

# LEA Special Education Determination (LSED)



**IDEA Determination based on FFY 2018 SPP/APR Data**

**School Year 2018-2019**

<<LEA NAME>>

<<Determination>>

The U.S. Department of Education Office of Special Education Programs (OSEP) requires states to make annual determinations on the performance of each Local Education Agency (LEA) in implementing the requirements and purposes of IDEA – Part B, with regard to the provision of special education and related services. Determinations are a way of designating the status of LEAs into one of four categories as outlined in [34 CFR §300.603](#). These categories are:

**Meets Requirements (MR)   Needs Assistance (NA)   Needs Intervention (NI)   Needs Substantial Intervention (NSI)**

Special education determinations are based upon the most recent data filed with the Office of Special Education Programs (OSEP) for Vermont’s State Performance Plan/Annual Performance Report (SPP/APR). States must use the indicator targets established in the State Performance Plan (SPP) under [34 CFR §300.601](#) and the priority areas described in [34 CFR §300.600\(d\)](#) to analyze the performance of each LEA. Following OSEP’s lead, Vermont is implementing an accountability system under the IDEA known as Results Driven Accountability (RDA), which shifts efforts for accountability from a primary emphasis on compliance to a framework that focuses on improved results for students with disabilities, while continuing to ensure compliance with the requirements found in IDEA.

## Calculating Determinations

In making determinations, Vermont’s system incorporates factors for compliance and results indicators as reported to OSEP in the SPP/APR. The focus areas for LEA Special Education Determinations are influenced by the focus areas in OSEP’s State Determination for the same timeframe and are derived using similar criteria to that which OSEP uses for State determinations. OSEP’s FFY2018 criteria for state determinations is outlined in the table below.

Determination	Meets Requirements	Needs Assistance	Needs Intervention	Needs Substantial Intervention
OSEP criteria for State Determinations	> 80%	60-79%	40-59%	< 40%

Calculations are based on individual LEA performance toward achieving state targets and are aligned with local annual performance reports for the same time period. The Part B compliance indicators measure LEA performance related to suspension and expulsion, disproportionate representation, child find activities, and transitions of students with disabilities (both C to B and post-secondary transitions). Compliance indicators (4, 9/10, 11, 12, 13) will only receive points for *meets target* or *did not meet target*. The Part B results indicators measure LEA performance on APR indicators related to graduation rate, performance and participation on statewide assessments including the alternate assessment (grades 3-9), educational environment for both school age and preschool students (ages 3-21), and preschool outcomes (ages 3-5). Results areas may be awarded partial points for making progress toward state targets. In addition, determinations may also be made in general supervision performance measures related to compliance on annual date reviews for IEPs and

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triennial evaluations, timely and accurate data reporting, fiscal/grantee pre-award risk rating, dispute resolutions, and timely resolution on findings of noncompliance.

Areas listed as NA indicate data not available and might occur because:

- The LEA does not have data generated for this indicator;
- LEA was not in that year’s monitoring cycle; and
- The LEA number of students for this indicator is fewer than Vermont’s minimum n-size.

Beginning with FFY2018 (SY2018-2019), both compliance and results indicators will be given equal weight in making the LEA Special Education Determination. Beginning with FFY2019 (SY2019-2020), determinations will also include accountability for general supervision requirements. Scoring criteria is listed at the bottom of this report.

## Technical Assistance, Improvement, Correction, Incentives and Sanctions

In addition, [34 CFR §300.604](#) outlines enforcement actions related to the above categories and the State Education Agency (SEA or AOE) will use these enforcement activities when developing differentiated monitoring and supports for LEAs based upon their determination category. IDEA identifies specific technical assistance or enforcement actions that must occur under specific circumstances when LEAs are not determined to “meet requirements”. If the LEA “needs assistance” for two consecutive years, the State must take one or more enforcement actions, including, among others, requiring the LEA to access technical assistance, designating the LEA as a high-risk grantee, or directing the use of LEA funds to the area(s) where the LEA needs assistance. If the LEA “needs intervention” for three consecutive years, the State must take one or more enforcement actions, including among others, requiring a corrective action plan or compliance agreement, or withholding further payments to the LEA. Any time the LEA “needs substantial intervention” the State must take immediate enforcement action, such as withholding funds or referring the matter to the State’s legal team for appropriate enforcement.

