



# Part B: Public Reporting & District Determinations

*Improving Outcomes for Children and Youth with  
Disabilities (Ages 3 through 21)*

This technical guide outlines the processes used by the Nebraska Department of Education, Office of Special Education to generate the Part B performance report 2011-12 and complete the annual district determinations 2013.

April 2013

## Overview

In accordance with Section 616 of IDEA all states shall report annually to the public on the performance of each local educational agency located in the State on the targets in the State's Performance Plan (SPP).

The SPP is a six (6) year plan which consists of measurable and rigorous targets for each of the indicators established by the Secretary. The state submits an Annual Performance Report (APR) to account for performance against the targets for each indicator. For more information about Nebraska's SPP or APR, visit <http://www.education.ne.gov/sped/data.html>.

Nebraska has grouped the SPP Indicators into meaningful categories (Impact Areas) that provide a broader view of improving achievement and accountability for children with disabilities within a continuous improvement framework. For more information about Nebraska's Impact Areas visit <http://www.education.ne.gov/sped/technicalassist/Impact%20Area%20Brochure.pdf>

In addition to these requirements, states must annually complete district determinations.

The following pages outline Nebraska's processes used to compile the **2011-12** Part B Performance Report and complete the **2013** annual district determinations. In summary, processes for public reporting and district determinations are:

**Nebraska's Public Reporting:** The district Part B Performance Report is released each year, on or before June 1, on the State of the Schools Report (SOSR) <http://www.education.ne.gov/documents/SOSR.html>.

The district Part B Performance Report includes the SPP indicators 1-15. The state target is listed, along with the district's performance against each target and whether or not the target was met.

In order to ensure complete and accurate data, all districts are given the opportunity to review their own district-level information on a secured site before the district Performance Report is released to the public.

**Nebraska's District Determinations:** The Part B Performance Report is also used to complete the annual district determinations. All indicators on the Report are considered while completing the determinations. In addition, timely and accurate submission of data and audit findings are considered. The determinations are distributed to each district via a secured site, on or before June 1<sup>st</sup> following the submission of the APR.

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# Graduation Rates for Students with Disabilities

## Indicator B1

### Performance Indicator- Impact Area I

**Data Source:** NSSRS June 30 count

**Data Year:** 2010-11

**Data Due:** June 30, 2011

**Measurement/Calculation:** The Cohort Four-Year Graduation Rate is calculated by determining how many students in the Graduation Cohort graduate with a regular diploma divided by the number of students entering grade level nine for the first time, plus the number of students who transferred in, minus the number of students who transferred out.

$$\frac{\text{High School Diploma Recipients (YEAR X)}}{\text{FIRST-TIME ninth graders [(YEAR X) - 4] + (transfer in) - (transfer out)}}$$



*This is the first year using the four-year cohort. As a reminder, the NDE will be applying the 5<sup>th</sup> year extended cohort which will include students who graduate with a regular diploma in the 5<sup>th</sup> year in FFY 2012 and the 6<sup>th</sup> and 7<sup>th</sup> year graduates in the consecutive years.*

**Public Reporting Considerations:** Data is masked for public reporting if less than 10 (\*). If the district reported no students graduating with a regular diploma, the following masking symbol is used: ▼

Indicator #	ILCD Component	Indicator Topic	State Target	Local Performance	Go Me
1	3C	<a href="#">Graduation Rate</a>	75.20%	▼	
2	3D	<a href="#">Dropout Rate</a>	2.12%	0.00%	Y
3B	5A	Participation / Reading / Elementary	95.00%	100.00%~	Y
3B	5A	Participation / Reading / Middle	95.00%	100.00%~	Y
3B	5A	Participation / Reading / High	95.00%	100.00%~	Y
3B	5A	Participation / Math / Elementary	95.00%	100.00%~	Y
3B	5A	Participation / Math / Middle	95.00%	100.00%~	Y
3B	5A	Participation / Math / High	95.00%	100.00%~	Y

**District Determinations Considerations:**

<b>Status of District Performance</b>	<b>Points Distributed</b>
Performance meets or exceeds state target	1.0
Performance does not meet target but improves from the previous year	1.0
Performance does not meet target but stays the same as previous year	1.0

If the district reported no students for the given year (▼), the indicator is counted on the district determination summary in Line C as “How many indicators cannot be included”. This removes the indicator from the total number of points possible. See Appendix A for a blank copy of the district determination worksheet.

