

**North Dakota Part C FFY 2009 SPP/APR Response Table**

| <b>Monitoring Priorities and Indicators</b>   | <b>Status of APR Data/SPP Revision Issues</b>  | <b>OSEP Analysis/Next Steps</b>  |
|---|--|--|
| <p>1. Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner.</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 96.44%. However, OSEP recalculated these data to be 92.16% (based on the State's explanation on page 2 of the APR that 388 out of 421 children received the services on their IFSP in a timely manner, or the delay was due to exceptional family circumstances). These data represent slippage from the FFY 2008 data of 98.5%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that all 11 of its findings of noncompliance identified in FFY 2008 for this indicator were corrected in a timely manner.</p> <p>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 EIS program with noncompliance reflected in the FFY 2008 data the State reported for this indicator: (1) is correctly implementing 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1) (i.e., achieved 100% compliance) based on updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has initiated services, although late, for any child whose services were not initiated in a timely manner, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memorandum 09-02, issued October 17, 2008 (OSEP Memo 09-02). The State did not report that it met these requirements. Therefore, the State has not demonstrated that it corrected the noncompliance.</p> | <p>The State must demonstrate, in the FFY 2010 APR, due February 1, 2012, that the State is in compliance with the timely service provision requirements in 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(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>The State must also demonstrate, in the FFY 2010 APR, that the remaining 11 uncorrected noncompliance findings identified in FFY 2008 were corrected.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each EIS program with noncompliance reflected in the FFY 2009 data the State reported for this indicator, and each EIS program with remaining noncompliance identified in FFY 2008: (1) is correctly implementing 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1) (i.e., achieved 100% compliance) based on updated data such as data subsequently collected through on-site monitoring or a State data</p> |

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|   |  | <p>system; and (2) has initiated services, although late, for any child whose services were not initiated in a timely manner, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memorandum 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>2. Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based settings.<br/>[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 did not indicate that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and 2012. The State revised the improvement activities for FFY 2010 for this indicator, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data are 99.45%. However, the State's FFY 2009 data under IDEA section 618 for this indicator are 97.91%. The State's data reflect a high level of performance for this indicator. The State met its FFY 2009 target of 96.8%.</p> | <p>With the FFY 2010 APR, due February 1, 2012, the State must submit a revised SPP that includes stakeholder input on revised targets.</p> <p>The State's actual target data for provision of services to infants and toddlers in natural environments are at or greater than 95%. There is no expectation that an increase in that percentage is necessary. OSEP appreciates the State's efforts to improve performance and assumes that the State is monitoring to ensure that IFSP teams are making service setting decisions on an individualized basis and in compliance with 34 CFR §§303.12, 303.18, and</p> |

