North Dakota
FFY 2012– 2013 Annual Performance Report For Special Education

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Table of Contents

Page

Introduction and Overview:

Acronyms Used in the ND FFY2012 Annual Performance Report for Special Education 1
Introduction 3
Technical Assistance Received 3
Stakeholder Input 3
Explanation of the NDDPI Special Education Office 4
Explanation of Improvement Activities 5
Improvement Activities Related Overall 6
Improvement Activities Related to Specific ND SPP Indicators 11
Improvement Activities Index 12

Indicators:

Indicator 1: Graduation Rate 18
Indicator 2: Dropout Rate 23
Indicator 3: Participation and Performance on Assessments 26
Indicator 4: Suspension and Expulsion Rates 33
Indicator 5: School Age LRE 39
Indicator 6: Preschool LRE 42
Indicator 7: Preschool Outcomes 45
Indicator 8: Parent Involvement 51
Indicator 9: Racial/Ethnic Disproportionate Representation 55
Indicator 10: Racial/Ethnic Disproportionate Representation by Disability 58
Indicator 11: Evaluation Timeline 61
Indicator 12: Preschool Transition 65
Indicator 13: Secondary Transition 70
Indicator 14: Secondary Outcomes 75
Indicator 15: General Supervision Corrective Actions 79
Indicator 18: Resolution Sessions 87
Indicator 19: Mediation 89
Indicator 20: Data Accuracy and Timeliness 92

Figures:

Figure 1.1 Graduation Rates Over Time 21
Figure 2.1 Dropout Results Over Time 24
Figure 3.1 Participation Rate of Students with Disabilities in Reading, Over Time 30
Figure 3.2 Participation Rate of Students with Disabilities in Math, Over Time 30
Figure 3.3 Proficiency Rate of Students with Disabilities in Reading, Over Time 30
Figure 3.4 Proficiency Rate of Students with Disabilities in Math, Over Time 31
Figure 4A.1 Percent of LEAs Flagged for Significant Discrepancy, 4A, Over Time 35
Figure 4B.1 Percent of LEAs Flagged for Significant Discrepancy, 4A, Over Time 38
Figure 5.1 Percent of Students in the Regular Classroom > 80% of Day, 5A, Over Time 40
Figure 5.2 Percent of Students in the Regular Classroom < 40% of Day, 5b, Over Time 41
Figure 5.3 Percent of Students in Separate Facilities, 5C, Over Time 41
Figure 8.1 Percent of Parents who Stated the School Facilitated Their Involvement 54
Figure 9.1 Percent of Districts with Disproportionate Representation Over Time 57

Figure 10.1 Percent of Districts with Disproportionate Representation Over Time 60
Figure 11.1 Percent of Timely Evaluations..... 63
Figure 13.1 Percent of youth with IEPs including coordinated, measurable, annual IEP goals….. 73
Figure 14.1 Percent of Exiters Meeting Measurement 14A, Over Time..... 77
Figure 14.2 Percent of Exiters Meeting Measurement 14B, Over Time..... 78
Figure 14.3 Percent of Exiters Meeting Measurement 14C, Over Time..... 78

Appendices:

Appendix A: Indicator 7 Data Comparison..... 93
Appendix B: Indicator 8 Parent Survey 95
Appendix C: Disproportionality Review Document 97

Acronyms Used in the North Dakota
FFY 2012 Annual Performance Report
For Special Education

AIR	American Institutes of Research
APR	Annual Performance Report
AT	Assistive Technology
AYP	Adequate Yearly Progress
BIP	Behavior Intervention Plan
CCLC	21st Century Community Learning Centers
COSF	Child Outcome Summary Form
DAC	Data Accountability Center
ECSE	Early Childhood Special Education
ECTA	Early Childhood Technical Assistance Center
EduTech	Education Technology Services for North Dakota Schools
ESEA	Elementary and Secondary Education Act
ESPB	Education Standards and Practices Board
FAPE	Free Appropriate Public Education
FBA	Functional Behavior Assessment
FFY	Federal Fiscal Year
ICC	Interagency Coordinating Council
IDEA	Individuals with Disabilities Education Act, 2004
IEP	Individualized Education Program
IHE	Institute of Higher Education
IT	Information Technology
IVN	Interactive Video Network
IWAR	Integrated Written Assessment Report
LEA	Local Education Agency
LRE	Least Restrictive Environment
McREL	Mid-continent Research for Education and Learning
MPRRC	Mountain Plains Regional Resource Center
MTSS	Multi-Tiered Systems of Support
NASDSE	National Association of State Directors of Special Education
NCD	Non-Categorical Delay
NCIEA	National Center for Improvement of Education Assessment
NCLB	No Child Left Behind Act
NCRTI	National Center on Response to Intervention
ND ECO	North Dakota Early Childhood Outcomes Committee
ND ITD	North Dakota Information Technology Department
ND LEAD	North Dakota Leadership and Education Administration Development Center
ND VS/SB	North Dakota Vision Services/ School for the Blind
NDAA	North Dakota Alternate Assessment
NDCEL	North Dakota Council Of Education Leaders
NDCPD	North Dakota Center for Persons with Disabilities
NDDHS	North Dakota Department of Human Services
NDDPI	North Dakota Department of Public Instruction

NDSA	North Dakota State Assessment
NIMAC	National Instructional Materials Access Center
NIMAS	National Instructional Materials Accessibility Standard
NPSO	National Post-School Outcomes Center
NSTTAC	National Secondary Transition Technical Assistance Center
NWEA	Northwest Evaluation Association
OSEP	Office of Special Education Programs, United States Department of Education
RTI	Response to Intervention
SEA	State Education Agency
SEU	Special Education Unit
SISEP	State Implementation and Scaling Up of Evidence Based Practices Center
SLDS	Statewide Longitudinal Data System
SPDG	State Personnel Development Grant
SPP	State Performance Plan
STARS	State Automated Reporting System
SWD	Students with Disabilities
TA	Technical Assistance
TAESE	Technical Assistance for Excellence in Special Education
TIENET	Technology For Improving Education Web-Based Case Management System
UDL	Universal Design for Learning
USDOE	United State Department of Education
WRR	Weighted Risk Ratio

Overview of the Annual Performance Report Development

Introduction

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

Technical Assistance Received

To ensure North Dakota met requirements during the FFY2012 and maintained continuous improvement in the ND special education processes and accountability system, technical assistance was sought and received from the U.S. Department of Education, Office of Special Education Programs (OSEP) and various regional and national technical assistance centers. These centers include the Mountain Plains Regional Resource Center (MPRRC), Technical Assistance for Excellence in Special Education (TAESE), Early Childhood Technical Assistance Center (ECTA Center), Center for Appropriate Dispute Resolution (CADRE), 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),State Implementation and Scaling Up of Evidence Based Practices Center (SISEP), the University of South Florida's Positive Behavioral Project, National Center on Response to Intervention (NCRTI), and the American Institutes of Research (AIR). North Dakota statewide planning committees also received valuable support from Michigan Department of Education's Integrated Behavioral and Learning Support Initiative and the Minnesota Department of Education's Response to Intervention and Positive Behavioral Intervention and Support Initiatives.

Stakeholder Input

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

sessions, NDDPI staff members proposed changes, described new information pertaining to the indicators, presented technical assistance in areas of need, and collected feedback from the field. Furthermore, the ND IDEA Advisory Committee has had continuous involvement in revisions and continues to indicate general consensus in support of the ND targets and improvement activities as written in the ND SPP.

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

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

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

Explanation of the NDDPI Special Education Office

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

- *The State Education Agency (SEA)* in North Dakota is the North Dakota Department of Public Instruction (NDDPI). The following special education positions are held within the Special Education office of the ND Department of Public Instruction:
  - *Special Education State Director:* The NDDPI employs one SEA special education director. Responsibilities include oversight of IDEA Regulations at the local special education units, local special education programs, and LEA levels, state legislative responsibilities, and NDDPI special education personnel;
  - *Special Education SEA Staff:* The NDDPI SEA Staff assist the Director with components of IDEA Regulations, and oversight of the local special education units, district special education programs, and special projects. Staff members hold portfolios that include specific statewide responsibilities related to disability categories, trainings, monitoring, and special education program responsibilities;
  - *IDEA Grant Manager*: The NDDPI employs one grant manager who oversees the *IDEA B* and State special education budgets; and
  - *Shared Positions:* The NDDPI Special Education Unit also has two positions shared within NDDPI. *One positi*on is an Assistant Director of Title I/ Special Education programs. This individual is responsible to share information between the NDDPI Title I and Special Education staff as well as coordinate joint professional development activities between the two programs. The second position is an Assistant Director of Title I who also serves as the NDDPI Early Childhood State Administrator. As the departmental Early Childhood contact, this person

provides technical assistance and professional development for a broad range of early childhood educational statewide initiatives and topics. This individual is responsible for the coordination of the early childhood education curriculum and assessment task force which is a collaborative effort between Title I and Special Education. Her responsibilities also include initiating and maintaining Public Service Announcements and contracts with individuals involved with the task force. In addition, this person attends the Early Childhood Special Education advisory committee meetings.

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

- *Local Education Agencies* (LEA): North Dakota currently has 181 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

To ensure public awareness of overall ongoing activities, this section describes the improvement activities related to the IDEA Part B indicators. For more information on ongoing activities specific to each indicator, please see the narrative for that indicator.

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.

NDDPI would also like to note that all "continuous" or "ongoing" activities will continue until or beyond the FFY2013, 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 FFY2013:

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

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

   The ND Lead Center has completed a first training schedule as part of the statewide roll-out of the system. The first round of training was made available to all districts. This training schedule consisted of instructing LEAs how to access the system and run the currently available reports.

   The tighter integration between PowerSchool, SLDS and State Automated Reporting System (STARS) blurs the line between systems making it difficult to determine who to contact for assistance. To better serve LEAs, a joint EduTech, Information Technology Department, and NDDPI team was established to review problems and jointly develop a solution. A user need only contact the EduTech help desk, and any issue will be resolved by the joint team.

   Currently, access to the data will be at the district level (LEAs), school, and teacher level; it will provide to authenticated users:
   - Northwest Evaluation Association (NWEA) and AIMSWeb assessment data for those districts that have signed the data release agreements. A majority of the districts have signed the agreements allowing the state to load assessment data directly from the vendor;
   - State assessments with growth model;
   - ACT scores;
   - Students that entered post-secondary institutions (including some non-public and out-of state institutions);
   - Post-secondary remediation data – identifying those students that needed remediation (and the subject area of the remediation) at the post-secondary level for those institutions that supply student level data to the SLDS;

- Drop-out and graduation rates - the SLDS team is working with NDDPI to align the students contained in official rates identified in the SLDS to prepare for reports and research;
- Attendance and truancy data; and
- Student course information including grades.

The SLDS development team is currently working on:

- Inclusion of discipline data from PowerSchool's Incident Management Module and the School Wide Information System (SWIS)
  The committee members had lengthy discussions over several sessions regarding the potential for collecting office referral data that would provide more granular data analysis for improving learning for all students and particularly those students who are disruptive to the point that it interferes with their own or others learning in classroom settings;
- Electronic Transcripts (eTranscripts) - a pilot program is underway and hope to have full implementation by summer of 2014;
- A better user experience by continually refining the look and feel of the SLDS portal;
- Increased assessment data - ACT Plan and Explore are the next major assessment to be loaded;
- An integrated feedback system in the SLDS portal; and
- Improved performance as the system moves from beta to full release;
- Methods to link Early Childhood Program data to the K-12 data for a provision of a continuum of services.

2. *NDDPI Special Education and Title I Collaboration:*
   In October of 2012, the NDDPI Office of Special Education in partnership with the NDDPI Title I and 21st Century Community Learning Centers offices hosted the third annual *ND Title I, Special Education and 21st Century Community Learning Centers Fall Conference*. This third annual conference had an attendance of over 1,000 general and special education professionals from across North Dakota. Title I and Special Education jointly write a newsletter which is disseminated to the Special Education and Title I field staff each month. Title I and Special Education also collaborate in summer trainings for the field staff.

   The Title I and Special Education Offices are collaborating to complete a series of documents which will guide professionals in the provision of high quality and consistent statewide services for all preschool age children throughout ND. In FFY2012, NDDPI completed the following documents: *ND Pre-kindergarten Standards* and *Selecting a Comprehensive Preschool Curriculum: A Decision-Making Guide for Educators.*

3. *NDDPI Special Education and Standards and Achievement Collaboration:*
   The Standards and Achievement Office works in cooperation with the Special Education Office in providing technical assistance to the field on an ongoing basis. The Assistant Director manages North Dakota's alternate assessments (NDAA1 and NDAA2), and provides technical assistance to special education teachers and local unit directors on changes and updates concerning these assessments. This position manages an Alternate Assessment Advisory Group of ND teachers and administrators who participate in ongoing item writing and in discussing issues that

surround the alternate assessments. Advisory Group Members also served as ND Community of Practice Members for the National Center State Collaborate (NCSC) project in the FFY 2012.

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

5. *Speech-Language Pathology Scholarship:*
Due to a shortage of Speech-Language Pathologists in North Dakota, six scholarships were awarded to graduate level Speech-Language Pathologists at two North Dakota universities funded through IDEA B funds. These scholarships fund the student's tuition and books. For each year the student accepts the scholarship, he/she signs an agreement to work in a school district in North Dakota.

6. *Traineeship Scholarship:*
Each year NDDPI awards Traineeship Scholarships in priority disability areas to ND teachers who wish to pursue graduate level retraining in the field of special education. As part of the application, a recommendation is provided by the local Special Education Unit Director where the applicant is working. This recommendation includes information about the applicant's skills as well as the identified need of the Special Education Unit for a teacher trained in the identified area. Scholarship amounts are based on the credit hours of coursework taken during a semester. Once accepted for the Traineeship Scholarship, applicants may be funded for a maximum of three (3) years or until they complete their endorsement (whichever comes first). The number of Traineeship Scholarships given fall 2012, spring 2013, and summer 2013 totaled 89 in 9 special education and related service areas.

7. *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 Individualized Education Program (IEP) and other forms required for students receiving special education services. This database has increased the clarity and accuracy of all student data submitted to the state. The following forms are included and maintained within this electronic database and are currently used for reviewing current data and the verifying of correction: On at least an annual basis the SEA updates forms and processes as necessary in the database. These updates result from field input as well as regulatory changes that have occurred.

Assessment Plan	Integrated Written Assessment Report
Behavior Intervention Plan	Internal Monitoring Transition Req. Checklist
Building Level Support Team Intervention Plan	Joint Prior Written Notice (Part C to B)
Building Level Support Team Interview Log	Manifestation Determination Documentation
Building Level Support Team Observational Record	Meeting Notes

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

This database includes current data review capabilities and validation procedures to ensure compliance. This also allows NDDPI staff members and local administrators to monitor current data to ensure timely correction of noncompliance. This database increases the ease and accuracy of data input, while providing and maintaining a significant number of generated reports used for monitoring at the student, school, LEA, SEU, and state levels. Additional report topics available through this database include, but are not limited to Assistive Technology, Extended School Year, Exit, Assessment, and Indicators 3, 5, 6, 7, 11, 12, and 13. A wide variety of reports is also generated based on immediate need and has been used in all school districts across North Dakota since 2009. In 2013, the CCSS will be added to the TIENET data base (P-K thru grade 12).

8. *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.

The NDDPI continues to present information related to the NIMAS and NIMAC to state educational leaders and school personnel, and coordinate with the NIMAC. NDDPI currently has one authorized user, the ND Vision Services/School for the Blind (ND VS/SB). NDDPI has posted a NIMAS policy paper, flow chart with definitions, and brochure at http://www.dpi.state.nd.us/speced1/family/family.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.

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

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

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

Improvement Activities Related to Specific Indicators

Activities that will influence 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.

To further increase awareness of the progress in North Dakota, the FFY2012 APR includes an Improvement Activities Index. This index illustrates the various activities specific to indicators, and demonstrates the interconnectivity of special education improvement. Each activity is color-coded based on the status of the activity: new (light blue), ongoing (green), or completed (light orange). The color-coding is presented in the Table i.i below. The index also lists the specific purpose category for each activity. These codes are presented in Table i.ii below.

