

Annual Report: 2006 - 07

July 1, 2006 – June 30, 2007

North Dakota IDEA Advisory Committee



Abandoned School House, Emmons County – North Dakota

Dr. Wayne G. Sanstead, ND Superintendent of Public Instruction
Mr. Robert Rutten, ND Director of Special Education
Ms. Jeanette Kolberg, ND Assistant Director of Special Education

Office of Special Education
North Dakota Department of Public Instruction
600 East Boulevard Ave. Dept. 201
Bismarck, ND 58505-0440
(701) 328-2277 www.dpi.state.nd.us



North Dakota IDEA Advisory Committee Position Statement on a Unified System of Education

North Dakota shall have a seamless education system that is responsive to the needs of all children, adolescents, and young adults, and their families. Parents and students must be given the opportunity to participate as full partners in all educational endeavors. We must build the capacity in general education for all children, while supporting each individual student's rights and the gains made since the passage of federal legislation in special education. In such a system all children reap the benefits of a free appropriate public education through effective, research based, instructional programs and practices based on equitable standards with accountability and high expectations for all.

Approved by the ND IDEA Advisory Committee on September 21, 2001.

ABOUT THE ADVISORY COMMITTEE

The purpose of the North Dakota Individuals with Disabilities Education Act (IDEA) Advisory Committee is to advise the State Superintendent of Public Instruction in collaboration with the State Director of Special Education in ways that will promote educational opportunities and services for children with disabilities and their families. The committee provides a forum for issues regarding potential unmet needs of students with disabilities. The advisory committee members are viewed as key agents in their efforts to improve educational opportunities for children with disabilities in North Dakota. One of the most significant contributions each member brings to the committee is his or her representation of a constituency.

The functions of the North Dakota IDEA Advisory Committee are to:

- Advise the Department of Public Instruction of unmet needs within the State in the education of individuals with disabilities;
- Comment publicly on the rules and regulations proposed by the Department of Public Instruction regarding the education of children and youth with disabilities;
- Advise the Department of Public Instruction in developing evaluations and reporting on data to the Secretary of Education under Section 618;
- Advise the Department of Public Instruction in developing a state performance plan and annual performance reports under Part B of the Act;
- Advise the Department of Public Instruction in developing and implementing policies relating to the coordination of services for children with disabilities; and
- Advise the Department of Public Instruction regarding the education of eligible students with disabilities in adult prisons, children with disabilities who are homeless, and children with disabilities participating in child welfare services.

MEMBERSHIP

The North Dakota IDEA Advisory Committee is formed of a broad representation of individuals with knowledge and expertise on needs of children with disabilities. Appointments to the committee are made by the North Dakota Superintendent of Public Instruction for a three year term. In accordance with the regulations governing the implementation of the IDEA, the majority of members of the committee are parents of children with disabilities or individuals with disabilities. The remaining members of the committee represent a variety of stakeholders concerned with and involved in improving results for children with disabilities attending public schools in North Dakota, state supported educational programs, private schools, juvenile and adult correctional facilities, state human service agencies, and higher education representatives.

IDEA Advisory Committee members serving terms during the 2005 – 2006 year included:

Ms. Diann Aberle*, Superintendent (partial term)
Ms. Deb Balsdon, ND Dept. of Human Services/IDEA Part C
Ms. Lisa Bjergaard*, ND Division of Juvenile Services Administrator
Ms. Jeanine Brown, Parent
Mr. Elroy Burkle*, Superintendent
Ms. Rosie M. Davis, BIA School Line Officer for ND
Mr. Kyle Edgerton, Non-Public Schools
Mr. Garry Freier, ND Dept. of Career and Technical Education
Dr. Lori Garnes, Professor, Minot State University
Mr. Pat Groce, Individual Consumer, Chairperson
Ms. Carrie Grosz, LEA Homeless Assistance Coordinator
Mr. Tyler Hanson, Principal
Mr. Robbin Hendrickson, ND Dept. of Human Services/Developmental Disabilities
Ms. Karla Hill, Principal, Special Educator, Vice-Chairperson
Ms. Carol Jabs, Special Education Administrator
Ms. Julie Joyce-Hoffer, Special Education Coordinator
Mr. Dennis Hopper, Individual Consumer
Ms. Edna Keller, ND Protection & Advocacy
Ms. Elaine LaPlante, Speech Language Pathologist
Ms. Carlotta McCleary, Parent
Ms. Katie Knoll, Individual Consumer, Special Educator*
Ms. Arlene LaCroix, Parent
Ms. Kim Shereck, Parent (partial term)
Mr. Leroy Shereck, Parent (partial term)
Ms. Virginia Steele, Parent
Ms. Rita Weisz, ND Child Welfare/Foster Care

*These members fulfill the majority requirements for persons who are parents of children with a disability and who may also represent another required area.