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|---|---|---------------------------------|------------------------|----------------------|------------------------|--|------|------|------|---|------|------|------|---|------|------|------|----------------------------|----------------------|----------------------|------------------------|--|------|------|------|---|------|------|------|---|------|------|------|--|
| <p>3. Percent of infants and toddlers with IFSPs who demonstrate improved:</p> <p>A. Positive social-emotional skills (including social relationship);</p> <p>B. Acquisition and use of knowledge and skills (including early language/communication); and</p> <p>C. Use of appropriate behaviors to meet their needs.</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 did not indicate that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012. The State revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are:</p> <table border="1" data-bbox="548 492 1583 1507"> <thead> <tr> <th data-bbox="548 492 957 594"><u>Summary Statement 1</u></th> <th data-bbox="957 492 1163 594"><u>FFY 2008 Data</u></th> <th data-bbox="1163 492 1369 594"><u>FFY 2009 Data</u></th> <th data-bbox="1369 492 1583 594"><u>FFY 2009 Target</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="548 594 957 732"><b>Outcome A:</b><br/>Positive social-emotional skills (including social relationships) (%)</td> <td data-bbox="957 594 1163 732">33.3</td> <td data-bbox="1163 594 1369 732">34.5</td> <td data-bbox="1369 594 1583 732">34.0</td> </tr> <tr> <td data-bbox="548 732 957 899"><b>Outcome B:</b><br/>Acquisition and use of knowledge and skills (including early language/communication) (%)</td> <td data-bbox="957 732 1163 899">47.5</td> <td data-bbox="1163 732 1369 899">42.3</td> <td data-bbox="1369 732 1583 899">48.0</td> </tr> <tr> <td data-bbox="548 899 957 1002"><b>Outcome C:</b><br/>Use of appropriate behaviors to meet their needs (%)</td> <td data-bbox="957 899 1163 1002">64.8</td> <td data-bbox="1163 899 1369 1002">56.7</td> <td data-bbox="1369 899 1583 1002">65.0</td> </tr> <tr> <th data-bbox="548 1002 957 1102"><u>Summary Statement 2</u></th> <th data-bbox="957 1002 1163 1102"><u>FFY 2008 Data</u></th> <th data-bbox="1163 1002 1369 1102"><u>FFY 2009 Data</u></th> <th data-bbox="1369 1002 1583 1102"><u>FFY 2009 Target</u></th> </tr> <tr> <td data-bbox="548 1102 957 1240"><b>Outcome A:</b><br/>Positive social-emotional skills (including social relationships) (%)</td> <td data-bbox="957 1102 1163 1240">60.3</td> <td data-bbox="1163 1102 1369 1240">55.2</td> <td data-bbox="1369 1102 1583 1240">61.0</td> </tr> <tr> <td data-bbox="548 1240 957 1408"><b>Outcome B:</b><br/>Acquisition and use of knowledge and skills (including early language/communication) (%)</td> <td data-bbox="957 1240 1163 1408">52.0</td> <td data-bbox="1163 1240 1369 1408">46.0</td> <td data-bbox="1369 1240 1583 1408">52.5</td> </tr> <tr> <td data-bbox="548 1408 957 1507"><b>Outcome C:</b><br/>Use of appropriate behaviors to meet their needs (%)</td> <td data-bbox="957 1408 1163 1507">80.9</td> <td data-bbox="1163 1408 1369 1507">66.5</td> <td data-bbox="1369 1408 1583 1507">81.5</td> </tr> </tbody> </table> | <u>Summary Statement 1</u>      | <u>FFY 2008 Data</u>   | <u>FFY 2009 Data</u> | <u>FFY 2009 Target</u> | <b>Outcome A:</b><br>Positive social-emotional skills (including social relationships) (%) | 33.3 | 34.5 | 34.0 | <b>Outcome B:</b><br>Acquisition and use of knowledge and skills (including early language/communication) (%) | 47.5 | 42.3 | 48.0 | <b>Outcome C:</b><br>Use of appropriate behaviors to meet their needs (%) | 64.8 | 56.7 | 65.0 | <u>Summary Statement 2</u> | <u>FFY 2008 Data</u> | <u>FFY 2009 Data</u> | <u>FFY 2009 Target</u> | <b>Outcome A:</b><br>Positive social-emotional skills (including social relationships) (%) | 60.3 | 55.2 | 61.0 | <b>Outcome B:</b><br>Acquisition and use of knowledge and skills (including early language/communication) (%) | 52.0 | 46.0 | 52.5 | <b>Outcome C:</b><br>Use of appropriate behaviors to meet their needs (%) | 80.9 | 66.5 | 81.5 | <p>303.344(d)(1)(ii).</p> <p>With the FFY 2010 APR, due February 1, 2012, the State must submit a revised SPP that includes stakeholder input on revised targets.</p> <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.</p> <p>The State must report progress data and actual target data for FFY 2010 with the FFY 2010 APR.</p> |
| <u>Summary Statement 1</u>  | <u>FFY 2008 Data</u>  | <u>FFY 2009 Data</u>            | <u>FFY 2009 Target</u> |                      |                        |  |      |      |      |   |      |      |      |   |      |      |      |                            |                      |                      |                        |  |      |      |      |   |      |      |      |   |      |      |      |  |
| <b>Outcome A:</b><br>Positive social-emotional skills (including social relationships) (%)  | 33.3  | 34.5                            | 34.0                   |                      |                        |  |      |      |      |   |      |      |      |   |      |      |      |                            |                      |                      |                        |  |      |      |      |   |      |      |      |   |      |      |      |  |
| <b>Outcome B:</b><br>Acquisition and use of knowledge and skills (including early language/communication) (%)   | 47.5  | 42.3                            | 48.0                   |                      |                        |  |      |      |      |   |      |      |      |   |      |      |      |                            |                      |                      |                        |  |      |      |      |   |      |      |      |   |      |      |      |  |
| <b>Outcome C:</b><br>Use of appropriate behaviors to meet their needs (%)   | 64.8  | 56.7                            | 65.0                   |                      |                        |  |      |      |      |   |      |      |      |   |      |      |      |                            |                      |                      |                        |  |      |      |      |   |      |      |      |   |      |      |      |  |
| <u>Summary Statement 2</u>  | <u>FFY 2008 Data</u>  | <u>FFY 2009 Data</u>            | <u>FFY 2009 Target</u> |                      |                        |  |      |      |      |   |      |      |      |   |      |      |      |                            |                      |                      |                        |  |      |      |      |   |      |      |      |   |      |      |      |  |
| <b>Outcome A:</b><br>Positive social-emotional skills (including social relationships) (%)  | 60.3  | 55.2                            | 61.0                   |                      |                        |  |      |      |      |   |      |      |      |   |      |      |      |                            |                      |                      |                        |  |      |      |      |   |      |      |      |   |      |      |      |  |
| <b>Outcome B:</b><br>Acquisition and use of knowledge and skills (including early language/communication) (%)   | 52.0  | 46.0                            | 52.5                   |                      |                        |  |      |      |      |   |      |      |      |   |      |      |      |                            |                      |                      |                        |  |      |      |      |   |      |      |      |   |      |      |      |  |
| <b>Outcome C:</b><br>Use of appropriate behaviors to meet their needs (%)   | 80.9  | 66.5                            | 81.5                   |                      |                        |  |      |      |      |   |      |      |      |   |      |      |      |                            |                      |                      |                        |  |      |      |      |   |      |      |      |   |      |      |      |  |