Table i.i Improvement Activity Color Codes

Activity	Color
New	**Light Blue**
Ongoing	**Green**
Completed	**Light Orange**

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

Table i.ii Improvement Activity Category Codes

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

Improvement Activities Index

Improvement Activities	Category	1/2	3	4A/4B	5	6	7	8	9/10	11	12	13	14	15	18	19	20
NDDPI Special Education Office will work with NDDPI Director of Indian Education to analyze indicator data for Native American SWD.	**Data**	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
NDDPI will continue researching the feasibility of housing the follow-up interview protocol in the TIENET database and link to the Statewide Longitudinal Database System. Interviewers will access the Protocol on this system. Data will be retrieved through the TIENET database.	**Data**												X				X
NDDPI Special Education Office will develop and distribute a Least Restrictive Environment Guidance Resources	**Data, MTR, PCY, TAPD**				X	X											X
NDDPI Special Education Office will develop a training document for writing IEP goals using Common Core Standards	**Data, MTR, PCY, TAPD**		X									X		X			
Functional Behavior Assessment-Behavior Intervention Plan Workgroup will develop guidelines of evidence-based behavioral planning supports including policies and procedures that will assist districts and early intervention programs to establish their FBA/BIP process	**Data, MTR, TAPD**	X	X	X	X		X						X	X			
Preschool Developmental Framework, Preschool Curriculum and Assessment Initiative	**Data, MTR, TAPD**				X	X	X										
NDDPI will begin researching the potential for the state to have Follow-up interviews conducted by district staff.	**Data, PCY**												X				X

Improvement Activities	Category	1/2	3	4A/4B	5	6	7	8	9/10	11	12	13	14	15	18	19	20
The NDDPI began publishing a monthly newsletter for Special Education and Title I school personnel; this includes technical assistance on promoting parent involvement in education	**Data, PP, TAPD**		X					X							X	X	X
NDDPI will partner with ND Parent Training and Information (PTI) Center to offer information, technical assistance, and outreach to parents to help them successfully engage with educators regarding multi-tiered systems of support (MTSS)	**Data, TAPD**		X					X							X	X	X
Modify State IEP form format to include Common Core State Standards to insure the goals of SWD are aligned with these standards	**MTR, TAPD**	X	X		X							X	X	X			X
ND Curriculum Initiative develops a CCSS curriculum template for both mathematics and English language/arts to improve instruction	**TAPD**		X		X							X					
NDDPI Secondary Transition/ Parent Involvement Conference will include professional development on predictors of success for SWD	**TAPD**	X	X	X	X			X				X	X	X	X	X	
Provide technical assistance and ongoing training to improve data collection and reporting in collaboration with general education partners with the NDDPI and LEAs	**Data**	X	X	X	X	X	X		X	X	X	X	X				X
Continue to develop guidance materials in varied formats so that stakeholders can access the information through different modes.	**Data, DR, PI, TAPD**							X							X	X	X
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.	**Data, DR, PI, TAPD**							X							X	X	X

Improvement Activities	Category	1/2	3	4A/4B	5	6	7	8	9/10	11	12	13	14	15	18	19	20
NDDPI will plan and convene a skills enhancement training for dispute resolution IEP facilitators, mediators, and the UND Conflict Resolution Center that supplies mediators for IDEA disputes.	**Data, DR, PI, TAPD**							X							X	X	X
NDDPI has purchased a participation membership in the Dispute Resolution in Special Education Consortium	**Data, DR, PI, TAPD**							X							X	X	X
Examine methods to compile and share Part C and Part B data using the data sharing program NDSLDS	**Data, MTR**										X			X			X
NDDPI Statewide Longitudinal Database System will include Part B data, in order to identify predictors of student outcomes (eg. achievement, drop-out, graduation, behavior, and suspension) for students with disabilities	**Data, MTR, PCY**	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Provide technical assistance to LEAs to strengthen understanding and compliance to the IDEA 04 transition requirements and develop transition modules based on data drill down in Indicator 13 data	**Data, MTR, PCY, TAPD**	X	X		X							X	X	X			X
Conduct a statewide data drilldown with NDDPI staff and contracted focused monitoring team in order to develop priority issues for monitoring, TA/PD, and other APR improvement activities; to make data-based decisions regarding the effectiveness of current monitoring, TA/PD, and APR improvement activities. Develop or enhance improvement activities based on the results.	**Data, MTR, PI, TAPD**	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Provide training and implementation of the special education monitoring system for data analysis and improvement planning.	**Data, MTR, TAPD**	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Technical Assistance and training to promote parent involvement	**Data, MTR, TAPD**							X						X	X	X	

Improvement Activities	Category	1/2	3	4A/4B	5	6	7	8	9/10	11	12	13	14	15	18	19	20
Support and collaborate with statewide family organizations to increase knowledge and promote parent involvement	**Data, MTR, TAPD**							X						X	X	X	
Ensure the correction of noncompliance discovered through data analysis, monitoring, and complaint resolution activities within one year through the development and full implementation of corrective action plans	**Data, MTR, TAPD**									X	X	X		X			
Redesign of the internal monitoring system to the self-assessment monitoring (SAM)	**Data, MTR, TAPD**													X			X
Assure the ND COSF Quality Assurance checklist is in place and enhance technical assistance to meet statewide needs.	**Data, PCY, MTR, TAPD**						X							X			
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.	**Data, PCY, PI, TAPD**							X					X				X
NDDPI will continue to support ongoing Pilot projects for districts to use the National Post School Outcomes (NPSO) Data Use Toolkit for the analyses of local data for improvement planning.	**Data, PCY, TAPD**	X										X	X				
NDDPI will sponsor SEA and LEA representatives to attend the NPSO Cross Regional Meeting on the State Toolkit for Examining Post-School Success	**Data, PCY, TAPD**	X										X	X	X			
ND continues to receive TA through NPSO Intensive State Technical Assistance grant	**Data, PCY, TAPD**	X										X	X	X			X

Improvement Activities	Category	1/2	3	4A/4B	5	6	7	8	9/10	11	12	13	14	15	18	19	20
Reconfigure the scale up process for Multi-Tiered Systems of Support to include a regional support infrastructure that focuses on districts and transformation zones, made up of one or more large districts and surrounding smaller districts. Provide a range of supports with the intent of building infrastructure to sustain the innovations over the long term.	**Data, TAPD**	X	X	X	X				X	X		X	X				
Collaborate with the NDDHS and Parent Training and Information Center in sponsoring the annual parent information and involvement statewide conference	**Data, TAPD**							X							X	X	
NDDPI will share the results of a qualitative research project regarding facilitated IEP meetings with its IDEA State Advisory Committee and seek input for future improvements.	**DR, TAPD**							X							X	X	X
Support ongoing personnel development projects in collaboration with state university training programs to increase the number of qualified special educators and speech language pathologists across the state. Support mentoring models in the resident teacher preparation program.	**FSC, PP**	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Established the Focus Monitoring system with a contracted monitoring team. This process includes district and/or special education unit surveying of parent opinion regarding special education services.	**MTR, PCY, PI**	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Revision of the NDDPI Specific Learning Disabilities (SLD) Guidelines to include the use of the MTSS model for the evaluation process.	**MTR, PCY, TAPD**								X	X				X			X
Update and revise Understanding Early Childhood Transition: A Guide for Families and Professionals	**MTR, TAPD**										X			X			X

Improvement Activities	Category	1/2	3	4A/4B	5	6	7	8	9/10	11	12	13	14	15	18	19	20
The ND Community of Practice on Secondary Transition will continue to serve as a model to the regional transition committees related to solving transition issues	**PCY, TAPD**	**X**										**X**	**X**				
ND ECO Training Components for NDDPI Early Childhood Special Education Website	**PP, TAPD**						**X**										
Statewide IVN meetings for administrators and early childhood professionals	**PP, TAPD**					**X**	**X**				**X**			**X**			**X**
Provide statewide annual training on NDAA1 and NDAA2 including technical quality improvements of the assessment. ND has updated assessments rigorously in response to USDOE Peer Reviews	**TAPD**		**X**														
Statewide training as follow-up to needs identified in response surveys. This activity is done on a yearly basis now and findings are incorporated into fall training modules.	**TAPD**		**X**														

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

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
2012 (2012-2013)	The percentage of youth with IEPs graduating from high school will be 89% or higher.

Actual Target Data for FFY2012

Table 1.2 Graduation Rate of All Students and Students with Disabilities

	Students w/Disabilities
# of students with disabilities who graduated	614
# of students with disabilities in the cohort	904
Percent of students with disabilities who graduated	**67.92%**

Please note that the 2012-13 data are the 2012-13 data due to the OSEP "data lag" requirement. This represents the four (4) year cohort rate based on the 2011-12 graduating cohort (2008-09 entering freshman cohort).

The target for Indicator 1 was not met even when the confidence interval was applied.

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

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

yearly progress determination based on the higher value among the four-year, five-year, or six-year adjusted cohort graduation rates.

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

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

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

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

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.

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

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.

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

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

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 FFY2012:

Explanation of Slippage:

As indicated in Table 1.3 the percentage of students with disabilities who graduated has decreased since FFY2005. However, the manner in which the graduation cohort was determined changed in FFY2010, and the graduation rate calculation also changed in FFY2010. Furthermore, the FFY2012 rate is slightly higher than the FFY2011 rate. In June 2013 at a meeting of stakeholders, the FFY2012 graduation rate was disaggregated by several demographic characteristics to determine the reasons for the decrease in the graduation rate. It was noted that in North Dakota the graduation rate was lower for students in the following demographic groups: students with Emotional Disturbances, students with Autism, students with Intellectual Disabilities, and Native American students. NDDPI's focused monitoring activities will be led by the need for professional development in these areas. As Table 1.4 shows, the percentage of students with disabilities who graduate with a regular diploma does increase when given extra time to graduate. For example, the 2009-10 cohort, who started high school in 2006-07, had a 4-year on-time graduation rate of 71.32%. When given an extra year, the 2009-10 5-year extended graduation rate was 75.56%, an increase of about four percentage points. Furthermore, the 6- year graduation rate of 79.42% is higher by about eight percentage points than the 4-year on time graduation rate.

Table 1.3 Percent of Students with Disabilities Who Graduated – Results Over Time.
Four-Year Cohort Graduation Rate (2005-2012

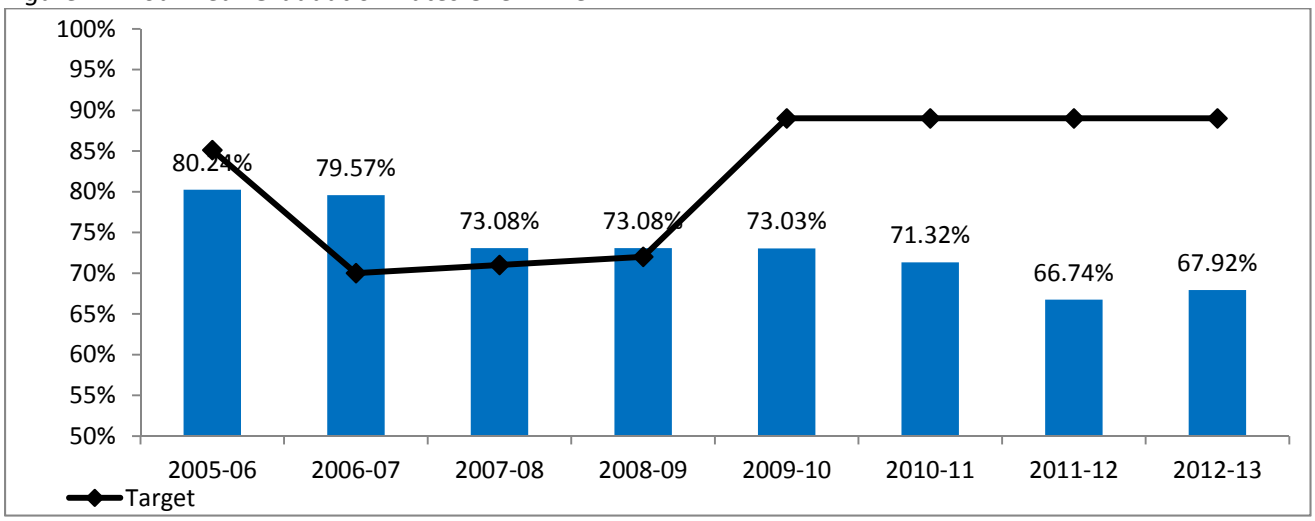
	FFY2005	FFY2006	FFY2007	FFY2008	FFY2009	FFY2010	FFY2011	FFY2012
# of students with disabilities who graduated	674	705	600	600	677	639	634	614
# of students with disabilities in the cohort	840	886	821	821	927	896	950	904
Percent of students with disabilities who graduated	**80.24%**	**79.57%**	**73.08%**	**73.08%**	**73.03%**	**71.32%**	**66.74%**	**67.92%**

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

Table 1.4 Percent of Students with Disabilities Who Graduated.
4-, 5-, 6-, and 7-year Cohort Graduation Rates – Results Over Time.

	4-Year		5-Year Extended		6-Year Extended		7-Year Extended	
Group	**Cohort Size**	**Grad Rate**	**Cohort Size**	**Grad Rate**	**Cohort Size**	**Grad Rate**	**Cohort Size**	**Grad Rate**
2007-08 Cohort (High School Start Year 2004-05)	821	73.08%	897	72.69%	903	76.30%	903	77.63%
2008-09 Cohort (High School Start Year 2005-06)	927	73.03%	1018	72.20%	1018	72.30%	1018	73.28%
2009-10 Cohort (High School Start Year 2006-07)	896	71.32%	892	75.56%	889	79.42%		
2010-11 Cohort (High School Start Year 2007-08)	950	66.74%	945	71.32%				
2011-12 Cohort (High School Start Year 2008-09)	950	67.92%						

Figure 1.1 Four-Year Graduation Rates Over Time



Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):
No additional information was required from North Dakota, communicated through OSEP's North Dakota Part B FFY2011 SPP/APR Response Table.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2012: 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.

For FFY 2012, NDDPI has chosen the OSEP option to report using the same data source and measurement that were used for the FFY 2011 APR that was submitted on February 14, 2013.

Table 2.1 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2012 (2012-2013)	The percentage of youth with IEPs dropping out of high school will be 19.50% or lower.

Actual Target Data for FFY2012

Table 2.2 Dropout Rate of All Students and Students with Disabilities

	Students w/Disabilities
# of students with disabilities who dropped out	190
# of students with disabilities in the cohort	904
Percent of students with disabilities who dropped out	**21.02%**

*Please note that the FFY2012 data are the FFY2011 data due to the OSEP "data lag" requirement.

The target for Indicator 2 was met when the confidence interval was applied.

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 FFY2012:
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, decreased in FFY2010, increased in FFY2011, and maintained in FFY2012. However, the manner in which the graduation cohort was determined changed in FFY2010, and the

graduation rate calculation also changed in FFY2010. In June 2013 at a meeting of stakeholders, the FFY2012 dropout rate was disaggregated by several demographic characteristics to determine the reasons for the increase in the dropout rate. The group noted that Native Americans are more likely to drop out and students with emotional disabilities are more likely to drop out than other students.
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 that 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.

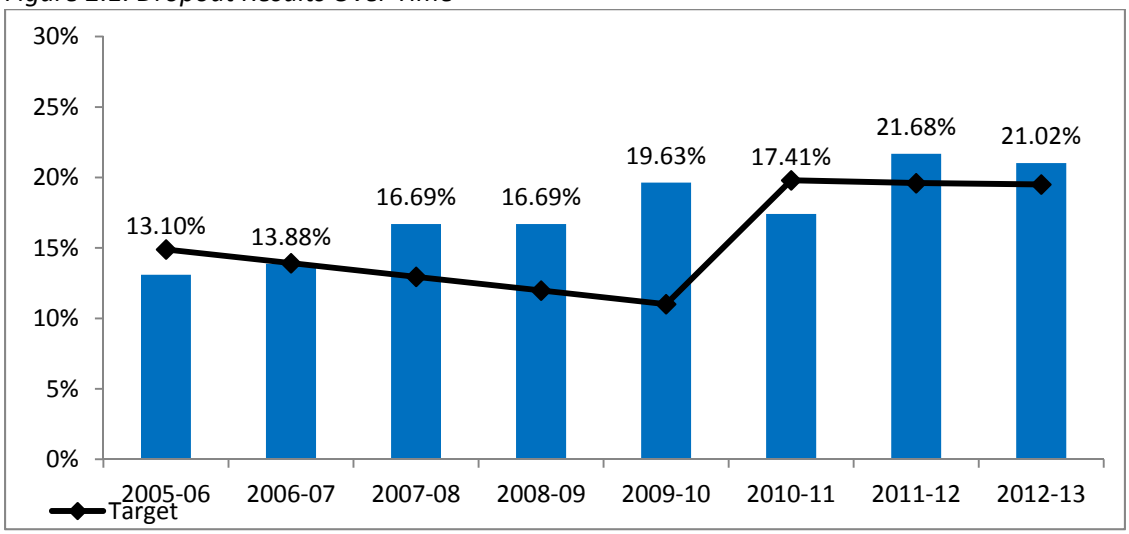
The graduation rate is based on a statewide graduation cohort model, which incorporates student enrollment and dropout data across four years (i.e., freshman, sophomore, junior, and senior data). By validating these data with those reported in the TIENET database (the students' IEP), the NDDPI special education office validates current data as reported in STARs.

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

	FFY2005	FFY2006	FFY2007	FFY2008	FFY2009	FFY2010	FFY2011	FFY2012
# of students w/disabilities who dropped out	110	123	137	137	182	156	206	190
# of students w/disabilities in the cohort	840	886	821	821	927	896	950	904
% of students w/disabilities who dropped out	**13.10%**	**13.88%**	**16.69%**	**16.69%**	**19.63%**	**17.41%**	**21.68%**	**21.02%**

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

Figure 2.1. Dropout Results Over Time



Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):
No additional information was required from North Dakota, communicated through OSEP's North Dakota Part B FFY2011 SPP/APR Response Table.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2012: 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.1 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 scoring at or above proficient against grade level, modified and alternate academic achievement standards) divided by the (total # of children with IEPs who received a valid score and for whom a proficiency level was assigned, and, calculated separately for reading and math)]. The proficiency rate includes both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year.

Table 3.1 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2012 (2012-2013)	A) Percent of districts meeting the State AYP objectives for disability subgroups in reading and math will be 88.0%. 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 FFY2012

Table 3.2 Summary Results for FFY2012

FFY2012	Measurable and Rigorous Targets and Results				
	Districts Meeting AYP for Disability Subgroup (3A.1)	Participation for Students with IEPs (3B)		Proficiency for Students with IEPs (3C)	
	Both Reading and Math	Reading	Math	Reading	Math
Targets for FFY2012	88.0%	95.0%	95.0%	89.13%	83.57%
Number meeting target	68	6,447	6,459	3,478	3,544
Number in denominator	151	6,592	6,592	6,447	6,459
Percent meeting target	45.0%	97.80%	97.98%	53.95%	54.87%
Was Target Met?	No	Yes	Yes	No	No

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

3A - Actual AYP Target Data for FFY2012

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 FFY2012	Percent of Districts
FFY2012 (2012-2013)	177	151	68	**45.0%**

The target for 3A was not met.

3B – Actual Participation Target Data for FFY2012

Table 3.4 Participation Rate Details for FFY2012

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**	**Number**	**Percent**
a. Total IEP Students	6592	100.00%	6592	100.00%
b. Took regular assessment with no accommodations	660	10.01%	663	10.06%
c. Took regular assessment with accommodations	3778	57.31%	4034	61.20%
d. Took alternate assessment against grade-level achievement standards	0	0.00%	0	0.00%
e. Took alternate assessment against modified achievement standards	1458	22.12%	1228	18.63%
f. Took alternate assessment against alternate achievement standards	551	8.36%	534	8.10%
g. Overall Participation (b+c+d+e+f)	**6447**	97.80%	**6459**	97.98%
# in a but not in b, c, d, e, or f	145	2.20%	133	2.02%

The targets for 3B were met.

3C – Actual Performance Target Data for FFY2012

Table 3.5 Proficiency Rate Details for FFY2012
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**	**Number**	**Percent**
a. Total IEP Students who took test and received a score	6447	100.00%	6459	100.00%
b. Took regular assessment with no accommodations and scored proficient	445	6.90%	462	7.15%
c. Took regular assessment with accommodations and scored proficient	1534	23.79%	1757	27.20%
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	1029	15.96%	847	13.11%
f. Took alternate assessment against alternate achievement standards and scored proficient	470	7.29%	478	7.40%
g. Overall Proficient (b+c+d+e+f)	**3478**	53.95%	**3544**	54.87%

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

Valid and Reliable Data

Scoring and evaluation of the validity, reliability, and quality of the NDAA1 and NDAA2 for necessary revisions and electronic updates are performed each year by the NDAA committee. The state is involved in ongoing activities of improving the quality of the NDAA1 and NDAA2 through the rigorous Peer Review process through the USDOE. North Dakota has utilized outside consultants to include Technical Assistance members from all over the US; contracted an independent alignment study for the NDAA2 through NCIEA; placed the assessments on the web on a secure site; improved the accuracy of scoring through digital means; and has increased the level of rigor and depth and breadth of the assessment items to more closely align to the state grade-level achievement standards.

North Dakota is a governance state of the Dynamic Learning Maps consortium for the purpose of creating an AA-based on Alternate Achievement Standards that meets the needs of students and teachers. North Dakota is dedicated to pursuing the most comprehensive and valid and reliable assessment system for students with significant cognitive disabilities in the changing landscape of assessment.

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 has decreased since FFY2008. The reason for the decrease is that the percent of students who had to score proficient in order for the district to be designated as meeting AYP increased significantly from FFY2006 to FFY2007 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.