## Dropout Rates for Students with Disabilities

Indicator B2

Performance Indicator- Impact Area II

**Data Source:** NSSRS June 30 count

**Data Year:** 2010-11

**Data Due:** June 30, 2011

**Measurement/Calculation:** Nebraska’s dropout rate is calculated by dividing the number of youth with IEPs (ages 14-21) who exited special education due to dropping out in 10-11 in the numerator and the number of all youth with IEPs (ages 14-21) in 10-11 in the denominator.

**Public Reporting Considerations:** Data is masked for public reporting if less than 10 (\*). If the district reported no students graduating with a regular diploma, the following masking symbol is used: ▼

**District Determinations Considerations:**

Status of District Performance	Points Distributed
Performance meets or exceeds state target	1.0
Performance does not meet target but improves from the previous year	1.0
Performance does not meet target but stays the same as previous year	1.0

If the district reported no students for the given year (▼), the indicator is counted on the district determination summary in Line C as “How many indicators cannot be included”. This removes the indicator from the total number of points possible. See Appendix A for a blank copy of the district determination worksheet.

## Assessment Outcomes for Students with Disabilities

Indicator B3A-B3C

Performance Indicator- Impact Area I

### **Indicator 3A**

**Data Source:** NSSRS Assessment Data

**Data Year:** 2011-12

**Data Due:** NeSA Testing Spring, 2012

**Measurement/Calculation:** Percent of districts with a disability subgroup that meets the minimum “n” size that meet the State’s AYP targets for the disability subgroup.

**Public Reporting Considerations:** This is state aggregate data; therefore, a district percentage is not included in the performance report.

**District Determinations Considerations:** This is state aggregate data; therefore, a district percentage is not included in the district’s determination.

**Follow up if target is not met:** This is state aggregate data; therefore, a district percentage is not included in the performance report.

# Assessment Outcomes for Students with Disabilities

Indicator B3A-B3C

Performance Indicator- Impact Area I

## Indicator 3B

**Data Source:** NSSRS Assessment Data

**Data Year:** 2011-12

**Data Due:** NeSA Testing Spring, 2012

**Measurement/Calculation:** Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.

**Public Reporting Considerations:** Masking symbols for less than 30 and less than 10 are applied to this component. The less than 30 masking rule (~) is applied to match procedures used for Adequate Yearly Progress (AYP).

Performance Report
Case Tracking
District Determinations
IEP Plan
IEP Workbook

District Performance Report <a href="#">2006-2007</a> <a href="#">2007-2008</a> <a href="#">2008-2009</a> <a href="#">2009-2010</a>					
Part B Services: Ages 3 through 21					
Indicator #	ILCD Component	Indicator Topic	State Target	Local Performance	Goal Met
1	3C	<a href="#">Graduation Rate</a>	75.20%	66.67%★	N
2	3D	<a href="#">Dropout Rate</a>	2.12%	0.00%	Y
3B	5A	Participation / Reading / Elementary	95.00%	100.00% <sup>~</sup>	Y
3B	5A	Participation / Reading / Middle	95.00%	100.00% <sup>~</sup>	Y
3B	5A	Participation / Reading / High	95.00%	100.00% <sup>~</sup>	Y
3B	5A	Participation / Math / Elementary	95.00%	95.24% <sup>~</sup>	Y
3B	5A	Participation / Math / Middle	95.00%	95.24% <sup>~</sup>	Y
3B	5A	Participation / Math / High	95.00%	95.24% <sup>~</sup>	Y

**District Determinations Considerations:**

<b>Status of District Performance</b>	<b>Points Distributed</b>
Performance meets or exceeds state target	1.0
Performance does not meet target but improves from the previous year	1.0
Performance does not meet target but stays the same as previous year	1.0

Points are awarded even if the “n” is less than 30.

If the district reported no students for the given year (▼), the indicator is counted on the district determination summary in Line C as “How many indicators cannot be included”. This removes the indicator from the total number of points possible. See Appendix A for a blank copy of the district determination worksheet.

