



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 58505-0520

Dear Director Olson:

Thank you for the timely submission of North Dakota's FFY 2006 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part C of the Individuals with Disabilities Education Act (IDEA), as amended in 2004. We also acknowledge the revisions to North Dakota's SPP and APR received on April 14, 2008. We appreciate the State's efforts in preparing these documents.

The Department has determined that, under IDEA sections 616(d) and 642, North Dakota needs assistance in meeting the requirements of Part C of the IDEA. The Department's determination is based on the totality of the State's data and information including the State's FFY 2006 APR and revised SPP, other State-reported data, and other publicly available information. See the enclosure entitled "How the Department Made Determinations under Sections 616(d) and 642 of the IDEA in 2008" for further details.

Specific factors affecting OSEP's determination of needs assistance for North Dakota include: (1) for Indicator 7, the State reported 56.25% compliance with the 45-day timeline requirements and did not report correction of prior findings of noncompliance. These data represent progress from the State's FFY 2005 data of 39%; and (2) for Indicator 9, the State reported 44% compliance with the correction requirements, which data represent progress from the State's FFY 2005 data of 28%. For these reasons, we were unable to determine that your State met requirements under IDEA sections 616(d) and 642. OSEP notes that the State reported high levels of compliance for Indicators 1, 8A, 8B, and 8C. We hope that your State will demonstrate in next year's APR that it meets requirements.

The enclosed table provides OSEP's analysis of the State's FFY 2006 APR and revised SPP and identifies, by indicator, OSEP's review of any revisions made by the State to its targets, improvement activities (timelines and resources) and baseline data in the State's SPP. It also identifies, by indicator, the State's status in meeting its targets, whether the State's data reflect progress or slippage, and whether the State corrected noncompliance and provided valid and reliable data.

Your State may want to consider taking advantage of available sources of technical assistance. A list of sources of technical assistance related to the SPP/APR indicators is available by clicking on the "Technical Assistance Related to Determinations" box on the opening page of the SPP/APR Planning Calendar website at <http://spp-apr-calendar.rfcnetwork.org/>. You will be directed to a list of indicators. Click on specific

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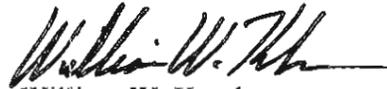
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indicators for a list of centers, documents, web seminars and other sources of relevant technical assistance for that indicator.

As you know, your 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 SPP under IDEA sections 616(b)(2)(C)(ii)(1) and 642. In addition, your State must review EIS program performance against targets in the State's SPP, determine if each EIS program meets the requirements of the IDEA and inform each EIS program of its determination. For further information regarding these requirements, see the SPP/APR Calendar at <http://spp-apr-calendar.rrfcnetwork.org/>. Finally, if you included revisions to baseline, targets or improvement activities in your APR submission, and OSEP accepted those revisions, please ensure that you update your SPP accordingly and that the updated SPP is made available to the public.

OSEP is committed to supporting North Dakota's efforts to improve results for infants and toddlers with disabilities and their families and looks forward to working with your State over the next year. If you have any questions, would like to discuss this further, or want to request technical assistance, please do not hesitate to call Jill Harris, your OSEP State Contact, at 202-245-7372.

Sincerely,



William W. Knudsen
Acting Director
Office of Special Education Programs

Enclosures

cc: Part C Coordinator