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Michael L. Williams  
Commissioner

July 5, 2013

**Information  
Only**

Mr. Larry Taylor, Superintendent  
Crockett County Consolidated Csd  
P O Box 400  
Ozona, Texas 76943-0400

Subject: 2013 Local Educational Agency (LEA) Determination Process

Dear Mr. Taylor:

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

Note: Due to the unavailability of financial audit information, this data element will not be included in the 2013 Determinations Process. However, districts will be noticed during the fall of the 2013-14 school year of the specific data sources and methodology for the inclusion of any financial audit findings as part of the 2014 LEA Determinations.

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

Note: Due to the change in methodology, this data element will not be included in the 2013 Determinations Process.

Attached you will find the 2013 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 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/>.

**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 2013-2014 fiscal year. Therefore, if the LEA's Determination status is Meets the Requirements, the LEA is eligible to voluntarily reduce MOE for the 2013-2014 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 2013-2014 fiscal year based on the flexibility option of 34 CFR §300.205.

The LEA's Determination status is Meets Requirements, and therefore 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,



Anita Givens  
Associate Commissioner  
Standards and Programs

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

Enclosure





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## 2013 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 2013-2014 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 2013-2014 fiscal year based on the flexibility option of 34 CFR §300.205.

053001 Crockett County Consolidated Csd 15  
County-District District Name Region

2013 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>

\* See 2013 LEA Methodology document at <http://www.tea.state.tx.us/special.ed/leadeterminations>

### 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/special.ed/> or contact the TEA Division of Federal and State Education Policy at 512.463.9414

## 2013 Local Educational Agency (LEA) Determinations Methodology

### 2013 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  
Note: Due to the unavailability of financial audit information, this data element will not be included in the 2013 Determinations Process. However, districts will be noticed during the fall of the 2013-14 school year of the specific data sources and methodology for the inclusion of any financial audit findings as part of the 2014 LEA Determinations.

##### 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  
Note: Due to the change in methodology, this data element will not be included in the 2013 Determinations Process.

##### 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



**2013 Local Educational Agency (LEA)  
Determinations Methodology**

<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, 2011 to October 1, 2012 Division of Federal and State Education Policy (Complaints Resolution and Adverse Due Process Hearing Decisions) July 1, 2011 – June 30, 2012
4. Financial Audits	Financial Performance	Division of Financial Audits Due to the unavailability of financial audit information, this data element will not be included in the 2013 Determinations Process. Districts will be noticed during the fall of the 2013-14 school year of the specific data sources and methodology for the inclusion of any financial audit findings as part of the 2014 LEA Determinations.

<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, 2011 to October 1, 2012
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 Due to the change in methodology, this data element will not be included in the 2013 Determinations Process. In the future, this data element will include a review of two consecutive years of disproportionality data. For example, the 2014 Determinations process will include a review of the 2012-2013 and 2013-2014 disproportionality data.

**2013 Local Educational Agency (LEA)  
Determinations Methodology**

**2013 LEA Determinations Rating Scale**

Federally Required Element	Description	Rating Points
1. State Performance Plan (SPP) Compliance Indicators	<p>Performance on SPP Compliance Indicators 9, 10, 11, 12, and 13:</p> <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>	<p>0 points</p> <p>1 point</p>
2. Valid, Reliable, and Timely Data	<p>Person Identification Database (PID) Error Rate Standard for the fall and summer collection:</p> <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> <p>SPP Indicators 7, 11, 12, 13, and 14 Data Collection:</p> <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>	<p>0 points</p> <p>1 point</p> <p>0 points</p> <p>1 point</p>
3. Status of Uncorrected Noncompliance	<p>Timely correction of identified noncompliance (e.g. identified in a given school year and corrected no later than one year after identification):</p> <ul style="list-style-type: none"> <li>Noncompliance corrected within one year</li> <li>Uncorrected noncompliance after one year</li> </ul>	<p>0 points</p> <p>1 point</p>
4. Financial Audits	<p>Financial audit results</p> <p>Due to the unavailability of financial audit information, this data element will not be included in the 2013 Determinations Process.</p>	0 points
5. Program Effectiveness	<p>Overall Program Effectiveness in Performance-Based Monitoring (PBM) System:</p> <ul style="list-style-type: none"> <li>Not Staged</li> <li>Stage 1</li> <li>Stage 2</li> <li>Stage 3</li> <li>Stage 4</li> </ul>	<p>0 points</p> <p>1 point</p> <p>2 points</p> <p>3 points</p> <p>4 points</p>
6. Significant Disproportionality	<p>Due to the change in methodology, this data element will not be included in the 2013 Determinations Process.</p>	0 points

**2013 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.