



TEXAS EDUCATION AGENCY

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Subject: 2010
Determinations

June 30, 2010

James Monaco, Superintendent
Aubrey ISD
415 Tisdell Ln
Aubrey, Texas 76227-9619

Information
Only

Subject: 2010 Local Educational Agency (LEA) Determinations

Dear Dr. Monaco:

In accordance with Section 616(a)(1)(C)(i) of the Individuals with Disabilities Education Act (IDEA) of 2004, and 34 Code of Federal Regulations (CFR) §300.600(a), of the implementing federal regulations, the United States Department of Education (USDE) requires states to make "Determinations" under Section 616(d) on the performance of LEA programs for students with disabilities. Essentially, Determinations are a way of designating the status of each LEA in relation to one of four categories: (1) Meets Requirements, (2) Needs Assistance, (3) Needs Intervention, and (4) Needs Substantial Intervention. As implied, these categories represent various intensities of required technical assistance and/or intervention. USDE requires each state 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 compliance indicators
2. Submission of valid, reliable, and timely data
3. Uncorrected noncompliance from other sources (complaints resolution, due process, and monitoring)
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 element:

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

Attached you will find the 2010 LEA Determination Report for your district. LEAs with a determination status of 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: <http://www.tea.state.tx.us/special.ed/spp/leadetermin.html>.

Under 616(f) (34 CFR §300.608(a)), if in making its annual determinations, a state educational agency (SEA) determines that an LEA is not meeting the requirements of Part B, including meeting compliance targets in the state's performance plan (indicators 9, 10, 11, 12, and 13), the SEA must prohibit that LEA from reducing its maintenance of effort (MOE) under IDEA section 613(a)(2)(C) for any fiscal year. Therefore, an SEA must prohibit an LEA from taking advantage of the MOE reduction under IDEA section 613(a)(2)(C) if the LEA's determination is Needs Assistance, Needs Intervention, or Needs Substantial Intervention.

ghawkins@sangerisd.net

The TEA will send 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 TEA; however, LEAs are strongly encouraged to share this information with their community; such as, the LEA's website or public notice in a local newspaper.

If you have any questions concerning the LEA Determination Process, please contact the TEA Division of IDEA Coordination at (512) 463-9414.

Sincerely,

A handwritten signature in cursive script that reads "Ann Smisko".

Ann Smisko
Associate Commissioner for School Improvement

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

Enclosure

2010 Local Education Agency (LEA) Determination

In accordance with Section 616(a)(1)(C)(i) of the Individuals with Disabilities Education Act of 2004, and 34 Code of Federal Regulations (CFR) §300.600(a), of the implementing federal regulations, the United States Department of Education (USDE) requires states to make "Determinations" under Section 616(d) on the performance of LEA programs for students with disabilities. Essentially, Determinations are a way of designating the status of each LEA in relation to one of four categories: (1) Meets Requirements, (2) Needs Assistance, (3) Needs Intervention, and (4) Needs Substantial Intervention.

061907	Aubrey ISD	11
County-District	District Name	Region

2010 LEA Determination Status **Meets the Requirements**

The following areas were reviewed in making the local educational agency'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
Total	0

Crosswalk of Rating Scale to Determination Level

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

*For more information about LEA Determination Elements, visit:
<http://www.tea.state.tx.us/special.ed/spp/leadetermin.html>*