

North Dakota Part C FFY 2012 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 2012 SPP/APR Results Data Summary

INDICATOR	FFY 2011 DATA	FFY 2012 DATA	FFY 2012 TARGET
2. Infants and Toddlers Served in Natural Environments	99.02%	99.68%	≥ 97.4% 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:	88%	87%	≥ 87.4%
A. Know their rights;			
B. Effectively communicate their children's needs; and	94%	93%	≥ 91.4%
C. Help their children develop and learn.	90%	92%	≥ 89.4%
5. Infants and Toddlers Served Birth to One	1.62%	1.98%	≥ 1.96%
6. Infants and Toddlers Served Birth to Three	3.41%	3.43%	≥ 3.4%
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 2011 Data	FFY 2012 Data	FFY 2012 Target
Outcome A: Positive social-emotional skills (including social relationships) (%)	35.8%	37.7%	≥ 34.7%
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	56.7%	61.1%	≥ 48.7%
Outcome C: Use of appropriate behaviors to meet their needs (%)	58.8%	67.42%	≥ 65.7%
Summary Statement 2³	FFY 2011 Data	FFY 2012 Data	FFY 2012 Target
Outcome A: Positive social-emotional skills (including social relationships) (%)	39.7%	44.6%	≥ 61.7%
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	37.0%	46.2%	≥ 53.2%
Outcome C: Use of appropriate behaviors to meet their needs (%)	61.1%	67.9%	≥ 82.2%

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 FFY 2012 Results Data Summary Notes

INDICATOR 3:

REQUIRED ACTIONS

The State must report progress data and actual target data for FFY 2013 in the FFY 2013 APR.

INDICATOR 4: 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.

REQUIRED ACTIONS

In the FFY 2013 APR, the State must report whether its FFY 2013 data are from a group representative of the population, and, if not, the actions the State is taking to address this issue.

INDICATOR 13: The State reported that no mediations were held during the reporting period.

The State reported fewer than ten mediations held in FFY 2012. 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 2012 SPP/APR Compliance Data Summary

INDICATOR	FFY 2011 DATA	FFY 2012 DATA	FFY 2012 TARGET	CORRECTION OF FINDINGS OF NONCOMPLIANCE IDENTIFIED IN FFY 2011
1. Timely provision of early intervention services	92.7%	94.4%	100%	The State reported that eight of nine findings of noncompliance identified in FFY 2011 based on FFYs 2008, 2009, and 2010 data were corrected in a timely manner and that the one remaining finding was subsequently corrected by September 5, 2013.
7. 45-day timeline for evaluation and assessment and initial IFSP meeting	95.1%	97.1%	100%	The State reported that nine of ten findings of noncompliance identified in FFY 2011 based on FFYs 2008, 2009, and 2010 data were corrected in a timely manner and that the one remaining finding was subsequently corrected by September 5, 2013.
8. A. IFSPs with transition steps and services	59.7%	96.6%	100%	The State reported that four of five findings of noncompliance identified in FFY 2011 based on FFYs 2008, 2009 and 2010 data were corrected in a timely manner and that the one remaining finding was subsequently corrected by September 5, 2013.
8. B. Notification to LEA and SEA, if child potentially eligible for Part B	64.3%	0%	100%	The State reported that nine of ten findings of noncompliance identified in FFY 2011 based on FFYs 2008, 2009, and 2010 data were corrected in a timely manner and that the one remaining finding was subsequently corrected by September 5, 2013.
8. C. Transition conference, if child potentially eligible for Part B	92.1%	96.5%	100%	The State reported that two of three findings of noncompliance identified in FFY 2011 based on FFYs 2008, 2009, and 2010 data were corrected in a timely manner and that the one remaining finding was subsequently corrected by September 5, 2013.
9. Timely correction	No data	86.5%	100%	The State reported that 32 of 37 findings of noncompliance identified in FFY 2011 based on FFYs 2008, 2009, and 2010 data were corrected in a timely

INDICATOR	FFY 2011 DATA	FFY 2012 DATA	FFY 2012 TARGET	CORRECTION OF FINDINGS OF NONCOMPLIANCE IDENTIFIED IN FFY 2011
				manner and that the five remaining findings were subsequently corrected by September 5, 2013.
14. Timely and accurate data	93.0%	100	100%	

North Dakota Part C FFY 2012 State Complaint and Hearing Data from IDEA Section 618 Data Reports

REQUIREMENT	FFY 2011 DATA	FFY 2012 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 FFY 2012 Compliance Data Summary Notes

INDICATOR 1: As required by OSEP's FFY 2011 SPP/APR Response Table, the State reported that the remaining finding of uncorrected noncompliance identified in FFY 2011 based on FFYs 2008, 2009, and 2010 data was corrected.

