

Table B – Part C (North Dakota)

Previously-Identified Issues

Issue	State Submission	OSEP Analysis	Required Action
<p><b>Indicator 2</b></p> <p>Early Intervention Services in Natural Environments 34 CFR §§303.344(d)(1)(ii) and 303.12(b)</p> <p>OSEP's January 19, 2005 response to the State's combined FFY 2000, 2001, and 2002 APRs required the State to provide in the FFY 2003 APR:</p> <ol style="list-style-type: none"> <li>1. Updated data regarding the provision of services in natural environments; and</li> <li>2. Monitoring data on compliance with 34 CFR §303.344(d)(1)(ii), which requires the IFSP to contain a justification of the extent, if any, to which services will not be provided in a natural environment.</li> </ol>	<p>The State reported data indicating that 96.2% of eligible infants and toddlers received early intervention services in the natural environment (SPP page 6).</p> <p>The State reported data indicating the circumstances that justified providing the early intervention services in settings other than the natural environment (SPP pages 6-7).</p> <p>The State also indicated that all situations of services not provided in the home or with peers were accounted for by the IFSP team (SPP page 30).</p>	<p>The State reported data showing correction of the previously-identified noncompliance with the requirements at 34 CFR §303.344(d)(1)(ii). OSEP appreciates the State's efforts in ensuring compliance with this requirement.</p>	<p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate continuing improvement in performance with this requirement.</p>

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<p><b>Other</b></p> <p>Early Intervention Services in Natural Environments 34 CFR §303.344(d)</p> <p>OSEP’s January 19, 2005 response to the State’s combined FFY 2000, 2001 and 2002 APRs required the State to provide, in the FFY 2003 APR, data on the direct early intervention services (other than home visits and parent training and support):</p> <ol style="list-style-type: none"> <li>1. Identified as needed by an eligible child and family; and</li> <li>2. Received by an eligible child and family.</li> </ol>	<p>The State indicated that 176 children received a direct therapy service in addition to primary coaching service and consultation support from the Infant Development Program (SPP page 2).</p>	<p>It is unclear from the data submitted the type of early intervention services that were identified as needed or received by eligible children and families as required by 34 CFR §303.344(d).</p>	<p>The State must ensure that it is implementing its improvement strategies to enable the State to include data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement. In the APR, the State must include:</p> <ol style="list-style-type: none"> <li>1. Data on the direct early intervention services (other than home visits and parent training and support) provided eligible children and families, which may include an analysis of data the State reports under section 618; and</li> <li>2. Confirmation that the early intervention services identified as needed by eligible children and families were made on an individualized basis.</li> </ol> <p>Failure to provide data by that time demonstrating compliance will affect OSEP’s determination of the State’s status under section 616(d) of the IDEA.</p>
<p><b>Other</b></p> <p>Early Intervention Services in Natural Environments 34 CFR §§303.23(a) and 303.321(e)</p> <p>OSEP’s January 19, 2005 response to the State’s combined FFY 2000, 2001 and 2002 APRs required the</p>	<p>The State indicated that it has ongoing improvement activities in the area of technical assistance and training for service coordinators regarding activities that support parents who participate in the State’s Part C program (SPP page 8).</p>	<p>The State has provided the requested documentation.</p>	<p>No further action required.</p>