Names in bold type indicate an Executive Committee Member.

COLLABORATIVE EFFORTS

In North Dakota, the lead agency responsible for services for children with disabilities from birth through age 2 (IDEA, Part C) is the Department of Human Services. The lead agency responsible for services for children with disabilities from age 3 through 21 (IDEA, Part B) is the Department of Public Instruction. Since September 2002, the ND Interagency Coordinating Council (IDEA, Part C) and the ND IDEA Advisory Committee (IDEA, Part B) have been holding joint meetings on a quarterly basis. Prioritized planning on an annual basis has resulted in determination of shared topics, information, and issues for joint agenda development. A “Family Story” from one of the parent representatives is shared at the beginning of each joint meeting. Common themes and shared topics for the 2006 – 2007 year included the following:

1. Shared indicators required by the State Performance Plans and Annual Performance Reports to OSEP: early childhood outcomes, early childhood transition, and parent involvement
2. Personnel development – collaborative structure and shared topics
3. Unified system, including data collection, collaboration, and monitoring

Additional collaborative efforts between Part C and Part B, under the advice of both committees, included:

- Annual planning, and orientation training for committee members
- Updates and information on the Reauthorization of IDEA
- Joint early childhood transition guideline development and training
- Joint early childhood learning standards development workgroup
- Development of Early Childhood Outcomes data collection

U. S. DEPARTMENT OF EDUCATION, OFFICE OF SPECIAL EDUCATION PROGRAMS (OSEP)

Verification Visit to North Dakota – July 2006

The U. S. Department of Education, Office of Special Education Program (OSEP) staff conducted a Verification Visit to North Dakota in July 2006. OSEP staff observed implementation of responsibilities of the North Dakota Department of Public Instruction (NDDPI) in the areas of data collection and reporting; students with disabilities participation in statewide assessments; and monitoring of school district compliance with IDEA. OSEP staff members representing both Part B and Part C programs participated in a combined meeting with ND Part B and Part C staff members for a two-hour block of time during the visit. OSEP recognized the benefits of unique collaborative efforts between Part B and Part C programs in ND. Collaborative efforts include shared guidelines, joint grant activities, planning for improved transition from Part C to Part B, and development of Early Childhood Outcomes data collection.

A written report from OSEP was received by the Department on November 13, 2006. NDDPI staff received commendations for thorough preparation for the Verification Visit, and for including a brief video that provided input from six special education administrators describing their specific internal compliance monitoring procedures. OSEP acknowledged North Dakota's effort to shift from monitoring compliance only to performance based outcomes for children with disabilities and stated that, "It has been OSEPs experience that North Dakota has a high level of IDEA compliance." OSEP did, however, express concern that North Dakota is not able to "ensure that its monitoring procedures are adequate to identify noncompliance with Part B requirements by all LEAs in the State and to correct identified noncompliance within one year of identification..." NDDPI was directed to "describe corrective measures along with a description of how it will collect data for all LEAs during the six year period covered by the State Performance Plan to ensure that they meet the program requirements of Part B of the Act." Corrective measures were to be included in the Annual Performance Report to be submitted to OSEP on February 1, 2007. There were no concerns expressed about data collection or student participation in statewide assessments.

NDDPI staff members met with John Copenhaver, Mountain Plains Regional Resource Center (MPRRC) Director on December 1, 2006 to discuss and develop a plan for corrective measures to develop internal compliance monitoring procedures to be implemented at the school district level. Concurrently, NDDPI intends to continue development of a focused monitoring model as a part of a consolidated monitoring approach that places its primary emphasis on student outcomes.