The participation rate of students with IEPs has been fairly stable since FFY2006. The proficiency rate of students with IEPs reached its highest point in FFY2009 and has decreased the past three years. The pattern of IEP proficiency rates is similar to that for all students.

Table 3.6 Results Over Time

	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13
A. Percent of Districts Meeting AYP Objective for IEP subgroup*								
Reading	93.0%	91.3%	68.3%	85.6%	77.7%	62.6%	58.9%	53.6%
Math	94.2%	97.4%	85.6%	95.1%	89.9%	76.3%	72.9%	64.2%
B. Participation Rate of IEP students								
Reading	98.1%	97.5%	96.6%	97.4%	97.6%	97.8%	97.8%	97.8%
Math	98.1%	97.4%	97.9%	97.9%	98.2%	98.0%	98.1%	98.0%
C. Proficiency Rate of IEP students								
Reading	54.1%	61.4%	53.8%	61.1%	62.8%	58.2%	56.4%	54.0%
Math	50.3%	58.9%	57.7%	61.9%	63.3%	58.7%	58.1%	54.9%

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

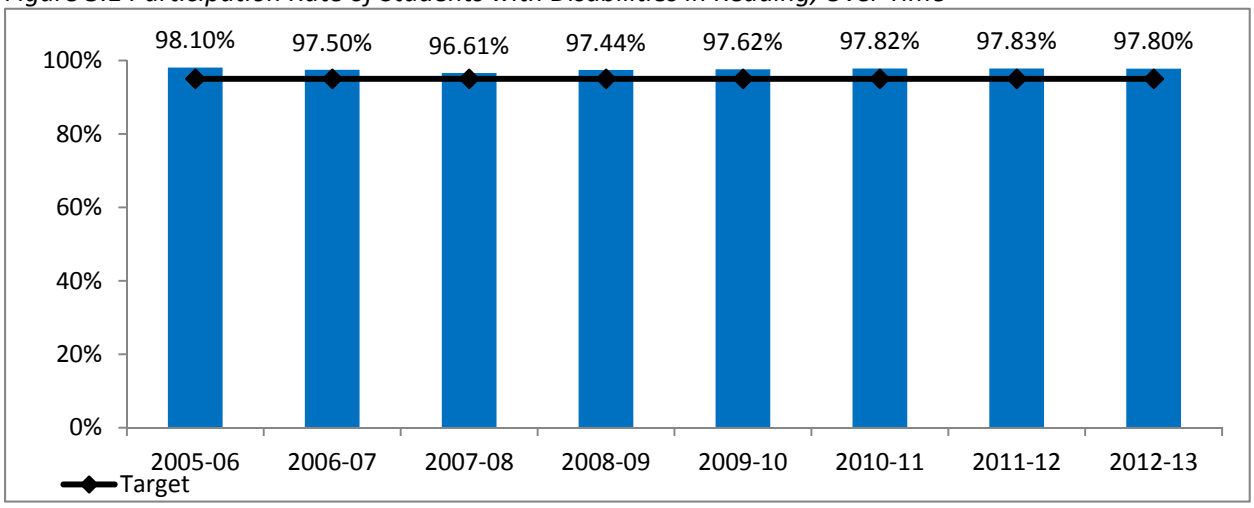


Figure 3.2 Participation Rate of Students with Disabilities in Math, Over Time

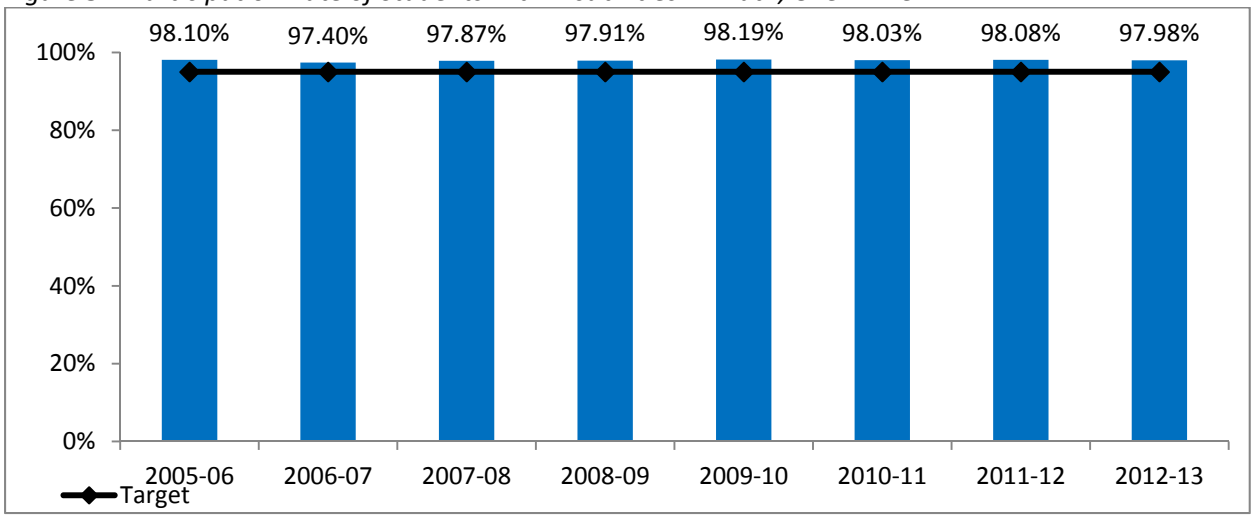


Figure 3.3 Proficiency Rate of Students with Disabilities in Reading, Over Time

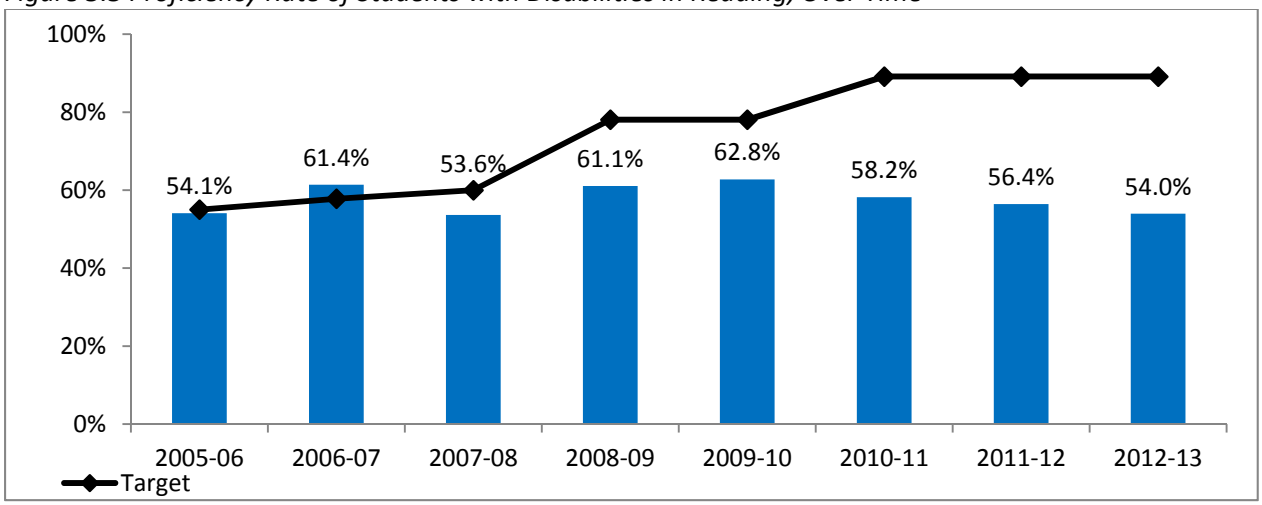
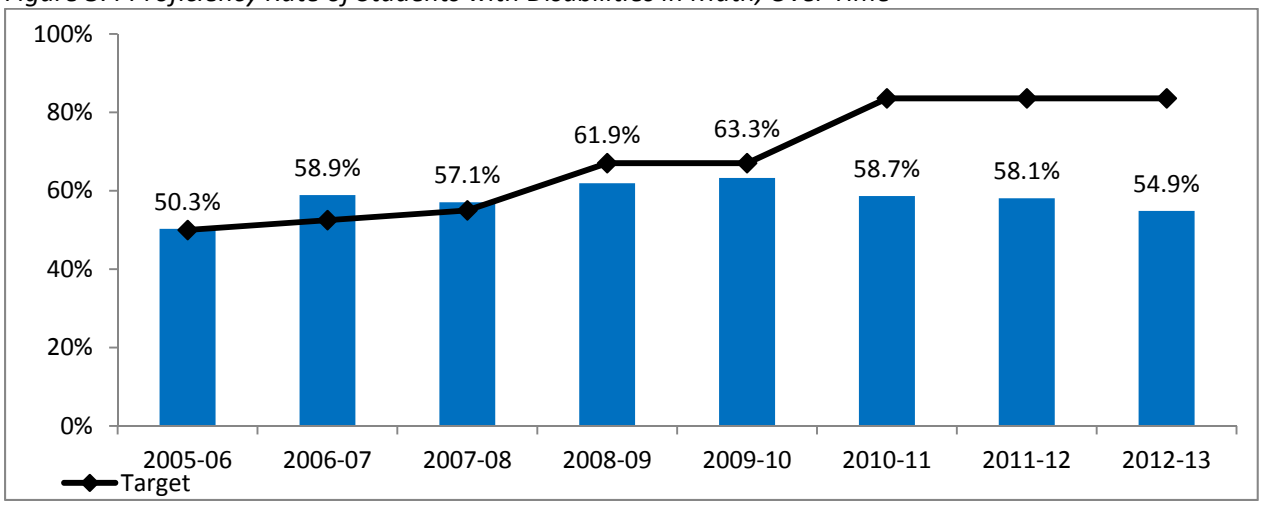


Figure 3.4 Proficiency Rate of Students with Disabilities in Math, Over Time



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 (AYP) 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.

The NDDPI administers a 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 provided training activities based on needs and changes. Significant alignment and instruction to teachers has been added in both the NDAA1 and NDAA2 Test Directions Manuals and Training Power Points.

To assists schools, IEP decision making materials, test directions, training presentation, data chart, and grade level activities are publicly posted on the NDDPI website: http://www.dpi.state.nd.us/speced1/index.shtm

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, communicated through OSEP's North Dakota Part B FFY2011 SPP/APR Response Table.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2012: 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 FFY2012 state rate for suspending/expelling students with disabilities for more than 10 days is .13%. The NDDPI is setting the state bar as five percentage points higher than the state rate. Thus, any district that suspends or expels 5.13% 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
2012 (2011-2012 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 2012 (using 2011-2012 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
FFY2012 (2011-2012 data)	181	0	**0.0%**

Note: Of the 181 LEAs, 91 districts were excluded because their suspension/expulsion rate had fewer than 30 enrolled students with disabilities in the denominator. Eighty-eight (89 of these had a 0% suspension/expulsion rate; the other two suspended only one student each.

The target for Indicator 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 2011-2012 due November 1, 2012 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 FFY2012:

Explanation of Progress/Slippage:

Of the 181 LEAs in North Dakota, none were identified as having significant discrepancy in FFY 2012. In the entire state of North Dakota, only 17 students with disabilities were suspended/expelled for greater than 10 days in FFY2012. Only 10 LEAs had a suspension rate greater than 0%; of these 10 LEAs, two were excluded because there were not at least 30 students with disabilities enrolled at these districts. Thus, when exclusions are based on only those districts with a suspension rate greater than 0%, only 2 of the 181 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, in utilizing student-centered ways of dealing with behavioral issues, rather than suspensions and expulsions.

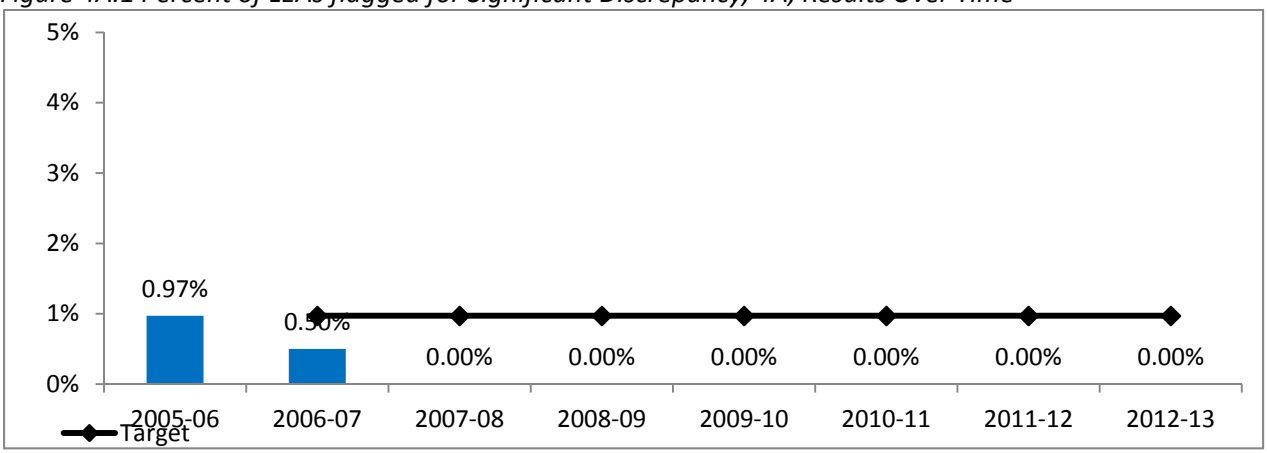
As Table 4A.3 indicates, North Dakota had a 0% district significant discrepancy rate from FFY2007 to FFY2012.

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

	FFY2005	FFY2006	FFY2007	FFY2008	FFY2009	FFY2010	FFY2011	FFY2012
Percent of Districts with Significant Discrepancy	0.97%	0.5%	0.0%	0.0%*	0.0%	0.0%	0.0%	0.0%

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

Figure 4A.1 Percent of LEAs flagged for Significant Discrepancy, 4A, Results Over Time



Actions Taken if Noncompliance Not Corrected:
No action was necessary as North Dakota met this target in FFY2011.

Verification of Correction (either timely or subsequent):
Verification was not necessary as North Dakota met this target in FFY2011.

Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):
No additional information was required from North Dakota, communicated through OSEP's North Dakota Part B FFY2011 SPP/APR Response Table.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2012: 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 FFY2012 state rate for suspending/expelling students with disabilities for more than 10 days is .13. The NDDPI is setting the state bar as five percentage points higher than the state rate. Thus, any district that suspends or expels 5.13% 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
2012 (2011-2012 data)	4B. The percent of LEAs that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions & expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards will be 0%.

Actual Target Data for FFY 2011 (using 2010-2011 data)

Display 4B.2 LEAs with Significant Discrepancy in Rates for Suspension and Expulsion by Race/Ethnicity (using 2011-2012 data)

Total # of LEAs	181
# 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 181 LEAs, 102 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 (100) of these had a 0% suspension/expulsion rate; the other two suspended only one student each.

The target for Indicator 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 2011-2012 due November 1, 2012. 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 FFY2012:

Explanation of Progress/Slippage:

Of the 181 LEAs in North Dakota, none were identified as having significant discrepancy in FFY2012. In the entire state of North Dakota, only 17 students with disabilities were suspended/expelled for greater

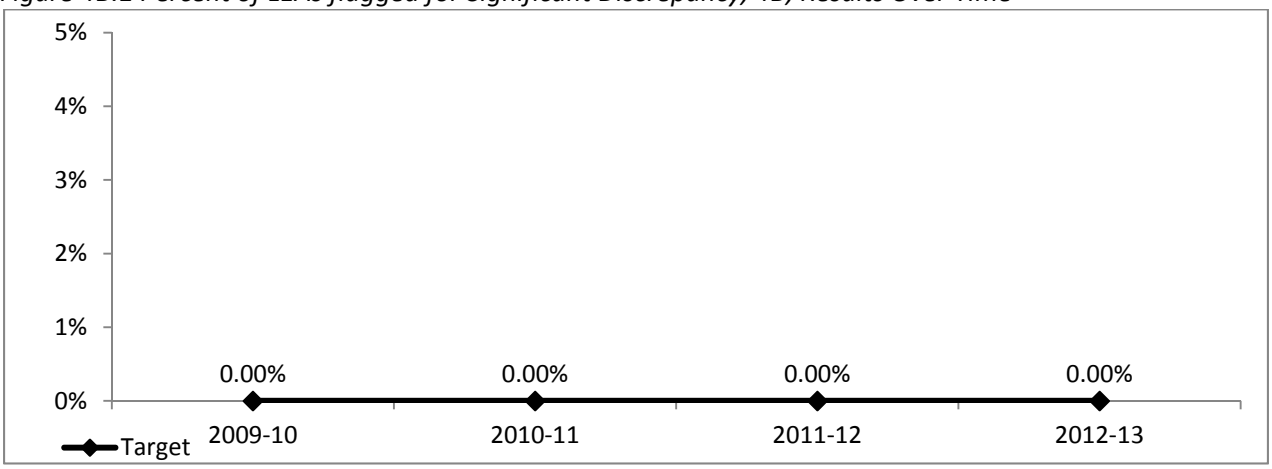
than 10 days in FFY2012. Only 10 LEAs had a suspension rate greater than 0%; of these 10 LEAs, two were excluded because there were not at least 30 students with disabilities of a given race/ethnicity enrolled at these districts. Thus, when exclusions are based on only those districts with a suspension rate greater than 0%, only 2 of the 181 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, in utilizing more student-centered ways of dealing with behavioral issues, rather than suspensions and expulsions. Table 4B.3 shows that for the past three 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	FFY2011	FFY2012
Percent of Districts with Significant Discrepancy	0.0%	0.0%	0.0%	0.0%

Figure 4B.1 Percent of LEAs flagged for Significant Discrepancy, 4B, Results Over Time



Correction of FFY2011 Findings of Noncompliance: N/A

Verification of Correction (either timely or subsequent):
The state did not have any findings of noncompliance from FFY2011; 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, communicated through OSEP's North Dakota Part B FFY2011 SPP/APR Response Table.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2012: 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
2012 (2012-2013)	a) 78.8% of children with disabilities will be served inside the regular class 80% or more of the day. b) 3.90% 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 FFY2012

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
2012	11,171	77.61%	4.13%	1.44%

The target for Indicator 5A was not met even when the confidence interval was applied.
The target for Indicator 5B was met when the confidence interval was applied.
The target for Indicator 5C was met.

Valid and Reliable Data- ND STARs and TIENET databases include data validations to ensure proper environmental coding (age appropriate environments) for student records. Educational environments data entered in the TIENET database automatically inputs to the corresponding student record in ND STARs, ensuring accuracy across systems. Users are able to manually run validations to check for possible data errors, such as age-appropriate environmental settings and Non-Categorical Delay (NCD) designations for students over the age of nine.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2012:

Explanation of Progress/Slippage:
The percentage of children served in the regular classroom at least 80% of the day has been around 77-78% since FFY 2007 with very slight increases/decreases each year. The percentage of children served in the regular classroom less than 40% of the day has also been fairly consistent since FFY2009. The percentage of students in separate facilities slightly increased from FFY2008 to FFY2011; but is very slightly lower in FFY2012 than in FFY2011. North Dakota has one of the highest 5A rates and one of the lowest 5B rates in the country. North Dakota continues to provide training and guidance documents on the Least Restrictive Environments to the local education agencies to strive for continual improvement.