REQUIRED ACTIONS

Because the State reported less than 100% compliance for FFY 2012, the State must report on the status of correction of noncompliance identified in FFY 2012 for this indicator. When reporting on the correction of noncompliance, the State must report, in its FFY 2013 APR, that it has verified that each EIS program or provider with noncompliance identified in FFY 2012 for this indicator: (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 2013 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 7: As required by OSEP's FFY 2011 SPP/APR Response Table, the State reported that the remaining finding of uncorrected noncompliance identified in FFY 2011 based on FFYs 2008, 2009, and 2010 data was corrected.

REQUIRED ACTIONS

Because the State reported less than 100% compliance for FFY 2012, the State must report on the status of correction of noncompliance identified in FFY 2012 for this indicator. When reporting on the correction of noncompliance, the State must report, in its FFY 2013 APR, that it has verified that each EIS program or provider with noncompliance identified in FFY 2012 for this indicator: (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 2013 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 8A: As required by OSEP's FFY 2011 SPP/APR Response Table, the State reported that the remaining finding of uncorrected noncompliance identified in FFY 2011 based on FFYs 2008, 2009, and 2010 data was corrected.

REQUIRED ACTIONS

Because the State reported less than 100% compliance for FFY 2012, the State must report on the status of correction of noncompliance identified in FFY 2012 for this indicator. When reporting on the correction of noncompliance, the State must report, in its FFY 2013 APR, that it has verified that each EIS program or provider with noncompliance identified in FFY 2012 for this indicator: (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 2013 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 8B: The State's FFY 2012 data for this indicator is 85.5%. However, OSEP recalculated the data for this indicator to be 0%.

The required measurement for Indicator 8B, effective for reporting on FFY 2012, is: "Percent = [(# of toddlers with disabilities exiting Part C where notification (consistent with any opt-out policy adopted by the State) to the SEA and LEA occurred at least 90 days prior to their third birthday for toddlers potentially eligible for Part B preschool services) divided by the (# of toddlers with disabilities exiting Part C who were potentially eligible for Part B)] times 100." (Emphasis added.)

In its APR, the State reported that its FFY 2012 data for this indicator was 85.5%. However, on page 31 of the State's FFY 2012 APR the State reported that the SEA received notification of 100% of all children exiting Part C who were potentially eligible on January 16, 2014. On page 33, the State noted that the January 2014 catchment of data was the first transmitted under a Memorandum of Understanding finalized in October 2013. Given that the State's FFY 2012 data for Indicator 8B do not reflect timely notification to the SEA (within 90 days of the toddler's third birthday), OSEP recalculated the State's data to be 0%.

As required by OSEP's FFY 2011 SPP/APR Response Table, the State reported that the remaining finding of uncorrected noncompliance identified in FFY 2011 based on FFYs 2008, 2009, and 2010 data was corrected.

REQUIRED ACTIONS

Because the State reported less than 100% compliance for FFY 2012, the State must report on the status of correction of noncompliance identified in FFY 2012 for this indicator. When reporting on the correction of noncompliance, the State must report, in its FFY 2013 APR, that it has verified that each EIS program or provider with noncompliance identified in FFY 2012 for this indicator: (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 2013 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 8C: As required by OSEP's FFY 2011 SPP/APR Response Table, the State reported that the remaining finding of uncorrected noncompliance identified in FFY 2011 based on FFYs 2008, 2009, and 2010 data was corrected.

REQUIRED ACTIONS

Because the State reported less than 100% compliance for FFY 2012, the State must report on the status of correction of noncompliance identified in FFY 2012 for this indicator. When reporting on the correction of noncompliance, the State must report, in its FFY 2013 APR, that it has verified that each EIS program or provider with noncompliance identified in FFY 2012 for this indicator: (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 2013 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 9: As required by OSEP's FFY 2011 SPP/APR Response Table, the State reported that the remaining five findings of uncorrected noncompliance identified in FFY 2011 based on FFYs 2008, 2009, and 2010 data were corrected.

REQUIRED ACTIONS

In responding to Indicators 1, 7, 8A, 8B, and 8C in the FFY 2013 SPP/APR, the State must report on correction of the noncompliance described in this table under those indicators.

Indicator 14: The State's FFY 2012 data for this indicator are 100%. However, OSEP recalculated the data for this indicator to be 98.4%.