

May 30, 2014

Dr. Jamie Wilson, Superintendent  
Denton ISD  
1307 N Locust St  
Denton, Texas 76201

**Information  
Only**

Subject: 2014 Local Educational Agency (LEA) Determination Process

Dear Dr. Jamie Wilson:

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 of Meets Requirements, Needs Assistance, Needs Intervention, and Needs Substantial Intervention. As implied, these categories represent various intensities of required technical assistance and/or intervention. States are required to make a Determination using these categories for every LEA within the state on an annual basis.

In making these Determinations, states are required to consider the following federally required elements:

1. Performance on State Performance Plan (SPP) compliance indicators;
2. Submission of valid, reliable, and timely data;
3. Uncorrected noncompliance from other sources (complaints resolution, due process, and monitoring); and
4. Any financial audit findings

States may choose to include additional elements in making Determinations. The Texas Education Agency (TEA) has incorporated the following state defined elements:

5. Performance-Based Monitoring (PBM) Stage of Intervention for the special education program area.
6. Significant Disproportionality

Attached you will find the 2014 LEA Determination Report for your LEA. The TEA appreciates the efforts of LEAs achieving the Determination status of Meets Requirements for this year and past years. No further action is required of LEAs with the Determination status of Meets Requirements. LEAs with a Determination status of Needs Assistance, Needs Intervention or Needs Substantial Intervention may appeal their Determination. Additional information about the LEA Determination Process, including the appeals process, can be found on the TEA website at [www.tea.state.tx.us/index2.aspx?id=2147491399](http://www.tea.state.tx.us/index2.aspx?id=2147491399).

**Eligibility to Reduce Maintenance of Effort (MOE)**

Under IDEA §616(f) (34 CFR §300.608(a)), if, in making its annual Determinations, the state educational agency (SEA) determines that any LEA is not meeting the requirements of Part B, including meeting compliance targets in the state's performance plan (SPP) Indicators 9, 10, 11, 12, and 13, the SEA must prohibit that LEA from reducing its MOE under IDEA §613(a)(2)(C) for the 2014-2015 fiscal year. Therefore, if the LEA's Determination status is Meets Requirements, the LEA is eligible to voluntarily reduce MOE for the 2014-2015 fiscal year based on the flexibility option of 34 CFR §300.205. If the LEA's Determination status is Needs Assistance, Needs Intervention, or Needs Substantial Intervention, the LEA is not eligible to voluntarily reduce MOE for the 2014-2015 fiscal year based on the flexibility option of 34 CFR §300.205.

Denton ISD's determination status is **Meets Requirements**, and therefore is **eligible** to reduce MOE. LEAs are encouraged to retain a copy of this letter and the enclosed LEA Determination Report for audit purposes, if the LEA plans to reduce MOE. LEAs achieving the Determination status of Needs Assistance, Needs Intervention, or Needs Substantial Intervention must continue implementing activities associated with existing continuous improvement plans, including seeking technical assistance from regional education service centers and/or other technical assistance providers. The TEA will disseminate information to LEAs concerning any additional required actions related to a Determination level of Needs Assistance or lower.

The LEA Determination Process is not subject to public reporting by the TEA; however, LEAs are strongly encouraged to share this information with their communities by including the information on the LEA's website, in a public notice in a local newspaper, or by communicating it through some other means. In addition, this information is subject to disclosure under the Public Information Act, Chapter 552 of the Government Code.

If you have any questions concerning the LEA Determination Process, please contact the Division of Federal and State Education Policy at (512) 463-9414.

Sincerely,



Monica Martinez  
Associate Commissioner  
Standards and Programs

cc: LEA Special Education Director  
ESC Executive Director  
ESC Special Education Director

Enclosure



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Michael L. Williams  
Commissioner

### 2014 Local Educational Agency (LEA) Determination Report

Under §616 of the Individuals with Disabilities Education Act (IDEA), States are required to make annual determinations about the performance of the LEAs using the categories of Meets Requirements, Needs Assistance, Needs Intervention, and Needs Substantial Intervention. Under §616(f) (34 CFR §300.608(a)), if, in making its annual Determinations, the state educational agency (SEA) determines that any LEA is not meeting the requirements of Part B, including meeting compliance targets in the state's performance plan (SPP) Indicators 9, 10, 11, 12, and 13, the SEA must prohibit that LEA from reducing its maintenance of effort (MOE) under IDEA §613(a)(2)(C) for the 2014-2015 fiscal year. Therefore, if the LEA's Determination status is Needs Assistance, Needs Intervention, or Needs Substantial Intervention, the LEA is not eligible to voluntarily reduce MOE for the 2014-2015 fiscal year based on the flexibility option of 34 CFR §300.205.

<b>061901</b>	<b>Denton ISD</b>	<b>11</b>
County-District	District Name	Region

2014 LEA Determination Status: Meets Requirements

LEA eligibility status to voluntarily reduce MOE: eligible

The following areas were reviewed in making the LEA's Determination status:

Determination Elements	Rating
1. State Performance Plan (SPP) Compliance Indicators	0
2. Valid, Reliable, and Timely Data	0
3. Status of Uncorrected Noncompliance	0
4. Financial Audits	0
5. Program Effectiveness	0
6. Significant Disproportionality	0
<b>Total</b>	<b>0</b>

#### 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

For more information about the LEA Determination Process, visit:  
<http://www.tea.state.tx.us/index2.aspx?id=2147491399> or contact the TEA Division of Federal and State Education Policy at 512.463.9414

