

North Dakota

FFY 2006 – 2007 Annual Performance Report For Special Education



Submitted to the
Office of Special Education Programs
U.S. Department of Education

ND Department of Public Instruction
Office of Special Education
<http://www.dpi.state.nd.us>

Submitted February 1, 2008



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

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Overview of the Annual Performance Report Development:

Throughout the implementation of the ND State Performance Plan (SPP), the SPP has become the focal point in local and statewide communication and is referenced by the ND Department of Public Instruction (NDDPI) special education staff to discuss 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. The SPP is also used to make the connection for parents and educators to the increased expectations from the U. S. Department of Education contained in the Individuals with Disabilities Education Act, 2004 (IDEA 2004) and the No Child Left Behind Act (NCLB). The NDDPI has also revised its strategic plan and the State Education Agency to reflect the 20 indicators of the SPP. Progress in each of these indicators are reported in the Annual Performance Report (APR).

To ensure improvement in the ND special education processes and accountability system, meetings were held with the Office of Special Education Programs and various regional and national technical assistance centers. These centers include the Mountain Plains Regional Resource Center (MPRRC), WESTAT, The National Center for Special Education Accountability Monitoring, The National Early Childhood Technical Assistance Center, The National Association of State Directors of Special Education: The Personnel Center, and the National Secondary Transition Technical Assistance Center. The NDDPI has actively solicited broad stakeholder input on a statewide basis as State staff met periodically during the year to review and update the SPP indicators and activities. Stakeholder groups in North Dakota include the Part B and Part C joint committees of the ND IDEA Advisory Committee and the ND Interagency Coordinating Council; the ND Early Childhood Outcomes Team; the ND RTI State Leadership Team; the ND Transition Steering Council; the Speech and Language Taskforce; the ND Personnel Development Taskforce; the ND Administrators in Special Education Study Council; and the North Dakota Council of Educational Leaders. These stakeholder groups are comprised of members from the ND Department of Human Services (Part C), Developmental Disabilities; ND Parent Training and Information Center; ND Division of Juvenile Services; ND Protection and Advocacy Project; Bureau of Indian Affairs; State Child Welfare Agency; ND Board for Career and Technical Education; Vocational Rehabilitation Agency; ND Job Services; Special Education administrators; the ND Center for Persons with Disabilities, university professors; educators; parents; and students. For example, proposed changes to Indicator 14 were presented to both the ND IDEA Advisory Committee and the Transition Steering Council. At the September 2007 statewide Special Education Leadership Institute data collection for each indicator was reviewed with local special education directors. The ND IDEA Advisory Committee has continuous involvement in revisions and continues to indicate general consensus in support of the ND targets and improvement activities as written in the ND SPP.

The NDDPI sent via email a copy of the final ND SPP and APR to all LEA special education administrators, Pathfinders Family Center office, and IDEA Advisory Committee members. The ND SPP and APR are posted on the North Dakota Department of Public Instruction web site for public viewing at <http://www.dpi.state.nd.us/speced/index.shtml> and <http://www.dpi.state.nd.us/speced/reports.shtml>

During the FFY2006-07, the NDDPI staff revised, based on IDEA 2004, all special education guidelines. The updated guidelines are publicly available on the NDDPI Special Education website: <http://www.dpi.state.nd.us/speced/guide/index.shtml> . The Early Childhood, Autism, and Emotional Disturbances Guidelines were written in partnership with the ND Department of Human Services, IDEA Part C staff and stakeholders. Once guidelines were revised, statewide training began. These trainings continue as necessary. The NDDPI also assisted special education unit administrators in the revisions of district level Policy and Procedure Manuals based on these revised guidelines. Presentations on each of the guidelines and their requirements were also given to various stakeholder groups, state agencies and special education staff. The NDDPI developed training materials that were widely disseminated across the state. Presentations on the topic of the SPP and APR indicators, requirements, and data collection methods continue to be a frequent activity in North Dakota at parent and education forums.

It should be noted that a component of 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

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

North Dakota has presented information related to the NIMAS and NIMAC to state educational leaders, including: The State Special Education Leadership conference for Special Education Directors and Coordinators; The ND Council of Educational Leaders; ND Education Association (NDEA); and a Webcast on the requirements of NIMAS will be presented in February 2008 to a diverse audience through the ND Center for Persons with Disabilities (NDCPD) Webinar Seminar Series.

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Monitoring Priority: FAPE in the LRE

Indicator 1: Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma.

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

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

Table 1.1 Revised Measurable and Rigorous Targets

FFY	Measurable and Rigorous Targets
2006 (2006-2007)	The percentage of youth with IEPs graduating from high school will increase to 70.0 percent
2007 (2007-2008)	The percentage of youth with IEPs graduating from high school will increase to 71.0 percent
2008 (2008-2009)	The percentage of youth with IEPs graduating from high school will increase to 72.0 percent
2009 (2009-2010)	The percentage of youth with IEPs graduating from high school will increase to 73.0 percent
2010 (2010-2011)	The percentage of youth with IEPs graduating from high school will increase to 73.09 percent

Actual Target Data for 2006-2007:

Table 1.2 Graduation Rate of All Students and Students with Disabilities

	Students with Disabilities
# of students with disabilities who graduated	705
# of students with disabilities in the cohort	886
Percent of students with disabilities who graduated	79.57%

The target of 70.0% was met.

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The NDDPI Office of Special Education collects graduation and drop-out data from all North Dakota schools through the Standards and Achievement Unit of NDDPI. Only students who graduate with a high school diploma are considered graduates; all others are considered non-graduates. Non-graduates are then factored into the dropout calculation. Therefore, students in special education who exit with a certificate or age out are factored into the dropout category. Diplomas for students who receive special education services are awarded in the same manner as diplomas are awarded to students without disabilities. ND Century Code 15.1-21002.1 details the following requirement: Before a school district, a non-public high school, or the ND Department of Independent Study issues a diploma to a student, the student must have successfully completed at least 21 units of high school coursework from the minimum curriculum offerings established by Section 15.1-21.02.

As described in the *North Dakota Consolidated State Application Accountability Workbook*,

The Department monitors graduation rates of all students with disabilities, including those students whose graduation rates extend to age 21. The State provides oversight on all services provided to students with disabilities, including the proper conclusion of their services and the bestowal of graduation at a time prescribed within the student's individualized education program.

Given the high educational standards and service schedules set forth within a student's individualized education program and the civil rights granted to students with disabilities to receive the full benefit of these standards and service schedules, it is incumbent on the State to offer every support to schools to provide the full benefit of instruction to all students with disabilities, regardless of the duration of their education. It is likewise incumbent on the State to eliminate any barriers that might impede or otherwise deter schools from properly administering their duties to all students, regardless of disability status. This concern includes the bestowal of a standard graduation on students with disabilities, whose individualized education programs require a high school instruction period that extends beyond the traditional four years. Any policy that places pressures on schools to divert their full attention on the needs of students with disabilities must be reviewed and amended accordingly. (www.dpi.state.nd.us/grants/final%20AYP07.pdf) (p. 55)

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

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

(divided by)

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

Reliability and Validity of the Data

Each year, graduation data are collected from the ND STARS. The graduation status of each student in the graduation cohort is calculated and the assignment of each student to only one district is determined; this information is then reported back to each LEA. Each LEA 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.

Explanation of Progress or Slippage that occurred for FFY 2006 – 2007

As indicated in Table 1.3, the percentage of students with disabilities who graduated has decreased since 2004-05. The 2004-05 graduation rate was based on a statewide graduation cohort model that incorporated student enrollment and dropout data across three years (i.e., sophomore, junior, and senior data) instead of four years which is the model used in FFY2005 and FFY2006.

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

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

Response to OSEP's Concerns

In the FFY2005 SPP/APR Response Table, OSEP indicated that the NDDPI was required to update the FFY2005 graduation rate data and submit the raw data. Tables 1.2 and 1.3 provide the raw numbers used to calculate the graduation rate and Table 1.3 provides the FFY2005 graduation rate based on complete data. Furthermore, to ensure incomplete data are no longer an issue the NDDPI moved the annual school district data submission date to an earlier deadline of November 1.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2006-2007:

Table 1.4 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources
Provide technical assistance to LEAs in collecting quality data and in designing research based interventions.	Summer/Fall 2006	National Dropout Prevention Center
Support the provision of distance education through technology to ensure that students with disabilities have additional options for graduating from high school.	Ongoing	ND Division of Independent Study, ND State University
Statewide dissemination of instructional materials regarding prevention of school bullying.	Spring 2006	Pacer Center, Minneapolis, MN, NDDPI Safe and Drug-Free Schools
Implement a statewide process designed to improve the overall planning of Transition services for high school youth with disabilities.	2006-08	Mountain Plains Regional Resource Center "Transition Outcomes Project" (TOPS)
Collaborate in sharing data and improvement strategies to promote evidence-based practices to increase high school graduation opportunities for adjudicated youth with disabilities	2007-08	ND Division of Juvenile Services, ND Youth Correctional Center
Expand statewide Positive Behavioral Supports (PBS) Collaborative project by adding 10 – 15 school districts/plants per school year. Provide training, coaching, and data collection software to participating districts. Data collection and analysis will be used for school improvement planning.	Ongoing through 2010 as needed, 4 to 6 days of training per year	PBS State Leadership Team; University of Oregon; MPRRC
Improve data collection and reporting in collaboration with general education partners with the NDDPI and with LEAs.	Ongoing	NDDPI Management Information Systems, NDDPI Standards and Achievement, STARS
Complete "Guidelines: Identifying and Serving Children and Youth with Emotional Disturbance". Conduct regional training on these guidelines.	2006	Task Force on Guidelines (Emotional Disturbance); ND Department of Human Services, MPRRC
Support professional development for general education (secondary) on differentiated instruction/strategies.	Ongoing	ND University System Faculty

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Discussion of Improvement Activities Completed

Activities completed (several continue):

- Provided technical assistance to the school districts in collecting quality data and designing research based interventions. Supported research based interventions through discretionary grants to special education units.
- Implementing a statewide process designed to improve the overall planning of Secondary Transition services and evidence based practices for high school youth with disabilities. See Indicator 13 and 14 for further details on transition processes, trainings, and programs.
- To improve timeliness of data submission, the NDDPI implemented procedures in FFY2007 to ensure that all districts annually submit their graduation-related data to the NDDPI by November 1st. NDDPI also has the option to withhold funds if this date is not met.
- Expanded statewide Positive Behavioral Supports (PBS) Collaborative project. Provided training, coaching, and data collection software to participating districts. Data collection and analysis were used for school improvement planning.
- Provided training and implementation of the Special Education Integrated Accountability System for data analyses and improvement planning.
- Developed, provided training, and implemented statewide guidelines for identification and services for students with emotional disturbance.
- Statewide dissemination of instructional materials accessed from the *Technical Assistance Alliance for Parents Center, The Alliance: PACER Center* regarding prevention of school bullying.

FFY2004 served as the baseline year for setting the original targets. However, since then, the graduation rate formula has changed to include drop-out data from four year cohorts, instead of three years. The NDDPI has revised the graduation targets as submitted in the NDSPP submitted February 2007. The original targets were based on the previous metric and data source as described in the *North Dakota Consolidated State Application Accountability Workbook* (www.dpi.state.nd.us/grants/final%20AYP07.pdf) and approved by the US Department of Education. Based on this information, the baseline has been redrawn and the new graduation targets have been changed to 73.09%. The purpose for this revision in special education targets was to establish alignment with the general education graduation rates. It is the desire and intent of the NDDPI Standards and Achievements Unit to again reset the overall graduation rate in the near future. Following the next resetting, the NDDPI will inform OSEP of this amendment to the graduation rate. It is in the best interest of the NDDPI and continuity of coherent policy to maintain unity of graduation rates between the special education and general education. These targets continue to be measurable and rigorous while reflecting an increase in an already-high graduation rate of students with disabilities.

The NDDPI is in the process of unifying general and special education and likewise link the special and general education graduation metric to the approved metric. The director of the NDDPI Standards and Achievements Unit has emphasized that it would be untenable to have the special education graduation rate higher than that of general education and would be contrary to the policy of the unified educational systems effort.

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Overview of the Annual Performance Report Development:

See Indicator 1 for complete overview and stakeholder input.

Monitoring Priority: FAPE in the LRE

Indicator 2: Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school.

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

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

Table 2.1 Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target
2005 (2005-2006)	The percentage of youth with IEPs dropping out of high school will decrease by .97 percent to 14.89 percent.
2006 (2006-2007)	The percentage of youth with IEPs dropping out of high school will decrease by .97 percent to 13.92 percent.
2007 (2007-2008)	The percentage of youth with IEPs dropping out of high school will decrease by .97 percent to 12.95 percent.
2008 (2008-2009)	The percentage of youth with IEPs dropping out of high school will decrease by .97 percent to 11.98 percent.
2009 (2009-2010)	The percentage of youth with IEPs dropping out of high school will decrease by .97 percent to 11.01 percent.
2010 (2010-2011)	The percentage of youth with IEPs dropping out of high school will decrease by .97 percent to 10.04 percent.

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Actual Target Data for 2006-2007

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

	Students w/Disabilities
# of students with disabilities who dropped out	123
# of students with disabilities in the cohort	886
Percent of students with disabilities who dropped out	13.88%

The target of 13.92% was met.

The NDDPI Office of Special Education collects graduation and drop-out data from all North Dakota schools through the Standards and Achievement Unit of NDDPI. Only students who graduate with a high school diploma are considered graduates, students in special education who exit with a certificate or age-out are considered drop-outs. Thus, these students are factored into the drop-out category. Therefore, the actual number of students in special education programs dropping out of high school is less than the number identified in this indicator. The NDDPI staff are researching more reliable and accurate methods to report special education drop-out rates.

The graduation rate is based on a statewide graduation cohort model, which incorporates student enrollment and dropout data across four years (i.e., freshman, sophomore, junior, and senior data). This four-year cohort model reflects the true definition of the four-year cohort model and was made possible due to improved data collection within the STARS.

Reliability and Validity of the Data

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

Explanation of Progress or Slippage that occurred for 2006 – 2007:

As indicated in Table 2.3, the percentage of students with disabilities who dropped out has increased over time. The 2004-05 graduation rate was based on a statewide graduation cohort model that incorporated student enrollment and dropout data across three years (i.e., sophomore, junior, and senior data) instead of four years which is the model used in FFY2005 and FFY2006.

Table 2.3 Percent of Students with Disabilities who Dropped Out – Results Over Time

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

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Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2006-07: NA

Table 2.4 Improvement Activities, Timelines, and Resources.

Activities	Timelines	Resources
Provide technical assistance to LEAs in collecting quality data and in designing research based interventions.	Summer/Fall 2006	National Dropout Prevention Center
Support the provision of distance education through technology to ensure that students with disabilities have additional options for graduating from high school.	Ongoing	ND Division of Independent Study, ND State University
Statewide dissemination of instructional materials regarding prevention of school bullying.	Spring 2006	Pacer Center, Minneapolis, MN
Implement a statewide process designed to improve the overall planning of Transition services for high school youth with disabilities.	2006-08	Mountain Plains Regional Resource Center "Transition Outcomes Project" (TOPS)
Collaborate in sharing data and improvement strategies to promote evidence-based practices to increase high school graduation opportunities for adjudicated youth with disabilities	2007-08	ND Division of Juvenile Services, ND Youth Correctional Center
Expand statewide Positive Behavioral Supports (PBS) Collaborative project by adding 10 – 15 school districts/plants per school year. Provide training, coaching, and data collection software to participating districts. Data collection and analysis will be used for school improvement planning.	Ongoing through 2010 as needed, 4 to 6 days of training per year	PBS State Leadership Team; University of Oregon; MPRRC
Improve data collection and reporting in collaboration with general education partners with the NDDPI and with LEAs.	Ongoing	NDDPI Management Information Systems, NDDPI Standards and Achievement, STARS
Complete "Guidelines: Identifying and Serving Children and Youth with Emotional Disturbance". Conduct regional training on these guidelines.	2006	Task Force on Guidelines (Emotional Disturbance); ND Department of Human Services, MPRRC
Support professional development for general education (secondary) on differentiated instruction/strategies.	Ongoing	ND University System Faculty
New data collection and data amendment deadlines	Ongoing	NDDPI Staff
Review potential of monetary sanctions of due to late data submission	Ongoing	NDDPI Staff
Clearly defining the definition of drop out and graduation	Ongoing	NDDPI Staff

Discussion of Improvement Activities Completed

Activities completed (several continue):

- Provided technical assistance to the school districts in collecting quality data and designing research based interventions. Supported research based interventions through discretionary grants to special education units.

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- Presented information about the SPP/APR target and data to multiple diverse audiences across the state. A primary purpose of these presentations was to increase the awareness of parents and educators about the importance of students with disabilities successfully completing their high school education and attaining meaningful post-school outcomes.
- Implementing a statewide process designed to improve the overall planning of Transition services for high school youth with disabilities. See Indicator 13 and 14 for further details on transition processes, trainings, and programs.
- To improve timeliness of data submission, the NDDPI has implemented procedures in FFY2006 to ensure that all districts submitted their graduation-related data to the NDDPI by November 1st annually.
- Expanded statewide Positive Behavioral Supports (PBS) Collaborative project. Provided training, coaching, and data collection software to participating districts. Data collection and analysis were used for school improvement planning.
- Provided training and implementation of the Special Education Integrated Accountability System for data analyses and improvement planning.
- Developed, provided training, and implemented statewide guidelines for identification and services for students with emotional disturbance.
- Statewide dissemination of instructional materials accessed from the PACER Center regarding prevention of school bullying.

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Overview of the Annual Performance Report Development:

See Indicator 1 for complete overview and stakeholder input.

Monitoring Priority: FAPE in the LRE

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

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

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

Measurement:

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

B. Participation rate =

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

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

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

C. Proficiency rate =

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

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

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

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Table 3.1 Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target
2005 (2005-2006)	a) Percent of districts meeting the State AYP objectives for disability subgroups in reading will be 95.5 percent. Percent of districts meeting the State AYP objectives for disability subgroups in math will be 97.2 percent. b) Participation rate for children with IEPs in a regular assessment in reading will be 95.0 percent and in math will be 95.0 percent. c) The percentage of IEP students that will meet proficiency for reading will be 55 percent. The percentage of IEP students that will meet proficiency for math will be 50 percent.
2006 (2006-2007)	a) Percent of districts meeting the State AYP objectives for disability subgroups in reading will be 96.0 percent. Percent of districts meeting the State AYP objectives for disability subgroups in math will be 97.3 percent. b) Participation rate for children with IEPs in a regular assessment in reading will be 95.0 percent and in math will be 95.0 percent. c) The percentage of IEP students that will meet proficiency for reading will be 57.8 percent. The percentage of IEP students that will meet proficiency for math will be 52.5 percent.
2007 (2007-2008)	a) Percent of districts meeting the State AYP objectives for disability subgroups in reading will be 96.5 percent. Percent of districts meeting the State AYP objectives for disability subgroups in math will be 97.5 percent. b) Participation rate for children with IEPs in a regular assessment in reading will be 95.0 percent and in math will be 95.0 percent. c) The percentage of IEP students that will meet proficiency for reading will be 60 percent. The percentage of IEP students that will meet proficiency for math will be 55 percent.
2008 (2008-2009)	a) Percent of districts meeting the State AYP objectives for disability subgroups in reading will be 97.0 percent. Percent of districts meeting the State AYP objectives for disability subgroups in math will be 97.6 percent. b) Participation rate for children with IEPs in a regular assessment in reading will be 95.0 percent and in math will be 95.0 percent. c) The percentage of IEP students that will meet proficiency for reading will be 62.5 percent. The percentage of IEP students that will meet proficiency for math will be 59 percent.
2009 (2009-2010)	a) Percent of districts meeting the State AYP objectives for disability subgroups in reading will be 98.0%. Percent of districts meeting the State AYP objectives for disability subgroups in math will be 98%. b) Participation rate for children with IEPs in a regular assessment in reading will be 95.0% and in math will be 95.0%. c) The percentage of IEP students that will meet proficiency for reading will be 72.5%. The percentage of IEP students that will meet proficiency for math will be 72.5%.

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Table 3.2 Actual Target Data for 2006–2007

	2006-2007	2006-07 Target	Was Target Met?
A. Percent of Districts Meeting AYP Objective for IEP subgroup*			
Reading	91.3%	96.0%	No
Math	97.4%	97.3%	Yes
B. Participation Rate of students with IEPs			
Reading	97.5%	95.0%	Yes
Math	97.4%	95.0%	Yes
C. Proficiency Rate of students with IEPs			
Reading	61.2%	57.8%	Yes
Math	58.6%	52.5%	Yes

**The targets for 3A were met for math but not for reading.
 The targets for 3B were met for both math and reading.
 The targets for 3C were met for both math and reading.**

The NDDPI has met the targets set for the FFY2006-07 in five of the six categories as described in the following discussion of data. The OSEP verification letter, June 15, 2007, stated that in ND, students with disabilities “show continuous improvement in participation in assessments and in proficiency rates for math and reading assessment.” Current data continue to show these improvements.

For Indicator 3C, 178 out of 195 districts (91.3%) met the AYP Objective for the IEP subgroup for Reading, and 190 out of 195 districts (97.4%) met the AYP Objective for the IEP subgroup for Math.

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

Table 3.3 Participation Rate Details for 2006-2007

	Reading		Math	
	Number	Percent of Total	Number	Percent of Total
a. Total students with IEPs	7336	100.0%	7336	100.0%
b. Took regular assessment with no accommodations	1898	25.87%	1898	25.87%
c. Took regular assessment with accommodations	3975	54.18%	3955	53.91%
d. Took alternate assessment against grade-level achievement standards	0	0.0%	0	0.0%
e. Took alternate assessment against alternate achievement standards	1278	17.42%	1293	17.63%
# in a but not in b, c, d, or e	185	2.52%	190	2.59%
Participation Rate (b+c+d+e)/a	7151	97.48%	7146	97.41%

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Table 3.4 Proficiency Rate Details for 2006-2007

	Reading	Math
a. Total students with IEPs who took test and received a score	7138	7133
b. Took regular assessment with no accommodations and scored proficient	1139	1203
c. Took regular assessment with accommodations and scored proficient	2100	1807
d. Took alternate assessment against grade-level achievement standards and scored proficient	0	0
e. Took alternate assessment against alternate achievement standards and scored proficient	1133	1167
# who did not score proficient	2766	2956
Proficiency Rate (b+c+d+e)/a	61.2%	58.6%

Explanation of Progress or Slippage

As Table 3.5 indicates, the percentage of districts meeting the AYP objective for the IEP subgroup has greatly increased over time.

