

North Dakota Part C FFY 2011 SPP/APR Response Table

Part C SPP/APR Indicators

1. Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner. [Compliance Indicator]
2. Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based settings. [Results Indicator]
3. Percent of infants and toddlers with IFSPs who demonstrate improved: <ul style="list-style-type: none"> A. Positive social-emotional skills (including social relationship); B. Acquisition and use of knowledge and skills (including early language/communication); and C. Use of appropriate behaviors to meet their needs. [Results Indicator]
4. Percent of families participating in Part C who report that early intervention services have helped the family: <ul style="list-style-type: none"> A. Know their rights; B. Effectively communicate their children's needs; and C. Help their children develop and learn. [Results Indicator]
5. Percent of infants and toddlers birth to 1 with IFSPs compared to national data. [Results Indicator]
6. Percent of infants and toddlers birth to 3 with IFSPs compared to national data. [Results Indicator]
7. Percent of eligible infants and toddlers with IFSPs for whom an initial evaluation and initial assessment and an initial IFSP meeting were conducted within Part C's 45-day timeline. [Compliance Indicator]
8. Percent of toddlers with disabilities exiting Part C with timely transition planning for whom the Lead Agency has: <ul style="list-style-type: none"> A. Developed an IFSP with transition steps and services at least 90 days, and at the discretion of all parties, not more than nine months, prior to the toddler's third birthday; [Compliance Indicator]
8. Percent of toddlers with disabilities exiting Part C with timely transition planning for whom the Lead Agency has: <ul style="list-style-type: none"> B. Notified (consistent with any opt-out policy adopted by the State) the SEA and the LEA where the toddler resides at least 90 days prior to the toddler's third birthday for toddlers potentially eligible for Part B preschool services; and [Compliance Indicator]
8. Percent of toddlers with disabilities exiting Part C with timely transition planning for whom the Lead Agency has: <ul style="list-style-type: none"> C. Conducted the transition conference held with the approval of the family at least 90 days, and at the discretion of all parties, not more than nine months, prior to the toddler's birthday for toddlers potentially eligible for Part B preschool services. [Compliance Indicator]
9. 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. [Compliance Indicator]
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). [Results Indicator]
13. Percent of mediations held that resulted in mediation agreements. [Results Indicator]
14. State-reported data (IDEA Section 618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]

Timeliness of State Complaint and Due Process Hearing Decisions
(Collected as Part of IDEA Section 618 Data rather than through an SPP/APR Indicator)

Timely Resolution of State Complaints: 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.

Timely Adjudication of Due Process Hearing Requests: Percent of adjudicated due process hearing requests that were adjudicated within the timeline or a timeline that is properly extended by the hearing officer at the request of either party.

North Dakota Part C FFY 2011 SPP/APR Results Data Summary

INDICATOR	FFY 2010 DATA	FFY 2011 DATA	FFY 2011 TARGET
2. Infants and Toddlers Served in Natural Environments	99.25%	99.02%	≥ 97.2% ¹
3. Early Childhood Outcomes Data	See Attached Table	See Attached Table	See Attached Table
4. Percent of families participating in Part C who report that early intervention services have helped the family:			
A. Know their rights;	90%	88%	≥ 87.2%
B. Effectively communicate their children's needs; and	92%	94%	≥ 91.2%
C. Help their children develop and learn.	92%	90%	≥ 89.2%
5. Infants and Toddlers Served Birth to One	2.14%	1.62%	≥ 1.93%
6. Infants and Toddlers Served Birth to Three	3.44%	3.41%	≥ 3.3%
12. Hearing Requests Resolved through Resolution Session Agreements	Not applicable	Not applicable	Not applicable
13. Mediations Held that Resulted in Mediation Agreements	None	None	Not applicable

¹ As used in this table, the symbol “≥” means that, to meet the target, the State’s data must be greater than or equal to the established target.