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|--|--|---|------------------------|----------------------|------------------------|-----------------|--------------------------|----|----|------|-------|---|----|----|------|--------|--|----|----|------|-------|---|
|  | The State's FFY 2009 data for this indicator represent progress and slippage from the FFY 2008 data. The State met part of its FFY 2009 targets for this indicator.  |   |                        |                      |                        |                 |                          |    |    |      |       |   |    |    |      |        |  |    |    |      |       |   |
| <p>4. Percent of families participating in Part C who report that early intervention services have helped the family:</p> <p>A. Know their rights;<br/>                     B. Effectively communicate their children's needs; and<br/>                     C. Help their children develop and learn.</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 did not indicate that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012. The State revised the improvement activities for FFY 2010 for this indicator, and OSEP accepts those revisions.</p> <p>The State's reported data for this indicator are:</p> <table border="1" data-bbox="548 542 1583 919"> <thead> <tr> <th></th> <th><u>FFY 2008 Data</u></th> <th><u>FFY 2009 Data</u></th> <th><u>FFY 2009 Target</u></th> <th><u>Progress</u></th> </tr> </thead> <tbody> <tr> <td>A. Know their rights (%)</td> <td align="center">88</td> <td align="center">90</td> <td align="center">86.5</td> <td align="center">2.00%</td> </tr> <tr> <td>B. Effectively communicate their children's needs (%)</td> <td align="center">91</td> <td align="center">90</td> <td align="center">90.5</td> <td align="center">-1.00%</td> </tr> <tr> <td>C. Help their children develop and learn (%)</td> <td align="center">90</td> <td align="center">92</td> <td align="center">88.5</td> <td align="center">2.00%</td> </tr> </tbody> </table> <p>These data represent progress for 4A and 4C and slippage for 4B from the FFY 2008 data. The State met its FFY 2009 targets for 4A and 4C and did not meet its target for 4B.</p> |   | <u>FFY 2008 Data</u>   | <u>FFY 2009 Data</u> | <u>FFY 2009 Target</u> | <u>Progress</u> | A. Know their rights (%) | 88 | 90 | 86.5 | 2.00% | B. Effectively communicate their children's needs (%) | 91 | 90 | 90.5 | -1.00% | C. Help their children develop and learn (%) | 90 | 92 | 88.5 | 2.00% | <p>With the FFY 2010 APR, due February 1, 2012, the State must submit a revised SPP that includes stakeholder input on revised targets.</p> <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.</p> <p>In its description of its FFY 2009 data, the State did not address whether the response group was representative of the population. In the FFY 2010 APR, the State must report whether its FFY 2010 data are based on a response group that is representative of its population, and if not, the actions the State is taking to address this issue.</p> |
|  | <u>FFY 2008 Data</u>   | <u>FFY 2009 Data</u>  | <u>FFY 2009 Target</u> | <u>Progress</u>      |                        |                 |                          |    |    |      |       |   |    |    |      |        |  |    |    |      |       |   |
| A. Know their rights (%)   | 88   | 90  | 86.5                   | 2.00%                |                        |                 |                          |    |    |      |       |   |    |    |      |        |  |    |    |      |       |   |
| B. Effectively communicate their children's needs (%)  | 91   | 90  | 90.5                   | -1.00%               |                        |                 |                          |    |    |      |       |   |    |    |      |        |  |    |    |      |       |   |
| C. Help their children develop and learn (%)   | 90   | 92  | 88.5                   | 2.00%                |                        |                 |                          |    |    |      |       |   |    |    |      |        |  |    |    |      |       |   |
| <p>5. Percent of infants and toddlers birth to 1 with IFSPs compared to national data.</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 did not indicate that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012. The State revised the improvement activities for FFY 2010 for this indicator, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 1.95%. These data represent slippage from the FFY 2008 data of 1.99%. The State met its FFY 2009 target of 1.87%.</p>  | <p>With the FFY 2010 APR, due February 1, 2012, the State must submit a revised SPP that includes stakeholder input on revised targets.</p> <p>OSEP appreciates the State's efforts to improve performance.</p> |                        |                      |                        |                 |                          |    |    |      |       |   |    |    |      |        |  |    |    |      |       |   |
| <p>6. Percent of infants and toddlers birth to 3 with IFSPs compared to</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 did not indicate that</p>  | <p>With the FFY 2010 APR, due February 1, 2012, the State must</p>  |                        |                      |                        |                 |                          |    |    |      |       |   |    |    |      |        |  |    |    |      |       |   |

