

**North Dakota Part B FFY 2006 SPP/APR Response Table**

While the State has publicly reported on the performance of each local education agency (LEA) located in the State on the targets in the State’s performance plan as required by IDEA section 616(b)(2)(C)(ii)(I), those reports do not contain the required information. Specifically, the State did not clearly reflect LEA program data on Indicators 4A and 6.

<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 youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma. [Results Indicator]</p>	<p>The State revised the baseline, targets, and improvement activities in its SPP and OSEP accepts those revisions.</p> <p>The State’s FFY 2006 reported data for this indicator are 79.57%. These data represent slippage from the revised FFY 2005 data of 80.24%.</p> <p>The State met its FFY 2006 target of 70%.</p>	<p>OSEP’s June 15, 2007 FFY 2005 SPP/APR response table required the State to include in the FFY 2006 APR, due February 1, 2008, the missing data from 30 schools and raw data for this indicator. The State submitted the required information.</p> <p>OSEP appreciates the State’s efforts to improve performance.</p>
<p>2. Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school. [Results Indicator]</p>	<p>The State revised the baseline, targets, and improvement activities in its SPP and OSEP accepts those revisions.</p> <p>The State’s FFY 2006 reported data for this indicator are 13.88%. These data represent slippage from the revised FFY 2005 data of 13.10%.</p> <p>The State met its FFY 2006 target of 13.92%.</p>	<p>OSEP’s June 15, 2007 FFY 2005 SPP/APR response table required the State to include in the FFY 2006 APR, due February 1, 2008, the missing data from 30 schools and raw data for this indicator. The State submitted the required information.</p> <p>OSEP appreciates the State’s efforts to improve performance.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments: A. Percent of districts that have a disability subgroup that meets the State’s minimum “n” size meeting the State’s AYP objectives for progress for disability subgroup. [Results Indicator]</p>	<p>The State’s FFY 2006 reported data for this indicator are 93.8% for reading and 98.2% for math. These data represent progress in reading from the FFY 2005 data of 93% and progress in math from the FFY 2005 data of 94.2%.</p> <p>The State did not meet its FFY 2006 target of 96.0% for reading and met its FFY 2006 target of 97.3% for math.</p>	<p>OSEP noted that the State incorrectly described the actual numbers for this indicator as being reported for Indicator 3C instead of 3A.</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 2007 APR, due February 1, 2009.</p>
<p>3. Participation and performance of children with disabilities on</p>	<p>The State’s FFY 2006 reported data for this indicator are 97.5% for reading and 97.4% for math.</p>	<p>OSEP appreciates the State’s efforts to improve performance.</p>