3. Percent of Infants and Toddlers with IFSPs Who Demonstrate Improved Outcomes

Summary Statement 1²	FFY 2010 Data	FFY 2011 Data	FFY 2011 Target
Outcome A: Positive social-emotional skills (including social relationships) (%)	31.2%	35.8%	≥ 34.6%
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	41.6%	56.7%	≥ 48.6%
Outcome C: Use of appropriate behaviors to meet their needs (%)	55%	58.8%	≥ 65.6%
Summary Statement 2³	FFY 2010 Data	FFY 2011 Data	FFY 2011 Target
Outcome A: Positive social-emotional skills (including social relationships) (%)	34.1%	39.7%	≥ 61.6%
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	32.5%	37.0%	≥ 53.1%
Outcome C: Use of appropriate behaviors to meet their needs (%)	55.3%	61.1%	≥ 82.1%

² **Summary Statement 1:** Of those infants and toddlers who entered or exited early intervention below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 3 years of age or exited the program.

³ **Summary Statement 2:** The percent of infants and toddlers who were functioning within age expectations in each Outcome by the time they turned 3 years of age or exited the program.

North Dakota Part C FFY 2011 Results Data Summary Notes

INDICATOR 2: The State revised the improvement activities for FFY 2011 for this indicator and OSEP accepts those revisions.
INDICATOR 3: The State revised the improvement activities for FFY 2011 for this indicator and OSEP accepts those revisions. OSEP's June 2012 FFY 2010 SPP/APR Response Table required the State to include in the FFY 2011 APR, due February 15, 2013, a list of instruments and procedures used to gather data for this indicator, including if the State is using the ECO COSF. The State provided all of the required information. REQUIRED ACTIONS The State must report progress data and actual target data for FFY 2012 in the FFY 2012 APR.
INDICATOR 4: The State revised the improvement activities for FFY 2011 for this indicator and OSEP accepts those revisions. The State reported that the data for this indicator were collected from a response group that was not representative of the population. OSEP notes that the State included strategies or improvement activities to address this issue in the future.
INDICATOR 5: The State revised the improvement activities for FFY 2011 for this indicator and OSEP accepts those revisions.
INDICATOR 6: The State revised the improvement activities for FFY 2011 for this indicator and OSEP accepts those revisions.
INDICATOR 13: The State reported that no mediations were held in FFY 2011. The State is not required to provide targets or improvement activities until any fiscal year in which ten or more mediations were held.

North Dakota Part C FFY 2011 SPP/APR Compliance Data Summary

INDICATOR	FFY 2010 DATA	FFY 2011 DATA	FFY 2011 TARGET	CORRECTION OF FINDINGS OF NONCOMPLIANCE IDENTIFIED IN FFY 2010
1. Timely provision of early intervention services	85%	92.7%	100%	The State reported that it did not identify any findings of noncompliance in FFY 2010.
7. 45-day timeline for evaluation and assessment and initial IFSP meeting	87.3%	95.1%	100%	The State reported that it did not identify any findings of noncompliance in FFY 2010.
8.A. IFSPs with transition steps and services	89.2%	59.7%	100%	The State reported that it did not identify any findings of noncompliance in FFY 2010.
8.B. Notification to LEA and SEA, if child potentially eligible for Part B	81%	64.3%	100%	The State reported that it did not identify any findings of noncompliance in FFY 2010.
8.C. Transition conference, if child potentially eligible for Part B	83%	92.1%	100%	The State reported that it did not identify any findings of noncompliance in FFY 2010.
9. Timely correction	No data	No data	100%	
14. Timely and accurate data	97.1	93.0%	100%	

North Dakota Part C FFY 2011 State Complaint and Hearing Data from IDEA Section 618 Data Reports

REQUIREMENT	FFY 2010 DATA	FFY 2011 DATA
Timely resolution of complaints	The State reported that it did not receive any signed written complaints during the reporting period.	The State reported that it did not receive any signed written complaints during the reporting period.
Timely adjudication of due process hearing requests	The State reported that it did not receive any requests for due process hearings during the reporting period.	The State reported that it did not receive any requests for due process hearings during the reporting period.

North Dakota Part C FFY 2011 Compliance Data Summary Notes

INDICATOR 1: The State revised the improvement activities for FFY 2011 for this indicator and OSEP accepts those revisions.