- For reading, this percentage has increased by about **15** percentage points (from 76.5% to 91.3%).
- For math, this percentage has increased by about **17** percentage points (from 80.4% to 97.4%).

The participation rate of students with IEPs very slightly decreased in 2006-07 but is still above 97%. Results have increased from about 95 percent to over 98 percent. The proficiency rate of IEP students has dramatically increased over time.

- For reading, the proficiency rate has increased by about 35 percentage points (from 24.9% to 61.2%).
- For math, the proficiency rate has increased by almost 45 percentage points (from 12.5% to 58.6%).

Reasons for the increase in proficiency include:

- Teachers and schools providing more access to standards based education in math and reading.
- The NDDPI continues to provide training and technical assistance on state standards and the national requirements to improve educational opportunities for all students, including those in various subgroups.
- Schools are placing more emphasis on the importance of making gains in progress, especially in subgroups and are concentrating efforts and resources to that end.
- Schools are continuing to improve efforts to provide necessary accommodations in education and assessment.

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Table 3.5 Results Over Time

	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007
A. Percent of Districts Meeting AYP Objective for IEP subgroup*					
Reading	76.5%	93.5%	92.4%	93.0%	91.3%
Math	80.4%	84.1%	95.4%	94.2%	97.4%
B. Participation Rate of Students with IEPs					
Reading	98.6%	98.0%	98.6%	98.1%	97.5%
Math	98.3%	97.8%	98.5%	98.1%	97.4%
C. Proficiency Rate of Students with IEPs					
Reading	24.9%	39.7%	48.1%	54.3%	61.2%
Math	12.5%	21.6%	43.0%	50.2%	58.6%

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

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

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

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Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2006-07: NA

Table 3.6 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources
Provide statewide annual training on NDALT including annual technical quality improvements of the assessment.	Yearly each fall	IDEA-B Consultant MPRRC and NAAC
Survey of teachers regarding training needs for instructional strategies linked to the NDALT.	2006 & 2008	State Dept Part B funds
Statewide training as follow-up to needs identified in response surveys.	2007 & 2009	Part B funds State Personnel Consultants
Develop resources and implement trainings to LEA staff on assistive technology and universal design.	Fall 2007	NDDPI staff
ND teachers will gather to create science portions of the NDALT for the fall 2006.	Summer 2006	NDALT Work Committee Consultant MPRRC ND Teachers State Dept
Scoring and evaluation of the validity, reliability, and quality of the NDALT for necessary revisions and electronic updates each year performed by ongoing NDALT committee.	Yearly	NDALT Work Committee Consultant MPRRC ND Teachers State Dept
Prepare and disseminate resources to LEA staff to increase proficiency in assistive technology and universal design use during school-wide assessments.	Ongoing	NDDPI staff
Expand statewide Positive Behavioral Supports (PBS) Collaborative project by adding 10 – 15 school districts/plants per school year. Provide training, coaching, and data collection software to participating districts. Data collection and analysis will be used for school improvement planning.	Ongoing through 2010 as needed, 4 to 6 days of training per year	PBS State Leadership Team; University of Oregon; MPRRC
Provide information, resources, and support for Response to Intervention model and implementation. Revise state guidelines for assessment to include Rtl model and process.	2005 – 06, statewide summits; ongoing	Iowa state staff; Part B Disc. Funds; MPRRC
Support professional development for general education (secondary) on differentiated instruction/strategies.	Ongoing	ND University System Faculty

Discussion of Improvement Activities Completed

- Provide ongoing information, resources, and support for Response to Intervention (Rtl) implementation. State guidelines have been updated to include the Rtl process.
- The NDDPI Office of Special Education in partnership with the NDDPI Title I Office hosts the annual ND Teacher Reading Academies. These academies are four-day long professional development trainings that can help school districts meet the challenges of the No Child Left Behind Act and IDEA 2004. The academies are built on scientifically based reading research and highlight issues such as grouping, monitoring student progress to inform instruction, and providing interventions for struggling readers.
- The NDDPI Office of Special Education in partnership with the NDDPI Title I Office hosts the annual Elementary Math Institute for Struggling Students. This two-day session for elementary grades will share ideas on building a base of mathematical language in the elementary classroom. This includes building math content understanding, instruction on how students learn mathematics, and practical

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methods for achieving these goals.

- The NDDPI staff collaborated with Assistive Technology specialists and Instructional Technology Directors to form the Accessible and Assistive Technology in Education (AATE) workgroup. The workgroup initiated its action plan to provide more information and resources regarding universally designed instruction, the NIMAS, and use of accessible technologies in public school classrooms. During FFY2006-07, the NDDPI presented this information to Special Education Directors and Coordinators at the State Special Education Leadership conference. The NDDPI is in the process of presenting this information to other stakeholders, including general education professionals.
- Teachers from across the state met in the summer of 2007 and wrote test items for the NDAA 2 (ND Alternate Assessment based on modified achievement standards) for the 2007-08 testing cycle. The NDAA 2 is now a web-based multiple choice assessment aligned to modified state achievement standards as required by NCLB.
- The NDAA 1 (for students with severe cognitive disabilities) and the NDAA 2 were placed on secure web-based assessment formats in November of 2007.
- North Dakota is scheduled for peer review through the USDOE for the NDAA 2 in March of 2008.
- Adherence to close alignment to state standards is driving access to and instruction in academic content standards. The NDDPI provides ongoing technical assistance to support that drive.
- The NDDPI continues to strive for valid and reliable alternate assessments which are updated annually to meet the requirements of federal law and to provide for movement in a forward direction the expectations and learning opportunities for all students with cognitive disabilities.
- The NDDPI updated its resource for parents and educators on use of accommodations for students with disabilities in 2007.
- The NDDPI has provided standards-based IEP training and included updated guidance for parents and educators in the *Guidelines: The Special Education Process for North Dakota Schools (2007)*.

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Overview of the Annual Performance Report Development:

See Indicator 1 for complete overview and stakeholder input.

Monitoring Priority: FAPE in the LRE

Indicator 4: Rates of suspension and expulsion:

A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.

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

Measurement:

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

Include State's definition of "significant discrepancy."

Table 4.1 Measurable and Rigorous Target

FFY	Measurable and Rigorous Target
2005 (2005-2006)	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.
2006 (2006-2007)	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
2007 (2007-2008)	The percent of LEAs identified by the NDDPI as having a significant discrepancy in the rate of suspensions and expulsions of children with disabilities for greater than 10 school days in a school year will not exceed 0.97 percent.
2008 (2008-2009)	The percent of LEAs identified by the NDDPI as having a significant discrepancy in the rate of suspensions and expulsions of children with disabilities for greater than 10 school days in a school year will not exceed 0.97 percent.
2009 (2009-2010)	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.
2010 (2010-2011)	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.

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Significant Discrepancy Definition:

The NDDPI uses the following measurement to determine rates of suspensions and expulsions:
 Percent of school districts = number of school districts identified by the NDDPI as having significant discrepancies in the rate of suspensions and expulsions of children with disabilities for greater than 10 days in a school year times 100 divided by the number of school districts in North Dakota times 100. The NDDPI has defined significant discrepancy as: if (a) the number of special education suspensions/expulsions is greater than one and (b) the number of general education suspensions/expulsions is greater than 0, then, if (a) / (b) is greater than 1, then that school district is identified by the NDDPI as having a significant discrepancy in its rates of suspensions and expulsions of children with disabilities.

Actual Target Data for 2006 - 2007:

Table 4.2 Students with Suspension/Expulsion >10 total days

District	Total	GE	SE
District A	1	1	0
District B	1	1	0
District C	1	1	0
District D	5	4	1
District E	1	1	0
District F	10	5	5
District G	1		1
District H	1	1	0
District I	1	1	0
District J	2	2	0
District K	1	1	0
District L	1	1	0
District M	9	5	4
District N	2	2	0
District O	19	11	8
District P	1	1	0
District Q	3	3	0
District R	1	1	0
District S	1	1	0
District T	1	1	0
District U	2	2	0
District V	2	1	1
District W	2	2	0

The target was met.

Table 4.3. Suspension Expulsion Overtime.

2006 - 07	2005 - 06	2004 - 05	2003 - 04	2002 - 03	Students with Suspension / Expulsion >10 total days
76	110	69	34	33	Total Students
59	91	46	28	23	General Education students
26	19	23	6	10	Students with disabilities
34.21%	17.27%	33.33%	17.65%	30.30%	% of children with disabilities

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Figure 4.1 illustrates the suspension rate of children with disabilities as compared to general education students that were at a rate greater than one-to-one ratio as compared to FFY2006-07 data. One school district (0.05 %) was identified as having rates of expulsions of special education greater than regular education students in FFY2006-07. The FFY2005-06 data indicated that 100 percent of the school districts were identified as having rates of expulsions of special education less than or equal to the regular education students.

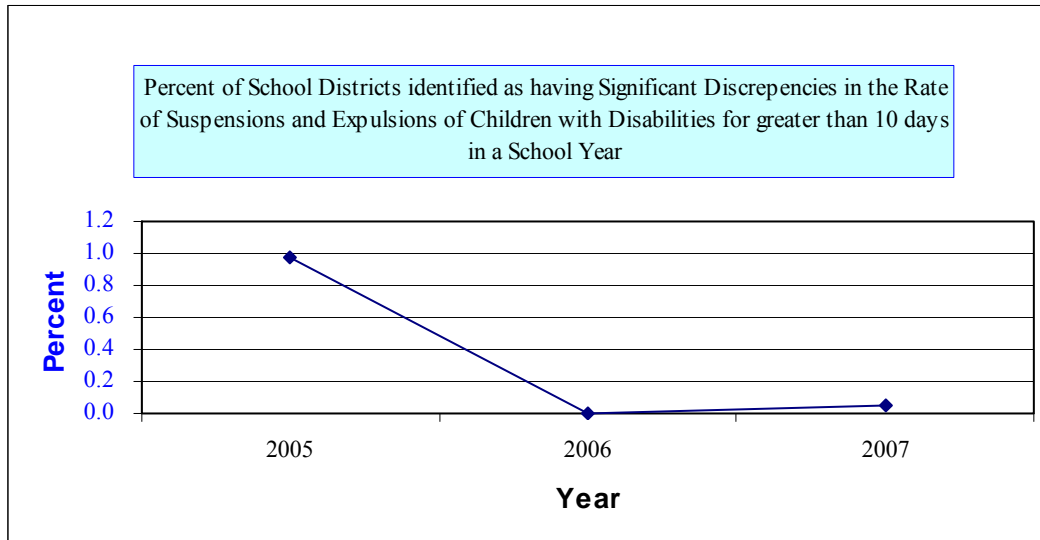


Figure 4.1. Percent of School Districts identified as having significant discrepancies

In cases where school districts are found to have a higher ratio than one-to-one of children with disabilities suspended or expelled as compared to general education students, 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 for 2006 - 2007:

Progress: Based on the target set for the FFY2006-07 (Table 4.1) North Dakota has met the target of not exceeding .97 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.

Table 4.4 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources
Expand statewide Positive Behavioral Supports (PBS) Collaborative project by adding 10 – 15 school districts/plants per school year. Provide training, coaching, and data collection software to participating school districts. Data collection and analysis will be used for school improvement planning. This activity is also designed to address issues identified in Indicators 1 and 2.	Ongoing through 2010 as needed, 4 to 6 days of training per year	PBS State Leadership Team; University of Oregon; MPRRC
Provide information, resources, and support for Response to Intervention model and implementation. Revise state guidelines for assessment to include RtI model and process. This activity is also designed to address issues identified in Indicators 9 and 10.	ongoing	Part B Disc. Funds; MPRRC

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Provide training on statewide guidelines for identification and services for students with emotional disturbance as needed. This activity is also designed to address issues identified in Indicators 9 and 10.	Spring 2007	ED Work Group, MPRRC
Co-host Title I Summer Reading and Math institutes.	Ongoing	Part B Disc. Funds
Provide training and implementation of the Special Education Integrated Accountability System for data analysis and improvement planning. This activity is also designed to address issues identified in all Indicators.	Implement statewide in 2007 - 08	Part B admin. funds;
Support ongoing personnel development projects in collaboration with state university training programs to increase the number of qualified special educators across the state. Support mentoring models (such as Resident Teacher) in pre-service teacher preparation programs. This activity is also designed to address issues identified in Indicators 9 and 10.	Ongoing	SPD Grant; Stipends; scholarships; tuition reimbursements, UND, Minot State University; University of Mary
Review school district policies and procedures for suspensions and expulsions of all schools identified as having suspension and expulsions rates greater than those identified in the state's target matrix. Provide technical assistance where necessary in revising LEA policies and procedures.	Ongoing	SEA Staff
Statewide dissemination of instructional materials regarding prevention of school bullying. This activity is also designed to address issues identified in Indicators 1 and 2.	Spring 2006	Pacer Center, Minneapolis, MN

Activities completed (several continue):

- Provided ongoing information, resources, and support for Response to Intervention (RtI) implementation. Several state guidelines have been updated to include the RtI process.
- Expanded statewide Positive Behavioral Supports (PBS) Collaborative project. Provided training, coaching, and data collection software to participating districts. Data collection and analysis were used for school improvement planning.
- Developed, provided training, and implemented statewide guidelines for identification and services for students with emotional disturbance.
- The NDDPI Office of Special Education in partnership with the NDDPI Title I Office hosts the annual ND Teacher Reading Academies. These academies are four-day long professional development trainings that can help school districts meet the challenges of the No Child Left Behind Act and IDEA 2004. The academies are built on scientifically based reading research and highlight issues such as grouping, monitoring student progress to inform instruction, and providing interventions for struggling readers.
- The NDDPI Office of Special Education in partnership with the NDDPI Title I Office hosts the annual Elementary Math Institute for Struggling Students. This two-day session for elementary grades will share ideas on building a base of mathematical language in the elementary classroom. This includes building math content understanding, instruction on how students learn mathematics, and practical methods for achieving these goals.
- Provided training and implementation of the Special Education Integrated Accountability System for data analyses and improvement planning.
- Supported ongoing personnel development projects in collaboration with state university training programs to increase the number of qualified special educators across the state. Increased support mentoring models (such as Resident Teacher) in preservice teacher preparation programs from two universities to three universities in North Dakota.
- Reviewed school district policies and procedures for suspensions and expulsions of all schools identified as having suspension and expulsions rates greater than those identified in the state's target matrix.
- Statewide dissemination of instructional materials regarding prevention of school bullying.

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Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources
for FFY2006-07: N/A

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Overview of the Annual Performance Report Development:

See Indicator 1 for complete overview and stakeholder input.

Monitoring Priority: FAPE in the LRE

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

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

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

Measurement:

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

Table 5.1 Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target
2005 (2005-2006)	a) 78 percent of children with disabilities will be educated outside the regular classroom less than 21 percent of the day. b) 4 percent will be educated outside the regular classroom more than 60 percent of the day. c) 2 percent will be placed in separate schools, residential schools, or homebound/hospital.
2006 (2006-2007)	a) 78.5 percent of children with disabilities will be educated outside the regular classroom less than 21 percent of the day. b) 3.9 percent will be educated outside the regular classroom more than 60 percent of the day. c) 2 percent will be placed in separate schools, residential schools, or homebound/hospital.
2007 (2007-2008)	a) 79 percent of children with disabilities will be educated outside the regular classroom less than 21 percent of the day. b) 3.8 percent will be educated outside the regular classroom more than 60 percent of the day. c) 2 percent will be placed in separate schools, residential schools, or homebound/hospital.
2008 (2008-2009)	a) 79.5 percent of children with disabilities will be educated outside the regular classroom less than 21 percent of the day. b) 3.7 percent will be educated outside the regular classroom more than 60 percent of the day. c) 2 percent will be placed in separate schools, residential schools, or homebound/hospital.
2009 (2009-2010)	a) 80 percent of children with disabilities will be educated outside the regular classroom less than 21 percent of the day. b) 3.6 percent will be educated outside the regular classroom more than 60 percent of the day. c) 2 percent will be placed in separate schools, residential schools, or homebound/hospital.

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2010 (2010-2011)	a) 80.5 percent of children with disabilities will be educated outside the regular classroom less than 21 percent of the day. b) 3.5 percent will be educated outside the regular classroom more than 60 percent of the day. c) 2 percent will be placed in separate schools, residential schools, or homebound/hospital.
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Table 5.2 Actual Target Data for 2006-07

Year	(a) Removed from regular class less than 21% of the day	(b) Removed from regular class greater than 60% of the day	(c) Served in public or private separate schools, residential placements, or homebound or hospital placements
2006-07	77.83%	3.59%	1.79%

The target for 5a was not met. The targets for 5 b and 5c were met.

Table 5.3 Results for Indicator 5 – Results Over Time

	FFY2004	FFY2005	FFY2006
(a) Removed from regular class less than 21% of the day	77.69	78.62	77.83%
(b) Removed from regular class greater than 60% of the day	4.24	3.94	3.59%
(c) Served in public or private separate schools, residential placements, or homebound or hospital placements	2.33	2.14	1.79%

Based on the targets set for the FFY2006-07 (see Table 5.2) the NDDPI did not meet the target for Indicator 5a of 79 percent of children with disabilities will be educated outside the regular classroom less than 21 percent of the day. However, the NDDPI met the target for both Indicator 5b, *percent of the students with disabilities will be educated outside the regular classroom more than 60 percent of the day*, and Indicator 5c, *percent of students served in public or private separate schools, residential placements, or homebound or hospital placements*.

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

Table 5.4 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources
Expand statewide Positive Behavioral Supports (PBS) Collaborative project by adding 10 – 15 school districts/plants per school year. Provide training, coaching, and data collection software to participating districts. Data collection and analysis will be used for school improvement planning.	Ongoing through 2010 as needed, 4 to 6 days of training per year	PBS State Leadership Team; University of Oregon; MPRRC
Develop resources and implement trainings to LEA staff on assistive technology and universal design.	Fall 2007	NDDPI staff
Provide information, resources, and support for Response to Intervention model and implementation. Revise state guidelines for assessment to include Rtl model and process.	2005 – 06, statewide summits; ongoing	Iowa state staff; Part B Disc. Funds; MPRRC
Develop, provide training, and implement statewide guidelines for identification and services for students with emotional disturbance.	Spring 2006	E.D. Work Group; MPRRC
Co-host NDDPI Title I Summer Reading and Math institutes.	Ongoing	Part B Disc. Funds

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Provide training and implementation of The Special Education Integrated Accountability System for data analysis and improvement planning.	Implement statewide in 2007 -08	Part B admin. funds;
Support ongoing personnel development projects in collaboration with state university training programs to increase the number of qualified special educators across the state. Support mentoring models in preservice teacher preparation programs.	Ongoing	Stipends; scholar-ships; tuition reimbursements; UND; Minot State University; University of Mary
Support professional development for general education (secondary) on differentiated instruction/strategies.	Ongoing	ND University System Faculty

Progress: Based on the targets set for the FFY2006-07 (see Table 5.1) the NDDPI has met the targets for Indicator 5b and 5c. The percent of students with IEPs removed from regular class greater than 60 percent of the day has decreased from 3.94 percent (2005-06) to 3.59 percent (2006-07). Data for 5c also indicate a decrease from 2.14 percent to 1.79 percent.

Slippage: The NDDPI did not meet the target for 5a.

Ongoing Activities:

- Provided ongoing information, resources, and support for Response to Intervention (RtI) implementation. Several state guidelines have been updated to include the RtI process.
- Expanded statewide Positive Behavioral Supports (PBS) Collaborative project. Provided training, coaching, and data collection software to participating districts. Data collection and analysis were used for school improvement planning.
- Developed, provided training, and implemented statewide guidelines for identification and services for students with emotional disturbance.
- The NDDPI Office of Special Education in partnership with the NDDPI Title I Office hosts the annual ND Teacher Reading Academies. These academies are four-day long professional development trainings that can help school districts meet the challenges of the No Child Left Behind Act and IDEA 2004. The academies are built on scientifically based reading research and highlight issues such as grouping, monitoring student progress to inform instruction, and providing interventions for struggling readers.
- The NDDPI Office of Special Education in partnership with the NDDPI Title I Office hosts the annual Elementary Math Institute for Struggling Students. This two-day session for elementary grades will share ideas on building a base of mathematical language in the elementary classroom. This includes building math content understanding, instruction on how students learn mathematics, and practical methods for achieving these goals.
- NDDPI staff collaborated with Assistive Technology specialists and Instructional Technology Directors from LEAs to form the Accessible and Assistive Technology in Education (AATE) workgroup. The workgroup initiated its action plan to provide more information and resources regarding universally designed instruction, NIMAS, and use of accessible technologies in public school classrooms. During FFY2006-07, the NDDPI presented this information to Special education Directors and Coordinators at the state Special Education Leadership conference. The NDDPI is in the process of presenting this information to other stakeholders, including general education professionals.
- Provided training and implementation of the Special Education Integrated Accountability System for data analyses and improvement planning. Developed and implemented consolidated monitoring for improvement that includes all Federal programs.
- Supported ongoing personnel development projects in collaboration with state university training programs to increase the number of qualified special educators across the state. Increased support mentoring models (such as Resident Teacher) in pre-service teacher preparation programs from two universities to three universities.
- Support professional development for general education (secondary) on differentiated instruction/strategies.

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- Statewide dissemination of instructional materials regarding prevention of school bullying.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2006-07: N/A

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Overview of the Annual Performance Report Development:

See Indicator 1 for complete overview and stakeholder input.

Monitoring Priority: FAPE in the LRE

Indicator 6: Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (i.e., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).

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

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

Table 6.1 Measurable and Rigorous Targets for Indicator 6.

FFY	Measurable and Rigorous Target
2006 (2006-2007)	51.5 percent of preschool children with IEPs will receive special education services in settings with typically developing peers.

AS directed by OSEP, Indicator 6 will be reported in the Annual Performance Report submitted February 1, 2009.

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Overview of the Annual Performance Report Development:

See Indicator 1 for complete overview and stakeholder input.

Monitoring Priority: FAPE in the LRE

Indicator 7: Percent of preschool children with IEPs who demonstrate improved:

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

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

Measurement:

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

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

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

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

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

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peers = [(# of preschool children who maintained functioning at a level comparable to same-aged peers) divided by the (# of preschool children with IEPs assessed)] times 100.

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

C. Use of appropriate behaviors to meet their needs:

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

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

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

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Overview of the Annual Performance Report Development:

See Indicator 1 for complete overview and stakeholder input.

Monitoring Priority: FAPE in the LRE

Indicator 8: Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

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

Measurement:

Percent = [(# of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities) divided by the (total # of respondent parents of children with disabilities)] times 100.

