

North Dakota Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>1. Percent of youth with IEPs graduating from high school with a regular diploma. [Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 73.03%. The State's FFY 2008 reported data were 73.08%. The State did not meet its FFY 2009 target of 89%.</p> <p>The State reported the required graduation rate calculation and timeline established by the Department under the Elementary and Secondary Education Act (ESEA). This means that the State submitted the most recent graduation data that the State reported to the Department as part of its Consolidated State Performance Report (CSPR).</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p>
<p>2. Percent of youth with IEPs dropping out of high school. [Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State's FFY 2009 reported data for this indicator are 19.63%. These data represent slippage from the FFY 2008 data of 16.69%. The State did not meet its FFY 2009 target of 11.98%.</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p>
<p>3. Participation and performance of children with IEPs on statewide assessments: A. Percent of the districts with a disability subgroup that meets the State's minimum "n" size that meet the State's AYP targets for the disability subgroup. [Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the revised targets. The State revised the targets for FFY 2010, and improvement activities for FFY 2010, for this indicator, and OSEP accepts those revisions. The revised targets are more rigorous than the previously-established targets.</p> <p>The State's FFY 2009 reported data for this indicator are 75.32%. These data represent slippage from the FFY 2008 data of 85.6%. The State did not meet its FFY 2009 target of 97.1%.</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p>
<p>3. Participation and performance of children with IEPs on statewide assessments: B. Participation rate for children with IEPs.</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the revised targets.</p> <p>The State's FFY 2009 reported data for this indicator are 97.62% for reading and 98.19% for math. These data represent progress from the FFY 2008 data of 97.44% for</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>

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[Results Indicator]	reading and 97.91% for math. The State met its FFY 2009 targets of 95%. The State provided a Web link to 2009 publicly-reported assessment results.	
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.</p> <p>[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the revised targets.</p> <p>The State’s FFY 2009 reported data for this indicator are 62.76% for reading and 63.25% for math. These data represent progress from the FFY 2008 data of 61.07% for reading and 61.91% for math. The State did not meet its FFY 2009 targets for reading of 78.07% and 67.03% for math.</p> <p>The State provided a Web link to 2009 publicly-reported assessment results.</p>	<p>OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p>
<p>4. Rates of suspension and expulsion:</p> <p>A. Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and</p> <p>[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State’s FFY 2009 reported data for this indicator are 0%. These data remain unchanged from the FFY 2008 data of 0%. The State met its FFY 2009 target of .97%.</p> <p>The State reported its definition of “significant discrepancy.”</p> <p>The State reported that none of its 187 districts met the State-established minimum “n” size requirement of three, and all were excluded from the calculation.</p>	<p>OSEP appreciates the State’s efforts to improve performance.</p>
