

Oregon Department of Education

2016 District Determination and Enforcement Matrix (based on 2014-2015 data)

Section 616 and 642 of the IDEA requires States to examine annually each district's performance toward meeting the requirements under the IDEA and apply one of four Federal Determinations identified in statute to each district based on performance. Criteria used by ODE in determining local performance include: the extent of current compliance; timeliness and accuracy of data reporting; procedural noncompliance (audit) findings that have been corrected within required timelines; additional noncompliance identified through other sources; and compliance indicators from the State Performance Plan (SPP). Additional performance indicators identified in the SPP may be included.

The following table outlines the four Federal Determinations required to be applied to each district based on criteria used by ODE to make these determinations. The table also includes ODE first year and ODE long-term enforcement activities required to be considered at each level. These actions are consistent with the level of concern signaled by the determination. ODE is not restricted from utilizing any other authority available to it to monitor and enforce the requirements of Part B.

ODE / Federal Determination: Meets Requirements	
<ul style="list-style-type: none"> No third year noncompliance; and, 95% or greater initial compliance or 100% correction of noncompliance within one year; and, 100% compliance with Indicator B9 and B10, 95% or greater initial compliance or 100% correction of noncompliance within one year for Indicators B11 and B13; and No other data sources indicate noncompliance; and If the district did not meet these standards on only one indicator (correction of previous year's noncompliance, B11, B13), and the compliance level for that indicator was 90% or greater. <p style="text-align: center;">AND</p> <p>Data timely and accurate:</p> <ul style="list-style-type: none"> All 3 district data submissions were completed within the designated windows for reporting and identified as accurate; or, 2 out of 3 district data submissions were completed within the designated window for reporting; and, 2 out of 3 district data submissions were identified as accurate; and No single district data submission was completed beyond the designated window for reporting and identified as inaccurate and required correction after the designated window for correction; 	
ODE First Year Enforcement: Meets Requirements	
<p>If ODE determines that a district Meets Requirements it will consider taking one or more of the following actions (the highlighted actions are enforcement actions taken this year by ODE):</p> <ul style="list-style-type: none"> ODE determines district has met all requirements and no further action is required. ODE offers technical assistance at the request of the district. ODE identifies district as in need of support in implementing the requirements within the timelines, which may include, but is not limited to, focused monitoring activities. 	
ODE Long-term Enforcement: Meets Requirements	
<p><i>Assigned to districts/programs when findings indicate district meets IDEA requirements. (Sec. 616 (d)(2)(A)(i) of the IDEA 2004)</i></p> <p>Any of the enforcement options under First Year Enforcement apply to Long-term Enforcement for districts that meet requirements for more than one consecutive year.</p>	

ODE / Federal Determination: Needs Assistance

- No third year noncompliance; and,
- Between 50 and 94% initial compliance or through correction of noncompliance within one year; and/or,
- 100% compliance with Indicator B9 and B10; and,
- Between 50 and 94% initial compliance and/or through correction of noncompliance within one year for Indicator B11 and/or B13; and
- No other data sources indicate noncompliance

AND

Data timely and accurate:

- A minimum of 1 out of 3 data submissions was completed within the designated window for reporting; and,
- A minimum of 1 out of 3 data submissions was identified as accurate within the designated window or corrected within the designated window for correction; and,
- No single district data submission was completed beyond the designated window for reporting and identified as inaccurate and required correction after the designated window for correction.

ODE First Year Enforcement: Needs Assistance

If ODE determines that a district needs assistance implementing the requirements it will prohibit the district from reducing the district's/program's maintenance of effort under 34 CFR §300.608 for any fiscal year. (See also 34 CFR §300.203 MOE).

In addition, consistent with 34 CFR 300.205, an LEA that does not meet the requirements of Part B of the IDEA, or has been found to have significant disproportionality and must reserve the maximum amount of funds for CEIS (34 CFR 300.646) may not reduce maintenance-of-effort during the year in which the determination is in effect.

ODE will consider taking one or more of the following actions (the highlighted actions are enforcement actions taken this year by ODE):

- Advise the district of available sources of technical assistance that may help address the areas in which the district needs assistance. Such technical assistance may include:
 - 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;
 - Assistance in identifying and implementing professional development, instructional strategies, and methods of instruction that are based on scientifically based research;
 - Designating and using distinguished superintendents, principals, special education administrators, special education teachers, and other teachers to provide advice, technical assistance, and support; and devising additional approaches to providing technical assistance, such as collaborating with institutions of higher education, educational service agencies, national centers of technical assistance and private TA providers.
- Identify the district as a high-risk grantee and impose special conditions on the district's/program's grant under Part B of the Act. [34 CFR 300.604(a)] [20 U.S.C. 1416(e)(1)]

ODE Long-term Enforcement: Needs Assistance

If ODE determines for 2 consecutive years that a district needs assistance implementing the requirements it must consider taking one or more of the following actions (the highlighted actions are enforcement actions taken this year by ODE):

- Any of the enforcement options under First Year Enforcement for Needs Assistance; and,
- Direct the use of district -level funds under section 611(e) of the Act to the area or areas in which the district needs assistance.