Table 8.1 Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target
2005 (2005-2006)	
2006 (2006-2007)	86 percent of parents with a child receiving special education services report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.
2007 (2007-2008)	88 percent of parents with a child receiving special education services report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.
2008 (2008-2009)	90 percent of parents with a child receiving special education services report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.
2009 (2009-2010)	92 percent of parents with a child receiving special education services report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.
2010 (2010-2011)	94 percent of parents with a child receiving special education services report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

Actual Target Data for 2006-07:

The Likert Scale designed for the purpose of this survey used a five points scale: 1 indicates that participant

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Strongly Disagrees with the statement, to 5 which indicates the participant *Strongly Agrees* with the statement.

Table 8.2 Parent Survey Questions

Question	Weighted Average By Question			
	Grades	Count	Mean	Result
I am asked to participate in the development of my child's individualized education program (IEP).	PK - 12	1,117	4.67	97%
I am encouraged to share my knowledge and experience of my child with school personnel.	PK - 12	1,122	4.53	94%
We discussed whether my child could be educated satisfactorily in the regular classroom with appropriate accommodations and modifications.	PK - 12	1,117	4.50	94%
The IEP team encourages me to participate in the IEP decision-making process.	PK - 12	1,115	4.57	95%
I participated in the development of my child's secondary transition IEP plan.	K - 12	261	4.47	96%
Q1-Q5			4.56	95%

The target of 86% was met.

The NDDPI Parent Involvement Survey includes questions pertaining to parent of children in the Pre-Kindergarten and the Kindergarten through Grade 12 levels. The following table displays the data by Pre-Kindergarten and Kindergarten through Grade 12.

Table 8.3 Parent Survey Results Data by Grade Categories

Question:	Grade: PK Only			Grade: K - 12		
	Count:	Mean:	Result:	Count:	Mean:	Result:
I am asked to participate in the development of my child's individualized education program (IEP)	121	4.75	98%	996	4.66	97%
I am encouraged to share my knowledge and experience of my child with school personnel.	121	4.61	94%	1,001	4.52	94%
We discussed whether my child could be educated satisfactorily in the regular classroom with appropriate accommodations and modifications.	121	4.38	88%	996	4.52	95%
The IEP team encourages me to participate in the IEP decision-making process.	121	4.69	98%	994	4.55	95%
I participated in the development of my child's secondary transition IEP plan.	N/A	N/A	N/A	261	4.47	96%
Average:	484	4.61	95%	4248	4.56	95%

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Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2006-07:

Table 8.4 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources
Consultation with Mountain Plains Regional Resource Center.	2007	NDDPI Mountain Plains Regional Resource Center.
Technical Assistance and training to promote parent involvement.	Ongoing	ND Parent Training and Information Center (Pathfinders) Pacer Center, Minneapolis, MN
Distribute parent summary of the SPP with parent survey described and web address included.	Ongoing	NDDPI staff Pathfinders Statewide parent organizations
Support and collaborate with statewide family organizations to increase knowledge and promote parent involvement.	Ongoing	Family Connections Family to Family Network
Prepare and disseminate updated resources and provide trainings to parents regarding alternative dispute resolution processes, including IEP facilitation.	Ongoing	State Parent Involvement Coordinator State Dispute Resolution Coordinator Pathfinders Pacer Center, Minneapolis
Collaborate with ND Pathfinders to update existing documents and develop new materials related to parent involvement.	Ongoing	Pathfinders Pacer Center, Minneapolis, MN

To assist the NDDPI in communicating clearly, especially with parents of children and youth who have disabilities, *Summary of the North Dakota Special Education Annual Performance Report 2005-2006 and State Performance Plan 2005-2010* has been revised to include the FFY2006-07 data updates. This user-friendly document was designed to inform parents and other interested individuals of the current status of the ND indicator results and activities. It is available to the public on the NDDPI website: <http://www.dpi.state.nd.us/speced/resource/parent/summary.pdf>. The Mountain Plains Regional Resource Center highlighted this document in other states as an effective method of ensuring that parents understand the purposes of the SPP and APR.

NDDPI presented information concerning dispute resolution options available through the Office of Special Education and annual dispute resolution data for the FFY2005-06 reporting period to the following audiences:

- IDEA Advisory Committee
- ND Parent Training and Information Center Conference in April 2007
- Presented at the ND Family Connections Conference in June 2007. The NDDPI teamed with the ND Protection and Advocacy Project, ND Parent Training and Information Center, a special education unit director, and a parent to present on *Developing and Maintaining Strong Partnerships between Families and Schools*.

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Response to OSEP's Concern:

In the FFY 2006 APR, due February 1, 2008, the State must demonstrate that the response group is representative of the State.

Data for the FFY2006-07 did not clearly demonstrate that the response group had statewide representation. This is due primarily to the parent involvement survey being dependent on voluntary participation. However, NDDPI staff have had several conversations with special education unit administrators as well as sent reminders to administrators to promote parent participation, presented information and the web address at multiple statewide trainings and presentations, and included a description and the web address in the parent SPP/APR summary document. The NDDPI staff continues to work with parent stakeholder groups in an effort to increase participation in all schools and by all parents. Through these combined activities and increased participation, statewide representation will be achieved.

The NDDPI staff also updated all special education guidelines and offered statewide trainings on each. A copy *Parental Rights for Public School Students Receiving Special Education and Related Services: Notice of Procedural Safeguards* guidance document and an audio version can be found two separate locations on the NDDPI website: <http://www.dpi.state.nd.us/speced/resource/parent/index.shtm> or at <http://www.dpi.state.nd.us/speced/guide/guidance/index.shtm>

The activities related to this indicator are ongoing. The NDDPI staff continues to support and collaborate with statewide family organizations to increase knowledge and promote parent involvement. The NDDPI special education dispute resolution staff also continues to prepare and disseminate updated resources and provide trainings to parents regarding alternative dispute resolution processes, including IEP facilitation.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2006-07:

The NDDPI has strengthened the collaboration with ND Parent Training and Information Center (Pathfinders) in updating existing documents, developing new materials related to parent involvement, and in the new annual conference partnership. After several meetings, stakeholder input, and careful consideration, the NDDPI and the Department of Human Services (NDDHS) have discontinued the annual Family Connections conference and will use these funds to create a collaborative annual conference with the Pathfinders, North Dakota's official Parent Training and Information Center.

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Overview of the Annual Performance Report Development:

See Indicator 1 for complete overview and stakeholder input.

Monitoring Priority: Disproportionality

Indicator 9: Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

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

Measurement:

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

Include State's definition of "disproportionate representation."

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

Table 9.1 Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target
2005 (2005-2006)	
2006 (2006-2007)	School districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification will be 0 percent.
2007 (2007-2008)	School districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification will be 0 percent.
2008 (2008-2009)	School districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification will be 0 percent.
2009 (2009-2010)	School districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification will be 0 percent.
2010 (2010-2011)	School districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification will be 0 percent.

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

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Actual Target Data for FFY2006-07:

Table 9.2 Disproportionate Representation: Over and Under FFY2006

	Risk ratio cutoffs	# of Districts	% of Districts
Overrepresentation	3.00	1 District (3.02)	0.5%
Under-representation	0.5	0	0.0%
Total		1	0.5%

The target of 0% was not met.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2006-07:

Under-representation:

The FFY2006-07 data, using the cutoff point of 0.5, did not indicate disproportionate under-representation in any of North Dakota's school districts.

Overrepresentation:

The FFY2006-07 data indicated that one district (0.5%) required notification of potential disproportionate overrepresentation. Using the cutoff point of 3.00, the district results indicated a ratio of 3.02. This school district received a letter from NDDPI with directions detailing the requirements expected. In accordance with regulations, the state will:

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

Together with technical assistance offered from the NDDPI staff, the NDDPI is also contracting 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.

Follow-up Activities

Please see Indicator 10 for a detailed description of follow-up activities for both indicators related to disproportionate representation. In April 2008, the NDDPI Special Education Monitoring Coordinator spent two days in Salt Lake City at a Mountain Plains Regional Resource Center meeting on Disproportionate Representation. Participants included special education staff from each state in the region, and presenters from the Office of Special Education Programs (OSEP), the National Center on Response to Intervention, South Central Collaboration for Equity, West Regional Equity Network, and the Mountain Plains Regional Resource Center. During this meeting, participants discussed issues and shared strategies related to Indicators 9 and 10. The NDDPI staff will use the information shared during these two days to increase intervention and follow-up activities for Indicators 9 and 10 and other related indicators.

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Table 9.3 Improvement Activities/Timelines/Resources for Indicator 9.

Activities	Timelines	Resources
Obtain and disseminate materials on disproportionate representation from the NCCRESt and disseminate to the field. This activity is also designed to address issues identified in Indicator 10.	Ongoing	NDDPI staff NCCRESt
Provide information and technical assistance to school districts that demonstrate a significant discrepancy. This activity is also designed to address issues identified in Indicator 10.	Ongoing	NDDPI staff
Provide information, resources, and support for Response to Intervention model and implementation. Revise state guidelines for assessment to include Rtl model and process. This activity is also designed to address issues identified in Indicators 4 and 10.	ongoing	Part B Disc. Funds; MPRRC
Provide training on statewide guidelines for identification and services for students with emotional disturbance as needed. This activity is also designed to address issues identified in Indicators 4 and 10.	Spring 2007	ED Work Group, MPRRC
Provide training and implementation of the Special Education Integrated Accountability System for data analysis and improvement planning. This activity is also designed to address issues identified in all Indicators.	Implement statewide in 2007 - 08	Part B admin. funds;
Support ongoing personnel development projects in collaboration with state university training programs to increase the number of qualified special educators across the state. Support mentoring models (such as Resident Teacher) in pre-service teacher preparation programs. This activity is also designed to address issues identified in Indicators 4 and 10.	Ongoing	SPD Grant; Stipends; scholarships; tuition reimbursements, UND, Minot State University; University of Mary
Review school district policies and procedures of all schools identified as having rates greater than those identified in the state's target matrix. Provide technical assistance where necessary in revising LEA policies and procedures. This activity is also designed to address issues identified in Indicator 10.	Ongoing	NDDPI Staff
The NDDPI participates in the newly formed workgroup within the MPRRC region to address concerns related to disproportionate representation. A member of the NDDPI staff will participate in a regional meeting on this topic in April, 2008. Information from this meeting will be shared with stakeholders, including the ND IDEA Advisory Committee and local education agency administrators.	Ongoing	NDDPI Staff MPRRC

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2006-07:

The NDSPP described a decreasing cut-off point each year, increasing the stringency of this indicator and Indicator 10. After lengthy review of these indicators and the technical assistance from MPRRC, it was decided that this constantly changing cut-off point created a situation of "aiming at a moving target." The NDDPI has chosen to maintain a consistent cut-off point of 3.0 for disproportionate representation. With a constant cut-off point, annual district results can be compared and improvements toward these indicators can be reported accurately.

To protect the anonymity of the students in the small districts in ND, the NDDPI has chosen to increase the N size used for this indicator from two to 10. The NDDPI has chosen to review all cases but report only those districts with minimally ten students in a subcategory of special education.

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Overview of the Annual Performance Report Development:

See Indicator 1 for complete overview and stakeholder input.

Monitoring Priority: Disproportionality

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

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

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

Include State's definition of "disproportionate representation."

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

Table 10.1 Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target
2005 (2005-2006)	
2006 (2006-2007)	School districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification will be 0 percent.
2007 (2007-2008)	School districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification will be 0 percent.
2008 (2008-2009)	School districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification will be 0 percent.
2009 (2009-2010)	School districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification will be 0 percent.
2010 (2010-2011)	School districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification will be 0 percent.

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

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Actual Target Data for 2006-07:

Table 10.2 Disproportionate Representation: Over and Under FFY2006

	Risk ratio cutoffs	# of Districts	% of Districts
Overrepresentation	3.00	0	0.0%
Under-representation	0.05	0	0.0%
Total		0	0.0%

The target of 0% was not met.

Under-representation:

The FFY2006-07 data, using the cutoff point of 0.5, did not indicate disproportionate under-representation in any of North Dakota's school districts.

Overrepresentation:

The FFY2006-07 data indicated that one district required notification of potential disproportionate overrepresentation. Using the cutoff point of 3.00, the data results for this district indicated a ratio of 3.97. However, after conducting a thorough review of the identification process implemented for each of these students, it was determined that all students identified with learning disabilities and who were Native American were identified appropriately. Details of how NDDPI determined appropriate identification are located in the *Follow-up* section of this indicator.

Table 10.3 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources
Obtain and disseminate materials on disproportionate representation from the NCCRESt and disseminate to the field. This activity is also designed to address issues identified in Indicator 9.	Ongoing	NDDPI staff NCCRESt
Provide information and technical assistance to school districts that demonstrate a significant discrepancy. This activity is also designed to address issues identified in Indicator 9.	Ongoing	NDDPI staff
Provide information, resources, and support for Response to Intervention model and implementation. Revise state guidelines for assessment to include Rtl model and process. This activity is also designed to address issues identified in Indicators 4 and 9.	ongoing	Part B Disc. Funds; MPRRC
Provide training on statewide guidelines for identification and services for students with emotional disturbance as needed. This activity is also designed to address issues identified in Indicators 4 and 9.	Spring 2007	ED Work Group, MPRRC
Provide training and implementation of the Special Education Integrated Accountability System for data analysis and improvement planning. This activity is also designed to address issues identified in all Indicators.	Implement statewide in 2007 - 08	Part B admin. funds;
Support ongoing personnel development projects in collaboration with state university training programs to increase the number of qualified special educators across the state. Support mentoring models (such as Resident Teacher) in pre-service teacher preparation programs. This activity is also designed to address issues identified in Indicators 4 and 9.	Ongoing	SPD Grant; Stipends; scholarships; tuition reimbursements, UND, Minot State University; University of Mary

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Review school district policies and procedures of all schools identified as having rates greater than those identified in the state's target matrix. Provide technical assistance where necessary in revising LEA policies and procedures. This activity is also designed to address issues identified in Indicator 9.	Ongoing	NDDPI Staff
The NDDPI participates in the newly formed workgroup within the MPRRC region to address concerns related to disproportionate representation. A member of the NDDPI staff will participate in a regional meeting on this topic in April, 2008. Information from this meeting will be shared with stakeholders, including the ND IDEA Advisory Committee and local education agency administrators.	Ongoing	NDDPI Staff MPRRC

Based on FFY2005-06 and FFY2006-07 data, one district has been identified as potentially having disproportionate representation. The school district identified as potentially having disproportionate representation based on race and ethnicity with respect to the identification of children with disabilities, has received a letter of notification of this noncompliance. The state will:

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

The NDDPI staff have contacted the director of special education for that district to offer additional information and to offer technical assistance where required or necessary.

Together with technical assistance offered from the NDDPI staff, the NDDPI has contracted with a consultant who offered technical assistance to the district in determining if the disproportionate representation was a result of inappropriate identification of students requiring special education services. The NDDPI staff monitored this review. It was determined the disproportionate representation was not caused by inappropriate identification.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2006-07:

Each of the districts identified in the FFY 2005-06 were reviewed further and of the districts identified as having potential disproportionate representation, the five districts were required to review their policy and procedures pertaining to identification and disproportionate overrepresentation. These districts did not have disproportionate representation; therefore, policy review and revisions where necessary were considered sufficient corrective actions. After careful review of the data one year later, all but one district identified last year has corrected this noncompliance. The districts that corrected the disproportionate representation have received a letter informing them that based on the current data these issues have been corrected in a timely manner.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2006-07:

The NDSPP described a decreasing cut-off point each year, increasing the stringency of this indicator and Indicator 10. After lengthy review of these indicators and technical assistance from the Mountain Plains Regional Resource Center, it was decided that this constantly changing cut-off point created a situation of "aiming at a moving target." The NDDPI has chosen to maintain a consistent cut-off point of 3.0 for disproportionate representation. With a constant cut-off point, annual district results can be compared and improvements toward these indicators can be reported accurately.

To protect the anonymity of the students in the small districts in ND, the NDDPI has chosen to increase the N size used for this indicator from two to ten. The NDDPI has chosen to review all cases but report those districts with more than ten students in a subcategory of special education.

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Follow-up Activities

Once data indicate a potential disproportionate representation in a district, a step-by-step process begins to identify whether or not this has been caused by inappropriate identification for special education services. This process is in place for both Indicator 9 and ten, as both are based on potential disproportionality.

The first step is a letter of notification describing the possible non-compliance to each of the district and local special education administrators. This letter details the specific requirements of this indicator, the state threshold, and the district data. The second step is a conversation with the district and local special education administrators to answer questions and explain the final step required in this process.

The third step in reviewing the data and identifying if disproportionality was caused by inappropriate identification is a review of the identification process conducted for each of the students in the identified race/ethnicity group. The NDDPI has contracted with professor in the field of special education who meets with the district administrators and reviews a detailed analysis that the district completed on the identified students prior to this meeting. The analysis is conducted on each of the identified students and addressed date of referral for a special education evaluation, school attended, school administrator, classroom teacher, building level support team documentation, a review of the original student profile and current student profile, a review of the original integrated assessment report and most current integrated assessment report, and assessments used in the initial evaluation. A discussion then occurs regarding the results of this analysis for each of the students with a conclusion drawn on whether or not the student had been appropriately identified as a student with the disability as documented. During the course of the discussion, a plan of action is started and, at the conclusion of the meeting the plan of action is finalized. The plan of action addresses issues related to disproportionality, but also other areas that emerge related to the evaluation process during the discussion of each identified student.

The results of this follow-up activity indicate whether the district identified with potential disproportionate representation has appropriately identified each of their students. If the answer is yes, this district has met the requirements of this indicator.

Web-based Case Management System as a Follow-up Activity: The NDDPI Statewide Web-based Special Education Case Management System, scheduled to begin statewide implementation in the fall of 2008, will significantly enhance local and state administrators' ability to monitor for compliance to assure that all students have been appropriately identified before receiving special education services, thus reducing disproportionate representation. As part of this system, key questions will address components within Indicators 9 and 10 including components of the review process described in Step Three. These components include a review of the original student profile and current student profile, a review of the original integrated assessment report and most current integrated assessment report, and the assessments used in the initial evaluation.

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Overview of the Annual Performance Report Development:

See Indicator 1 for complete overview and stakeholder input.

Monitoring Priority: Effective General Supervision Part B / Child Find

Indicator 11: Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State established timeline).

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

Measurement:

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

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

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

Table 11.1 Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target
2005 (2005-2006)	
2006 (2006-2007)	100 percent of children with parental consent to evaluate are evaluated within 60 days.
2007 (2007-2008)	100 percent of children with parental consent to evaluate are evaluated within 60 days.
2008 (2008-2009)	100 percent of children with parental consent to evaluate are evaluated within 60 days.
2009 (2009-2010)	100 percent of children with parental consent to evaluate are evaluated within 60 days.
2010 (2010-2011)	100 percent of children with parental consent to evaluate are evaluated within 60 days.

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Actual Target Data for 2006-07

Table 11.2 Initial Evaluation Data Collected between July 1 and June 30, 2007

	FFY2006-07
(a) Total # of children with parental consent	3608
(b) Total # of children determined not eligible within 60 days	753
(c) Total # of children determined eligible within 60 days	2575
Total # of children whose evaluation occurred past 60 day timeline	129
Percent who met the indicator	95.7%

Note: Please see Appendix B to review complete data for this indicator.

Table 11.2 Initial Evaluation Data Collected – Results Over Time

	FFY2005-06	FFY2006-07
(a) Total # of children with parental consent	1424	3608
(b) Total # of children determined not eligible within 60 days	268	753
(c) Total # of children determined eligible within 60 days	998	2575
Total # of children whose evaluation occurred past 60 day timeline	158	129
Percent who met the indicator	88.09%	95.7%

Discussion of FFY2006-2007 Data:

The data indicate that once approved exceptions were factored in, 95.7 percent of children with parental consent to evaluate were evaluated within 60 days. The NDDPI baseline was 88.09 percent. The FFY2006-07 data indicate a 7.61 percent increase from the previous year (Table 11.2). The reported percentage for the FFY2006-07 takes into consideration the following OSEP approved exceptions:

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

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

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

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

Exceptions were identified on the spreadsheets from each district as: rescheduled meetings due to parental conflicts, student health related issues, parents denied services, parent withdrew consent, family moved, parent request to delay evaluation, parent delayed meetings, student died, family death delayed meeting, and difficulties contacting parents.

The FFY2006-07 data indicate that 50 school districts of 198 districts had less than 100% compliance with the 60 day timeline. These school districts were notified of the noncompliance through a letter from the NDDPI. This letter informs the school districts of the necessity to meet the requirements of this indicator, the corrective action required, and timelines. The letter also informs the school district of the availability of

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technical assistance, if desired or necessary.

Follow-up Activities

The FFY2005-06 data reported in the 2007 submission of the NDSPP indicated that 16 school districts reported one or more evaluations that exceeded the 60-day timeline without an approved reason. Fourteen districts each had four or less evaluations that exceeded the required 60-day timeline. Follow-up activities for these districts first included a review of data to ensure data were reported accurately. Once this review was completed, technical assistance was offered to each of the districts that did not achieve 100% compliance at a conference for administrators sponsored by the NDDPI.

The data from two districts indicated that each district had between five and ten evaluations that exceeded the 60-day timeline. Both of these districts received letters of notification detailing the results of the data submitted and the requirements of Indicator 11. The local special education directors of both districts were then contacted and a review of data was conducted to ensure data were reported accurately. Once this data review was completed, individual cases were reviewed at the state level and with the local administrators and discussed for clarity. Technical assistance was given to support these districts in accurate data collection and reporting. Additional technical assistance was offered through the annual special education leadership conference. Documents and training materials to be used by local special education directors are also provided to local administrators for training purposes. Both school districts provided additional staff trainings to create an increased understanding of the compliance issues related to the 60-day timeline.

