

Table A – North Dakota B
Issues Identified in the State Performance Plan

SPP Indicator	Issue	Required Action
<p>Indicator 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. (20 U.S.C. 1416(a)(3)(B))</p>	<p><u>Noncompliance:</u> On page 54 of the SPP, North Dakota reported that it “currently does not have the capabilities to analyze and establish the required baselines for Indicator 12” but that it is piloting a program that will allow it to compile this data. Therefore, the State has not demonstrated that it is ensuring compliance with the requirement at 34 CFR §300.132(b) (Sect. 612(a)(9)), that an IEP or, if appropriate, an IFSP has been developed and is being implemented, by the third birthday of a child with disabilities participating in the Part C program who will participate in the preschool program under Part B.</p>	<p>The State must ensure that this noncompliance is corrected within one year of its identification and include data in the APR, due February 1, 2007, that demonstrate compliance with this requirement. The State should review and, if necessary revise, its improvement strategies included in the SPP to ensure they will enable the State to include data in the APR, that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP’s determination of the State’s status under section 616(d) of the IDEA.</p>
<p>Indicator 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. (20 U.S.C. 1416 (a)(3)(B))</p>	<p><u>Noncompliance:</u> On page 74 of the SPP, the State reported an 87.8% level of compliance for Indicator 15A (percent of noncompliance related to monitoring priority areas and indicators corrected within one year of identification), specifically the requirement at 34 CFR §300.600.</p>	<p>The State must ensure that all noncompliance is corrected within one year of identification and include data in the APR, due February 1, 2007, that demonstrate compliance with this requirement. The State should review and, if necessary revise, its improvement strategies included in the SPP, to ensure they will enable the State to include data in the APR, that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP’s determination of the State’s status under section 616(d) of the IDEA.</p>