<p>4. Rates of suspension and expulsion:</p> <p>B. Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the</p>	<p>The State provided targets for FFY 2010, FFY 2011, and FFY 2012, and improvement activities through FFY 2012 for this indicator, and OSEP accepts the State’s submission for this indicator.</p> <p>The State’s FFY 2009 baseline data for this indicator were 0%.</p> <p>The State reported that no districts were identified as having a significant discrepancy by race or ethnicity in the rate of suspensions and expulsions of greater than ten days in a school year for children with IEPs.</p> <p>The State reported its definition of “significant discrepancy.”</p> <p>The State reported that it used a minimum “n” size requirement of having at least three students with disabilities suspended or expelled for more than ten days and that none of</p>	<p>OSEP appreciates the State’s efforts regarding this indicator.</p> <p>OSEP will be carefully reviewing each State’s methodology for identifying “significant discrepancy” and will contact the State if there are questions or concerns.</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																				
<p>development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>[Compliance Indicator]</p>	<p>its 187 districts met the minimum “n” size requirement. The State then reported that no districts met its definition of significant discrepancy, even without consideration of the “n” size requirement.</p>																					
<p>5. Percent of children with IEPs aged 6 through 21 served:</p> <p>A. Inside the regular class 80% or more of the day;</p> <p>B. Inside the regular class less than 40% of the day; or</p> <p>C. In separate schools, residential facilities, or homebound/hospital placements.</p> <p>[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the revised targets.</p> <p>The State’s reported data for this indicator are:</p> <table border="1" data-bbox="550 646 1583 1122"> <thead> <tr> <th></th> <th><u>FFY 2008</u> <u>Data</u></th> <th><u>FFY 2009</u> <u>Data</u></th> <th><u>FFY 2009</u> <u>Target</u></th> <th><u>Progress</u></th> </tr> </thead> <tbody> <tr> <td>A. % Inside the regular class 80% or more of the day</td> <td align="center">79.5</td> <td align="center">77.88</td> <td align="center">80</td> <td align="center">-1.62%</td> </tr> <tr> <td>B. % Inside the regular class less than 40% of the day</td> <td align="center">3.7</td> <td align="center">4.11</td> <td align="center">3.60</td> <td align="center">-0.41%</td> </tr> <tr> <td>C. % In separate schools, residential facilities, or homebound/hospital placements</td> <td align="center">2</td> <td align="center">1.33</td> <td align="center">2</td> <td align="center">0.67%</td> </tr> </tbody> </table> <p>These data represent progress for 5C and slippage for 5A and 5B from the FFY 2008 data. The State met its FFY 2009 target for 5C, but did not meet its FFY 2009 targets for 5A and 5B.</p> <p>The State’s data reported in this indicator are not the same as the State’s 618 data reported in Table 3. The State provided an explanation.</p>		<u>FFY 2008</u> <u>Data</u>	<u>FFY 2009</u> <u>Data</u>	<u>FFY 2009</u> <u>Target</u>	<u>Progress</u>	A. % Inside the regular class 80% or more of the day	79.5	77.88	80	-1.62%	B. % Inside the regular class less than 40% of the day	3.7	4.11	3.60	-0.41%	C. % In separate schools, residential facilities, or homebound/hospital placements	2	1.33	2	0.67%	<p>OSEP appreciates the State’s efforts to improve performance and looks forward to the State’s data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p>
	<u>FFY 2008</u> <u>Data</u>	<u>FFY 2009</u> <u>Data</u>	<u>FFY 2009</u> <u>Target</u>	<u>Progress</u>																		
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C. % In separate schools, residential facilities, or homebound/hospital placements	2	1.33	2	0.67%																		
<p>6. Percent of children aged 3 through 5 with IEPs attending a:</p> <p>A. Regular early childhood program and receiving the majority of special</p>	<p>The State is not required to report on this indicator in the FFY 2009 APR.</p>	<p>The State is not required to report on this indicator in the FFY 2010 APR, due February 1, 2012.</p>																				