ODE / Federal Determination: Needs Intervention

- Any third year noncompliance; or,
- Less than 50% initial compliance or through correction of noncompliance within one year; or,
- Noncompliance with Indicator B9 or B10; or,
- Less than 50% initial compliance or through correction of noncompliance within one year for Indicators B11 or B13; or,
- Data verification by ODE indicates need for comprehensive review; and
- No other data sources indicate noncompliance.

AND

Data timely and accurate:

- All 3 district data submissions were not completed within the designated window for reporting; or,
- All 3 district data submissions were identified as inaccurate and required correction after the designated windows for correction; or,
- Any single district data submission was completed beyond the designated window for reporting and identified as inaccurate and required correction after the designated window for correction.

ODE First Year Enforcement: Needs Intervention

If ODE determines that a district needs intervention in implementing requirements it will prohibit the district from reducing the district's/program's maintenance of effort under 34 CFR §300.608 for any fiscal year. (See also 34 CFR §300.203 MOE).

In addition, consistent with 34 CFR 300.205, an LEA that does not meet the requirements of Part B of the IDEA, or has been found to have significant disproportionality and must reserve the maximum amount of funds for CEIS (34 CFR 300.646) may not reduce maintenance-of-effort during the year in which the determination is in effect.

ODE will consider taking one or more of the following actions (the highlighted actions from needs assistance and below are enforcement actions taken this year by ODE):

- The ODE may take any of the actions described in 34 CFR 300.604(a)(a) (Needs Assistance).
- The ODE may require the district to prepare a corrective action plan.
- ODE is not restricted from utilizing any other authority available to it to monitor and enforce the requirements of Part B

ODE Long-term Enforcement: Needs Intervention

If the ODE determines, for three or more consecutive years, that a district needs intervention under 34 CFR 300.603(b)(1)(iii) in implementing the requirements of Part B of the Act, it must consider taking one or more of the following actions (the highlighted actions are enforcement actions taken this year by ODE):

- Any of the enforcement options under First Year Enforcement for Needs Intervention; Withhold not less than 20 percent and not more than 50 percent of the district's/program's funds under section 611(e) of the Act, until the ODE determines the district has sufficiently addressed the areas in which the district needs intervention;
- Withhold, in whole or in part, any further payments to the district under Part B of the Act; [34 CFR 300.604(b)] [20 U.S.C. 1416(e)(2)]

Seek to recover funds under section 452 of GEPA.

ODE / Federal Determination: Needs Substantial Intervention

ODE reserves the right to identify a district as Needs Substantial Intervention if its substantial failure to comply significantly affected the core requirements of the program, such as the delivery of services to children with disabilities or the district's/program's exercise of general supervision, or if the district informed the ODE that it was unwilling to comply.

ODE First Year Enforcement: Needs Substantial Intervention

Notwithstanding 34 CFR 300.604 (a) (Needs Assistance) or 34 CFR 300.604(b) (Needs intervention), at any time that the ODE determines that a DISTRICT needs substantial intervention in implementing the requirements of Part B of the Act or that there is a substantial failure to comply with any condition of an LEA eligibility under Part B of the Act, the ODE may take one or more of the following actions:

- Withhold, in whole or in part, any further payments to the district under Part B of the Act.
 - Recover funds under section 452 of GEPA.
 - Refer the case to the Office of the Inspector General at the Department of Education.
 - Refer the matter for appropriate enforcement action, which may include referral to the Department of Justice. 34 CFR 300.604(c)] [20 U.S.C. 1416(e)(3)]
- In addition, consistent with 34 CFR 300.205, an LEA that does not meet the requirements of Part B of the IDEA, or has been found to have significant disproportionality and must reserve the maximum amount of funds for CEIS (34 CFR 300.646) may not reduce maintenance-of-effort during the year in which the determination is in effect.

ODE Long-term Enforcement: Needs Substantial Intervention

The same enforcement actions listed under First Year Enforcement apply to districts that are identified in Needs Substantial Intervention for more than one consecutive year.

SPP Indicators	
B9	Disproportionate Representation in Special Education
B10	Disproportionate Representation in Special Education by disability type
B11	Child Find
B13	Secondary Transition

Data Collections: Timely/Accurate	
Special Education Child Count (SECC)	
Special Education Exit Collection	
Child Find	
Timely:	Submitted within the designated window for reporting for the specific collection.
Accurate:	No edits and/or error reports were generated for the district for the specific collection after the designated windows for correction.

It is a policy of the State Board of Education and a priority of the Oregon Department of Education that there will be no discrimination or harassment on the grounds of race, color, sex, marital status, religion, national origin, age, sexual orientation, or disability in any educational programs, activities or employment. Persons having questions about equal opportunity and nondiscrimination should contact the State Superintendent of Public Instruction at the Oregon Department of Education, 255 Capitol Street NE, Salem, Oregon 97310; phone 503-947-5740; or fax 503-378-5156.