



Montana Levels of Determination Criteria

The following factors are used by the Office of Public Instruction to determine a district's level of performance in meeting the requirements and the purposes of IDEA consistent with Section 616(a) (1) (C) (i) and 34 CFR 300.600 of IDEA and its implementing regulations.

Meets Requirements

- Substantial compliance on all compliance indicators.
 - Indicator 4B: District was not identified with disproportionate representation for racial/ethnic groups in the rate of suspensions and expulsions due to inappropriate identification practices.
 - Indicator 9: District was not identified with disproportionate representation for racial/ethnic groups due to inappropriate identification practices.
 - Indicator 10: District was not identified with disproportionate representation for racial/ethnic groups in specific disability categories due to inappropriate identification practices.
 - Indicator 11: Eligibility was determined within the 60-day timeline 100% of the time*.
 - Indicator 12: Timely transition from Part C to Part B occurred 100% of the time*.
 - Indicator 13: Secondary Transition plans written to meet postsecondary goals 100% of the time*.
- Timely, Complete, and Accurate Data
 - Data requests and data submissions were timely, complete, and accurate 100% of the time.* (*See proposed Data Rubric at the end of this document*).
- Timely correction of findings of noncompliance
 - Any findings of noncompliance were corrected within one year 100% of the time.
- No Audit Findings

*Exceptions for Indicators 11, 12, 13, Timely, Complete, and Accurate Data, and Timely correction.: If District did not meet 100% compliance **on only one of these Indicators**, OPI will consider the District to "Meet Requirements" if demonstrating a high level of compliance (90% or better).

Needs Assistance

- Failure to demonstrate substantial compliance on one or more of the following indicators.
 - Indicators 11, 12, 13, Timely, Complete, and Accurate Data, and Timely correction. District demonstrates a compliance level between 75% to 89% compliance on one or more indicators.

OR

- Identified as having disproportionate representation due to inappropriate identification practices (Indicators 4b, 9 or 10).

OR

- Failure to demonstrate timely correction of any previous findings of noncompliance.
 - One or more findings of noncompliance not corrected within one year.

OR

- Audit Findings
 - Identified as a high-risk district based on audit findings.

If the district is in Needs Assistance for two consecutive years, the OPI shall take one or more of the following actions as required under 34 CFR 300.604.

- Advise the district of available sources of technical assistance that may help the district address the areas in which the district needs assistance, which may include assistance from the Office of Public Instruction, technical assistance providers identified by the OPI, and require the district to work with appropriate entities. Such technical assistance may include:
 - (i) The provision of advice by experts to address the areas in which the district needs assistance, including explicit plans for addressing the area for concern within a specified period of time;
 - (ii) Assistance in identifying and implementing professional development, instructional strategies, and methods of instruction that are based on scientifically based research;
 - (iii) Designating and using superintendents, principals, special education administrators, special education teachers, and other teachers to provide advice, technical assistance, and support; and
 - (iv) Devising additional approaches to providing technical assistance, such as collaborating with regional CSPD councils, institutions of higher education, national centers of technical assistance supported under Part D of IDEA, and private providers of scientifically based technical assistance.
- Direct the use of district-level funds under Part B on the area or areas where assistance is needed.
- Identify the district as a high-risk grantee and impose special conditions on the district's IDEA Consolidated grant.

Needs Intervention

- Failure to demonstrate substantial compliance on one or more of the following indicators and has not made progress in correcting noncompliance previously identified by the OPI on those indicators.
 - Indicators 11, 12, 13, Timely, Complete, and Accurate Data, and Timely correction.
 - District demonstrates a compliance level between below 75% compliance on one or more indicators and failed to make progress from prior year.
 - OSEP's definition of "Made progress" is a district reporting higher compliance numbers than prior year or reporting more accurate and complete compliance data.

OR

- Identified as having disproportionate representation due to inappropriate identification practices (Indicators 9 or 10) and has not made significant progress in correcting the noncompliance.

OR

- Failure to demonstrate timely correction of previous findings of noncompliance and has not made significant progress in correcting the noncompliance.

OR

- Continues to be identified as a high-risk district based on audit findings and has not made significant progress in correcting the identified audit findings.

If the district is identified as Needs Intervention for three consecutive years or more, the OPI shall take one or more of the actions required under 34 CFR 300.604(b):

- Require the district to prepare a corrective action plan or improvement plan if the OPI determines that the district should be able to correct the problem within one year.
- Seek to recover funds.
- Withhold, in whole or in part, any further payments under Part B of the IDEA to the district.
- Refer the matter for appropriate enforcement action.

Needs Substantial Intervention

- The failure to substantially comply significantly affects the core requirements of the IDEA, such as the delivery of services to children with disabilities or state exercise of general supervision; and/or
- The district has informed the OPI that it is unwilling to comply.
 - Either verbally or through their actions or inactions
- The district has been determined through audit findings to have misspent IDEA funds.

When the OPI determines that the district needs Substantial Intervention, the OPI shall provide written notice to the Superintendent of Public Instruction of the district's failure to comply and take one or more of the following enforcement actions, consistent with 34 CFR 300.604(c):

- Recover funds.
- Withhold, in whole or part, any further payments to the district of IDEA Part B funds.
- Refer the matter for appropriate enforcement action consistent with state administrative rules and IDEA requirements.

* Prior to the withholding of any funds under Part B of IDEA, the OPI will provide prior written notice and opportunity for a hearing consistent with the requirements under 34 CFR 300.605.

Timely, Complete, and Accurate Data Scoring Rubric

Scoring:

0 = District did not meet this criterion for the Data Source

1 = District did meet this criterion for the Data Source

Definitions:

- **Timely Data –Timely data submission is vital.**
 - Submissions of Section 618 data, and other report data are on or before the State Department of Education and federal deadlines.
- **Complete data that passes edit checks – Complete data that passes the state edit checks is necessary for valid and reliable reporting.**
 - There is no missing data or placeholder data.
 - Data submitted is for all students and/or personnel in the district.
 - Data submitted to the state does not have any internal inconsistencies.
- **Accurate Data - Data must be valid and reliable to demonstrate accurate performance.**
 - Data is from the correct reporting period.
 - Collection and reporting of data demonstrates accurate use of the instructions.
 - Calculations are correct.
 - Data is consistent with 618, SPP and APR data definitions and requirements.
- **Responded to Data Note Requested**
 - Provided written explanation of year to year changes for 618 data submissions, when requested.

Example:

Data Source	Timely Data	Complete Data, passes edit checks	Accurate Data	Responded to Data Note Requests	Total
A. Section 618 Data					
Table 1 - Child Count	1	1	1	1	4
Table 3 - Ed Environment					
Table 2 - Personnel	1	1	1	1	4
Table 4 - Exiting	1	1	1	1	4
Table 5 - Discipline	1	1	1	1	4
B. Performance Indicator					
Ind 12 - Part C to Part B Transition	1	1	1	1	4
Ind 14 - Post School Outcomes Survey	1	1	1	1	4
				Subtotal	24

Calculation	
Total points available	24
618 and Performance Indicator Subtotal	24
Total Points	24
Points earned divided by points available	1.000
E. Indicator Score (D x 100) =	100.0