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

	FFY2006	FFY2007	FFY2008	FFY2009	FFY2010	FFY2011	FFY2012
5A: Regular Classroom > 80%	79.00%	77.68%	77.17%	77.88%	78.24%	78.02%	77.61%
5B: Regular Classroom < 40%	3.61%	4.39%	4.98%	4.11%	3.96%	4.04%	4.13%
5C: Separate Facilities	2.09%	1.53%	1.09%	1.33%	1.40%	1.47%	1.44%

Figure 5.1 Percent of Students in Regular Classroom > 80% of the time; 5A Results Over Time

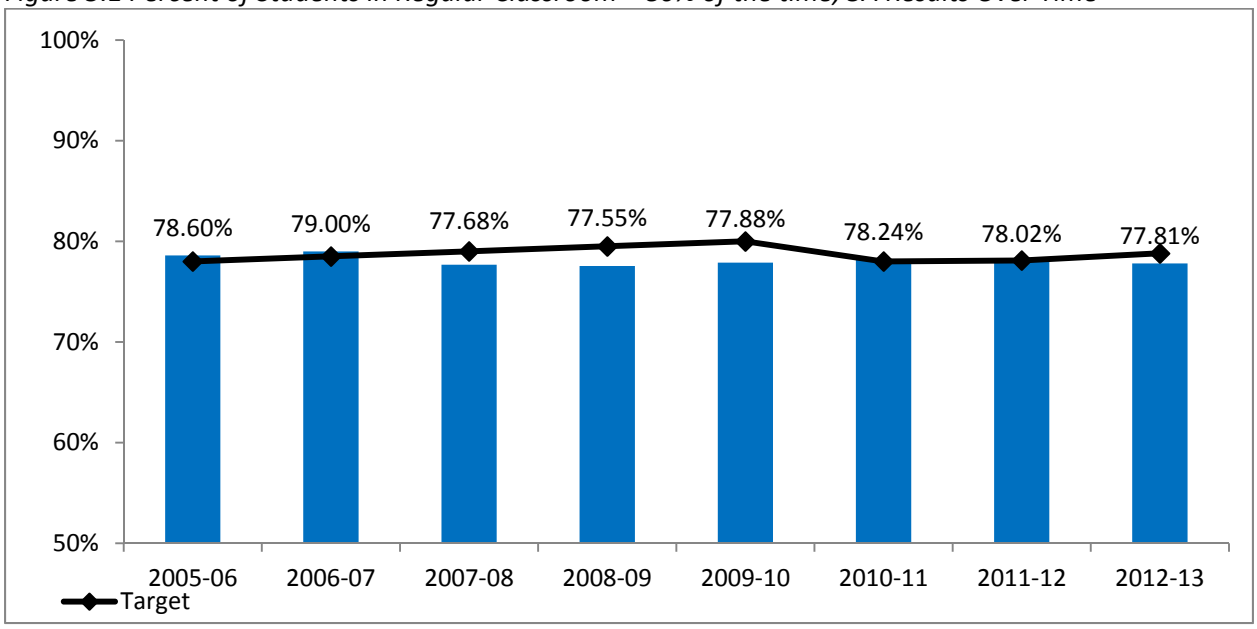


Figure 5.2 Percent of Students in Regular Classroom <40% of the time; 5B Results Over Time

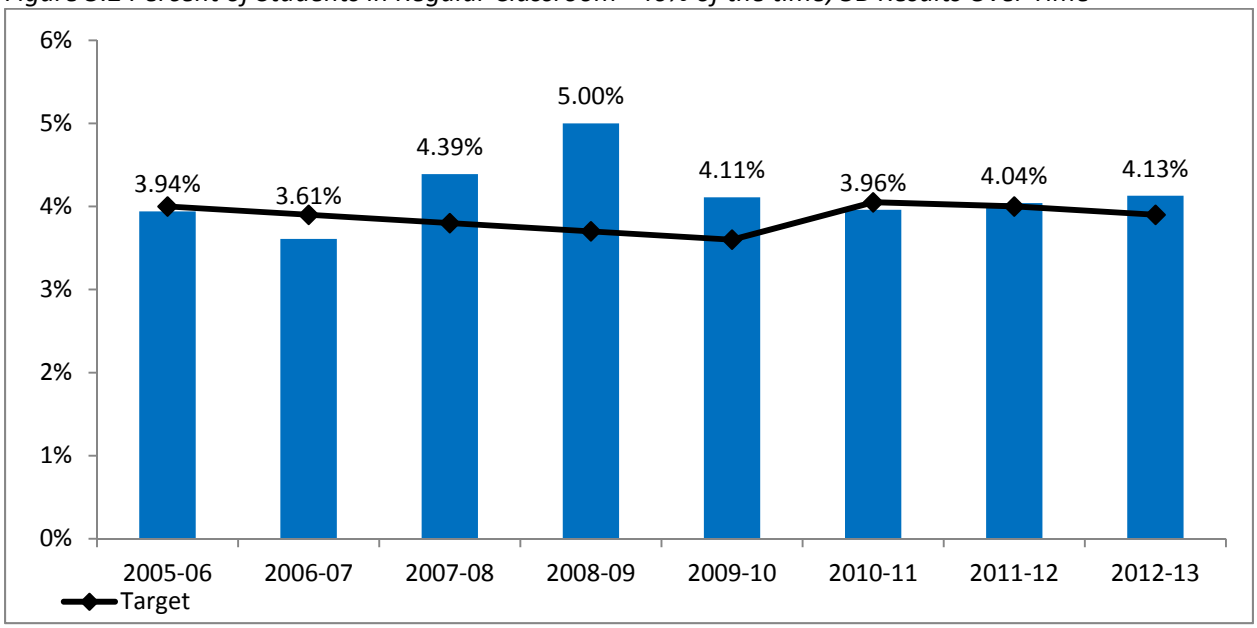
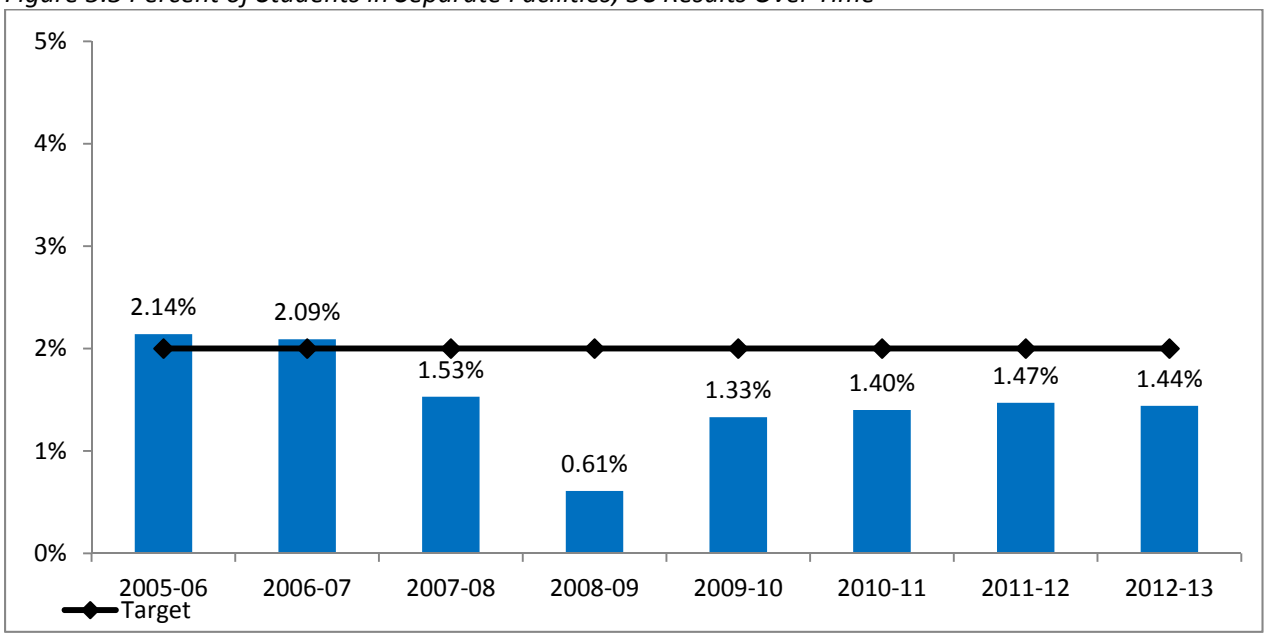


Figure 5.3 Percent of Students in Separate Facilities; 5C Results Over Time



Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable): No additional information was required from North Dakota, communicated through OSEP's North Dakota Part B FFY2011 SPP/APR Response Table.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2012: 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
2012 (2012-2013)	a) 29.55% of children with disabilities will be served in regular early childhood programs and receiving the majority of special education and related services in the regular early childhood program; b) 28.27% or less will be served in separate special education classes, separate schools, or residential facilities.

Actual Target Data for FFY2012

Table 6.2 Percent of Students with Disabilities being Served in Various Environments

FFY	Number of students	(a) Percent of children with disabilities served in regular early childhood programs and receiving the majority of special education and related services in the regular early childhood program	(b) Percent of children with disabilities served in separate special education classes, separate schools, or residential facilities.
2012	1,820	30.60%	27.53%

The target for Indicator 6A was met.
The target for Indicator 6B was met.

Valid and Reliable Data

On December 1st of each year, the NDDPI collects preschool least restrictive environment (LRE) data for children aged 3–5 receiving special education services through the State Automated Reporting System, STARs. STARs is used to collect student data for reporting Section 618 Table 1, Child Count, Table 3, Educational Environments OSEP annually. The STARs system is the statewide online system used to collect statistical information about all students in PK-12 schools. Data are submitted via the internet through individual student data records, with each record holding a unique student identifier number. This unique student identifier ensures collection of data without duplication errors in reporting. Additionally, the data system is designed to be a one-time collection point with numerous built in validation features which increase the overall accuracy of the data collected.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2012:

Explanation of Progress/Slippage:

The percentage of children served in the regular childhood programs increased slightly from FFY2011 to FFY2012 and the percentage of children served in separate classes, schools, and residential facilities decreased slightly from FFY2011 to FFY2012.

Table 6.3 Percent of Students with Disabilities being Served in Various Environments – Results Over Time

	FFY2011	FFY2012
6A: Regular Classroom	29.05%	30.60%
6B: Separate Classrooms, Schools, Facilities	28.77%	27.53%

Figure 6.1 Percent of Students in Regular Classrooms; 6A Results Over Time

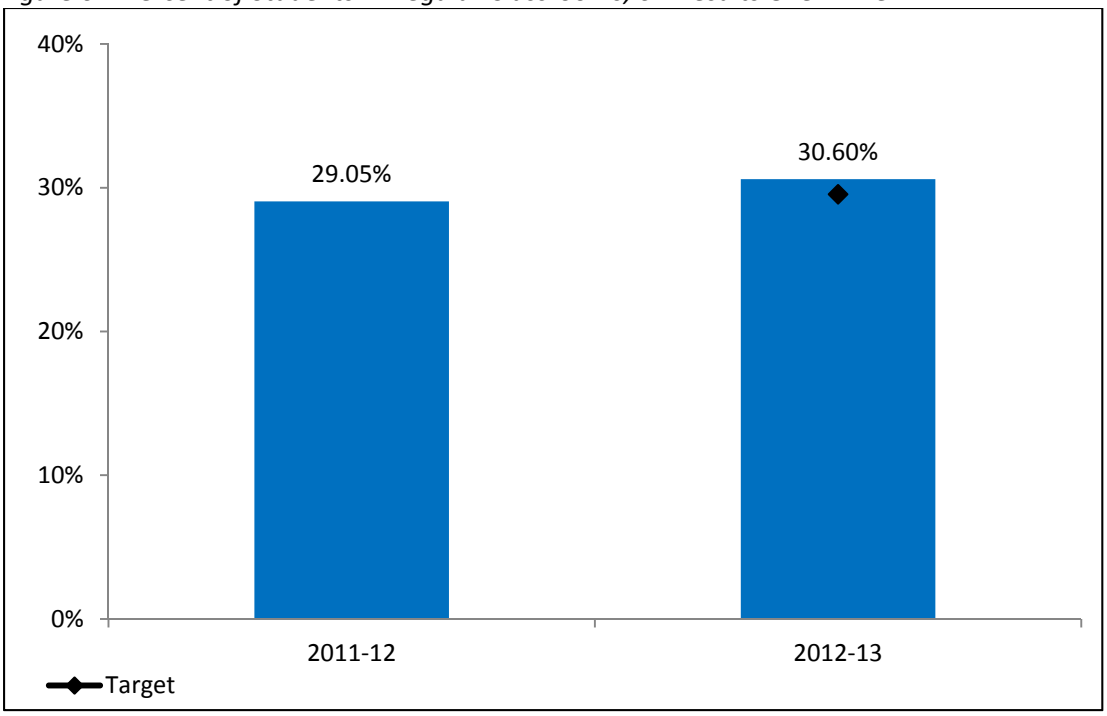
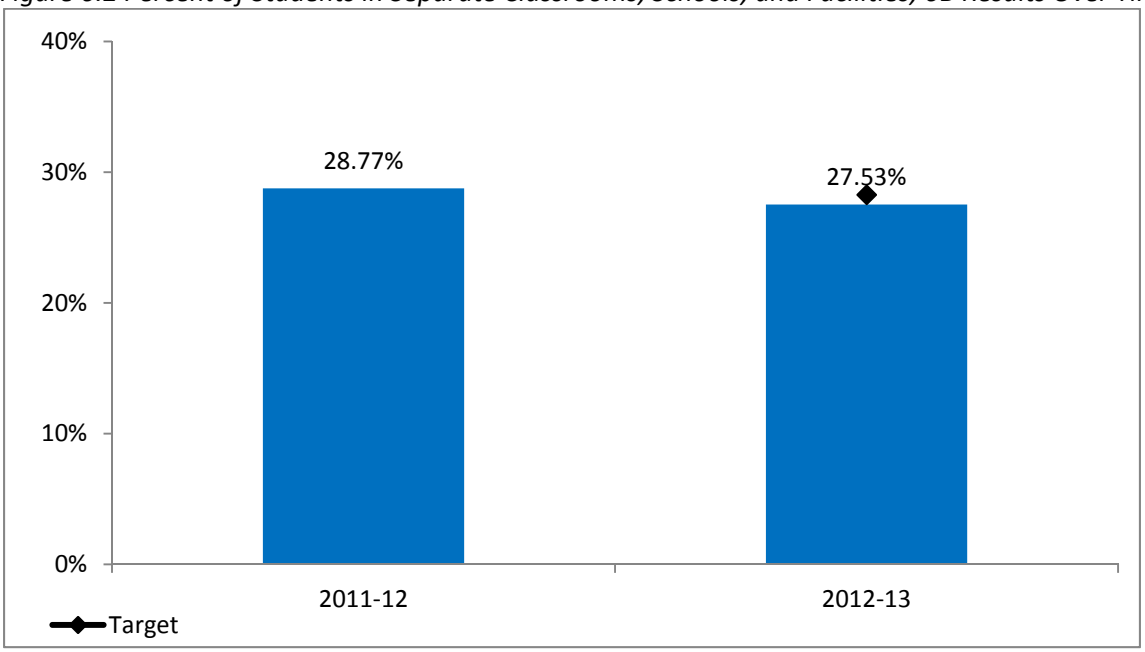


Figure 6.2 Percent of Students in Separate Classrooms, Schools, and Facilities; 6B Results Over Time



Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable): No additional information was required from North Dakota, communicated through OSEP's North Dakota Part B FFY2011 SPP/APR Response Table.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2012: N/A

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

Summary Statements for Each of the Three Outcomes:

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

Measurement for Summary Statement 1:

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

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

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

Table 7.1 Targets and Actual Data for Preschool Children Exiting in FFY2012

Summary Statements	Actual % FFY2012 (% of children)	Targets FFY2012 (% of children)
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	**90.15%**	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	**72.14%**	69.7%
B. Acquisition and use of knowledge and skills 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	**88.78%**	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	**61.88%**	59.4%
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	**89.25%**	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	**76.98%**	76.1%

The targets for all six summary statements were met.

Discussion of Summary Statements and a-e Progress Data for FFY2012

On July 1, 2008 the ND Early Childhood Outcomes (ECO) Process was implemented statewide. The FFY2012 Summary Statements and Progress Data represent the fifth year of the ND ECO Process. Each year the ND ECO Process has been in place, there has been a predictable number of entry/exit/progress ratings. This consistent number provides a comprehensive database to assist in determining statewide and district wide data patterns.

Further analysis of the FFY2012 data was completed by NDDPI to identify the SEUs not meeting FFY2012 Summary Statement Targets. NDDPI will continue to work with the SEUs during the FFY2013 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 have access to Indicator 7 TIENET database reports ranging from statewide reports to child specific data. The TIENET database includes Indicator 7 reports for four data years (FFY 2009, FFY2010, FFY2011, and FFY2012) at the statewide, SEU, and LEA levels. Access to these reports as well as child specific data provides NDDPI and SEU administrators the information needed to complete a comprehensive analysis for each Outcome area.

Table 7.2 contains the FFY2012 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 FFY2012 data

collection time period. Progress Data was available for 682 students from special education units.

For FFY2012, 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. 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. In spring 2013, unit administrators were reminded to verify, sign and submit to NDDPI a copy of their unit's TIENET Indicator 7 report by June 30th 2013.

