 14.5 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
Support collaboration of stakeholders in the secondary transition process through State Transition Steering Council meetings, and participation in national secondary transition forums. .	Ongoing	NDDPI Staff, National Transition Community of Practice, NPSO; NSTTAC	Ongoing
The follow-up interview protocol will be housed in the TIENET database. Interviewers will access the Protocol on this system. Data will be retrieved through the TIENET database.	FFY 2012	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 2012	NDDPI, ND IDEA Advisory Committee, ND Communities of Practice on Transition	New
The NDDPI will develop and initiate a marketing program: develop documents, trainings, and presentations designed to increase parent, district educators, and other statewide stakeholders’ awareness of the ND Follow-Up Process.	Fall 2013	NDDPI Secondary Transition Coordinator; State Transition Steering Council, NPSO Center, National Dropout Prevention Center	New
The NDDPI will support a Pilot project for two districts to use the National Post School Outcomes (NPSO) <i>Data Use Toolkit</i> for the analyses of local data for improvement planning.	Spring 2012	NDDPI staff NPSO LEAs	New

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

Follow-up Protocol Housed in the TIENET Database:

The Follow-up Interview Protocol will be housed in the TIENET database. Former student demographics and exit reasons will be readily accessed through this database. Follow-up Interview data are retrieved through this database.

The NDDPI Transition Coordinator will select two LEAs to pilot the use of the National Post School Outcomes (NPSO) *Data Use Toolkit*. NDDPI staff received training on the use of this toolkit for analyzing state and local post-school outcome data. The NDDPI was awarded a NPSO Technical Assistance Grant. Through assistance from the NPSO, the NDDPI will train the LEAs in the use of the *Data Use Toolkit* for analyzing local data and for improvement planning. The two pilot LEAs will be supported by the NDDPI to model and mentor other LEAs in the use the toolkit for analyzing their local post-school outcome data and for improvement planning.

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

No additional information was required from North Dakota.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2010: N/A

INDICATOR 15

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

Measurement:
 Percent of noncompliance corrected within one year of identification:
 a. # of findings of noncompliance.
 b. # of corrections completed as soon as possible but in no case later than one year from identification.
 Percent = [(b) divided by (a)] times 100.

Table 15.1 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2010 (2010-2011)	100 percent identified noncompliance will be corrected within one year of identification.

The target for Indicator 15 was not met.

Table 15.2 Actual Target Data Summary FFY2009

	Column A	Column B
Sum the numbers down Column a and Column b	628	605
Percent of noncompliance corrected within one year of identification	96.34%	

Table 15.3 Actual Target Data Over Time

	FFY2005	FFY2006	FFY2007	FFY2008	FFY2009	FFY2010
% of identified noncompliance corrected within one year.	98%	70.27%	100%	100%	100%	96.34%

Table 15.4 Actual Target Data for FFY2010

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY2009 (7/1/09 to 6/30/10)	(a) # of Findings of noncompliance identified in FFY2009 (7/1/09 to 6/30/10)	(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. 2. Percent of youth with IEPs dropping out of high school.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
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 training program, 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. 7. Percent of preschool children with IEPs who demonstrated improved outcomes.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	0	0	0
4A. Percent of districts identified as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
4B. Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	Dispute Resolution: Complaints, Hearings	0	0	0
5. Percent of children with IEPs aged 6 through 21 -educational placements.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site	0	0	0

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY2009 (7/1/09 to 6/30/10)	(a) # of Findings of noncompliance identified in FFY2009 (7/1/09 to 6/30/10)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
6. Percent of preschool children aged 3 through 5 – early childhood placement.	Visits, or Other			
	Dispute Resolution: Complaints, Hearings	0	0	0
7. 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	0	0	0
9. Percent of districts with disproportionate representation of racial and ethnic groups in special education that is the result of inappropriate identification. 10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories 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
	Dispute Resolution: Complaints, Hearings	0	0	0
11. Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	4	8	8
	Dispute Resolution: Complaints, Hearings	0	0	0
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	0	0	0
	Dispute Resolution: Complaints, Hearings	0	0	0
13. Percent of youth aged 16 and above with IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	2	5	5

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY2009 (7/1/09 to 6/30/10)	(a) # of Findings of noncompliance identified in FFY2009 (7/1/09 to 6/30/10)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student’s transition service needs.	Dispute Resolution: Complaints, Hearings	0	0	0
Other areas of noncompliance: Dispute Resolution: Failure to implement the LRE specified in IEP.	Dispute Resolution: Complaints, Hearings	1	1	1
Other areas of noncompliance: Findings from the 2008-2009 Self-Assessment Monitoring (Issued in FFY2009)	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	71	269	266
Other areas of noncompliance: Findings from the 2009-2010 Self-Assessment Monitoring	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	69	345	325
Sum the numbers down Column a and Column b			628	605
2009-2010 RESULTS: Percent of noncompliance corrected within one year of identification = (column (b) sum divided by column (a) sum) times 100.			(b) / (a) X 100 =	94.43%
2008-2009 RESULTS (Issued in FFY2009): Percent of noncompliance corrected within one year of identification = (column (b) sum divided by column (a) sum) times 100.			(b) / (a) X 100 =	98.88%
COMBINED RESULTS: Percent of noncompliance corrected within one year of identification = (column (b) sum divided by column (a) sum) times 100.			(b) / (a) X 100 =	96.34%

The remaining 3 (1.22%) findings from FFY2008 and 20 (5.57%) from FFY2009 are in the process of being corrected and are within the one-year timeline of the districts' letter of notification. Verifications of the remaining 3 (1.22%) findings from FFY2008 and 20 (5.57%) from FFY2009 will occur by reviewing both the individual student level data and current district data generated by the TIENET database. The districts currently correcting noncompliance from FFY2008 and FFY2009 are within the one year timeframe and are not considered "untimely corrections." The following information will be reported in the FFY2011 APR: (1) timely corrected noncompliance within the one-year timeframe of notification and (2) is currently implementing the regulator requirements, based on a review of updated data consistent with the requirements described in the OSEP Memorandum 09-02.

Describe the process for selecting LEAs for Monitoring:***NDDPI Definitions:***

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

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

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

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

disabilities receive a focused review. This process includes a complete review of district data, formation of hypotheses, and investigation related to performance and possible noncompliance. Following this review, each district identified in this stage receives a report detailing areas of noncompliance and required corrective actions with completion timelines.