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|--|--|---|
| <p>national data.<br/>[Results Indicator]</p>  | <p>stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012. The State revised the improvement activities for FFY 2010 for this indicator, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 3.39%. These data represent slippage from the FFY 2008 data of 3.58%. The State met its FFY 2009 target of 3.25%.</p>   | <p>submit a revised SPP that includes stakeholder input on revised targets.</p> <p>OSEP appreciates the State's efforts to improve performance.</p>   |
| <p>7. Percent of eligible infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting were conducted within Part C's 45-day timeline.<br/>[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. The State revised the improvement activities for FFY 2010 for this indicator, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 88.6%. However, OSEP recalculated these data to be 87.7% (because the State's explanation on pages 23 and 24 of the APR regarding the five recording errors did not confirm that those IFSP meetings were held within the 45-day timeline). These data represent slippage from the FFY 2008 data of 96.7%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that 43 of 81 findings of noncompliance identified in FFY 2008 were corrected in a timely manner. The State did not report on the actions it took to address the uncorrected noncompliance.</p> <p>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 EIS program with noncompliance reflected in the FFY 2008 data the State reported for this indicator: (1) is correctly implementing 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a) (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 conducted the initial evaluation, assessment, and IFSP meeting, although late, for any child for whom the 45-day timeline was not met, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memo 09-02. The State did not report that it met these requirements. Therefore, the State has not demonstrated that it corrected the noncompliance.</p> | <p>The State must demonstrate, in the FFY 2010 APR, due February 1, 2012, that it is in compliance with the 45-day timeline requirements in 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a). 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>The State must also demonstrate, in the FFY 2010 APR, that the remaining 81 uncorrected noncompliance findings identified in FFY 2008 were corrected.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each EIS program with noncompliance reflected in the FFY 2009 data the State reported for this indicator, and each EIS program with remaining noncompliance identified in FFY 2008: (1) is correctly implementing 34 CFR §§303.321(e)(2), 303.322(e)(1),</p> |