OSEP's FFY 2010 SPP/APR Response Table required the State to include in the FFY 2011 APR updated correction data on findings of noncompliance identified in FFY 2011 based on FFYs 2008, 2009, and 2010 data. The State reported that eight of nine findings of noncompliance identified in FFY 2011 were timely corrected.

REQUIRED ACTIONS

Because the State reported less than 100% compliance for FFY 2011, the State must report on the status of correction of noncompliance identified in FFY 2011 for this indicator. In addition, the State must demonstrate, in the FFY 2012 APR that the remaining finding of uncorrected noncompliance identified in FFY 2011 based on FFYs 2008, 2009, and 2010 data was corrected. When reporting on the correction of noncompliance, the State must report, in its FFY 2012 APR, that it has verified that each early intervention service (EIS) program with findings of noncompliance identified in FFY 2011 and each EIS program or provider with remaining findings of noncompliance: (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 or provider, consistent with OSEP Memo 09-02.⁴ In the FFY 2012 APR, the State must describe the specific actions that were taken to verify the correction.

⁴ OSEP Memorandum 09-02 (OSEP Memo 09-02), dated October 17, 2008, requires that the State report that it verified that each EIS program or provider with noncompliance: (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 or provider.

INDICATOR 7: The State revised the improvement activities for FFY 2011 for this indicator and OSEP accepts those revisions.

OSEP's FFY 2010 SPP/APR Response Table required the State to include in the FFY 2011 APR updated correction data on findings of noncompliance identified in FFY 2011 based on FFY 2008, 2009, and 2010 data. The State reported that nine of ten findings of noncompliance identified in FFY 2011 were timely corrected.

REQUIRED ACTIONS

Because the State reported less than 100% compliance for FFY 2011, the State must report on the status of correction of noncompliance identified in FFY 2011 for this indicator. In addition, the State must demonstrate, in the FFY 2012 APR, that the remaining finding of uncorrected noncompliance identified in FFY 2011 based on FFYs 2008, 2009, and 2010 data was corrected. When reporting on the correction of noncompliance, the State must report, in its FFY 2012 APR, that it has verified that each EIS program with findings of noncompliance identified in FFY 2011 and each EIS program or provider with remaining findings of noncompliance: (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 or provider, consistent with OSEP Memo 09-02. In the FFY 2012 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 8A: The State revised the improvement activities for FFY 2011 for this indicator and OSEP accepts those revisions.

The State reported that it used data from a State database to report on this indicator. The State further reported that it did not use data for the full reporting period (July 1, 2011-June 30, 2012), and the State described how the time period in which the data were collected accurately reflects data for infants and toddlers with IFSPs for the full reporting period.

OSEP's FFY 2010 SPP/APR Response Table required the State to include in the FFY 2011 APR, updated correction data on findings of noncompliance identified in FFY 2011 based on FFYs 2008, 2009, and 2010 data. The State reported that four of five findings of noncompliance identified in FFY 2011 were corrected in a timely manner.

REQUIRED ACTIONS

Because the State reported less than 100% compliance for FFY 2011, the State must report on the status of correction of noncompliance identified in FFY 2011 for this indicator. In addition, the State must demonstrate, in the FFY 2012 APR, that the remaining finding of uncorrected noncompliance identified in FFY 2011 based on FFYs 2008, 2009, and 2010 data was corrected. When reporting on the correction of noncompliance, the State must report, in its FFY 2012 APR, that it has verified that each EIS program with findings of noncompliance identified in FFY 2011 and each EIS program or provider with remaining findings of noncompliance: (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 or provider, consistent with OSEP Memo 09-02. In the FFY 2012 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 8B: The State revised the improvement activities for FFY 2011 for this indicator and OSEP accepts those revisions.

The State reported that it used data from a State database to report on this indicator. The State further reported that it did not use data for the full reporting period (July 1, 2011-June 30, 2012), and the State described how the time period in which the data were collected accurately reflects data for infants and toddlers with IFSPs for the full reporting period.