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

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

Correction of Noncompliance:

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

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

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

The NDDPI Special Education General Supervision coordinator also maintains an Excel spreadsheet that tracks all findings. This spreadsheet contains the districts who received a letter of notification and the following: date of the letters of noncompliance to LEA, date of accepted corrective action plan, date the

corrective action plan was completed, date the NDDPI verified the correction of noncompliance, and date of the Close-out letter to the superintendent. All corrective actions must be completed as soon as possible, but no longer than one year, after receiving a letter detailing the issue of noncompliance.

Timely Correction of FFY2009 (Based on FFY2008 Data) Findings of Noncompliance (corrected within one year from identification of the noncompliance):

Table 15.5 Correction of Noncompliance FFY2009 (Based on FFY2008 Data)

1. Number of findings of noncompliance the State made during FFY 2008 (the period from July 1, 2008 through June 30, 2009) (Sum of Column a on the Indicator B15 Worksheet)	269
2. Number of findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding) (Sum of Column b on the Indicator B15 Worksheet)	266
3. Number of findings <u>not</u> verified as corrected within one year [(1) minus (2)]	3

FFY2009 (Based on FFY2008 Data) Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance and/or Not Corrected):

Table 15.6 Findings of Noncompliance Not Timely Corrected

4. Number of FFY2008 findings not timely corrected (same as the number from (3) above)	3
5. Number of FFY2008 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	0
6. Number of FFY2008 findings <u>not</u> yet verified as corrected [(4) minus (5)]	3

Actions Taken if Noncompliance Not Corrected

Due to the delay in the FFY2008 self-assessment monitoring (SAM), the completion of the FFY2008 SAM occurred during FFY2009 and verification of corrections were completed in the FFY2010. These corrections are reported in Table 15.5. The majority of the findings have been verified as corrected by reviewing both individual student level data and current data. The date of notification has extended the correction of the remaining 3 of the findings beyond the date of this FFY2010 APR submission. **NDDPI verified that each district with noncompliance in 2008-09 and 2009-10 has (1) timely corrected noncompliance within the one-year timeframe of notification and (2) is currently implementing the regulator requirements, based on a review of updated data consistent with the requirements described in the OSEP Memorandum 09-02.**

The remaining 3 of the findings are in the process of being corrected and are still within the one-year timeline of the districts’ letter of notification. Verifications of the final 3 will occur by reviewing both the individual student level data and current district data generated by the TIENET database. **The districts currently correcting noncompliance from FFY2008 and FFY2009 are within the one year timeframe and are not considered “untimely corrections.”**

Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY2008 (including any revisions to general supervision procedures, technical assistance provided and/or any enforcement actions that were taken):

To ensure continuous improvement in all indicators and at the individual student level, the following occurred: During the data collection period (July 1 - June 30), local special education directors contacted NDDPI staff members and discussed individual student cases for guidance or clarification. These guidance calls included but were not limited to inputting data for Child Count, exiting, transition (both early childhood and secondary), and evaluation. During this period, if inaccurate or incorrect data were collected districts reviewed and revised the data submission. During the data guidance and verification of corrections, NDDPI staff members viewed the individual student file simultaneously with the district staff using the TIENET database, thus ensuring correction occurred overall and at the individual student level. This constant assistance ensured appropriate processes were followed and data were being collected properly. This also allowed findings of noncompliance to be corrected immediately (or as soon as possible after receipt of the letter of notification) and allowed the NDDPI staff to verify individual student level noncompliance corrections were complete. This also allowed NDDPI staff to verify compliance through a review of current data.

In addition to the continuous APR data guidance, NDDPI recently revised its internal monitoring system. This process involves a self-assessment monitoring (SAM) at the individual student level conducted in each LEA by the special education units and verified by NDDPI (please refer to page 3 for a description of the ND special education units). During this process, special education unit directors were given self-assessment documents to review and collect data from a sample of their IEPs and/or student file documents. There are four (4) components of the SAM: Evaluation and Re-Evaluation, Procedural Safeguards, IEP 1, and IEP 2. All special education units will conduct the self-assessment once every year to ensure all LEAs are assessed once every four years. Each time a special education unit completes a component of SAM, the data results are submitted to NDDPI for verification and notification of corrective actions required.

The overall monitoring system implemented by the NDDPI is the focused monitoring process. SPP/APR indicators, self-assessment data, and dispute resolution data were reviewed during the focused monitoring process in the fall of 2010. Because North Dakota has not implemented this system since 2008, the Special Education monitoring coordinator from the Wyoming Special Education Department and the statistician from the MPRRC attended these meetings to retrain NDDPI staff and facilitate the process. At this time, three (3) LEAs were chosen for onsite visits in the fall of 2011. This full team will meet again in March of 2012 to plan the onsite visits for fall 2012.

In addition to the ongoing technical assistance and data guidance, the NDDPI staff members hold an annual Special Education Leadership conference. The purpose of this conference is to introduce new statewide initiatives and monitoring plans; review the results of the APR and new requirement expectations; discuss issues or concerns, and distribute training materials for use at the school level.

To ensure North Dakota met all requirements during the FFY2010 and maintains continuous improvement in the ND special education processes and accountability system, technical assistance was sought and received from the U.S. Department of Education, Office of Special Education Programs (OSEP) and various regional and national technical assistance centers. These centers include the Mountain Plains Regional Resource Center (MPRRC), Technical Assistance for Excellence in Special Education (TAESE), Data Accountability Center (DAC), The National Early Childhood Technical Assistance

Center (NECTAC), The National Association of State Directors of Special Education (NASDSE), The Personnel Center, IDEA Partnership and National Community of Practice on Transition, National Post School Outcomes Center (NPSO), and the National Secondary Transition Technical Assistance Center (NSTTAC). In addition to these TA Centers, NDDPI also received technical assistance from the Wyoming Special Education Office, Monitoring Coordinator.

Correction of Remaining FFY2007 Findings of Noncompliance (if applicable):

All corrections were complete, verified at the student level, and reported in previous APR reports.