For additional information on Vermont’s General Supervision and Monitoring System, please visit our [website](#).

Performance Measure	LEA Data	State Target	Meets Target (Y/N)	% above or below Target	Points
<b>Indicator 1 Graduation Rate</b> % of youth with IEPs graduating with a regular diploma <i>NOTE: VT has only one diploma for all students</i>		≥ 86%			
<b>Indicator 2 Dropout Rate (students with IEPs ages 14-21)</b> % of youth who dropped out of high school without a diploma		≤3.20%			
<b>Indicator 3 Statewide Assessments (students with IEPs grades 3-9)</b>					
B. ELA/READING – % Participation includes alternate assessments		≥99.25%		**	
B. MATH – % Participation includes alternate assessments		≥99.25%		**	
C. ELA/READING – % Proficiency includes alternate assessments		≥12.25%			
C. MATH – % Proficiency includes alternate assessments		≥ 7.35%			
<b>Indicator 4 Suspension/Expulsion (students with IEPs ages 6-21)</b>		0%			

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Performance Measure	LEA Data	State Target	Meets Target (Y/N)	% above or below Target	Points
A. % of students with disabilities with out-of-school suspensions and expulsions <i>greater than 10 cumulative days</i> in a school year					
B. % of students with disabilities with significant discrepancy, by race or ethnicity, for which policies/procedures/practices contributed to out-of-school suspensions or greater than 10 cumulative days in a school year		0%			
<b>Indicator 5 Educational Environments (students with IEPs ages 6-21)</b>					
A. % inside the regular classroom 80% or more of the school day		≥ 79%			
B. % inside the regular classroom less than 40% of the school day		≤ 7%			
C. % in separate schools, residential facilities, or homebound/hospital placements		≤3.75%			
<b>Indicator 6 Preschool Environments (children with IEPs ages 3-5)</b>					
A. % attending regular early childhood program & receiving special education & related services in a regular early childhood program		≥71.78%			
B. % attending separate special education class, separate school or residential facility		≤6.19%			
<b>Indicator 7 Preschool Outcomes (children with IEPs ages 3-5)</b>					
<b>Measurement 1</b> - % of preschool children entering ECSE functioning <i>below</i> age expectations, who substantially increased their rate of growth by the time they turned six years of age or exited the program					
Outcome A: Positive Social-Emotional Skills		≥87.13%			
Outcome B: Acquisition and use of knowledge and skills		≥87.80%			
Outcome C: Use of appropriate behaviors to meet needs		≥86.50%			
<b>Measurement 2</b> - % of preschool children who were functioning <i>within</i> age expectations by the time they turned six years of age or exited the program					
Outcome A: Positive Social-Emotional Skills		≥41.41%			
Outcome B: Acquisition and use of knowledge and skills		≥32.99%			
Outcome C: Use of appropriate behaviors to meet needs		≥55.21%			
<b>Indicator 8 Parent Involvement (ages 3-21)</b>					
% of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities		≥38.12%			
<b>Indicator 9 Disproportionate Representation (ages 6-21)</b>					
% of disproportionate representation in <i>racial and ethnic groups</i> as a result of inappropriate identification		0%			
<b>Indicator 10 Disproportionate Representation (ages 6-21)</b>					
% of disproportionate representation in <i>specific disability categories</i> that is the result of inappropriate identification		0%			
<b>Indicator 11 Child Find (ages 3-21)</b>					
% of children evaluated <i>within 60 days</i> of receiving parental consent for initial evaluation, or if appropriately delayed documentation was provided		100%			
<b>Indicator 12 Part C to B Transition</b>					
% of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthday.		100%			