**ND STATE PERFORMANCE PLAN (SPP) and
ND ANNUAL PERFORMANCE REPORT (APR)**

APR Submitted: February 1, 2007

A requirement included in IDEA 2004 is that North Dakota must submit a State Performance Plan (SPP) to the U. S. Department of Education, Office of Special Education Programs (OSEP). The initial SPP is a six-year plan that includes baseline data, targets for improvement, and improvement strategies for each of 20 required indicators in the priority areas of Free Appropriate Public Education in the Least Restrictive Environment; disproportionality by race and disability; and, effective general supervision. Annual performance reporting and improvement planning is accomplished through the ND Annual Performance Report (APR) submitted in February of each year. The APR reported data for the 2005 – 2006 year along with reports of progress in meeting targets or explanations of slippage when it occurred. NDDPI staff developed a summary document that explains the SPP/APR documents and reporting requirements in a user friendly format. The document was mailed to all Committee members and is also available on the Department’s website under parent resources located at:

<http://www.dpi.state.nd.us/speced/resource/parent/summary.pdf>

A complete copy of the APR is located on the Department’s website at:

<http://www.dpi.state.nd.us/speced/reports.shtm>

A complete copy of the ND SPP is located on the Department’s website at:

<http://www.dpi.state.nd.us/speced/index.shtm>

State and District Levels of Determination (LoD)

Based on the ND APR the U.S. Department of Education, Office of Special Education Programs (OSEP) will identify where each state falls within four levels of determination for compliance with IDEA 2004. The levels of determination are:

- Meets Requirements
- Needs Assistance
- Needs Intervention
- Needs Significant Intervention

In turn, each of the school districts in North Dakota will be placed in one of the same levels as determined by an analysis of district level data submitted to the Department. School districts will be notified by letter regarding the level of compliance with IDEA 2004 they are placed in, however, there is no requirement that the levels of determination be made public. It will be important to consider IDEA Advisory Committee member input as the measures to be used are established. The initial LoD will be based on compliance indicators such as participation in state assessments, and provision of services to eligible children who transition from Part C to Part B. Other additional special education performance indicators, such as graduation rates and performance on state assessments, will be added over a period of years.

2005 – 2006 YEAR IN REVIEW

The IDEA Advisory Committee held regular quarterly meetings during the months of September, December, March, and June. Meeting dates included set aside time to meet jointly with the ND Interagency Coordinating Council (Part C programs). Detailed meeting minutes are located on the Department's website at <http://www.dpi.state.nd.us>

Orientation for new Committee members was provided at the September meeting to review the roles and responsibilities of IDEA Advisory Committee members. A resource manual developed by MPRRC was distributed to new members. "A Primer for Special Education Advisory Panel Members and SEA Staff" contains materials regarding meeting procedures, member functions, stakeholder representation, and other roles and responsibilities. New members also received information specific to North Dakota including Committee by-laws and operating procedures, annual reports, and membership rosters.

Committee members reviewed the Annual Summary of Mediation, Complaint, and Due Process Hearing summarized data report. The complete report is posted on the Department's website located at: <http://www.dpi.state.nd.us/speced/resource/comply/2005-06report.pdf> The Committee discussed policy and procedure for the new resolution session requirements, along with continued early assistance efforts including facilitated IEP meetings. During the 2005 – 2006 school year 7 complaint investigations and 4 requests for mediation were completed along with two due process hearings.

Committee members reviewed a final report from researchers at the American Institute for Research (AIR) Center for Special Education Finance, who studied North Dakota's funding formula for special education. The report of this year long study contained the following specific recommendations:

- Bring state special education funding to adequate levels of provisions.
- Combine increased ADM Special Education Monies with the General Fund Allocation.
- Convert the current special education high cost risk pool to an overall education high cost risk pool.
- All contracts (general and special education) will be covered through this fund with agency-placed contracts continuing the current deduct of one times the statewide average annual per pupil expenditure.
- Change reimbursements for students placed by an agency to allow districts of residence to claim reimbursement for students placed by an agency in a residential treatment program within its boundaries.
- Limit non-agency, high cost special education student contracts to the upper one percent of the special education population.
- Extend the state reimbursement to 100 percent for high cost student contracts beyond the threshold shown above.

During the time that this study was being conducted, the Governor's Commission on Education Improvement was established to consider the potential infusion of sixty million dollars in new funding to support all public school programs, including special education. A special education sub-committee of the Governor's Commission reviewed and considered the Special Education Finance Report and recommendations.

Committee members received periodic updates regarding the ND Department of Public Instruction's plan to implement a consolidated monitoring process including all Federal programs in school districts. The expanded model of focused monitoring at the school district/building level is grounded in the IDEA Advisory Committee unified systems position statement.