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

Table 15.7 State’s Response to OSEP

Statement from the OSEP Response Table	State’s Response
<p>In reporting on correction of noncompliance in the FFY 2009 APR, the State must report that it verified that each LEA with noncompliance identified in FFY 2008.</p>	<p>Please see the description of correction under the heading: <i>Verification of Correction for findings of noncompliance reported in the FFY2008 APR.</i></p> <p>Using the statewide database, all verification of corrections were conducted through both a review of current data and a desk audit at the individual student level. All noncompliance were corrected and correction verified for both the FFY2008 and FFY2009. NDDPI verified that each of the districts with findings of noncompliance in the FFY2008 and FFY2009 had (1) timely corrected within the one-year timeframe of notification and (2) is currently implementing the regulator requirements of this indicator based on a review of updated data consistent with OSEP Memorandum 09-02.</p>

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY2010:

Table 15.8 Improvement Activities/ Timelines/ Resources

Activities	Timelines	Resources	Status
<p>NDDPI continue to develop regional education administrative units (REA). The trainings will include best practices as well as IDEA Regulations compliance. This has a mandated timeline from the Governor’s Commission on Education (2006).</p>	<p>FFY2010</p>	<p>Local special education unit administrators, Regional Education Agencies, NDDPI staff</p>	<p>Ongoing</p>
<p>Compilation of the NDDPI-wide Technical Assistance Inventory for TA and dissemination.</p>	<p>FFY2011</p>	<p>NDDPI staff</p>	<p>Ongoing</p>
<p>Data gathered from the statewide database will for the purpose of monitoring at local and state levels.</p>	<p>FFY2011</p>	<p>NDDPI staff, Local SEUs</p>	<p>Ongoing</p>
<p>Redesign of the internal monitoring system to the self-assessment monitoring (SAM).</p>	<p>FFY2011</p>	<p>NDDPI staff</p>	<p>New</p>
<p>Re-establishing the Focused Monitoring system with a contracted monitoring team.</p>	<p>FFY2011</p>	<p>NDDPI, WDE monitoring staff, MPRRC statistician</p>	<p>New</p>

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

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2010: N/A

INDICATOR 16

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 16: Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State.
(20 U.S.C. 1416(a)(3)(B))

Measurement

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
2010 (2010-11)	100 percent of signed written complaints will be investigated and have reports issued within the 60-day timeline or within a specific extended timeline for exceptional circumstances.

Actual Target Data for FFY2010:

Table 16.2 Actual Target Data

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

The target of 100% was met.

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

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

No additional information was required from North Dakota.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2010:

Explanation of Progress:

Training and guidance on document revisions have been provided to various stakeholder groups

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

- Special education unit directors at the 2010 Fall Special Education Leadership Conference;
- Parents at the spring 2011 ND Annual *Parent Involvement* Conference;
- Any interested party, by posting IDEA 2004 regulations and dispute resolution brochures on the NDDPI website; and
- The IDEA Advisory Committee at the summer meeting, by providing the annual dispute resolution report to the committee and answering questions.

Stakeholders have also been informed of the updated version of the *Parental Rights for Public School Students Receiving Special Education and Related Services: Notice of Procedural Safeguards*. A copy of this updated guidance document and an audio version can be found in two separate locations on the NDDPI website: <http://www.dpi.state.nd.us/speced/resource/parent/index.shtm> or at <http://www.dpi.state.nd.us/speced/guide/guidance/index.shtm>. NDDPI revised all dispute resolution brochures in 2008, including due process hearings and resolution meetings, state complaint investigations, mediations, and IEP facilitations.

Data for the FFY2010 dispute resolution reporting period were reviewed and compared to other compliance indicators for determining systemic issues. During the focus monitoring process, 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 are instructed as to how to track corrective actions identified in the report, document relevant correspondence, and ensure prompt verification from districts that are found in violation of IDEA 2004.

Table 16.3 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
Update and revise webpage for Dispute Resolution. Add resources and links to support parties' participation in early intervention processes.	FFY2009 and ongoing	NDDPI DR Coordinator and MIS Department	Ongoing
NDDPI will share the results of a qualitative research project regarding facilitated IEP meetings with its IDEA State Advisory Committee and seek input for future improvements.	June 2011	NDDPI DR Coordinator	New
NDDPI will plan and convene a skills enhancement training for dispute resolution IEP facilitators, mediators, and the <i>UND Conflict Resolution Center</i> that supplies mediators for IDEA disputes.	June 2011	NDDPI DR Coordinator, UND Conflict Resolution Center, CADRE.	New
The NDDPI has purchased a participation membership in the <i>Dispute Resolution in Special Education Consortium</i>	January 2011	NDDPI DR Coordinator	New

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

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2010: N/A*Dispute Resolution Membership*

In order to provide ongoing professional development opportunities for mediators, complaint investigators, due process hearing officers, and state education agency personnel, the NDDPI has purchased a participation membership in the *Dispute Resolution in Special Education Consortium*. North Dakota's essential dispute resolution personnel will be able to participate in regularly scheduled conference calls with special education legal authorities and other professionals who conduct IDEA related mediations, complaint investigations, and due process hearings. This service also includes an ongoing active listserv for dispute resolution specialists, and conference training on specific IDEA topics.

Webpage Updates

The NDDPI updated and revised its webpage for dispute resolution. Additional resources and links to support parties' participation in early intervention processes were included (*North Dakota Protection & Advocacy Project, North Dakota Pathfinders Parent Training and Information Center, the Consortium for Appropriate Dispute Resolution in Special Education, and the University of North Dakota Conflict Resolution Center*).

INDICATOR 17

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 17: Percent of adjudicated due process hearing requests that were adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines.
(20 U.S.C. 1416(a)(3)(B))

Measurement

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
2010 (2010-11)	100 percent of due process hearing decisions will be fully adjudicated and completed within the 45-day timeline or within a properly extended timeline.

Actual Target Data for FFY2010:

One due process hearing was requested.

Table 17.2 Hearing Requests

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

The target of 100% was met.

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

No additional information was required form North Dakota.

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

Explanation of Progress:

Historically, NDDPI has received very few Due Process Hearing requests in any given year. The NDDPI is also seeing a significant reduction in the number of state investigation complaints filed. NDDPI attributes this reduction to early intervention processes, including the increased use of IEP facilitations. The requirements for an IEP facilitation can be found on the NDDPI website at:

<http://www.dpi.state.nd.us/speced/resource/conflict/facilitation.pdf> and a request form can be downloaded for completion directly from the website at:

<http://www.dpi.state.nd.us/forms/sfn58305.pdf> .

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

- Special education unit directors at the 2010 Fall Special Education Leadership Conference;
- Parents at the spring 2011 ND Annual *Parent Involvement* Conference;
- Any interested party, by posting IDEA 2004 regulations and dispute resolution brochures on the NDDPI website; and
- The IDEA Advisory Committee at the Fall meeting, by providing the annual dispute resolution report to the committee and answering questions.