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education and related services in the regular early childhood program; and B. Separate special education class, separate school or residential facility. [Results Indicator; New]																														
7. Percent of preschool children age 3 through 5 with IEPs who demonstrate improved: A. Positive social-emotional skills (including social relationships); B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and C. Use of appropriate behaviors to meet their needs. [Results Indicator]	The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets. The State's FFY 2009 reported data for this indicator are: <table border="1" data-bbox="548 711 1583 1489"> <thead> <tr> <th><u>Summary Statement 1</u></th> <th><u>FFY 2008 Data</u></th> <th><u>FFY 2009 Data</u></th> <th><u>FFY 2009 Target</u></th> </tr> </thead> <tbody> <tr> <td>Outcome A: Positive social-emotional skills (including social relationships) (%)</td> <td align="center">83.5</td> <td align="center">82.44</td> <td align="center">83.5</td> </tr> <tr> <td>Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)</td> <td align="center">84.0</td> <td align="center">81.82</td> <td align="center">84.0</td> </tr> <tr> <td>Outcome C: Use of appropriate behaviors to meet their needs (%)</td> <td align="center">80.5</td> <td align="center">88.32</td> <td align="center">80.5</td> </tr> <tr> <th><u>Summary Statement 2</u></th> <th><u>FFY 2008 Data</u></th> <th><u>FFY 2009 Data</u></th> <th><u>FFY 2009 Target</u></th> </tr> <tr> <td>Outcome A: Positive social-emotional skills (including social relationships) (%)</td> <td align="center">69.7</td> <td align="center">68</td> <td align="center">69.7</td> </tr> <tr> <td>Outcome B:</td> <td align="center">59.4</td> <td align="center">63</td> <td align="center">59.4</td> </tr> </tbody> </table>	<u>Summary Statement 1</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>	Outcome A: Positive social-emotional skills (including social relationships) (%)	83.5	82.44	83.5	Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	84.0	81.82	84.0	Outcome C: Use of appropriate behaviors to meet their needs (%)	80.5	88.32	80.5	<u>Summary Statement 2</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>	Outcome A: Positive social-emotional skills (including social relationships) (%)	69.7	68	69.7	Outcome B:	59.4	63	59.4	OSEP appreciates the State's efforts to improve performance and looks forward to the State's data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012. The State must report progress data and actual target data for FFY 2010 with the FFY 2010 APR.
<u>Summary Statement 1</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>																											
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Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	84.0	81.82	84.0																											
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	Acquisition and use of knowledge and skills (including early language/ communication) (%)				
	Outcome C: Use of appropriate behaviors to meet their needs (%)	76.1	83	76.1	
	These data represent progress and slippage from the FFY 2008 data. The State met part of its FFY 2009 targets for this indicator.				
<p>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.</p> <p>[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State revised its baseline and target for FFY 2010, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the revised baseline and targets.</p> <p>The State’s reported FFY 2009 revised baseline data are 68.59%. Because the State provided revised baseline data, using FFY 2009 data, OSEP is not comparing the FFY 2009 data to FFY 2008 data or an FFY 2009 target.</p> <p>In its description of its FFY 2009 data, the State addressed whether the response group was representative of the population.</p>				<p>OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p>
<p>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.</p> <p>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 reported data for this indicator are 0%. These data remain unchanged from the FFY 2008 data of 0%. The State met its FFY 2009 target of 0%.</p> <p>The State reported that no districts were identified with disproportionate representation of racial and ethnic groups in special education and related services.</p> <p>The State provided its definition of “disproportionate representation.”</p> <p>The State reported that 19 of 183 districts met the State-established minimum “n” size requirement of ten for one or more racial and ethnic groups and that 164 districts were excluded from the calculation.</p>				<p>OSEP appreciates the State’s efforts regarding this indicator.</p>
<p>10. Percent of districts with disproportionate representation of</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities</p>				<p>OSEP appreciates the State’s</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>[Compliance Indicator]</p>	<p>through FFY 2012, and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 reported data for this indicator are 0%. These data remain unchanged from the FFY 2008 data of 0%. The State met its FFY 2009 target of 0%.</p> <p>The State reported that three districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories. The State also reported that no districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification.</p> <p>The State provided its definition of “disproportionate representation.”</p> <p>The State reported that nine of 183 districts met the State-established minimum “n” size requirement of ten for one or more racial and ethnic groups and that 174 districts were excluded from the calculation.</p>	<p>efforts regarding this indicator.</p>
<p>11. Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.</p> <p>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 reported data for this indicator are 99.73%. These data represent progress from the FFY 2008 data of 99.21%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that all 17 of its findings of noncompliance identified in FFY 2008 for this indicator were corrected in a timely manner. However, OSEP’s June 3, 2010 response table required that, when reporting on the correction of noncompliance in the FFY 2009 APR, the State must report that it has verified that each LEA with noncompliance reflected in the FFY 2008 data the State reported for this indicator is correctly implementing 34 CFR §300.301(c)(1) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02). The State did not report that it met this requirement. Therefore, the State has not demonstrated that it corrected the noncompliance.</p>	<p>OSEP appreciates the State’s efforts and looks forward to reviewing in the FFY 2010 APR, due February 1, 2012, the State’s data demonstrating that it is in compliance with the timely initial evaluation requirements in 34 CFR §300.301(c)(1). Because the State reported less than 100% compliance for FFY 2009, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each LEA with noncompliance reflected in the FFY 2009 data the State reported for this indicator and for the LEAs with the 17 remaining</p>

