



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

Honorable Carol Olson
Executive Director
Department of Human Services
State Capitol
600 East Boulevard Avenue
Department 325
Bismarck, North Dakota 58505-0250

MAR 28 2006

Dear Ms. Olson:

Thank you for your timely submission of North Dakota's State Performance Plan (SPP) for review under Part C of the Individuals with Disabilities Education Act (IDEA). Section 616(b) of the Act requires States to submit, within one year after the date of enactment of the reauthorized IDEA, an SPP that evaluates the State's efforts to implement the requirements and purposes of IDEA and describes how the State will improve implementation. We appreciate the State's efforts in preparing the SPP under a short timeline and in the face of many other competing priorities. In the SPPs, due by December 2, 2005, States were to include: (1) baseline data that reflect the State's efforts to implement Part C of the IDEA; (2) measurable and rigorous targets for the next six years for each of the indicators established by the Secretary in the priority areas under section 616(a) of the IDEA; and (3) activities the State will undertake to improve implementation of Part C.

The Office of Special Education Programs (OSEP) is pleased to inform you that your State's SPP under Part C meets the requirements of section 616(b) to include measurable and rigorous targets and improvement activities. The State must make its SPP available through public means, including posting on the State lead agency's website, distribution to the media, and distribution through public agencies. (Section 616(b)(2)(C)(ii)(I))

Under section 616(b)(2)(C)(ii)(II) of the Act, the State must annually report to OSEP on its performance under the SPP. The State's first Annual Performance Report (APR) on its progress in meeting its targets is due to OSEP by February 1, 2007. Attached to this letter you will find Table A that addresses issues identified during our review of the SPP that – while not requiring disapproval of your plan – will affect our annual determination of State performance and compliance based on data presented in the State's APR. As a result, your State needs to provide additional information as part of its February 2007 APR submission. Table B includes OSEP's analysis of your submission related to previously-identified noncompliance or other issues included in our January 19, 2005 letter that responded to your State's FFY 2000, 2001, and 2002 APRs, that also may require additional reporting.

OSEP's analysis regarding North Dakota's longstanding noncompliance with the 45-day timeline evaluation requirements at 34 CFR §§303.321(c)(3)(ii), 303.321(e)(2)(i), and 303.322(e)(1); and the general supervision requirement at 34 CFR §303.501 are reported in Indicators 7 and 9 in Table B. OSEP's January 19, 2005 letter directed North Dakota to submit documentation of

correction of the evaluation noncompliance in its FFY 2003 APR, and final documentation of correction of the general supervision noncompliance by February 2006. As explained in Table B, North Dakota must provide data demonstrating compliance with the evaluation and general supervision requirements by June 1, 2006. Failure to provide data by that time demonstrating compliance may result in North Dakota being designated a “high risk” grantee or otherwise affect its FFY 2006 grant award.

In addition to reporting to OSEP, the State must report annually to the public on the performance of each early intervention service (EIS) program located in the State on the targets in the State’s performance plan. (Section 616(b)(2)(C)(ii)(I)) The requirement for public reporting on EIS program performance is a critical provision related to ensuring accountability and focusing on improved results for infants and toddlers with disabilities. OSEP will be providing technical assistance regarding the reporting on EIS program performance at the National Accountability Conference, September 18 and 19, 2006 in Denver and through periodic technical assistance conference calls.

We hope that your State found the August 5, 2005 guidance on submission of the SPPs and the technical assistance that we provided through the August 11-12, 2005 Summer Institute, periodic conference calls, and the SPP Resources website helpful in this endeavor. If you have any feedback on our past technical assistance efforts or the needs of States for guidance, we would be happy to hear from you as we work to develop further mechanisms to support State improvement activities.

Thank you for your continued work to improve results for infants and toddlers with disabilities and their families. We encourage you to work closely with your State Contact as you proceed in implementing improvement activities and developing your APR. If you have any questions regarding the SPP or the APR, please contact Mary A. Williams at 202-245-7586.

Sincerely,



Troy R. Justesen
Acting Director
Office of Special Education
Programs

Enclosures

Table A

Table B

cc: Debra Balsdon
Part C Coordinator