Table 17.3 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
Improve complaint data analysis to be more effectively incorporated into monitoring data	FFY2006	NDDPI Dispute Resolution Coordinator and NDDPI staff	Ongoing
The NDDPI has purchased a participation membership in the <i>Dispute Resolution in Special Education Consortium</i>	January 2011	NDDPI DR Coordinator	New

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

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2010:

Dispute Resolution Membership

In order to provide ongoing professional development opportunities for mediators, complaint investigators, due process hearing officers, and state education agency personnel, the NDDPI has purchased a participation membership in the *Dispute Resolution in Special Education Consortium*. North Dakota’s essential dispute resolution personnel will be able to participate in regularly scheduled conference calls with special education legal authorities and other professionals who conduct IDEA related mediations, complaint investigations, and due process hearings. This service also includes an ongoing active listserv for dispute resolution specialists, and conference training on specific IDEA topics.

Webpage Updates

The NDDPI updated and revised its webpage for dispute resolution. Additional resources and links to support parties’ participation in early intervention processes were included (*North Dakota Protection & Advocacy Project, North Dakota Pathfinders Parent Training and Information Center, the Consortium for Appropriate Dispute Resolution in Special Education, and the University of North Dakota Conflict Resolution Center*).

INDICATOR 18

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

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

Table 18.1 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2010 (2010-11)	55 percent of Resolution Sessions will be facilitated successfully.

Actual Target Data for FFY2010:

There was one due process hearing request during this reporting period. The Resolution Session was successful (100%). The target was met.

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

No additional information was required from North Dakota.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2010:

Explanation of Progress or Slippage:

There was one due process hearing request during this reporting period.

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

- Special education unit directors at the 2010 Fall Special Education Leadership Conference;
- Parents at the spring 2011 ND Annual *Parent Involvement* Conference;
- Any interested party, by posting IDEA 2004 regulations and dispute resolution brochures on the NDDPI website; and
- The IDEA Advisory Committee, by providing the annual dispute resolution report.

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

Mediation is offered as soon as any complaint is received, but may be accessed earlier if the conflict is made known to NDDPI prior to the date a formal complaint being filed. 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
The NDDPI will share the results of a qualitative research project regarding facilitated IEP meetings with its IDEA State Advisory Committee and seek input for future improvements.	June 2011	NDDPI DR Coordinator	New

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

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2010:

Dispute Resolution Membership

In order to provide ongoing professional development opportunities for mediators, complaint investigators, due process hearing officers, and state education agency personnel, the NDDPI has purchased a participation membership in the *Dispute Resolution in Special Education Consortium*. North Dakota’s essential dispute resolution personnel will be able to participate in regularly scheduled conference calls with special education legal authorities and other professionals who conduct IDEA related mediations, complaint investigations, and due process hearings. This service also includes an ongoing active listserv for dispute resolution specialists, and conference training on specific IDEA topics.

Webpage Updates

The NDDPI updated and revised its webpage for dispute resolution. Additional resources and links to support parties’ participation in early intervention processes were included (*North Dakota Protection & Advocacy Project, North Dakota Pathfinders Parent Training and Information Center, the Consortium for Appropriate Dispute Resolution in Special Education, and the University of North Dakota Conflict Resolution Center*).

INDICATOR 19

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

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
2010 (2010-2011)	A state need not set targets for this indicator unless its baseline data reflects that it has received a minimum threshold of 10 mediation requests. Historically North Dakota has a minimum threshold of less than 10 mediation requests per year.

Actual Target Data for FFY2010:

There were two mediation requests during this reporting period. One mediation process was completed; the other was withdrawn by the parents. The number of mediation requests has steadily decreased. This decrease may be directly influenced by the increase in IEP facilitation requests.

Table 19.2 Actual Target Data

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

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

No additional information was required from North Dakota.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2010:

Explanation of Progress

The NDDPI provides procedural options when conflicts arise surrounding education and related services. These include informal and formal procedures, including early dispute resolution. North Dakota has experienced a reduction in the use of more formal IDEA dispute resolution options over a period of several years. Simultaneously the NDDPI has observed a steady increase in requests for facilitated IEP meetings, an early dispute resolution option provided at no cost to parties. North Dakota includes guidance for parents, advocates, and educators about the Facilitated IEP process on the Department of Public Instruction’s website: <http://www.dpi.state.nd.us/speced/resource/conflict/facilitation.pdf>

In order to analyze this option more fully, North Dakota agreed to participate in a research project in conjunction with the University of Northern Colorado. The purpose of this study is to “explore the qualitative experiences of parents and educators who have utilized facilitated IEP meetings as an alternative dispute resolution strategy to resolve conflict about a child’s educational program.” Tracy Gershwin Mueller, Ph.D., Associate Professor at the University of Northern Colorado is the lead researcher of this project. The NDDPI staff members intend to use the results of this study as a means of evaluating the efficacy of facilitated IEP meetings in the state and the satisfaction of persons who have utilized it.

Mediation is offered as soon as any complaints received, but may be accessed earlier if the conflict is made known to NDDPI prior to the date a formal complaint is being filed. As was previously noted, the use of mediation for special education disagreements has only been accessed on a very small scale in North Dakota. A concern arose at the state education agency that the pool of trained and available mediators were receiving so few requests for their services that it was not conducive to ongoing mediation skill development, especially related to special education conflicts. The limited opportunity to practice mediation in special education led the NDDPI staff members to explore other options for maintaining an available group of knowledgeable mediators.

It should be noted that requests for mediation have likely been reduced because the NDDPI offers IEP Facilitation as an early dispute resolution option at no cost to the parties. The NDDPI provided facilitators for six IEP meetings in 2010 and all resulted in a successful completion of an appropriate IEP. The NDDPI staff members have focused on early intervention strategies for resolving conflicts between schools and parents before they reach complaint level. In addition to mediation, IEP facilitation is offered to parties early in the conflict when team members reach an impasse. Both IEP facilitation and mediation are paid for by the NDDPI. Brochures and request forms for each process can be found on the NDDPI website at: <http://www.dpi.state.nd.us/speced/resource/conflict/index.shtm>

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

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

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

- Special education unit directors at the 2008 Fall Special Education Leadership Conference;
- Parents at the spring 2010 ND Annual *Parent Involvement* Conference;
- Any interested party, by posting IDEA 2004 regulations and dispute resolution brochures on the NDDPI website; and
- The IDEA Advisory Committee at the summer meeting, by providing the annual dispute resolution report to the committee and answering questions.

