

# **North Dakota FFY 2005 – 2010 State Performance Plan 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>**

**December 2, 2005**



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

# **The North Dakota Part B State Performance Plan For Special Education FFY 2005 – 2010**

## **Introduction**

The Individuals with Disabilities Education Improvement Act (IDEA) of 2004 established a requirement that all states develop and submit to the U.S. Department of Education, Office of Special Education Programs (OSEP) a performance plan designed to improve the educational and functional outcomes for children with disabilities. The state plan must encompass baseline data (where available), projected targets, and activities to achieve those targets. The state is required to submit an Annual Performance Report (APR) in the years following the submission of the performance plan to inform OSEP and the public on the progress toward meeting those goals. This document is the first step of that process – the State Performance Plan for Special Education.

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## Part B State Performance Plan (SPP) for 2005-2010

### Overview of the State Performance Plan Development:

Throughout the development of the ND State Performance Plan, the ND Department of Public Instruction actively solicited broad stakeholder input on a statewide basis. North Dakota Department of Public Instruction state staff reviewed the ND Annual Performance Report (APR) 2003 – 2004 for alignment with the data reporting requirements of the ND State Performance Plan (SPP). State staff met to begin development of the ND SPP after specific staff assignments were determined. The NDDPI staff participated in training on State Performance Plans (SPP) conducted by the U.S. Department of Education Office of Special Education Programs on August 11-12, 2005. NDDPI staff also participated in additional training on development of the SPP that was offered by OSEP and the Mountain Plains Regional Resource Center through telephone conference calls. The September ND IDEA Advisory Committee meeting was a working meeting facilitated by Mountain Plains Regional Resource Center staff for the purpose of informing and then soliciting input from stakeholder members. Individual state staff members then solicited input from the appropriate statewide or regional standing committees and workgroups. The ND state director of special education presented information and solicited input at the statewide school administrators conference on October 20, 2005. A draft copy of the ND SPP was posted on the Department's web site from November 1, 2005 through November 15, 2005. The draft copy of the ND SPP was reviewed and revised accordingly by the ND Advisory Committee on November 15, 2005. The ND IDEA Advisory Committee indicated general consensus to support the ND targets and improvement activities as written in the NDSPP, 2005-2010.

The North Dakota Department of Public Instruction sent via email a copy of the final ND SPP to all LEA special education administrators, Pathfinders Family Center office, and IDEA Advisory Committee members. The ND SPP is posted on the North Dakota Department of Public Instruction web site for public viewing.

*(The following items are to be completed for each monitoring priority/indicator.)*

#### 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.

### Overview of Issue/Description of System or Process:

In North Dakota the Department of Public Instruction and local school districts have the authority to set graduation standards, grading policies and conditions for awarding diplomas as long as those policies do not violate the civil rights of students.

The completion of a course of study prescribed under state and local requirements should result in a formal recognition of the completion of that study. Diplomas for students who receive special education services are awarded in the same manner as diplomas are awarded to students without disabilities. North Dakota School Century Code 15.1-21-02.1 includes 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 course work from the minimum curriculum offerings established by section 15.1-21-02.

The National Dropout Prevention Center and Network at Clemson University reports that nationwide, one of three students who begin ninth grade will not graduate from high school. Historically North Dakota has maintained one of the highest high school graduation rates in the nation (source: *Education Week*). However students with disabilities in North Dakota are not graduating at the same rate as their nondisabled classmates. When the ND State Transition Steering Council was queried about possible reasons for this graduation gap, the overwhelming response was inadequate transition planning for students with disabilities. This was also identified as a barrier to a smooth transition from secondary to post-secondary activities.

As the Special Education State Performance Plan was being developed through collaborative work across units within the ND Department of Public Instruction analysis revealed that the state's ability to track exiters from special education was more accurate than for students who had not received special education. On June 1, 2005 the NDDPI wrote to the United States Department of Education requesting consideration and approval for amendments to the North Dakota Consolidated State Application Accountability Workbook, dated July 27, 2004. One of the requested amendments related to "the one year extension of the current graduation formula for the 2004-05 school year and a resulting one-year delay of the previously approved graduation formula, beginning with the 2005-06 school year." The Department's rationale for this amendment included the following information:

During the 2004-05 school year, North Dakota initiated the administration of fall testing statewide at all grade levels, grades 3-8 and 11. The State adopted a fall testing schedule to ensure the timely scoring and reporting of student achievement data within the same year.

The State similarly seeks to use the fall testing schedule to push forward the determination of adequate yearly progress for schools, districts, and the State throughout July and August. The current determination cycle results in a truncated reporting schedule that performs a disservice to all patrons. Any determination that is conducted in the spring of the same school year will improve the reporting cycle and thereby better meet reporting requirements placed on schools, districts, and the State.

The administration of fall testing allows for the determination of student achievement indicators for adequate yearly progress, perhaps as soon as March of the same school year; however, the determination of graduation and attendance indicators, which are based on pupil membership data collected no sooner than June 30 of the school year, will not allow for any earlier reporting. To accommodate the need for earlier reporting, the State must transition from current-year to previous-year pupil membership data.

Therefore, the Department of Public Instruction seeks permission to extend the previously approved secondary academic indicators formula for one additional year, to apply for the 2004-05 determinations, in order to transition into previous-year data determinations during the spring of the 2005-06 school year. Effective during the 2005-06 school year, the determination of graduation and attendance yearly progress indicators will be referenced to graduation and attendance rates of the preceding year. Graduation and attendance rates will be generated from pupil membership data collected from the June 30 pupil membership reports submitted by schools and districts. Adequate yearly progress determinations will be conducted during the spring of the school year.

#### *Graduation Indicator*

To determine adequate yearly progress graduation indicator for 2004-05, the State will calculate graduation rates according to the current definition, which has been applicable for determinations for 2002-04, within Section 7.1 of the State Accountability Plan. The State will delay the implementation of the anticipated graduation rate formula, originally set for implementation for 2004-05, until the 2005-06 school year. At that point determinations will be referenced on graduation data collected on June 30 of the previous year and will allow for the disaggregated reporting of subgroups as stipulated in the State Accountability Plan. (*NDDPI letter to Dr.*

*Raymond Simon, Deputy Secretary, Office of Elementary and Secondary Education, U.S. Department of Education, 6-1-05).*

The State of North Dakota stipulates that it has established the graduation rate of each high school as a component for determining adequate yearly progress, as provided within ESEA section 1111.

The graduation rate defined within ESEA section 1111 requires the State to report graduates, retentions, and dropouts, within cohorts, in the aggregate and disaggregated by subgroups. The State has initiated measures to collect and report this information to the specification of the Act; however, the State's full capacity to do so will not become effective until 2005. In the interim, until State data to perform the required calculations becomes available, the State will define and use an alternative measure, based on schools' reported dropout and graduation data within cohorts where graduation occurs in a standard number of years. The interim measure, effective for the graduating classes of 2003 and 2004, will be defined by the following equation:

$$\frac{\text{Number of Graduates}}{\text{(divided by)}} \\ \text{Number of Graduates + Dropouts Yr1 + Dropouts Yr2 + Dropouts Yr3 + Dropouts Yr4}$$

The State stipulates that, as required under final Title I regulations, this definition will avoid counting a dropout as a transfer and will not include students who receive a non-standard diploma (e.g., attendance certificate, GED). Students that transfer in or out of the school after the State Assessment administration will not be included in the denominator or numerator.

The State has established the target graduation rate based on the same 20% ranking rule used for determining achievement targets. Any district with a graduation rate lower than this target point will be identified for not making Adequate Yearly Progress. This target point will remain as the State reference for graduation throughout the duration of the 2001-2005 school years. Based on this interim definition, the State has established a graduation target point of 89.9% based on North Dakota 2001-02 graduation baseline impact data. This 89.9% target rate will be applied for the first time to 2002-03 graduation rates.

In 2005 when the State transfers from its current definition of graduation to that used within NCLBA, the State will recalculate the target graduation rate using the 20% ranking rule for graduation rates. This target point will remain as the State definition for graduation throughout the duration of the 2005-2014 school years. Therefore, it is anticipated that the State's interim graduation target point of 89.9% will be revised with the scheduled 2005 recalculation.

The State will begin reporting graduation rates using the NCLBA definition in 2005, using collected cohort State data from 2001 – 2005. The rate will be calculated based on the following equation:

$$\frac{\# \text{ Graduates (with regular diploma) who completed high school in four years}}{\text{(divided by)}} \\ \text{[# Graduates (same as above) + \# of 9}^{\text{th}} \text{ grade dropouts/retentions + \# 10}^{\text{th}} \text{ grade dropouts/retentions} \\ \text{+ \# 11}^{\text{th}} \text{ grade dropouts/retentions + \# 12}^{\text{th}} \text{ grade dropouts/retentions + \# students who complete 12}^{\text{th}} \\ \text{grade without a regular diploma]}$$

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

The State stipulates that any school or district that has met the requirements of safe harbor for any specified subgroup must also demonstrate that it has met the requirements for graduation rate for that same specified subgroup as required under 34 CFR 200.19(d)(2)(i). The State anticipates having a student data warehouse in place by 2005 to accommodate the monitoring and reporting of disaggregated graduation rates. Prior to its full implementation, the State will require schools or districts that have met safe harbor within a specified subgroup to also evidence the achievement of the graduation rate for that specified subgroup. The State will independently review all school and district information to validate the authenticity of these data. Following 2005, the State anticipates an ability to automate this activity with the statewide student data warehouse.

*The restricted extension of a graduation cohort beyond four years, as defined within an individualized education program, for students served within provisions of the Individuals with Disabilities Education Act or as provided within a LEP service program for specified LEP students (this has now been approved by the U.S. Department of Education).*

The graduation rate defined within ESEA section 1111 requires the State to report graduates, retentions, and dropouts, within cohorts, in the aggregate and disaggregated by subgroups. The Department reaffirms its commitment to proceed with the determination of adequate yearly progress based on these elements.

The Department of Public Instruction is also mindful of its responsibility to administer the provisions of the Individuals with Disabilities Education Act. Inherent throughout the Act is the paramount importance of schools to provide appropriate instruction to each student with a disability according to the design of that student's unique individualized education program. By definition, a student's individualized education program sets the course of study for that student, including curriculum, instructional strategy, assessment, service supports, and educational schedule, including anticipated graduation. Within North Dakota law, services to students with disabilities may extend beyond the traditional twelve years up to the age of 21 inclusive. In such circumstances, a student with a disability may properly graduate, according to the dictates of the student's individualized education program, at age 21, several years beyond a traditional graduation that, for a typical student, may be completed within four years of entering high school.

To ensure that schools properly exercise their instructional duties according to a student's individualized education program, the Department of Public Instruction monitors school's compliance with the provisions of the IDEA, including the proper development and administration of a student's individualized education program. 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. **(ND Accountability Application Workbook, Proposed June 1, 2005 Amendment).**

In order to ensure consistent measurement of the high school graduation rate in our state the NDDPI Office of Special Education must fully collaborate with general education to ensure that measurement for youth with IEPs will be the same measurement as for all youth. The state goal for the general education graduation rate is 89.9%. This goal helped shape the special education graduation rate targets in the state performance plan.

**Baseline Data for FFY 2004 (2004-2005):**

**North Dakota Graduation Data for 2004-05**

**All Students**

**These are the students that counted in the graduation rate**

	Number	Percentage
No exit code	1137	11.60%
Graduated	<b>7931</b>	<b>80.89%</b>
Dropped out	586	5.98%
Transferred within District	151	1.54%
	<u>9805</u>	

**These are the students who were excluded from the graduation rate**

Deceased	14	0.66%
Transferred out of District	1594	75.08%
Extended IEP/LEP	42	1.98%
Excluded for other reason (e.g., homeschool, duplicate record)	473	22.28%
	<u>2123</u>	

*612 of these were assigned somewhere else*

**Special Education**

**These are the students that counted in the graduation rate**

	Number	Percentage
No exit code	79	8.30%
Graduated	<b>801</b>	<b>84.14%</b>
Dropped out	59	6.20%
Transferred within District	13	1.37%
	<u>952</u>	

**These are the students who were excluded from the graduation rate**

	Number	Percentage
Deceased	2	1.02%
Transferred out of District	97	49.24%
Extended IEP/LEP	40	20.30%
Excluded for other reason (e.g., homeschool, duplicate record)	58	29.44%
	<u>197</u>	

*63 of these were assigned somewhere else*



**Discussion of Baseline Data:**

In the Annual Performance Report for 2003-2004 prepared by the NDDPI, the percentage of students with disabilities who exited school through graduation was computed by dividing the number of exiters with exit reasons of "graduation with diploma" by the total number of exiters who exited through graduation, received a certificate, reached maximum age, or dropped out. The percent of graduates for all students was computed by dividing the number graduating by the number in the 12<sup>th</sup> grade at the beginning of the school year. For purposes of reporting graduates at the statewide level, and in order to be considered a graduate, the student must meet the minimum graduation requirements of the local school district.

The data collected in December, 2005 show how many students were included in various categories (graduates, dropouts, transfers, etc.). The SEA has a spreadsheet that shows the graduation rate for each school. This spreadsheet also shows what percentage of the total number of students were not included in the graduation rate calculation for such reasons as transferring out of district, deceased, home education, etc. It is significant to note that the summary of the data shows the final graduation rate for all students equals 80.89% and the final graduation rate for youth with IEPs equals 84.14%. This reflects the positive benefits of special education in helping students with disabilities complete high school.

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2005</b> (2005-2006)	The percentage of youth with IEPs graduating from high school will increase to 85.10%
<b>2006</b> (2006-2007)	The percentage of youth with IEPs graduating from high school will increase to 86.06%
<b>2007</b> (2007-2008)	The percentage of youth with IEPs graduating from high school will increase to 87.02%
<b>2008</b> (2008-2009)	The percentage of youth with IEPs graduating from high school will increase to 87.98%
<b>2009</b> (2009-2010)	The percentage of youth with IEPs graduating from high school will increase to 88.94%
<b>2010</b> (2010-2011)	The percentage of youth with IEPs graduating from high school will increase to 89.90%

**Improvement Activities/Timelines/Resources:**

Activities	Timelines	Resources
1. Provide technical assistance to LEAs in collecting quality data and in designing research based interventions.	Summer/Fall 2006	National Dropout Prevention Center
2. 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
3. Statewide dissemination of instructional materials regarding prevention of school bullying.	Spring 2006	Pacer Center, Minneapolis, MN, NDDPI Safe and Drug-Free Schools
4. 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)
5. 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
6. 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
7. 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, Online Reporting System
8. 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
9. Support professional development for general education (secondary) on differentiated instruction/strategies.	Ongoing	ND University System Faculty

## Part B State Performance Plan (SPP) for 2005-2010

### Overview of the State Performance Plan Development:

Throughout the development of the ND State Performance Plan, the ND Department of Public Instruction actively solicited broad stakeholder input on a statewide basis. North Dakota Department of Public Instruction state staff reviewed the ND Annual Performance Report (APR) 2003 – 2004 for alignment with the data reporting requirements of the ND State Performance Plan (SPP). State staff met to begin development of the ND SPP after specific staff assignments were determined. The September ND IDEA Advisory Committee meeting was a working meeting facilitated by Mountain Plains Regional Resource Center staff for the purpose of informing and then soliciting input from stakeholder members. Individual state staff members then solicited input from the appropriate statewide or regional standing committees and workgroups. The ND state director of special education presented information and solicited input at the statewide school administrators conference on October 20, 2005. A draft copy of the ND SPP was posted on the Department's web site from November 1, 2005 through November 15, 2005. The draft copy of the ND SPP was reviewed and revised accordingly by the ND Advisory Committee on November 15, 2005. The ND IDEA Advisory Committee indicated general consensus to support the ND targets and improvement activities as written in the NDSPP, 2005-2010.

The North Dakota Department of Public Instruction sent via email a copy of the final ND SPP to all LEA special education administrators, Pathfinders Family Center office, and IDEA Advisory Committee members. The ND SPP is posted on the North Dakota Department of Public Instruction web site for public viewing.

*(The following items are to be completed for each monitoring priority/indicator.)*

#### 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.

### Overview of Issue/Description of System or Process:

Analysis of the high school graduation rate for students with disabilities (Indicator 1) and the drop out rate for youth with IEPs (Indicator 2) seems best done in synchronization. The NDDPI's rationale for this is that research-based interventions designed to prevent students from dropping out of high school will lead to improved rates of high school completion. Therefore, the NDDPI will simultaneously widely disseminate high school graduation and drop out rate data for students with disabilities with local school districts, local special education administrative units, parent organizations and parents of students with disabilities. The NDDPI proposes to employ the same improvement activities to address both indicators 1 and 2. North Dakota will determine drop-out rates for special education in alignment with the method in the State's Accountability Application Workbook as previously referenced in Indicator 1. A detailed description of the process for collecting and reporting both graduation and dropout rates is included under indicator 1, pages 1-4 in this document.

**Baseline Data for FFY 2004 (2004-2005):**

The baseline data for 2004-2005 for the percent of youth with IEPs dropping out of high school compared to all youth in the State dropping out of high school are reported under Indicator 1 on page five of this document.

**Discussion of Baseline Data:**

The statewide data collected in December, 2005 show how many students were included in various categories (graduates, dropouts, transfers, etc). The SEA has a spreadsheet that shows the dropout rate for each school. This spreadsheet also shows what percentage of the total number of students were not included in the dropout rate calculation for such reasons as transferring out of district, deceased, home-education, etc. The dropout rate for all students was 19.11%. The dropout rate for youth with IEPs was 15.86%, or 3.25% better than for all youth in the state. As previously noted in the analysis of North Dakota's high school graduation rate for youth with IEPs, the comparatively lower dropout rate also reflects the benefits of special education services for helping students with disabilities complete their high school education.

**All students dropout rate = 19.11 %**

**Special Education students dropout rate = 15.86%**

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

**Improvement Activities/Timelines/Resources:**

Activities	Timelines	Resources
1. Provide technical assistance to LEAs in collecting quality data and in designing research based interventions.	Summer/Fall 2006	National Dropout Prevention Center
2. 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
3. Statewide dissemination of instructional materials regarding prevention of school bullying.	Spring 2006	Pacer Center, Minneapolis, MN
4. 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)
5. 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
6. 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
7. 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, Online Reporting System
8. 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
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### Monitoring Priority: FAPE in the LRE

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

- A. Percent of districts 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 = # of districts meeting the State's AYP objectives for progress for the disability subgroup (children with IEPs) divided by the total # of districts in the State times 100.
- B. Participation rate =
  - a. # of children with IEPs in grades assessed;
  - b. # of children with IEPs in regular assessment with no accommodations (percent = b divided by a times 100);
  - c. # of children with IEPs in regular assessment with accommodations (percent = c divided by a times 100);
  - d. # of children with IEPs in alternate assessment against grade level standards (percent = d divided by a times 100); and
  - e. # of children with IEPs in alternate assessment against alternate achievement standards (percent = e divided by a times 100).

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

Overall Percent =  $b + c + d + e$  divided by  $a$ .

C. Proficiency rate =

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

Overall Percent =  $b + c + d + e$  divided by  $a$ .

**Overview of Issue/Description of System or Process:**

The North Dakota State Assessment (NDSA) was initially administered in 2001-02. Its key features include:

- Criterion referenced
- Aligned to state content standards
- Utilizes selected response and constructed response items
- Assesses reading/language arts and mathematics
- Assesses in grades 4, 8, and 12 (2001-02 through 2003-04), and grades 3-8 and 11 (beginning 2004-05)
- Administered in the fall to all grades, beginning 2004-05
- Required of all public schools; allows non-public and BIA schools to participate
- Collects student demographic and special codes data
- Reports achievement by content area, standard, and benchmark
- Validated data from ND State Assessment, along with graduation and attendance data, are used to generate reports on adequate yearly progress (AYP) for schools. Achievement scores for students using the ND Alternate Assessment are included in the AYP data base.
- Data on achievement and demographics/special codes are entered into TetraData warehouse for use in school improvement and research efforts.
- North Dakota teachers play a key role in developing content and achievement standards, aligning test items to standards, and setting cut scores for the ND State Assessment.

The ND Alternate Assessment (NDALT) was initially administered in the fall of 2000. Each year the NDALT has been reviewed and revised to improve the quality of the assessment.

The NDALT was developed to:

1) align the NDALT at the current grade level in which the student is enrolled, as well as, 2) cover the breadth and depth of the state content standards to the extent that the general assessment covers them. The population of students with severe cognitive disabilities is assessed against alternate achievement standards which are linked to the state content standards. Students with “persistent learning problems” served under IDEA, will be assessed against modified achievement standards, through the NDALT, which are aligned to state content standards. In an effort to meet the requirements set forth by No Child Left Behind, the North Dakota Department of Public Instruction (NDDPI) brought together educators from across North Dakota in July and August of 2005, to write activities (based on the “essence” of grade level state content standards and benchmarks), that are (in their professional judgment) aligned at either a high level, a mid level, or linked to grade level content standard and benchmarks. The NDDPI followed the recommendations made by the National Alternate Assessment Center, at The University of Kentucky, regarding linkage, alignment, and coverage of the standards and cognitive demand (per Bloom’s Taxonomy). The 2005-2006 North Dakota Alternate Assessment reflects those changes. The North Dakota Alternate Assessment (NDALT) is a performance-based assessment, which assesses how

students perform against the North Dakota State Content Standards and thus, the general curriculum. The Content Standards consist of a description of what all students should know and be able to do within a particular core subject area. The Benchmarks are a translation of a standard into what all students should understand and be able to do at developmentally appropriate grade levels. The NDALT includes activities based on the “essence” of the benchmark (i.e. what the benchmark is asking for), at three different alignment levels. High and middle alignment activities are for those students, served under IDEA, who have “persistent learning problems” that preclude them from taking the NDSA, even with accommodations (a.k.a. the 2% population). The third level of alignment is where the activity is “linked” to the grade- level benchmark, and is intended for those students who have significant cognitive disabilities (a.k.a. the 1% population).

**Baseline Data for FFY 2004 (2004-2005):**

**Display 1: Indicator Summary**

	2001-02	2002-03	2003-04	2004-05
<b>A. Percent of Districts Meeting AYP Objective for IEP subgroup</b>				
Reading	63.6%	76.5%	93.5%	92.4%
Math	75.0%	80.4%	84.1%	95.4%
<b>B. Participation Rate of IEP students</b>				
Reading	95.1%	98.6%	98.0%	98.6%
Math	95.2%	98.3%	97.8%	98.5%
<b>C. Proficiency Rate of IEP students</b>				
Reading	26.0%	24.9%	39.7%	48.1%
Math	14.1%	12.5%	21.6%	43.0%

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

Note 2: For Indicator A, AYP data for 2002, 2003, and 2004 are based on the results of students in grades 4, 8, and 12; 2005 AYP data are based on the results of students in grades 4, 8, and 11.

Note: 3 For Indicators B and C, participation and proficiency data for 2002, 2003, and 2004 are based on the results of students in grades 4, 8, and 12; 2005 data are based on the results of students in grades 3-8 and 11.

**Data Summary**

- The percentage of districts meeting the AYP objective for the IEP subgroup has greatly increased over time.
  - For reading, this percentage has increased by almost 30 percentage points (from 63.6% to 92.4%).
  - For math, this percentage has increased by 20 percentage points (from 75.0% to 95.4%).
- The participation rate of IEP students has increased from about 95% to over 98%.
- The proficiency rate of IEP students has dramatically increased over time.
  - For reading, the proficiency rate has increased by over 20 percentage points (from 26.0% to 48.1%).
  - For math, the proficiency rate has increased by almost 30 percentage points (from 14.1% to 43.0%).



**Display 2: Participation Rate Details**

<b>Reading</b>	<b>Number</b>	<b>Percent of 7,161</b>	<b>Number in group who received a valid score</b>	<b>Percent of group who received a valid score</b>
a. Total IEP Students	7161	100.0%	7061	98.6%
b. Took regular assessment with no accommodations	1845	25.8%	1775	96.2%
c. Took regular assessment with accommodations	4560	63.7%	4537	99.5%
e. Took alternate assessment against alternate achievement standards	756	10.6%	749	99.1%

<b>Math</b>	<b>Number</b>	<b>Percent of 7,161</b>	<b>Number in group who received a valid score</b>	<b>Percent of group who received a valid score</b>
a. Total IEP Students	7161	100.0%	7054	98.5%
b. Took regular assessment with no accommodations	1989	27.8%	1916	96.3%
c. Took regular assessment with accommodations	4381	61.2%	4357	99.5%
e. Took alternate assessment against alternate achievement standards	791	11.0%	781	98.7%

**Data Summary**

- The percentage of IEP students who received a valid score is very high – above 98%.
- About 1/4 of IEP students took the regular assessment with no accommodations.
- Almost 2/3 of IEP students took the regular assessment with accommodations.
- About 10% took the Alternate Assessment that is measured against alternate achievement standards (in 2004-05, an alternate assessment that was measured against grade level standards did not exist).
- IEP students who took the regular assessment without accommodations were slightly less likely to receive a valid score than IEP students who took the test with accommodations or who took the alternate assessment.

**Display 3: Proficiency Rate Details**

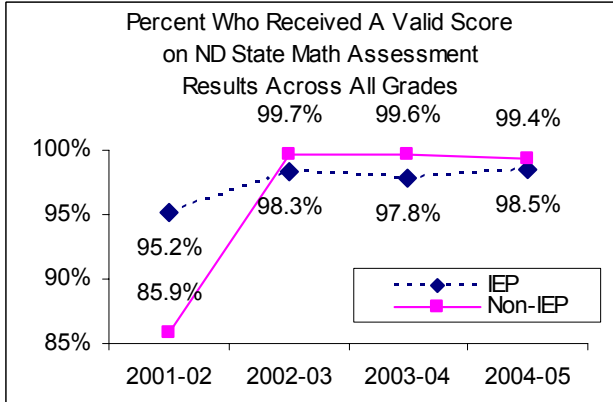
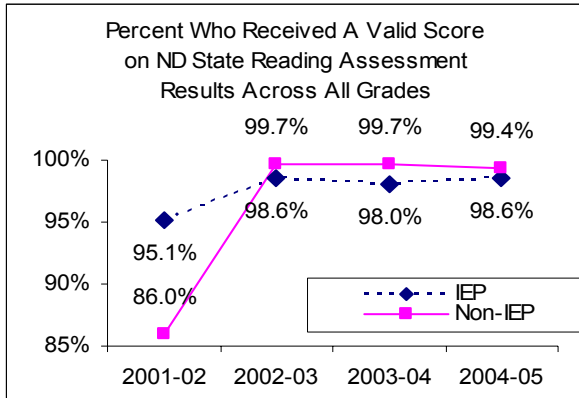
<b>Reading</b>	<b>Number in group who received a valid score</b>	<b>Number in group who received a proficient score</b>	<b>Percent of group who received a proficient score</b>
a. Total IEP students	7061	3397	48.1%
b. Took regular assessment with no accommodations	1775	913	51.4%
c. Took regular assessment with accommodations	4537	2032	44.8%
e. Took alternate assessment against alternate achievement standards	749	452	60.3%

<b>Math</b>	<b>Number in group who received a valid score</b>	<b>Number in group who received a proficient score</b>	<b>Percent of group who received a proficient score</b>
a. Total IEP Students	7054	3032	43.0%
b. Took regular assessment with no accommodations	1916	990	51.7%
c. Took regular assessment with accommodations	4357	1544	35.4%
e. Took alternate assessment against alternate achievement standards	781	498	63.8%

**Data Summary**

- Over 40% of IEP students received a proficient score. In fact, almost half of IEP students received a proficient score in reading.
- IEP students who took the alternate assessment have the highest proficiency rate; IEP students who took the regular assessment with accommodations have the lowest proficiency rate.
  - About 1/2 of IEP students who took the regular assessment with no accommodations received a proficient score.
  - Between 35-45% of students who took the regular assessment with accommodations received a proficient score.
  - Almost 2/3 of IEP students who took the Alternate Assessment received a proficient score.