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

1. *Comparison of NDDPI 2012-13 TIENET Indicator 7 report and the verified SEUs TIENET Indicator 7 report from June 30, 2013*. The comparison provided discrepancies that may have occurred due to issues within the TIENET reporting process or inaccurate submissions by the SEU in TIENET. 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 completed 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 completed a data review through the state data system, STARS, of all children who exited into kindergarten without a completed COSF during the FFY2012 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 one week 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 7.2 Progress Data for Preschool Children FFY2012

A. Positive social-emotional skills (including social relationships):	Number of children FFY2012	% of children FFY2012
a. Percent of children who did not improve functioning	4	.59%
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	47	6.89%
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	139	20.38%
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	328	48.09%
e. Percent of children who maintained functioning at a level comparable to same-aged peers	164	24.05%
Total	682	100%
B. Acquisition and use of knowledge and skills (including early language/communication and early literacy):		
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	66	9.68%
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	194	28.45%
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	328	48.09%
e. Percent of children who maintained functioning at a level comparable to same-aged peers	94	13.78%
Total	682	100%
C. **Use of appropriate behaviors to meet their needs:**		
a. Percent of children who did not improve functioning	3	.44%
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	43	6.3%
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	111	16.28%
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	271	39.74%
e. Percent of children who maintained functioning at a level comparable to same-aged peers	254	37.24%
Total	682	100%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2012

Explanation of Progress or Slippage

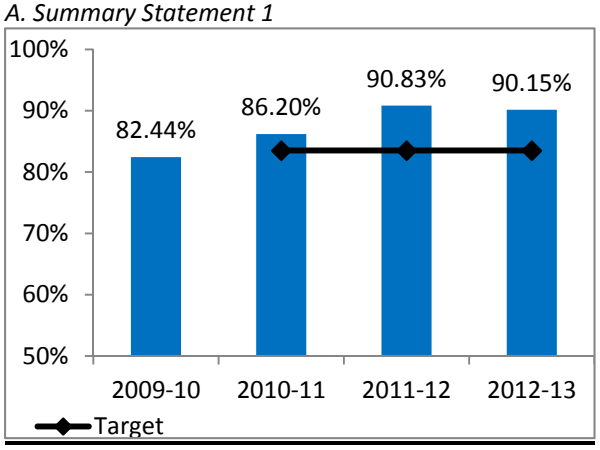
Table 7.1 documents the Summary Statement data for FFY2012 and FFY2012 Summary Statement Targets. This comparison supports the following findings:

- Outcome A: FFY2012 Targets were met for Summary Statements 1 and 2.
- Outcome B: FFY2012 Targets were met for Summary Statements 1 and 2.
- Outcome C: FFY2012 Targets were met for Summary Statements 1 and 2.

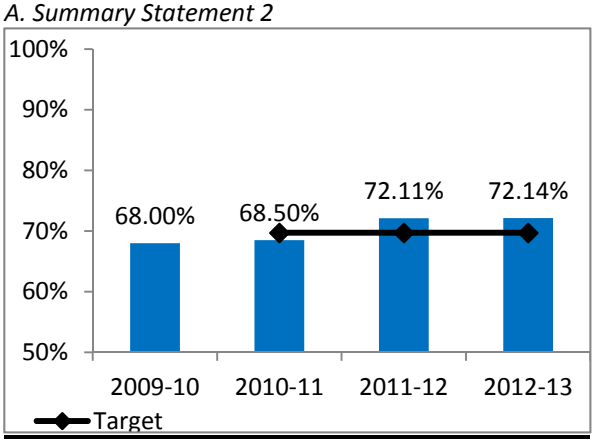
Figure 7.1 shows the results on the Summary Statements over time. As these displays show, generally, there has been an increase in scores over time. On all but two summary statements (Outcome B, Summary Statement 2; Outcome C, Summary Statement 2), scores are higher in FFY 2012 then in FFY 2009 and FFY 2010.

Figure 7.1 Outcome Summary Statements over Time

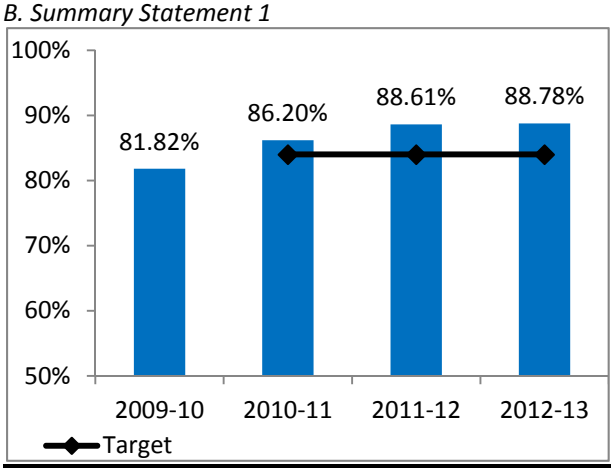
A. Summary Statement 1



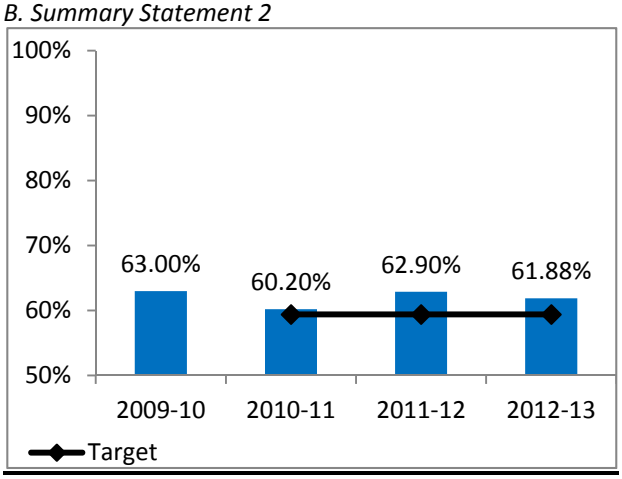
A. Summary Statement 2



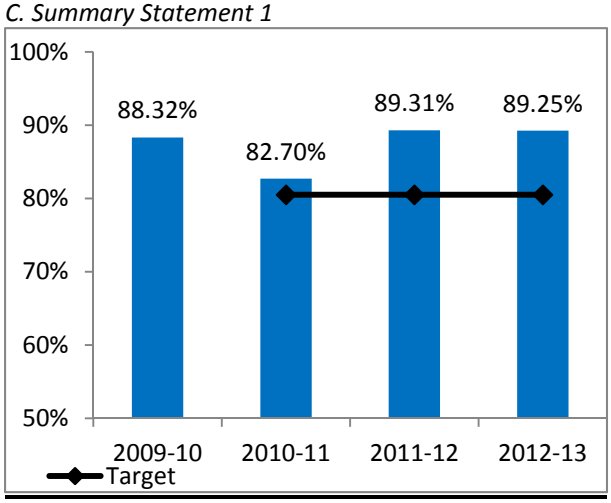
B. Summary Statement 1



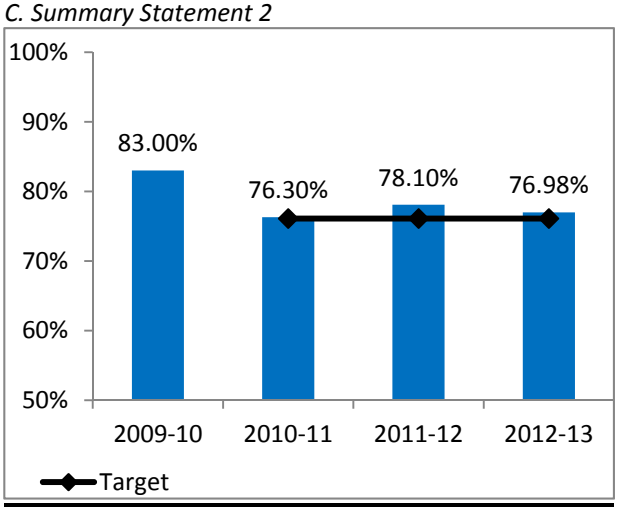
B. Summary Statement 2



C. Summary Statement 1



C. Summary Statement 2



FFY2012 Improvement Activities Completed

ND Early Childhood Special Education Advisory Committee
The ND Early Childhood Special Education, ECSE, Advisory Committee continued to meet during FFY2012 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
Following regional training focusing on the ND Child Outcomes Summary Form, ND COSF, Quality Assurance Checklist (See http://www.dpi.state.nd.us/speced1/childhood/childhood.shtm), the Checklist was incorporated into and used for the overall and ongoing NDDPI monitoring system. Results from these monitoring activities allow for individualized technical assistance for districts requiring corrective actions and/or improvement with components of this indicator.

Pre-Kindergarten Content Standards and Preschool Curriculum Guide
The North Dakota Department of Public Instruction (NDDPI) is completing a series of documents which will guide professionals in the provision of high quality and consistent statewide services for all preschool age children throughout ND. In FFY2012, NDDPI completed the ND Pre-Kindergarten Content Standards. (See http://www.dpi.state.nd.us/EarlyChildhoodEduc/pkstandards.pdf) In addition, *Selecting a Comprehensive Preschool Curriculum: A Decision-Making Guide for Early Learning Educators*, was completed which provides an in-depth review and analysis of research, and state and federal documents to determine the critical components to consider when determining a comprehensive preschool curriculum. (See http://www.dpi.state.nd.us/EarlyChildhoodEduc/curricguidance.pdf)

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 FFY2012: N/A

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
2012 (2012-2013)	69.5% of parents will report that the school facilitated their involvement.

Actual Target Data for FFY2012

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

	FFY2012
Total number of Parent respondents	357
Number who reported school facilitated their involvement	283
Percentage who reported school facilitated their involvement	79.3%

The target for Indicator 8 was met.

I In FFY2012, every parent of a student with a disability was given the opportunity to complete the online parent survey. Parents were notified by IEP case managers of the availability of the online survey. Of the 13,221 parents of students with disabilities, 357 returned it for a response rate of 2.7%.

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 generally representative (1) by the race/ethnicity of the child; (2) by the grade level of the child; and (3) by the primary disability of the child. For example, 18% of the parents who returned a survey indicated that their children's primary disability is a speech/language impairment, and 23% of special education students have a speech impairment. Parents of white students were over-represented (94% of parent respondents indicated that their student is white, and 79% of special education students are white) and parents of Native American students were slightly under-represented (2% 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 2013-14.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2012:

In FFY 2010, the Department of Public Instruction distributed a paper survey to all parents of students with disabilities in the state. This survey was designed to measure the percent of parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities. This survey evolved over time with the guidance of a parent involvement workgroup that advised the Department of Public Instruction. This workgroup consisted of parents of children with disabilities, representatives of the state's Parent Training and Information (PTI) center, school administrators, and personnel from the Department of Public Instruction. Of the 13,170 parents who received the paper survey, 1, 845 returned completed surveys to the state education agency for a response rate of 14.0%. This response rate, associated printing and mailing costs, and data compilation and analysis challenges were all factors that contributed to a decision to return to a web-based online survey for FFY2011.

As an improvement activity to increase the number of parent respondents to the online survey, the department created printed cards to promote awareness and to serve as reminders of the survey. The cards emphasized the state's interest in measuring their schools' efforts to involve them as a means of improving services and results for children with disabilities. These were distributed to each of the thirty one special education administrative units in the state. The local special education units were asked to distribute the survey reminders to each IEP case manager. These individuals were asked to give the reminders to each parent on her/his special education caseload.

Regrettably the return to an online parent survey did not result in an increased number of respondents. A number of possible reasons for this reduced response rate were considered. The fact that the survey, although condensed and refined over time, is essentially the same as was used in previous reporting years; this may have lead parents to consider completion of the survey once again as unnecessary. During FFY2011 the state education agency and the Pathfinder Parent Center (PTI) developed a position for an employee whose primary responsibility was technical assistance and training to promote parent involvement. This employee was available for all special education units across the state to assist them with planning appropriate, research-based parent involvement strategies. She was also a presenter on the subject of *Reaching Your Parent Involvement Goals* at the Department of Public Instruction's annual Title I and Special Education Fall Conference.

As one of several improvement activities designed to increase the state response rate for the *Special Education Parent Involvement Survey*, the NDDPI published an article in the September, 2012 issue of ***Team News***, the joint publication of the NDDPI offices of Title I and Special Education. The article can be found at the following link: http://www.dpi.state.nd.us/title1/nwsltrs/1213/sept12.pdf. The state's PTI online newsletter included similar information about the Special Education Parent Involvement Survey as a strategy to boost the overall response rate. Additionally, local education agencies included this same information in their own newsletters and online resources.

Unfortunately, these activities did not have a measurable impact on the FFY 2012 response rate. The low response rate will be a focus area for the NDDPI. The NDDPI plans on meeting with various stakeholder groups on how best to address this and to ensure that a sample of parents from all special education units and districts complete the survey.

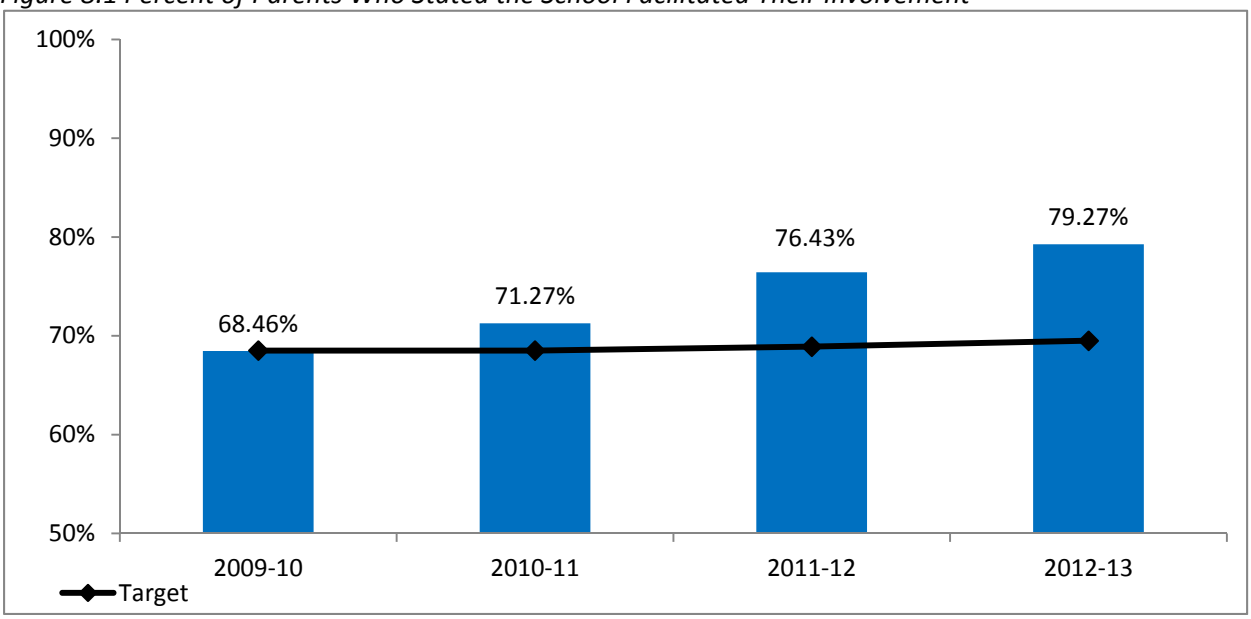
Note: ND DPI has not been satisfied with the low response rate to its online parent survey. In fall, 2013, ND DPI decided to change its methodology for obtaining survey results. This change was discussed with the ND IDEA State Advisory Committee at its most recent meeting. The new methodology will include yearly representative sampling of parents from each of the thirty one (31) special education administration units in the state. This new methodology will be used during the current 2013-14 school year and results will be reported in the states next APR.

Explanation of Progress/Slippage:
As indicated in Table 8.3, the percentage of parents who reported that the school facilitated their involvement has steadily increased from FFY2009, and is at its highest level ever.

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

	FFY2009	**FFY2010**	**FFY2011**	**FFY2012**
Total number of Parent respondents	2099	1845	297	357
Number who reported school facilitated their involvement	1437	1315	227	283
Percentage who reported school facilitated their involvement	68.5%	71.3%	76.4%	79.3%

Figure 8.1 Percent of Parents Who Stated the School Facilitated Their Involvement



Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable): No additional information was required from North Dakota, communicated through OSEP's North Dakota Part B FFY2011 SPP/APR Response Table.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2012: 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
2012 (2012-2013)	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 FFY2012

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

	Over-representation
Total # of LEAs	180
# of LEAs flagged for disproportionate representation	1
% of LEAs flagged for disproportionate representation	0.56
# of LEAs found to have disproportionate representation due to inappropriate identification	0
Percent of LEAs that had disproportionate representation due to inappropriate identification	**0.0%**

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

Level	Weighted Risk Ratio (WRR)
Over-Representation	3.00 and up

The target for Indicator 9 was met.

The NDDPI defines disproportionate representation as a Weighted Risk Ratio of 3.00 or above (considered over-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, one LEA was notified to conduct a review of policies and procedure, using the document located in Appendix C. NDDPI special education staff examined this review and it was determined that the disproportionate representation was not due to inappropriate identification. The LEA was found to be in compliance.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2012:

Explanation of Progress/Slippage:
For indicator 9, 180 LEAs were included in the analyses. Of these 180 LEAs, 25 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 seven years, NDDPI has met the target of 0%. In accordance with regulations, if district data had indicated disproportionate representation, the state would:

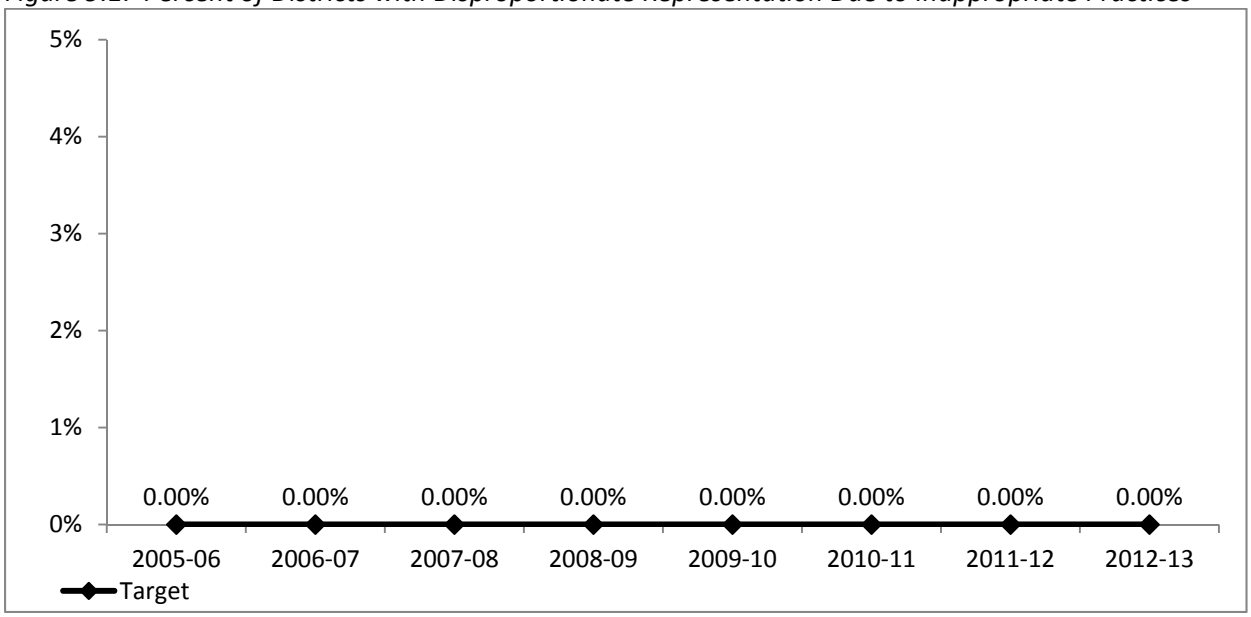
- Require the review and revision of polices, practices and procedures that contribute to disproportionate representation;
- Provide the state accepted plan and templates required for the required reviews (Appendix C); and
- Require the LEA to publicly report on the revision of policies, practices and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

When necessary, technical assistance 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	FFY2011	FFY2012
% 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%	0.00%	0.00%

Figure 9.1: Percent of Districts with Disproportionate Representation Due to Inappropriate Practices



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.

Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):
No additional information was required from North Dakota, communicated through OSEP's North Dakota Part B FFY2011 SPP/APR Response Table.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2012: N/A

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
2012 (2012-2013)	School districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification will be 0%.

Actual target data from FFY 2012

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

	Over-representation
Total # of LEAs	180
# of LEAs flagged for disproportionate representation	5
% of LEAs flagged for disproportionate representation	2.78%
# of LEAs found to have disproportionate representation due to inappropriate identification	0
Percent of LEAs that had disproportionate representation due to inappropriate identification	**0.0%**

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

Level	Weighted Risk Ratio (WRR)
Over-Representation	3.00 and up

The target for Indicator 10 was met.

The NDDPI defines disproportionate representation as a Weighted Risk Ratio of 3.00 or above (considered over-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 C. 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 2012:

Explanation of Progress/Slippage:

For indicator 10, 180 LEAs are included in the analyses. Of these 180 LEAs, 11met 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 seven 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:

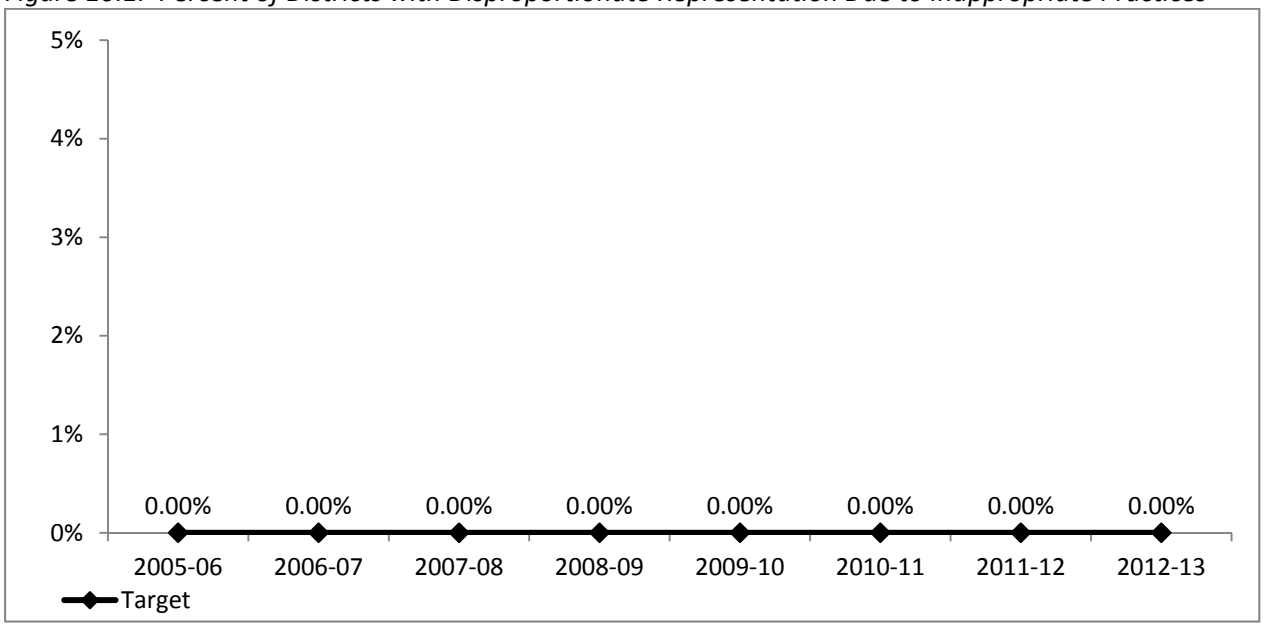
- Require the review and revision of polices, practices and procedures that contribute to disproportionate representation;
- Provide the state accepted plan and templates required for the required reviews (Appendix C); and
- Require the LEA to publicly report on the revision of policies, practices and 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	FFY2011	FFY2012
% of school districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%

Figure 10.1: Percent of Districts with Disproportionate Representation Due to Inappropriate Practices



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.

Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):
No additional information was required from North Dakota, communicated through OSEP's North Dakota Part B FFY2011 SPP/APR Response Table.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2012: N/A

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
2012 (2012-2013)	100% of children with parental consent to evaluate are evaluated within 60 days.

Actual Target Data for FFY2012

Table 11.2 Children Evaluated Within 60 Days: FFY2012

a. Number of children for whom parental consent to evaluate was received	2547
b. Number of children whose evaluations were completed within 60 days	2536
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)	99.57%
# of IEPs late but correction verified and IEPs are in place for each of the students	11
Percent of Verification of Compliance based on Current Data FFY2012	**100%**

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

Although North Dakota had a compliance rate of 99.57% as reported on Table 11.2, all noncompliance has since 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 FFY2012, 2,547 parental consents for evaluations were received in North Dakota schools. As indicated on Table 11.2, 2,536 evaluations were completed within the 60-day timeline. The reason for delay in the remaining evaluations is listed in Table 11.3 below. 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.

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
District Error	7	11	2-88
TOTAL Unique Districts	**7**	**7**	2-88

Valid and Reliable Data

In this Indicator, North Dakota allows four different exceptions when determining noncompliance. They are (1) the parent of a child repeatedly fails or refuses to produce the child for the evaluation ; (2) the child enrolls in a school of another public agency after the timeframe for initial evaluation has begun and prior to a determination by the child's previous public agency as to whether the child has a disability; (3) an extension is necessary because of extreme weather that prevented or interfered with the evaluation and the extreme weather is documented; and (4) access to a qualified evaluator is so limited that the evaluation cannot occur in the initial 60 days. Reasons of extreme weather and limited access to qualified evaluator are based on North Dakota Administrative Rule Chapter 67-23-01-03 Timelines-Exception to sixty-day timeframe for initial evaluation http://www.legis.nd.gov/information/acdata/pdf/67-23-01.pdf?20130212114210.

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.

For each of the eleven student files where the data indicated the child was not evaluated within 60 days, the NDDPI contacted the school district responsible for the evaluation process. All eleven occurrences of non-compliance were because of "case manager error." NDDPI required from each district assurance that the case manager understood the requirement that all initial evaluations must be completed within 60 days. All eleven children did receive an evaluation.

To further ensure compliance with this indicator, the 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 FFY2012:

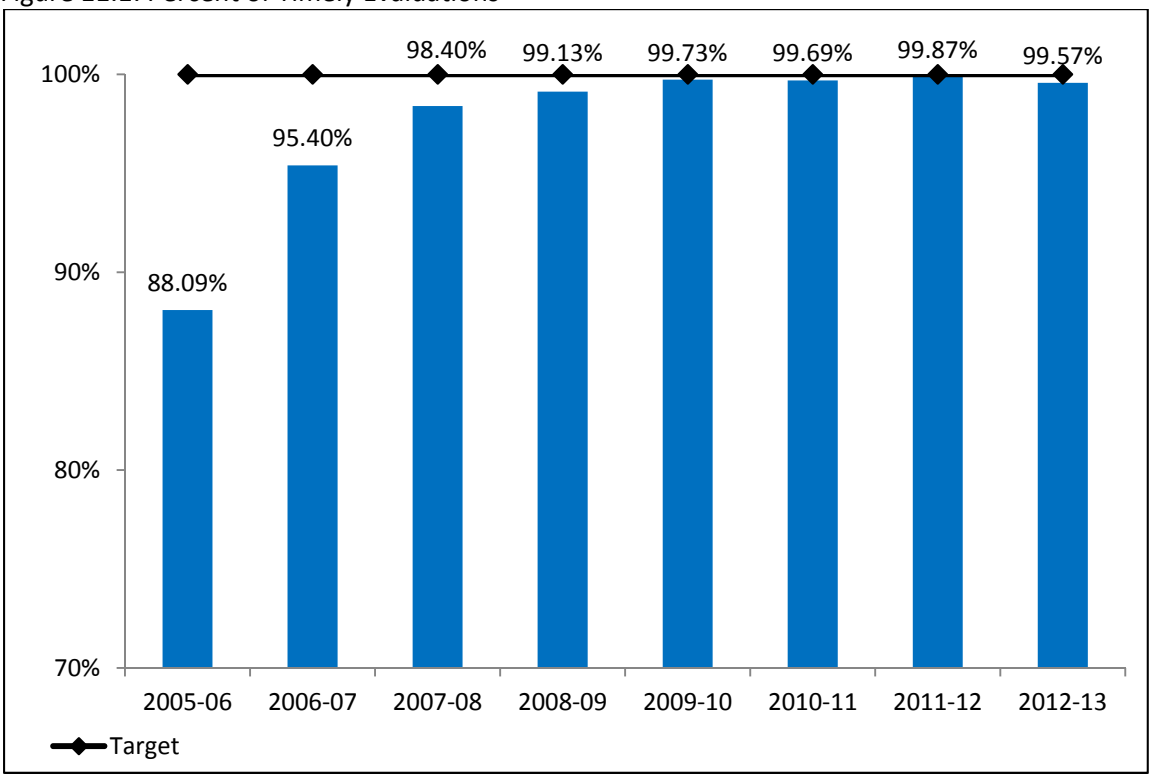
Explanation of Progress/Slippage:

The FFY2005 baseline was 88%. Since then, ND has made considerable progress and has consistently been above 99% compliance for the past five years.

Table 11.4 Initial Evaluation Data Collected – Results Over Time

	FFY2005	FFY2006	FFY2007	FFY2008	FFY2009	FFY2010	FFY2011	FFY2012
(a) Total # of children with parental consent	1424	3610	3432	2232	2187	2228	2463	2547
(b) Total # of children determined not eligible within 60 days	268	750	632	2215	2181	2221	2460	2536
(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	3	11
Percent who met the indicator	**88.09%**	**95.4%**	**98.4%**	**99.21%**	**99.73%**	**99.69%**	**99.87%**	**99.57%**
% of Verified Corrections			**100%**	**100%**	**100%**	**100%**	**100%**	**100%**

Figure 11.1: Percent of Timely Evaluations



North Dakota is 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.

Table 11.5 Correction of FFY 2011 Findings of Noncompliance

1. Number of findings of noncompliance the State made during FFY2010 (the period from July 1, 2011 through June 30, 2012)	**3**
2. Number of FFY2011 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	**3**
3. Number of FFY2011 findings not verified as corrected within one year [(1) minus (2)]	**0**
4. % Corrected and Verified within one year from date of notification	**100%**

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 FFY2011 were corrected before the submission of the FFY2011 APR. Corrections were verified through the review of current data located using the statewide TIENET database.

Verification of Correction (either timely or subsequent):
The NDDPI verified the 3 issues of noncompliance in FFY2011 were (1) timely corrected to 100% compliance before submittal of the FFY2011 APR. Consistent with OSEP Memorandum 09-02, all evaluations were completed before February 1st, 2013. This was reflected in the FFY2011 APR, and per ND Part B FFY2011 SPP/APR Response Table, reflected below in Table 11.6.

Actions Taken if Noncompliance Not Corrected:
All noncompliance were corrected and verified through the review of current data using the statewide TIENET database.

Table 11.6 Additional Information Required by the OSEP APR Response Table for this Indicator

Statement from the Response Table	State's Response
Because the State reported less than 100% compliance for FFY 2011, the State must report on the status of correction of noncompliance identified in FFY 2011 for this indicator. When reporting on the correction of noncompliance, the State must report, in its FFY 2012 APR, that it has verified that each LEA with noncompliance identified in FFY 2011 for this indicator: (1) is correctly implementing the specific regulatory requirements (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 corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2012 APR, the State must describe the specific actions that were taken to verify the correction.	The NDDPI special education monitoring staff reviewed the current data collected using the statewide TIENET database. All noncompliance for the FFY2011 (the 3 evaluations) were timely corrected within the one-year timeframe. The FFY2011 instances were corrected and verified before the submission of the FFY2011 APR. Each district with noncompliance in FFY2011 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.

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY2012: 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
2012 (2012-2013)	100 percent of children referred by Part C prior to age 3, and who are found eligible for Part B, will have an IEP developed and implemented by their third birthday.

Actual State Data

Table 12.2 Actual Data for FFY2012

a. # of children who have been served in Part C and referred to Part B for Part B eligibility determination.	447
b. # of those referred determined to be NOT eligible and whose eligibility was determined prior to third birthday	133
c. # of those found eligible who have an IEP developed and implemented by their third birthdays	271
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.	29
e. # of children who were referred to Part C less than 90 days before their third birthdays.	0
# in a but not in b, c, d, or e.	14
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	95.09%
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: 14 children who were served in Part C and referred to Part B did

not have eligibility for Part B determined and/or an IEP developed and implemented by their third birthdays due to one of four reasons: 1) a medical procedure that delayed IEP development(1 child); 2) the child was discharged from Part C before the Part B eligibility process began (8 children); 3) the child was deceased after referral to Part B but before eligibility was determined (1 child); and 4) the children were referred late from Part C to Part B for Part B eligibility determination (4 children).

The number of days that an IEP was late ranged from 5 to 57 days. Please note that of the four children that were referred late to Part B from Part C and for the one child whose IEP was delayed due to a medical procedure, NDDPI staff accessed the five students' 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 eight children that were discharged from Part C children before the Part B eligibility process begin were from one SEU. NDDPI will review the SEU policies and procedures regarding Part C to Part B referral procedures to assure consistency with state guidance.

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/speced1/childhood/childhood.shtm. 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 and verified within the statewide TIENET database by each SEU designee.

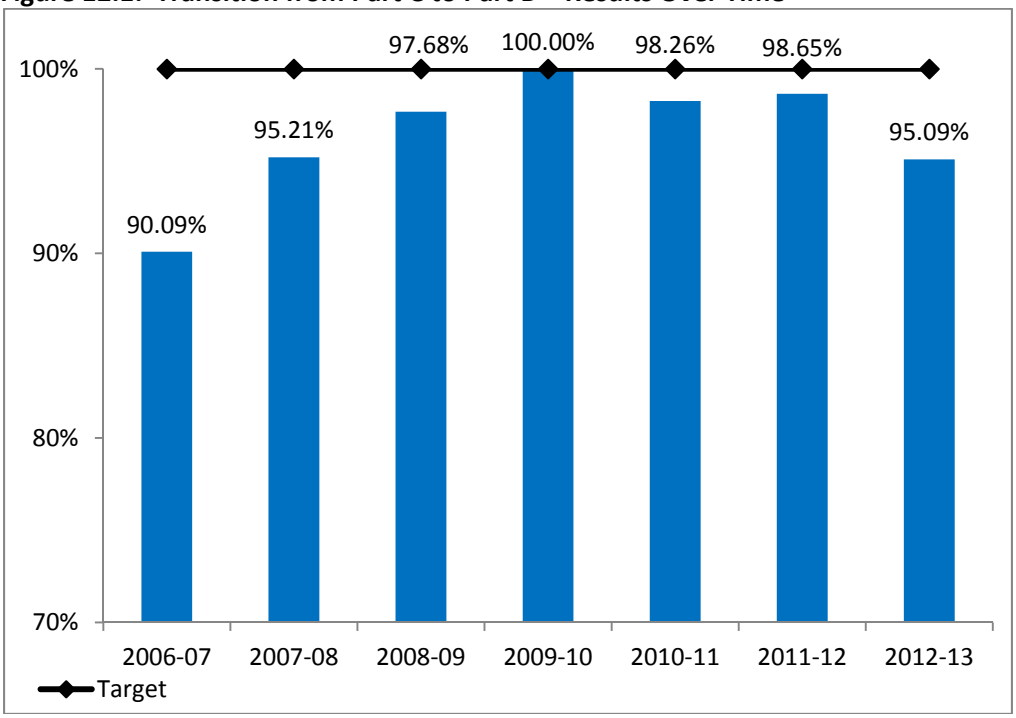
During the collection period (July 1 - June 30), local special education unit administrators contacted NDDPI staff members to discuss questions they had based on individual cases. To assure consistent high-quality data, NDDPI staff members completed an Indicator 12 data comparison of statewide TIENET database Indicator 12 data with each SEUs' Indicator 12 spreadsheet and verified TIEnet report. NDDPI staff members completed an Indicator 12 Data Comparison Report for the SEU in areas needing clarifications. The SEUs were given one week to respond. Through this system of data sharing, the NDDPI collected the necessary data and calculated the percentage of children found eligible for preschool special education services who received services by their third birthday for the FFY2012.

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

	FFY2007	FFY2008	FFY2009	FFY2010	FFY2011	FFY2012
a. # of children served in Part C and referred to Part B	317	438	430	392	421	447
b. # found not eligible and whose eligibility was determined prior to third birthday	70	119	92	100	113	133
c. # of those found eligible who have an IEP developed and implemented by their third birthdays	190	266	275	283	293	271
d. # for whom parent refusals to provide consent caused delays in evaluation or initial services	43	48	60	3	9	29
e.# of children who were referred to Part C less than 90 days before their third birthdays			3	1	2	0

# in a but not in b, c, or d	14	5	5	5	4	14
Percent who met the indicator	**93.1%**	**98.15%**	**100%**	**98.26%**	**98.65%**	**95.09%**

Figure 12.1: Transition from Part C to Part B – Results Over Time



Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2012

The Part C to Part B transition data indicate that completed and ongoing activities have been successful in maintaining a high percentage 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. Updates and revisions regarding the appropriate and timely completion of Indicator 12 components within the statewide TIENET database will be provided through special education directors and early childhood special educators meetings throughout each data year.

NDDPI staff members continue to work closely with the NDDHS staff to ensure a timely and smooth transition process across systems. As part of the collaborative process, in FFY2012, NDDHS and NDDPI provided regional trainings relating to the updated guide, Understanding Early Childhood Transition: A Guide for Families and Professionals. As a follow up to the regional trainings, NDDPI and NDDHS reviewed participant input received during the trainings and provided additional guidance in areas of statewide need. A copy of this updated guide is located at:
http://www.dpi.state.nd.us/speced1/childhood/transition-guide.pdf

Explanation of Progress or Slippage:
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 for FFY 2012 was 95.09%. As depicted by the data found on Table 12.3, the FFY 2012 rate is lower than that in FFY 2011. However, this decrease

is attributed to four children who were referred late from Part C, one child whose IEP was delayed due to a medical procedure and to eight children that were referred to Part B but were discharged from Part C before the Part B eligibility process begin. Since FFY 2006, North Dakota has made improvements toward the smooth transition for children turning three years old. Statewide input has shown an increased understanding and improved implementation of the early childhood transition process among services providers. An increased conscientiousness in both planning joint meetings and in tracking children through the transition period is evident.

Correction of FFY2011 Findings of Noncompliance (if State reported less than 100% compliance in its FFY2011 APR):

Table 12.4 Level of Compliance that ND reported for the FFY2011 was 98.65%.