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>

Explanation of Improvement Activities:

Table 19.3 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources	Status
Continue to develop guidance materials in varied formats so that stakeholders can access the information through different modes.	FFY2006	NDDPI staff, and interested stakeholders	Ongoing
The NDDPI will continue to share dispute resolution annual data with the IDEA Advisory Committee, ND Protection and Advocacy, the ND PTI, other parent organizations and the public, through website access. The NDDPI will also share this information with BIE special education administrators in the state.	FFY2006	NDDPI DR Coordinator	Ongoing
The Department of Public Instruction will plan and convene a skills enhancement training for dispute resolution IEP facilitators, mediators, and the <i>UND Conflict Resolution Center</i> that supplies mediators for IDEA disputes.	June 2011	NDDPI DR Coordinator, UND Conflict Resolution Center, CADRE.	New
The NDDPI has purchased a participation membership in the <i>Dispute Resolution in Special Education Consortium</i>	January 2011	NDDPI DR Coordinator	New

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

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2010:

Dispute Resolution Membership

In order to provide ongoing professional development opportunities for mediators, complaint investigators, due process hearing officers, and state education agency personnel, the NDDPI has purchased a participation membership in the *Dispute Resolution in Special Education Consortium*. North Dakota’s essential dispute resolution personnel will be able to participate in regularly scheduled conference calls with special education legal authorities and other professionals who conduct IDEA related mediations, complaint investigations, and due process hearings. This service also includes an ongoing active listserv for dispute resolution specialists, and conference training on specific IDEA topics.

CADRE Guidance

In 2010 the NDDPI contacted the Center for Appropriate Dispute Resolution in Special Education (CADRE), a technical assistance center funded by the U.S. Office of Special Education Programs. The purpose of this contact was to obtain guidance regarding possible changes in the process by which mediators are identified and trained in our state. CADRE personnel advised North Dakota that a trait of four exemplary dispute resolution systems is that they all work with centers within their states that specialize in conflict management. Subsequent to this helpful technical assistance from CADRE, the IDEA

dispute resolution coordinator from the Department of Public Instruction met with the University of North Dakota Conflict Resolution Center (UND-CRC) in Grand Forks, North Dakota. This resulted in an agreement that the UND-CRC would assist in the revision of procedures for the appointment of mediators for special education conflicts. The UND-CRC also agreed to become the source of mediators for IDEA disputes on a statewide as-needed basis. Information about the UND-CRC can be accessed at: <http://conflictresolution.und.nodak.edu/about-crc.php>

Webpage Updates

The NDDPI updated and revised its webpage for dispute resolution. Additional resources and links to support parties' participation in early intervention processes were included (*North Dakota Protection & Advocacy Project, North Dakota Pathfinders Parent Training and Information Center, the Consortium for Appropriate Dispute Resolution in Special Education, and the University of North Dakota Conflict Resolution Center*).

INDICATOR 20

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

Measurement:
State reported data, including 618 data, State Performance Plan, and Annual Performance Reports, are:
a. Submitted on or before due dates (February 1 for child count, including race and ethnicity; placement; November 1 for exiting, discipline, personnel and dispute resolution; and February 1 for Annual Performance Reports and assessment); and
b. Accurate, including covering the correct year and following the correct measurement.
States are required to use the “Indicator 20 Scoring Rubric” for reporting data for this indicator (see Attachment B).

Table 20.1 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2010 (2010-2011)	100 percent of required data reports will be accurately completed and submitted on time.

SPP and APR Definitions:

1. *Timely:* Data for all indicators are submitted electronically to OSEP on or before February 1, 2011.
2. *Valid and Reliable:* Data provided are from the correct time period, consistent with the indicator’s measurement, consistent with IDEA 618 data submission (when appropriate), and are consistent with indicator data from previous years (unless explained).
3. *Correct Calculation:* The result produced for the indicator is determined by using the required calculation based on the each indicator’s instructions.

Actual Target Data for FFY2009

Table 20.2 Valid and Reliable SPP/APR FFY2010 Data

SPP/APR Data - Indicator 20			
APR Indicator	Valid and Reliable	Correct Calculation	Total
1	1		1
2	1		1
3A	1	1	2
3B	1	1	2
3C	1	1	2
4A	1	1	2
4B	1	1	2
5	1	1	2
7	1	1	2
8	1	1	2
9	1	1	2
10	1	1	2
11	1	1	2
12	1	1	2
13	1	1	2
14	1	1	2
15	1	1	2
16	1	1	2
17	1	1	2
18	1	1	2
19	1	1	2
		Subtotal	40
APR Score Calculation	Timely Submission Points - If the FFY 2009 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) =		45.00

618 Data Definitions

- 1) *Timely*: Data for tables for 618 are submitted on or before each tables' due date.
- 2) *Complete Data*: No missing sections. No placeholder data. State-level data include data from all districts or agencies.
- 3) *Passed Edit Check*: 618 data submissions do not have missing cells or internal inconsistencies.
- 4) *Responded to Data Note Request*: Provided written explanation of year to year changes for inclusion in Data Notes to accompany 618 data submissions.

Table 20.3 Valid and Reliable FFY2010 618 Data

618 Data - Indicator 20					
Table	Timely	Complete Data	Passed Edit Check	Responded to Data Note Requests	Total
Table 1 - Child Count Due Date: 2/2/11	1	1	1	1	4
Table 2 - Personnel Due Date: 11/2/11	1	1	1	N/A	3
Table 3 - Ed. Environments Due Date: 2/2/11	1	1	1	1	4
Table 4 - Exiting Due Date: 11/1/11	1	1	1	N/A	3
Table 5 - Discipline Due Date: 11/2/11	1	1	1	N/A	3
Table 6 - State Assessment Due Date: 12/15/11	1	N/A	N/A	N/A	1
Table 7 - Dispute Resolution Due Date: 11/2/11	1	1	1	N/A	3
Table 8 – MOE/CEIS Due Date: 5/1/11	1	N/A	N/A	N/A	1
				Subtotal	22
618 Score Calculation			Grand Total (Subtotal X 2.045) =		45.00

Indicator #20 Calculation	
A. APR Grand Total	45.00
B. 618 Grand Total	45.00
C. APR Grand Total (A) + 618 Grand Total (B) =	90.00
Total N/A in APR	0
Total N/A in 618	0
Base	90.00
D. Subtotal (C divided by Base*) =	1.000
E. Indicator Score (Subtotal D x 100) =	100.00

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

No additional information was required from North Dakota.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2010:

Explanation of Progress:

Results of Indicator 20 have improved from the baseline of 98.4% reported in the APR FFY2006 to 100% reported for this FFY2010. The NDDPI staff members thoroughly reviewed the data, timely corrections, improvement activities, and OSEP responses to each of the indicator results reported in this APR. Based on the OSEP FFY2009 Response Letter to North Dakota, North Dakota did not have continuing issues from the previous year. NDDPI staff members attended OSEP teleconference meetings, national conferences, and regional meetings/conferences to ensure indicator requirements were clearly understood, collected, corrected, and reported. These issues have been corrected and data submitted in this APR are accurately represented and calculated.