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<p>State to confirm, in the FFY 2003 APR, that it had implemented training activities and developed materials for service coordinators that were described in the State's combined FFY 2000, 2001, and 2002 APR.</p>			
<p><b>Indicator 3</b></p> <p>Child Outcome 34 CFR §303.322(c)(3)(ii)</p> <p>OSEP's January 19, 2005 response to the State's combined FFY 2000, 2001 and 2002 APRs required the State to provide, in the FFY 2003 APR, with respect to improved and sustained functional abilities, data (whether collected through sampling, monitoring, or other methods), targets for improved performance and strategies to achieve those targets for this area, or its plan to collect and submit the data for the FFY 2004 APR, including a detailed timeline of the activities necessary to implement the plan.</p>	<p>The State provided its plan to collect and submit entry data in the FFY 2005 APR due February 1, 2007, and baseline, target, and progress data in the FFY 2006 APR due on February 1, 2008 (SPP page 10).</p>	<p>OSEP recognizes the effort made by the State in improving performance with this requirement.</p>	<p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate continued improved performance with this requirement.</p>
<p><b>Indicator 5 and 6</b></p> <p>Child Find 34 CFR §§303.320-303.321</p> <p>OSEP's January 19, 2005 response to the State's combined FFY 2000, 2001 and 2002 APRs required the</p>	<p>The State reported that its child find efforts included a distribution of brochures about its Part C program to special education units, clinics, hospitals, programs for homeless individuals, WIC programs, county and tribal social service agencies, public health offices, religious organizations,</p>	<p>The State reported on its child find efforts, but did not submit language showing that it had deleted a child find target that references a racial or ethnic subgroup; however, in the SPP, there was no mention of a numeric child find target that referenced American Indian infants and toddlers.</p>	<p>OSEP assumes that since the State's SPP did not include numeric targets on American Indian infants and toddlers, the concern from the OSEP January 19, 2005 combined FFY 2000, 2001 and 2002 APR response letter related to this specific subgroup has been addressed. No</p>

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<p>State to submit in its FFY 2003 APR, language showing that it had deleted a numerical child find target that referenced American Indian infants and toddlers and a report describing its child find efforts.</p>	<p>Regional ICCs, conferences, fairs and pow wows (SPP page 15).</p>		<p>further action is needed.</p>
<p><b>Indicator 7</b></p> <p>45-day timeline 34 CFR §§303.321(e)(2)(i), 303.322(c)(3)(ii) and 303.322(e)(1)</p> <p>OSEP's September 1999 Monitoring Report initially identified the State's noncompliance with the requirement that evaluations must be conducted in five developmental areas within 45 days from referral. OSEP's January 19, 2005 response to the State's combined FFY 2000, 2001 and 2002 APRs required the State to submit in its FFY 2003 APR, data indicating that evaluations were conducted:</p> <ol style="list-style-type: none"> <li>1. In the five developmental areas at 34 CFR §303.322(c)(3)(ii); and</li> <li>2. Within 45 days of referral as required by 34 CFR §§303.321(e)(2)(i) and 303.322(e)(1).</li> </ol> <p>OSEP's January 19, 2005 letter informed the State that failure to provide any data or data demonstrating compliance by the</p>	<p>The State reported that noncompliance is being identified and technical assistance provided in the area of multi-disciplinary evaluations that incorporate the five developmental areas (SPP page 30).</p> <p>The State reported data indicating that for the period July 2004 through June 2005, 50.1% of eligible children had evaluations, assessments and an initial IFSP meeting completed within 45 days of referral (SPP page 21). The State also indicated that noncompliance in this area was identified in all eight regions (SPP page 30).</p>	<p>OSEP initially identified noncompliance regarding 34 CFR §§303.321(e)(2)(i), 303.322(c)(3)(ii), and 303.322(e)(1) in the September 1999 Monitoring Report and required correction.</p> <p>The State did not submit data indicating that evaluations are conducted in the five developmental areas required at 34 CFR §303.322(c)(3)(ii).</p> <p>The State provided data that demonstrate noncompliance with the requirements at 34 CFR §§303.321(e)(2)(i), 303.322(c)(3)(ii) and 303.322(e)(1) regarding completion of evaluations within 45 days of referral.</p>	<p>The State must provide data demonstrating compliance by June 1, 2006. The State must submit data that demonstrates the percent of:</p> <ol style="list-style-type: none"> <li>1. Evaluations completed for eligible children in the required five developmental areas compared with all evaluations conducted; and</li> <li>2. All evaluations completed within 45 days of referral excluding delays caused by family circumstances as discussed in Table A relating to this indicator.</li> </ol> <p>Failure to provide data by that time demonstrating compliance may result in the State's being designated a "high risk" grantee or otherwise affect its FFY 2006 grant award.</p> <p>See Table A for issues in the State Performance Plan relating to this indicator.</p>