## 2014 Local Educational Agency (LEA) Determinations Methodology

### 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 Local Educational Agency (LEA)  
Determinations Methodology**

**2014 LEA Determinations Data Elements**

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

<b>Federally Required Element</b>	<b>Description</b>	<b>Data Source/Timeframe</b>
<p>1. State Performance Plan (SPP) Compliance Indicators</p>	<p>Performance on SPP Compliance Indicators:</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• 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</li> <li>• 11: Compliance with Initial Evaluation Timelines</li> <li>• 12: Compliance with Early Childhood Transition Timelines</li> <li>• 13: Compliance with Secondary Transition IEP Requirements</li> </ul>	<p>Division of Federal and State Education Policy Data submission for the 2012-2013 school year</p>
<p>2. Valid, Reliable, and Timely Data</p>	<p>Performance on Person Identification Database (PID) Reporting: Fall and Summer Collections  Performance on Reporting Valid, Reliable, and Timely Data for SPP Indicators 7, 11, 12, 13, and 14</p>	<p>Data submitted through Public Education Information Management System (PEIMS) and the SPP Online Applications for the 2012-2013 school year</p>

**2014 Local Educational Agency (LEA)  
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<b>Federally Required Element</b>	<b>Description</b>	<b>Data Source/Timeframe</b>
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

<b>State Defined Element</b>	<b>Description</b>	<b>Data Source</b>
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: <ul style="list-style-type: none"> <li>• the identification of students as students with disabilities, ages 6-21, including identification as students with particular impairments;</li> <li>• the placement of students in particular educational settings; and</li> <li>• the incidence, duration, and type of disciplinary actions occurring for students, including suspensions and expulsions</li> </ul>	Division of Federal and State Education Policy 2012-2013 and 2013-2014 disproportionality data

**2014 Local Educational Agency (LEA)  
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**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.

**2014 Local Educational Agency (LEA)  
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**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.



**2014 Local Educational Agency (LEA)  
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**2013 LEA Determinations Rating Scale**

Federally Required Element	Description	Rating Points
1. State Performance Plan (SPP) Compliance Indicators	Performance on SPP Compliance Indicators 9, 10, 11, 12, and 13: <ul style="list-style-type: none"> <li>• All five indicators in compliance (for indicators 11, 12, and 13: at least 95% or higher)</li> <li>• One or more indicators out of compliance</li> </ul>	0 points  1 point
2. Valid, Reliable, and Timely Data	Person Identification Database (PID) Error Rate Standard for the fall and summer collection: <ul style="list-style-type: none"> <li>• Both collections meet the PID Error Rate Standard</li> <li>• Both collections exceeded the PID Error Rate Standard</li> </ul> SPP Indicators 7, 11, 12, 13, and 14 Data Collection: <ul style="list-style-type: none"> <li>• Certified data for all collections</li> <li>• Did not certify data in one or more of the five collections</li> </ul>	0 points 1 point  0 points 1 point
3. Status of Uncorrected Noncompliance	Timely correction of identified noncompliance (e.g. identified in a given school year and corrected no later than one year after identification): <ul style="list-style-type: none"> <li>• Noncompliance corrected within one year</li> <li>• Uncorrected noncompliance after one year</li> </ul>	0 points  1 point
4. Financial Audits	Financial audit results <ul style="list-style-type: none"> <li>• No audit finding or timely correction</li> <li>• Failure to meet required correction timeline.</li> </ul>	0 points  1 point
5. Program Effectiveness	Overall Program Effectiveness in Performance-Based Monitoring (PBM) System: <ul style="list-style-type: none"> <li>• Not Staged – Stage 2</li> <li>• Stage 3</li> <li>• Stage 4</li> </ul>	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 <ul style="list-style-type: none"> <li>• No finding</li> <li>• Finding of Significant Disproportionality</li> </ul>	0 points  1 point

## 2014 Local Educational Agency (LEA) Determinations Methodology

### 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.

**2014 Local Educational Agency (LEA)  
Determinations Methodology**

**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	<p>State shall take one or more of the following actions if the LEA receives this Determination for two or more consecutive years:</p> <ul style="list-style-type: none"> <li>• Provide technical assistance</li> <li>• Direct the use of funds</li> <li>• Impose special conditions</li> </ul> <p>State must prohibit the LEA from reducing the LEA's maintenance of effort under § 300.203 for any fiscal year.</p>
Needs Intervention	<p>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:</p> <ul style="list-style-type: none"> <li>• A corrective action plan or improvement plan for the LEA</li> <li>• A compliance agreement signed by the LEA</li> <li>• Withhold or seek to recover funds from the LEA</li> </ul> <p>State may refer the matter for appropriate legal enforcement action.</p> <p>State must prohibit the LEA from reducing the LEA's maintenance of effort under §300.203 for any fiscal year.</p>
Needs Substantial Intervention	<p>State shall take any of the actions described above, and require one or more of the following:</p> <ul style="list-style-type: none"> <li>• Recover funds from the LEA</li> <li>• Withhold further payments from the LEA</li> <li>• Refer the LEA to legal authorities</li> </ul> <p>State must prohibit the LEA from reducing the LEA's maintenance of effort under §300.203 for any fiscal year.</p>

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.

**2014 Local Educational Agency (LEA)  
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**District Level Required Action**

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

<b>Determination Level</b>	<b>Required Actions</b>
Meets Requirements	None
Needs Assistance	<ul style="list-style-type: none"><li>• Seek technical assistance from regional education service center and/or other technical assistance providers;</li><li>• Develop and/or implement continuous improvement plans through the TEA's Special Education Monitoring System.</li></ul>
Needs Intervention	
Needs Substantial Intervention	