Web-based Case Management System as a Follow-up Activity: The NDDPI Statewide Web-based Special Education Case Management System, scheduled to begin statewide implementation in the fall of 2008, will significantly enhance the local and state administrators' ability to monitor for compliance to assure that all evaluations will occur within the 60-day timeframe. As part of this system, key questions will address components within Indicator 16, e.g. date of parent consent, evaluation process and timelines, if the evaluation was delayed, and what were the reasons for delay.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2006-2007:

Table 11.3 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources
Clarification about specific data to be collected and provide technical assistance to LEAs in collecting quality data	06-07 school year	NDDPI Coordinator
Clarification that this is initial evaluation data, including preschool students.	06-07 school year	NDDPI Coordinator
Continued technical assistance on the use of the Excel spreadsheet	06-07 school year	NDDPI Coordinator
Communication and technical assistance with units when areas in need of improvement were identified	06-07 school year	NDDPI Coordinator
Revise the Excel spreadsheet based on suggestions from local units.	06-07 school year	NDDPI Coordinator
Disseminate and provide training for revised guideline documents including Evaluations, SLD, and IEP.	Ongoing	NDDPI Staff
Review school district policies and procedures of all schools identified as having evaluations exceeding the 60 day timelines. Provide technical assistance where necessary in revising LEA policies and procedures.	Ongoing	NDDPI Staff

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Review improvement plans specific to this indicator as required.	Ongoing	NDDPI Staff
Support ongoing personnel development projects in collaboration with state university training programs to increase the number of qualified special educators across the state. Support mentoring models (such as Resident Teacher) in pre-service teacher preparation programs. This activity is also designed to address issues identified in Indicators 4, 9 and 10.	Ongoing	SPD Grant; Stipends; scholarships; tuition reimbursements, UND, Minot State University; University of Mary
Provide information, resources, and support for Response to Intervention model and implementation. Revise state guidelines for assessment to include RtI model and process. This activity is also designed to address issues identified in Indicators 4, 9 and 10.	Ongoing	Part B Disc. Funds; MPRRC
Provide training and implementation of the Special Education Integrated Accountability System for data analysis and improvement planning. This activity is also designed to address issues identified in all Indicators.	Implement statewide in 2007 – 08. Follow-up in 2008 through 2010	Part B admin. funds;
Consider incorporating additional state approved exceptions to the 60 day timeline into state guidelines.	FFY2007-8	NDDPI Staff,
Piloting of the Statewide Special Education Web-based Case Management System (Spring 2008) with full implementation Fall 2008.	FFY2007	NDDPI Staff, District Administrators.

Several activities for this indicator were described as ongoing. Progress has been indicated through ND statewide data. To ensure continued progress, the NDDPI staff will continue offering those activities. The inconsistencies that were identified in the baseline data collected in FFY2005-06 were corrected through improved data collection procedures.

State special education guidelines have been updated based on IDEA 2004. Since the completion of these guidelines, several presentations and trainings have occurred. Training and technical assistance were provided throughout the FFY2006-07 to ensure that special education unit administrators understood appropriate reporting procedures required for this indicator. Special education unit administrators then provided training within their districts ensuring that all case managers were aware of the 60 day timeline. Based on field input and OSEP guidance, the spreadsheet used to collect these data and the collection period was revised to clarify the process and meet regulations. Progress can be attributed to increased training and assistance in meeting the 60 day timeline as well as better data collection practices.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2006-07:

Technical assistance at the state level was provided to districts that did not meet the 60 day timeline. Improvement activities include increased awareness of the 60 day timeline through letters notifying districts of this noncompliance requiring a review of district policies and procedures. Statewide improvement activities also included the development of district level strategies to ensure the 60 day timeline is met and the exploration of additional appropriate exceptions to the 60 day timeline to be included in state policy.

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Overview of the Annual Performance Report Development:

See Indicator 1 for complete overview and stakeholder input.

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 12: Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.(20 U.S.C. 1416(a)(3)(B))

Measurement:

- a. # of children who have been served in Part C and referred to Part B for eligibility determination.
- b. # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays.
- c. # of those found eligible who have an IEP developed and implemented by their third birthdays.
- d. # of children for whom parent refusal to provide consent caused delays in evaluation or initial services.

Account for children included in a but not included in b, c or d. Indicate the range of days beyond the third birthday when eligibility was determined and the IEP developed and the reasons for the delays.

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

Table 12.1 Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target
2005 (2005-2006)	Initial targets will be established by Summer 2007 through data gathered from Part C and Part B in addition to school district internal monitoring data
2006 (2006-2007)	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.
2007 (2007-2008)	100 percent of children referred by Part C prior to age 3, and who are found eligible for Part B, will have an IEP developed and implemented by their third birthday.
2008 (2008-2009)	100 percent of children referred by Part C prior to age 3, and who are found eligible for Part B, will have an IEP developed and implemented by their third birthday.
2009 (2009-2010)	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.
2010 (2010-2011)	100 percent of children referred by Part C prior to age 3, and who are found eligible for Part B, will have an IEP developed and implemented by their third birthday.

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

	FFY2006
a. # of children served in Part C and referred to Part B	393
b. # found not eligible and whose eligibility was determined prior to third birthday	134
c. # of those found eligible who have an IEP developed and implemented by their third birthdays	191
d. # for whom parent refusals to provide consent caused delays in evaluation or initial services	47
# in a but not in b, c, or d	21
Percent who met the indicator	90.09%

The target of 100% was not met.

The number of days delayed ranged from 1 to 150 days; seven, or one-third, of the delays were less than 11 days. The number of districts that had a less than 100% compliance rate was nine. Table 12.3 lists these districts and their compliance rates. As displayed on Table 12.3, for all but one district, the noncompliance rate was due to fewer than four children having a late IEP.

Table 12.3 Districts that Did Not Meet the Indicator and Their Compliance Rate

District	Number of children in c/number of children in (a-b-d)	# in a, not in b, c, d (i.e., # of children for who IEP was delayed)	Percent of children referred by Part C prior to age 3, and who were found eligible for Part B, had an IEP developed and implemented by their third birthday.
District A	0/(1-0-0)	1	0.0%
District B	0/(1-0-0)	1	0.0%
District C	0/(1-0-0)	1	0.0%
District D	0/(2-0-0)	1	0.0%
District E	9/(52-25-7)	11	45.0%
District F	3/(8-3-1)	1	75.0%
District G	3/(8-3-1)	1	75.0%
District H	11/(20-3-3)	3	78.6%
District I	17/(32-9-5)	1	94.4%

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Description of Revised Process:

The Department of Human Services (NDDHS) collects and compiles early childhood data. Previously the NDDPI and NDDHS were unable to develop a system that could share these data. In the spring of 2007, a partnership between the NDDHS and NDDPI was developed and system of data-sharing became possible.

The NDDHS sent, electronically, three spreadsheets containing the required data for all children transitioning from Part C services for the FFY2004-05, 2005-06, and 2006-07. Information on each spreadsheet was then compared to the appropriate year's Child Count data contained in the NDDPI State Automated Reporting System (STARS). Once the NDDPI staff completed this analysis, data were then disaggregated based on the school district of each child. Individual school district spreadsheets were then developed. Each spreadsheet included questions on the date of eligibility, date of the development and implementation of the IEP, number of days the IEP was delayed past the child's third birthday (if applicable), and the reason for delay. These spreadsheets were sent to the appropriate local special education administrator to complete and return to the NDDPI.

In cases when the local special education unit administrators reported that individual children were not found within their units, a NDDPI staff member conducted follow-up telephone calls to locate and collect transition data on each of the children in question. This ensured that all children were accounted for during and after transitioning from Part C to Part B services.

Through this system of data sharing, the NDDPI has collected the necessary data and has calculated the percentage of children found eligible for preschool special education services who received services by their third birthday for the FFY2004-05, 2005-06, and 2006-07.

As scheduled beginning Fall 2008, this data will be collected through the ND Statewide Web-based Case Management System. However, until this system is fully operational, the partnership between NDDHS, NDDPI, and the local special education unit administrators offers a successful method to collect the necessary data.

The NDDPI has developed and publicly posted the district level North Dakota *Special Education Performance Reports* within which state and district percentages for this indicator are presented. Indicator 12 data from the FFY2004-05 was also used in the Levels of Determination calculations.

Reliability and Validity of the Data

Each year, data relevant to children transitioning from Part C to Part B are collected from the NDDHS. A comparison of Part C data and Part B data is made and the assignment of each student to only one district is determined. This information and a questionnaire are sent to each of the appropriate local special education unit administrators. Each director then reviews and validates each student's status and assignment to ensure valid and reliable reporting and completes the questionnaire. Using this method ensures that every child is counted, that children are not counted more than once, and that their eligibility and IEP status is accurate.

Explanation of Progress or Slippage that occurred for FFY2006-07

As indicated in Table 12.4, the percentage of children the NDDPI found eligible for Part B and have an IEP developed by their third birthday decreased from FFY2004 to FFY2006. However, the most likely explanation for this is due to more accurate and thorough tracking in FFY2006 than previous years. Now that NDDPI has an accurate tracking system in place, ensuring compliance with this indicator will continue to be an area of focus.

It should be noted that Table 12.4 was initially displayed containing only the data directly related to children evaluated at the time of transference from Part C to Part B. The table did not include those children who were not found eligible before the transfer process began. To reduce confusion when comparing Part C data to Part B data, it was decided to repost this report including all transfer data received from the NDDHI, Part C.

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Table 12.4 Percent of children referred by Part C who are found eligible for Part B and have an IEP developed by their third birthday -- Results Over Time

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

The LEAs with issues of noncompliance in FFY2005 and FFY2006 were notified and required to ensure that all future children would have eligibility determined by their third birthday. The NDDPI corrective action trainings are described in the following section *Compliance Related Process and Training*. The number of LEAs identified for noncompliance in FFY2005 that are now in compliance is indicated in Table 12.5.

Table 12.5 Percent of LEAs who corrected noncompliance – Results Over Time

	FFY2005
# of LEAs out of compliance	8
# of LEAs who corrected compliance within one year	6
% of LEAs who corrected compliance within one year	75%

The two districts that did not meet the 100% compliance expectation in FFY2005 were late in developing the IEP for only 1-3 children. The NDDPI will do further follow-up with

Follow-up Activities

As a follow-up to the initial Guideline training, during May 2007, the NDDPI and NDDHS conducted regional meetings to: 1) celebrate what is working well for regions regarding the early childhood transition process and Guidelines, 2) discuss how the NDDPI and NDDHS can assist in areas that are remaining a challenge in implementation of the early childhood transition process, and 3) discuss how the Guidelines have been used in each location. Participants discussed progress relating to the “Team Action Plans” and gave input as to how the new Guideline, *Understanding Early Childhood Transition: A Guide for Families and Professionals*, has improved the early childhood transition process. Input from this meeting was collected and used for statewide transition planning and monitoring by NDDPI and NDDHS.

As part of the compliance-related process, in the September and October trainings on the *Guideline - Understanding Early Childhood Transition: A Guide for Families and Professionals*, regional teams developed “Team Action Plans” to determine “Our Vision – Where we want to be in one Year”. Follow-up activities for the two districts identified for noncompliance in this indicator included discussions that focused

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on: a review of accurate data collection and reporting; the transition from Part C to Part B process; identification of changes needed in the transition process; the action steps needed to accomplish these changes; and suggested timelines to complete the action steps. During this process, districts identified also reviewed policies, procedures, and practices related to this indicator.

Web-based Case Management System as a Follow-up Activity: The NDDPI Statewide Web-based Special Education Case Management System, scheduled to begin statewide implementation in the fall of 2008, will significantly enhance local and state administrators' ability to monitor for compliance to assure that all children who are referred from Part C and found eligible for Part B will have an IEP written and implemented by age 3. As part of this system, key questions will address components within Indicator 12, e.g. is this child transitioning from Part C services, date of initial IEP, if IEP was delayed, what were the reasons for delay.

Compliance Related Process and Training

As part of the compliance-related process, in the September and October trainings on the Guideline - *Understanding Early Childhood Transition: A Guide for Families and Professionals*, regional teams developed "Team Action Plans" to determine "Our Vision – Where we want to be in one Year". This plan included discussions focused on: transition activities that the teams currently had in place; identification of change needed in the transition process; and the action steps needed to accomplish these changes. Also included in the steps were the individuals who needed to be involved in implementing the changes and suggested timelines to complete the action steps. As a follow up to the initial Guideline training, during May 2007, the NDDPI and NDDHS conducted regional meetings to: 1) celebrate what is working well for regions regarding the early childhood transition process and Guidelines, 2) discuss how the NDDPI and NDDHS can assist in areas that are remaining a challenge in implementation of the early childhood transition process, and 3) discuss how the Guidelines have been used in each location. Participants discussed progress relating to the "Team Action Plans" and gave input as to how the new Guideline has improved the early childhood transition process. Input from these meeting was collected and used for statewide transition planning and monitoring by NDDPI and NDDHS.

Furthermore, during the initial training and the May follow up meeting, the requirement of a child having an IEP or IFSP with required IEP components by age 3 was reinforced. Teams were reminded that by following the process outlined in the Guideline, a family and their child would experience a smooth transition from Part C to Part B services with a IEP developed and implemented by age 3.

Response to OSEP's Concerns

In North Dakota's June 2007 SPP/APR Response Table, OSEP indicated that the state must demonstrate that it is measuring compliance with the early childhood transition requirements as set out in Indicator 12 and that it is ensuring correction of any identified noncompliance within one year of identification. As indicated above, the NDDPI collected and analyzed data for the last three years on this indicator, informed districts that were out of compliance, and then followed-up to see which districts were in compliance. The NDDPI has worked diligently to ensure a systematic and thorough process is in place to measure compliance and correction of noncompliance with this indicator.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2006-07

North Dakota has made extensive improvements toward collecting and verifying data for this indicator. The NDDHS system and NDDPI system, although not electronically compatible, is practicable through increased partnerships and the comparison of Part C Excel spreadsheets, Part B data, and special education unit level data.

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Table 12.6 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources
Developed training activities for Transition Guideline.	Summer 2006	NDDPI, NDDHS, MPRRC, and NECTAC
Conducted Transition Guideline Regional Trainings.	Fall 2006	NDDPI, NDDHS, MPRRC, and NECTAC
Follow up on regional training plans relating to Guideline Training.	Spring and Summer 2007	NDDPI and NDDHS
Examine methods to compile and share Part C and Part B data electronically.	Winter 2006-07	NDDPI and NDDHS
Develop and disseminate Indicator 12 Excel spreadsheet to special education units.	Fall 2006	NDDPI Internal monitoring by local education agencies
Facilitate capacity building to promote consideration and use of assistive technology and universal design principles in the IEP.	Fall 2007	NDDPI staff
Internal monitoring by state and local education agencies	Ongoing	NDDPI and LEAs
Increased collaboration between the NDDHS, NDDPI, and the ND Parent Training and Information Center (PTI).	Ongoing	NDDPI, NDDHS, and PTI
NDDPI, NDDHS, and PTI First Annual Parent Involvement Conference.	Annually, beginning Spring 2008	NDDPI, NDDHS, and PTI
Piloting of the Statewide Special Education Web-based Case Management System (Spring 2008) with full implementation Fall 2008.	FFY2007	NDDPI Staff, District Administrators.

Completed Activities

- Guidelines were updated and a series of trainings and presentations occurred.
- Developed training activities for the Transition Guideline, Summer 2006, with assistance from the following resources: NDDPI, NDDHS, MPRRC, and NECTAC.
- Conducted Transition Guideline Regional Trainings, Fall 2006, with assistance from the following resources: NDDPI, NDDHS, MPRRC, and NECTAC.
- Follow-up on regional training plans relating to the Guideline Training, Winter 2006-07, through the NDDPI and NDDHS partnership.
- Develop and disseminate Indicator 12 Excel spreadsheet to special education units, Fall 2006, NDDPI Internal monitoring by local education agencies
- Facilitate capacity building to promote consideration and use of assistive technology and universal design principles in the IEP, Fall 2007.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2006-07:

The following sections detail additions to the activities in response to concerns described by OSEP as well as NDDPI's increased effort to achieve compliance with this indicator.

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Transition Guideline Development and Training

In August 2006, the ND Department of Public Instruction (NDDPI), Office of Special Education, and the ND Department of Human Services (NDDHS), Developmental Disabilities Unit completed the development of the Guideline - *Understanding Early Childhood Transition: A Guide for Families and Professionals*. The Guideline was developed by a committee of parents and professionals with expertise in early intervention and early childhood special education. Staff from the Mountain Plains Regional Resource Center (MPRRC) and the National Early Childhood Technical Assistance Center (NECTAC) provided guidance throughout the development of the Guideline and participated in the statewide trainings.

The Guideline was developed to assure a smooth, comprehensive, and consistent early childhood transition process. The transition process is completed through the collaboration between families, those who currently provide services, and those who will provide services to the child in the future. The Guideline provides a detailed description of each step of the early childhood transition process, beginning at age 2 through age 3. Included as part of this process is a detailed description of the requirement that an IEP must be developed and implemented by age 3 for a child referred from Part C and found eligible for Part B. A copy of this Guideline and Power Point can be found at <http://www.dpi.state.nd.us/speced/early/guide.pdf>

During September and October 2006, the NDDPI and NDDHS hosted trainings relating to the Guideline. These trainings were held in eight regional locations (see Table 12.6). The training outcomes included:

- Participants will understand the requirements and responsibilities for supporting transition for both the early intervention and LEA programs
- Participants will be aware of and understand the steps for successful transition
- Participants will develop strategies within their own communities for collaboration in order to meet requirements of transition
- Participants will consider strategies relating to the use of the guidance document with other staff and with families
- Participants will recognize the importance of focusing on child and family issues during steps of transition

Table 12.6 Regional Trainings, Dates, and Participation

Region	Training Location	Date	Number Attended
Region 5	Fargo, ND	September 27, 2006	28
Region 4	Grand Forks, ND	September 28, 2006	32
Region 2	Minot, ND	September 29, 2006	34
Region 3	Devils Lake, ND	October 9, 2006	34
Region 6	Jamestown, ND	October 10, 2006	33
Region 1 and 8	Medora, ND	October 12, 2006	28
Region 7	Bismarck, ND	October 13, 2006	58

Guideline Training Participants Included:

- Regional Infant Development Coordinators and staff
- Regional Developmental Disabilities Program Administrators and Case Managers working with infants and toddlers
- Experienced Parents from regional early intervention programs
- Part B Administrators who have a responsibility for assuring a smooth transition from Part C to Part B, e.g. ECSE coordinators, lead teachers administrators
- Part B Early Childhood Special Education Teachers.

DVD Making the Transition

Teams attending the May follow up sessions received a copy of the DVD – *Making the Transition*. This DVD was developed by the NDDHS and used as part of the initial Guideline training. The DVD includes a review of the ND early childhood transition process along with parent interviews regarding their child and their involvement in the process. Participants were encouraged to share this DVD with parents involved in the transition process and with training for new professionals to the ND early childhood transition process.

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Other Guideline Trainings in Partnership with the ND Parent Training and Information Center and DHS

In addition to trainings presented to families and professionals directly involved in the early childhood transition process, staff from the NDDPI and NDDHS presented an overview of the early childhood transition Guidelines at statewide conferences. In April 2007, NDDPI presented at the annual Pathfinders Services of ND conference. Pathfinders Services is the ND Parent Information and Training Center, PTI. The theme of the conference was transition, beginning at birth through adulthood. June 2007 – NDDPI and NDDHS presented at the annual Family Connections Conference. This conference is sponsored by several agencies which provide services for families and children in ND. The NDDPI and NDDHS staff presented an overview of the early childhood transition Guidelines.

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Overview of the Annual Performance Report Development:

See Indicator 1 for complete overview and stakeholder input.

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 13: Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.

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

Measurement: Percent = [(# of youth with disabilities aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals) divided by the (# of youth with an IEP age 16 and above)] times 100.

Table 13.1 Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target
2005 (2005-2006)	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.
2006 (2006-2007)	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.
2007 (2007-2008)	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.
2008 (2008-2009)	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.
2009 (2009-2010)	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.
2010 (2010-2011)	100 percent of youth aged 16 and above will have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.

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Actual Target Data for FFY 2006:

Table 13.2 Percent of Youth Aged 16 and Above with an IEP that Meets Indicator 13

	FFY2006
# of youth whose IEPs were reviewed	856
# of youth whose IEPs met the indicator	583
Percent of youth whose IEPs met the indicator	68.1%

The target of 100% was not met.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2006-07:

Table 13.3 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources
Sponsor and promote the North Dakota Interagency Transition Institute	Alternating years beginning October 2006.	State Transition Steering Council (ND stakeholders in the transition process). IDEA Partnership and National Community of Practice on Transition.
Provide technical assistance to LEAs to strengthen understanding and compliance to the IDEA 04 transition requirements. Develop "transition" modules designed as web casts. This activity is also designed to address issues identified in Indicators 1, 2, and 14.	Ongoing	National Secondary Transition Technical Assistance Center (NSTTAC) TOPs Project
Implement a statewide process designed to improve the overall planning of transition services for high school youth with disabilities. This activity is also designed to address issues identified in Indicator 14.	Spring 2006-2008	Dr. Ed O'Leary, Mountain Plains Regional Resource Center
Partner with ND State Vocational Rehabilitation to provide assistance to regional stakeholders in the transition process to develop regional transition committees throughout the state. This activity is also designed to address issues identified in Indicator 14	Fall 2006-2008	Partnership with State Rehabilitation Field Services Director IDEA Partnership National Community of Practice on Transition
Develop and Disseminate Indicator 13 Excel spreadsheet and directions for internal monitoring to LEAs.	Fall 2006	NDDPI NSTTAC
Develop transition training modules through partnership with NDEA. This activity is also designed to address issues identified in Indicator 14.	Spring 2007	Professional Development and Adult Learning Seed Grant (IDEA Partnership at NASDSE)
Conduct State Transition Steering Council meetings. This activity is also designed to address issues identified in Indicators 14.	Ongoing	Statewide membership of individuals in transition related positions National Transition Community of Practice (IDEA Partnership)

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Facilitate capacity building to promote consideration and use of assistive technology and universal design principles in the IEP. This activity is also designed to address issues identified in Indicators 6 and 12.	Ongoing	State Transition Coordinator State Assistive Technology Coordinator
Development and implementation of a statewide Self-determination curriculum. This activity is also designed to address issues identified in Indicators 1, 2, and 14.	Ongoing	State Transition Steering Council Statewide membership of individuals in transition related positions
Collaboration with ND Education Association (NDEA) through the IDEA Partnership, to develop a transition training module for general education staff.	Ongoing	IDEA Partnership NDEA
Piloting of the Statewide Special Education Web-based Case Management System (Spring 2008) with full implementation Fall 2008.	FFY2007	NDDPI Staff, District Administrators.

Response to OSEP's concerns

Data were collected from all LEAs using an adaptation of the National Secondary Transition Technical Assistance Center (NSTTAC) I-13 Checklist (See ND SPP). A random sample of student files of students with disabilities aged 16 and older was selected in each LEA. The number of files to be reviewed at each LEA was dependent on the size of the LEA. The LEAs were given the number of files required for review and were asked to randomly select the files which would be representative of age and primary disability.

To obtain the overall state percentage of students who met this indicator, data were weighted to reflect each LEA's appropriate proportion of students age 16 and above of the state data (i.e., given that some LEAs completed the checklist on all their qualifying students and other LEAs collected data on only a proportion of their qualifying students weighting was needed). During the FFY2005-06 the NDDPI used a standard of 100% of all six items on the checklist. However, the ND IDEA Advisory Council and the ND Transition Steering Committee members reviewed the criteria for this indicator and the baseline data for Indicator 14 and, with additional guidance from OSEP, determined that using a standard of four or more of the six checklist items suggested by the NSTTAC were a more appropriate measure.