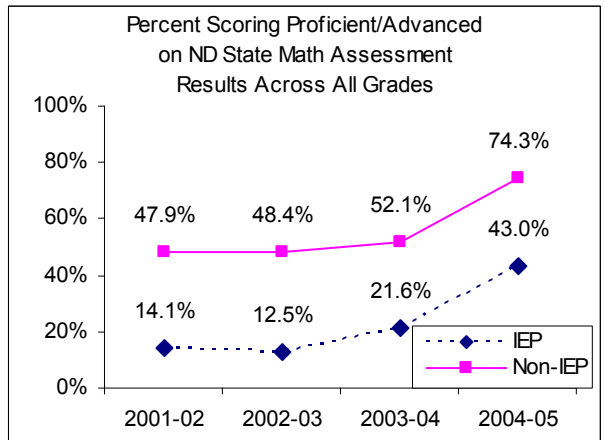
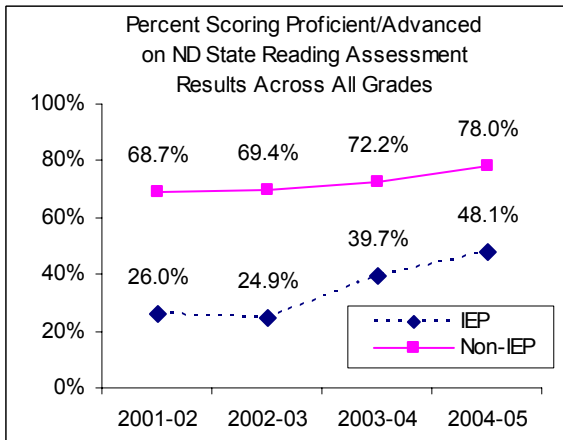
**Display 4: Comparison of IEP Students' to Non-IEP Students' Participation Rates**



**Data Summary**

- Since 2002-03, the participation rate of IEP students has been very similar to that for non-IEP students.
- The IEP participation rate is less than one percentage point lower than the non-IEP participation rate.

**Display 5: Comparison of IEP Students' to Non-IEP Students' Proficiency Rates**



**Data Summary**

- IEP students have a lower proficiency rate than non-IEP students. However, the gap between the two groups is decreasing.
  - In 2001-02, the gap between the two groups for reading was over 42 percentage points. In 2004-05, the gap is 30 percentage points.
  - In 2001-02, the gap between the two groups for math was almost 34 percentage points. In 2004-05, the gap is 31 percentage points.

**Discussion of Baseline Data:**

**Highlights**

- The percentage of districts meeting the AYP objective for the IEP subgroup has greatly increased over time. Over 90% of districts met the AYP objective for the IEP subgroup in 2005.
- The percentage of IEP students who receive a valid score is very high – above 98%.
- Over 40% of IEP students received a proficient score. In fact, almost half of IEP students received a proficient score in reading.
- The participation and proficiency rates of IEP students have increased over time – from around 95% to over 98%.
- The proficiency rate of IEP students has increased by 20 percentage points for reading (to a high of 48.1%) and by 30 percentage points for math (to a high of 43.0%) since 2001-02.
- The participation rate of IEP students is very similar to that for non-IEP students.
- The proficiency rate of IEP students is lower than that of non-IEP students; however the gap between the two groups has decreased from about 40 percentage points to about 30 percentage points since 2001-02.

FFY	Measurable and Rigorous Target
<b>2005 (2005-2006)</b>	<p>A. Percent of districts meeting the State AYP objectives for disability subgroups in reading will be 95.5%. Percent of districts meeting the State AYP objectives for disability subgroups in math will be 97.2%.</p> <p>B. Participation rate for children with IEPs in a regular assessment in reading will be 95.0% and in math will be 95.0%.</p> <p>C. The percentage of IEP students that will meet proficiency for reading will be 55%. The percentage of IEP students that will meet proficiency for math will be 50%.</p>
<b>2006 (2006-2007)</b>	<p>A. Percent of districts meeting the State AYP objectives for disability subgroups in reading will be 96.0%. Percent of districts meeting the State AYP objectives for disability subgroups in math will be 97.3%.</p> <p>B. Participation rate for children with IEPs in a regular assessment in reading will be 95.0% and in math will be 95.0%.</p> <p>C. The percentage of IEP students that will meet proficiency for reading will be 57.8%. The percentage of IEP students that will meet proficiency for math will be 52.5%.</p>
<b>2007 (2007-2008)</b>	<p>A. Percent of districts meeting the State AYP objectives for disability subgroups in reading will be 96.5%. Percent of districts meeting the State AYP objectives for disability subgroups in math will be 97.5%.</p> <p>B. Participation rate for children with IEPs in a regular assessment in reading will be 95.0% and in math will be 95.0%.</p> <p>C. The percentage of IEP students that will meet proficiency for reading will be 60%. The percentage of IEP students that will meet proficiency for math will be 55%.</p>
<b>2008 (2008-2009)</b>	<p>A. Percent of districts meeting the State AYP objectives for disability subgroups in reading will be 97.0%. Percent of districts meeting the State AYP objectives for disability subgroups in math will be 97.6%.</p> <p>B. Participation rate for children with IEPs in a regular assessment in reading will be 95.0% and in math will be 95.0%.</p> <p>C. The percentage of IEP students that will meet proficiency for reading will be 62.5%. The percentage of IEP students that will meet proficiency for math will be 59%.</p>
<b>2009 (2009-2010)</b>	<p>A. Percent of districts meeting the State AYP objectives for disability subgroups in reading will be 97.5%. Percent of districts meeting the State AYP objectives for disability subgroups in math will be 97.8%.</p>

	<p>B. Participation rate for children with IEPs in a regular assessment in reading will be 95.0% and in math will be 95.0%.</p> <p>C. The percentage of IEP students that will meet proficiency for reading will be 67.5%. The percentage of IEP students that will meet proficiency for math will be 65%.</p>
<b>2010 (2010-2011)</b>	<p>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%.</p> <p>B. Participation rate for children with IEPs in a regular assessment in reading will be 95.0% and in math will be 95.0%.</p> <p>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%.</p>

Target A – Note: One of the reasons that a high percentage of districts are currently meeting the AYP target is that several districts met the safe harbor provision of Title I.

Target B – Note: More than 95% of IEP students have participated in the state assessment in each of the past four years.

Target C - Note: One possible explanation for the large increase in proficiency rates from 2004-2005 is the rescaling of cut scores. NDDPI anticipates that subsequent years will not necessarily yield comparable increases in proficiency. The increase in proficiency rates increases in smaller increments at the beginning, and larger increments at the end.

**Improvement Activities/Timelines/Resources:**

Activities	Timelines	Resources
1. Provide statewide annual training on NDALT including annual technical quality improvements of the assessment.	Yearly each fall	IDEA-B Consultant MPRRC and NAAC
2. Survey of teachers regarding training needs for instructional strategies linked to the NDALT.	2006 & 2008	State Dept Part B funds
3. Statewide training as follow-up to needs identified in response surveys.	2007 & 2009	Part B funds State Personnel Consultants
4. 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
5. 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
6. 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
7. Provide information, resources, and support for Response to Intervention model and implementation. Revise state guidelines for assessment to include RtI model and process.	2005 – 06, statewide summits; ongoing	lowa state staff; Part B Disc. Funds; MPRRC
8. Support professional development for general education (secondary) on differentiated instruction/strategies.	Ongoing	ND University System Faculty

## Part B State Performance Plan (SPP) for 2005-2010

Throughout the development of the ND State Performance Plan, the ND Department of Public Instruction actively solicited broad stakeholder input on a statewide basis. North Dakota Department of Public Instruction state staff reviewed the ND Annual Performance Report (APR) 2003 – 2004 for alignment with the data reporting requirements of the ND State Performance Plan (SPP). State staff met to begin development of the ND SPP after specific staff assignments were determined. The September ND IDEA Advisory Committee meeting was a working meeting facilitated by Mountain Plains Regional Resource Center staff for the purpose of informing and then soliciting input from stakeholder members. Individual state staff members then solicited input from the appropriate statewide or regional standing committees and workgroups. The ND state director of special education presented information and solicited input at the statewide school administrators conference on October 20, 2005. A draft copy of the ND SPP was posted on the Department's web site from October 15, 2005 through November 15, 2005. The draft copy of the ND SPP was reviewed and revised accordingly by the ND Advisory Committee on November 15, 2005. The ND IDEA Advisory Committee indicated general consensus to support the ND targets and improvement activities as written in the NDSPP, 2005-2010.

The North Dakota Department of Public Instruction sent via email a copy of the final ND SPP to all LEA special education administrators, Pathfinders Family Center office, and IDEA Advisory Committee members. The ND SPP is posted on the North Dakota Department of Public Instruction web site for public viewing.

*(The following items are to be completed for each monitoring priority/indicator.)*

<b>Monitoring Priority: FAPE in the LRE</b>
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**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; and
- B. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity.

(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 # of districts in the State times 100.

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

**SIGNIFICANT DISCREPANCY Definition:**  
**NDDPI uses the following measurement to determine rates of suspensions and expulsions:**

Percent of districts = number of districts identified by 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 districts in North Dakota times 100. North Dakota 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 NDDPI as having a significant discrepancy in its rates of suspensions and expulsions of children with disabilities.

**Overview of Issue/Description of System or Process:**

North Dakota collects all suspension and expulsion data through the department’s Coordinated School Health Unit. Currently the data is gathered through a process of sending an Excel spreadsheet to each school plant in North Dakota. The Coordinated School Health Unit collects the data and populates a suspension/expulsion Access file with the Excel data. The Office of Special Education considers these data to be reasonably accurate. North Dakota has used the current data collection system to populate Table 5 since 2002-2003. However, this data collection process will migrate to the Department of Public Instructions Online Reporting System during the 2006-2007 school year. At that time, it is anticipated that the data collected in this category will be more robust.

NDDPI utilizes an Online Reporting System (ORS) to collect Child Count data on December 1 of each year for reporting to the Department of Education. The ORS system is the statewide online system used to collect statistical information about all students in PK – 12 schools. Data are submitted via the internet through individual student data records, with each record holding a unique student identifier number. The unique student identifier ensures collection of data without duplication errors in reporting.

**Baseline Data for FFY 2004 (2004-2005):**

**Figure 1**

2004 - 2005	2003 - 2004	2002 - 2003	<b>Students with Suspension / Expulsion &gt;10 total days</b>
69	34	33	total students
46	28	23	general education students
23	6	10	students with disabilities

The baseline for this indicator is the number of special education students suspended or expelled for ten or more days during the 2004-2005 school year. Figure 1 illustrates the numbers of regular and special education students suspended or expelled for greater than 10 days over the school years 2004-2005, 2003-2004, and 2002-2003. The initial observation of the 2004-2005 student data baseline shows an

increase in incidences of more than ten days by both general education and special education student incidences from the previous year.

**Figure 2**

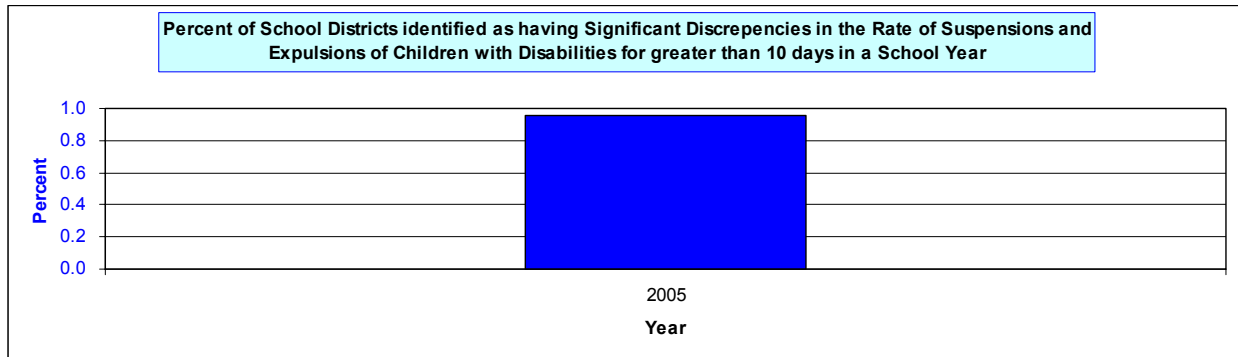


Figure 2 illustrates the suspension rate of special education students in comparison to general education students that are at a rate greater than one to one in school districts in North Dakota. **Two school districts (0.97 %) have been identified as having rates of expulsions of special education greater than regular education students.** Thus, 99.3 percent of our school districts had less than a one to one ratio of special education students suspended for ten days or greater in comparison with the general education population.

Utilizing the same formula, NDDPI evaluated the number of districts that had greater than a one to one ratio of special education students suspended or expelled for ten days or more relative to general education students by race and ethnicity. The following table illustrates our findings by district.

**Figure 3**

School District	Race/Ethnicity	Special Education Student	General Education Student
A	American Indian or Alaska Native	1	0
B	American Indian or Alaska Native	1	0
C	Asian or Pacific Islander	1	0
D	Hispanic	1	0
D	White	3	1
E	Black	1	0
F	White	4	1
G	White	1	0
H	White	1	0
I	White	1	0
J	White	1	0

Figure 3 represents the number of students suspended or expelled from local school districts by a ratio of greater than one special education student to one regular education student by race and ethnicity.

**Discussion of Baseline Data:**

The baseline for this indicator is taken from data collected during the 2004-2005 school year. Two of the school districts (0.97%) in North Dakota were identified as having more special education students expelled in comparison to regular education students. However, when looking at general education and special education student populations in North Dakota the rate of suspensions for special education students grew at a rate of 3.83 times the previous year, while the increase in general education students grew at a lower rate of 1.64 times the previous year. NDDPI proposes to reduce the number of



suspensions and expulsions in all school districts for special education students to a ratio of general education students of less than one to one.

Figure 3 identifies the number of students who were suspended or expelled from local school districts by a ratio greater than one to one, special education student to general education student by race and ethnicity respectively. NDDPI proposes to ignore situations where the comparison population had cell sizes of zero for the general education comparison group and cell sizes of one for the special education population. A review of policies and procedures in identified districts will be conducted. NDDPI's plan for addressing identified LEA's will include a review of school district policies and procedures for suspensions and expulsions of all schools identified as having a rate of suspensions and expulsions greater than those identified in our target matrix. For a school district identified with potentially excessive rates of suspensions and expulsions, the local school district will collaborate with their special education unit to review their policies and procedures. Additional evaluation and follow-up will be provided by the state upon review of the local findings.

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2005</b> (2005-2006)	The percent of LEAs identified by 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%.
<b>2006</b> (2006-2007)	The percent of LEAs identified by 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%
<b>2007</b> (2007-2008)	The percent of LEAs identified by 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%.
<b>2008</b> (2008-2009)	The percent of LEAs identified by 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%.
<b>2009</b> (2009-2010)	The percent of LEAs identified by 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%.
<b>2010</b> (2010-2011)	The percent of LEAs identified by 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%.

**Improvement Activities/Timelines/Resources:**

<b>Activities</b>	<b>Timelines</b>	<b>Resources</b>
1. 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
2. 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
3. Develop, provide training, and implement statewide guidelines for identification and services for students with emotional disturbance.	Spring 2006	ED Work Group; MPRRC
4. Co-host Title I Summer Reading and Math institutes.	Ongoing	Part B Disc. Funds
5. Provide training and implementation of Continuous Improvement Focused Monitoring System for data analysis and improvement planning. Continue to develop and implement consolidated monitoring for improvement that includes all Federal programs.	Expand pilot sites in 2005 – 06; implement statewide in fall 2006	GSEG funding; Part B admin. funds;
6. 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 preservice teacher preparation programs.	Ongoing	Stipends; scholarships; tuition reimbursements; UND; Minot State University
7. 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.	Ongoing	SEA Staff
8. Statewide dissemination of instructional materials regarding prevention of school bullying.	Spring 2006	Pacer Center, Minneapolis, MN

## Part B State Performance Plan (SPP) for 2005-2010

### Overview of the State Performance Plan Development:

Throughout the development of the ND State Performance Plan, the ND Department of Public Instruction actively solicited broad stakeholder input on a statewide basis. North Dakota Department of Public Instruction state staff reviewed the ND Annual Performance Report (APR) 2003 – 2004 for alignment with the data reporting requirements of the ND State Performance Plan (SPP). State staff met to begin development of the ND SPP after specific staff assignments were determined. The September ND IDEA Advisory Committee meeting was a working meeting facilitated by Mountain Plains Regional Resource Center staff for the purpose of informing and then soliciting input from stakeholder members. Individual state staff members then solicited input from the appropriate statewide or regional standing committees and workgroups. The ND state director of special education presented information and solicited input at the statewide school administrators conference on October 20, 2005. A draft copy of the ND SPP was posted on the Department's web site from November 1, 2005 through November 15, 2005. The draft copy of the ND SPP was reviewed and revised accordingly by the ND Advisory Committee on November 15, 2005. The ND IDEA Advisory Committee indicated general consensus to support the ND targets and improvement activities as written in the NDSPP, 2005-2010.

The North Dakota Department of Public Instruction sent via email a copy of the final ND SPP to all LEA special education administrators, Pathfinders Family Center office, and IDEA Advisory Committee members. The ND SPP is posted on the North Dakota Department of Public Instruction web site for public viewing.

*(The following items are to be completed for each monitoring priority/indicator.)*

### 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:

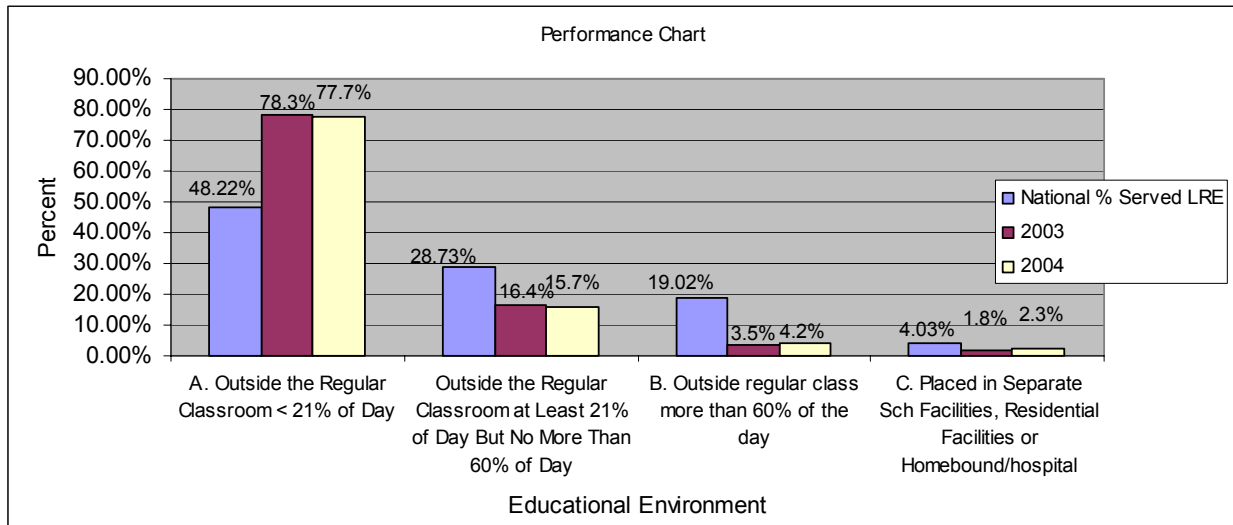
- A. Percent = # of children with IEPs removed from regular class less than 21% of the day divided by the total # of students aged 6 through 21 with IEPs times 100.
- B. Percent = # of children with IEPs removed from regular class greater than 60% of the day divided by the total # of students aged 6 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.

### Overview of Issue/Description of System or Process:

Starting with the 2004-2005 school year, NDDPI utilized an Online Reporting System (ORS) to collect student data for reporting Section 618 Table I, Child Count, Table 3, Educational Environment, and Table 4, Exiting to OSEP annually. Table II, Personnel, will be added for collection during the 2006-

2007 school year with Table VIII, Report on Provision of Early Intervening Services added during 2007-2008. The latter two tables were scheduled to be added during 2005-2006, however, a complete rewrite of the online system is currently in process utilizing a computer language, DotNet, that will allow for easier manipulation of the online data collection system in the future. The ORS system is the statewide online system used to collect statistical information about all students in PK-12 schools. Data is submitted via the internet through individual student data records, with each record holding a unique student identifier number. The unique student identifier ensures collection of data without duplication errors in reporting. Additionally, the data system is designed to be a one time collection point with numerous built in validation features which increase the overall accuracy of the data collected. In each school district, typically the superintendent identifies appropriate users allowing various levels of access to the system, including read, write, and submit privileges. Access to the system is available through both Netscape and Internet Explorer. Once logged on with a user name and password, the user has access to only those reports allowed by the district administrator. For confidential purposes, district personnel do not have access to user names and passwords for the Special Education Membership Report. The Special Education Membership Report, containing data reported to OSEP, is completed by Special Education Unit Personnel. Twice annually, the data collected is migrated to a data warehouse allowing for increased analysis of trend data at the plant, district, special education unit, and state levels.

**Baseline Data for FFY 2004 (2004-2005):**



**OSEP Data Tables: Table AB2 2002-03**

**Discussion of Baseline Data:**

As was the case during the 2002-03, and 2003-04 APR reporting period, the percentage of ND students with disabilities who are placed outside the regular class less than 21% of the day far exceeds the national baseline. A longstanding commitment to inclusive educational practices by parents, local administrators, and the ND Department of Public Instruction has resulted in a high ranking for our state in the area of general education placements for services and educational supports for students with disabilities. Although our data indicates a slight drop in placements “outside the regular classroom <21% of the day,” NDDPI believes this can be accounted for by a related increase in the percentage of children who were placed in “separate school facilities, residential facilities or who are homebound or in hospital care.” These numbers are also slight but may reflect the natural annual variation on the LRE continuum due to such factors as chronic medical conditions that may require more restrictive placements. NDDPI will monitor these data over the next reporting period. Another possible variable is the increase of students placed for purposes other than education in more restrictive settings for reasons unrelated to educational issues. These placements are facilitated by other state agencies rather than schools.

FFY	Measurable and Rigorous Target
<b>2005</b> (2005-2006)	A. 78% of children with disabilities will be educated outside the regular classroom less than 21% of the day. B. 4% will be educated outside the regular classroom more than 60% of the day. C. 2% will be placed in separate schools, residential schools, or homebound/hospital.
<b>2006</b> (2006-2007)	A. 78.5% of children with disabilities will be educated outside the regular classroom less than 21% of the day. B. 3.9% will be educated outside the regular classroom more than 60% of the day. C. 2% will be placed in separate schools, residential schools, or homebound/hospital.
<b>2007</b> (2007-2008)	A. 79% of children with disabilities will be educated outside the regular classroom less than 21% of the day. B. 3.8% will be educated outside the regular classroom more than 60% of the day. C. 2% will be placed in separate schools, residential schools, or homebound/hospital.
<b>2008</b> (2008-2009)	A. 79.5% of children with disabilities will be educated outside the regular classroom less than 21% of the day. B. 3.7% will be educated outside the regular classroom more than 60% of the day. C. 2% will be placed in separate schools, residential schools, or homebound/hospital.
<b>2009</b> (2009-2010)	A. 80% of children with disabilities will be educated outside the regular classroom less than 21% of the day. B. 3.6% will be educated outside the regular classroom more than 60% of the day. C. 2% will be placed in separate schools, residential schools, or homebound/hospital.
<b>2010</b> (2010-2011)	A. 80.5% of children with disabilities will be educated outside the regular classroom less than 21% of the day. B. 3.5% will be educated outside the regular classroom more than 60% of the day. C. 2% will be placed in separate schools, residential schools, or homebound/hospital.

**Improvement Activities/Timelines/Resources:**

Activities	Timelines	Resources
1. 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
2. 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
3. Develop, provide training, and implement statewide guidelines for identification and services for students with emotional disturbance.	Spring 2006	E.D. Work Group; MPRRC
4. Co-host NDDPI Title I Summer Reading and Math institutes.	Ongoing	Part B Disc. Funds
5. Provide training and implementation of Continuous Improvement Focused Monitoring System for data analysis and improvement planning. Continue to develop and implement consolidated monitoring for improvement that includes all Federal programs.	Expand pilot sites in 2005 – 06; implement statewide in fall 2006	GSEG funding; Part B admin. funds;

North Dakota  
State

6. 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 preservice teacher preparation programs.	Ongoing	Stipends; scholar-ships; tuition reimbursements; UND; Minot State University
7. Support professional development for general education (secondary) on differentiated instruction/strategies.	Ongoing	ND University System Faculty

## Part B State Performance Plan (SPP) for 2005-2010

### Overview of the State Performance Plan Development:

Throughout the development of the ND State Performance Plan, the ND Department of Public Instruction actively solicited broad stakeholder input on a statewide basis. North Dakota Department of Public Instruction state staff reviewed the ND Annual Performance Report (APR) 2003 – 2004 for alignment with the data reporting requirements of the ND State Performance Plan (SPP). State staff met to begin development of the ND SPP after specific staff assignments were determined. The September ND IDEA Advisory Committee meeting was a working meeting facilitated by Mountain Plains Regional Resource Center staff for the purpose of informing and then soliciting input from stakeholder members. Individual state staff members then solicited input from the appropriate statewide or regional standing committees and workgroups. The ND state director of special education presented information and solicited input at the statewide school administrators conference on October 20, 2005. A draft copy of the ND SPP was posted on the Department's web site from November 1, 2005 through November 15, 2005. The draft copy of the ND SPP was reviewed and revised accordingly by the ND Advisory Committee on November 15, 2005. The ND IDEA Advisory Committee indicated general consensus to support the ND targets and improvement activities as written in the NDSPP, 2005-2010.

The North Dakota Department of Public Instruction sent via email a copy of the final ND SPP to all LEA special education administrators, Pathfinders Family Center office, and IDEA Advisory Committee members. The ND SPP is posted on the North Dakota Department of Public Instruction web site for public viewing.

*(The following items are to be completed for each monitoring priority/indicator.)*

#### 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 (e.g., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).

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

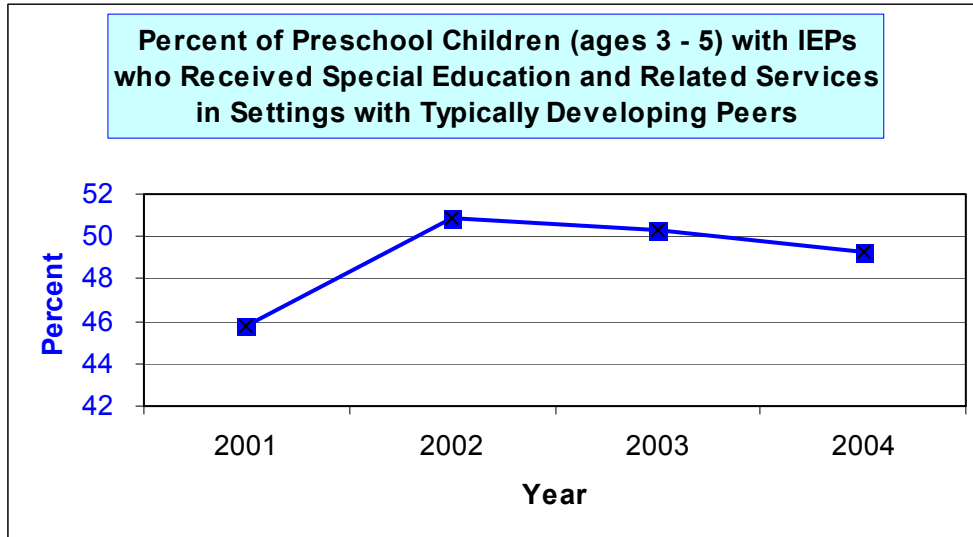
#### Measurement:

Percent = # of preschool children with IEPs who received all special education services in settings with typically developing peers divided by the total # of preschool children with IEPs times 100.

### Overview of Issue/Description of System or Process:

Starting with the 2004-2005 school year, NDDPI utilized an Online Reporting System (ORS) to collect student data for reporting Section 618 Table I, Child Count, Table 3, Educational Environment. The ORS system is the statewide online system used to collect statistical information about all students in PK-12 schools. Data is submitted via the internet through individual student data records, with each record holding a unique student identifier number. The unique student identifier ensures collection of data without duplication errors in reporting. Additionally, the data system is designed to be a one time collection point with numerous built-in validation features which increase the overall accuracy of the data collected. Each school district, typically the superintendent, identifies appropriate users allowing various levels of access to the system, including read, write, and submit privileges. Access to the system is available through, both, Netscape and Internet Explorer.

**Baseline Data for FFY 2004 (2004-2005):**



**Discussion of Baseline Data:**

Baseline data reflect preschool children with IEPs in three settings with typically developing peers. The three settings are:

- Early childhood;
- Home; and
- Part-time early childhood/part-time special education

When each of these three subgroups for North Dakota is compared to all 50 states, Washington, D.C., and Puerto Rico, the data indicates that North Dakota is very near or above the national percentage with the majority of services provided in early childhood settings.