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<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
<p>statewide assessments:</p> <p>B. Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.</p> <p>[Results Indicator]</p>	<p>The State met its FFY 2006 target of 95% for reading and met its FFY 2006 target of 95% for math.</p>	
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2006 reported data for this indicator are 61.2% for reading and 58.6% for math. These data represent progress from the FFY 2005 data of 54.3% for reading and progress from the FFY 2005 data of 50.2% for math.</p> <p>The State met its FFY 2006 target of 57.8% for reading and met its FFY 2006 target of 52.5% for math.</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>
<p>4. Rates of suspension and expulsion:</p> <p>A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year; and</p> <p>[Results Indicator]</p>	<p>The State's FFY 2006 reported data for this indicator are 0.05%. These data represent slippage from the FFY 2005 data of 0%.</p> <p>The State met its FFY 2006 target of 0.97%.</p>	<p>OSEP's June 15, 2007 FFY 2005 SPP/APR response table required the State to include in the FFY 2006 APR, due February 1, 2008, a description of the review, and if appropriate revision, of policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA for the LEAs identified as having significant discrepancies. The State provided this information.</p> <p>OSEP appreciates the State's efforts to improve performance.</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																
		In reporting on this indicator in the FFY 2007 APR, due February 1, 2008, the State must describe the results of the State's examination of data from FFY 2007 (2007-2008).																
<p>4. Rates of suspension and expulsion:</p> <p>B. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity.</p> <p>[Results Indicator]</p>	Reporting on Indicator 4B was not required for the FFY 2006 APR.																	
<p>5. Percent of children with IEPs aged 6 through 21:</p> <p>A. Removed from regular class less than 21% of the day;</p> <p>B. Removed from regular class greater than 60% of the day; or</p> <p>C. Served in public or private separate schools, residential placements, or homebound or hospital placements.</p> <p>[Results Indicator]</p>	<p>The State's reported data for this indicator are:</p> <table border="1" data-bbox="548 883 1419 1263"> <thead> <tr> <th></th> <th>FFY 2005 Data</th> <th>FFY 2006 Data</th> <th>FFY 2006 Target</th> </tr> </thead> <tbody> <tr> <td>A. Removed from regular class less than 21% of the day.</td> <td>78.62%</td> <td>77.83%</td> <td>78.5%</td> </tr> <tr> <td>B. Removed from regular class greater than 60% of the day.</td> <td>3.94%</td> <td>3.59%</td> <td>3.9%</td> </tr> <tr> <td>C. Served in public or private separate schools, residential placements, or homebound or hospital placements.</td> <td>2.14%</td> <td>2.14%</td> <td>2%</td> </tr> </tbody> </table> <p>These data represent slippage for 5A, progress for 5B, and progress for 5C. The State did not meet its FFY 2006 target for 5A, but met its targets for 5B and 5C.</p>		FFY 2005 Data	FFY 2006 Data	FFY 2006 Target	A. Removed from regular class less than 21% of the day.	78.62%	77.83%	78.5%	B. Removed from regular class greater than 60% of the day.	3.94%	3.59%	3.9%	C. Served in public or private separate schools, residential placements, or homebound or hospital placements.	2.14%	2.14%	2%	OSEP appreciates the State's efforts to improve performance and looks forward to the State's data demonstrating improvement in performance in the FFY 2007 APR, due February 1, 2009.
	FFY 2005 Data	FFY 2006 Data	FFY 2006 Target															
A. Removed from regular class less than 21% of the day.	78.62%	77.83%	78.5%															
B. Removed from regular class greater than 60% of the day.	3.94%	3.59%	3.9%															
C. Served in public or private separate schools, residential placements, or homebound or hospital placements.	2.14%	2.14%	2%															
<p>6. Percent of preschool children with IEPs who received special education and related services in</p>	Reporting on Indicator 6 was not required for the FFY 2006 APR.																	