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|   |   | <p>and 303.342(a) (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 conducted the initial evaluation, assessment, and IFSP meeting, although late, for any child for whom the 45-day timeline was not met, unless the child is no longer within the jurisdiction of the EIS program, 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>8. Percent of all children exiting Part C who received timely transition planning to support the child’s transition to preschool and other appropriate community services by their third birthday including:</p> <p>A. IFSPs with transition steps and services;</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. The State revised the improvement activities for FFY 2010 for this indicator, and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 data for this indicator are 50%. These data represent progress from the FFY 2008 data of 46.15%. The State did not meet its FFY 2009 target of 100%. On page 1 of the APR, the State reported that its Indicator 8 data were collected from the ASSIST/Therap database and the case review data tool. However, it is unclear how the State used its database data in reporting on Indicator 8, and the time period from which data were collected from the database.</p> <p>Although the State reported less than 100% compliance for this indicator for FFY 2008, the State did not report any information under this indicator on findings of noncompliance identified in FFY 2008.</p> | <p>The State must demonstrate, in the FFY 2010 APR, due February 1, 2012, that the State is in compliance with the IFSP transition content requirements in 34 CFR §§303.148(b)(4) and 303.344(h) and 20 U.S.C. 1436(a)(3). 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. The State must also report, in the FFY</p>   |

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|   |   | <p>2010 APR, on why it did not make findings based on the FFY 2008 data that the State reported under this indicator, given that the FFY 2008 data reflected noncompliance.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each EIS program with noncompliance reflected in the FFY 2009 data the State reported for this indicator: (1) is correctly implementing 34 CFR §§303.148(b)(4) and 303.344(h) and 20 U.S.C. 1436(a)(3) (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 developed an IFSP with transition steps and services for each child, unless the child is no longer within the jurisdiction of the EIS program (i.e., the child has exited the State's Part C program due to age or other reasons), 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 uses data from a State database to report on this indicator in its FFY 2010 APR,</p> |

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|---|--|---|
|   |  | <p>and the State does not use data from the full reporting period (July 1, 2010-June 30, 2011), the State must describe how the time period in which the data were collected accurately reflects data for infants and toddlers with IFSPs for the full reporting period.</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>8. Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including:</p> <p>B. Notification to LEA, if child potentially eligible for Part B; and<br/>[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. The State revised the improvement activities for FFY 2010 for this indicator, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 data for this indicator are 62.2%. However, OSEP recalculated these data to be 67% (based on adding the numbers the State provided in the chart on page 29 of its FFY 2009 APR to be 24 out of a total of 36 children for 8B). These data represent slippage from the FFY 2008 data of 82.14%. The State did not meet its FFY 2009 target of 100%. On page 1 of the APR, the State reported that its Indicator 8 data were collected from the ASSIST/Therap database and the case review data tool. However, it is unclear how the State used its database data in reporting on Indicator 8, and the time period from which data were collected from the database.</p> <p>Although the State reported less than 100% compliance for this indicator for FFY 2008, the State did not provide information on any findings of noncompliance identified in FFY 2008 for this indicator.</p> | <p>The State must demonstrate, in the FFY 2010 APR, due February 1, 2012, that the State is in compliance with the LEA notification requirements in 34 CFR §303.148(b)(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>The State must also report, in the FFY 2010 APR, on why it did not make findings based on the FFY 2008 data that the State reported under this indicator, given that the FFY 2008 data reflected noncompliance.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each EIS</p> |