Committee members were informed that the Department received notification from the U. S. Department of Education that North Dakota has been awarded a state personnel development grant. The goals of the grant include the following: ND will have a comprehensive and unified personnel development planning and implementation system; ND will have increased numbers of highly qualified speech language pathologists in rural schools; and, ND will have a systematic personnel development program for preparing rural cross-categorical special education teachers. North Dakota will receive \$500,000.00 per year for the next 5 years. North Dakota has also received a smaller supporting grant from the National Association of State Directors of Special Education (NASDSE) that will begin in March 2007. The grant will support planning and development of special education teacher recruitment and retention strategies.

The Committee received an update regarding the work of the North Dakota Response to Intervention (RTI) Leadership Team which is made up of a diverse group of stakeholders. The outcomes of the group's work will be development of a framework for RTI; identification of strategies to implement RTI in schools; establishment of North Dakota criteria; and, development of data management systems to track RTI in schools. Many user friendly resources will be posted on a central NDDPI website. A sub-group is working on development of eligibility criteria for Specific Learning Disabilities (SLD) that is inclusive of the RTI process. The 2001 IDEA Advisory Committee position statement on a unified system serves as a foundation for the RTI concept and process.

The State director of special education reported that the December 1, 2006 Child Count data showed a small decrease in the total number of students with disabilities receiving special education and related services. A summary of statewide data is included at the end of this report.

The Committee reviewed the North Dakota Part B Annual Application for Federal Fiscal Year 2007 (2007 – 2008). This application includes assurances that policies and procedures in alignment with IDEA 2004 requirements are in place. The document also includes a description of the use of Federal funds received under Part B, IDEA 2004. The full document is posted for a public comment period on the Department's website located at:

<http://www.dpi.state.nd.us/speced/resource/comply/index.shtm>

The following funds are anticipated:

Estimated total Federal funds to ND - \$24,968,615.00

Estimated amount allocated to districts/units - \$22,745,966.00

Estimated administration set-aside for Department - \$872,649.00

Estimated discretionary set-aside for statewide projects & discretionary grants - \$1,350,000.00

Statewide projects and discretionary grant projects are directly related to improvement strategies included in the ND SPP/APR; i.e. Traineeship program, positive behavioral supports collaborative, web-based case management system, etc.

Joint IDEA/ICC Committee members reviewed and provided input for updates to the following interagency agreements:

1. *Memorandum of Understanding Concerning Cooperation and Collaboration in Providing Service to Students with Disabilities Ages 14 – 21 in North Dakota*
2. *North Dakota Interagency Agreement – Subject: Youthful Offenders with Disabilities in DOCR Juvenile and Adult Facilities*
3. *Memorandum of Understanding and Interagency Agreement Between the Department of Public Instruction, Office of Special Education and the Department of Corrections, Division of Juvenile Services in North Dakota*
4. *Memorandum of Understanding Concerning Cooperation and Collaboration in Providing Services to Young Children – Ages Birth Through Five in North Dakota*
5. *Cooperative Agreement Between the Department of Human Services and Department of Public Instruction (Medicaid)*

The Committee received updates regarding the development of a statewide web-based special education case management system. The Department solicited input from a representative of each of the local special education administrative units. When “voting” on a weighted count (per enrolled child) there is 100% agreement that “even considering all the unknowns, ND should implement a statewide web-based SPED case management system.” Benefits include statewide consistency and accuracy for data collection and reporting, increased efficiency for compliance and completion of required paperwork, immediate transfer of student records, and ongoing compliance monitoring for quality assurance.

The State director of special education reported that a team from North Dakota attended training in Kansas City sponsored by the U.S. Department of Education, Office of Special Education Programs (OSEP). Jim Carter, the current director of the Pathfinders Family Center, participated as part of the North Dakota team. Many helpful training materials are posted to the OSEP website located at: <http://idea.ed.gov/explore/home> Department staff members are updating all state guidelines to include IDEA 2004 and the 2006 regulations. The goal is to complete guideline revisions by summer 2007 and provide statewide training and materials prior to the beginning of the 2007 – 2008 school year. The Committee received updates regarding the Accessible and Assistive Technology in Education workgroup that was appointed by the IDEA Advisory Committee. Accessible technologies ensure increased access to the regular education curriculum for all students. Assistive technologies incorporate more specific technologies in disability areas that go

above and beyond accessible technology. Awareness of both technologies is becoming increasingly important due to the emerging alliance between No Child Left Behind (NCLB) and the Individuals with Disabilities Education Act (IDEA). Accessible curriculum, materials in appropriate formats, and achievement testing procedures must be provided to all students. Differentiated instruction initiatives overlap with universal design principles for learning. The workgroup reports that it recognizes the need for awareness, policy, and fiscal supports, and plans to provide information and awareness to appropriate audiences.