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																								
<p>settings with typically developing peers (i.e., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).</p> <p>[Results Indicator]</p>																										
<p>7. Percent of preschool children with IEPs who demonstrate improved:</p> <p>A. Positive social-emotional skills (including social relationships);</p> <p>B. Acquisition and use of knowledge and skills (including early language/ communication and early literacy); and</p> <p>C. Use of appropriate behaviors to meet their needs.</p> <p>[Results Indicator; New]</p>	<p>The State's FFY 2006 reported progress data for this indicator are:</p> <table border="1" data-bbox="548 532 1453 1214"> <thead> <tr> <th data-bbox="548 532 1037 704">06-07 Preschool Outcome Progress Data</th> <th data-bbox="1037 532 1167 704">Social Emotional</th> <th data-bbox="1167 532 1312 704">Knowledge &amp; Skills</th> <th data-bbox="1312 532 1453 704">Appropriate Behavior</th> </tr> </thead> <tbody> <tr> <td data-bbox="548 704 1037 773">a. % of preschoolers who did not improve functioning.</td> <td align="center" data-bbox="1037 704 1167 773">0%</td> <td align="center" data-bbox="1167 704 1312 773">0%</td> <td align="center" data-bbox="1312 704 1453 773">0%</td> </tr> <tr> <td data-bbox="548 773 1037 907">b. % of preschoolers who improved but not sufficient to move nearer to functioning comparable to same-aged peers.</td> <td align="center" data-bbox="1037 773 1167 907">0%</td> <td align="center" data-bbox="1167 773 1312 907">0%</td> <td align="center" data-bbox="1312 773 1453 907">0%</td> </tr> <tr> <td data-bbox="548 907 1037 1011">c. % of preschoolers who improved to a level nearer to same-aged peers but did not reach it.</td> <td align="center" data-bbox="1037 907 1167 1011">0%</td> <td align="center" data-bbox="1167 907 1312 1011">0%</td> <td align="center" data-bbox="1312 907 1453 1011">0%</td> </tr> <tr> <td data-bbox="548 1011 1037 1115">d. % of preschoolers who improved functioning to reach a level comparable to same-aged peers.</td> <td align="center" data-bbox="1037 1011 1167 1115">100%</td> <td align="center" data-bbox="1167 1011 1312 1115">100%</td> <td align="center" data-bbox="1312 1011 1453 1115">100%</td> </tr> <tr> <td data-bbox="548 1115 1037 1214">e. % of preschoolers who maintained functioning at a level comparable to same-aged peers.</td> <td align="center" data-bbox="1037 1115 1167 1214">0%</td> <td align="center" data-bbox="1167 1115 1312 1214">0%</td> <td align="center" data-bbox="1312 1115 1453 1214">0%</td> </tr> </tbody> </table> <p>The State provided improvement activities for this indicator covering the remaining years of the SPP.</p>	06-07 Preschool Outcome Progress Data	Social Emotional	Knowledge & Skills	Appropriate Behavior	a. % of preschoolers who did not improve functioning.	0%	0%	0%	b. % of preschoolers who improved but not sufficient to move nearer to functioning comparable to same-aged peers.	0%	0%	0%	c. % of preschoolers who improved to a level nearer to same-aged peers but did not reach it.	0%	0%	0%	d. % of preschoolers who improved functioning to reach a level comparable to same-aged peers.	100%	100%	100%	e. % of preschoolers who maintained functioning at a level comparable to same-aged peers.	0%	0%	0%	<p>OSEP's June 15, 2007 FFY 2005 SPP/APR response table required the State to include in the FFY 2006 APR, due February 1, 2008, entry data, instruments and method to get baseline data for this indicator; a sampling plan or indication of how it would collect its data, and definition of comparable to same aged peers. The State provided this information.</p> <p>The State reported the required progress data and improvement activities. The State must provide progress data with the FFY 2007 APR, due February 1, 2009, and baseline data and targets with the FFY 2008 APR, due February 1, 2010.</p>
06-07 Preschool Outcome Progress Data	Social Emotional	Knowledge & Skills	Appropriate Behavior																							
a. % of preschoolers who did not improve functioning.	0%	0%	0%																							
b. % of preschoolers who improved but not sufficient to move nearer to functioning comparable to same-aged peers.	0%	0%	0%																							
c. % of preschoolers who improved to a level nearer to same-aged peers but did not reach it.	0%	0%	0%																							
d. % of preschoolers who improved functioning to reach a level comparable to same-aged peers.	100%	100%	100%																							
e. % of preschoolers who maintained functioning at a level comparable to same-aged peers.	0%	0%	0%																							
<p>8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for</p>	<p>The State's FFY 2006 reported data for this indicator are 95%. These data represent progress from the FFY 2005 data of 92.8%.</p> <p>The State met its FFY 2006 target of 86%.</p>	<p>OSEP's June 15, 2007 FFY 2005 SPP/APR response table required the State to include in the FFY 2006 APR, due February 1, 2008, information to demonstrate that the response group is</p>																								

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<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
<p>children with disabilities. [Results Indicator]</p>		<p>representative of the State. The State provided this information.  OSEP appreciates the State's efforts to improve performance.</p>
<p>9. Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.  [Compliance Indicator]</p>	<p>The State's FFY 2006 reported data for this indicator are 0%. OSEP cannot determine if there was progress or slippage because the State did not provide appropriate baseline data from FFY 2005 on the percentage of districts identified with disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification. The State met its target of 0%.</p>	<p>OSEP's June 15, 2007 FFY 2005 SPP/APR response table required the State to provide data on the percent of districts identified in FFY 2006 with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification, and describe how the State made that determination, even if the determination occurs in the fall of 2007. The State provided this information.  OSEP noted that the State used the phrases "potential disproportionate representation" and "potential disproportionality" to describe those districts with disproportionate representation but with no determination of whether it was the result of inappropriate identification. OSEP interpreted this phrase to mean districts with disproportionate representation that was potentially the result of inappropriate identification. OSEP also noted that the State did not revise the SPP or Appendix A to the APR (policies and procedures) consistent with its descriptions under Indicators 9 and 10 of the APR. The State must revise these and provide documentation with the FFY 2007 APR, due February 1, 2009.  OSEP appreciates the State's efforts</p>