## Assessment Outcomes for Students with Disabilities

Indicator B3A-B3C

Performance Indicator- Impact Area I

### **Indicator 3C**

**Data Source:** NSSRS Assessment Data

**Data Year:** 2011-12

**Data Due:** NeSA Testing Spring, 2012

**Measurement/Calculation:** Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.

**Public Reporting Considerations:** Masking symbols for less than 30 and less than 10 are applied to this component. The less than 30 masking rule (~) is applied to match procedures used for Adequate Yearly Progress (AYP). Additionally, the percentage for assessment performance is not publicly displayed, to match procedures used for AYP.

### **District Determinations Considerations:**

Status of District Performance	Points Distributed
Performance meets or exceeds state target	1.0
Performance does not meet target but improves from the previous year	1.0
Performance does not meet target but stays the same as previous year	1.0

Points are awarded even if the “n” is less than 30.

If the district reported no students for the given year (▼), the indicator is counted on the district determination summary in Line C as “How many indicators cannot be included”. This removes the indicator from the total number of points possible. See Appendix A for a blank copy of the district determination worksheet.

If a district met AYP through the use of a confidence interval and/or safe harbor, the district is awarded a point (calculations completed in Title I Office). The  $\diamond$  symbol is used to indicate this consideration.

3C	5B	Performance / Reading / Elementary	56.00%	56.00%	Y
3C	5B	Performance / Reading / Middle	60.00%	57.89% $\diamond$	Y
3C	5B	Performance / Reading / High	37.00%	53.32%	
3C	5B	Performance / Math / Elementary	83.00%	90.00%	Y
3C	5B	Performance / Math / Middle	79.00%	100.00%	Y

# Suspension/Expulsion for Students with Disabilities

Indicator 4A-4B

Performance Indicator- Impact Area II

## **Indicator 4A**

**Data Source:** Discipline Report

**Data Year:** 2011-12

**Data Due:** June 30, 2012

**Measurement/Calculation:** Number of special education students in district suspended or expelled for greater than 10 days.

Nebraska's definition of significant discrepancy for section A of this indicator is any district that is suspending or expelling 6 or more students for greater than ten days at a rate higher than 3.0 times the state rate. Nebraska uses a minimum n size of 30.

**Public Reporting Considerations:** No special considerations.

## **District Determination Considerations:**

<b>Status of District Performance</b>	<b>Points Distributed</b>
Performance meets or exceeds state target	1.0
Performance does not meet target but improves (% decreases) from the previous year	1.0
Performance does not meet target but stays the same as previous year	1.0

## Suspension/Expulsion for Students with Disabilities

Indicator 4A-4B

Compliance Indicator- Impact Area II

### **Indicator 4B**

**Data Source:** Discipline Report

**Data Year:** 2011-12

**Data Due:** June 30, 2012

**Measurement/Calculation:** Number of special education students in the district, suspended or expelled for greater than 10 days, by race/ethnicity; and policies, procedures or practices that contribute to the significant discrepancy do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

Nebraska's definition of significant discrepancy for section B of this indicator is any district that is suspending or expelling 6 or more students by Race/Ethnic grouping, for greater than ten days at a rate higher than 5 times the state rate for all children with disabilities.

**Public Reporting Considerations:** No special considerations.

**District Determination Considerations:** 4B is a compliance indicator; therefore the target is 0%. The district earns 1.0 point if the target is met.

To ensure that Nebraska has established a measurement that appropriately identifies districts with a significant discrepancy, NDE will conduct a review of those districts immediately above or below the 5 measurement by reviewing their use of positive behavioral interventions and supports and district policies and procedures relating to discipline in the IEP.

## LRE for Students with Disabilities (ages 6-21)

Indicator 5A-5C

Performance Indicator- Impact Area I

### **Indicator 5A**

**Data Source:** NSSRS Settings Data

**Data Year:** 2012-13

**Data Due:** October 1, 2012

**Measurement/Calculation:** Percent of children with IEPs aged 6 through 21 served:

- A. Inside the regular class 80% or more of the day.

**Public Reporting Considerations:** No special considerations.

### **District Determination Considerations:**

<b>Status of District Performance</b>	<b>Points Distributed</b>
Performance meets or exceeds state target	1.0
Performance does not meet target but improves (% increased) from the previous year	1.0
Performance does not meet target but stays the same as previous year	1.0

See Appendix A for a blank copy of the district determination worksheet.