**OSEP Table AB 1 (2002)**

	North Dakota	United States
Early Childhood Setting	41.32	35.39
Home	2.08	3.06
Part-time Early Childhood/Part-time Special Education Setting	7.46	15.08

**OSEP Table AB 1 (2003)**

	North Dakota	United States
Early Childhood Setting	42.9	33.93
Home	1.4	2.93
Part-time Early Childhood/Part-time Special Education Setting	6.0	16.37

National data for 2004 is not yet available.



Although ND has a smaller percentage of children when compared to national data in the Part-time Early Childhood/Part-time Special Education Setting category this may not be a cause for concern. Overall more ND preschool children with disabilities are served with typically developing peers in early childhood settings. Because we are a rural and sparsely populated state the continuum of LRE placement options for young children are more commonly limited to early childhood settings such as day care and Headstart.

FFY	Measurable and Rigorous Target
<b>2005 (2005-2006)</b>	51% of preschool children with IEPs will receive special education services in settings with typically developing peers.
<b>2006 (2006-2007)</b>	51.5% of preschool children with IEPs will receive special education services in settings with typically developing peers.
<b>2007 (2007-2008)</b>	52% of preschool children with IEPs will receive special education services in settings with typically developing peers.
<b>2008 (2008-2009)</b>	52.5% of preschool children with IEPs will receive special education services in settings with typically developing peers.
<b>2009 (2009-2010)</b>	53% of preschool children with IEPs will receive special education services in settings with typically developing peers.
<b>2010 (2010-2011)</b>	53.5% of preschool children with IEPs will receive special education services in settings with typically developing peers.

**Improvement Activities/Timelines/Resources:**

Activities	Timelines	Resources
1. Develop, provide training, and implement statewide guidelines for identification and services for students with emotional disturbance including preschool children.	Spring 2006	ED Work Group; MPRRC
2. Provide training and implementation of Continuous Improvement Focused Monitoring System for data analysis and improvement planning. Continue to develop and implement consolidated monitoring for improvement that includes all Federal programs.	Expand pilot sites in 2005 – 06; implement statewide in fall 2006	GSEG funding; Part B admin. funds;
3. Support ongoing personnel development projects in collaboration with state university training programs to increase the number of qualified special educators across the state.	Ongoing	Stipends; scholarships; tuition reimbursements
4. Completion of and training on the ND Early Childhood Transition Guidelines.	December – May 2005/06	NDDPI and ND DHS, NECTAC and MPRRC
5. Completion of and training on the ND Early Learning Guidelines will promote better understanding of appropriate least restrictive environment placement options for preschool children with disabilities.	Spring 2005-06	NDDPI, ND DHS (Part C) NECTAC and MPRRC

## Part B State Performance Plan (SPP) for 2005-2010

### Overview of the State Performance Plan Development:

Throughout the development of the ND State Performance Plan, the ND Department of Public Instruction actively solicited broad stakeholder input on a statewide basis. North Dakota Department of Public Instruction, NDDPI, state staff reviewed the ND Annual Performance Report (APR) 2003 – 2004 for alignment with the data reporting requirements of the ND State Performance Plan (SPP). State staff met to begin development of the ND SPP after specific staff assignments were determined. The September ND IDEA Advisory Committee meeting was a working meeting facilitated by Mountain Plains Regional Resource Center staff for the purpose of informing and then soliciting input from stakeholder members. Individual state staff members then solicited input from the appropriate statewide or regional standing committees and workgroups. The ND state director of special education presented information and solicited input at the statewide school administrator's conference on October 20, 2005. A draft copy of the ND SPP was posted on the Department's web site from November 1, 2005 through November 15, 2005. The draft copy of the ND SPP was reviewed and revised accordingly by the ND Advisory Committee on November 15, 2005. The ND IDEA Advisory Committee indicated general consensus to support the ND targets and improvement activities as written in the NDSPP, 2005-2010.

Input regarding indicator 7 was gathered from several state agencies through the development of the ND Early Learning Guidelines and the development and submission of a Technical Assistance on State Data Collection-IDEA General Supervision Enhancement Grant. The NDDPI Section 619 coordinator also participated in several conference calls relating to this indicator that were hosted by ECO, MPRRC, OSEP and NECTAC. These calls provided needed guidance relating to the several aspects of this indicator.

ND has two lead agencies responsible for Part B and Part C. The ND Department of Public Instruction (DPI), is the lead agency for Part B and the ND Department of Human Services, Disability Services Division, (DHS) is the lead agency for Part C. DPI and DHS have co-funded work on the development of the ND Early Learning Guidelines, (ELG), a set of early childhood performance standards for children ages birth through kindergarten. The draft version of the Early Learning Guidelines was completed through the input of a wide variety of stakeholders. The ND ELG Committee includes professionals from all areas of early childhood: Part B, Part C, general education kindergarten teachers and administrators, child care providers, Head Start and Early Head Start, preservice personnel from reservation community colleges and state funded universities, legislators, NDDPI State Testing Coordinator, parents, and special education unit administrators.

DPI, DHS and the ND Center for Persons with Disabilities have prepared and submitted a Technical Assistance on State Data Collection-IDEA General Supervision Enhancement Grant. The major focus of this Grant is to develop, implement, and refine a unified early childhood data collection, analysis, and dissemination system that addresses baseline data requirements across three common indicators for the IDEA Part C and Part B. Input relating to this grant and this indicator was gathered from families and Part C and Part B professionals.

The North Dakota Department of Public Instruction sent via email a copy of the final ND SPP to all LEA special education administrators, Pathfinders Family Center office, and IDEA Advisory Committee members. The ND SPP is posted on the North Dakota Department of Public Instruction web site for public viewing.

*(The following items are to be completed for each monitoring priority/indicator.)*

**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 reach or maintain functioning at a level comparable to same-aged peers = # of preschool children who reach or maintain functioning at a level comparable to same-aged peers divided by # of preschool children with IEPs assessed times 100.
- b. Percent of preschool children who improve functioning = # of preschool children who improved functioning divided by # of preschool children with IEPs assessed times 100.
- c. Percent of preschool children who did not improve functioning = # of preschool children who did not improve functioning divided by # of preschool children with IEPs assessed times 100.

If children meet the criteria for a, report them in a. Do not include children reported in a in b or c. If a + b + c 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 reach or maintain functioning at a level comparable to same-aged peers = # of preschool children who reach or maintain functioning at a level comparable to same-aged peers divided by # of preschool children with IEPs assessed times 100.
- b. Percent of preschool children who improved functioning = # of preschool children who improved functioning divided by # of preschool children with IEPs assessed times 100.
- c. Percent of preschool children who did not improve functioning = # of preschool children who did not improve functioning divided by # of preschool children with IEPs assessed times 100.

If children meet the criteria for a, report them in a. Do not include children reported in a in b or c. If a + b + c does not sum to 100%, explain the difference.

C. Use of appropriate behaviors to meet their needs:

- a. Percent of preschool children who reach or maintain functioning at a level comparable to same-aged peers = # of preschool children who reach or maintain functioning at a level comparable to same-aged peers divided by # of preschool children with IEPs assessed times 100.
- b. Percent of preschool children who improved functioning = # of preschool children who improved functioning divided by # of preschool children with IEPs assessed times 100.
- c. Percent of preschool children who did not improve functioning = # of preschool children who did not improve functioning divided by # of preschool children with IEPs assessed times 100.

If children meet the criteria for a, report them in a. Do not include children reported in a in b or c. If a + b + c does not sum to 100%, explain the difference.

**Overview of Issue/Description of System or Process:**

The NDDPI will develop a process to measure skills of preschool children with IEPs in the areas of positive social-emotional skills, acquisition and use of knowledge and skills including early language/communication and early literacy, and the use of appropriate behaviors. The data needed to

measure improvement will be gathered by trained professionals and parents. Results of the measurement of the three outcome areas will be documented on the state approved IEP form.

The ND Department of Public Instruction, DPI, is the lead agency for Part B and the ND Department of Human Services, Disability Services Division, DHS, is the lead agency for Part C. DPI and DHS have co-funded work on the development of the ND Early Learning Guidelines, ELG, a set of early childhood performance standards for all children ages birth through kindergarten. The ELG is the backbone for the development of a measurement process for Indicator #7.

The ELG embed a set of developmental outcomes and benchmarks in early literacy, numeracy, motor, social/emotional adaptive skills, communication, and cognitive domains. The ELG contain strategies for providing targeted interventions for children ages birth to five years and contain interagency collaborative approaches to service provision, documentation of efficacy, and consumer input and evaluation. The content is based on scientifically proven effective practices and promising practices identified in the review of literature.

The outcomes and benchmarks found in the ELG align with existing K-12 standards as disseminated by NDDPI. These Guidelines are based on multiple assessment models including both standardized, criterion referenced assessment, and nationally recognized observation tools.

The ELG include a data collection instrument, the Observation of Indicators, (OI). The OI is a criterion referenced measure of young children's functional performance. ND will use the Observation of Indicators as the instrument for determining child performance within Indicator #7 outcome indicators. However, this instrument has not yet been validated to respond to the new outcome indicators.

Both Part C and Part B agencies will use data gathered from the outcomes measurement system. To do this DPI and DHS must revise and coordinate the data collection efforts and storage systems, while assuring that methodologies are valid and reliable. Currently, the two lead agencies responsible for Part B and Part C are unable to share common data relating to this indicator.

When ND has an effective and efficient system for collecting, analyzing, reporting and disseminating outcome data for young children and their families, constituents will need training to interpret and use that information for program improvement. ND will provide large scale training and technical assistance efforts to prepare families, direct service providers, policy-makers and program administrators to successfully use outcome data.

To address the above issues, DPI, DHS and the ND Center for Persons with Disabilities have submitted a Technical Assistance on State Data Collection-IDEA General Supervision Enhancement Grant. The grant application was submitted in fall 2005. The major focus of this grant is to address baseline data requirements across three common SPP indicators for IDEA Part C and Part B. The three goals of the grant are: 1) ND will have a published set of outcome measures and indicators and a system to gather data regarding the impact of Part B and Part C, Section 619 services; 2) ND will have an effective and efficient method to collect, analyze and share outcome data across Part B and Part C, and with relevant constituents at the state and local levels, and 3) Preschool personnel will receive instruction in high quality methods to gather and report required outcome data for infants, toddlers, and young children with disabilities and their families.

Finally, DPI must have a mechanism in place to record and monitor the improvement of skills of preschool children. Currently ND has a recommended state IEP form which includes all required IDEA components. This recommended form, however, does not require IEP teams to address the entry and exit skill level of preschool children within the three outcome areas address in Indicator #7. To accomplish this ND will include a section within the preschool IEP which will incorporate outcome rating scores in the three indicator outcome areas. ND is currently exploring the possibility of establishing an online Individualized Education Program, IEP, to be implemented by all school districts within ND. If an online IEP system is put in place, the procedures to measure Indicator 7 would be incorporated into this system.

In addition, DPI must have a system in place to assure that data relating to Indicator #7 outcome areas are monitored to assure compliance. This information will be incorporated into the Part B focused monitoring process and used as a measure to assure improvement in the development of skills in these areas for preschool children with disabilities in ND.

**Baseline Data for FFY 2004 (2004-2005):**

All children with IEPs, who are younger than 54 months of age when the first IEP is completed and who receive services for at least 6 months before kindergarten will be included in the measurement. NDDPI will use the Observation of Indicators (OI) as the instrument for measuring child performance relating to the areas of positive social-emotional skills; acquisition and use of knowledge and skills including early language/communication and early literacy; and the use of appropriate behaviors. With a relatively small population of young children, DPI faces a decision whether to use sampling procedures or a census system for data collection. In some cases, NDDPI will use random sampling procedures to identify children and families to participate in the data collection. However, a census or near census process may be necessary to assure sufficiently large numbers to maintain confidentiality and to have sufficient data for the necessary calculations. Appropriate sampling techniques, if needed, will be determined as a result of recommendations from an external evaluator.

An external evaluator will implement a series of small content and criterion-related validity tests to validate the outcome Indicators. Family members will also be involved in content validity reviews as well as reliability efforts. Reliability will be examined both through inter-rater checks and test-retest procedures (although the time intervals in test-retest will be rather short due to the rapid child development). Finally, internal consistency will be checked to assure that the outcome indicator instrument and procedures reliably measure common features in the child's performance.

Once the indicators have been validated, professionals and parents will be trained on how to implement the Observation of Indicator instrument and how to include the ratings on the child's IEP. Professionals and parents working with children who do not have IEPs and who are the same age as their peers who have IEPs, will also be included in this training and gathering data relating to these children. This data will be used as a comparison to data on preschool children with an IEP.

Outcome ratings will be discussed and included at initial IEP development, at subsequent IEP reviews as determined by the IEP team and at exit. The outcome rating scores will be entered on the child's IEP. The outcome ratings from the initial IEPs will be matched to exit outcome ratings for individual children. At the district and state levels, analysis of matched scores will yield each of the three outcomes required for Indicator 7. The state plans to use the ECO Center's tool for collection of child outcome data. A draft of that tool is listed below.

**Data Needed to Address Early Childhood Outcomes – Draft Form 9/7/05**

Example uses Outcome 3. Data needed are identical for Outcomes 1 and 2.

**Timing: Entry**

Outcome 3

Q1. [Based on assessment and other information...] Are child's skills and behavior related to taking action to meeting his or her needs at the level expected for his or her age?

\_\_\_yes \_\_\_no

**Timing: (Near) Exit**

Outcome 3

Q2a. [Based on assessment and other information...] Are child's skills and behavior related to taking action to meeting his or her needs at the level expected for his or her age?

\_\_\_yes \_\_\_no

If yes, child is counted in category (a)

- a. *Percent of infants and toddlers who reach or maintain functioning at a level comparable to same-aged peers*

If no, answer question 2b.

Q2b. [Based on assessment and other information...] Has the child acquired new skills and behaviors related to taking action to meet needs since entering the program?

\_\_\_yes \_\_\_no

If yes, child is counted in category (b)

- b. *Percent of infants and toddlers who improve functioning*

If no, the child is counted in category (c)

- c. *Percent of infants and toddlers who did not improve functioning*

**Possible Patterns of Data for Different Children**

Entry Q1	(Near) Exit Q2a	(Near) Exit Q2b	OSEP Category
yes	yes	yes	a (maintained)
yes	no	yes	b (made progress)
yes	no	no	c (did not make progress)
no	yes	yes	a (achieved)
no	no	yes	b (made progress)
no	no	no	c (did not make progress)

Note: Not all yes-no patterns are shown because some are impossible. For example, a child can't show age expected behavior and skills at both time points and not make progress.

The complete Observation of Indicators form also includes:

- Cognitive Development
- Communication Development
- Approaches to Learning
- Creative Expression
- Self-Care and Independence
- Physical Health and Development
- Motor Skills Development

**Discussion of Baseline Data:** Since this is a new indicator, discussion of the baseline data will be provided in FFY 2006 APR due February 1, 2008.

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2005</b> (2005-2006)	To be determined.
<b>2006</b> (2006-2007)	To be determined.
<b>2007</b> (2007-2008)	To be determined.
<b>2008</b> (2008-2009)	To be determined.
<b>2009</b> (2009-2010)	To be determined.
<b>2010</b> (2010-2011)	To be determined.

**Improvement Activities/Timelines/Resources:** To be determined when data are available.

## Part B State Performance Plan (SPP) for 2005-2010

### Overview of the State Performance Plan Development:

Throughout the development of the ND State Performance Plan, the ND Department of Public Instruction actively solicited broad stakeholder input on a statewide basis. North Dakota Department of Public Instruction state staff reviewed the ND Annual Performance Report (APR) 2003 – 2004 for alignment with the data reporting requirements of the ND State Performance Plan (SPP). State staff met to begin development of the ND SPP after specific staff assignments were determined. The September ND IDEA Advisory Committee meeting was a working meeting facilitated by Mountain Plains Regional Resource Center staff for the purpose of informing and then soliciting input from stakeholder members. Individual state staff members then solicited input from the appropriate statewide or regional standing committees and workgroups. The ND state director of special education presented information and solicited input at the statewide school administrators conference on October 20, 2005. A draft copy of the ND SPP was posted on the Department's web site from November 1, 2005 through November 15, 2005. The draft copy of the ND SPP was reviewed and revised accordingly by the ND Advisory Committee on November 15, 2005. The ND IDEA Advisory Committee indicated general consensus to support the ND targets and improvement activities as written in the NDSPP, 2005-2010.

Committees and Workgroups Providing Input Specific to this Indicator:

The North Dakota Department of Public Instruction sent via email a copy of the final ND SPP to all LEA special education administrators, Pathfinders Family Center office, and IDEA Advisory Committee members. The ND SPP is posted on the North Dakota Department of Public Instruction web site for public viewing.

*(The following items are to be completed for each monitoring priority/indicator.)*

### 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.

### Overview of Issue/Description of System or Process:

NDDPI began work on a web-based Parent Survey during the summer of 2003. To develop sample questions, NDDPI reviewed surveys being developed by Dr. Victoria Bernhardt, Executive Director of the Education for the Future Initiative, and by the National Center on Special Education Accountability and Monitoring (NCSEAM). Concurrent with the exploration of identifying a range of survey questions, a small group of technical personnel from the Management Information System unit at NDDPI assisted in developing the Parent Survey as an online web based process. The goal was to achieve seamless data input at the local school plant level to the generation of automatic reports based on survey data collection. Data could then be automatically disaggregated from the state to the unit, and plant levels.

A variety of individuals and groups participated in the development and assessment of this tool. Those that participated included the following:



- North Dakota's IDEA Advisory Committee encouraged the development of the parent survey and reviewed both, process and individual questions throughout the development stage. The IDEA Advisory Committee established a subcommittee of parents who continuously participated with the development of the parent survey. This subcommittee identified their perceived meaning of each question, studied the relationship of each question to other questions, and was particularly interested in making sure that the survey would be relevant to the needs of parents and local school plants.
- The Buffalo Valley Special Education Unit developed a stakeholder group that included parents, teachers, and administrators. This stakeholder group was involved with question evaluation, as well as with beta testing of the online web-based survey.
- The NDDPI Regional Coordinators, the Assistant Director, and the Director of Special Education participated in a question analysis process to determine which of the parent survey's 27 questions were directly related to Indicator #8. Results of this analysis determined that questions number five, ten, fifteen, twenty-one, and twenty-seven were specific to this indicator.
- The North Dakota Director of Special Education shared and requested assistance from parent stakeholders participating in two state-wide conferences. During the state-wide Family Connections Conference and the Pathfinder Conference (Parent Training Information Center) participants had an opportunity to review each question and provide input, if desired.

**Baseline Data for FFY 2004 (2004-2005):** The survey (see Attachment 2) is in its final version and is ready to be used state-wide and will be implemented in January 2006. Twice a year, the survey will be conducted in all public school plants in North Dakota and will be adapted for use by educators, service providers and families of preschool children. To increase parent participation, each school plant will be encouraged to set up a bank of computers during fall and spring parent/teacher conferences. Parents will have access to these computers, with technical assistance available, while participating in their local parent/teacher conferences. As North Dakota has very high participation in parent/teacher conferences a similar rate of participation in our parent survey is expected. Parents will also be able to access the survey at other locations, including city libraries, work places, and the home.

Report generation will be automatic and aggregated from the plant, to the district, unit, and state level. Each Special Education Unit director will have direct web based access to all reports specific to their plant, district and unit levels. Additionally, the unit directors will be able to review and compare survey outcomes between and among the various special education units, as well as state level results.

At the close of each survey period, NDDPI will review results to establish the effectiveness of parent participation in utilizing the survey, as well as reviewing the data for accuracy and meaning, prior to dissemination the reports state-wide.

The initial standard that will be adopted for purposes of developing measurable and rigorous targets will be the percent of parents per plant, district, and unit that are above a state-wide mean for the five questions specific to this indicator during the 2005-2006 survey year. Prior to setting measurable and rigorous targets for this indicator NDDPI conducted question analysis. To increase the level of confidence of the five questions that specifically address Indicator #8, NDDPI staff will calibrate a correlation relationship between each question to this indicator. Additionally, the responses to each of the questions should have a high rate of consistency or reproducibility (reliability) if administered to the same person a second or third day in a row.

**Discussion of Baseline Data:** Since this is a new indicator, discussion of the baseline data will be provided in FFY 2006 APR due February 1, 2007.

FFY	Measurable and Rigorous Target
<b>2005</b> (2005-2006)	To be determined.
<b>2006</b> (2006-2007)	To be determined.
<b>2007</b> (2007-2008)	To be determined.
<b>2008</b> (2008-2009)	To be determined.
<b>2009</b> (2009-2010)	To be determined.
<b>2010</b> (2010-2011)	To be determined.

**Improvement Activities/Timelines/Resources:** To be determined when data are available.

## Part B State Performance Plan (SPP) for 2005-2010

### Overview of the State Performance Plan Development:

Throughout the development of the ND State Performance Plan, the ND Department of Public Instruction actively solicited broad stakeholder input on a statewide basis. North Dakota Department of Public Instruction state staff reviewed the ND Annual Performance Report (APR) 2003 – 2004 for alignment with the data reporting requirements of the ND State Performance Plan (SPP). State staff met to begin development of the ND SPP after specific staff assignments were determined. The September ND IDEA Advisory Committee meeting was a working meeting facilitated by Mountain Plains Regional Resource Center staff for the purpose of informing and then soliciting input from stakeholder members. Individual state staff members then solicited input from the appropriate statewide or regional standing committees and workgroups. The ND state director of special education presented information and solicited input at the statewide school administrator's conference on October 20, 2005. A draft copy of the ND SPP was posted on the Department's web site from November 1, 2005 through November 15, 2005. The draft copy of the ND SPP was reviewed and revised accordingly by the ND Advisory Committee on November 15, 2005. The ND IDEA Advisory Committee indicated general consensus to support the ND targets and improvement activities as written in the NDSPP, 2005-2010.

The North Dakota Department of Public Instruction sent via email a copy of the final ND SPP to all LEA special education administrators, Pathfinders Family Center office, and IDEA Advisory Committee members. The ND SPP is posted on the North Dakota Department of Public Instruction web site for public viewing.

*(The following items are to be completed for each monitoring priority/indicator.)*

### 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 # 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.

### Overview of Issue/Description of System or Process:

North Dakota includes many small schools in rural school districts. A demographic characteristic of our state is that it is not as racially or ethnically diverse as other parts of the nation. North Dakota's official source of population statistics, the ND State Data Center, created the *ND Profile of General Demographic Characteristics* based on the most recent census count in 2000. The current profile of our state includes the following data by race:

White	92.40%
Black or African American	0.60%
American Indian	4.90%
Asian	0.60%
Hispanic or Latino	1.20%

North Dakota's largest racial minority is American Indian (4.9%). North Dakota has four federally recognized American Indian Tribes and one Indian community:

- Spirit Lake Nation
- Standing Rock Nation
- Mandan, Arikara, and Hidatsa Nation
- Turtle Mountain Band of Chippewa Nation
- Trenton Indian Service Area

The students enrolled in the public schools on these four reservations and the Trenton Service Area are almost exclusively American Indian. Therefore, the percentage of students receiving special education and related services in these predominantly American Indian schools is also almost exclusively American Indian. The NDDPI collects special education child count data in these schools. Higher identification rates for special education in some of these schools compared to statewide rates of identification for all students has been reported. However, the identification rates reported in these reservation schools are not in contrast to non-American Indian students; they are in contrast to other American Indian students in these same reservation schools.

Another topic that the NDDPI wishes to explore further is the rate of identification of students for special education and related services in North Dakota's public schools on American Indian reservations in contrast to the rate of identification for students in those North Dakota schools administered by the Bureau of Indian Affairs and Tribal Councils. NDDPI proposes collaboration with the Bureau of Indian Affairs in analyzing these data and in devising improving strategies that will promote consistent use of evidenced-based evaluation practices and strategies that will increase educational placements in less restrictive settings.

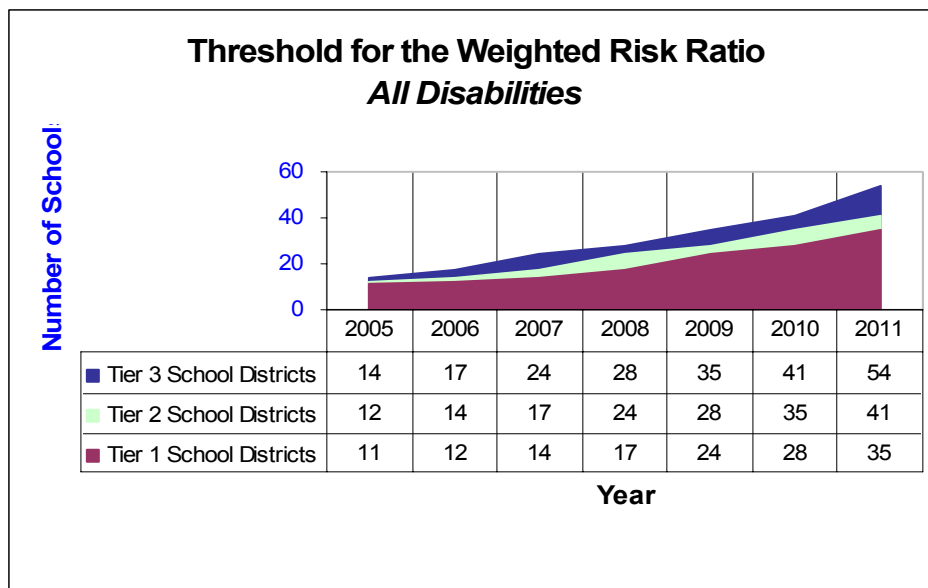
In consideration of these very small populations of Black or African American, American Indian or Alaska Native, Asian, and Hispanic or Latino citizens in our state, various methods to define disproportionate representation were considered. For purposes of communicating with the public, the NDDPI elects to use the definition of disproportionality as articulated by the National Center for Culturally Responsive Educational Systems' (NCCRESt) synopsis of provisions of IDEA'04 (October, 2005):

*Disproportionality refers to comparisons made between groups of students by race or ethnicity or language who are identified for special education services. Where students from particular ethnic or linguistic groups are identified either at a greater or lesser rate than all other students then that group may be said to be disproportionately represented in special education.*

As noted, North Dakota has many small and rural school districts. In order to ensure the confidentiality of students from particular ethnic or linguistic groups in the public schools of our state, the NDDPI adopted a weighted risk ratio developed for OSEP by WESTAT, a federally supported research corporation consulting in statistical design, data collection and management, and research analysis work. The tiered weighted risk ratio shown in the table below (derived using the 2004-2005 data) will be used by NDDPI for identifying potential disproportionality. School districts identified in tiers 1, 2, and 3 will be evaluated in the order specified (most to least disproportional).

Year	Tier 1 Weighted Risk Ratio greater than or equal to	Tier 2 Weighted Risk Ratio greater than or equal to	Tier 3 Weighted Risk Ratio greater than or equal to
2004-2005	3.50	3.25	3.00
2005-2006	3.25	3.00	2.75
2006-2007	3.00	2.75	2.50
2007-2008	2.75	2.50	2.25
2008-2009	2.50	2.25	2.00
2009-2010	2.25	2.00	1.75
2010-2011	2.00	1.75	1.50

By utilizing a weighted risk ratio to analyze all of the public school districts in North Dakota for the 2004-2005 school year, 11 school districts appear to be identifying students with all disabilities at disproportionate rates, in tier 1. In following years, as our weighted risk ratio becomes more stringent (e.g., 3.25 for 2005-06) more school districts could potentially be identified as having disproportionate rates of identification of students with disabilities.



In the fall of 2003 the U.S. Department of Education awarded the NDDPI (IDEA Part B) and the ND Department of Human Services (IDEA Part C) a General Supervision Enhancement Grant. The focus of this grant was the improvement of educational services for children who have disabilities. A model for *Continuous Improvement Focused Monitoring* was developed that promotes increased collection of data and training on analysis of data to improve results for children who have disabilities. The new system of data collection and analysis is now being expanded within the state. In addition, the NDDPI has expanded its online reporting system (ORS) so that special education data are now available to LEA's as well as the state education agency. Data collected by the NDDPI are shared with schools regarding their districts' academic achievement as well as to determine if significant disproportionality in identification, eligibility category, or placement is occurring. It is the goal of the NDDPI to extend this data dissemination and analysis process statewide. By communicating with local schools, school districts, and special education administrative units about the North Dakota Special Education State Performance Plan targets, NDDPI will be able to create broad awareness regarding the state's weighted risk ratio for determination of disproportionality. The student identification practices of each school district identified as having

disproportionate representation of racial and ethnic groups in special education and related services will be reviewed by state education personnel in collaboration with local district educators and parents.