**North Dakota Part B FFY 2006 SPP/APR Response Table**

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. [Compliance Indicator]</p>	<p>The State's FFY 2006 reported data for this indicator are 0%. OSEP cannot determine if there was progress or slippage because the State did not provide appropriate baseline data from FFY 2005 on the percentage of districts identified with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification. The State met its target of 0%.</p>	<p>regarding this indicator for FFY 2006.</p> <p>OSEP's June 15, 2007 FFY 2005 SPP/APR response table required the State to include in the FFY 2006 APR, due February 1, 2008 data on the percent of districts identified in FFY 2006 with disproportionate representation of racial and ethnic groups that is the result of inappropriate identification, and describe how the State made that determination, even if the determination occurs in the fall of 2007. The State provided this information.</p> <p>OSEP also noted that the State did not revise the SPP or Appendix A to the APR (policies and procedures) consistent with its descriptions under Indicators 9 and 10 of the APR. The State must revise these and provide documentation with the FFY 2007 APR, due February 1, 2009.</p> <p>OSEP appreciates the State's efforts regarding this indicator for FFY 2006.</p>
<p>11. Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State established timeline). [Compliance Indicator]</p>	<p>The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>The State's FFY 2006 reported data for this indicator are 95.7%. These data represent progress from the FFY 2005 data of 88.09%.</p> <p>The State did not meet its FFY 2006 target of 100%.</p> <p>The State reported that 16 of 23 findings of noncompliance identified in FFY 2005 were corrected in a timely manner.</p>	<p>The State reported that noncompliance identified in FFY 2005 with the timely evaluations requirements in 34 CFR §300.301(c)(1) was partially corrected. The State must demonstrate, in the FFY 2007 APR, due February 1, 2009, that the uncorrected noncompliance was corrected.</p> <p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2007 APR, due February 1, 2009, the State's data demonstrating that it is in compliance with the requirements in 34 CFR §300.301(c)(1), including reporting</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		correction of the noncompliance identified in the FFY 2006 APR.
<p>12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.</p> <p>[Compliance Indicator]</p>	<p>The State established the baseline and revised improvement activities for this indicator in its SPP and OSEP accepts those revisions. Although the State did not report data for this indicator in its FFY 2005 APR, it has demonstrated improvement in its data collection system.</p> <p>The State's FFY 2006 reported data for this indicator are 90.09%. These data represent slippage from the FFY 2005 data of 94.62%.</p> <p>The State did not meet its FFY 2006 target of 100%.</p> <p>The State reported that 6 of 8 findings of noncompliance identified in FFY 2005 were corrected in a timely manner.</p>	<p>The State reported that noncompliance identified in FFY 2005 with the early childhood transition requirements in 34 CFR §300.124(b) was partially corrected. The State must demonstrate, in the FFY 2007 APR, due February 1, 2009, that the uncorrected noncompliance was corrected.</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 2007 APR, due February 1, 2009, demonstrating that the State is in compliance with the requirements in 34 CFR §300.124(b), including reporting correction of the noncompliance identified in the FFY 2006 APR.</p>
<p>13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.</p> <p>[Compliance Indicator]</p>	<p>The State revised its baseline for this indicator in its SPP and OSEP accepts those revisions.</p> <p>The State's FFY 2006 reported data for this indicator are 68.11%. These data represent progress from the revised FFY 2005 data of 18.1%.</p> <p>The State did not meet its FFY 2006 target of 100%.</p> <p>The State reported that 124 of 180 findings of noncompliance identified in FFY 2005 were corrected in a timely manner.</p>	<p>The State reported that noncompliance identified in FFY 2005 with the secondary transition requirements in 34 CFR §300.320(b) was partially corrected. The State must demonstrate, in the FFY 2007 APR, due February 1, 2009, that the uncorrected noncompliance was corrected.</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 2007 APR, due February 1, 2009, demonstrating that the State is in compliance with the requirements in 34 CFR §300.320(b), including reporting correction of the noncompliance identified in the FFY 2006 APR.</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.</p> <p>[Results Indicator; New]</p>	<p>The State provided baseline data, targets, and improvement activities for this indicator in its SPP and OSEP accepts the SPP for this indicator.</p> <p>The State's FFY 2006 reported baseline data for this indicator are 81.8%.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2007 APR, due February 1, 2009.</p>
<p>15. 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.</p> <p>[Compliance Indicator]</p>	<p>The State revised the FFY 2005 data in its APR and OSEP accepts this revision. The State's FFY 2006 reported data for this indicator are 70.27%. These data represent slippage from the revised FFY 2005 data of 78%.</p> <p>The State did not meet its FFY 2006 target of 100%.</p> <p>The State reported on general follow-up activities, but did not report on any specific follow-up activities related to the uncorrected noncompliance.</p>	<p>OSEP's November 13, 2007 response letter to the State's document, "<i>ND Special Education IDEA Level Internal Monitoring Procedures</i>," required the State to address the following in the February 1, 2008 APR: (1) for Indicators 9 and 10, the determinations regarding the appropriateness of identification for districts identified with disproportionate representation; (2) for Indicators 11, 12 and 13, use the appropriate time period for data collection and reporting; and (3) for Indicator 13, clarify the procedures used to monitor districts. The State submitted the required information.</p> <p>OSEP's June 15, 2007 FFY 2005 SPP/APR response table required the State to include in the February 1, 2008 APR data demonstrating correction of all previously identified noncompliance, and the timely correction of noncompliance identified in 2005-2006. The response table also required the State to report on the status of correction of the noncompliance identified during FFY 2004 and FFY 2005. The State provided data on the timely correction of noncompliance findings made in FFY 2004 and FFY 2005,</p>