As noted in the indicator narratives, the data collected on all indicators are reliable and valid. The type of reliability and validity checks were based on the data required. For example, data collected for Indicators 1, 2, 11, 12, and 13 were reported to NDDPI, calculated and reviewed by NDDPI staff and then returned to the LEA staff for final review, verification, and correction if necessary. The NDDPI staff also validated available data through the TIENET database. 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 TIENET database. Another example of monitoring through the TIENET database was the correction of non-compliance, such as the IEP reviews for the corrections required in Indicator 13. NDDPI staff members were able to ensure corrections are complete in a timely manner by reviewing actual IEPs through a desk audit. Furthermore, NDDPI has contracted with a data consultant through the MPRRC who provides technical assistance in statistical analyses.

Explanation of Improvement Activities:

Annually, the NDDPI special education staff members conduct a Special Education Leadership Conference. The emphasis of the Fall 2011 conference was ensuring timely and accurate data for both SPP indicator data and internal monitoring data. Documents were distributed and presentations given on each of the indicators data requirements and timelines. It was stressed during this conference that inaccurate and late data affect the results of not only the indicator for which the data were reported, but also indicator 15 and indicator 20. Furthermore, data which were not submitted in a timely manner

or were not accurate when submitted affects results received at the school building, school district, and special education unit level. By stressing the interrelatedness of each indicator, a deeper understanding of indicator data collecting and reporting was achieved with conference participants.

Table 20.4. 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
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 TIENET database will be used for the purpose of monitoring at local and state levels.	FFY2011	NDDPI staff, Local special education units	Ongoing
NDDPI-wide Technical Assistance Needs Inventory	FFY2011	NDDPI staff, Local special education units	Ongoing
Increased collaboration between the general education and special education office at NDDPI for clarity, uniformity, and accuracy of data definitions and collection.	FFY2011	NDDPI staff	Ongoing
Guidance to school districts on how data are coded to ensure uniformity, and accuracy of data definitions and collection.	FFY2012	NDDPI staff	New

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

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2010: N/A

Appendix A

Indicator 7
Data Comparison

Data Comparison for Indicator 7
2010-2011

Below are your Unit results from three reports that were developed through review and comparison of the 2010-2011 Indicator 7 data found in your Unit Spreadsheets and TIENET reports. The first column lists the reports that were developed for the data collected from July 1, 2010 to June 30, 2011. The second column list ID numbers for the children that each Unit must review to determine the reason they were listed on the report. In the third column the Unit must provide a **brief** response for each child. Examples of possible brief responses could be: *did not receive preschool services for 6 months; COSF data updated see child's file; etc.*

Please review and respond within two weeks of receiving this information. NDDPI will then provide a final response in the last column. Thank you ahead of time for this information.

Unit Name:

Date:

Reports	Children Name and ID Numbers	Units Response	NDDPI Response
Comparison of TieNet Indicator 7 Report and Unit's Spreadsheet			
TieNet Report - preschool children with initial IEP without a COSF and/or entry ratings			
TieNet Report -preschool children exiting preschool services without COSF and/or exit-progress ratings			
Additional Questions			

Appendix B

Indicator 7
Data Talking Points

Indicator 7 “Data Talking Points”**1. Why does NDDPI collect information relating to Early Childhood Outcomes?**

The ND Department of Public Instruction, Office of Special Education and local education agencies, LEAs that serve preschool children with disabilities are required to report data on Indicator 7 each year as part of the APR. The federal Office of Special Education Programs, OSEP, uses each state’s data to determine how well the state’s programs have helped young children and to determine whether or not local school district programs are making a positive difference for young children and their families.

2. How is the information for Indicator 7 collected?

In North Dakota, the ND Early Childhood Outcomes Process provides an entry rating for every preschool child with an IEP when they begin receiving early childhood special education services and an exit rating when the child transitions out of or exits services. The entry and exit ratings are gathered in the following three outcome areas:

1. Children have positive social emotional skills;
2. Children acquire and use knowledge and skills; and
3. Children use appropriate behavior to meet their needs.

For additional information relating to the ND ECO Process go to:

http://www.dpi.state.nd.us/speced/early/outcomes_process_guide.pdf

3. Where are the entry and exit/progress ratings gathered?

The NDDPI Office of Special Education utilizes the Child Outcomes Summary Form (COSF) to document the three child outcomes scores. The COSF is a form and process developed by the Early Childhood Outcomes Center that provides a 7-point scale for describing children’s functioning compared to age expectations in each of the three outcome areas required by OSEP. The COSF provides a way for teams to summarize the child’s level of functioning using information from many sources including assessment measures and parent and provider reports.

Using the COSF does not require that programs collect more data about children’s progress; it is a mechanism to summarize assessment information for federal reporting as well as for accountability, program planning and program improvement.

4. What is the 7-point scale within the NDCOSF?

The Child Outcome Summary Form uses a 7-point scale to capture a child’s current level of functioning in the three child outcome areas. The summary ratings provide an overall picture of how the child functions for each outcome area across a variety of typical settings and people in their life at a particular time in their life.

In addition to summarizing across settings and situations, the rating progress compares a child’s skills and behaviors to those of their peers. For each of the three outcome areas, the team decides the extent to which the child displays behaviors and skills expected for their age.

A description of the 7-point scale can be found at:

http://www.fpg.unc.edu/~eco/assets/pdfs/Definitions_Outcome_Ratings.pdf

5. How are the entry and exit/progress ratings converted into a Progress Category?

Once the child’s team has completed the entry/exit/progress ratings on the child’s COSF, the entry/exit/progress ratings are combined to determine the appropriate Progress Category for each child. The chart below provides a summary of the possible Progress Category combinations. In ND, this conversion is completed within TIENET. Student specific information can be found in TIENET under *Standard Reports - Indicator 7 2010-11*.