## LRE for Students with Disabilities (ages 6-21)

Indicator 5A-5C

Performance Indicator- Impact Area I

### **Indicator 5B**

**Data Source:** NSSRS Settings Data

**Data Year:** 2012-13

**Data Due:** October 1, 2012

**Measurement/Calculation:** Percent of children with IEPs aged 6 through 21 served:  
B: Inside the regular class less than 40% of the day.

**Public Reporting Considerations:** No special considerations.

### **District Determination Considerations:**

<b>Status of District Performance</b>	<b>Points Distributed</b>
Performance meets or exceeds state target	1.0
Performance does not meet target but improves (% decreased) from the previous year	1.0
Performance does not meet target but stays the same as previous year	1.0

See Appendix A for a blank copy of the district determination worksheet.

## LRE for Students with Disabilities (ages 6-21)

Indicator 5A-5C

Performance Indicator- Impact Area I

### **Indicator 5C**

**Data Source:** NSSRS Settings Data

**Data Year:** 2012-13

**Data Due:** October 1, 2012

**Measurement/Calculation:** Percent of children with IEPs aged 6 through 21 served:  
C: Percent of children with IEPs aged 6 through 21 served: In separate schools, residential facilities, or homebound/hospital placements.

**Public Reporting Considerations:** No special considerations.

### **District Determination Considerations:**

Status of District Performance	Points Distributed
Performance meets or exceeds state target	1.0
Performance does not meet target but improves (% decreased) from the previous year	1.0
Performance does not meet target but stays the same as previous year	1.0

See Appendix A for a blank copy of the district determination worksheet.

## LRE for Students with Disabilities (ages 3-5)

Indicator 6A-6B

Performance Indicator- Impact Area I

### Indicator 6A

**Data Source:** NSSRS Settings Data

**Data Year:** 2012-13

**Data Due:** October 1, 2012

**Current Measurement/Calculation:** Percent of children aged 3 through 5 with IEPs attending a:  
A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and



*NDE will be populating baseline data and setting targets based on data collected during the 2011-12 school year.*

## LRE for Students with Disabilities (ages 3-5)

Indicator 6A-6B

Performance Indicator- Impact Area I

### Indicator 6B

**Data Source:** NSSRS Settings Data

**Data Year:** 2012-13

**Data Due:** October 1, 2012

**Current Measurement/Calculation:** Percent of children aged 3 through 5 with IEPs attending a:  
B. Separate special education class, separate school or residential facility.



*NDE will be populating baseline data and setting targets based on data collected during the 2011-12 school year.*

## Results Matter for Children Ages 3-5

Indicator 7A-7C

Performance Indicator- Impact Area I

### **Indicator 7**

**Data Source:** Teaching Strategies GOLD

**Data Year:** 2011-12

**Data Due:** June 30, 2012

**Measurement/Calculation:** Percent of preschool children aged three through five with IEPs who demonstrate improved: A. Positive social-emotional skills (including social relationships); B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); C. Use of appropriate behaviors to meet their needs.



*In 2011-12, districts began a transition process to move from the three assessment systems to a single child outcomes assessment system—Teaching Strategies GOLD. Districts may elect to switch from OnlineCOR and AEPSi in 2011-12, or wait until 2012-13 in order to have a year of transition for planning and training teachers and administrators. For those districts using CreativeCurriculum.net, that system will automatically convert all current users to GOLD beginning in 2011-12. Beginning in 2012-13, all districts will participate in Teaching Strategies GOLD for all children B-5.*

**Public Reporting Considerations:** Data is masked for public reporting if less than 10 (\*). If the district reported no children for this component, the following symbol is used (▼). **NA:** This applies only to Summary Statement 1 for Outcomes A, B and C. All children demonstrated skills similar to same aged peers at entry. As a result, there was no opportunity for children to demonstrate greater than expected gains between the entry and exit checkpoint.

**District Determination Considerations:** The District Determinations issued in spring 2013 will not include the targets for Results Matter. See Appendix A for a blank copy of the district determination worksheet.

## Parent Involvement (Children Ages 3 through 21)

Indicator 8

Performance Indicator- Impact Area II

### Indicator 8

**Data Source:** Part B parent survey

**Data Year:** 2011-12

**Data Due:** October 1, 2012

**Measurement/Calculation:** Percent 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.



*An approved sampling plan is used to collect data from school districts once every five years for this Indicator. The survey is distributed and collected by the participating district. The survey responses are sent to NDE for analysis. DLM files are returned back to the district.*

**Public Reporting Considerations:** The district's performance against the target will only be publicly displayed the year the survey was collected. For any other year, the district performance will be blank.