**Baseline Data for FFY 2004 (2004-2005):** Since this is a new indicator, baseline and targets will be provided in FFY 2005 APR due February 1, 2007.

**Discussion of Baseline Data:** Since this is a new indicator, discussion of the baseline data will be provided in FFY 2005 APR due February 1, 2007.

FFY	Measurable and Rigorous Target
<b>2005</b> (2005-2006)	To be determined.
<b>2006</b> (2006-2007)	To be determined.
<b>2007</b> (2007-2008)	To be determined.
<b>2008</b> (2008-2009)	To be determined.
<b>2009</b> (2009-2010)	To be determined.
<b>2010</b> (2010-2011)	To be determined..

**Improvement Activities/Timelines/Resources:** To be determined when data are available.

When NDDPI identifies LEAs who may have concerns for disproportionality those identified LEAs will be required to review their policies, procedures, and practices for identification or evaluation. This will occur through the Continuous Improvement Focus Monitoring Process described in NDDPI's SPP indicator fifteen (General Supervision).

## Part B State Performance Plan (SPP) for 2005-2010

### Overview of the State Performance Plan Development:

Throughout the development of the ND State Performance Plan, the ND Department of Public Instruction actively solicited broad stakeholder input on a statewide basis. North Dakota Department of Public Instruction state staff reviewed the ND Annual Performance Report (APR) 2003 – 2004 for alignment with the data reporting requirements of the ND State Performance Plan (SPP). State staff met to begin development of the ND SPP after specific staff assignments were determined. The September ND IDEA Advisory Committee meeting was a working meeting facilitated by Mountain Plains Regional Resource Center staff for the purpose of informing and then soliciting input from stakeholder members. Individual state staff members then solicited input from the appropriate statewide or regional standing committees and workgroups. The ND state director of special education presented information and solicited input at the statewide school administrator's conference on October 20, 2005. A draft copy of the ND SPP will be posted on the Department's web site from November 1, 2005 through November 15, 2005. The draft copy of the ND SPP will be reviewed and revised accordingly by the ND Advisory Committee on November 15, 2005. The ND IDEA Advisory Committee indicated general consensus to support the ND targets and improvement activities as written in the NDSPP, 2005-2010.

The North Dakota Department of Public Instruction is sending via email a copy of the final ND SPP to all LEA special education administrators, Pathfinders Family Center office, and IDEA Advisory Committee members. The ND SPP will be posted on the North Dakota Department of Public Instruction web site for public viewing.

*(The following items are to be completed for each monitoring priority/indicator.)*

### 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 # 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.

### Overview of Issue/Description of System or Process:

North Dakota includes many small schools in rural school districts. A demographic characteristic of our state is that it is not as racially or ethnically diverse as other parts of the nation. North Dakota's official source of population statistics, the ND State Data Center, created the *ND Profile of General Demographic Characteristics* based on the most recent census count in 2000. The current profile of our state includes the following data by race:

White	92.40%
Black or African American	0.60%
American Indian	4.90%
Asian	0.60%
Hispanic or Latino	1.20%

North Dakota's largest racial minority is American Indian (4.9%). North Dakota has four federally recognized American Indian Tribes and one Indian community:

- Spirit Lake Nation
- Standing Rock Nation
- Mandan, Arikara, and Hidatsa Nation
- Turtle Mountain Band of Chippewa Nation
- Trenton Indian Service Area

The students enrolled in the public schools on these four reservations and the Trenton Service Area are almost exclusively American Indian. Therefore, the percentage of students receiving special education and related services in these predominantly American Indian schools is also almost exclusively American Indian. The NDDPI collects special education child count data in these schools. Higher identification rates for special education in some of these schools compared to statewide rates of identification for all students has been reported. However, the identification rates reported in these reservation schools are not in contrast to non-American Indian students; they are in contrast to other American Indian students in these same reservation schools.

Another topic that the NDDPI wishes to explore further is the rate of identification of students for special education and related services in North Dakota's public schools on American Indian reservations in contrast to the rate of identification for students in those North Dakota schools administered by the Bureau of Indian Affairs and Tribal Councils. NDDPI proposes collaboration with the Bureau of Indian Affairs in analyzing these data and in devising improving strategies that will promote consistent use of evidenced-based evaluation practices and strategies that will increase educational placements in less restrictive settings.

In consideration of these very small populations of Black or African American, American Indian or Alaska Native, Asian, and Hispanic or Latino citizens in our state, various methods to define disproportionate representation were considered. For purposes of communicating with the public, the NDDPI elects to use the definition of disproportionality as articulated by the National Center for Culturally Responsive Educational Systems' (NCCREST) synopsis of provisions of IDEA'04 (October, 2005):

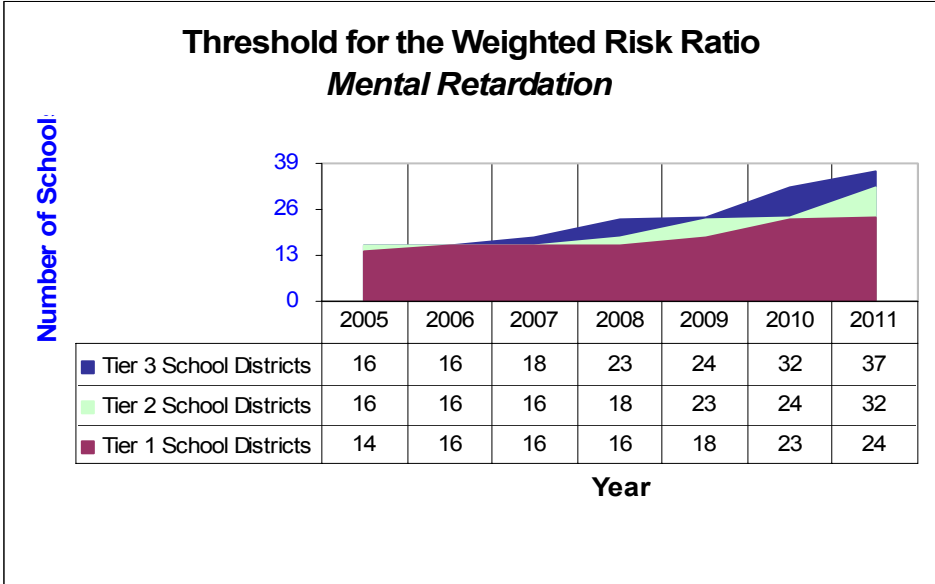
*Disproportionality refers to comparisons made between groups of students by race or ethnicity or language who are identified for special education services. Where students from particular ethnic or linguistic groups are identified either at a greater or lesser rate than all other students then that group may be said to be disproportionately represented in special education.*

As noted, North Dakota has many small and rural school districts. In order to ensure the confidentiality of students from particular ethnic or linguistic groups in the public schools of our state, the NDDPI adopted a weighted risk ratio developed for OSEP by WESTAT, a federally supported research corporation consulting in statistical design, data collection and management, and research analysis work. The tiered weighted risk ratio shown in the table below (derived using the 2004-2005 data) will be used by NDDPI for identifying potential disproportionality. School districts identified in tiers 1, 2, and 3 will be evaluated in the order specified (most to least potentially disproportional).

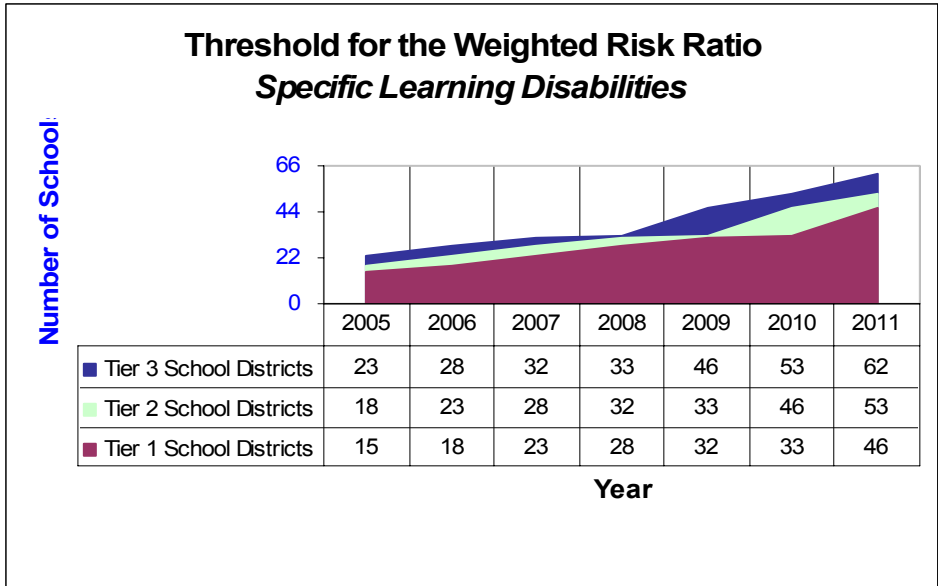


Year	Tier 1 Weighted Risk Ratio greater than or equal to	Tier 2 Weighted Risk Ratio greater than or equal to	Tier 3 Weighted Risk Ratio greater than or equal to
2004-2005	3.50	3.25	3.00
2005-2006	3.25	3.00	2.75
2006-2007	3.00	2.75	2.50
2007-2008	2.75	2.50	2.25
2008-2009	2.50	2.25	2.00
2009-2010	2.25	2.00	1.75
2010-2011	2.00	1.75	1.50

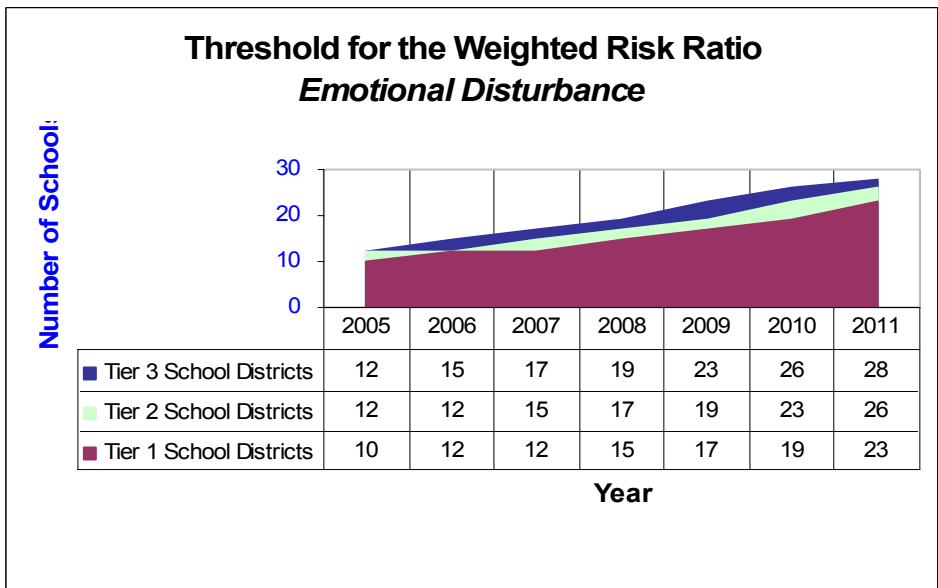
By utilizing a weighted risk ratio to analyze all of the public school districts in North Dakota for the 2004-2005 school year, 11 school districts appear to be identifying students in the following disability categories at disproportionate rates, in Tier 1.



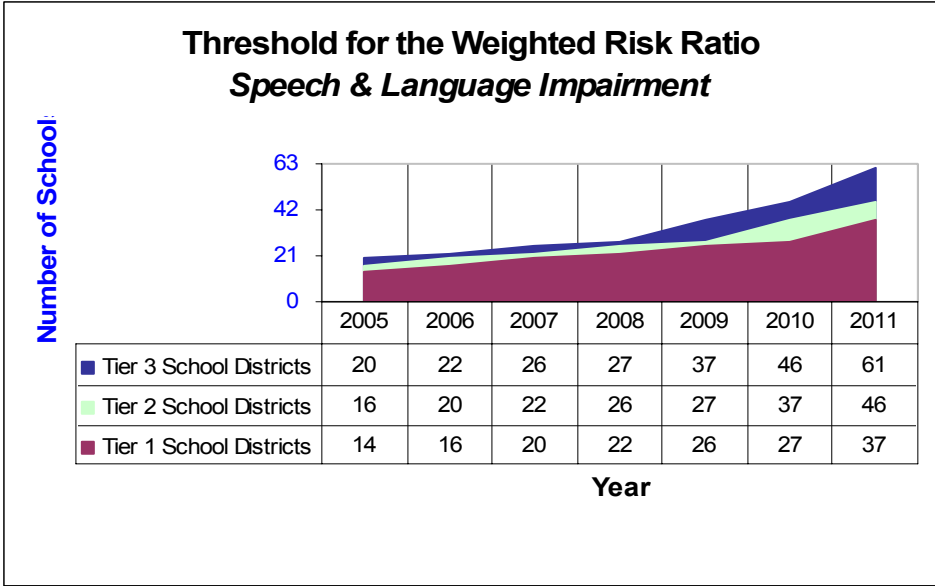
In 2004-05 Tier 1 represents disproportionality with a weighted risk ratio of 3.50. Using this ratio 14 school districts would be identified in Tier 1 for having disproportionate identification of mental retardation. In following years, as our weighted risk ratio becomes more stringent (e.g., 3.25 for 2005-06) more school districts could potentially be identified as having disproportionate identification of mental retardation.



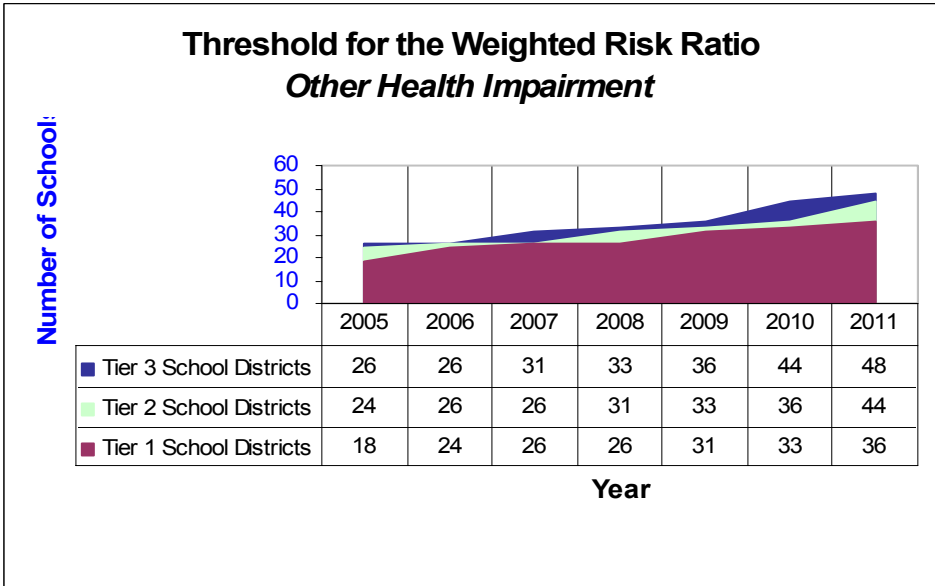
In 2004-05 Tier 1 represents disproportionality with a weighted risk ratio of 3.50. Using this ratio 15 school districts would be identified in Tier 1 for having disproportionate identification of specific learning disabilities. In following years, as our weighted risk ratio becomes more stringent (e.g., 3.25 for 2005-06) more school districts could potentially be identified as having disproportionate identification of specific learning disabilities.



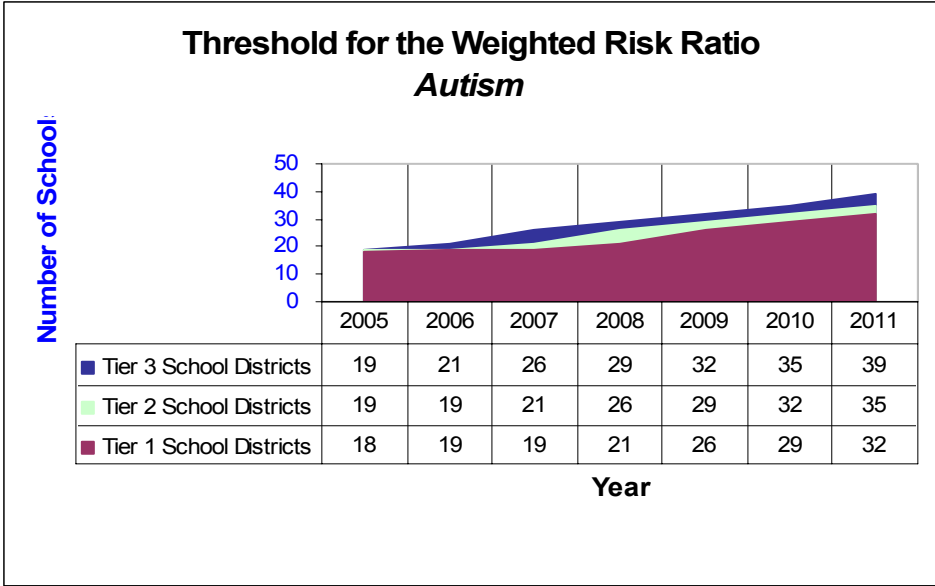
In 2004-05 Tier 1 represents disproportionality with a weighted risk ratio of 3.50. Using this ratio 10 school districts would be identified in Tier 1 for having disproportionate identification of emotional disturbance. In following years, as our weighted risk ratio becomes more stringent (e.g., 3.25 for 2005-06) more school districts could potentially be identified as having disproportionate identification of emotional disturbance disabilities.



In 2004-05 Tier 1 represents disproportionality with a weighted risk ratio of 3.50. Using this ratio 14 school districts would be identified in Tier 1 for having disproportionate identification of speech and language impairment. In following years, as our weighted risk ratio becomes more stringent (e.g., 3.25 for 2005-06) more school districts could potentially be identified as having disproportionate identification of speech and language impairment disabilities.



In 2004-05 Tier 1 represents disproportionality with a weighted risk ratio of 3.50. Using this ratio 18 school districts would be identified in Tier 1 for having disproportionate identification of other health impairment. In following years, as our weighted risk ratio becomes more stringent (e.g., 3.25 for 2005-06) more school districts could potentially be identified as having disproportionate identification of other health impairment disabilities.



In 2004-05 Tier 1 represents disproportionality with a weighted risk ratio of 3.50. Using this ratio 18 school districts would be identified in Tier 1 for having disproportionate identification of autism. In following years, as our weighted risk ratio becomes more stringent (e.g., 3.25 for 2005-06) more school districts could potentially be identified as having disproportionate identification of autism disabilities.

**Baseline Data for FFY 2004 (2004-2005):** Since this is a new indicator, baseline and targets will be provided in FFY 2005 APR due February 1, 2007.

**Discussion of Baseline Data:** Since this is a new indicator, discussion of the baseline data will be provided in FFY 2005 APR due February 1, 2007.

FFY	Measurable and Rigorous Target
<b>2005</b> (2005-2006)	To be determined.
<b>2006</b> (2006-2007)	To be determined.
<b>2007</b> (2007-2008)	To be determined.
<b>2008</b> (2008-2009)	To be determined.
<b>2009</b> (2009-2010)	To be determined.
<b>2010</b> (2010-2011)	To be determined.

**Improvement Activities/Timelines/Resources:** To be determined when data are available.

When NDDPI identifies LEAs who may have concerns for disproportionality those identified LEAs will be required to review their policies, procedures, and practices for identification or evaluation. This will occur through the Continuous Improvement Focus Monitoring Process described in NDDPI’s SPP indicator fifteen (General Supervision).

## Part B State Performance Plan (SPP) for 2005-2010

### Overview of the State Performance Plan Development:

Throughout the development of the ND State Performance Plan, the ND Department of Public Instruction actively solicited broad stakeholder input on a statewide basis. North Dakota Department of Public Instruction state staff reviewed the ND Annual Performance Report (APR) 2003 – 2004 for alignment with the data reporting requirements of the ND State Performance Plan (SPP). State staff met to begin development of the ND SPP after specific staff assignments were determined. The September ND IDEA Advisory Committee meeting was a working meeting facilitated by Mountain Plains Regional Resource Center staff for the purpose of informing and then soliciting input from stakeholder members. Individual state staff members then solicited input from the appropriate statewide or regional standing committees and workgroups. The ND state director of special education presented information and solicited input at the statewide school administrator's conference on October 20, 2005. A draft copy of the ND SPP was posted on the Department's web site from November 1, 2005 through November 15, 2005. The draft copy of the ND SPP was reviewed and revised accordingly by the ND Advisory Committee on November 15, 2005. The ND IDEA Advisory Committee indicated general consensus to support the ND targets and improvement activities as written in the NDSPP, 2005-2010.

Several local special education unit directors were contacted by phone to discuss:

- Is data for this indicator already being collected
- What would be the most efficient way to collect the most accurate data for this indicator

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*(The following items are to be completed for each monitoring priority/indicator.)*

### Monitoring Priority: Effective General Supervision Part B / Child Find

**Indicator 11:** Percent of children with parental consent to evaluate, who were evaluated and eligibility determined 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 and eligibility determinations were completed within 60 days (or State established timeline).
- c. # determined eligible whose evaluations and eligibility determinations 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 eligibility was determined and any reasons for the delays.

Percent = b + c divided by a times 100.

### Overview of Issue/Description of System or Process:

Previous to the reauthorization of IDEA in 2004, North Dakota had no specific timelines for completion of evaluations and reevaluations. Some local special education units had created their own timelines for conducting evaluation and reevaluations. Timelines that were identified at the local units ranged from 30 days to 60 days. IDEA 04 (20USC 1414 Sec.614 (a)(1)(C)(i) created a specific timeline of 60 days within

which the evaluation must be conducted. This statutory language is the basis for indicator number 11 on the State Performance Plan.

**Baseline Data for FFY 2004 (2004-2005):** Since this is a new indicator, baseline and targets will be provided in FFY 2005 APR due February 1, 2007.

**Discussion of Baseline Data:** Since this is a new indicator, discussion of the baseline data will be provided in FFY 2005 APR due February 1, 2007.

Currently, no consistent accurate means to collect the data needed to determine a baseline for indicator 11 is being used in North Dakota. Thus no clear baseline data is presently available in this area for North Dakota. Local special education directors identified a variety of methods as a means of collecting data in this area. These methods included using already established internal monitoring procedures, locally established data collection procedures or possibly electronic data base systems.

Arguably, the most efficient way to get the most accurate data for indicator 11 would be utilizing a statewide online Individual Education Plan (IEP) system. However, North Dakota does not have such a system in place at this time. In the future, if a statewide online IEP system is developed, the procedures to facilitate compliance of the sixty-day evaluation timeline would be built-in as well as a means for collecting data in this area. Another way to collect the data needed for this indicator would be to utilize NDDPI's Online Reporting System (ORS). ORS is a web-based reporting program used by ND's school systems. School personnel enter data on individual children and their services. These data are then automatically categorized in the master ORS site. ORS data are used for the federally required child count and APR's submitted to OSEP. However fields to collect the data for this indicator could not be built into ORS until 2007. Until an online IEP system is developed or ORS is updated with the necessary fields, North Dakota will use a form as a means for collecting the data and local special education units as the data-gathering source. All North Dakota local special education units will be asked to submit data by June 30 of each year, starting on June 30, 2006, indicating the following information:

- Number of children for whom parental consent to evaluate was received
- Number of children not determined eligible whose evaluations and eligibility determinations were completed within 60 days
- Number of children eligible whose evaluations and eligibility determinations were completed within 60 days
- A narrative account for children whom consent to evaluate was received but evaluation or determination was not completed
- An indication of the range of days beyond the timeline when eligibility was determined
- A narrative account of any reasons for the delays

The data collected in the first year (2005-2006) will be used as baseline data. This baseline data will help NDDPI establish measurable and rigorous targets for the next 5 years, with the final target in 2010 being 100% of student evaluations taking place in North Dakota are completed within a 60 day time period.

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2005</b> (2005-2006)	To be determined.
<b>2006</b> (2006-2007)	To be determined.
<b>2007</b> (2007-2008)	To be determined.
<b>2008</b> (2008-2009)	To be determined.
<b>2009</b> (2009-2010)	To be determined.
<b>2010</b> (2010-2011)	100% of student evaluations taking place in North Dakota will be completed within a 60 day time period.

**Improvement Activities/Timelines/Resources:** To be determined when data are available.

## Part B State Performance Plan (SPP) for 2005-2010

### Overview of the State Performance Plan Development:

Throughout the development of the ND State Performance Plan, the ND Department of Public Instruction actively solicited broad stakeholder input on a statewide basis. North Dakota Department of Public Instruction, NDDPI, state staff reviewed the ND Annual Performance Report (APR) 2003 – 2004 for alignment with the data reporting requirements of the ND State Performance Plan (SPP). State staff met to begin development of the ND SPP after specific staff assignments were determined. The September ND IDEA Advisory Committee meeting was a working meeting facilitated by Mountain Plains Regional Resource Center staff for the purpose of informing and then soliciting input from stakeholder members. Individual state staff members then solicited input from the appropriate statewide or regional standing committees and workgroups. The ND state director of special education presented information and solicited input at the statewide school administrator's conference on October 20, 2005. A draft copy of the ND SPP was posted on the Department's web site from November 1, 2005 through November 15, 2005. The draft copy of the ND SPP was reviewed and revised accordingly by the ND Advisory Committee on November 15, 2005. The ND IDEA Advisory Committee indicated general consensus to support the ND targets and improvement activities as written in the NDSPP, 2005-2010.

Input regarding this indicator was gathered from several committees and workgroups involved in the transition of children from Part C to Part B. The development of the Early Childhood Transition Guidelines which supports this indicator, was completed through input from a workgroup comprised of parents, Part C and Part B professionals along with preservice professionals. NDDPI met with the state Parent Training and Information Center, Pathfinder Services of North Dakota, Inc, to solicit and incorporate their input on the Guidelines and issues related to early childhood transition which included this indicator.

In addition to statewide input, the National Early Childhood Technical Assistance Center, NECTAC, assisted in the development and implementation of the "North Dakota State Plan on Part C to Part B Transition". This plan will standardize procedures for youth transitioning from Part C to Part B services to assure that by their third birthday, a current IEP is in place for children referred from Part C who are found eligible for Part B. Also, the Mountain Plains Regional Resource Center, MPRRC, has provided guidance related to early childhood transition and the issues relating to this indicator. MPRRC is the main writer of the Early Childhood Transition Guideline.

The NDDPI (Part B), the ND Department of Human Services (Part C), and the ND Center for Persons with Disabilities have submitted a Technical Assistance on State Data Collection-IDEA General Supervision Enhancement Grant. The major focus of this Grant is to develop, implement, and refine a unified early childhood data collection, analysis, and dissemination system that addresses baseline data requirements across three common SPP indicators for the IDEA Part C and Part B. Input relating to this grant and these indicators was gathered from families and Part C and Part B professionals.

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*(The following items are to be completed for each monitoring priority/indicator.)*

<b>Monitoring Priority: Effective General Supervision Part B / Effective Transition</b>
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**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.

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

Percent = c divided by a – b times 100.

**Overview of Issue/Description of System or Process:**

ND has two lead agencies responsible for Part B and Part C. ND Department of Public Instruction is the lead agency for Part B and the ND Department of Human Services, Disability Services Division, DHS, is the lead agency for Part C.

DHS currently collects data relating to Indicator 12 - part "a" *number of children who have been served in Part C and referred to Part B for eligibility determination*, and part "b" *number of those referred determined to be not eligible and who eligibilities were determined prior to their third birthdays*. Data relating to Indicator 12 – part "c", *number of those found eligible who have an IEP developed and implemented by their third birthday*, is found within several data fields entered through the NDDPI Online Reporting System, (ORS).

Currently, Part B and Part C data systems are incompatible. Data between Part C and Part B is shared through printed reports. In addition, preschool data collected by school districts within the ORS system which address the elements needed for Indicator 12 – part "c" can not be merged to provide the required information to address Indicator 12 - part "c". Thus, NDDPI currently does not have the capabilities to analyze and establish the required baselines for Indicator 12.