Reliability and Validity of Data Collected

Training was provided to all LEAs on the NSTTAC checklist to ensure that the checklist was completed consistently and accurately across LEAs. In addition, NSTTAC checklist data were verified by the state via follow-up discussion with district monitoring teams.

Beginning FFY2007-08, the NDDPI staff indicated the specific student files to be reviewed. This will ensure that a truly random file selection method has been employed. In addition, more files per LEA will be selected so that more meaningful results can be given to each LEA.

Explanation of Progress or Slippage that occurred for 2006-07:

As indicated in Table 13.4, the NDDPI experienced significant progress on this indicator. Using the now revised four of six criteria, the FFY2006-07 data indicate that 68.1% of the files reviewed met the requirements of this indicator as compared to 18.1% in FFY2005-06. Professional development activities including writing IEPs containing coordinated, measurable annual goals and transition services will continue to be provided to secondary special education teachers statewide to ensure increased compliance with this indicator.

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Table 13.4 Percent of youth aged 16 and above with an IEP that Meets Indicator 13 – Results Over Time

	FFY2005	FFY2006
# of youth whose IEPs were reviewed	376	856
# of youth whose IEPs met the indicator	68	583
Percent of youth whose IEPs met the indicator	18.1%	68.1%

Please note that the FFY2005 baseline has been re-calculated to reflect the new scoring criteria for this indicator as described above.

The baseline submitted for the FFY2005 was for the 24 districts participating in the ND Transition Outcomes Project (ND TOPs). This baseline was determined prior to implementation of the Transition Outcomes Project with these districts. However, the 856 files reviewed in FFY2006-07 include 392 files from districts that have been involved in the ND TOPs. Each participating district in ND TOPs developed a Transition Improvement Action Plan. During the course of the FFY2006, these strategies and activities were implemented to correct noncompliance in the reviewed files. Technical assistance was provided to district staff from the local and state level. Also, throughout the FFY2006 IEPs from each participating case manager were submitted to the NDDPI Transition Coordinator for review.

An additional 33 districts volunteered to participate in the ND TOPs for the FFY2008. Each of these districts has developed a Transition Improvement Action plan and IEPs are submitted to the NDDPI for review and targeted technical assistance. Furthermore, a Train-the-Trainer session was conducted by the NDDPI Transition Coordinator in March 2007 to develop trained mentors for teachers needing assistance in developing IEPs that meet the Indicator 13 requirements.

In addition to the overall progress, progress was also made on the individual NSTTAC checklist items. As indicated in Table 13.4, significant progress was realized on six of the six checklist items. For example, the percentage of files that had a measurable postsecondary goal that covered education increased from 15% in FFY2005-06 to 47% in FFY2006-07. In the fall of 2007, training on the transition requirements and the updated state guidelines *The Special Education Process for North Dakota Schools* occurred for all Special Education Units. These guidelines include a state developed appendix specific to the Secondary Transition IEP Process. This appendix provides detailed information and examples of the requirements. State recommended IEP forms were developed to increase consistency and compliance to the IEP components. Further statewide training presented to school districts and state agencies included a web-cast on Age-Appropriate Transition Assessment.

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Table 13.5 Percent of IEPs who Met a Given Requirement of the NSTTAC Checklist – Results Over Time

Requirement	FFY2005			FFY2006		
	Total # IEPs	# with Yes response	% with Yes response	Total # IEPs	# with Yes response	% with Yes response
1a. Is there a measurable postsecondary goal or goals that covers education or training?	376	58	15%	856		47.4%
1b. Is there a measurable postsecondary goal or goals that covers employment?	376	33	9%	856	(1a and 1b were combined in 06-07)	
2. Is (are) there annual IEP goal(s) that will reasonably enable the child to meet the postsecondary goal(s)?	376	85	23%	856		68.1%
3. Are there transition services in the IEP that focus on improving the academic and functional achievement of the child to facilitate their movement from school to post-school?	376	256	68%	856		83.7%
4. For transition services that are likely to be provided or paid for by other agencies with parent (or child once the age of majority is reached) consent, is there evidence that representatives of the agency(ies) were invited to the IEP meeting?	222	91	41%	856		65.4%
5. Is there evidence that the measurable postsecondary goal(s) were based on age-appropriate transition assessment(s)?	376	44	12%	856		58.0%
6. Do the transition services include courses of study that focus on improving the academic and functional achievement of the child to facilitate their movement from school to post-school?	376	234	62%	856		87.8%
IEPs that meet all transition requirements for Indicator 13	376	68	18.1%	856		68.1%

The LEAs with issues of noncompliance in FFY2005 were required to write a Transition Improvement Action Plan to ensure that all youth aged 16 and above would have IEPs that meet transition goals and services requirements. During the FFY2006, 69% of the files were corrected within one year. Those LEAs that did not correct noncompliance within one year were required to write another Transition Improvement Action Plan and submit IEPs for State review. Activities on the Improvement Plan were to include revision of district IEP forms, assure district-wide use of a form to attain parental consent for agency invitation, provide additional training in writing measurable postsecondary goals and age appropriate transition assessments.

The FFY2006-07 correction of noncompliance for this indicator will be reported in the February 2009 submission of the ND APR.

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Table 13.6 Percent of IEPs with Corrected Noncompliance

	FFY2005
# of IEPs out of compliance	180
# of IEPs with identified noncompliance corrected within one year	124
% of IEPs with corrected compliance within one year	68.9%

Table 13.7 displays the degree of noncompliance corrected by the individual NSTTAC checklist items. Results indicate that training provided to the districts participating in the ND TOPs has had a positive impact.

Table 13.7 Percent of IEPs with Corrected FFY2005-06 Identified Noncompliance

Requirement	Total # IEPs	# corrected within 1 year	% corrected within 1 year
1a. Is there a measurable postsecondary goal or goals that covers education or training?	180	127	71%
1b. Is there a measurable postsecondary goal or goals that covers employment?	180	113	63%
2. Is (are) there annual IEP goal(s) that will reasonably enable the child to meet the postsecondary goal(s)?	180	122	68%
3. Are there transition services in the IEP that focus on improving the academic and functional achievement of the child to facilitate their movement from school to post-school?	180	166	92%
4. For transition services that are likely to be provided or paid for by other agencies with parent (or child once the age of majority is reached) consent, is there evidence that representatives of the agency(ies) were invited to the IEP meeting?	180	79	44%
5. Is there evidence that the measurable postsecondary goal(s) were based on age-appropriate transition assessment(s)?	180	107	59%
6. Do the transition services include courses of study that focus on improving the academic and functional achievement of the child to facilitate their movement from school to post-school?	180	148	82%
IEPs that meet all transition requirements for Indicator 13	180	124	68.9%

Follow-Up Activities

Of the districts identified for noncompliance on Indicator 13 during the FFY2005-06, 124 of 180 IEPs were corrected within one year. Fifty-six IEPs were not corrected within the one-year timeframe. Follow-up activities for those districts that did not correct the noncompliance within one year included the development of a Transition Improvement Action Plan. As part of the action plan, district special education case managers also submitted IEPs quarterly to the NDDPI Transition coordinator for review and technical assistance.

In addition to developing the Transition Action Plans and quarterly IEP reviews, the following activities occur:

- The NDDPI Transition coordinator sends an electronic monthly guidance to case managers containing assistance in specific components of the Indicator 13 checklist;
- “Train the Trainer” Sessions to develop district mentors;
- Transition Assessment Webcast conducted by NDDPI;
- Provision of State Forms such as the parental consent form to invite outside agencies to IEP meeting;
- On-site trainings as required by districts;

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- Development of the guidance document *Secondary Transition IEP Process & Forms* and training to Units and individual emailing to all case managers;
- Presentation at the Annual Special Education Leadership Institute; and
- The NDDPI also distributes presentation documents, powerpoint slides, and other training materials to be used by local special education directors.

Web-based Case Management System as a Follow-up Activity: The NDDPI Statewide Web-based Special Education Case Management System, scheduled to begin statewide implementation in the fall of 2008, will significantly enhance local and state administrators' ability to monitor for compliance to assure that all children who are referred from Part C and found eligible for Part B will have an IEP written and implemented by age 3. As part of this system, key questions will address components within Indicator 12, e.g. is this child transitioning from Part C services, date of initial IEP, if IEP was delayed, what were the reasons for delay.

Discussion of Improvement Activities Completed:

- The NDDPI will collaborate with the ND Vocational Rehabilitation Consulting and Services to create a secondary transition C.D. for parents, students, and professionals. This C.D. will provide information on transitioning to post-secondary education and employment.
- October 2006 the North Dakota Interagency Secondary Transition Institute was held. This was the first attempt for the state to present a Secondary Transition Institute that invited participation and attendance by other state agencies and stakeholders in the secondary transition process. This effort was successful with attendance consisting of approximately 50 percent Educators and 50 percent Adult Service Agency providers, parents, and students. This conference is also designed to address issues identified in Indicators 1, 2, and 14.
- As of August 2007, 57 LEAs are participating in the ND TOPs, increasing the implementation of a statewide process designed to improve the overall planning of transition services for high school youth with disabilities.
- A "Train the trainer" session was conducted in March 2007 to build capacity for a team of mentors to provide Technical assistance to districts as needed. This activity also addresses issues identified in Indicator 14.
- Two state-wide webcasts were developed and presented by the NDDPI: *Transition Services and IDEA 2004* and *Age Appropriate Transition Assessment*. This activity is also designed to address issues identified in Indicators 1, 2, and 14.
- Through partnership between the NDDPI Transition Coordinator and the ND State Vocational Rehabilitation Field Services Director, a regional transition committee is now functioning in each of the eight Human Service Regions of the state. The NDDPI provides seed grant funds to support regional committee projects aligned with regional goals. This activity addresses issues identified in Indicators 1, 2, and 14.
- In partnership with North Dakota Education Association (NDEA), the secondary transition training modules have been developed for general educators. The initial presentation of these modules is scheduled for the summer of 2008. Technical assistance and funding for these modules were received from the IDEA Partnership and NASDSE. Modules. This activity addresses issues identified in Indicator 1, 2, and 14.
- In May, 2007, the NDDPI provided support for a diverse team to attend the annual National Community of Practice on Transition Multi-state meeting and the NSTTAC state planning meeting in Charlotte, NC. This activity also addresses issues identified in Indicators 1, 2, and 14.
- A member of the Interagency Program for Assistive Technology (IPAT) is now a member of the State

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Transition Steering Council to facilitate capacity building and promote the use of assistive technology and universal design principles in the IEP. This activity also addresses issues identified in Indicators 1, 2, 6, 12, and 14.

- NDDPI staff collaborated with Assistive Technology specialists and school district Instructional Technology Directors to form the Accessible and Assistive Technology in Education (AATE) workgroup. The workgroup initiated its action plan to provide more information and resources regarding universally designed instruction, NIMAS, and use of accessible technologies in public school classrooms. During FFY2006-07, the NDDPI presented this information to local special education unit administrators and coordinators at the State Special Education Leadership conference. The NDDPI is in the process of presenting this information to other stakeholders, including general education professionals.

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Overview of the Annual Performance Report Development:

See Indicator 1 for complete overview and stakeholder input.

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 14: Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.

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

Measurement: Percent = [(# of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school) divided by the (# of youth assessed who had IEPs and are no longer in secondary school)] times 100.

Indicator 14 is a new indicator. Data collection methods and/or baseline data are reported in the current North Dakota State Performance Plan <http://www.dpi.state.nd.us/speced/general/perfplan.pdf>

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Overview of the Annual Performance Report Development:

See Indicator 1 for complete overview and stakeholder input.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 15: General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.

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

Measurement:

Percent of noncompliance corrected within one year of identification:

- a. # of findings of noncompliance.
- b. # of corrections completed as soon as possible but in no case later than one year from identification.

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

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

Table 15.1 Measurable and Rigorous Targets

FFY	Measurable and Rigorous Targets – Focused Monitoring
2005 (2005-2006)	100 percent identified noncompliance will be corrected within one year of identification.
2006 (2006-2007)	100 percent identified noncompliance will be corrected within one year of identification.
2007 (2007-2008)	100 percent identified noncompliance will be corrected within one year of identification.
2008 (2008-2009)	100 percent identified noncompliance will be corrected within one year of identification.
2009 (2009-2010)	100 percent identified noncompliance will be corrected within one year of identification.
2010 (2010-2011)	100 percent identified noncompliance will be corrected within one year of identification.

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Actual Target Data for 2006 - 2007:

Table 15.2 Monitoring Priority: Effective General Supervision Part B Data for FFY2006-07

Indicator	Measurement Calculation	Explanation
Indicator 15, part A: Percent of noncompliance related to monitoring priority areas and indicators corrected within one year of identification: A. # of findings of noncompliance made related to monitoring priority areas and indicators B. # of corrections completed as soon as possible but in no case later than one year from identification.	Calculation chart identifying specifics of indicator 15 attached (See explanation). A. 222 B. 156 C. 70.27% compliance with verified correction within one year of identification.	Table 15.3 displays Compliance data and Internal Monitoring results from the FFY 2005-06 data. This table displays the number of noncompliance issues corrected in one year. Data from this table was used to calculate the results for this Indicator. In response to OSEP's request, Table 15.4 displays Corrections within one year for the Compliance data results from the FFY2004-05. Table 15.5 displays the FFY2006-07 Compliance data. Table 15.6 displays the FFY2006-07 Performance data. Table 15.7 displays Internal Monitoring results collected during the FFY2006-07. Data displayed in each of these tables are within the one year correction period and correction of noncompliance will be reported in the APR submitted in 2009.

The target was not met.

Definitions

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

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

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

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

Tier 3: The NDDPI uses indicator data to identify which districts have the lowest rates of positive outcomes for students receiving special education services. For the FFY2006-07 data on Indicators 1, 3, and 5 were combined into a weighted formula (based on stakeholder input) to identify the lowest scoring districts. The districts with the lowest rates of positive outcomes for students with disabilities receive a focused review.

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This process includes a complete review of district data, formation of hypotheses, and investigation related to performance and possible noncompliance. Following this review, each district identified in Tier 3 receives a report detailing areas of noncompliance and corrective actions required.

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.

Identification of Noncompliance: The one-year correction timeline begins from the date the NDDPI notifies the LEA in writing of the noncompliant policies and/or practices. Notification of findings needs to occur as soon as possible after the NDDPI concludes that the LEA has noncompliance.

Correction of Noncompliance:

- The NDDPI verifies through follow-up review of data, other documentation, and/or interviews that the noncompliance policies, procedures, and/or practices have been revised and the noncompliance has been corrected.
- The NDDPI notifies the LEA in writing that the noncompliance is corrected.
- For the purposes of the SPP/APR reporting, timely correction occurs when noncompliance is corrected as soon as possible but no later than one year from the identification of the noncompliance.

Follow-up Activities:

- All district level follow-up activities begin with a letter of notification to district and special education local administrators detailing the specific issue or area of noncompliance as indicated by district data.
- Once letters have been sent, local special education administrators are contacted to verify data and review data collection processes.
- During these conversations, issues related to the noncompliance are discussed in detail and additional follow-up activities are implemented. These activities include a review of the data collection and reporting processes; a review of previous materials and trainings offered by NDDPI staff; onsite training by NDDPI staff, when necessary; sharing of training materials and documents for local level technical assistance; and continuous communication between state and local staff.
- Once NDDPI and local level trainings have been completed, documentation is sent to NDDPI for review. If it is deemed by NDDPI staff that trainings may not have been sufficient to ensure increased compliance, additional technical assistance is offered.
- Follow-up activities related to specific indicators are described in each indicator section of this report.
- The NDDPI Statewide Web-based Special Education Case Management System, scheduled to begin statewide implementation in the fall of 2008, will significantly enhance local and state administrators' ability to monitor and offer technical assistance throughout the year. This increased ability to monitor and offer proactive compliance assistance will decrease future noncompliance.

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

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

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

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High Risk School Improvement Process: The High Risk School Improvement process is an initiative within the NDDPI to address the Adequate Yearly Progress (AYP) expectations of the No Child Left Behind Act (NCLB), including the participation and academic performance of students with disabilities. This collaborative team is comprised of representatives from the following NDDPI federal programs: Title I; Title III; Approval and Accreditation; Child Nutrition; School Technology; Standards and Achievement; and Special Education. This team reviews data at the school level and conducts onsite visits to assist in the development of a school-wide improvement plan. This SEA-wide collaborative process was created with the intent to achieve two of the four goals of the NDDPI Strategic Plan: 1) Align all elements of public education to help students achieve academic success; and 2) Ensure a comprehensive system of accountability for results-based decision making.

Discussion of Noncompliance Corrected Within One Year

The percent of identified noncompliance corrected within one year is 70.27%. This overall percentage reflects a decrease from the previous results in Indicator 15 (submitted February 2007). This decrease may be a result of NDDPI revising and improving data collection methods and timelines. These revisions have been reported in each of the respective indicators. Another factor for the decrease in the overall percentage is the additional indicators being reported. For example, the NDDPI did not previously have a method to collect data for Indicator 12 and could not report them before this submission. Data dating back three years were collected and reported to districts in the spring of 2007. This did not provide ample time for districts to correct issues of noncompliance found. Therefore, although the percent of noncompliance corrected within one year in Indicator 15 appears to have decreased, these results more truthfully reflect increasingly complete and accurate data collection.

It should also be noted that findings of individual noncompliance in Indicators 11 and 12 cannot be corrected within one year as these are related to a specific timeframe and issues related to specific students. For example, Indicator 11 requires all evaluations to occur within 60 days of parent consent. In a case where the evaluation did not occur within the 60 day timeframe, the team could not go back and correct that noncompliance. However, as described in the corrective action section of the NDDPI monitoring narrative, where issues of systemic noncompliance are found in Indicators 11 and 12, the NDDPI requires the districts identified to receive technical assistance to increase future compliance in these indicators. Technical assistance has and continues to occur with these districts. Therefore, NDDPI has conducted 100% of the monitoring, trainings, and corrective action activities as described and required. The Indicator 15 calculation reflects noncompliance but does not reflect the corrective actions completed with these areas of noncompliance that are related to a specific timeframe and issues related to specific students.

Table 15.3 Compilation of Compliance Indicators FFY2005-06 Corrected within One Year.

Indicator	# Reviewed	A. # of Findings	B. # Corrected w/in 1 yr.	% Corrected w/in 1 yr.
4.b. Rates of suspension and expulsion. (race/ethnicity)	199 Districts	0	N/A	N/A
9. Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is a result of inappropriate identification.	199 Districts	0	N/A	N/A
10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	199 Districts	2	1	50%
11. Percent of children with parental consent to evaluate, who were evaluated and eligibility determined within 60 days.	199 Districts	23 Districts	16 Districts	69.57%
12. Percent of children referred by Part C prior to age 3 have an IEP developed and implemented by their third birthday.	199 Districts	8 Districts	6 Districts	75%
13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably	180 Files	180 Files	124 Files	68.9%

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Indicator	# Reviewed	A. # of Findings	B. # Corrected w/in 1 yr.	% Corrected w/in 1 yr.
enable the student to meet the post-secondary goals.				
16. Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.	3 Written Complaints	3	3	100%
17. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.	0	0	N/A	N/A
Subtotal	199 Districts	216	150	69.44%
Internal Monitoring – Individual Student Files Review	31 SE Units	6	6	100%
15. General supervision system identifies and corrects noncompliance as soon as possible but in no case later than one year from identification	199 Districts	222	156	70.27%

Table 15.4 has been included to respond to OSEP's request for data pertaining to the correction of the noncompliance findings identified during FFY 2004.

Table 15.4 Compilation of Indicators FFY2004-05 Corrected within One Year.

Indicator	# Reviewed	A. # of Findings	B. # Corrected w/in 1 yr.	% Corrected w/in 1 yr.
1. Percent of youth with IEPs graduating from high school with a regular diploma. <i>(2004-2005 ND; 95% of special education student graduated)</i>	15	5	5	100%
2. Percent of youth with IEPs dropping out of high school.	6	7	7	100%
3. Participation and performance of children with disabilities on statewide assessments.	27	5	4	80%
4.b. Rates of suspension and expulsion. (race/ethnicity)	32 Districts	37	30	81%
Indicator 9, 10, 11, 13, and 14 were new indicators; no data for 2004-2005				
12. Percent of children referred by Part C prior to age 3 have an IEP developed and implemented by their third birthday.	199 Districts	6	0	95%
Indicator 13 and 14 were new indicators; no data for 2004-2005				
16. Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.	3 Written Complaints	3	3	100%
17. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.	1	1	1	100%
15. General supervision system identifies and corrects noncompliance as soon as possible but in no case later than one year from identification	286	64	50	78%

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Discussion of 2006-07 Findings of Noncompliance

Table 15.5 Compilation of Compliance Indicators FFY2006-07

Indicator	# Reviewed	# of Findings
4.b. Rates of suspension and expulsion. (race/ethnicity)	199 Districts	1 District
9. Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is a result of inappropriate identification.	199 Districts	1 District
10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	199 Districts	1 District
11. Percent of children with parental consent to evaluate, who were evaluated and eligibility determined within 60 days.	199 Districts	54 Districts
12. Percent of children referred by Part C prior to age 3 have an IEP developed and implemented by their third birthday.	191 Files	21 Files
13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.	856 Files	273 Files
15. General supervision system identifies and corrects noncompliance as soon as possible but in no case later than one year from identification	Reported in the 2009 Submission of the APR	
16. Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.	3 Written Complaints	3 Written Complaints
17. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.	0	0
Subtotal	199 Districts	360

Those districts that have a finding, i.e., an area of noncompliance, will receive technical assistance and are required to write a corrective action plan. The percent of findings corrected within one year will be reported in the February 2009 APR.

Table 15.6 Compilation of Performance Indicators FFY2006-07.

Indicator	Targets Met
1. Percent of youth with IEPs graduating from high school with a regular diploma.	NA
2. Percent of youth with IEPs dropping out of high school.	NA
3. Participation and performance of children with disabilities on statewide assessments.	A) Reading: No, Math: Yes; B) Reading: Yes, Math: Yes; C) Reading: Yes, Math: Yes
4.a. Rates of suspension and expulsion.	Yes
5. Percent of children with IEPs aged 6 through 21—educational placement.	5a. No; 5b. Yes; 5c. Yes
6. Percent of preschool children who received special education and related services in settings with typically developing peers.	N/A
7. Percent of preschool children with IEPs who have demonstrated improved social emotional skills, knowledge acquisition skills, and use appropriate behaviors to meet their needs.	Not Applicable – collecting baseline data
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.	Yes
14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both within one year of leaving high school.	Not Applicable – collecting baseline data
18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.	Not Applicable
19. Percent of mediations held that resulted in mediation agreements.	Not Applicable

Those districts that have a finding, i.e., an area of noncompliance, will receive technical assistance and are required to write a corrective action plan. The percent of findings corrected within one year will be reported in the February 2009 APR.