1	3D	<a href="#">Outcome C / Summary Statement 1</a>	65.20%	100.00%	
7	5D	<a href="#">Outcome C / Summary Statement 2</a>	74.00%	84.00%*	
8	1A	<a href="#">Parent Involvement</a>	70.20%		
9	2E	<a href="#">Disproportionality of Race/Ethnicity in Special Education and Related Services</a>	0.00%	0.00%	Y

**District Determination Considerations:** If the district did not participate in the survey in 2010-11, the performance for this Indicator will be blank. As a result, the NDE will include this Indicator in Line C of the determinations worksheet as "How many indicators cannot be included". This removes the indicator from the total number of points possible. See Appendix A for a blank copy of the district determination worksheet.

## Disproportionality

Indicator 9

Compliance Indicator- Impact Area I

### **Indicator 9**

**Data Source:** NSSRS Child Count

**Data Year:** 2012-13

**Data Due:** October 1, 2012

**Measurement/Calculation:** Percent of disproportionate representation due to inappropriate identification.

**Public Reporting Considerations:** Because this is a compliance indicator, the target must be 0%.

**District Determination Considerations:** The district earns 1.0 point if the target is met.

## Disproportionality

Indicator 10

Compliance Indicator- Impact Area I

### **Indicator 10**

**Data Source:** NSSRS Child Count

**Data Year:** 2012-13

**Data Due:** October 1, 2012

**Measurement/Calculation:** Percent of disproportionate representation of racial and ethnic groups in specific disability categories as the result of inappropriate identification.

**Public Reporting Considerations:** Because this is a compliance indicator, the target must be 0%.

**District Determination Considerations:** The district earns 1.0 point if the target is met.

## Child Find

### Indicator 11

#### Compliance Indicator- Impact Area II

#### **Indicator 11**

**Data Source:** District data- consents received for initial evaluations and timeline for completing evaluation. Data is reported through a secured website (Inquiry 2, Component C).

**Data Year:** 2011-12

**Data Due:** October 31, 2012

**Measurement/Calculation:** Percent of children with parental consent to evaluate, who were evaluated and eligibility determined within 45 school days.



*Districts participate in this data collection during the established monitoring year (e.g. same year as NDE compliance file review). Therefore, districts participate in this data collection once every five years. If the district does not demonstrate 100% compliance, NDE verifies correction using the two-prong process outlined in OSEP memo 09-02 (Appendix B).*

**Public Reporting Considerations:** Because this is a compliance indicator, the target must be 100%.

**District Determination Considerations:** The district earns 1.0 point if the target is met. For a **COMPLIANCE** indicator that does not meet the target, the district may score one point **if:** the compliance rate is 75% or more and stays the same or improves from the previous years, **and** correction of noncompliance within the indicator occurred in one year.

## Part C to Part B Transition

### Indicator 12

#### Compliance Indicator- Impact Area III

#### **Indicator 12**

**Data Source:** NSSRS and District data. District data is reported through a secured website (Inquiry 7, Component C).

**Data Year:** 2011-12

**Data Due:** NSSRS, submitted in June and October, 2012. ILCD data collected on October 31, 2012

**Measurement/Calculation:** Percent 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 birthdays.



*Districts participate in this data collection every year. If the district does not demonstrate 100% compliance, NDE verifies correction using the two-prong process outlined in OSEP memo 09-02 (Appendix B).*

**Public Reporting Considerations:** Because this is a compliance indicator, the target must be 100%.

**District Determination Considerations:** The district earns 1.0 point if the target is met. For a **COMPLIANCE** indicator that does not meet the target, the district may score one point **if:** the compliance rate is 75% or more and stays the same or improves from the previous years, **and** correction of noncompliance within the indicator occurred in one year.

## Secondary Transition Components in the IEP

### Indicator 13

#### Compliance Indicator- Impact Area III

#### **Indicator 13**

**Data Source:** Monitoring Checklist (Questions aligned with the National Secondary Transition Technical Assistance Center-NSTTAC- Checklist A)

**Data Year:** 2011-12

**Data Due:** Data is pulled from the date the five (5) year monitoring file review is finalized.

**Measurement/Calculation:** Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There also must be evidence that, if appropriate, a representative of any participating agency was invited to the IEP team meeting with the prior consent of the parent or student who has reached the age of majority.