Progress Category	Explanation	COSF Ratings
a. Did not improve functioning	Children who acquired no new skills or regressed during their time in the program.	Rated lower at exit than entry; OR rated 1 at both entry and exit; AND “No” on the progress question (b)
b. Improved functioning, but not sufficient to move nearer to functioning comparable to same-aged peers	Children who acquired new skills but continued to grow at the same rate throughout their time in the program.	Rated 5 or lower at entry; AND rated the same or lower at exit; AND “Yes” on the progress question (b)
c. Improved functioning to a level nearer to same-aged peers but did not reach it	Children who acquired new skills but accelerated their rate of growth during their time in the program. They were making progress toward catching up with their same aged peers but were still functioning below age expectations when they left the program.	Rated higher at exit than entry; AND rated 5 or below at exit
d. Improved functioning to reach a level comparable to same-aged peers	Children who were functioning below age expectations when they entered the program but were functioning at age expectations when they left.	Rated 5 or lower at entry; AND rated 6 or 7 at exit
e. Maintained functioning at a level comparable to same-aged peers	Children who were functioning at age expectations when they entered the program and were functioning at age expectations when they left.	Rated 6 or 7 at entry; AND rated 6 or 7 at exit

Chart found at http://www.fpg.unc.edu/~eco/assests/pdfs/Federal_Reporting_Categories.pdf

6. On the district Report Card, why are the district ratings for Indicator 7 provided in two Summary Statements?

Through the SPP/APR process, ND is required to set targets based on the baseline information for Indicator 7. During the development of this target setting process, OSEP received comments regarding the number of targets associated with Indicator 7. This would have meant establishing 15 targets; five Progress Categories (A-E) for three Outcome Area (3x15=15 targets). Through a comprehensive review and input process, OSEP developed two Summary Statements which incorporate the district’s Progress Category information.

7. What are the first Summary Statement and the formula for determining the district rate?

Summary Statement #1 states: *Of those children who entered the program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.* In other words - How many children changed growth trajectories during their time in the preschool program? Using each district's combined Progress Category information, the formula used to determine the percentage for Summary Statement #1 is:

$$\frac{c + d}{a + b + c + d} \times 100$$

8. On the district's Report Cards, why is the number of students in Summary Statement #1 sometimes less than Summary Statement #2?

Children in Progress Category "e" are not included in Summary Statement #1 (see formula in Question 7) because Summary Statement #1 presents a picture of the children who narrowed and closed the gap. Children from category "e" are children who were functioning at age expectations when they entered the program and were functioning at age expectations when they left.

9. What are the second Summary Statement and the formula for determining the district rate?

Summary Statement #2 states: *The percent of children who were functioning within age expectations in each outcome by the time they turn 6 years of age or exited the program.* In other words – How many children were functioning like same aged peers when they left the program? Using each district's combined Progress Category information, the formula used to determine the percentage for this Summary Statement is:

$$\frac{d + e}{a + b + c + d + e} \times 100$$

10. Where would each Unit locate a summary of the district rates for each Outcome area?

TieNet has embedded the summary statements calculator developed by the national Early Childhood Outcome Center within the Indicator 7 Advanced Report. This calculator allows ND to take our district wide and unit wide OSEP progress category data for the three child outcomes and convert it to the summary statements which will be used to generate percentages related to the summary statements. NDDPI is in the process of making this report available to Units.

11. Summarize the process described above.

- Child's team determines entry/exit/progress ratings 1-7
- Ratings are convert to Progress Categories A-E
- Progress Ratings are calculated within the Summary Statement formulas to determine district wide and unit wide percentage

Appendix C

Indicator 8
Parent Survey

Appendix D

Indicators 9 and 10

Disproportionate Representation District Review

**North Dakota Department of Public Instruction
Special Education**

**Disproportionate Representation of Minority Students
District Report for:
Date:**



Dr. Wayne G. Sanstead, State Superintendent
Department of Public Instruction
600 E Boulevard Ave, Dept. 201
Bismarck, ND 58505-0440

Flagged Categories and Weighted Risk Ratios		
Definitions and Process		
<p>Indicator 9: Disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.</p> <p>Indicator 10: Disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p>		
Step 1	Preliminary Data Review	Preliminary data for districts flagged with disproportionate over-representation and/or under-representation based on race and ethnicity with respect to eligibility and/or placement will be submitted to districts in order to verify accuracy of data and re-submittal to the NDDPI Office of Special Education for recalculation.
Step 2	Recalculated Data Results	<p>Non-flagged Districts: Following verification and recalculation, any district not flagged with disproportionate over-representation and/or under-representation based on race and ethnicity is encouraged to use the criteria as a self-assessment tool.</p> <ol style="list-style-type: none"> 1. Identify potential areas in need of improvement related to disproportionate representation of minority students and revise policies, practices, and procedures as necessary to reflect compliance. 2. Document review of the policies, practices, and procedures with special education staff and evaluators. 3. No submittal of information to the NDDPI Office of Special Education is required at this time. <p>Flagged District: Following verification and recalculations, all districts still flagged with disproportionate over-representation and/or under-representation based on race and ethnicity with respect to eligibility and/or placement must go through an on-site review of the districts process to determine if appropriate identification is occurring.</p> <ol style="list-style-type: none"> 1. Review team will review your policies, procedures and practices specific to the identified racial/ethnic group to determine if the identified practices with the IDEA 2004 Regulations occur. 2. Districts will be required to attend a training to focus on reviewing and implementing changes to practices, policies, and procedures that lead to disproportionate representation.
Step 3	After On-Site Review	<p>Flagged Districts - All Practices occur and are documented within policies: No corrective action plan will be required.</p> <p>Flagged Districts – Some Practices do not occur and are not documented within policies:</p> <ol style="list-style-type: none"> 1. District will be found out of compliance and will identify the Corrective Action Plan activities that will target the specific practice and include timelines for completion. 2. Submit an electronic copy of the Corrective Action Plan. The district is responsible for implementing and completing the plan within one year upon written receipt of notification of review of improvement plan by the NDDPI Office of Special Education. 3. A summary report of progress will be required at 4, 8, and 12 months to the NDDPI Office of Special Education.

