2014 LEA Determinations Process

State's Review and §616 Determination Criteria for LEAs

Under the Individuals with Disabilities Education Act (IDEA) §616, States are required to make annual determinations about the performance of the LEAs using the categories:

- Meets Requirements
- Needs Assistance
- Needs Intervention
- Needs Substantial Intervention

Determination Criteria

Federally Required Elements

States must consider the following four *federally required elements* in assigning a Determination level for LEAs:

- 1. Performance on compliance indicators 9, 10, 11, 12, and 13 in the State Performance Plan (SPP):
- 2. Whether data submitted by LEAs is valid, reliable, and timely on Indicators 7, 11, 12, 13, and 14;
- 3. Uncorrected noncompliance from other sources (complaints resolution, adverse due process hearing decisions, residential facility monitoring and monitoring activities); and
- 4. Any financial audit findings

State Defined Elements

States may choose to define additional elements in making Determinations. In order to more accurately reflect LEA performance as indicated by data results, the Texas Education Agency (TEA) has incorporated the following *state defined elements*:

- 5. Performance-Based Monitoring (PBM) Program Effectiveness (stage of intervention for the special education program area)
- 6. Significant Disproportionality

Determination Rating

The TEA reviews LEA information in all six elements, assigns a point value for each element, and aggregates the total in order to establish the LEA's Determination level.

The following matrix provides a crosswalk from the Determination level to the total of rating points associated with each level.

Crosswalk of Rating Scale to Determination Level

Determination Level	Total Rating Points
Meets Requirements	0 -1 Points
Needs Assistance	2 Points
Needs Intervention	3 Points
Needs Substantial Intervention	4 or More Points

2014 LEA Determinations Data Elements

LEAs will be assigned a Determination level based on the data reviewed in the following matrix.

Federally Required Element	Description	Data Source/Timeframe
State Performance	Performance on SPP Compliance Indicators:	Division of Federal and State Education Policy
Plan (SPP) Compliance Indicators	 9: Disproportionality of racial and ethnic groups (African American, Asian, Hispanic, Native American, White) in the special education program that is the result of inappropriate identification 	Data submission for the 2012-2013 school year
	10: Disproportionality of racial and ethnic groups (African American, Asian, Hispanic, Native American, White) by specific disability (Autism, Emotional Disturbance, Learning Disability, Mental Retardation, Other Health Impaired, Speech Impairment) in the special education program that is the result of inappropriate identification	
	 11: Compliance with Initial Evaluation Timelines 	
	 12: Compliance with Early Childhood Transition Timelines 	
	13: Compliance with Secondary Transition IEP Requirements	
Valid, Reliable, and Timely Data	Performance on Person Identification Database (PID) Reporting: Fall and Summer Collections	Data submitted through Public Education Information Management System (PEIMS) and the SPP Online Applications for the 2012-2013 school year
	Performance on Reporting Valid, Reliable, and Timely Data for SPP Indicators 7, 11, 12, 13, and 14	

Federally Required Element	Description	Data Source/Timeframe
3. Status of Uncorrected Noncompliance	Performance in timely correction of identified noncompliance (e.g. identified in a given school year and corrected as soon as possible but not later than one year after identification)	Division of Program Monitoring and Interventions October 1, 2012 to October 1, 2013 Division of Federal and State Education Policy (Complaints Resolution and Adverse Due Process Hearing Decisions) July 1, 2012 to June 30, 2013
4. Financial Audits	Financial Performance based on timely correction of any audit findings specific to IDEA B grant funds.(e.g. identified in a given school year and corrected within the specified audit correction timeline determined in the audit finding)	Division of Financial Audits July 1, 2012 to June 30, 2013

State Defined Element	Description	Data Source
5. Program Effectiveness	Overall Program Effectiveness in Performance-Based Monitoring (PBM) System	Division of Program Monitoring and Interventions October 1, 2012 to October 1, 2013
6. Significant Disproportionality	Significant disproportionality based on race or ethnicity with respect to: • the identification of students as students with disabilities, ages 6-21, including identification as students with particular impairments; • the placement of students in particular educational settings; and • the incidence, duration, and type of disciplinary actions occurring for students, including suspensions and expulsions	Division of Federal and State Education Policy 2012-2013 and 2013-2014 disproportionality data

Explanation of 2014 LEA Determinations Data Elements

1. State Performance Plan (SPP) Compliance Indicators:

To meet the data element standard, LEAs must not have disproportionate representation that is the result of inappropriate identification (SPP indicators 9 and 10), and must report at least 95% or higher compliance with SPP indicators 11, 12, and 13 for the 2012-2013 school year.

2. Valid, Reliable, and Timely Data:

To meet the data element standard, LEAs must have met the Person Identification Database (PID) Error Rate Standard reporting based on the summer and fall collections, July 1, 2012, to June 30, 2013, and must have reported valid, reliable, and timely data for SPP indicators 7, 11, 12, and 13 for the 2012-2013 school year.

3. Uncorrected Noncompliance:

To meet the data element standard, LEAs must have corrected all identified noncompliance as soon as possible, but not later than one year after notification from the TEA of the noncompliance.