1. Number of findings of noncompliance the State made during FFY2011 (the period from July 1, 2011 through June 30, 2012)	**4**
2. Number of FFY2011 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	**4**
3. Number of FFY2011 findings not verified as corrected within one year [(1) minus (2)]	**0**

Correction of FFY2011 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 FFY2011 findings not timely corrected (same as the number from (3) above)	**0**
5. Number of FFY2011 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	**0**
6. Number of FFY2011 findings not verified as corrected [(4) minus (5)]	**0**

Actions Taken if Noncompliance Not Corrected:

Level of compliance ND reported for FFY2011 for this indicator was 98.65%. 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 FFY2011 APR submission.

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

Table 12.6 Additional Information required by the OSEP APR Response Table for this Indicator

Statement from the Response Table	State's Response
Because the State reported less than 100% compliance for FFY 2011, the State must report on the status of correction of noncompliance identified in FFY 2011 for this indicator. When reporting on the correction of noncompliance, the State must report, in its FFY 2012 APR, that it has verified that each LEA with noncompliance identified in FFY 2011 for this indicator: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data	The NDDPI special education staff reviewed the current data using the statewide TIENET database. All noncompliance for FFY2011 was timely corrected within the one-year time frame. The FFY2011 instances were corrected and verified before the submission of the FFY2011 APR. Each district with noncompliance in FFY2011 was (1) timely corrected within the one-year timeframe of notification and (2) is currently implementing the regulatory requirements of this indicator based on a review of updated data consistent with OSEP Memorandum 09-

subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2012 APR, the State must describe the specific actions that were taken to verify the correction.	02. ***NDDPI staff members continue to work closely with the DHS to ensure a smooth and timely referral process across systems. The referral process and timelines was a major focus during the FFY2012 Transition Guideline trainings.***

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2012: N/A

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: Measureable and Rigorous Target

FFY	Measurable and Rigorous Target
2012 (2012-2013)	100 percent of youth aged 16 and above will have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.

Actual Target Data for FFY2012
Table 13.2 Target Data for FFY 2012

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
FFY2012 (2012-2013)	336	290	86.31%
Verification of correction of non-compliance			**100%**

The target for Indicator 13 was not met even when the confidence interval was applied. However, 100% instances of non-compliance were already corrected by December 31, 2013.

The FFY2012 Indicator 13 monitoring was completed by the NDDPI Indicator 13 State Monitoring Team. This is the fourth 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 2012-13 Indicator 13 State Monitoring team consisted of the same individuals as those doing the monitoring in the previous three years. This provided for continued consistency to the monitoring process. The team continues to receive ongoing training throughout the year prior to the June monitoring session. The team is trained by the NDDPI to ensure continued understanding of the requirements of Indicator 13, competence of the Team in using the statewide TIENET database system for accessing the student files, and inter-rater reliability during the scoring process. During the FFY2012 trainings, the team reviewed the previous year's process and revised, as deemed necessary the collection methods as well as the data report sheets given to the LEAs after the review process.

Valid and Reliable

Statewide representation: In June 2013, the State Indicator 13 State Monitoring team met for one week and reviewed 336 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 FFY2012. 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 336 files reviewed, 46 IEP files 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 FFY2012 for this indicator is 86.31% as displayed on Table 13.2. The correction of non-compliance was verified through review of current student data for each record found out of compliance. 100% of the 46 IEP files were verified as corrected by the NDDPI Staff prior to December 31, 2013.

Table 13.3 Target Data for FFY2012

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?	336	323	96.13%
2. Are the postsecondary goals updated annually?	336	330	98.21%
3. Is there evidence that the measurable postsecondary goals were based on age appropriate transition assessment?	336	308	91.77%
4. Are there transition services in the IEP that will reasonably enable the student to meet his or her postsecondary goals?	336	324	96.43%
5. Do the transition services include courses of study that will reasonably enable the student to meet his or her postsecondary goals?	336	330	98.21%
6. Are there annual IEP goal(s) related to the student's transition services needs?	336	327	97.32%
7. Is there evidence that the student was invited to the IEP Team meeting where transition services were discussed?	336	332	98.81%
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?	336	334	99.40%
IEPs that meet all transition requirements for Indicator 13	336	290	86.31%

Table 13.4 *Statewide Representation:*

Disability Category	**State total**	**State Percentage**	**Sample Percentage**
Autism	154	6.73%	5.65%
Deaf-Blindness	0	0.00%	0.00%
Emotional Disability	206	9.01%	7.74%
Hearing Impairment	21	0.92%	2.08%
Intellectual Disability	278	12.16%	12.80%
Other Health Impairments	440	19.24%	19.35%
Orthopedic Impairment	23	1.01%	1.19%
Speech/ Language Impairment	136	5.95%	5.06%
Specific Learning Disability	998	43.64%	43.75%
Traumatic Brain Injury	21	0.92%	1.19%
Visual Impairment	10	0.44%	1.19%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY2012:

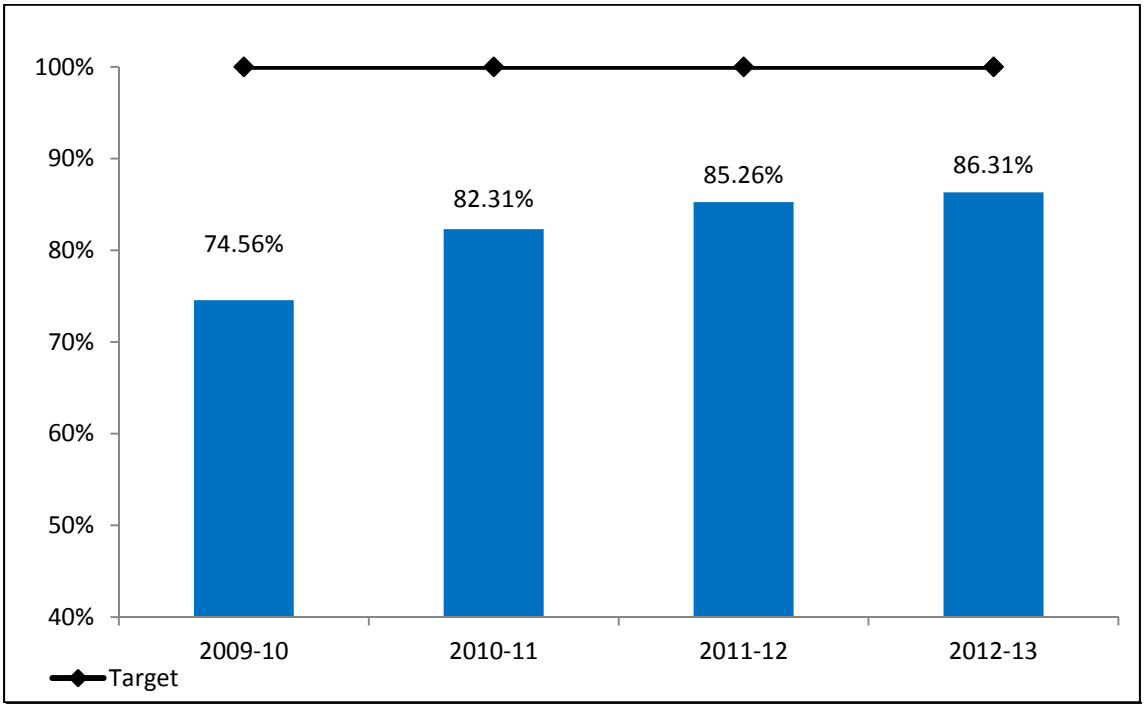
North Dakota has made progress towards increasing the number of youth with IEPs in compliance to Indicator 13. Data indicate an improvement from 74.56% (FFY2009 Baseline) to 86.31% (FFY2012) (see Figure 13.1). The FFY2012 rate is very similar to the FFY2011 rate. However the actual case managers included in each FFY review varies due to ongoing personnel changes (i.e. first year teachers, retirements, etc.). The years of experience a case manager possesses related to the transition requirements impacts the state's rate of compliance each year. Statewide input and data review does reflect an increased understanding and improved implementation of the transition requirements among veteran secondary transition case managers. When analyzing the Indicator 13 data collected by the

State Monitoring Team, compliance to each of the eight components of the Transition Requirement Checklist was between 91 and 99% (see Table 13.3).

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. In the spring of 2012, a new Indicator 13 training document was created by the NDDPI. This document, "Secondary Transition Tips for Compliance to Indicator 13", is a training resource for secondary teachers. This document was dispersed to each local special education unit and LEA in the state. Three years ago, members of the ND Secondary Transition Community of Practice created 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 NDDPI 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 continues to 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. Focused on-site and web-based trainings are conducted annually to local districts as need is determined through the annual monitoring of Indicator 13.

Figure 13.1: Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services



Correction of FFY2011 Findings of Noncompliance:
Level of compliance (actual target data) State reported for FFY2011 for this indicator: 85.26%

Table 13.5 Correction of FFY 2011 Findings of Noncompliance:

1. Number of findings of noncompliance the State made during FFY2011 (the period from July 1, 2011 through June 30, 2012)	**2**
2. Number of FFY2011 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	**2**
3. Number of FFY2011 findings not verified as corrected within one year [(1) minus (2)]	**0**

Table 13.6 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 FFY 2012 APR, that it has verified that each LEA with noncompliance identified in FFY 2011 for this indicator: (1) is correctly implementing 34 CFR §§300.320(b) and 300.321(b) (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 corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2012 APR, the State must describe the specific actions that were taken to verify the correction. If the State does not report 100% compliance in the FFY 2012 APR, the State must review its improvement activities and revise them, if necessary.	The NDDPI special education transition monitoring team reviewed current data using the statewide TIENET database. All noncompliance for FFY2011 was corrected and correction verified through review of each individual student file (see Table 13.5). NDDPI verified that each district with noncompliance in FFY2011 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 *Close-out* letter once corrections are verified.
The State must demonstrate, in the FFY 2012 APR, that the one remaining uncorrected noncompliance finding identified in FFY 2009 was corrected.	OSEP indicated that North Dakota had one uncorrected finding of noncompliance for FFY2009. This is not the case. In the APR for FFY2010, pg. 69, the NDDPI indicates that all noncompliance for FFY2009 had been corrected.

Revisions, <u>with Justification</u>, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2012: 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**
2012 (2012-2013)	22.4%	58.3%	69.0%

Actual Target Data for FFY2012

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

Category	Number	Percent
Interviewed Exiters	217	100.0%
Measurement A: Percent of youth enrolled in higher education within one year of leaving high school;	77	35.5%
Measurement B: Measurement A plus percent of youth competitively employed within one year of leaving high school	140	64.5%
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	196	90.3%

The target for Indicator 14A was met.
The target for Indicator 14B was met.
The target for Indicator 14C was met.

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	77	35.5%
2. Engaged in Competitive employment as defined in measure B (but not in 1)	63	29.0%
3. Enrolled in other postsecondary education or training as defined in measure C (but not in 1 or 2)	30	13.8%
4. Engaged in some other employment as defined in measure C (but not in 1, 2, or 3)	26	12.0%
Not in any of the above four categories	21	9.7%
Total	217	100.0%

In April 2013, contact information was obtained on the 640 students with disabilities who exited North Dakota schools in 2011-12. Contact was attempted with each of these exiters between June 2013 and July 2013.

Two hundred seventeen (217) exiters were successfully interviewed on the phone for a response rate of 33.9%. 114 of the 640 exiters had incorrect or disconnected phone numbers. If these "non-reachable" exiters are excluded from the denominator, the adjusted response rate is 50.94% (217/426). A full report of the post-secondary outcomes of the 2011-12 exiters can be found at http://www.dpi.state.nd.us/transitn/resource/NDReportIndic14%201213.pdf

Valid and Reliable Data

The response rates were analyzed by the demographic characteristics of gender, race/ethnicity, primary disability, and type of exiter to determine if one group was more likely to respond than another group.

There were no significant differences in response rates by gender or primary disability. American Indian students were less likely to respond (19%) than white students (36%). Students who dropped out were less likely to respond (14%) than students who graduated (39%).

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2012:

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. In FFY 2011, the Measurement A rate decreased; the other two rates are very similar to FFY 2010.

Table 14.4 Results Over Time

	FFY2009	FFY2010	FFY2011	FFY2012
Measurement A	21.4%	50.2%	43.7%	35.5%
Measurement B	57.3%	67.5%	68.0%	64.5%
Measurement C	68.0%	83.4%	83.8%	90.3%

Figure 14.1 Percent of Exiters Meeting Measurement A; 14A Results Over Time

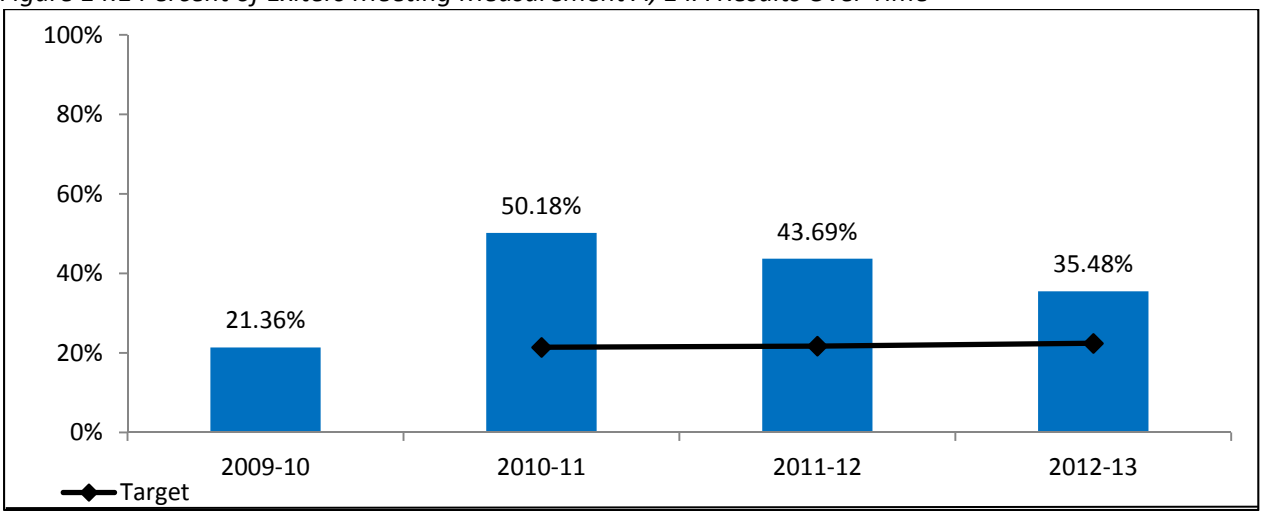


Figure 14.2 Percent of Exiters Meeting Measurement A; 14B Results Over Time

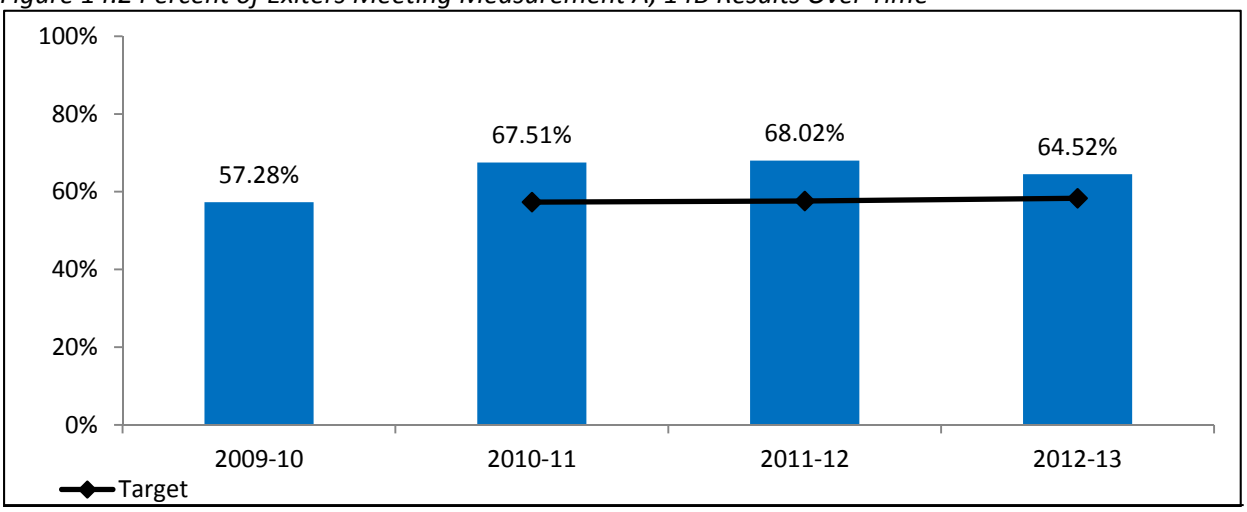
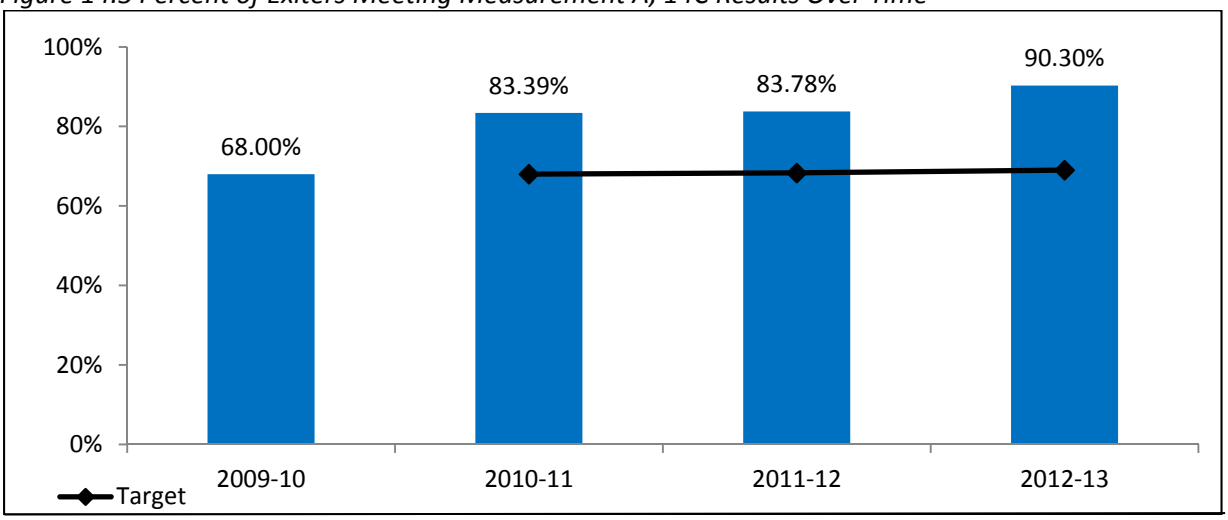


Figure 14.3 Percent of Exiters Meeting Measurement A; 14C Results Over Time



Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):
No additional information was required from North Dakota, communicated through OSEP's North Dakota Part B FFY2011 SPP/APR Response Table.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2012: 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
2012 (2012-2013)	100 percent identified noncompliance will be corrected within one year of identification.