*Districts participate in this data collection during the established monitoring year (e.g. same year as NDE compliance file review). Therefore, districts participate in this data collection once every five years. If the district does not demonstrate 100% compliance, NDE verifies correction using the two-prong process outlined in OSEP memo 09-02 (Appendix B).*

**Public Reporting Considerations:** Because this is a compliance indicator, the target must be 100%.

**District Determination Considerations:** The district earns 1.0 point if the target is met. For a **COMPLIANCE** indicator that does not meet the target, the district may score one point **if:** the compliance rate is 75% or more and stays the same or improves from the previous years, **and** correction of noncompliance within the indicator occurred in one year.

## Nebraska's Post-School Outcomes Project

Indicator 14A-14C

Performance Indicator- Impact Area III

### **Indicator 14**

**Data Source:** Telephone interviews conducted with former students or a family member approximately one year after exit.

**Data Year:** Interviews completed during the summer, 2012 with exiters from 2010-11 school year

**Data Due:** Contact information for the former students is collected via the NDE portal in April of each year. The list of students presented in this report is pulled from the June 30 NSSRS exit report.

**Measurement/Calculation:** Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were: A. enrolled in higher education within one year of leaving high school; B. enrolled in higher education or competitively employed within one year of leaving high school; C. enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.



*The definitions used for these targets are established by OSEP (e.g. definition of higher education). For a complete overview of the definitions, access Nebraska's Post-School Outcomes methodology report at <http://ndetransition.site.esu9.org/ne-post-school-outcomes/>*

**Public Reporting Considerations:** Data is masked for public reporting if less than 10 (\*). If the district reported no students graduating with a regular diploma, receiving a certificate of completion, aging out or dropping out, the following masking symbol is used: ▼.

**District Determination Considerations:**

<b>Status of District Performance</b>	<b>Points Distributed</b>
Performance meets or exceeds state target	1.0
Performance does not meet target but improves from the previous year	1.0
Performance does not meet target but stays the same as previous year	1.0

If the district reported no students for the given year (▼), the indicator is counted on the district determination summary in Line C as “How many indicators cannot be included”. This removes the indicator from the total number of points possible.

## Correction of Non-Compliance

### Indicator 15

#### Compliance Indicator- Impact Area IV

#### **Indicator 15**

**Data Source:** General supervision system (including monitoring, complaints, hearings, etc.).

**Data Year:** The bulk of the data was identified non-compliance in 2010-11 file reviews, corrected in 2011-12, with noncompliance data from complaints and files reviews, identified in 2011-12, and corrected in 2011-12

**Data Due:** Within in the designated time outlined in the Corrective Action Plan, but not to exceed one (1) calendar year from the date the incident of noncompliance was identified.

**Measurement/Calculation:** Correction of all incidences of noncompliance identified through the File Review, Complaints or Due Process, within in the designated time outlined in the Corrective Action Plan, but not to exceed one (1) calendar year from the date the incident of noncompliance was identified.



*NDE must verify correction of non-compliance using the two-prong process outlined in OSEP memo 09-02 (Appendix B).*

**Public Reporting Considerations:** This is a compliance indicator; therefore, the target is 100%.

**District Determination Considerations:** The district earns 1.0 point if the target is met.

## Timely and Accurate Data

As a reminder, Timely and Accurate data submission is considered in the district’s annual determination. This information is not publicly released in the district’s performance report; however, late and inaccurate submissions may impact the district’s performance against the indicator targets. For example, inaccurate NSSRS data may impact any of the indicators which use this collection as the data source for calculating performance (e.g. graduation and dropout rates, LRE, etc.).

The data collections currently included in the annual district determinations are:

<i>Collection</i>	<i>Timely Submission</i>	<i>Accurate Submission</i>
Special Education Snapshot (NSSRS): June 30	X	X
Statement of Assurances: October 31	X	
Post-School Outcomes- Student Contact Information: April 9	X	
Report of children with disabilities unilaterally removed to an interim alternative setting or suspended or expelled: June 30	X	
NSSRS Special Education Snapshot: October 1	X	X

For a list of special education data collection deadlines, see Appendix C. Also, for more details regarding the point distribution in the district determination, please see Appendix D “Rules of the Road”.