To address the above data issues, NDDPI, DHS and the ND Center for Persons with Disabilities have submitted a Technical Assistance on State Data Collection-IDEA General Supervision Enhancement Grant. The major focus of this Grant is to develop, implement, and refine a unified early childhood data collection, analysis, and dissemination system that addresses baseline data requirements across three common SPP indicators for IDEA Part C and Part B. Through this Grant, the DHS data systems will be revised to address the transition components of Part B and Part C, and a computerized program will be recommended to share those data electronically. During this same time period, NDDPI will create and implement a process to merge the required fields within the ORS to obtain the required data to determine Indicator 12 – part "c".

NDDPI has identified an additional issue relating to data that is currently gathered by Part C and shared with Part B. There appear to be variances between ND regions in the percentage of children who are not eligible for Part B services at 3 years of age over a three year period. Due to the significant discrepancies within regions, NDDPI developed a survey for early childhood special education professionals and special education administrators regarding issues relating to early childhood transition. The survey results along with district/regional data and Part C exit data were used to analyze reasons for exit when children are determined to be ineligible for Part B and to determine inconsistency in eligibility practices across special education units.

To address these inconsistencies, the NDDPI and DHS facilitated meetings of the Early Childhood Transition Guidelines Workgroup to develop joint Guidelines regarding the early childhood transition. The Early Childhood Transition Guidelines Workgroup reviewed current state and national data and guidance relating to early childhood transition. A list of essential components for the Guidelines was developed. The Workgroup established common expectations for program performance across the Infant

Development Programs (Part C) and local education agencies (LEAs) and made recommendations for best practices for professionals and parents. The Workgroup is in the final stages of completing the development of the Guidelines which will be for parents and professionals.

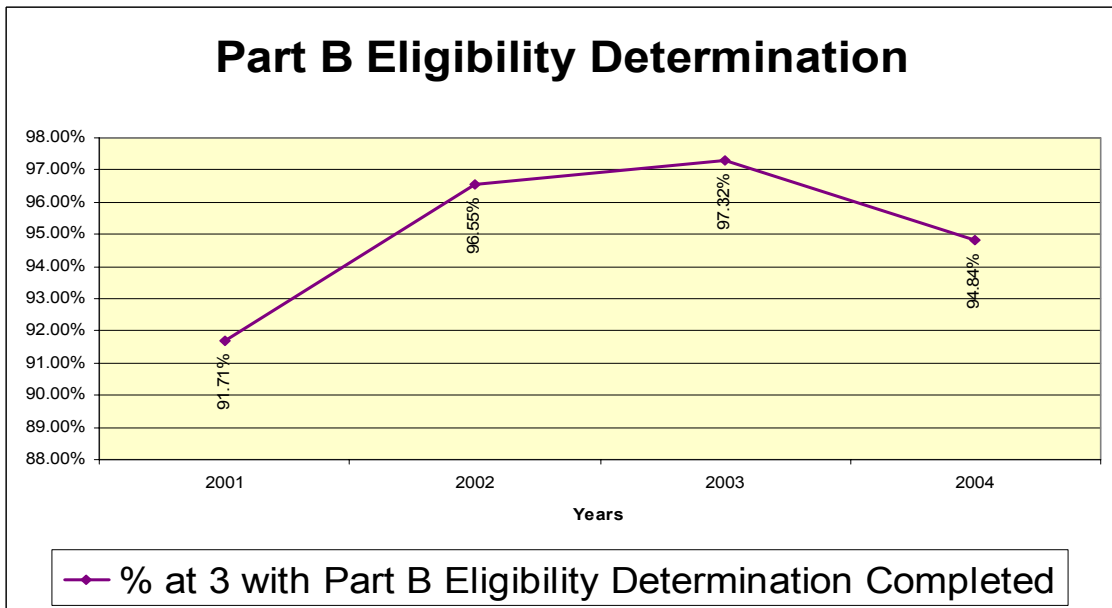
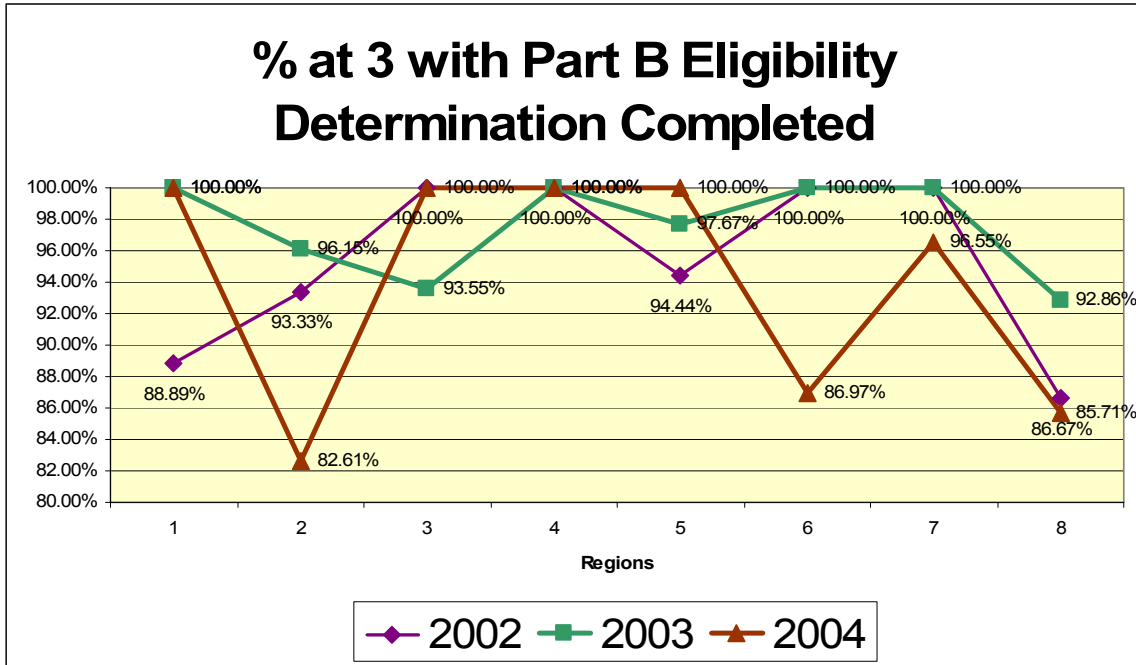
Finally, NDDPI must have a monitoring system in place to assure that children referred by Part C prior to age 3, who are found eligible for Part B, have an IEP developed and implemented by their third birthdays. To do this NDDPI and DHS invested resources to develop a comprehensive and coordinated Part B and Part C monitoring/improvement system through the ND Educational Services Improvement (ND-ESI) grant beginning 2003. The ND-ESI included goals, strategies, and activities to develop and implement a coordinated system for collecting and analyzing relevant and usable Part B and Part C data for focused monitoring and improvement planning purposes. Part C and Part B state personnel identified priority results and compliance standards for Part C and Part B in the area of transition.

Currently, this system is being piloted within a small section of ND school districts. During the transition of this system, all special education units in the state continue to utilize the local internal monitoring process they have in place to ensure compliance with IDEA regulations. Annually, the special education unit directors provide updates relating to their internal monitoring results.

ND is currently exploring the possibility of establishing an online Individualized Education Program, IEP, to be implemented by all school districts within ND. If an online IEP system is put in place, the procedures to measure part "c" of Indicator 12 would be incorporated into this system.

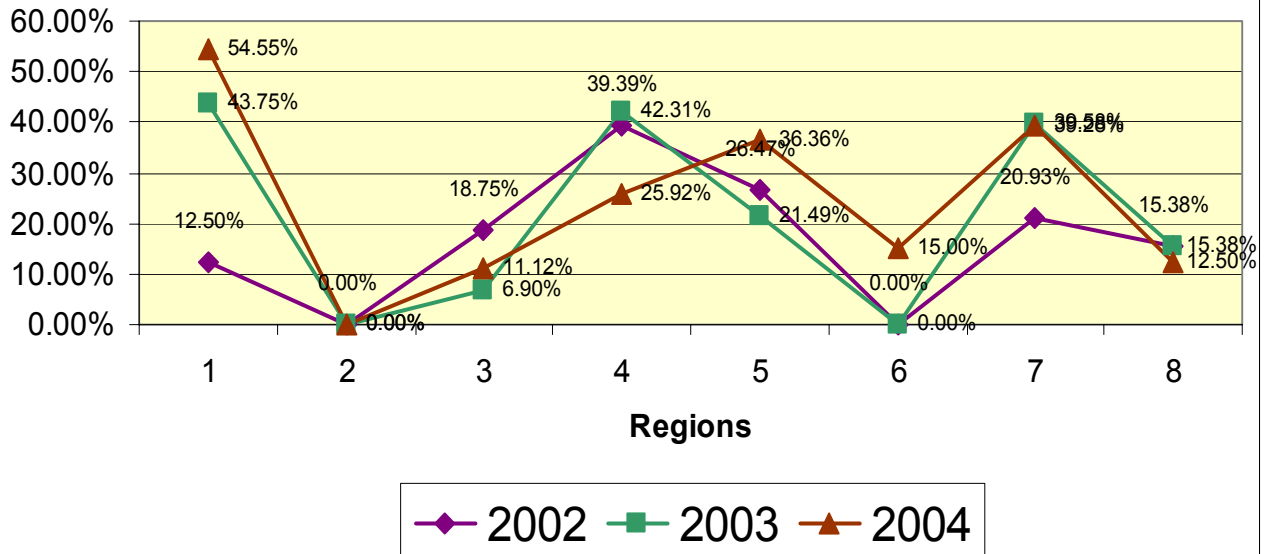
**Baseline Data for FFY 2004 (2004-2005):**

Part C Data Report -				
Year	2001	2002	2003	2004
Exiting Part C	254	244	317	337
Part B Elig	156	131	166	175
Not Elig for Part B	21	37	52	29
Part B Elig not Determined	4	6	5	5
Deceased	1	3	2	7
Moved out of state	43	31	33	26
Withdrawal by Parent	13	27	41	32
Attempts to contacts unsuccessful	4	9	17	20
	61	70	93	85
Exited at 3	193	174	224	252
% with Eligibility Determination not Eligible for Part B	11.86	22.02	23.85	26.78
% at 3 with Part B Eligibility Determination Completed	91.71%	96.55%	97.32%	94.84%

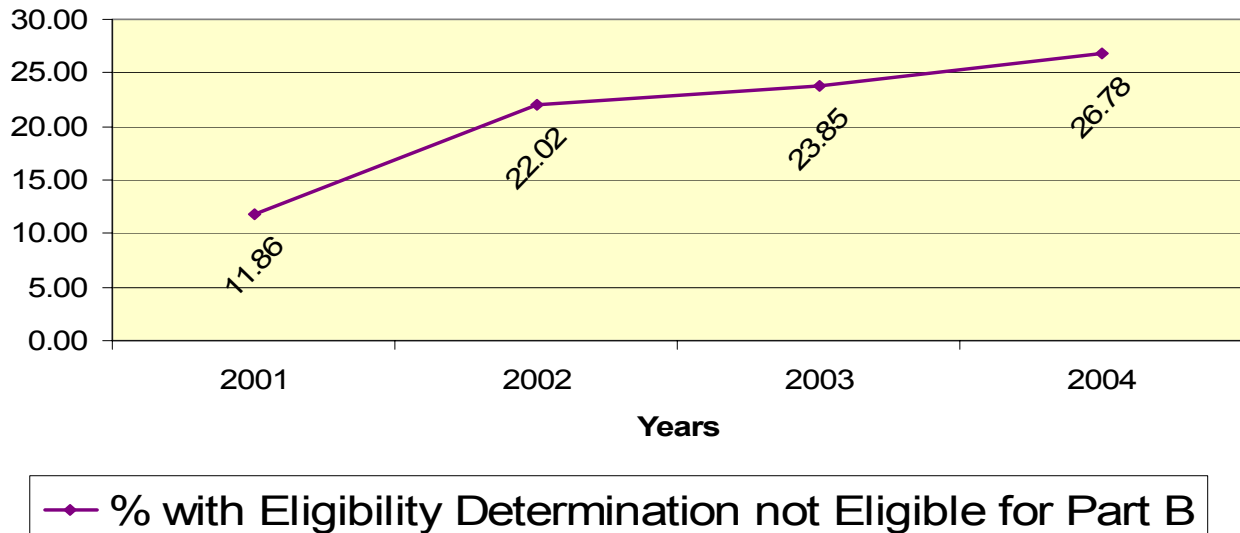


Some children who received Early Intervention Services may no longer be in need of, or found eligible for, Part B services due to success of programming efforts and/or developmental gains.

## % With Eligibility Determination Not Eligible for Part B



## % Not Eligible for Part B



The Part C programs of ND are based on 8 human services regions in the state. There are also regional quality assurance committees for Part C. However, Part B services are administered through multi-district cooperatives that do not align with the geographic areas of the Part C service regions. This graph illustrates variances between the Part C service regions in the percentage of children who are not eligible for Part B services at 3 years of age over a three year period. The variances between regions have remained constant over the reported three year period.

Preschool Age 3 ORS Example ( names and dates are fictional)							
Servicing District	FirstName	LastName	DOB	IEPCreatedDate	InitialEvalDate	IEPReviewDate	Age
Johnsonville	Paula	Moss	3/6/2001	3/6/2004	1/3/2004	3/6/2005	3
Ralph School	Mike	Nolls	7/4/2001	7/4/2004	4/2/2004	7/4/2005	3

Currently, the NDDPI Online Reporting System, ORS, collects data in the above mentioned fields. Currently this data can not be merged to establish that a current IEP was completed by the child's third birthday nor is this data compatible to the Part C data above.

**Discussion of Baseline Data:**

Current baseline data exists for Indicator 12 – parts “a” and part “b”. This data is collected through the Part C provider, the Department of Human Services, DHS. DHS stores its early intervention performance data in a system called Achieving Support System Integration through Services and Technology (ASSIST). ASSIST is a statewide DB2 database that includes all children receiving Part C services, as well as all other individuals eligible for Developmental Disabilities Case Management. DHS case managers and early intervention professionals enter information on ASSIST.

NDDPI's ORS is a web-based recording program used by ND's school systems. School personnel enter data on individual children and their services. These data are then automatically categorized in the master ORS site. ORS data are used for the federally required child count and APR's submitted to OSEP. Tetra Data is a state-operated data warehouse program that compiles data across all education areas (e.g., free and reduced lunch, state test scores, school district demographics). 2004-05 was the first year that preschool data was collected by school districts within the ORS system. Existing fields which address the elements needed for Indicator 12 – part “c” currently can not be merged. In addition, Part B and Part C data systems are presently incompatible. Data between Part C and Part B is shared through printed reports.

FFY	Measurable and Rigorous Target
<b>2005 (2005-2006)</b>	100% 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.
<b>2006 (2006-2007)</b>	100% 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.
<b>2007 (2007-2008)</b>	100% 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.
<b>2008 (2008-2009)</b>	100% 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.
<b>2009 (2009-2010)</b>	100% 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.
<b>2010 (2010-2011)</b>	100% 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.

**Improvement Activities/Timelines/Resources:**

<b>Activities</b>	<b>Timelines</b>	<b>Resources</b>
1. Completion and training of Early Childhood Transition Guidelines	December – May 2005/06	NDDPI and DHS, NECTAC and MPRRC
2. Internal monitoring by local education agencies	Ongoing	NDDPI and LEAs
3. Create method to merge current ORS data fields to address part “c” of indicator 12	Summer 2006	NDDPI
4. Finalize data collection methods and analysis procedures for Part C and Part B data	March - August 2006	NDDPI and DHS, and staff/funding from GSEG
5. Examine methods to compile and share Part C and Part B data electronically	March-August 2006	NDDPI and DHS, and staff/funding from GSEG
6. Implement method to merge current ORS data fields	December 2006	NDDPI
7. Merge Part C and Part B data to establish baseline for Indicator 12.c	Summer 2007	NDDPI/DHS and staff/funding from GSEG

## Part B State Performance Plan (SPP) for 2005-2010

### Overview of the State Performance Plan Development:

Throughout the development of the ND State Performance Plan, the ND Department of Public Instruction actively solicited broad stakeholder input on a statewide basis. North Dakota Department of Public Instruction state staff reviewed the ND Annual Performance Report (APR) 2003 – 2004 for alignment with the data reporting requirements of the ND State Performance Plan (SPP). State staff met to begin development of the ND SPP after specific staff assignments were determined. The September ND IDEA Advisory Committee meeting was a working meeting facilitated by Mountain Plains Regional Resource Center staff for the purpose of informing and then soliciting input from stakeholder members. Individual state staff members then solicited input from the appropriate statewide or regional standing committees and workgroups. The ND state director of special education presented information and solicited input at the statewide school administrator's conference on October 20, 2005. A draft copy of the ND SPP was posted on the Department's web site from November 1, 2005 through November 15, 2005. The draft copy of the ND SPP was reviewed and revised accordingly by the ND Advisory Committee on November 15, 2005. The ND IDEA Advisory Committee indicated general consensus to support the ND targets and improvement activities as written in the NDSPP, 2005-2010.

Committees and Workgroups Providing Input Specific to this Indicator: The North Dakota State Special Education Transition Coordinator/Chairperson of the ND State Transition Steering Council presented information and solicited input on September 21, 2005 from the State Transition Steering Council. Membership on this council includes stakeholders in the area of Transition from secondary to postsecondary activities: parents, teachers, representatives from Vocational Rehabilitation, Developmental Disabilities, Protection and Advocacy, Independent living Centers, Children's Special Health Services, Special Education Unit Directors, Vocational Technical Centers, Dept of Career and Vocational Education, Job Service, Higher Education, Disability Support Services, Vocational Rehabilitation 121 Project, and Juvenile Corrections Centers. A telephone interview was also conducted by the State Special Education Transition Coordinator with 15 Special Education Unit Directors throughout the state to solicit input regarding monitoring methods for this indicator. The chairperson of the State Special Education Unit Director's Study Council also presented this indicator measurement information to that membership and reported back the consensus of the group to the SEA Transition Coordinator.

The North Dakota Department of Public Instruction sent via email a copy of the final ND SPP to all LEA special education administrators, Pathfinders Family Center office, and IDEA Advisory Committee members. The ND SPP is posted on the North Dakota Department of Public Instruction web site for public viewing.

*(The following items are to be completed for each monitoring priority/indicator.)*

### 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 # of youth with an IEP age 16 and above times 100.

**Overview of Issue/Description of System or Process:**

In 2003, the NDDPI, Office of Special Education began implementation of the Continuous Improvement Focused Monitoring System. During the transition of this system, all Special Education Units in the state continue to utilize the local internal monitoring process they have in place to ensure compliance with IDEA regulations. Annually, the Special Education Unit Directors in North Dakota formally update the NDDPI Regional Special Education Coordinator assigned to their unit regarding the current status of their improvement strategies and to review the documentation of data from their unit's ongoing internal monitoring procedures. There is variation in the way individual units collect compliance data, but all units monitor quality indicators to assure compliance with IDEA. With the reauthorization of the Individuals with Disabilities Act and the resulting changes to the Transition Services requirements of the State Performance Plan and the Annual Performance Report, North Dakota does not presently have a system in place that will measure Indicator 13.

**Baseline Data for FFY 2004 (2004-2005):** Since this is a new indicator, baseline and targets will be provided in FFY 2007 APR due February 1, 2008.

**Discussion of Baseline Data:**

To achieve baseline data for the 2006-2007 school year, Special Education Units will be given two new quality indicators to include in their internal monitoring probes and will also be requested to provide a tally per IEP per district by June 30, 2007. The two indicators are:

1. The student has measurable post secondary goals related to: Training, Education, Employment, and Independent living.
2. The Transition Services (including courses of study), are a coordinated measurable set of activities that will assist the student in meeting the post-secondary goals.

Beginning the fall of 2006 NDDPI will begin transitioning these components of measurement for this indicator into the annual performance data collection of the Continuous Improvement and Focused Monitoring System. The Continuous Improvement and Focused Monitoring System is described in Indicator 15. This will ensure a continuing process at the district level that enables data based educational improvement activities:

North Dakota presently does not have a state-wide online (IEP) Individual Education Program (IEP) System. In the future, if this is accomplished, the procedures to facilitate compliance will be built into the system as a means of collecting data and monitoring improvement according to the established targets. The measurement required of Indicator 13 will be incorporated into the online IEP data collection system. North Dakota presently has a Transition Follow-Up Study in place. When exit surveys are conducted with exiting high school seniors, one question asked is: Did your most recent IEP identify an anticipated career or postsecondary goal? One year later students or parents are asked about the student's employment or postsecondary education status. This information is used to analyze the impact of quality transition planning on students' postschool results.

The data collected in the first year (2006-2007) through the internal monitoring process of the Special Education Unit will be used as baseline data. This will be the source of the data used to help North Dakota establish measurable and rigorous targets for the next 5 years with the target for 2010 being 100% of North Dakota LEAs reporting that transition IEPs include measurable goals and transition services that will reasonably enable the student to meet their post-secondary goals.



<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2005</b> (2005-2006)	To be determined.
<b>2006</b> (2006-2007)	To be determined.
<b>2007</b> (2007-2008)	To be determined.
<b>2008</b> (2008-2009)	To be determined.
<b>2009</b> (2009-2010)	To be determined.
<b>2010</b> (2010-2011)	To be determined.

**Improvement Activities/Timelines/Resources:** To be determined when data are available.

## Part B State Performance Plan (SPP) for 2005-2010

### Overview of the State Performance Plan Development:

Throughout the development of the ND State Performance Plan, the ND Department of Public Instruction actively solicited broad stakeholder input on a statewide basis. North Dakota Department of Public Instruction state staff reviewed the ND Annual Performance Report (APR) 2003 – 2004 for alignment with the data reporting requirements of the ND State Performance Plan (SPP). State staff met to begin development of the ND SPP after specific staff assignments were determined. The September ND IDEA Advisory Committee meeting was a working meeting facilitated by Mountain Plains Regional Resource Center staff for the purpose of informing and then soliciting input from stakeholder members. Individual state staff members then solicited input from the appropriate statewide or regional standing committees and workgroups. The ND state director of special education presented information and solicited input at the statewide school administrators conference on October 20, 2005. A draft copy of the ND SPP was posted on the Department's web site from November 1, 2005 through November 15, 2005. The draft copy of the ND SPP was reviewed and revised accordingly by the ND Advisory Committee on November 15, 2005. The ND IDEA Advisory Committee indicated general consensus to support the ND targets and improvement activities as written in the NDSPP, 2005-2010.

Committees and Workgroups Providing Input Specific to this Indicator: The North Dakota State Special Education Transition Coordinator/Chairperson of the ND State Transition Steering Council presented information and solicited input on September 21, 2005 from the State Transition Steering Council. Membership on this council includes stakeholders in the area of Transition from secondary to postsecondary activities: Parents, teachers, representatives from Vocational Rehabilitation, Developmental Disabilities, Protection and Advocacy, Independent Living Centers, Children's Special Health Services, Special Education Unit Directors, Vocational Technical Centers, Department of Career and Vocational Education, ND Job Service, Higher Education Disability Support Services, Vocational Rehabilitation 121 Project, and Juvenile Corrections Centers.

The North Dakota Department of Public Instruction sent via email a copy of the final ND SPP to all LEA special education administrators, Pathfinders Family Center, and ND IDEA Advisory Committee members. The ND SPP is posted on the North Dakota Department of Public Instruction web site for public viewing.

*(The following items are to be completed for each monitoring priority/indicator.)*

### 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 # of youth assessed who had IEPs and are no longer in secondary school times 100.

**Overview of Issue/Description of System or Process:**

In 1999 the North Dakota Department of Public Instruction initiated The Transition Follow-Up Project, a two phase, three year longitudinal follow-up study. This project was originally developed to evaluate the impact of transition programming and special education. This study allows the NDDPI to 1) gather school exit data from students with disabilities and 2) gather follow-up data from these students and their families through telephone interviews at one and three year intervals after students leave school. NDDPI contracts with a state university to gather data, conduct interviews, and compose reports. Some of the items surveyed include: satisfaction with high school, involvement in transition planning, and degree of post-school involvement in employment, post-secondary education and training, living, and social activities.

In North Dakota there are 30 Special Education Units. Participation of Special Education Units in this project has increased from four units with 128 participating students exiting in 1999 to 30 units with 510 participating students exiting special education programs in 2005. There were 297 participants from general education completing the exit surveys in the spring of 2005. Participation in this follow-up study is on a volunteer basis. Participants in the one and three year interview process have been limited to those individuals participating in the exit surveys. Although cohort groups have continued to grow since 1999, information gathered to date is not representative of the entire state special education and general education population. Information gathered to date did not provide the specific information required for measurement of Indicator 14. Data obtained also was not representative of students who have dropped out of school. Data has not in the past been disaggregated by disability area for students with disabilities. The ND Follow-Up Study Reports have been shared with the participating LEA's (Special education Units). This includes an overall state-wide report as well as individual reports of the Exit Surveys for those units having 10 or more students exiting. The one and three year Follow-Up Reports have not been disaggregated by unit or district. The one and three year follow-up interviews have historically been conducted in the early fall preceding the one year anniversary of the students exit date. To date, NDDPI and the Follow-Up Project has not had a system or means of obtaining the contact information for every exiting student in order to interview one year later as required for measurement of Indicator 14.

**Baseline Data for FFY 2004 (2004-2005):** To collect post-school outcome data for all secondary IEP students graduating, aging out, dropping out during the 2005-06 school year, NDDPI will continue the present exit survey and follow-up interview process with adjustments to the demographic sheets, instructions, etc that will enable the ND Follow-up Study to provide for accurately, the information needed to measure indicator 14. Beginning in April of 2006, the exit surveys will be completed on-line by the exiting students. The contact and general information section of the survey will be modified to support the sorting of the statistics needed for Indicator 14 as well as support information related to Indicator 13. Once this contact information is entered into the computer data base, follow-up interviews will be more straightforward. Former students will receive a letter prior to the follow-up interviews, one year later, explaining the purpose of the upcoming interview and reference provided that the data collection is required by federal laws which may result in a higher number of respondents. In the past, follow-up interviews were only conducted with those students who participated in the exit survey and who at the same time signed an intent to participate. Realizing that every exiting student may not and has not completed an exit survey, because participation is voluntary, NDDPI will work toward obtaining a complete listing of and the contact information of all exiting students on an IEP. North Dakota presently does not have a state-wide online Individual Program Plan (IEP) System. If this is accomplished in the future, access of contact information for students who have IEPs and are exiting will be facilitated. In the interim, to obtain a complete listing and contact information of school leavers who have an IEP, NDDPI will extend a formal request to the special education unit directors in the state soliciting names and contact information for school year 2005-2006 exiters. This request will define school exiters to include students that have dropped out during that senior year.