**North Dakota Part C FFY 2009 SPP/APR Response Table**

| <b>Monitoring Priorities and Indicators</b> | <b>Status of APR Data/SPP Revision Issues</b> | <b>OSEP Analysis/Next Steps</b>   |
|---|---|---|
|   |   | <p>program with noncompliance reflected in the FFY 2009 data the State reported for this indicator: (1) is correctly implementing 34 CFR §303.148(b)(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 provided notification to the LEA for each child, unless the child is no longer within the jurisdiction of the EIS program (i.e., the child has exited the State's Part C program due to age or other reasons), 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 uses data from a State database to report on this indicator in its FFY 2010 APR, and the State does not use data from the full reporting period (July 1, 2010-June 30, 2011), the State must describe how the time period in which the data were collected accurately reflects data for infants and toddlers with IFSPs for the full reporting period.</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> |

**North Dakota Part C FFY 2009 SPP/APR Response Table**

| <b>Monitoring Priorities and Indicators</b>  | <b>Status of APR Data/SPP Revision Issues</b>   | <b>OSEP Analysis/Next Steps</b>  |
|--|---|--|
| <p>8. Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including:</p> <p>C. Transition conference, if child potentially eligible for Part B.</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. The State revised the improvement activities for FFY 2010 for this indicator, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 data for this indicator are 85.7%. However, OSEP recalculated these data to be 73% (based on adding the numbers the State provided in the chart on page 29 of its FFY 2009 APR to be 8 out of a total of 11 children for 8C). These data represent progress from the FFY 2008 data of 68.75%. The State did not meet its FFY 2009 target of 100%.</p> <p>On page 1 of the APR, the State reported that its Indicator 8 data were collected from the ASSIST/Therap database and the case review data tool. However, it is unclear how the State used its database data in reporting on Indicator 8, and the time period from which data were collected from the database.</p> <p>Although the State reported less than 100% compliance for this indicator for FFY 2008, the State did not report any information under this indicator on findings of noncompliance identified in FFY 2008.</p> | <p>them, if necessary.</p> <p>The State must demonstrate, in the FFY 2010 APR, due February 1, 2012, that the State is in compliance with the timely transition conference requirements in 34 CFR §303.148(b)(2)(i) (as modified by IDEA section 637(a)(9)(A)(ii)(II)). 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>The State must also report, in the FFY 2010 APR, on why it did not make findings based on the FFY 2008 data that the State reported under this indicator, given that the FFY 2008 data reflected noncompliance.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each EIS program with noncompliance reflected in the FFY 2009 data the State reported for this indicator: (1) is correctly implementing 34 CFR §303.148(b)(2)(i) (as modified by IDEA section 637(a)(9)(A)(ii)(II)) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently</p> |

**North Dakota Part C FFY 2009 SPP/APR Response Table**

| <b>Monitoring Priorities and Indicators</b>  | <b>Status of APR Data/SPP Revision Issues</b>  | <b>OSEP Analysis/Next Steps</b>  |
|--|--|--|
|  |  | <p>collected through on-site monitoring or a State data system; and (2) has conducted a transition conference, although late, for any child potentially eligible for Part B whose transition conference was not timely, unless the child is no longer within the jurisdiction of the EIS program, 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 uses data from a State database to report on this indicator in its FFY 2010 APR, and the State does not use data from the full reporting period (July 1, 2010-June 30, 2011), the State must describe how the time period in which the data were collected accurately reflects data for infants and toddlers with IFSPs for the full reporting period.</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>9. General Supervision system (including monitoring complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than</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 the improvement activities for FFY 2010 for this indicator, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 data for this indicator are 56%. These data represent slippage</p> | <p>The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to provide data in the FFY 2010</p>  |

