

# FFY 2013 IDEA Part B Annual LEA Determinations Overview

Division of Elementary, Secondary, and  
Specialized Education

August 18, 2015



# Agenda

- Requirement to Make Determinations
- Determinations Rubric & Calculation
- Determination Levels
- Enforcement Actions
- Corrective Action Plans (CAPs)

# Determinations

- States are required to make “determinations” annually under Section 616(d) on the performance of each LEA’s programs for students with disabilities.

*34 CFR §300.600(a)*

- **States must consider:**

- Performance on compliance indicators;
- Whether data submitted by LEAs are valid, reliable and timely;
- Uncorrected noncompliance from other sources; and
- Any audit findings.

- **States may also consider:**

- Performance on results indicators; and
  - Other information.
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# Determinations

## **In making Part B LEA determinations, OSSE considers:**

- Compliance with APR indicators;
  - Information regarding timely, valid, and reliable data;
  - On-site compliance monitoring and dispute resolution findings;
  - Sub-recipient audit findings;
  - Relevant financial data and compliance with the Funding for Public Schools and Public Charter School Amendment Act of 2011;
  - Performance on results indicators; and
  - Evidence of timely correction of findings of noncompliance.
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# Determinations Rubric

OSSE's determinations rubric is detailed in Enclosure 1. Key elements include:

- Determination levels and corresponding overall percentages,
- Description of each element used,
- Data source for each element,
- Available points and scoring,
- Required enforcement actions based on determination levels, and
- The appeals process.

Determinations are primarily based on data collected in FFY 2013 (July 1, 2013 – June 30, 2014).

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# Determinations Rubric

## **Element 1: Annual Performance Report Compliance Indicators**

- Performance on compliance indicators 4b, 9, 10, 11, 12, and 13 as outlined in the State Performance Plan (SPP) and FFY 2013 Annual Performance Report (APR)
- LEAs receive one point for each of the indicators for which they have demonstrated 100% compliance
- Not all indicators will apply to every LEA
- FFY 2013 Annual Performance Report Part B :  
<http://osse.dc.gov/publication/fffy-2013-annual-performance-report-part-b>

## **Element 2: Timely, valid and reliable data**

- LEAs receive up to four points for submitting timely, valid and reliable data to the State
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# Determinations Rubric

## **Element 3a: On-site monitoring**

- LEAs receive up to two points based on the percentage of areas reviewed in compliance

## **Element 3b: Dispute resolution**

- LEAs receive up to two points based on the number of findings issued through a State complaint or a hearing officer's determination
  - Each State complaint or hearing officer's determination may include multiple findings of noncompliance
  - LEAs with no complaints filed against them received two points
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# Determinations Rubric

## **Element 4: Sub-recipient audit reports**

- LEAs receive up to four points based on the results of their sub-recipient audit report

## **Element 5: Application submission and reimbursement**

- LEAs receive up to four points for timely submitting their Phase I and II grant applications and for seeking valid reimbursement of a minimum of 45% of IDEA Section 611 funds within the first fifteen months of the FFY 2013 grant cycle

## **Element 6: Maintenance of Effort (MOE)**

- LEAs receive up to two points for complying with the MOE requirement and timely reporting on the MOE to OSSE

For questions regarding fiscal elements, please contact:

Kieran Bowen, Administrative Management Officer

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# Determinations Rubric

## **Element 7: Annual Performance Report Results Indicators**

- LEAs receive up to two points for Indicator 3a, meeting AMO targets for math and/or reading on the FFY 2013 (SY 13-14) DC CAS for students with disabilities

## **Element 8: Correction of Noncompliance**

- LEAs receive up to two points for timely correcting noncompliance identified through all forms of monitoring and dispute resolution identified in FFY 2013

## **Bonus Point: Correction of Longstanding Noncompliance**

- LEAs received one bonus point for correcting all student-level noncompliance from FFY 2009, 2010, 2011 and 2012
  - Only LEAs open during FFY 2009, 2010, 2011 and/or 2012 were eligible for the bonus point
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# Calculation and Determination Levels

The determination score is calculated by dividing the total points earned from elements 1 - 8 by the total possible points from elements 1 – 8.

$$\text{Determination score} = \frac{\text{Total points earned from elements 1 – 8}}{\text{Total points possible from elements 1 – 8}}$$

LEAs are assigned a determination level based on their overall percentage score.