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Table 15.7 District Level Individual Student File Review Results Collected in FFY2006-07

Special Education Unit (Districts monitored)	IEP Items in Noncompliance	Special Education Unit (Districts monitored)	IEP Items in Noncompliance
Special Education Unit A (1)	13	Special Education Unit P (3)	11
Special Education Unit B (4)	15	Special Education Unit Q (10)	16
Special Education Unit C (6)	14	Special Education Unit R (7)	8
Special Education Unit D (5)	14	Special Education Unit S (4)	14
Special Education Unit E (1)	10	Special Education Unit T (8)	15
Special Education Unit F (4)	11	Special Education Unit U (18)	13
Special Education Unit G (3)	9	Special Education Unit V (11)	11
Special Education Unit H (1)	12	Special Education Unit W (11)	7
Special Education Unit I (1)	6	Special Education Unit X (4)	13
Special Education Unit J (8)	13	Special Education Unit Y (1)	11
Special Education Unit K (2)	14	Special Education Unit Z (10)	7
Special Education Unit L (14)	12	Special Education Unit AA (1)	2
Special Education Unit M (9)	16	Special Education Unit AB (1)	16
Special Education Unit N (6)	9	Special Education Unit AC (15)	14
Special Education Unit O (5)	10	Special Education Unit AD (9)	4

The FFY2006-07 district internal compliance monitoring process required all school districts to collect a specified number of IEPs and analyze the implementation of IDEA Part B through a systematic review of common elements. This is a focused monitoring process. Common elements were determined by the NDDPI staff based on: items most critical to the special education process, items relative to new requirements of IDEA 2004, and items that support the successful implementation of the 20 APR indicators but are not monitored through the APR. For example, one element that is monitored in every Secondary Transition IEP is the Summary of Performance. This is not monitored in the APR Indicator 13 but is essential for the successful transition outcomes that are measured in Indicator 14.

Those districts that have a finding, i.e., an area of noncompliance, will receive technical assistance and are required to write a corrective action plan. The percent of findings corrected within one year will be reported in the February 2009 APR.

Two methods to disaggregate the data were used for the FFY2006-07; desk review and self-assessment. A desk review is a review of all required or requested data and information submitted by a plant, district, or special education unit. Internal monitoring was comprised of a detailed review of individual student files in each district.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2006-07

Table 15.8 Improvement Activities/ Timelines/ Resources

Activities	Timelines	Resources
NDDPI will develop regional education agencies (REA). The regions will make DPI staff more accessible and make it possible for greater professional development to occur statewide. The trainings will include best practices as well as law and compliance. This has a mandated timeline from the Governor's Commission on Education (2006).	FFY 2007	Special education unit administrators, Joint Powers Consortiums Administrators, DPI professionals
The NDDPI has migrated data from the ORS to the new STARS system for online data collection.	FFY 2007	Eductech, DPI MIS staff, DPI professionals.
Piloting of the Statewide Special Education Web-based Case Management System (Spring 2008) with full implementation	FFY2007	NDDPI Staff, District Administrators.

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Fall 2008.		
Implementation of a school improvement process, previously the Consolidated Monitoring and School Improvement, now the High Risk School Improvement.	FFY 2007	NDDPI Unit staff
Continue to offer technical assistance to parents and schools through early dispute resolution options.	Ongoing	NDDPI Staff
Increased partnerships with parent organizations and agencies.	Ongoing	NDDPI staff, ND PTI, ND Family to Family
Develop ways to improve correlation between monitoring noncompliance and complaint findings.	Ongoing	NDDPI staff

Response to OSEP'S Concerns:

OSEP noted its concern that the State's corrective measures are inadequate and that the State's monitoring may not be sufficiently comprehensive to enable the State to collect adequate data for its APR Indicator 15A, regarding the percent of noncompliance related to monitoring priority areas and indicators corrected within one year of identification. OSEP also identified a number of concerns with the State's monitoring system, including exercising limited oversight on a statewide basis, placing heavy reliance on Special Education Unit (SEU) internal monitoring procedures, which vary significantly across SEUs, and not requiring SEUs to document the specific noncompliance identified and the evidence of what measures have been taken to correct identified noncompliance.

General supervision in North Dakota previously consisted of two components: the emerging Consolidated Monitoring and School Improvement System, and the Individual Student File Review monitoring implemented at the special education unit level. However, during FFY 2006-07, the NDDPI staff received extensive technical assistance from various regional and national centers to improve the ND general supervision and accountability system through researched based effective practices. These centers include the Mountain Plains Regional Resource Center (MPRRC), WESTAT, The National Center for Special Education Accountability Monitoring, The National Early Childhood Technical Assistance Center, The National Association of State Directors of Special Education: The Personnel Center, and the National Secondary Transition Technical Assistance Center. Together with these regional and national centers, NDDPI has consulted the various stakeholders (as described under *Definitions*) for assistance in improving the monitoring and accountability system now implemented. The following sections describe each of these monitoring components and how the NDDPI integrates the information gathered to create a complete picture of each district and requirements for improvement.

Local IDEA Internal Monitoring Procedures

The NDDPI reported in the ND APR submitted February, 2007, the progression of the general supervision and monitoring revisions. The state submitted with the ND APR the interim monitoring document, *The ND Special Education Local IDEA Internal Monitoring Procedures* that outlined the plan for FFY2006-07. The results from this internal monitoring are displayed in Table 15.7. Percent of correction of identified noncompliance completed within one year will be reported in the APR submitted February 2009.

The FFY2006-07 compliance monitoring process required all school districts in the state to collect a specified number of IEPs and analyze the implementation of IDEA Part B through a systematic review of common elements. A review of school files for students with disabilities, based on district Child Count data, was conducted between July 1, 2006 and June 30, 2007 using the *Individual Student File Review Form*. Once the student files were reviewed, this information was compiled in the *District IDEA File Tally Form* (Appendix C). This summary form was submitted to NDDPI. The NDDPI staff then verified the validity of local file review data through a combination of contacts with local administrators, including off-site and on-site options, in conjunction with an analysis of local performance data. In addition to these 1,815 files reviewed, the NDDPI Transition Coordinator reviewed additional Transition IEPs for both transition requirements and overall IDEA 2004 compliance.

The NDDPI staff has provided and continues to offer technical assistance to ensure that local school districts correct identified noncompliance within one year. All individual student file review corrective actions will be completed by June 30, 2008. Corrective actions commonly include the correction of the IEP

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component, a review of policy and procedures pertaining to the particular issue(s) of noncompliance. Once policy and procedure reviews are conducted, the local special education unit administrator designs trainings and submits these documents to the NDDPI staff for approval. The special education unit administrators then train special educators in all districts within the unit on the changes. If necessary, general education administrators and teachers are also trained. Documentation including training agendas, dates, places, and names of participants are sent to the NDDPI staff for review and approval. If the NDDPI staff member determines that an inadequate amount of information has been shared or training has occurred, the NDDPI staff will assist the unit director in completing the requirements.

At the 2006 National Accountability Conference held in Denver, CO, a NDDPI staff member attended the general supervision presentation by the special education staff from the Wyoming Department of Education. An NDDPI staff member also attended a presentation regarding this model highlighted by OSEP at its August 2007 Leadership Conference. It was through this introduction to Wyoming's process that NDDPI staff began looking further into improved general supervision processes.

In 2007, the NDDPI Special Education Monitoring Coordinator spent two days in Wyoming observing special education district-level data analysis for the purpose of general supervision. The process used by Wyoming has been approved by OSEP and is considered an effective practice. This process uses a multi-level analysis spanning from district to student level data to identify specific areas requiring additional monitoring. The NDDPI is expanding its accountability system to incorporate similar features of district level data analysis:

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

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

Tier 3: The NDDPI uses indicator data to identify which districts have the lowest rates of positive outcomes for students receiving special education services. For the FFY2006-07 data on Indicators 1, 3, and 5 were combined into a weighted formula (based on stakeholder input) to identify the lowest scoring districts. The districts with the lowest rates of positive outcomes for students with disabilities receive a focused review. This process includes a complete review of district data, formation of hypotheses, and investigation related to performance and possible noncompliance. Following this review, each district identified in Tier 3 receives a report detailing areas of noncompliance and corrective actions required.

North Dakota Special Education Integrated Accountability System

During the FFY2006-07, the NDDPI also received technical assistance from the MPRRC regarding OSEP's evolving model for general supervision. The MPRRC supplied examples from other states. Based on these examples, Wyoming's general supervision model, technical assistance, and monitoring conferences offered by MPRRC and OSEP, NDDPI conducted a Tier 1 review of the FFY2006-07 data. This Tier 1 review consisted of an analysis of all 198 districts based on each of the APR performance indicators. The analysis of performance indicator data was conducted with the assistance of a contracted data consultant. Five school districts were identified for more focused oversight activities.

Specifically, the NDDPI used indicator data to identify which districts have the lowest rates of positive outcomes for students receiving special education services. Data on Indicators 1, 3, and 5 were combined into a weighted formula (based on stakeholder input) to identify the lowest scoring districts on these indicators. Districts were grouped into four population groups based on student enrollment: Small, Medium-Small, Medium-Large, and Large. The lowest-scoring district within each of these population groups have been targeted for an on-site visit. After this initial year and after staff are thoroughly trained, more than one district from each population group will be visited for on-site monitoring. A "focused" monitoring process will

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be used to prepare for the on-site monitoring. Prior to the visit, the districts data will be analyzed and “drill-down” procedures will be employed to determine where potential areas of noncompliance are most likely. Based on the drill-down procedure, hypotheses will be generated (e.g., FAPE is not being provided to students with an identified learning disability). These hypotheses will be investigated during the on-site visit by examining IEP files, reviewing parent survey information, and conducting interviews with teachers and other appropriate staff members. Hypotheses will be either confirmed or disconfirmed. For those hypotheses confirmed that indicate areas of noncompliance, the district will be required to write a corrective action plan. It should be noted that as part of this focused monitoring system, all districts are monitored through self-assessments and a review of their data. It is not just the visited districts that are being “monitored.” Data for the FFY2006-07 dispute resolution reporting period has been reviewed and compared to other compliance indicators for determining systemic issues. The NDDPI analyzes the dispute resolution data by district, disability, age, race, and across dispute resolution options.

Any district that has areas of noncompliance based on either self-assessment or formal data collections (e.g., indicators 4, 9, 10, 11, 12, and 13) are required to write a corrective action plan and correct all areas of noncompliance within a year. As part of this new system, all districts' data for each of the indicators will be examined randomly but no less than annually once the monitoring system is fully operational, FFY2008. This process is in place for the FFY2006-07 and NDDPI has identified four school districts and one randomly selected district. Onsite visits are scheduled during the 2007-08 school year.

The High Risk School Improvement process is an initiative within the NDDPI to address the Adequate Yearly Progress (AYP) expectations of the No Child Left Behind Act (NCLB), including the participation and academic performance of students with disabilities. This collaborative team is comprised of representatives from the following NDDPI federal programs: Title I; Title III; Approval and Accreditation; Child Nutrition; School Technology; Standards and Achievement; and Special Education. In January, 2008, this team reviewed data from each NDDPI unit and scheduled a collaborative onsite visit to one school in March, 2008. As this process continues, more schools will be included. The partnership between the Special Education Integrated Accountability System (IDEA) and the High Risk School Improvement (NCLB) process will result in an increasing number of special education programs receiving technical assistance at different levels of intensity.

Special Education Integrated Accountability System Activities

(adapted from the *Concepts of General Supervision: Accountability for Implementation and Improved Results*, OSEP, 2006)

- Stakeholders are involved in planning;
- Protocols focus on specific hypotheses for the selected area(s);
- Investigation is related to noncompliance and program improvement;
- Multiple methods and multiple data sources are used to monitor every program, continually throughout the year;
- All monitoring activities include continuous examination of performance for compliance and results;
- Indicators are clustered in groups with other related indicators. For example, NDDPI examined whether there is a relationship across educational environments (Indicator 5), assessment (Indicator 3), and graduation (Indicator 1);
- These cross-indicator examinations will also be considered while planning improvement activities;
- Corrective Action Plans will emphasize measurable results and include changes needed in (1) practices, related policies, and procedures, (2) professional development, (3) targeted technical assistance, (4) systemic issues, and (5) sufficient supervision;
- Written reports specify necessary evidence of correction and of corrective actions required. These written reports include:
 - *Letters of Notification*: each district administrator receives a letter detailing district results based on each indicator, corrective actions required, timeframe for corrections, and provision of technical assistance;
 - *Level of Determination*: based on indicators used by OSEP, each district administrator receives a letter detailing district results based on select indicators, corrective actions required, timeframe for corrections, and provision of technical assistance;

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- *Special Education Performance Information: North Dakota District Report Card*: this public report is posted on the NDDPI website to inform district staff, communities, and families the results of each indicator and Statewide targets; and
- *Participation Rates on the North Dakota State Assessment. Students with Disabilities*: this public report is posted on the NDDPI website to inform district staff, communities, and families the results of the statewide assessments.
- Internal and external technical assistance and professional development support improvement and correction.

Sanctions and Incentives

Corrective actions commonly include the correction of the IEP component, a review of policies, practices, and procedures pertaining to the particular issue(s) of noncompliance. Once the policies, practices, and procedures reviews are conducted, under the direction of the NDDPI staff, the local special education unit administrators design trainings, and submit these documents to the NDDPI staff for approval. The special education unit administrators then train special educators in all districts within the unit on the changes. If necessary, general education administrators and teachers are also trained. Documentation including training agendas, dates, places, and names of participants are sent to the NDDPI staff for review and approval. If the NDDPI staff does not consider that an adequate amount of information has been shared or training has occurred, the NDDPI staff will offer additional technical assistance to the unit director in completing the requirements.

The above described process of corrective actions occurs for issues of noncompliance discovered through the investigation of complaints, student file reviews, and APR indicators. In cases where sanctions are required, districts follow the above described process as well as the additional requirements specific to the indicators (e.g., Indicator 10). Based on the NDDPI Administrative Rules, Article 67-22, "If the school district violates any law and does not take the necessary corrective actions to remedy the violation, the department will impose sanctions. Examples of noncompliance for a school district and organization include: Failure to comply with federal program requirements, applicable grant award requirements whether by inference or reference to education, federal statutes in relation to education, or regulations or assurances required for education" (<http://www.legis.nd.gov/information/acdata/pdf/67-22-01.pdf>).

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Sanctions may include:

- Focused continuous monitoring until the noncompliance has been corrected; and
- The interruption of IDEA Part B funding.

Sanctions due to not correcting noncompliance within one year will be determined on an individual basis on June 30, 2008. This process is a continuation of the continuous improvement process conducted in previous years. In February, 2007, the NDDPI communicated to all local level special education administrators regarding the continued use of this process.

Districts found in compliance will receive a letter notifying the districts of their accomplishments. These districts have the opportunity to receive the following incentives to continue positive results:

- Receiving a less intensive focused monitoring; and
- Funding to support attendance to special education professional development activities.

Additional Developments in ND Integrated Accountability System

The NDDPI is currently finalizing the Statewide Special Education Web-based Case Management System. All public schools in the state have agreed to use this statewide web-based system. This system simplifies paperwork and reduces the amount of time and effort teachers expend while meeting the complex demands associated with the special education process. The system is also designed to increase the ease and accuracy of data input, while providing and maintaining a significant number of generated reports that will be used for monitoring at a variety of levels including at the plant, district, unit, state, and federal levels. The system increases the clarity and accuracy of all student data submitted to the state. It includes review and validation procedures to check for compliance once the IEP is completed. This system also allows NDDPI staff to continuously and randomly monitor timely correction of noncompliance issues. The contract for the Statewide Special Education Web-based Case Management system was completed in 2007 and the NDDPI is currently working with 12 school districts to refine the system before statewide use begins at the start of the 2007-08 school year. The twelve districts participating in the pilot are also collaborating with the NDDPI on enhancing the statewide integrated monitoring system.

The NDDPI has also contracted with a data consultant from the MPRRC who will offer technical assistance in both statistical analyses and the development of the monitoring system, and a professor of special education from the University of North Dakota (UND) who will, under the coordination of NDDPI staff, offer technical assistance in addition to that offered by NDDPI staff to districts requiring specific corrective action. For example, corrective actions specific to Indicators 9 and 10 require districts to ensure the appropriate identification of children who require special education services. The UND professor will assist the districts identified in the review and improvement of assessment and evaluation processes. This additional support will ensure districts receive the essential assistance to correct noncompliance within one year.

The State must provide in the FFY 2006 APR, due in February 2008, data demonstrating correction of all previously identified noncompliance, and timely correction of noncompliance identified in 2005-2006, as required by 20 U.S.C. 1232d(b)(3)(E), and 34 CFR §§300.149 and 300.600. The State also must report, in the FFY 2006 APR, on the status of correction of the noncompliance findings identified during FFY 2004 and FFY 2005. In addition, the State must, in reporting on Indicators 11 and 13 in the FFY 2006 APR, report on the correction of the noncompliance identified for those indicators in FFY 2005.

The timely correction of all previously identified noncompliance in 2005-06, including Indicators 11, 12, and 13, are displayed on Table 15.3. Table 15.4 displays the correction of noncompliance identified during FFY2004.

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Overview of the Annual Performance Report Development:

See Indicator 1 for complete overview and stakeholder input.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 16: Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.

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

Measurement: Percent = $[(1.1(b) + 1.1(c)) \text{ divided by } 1.1] \text{ times } 100.$

Table 16.1 Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100 percent of signed written complaints will be investigated and have reports issued within the 60-day timeline or within a specific extended timeline for exceptional circumstances.
2006 (2006-2007)	100 percent of signed written complaints will be investigated and have reports issued within the 60-day timeline or within a specific extended timeline for exceptional circumstances.
2007 (2007-2008)	100 percent of signed written complaints will be investigated and have reports issued within the 60-day timeline or within a specific extended timeline for exceptional circumstances.
2008 (2008-2009)	100 percent of signed written complaints will be investigated and have reports issued within the 60-day timeline or within a specific extended timeline for exceptional circumstances.
2009 (2009-2010)	100 percent of signed written complaints will be investigated and have reports issued within the 60-day timeline or within a specific extended timeline for exceptional circumstances.
2010 (2010-2011)	100 percent of signed written complaints will be investigated and have reports issued within the 60-day timeline or within a specific extended timeline for exceptional circumstances.

Actual Target Data for FFY2006-07

Table 16.2 Signed Written Complaints

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

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The target of 100% was met.

The NDDPI maintained 100 percent of signed written complaints with reports issued within the 60-day timeline. Of the three that were investigated between July 1, 2006 and June 30, 2007, all three were investigated with a report issued within 60 days.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2006-07:

Table 16.3 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources
Provide training in the new IDEA 04 Procedural Safeguards; Revise guidance documents; Develop and revise model forms;	05-06 School Year	NDDPI Dispute Resolution Coordinator
Improve complaint data collection and analysis through STARS and Department database.	06-07 School year	NDDPI Dispute Resolution Coordinator and NDDPI staff
Review data and develop action plan for dealing with systemic issues.	Ongoing	NDDPI Dispute Resolution Coordinator
Develop guidance materials in varied formats so that parents can access the information through different modes (brochures, videos, audio tapes, sign-language interpreter, etc.).	06-07 School Year	NDDPI staff, and other interested stakeholders
Provide trainings and technical assistance to LEAs, ND Protection and Advocacy, the ND Parent Training and Information Center and other parent organizations.	Ongoing	NDDPI Dispute Resolution Coordinator
Analyze and improve upon existing follow-up methods for ensuring completion of corrective actions in a timely fashion.	Ongoing	NDDPI Dispute Resolution Coordinator
The NDDPI will continue to share dispute resolution annual data with the IDEA Advisory Committee, ND Protection and Advocacy, the ND Parent Training and Information Center, other parent organizations and the public, through website access. The NDDPI will also share this information with BIA special education administrators in the state.	2006	NDDPI Dispute Resolution Coordinator

Progress:

The NDDPI has a State Complaints brochure that has been revised to reflect the new requirements under the IDEA 2004. This brochure explains the complaint process and is publicly available at: <http://www.dpi.state.nd.us/speced/resource/conflict/complaint.pdf> .

Training and guidance document revisions: the NDDPI has provided training and technical assistance to various stakeholder groups regarding the new IDEA 2004 regulations relative to the Resolution Meeting. Training was provided:

- to the local district and unit special education directors at the 2006 Fall Leadership Institute;
- to parents at the spring 2007 ND Parent Training and Information Center conference; and
- by posting new statutes and IDEA 2004 regulations on the NDDPI website;

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

The NDDPI has revised all dispute resolution brochures, including due process hearings and resolution meetings, state complaint investigations, mediations, and IEP facilitations.

Data for the FFY2006-07 dispute resolution reporting period has been reviewed and compared to other compliance indicators for determining systemic issues. The NDDPI analyzes the dispute resolution data by district, disability, age, race, and across dispute resolution options. Improvement strategies currently consist of expanding follow-up methods for ensuring completion of corrective actions in a timely fashion.

The NDDPI is in the process of expanding resource materials to more varied formats as the newly updated documents are developed.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2006-07: N/A

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Overview of the Annual Performance Report Development:

See Indicator 1 for complete overview

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 17: Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.

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

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

Table 17.1 Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100 percent of due process hearing decisions will be fully adjudicated and completed within the 45-day timeline or within a properly extended timeline.
2006 (2006-2007)	100 percent of due process hearing decisions will be fully adjudicated and completed within the 45-day timeline or within a properly extended timeline.
2007 (2007-2008)	100 percent of due process hearing decisions will be fully adjudicated and completed within the 45-day timeline or within a properly extended timeline.
2008 (2008-2009)	100 percent of due process hearing decisions will be fully adjudicated and completed within the 45-day timeline or within a properly extended timeline.
2009 (2009-2010)	100 percent of due process hearing decisions will be fully adjudicated and completed within the 45-day timeline or within a properly extended timeline.
2010 (2010-2011)	100 percent of due process hearing decisions will be fully adjudicated and completed within the 45-day timeline or within a properly extended timeline.

Actual Target Data for FFY2006-2007.

Table 17.2 Hearing Requests

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

The target of 100% was met.

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Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2006-2007

Table 17.3 Improvement Activities/Timelines/Resources for Indicator 17.