The State director of special education reported on recent legislative changes that will take effect on July 1, 2007.

- SB 2108: added the eligibility category of non-categorical delay (NCD) in alignment with definitions in the IDEA.
- SB 2200: related to funding equity as recommended by the Governor's Commission on Education Improvement. A total of \$2 million in State funding was added to student contract funding. Co-pays from districts are eliminated and assurance is provided that the State will cover contract amounts by allowing for a contingent transfer from the Bank of ND to cover contract costs if needed.
- SB 2326: related to medical assistance and other health coverage for children with disabilities. Requires the Department of Human Services to establish and implement a by-in-program that allows low to middle income families with children who have disabilities to receive Medicaid.
- Legislative Study: related to provision of services and combined administration of the North Dakota School for the Deaf and North Dakota Vision Services/School for the Blind.

The assistant State director informed the Committee that the annual field-initiated Discretionary Grants were awarded to seven applicants for a total of \$88,525.00. All of the grants awarded related to established priority areas including Response to Intervention (RtI) planning and implementation, curriculum progress monitoring, reading and early literacy.

Committee members reviewed 618 data submitted to OSEP and ND ranking compared to other states across the United States. Summary statewide data follows.

Rank for
Exit from School

Rank for
Educational
Environments

Diploma: 14 of 59

Outside Regular Class <21%:
4 of 60

Percent Change in Diploma Rate
From 2000-2004:
37 of 59

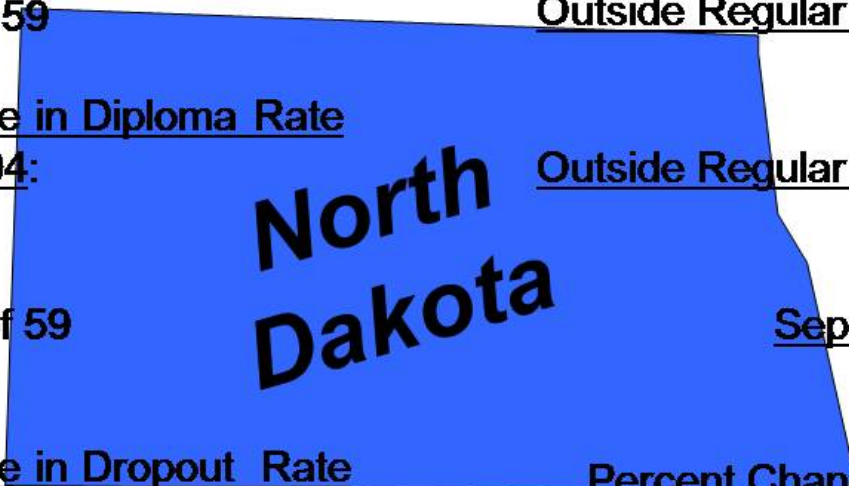
Outside Regular Class >60%:
5 of 60

Drop-out : 20 of 59

Separate Facility:
17 of 60

Percent Change in Dropout Rate
From 2000-2004:
36 of 59

Percent Change in Outside
Regular Class <21% from
2000-2004: 47 of 60



Part B OSEP Data Updated
7/17/2006

2006 Total of Disabilities

| ServicingSEUPlant | Totalof | AUT | DB | ED | HI | MR | NCD | OHI | OI | SI | SLD | TBI | VI |
|---------------------------------------|----------------|------------|-----------|-------------|------------|------------|-------------|-------------|------------|-------------|-------------|------------|-----------|
| Bismarck Special Ed Unit | 1372 | 27 | | 109 | 19 | 89 | 57 | 162 | 13 | 482 | 403 | 3 | 8 |
| Buffalo Valley Special Ed Unit | 429 | 13 | | 34 | 5 | 34 | 50 | 25 | 5 | 110 | 149 | 1 | 3 |