**Longitudinal Data of the 1999 – 2004 Cohorts of students with disabilities one year after they have exited from ND high schools.**

**ONE YEAR AFTER EXIT FOLLOW-UP DATA 1999-2004**

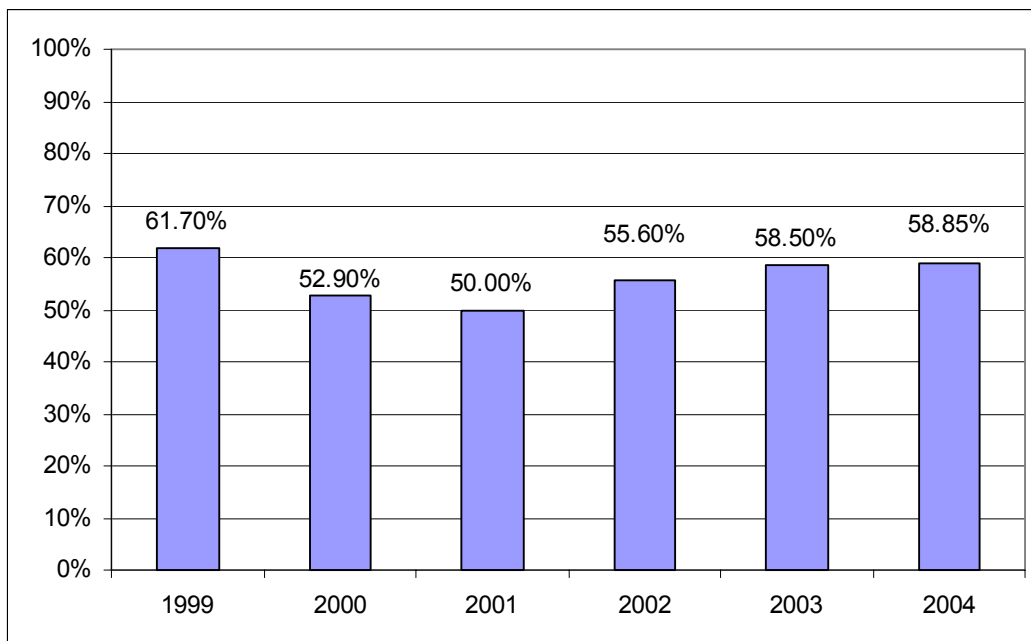
**Cohorts at time of School Exit:**

1999 - 122  
2000 - 208  
2001 - 316  
2002 - 408  
2003 - 457  
2004 - 494

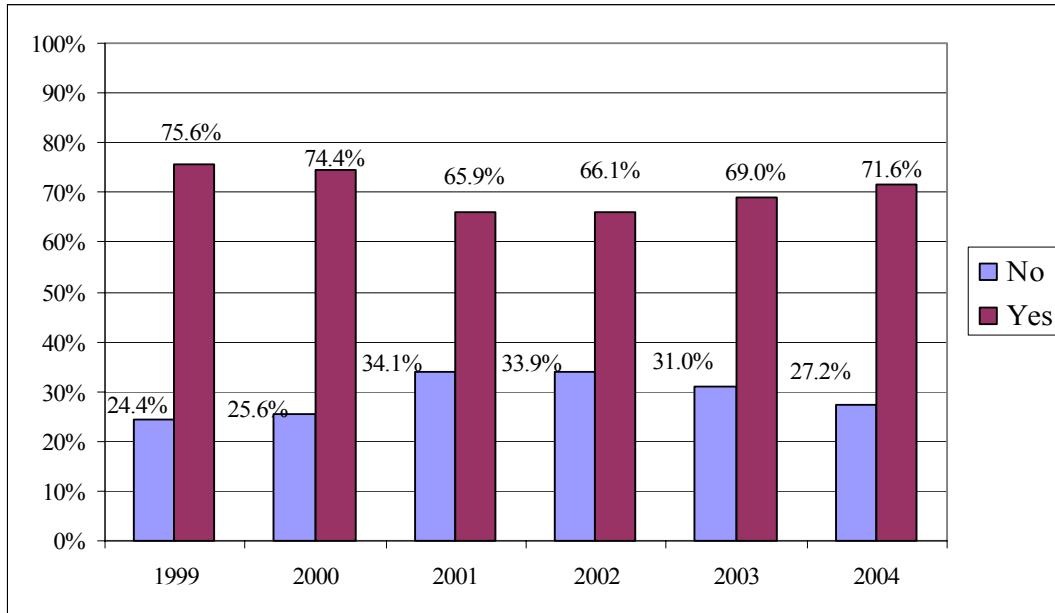
**Cohorts One Year After Exiting School:**

1999 – 55  
2000 – 88  
2001 – 175  
2002 – 169  
2003 – 171  
2004 – 243

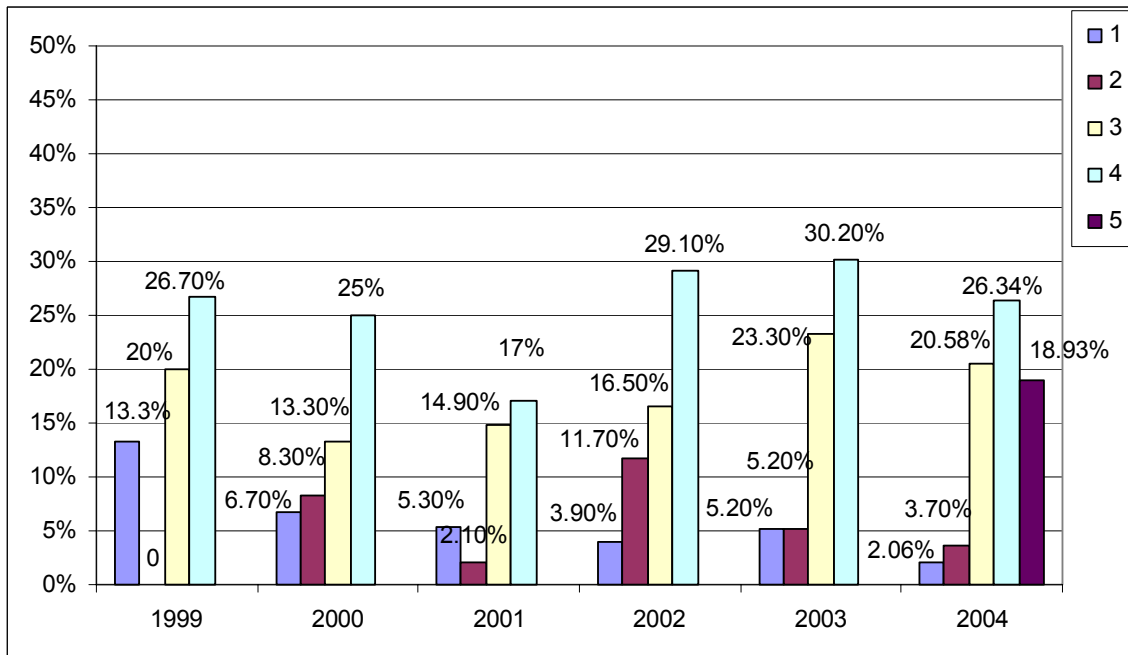
**Percent of students who attended or are attending school after exiting high school**



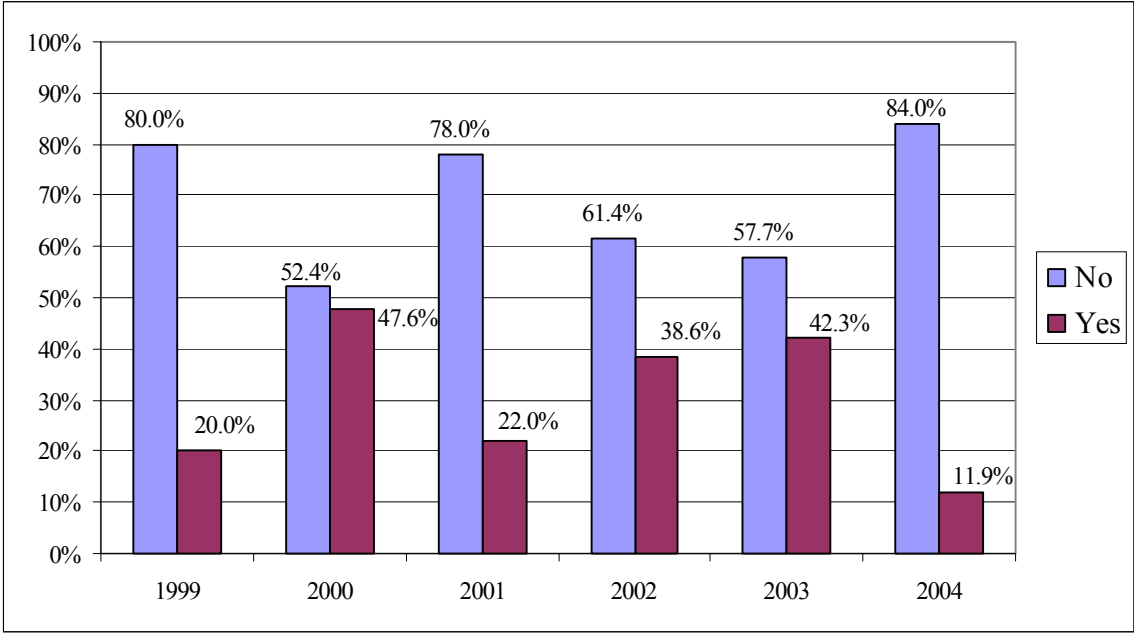
**Percent of students currently employed**



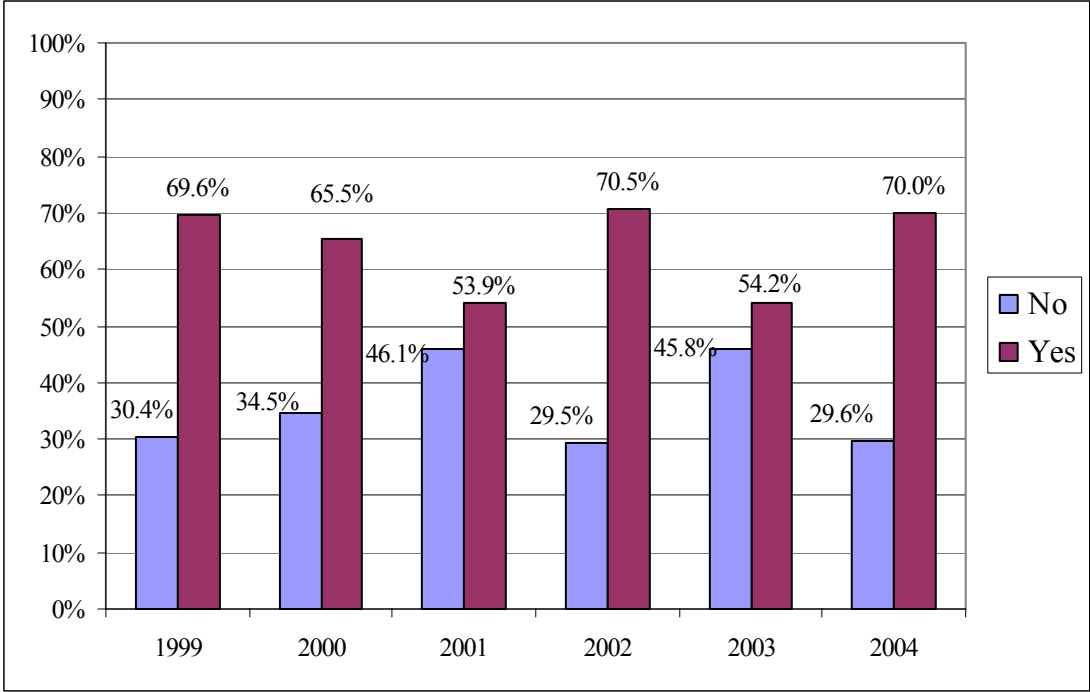
**Average satisfaction rating of students with current (or most recent) job – on a scale of 1-5 (1 not very satisfied and 5 very satisfied)**



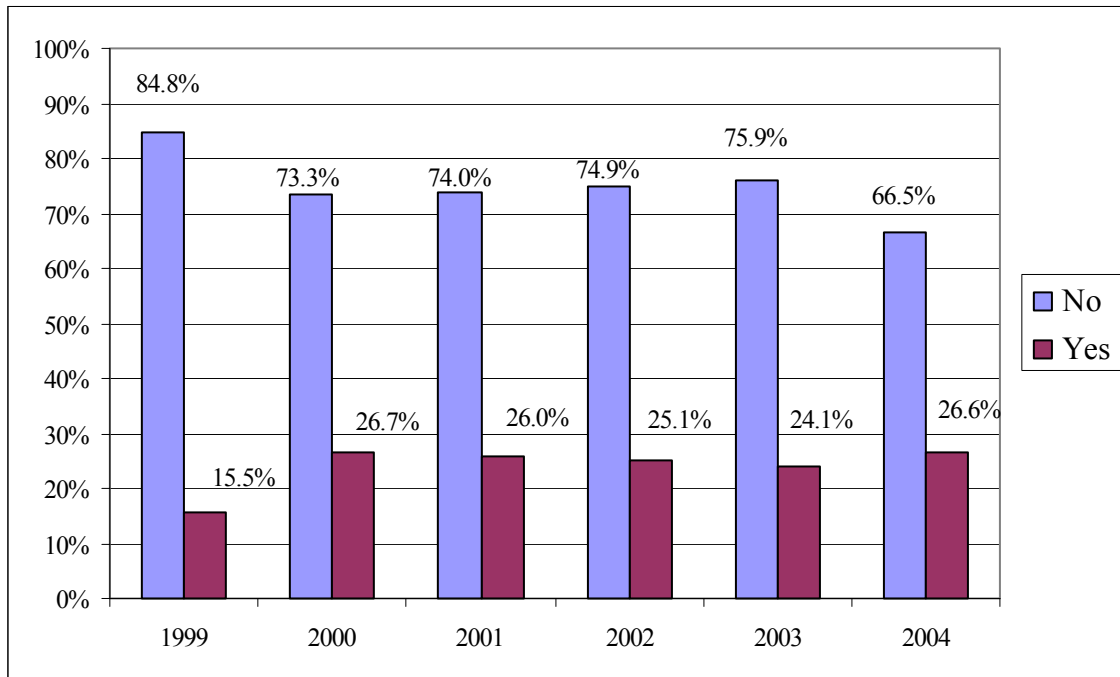
**Percent of unemployed students currently looking for a job**



**Percent of students who have had (other) jobs since exiting high school**

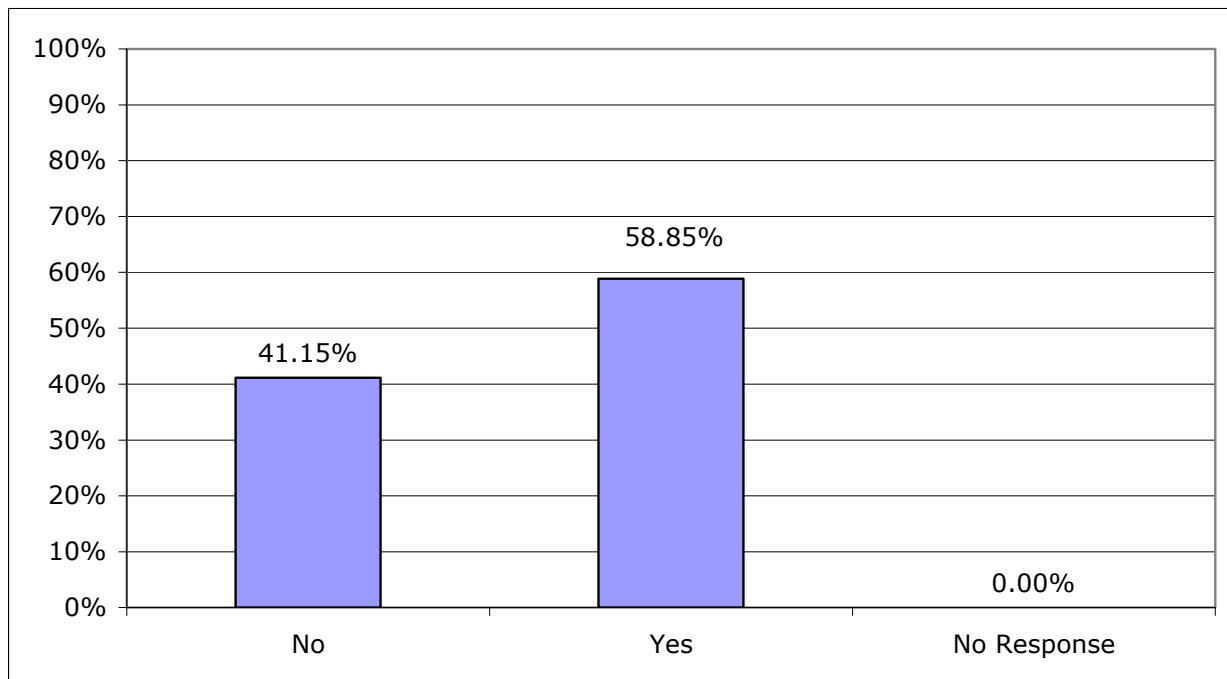


**Percent of students receiving post high school services**

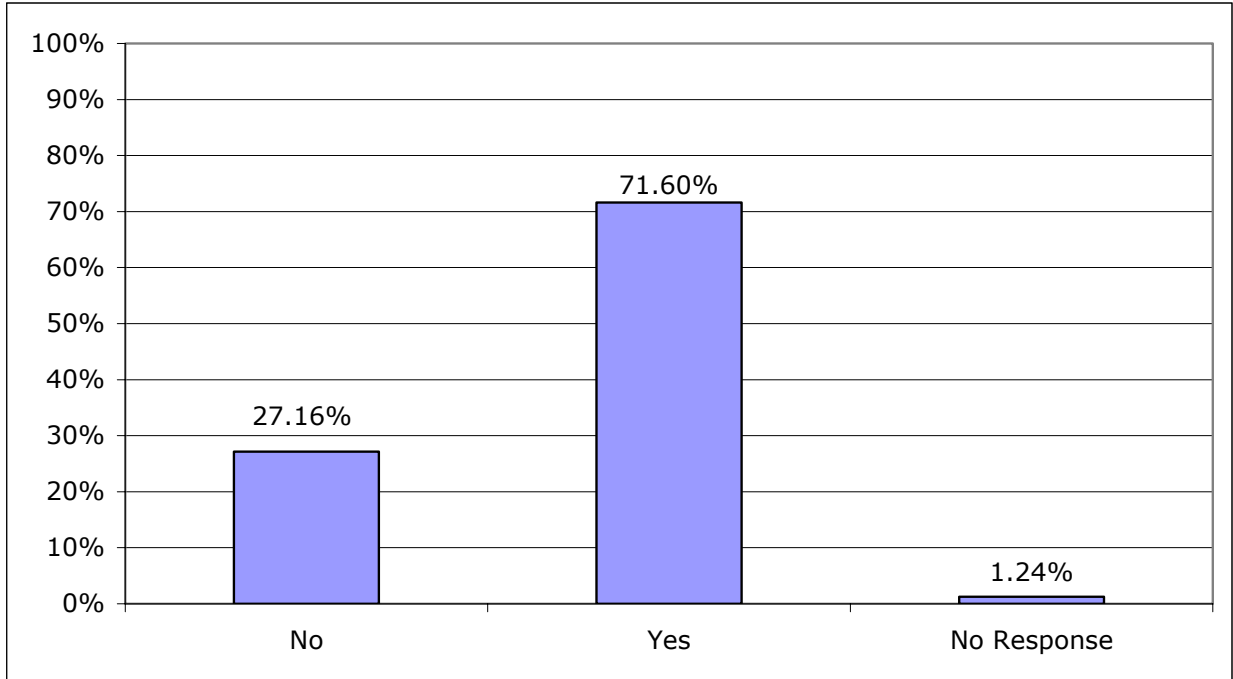


**2004 ONE YEAR AFTER EXITING HIGH SCHOOL DATA – 243 SURVEYS.**

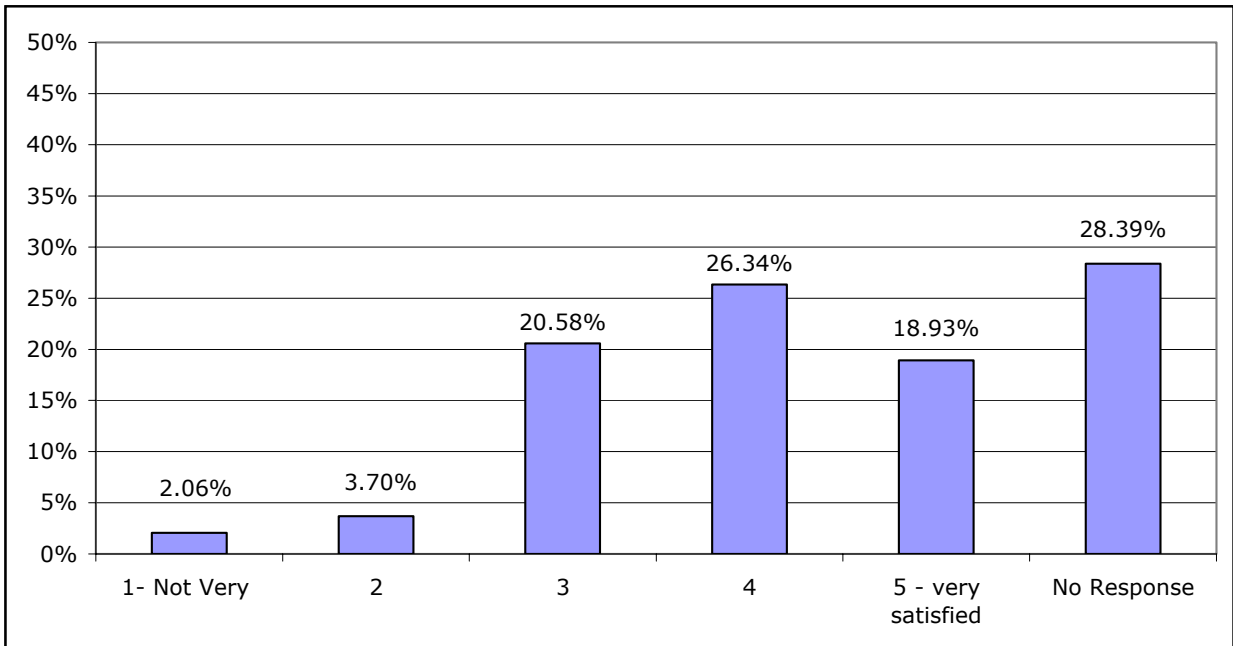
Are you attending or have you attended any type of school or other training after high school?



Are you currently employed?

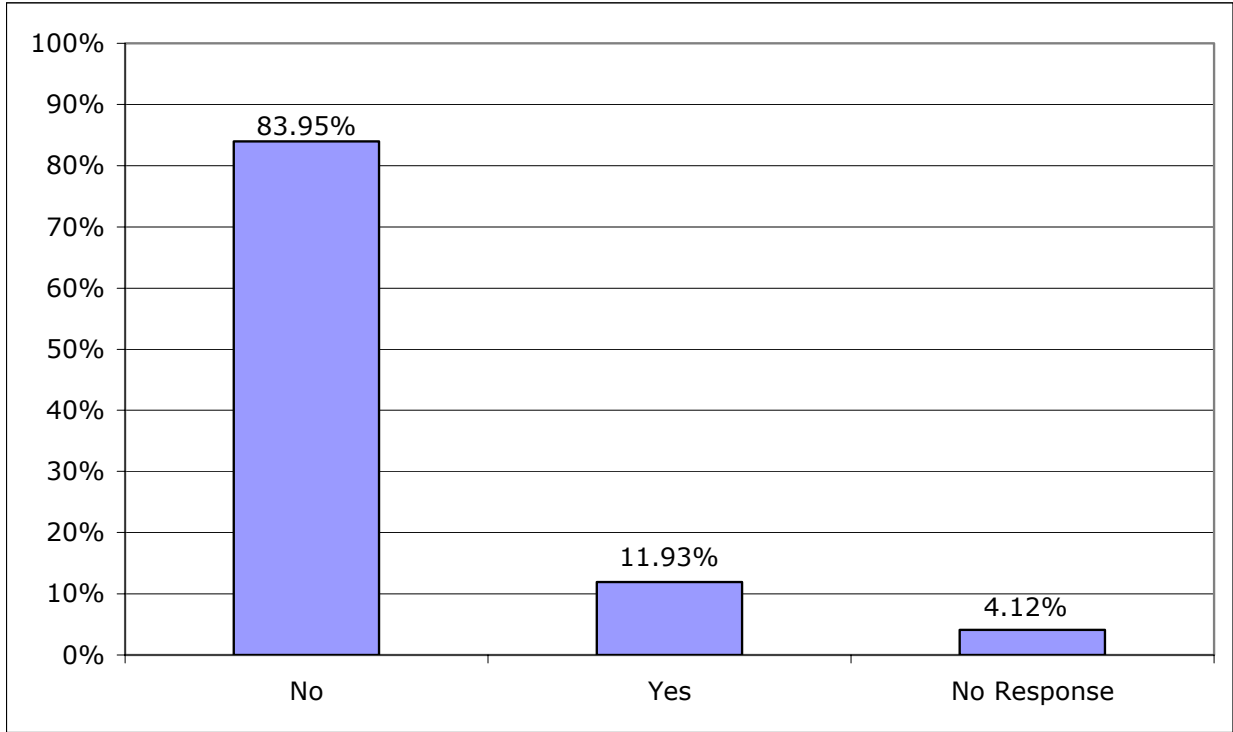


On a scale of 1-5 (1 not very satisfied and 5 very satisfied) how satisfied are you with your current (or most recent) job?

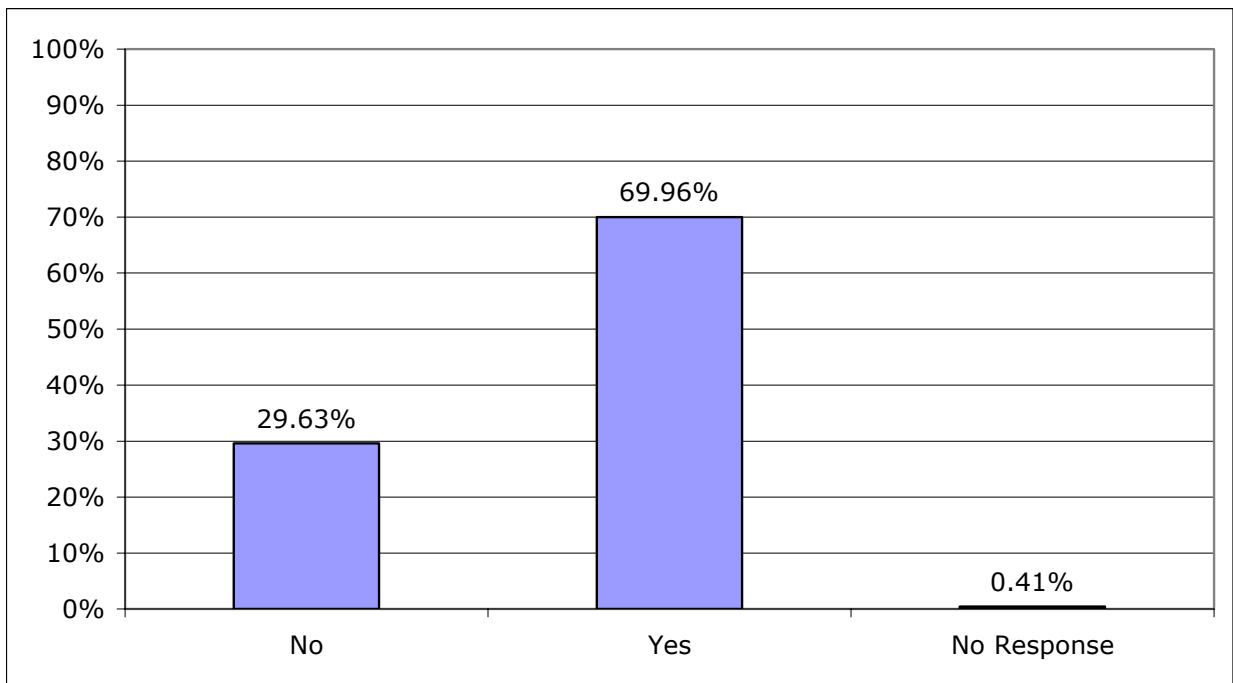




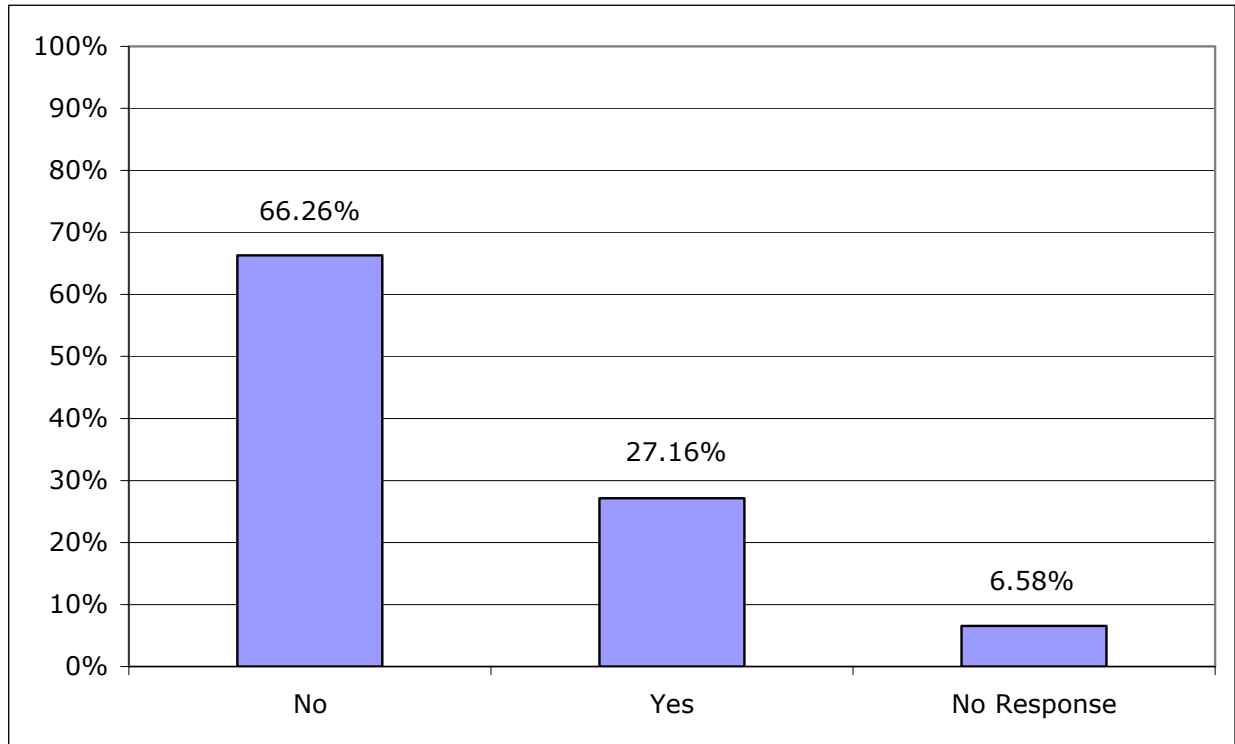
Are you currently looking for work?