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		<p>uncorrected FFY 2008 findings of noncompliance: (1) is correctly implementing 34 CFR §300.301(c)(1) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has completed the evaluation, although late, for any child whose initial evaluation was not timely, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary.</p>
<p>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.</p> <p>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 100%. These data represent progress from the FFY 2008 data of 98.15%. The State met its FFY 2009 target of 100%.</p> <p>The State reported that all five of its findings of noncompliance identified in FFY 2008 for this indicator were corrected in a timely manner. However, OSEP's June 3, 2010 response table required that, when reporting on the correction of noncompliance in the FFY 2009 APR, the State must report that it has verified that each LEA with noncompliance reflected in the FFY 2008 data the State reported for this indicator is correctly implementing 34 CFR §300.124(b) (i.e., achieved 100% compliance) based on</p>	<p>OSEP appreciates the State's efforts in achieving compliance with the early childhood transition requirements in 34 CFR §300.124(b).</p> <p>The State must demonstrate, in the FFY 2010 APR, due February 1, 2012, that the remaining five uncorrected noncompliance findings identified in FFY 2008 were corrected. When reporting</p>

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	<p>a review of updated data such as data subsequently collected through on-site monitoring or a State data system, consistent with OSEP Memo 09-02. The State did not report that it met this requirement. Therefore, the State has not demonstrated that it corrected the noncompliance.</p>	<p>on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each LEA with remaining noncompliance identified in FFY 2008 is correctly implementing 34 CFR §300.124(b) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system consistent with OSEP Memo 09-02. In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary.</p>
<p>13. Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There also must be evidence that the student was invited to the IEP Team</p>	<p>The State provided FFY 2009 baseline data, targets for FFY 2010, FFY 2011, and FFY 2012, and improvement activities through FFY 2012 for this indicator, and OSEP accepts the State's submission for this indicator.</p> <p>The State's FFY 2009 reported baseline data for this indicator are 74.56%.</p>	<p>Although OSEP did not consider data for Indicator 13 in its determinations for FFY 2009, OSEP is concerned about the State's very low FFY 2009 data (below 75%) for this indicator. In 2012, OSEP will consider the State's FFY 2010 data for Indicator 13 in determinations.</p> <p>The State must demonstrate, in the FFY 2010 APR, due February 1, 2012, that the State is in compliance with the secondary</p>

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<p>meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.</p> <p>[Compliance Indicator]</p>		<p>transition requirements in 34 CFR §§300.320(b) and 300.321(b). Because the State reported less than 100% compliance for FFY 2009, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each LEA with noncompliance reflected in the FFY 2009 data the State reported for this indicator: (1) is correctly implementing 34 CFR §§300.320(b) and 300.321(b) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2010 APR, the State must review its improvement activities and revise</p>

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<p>14. Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:</p> <p>A. Enrolled in higher education within one year of leaving high school;</p> <p>B. Enrolled in higher education or competitively employed within one year of leaving high school.</p> <p>C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.</p> <p>[Results Indicator]</p>	<p>The State provided FFY 2009 baseline data, targets for FFY 2010, FFY 2011, and FFY 2012, and improvement activities through FFY 2012 for this indicator, and OSEP accepts the State’s submission for this indicator. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and 2012.</p> <p>The State’s reported FFY 2009 baseline data for this indicator are:</p> <p>A. 21.4% enrolled in higher education within one year of leaving high school;</p> <p>B. 57.3% enrolled in higher education or competitively employed within one year of leaving high school; and</p> <p>C. 68% enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.</p>	<p>them, if necessary.</p> <p>The State must report actual target data for FFY 2010 with the FFY 2010 APR, due February 1, 2012.</p>
<p>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.</p> <p>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 reported data for this indicator are 100%. These data remain unchanged from the FFY 2008 data of 100%. The State met its FFY 2009 target of 100%.</p> <p>The State reported that all 29 of its findings of noncompliance identified in FFY 2008 were corrected in a timely manner.</p> <p>The State did not report, as required by OSEP Memo 09-02 and the FFY 2008 response table, that it verified that each LEA with noncompliance identified in FFY 2008: is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system.</p>	<p>In reporting on correction of findings of noncompliance in the FFY 2010 APR, due February 1, 2012, the State must report that it verified that each LEA with noncompliance identified in FFY 2009: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance,</p>

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		<p>unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>In reporting on Indicator 15, the State must use the Indicator 15 Worksheet.</p> <p>In addition, in responding to Indicators 11 and 13 in the FFY 2010 APR, the State must report on correction of the noncompliance described in this table under those indicators.</p>
<p>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, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State.</p> <p>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 100%. These data are based on one complaint. The State met its FFY 2009 target of 100%.</p>	<p>OSEP appreciates the State's efforts in achieving compliance with the timely complaint resolution requirements in 34 CFR §300.152.</p>
<p>17. Percent of adjudicated due process hearing requests that were adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State reported that it did not receive any requests for due process hearings during the reporting period.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2010 APR, due February 1, 2012.</p>

North Dakota Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>officer at the request of either party or in the case of an expedited hearing, within the required timelines.</p> <p>[Compliance Indicator]</p>		
<p>18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.</p> <p>[Results Indicator]</p>	<p>The State reported that no resolution sessions were held during the reporting period.</p> <p>The State reported fewer than ten resolution sessions held in FFY 2009. The State is not required to provide targets or improvement activities until any fiscal year in which ten or more resolution sessions were held.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2010 APR, due February 1, 2012.</p>
<p>19. Percent of mediations held that resulted in mediation agreements.</p> <p>[Results Indicator]</p>	<p>The State reported that the one mediation held in FFY 2009 did not result in a mediation agreement.</p> <p>The State reported fewer than ten mediations held in FFY 2009. The State is not required to provide targets or improvement activities except in any fiscal year in which ten or more mediations were held.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2010 APR, due February 1, 2012.</p>
<p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 100%. These data remain unchanged from the FFY 2008 data of 100%. The State met its FFY 2009 target of 100%.</p>	<p>OSEP appreciates the State's efforts in achieving compliance with the timely and accurate data reporting requirements in IDEA sections 616 and 618 and 34 CFR §§76.720 and 300.601(b).</p> <p>In reporting on Indicator 20 in the FFY 2010 APR, due February 1, 2012, the State must use the Indicator 20 Data Rubric.</p>