Uncorrected noncompliance is noncompliance that has not been corrected one year after the LEA was notified of the noncompliance by the TEA. Residential facility monitoring and monitoring activity data are based on noncompliance required to have been corrected during the calendar year from October 1, 2012, to October 1, 2013. Complaints resolution and adverse due process hearing decision corrective action data are based on noncompliance required to have been corrected during the calendar year from July 1, 2012, to June 30, 2013. Any LEA failing to correct previously identified noncompliance within the October 1, 2012 to October 1, 2013 calendar year is considered to have uncorrected noncompliance, regardless of whether the noncompliance is corrected at the point in time the LEA is assigned a Determination level.

4. Financial Audits:

To meet the data element standard, LEAs must have met the required timely correction of any audit findings specific to IDEA B grant funds.(e.g. identified in a given school year and corrected within the specified audit correction timeline determined in the audit finding)

Data is based on findings with corrections required between July 1, 2012 to June 30, 2013. Any LEA failing to correct Financial Audit findings as required between the July 1, 2012 to June 30, 2013 calendar year is considered not to have met the Financial Audit requirement, regardless of whether the issue is corrected at the point in time the LEA is assigned a Determination level.

5. Performance-Based Monitoring (PBM) Program Effectiveness:

To meet the data element standard, LEAs must not be staged above Stage 2 for intervention in the special education component of the PBM system for the 2013-2014 school year and must meet state supervision and oversight requirements for special education programs as required by state and federal law. Intervention stages for the 2013-2014 school year generally are based on data from the 2012-2013 school year.

6. Significant Disproportionality

To meet the data element standard, LEAs must not have been identified as disproportionate based on race or ethnicity in the same race or ethnicity group and disproportionate category with respect to:

- the identification of students as students with disabilities, ages 6-21, including identification as students with particular impairments;
- the placement of students in particular educational settings; and
- the incidence, duration, and type of disciplinary actions occurring for students, including suspensions and expulsions

Data is based on disproportionate findings during the 2012-13 and 2013-14 school years.

2013 LEA Determinations Rating Scale

Federally Required Element	Description	Rating Points
State Performance Plan (SPP) Compliance Indicators	Performance on SPP Compliance Indicators 9, 10, 11, 12, and 13: All five indicators in compliance (for indicators 11, 12, and 13: at least 95% or higher) One or more indicators out of compliance	0 points 1 point
Valid, Reliable, and Timely Data	Person Identification Database (PID) Error Rate Standard for the fall and summer collection:	0 points 1 point 0 points 1 point
Status of Uncorrected Noncompliance	collections Timely correction of identified noncompliance (e.g. identified in a given school year and corrected no later than one year after identification): Noncompliance corrected within one year Uncorrected noncompliance after one year	0 points 1 point
4. Financial Audits	 Financial audit results No audit finding or timely correction Failure to meet required correction timeline. 	0 points 1 point
5. Program Effectiveness	Overall Program Effectiveness in Performance-Based Monitoring (PBM) System: • Not Staged – Stage 2 • Stage 3 • Stage 4	0 points 3 points 4 points
6. Significant Disproportionality	Two consecutive years of identified disproportionality based on race or ethnicity in the same race or ethnicity group and disproportionate category No finding Finding of Significant Disproportionality	0 points 1 point

Appeals Process

Any LEA assigned a Determination level below **Meets Requirements** may file a written request for appeal within 30 calendar days of the date of the Determination Level Notification letter. The written request for appeal must include the submission of all information necessary for the TEA to reconsider the original Determination status assignment. The TEA will acknowledge receipt of the request for appeal and will issue a Determination Status Appeal Response letter when the review is completed.

Appeals must include a contact person's name, an email address, a phone number, and the LEA superintendent's name and signature. The appeal should be sent to the following address:

Determination Status Appeal Texas Education Agency Division of Federal and State Education Policy 1701 N. Congress Austin, Texas 78701

The TEA will evaluate the appeal based on information provided in the appeal request form. Please note that the TEA will not consider any appeal received after the 30 calendar day time frame.

State Level Enforcement Actions

States are required to take the following enforcement actions with LEAs based on the LEA's Determination level:

Determination Level	Enforcement Actions
Meets Requirements	None
Needs Assistance	State shall take one or more of the following actions if the LEA receives this Determination for two or more consecutive years:
	Provide technical assistance
	Direct the use of funds
	Impose special conditions
	State must prohibit the LEA from reducing the LEA's maintenance of effort under § 300.203 for any fiscal year.
Needs Intervention	State shall take any of the actions described above, and require one or more of the following if the LEA receives this Determination for three or more consecutive years:
	A corrective action plan or improvement plan for the LEA
	A compliance agreement signed by the LEA
	Withhold or seek to recover funds from the LEA
	State may refer the matter for appropriate legal enforcement action.
	State must prohibit the LEA from reducing the LEA's maintenance of effort under §300.203 for any fiscal year.
Needs Substantial Intervention	State shall take any of the actions described above, and require one or more of the following:
	Recover funds from the LEA
	Withhold further payments from the LEA
	Refer the LEA to legal authorities
	State must prohibit the LEA from reducing the LEA's maintenance of effort under §300.203 for any fiscal year.

In addition to the enforcement actions reflected in the table above, LEAs are subject to the interventions and sanctions listed at 19 Texas Administrative Code §89.1076.

District Level Required Action

LEAs are required to take the following required actions based on the LEA's Determination level:

Determination Level	Required Actions
Meets Requirements	None
Needs Assistance	Seek technical assistance from regional education service center and/or other technical assistance
Needs Intervention	providers;
Needs Substantial Intervention	 Develop and/or implement continuous improvement plans through the TEA's Special Education Monitoring System.