Have you had any (other) jobs since high school?



Do you receive post-high school services for your disability?



**Discussion of Baseline Data:** Since this is a new indicator, discussion of the baseline data will be provided in FFY 2006 APR due February 1, 2008.

FFY	Measurable and Rigorous Target
<b>2005</b> (2005-2006)	To be determined.
<b>2006</b> (2006-2007)	To be determined.
<b>2007</b> (2007-2008)	To be determined.
<b>2008</b> (2008-2009)	To be determined.
<b>2009</b> (2009-2010)	To be determined.
<b>2010</b> (2010-2011)	To be determined.

**Improvement Activities/Timelines/Resources:** To be determined when data are available.

## Part B State Performance Plan (SPP) for 2005-2010

### Overview of the State Performance Plan Development:

Throughout the development of the ND State Performance Plan, the ND Department of Public Instruction actively solicited broad stakeholder input on a statewide basis. North Dakota Department of Public Instruction state staff reviewed the ND Annual Performance Report (APR) 2003 – 2004 for alignment with the data reporting requirements of the ND State Performance Plan (SPP). State staff met to begin development of the ND SPP after specific staff assignments were determined. The September ND IDEA Advisory Committee meeting was a working meeting facilitated by Mountain Plains Regional Resource Center staff for the purpose of informing and then soliciting input from stakeholder members. Individual state staff members then solicited input from the appropriate statewide or regional standing committees and workgroups. The ND state director of special education presented information and solicited input at the statewide school administrator's conference on October 20, 2005. A draft copy of the ND SPP was posted on the Department's web site from November 1, 2005 through November 15, 2005. The draft copy of the ND SPP was reviewed and revised accordingly by the ND Advisory Committee on November 15, 2005. The ND IDEA Advisory Committee indicated general consensus to support the ND targets and improvement activities as written in the NDSPP, 2005-2010.

The North Dakota Department of Public Instruction sent via email a copy of the final ND SPP to all LEA special education administrators, Pathfinders Family Center office, and IDEA Advisory Committee members. The ND SPP is posted on the North Dakota Department of Public Instruction web site for public viewing.

*(The following items are to be completed for each monitoring priority/indicator.)*

### 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:

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.

Percent = b divided by a times 100.

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

B. Percent of noncompliance related to areas not included in the above monitoring priority areas and indicators corrected within one year of identification:

- a. # of findings of noncompliance made related to such areas.
- 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/or enforcement that the State has taken.

C. Percent of noncompliance identified through other mechanisms (complaints, due process hearings, mediations, etc.) corrected within one year of identification:

- a. # of agencies in which noncompliance was identified through other mechanisms.
- b. # of findings of noncompliance made.
- c. # of corrections completed as soon as possible but in no case later than one year from identification.

Percent = c divided by b times 100.

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

**Overview of Issue/Description of System or Process:**

The state's system for monitoring general supervision is based on the Continuous Improvement and Focused Monitoring System (OSEP, 2003). A self assessment tool is being prepared for all federal programs including Special Education to measure all compliance issues involving the status and achievement of students in North Dakota schools. This will be combined with performance standards including transition at age 3, academic achievement, student and staff culture, graduation and dropouts rates, transition to adulthood, and parent and community involvement for all students attending a local education agency. This system is currently being developed, having been piloted on a small scale with 6 schools and focused on compliance and performance in Special Education (FFY 2004). The outcome of the pilot was positive and a comprehensive system is evolving. In this process a local education agency completes the compliance self assessment with a performance assessment. The LEA completes a data analysis of the findings based on NDDPI guided focus areas. A school improvement and professional development plan is then developed based on the findings at the building level. Schools are ranked based on compliance and performance standards. A set number of schools, likely 12-16 annually that rank lowest based on the criteria, would be chosen for on-site monitoring and receive a higher level of technical assistance. The Department would set the priority areas of focus based on data analysis and the State Performance Plans (NCLB, IDEA). NDDPI would then be able to focus on 1) schools in greatest need and 2.) put the greatest amount of resources where most needed. Regional trainings, based on the SPPs, will be occurring in the near future. This raises the level of training, professional development and technical assistance given to all schools in North Dakota. This is a partial basis for the rigorous target for this SPP indicator.

Correcting areas of noncompliance will be addressed through the self assessment tool, onsite monitoring, and data review. With the identification of noncompliance issues through the self assessment process, a timeline and action plan for addressing the compliance issue will be included. NDDPI will assist in developing the action plan if the issue is severe or requires immediate change. The LEA will submit a follow up summary of the changes made with appropriate documentation to demonstrate that the compliance issues have been addressed as soon as possible, but no later than one year from identification.

NDDPI has authority under state law to withhold state special education funds due to a school district if it is determined that the district is not providing a free appropriate public education to a student as required by law.

**Baseline Data for FFY 2004 (2004-2005):**

Monitoring Priority: Effective General Supervision Part B		
Indicator	Measurement Calculation	Explanation
<p>Indicator 15, part A: Percent of noncompliance related to monitoring priority areas and indicators corrected within one year of identification:</p> <p style="margin-left: 40px;">A. # of findings of noncompliance made related to monitoring priority areas and indicators</p> <p style="margin-left: 40px;">B. # of corrections completed as soon as possible but in no case later than one year from identification.</p>	<p>Calculation chart identifying specifics of indicator 15 attached as <b>compilation table I.</b></p> <p style="margin-left: 40px;">A = 66</p> <p style="margin-left: 40px;">B = 58</p> <p><b>Formula used:</b> <b>(B/A) * 100</b> <b>or</b> <b>58 / 66 = .878</b> <b>.878 * 100 = 84.8 or</b> <b>87.8%</b></p>	<p>The data used to create a baseline for indicator 15 was derived from Title IV onsite monitoring, Testing and Assessment Unit's data review, Approval and Accreditation Unit's data review, Special Education Unit, and the North Dakota Educational Services Improvement Project's self-assessment schools and pilot schools. The data was taken for the 2004-2005 school year (FFY 2004). The baseline is 87.8% derived from the preceding data sources. Compilation Table I provides the specific information gathered. The baseline does not include indicators 7, 8, 9, 10, 11, 13 or 14. Data is not collected specific to those indicators as of FFY 2004. Onsite and self-assessment monitoring has been in flux since FFY 2004 due to a monitoring process change for Special Education. Special Education in North Dakota is moving from the Continuous Improvement Monitoring Program (CIMP) to a consolidated approach with the Continuous Improvement and Focused Monitoring System (CIFMS). Due to this, data collection and sampling has also been in transition while the new monitoring system is in continued development. This is reflected in the number of schools used for the baseline and the data sources during the 2004-05 school year.</p>

**Compilation Table I.**

Indicator	Monitoring Mechanism	# Reviewed	# with Findings	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. (2004-2005 ND; 95% of special education student graduated)	Self-Assessment	6	0	0	0	NA
	On-site Visit	6	1	2	2	100%
	Data Review	15	3	5	5	100%
	Other	0	NA	NA	NA	NA
2. Percent of youth with IEPs dropping out of high school.	Self-Assessment	6	4	7	7	100%

North Dakota  
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	On-site Visit	6	4	4	4	100%
	Data Review	0	NA	NA	NA	NA
	Other	0	NA	NA	NA	NA
3. Participation and performance of children with disabilities on statewide assessments.	Self-Assessment	6	0	0	0	NA
	On-site Visit	6	0	0	0	NA
	Data Review	15	2	5	4	80%
	Other	0	NA	NA	NA	NA
4. Rates of suspension and expulsion.	Self-Assessment	6	4	8	8	100%
	On-site Visit	26	16	29	22	75.8%
	Data Review	0	NA	NA	NA	NA
	Other	0	NA	NA	NA	NA
5. Percent of children with IEPs aged 6 through 21—educational placement.	Self-Assessment	6	1	2	2	100%
	On-site Visit	6	2	3	3	100%
	Data Review	0	NA	NA	NA	NA
	Other	0	NA	NA	NA	NA
6. Percent of preschool children who received special education and related services in settings with typically developing peers.	Self-Assessment	0	NA	NA	NA	NA
	On-site Visit	6	0	0	0	NA
	Data Review	0	NA	NA	NA	NA
	Other	0	NA	NA	NA	NA
12. Percent of children referred by Part C prior to age 3 have an IEP developed and implemented by their third birthday.	Self-Assessment	6	0	0	0	NA
	On-site Visit	6	1	1	1	100%
	Data Review	0	NA	NA	NA	NA
	Other	0	NA	NA	NA	NA
<b>Indicator 7, 8, 9, 10, 11, 13, and 14 are new indicators; no data for 2004-2005</b>	NA	NA	NA	NA	NA	NA
<b>TOTALS</b>	Sum of Column A and B			<b>66</b>	<b>58</b>	

**Self-Assessment:** LEAs assess compliance with federal programs and report areas identified as needing improvement to NDDPI.

**On-Site Visit:** NDDPI staff make on-site visits to check for compliance in specific areas.

**Data Review:** Desk review of compliance information and data submitted to NDDPI. Desk review may include telecommunication and electronic review.

Other: NDDPI does not utilize any other monitoring mechanisms at this time.

<b>Table for Indicator 15C. Non compliance identified through dispute resolution processes</b>		
Indicator	Measurement Calculation	Explanation
15C. Percent of noncompliance identified through complaints, due process, etc. corrected within 1 yr a. # of agencies noncompliance was identified through complaints =1 b. # of findings of noncompliance made = 1 c. # of corrections completed as soon as possible but in no case later than one year from identification = 1	Percent = $c \text{ divided by } b \text{ times } 100$  $1 \text{ divided by } 1 \text{ times } 100 = 100\%$ noncompliance through other mechanisms were corrected within one year of identification.	Out of 3 complaint investigations and one due process hearing, <u>one</u> issue was identified to be in violation of IDEA relative to notification requirements. One LEA was involved in the issue.  The finding was corrected within 1 month after the LEA received the corrective action directive from the complaint investigation report.

**Discussion of Baseline Data:**

The local education agencies monitored to create the baseline for indicator 15 were in 3 categories; self assessment, on-site monitoring, and data review. The 6 schools used for self assessment were LEAs asked to report general supervision data for the purpose of potential involvement in the pilot test of the CIFMS for the 2004-2005 school year. These schools represented a small scale representation of school size based on foundation aid category. The 6 LEAs that were monitored on-site were the pilot participants for CIFMS in the 2004-2005 school year. An on-site visit to review data and basic compliance occurred as part of the training to test the CIFMS. The schools information was reviewed through paper copies of monitoring and compliance reviews for the 2004-2005 school year. This information was gathered for the purpose of creating a baseline for the area mentioned in the table and based on foundation aid category to have a reasonable representation of the state. It is of note that Table I, number 4 has 26 schools listed as on-site monitored. Twenty of the twenty six schools were monitored by the Title IV program. A data review of their findings contributed to the total for A and B.

The LEAs used to assess and create a baseline for indicator 15 were put into 3 categories noted above; onsite visit, data review, and self assessment. The definitions used to categorize the LEAs are as follows. A school that was visited onsite has an NDDPI individual or team in the school building reviewing compliance, documentation, and data in order to determine areas needing attention in the LEA. A data review is the desk review of information and data submitted to NDDPI. The LEA is a participant in a data review through phone conversations and email. NDDPI staff assess the needs of the LEA based on the required documentation submitted. Self assessment is where an LEA submits a report or requested information to NDDPI that has already determined areas of need through an internal review process.

FFY	<b>15A. Measurable and Rigorous Targets – Focused Monitoring</b>
<b>2005</b> (2005-2006)	100% identified noncompliance will be corrected within one year of identification.
<b>2006</b> (2006-2007)	100% identified noncompliance will be corrected within one year of identification.
<b>2007</b> (2007-2008)	100% identified noncompliance will be corrected within one year of identification.
<b>2008</b> (2008-2009)	100% identified noncompliance will be corrected within one year of identification.
<b>2009</b> (2009-2010)	100% identified noncompliance will be corrected within one year of identification.
<b>2010</b> (2010-2011)	100% identified noncompliance will be corrected within one year of identification.

FFY	<b>15C. Measurable and Rigorous Targets – Complaints, Due Process</b>
<b>2005</b> (2005-2006)	100% identified noncompliance will be corrected within one year of identification.
<b>2006</b> (2006-2007)	100% identified noncompliance will be corrected within one year of identification.
<b>2007</b> (2007-2008)	100% identified noncompliance will be corrected within one year of identification.
<b>2008</b> (2008-2009)	100% identified noncompliance will be corrected within one year of identification.
<b>2009</b> (2009-2010)	100% identified noncompliance will be corrected within one year of identification.
<b>2010</b> (2010-2011)	100% identified noncompliance will be corrected within one year of identification.



**Improvement Activities/Timelines/Resources:**

<b>Activities</b>	<b>Timelines</b>	<b>Resources</b>
1. NDDPI state staff will be structured into regional teams. The teams 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.	FFY 2005	Special Education Unit Directors; Joint Powers Consortium Administrators; DPI state staff.
2. The Online Reporting System will be updated to include needed data to support targets for SPP. The online reporting system is currently being upgraded to include an expanded amount of data input related to performance. Simultaneously, a self report for compliance, including all federal programs is also being developed.	FFY 2006	Eductech; DPI MIS staff, DPI state staff.
3. Implementation of new monitoring/school improvement system (CIFMS). Schools completing the school improvement cycle or within a year of completion will implement the new system in the FFY 2006, the remainder of schools will implement in FFY 2007.	FFY 2006 FFY 2007	LEA administrators; DPI state staff; NCSEAM consultation, MPRRC; Department of Education consultation

## Part B State Performance Plan (SPP) for 2005-2010

### Overview of the State Performance Plan Development:

Throughout the development of the ND State Performance Plan, the ND Department of Public Instruction actively solicited broad stakeholder input on a statewide basis. North Dakota Department of Public Instruction state staff reviewed the ND Annual Performance Report (APR) 2003 – 2004 for alignment with the data reporting requirements of the ND State Performance Plan (SPP). State staff met to begin development of the ND SPP after specific staff assignments were determined. The September ND IDEA Advisory Committee meeting was a working meeting facilitated by Mountain Plains Regional Resource Center staff for the purpose of informing and then soliciting input from stakeholder members. Individual state staff members then solicited input from the appropriate statewide or regional standing committees and workgroups. The ND state director of special education presented information and solicited input at the statewide school administrators conference on October 20, 2005. A draft copy of the ND SPP was posted on the Department's web site from November 1, 2005 through November 15, 2005. The draft copy of the ND SPP was reviewed and revised accordingly by the ND Advisory Committee on November 15, 2005. The ND IDEA Advisory Committee indicated general consensus to support the ND targets and improvement activities as written in the NDSPP, 2005-2010.

The North Dakota Department of Public Instruction sent via email a copy of the final ND SPP to all LEA special education administrators, Pathfinders Family Center office, and IDEA Advisory Committee members. The ND SPP is posted on the North Dakota Department of Public Instruction web site for public viewing.

*(The following items are to be completed for each monitoring priority/indicator.)*

### 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 =  $(1.1(b) + 1.1(c))$  divided by  $(1.1)$  times 100.

NDDPI Percent =  $2 + 1$  divided by  $3 = 1$  times 100 = 100%

### Overview of Issue/Description of System or Process:

NDDPI has developed a Complaints Manual that explains the complaint process to interested individuals. When parents request information on how to file a complaint, the NDDPI Dispute Resolution Coordinator discusses the many dispute resolution options available through the State Office. The parents are assisted in framing issues and in exploring the dispute resolution option best suited to their individual situation. The parents are also guided to other individuals who may assist them if they have not already discussed the issue with the local special education case manager or director. If the parents opt to file a complaint, NDDPI sends a copy of the procedural safeguards, the complaint process manual and a letter outlining how a complaint must be filed in order to initiate the complaint investigation process. Once received, if the complaint does not meet the criteria for a formal complaint (i.e., address not included; not signed by the complainant) the complainant is given an opportunity to correct or clarify the areas in question and resubmit the complaint. Parents are typically referred to Protection and Advocacy for assistance. Once the formal complaint is received, the complaint investigation and required (60-day) timeline are initiated. Mediation is offered as soon as a complaint is received, but may be accessed earlier if the conflict is made known to the Department prior to a formal complaint being filed. Upon

completion of interviews and review of pertinent documents, the investigator writes the complaint investigation report. A complaint investigation report may or may not contain corrective actions depending on the outcome of the investigation. The NDDPI sends the final complaint closure letter to all parties when all complaint corrective actions are completed to the expectation of the NDDPI Regional Coordinator. A complainant may withdraw their letter of complaint at any time prior to the 60 day deadline for investigation. This request must be in writing to the Director of Special Education, requesting the original complaint be withdrawn.

**Baseline Data for FFY 2004 (2004-2005):** (data collected on Attachment 1)

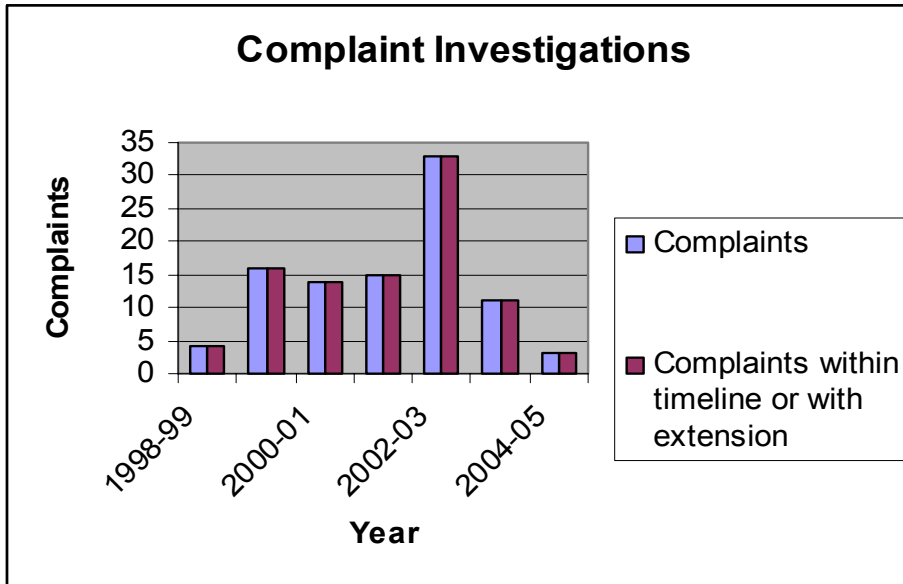
(1) Total signed written complaints	3
(1.1) Complaints with reports issued	3
(a) Reports with findings	1
(b) Reports within timeline	2
(c) Reports within extended timeline	1
(1.2) Complaints withdrawn or dismissed	0
(1.3) Complaints pending	0
(a) Complaint pending a due process hearing	0

**Discussion of Baseline Data:**

Three complaints were filed with the NDDPI for complaint investigation in 2004-2005. Of those three complaints, 100% were investigated within the 60 calendar days. This is a consistent pattern for NDDPI complaint investigations. Since the 1998-1999 school year, complaint investigations have been completed within the 60-day timeline or with accepted extensions. During this reporting period, one of the three complaints was found to have at least one violation and two were found to have no violations. There were 8 specific issues, one of which was determined to be a violation under IDEA. The most frequently occurring issue included in the three complaints was the failure to implement the IEP. Two of the three complaints were filed by the same parent.

**Complaint Management History**

Year	Complaints	Complaints within timeline or with extension
1998-99	4	4
1999-00	16	16
2000-01	14	14
2001-02	15	15
2002-03	33	33
2003-04	11	11
2004-05	3	3



NDDPI received a higher number of complaints prior to the 2004-2005 school year (1999-2003). In 2004, NDDPI Special Education redefined one of its state level positions with the intent of improving the early dispute resolution processes and tracking of all dispute resolution activities for special education within the state. During the 2004-05 school year, early intervention methods such as IEP facilitation and mediation were more routinely encouraged.

The State level Dispute Resolution Coordinator provides early intervention options such as:

- Helping parents identify and frame issues to discuss with the child's IEP team, case manager, building principal or special education administrator;
- Helping parents identify possible solutions to the issue(s);
- Offering to contact the case manager, building principal, local Special Education Coordinator or Director when appropriate;
- Assisting parents in determining if they should request that the IEP team reconvene to discuss the issue;
- Referring parents to a local parent organization or protection and advocacy for assistance/support;
- Providing guidance documents and references for questions pertaining to the parents issues;
- Explaining the resolution options of IEP facilitation, mediation, complaints and due process;
- Helping the parents identify the best resolution option for their individual situation;
- Providing follow-up of each of the dispute resolution processes.

Based on the number of children with disabilities in the state (14,681 students) out of the total state enrollment (107,564 students), the percentage of the total complaints, mediations and due process hearings filed with NDDPI was .05% for the 2004-2005 school year.

It is a high priority for NDDPI Special Education to educate parents and advocates about procedural safeguards so that parents are knowledgeable of their rights. This is conducted in a variety of ways. Presentations regarding procedural safeguards and dispute resolution options are offered through NDDPI by way of: the ND IDEA Advisory committee; Pathfinder Parent Training and Information Center annual conference; the Family Connections annual conference; and other conferences in which NDDPI is invited to participate. NDDPI also provides technical assistance for P & A advocates, the ND PTI (Pathfinders) and other parent organizations and the local education agencies. NDDPI forwards copies of procedural safeguards to the special education units as part of the assurance that public agencies meet the requirements in 34 CFR 300.500-300.529. The procedural safeguards are also posted on the NDDPI website.

FFY	Measurable and Rigorous Target
<b>2005</b> (2005-2006)	100% 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.
<b>2006</b> (2006-2007)	100% 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.
<b>2007</b> (2007-2008)	100% 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.
<b>2008</b> (2008-2009)	100% 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.
<b>2009</b> (2009-2010)	100% 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.
<b>2010</b> (2010-2011)	100% 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.

**Improvement Activities/Timelines/Resources:** (how the state will improve performance including activities, timelines, and resources).

NDDPI will maintain 100% of all complaints be investigated and reports issued within the 60-day timeline, or have documentation of a timeline extended for exceptional circumstances. NDDPI will continue use of early dispute resolution processes.

NDDPI activities will focus on continuing to improve tracking methods, data collection, database structures and maintenance procedures, and improve follow-up procedures. Future data collection may be acquired through the ND Online Reporting System (ORS). In the ORS, special education units would enter complaint data which could then be analyzed across several areas. For instance, complaints could be sorted within a particular district and by specific subcategories such as ethnicity or disability to augment the data reported to stakeholders.

NDDPI is confident that parents are given many opportunities for learning about their procedural safeguards. However, NDDPI is cognizant of the need to develop new approaches to disseminate and communicate this information to accommodate diverse abilities and preferences.

<b>Activities</b>	<b>Timelines</b>	<b>Resources</b>
1. 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
2. Improve complaint data collection and analysis through Online Reporting System and Department database.	06-07 School year	NDDPI Dispute Resolution Coordinator and NDDPI staff
3. Review data and develop action plan for dealing with systemic issues.	Ongoing	NDDPI Dispute Resolution Coordinator
4. 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
5. Provide trainings and technical assistance to PTI, P&A, Parent organizations, and LEAs.	Ongoing	NDDPI Dispute Resolution Coordinator
6. Analyze and improve upon existing follow-up methods for ensuring completion of corrective actions in a timely fashion.	Ongoing	NDDPI Dispute Resolution Coordinator
7. 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. NDDPI will also share this information with BIA special education administrators in the state.	2006	NDDPI Dispute Resolution Coordinator

## Part B State Performance Plan (SPP) for 2005-2010

### Overview of the State Performance Plan Development:

Throughout the development of the ND State Performance Plan, the ND Department of Public Instruction actively solicited broad stakeholder input on a statewide basis. North Dakota Department of Public Instruction state staff reviewed the ND Annual Performance Report (APR) 2003 – 2004 for alignment with the data reporting requirements of the ND State Performance Plan (SPP). State staff met to begin development of the ND SPP after specific staff assignments were determined. The September ND IDEA Advisory Committee meeting was a working meeting facilitated by Mountain Plains Regional Resource Center staff for the purpose of informing and then soliciting input from stakeholder members. Individual state staff members then solicited input from the appropriate statewide or regional standing committees and workgroups. The ND state director of special education presented information and solicited input at the statewide school administrator's conference on October 20, 2005. A draft copy of the ND SPP was posted on the Department's web site from November 1, 2005 through November 15, 2005. The draft copy of the ND SPP was reviewed and revised accordingly by the ND Advisory Committee on November 15, 2005. The ND IDEA Advisory Committee indicated general consensus to support the ND targets and improvement activities as written in the NDSPP, 2005-2010.

NDDPI has developed a Due Process Manual that explains the due process hearing procedures to interested individuals. When parents request information on how to file a complaint, the NDDPI Dispute Resolution Coordinator discusses the many dispute resolution options available through the State. The parents are assisted in framing issues and in exploring the dispute resolution option best suited to their individual situation. The parents are also guided to other individuals who may assist them if they have not already discussed the issue with the local special education case manager or director. Parents are referred to Protection and Advocacy for assistance.

The North Dakota Department of Public Instruction sent via email a copy of the final ND SPP to all LEA special education administrators, Pathfinders Family Center office, and IDEA Advisory Committee members. The ND SPP is posted on the North Dakota Department of Public Instruction web site for public viewing.

***(The following items are to be completed for each monitoring priority/indicator.)***

### **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.

NDDPI Percent = 0 + 1 divided by 1 times 100 = 100%

### Overview of Issue/Description of System or Process:

NDDPI has developed a Due Process Manual that explains the due process hearing procedures to interested individuals. When parents request information on how to file a complaint, the NDDPI Dispute Resolution Coordinator discusses the many dispute resolution options available through the State. The parents are assisted in framing issues and in exploring the dispute resolution option best suited to their individual situation. The parents are also guided to other individuals who may assist them if they have not

already discussed the issue with the local special education case manager or director. Parents are referred to Protection and Advocacy for assistance.

Either a parent or public education agency may request a due process (DP) hearing regarding the identification, evaluation, placement or the provision of a free appropriate public education (FAPE) of a student with a disability. The DP request must meet the requirements before the process can be initiated. Once the DP request is accepted through NDDPI, the request is sent to the Office of Administrative Hearings (OAH), which will select an Administrative Law Judge (a.k.a. Impartial Hearing Officer (IHO)) to be appointed. The IHO has the responsibility to be impartial, not to be employed by an agency involved with the care or education of the child, or a school board official, and who is knowledgeable about the legal and educational issues which may arise under Part B of the Individuals with Disabilities Education Act in connection with the matters in dispute at a hearing initiated pursuant to this regulation. During the period of time between the date of the filing of the Application for Request for Due Process Hearing and the commencement of a hearing, the Department offers mediation to remedy the dispute between the parents and the special education unit. A final report is sent to NDDPI once a decision has been made.