## Significant Audit Findings/Financial Submissions

Timely financial submissions and significant audit findings are also included in the annual district determinations.

The financial reports currently included in the annual district determinations are:

<i>Financial Report</i>	<i>Timely Submission</i>
Final Financial Report for Children with Disabilities Birth to Age 5: October 1	X
Special Education and Support Services Final Financial Report for School Age Students ages 5-21: October 31	X
Special Education Application for Enrollment/Poverty for School Age Students: As Required	X
Special Education Final Claim for Transportation Expenses for Children with Disabilities: September 30	X
Proportionate share Worksheet for Non-public Schools: July 31	X

All reports are also reviewed for significant audit findings. The review of school district financial data is based on the most recent year of complete data. Additionally, the following criteria are used when determining a significant audit finding:

- Audit finding exceeds +/-10% of total special education expenditures reported; and/or
- Major audit finding exceptions (claiming costs that are not allowable).

For a list of special education data collection deadlines, see Appendix C. Also, for more details regarding the point distribution in the district determination, please see Appendix D “Rules of the Road”.

## **Appendix A: District Determination Summary**

## District Determination Summary 2013

District Name: \_\_\_\_\_

NDE Reviewer: \_\_\_\_\_

Line	Instruction	Value
<b>Line A</b>	How many total targets were <b>MET on the Performance Report</b> ? _____ How many points were earned for data reporting? + _____ How many points were earned for finance? + _____	
<b>Line B</b>	How many targets were <b>NOT MET</b> in 2011-12 but <b>IMPROVED</b> from 2010-11? (NOTE: If it is a <b>COMPLIANCE INDICATOR</b> , performance must be above 75% and corrected to be considered for improvement)	
<b>Line C</b>	How many Indicators cannot be included?	
<b>Line D</b>	<i>Add Line A and Line B</i>	
<b>Line E</b>	<i>Subtract Line C from 33</i> (There are 29 total Indicator targets in 2011-12 and 4 possible points for data and finance)	
<b>Line F</b>	<i>Divide Line D by Line E</i>	
<b>Line G</b>	<i>Multiply Line F by 100 to obtain a percentage</i>	

## **Appendix B: OSEP 09-02 Memo**



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

OCT 17 2008

<b>Contact Person</b>	
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<b>Telephone:</b>	(202) 245-7513

**OSEP 09-02**

**TO :** Chief State School Officers  
Lead Agency Directors

**FROM :** William W. Knudsen *William W. Knudsen*  
Acting Director  
Office of Special Education Programs

**SUBJECT :** Reporting on Correction of Noncompliance in the Annual  
Performance Report Required under Sections 616 and 642 of the  
Individuals with Disabilities Education Act.

**Introduction**

Pursuant to sections 616(d) and 642 of the Individuals with Disabilities Education Act (IDEA), the Department reviews each State's Annual Performance Report (APR) and, based on data provided in the State's APR, information obtained through monitoring visits, including verification visits, and any other public information, determines if the State: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. In making determinations in 2007 and 2008, the Office of Special Education Programs (OSEP) considered, among other factors, whether a State demonstrated substantial compliance on all compliance indicators either through reporting a very high level of performance (generally 95% or better) or correction of noncompliance.<sup>1</sup>

The purpose of this memorandum is twofold. First, the memorandum reiterates the steps a State must take in order to report that the previously identified noncompliance has been corrected. Second, the memorandum describes how we will factor evidence of correction into our analysis of whether the State has demonstrated substantial compliance for purposes of determinations under sections 616 and 642 of the IDEA (beginning with the Department's 2010 determinations based on a review of the FFY 2008 APRs). This memorandum also addresses concerns

<sup>1</sup> For Indicators B-15 and C-9, which measure timely correction of noncompliance, the only way for States to demonstrate substantial compliance is by demonstrating timely correction.

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identified in our review of States' FFY 2005 and FFY 2006 APRs about identification and correction of noncompliance and low performance in compliance areas.