Flagged Categories and Weighted Risk Ratios																							
School District	Date Completed																						
<p>Indicator 9: Disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.</p> <p>If any category is flagged, an on-site review may be conducted.</p>	<p>Identified Racial/Ethnic Group and Weighted Risk Ratio:</p> <table border="1"> <thead> <tr> <th>Flagged</th> <th>Ethnicity/Race</th> <th>WRR</th> </tr> </thead> <tbody> <tr> <td></td> <td>White</td> <td></td> </tr> <tr> <td></td> <td>Hispanic</td> <td></td> </tr> <tr> <td></td> <td>American Indian</td> <td></td> </tr> <tr> <td></td> <td>African American/Black</td> <td></td> </tr> <tr> <td></td> <td>Asian Pacific</td> <td></td> </tr> </tbody> </table>	Flagged	Ethnicity/Race	WRR		White			Hispanic			American Indian			African American/Black			Asian Pacific					
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<p>Indicator 10: Disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>If any category is flagged, an on-site review may be conducted. The following pages are the district's procedures that will be reviewed by the DPI Special Education staff.</p>	<table border="1"> <thead> <tr> <th>Flagged</th> <th>Ethnicity/Race</th> </tr> </thead> <tbody> <tr> <td></td> <td>White</td> </tr> <tr> <td></td> <td>Hispanic</td> </tr> <tr> <td></td> <td>American Indian</td> </tr> <tr> <td></td> <td>African American/Black</td> </tr> <tr> <td></td> <td>Asian Pacific</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th>Disability Category</th> <th>WRR</th> </tr> </thead> <tbody> <tr> <td>AU</td> <td></td> </tr> <tr> <td>ED</td> <td></td> </tr> <tr> <td>ID</td> <td></td> </tr> <tr> <td>OHI</td> <td></td> </tr> </tbody> </table>	Flagged	Ethnicity/Race		White		Hispanic		American Indian		African American/Black		Asian Pacific	Disability Category	WRR	AU		ED		ID		OHI	
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<p>Note: To complete the following Self-Assessment Tool, keep in mind each flagged ethnicity and race and/or disability category to determine if district policies, procedures and practices reflect specific academic, cultural and personal needs, both within the general education classroom as well as within supplemental special education services.</p>			
<p>Self-Assessment for Disproportionate Representation By Race/Ethnicity and Disability State Performance Plan (SPP) Indicators 9 and 10</p>			
<p>CHILD FIND/SCREENING/GENERAL EDUCATION INTERVENTION (GEI)</p>			
<p>Policies, Practices and Procedures: (20 U.S.C. 1412(a)(3)(A) and (B); 34 CFR 300.111)</p>		<p>Practice Occurs Y/N</p>	<p>YES - Practice Occurs Provide specific reference in which this practice is defined.</p>
<p>A) Each board shall adopt and implement policies and procedures to identify, locate, and evaluate all children with exceptionalities residing in its jurisdiction, including children with exceptionalities who meet any of the following criteria: (1) Attend private schools; 2) are highly mobile, including migrant and homeless children; or (3) are suspected of being</p>			

children with disabilities even though they are advancing from grade to grade.		
B) Each board’s policies and procedures under this regulation shall include age appropriate screening procedures that meet the following requirements: (1) For children younger than five years of age, observations, instruments, measures, and techniques that disclose any potential disabilities or developmental delays that indicate a need for evaluation, including hearing and vision screening;		
(2) for children from ages five through 21, observations, instruments, measures, and techniques that disclose any potential exceptionality and indicate a need for evaluation, including hearing and vision screening as required by state law; and		
(3) implementation of procedures ensuring the early identification and assessment of disabilities in children.		
C) Any board may refer a child who is enrolled in public school for an evaluation if one of the following conditions is met: (1) School personnel have data-based documentation indicating that general education interventions and strategies would be inadequate to address the areas of concern for the child.		
(2) School personnel have data-based documentation indicating that before the referral or as a part of the referral, all of the following conditions were met: (A) The child was provided with appropriate instruction in regular education settings that was delivered by qualified personnel. (B) The child’s academic achievement was repeatedly assessed at reasonable intervals that reflected formal assessment of the student’s progress during instruction. (C) The assessment results were provided to the child’s parent or parents. (D) The assessment results indicate that an evaluation is appropriate.		
(3) The parent of the child requests and gives written consent for, an evaluation of the child, and the board agrees that an evaluation of the child is appropriate.		
D) Each board, at least annually, shall provide information to the public concerning the availability of special education services for exceptional children, including child find activities conducted by the board.		
NO – Practice Does Not Occur and/or Documentation Is Not Available: Identify the missing policies, practices and procedures. Missing documentation needs to be submitted to the NDDPI Office of Special Education within the determined timeline upon receipt of notification by the NDDPI Office of Special Education.		
A)-		
B)-		
C)-		
D)-		
<i>Self-Assessment for Disproportionate Representation By Race/Ethnicity and Disability State Performance Plan (SPP) Indicators 9 and 10</i>		
ELIGIBILITY DETERMINATION (20 U.S.C. 1412(a)(6)(B), 1412(a), (7); 1414(a), (b) and (c); 34 CFR 300.122 and 300.300-300.311)		
Policies, Practices and Procedures	Practice	YES - Practice

	Occurs Y/N	Occurs Provide specific reference in which this practice is defined.
A) Upon completion of the administration of assessments and other evaluation materials: (1) The determination of whether the child is an exceptional child shall be made by a team of qualified professionals and the parent of the child in accordance with this section; and		
(2) a copy of the evaluation report and the documentation of determination of eligibility shall be given to the parent.		
B) In making a determination of eligibility under this section, a child shall not be determined to be an exceptional child if the determinant factor for such determination is lack of instruction in reading, including instruction using the essential components of reading instruction, math or limited English proficiency.		
NO – Practice Does Not Occur and/or Documentation Is Not Available: Identify the missing policies, practices and procedures. Missing documentation needs to be submitted to the NDDPI Office of Special Education within the determined timeline upon written receipt of notification by the NDDPI Office of Special Education.		
A)-		
B)-		

<i>Self-Assessment for Disproportionate Representation By Race/Ethnicity and Disability State Performance Plan (SPP) Indicators 9 and 10</i>		
NDDPI USE ONLY - REVIEW		
Self Assessment Tool Review		
Date: Self Assessment Tool Emailed to District		

Date: Completed Self Assessment Tool returned to NDDPI Office of Special Education.		
Date: NDDPI Compliance Notification sent to District		
Final Compliance Determination	<p>COMPLIANT</p> <p>NON-COMPLIANT Improvement Plan Required</p>	Comments
Improvement Plan Review		
Date: Review by NDPI of missing policies, practices, procedures		
Date: NDDPI Final Notification sent to District		
Date: Correction of Noncompliance due to the NDDPI Office of Special Education		
Date: Correction of Noncompliance Submitted	<p>COMPLIANT</p> <p>NON-COMPLIANT No correction of noncompliance</p>	Comments

