

OREGON DEPARTMENT OF EDUCATION
OFFICE OF STUDENT SERVICES
SPECIAL EDUCATION

General Information from ODE for Making 2016 District IDEA Determinations

The purpose of this document is to provide information and guidance on the Determinations that the Oregon Department of Education (ODE) is required to make annually on each district's performance in meeting the requirements of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004). Your district/program's 2016 Determination is based on FFY 2014 data and the completion of corrective actions related to that data, if needed, within the one-year timeframe.

This spring your district submitted special education procedural compliance data through file reviews and data collections (SECC, Child Find, and Special Education Exit) to the Oregon Department of Education (ODE). ODE has completed verification of your submissions. In addition to correction of noncompliance identified through file reviews, complaints and dispute resolution, the Department also included initial compliance and correction of noncompliance for indicators B9, B10, B11, and B13 as required by the federal Office of Special Education Programs (OSEP) (see backside of this page for descriptions of these Indicators). ODE has assigned the district a determination based on the review of initial compliance and corrected noncompliance data.

The IDEA 2004 places an emphasis on improving educational results and outcomes for children with disabilities by focusing monitoring activities in certain priority areas and measuring performance using quantifiable and qualitative indicators to adequately determine performance. State responsibilities include:

- Collecting valid and reliable data to report annually to the Secretary and the public on the State's performance on the indicators in the State Performance Plan (SPP) (34 CFR §300.602(b));
- Reporting to the public on the performance of each local educational agency (district against the targets in the SPP (34 CFR §300.602(b)(1)(A)); and,
- Carrying out enforcement actions against those districts not meeting the requirements (34 CFR §300.608).

The State must monitor the local educational agencies in each of the following priority areas:

- Provision of a free appropriate public education (FAPE) in the least restrictive environment (LRE);
- Exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in 34 CFR 300.43 and 20 U.S.C. 1437(a)(9); and,
- Disproportionate representation of racial and ethnic groups in special education and related services to the extent the representation is the result of inappropriate identification. [34 CFR 300.600] [20 U.S.C. 1416(a)]

34 CFR 300.603 outlines the Determinations states are required to apply, based on district performance. The four categories of Determinations states must use are:

- Meets Requirements
- Needs Assistance
- Needs Intervention
- Needs Substantial Intervention

2016 Determination Process based on FFY 2014 Data:

In reviewing the district FFY 2014 data, ODE considered the timeliness and accuracy of special education data collections and correction of previously identified noncompliance including dispute or complaint findings. ODE examined whether the district provided timely and accurate 2014-2015 data for the Special Education Child Count (SECC), Child Find, and the Special Education Exit collections. To evaluate the timeliness and accuracy of FFY 2014 data, ODE determined whether the program submitted and verified the data prior to the close of the designated reporting window with no further edits or error reports after the close of the designated window for correction.

Based on OSEP requirements, ODE also included Compliance Indicators B9, B10, B11, and B13. With respect to these indicators, ODE looked for evidence that the district demonstrated substantial compliance, correction of noncompliance, and completion of any corrective action as a result of complaints or dispute resolution within the one-year timeframe.

ODE did not consider performance indicators relating to graduation, dropout, statewide assessment, suspension/expulsion, or federal placement distribution due to changing reporting requirements and/or targets. These and other indicators from the State Performance Plan (SPP), as well as improvement plans may be incorporated into future Determinations.

Generally, and absent any other issues, ODE considered a district to Meet Requirements if it provided valid and reliable FFY 2014 data and demonstrated substantial compliance or correction of noncompliance across all indicators and no other data sources indicated noncompliance. ODE determined that a district demonstrated substantial compliance if it provided data showing a very high level (95% or greater) of initial compliance or corrected noncompliance within the one year timeframe.

If an LEA did not meet this standard on only one indicator (B11, B13, correction of previous year's noncompliance), the ODE considered the LEA to Meet Requirements if the compliance level for that indicator was high (90% or better). In no case, however, was a district placed in Meets Requirements if it failed to provide ODE with timely and accurate FFY 2014 data as defined by the attached matrix.

Generally, and absent any other issues, ODE considered a district to Need Assistance if it demonstrated lower (between 50% and 94%) initial compliance or correction of noncompliance within the one-year timeline and no other data sources indicated noncompliance. In no case, however, was a district placed in Need Assistance if it failed to provide timely and accurate FFY 2014 data as defined by the attached matrix.

ODE considered a district to Need Intervention if it demonstrated very low level (below 50%) of initial compliance or through correction of noncompliance within the one year timeline and no other data sources indicated noncompliance. ODE also identified a district as being in need of intervention if they did not provide timely and accurate FFY 2014 data for any collection, or failed to provide accurate or timely data across the three collections included in determinations as defined by the attached matrix.

ODE identified a district in Need of 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 State's exercise of general supervision, or if the district informed the ODE that it was unwilling to comply.

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.

Compliance Indicator Descriptions as Required for State Reporting Purposes:

B9: Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

B10: Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

B11: Percent of children with parental consent to evaluate, who were evaluated and eligibility determined within 60 days (or State established timeline).

B13: Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.

General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.

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.