- 81 - 100% → Meets Requirements
  - 61 - 80% → Needs Assistance
  - 41 - 60% → Needs Intervention
  - 0 - 40% → Needs Substantial Intervention
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# Enforcement Actions

- States are required to apply enforcement actions to LEAs at certain determination levels for a given time period, when an LEA is determined to:
    - Need assistance for two or more consecutive years,
    - Need intervention for three or more consecutive years, or
    - Need substantial intervention at any time.
- \*Note: States have the discretion to apply enforcement actions before an LEA meets the thresholds above.
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# Enforcement Action: LEA determined to need assistance for 2 or more consecutive years

OSSE requires LEAs with a determination level of “needs assistance” to access technical assistance on identified areas of noncompliance.

- LEA must submit a proposed Corrective Action Plan (CAP) to the LEA Monitor within 60 days of notification.
- LEAs must provide a summary report on the technical assistance resources utilized and delivered by **June 30, 2016**.

# Enforcement Action: Needs Intervention

OSSE require LEAs with determination levels of “needs intervention” to:

- Use of a percentage of the LEA’s FFY 2014 611 Part B IDEA grant award to address areas of noncompliance,
- Submit a proposed Corrective Action Plan (CAP) to the LEA Monitor for approval within 60 days of notification, and
- Provide a summary report on technical assistance resources utilized by **June 30, 2016**.

# Additional Required Action: Secondary Transition Compliance

OSSE is requiring all LEAs that serve students 16 years and older that have not demonstrated compliance with secondary transition requirements to:

- Attend one of two technical assistance sessions:
  - September 4, 9-11 AM
  - September 22, 9-11 AM
- LEAs in this category will be contacted by their LEA monitor to confirm registration within 10 days of notification.

# Next Steps

- You may schedule a meeting to review Enclosure 1 and your LEA-specific Enclosure 2 with your LEA Monitor.
  - Please submit all CAPs, CAP progress reports, and training summary reports to your LEA Monitor (if applicable).
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# Contact Information

## For additional questions on the determinations process:

- Dr. Cheryll James, LEA Supervisory Monitoring Specialist, (202)724-7803, [cheryll.james@dc.gov](mailto:cheryll.james@dc.gov)

## Fiscal Inquiries:

- Kieran Bowen, Administrative Management Officer, (202)481-3938, [kieran.bowen@dc.gov](mailto:kieran.bowen@dc.gov)

## Data Inquiries:

- Dr. Karmen Rouland, Director of Special Education Data, (202)724-7789, [karmen.rouland@dc.gov](mailto:karmen.rouland@dc.gov)

## Technical Assistance:

- Dr. La'Shawndra Scroggins, Director of Teaching and Learning, (202)741-0264, [lashawndra.scroggins@dc.gov](mailto:lashawndra.scroggins@dc.gov)
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# SY 2015-2016 LEA Monitor Contacts

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*DCPS ( Lead monitor) (STR & Other Findings)	*DCPS (IEV & REV)	*DCPS (On-Sites)	Bridges
Center City	Academy of Hope	Achievement Prep	Creative Minds
Cesar Chavez	Basis	Apple Tree Early Learning	Democracy Prep (formerly Imagine SE)
Department of Youth & Rehabilitation Svcs (DYRS)	Capital City	Briya (formerly Educ Strengthens Families)	Eagle Academy
DC Scholars	Cedar Tree	DC Bilingual	Elsie Whitlow Stokes Community Freedom
Kingsman Academy (formerly Options)	Center for Inspired Teaching	DC International	Friendship
Lee Montessori	Community College Prep	DC Preparatory	Harmony School of Excellence
Monument	E L Haynes	Maya Angelou	Howard University Middle
Potomac Preparatory	Excel Academy	Meridian	IDEA
SEEDS	Ingenuity Prep	Mundo Verde Bilingual	Imagine Hope Community
Two Rivers	KIPP	Perry Street Prep	Mary McLeod Bethune
Children's Guild	LAMB	Sela	National Collegiate
	Washington Latin	Somerset	Shining Stars
		Washington Global	Washington Math Science Technology (WMST)
<b>*DCPS includes all District of Columbia Public Schools and Charter Schools that elect DCPS as the Local Education Agency (LEA) for special education purposes.</b>			Washington Yu Ying PCS