| Burleigh Co Special Ed Unit | 26 | | | | | 1 | 1 | 2 | | 13 | 9 | | |
| Dickey-LaMoure Special Ed Unit | 152 | 7 | | 8 | 2 | 6 | 13 | 16 | 1 | 65 | 34 | | |
| Dickinson Special Ed Unit | 385 | 17 | | 13 | 4 | 36 | 35 | 38 | 7 | 101 | 130 | 2 | 2 |
| East Central Special Ed Unit | 153 | 2 | | 4 | 3 | 5 | 8 | 19 | | 40 | 72 | | |
| Emmons Co Special Ed Unit | 75 | 1 | | | 1 | 5 | 2 | 3 | 1 | 22 | 40 | | |
| Fargo Special Ed Unit | 1333 | 76 | 2 | 189 | 10 | 138 | 54 | 129 | 12 | 358 | 354 | 5 | 6 |
| Ft Totten Special Ed Unit | 33 | | | 3 | | 4 | 3 | | | 8 | 14 | 1 | |
| Grand Forks Special Ed Unit | 1188 | 51 | 2 | 145 | 7 | 82 | 125 | 104 | 8 | 281 | 381 | 2 | |
| GST Special Ed Unit | 373 | 11 | 1 | 33 | 2 | 8 | 25 | 58 | 3 | 98 | 132 | 1 | 1 |
| Lake Region Special Ed Unit | 684 | 9 | 2 | 49 | 11 | 64 | 82 | 32 | 5 | 195 | 231 | 2 | 2 |
| Lonetree Special Ed Unit | 296 | 4 | | 16 | 4 | 20 | 26 | 21 | 3 | 92 | 108 | | 2 |
| Morton-Sioux Special Ed Unit | 655 | 9 | | 38 | 5 | 58 | 20 | 23 | 14 | 286 | 200 | 2 | |
| Northern Plains Special Ed Unit | 127 | 3 | | 3 | 3 | 4 | 5 | 18 | 2 | 50 | 37 | | 2 |
| Oliver-Mercer Special Ed Unit | 227 | 4 | | 6 | 4 | 22 | | 23 | 1 | 81 | 83 | 1 | 2 |
| Peace Garden Student Support Services | 445 | 8 | | 23 | 2 | 27 | 63 | 46 | 4 | 109 | 161 | 1 | 1 |
| Pembina Special Ed Unit | 248 | 2 | 1 | 13 | 2 | 24 | 10 | 32 | 3 | 89 | 72 | | |
| Rural Cass Special Ed Unit | 241 | 8 | | 18 | 3 | 23 | 1 | 12 | 1 | 103 | 72 | | |
| Sheyenne Valley Special Ed Unit | 306 | 4 | | 14 | 8 | 45 | 28 | 28 | 3 | 44 | 130 | 2 | |
| Souris Valley Special Ed Unit | 1756 | 29 | 4 | 124 | 9 | 96 | 182 | 164 | 13 | 697 | 431 | 2 | 5 |
| South Central Prairie Sp Ed Unit | 172 | | | 1 | | 7 | 8 | 18 | 1 | 72 | 64 | 1 | |
| South Valley Special Ed Unit | 538 | 17 | | 27 | 4 | 26 | 25 | 72 | 1 | 136 | 229 | | 1 |
| Standing Rock Special Ed Unit | 30 | | | 1 | | 1 | 6 | | | 15 | 7 | | |
| SW Special Ed Unit | 84 | 2 | | | | 2 | 15 | 11 | 2 | 9 | 41 | | 2 |
| Turtle Mt Special Ed Unit | 65 | 1 | | 4 | 2 | 4 | 13 | 8 | | 20 | 12 | 1 | |
| Upper Valley Special Ed Unit | 467 | 5 | | 20 | 7 | 26 | 19 | 45 | 1 | 163 | 176 | 2 | 3 |
| Wahpeton Special Ed Unit | 223 | 4 | | 6 | | 15 | 18 | 43 | 2 | 56 | 78 | | 1 |
| West Fargo Special Ed Unit | 827 | 50 | | 107 | 3 | 44 | 90 | 102 | 9 | 191 | 229 | 1 | 1 |
| West River Student Services | 312 | 2 | | 16 | 3 | 21 | 29 | 38 | 2 | 83 | 116 | 1 | 1 |
| Wilmac Special Ed Unit | 603 | 9 | | 63 | 3 | 38 | 8 | 96 | 15 | 176 | 192 | 1 | 2 |
| Total | 13825 | 375 | 12 | 1087 | 126 | 975 | 1021 | 1388 | 132 | 4245 | 4387 | 32 | 45 |