Activities	Timelines	Resources
Provide training in the new IDEA 04 Procedural Safeguards; Revise guidance documents; Develop and revise model forms.	05-06 School Year	NDDPI Dispute Resolution Coordinator and NDDPI staff
Improve complaint data collection and analysis through STARS and Department database.	06-07 School year	NDDPI Dispute Resolution Coordinator and NDDPI staff
Review data and develop action plan for dealing with systemic issues.	Ongoing	NDDPI Dispute Resolution Coordinator
Develop guidance materials in varied formats so that parents can access the information through different modes (brochures, videos, audio tapes, sign-language interpreter, etc.).	06-07 School Year	NDDPI staff, and other interested stakeholders
Provide trainings and technical assistance to LEAs, ND Protection and Advocacy, the ND Parent Training and Information Center and other parent organizations.	Ongoing	NDDPI Dispute Resolution Coordinator
Analyze and improve upon existing follow-up methods for ensuring completion of corrective actions in a timely fashion.	Ongoing	NDDPI Dispute Resolution Coordinator
The NDDPI will continue to share dispute resolution annual data with the IDEA Advisory Committee, ND Protection and Advocacy, the ND Parent Training and Information Center, other parent organizations and the public, through website access. The NDDPI will also share this information with BIA special education administrators in the state.	2006	NDDPI Dispute Resolution Coordinator

Progress: The NDDPI did not have any due process hearing requests in the FFY2006-07

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2006-2007:

The NDDPI's Due Process brochure has been revised to reflect the IDEA 2004 regulations. The due process brochure explains the resolution meeting and the due process hearing procedures to interested individuals <http://www.dpi.state.nd.us/speced/resource/conflict/dueprocess.pdf>. The differences between a due process complaint and a state complaint investigation have been clearly explained in the Notice of Procedural Safeguards, titled *Parental Rights for Public School Students Receiving Special Education and Related Services: Notice of Procedural Safeguards* and in both the state complaint and due process brochures.

The Due Process Complaint form (SFN 9461) that was in draft form during the previous reporting period has now been finalized. The due process complaint must be presented to the other party (receiving party) and a copy must be sent to the NDDPI. Timelines are not set in motion until the date of receipt of the due process complaint by the other party.

Training and guidance document revisions

NDDPI has provided training and technical assistance to various stakeholder groups regarding the new IDEA 2004 regulations relative to the Resolution Meeting. Training was provided:

- to the local district and unit special education directors at the 2006 Fall Leadership Institute;

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- to parents at the spring 2007 ND Parent Training and Information conference; and
- by posting new statutes and regulations relative to IDEA 2004 on the NDDPI website;

Stakeholders have also been informed of the updated version of the *Parental Rights for Public School Students Receiving Special Education and Related Services: Notice of Procedural Safeguards*. A copy of this updated guidance document and an audio version can be found two separate locations on the NDDPI website: <http://www.dpi.state.nd.us/speced/resource/parent/index.shtm> or at <http://www.dpi.state.nd.us/speced/guide/guidance/index.shtm> If systemic issues are identified through dispute resolution data, the NDDPI will focus monitoring efforts on that school district. Identification will be combined with training in the areas of concern.

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Overview of the Annual Performance Report Development:

See Indicator 1 for complete overview and stakeholder input.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 18: Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.

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

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

Table 18.1. Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target
2005 (2005-2006)	30 percent of Resolution Sessions will be facilitated successfully.
2006 (2006-2007)	35 percent of Resolution Sessions will be facilitated successfully.
2007 (2007-2008)	40 percent of Resolution Sessions will be facilitated successfully.
2008 (2008-2009)	45 percent of Resolution Sessions will be facilitated successfully.
2009 (2009-2010)	50 percent of Resolution sessions will be facilitated successfully.
2010 (2010-2011)	50 percent of Resolution sessions will be facilitated successfully.

Actual Target Data for FFY2006-2007

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

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2006-2007

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

The NDDPI's *Due Process and Resolution Meeting* brochure has been revised to reflect the IDEA 2004 regulations. The brochure explains the due process hearing procedures and resolution meeting to interested individuals. This brochure is available at:

<http://www.dpi.state.nd.us/speced/resource/conflict/dueprocess.pdf>

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Table 18.2 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources
Provide stakeholder training in the new IDEA 04 regulations on procedural safeguards and dispute resolution options. Revise guidance documents.	06-07 school year	NDDPI Dispute Resolution Coordinator
Continue to expand existing facilitator pool; provide facilitation and IDEA 04 training to facilitators.	06-07 school year; ongoing	NDDPI Dispute Resolution Coordinator
Monitor resolution session via internal database and reporting processes.	06-07 school year	NDDPI Dispute Resolution Coordinator
Monitor issues presented in the resolution sessions for the purpose of handling systemic issues.	06-07 school year and ongoing	NDDPI Dispute Resolution Coordinator
Develop guidance materials in varied formats so that parents can access the information through different modes.	06-07 and 07-08 school years	NDDPI staff, and interested stakeholders
Provide trainings and technical assistance to LEAs, ND Protection and Advocacy, the ND Parent Training and Information Center and other parent organizations.	Ongoing	NDDPI Dispute Resolution Coordinator
Analyze data and improve upon existing follow-up methods for monitoring implementation of resolution session agreements.	Ongoing	NDDPI Dispute Resolution Coordinator

Training and guidance document revisions: The NDDPI has provided training and technical assistance to various stakeholder groups regarding the new IDEA 2004 regulations relative to the Resolution Meeting. Training was provided:

- to the local district and unit special education directors at the 2006 Fall Leadership Institute;
- to parents at the spring 2007 ND Parent Training and Information conference; and
- by posting new statutes and regulations relative to the IDEA 2004 on the NDDPI website;

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

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2006-2007: N/A

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Overview of the Annual Performance Report Development:

See Indicator 1 for complete overview and stakeholder input.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 19: Percent of mediations held that resulted in mediation agreements.

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

Measurement:

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

Table 19.1 Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target
2005 (2005-2006)	A state need not set targets for this indicator unless its baseline data reflects that it has received a minimum threshold of 10 mediation requests. Historically North Dakota has a minimum threshold of less than 10 mediation requests per year.
2006 (2006-2007)	A state need not set targets for this indicator unless its baseline data reflects that it has received a minimum threshold of 10 mediation requests. Historically North Dakota has a minimum threshold of less than 10 mediation requests per year.
2007 (2007-2008)	A state need not set targets for this indicator unless its baseline data reflects that it has received a minimum threshold of 10 mediation requests. Historically North Dakota has a minimum threshold of less than 10 mediation requests per year.
2008 (2008-2009)	A state need not set targets for this indicator unless its baseline data reflects that it has received a minimum threshold of 10 mediation requests. Historically North Dakota has a minimum threshold of less than 10 mediation requests per year.
2009 (2009-2010)	A state need not set targets for this indicator unless its baseline data reflects that it has received a minimum threshold of 10 mediation requests. Historically North Dakota has a minimum threshold of less than 10 mediation requests per year.
2010 (2010-2011)	A state need not set targets for this indicator unless its baseline data reflects that it has received a minimum threshold of 10 mediation requests. Historically North Dakota has a minimum threshold of less than 10 mediation requests per year.

Actual Target Data for FFY2006-07

Table 19.2. Mediation Requests

(2) Mediation request total	3
(2.1) Mediations	2
(a) Mediations related to due process	0
(i) Mediation agreements	0
(b) Mediations not related to due process	2
(i) Mediation agreements	1
(2.2) Mediations not held (including pending)	1

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The NDDPI has maintained the Target set for the FFY2006-0707 school year.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2006-07

Progress: The NDDPI has maintained the Target set for the FFY2006-07. The NDDPI received three mediation requests during the FFY2006-07. Of those three requests, one was withdrawn. Of the two that went to mediation, one resulted in agreement.

Although the number of annual mediations has not changed significantly over the last several years, there has been a new focus on early intervention for resolving conflicts between schools and parents before they reach complaint level. In addition to mediation, the IEP facilitation is offered to parties early in any conflict when team members reach an impasse. The IEP Facilitations are accessed at least as frequently as mediation.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2006-07:

Table 19.3 Improvement Activities/Timelines/Resources

Activities	Timelines	Resources
Provide stakeholder training in the new IDEA 04 Procedural Safeguards; Revise guidance documents; Develop and revise mediation forms;	05-06 School Year	NDDPI Dispute Resolution Coordinator
Expand mediator pool and improve quality of mediator training in both mediation methods and IDEA 04.	Ongoing	NDDPI Dispute Resolution Coordinator
Improve mediation data collection and analysis for improved tracking processes.	06-07 School year	NDDPI Dispute Resolution Coordinator
Review of all mediation issues for the purpose of handling systemic issues.	Ongoing	NDDPI Dispute Resolution Coordinator
Develop guidance materials in varied formats so that parents can access the information through different modes (brochures, videos, audio tapes, sign-language interpreter, etc.).	06-07 School Year	NDDPI staff, and other interested stakeholders
Provide trainings and technical assistance to LEAs, ND Protection and Advocacy, the ND Parent Training and Information Center and other parent organizations.	Ongoing	NDDPI Dispute Resolution Coordinator
Analyze data and improve upon existing follow-up methods for ensuring implementation of mediation agreements.	Ongoing	NDDPI Dispute Resolution Coordinator
The NDDPI will continue to share dispute resolution annual data with the IDEA Advisory Committee, ND Protection and Advocacy, the ND Parent Training and Information Center, other parent organizations and the public, through website access. The NDDPI will also share this information with BIA special education administrators in the state.	2006	NDDPI Dispute Resolution Coordinator

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Activities Completed:

- The NDDPI has updated the Mediation brochure and manual to reflect the IDEA 2004 federal regulations.
- All individuals selected to serve as mediators have successfully completed a training program in mediation.
- Mediators will be chosen on a rotational basis. This is a change from our previous method of allowing the parties to choose the mediator. Mediations are few in North Dakota and some mediators expressed concern that their familiarity with special education mediation issues was compromised when they were not given an opportunity to perform special education mediation on an annual basis. Although training is provided for all mediators, the NDDPI agreed that mediators would benefit from being selected rotationally so that they might each have an opportunity to mediate a special education case in any given year. The rotation process includes:
 - The mediator who is next on the list will be contacted. If that mediator is not available, the next mediator on the list is contacted.
 - Disability category of the student will be taken into account for special cases when selecting a mediator if a particular mediator has extensive experience in a particular disability area (i.e., mental illness).
 - Geographic location of the mediator will only be taken into account if the parties' issues are so widespread that several meetings would be required to effectively resolve the issues presented in the mediation request.
- The NDDPI has improved the collection of participant feedback data. The mediator disseminates a NDDPI generated mediation exit survey immediately following the mediation as part of continuous improvement process (Appendix D). The participants may send it in the accompanying self-addressed/stamped envelope at their convenience. The information obtained from the surveys are held confidential to the extent that no names are attached to the survey and data is strictly used to improve the mediation process and mediator trainings, or to convey trend data to stakeholders at parent or leadership conferences.

The NDDPI continues to revise guidance documents and to develop and revise model forms to meet new Training and guidance document revisions: the NDDPI has provided training and technical assistance to various stakeholder groups regarding the new IDEA 2004 regulations relative to the resolution meeting. Training was provided:

- to the local district and unit special education directors at the 2006 Fall Leadership Institute;
- to parents at the spring 2007 ND Parent Training and Information conference; and
- by posting new statutes and regulations relative to IDEA 2004 on the NDDPI website;

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

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Overview of the Annual Performance Report Development:

See Indicator 1 for complete overview and stakeholder input.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 20: State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

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

Measurement:

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

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

Table 20.1. Measurable and Rigorous Targets

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100 percent of required data reports will be accurately completed and submitted on time.
2006 (2006-2007)	100 percent of required data reports will be accurately completed and submitted on time.
2007 (2007-2008)	100 percent of required data reports will be accurately completed and submitted on time.
2008 (2008-2009)	100 percent of required data reports will be accurately completed and submitted on time.
2009 (2009-2010)	100 percent of required data reports will be accurately completed and submitted on time.
2010 (2010-2011)	100 percent of required data reports will be accurately completed and submitted on time.

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Actual Target Data for FFY2006-07:

Table 20.1 Percent Of 618 Data and APR Data Submitted on Time and Accurately

A. APR Grand Total	
1. Timeliness (Timely Submission points)	5
2. Accuracy (Subtotal points)	55
B. 618 Grand Total	
1. Timeliness (Timely Subtotal*2)	14
2. Accuracy ((B. + C. + D. Subtotals)*2)	42
C. APR Grand Total (A) + 618 Grand Total (B)	116
D. Subtotal (C/119)	.975
a. Overall Timeliness Score (A1+B1/19)	100.0%
b. Overall Accuracy Score (A2+B2/100)	97.0%
E. Overall Indicator Score (Subtotal D x 100)	97.5%

Table 20.2 Timeliness and Accuracy of the APR FFY2006-07 Data

APR Indicator	Valid and Reliable	Correct Calculation	Followed Instructions	Total
1	1		1	2
2	1		1	2
3A	1	1	1	3
3B	1	1	1	3
3C	1	1	1	3
4A	1	1	1	3
5	1	1	1	3
7	1	1	1	3
8	1	1	1	3
9	0	0	0	0
10	1	1	1	3
11	1	1	1	3
12	1	1	1	3
13	1	1	1	3
14	1	1	1	3
15	1	1	1	3
16	1	1	1	3
17	1	1	1	3
18	1	1	1	3
19	1	1	1	3
			Subtotal	55

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APR Score Calculation	Timely Submission Points - If the FFY2006 APR was submitted on-time, assign 5 points.	5
	Grand Total - (Sum of subtotal and Timely Submission Points) =	60
	Percent Timely Score (Timely Submissiong/5)	100.0%
	Percent Accurate Score (Subtotal/58)	94.8%
	Percent Score for SPP/APR data (Grand Total/63)	95.2%

Table 20.3 Timeliness and Accuracy of 618 Data

Table	A. Timely	B. Complete Data	C. Passed Edit Check	D. Responded to Data Note Requests	Total
Table 1 - Child Count Due Date: 2/1/07	1	1	1	1	4
Table 2 - Personnel Due Date: 11/1/07	1	1	1	1	4
Table 3 - Ed. Environments Due Date: 2/1/07	1	1	1	1	4
Table 4 - Exiting Due Date: 11/1/07	1	1	1	1	4
Table 5 - Discipline Due Date: 11/1/07	1	1	<u>0</u>	1	<u>3</u>
Table 6 - State Assessment Due Date: 2/1/07	1	1	1	1	4
Table 7 - Dispute Resolution Due Date: 11/1/07	1	1	1	1	4
SUBTOTAL	7	7	7	7	28
618 Score Calculation	Grand Total (Subtotal X 2) =				56
	Percent Timely Score (A. Timely Subtotal/7)				100%
	Percent Accurate Score(B. + C. + D. Subtotals/21)				100%

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	Percent Score for 618 data (Grand Total/56)	100%
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Data for the FFY2006-07 did not clearly demonstrate that the response group had statewide representation. This is due primarily to the parent involvement survey being dependent on voluntary participation. This is the only indicator in which the NDDPI depended upon volunteer participation. The NDDPI staff is working toward increasing representation; please see the Indicator 8 for details. As noted in each indicator narrative, the data collected on all indicators (other than 8) is reliable and valid. Reliability and validity checks occurred based on the data required. For example, data collected for Indicators 1, 2, 12, and 13 were reported to NDDPI, calculated and reviewed by NDDPI staff and then returned to the LEA staff for final review. Furthermore, NDDPI has contracted with a data consultant from the MPRRC who provides technical assistance in both statistical analyses and the development of the ND SPP and APR indicator narratives.

Explanation of progress or slippage that occurred for FFY 2006:

In FFY2005, the scoring rubric checklist was not used which is why a comparison of raw data over time is not provided; however a similar process was used.

Discussion of Improvement Activities Completed for FFY 2006-07:

Table 20.4 Improvement Activities, Timelines, and Resources

Activities	Timelines	Resources
Training for LEA staff who are responsible for entering student record data.	Ongoing	NDDPI staff
Individual technical assistance to LEA staff as needed.	Ongoing	NDDPI staff
Provide training and implementation of The Special Education Integrated Accountability System for data analysis and improvement planning.	Implement statewide in 2007 -08	Part B admin. funds;
Further refinement of State Automated Reporting Systems	Ongoing	State MIS Staff
Piloting of the Statewide Special Education Web-based Case Management System (Spring 2008) with full implementation Fall 2008.	FFY2008	NDDPI Staff, District Administrators.
The NDDPI Standards and Achievement Unit has moved the annual school district data submission date to an earlier deadline of November 1.	Ongoing	NDDPI staff

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources FFY2006-07:

Response to OSEP's Concerns

In the FFY2005 SPP/APR Response Table, OSEP indicated that the NDDPI was required to update the FFY2005 graduation rate data and submit the raw data. Tables 1.2 and 1.3 provide the raw numbers used to calculate the graduation rate and Table 1.3 provides the FFY2005 graduation rate based on complete data. Furthermore, to ensure incomplete data are no longer an issue the NDDPI moved the annual school district data submission date to an earlier deadline of November 1.

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The NDDPI also revised data submission timelines for Indicators 11, 12, and 13 to align with the required timeframe, July 1 – June 30. Please see each of the indicator narratives for further details on data collection timelines.

Appendix A

Indicators 9 and 10

Disproportionate Representation

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North Dakota Department of Public Instruction Office of Special Education State Plan to Identify Disproportionality

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

Indicator 9: Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

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

1. North Dakota uses a multi-tiered, multi-measures approach
Weighted risk ratio includes:
 - a. Risk (compared to state averages for Whites)
 - b. Risk ratio (compared to all others)
 - c. Weighted (incorporates small “n” size concerns)
 - d. Two consecutive years at or above 3.0
 - e. Statistical presumption of “potentially “significant” requires at least ten students within a racial group in a given category
 - f. Smaller districts (less than 10 students and greater than 5) in category) receive follow-up information when identified
 - g. State averages for identification rates within subcategories considered
 - h. Tiered Monitoring Approach providing data to local areas prior to being identified as potentially “disproportionate.”
2. Must include policies and procedures “designed to prevent the inappropriate over-identification or disproportionality”
 - a. Not limited to non-compliance with IDEA
 - b. Prevention must be tied to regular and special education
 - c. Expect LEAs to maintain a quality pre-referral process
 - d. Two years of data supporting potentially of being disproportionate
 - e. Once flagged, expand the scope of inquiry

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North Dakota Department of Public Instruction Office of Special Education

Local Investigation to Reduce Disproportionality

Using local protocol, the identified district should:

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

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- Identification,
 - Placement,
 - Discipline, and
 - Least Restrictive Environment.
- k. Do parents who are culturally diverse or economically disadvantaged have adequate knowledge about their children's rights?

Research suggested best practices:

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

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North Dakota Department of Public Instruction Office of Special Education

Disproportionality Procedural Review

Areas of Inquiry	Policy/ Procedures	General Education	Documents	Interview	Observation	Comments	
Evidence instruction generally has been:							
<ul style="list-style-type: none"> • Research-based or appropriate • Matched to skill level of student • Motivating and rewarding • Provided by qualified teachers 						Specifically relevant for students referred for interventions or for an evaluation for special education.	
Early interventions for academic/behavior concerns:							
<ul style="list-style-type: none"> • Is there evidence of multiple interventions • Does intervention data includes baseline, adequate monitoring, and expected performance outcomes • Is Students' learning/behavior viewed within the context of their cultural/linguistic background 							Does the intervention plan allow for progress monitoring?
							For LEP students, English language acquisition and impact on academic performance is considered.
Academic Issues:							
<ul style="list-style-type: none"> • Adequate frequency • Adequate time per session • Reasonably sized group 						Are intervention protocols aligned with research?	
Behavior Issues:							
<ul style="list-style-type: none"> • Positive behavior intervention(s) • Functional behavioral assessment • Behavior intervention plan 						When appropriate, were behavior plans developed, implemented, and evaluated for effectiveness?	
Results of intervention							
<ul style="list-style-type: none"> • Meetings to review progress • Parent attended meetings 						Were a sufficient number of meetings held?	

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North Dakota Department of Public Instruction Office of Special Education

Disproportionality Student File Review

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

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

* Evaluate identified potential disproportionate student population against majority population to determine whether anomalies exist. If so, adjust process appropriately to improve outcomes.

Appendix B

Indicator 11

***Number of Children with
Parental Consent to Evaluate***

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Home School Dist.	# of consent for Evaluation (A)	# determined NOT Eligible w/in 60 days (B)	# determined Eligible w/in 60 days (C)	Range of days beyond 60 days	# of delays with OSEP Allowed Exceptions	Percent of children with parental consent to evaluate, who were evaluated within 60 days	Reasons for Delay Other than OSEP Exceptions
District A	320	88	220	2 - 35	5	97.8	Outside evaluations, Rescheduled mtgs, Health related issues, Human error, Additional questions on IWAR prompted additional assess
District B	43	21	18	60 - 87	0	90.7	Waited for 3rd birthday, trying Rtl
District C	8	0	7	1 - 25		87.5	Further testing
District D	9	1	7	1 - 59	0	88.9	Further testing
District E	69	25	29	2 - 38	8	88.5	Rescheduled meeting, Availability of the LD teacher for testing
District F	11	4	6	31	0	90.9	Team decision
District G	4	0	2	8-57	0	50.0	Team decision
District H	341		326	3 - 20	9	98.2	Human Error, Parent requested.
District I	16	3	11			87.5	No Reason Given
District J	18	2	14	15	1	94.1	No Reason Given
District K	5	0	4	180		80.0	No Reason Given
District L	7	1	5			85.7	No Reason Given
District M	6	2	3	30		83.3	No Reason Given
District N	39	8	24	30		82.1	No Reason Given
District O	18	1	16	3		94.4	No Reason Given

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District P	5	1	3	90		80.0	Outside evaluations
District Q	7	0	6	90		85.7	No Reason Given
District R	6	3	2			83.3	No Reason Given
District S	20	1	15			80.0	No Reason Given
District T	6	0	2	77 - 197	3	66.7	Parent delayed meeting , delay in test administered
District U	8	4	2	20 - 42	1	85.7	Trying to get a meeting scheduled with parents
District V	12	0	8	144		66.7	Team Agreement to Delay
District W	527	93	395		14	95.1	Rescheduled meeting, Health related issues, Student refused , Other , death, Student moved
District X	11	4	5	1	1	90.0	Rescheduled meeting
District Y	20	4	12	1 - 10	1	84.2	Rescheduled meeting, storm
District Z	23	2	18		1	90.9	Rescheduled meeting
District AA	11	1	7	1- 12	2	88.9	Rescheduled meeting
District AB	47	11	27	2 - 37	7	95.0	Rescheduled meeting, Death in Family
District AC	16	3	12			93.8	Rescheduled meeting,
District AD	15	2	10	4 - 15	2	92.3	Rescheduled meeting,
District AE	33	14	18			97.0	Rescheduled meeting,
District AF	10	2	5	11- 61	2	87.5	Human error, Rescheduled due to death in family, Scheduling conflict with parents ,
District AG	7	2	3	8 - 39		71.4	Waiting for CAP evals, Waiting for Psych evals

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District AH	4		2	8 - 29	1	66.7	Could not reach parents for scheduling meeting, human error
District AI	8	1	6	4		87.5	Human error
District AJ	38	16	20	3	1	97.3	Outside evals, parent unavailable - rescheduled.
District AK	12	0	10	60	1	90.9	Health related issues
District AL	6	0	4	120	1	80.0	Health related issues
District AM	170	22	102	0-170	16	80.5	Rescheduled mtgs, health issues, outside evaluations, human errors,
District AN	7	2	4	23		85.7	Human Error
District AO	11		7	14 - 90	2	77.8	Rescheduled mtgs, health issues, outside evaluations
District AP	6	0	5	8		83.3	Health Related Issues
District AQ	6	2	3	85		83.3	Health Related Issues
District AR	17	8	6	7 - 15	2	93.3	Rescheduled Meetings
District AS	13	6	4	11- 41		76.9	Human error, outside evaluations.
District AT	35	10	23	7 -11	1	97.1	Rescheduled meetings
District AU	9	3	5	30		88.9	Outside evaluations
District AV	11		3	30 - 90		27.3	Human error, outside evaluations
District AW	7	2	4	20		85.7	Team decision

Appendix C
Indicator 15
District Tally Forms

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School District _____ Sp Ed Unit _____
 Building/Grade Level: _____ Summary Date: _____
 Summary Completed by (Name): _____

Key: Yes = compliance No = noncompliance NF=not found NA= not applicable

Quality Indicators	Total Files	Yes	No	NF	NA	Noncompliance Date Identified	Date Corrected	Date verified by SEA staff
NON-DISCRIMINATORY ASSESSMENT								
EVALUATION								
Multi-disciplinary team includes: (check all that apply) 300.305 (a)								
• Parent(s) of the child								
• Regular education teacher								
• Special education teacher								
• Administrator								
• An individual who can interpret the instructional implications of the evaluation results (may be a member of the team described above)								
• At the discretion of the parent or LEA, other individuals who have knowledge/special expertise regarding the child.								