**North Dakota Part C FFY 2009 SPP/APR Response Table**

| <b>Monitoring Priorities and Indicators</b>                     | <b>Status of APR Data/SPP Revision Issues</b>   | <b>OSEP Analysis/Next Steps</b>  |
|---|---|--|
| <p>one year from identification.<br/>[Compliance Indicator]</p> | <p>from the FFY 2008 data of 100%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that 61 of 109 findings of noncompliance identified in FFY 2008 were corrected in a timely manner. The State reported its FFY 2009 data on the previous year's (FFY 2008) Indicator 9 Worksheet. The State did not provide information on the correction of the remaining 48 findings of noncompliance.</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 EIS program with noncompliance identified in FFY 2008: (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, unless the child is no longer within the jurisdiction of the EIS program.</p> | <p>APR, due February 1, 2012, demonstrating that the State timely corrected findings of noncompliance identified in FFY 2009 in accordance with IDEA section 635(a)(10)(A), 34 CFR §303.501, and OSEP Memo 09-02.</p> <p>In reporting on correction of findings of noncompliance in the FFY 2010 APR, the State must report that it verified that each EIS program 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, unless the child is no longer within the jurisdiction of the EIS program, 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>The State must also demonstrate, in its FFY 2010 APR, that the remaining 48 findings of noncompliance identified in FFY 2008 that were not reported as corrected in the FFY 2009 APR were corrected. In reporting on</p> |

**North Dakota Part C FFY 2009 SPP/APR Response Table**

| <b>Monitoring Priorities and Indicators</b>   | <b>Status of APR Data/SPP Revision Issues</b>   | <b>OSEP Analysis/Next Steps</b>   |
|---|---|---|
|   |   | Indicator 9 in the FFY 2010 APR, the State must use the Indicator 9 Worksheet. In addition, in responding to Indicators 1, 7, 8a, 8b and 8c in the FFY 2010 APR, due February 1, 2012, the State must report on correction of the noncompliance described in this table under those indicators. |
|   | <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 signed written complaints during the reporting period.</p>   | OSEP looks forward to reviewing the State's data in the FFY 2010 APR, due February 1, 2012.   |
| <p>11. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the applicable timeline.</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 reported that it did not receive any requests for due process hearings during the reporting period.</p>                                       | OSEP looks forward to reviewing the State's data in the FFY 2010 APR, due February 1, 2012.   |
| <p>12. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements (applicable if Part B due process procedures are adopted).</p> <p>[Results Indicator]</p> | Not applicable.   | Not applicable.   |
| <p>13. Percent of mediations held that resulted in mediation agreements.</p> <p>[Results Indicator]</p>   | <p>The State reported that no mediations were held during the reporting period.</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> | OSEP looks forward to reviewing the State's data in the FFY 2010 APR, due February 1, 2012.   |
| <p>14. State reported data (618 and State Performance Plan and Annual</p>   | <p>The State's FFY 2009 reported data for this indicator are 92.86%. However, OSEP's calculation of the data for this indicator is 83.0%. These data represent slippage from</p>  | <p>The State must review its improvement activities and revise</p>  |

**North Dakota Part C FFY 2009 SPP/APR Response Table**

| <b>Monitoring Priorities and Indicators</b>                                       | <b>Status of APR Data/SPP Revision Issues</b> | <b>OSEP Analysis/Next Steps</b>   |
|---|---|---|
| <p>Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p> | <p>the FFY 2008 data of 89.3%.</p>            | <p>them, if appropriate, to ensure they will enable the State to provide data in the FFY 2010 APR, due February 1, 2012, demonstrating that it is in compliance with the timely and accurate data reporting requirements in IDEA sections 616, 618, and 642 and 34 CFR §§76.720 and 303.540. In reporting on Indicator 14 in the FFY 2010 APR, the State must use the Indicator 14 Data Rubric.</p> |