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<p>FFY 2003 APR may result in a designation as a “high risk” grantee for its FFY 2005 Part C grant. The State has not submitted its FFY 2003 APR.</p>			
<p><b>Indicator 8</b></p> <p>Transition 34 CFR §§303.148(b)(2)(i); 303.148(b)(4), and 303.344(h)</p> <p>OSEP’s January 19, 2005 response to the State’s combined FFY 2000, 2001 and 2002 APRs required the State to submit in its FFY 2003 APR data (through monitoring or sample IFSP record review or other data) on the:</p> <p>8A – Percentage of children exiting Part C at age three who do not have IFSPs that meet the transition step and planning requirements of 34 CFR §§303.148(b)(4) and 303.344(h); and</p> <p>8C – Number of children who are 2 years and 9 months and potentially eligible under Part B, and whose parents have agreed to a transition conference, for whom the transition conference was timely held under 34 CFR §303.148(b)(2).</p>	<p>8A – The State reported data indicating that 97% of children exiting Part C had an IFSP with transition steps and services (SPP page 24).</p> <p>8C – The State reported data indicating that 87% of children exiting Part C and potentially eligible for Part B had a transition conference 90 days before their third birthday (SPP page 24).</p>	<p>8A – The State reported a 97% level of compliance with the transition steps and planning requirements of 34 CFR §§303.148(b)(4) and 303.344(h).</p> <p>8C – The State provided data that demonstrate noncompliance with the transition conference requirement at 34 CFR §303.148(b)(2)(i). The level of compliance reported was 87%.</p>	<p>While the level of compliance for these transition requirements is below 100% and requires continued implementation of improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in working toward compliance with this requirement.</p> <p>8A – OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement.</p> <p>8C – The State must also include data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement. The State should report this data as discussed in Table A by not including in the calculation children for whom the family did not provide approval to hold the conference. The State must review and, if necessary revise, its improvement strategies to ensure they will enable the State to include data in the APR that demonstrate full compliance with this requirement.</p> <p>See Table A for issues in the State Performance Plan relating to this indicator.</p>

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<p><b>Indicator 9</b></p> <p>General Supervision 34 CFR §303.501</p> <p>OSEP’s September 1999 Monitoring Report initially identified the State’s noncompliance with the supervision and monitoring requirements of 34 CFR §303.501, and required correction.</p> <p>OSEP’s January 19, 2005 letter responding to the State’s combined 2000, 2001 and 2002 APR accepted the State’s plan for ensuring compliance with Part C monitoring requirements and required the State to correct the noncompliance within one year and submit a final report that demonstrated full compliance within 30 days after the one year period, which was February 20, 2006.</p> <p>OSEP’s January 19, 2005 letter also required the State to provide data and information in the FFY 2003 APR demonstrating compliance with the general supervision requirements of 34 CFR §303.501.</p> <p>The State has not submitted the FFY 2003 APR or the February 2006 final report.</p>	<p>On page 30 of the SPP, the State reported data for SPP indicator areas in which noncompliance had been identified. The State did not report data indicating whether the identified noncompliance was corrected within one year of its identification.</p>	<p>OSEP’s September 1999 Monitoring Report initially identified the State’s noncompliance with the supervision and monitoring requirements of 34 CFR §303.501, and required correction.</p> <p>The State did not submit data demonstrating that it has corrected noncompliance with the requirement that its general supervision system must identify and correct noncompliance as soon as possible but in no case later than one year from identification.</p>	<p>By June 1, 2006, the State must provide data demonstrating correction of identified noncompliance with data demonstrating either:</p> <ol style="list-style-type: none"> <li>1. Correction of the noncompliance the State identified in FFY 2004 in the eight regions if the one year for correction has expired or the status of the correction if the one year period has not yet expired; or</li> <li>2. Correction within one year of identification, any noncompliance the State identified in the eight regions prior to FFY 2004.</li> </ol> <p>Failure to provide data by June 1, 2006 demonstrating compliance may result in the State's being designated a "high risk" grantee or otherwise affect its FFY 2006 grant award.</p> <p>See Table A for issues in the State Performance Plan relating to this indicator.</p>