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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>but did not report on the specific status of findings that were not timely corrected. Instead, the State reported on general follow-up activities. The State must demonstrate, in the FFY 2007 APR, due February 1, 2009, that the State has corrected the remaining noncompliance identified in Indicator 15 from FFY 2004 and 2005.</p> <p>In addition, the response table required the State, in reporting on Indicators 11 and 13, to report on the correction of the noncompliance identified for those indicators in FFY 2005. The State submitted the required information.</p> <p>The State must review its improvement activities and revise, if appropriate, to ensure they will enable the State to provide data in the FFY 2007 APR, due February 1, 2009, demonstrating that the State timely corrected noncompliance identified in FFY 2006 (2006-2007) under this indicator in accordance with 20 U.S.C. 1232d(b)(3)(E) and 34 CFR §§300.149 and 300.600.</p> <p>In addition, in responding to Indicators 11, 12, and 13, the State must specifically identify and address the noncompliance identified in this table under those indicators.</p>
<p>16. Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with</p>	<p>The State's FFY 2006 reported data for this indicator are 100%. These data are based on three complaints. These data remain unchanged from the FFY 2005 data of 100%.</p> <p>The State met its FFY 2006 target of 100%.</p>	<p>OSEP appreciates the State's efforts in achieving compliance with the timely complaint resolution requirements in 34 CFR §300.152.</p>

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respect to a particular complaint. [Compliance Indicator]		
17. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party. [Compliance Indicator]	The State reported that it did not receive any due process hearing requests during the reporting period.	OSEP looks forward to reviewing the State's data in the FFY 2007 APR, due February 1, 2009.
18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements. [Results Indicator]	The State reported that no resolution sessions were held during the reporting period.	OSEP looks forward to reviewing the State's data in the FFY 2007 APR, due February 1, 2009.
19. Percent of mediations held that resulted in mediation agreements. [Results Indicator]	The State reported that one of two mediations held resulted in mediation agreements.  The State reported fewer than 10 mediations held in FFY 2006. The State is not required to provide targets or improvement activities until any FFY in which 10 or more mediations were conducted/due process hearings were requested.	OSEP looks forward to reviewing the State's data in the FFY 2007 APR, due February 1, 2009.
20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]	The State's FFY 2006 reported data for this indicator are 97.5%. However, OSEP's calculation of the data for this indicator is 91.6%.  The State did not meet its FFY 2006 targets of 100%.	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 2007 APR, due February 1, 2009, demonstrating that the State is in compliance with the timely and accurate data requirements in IDEA sections 616 and 618 and 34 CFR §§76.720 and 300.601(b).