**Baseline Data for FFY 2004 (2004-2005):** (data collected on Attachment 1)

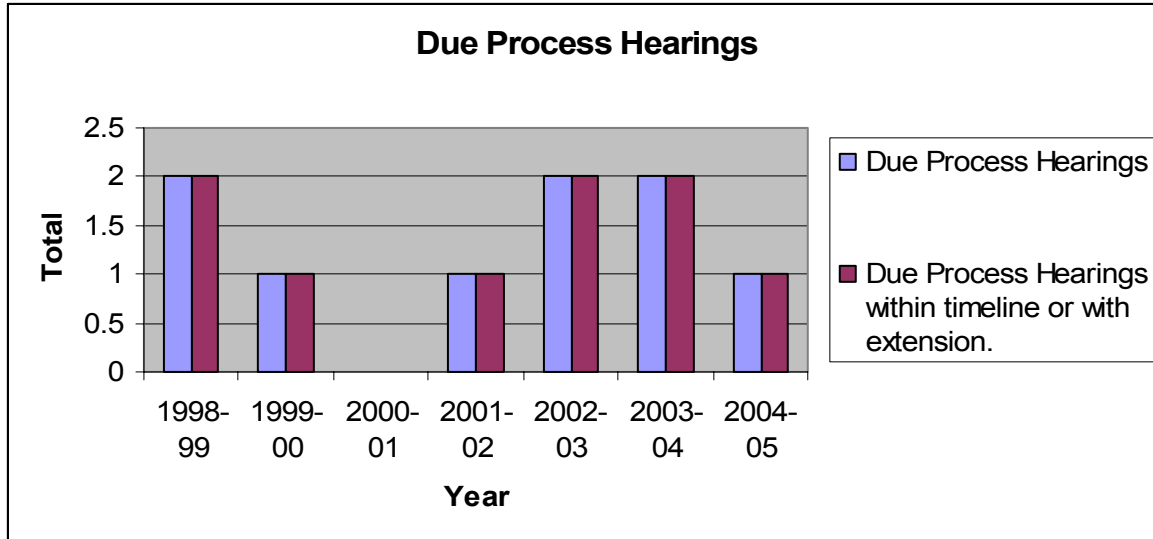
(3) Hearing requests total	1
(3.1) Resolution sessions	0
(a) Settlement agreements	0
(3.2) Hearings (fully adjudicated)	1
(c) Decisions within timeline	0
(b) Decisions within extended timeline	1
(3.3) Resolved without a hearing	0

**Discussion of Baseline Data:**

One Due Process Hearing request was filed with the NDDPI in 2004-2005. The Due Process Hearing occurred within the extended timeline requirement. Two extensions were requested and accepted by both parties. Since the 1998-1999 school year, due process hearings have been completed within the 45-day timeline or with accepted extensions. This is a consistent pattern for due process hearings filed with NDDPI. This particular due process hearing decision determined that the school district was not in violation of IDEA for any of the three alleged violations. The parent who filed for a due process hearing accessed other dispute resolution options prior to filing, including IEP facilitation, mediation, and complaint investigation.

Year	Due Process Hearings	Due Process Hearings within timeline or with extension.
1998-99	2	2
1999-00	1	1
2000-01	0	0
2001-02	1	1
2002-03	2	2
2003-04	2	2
2004-05	1	1





Since 1998, NDDPI has received two or less due process hearing requests per year. This is largely due to North Dakota's small population. Based on the number of children with disabilities in the state (14,681 students) out of the total state enrollment (107,564 students), the percentage of the total complaints, mediations and due process hearings filed with NDDPI was .05% for the 2004-2005 school year.

Additionally, state level complaint investigation has generally been accessed more often than due process hearings in North Dakota because it is less litigious in nature making it more accessible. North Dakota follows a one-tier model for complaint investigation.

Finally, NDDPI regards early intervention activities as having had a positive effect on the number of total due process hearing requests for 2004-2005. In 2004, NDDPI Special Education redefined one of its state level positions with the intent of improving the early dispute resolution processes and tracking of all dispute resolution activities for special education within the state. During the 2004-05 school year, early intervention methods such as IEP facilitation and mediation were more routinely encouraged.

\* See Indicator 16 for a description of the NDDPI's Dispute Resolution Coordinator early intervention activities that support families and schools in conflict.

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

**Improvement Activities/Timelines/Resources:**

NDDPI will meet the 100% requirement for all due process hearing decisions and reports to be issued within the 45-day timeline, or have documentation of a timeline extended for exceptional circumstances. NDDPI will continue use of early dispute resolution processes.

NDDPI activities will focus on continuing to improve tracking methods, data collection, database structures and maintenance procedures, and improve follow-up procedures. Future data collection may be acquired through the ND Online Reporting System (ORS). In the ORS, special education units would enter complaint data which could then be analyzed across several areas. For instance, complaints could be sorted within a particular district and by specific subcategories such as ethnicity or disability to supplement the data reported to stakeholders.

NDDPI is confident that parents are given many opportunities for learning about their procedural safeguards. However, NDDPI is cognizant of the need to develop new approaches to disseminate and communicate this information to accommodate diverse abilities and preferences.

Activities	Timelines	Resources
1. 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
2. Improve complaint data collection and analysis through Online Reporting System and Department database.	06-07 School year	NDDPI Dispute Resolution Coordinator and NDDPI staff
3. Review data and develop action plan for dealing with systemic issues.	Ongoing	NDDPI Dispute Resolution Coordinator
4. 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
5. Provide trainings and technical assistance to PTI, P&A, Parent organizations, and LEAs.	Ongoing	NDDPI Dispute Resolution Coordinator
6. Analyze and improve upon existing follow-up methods for ensuring completion of corrective actions in a timely fashion.	Ongoing	NDDPI Dispute Resolution Coordinator
7. 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. NDDPI will also share this information with BIA special education administrators in the state.	2006	NDDPI Dispute Resolution Coordinator

## Part B State Performance Plan (SPP) for 2005-2010

### Overview of the State Performance Plan Development:

Throughout the development of the ND State Performance Plan, the ND Department of Public Instruction actively solicited broad stakeholder input on a statewide basis. North Dakota Department of Public Instruction state staff reviewed the ND Annual Performance Report (APR) 2003 – 2004 for alignment with the data reporting requirements of the ND State Performance Plan (SPP). State staff met to begin development of the ND SPP after specific staff assignments were determined. The September ND IDEA Advisory Committee meeting was a working meeting facilitated by Mountain Plains Regional Resource Center staff for the purpose of informing and then soliciting input from stakeholder members. Individual state staff members then solicited input from the appropriate statewide or regional standing committees and workgroups. The ND state director of special education presented information and solicited input at the statewide school administrators conference on October 20, 2005. A draft copy of the ND SPP was posted on the Department's web site from November 1, 2005 through November 15, 2005. The draft copy of the ND SPP was reviewed and revised accordingly by the ND Advisory Committee on November 15, 2005. The ND IDEA Advisory Committee indicated general consensus to support the ND targets and improvement activities as written in the NDSPP, 2005-2010.

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*(The following items are to be completed for each monitoring priority/indicator.)*

### 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.

### Overview of Issue/Description of System or Process:

NDDPI is in the process of developing a model Resolution Session Agreement form that may be used by local school districts. The NDDPI Dispute Resolution Coordinator will develop a process for tracking timelines associated with the Resolution Session and Due Process Hearing requirements. Once a due process hearing complaint notice is received, the NDDPI will forward the notice to the Office of Administrative Hearings (OAH) for assignment of an Administrative Law Judge, a.k.a. an Impartial Officer Hearing (IHO) and for the purpose of prompt information transfer, tracking of timelines and handling any challenges to the sufficiency of the Due Process Complaint Notice. The NDDPI Dispute Resolution Coordinator will contact facilitators to determine availability. The state will assist the school district and parents involved in the conflict in accessing the Resolution Session facilitators. The Resolution Session facilitators will work with both parties to schedule a mutually agreeable time to meet. The facilitator's role will be to facilitate the meeting. The parties will either reach an agreement or fail to reach an agreement. The facilitator will assist the parties who reach an agreement in documenting the terms of the agreement onto the Resolution Session Agreement form. The NDDPI will receive a copy of the agreement and will track timelines associated with the Resolution Session for appropriate documentation of the following considerations: Whether the school has fulfilled the terms of the agreement to the satisfaction of the parent within the 30day timeline; Whether the problem has been resolved; Whether the party who

requested the due process hearing wishes to proceed with the due process hearing after the 30-day time frame. The NDDPI Dispute Resolution Coordinator will track the timelines and monitor the data to compare against the State Performance Plan targets.

**Baseline Data for FFY 2004 (2004-2005):** Since this is a new indicator, baseline and targets will be provided in FFY 2005 APR due February 1, 2007.

**Discussion of Baseline Data:** Baseline data will be collected during the 2005-06 school year. There have been no due process hearings requests to date.

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2005</b> (2005-2006)	To be determined.
<b>2006</b> (2006-2007)	To be determined.
<b>2007</b> (2007-2008)	To be determined.
<b>2008</b> (2008-2009)	To be determined.
<b>2009</b> (2009-2010)	To be determined.
<b>2010</b> (2010-2011)	To be determined.

**Improvement Activities/Timelines/Resources:**

1. Provide stakeholder training in the new IDEA 04 Procedural Safeguards; Revise guidance documents; Develop model resolution session agreement and tracking forms;	05-06 School Year	NDDPI Dispute Resolution Coordinator
2. Expand existing facilitator pool; provide facilitation and IDEA 04 training.	05-06 School Year	NDDPI Dispute Resolution Coordinator
3. Incorporate resolution session into database and reporting process.	05-06 School Year	NDDPI Dispute Resolution Coordinator
4. Monitor issues presented in the Resolution sessions for the purpose of handling systemic issues.	05-06 School year and ongoing	NDDPI Dispute Resolution Coordinator
5. 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
6. Provide trainings and technical assistance to PTI, P&A, Parent organizations, and LEAs.	05-06 School Year	NDDPI Dispute Resolution Coordinator
7. Analyze data and improve upon existing follow-up methods for monitoring implementation of resolution session agreements.	05-06 School Year	NDDPI Dispute Resolution Coordinator

## Part B State Performance Plan (SPP) for 2005-2010

### Overview of the State Performance Plan Development:

Throughout the development of the ND State Performance Plan, the ND Department of Public Instruction actively solicited broad stakeholder input on a statewide basis. North Dakota Department of Public Instruction state staff reviewed the ND Annual Performance Report (APR) 2003 – 2004 for alignment with the data reporting requirements of the ND State Performance Plan (SPP). State staff met to begin development of the ND SPP after specific staff assignments were determined. The September ND IDEA Advisory Committee meeting was a working meeting facilitated by Mountain Plains Regional Resource Center staff for the purpose of informing and then soliciting input from stakeholder members. Individual state staff members then solicited input from the appropriate statewide or regional standing committees and workgroups. The ND state director of special education presented information and solicited input at the statewide school administrators conference on October 20, 2005. A draft copy of the ND SPP was posted on the Department's web site from November 1, 2005 through November 15, 2005. The draft copy of the ND SPP was reviewed and revised accordingly by the ND Advisory Committee on November 15, 2005. The ND IDEA Advisory Committee indicated general consensus to support the ND targets and improvement activities as written in the NDSPP, 2005-2010.

The North Dakota Department of Public Instruction sent via email a copy of the final ND SPP to all LEA special education administrators, Pathfinders Family Center office, and IDEA Advisory Committee members. The ND SPP is posted on the North Dakota Department of Public Instruction web site for public viewing.

*(The following items are to be completed for each monitoring priority/indicator.)*

### 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.

### Overview of Issue/Description of System or Process:

North Dakota Department of Public Instruction offers mediation when conflict between a parent and school exists or when a due process hearing is requested. A request for mediation may occur when parents and schools reach an impasse after having made good faith efforts to resolve their differences. Either the parents or school district can request mediation. Mediation may occur on any issue considered appropriate for a due process hearing or complaint investigation. NDDPI's guidance document on mediation informs parties that mediation may occur prior to or concurrent with a request for a due process hearing or the filing of a complaint but that it may not interfere with the right to a due process hearing. Once the parents and school district agree to mediation, each party completes an *Agreement to Mediate* form and sends the document to NDDPI, who then contacts the other identified party to seek participation. If one party declines to participate in mediation, all efforts to resolve conflict via mediation end. The NDDPI submits to both parties a list of three certified mediators with a brief biography of each. Each party eliminates one name from the list of three; if both parties eliminate the same name, NDDPI appoints one of the two remaining names. If each party eliminates a mediator, the remaining mediator is assigned. To ensure objectivity, the mediator is given only the *Agreement to Mediate* forms submitted by the parties. The mediator is not made aware of any phone conversations between the parties and NDDPI personnel. Mediators are selected to be available to the Department of Public Instruction on the basis of

these qualifications: sensitivity to cultural, linguistic and class differences; neutrality; knowledge of the process of mediation; fundamental understanding of IDEA requirements; and appropriate personal communication skills.

The parties determine the terms of the agreement and, if the parties agree, the mediator puts the agreement in writing. Both parties and the mediator sign the mediation agreement. At the conclusion of the session, each party receives a copy. If mediation results in an agreement that would require changes to a student's IEP, NDDPI recommends to the parties that an IEP team meeting be convened as soon as possible to consider incorporating some or all elements of the agreement into the student's IEP. If agreement is not reached, the mediator will certify to the parties, in writing, that the mediation has been unsuccessful.

**Baseline Data for FFY 2004 (2004-2005):**

(2) Mediation request total	4
(2.1) Mediations	
(a) Mediations related to due process	1
(i) Mediation agreements	0
(b) Mediations not related to due process	3
(i) Mediation agreements	3
(2.2) Mediations not held (including pending)	0

**Discussion of Baseline Data:**

NDDPI received five mediation requests during the 2004-2005 school year. Of those five, one was declined by the other party. Of the four that went to mediation, one was related to a due process hearing, which resulted in no agreement. Of the four that went to mediation, three were not related to due process and those three resulted in a mediation agreement. All mediations were completed within a 3 week time period. The most frequently occurring mediation issue was placement.

Mediations related to due process hearings

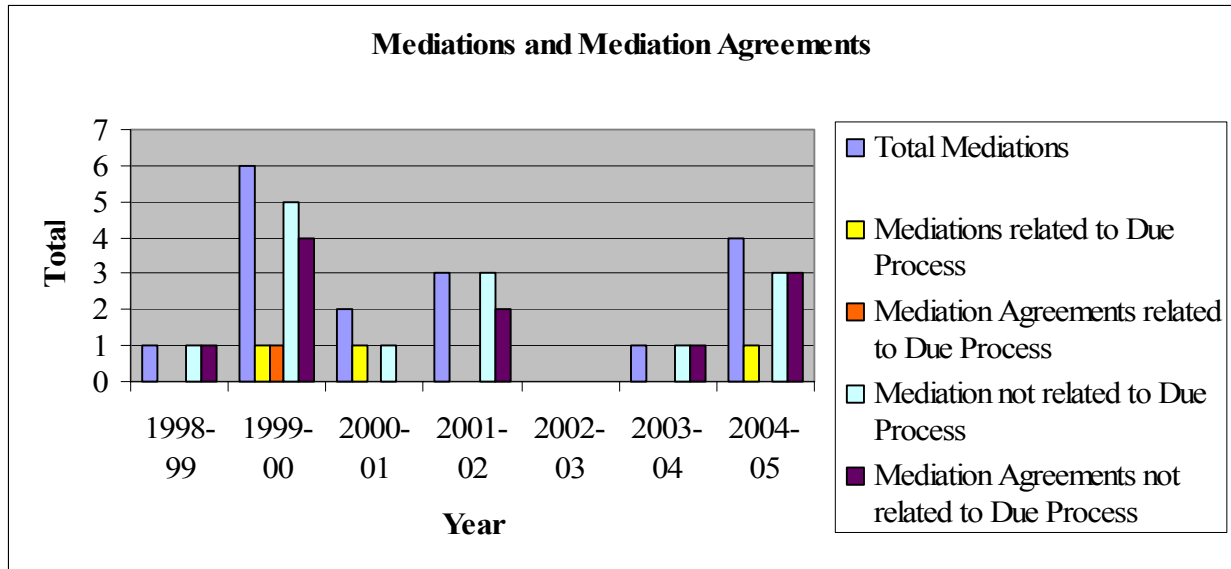
Of all due process hearing requests since 1998, approximately 20% went to mediation. Of those mediations related to due process hearings since 1998, 33% have resulted in agreement. During the 2004-05 school year, 0% of mediations related to due process resulted in agreement.

Mediations not related to due process hearings:

Of all mediations not related to due process hearings since 1998, 78% resulted in agreement. During the 2004-05 school year, 100% of mediations not related to due process hearings resulted in agreement.

Year	Total Mediations	Mediations related to Due Process	Mediation Agreements related to Due Process	Mediation not related to Due Process	Mediation Agreements not related to Due Process
1998-99	1	0	0	1	1
1999-00	6	1	1	5	4
2000-01	2	1	0	1	0
2001-02	3	0	0	3	2
2002-03	0	0	0	0	0
2003-04	1	0	0	1	1
2004-05	4	1	0	3	3





Although the number of annual mediations has not changed significantly over the last 7 years, there has been a new focus on early intervention for resolving conflicts between schools and parents before they reach complaint level. (Refer to Indicator 16 for a description of the NDDPI's Dispute Resolution Coordinator early intervention activities that support families and schools in conflict.)

North Dakota asserts that it is counter intuitive to strive for an increase in agreement rates because it brings to the table an agenda separate from what the parties bring. If the goal is to achieve 100% agreements from mediation, then the process becomes a mediator-centered rather than client-centered process.

FFY	Measurable and Rigorous Target
<b>2005</b> (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.
<b>2006</b> (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.
<b>2007</b> (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.
<b>2008</b> (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.
<b>2009</b> (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.
<b>2010</b> (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.

**Improvement Activities/Timelines/Resources:**

NDDPI activities will focus on: improving mediator training about IDEA 04; increasing the existing mediator pool; implementing new tracking methods; enhancing data collection, including database structures and maintenance; and expanding follow-up procedures.

Activities	Timelines	Resources
1. 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
2. Expand mediator pool and improve quality of mediator training in both mediation methods and IDEA 04.	Ongoing	NDDPI Dispute Resolution Coordinator
3. Improve mediation data collection and analysis for improved tracking processes.	06-07 School year	NDDPI Dispute Resolution Coordinator
4. Review of all mediation issues for the purpose of handling systemic issues.	Ongoing	NDDPI Dispute Resolution Coordinator
5. 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
6. Provide trainings and technical assistance to PTI, P&A, Parent organizations, and LEAs.	Ongoing	NDDPI Dispute Resolution Coordinator
7. Analyze data and improve upon existing follow-up methods for ensuring implementation of mediation agreements.	Ongoing	NDDPI Dispute Resolution Coordinator
8. 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. NDDPI will also share this information with BIA special education administrators in the state.	2006	NDDPI Dispute Resolution Coordinator

## Part B State Performance Plan (SPP) for 2005-2010

### Overview of the State Performance Plan Development:

Throughout the development of the ND State Performance Plan, the ND Department of Public Instruction actively solicited broad stakeholder input on a statewide basis. North Dakota Department of Public Instruction state staff reviewed the ND Annual Performance Report (APR) 2003 – 2004 for alignment with the data reporting requirements of the ND State Performance Plan (SPP). State staff met to begin development of the ND SPP after specific staff assignments were determined. The September ND IDEA Advisory Committee meeting was a working meeting facilitated by Mountain Plains Regional Resource Center staff for the purpose of informing and then soliciting input from stakeholder members. Individual state staff members then solicited input from the appropriate statewide or regional standing committees and workgroups. The ND state director of special education presented information and solicited input at the statewide school administrators conference on October 20, 2005. A draft copy of the ND SPP was posted on the Department's web site from November 1, 2005 through November 15, 2005. The draft copy of the ND SPP was reviewed and revised accordingly by the ND Advisory Committee on November 15, 2005. The ND IDEA Advisory Committee indicated general consensus to support the ND targets and improvement activities as written in the NDSPP, 2005-2010.

The North Dakota Department of Public Instruction sent via email a copy of the final ND SPP to all LEA special education administrators, Pathfinders Family Center office, and IDEA Advisory Committee members. The ND SPP is posted on the North Dakota Department of Public Instruction web site for public viewing.

*(The following items are to be completed for each monitoring priority/indicator.)*

### 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 accuracy).

### Overview of Issue/Description of System or Process:

In 2003 the NDDPI determined that the state's special education data collection and reporting system was no longer sufficient for meeting increasing reporting requirements. During an October, 2003 conference with local special education administrators the NDDPI's director of the Management Information Systems (MIS) unit explained the Department's plan for collecting and reporting special education data with a new online reporting system (ORS). Beginning with the 2004-05 school year, all special education data collection and reporting was done with the ORS.

In the development of North Dakota's Special Education Annual Performance Reports for the 2002-03 and 2003-04 school years, the NDDPI recognized that various units within the state education agency

collected essential data, however, different methods of collecting these data were sometimes used. An example of this was the required reporting of suspension and expulsion data which had been historically collected by the NDDPI office of Coordinated School Health through its administration of the Safe and Drug-Free Schools program. It also became essential for the special education office at the NDDPI to work collaboratively with the NDDPI Title I staff and personnel from the MIS unit, the Standards and Achievement unit, and the Assessment staff in order to accurately collect and report data regarding the participation and performance of students with disabilities on state assessments. Steady improvements in the coordination of this data collection and analysis within the NDDPI are occurring.

Upon returning from the U.S. Department of Education Office of Special Education Program's 2005 *Summer Institute* personnel from the NDDPI office of special education met with key staff from the NDDPI Management Information System unit regarding the data collection and reporting requirements of the State Performance Plan. Similar meetings were held with other key personnel within the Department of Public Instruction to ensure accuracy and consistency across the agency in establishing baseline data, e.g., graduation and dropout rates, suspension and expulsion rates, personnel qualifications, etc. In October, 2005, a coordinator from the NDDPI special education unit accompanied the director of the NDDPI Management Information Systems unit to the U.S. Department of Education's conference for education data managers. These collaborative activities are promoting increased awareness within the agency regarding general and special education performance targets, improvement strategies, resources, and opportunities for potential collaborative technical assistance.

The NDDPI office of special education began informally researching the possibility of initiating a new statewide electronic individualized education program (IEP) during the 2004-05 school year. Personnel from the Nebraska state education agency met with staff from the NDDPI to review a web-based IEP system that is currently used in Nebraska. In the summer of 2005, the NDDPI office of special education initiated a contract with the ND Center for Persons with Disabilities (NDCPD) at Minot State University to more formally research the interest and willingness of ND school districts and special education units to adopt one web-based IEP system for statewide usage. It is anticipated that formal recommendations will emerge from this study that will be the basis of the state's planning about an electronic IEP. It is the intention of the NDDPI to review these recommendations with the ND IDEA State Advisory Committee. Pending the conclusion of that consultation and if there is evidence of broad-based support, the NDDPI intends to actively pursue an electronic IEP for the students, families, and schools of our state. Development of a web-based IEP would be done in coordination with DPI's online reporting system. The NDDPI office of special education anticipates that the proposed statewide electronic IEP will significantly enhance the SEA's ability to collect and analyze student, building, district, special education unit, and statewide data for purposes of improvement planning and IDEA compliance monitoring.

The NDDPI office of special education consistently documents the timely completion of IDEA complaint investigation reports, due process hearings, and mediations, and submits required data reports (Annual Performance Report, Sec. 618) to the U.S. Department of Education on or before required deadlines.

Personnel from the NDDPI have already conducted statewide and district specific training on the SEA's online reporting system. The ORS has a feature that allows users to submit queries to personnel within the Department of Public Instruction, thereby allowing personalized technical assistance. Additionally, the NDDPI will provide ongoing training and support for LEAs in the collection, reporting, and analysis of data for improvement planning.

**Baseline Data for FFY 2004 (2004-2005):**

Required data reports are submitted to the U.S. Department of Education on or before due dates (February 1 for Child Count and LRE; November 1 for Exiting, Suspension/Expulsion, and Personnel; and February 1 for Annual Performance Reports.)

On October 31, 2005, the NDDPI was notified by the U.S. Office of Planning, Evaluation and Policy Development (OPEPD) that it is one of the first states to be excused from traditional reporting of data to the U.S. Department of Education. Due to the high quality and accuracy of EDEN submissions for SY2003-04, North Dakota has been qualified to supply the data for the Report of Children with Disabilities

Exiting Special Education during the School Year exclusively through the Education Data Exchange Network (EDEN).

**Discussion of Baseline Data:**

As described in the Overview of Issue/Description of System or Process, the NDDPI continues efforts to improve statewide data collection systems that will ensure accuracy. The continued development and eventual implementation of a web-based IEP system will support these efforts. In addition refinement of data collection for graduation and drop-out, suspension and expulsion, family involvement, preschool outcomes, secondary transition, and evaluation completion timelines will continue.

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

**Improvement Activities/Timelines/Resources:**

Activities	Timelines	Resources
1. Training for LEA staff who are responsible for entering student record data.	Ongoing	NDDPI staff
2. Individual technical assistance to LEA staff as needed.	Ongoing	NDDPI staff
3. Development of web-based IEP to be used statewide	Ongoing	Vendors, NDDPI Staff
4. Further refinement of state reporting systems	Ongoing	State MIS Staff

**Report of Dispute Resolution Under Part B of the Individuals with Disabilities Education Act  
Complaints, Mediations, Resolution Sessions, and Due Process Hearings**

SECTION A: Signed, written complaints	
(1) Signed, written complaints total	3
(1.1) Complaints with reports issued	3
(a) Reports with findings	1
(b) Reports within timeline	2
(c) Reports within extended timelines	1
(1.2) Complaints withdrawn or dismissed	0
(1.3) Complaints pending	0
(a) Complaint pending a due process hearing	0

SECTION B: Mediation requests	
(2) Mediation requests total	5
(2.1) Mediations	4
(a) Mediations related to due process	1
(i) Mediation agreements	0
(b) Mediations not related to due process	3
(i) Mediation agreements	3
(2.2) Mediations not held (including pending)	1

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

SECTION D: Expedited hearing requests (related to disciplinary decision)	
(4) Expedited hearing requests total	0
(4.1) Resolution sessions	0
(a) Settlement agreements	0
(4.2) Expedited hearings (fully adjudicated)	0
(a) Change of placement ordered	0

## Special Education Services Questionnaire for Parents

This questionnaire is being conducted to determine your satisfaction with your child's special education services and the services provided by your school district. Your response to this questionnaire will help identify areas where parents are satisfied, as well as areas in which the school districts need to make improvements. This questionnaire is being conducted by your school district as part of a statewide review of special education services. The summarized results of the questionnaire will be shared with the school districts statewide, but your individual responses will be kept confidential. Thank you for your time and effort in providing this useful information.

**\*\*Make sure to choose a child's unit, district and plant before answering any other questions. Making these selections first make the remaining sections of the questionnaire appear. Also, if you choose a unit, district or plant after answering any other questions the responses to those questions will be cleared out.**

Please select your child's school from the following drop down box:

**Unit:**

**District:**

**Plant:**

What is your child's primary disability?

What grade is your child enrolled in?

Please click on the circle that describes best how strongly you agree or disagree with the following statements.

Strongly Agree    Agree    Undecided    Disagree    Strongly Disagree

1.	I feel that I am welcome in my child's school.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.	I am treated with respect.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.	Before my child was referred for special education services, other options within general education were considered.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.	Parents and staff are appropriately informed about parental rights and responsibilities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.	I am asked to participate in the development of my child's individualized education program (IEP).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.	Special education teachers set challenging goals.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.	General education teachers have high expectations for my child.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.	My child is regularly involved with students who do not have disabilities in school activities such as clubs, band, choir, sports, field trips, and assemblies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.	I receive updates of my child's progress through report cards and parent-teacher conferences similar to updates provided to parents of students who do not have disabilities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10.	I am encouraged to share my knowledge and experience of my child with school personnel.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11.	I feel comfortable asking questions and expressing concerns when needed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12.	My child is being taught the general curriculum to the maximum extent possible based on his/her needs and objectives.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.	I am satisfied with the special education services provided to my child.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14.	My child's evaluation report is written in terms I understand.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15.	We discussed whether my child could be educated satisfactorily in the regular classroom with appropriate accommodations and modifications.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16.	I receive a copy of my child's IEP in a timely manner after a meeting is held.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17.	I understand what is discussed at the meetings to develop my child's IEP.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18.	My child was provided with all the services documented on my child's IEP.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19.	Teachers communicate regularly with me regarding my child's progress on IEP goals and objectives.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



20. My child has the adaptive equipment needed for his/her education program.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
21. The IEP team encourages me to participate in the IEP decision-making process.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
22. School personnel ensure that I have fully understood the Procedural Safeguards.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
23. I was given enough time to fully understand my child's IEP.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**For parents with students ages 16 and older only:**

	Strongly Agree	Agree	Undecided	Disagree	Strongly Disagree
24. The postsecondary goals developed in my child's transition IEP plan are appropriate for his/her strengths and interests.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
25. My child receives all the supports documented in his/her transition IEP plan.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
26. My child participated in the development of his/her transition IEP.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
27. I participated in the development of my child's transition IEP plan.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**For all parents:**

**Do you have any additional comments concerning your child's school?**

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**THANK YOU FOR YOUR TIME !**