

Table B – North Dakota B
Previously Identified Issues

Issue	State Submission	OSEP Analysis	Required Action
<p><u>Indicator 4: Rates of Suspension and Expulsion.</u></p> <p>OSEP's October 18, 2005 FFY 2003 APR response letter required North Dakota to provide, no later than 60 days from the date of the letter, either: (A) data and analysis demonstrating that it is meeting the requirements at 34 CFR §300.146(b) that the North Dakota Department of Public Instruction (NDDPI) examines data to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities either among LEAs in the State, or compared to the rates for children without disabilities within the agencies. If discrepancies are occurring, NDDPI must review and, if appropriate, revise (or require the affected State agency or LEA to revise) its policies, procedures and practices relating to the development and implementation of IEPs, the use of behavioral interventions and procedural safeguards, to ensure that these policies, procedures and practices comply with IDEA; or (B) a plan, including strategies, proposed evidence of change, targets and timelines designed to ensure correction of the noncompliance as soon as possible and not more than one year after OSEP accepted the plan.</p>	<p>NDDPI's December 2, 2005 letter stated that baseline data and a plan would be submitted in the SPP.</p> <p>On page 20 of the SPP, North Dakota submitted suspension and expulsion data and, on pages 22-23, a plan for addressing LEAs identified as having a significant discrepancy in the rates of long-term suspensions and expulsions of children with disabilities.</p> <p>Specifically, the State reported that, "For a school district identified with potentially excessive rates of suspensions and expulsions, the local school district will collaborate with their special education unit to review their policies and procedures. Additional evaluation and follow-up will be provided by the state upon review of the local findings."</p> <p>As a specific planned activity, the State included: "Review school district policies and procedures for suspensions and expulsions of all schools identified as having suspension and expulsions rates greater than those identified in the state's target matrix."</p>	<p>Using FFY 2004 for a baseline, North Dakota reported that, based on the State's definition of significant discrepancy, two districts (0.97%) met the criteria when comparing suspension and expulsion rates of children with and without disabilities. However, North Dakota did not specify that it had ensured compliance with, nor do the plan and activities fully address the requirements of, 34 CFR §300.146 (Section 612(a)(22)). That is, the State must ensure the review and, if appropriate, revision of policies, procedures and practices relating to the development and implementation of IEPs, the use of behavioral interventions and supports, and procedural safeguards, to ensure that the policies, procedures and practices comply with the IDEA.</p>	<p>The State must ensure compliance with 34 CFR §300.146 (Section 612(a)(22)), revise its plan and activities to be fully consistent with this requirement, and include the revisions and data in the APR, due February 1, 2007, that demonstrate 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>