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Performance Measure	LEA Data	State Target	Meets Target (Y/N)	% above or below Target	Points
<b>Indicator 13 Post-Secondary Transition (youth with IEPs ages 16-21)</b> % with an IEP that includes appropriate measurable post-secondary goals that are annually updated and based upon age appropriate transition assessments, transition services, including course of study that will reasonably enable the student to meet those post-secondary goals, and annual IEP goals related to the student's transition service needs		100%			
<b>Indicator 14 Post-School Outcomes</b> % youth with IEPs who are no longer in high school and within one year of leaving school were:					
A. enrolled in higher education		≥24.25%			
B. enrolled in higher education or competitively employed		≥56.5%			
C. enrolled in any postsecondary education or training program or in any employment		≥ 72%			
<b>Indicator 17 State Systemic Improvement Plan (SSIP)</b> Participation by LEA receives up to (3) bonus points toward determination based on number of years of participation					
<b>Annual Date Reviews</b> IEPs are reviewed and updated annually (defined as 365 days)		≥ 95%			
Evaluations are reviewed and updated within three years (defined as 1095 days)		≥ 95%			

## SCORING CRITERIA

(3) points for each meets target, (2) points for 1-5% below target, (1) point for 6-10% below target, (0) points for >10% below target, and up to (3) bonus points for SSIP participation. *NOTE:* Ind 4, 9/10, 11, 12, & 13 are OSEP compliance requirements and will receive a score of (3) or (0) only. FFY2018 points listed as NA are not included in this determination, or the total maximum points for the LEA.

\*\* Participation scores are significantly impacted by Vermont's small n-size and therefore points are awarded as follows: (3) points for meeting target, or not meeting target by 1 participant; (2) points for not meeting target by 2 participants; and (1) point for not meeting target by 3 participants; (0) points will be awarded for all other scenarios involving participation.

LEA Total Score (includes bonus)	
LEA Maximum Points	
LEA Total Percentage	
<b>LEA Determination</b>	

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## General Supervision Requirements

Includes oversight and accountability related to special education for SPP/APR indicators, effective implementation of policies and procedures; monitoring, fiscal, data, sanctions, dispute resolution, and technical assistance/professional development. OSEP requires that states include some or all of the general supervision measures in making determinations. The state is providing notification that beginning with data collected during the school year 2019-2020 (FFY2019) all areas listed below will also be considered when making determinations. FFY2018 points are listed as NA and not included in this determination.

Performance Measure	LEA Data	State Target	Meets Target (Y/N)	FFY2018 Points
Findings of non-compliance corrected within one year	**	Yes	**	NA
Findings of non-compliance remaining after one year	**	No	**	NA
Timely Data Reporting (child count/exit data submissions met)	**	Yes	**	NA
Accurate Data Reporting (no errors in required data submissions)	**	Yes	**	NA
Improvement Plans are implemented and resolved in grants management system (GMS)	**	Yes	**	NA
Fiscal/Grantee Pre-Award Risk Rating (Low=3pts, Moderate=2pts, High=0pts)	**	Low	**	NA
IDEA Grant Application (timely and accurate submission)	**	Yes	**	NA
IDEA Grant Application (no more than 2 amendments)	**	Yes	**	NA
IDEA Fiscal Audit Findings are resolved within required timeframe	**	Yes	**	NA
Dispute Resolution Filings – Total number (mediation, administrative complaint, due process)	**			
% of students with disabilities (ages 3-21)	**			
% of students with disabilities (ages 3-5)	**			
% of students with disabilities (ages 6-21)	**			
<b>SCORING CRITERIA</b> General supervision and monitoring requirements will receive a score of (3) <i>meets target</i> or (0) <i>did not meet target</i> . The exception to this will be the Fiscal/Grantee Pre-Award Risk Rating which will be scored as indicated above. NOTE: The pre-award risk rating information is provided annually through the business office.  ** beginning with the FFY2019 current data will be used in making determinations and will appear in appropriate columns.				LEA Total Score  NA FFY2018

Special education program monitoring activities open annually in September with LEA submissions due January 15<sup>th</sup> and March 15<sup>th</sup>. AOE reviews are conducted February - May with LEA closeout/notifications prior to the beginning of the next school year. LEAs will receive an email in early September outlining specific requirements for monitoring activities identified below.

Expected monitoring activities for the upcoming school year include:

- Cyclic Monitoring
- Targeted Monitoring
- Selective Monitoring
- No Scheduled Monitoring
- On-Site Visit (based on data from previous monitoring activities or LSED status)