OSEP's FFY 2010 SPP/APR Response Table required the State to include in the FFY 2011 APR updated correction data on findings of noncompliance identified in FFY 2011 based on FFYs 2008, 2009, and 2010 data. The State reported that nine of ten findings of noncompliance identified in 2011 were corrected in a timely manner.

REQUIRED ACTIONS

Because the State reported less than 100% compliance for FFY 2011, the State must report on the status of correction of noncompliance identified in FFY 2011 for this indicator. In addition, the State must demonstrate, in the FFY 2012 APR, that the remaining finding of uncorrected noncompliance identified in FFY 2011 based on FFYs 2008, 2009, and 2010 data was corrected. When reporting on the correction of noncompliance, the State must report, in its FFY 2012 APR, that it has verified that each EIS program with findings of noncompliance identified in FFY 2011 and each EIS program or provider with remaining findings of noncompliance: (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 or provider, consistent with OSEP Memo 09-02. In the FFY 2012 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 8C: The State revised the improvement activities for FFY 2011 for this indicator and OSEP accepts those revisions.

The State reported that it used data from a State database to report on this indicator. The State further reported that it did not use data for the full reporting period (July 1, 2011-June 30, 2012), and the State described how the time period in which the data were collected accurately reflects data for infants and toddlers with IFSPs for the full reporting period.

OSEP's 2010 SPP/APR Response Table required the State to include in the FFY 2011 APR updated correction data on findings of noncompliance identified in FFY 2011 based on FFYs 2008, 2009, and 2010 data. The State reported that two of three findings of noncompliance identified in FFY 2011 were corrected in a timely manner.

REQUIRED ACTIONS

Because the State reported less than 100% compliance for FFY 2011, the State must report on the status of correction of noncompliance identified in FFY 2011 for this indicator. In addition, the State must demonstrate, in the FFY 2012 APR, that the remaining finding of uncorrected noncompliance identified in FFY 2011 based on FFYs 2008, 2009, and 2010 data was corrected. When reporting on the correction of noncompliance, the State must report, in its FFY 2012 APR, that it has verified that each EIS program with findings of noncompliance identified in FFY 2011 and each EIS program or provider with remaining findings of noncompliance: (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 or provider, consistent with OSEP Memo 09-02. In the FFY 2012 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 9: The State provided no FFY 2011 data for this indicator, which requires the reporting of timely correction of findings identified in FFY 2010. The State acknowledged that “no findings were issued in FFY 2008, FFY 2009, or FFY 2010.” The State reported that it issued 37 findings in FFY 2011 based on data indicating noncompliance from FFYs 2008, FFY 2009, and FFY 2010.

OSEP’s FFY 2010 SPP/APR Response Table required the State to include in the FFY 2011 APR the status of correction of the findings of noncompliance that the State identified in FFY 2011 based on FFYs 2008, 2009, and 2010 data. The State reported that 32 of 37 findings of noncompliance identified in FFY 2011 were timely corrected.

REQUIRED ACTIONS

The State must demonstrate, in the FFY 2012 APR, that the remaining five findings of noncompliance identified in FFY 2011 based on FFY 2008, 2009, and 2010 data that were not reported as corrected in the FFY 2011 APR were corrected.

When reporting in the FFY 2012 APR on the correction of findings of noncompliance, the State must report that it verified that each EIS program or provider with findings of noncompliance identified in FFY 2011: (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 or provider, consistent with OSEP Memo 09-02. In the FFY 2012 APR, the State must describe the specific actions that were taken to verify the correction. In addition, in reporting on Indicator 9 in the FFY 2012 APR, the State must use and submit the Indicator 9 Worksheet.

In addition, in responding to Indicators 1, 7, 8A, 8B, and 8C in the FFY 2012 APR, the State must report on correction of the noncompliance described in this table under those indicators.

INDICATOR 14: The State revised the improvement activities for FFY 2011 for this indicator and OSEP accepts those revisions.

The State’s FFY 2011 reported data for this indicator are 97%. However, OSEP’s calculation of the data for this indicator is 93%.