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Quality Indicators	Total Files	Yes	No	NF	NA	Noncompliance Date Identified	Date Corrected	Date verified by SEA staff
• The child (if appropriate)								
Evaluation done prior to initial placement								
Re-evaluation occurred within 3 years 300.300 (b)(2)								
Most current evaluation in file								
Student profile includes: 300.304 (c)(6)								
• Cognitive characteristics								
• Physical characteristics								
• Adaptive characteristics – functional 300.305								
• Classroom characteristics and environmental influences								
• Behavior								
Indication that no additional information was needed: 300.305 (d)								
• IWAR completed								
• Parents notified that no additional information was needed (box was checked)								
Assessment plan developed prior to evaluation 300.305								
For reevaluation , team reviewed existing evaluation data; including: 300.305								
• Information provided by parents								
• Current classroom based assessments & observations								

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Quality Indicators	Total Files	Yes	No	NF	NA	Noncompliance Date Identified	Date Corrected	Date verified by SEA staff
• Teacher & related service provider observation								
• Student participates in local or state assessments (a)(1)								
Independent evaluation was considered & included in report 300.502								
Evaluation is nondiscriminatory – (300.304 (c)(1)(i))								
Evaluations tailored to educational needs and not a single intelligence quotient–300.304(c) (2)								
Assessment administration considered impaired sensory, manual or special skills - 300.304(c)(3)								
Assessment in all areas related to suspected disability 300.304 (c)(4)								
Evaluation administered in native language 300.304 (c)(1)(ii)								
Test instruments administered by trained personnel and are valid and reliable 300.304 (c)(1)(iii)(iv)								
Evaluation includes info related to enabling child to be involved in & progress in general curriculum (or for preschool, appropriate activities) [300.532 (b)] 300.304 (b)(1)(ii)								

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Quality Indicators	Total Files	Yes	No	NF	NA	Noncompliance Date Identified	Date Corrected	Date verified by SEA staff
Multiple measures were used 300.304 (b)(1)(2)(C)(2)								
SUMMARY OF PERFORMANCE- SOP 300-305 (e)(2)(3)								
SOP developed for student in final year of HS								
<ul style="list-style-type: none"> Summary of academic & functional performance 								
<ul style="list-style-type: none"> Recommendations on how to assist the student in meeting post secondary goals. 								
INTEGRATED WRITTEN ASSESSMENT REPORT (IWAR)								
IWAR was prepared 300.306								
IWAR includes the following:								
<ul style="list-style-type: none"> Findings from all sources 								
<ul style="list-style-type: none"> Integrated assessment data 								
<ul style="list-style-type: none"> Input from other team members, including parent(s) & all other current and relevant data 								
<ul style="list-style-type: none"> Written in an understandable manner for parents and others 								
<ul style="list-style-type: none"> Determination of the child's disability 								
Evidence that the following were not factors in disability: 300.306(b)(1)								

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Quality Indicators	Total Files	Yes	No	NF	NA	Noncompliance Date Identified	Date Corrected	Date verified by SEA staff
• Lack of reading/math instruction								
• Limited English Proficiency (LEP)								
EVALUATION – SLD								
MDT includes a diagnostician qualified to conduct individual diagnostic exam (School psychologists, speech/language pathologist, remedial reading teacher) 300.308(b)								
Data based documentation that disability not due to lack of instruction 300.309 (a)(1)(b)(1)								
INTEGRATED WRITTEN ASSESSMENT REPORT – SLD								
Identified as SLD in one of eight areas 300.309 Check chosen area(s):								
• Oral expression								
• Listening comprehension								
• Written expression								
• Basic reading skill								
• Reading comprehension								
• Reading Fluency								
• Mathematics calculation; or								
• Mathematic problem solving								

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Quality Indicators	Total Files	Yes	No	NF	NA	Noncompliance Date Identified	Date Corrected	Date verified by SEA staff
Discrepancy not attributable to any other cause (severe discrepancy between ability & achievement that is not correctable without special education) 300.309 (a)(3)								
The child does not achieve adequately for the child's age or to meet State-approved grade-level standards.								
The child does not make sufficient progress to meet age or State-approved grade-level standards.								
Classroom observation - 300.310								
Statement that the team found that the discrepancy was not due to the following: 300.311								
• Visual, hearing, motor disability								
• Mental retardation								
• Emotional disturbance, or								
• Environmental, cultural, economic disadvantage								
• Limited English Proficiency								
Documentation of educationally relevant medical findings 300.311(4)								
If RTI process then document the following:								
The instructional strategies used and the student-centered data collected; and								

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Quality Indicators	Total Files	Yes	No	NF	NA	Noncompliance Date Identified	Date Corrected	Date verified by SEA staff
The child's parents were notified about—								
• The State's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided;								
• Strategies for increasing the child's rate of learning								
l. The parents' right to request an evaluation.								
Signature of each team member for approval – 300.311 (b)								
<i>FAPE</i>								
<i>INDIVIDUALIZED EDUCATION PROGRAM (IEP) 300.320</i>								
Current IEP in file								
IEP reviewed within 12 months								
If initial IEP: Meeting was held within 30 days of eligibility								
IEP in effect prior to services								
IEP meeting participants include: [300.321] <i>(if not found see Attendance Not Necessary or Excusal sections below before marking NF)</i>								
• LEA representative								

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Quality Indicators	Total Files	Yes	No	NF	NA	Noncompliance Date Identified	Date Corrected	Date verified by SEA staff
• Child’s General Education teacher (not less than one if the child is or may be participating in the reg. ed. environment)								
• Special Education teacher (not less than one)								
• An individual who can interpret instructional implications of the eval. results – could be one of the persons above								
• Parent participated in IEP meeting								
• If parent not present , file documents attempts to obtain participation -input								
• Child (If 16+)								
• If child not present, file documents, attempts to obtain participation – (input)								
• Agency personnel as appropriate								
• Related services as appropriate								
• Age 3 child previously served under Part C – invitation to attend initial IEP sent to Part C representative 300.321 (f)								
• If child attending private school: Representative of school								
Attendance Not Necessary								
• Member’s area of curriculum is not being modified or discussed – written agreement of parent and LEA 300.321 (e)(1)								

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Quality Indicators	Total Files	Yes	No	NF	NA	Noncompliance Date Identified	Date Corrected	Date verified by SEA staff
Excusal								
<ul style="list-style-type: none"> Member's area of curriculum is being modified or discussed – written consent of parent and LEA 300.321 (e) (2) 								
<ul style="list-style-type: none"> IEP member submitted, in writing, input for the IEP 								
PRESENT LEVEL OF ACADEMIC ACHIEVEMENT AND FUNCTIONAL PERFORMANCE								
IEP addresses all areas of functioning including:								
<ul style="list-style-type: none"> Reflects parent input 								
<ul style="list-style-type: none"> Significant strengths & deficits 								
<ul style="list-style-type: none"> Is understandable by parents & general educators 								
Gives clear picture of present level of functioning :								
<ul style="list-style-type: none"> Cognitive functioning 								
<ul style="list-style-type: none"> Academic performance 								
<ul style="list-style-type: none"> Communication status 								
<ul style="list-style-type: none"> Motor ability 								
<ul style="list-style-type: none"> Sensory status 								
<ul style="list-style-type: none"> Health/physical status 								
<ul style="list-style-type: none"> Social, emotional, behavioral, ecological 								

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Quality Indicators	Total Files	Yes	No	NF	NA	Noncompliance Date Identified	Date Corrected	Date verified by SEA staff
• Functional skills								
PLAAFP describes patterns of functioning								
PLAAFP describes needs for special education								
PLAAFP describes how disability affects child's involvement & progress in general ed curriculum 300.320 (a)(1)(i)								
For preschool , how disability affects participation in appropriate activities 300.320 (a)(1)(iii)								
ANNUAL GOALS								
Annual goals contain all required components including: 300.320 (a)(2)(i)								
• Behavior or skill								
• Desired ending level of achieve								
• Intent or purpose								
• Have basis in PLAAFP								
• Reasonably attainable within 1 year								
OBJECTIVES (if taking the alternate assessment)								
Objectives contain all required components including: 300.320 (a)(2)(ii)								

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Quality Indicators	Total Files	Yes	No	NF	NA	Noncompliance Date Identified	Date Corrected	Date verified by SEA staff
• Conditions/circumstances under which behavior is to be performed								
• Specific behaviors								
• Criteria for attainment								
• Evaluation procedures								
• Schedules for determining if objectives are met								
• Are sequential (if appropriate)								
STO's are individualized								
Reporting Progress to Parents Parents are informed of student progress 300.320 (a)(3)								
• Each goal/objective is addressed in progress report								
Adaptations section is complete <u>and</u> relates to PLEP 300.320 (a)(4)								
Special Factors 300.324 (a)(2) (i) <i>behavior</i> , if it impedes learning of child or others, & includes + behavior interventions, strategies, supports to address behavior								
(ii) for <u>LEP</u> , the language needs as they relate to the child's IEP								

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Quality Indicators	Total Files	Yes	No	NF	NA	Noncompliance Date Identified	Date Corrected	Date verified by SEA staff
(iii)for <i>blind/VI</i> , instruction in Braille & its use unless not appropriate								
(iv)for <i>deaf/HOH</i> , communication & language needs, opportunities for direct communications with peers & prof personnel, child’s mode, academic level & full range of needs								
(v) whether <i>AT devices</i> & services are needed								
Participation in statewide and district-wide assessment 300.320 (a)(6)								
• States which assessment child will participate in (Check one):								
1. State assessment with no accommodations								
2. State assessment <i>with</i> accommodations								
3. Alternate Assessment								
• States individual modifications needed in the administration of the assessment								
• Contains a statement of team rationale for participation in the ND Alternate Assessment								
Type of physical ed. (may be NA in HS if requirements for PE are completed) 300.108								
Documentation of Nonacademic and Extracurricular activities 300.320 (a)(4)(ii)								

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Quality Indicators	Total Files	Yes	No	NF	NA	Noncompliance Date Identified	Date Corrected	Date verified by SEA staff
Sp Ed Services (Section J of IEP) includes: 300.320 (a)(7)								
• Services								
• Projected date for beginning of services								
• Anticipated frequency of services								
• Location of services								
• Duration of services								
Extended School Year (ESY): sufficient documentation in justification section 300.106								
TRANSTION IEP								
IEP will be in effect when student turns 16 Transition services deemed appropriate by team for student younger than 16 300.320 (b)								
Student invited to IEP 300.321 (b)(1)								
If student didn't attend IEP meeting does file include info that student's preferences/interests were considered & documented 300.321 (b)(2)								
For ages 16+, the following are described in the PLAAFP:								
• Jobs/job training								
• Recreation & leisure								
• Independent living								
• Community participation								

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Quality Indicators	Total Files	Yes	No	NF	NA	Noncompliance Date Identified	Date Corrected	Date verified by SEA staff
• Post-sec training & learning opportunities								
• Related services								
Additional secondary transition requirements are found on the ND Internal Monitoring Secondary Transition Requirements checklist.								
LEAST RESTRICTIVE ENVIRONMENT (LRE)								
Supplementary services provided in conjunction with general ed 300.115 (b)(2)								
Evidence child is educated in neighborhood school unless other arrangement id'd by IEP team 300.116 (c)								
Child's placement is based on IEP 300.116 (b)(2)								
Educated with children who are non-disabled [300.550.1] 300.114 (a)(2)(i)								
Removal from general ed environment is appropriate by team determination 300.116 (a)(1)								
Evidence that school/class attended is age appropriate 300.116 (e)								

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Quality Indicators	Total Files	Yes	No	NF	NA	Noncompliance Date Identified	Date Corrected	Date verified by SEA staff
LRE sufficient documentation in justification section: 300.115 <ul style="list-style-type: none"> • Reason LRE options were chosen, and other options rejected 								
<ul style="list-style-type: none"> • Potential harmful effects 300.116 (d) 								
<ul style="list-style-type: none"> • Participation in general education is indicated 300.116 (e) 								
PROCEDURAL SAFEGUARDS								
Parent Consent:								
<ul style="list-style-type: none"> • Initial evaluation 300.300 (a) 								
<ul style="list-style-type: none"> • Reevaluation 300.300 (c) 								
<ul style="list-style-type: none"> • Initial Placement 300.300 (b) 								
Limited access notice posted on cabinet and has acceptable content 300.623 (d)								
File contained information only about this student 300.615								
Record locator completed correctly 300.616								
Record of Inspection completed properly 300.614								
Record locator located in the cumulative file								
Parent Prior Notice for: 300.503								
<ul style="list-style-type: none"> • Assessment Planning – 300.304 (a) 								

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Quality Indicators	Total Files	Yes	No	NF	NA	Noncompliance Date Identified	Date Corrected	Date verified by SEA staff
• Most recent IEP meeting								
• Initial referral for evaluation								
• IWAR meeting								
• Transition noted as purpose of IEP meeting								
Parent Prior Notice form includes: 300.503 (b)								
• Action proposed								
• Why proposed/rejected								
• Options considered								
• Why action rejected								
• Each evaluation procedure								
• Any other relevant factors								
• Understandable to parents								
• Parents Right Information was given to parents if appropriate								
Transfer of rights documents in file:								
• Student & parent <i>informed</i> at 17 300.320 (c)								
• Student & parent transfer of rights (documented) at 18								

Appendix D

Indicator 19

Mediation Exit and Follow-up Surveys

**ND Department of Public Instruction-Special Education
Mediation Participant Exit Survey**

The ND Department of Public Instruction-Special Education conducts ongoing evaluation of its services. Your input is essential to continued improvement of those services. Please take a few minutes to respond to the following questionnaire about your experience in mediation. Your responses are considered confidential and any reproduction of your comments will contain no reference to your identity.

Please identify your role in the mediation:

- A. Family member or student
- B. School representative
- C. Family advocate
- D. School advocate
- E. Other agency (Describe) _____

The following questions relate to the mediation session.

1. What was the outcome of the mediation? Please check one.
 - a. Agreement on all issues
 - b. Agreement on some but not all issues
 - c. No agreement

2. Based on the information, meetings or materials provided by the mediator or DPI, how prepared did you feel for the mediation? Please check one.
 - a. Very prepared
 - b. Somewhat prepared
 - c. Somewhat unprepared
 - d. Very unprepared

3. To what extent did you have an opportunity to relate your issues and concerns during the mediation? Please check one.
 - a. Had full opportunity to relate issues and concerns
 - b. Had some opportunity to relate issues and concerns
 - c. Had no opportunity to relate issues and concerns

4. If you reached an agreement, do you feel you had an appropriate level of input in determining the content and terms of those agreements? Please check one.
 - a. Yes
 - b. No

5. When you compare your situation before and after the mediation, how has mediation affected the relationship between the family and the school? Please check one.
 - a. Mediation has improved the relationship
 - b. Mediation has had little or no effect on the relationship

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- c. Mediation has harmed the relationship
- 6. How productive or unproductive was mediation for this matter?
 - a. Mediation was very productive
 - b. Mediation was somewhat productive
 - c. Mediation was somewhat unproductive
 - d. Mediation was very unproductive

The following question focus on the role of the mediator.

- 7. How respectful or disrespectful was the mediator toward you? Please check one.
 - a. Very respectful
 - b. Somewhat respectful
 - c. Somewhat disrespectful
 - d. Very disrespectful
- 8. How skilled was the mediator at listening and understanding your concerns? Please check one.
 - a. Very skilled
 - b. Somewhat skilled
 - c. Not at all skilled
- 9. How skilled was the mediator at asking relevant questions? Please check one.
 - a. Very skilled
 - b. Somewhat skilled
 - c. Not at all skilled
- 10. How skilled was the mediator in helping you generate and consider options for resolving the dispute? Please check one.
 - a. Very skilled
 - b. Somewhat skilled
 - c. Not at all skilled
- 11. How knowledgeable of relevant laws and regulations was the mediator? Please check one.
 - a. Very knowledgeable
 - b. Somewhat knowledgeable
 - c. Not at all knowledgeable
- 12. Concerning the impartiality of the mediator, how did you feel? Please check one.
 - a. The mediator was neutral, and favored neither party
 - b. The mediator favored the family
 - c. The mediator favored the school
- 13. Did you feel pressured to reach an agreement? Please check one.
 - a. No

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- b. Yes (If yes, explain in space provided below)

The following questions relate to the mediation process.

14. How satisfied are you with the outcome of the mediation? Please check one.
- a. Very satisfied
 - b. Somewhat satisfied
 - c. Somewhat dissatisfied
 - d. Very dissatisfied
15. Compared to other means of resolving this matter, how did mediation affect the time spent addressing this matter? Please check one.
- a. Mediation will shorten the time spent
 - b. No change in time spent
 - c. Mediation will increase the time spent.
 - d. Don't know
16. In case this evaluation has failed to cover certain aspects of the mediation or actions of the mediator—good or bad—what were most important to you?
17. Please provide any suggestions for improvement related to the mediation services you received. What could be done differently?

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ND Department of Public Instruction – Special Education Mediation Participant Follow-up Survey

A few months ago, you participated in a mediation regarding special education services. This survey is a follow-up to inquire about the impact of the mediation today. Your responses are considered confidential and any reproduction of your comments will contain no reference to your identity.

Please identify your role in the mediation:

- F. Family member or student
 - G. School representative
 - H. Family advocate
 - I. School advocate
-
18. If an agreement was reached in mediation, has it been effective in addressing the issues raised in mediation?
- a. Yes
 - b. No
19. If an agreement was reached in mediation, have the provisions of the agreement been followed or implemented?
- a. All provisions have been followed or implemented
 - b. Some (but not all) provisions have been followed or implemented
 - c. None of the provisions have been followed or implemented
20. If an agreement was reached, did the IEP team reconvene after the mediation to discuss and include the agreement provisions in the student's IEP?
- a. Yes
 - b. No
21. If an agreement was not reached in mediation, how was the matter resolved?
- a. The issue was resolved informally between the parties.
 - b. Through an IEP meeting with a neutral Facilitator
 - c. Through an IEP meeting without a neutral Facilitator
 - d. Through a complaint investigation
 - e. Through a due process hearing
22. When you compare your situation before and after the mediation, how has mediation affected the relationship between the family and the school? Please check one.
- a. Mediation has improved the relationship
 - b. Mediation has had little or no effect on the relationship
 - c. Mediation has harmed the relationship

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23. How productive or unproductive was mediation for this matter?
- a. Mediation was very productive
 - b. Mediation was somewhat productive
 - c. Mediation was somewhat unproductive
 - d. Mediation was very unproductive
24. Would you recommend mediation to another family or school in a similar dispute?
- a. Yes
 - b. No
25. Please provide any suggestions for improvement related to the mediation services you received.

**ND Department of Public Instruction-Special Education
Mediator Evaluation**

The following questions relate to the Mediation

1. The participants fully understood the mediation process.
 - a. Agree
 - b. Somewhat agree
 - c. Somewhat disagree
 - d. DisagreePlease describe.

2. The issues were clearly presented by both parties.
 - a. Agree
 - b. Somewhat agree
 - c. Somewhat disagree
 - d. DisagreePlease describe.

3. If there was an agreement: Each party had an appropriate level of input into the development of the mediation agreement.
 - a. Agree
 - b. Somewhat agree
 - c. Somewhat disagree
 - d. DisagreePlease describe.

4. Parties were willing to consider alternatives to their position.
 - a. Agree
 - b. Somewhat agree
 - c. Somewhat disagree
 - d. DisagreePlease describe.

5. Additional training or information from DPI would have improved the outcome.
 - a. Agree
 - b. Somewhat agree
 - c. Somewhat disagree
 - d. DisagreePlease describe.

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The following questions relate to the mediation outcomes

6. As the mediator, I was satisfied with the agreement that was developed.
- a. Agree
 - b. Somewhat agree
 - c. Somewhat disagree
 - d. Disagree
- Please describe.
7. Participants appeared satisfied with the agreement that was developed.
- a. Agree
 - b. Somewhat agree
 - c. Somewhat disagree
 - d. Disagree
- Please describe.
8. I believe that, as a result of this meeting, the issue(s) will be resolved.
- a. Agree
 - b. Somewhat agree
 - c. Somewhat disagree
 - d. Disagree
- Please describe.
9. Mediation was an appropriate dispute resolution option for this issue.
- a. Agree
 - b. Somewhat agree
 - c. Somewhat disagree
 - d. Disagree
- Please describe.
10. In case this evaluation has failed to cover certain aspects of mediation or the actions of the participants—positive or negative—what were most important to you?