UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

June 28, 2016

Honorable Kirsten Baesler
State Superintendent
North Dakota Department of Public Instruction
600 E. Boulevard Ave., Dept. 201
Bismarck, North Dakota 58505

Dear Superintendent Baesler:

I am writing to advise you of the U. S. Department of Education's (Department) 2016 determination under section 616 of the *Individuals with Disabilities Education Act* (*IDEA*). The Department has determined that North Dakota meets the requirements and purposes of Part B of the *IDEA*. This determination is based on the totality of the State's data and information, including the Federal fiscal year (FFY) 2014 State Performance Plan/Annual Performance Report (SPP/APR), other State-reported data, and other publicly available information.

Your State's 2016 determination is based on the data reflected in the State's "2016 Part B Results-Driven Accountability Matrix" (RDA Matrix). The RDA Matrix is individualized for each State and consists of:

(1) a Compliance Matrix that includes scoring on Compliance Indicators and other compliance factors;

(2) a Results Matrix that includes scoring on Results Elements;

(3) a Compliance Score and a Results Score;

(4) an RDA Percentage based on both the Compliance Score and the Results Score; and

(5) the State's Determination.

The RDA Matrix is further explained in a document, entitled "How the Department Made Determinations under Section 616(d) of the Individuals with Disabilities Education Act in 2016: Part B" (HTDMD).

OSEP is continuing to use both results data and compliance data in making determinations in 2016, as it did for Part B determinations in 2014 and 2015. (The specifics of the determination procedures and criteria are set forth in the HTDMD and reflected in the RDA Matrix for your State.) In making Part B determinations in 2016, OSEP continued to use results data related to:

(1) the participation of children with disabilities (CWD) on regular Statewide assessments;

(2) the participation and performance of CWD on the most recently administered (school year 2014-2015) National Assessment of Educational Progress (NAEP);

(3) the percentage of CWD who graduated with a regular high school diploma; and

(4) the percentage of CWD who dropped out.

You may access the results of OSEP's review of your State's SPP/APR and other relevant data by accessing the SPP/APR module using your State-specific log-on information at osep.grads360.org. When you access your State's SPP/APR on the site, you will find, in Indicators 1 through 16, the OSEP Response to the indicator and any actions that the State is required to take. The actions that the State is required to take are in two places:

(1) any actions related to the correction of findings of noncompliance are in the "OSEP Response" section of the indicator; and

(2) any other actions that the State is required to take are in the "Required Actions" section of the indicator.

It is important for you to review the Introduction to the SPP/APR, which may also include an OSEP response and/or Required Actions.

You will also find all of the following important documents saved as attachments to the Progress Page:

(1) the State's RDA Matrix;

(2) the HTDMD document;

(3) a spreadsheet entitled "2016 Data Rubric Part B," which shows how OSEP calculated the State's "Timely and Accurate State-Reported Data" score in the Compliance Matrix;

(4) a document entitled "Dispute Resolution 2014-15," which includes the *IDEA* section 618 data that OSEP used to calculate the State's "Timely State Complaint Decisions" and "Timely Due Process Hearing Decisions" scores in the Compliance Matrix; and

(5) a Data Display, which presents certain State-reported data in a transparent, user-friendly manner and is helpful for the public in getting a broader picture of State performance in key areas.

As noted above, the State's 2016 determination is Meets Requirements. A State's 2016 RDA Determination is Meets Requirements if the RDA Percentage is at least 80%, unless the Department has imposed Special Conditions on the State's last three *IDEA* Part B grant awards (for FFYs 2013, 2014, and 2015), and those Special Conditions are in effect at the time of the 2016 determination.

States were required to submit Phase II of the State Systemic Improvement Plan (SSIP) by April 1, 2016. OSEP appreciates the State's ongoing work on its SSIP and its efforts to improve results for students with disabilities. We have carefully reviewed your submission and will provide feedback in the upcoming weeks. Additionally, OSEP will continue to work with your State as it develops Phase III of the SSIP, due April 3, 2017.

As a reminder, your State must report annually to the public, by posting on the State educational agency's (SEA's) Web Site, the performance of each local educational agency (LEA) located in the State on the targets in the SPP/APR as soon as practicable, but no later than 120 days after the State's submission of its FFY 2014 SPP/APR. In addition, your State must:

(1) review LEA performance against targets in the State's SPP/APR;

(2) determine if each LEA "meets the requirements" of Part B, or "needs assistance," "needs intervention," or "needs substantial intervention" in implementing Part B of the *IDEA*;

(3) take appropriate enforcement action; and

(4) inform each LEA of its determination.

Further, your State must make its SPP/APR available to the public by posting it on the SEA's Web site. Within the next several days, OSEP will be finalizing a State Profile for your State that:

(1) will be accessible to the public;

(2) includes links to a PDF of the State's SPP/APR, including all of the State's and OSEP's attachments; and

(3) the State may use to make its SPP/APR accessible to the public.

We will provide you with the link to that profile when it is live.

OSEP appreciates the State's efforts to improve results for children and youth with disabilities and looks forward to working with your State over the next year as we continue our important work of improving the lives of children with disabilities and their families. If you have any questions, would like to discuss this further, or want to request technical assistance, please contact Amy Bae, your OSEP State lead, at 202-245-8272.

Sincerely,

Ruth E. Ryder
Acting Director
Office of Special Education Programs

cc: State Director of Special Education