The target for Indicator 15 was met.

Table 15.2 Actual Target Data Summary FFY2012

	Column A	Column B
Sum the numbers down Column a and Column b	**113**	**113**
Percent of noncompliance corrected within one year of identification	**100%**	

Table 15.3 Actual Target Data Over Time

	FFY2005	FFY2006	FFY2007	FFY2008	FFY2009	FFY2010	FFY2011	FFY2012
% of identified noncompliance corrected within one year	98%	70.27%	100%	100%	100%	96.34%	100%	100%

Table 15.4 Actual Target Data for FFY2012

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY2012 (7/1/11 to 6/30/12)	(a) # of Findings of noncompliance identified in FFY2012 (7/1/11 to 6/30/12)	(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. 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.	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
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. 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.	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
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 FFY2012 (7/1/11 to 6/30/12)	(a) # of Findings of noncompliance identified in FFY2012 (7/1/11 to 6/30/12)	(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
8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	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	3	3	3
	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	3	3	3
	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	9	9	9

Indicator/Indicator Clusters	**General Supervision System Components**	**# of LEAs Issued Findings in FFY2012** (7/1/11 to 6/30/12)	**(a) # of Findings of noncompliance identified in FFY2012** (7/1/11 to 6/30/12)	**(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	0	0	0
Other areas of noncompliance: Self Assessment Monitoring and Focus Monitoring	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	98	98	98
Sum the numbers down Column a and Column b			113	**113**
Percent of noncompliance corrected within one year of identification= (column (b) sum divided by column (a) sum times 100.			**(b) / (a) X 100 =**	**100%**

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

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

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

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

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

Correction of Noncompliance:
- The NDDPI monitoring staff verifies correction through follow-up review of data, other documentation, and/or interviews. These follow-up procedures ensure that the noncompliant policies, procedures, and/or practices were revised and the noncompliance was corrected.
- Timely correction occurs when the noncompliance is corrected as soon as possible but no

later than one year from the written notification of the noncompliance.

- The NDDPI monitoring staff notifies the LEA in writing that the noncompliance was corrected as required. This "close-out" letter informs the superintendent and the local special education unit director of the noncompliance and the approved completed correction.

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

- NDDPI monitoring staff ensure that the corrective actions required begin as soon as possible after the school district is notified;
- NDDPI monitoring staff review the district submission of documents pertaining to the corrective actions such as individual student level correction of noncompliance and training dates, locations, agendas, and participation lists;
- When required, NDDPI staff members conduct on-site and/or off-site activities to verify correction of noncompliance; and
- The NDDPI monitoring staff randomly verified compliance through district and student level data (when necessary) using the TIENET database. As described in the introduction of this report (p.8), the majority of the student forms are available in the TIENET database. Throughout the year, NDDPI special education coordinators log into the database and view the student files in question. If the corrective action has not taken place as planned, the NDDPI Special Education Monitoring coordinator contacts the local special education director to discuss the timeline of the required correction. At the agreed upon date, the NDDPI Special Education Monitoring 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 Monitoring 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 Monitoring coordinator also maintains an Excel spreadsheet that tracks all findings. This spreadsheet contains the districts who received a letter of notification and the following: date of the letters of noncompliance to LEA, date of accepted corrective action plan, date the corrective action plan was completed, date the NDDPI verified the correction of noncompliance, and date of the Close-out letter to the school district superintendent. All corrective actions must be completed as soon as possible, but no longer than one year, after receiving a letter detailing the issue of noncompliance.

Timely Correction of FFY2012 Findings of Noncompliance (corrected within one year from identification of the noncompliance):

Table 15.5 Correction of Noncompliance FFY2012

1. Number of findings of noncompliance the State made during FFY 2012 (Sum of Column a on the Indicator B15 Worksheet)	**113**
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)	**113**
3. Number of findings not verified as corrected within one year [(1) minus (2)]	**0**

FFY2012 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 FFY2012 findings not timely corrected (same as the number from (3) above)	**0**
5. Number of FFY2012 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	**0**
6. Number of FFY2012 findings not yet verified as corrected [(4) minus (5)]	**0**

Actions Taken if Noncompliance Not Corrected

No further action is necessary as all noncompliance were corrected.

Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY2012 (including any revisions to general supervision procedures, technical assistance provided and/or any enforcement actions that were taken): During FFY 2012, NDDPI verified that each district with noncompliance initially identified in FFY 2011 has :(1) correctly implementing the specific regulatory requirements, (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) corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02, dated October 17, 2008. This process was done by reviewing both the individual student level data and current district data generated by the TIENET database.

To ensure continuous improvement in all indicators and at the individual student level, the following occurred: During the data collection period (July 1, 2012 - June 30, 2013), 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 ongoing technical assistance and data guidance, the NDDPI staff members hold Spring and Fall Special Education Leadership conferences. The purpose of these conferences 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 FFY2012 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 Early Childhood Technical Assistance Center (ECTA), 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 FFY2011 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): N/A
No additional information was required from North Dakota, communicated through OSEP's North Dakota Part B FFY2011 SPP/APR Response Table.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2012: N/A

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
2012 (2012-13)	55 percent of Resolution Sessions will be facilitated successfully.

Actual Target Data for FFY2012:
There were no due process hearing requests during this reporting period. The target was met.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2012:
Explanation of Progress or Slippage:
During FFY2012 the Department of Public Instruction dispute resolution data reveal minimal formal dispute resolution processes were accessed by parents and school personnel; however, informal options were chosen at a steady rate. North Dakota has provided IEP meeting facilitation as an early dispute resolution option for a number of years. Even though IEP facilitation is not a requirement of the IDEA, it continues to be a popular dispute resolution option in our state. We have a cadre of facilitators who are special education professors from North Dakota's two public universities that prepare special educators to serve in the public schools of our state. These individuals have contracts with the Department of Public Instruction and serve on an as needed basis when requests for IEP facilitation are received.

The Consortium for Appropriate Dispute Resolution in Special Education (CADRE) created a graphic display of the Continuum of Special Education Conflict Resolution Options. The North Dakota Department of Public Instruction used this continuum (www.directionservice.org/cadre/continuum) to communicate with educators, advocates, parents, and its advisory committee about work that can be done to prevent disputes from escalating to higher stages of conflict. Greater emphasis is being placed on prevention, communication, and effective parent-educator relationships. The Department of Public Instruction has devoted more effort to telephone intermediary work between parents and educators, a Stage II conflict resolution option. Frequently this telephone intermediary activity is sufficient to bring parties together for informal, lower level communication and problem solving.

Also during FFY2012 the North Dakota Department of Public Instruction renewed its membership in the Technical Assistance for Excellence in Special Education (TAESE) Consortium

for Dispute Resolution in Special Education. As described by TAESE, this consortium "*provides ongoing professional development opportunities for:*

- *Complaint Investigators*
- *Due Process Hearing Officers*
- *Mediators/IEP Facilitators*
- *Lead Agency Staff*

TAESE has developed an affordable option to ensure that Dispute Resolution Specialists and SEA/LEA staff are properly trained and current on legal issues in special education (TAESE website)." The North Dakota Department of Public Instruction makes these professional development webinars available for its contracted dispute resolution personnel and SEA staff. Additionally, the Department also makes webinars related to dispute resolution available from the *Consortium for Appropriate Dispute Resolution in Special Education* (CADRE) for our state's dispute resolution professionals. The Department also works with our state Office of Administrative Hearings to identify and sponsor hearing officers who will attend regional and national special education law conferences for ongoing professional development.

There were several opportunities during FFY 2012 for the Department of Public Instruction's IDEA dispute resolution coordinator to give public presentations for parents, educators, and university graduate students about the IDEA dispute resolution provisions. These presentations were given to special education administrators, parents, university students, and representatives from other agencies. The North Dakota Department of Public Instruction recognizes that effective relationships between parents and educators are the most enduring foundation for preventing misunderstandings and conflicts.

Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):
No additional information was required from North Dakota, communicated through OSEP's North Dakota Part B FFY2012 SPP/APR Response Table.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2012: N/A

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
2012 (2012-2013)	A state need not set targets for this indicator unless its baseline data reflects that it has received a minimum threshold of 10 mediation requests. Historically North Dakota has less than 10 mediation requests per year.

Actual Target Data for FFY2012:
There were three mediation requests during this reporting period. Three mediation processes are pending; one 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) Total number of mediation requests received through all dispute resolution processes.	3
(2.1) Mediations held.	1
(a) Mediations held related to due process complaints.	0
(i) Mediation agreements related to due process complaints.	0
(b) Mediations held not related to due process complaints.	1
(i) Mediation agreements not related to due process complaints.	0
(2.2) Mediations pending.	0
(2.3) Mediations withdrawn or not held.	2

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2012:

Explanation of Progress
During FFY2012 the Department of Public Instruction dispute resolution data reveal minimal formal dispute resolution processes were accessed by parents and school personnel; however, informal options were chosen at a steady rate. North Dakota has provided IEP meeting facilitation as an early dispute resolution option for a number of years. Even though IEP facilitation is not a requirement of the IDEA, it continues to be a popular dispute resolution option in our state. We have a cadre of facilitators who are special education professors from North Dakota's two public universities that prepare special educators to serve in the public

schools of our state. These individuals have contracts with the Department of Public Instruction and serve on an as needed basis when requests for IEP facilitation are received.

The Consortium for Appropriate Dispute Resolution in Special Education (CADRE) created a graphic display of the Continuum of Special Education Conflict Resolution Options. The North Dakota Department of Public Instruction used this continuum www.directionservice.org/cadre/continuum) to communicate with educators, advocates, parents, and its advisory committee about work that can be done to prevent disputes from escalating to higher stages of conflict. Greater emphasis is being placed on prevention, communication, and effective parent-educator relationships. The Department of Public Instruction has devoted more effort to telephone intermediary work between parents and educators, a Stage II conflict resolution option. Frequently this telephone intermediary activity is sufficient to bring parties together for informal, lower level communication and problem solving.

Also during FFY2012 the North Dakota Department of Public Instruction renewed its membership in the Technical Assistance for Excellence in Special Education (TAESE) Consortium for Dispute Resolution in Special Education. As described by TAESE, this consortium "*provides ongoing professional development opportunities for:*

- *Complaint Investigators*
- *Due Process Hearing Officers*
- *Mediators/IEP Facilitators*
- *Lead Agency Staff*

TAESE has developed an affordable option to ensure that Dispute Resolution Specialists and SEA/LEA staff are properly trained and current on legal issues in special education (TAESE website)." The North Dakota Department of Public Instruction makes these professional development webinars available for its contracted dispute resolution personnel and SEA staff. Additionally, the Department also makes webinars related to dispute resolution available from the *Consortium for Appropriate Dispute Resolution in Special Education* (CADRE) for our state's dispute resolution professionals. The Department also works with our state Office of Administrative Hearings to identify and sponsor hearing officers who will attend regional and national special education law conferences for ongoing professional development.

There were several opportunities during FFY 2012 for the Department of Public Instruction's IDEA dispute resolution coordinator to give public presentations for parents, educators, and university graduate students about the IDEA dispute resolution provisions. These presentations were given to special education administrators, parents, university students, and representatives from other agencies. The North Dakota Department of Public Instruction recognizes that effective relationships between parents and educators are the most enduring foundation for preventing misunderstandings and conflicts.

Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):
No additional information was required from North Dakota, communicated through OSEP's North Dakota Part B FFY2012 SPP/APR Response Table.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2012: N/A

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
2012 (2012-2013)	100 percent of required data reports will be accurately completed and submitted on time.

According to the FFY2012 Part B SPP/APR Measurement Table provided by OSEP, *States may, but are not required, to report data for this indicator. OSEP will use the Indicator 20 Rubric to calculate the State's data for this indicator. States will have an opportunity to review and respond to OSEP's calculation of the State's data.*

North Dakota's FFY2012 Indicator 20 data and Scoring Rubric will be provided to the State by OSEP after submittal on February 2nd, 2014. Upon receiving this Indicator from OSEP, North Dakota will include all data and scoring in the updated version of this Annual Performance Report.

Appendix A

Indicator 7
Data Comparison Template

Data Comparison for Indicator 7
2012-2013

Below are your Unit results from three reports that were developed through review and comparison of the 2012-2013 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, 2012 to June 30, 2013. 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 8
Parent Survey

North Dakota Department of Public Instruction: Special Education Parent Survey

This is a survey for parents of students receiving special education services. Your responses will help guide efforts to improve services and outcomes for children and families. Please select one answer for each question. If any question does not apply, leave it blank. ***Thank You!***

Your Ratings:

My child's teachers and school:	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
1. Offer training and information that will help me participate fully in the IEP meetings.	1	2	3	4	5
2. Treat me as an equal partner when we are planning for my child.	1	2	3	4	5
3. Use the ideas and suggestions that I share at the meeting.	1	2	3	4	5
4. Encourage me to speak up at IEP meetings.	1	2	3	4	5
5. Encourage me to participate in writing my child's IEP plan.	1	2	3	4	5
6. Carried out my child's plan last year as written and discussed.	1	2	3	4	5
7. Are carrying out my child's plan this year as written and discussed.	1	2	3	4	5
8. Share information with me on the progress my child has made on his/her IEP goals.	1	2	3	4	5
I am:	1	2	3	4	5
9. My child's general education teacher(s) make me feel comfortable when I have questions or concerns.	1	2	3	4	5
10. My child's special education teacher makes me feel comfortable when I have questions or concerns.	1	2	3	4	5

Background:

11. Child's Race/Ethnicity *(Circle only one)*
    1 African-American or Black
    2 American Indian or Alaskan Native
    3 Asian
    4 Native Hawaiian or Other Pacific Islander
    5 White

12. What is your child's PRIMARY disability *(Circle only one)*
    1 Autism
    2 Intellectual Disability (ID)
    3 Deaf-Blindness
    4 Hearing Impairment
    5 Non-Categorical Delay
    6 Emotional Disturbance
    7 Specific Learning Disability
    8 Orthopedic Impairment
    9 Other Health Impairment
    10 Speech/Language Impairment
    11 Traumatic Brain Injury
    12 Visual Impairment

13. What is the grade of your child? *(circle one)*
    Pre-K K 1 2 3 4 5 6 7 8 9 10 11 12 12+

14. School District: _____

Your Comments:

15. Please offer any further suggestions that you have about helpful or meaningful ways to involve you in your child's education.

Appendix C

Indicators 9 and 10

Disproportionate Representation District Review

North Dakota Department of Public Instruction
Special Education

Disproportionate Representation of Minority Students

District Report for: [NAME] School District
District Response Required by [DATE]

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

Flagged Categories and Weighted Risk Ratios		
Definitions and Process		
1.) Disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification. 2.) Disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.		
Step 1	Preliminary Data Review	Preliminary data for districts flagged with disproportionate over-representation and/or under-representation based on race and ethnicity with respect to eligibility and/or placement will be submitted to districts in order to verify accuracy of data and re-submittal to the NDDPI Office of Special Education for recalculation.
Step 2	Recalculated Data Results	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*** use the criteria as a self-assessment tool. 1. The district will review policies, procedures and practices specific to the identified racial/ethnic group to determine if the identified practices with the IDEA 2004 Regulations occur.
Step 3	After Policy Review	**All Practices occur and are documented within policies:** No corrective action plan will be required. **Some Practices do not occur and are not documented within policies**: 1. Confer with a consultant assigned by NDDPI. 2. District will be found out of compliance and will identify the Corrective Action Plan activities that will target the specific practice and include timelines for completion. 3. 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. 4. A summary report of progress will be required at 6 and 12 months to the NDDPI Office of Special Education.

Note: ***To complete the following Self-Assessment Tool, keep in mind each flagged ethnicity and race and/or disability category to determine if district policies, procedures and practices reflect specific academic, and cultural – both within the general education classroom as well as within supplemental special education services.***

Flagged Categories and Weighted Risk Ratios

School District	**Date Completed**
Disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification. If any category is flagged, an on-site review or consultation may be conducted.	**Identified Racial/Ethnic Group and Weighted Risk Ratio:** **Flagged** / **Ethnicity/Race** / **WRR** White Hispanic American Indian African American/Black Asian Pacific
Disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. The following pages are the district's self assessment procedures that will be reviewed by the DPI Special Education staff. If any category is flagged, an on-site review or consultation may be conducted.	**Flagged** / **Ethnicity/Race** White Hispanic American Indian African American/Black Asian Pacific **Disability Category** / **WRR** AUT ED ID OHI SLD SI

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

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

Self-Assessment for Disproportionate Representation By Race/Ethnicity and Disability State Performance Plan (SPP) Indicators		
EVALUATION/ELIGIBILITY DETERMINATION		
Policies, Practices and Procedures	**Practice Occurs Y/N**	**YES - Practice Occurs** Provide specific reference in which this practice is defined.
A) Evaluation Each district must conduct a full and individual initial evaluation, in accordance with 300.305 and 300.306, before the initial provision of special education and related services to a child with a disability under this part. 34 CFR 300.301 (a) A district must ensure that a reevaluation of each child with a disability is conducted in accordance with 300.304 through 300.311. 34 CFR 300.303 In conducting the evaluation, the district must (1) Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information provided by the parent. (2) Not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability. 34 CFR 300.304 (b) Each district must ensure that (1) assessments and other evaluation materials used to assess a child under this part (i) are selected and administered so as not to be discriminatory on a racial or cultural basis; (ii) are provided an administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer. 34 CFR 300.304 (c) ***District will review policies, practices and procedures to determine that:*** 1) Written evaluation policies and procedures contain clear guidance for consideration of cultural factors. 2) A variety of culturally appropriate assessment instruments are used and described by population and purpose for which instrument has been validated. 3) A variety of evaluation data include cultural considerations. 4) A variety of individuals contribute to the evaluation process, including parents and others familiar with special cultural factors.	1) 2) 3) 4)	
B) Eligibility A child must not be determined to be a child with a disability under this part (i) if the determinant factor for that determination is (i) lack of appropriate instruction in reading.(ii) lack of appropriate instruction in math; or (iii) limited English proficiency. CFR 300.306 (a) (b) In interpreting evaluation data for the purpose of determining if a child is a child with a disability under 300.8 and the educational needs of the child, each public agency must (i) draw upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child's physical condition, social		

or cultural background, and adaptive behavior. CFR 300.306 (c) (1) ***District will review policies, practices and procedures to determine that:*** 1) Written eligibility criteria and documentation requirements specify cultural considerations. 2) The participants in decisions include parent and others familiar with special cultural and linguistic factors. 3) Placement decisions consider cultural factors when determining least restrictive environment.	1) 2) 3)	
If district marks no to any of the questions: 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)-		
C)-		

Self-Assessment for Disproportionate Representation By Race/Ethnicity and Disability *State Performance Plan (SPP) Indicators*		
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	**COMPLIANT** **NON-COMPLIANT Improvement Plan Required**	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	**COMPLIANT** **NON-COMPLIANT No correction of noncompliance**	Comments