**Issue 1 –Demonstrating Correction**

As noted in OSEP's prior monitoring reports and verification visit letters, in order to demonstrate that previously identified noncompliance has been corrected, a State must:

- (1) Account for all instances of noncompliance, including noncompliance identified: (a) through the State's on-site monitoring system or other monitoring procedures such as self-assessment; (b) through the review of data collected by the State, including compliance data collected through a State data system; and (c) by the Department;
- (2) Identify where (in what local educational agencies (LEAs) or early intervention services (EIS) programs) noncompliance occurred, the percentage level of noncompliance in each of those sites, and the root cause(s) of the noncompliance;<sup>2</sup>
- (3) If needed, change, or require each LEA or EIS program to change, policies, procedures and/or practices that contributed to or resulted in noncompliance; and
- (4) Determine, in each LEA or EIS program with identified noncompliance, that the LEA or EIS program is correctly implementing the specific regulatory requirement(s). This must be based on the State's review of updated data such as data from subsequent on-site monitoring or data collected through a State data system.

If an LEA or EIS program did not correct identified noncompliance in a timely manner (within one year from identification), the State must report on whether the noncompliance was subsequently corrected. Further, if an LEA or EIS program is not yet correctly implementing the statutory/regulatory requirement(s), the State must explain what the State has done to identify the cause(s) of continuing noncompliance, and what the State is doing about the continued lack of compliance including, as appropriate, enforcement actions taken against any LEA or EIS program that continues to show noncompliance.

Regardless of the specific level of noncompliance, if a State finds noncompliance in an LEA or EIS program, the State must notify the LEA or EIS program in writing of the noncompliance, and of the requirement that the noncompliance be corrected as soon as possible, but in no case more than one year from identification (i.e., the date on which the State provided written notification to the LEA or EIS program of the noncompliance). In determining the steps that the LEA or EIS program must take to correct the noncompliance and to document such correction, the State may consider a variety of factors, including whether the noncompliance: (1) was extensive or found in only a small percentage of files; (2) resulted in the denial of a basic right under the IDEA (e.g., an extended delay in an initial evaluation with a corresponding delay in the child's receipt of a free appropriate public education or early intervention services, or a failure to provide services in accordance with the individualized education program or individualized family service plan); and (3) represents an isolated incident in the LEA or EIS program, or reflects a long-standing failure to meet the IDEA requirements. Thus, while a State may

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<sup>2</sup> Please note that while we are not requesting that States provide, in the APR, lists of specific LEAs or EIS programs found out of compliance, we may review documentation of correction that the State required of the LEA or EIS program when we conduct a verification visit or other monitoring activity in a State.

determine the specific nature of the required corrective action, the State must ensure that any noncompliance is corrected as soon as possible, but in no case more than one year from identification.

For any noncompliance concerning a child-specific requirement that is not subject to a specific timeline requirement (State Performance Plan (SPP)/APR Indicators B-9, B-10, B-13, C-8A and C-8B), in addition to the steps above, the State also must ensure that the LEA or EIS program has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA or EIS program. Similarly, for any noncompliance concerning a child-specific timeline requirement (SPP/APR Indicators B-11, B-12, C-1, C-7, and C-8C), in addition to the steps enumerated above, the State must ensure that the LEA or EIS program has completed the required action (e.g., the evaluation or initiation of services), though late, unless the child is no longer within the jurisdiction of the LEA or EIS program. In ensuring that each individual case of noncompliance has been corrected, the State does not need to review each child's record in the LEAs or EIS programs where the noncompliance occurred, but rather may review a reasonable sample of the previously noncompliant files to verify that the noncompliance was corrected.

### **Issue 2 – Factoring Correction into Evaluation of Substantial Compliance**

For purposes of the Department's IDEA section 616 determinations issued since June 2007, we considered a State to be in substantial compliance relative to a compliance indicator if the State's data indicate a very high level of compliance (generally 95% or above), or if the State nonetheless demonstrated correction of identified noncompliance related to that indicator. In the interest of fairness to all States, we will evaluate whether a State demonstrated correction of identified noncompliance related to an indicator when we make our 2009 determinations based on the FFY 2007 APRs, and will use the same approach we used in 2007 and 2008. However, some States are reporting very low levels of compliance year after year, while also reporting that they have corrected previously identified noncompliance. This concerns us because it indicates that systemic correction of noncompliance did not occur. Thus, in the interest of improving LEA and EIS program performance and ultimately improving results for infants, toddlers, children and youth with disabilities, beginning with our 2010 determinations:

- (1) We will no longer consider a State to be in substantial compliance relative to a compliance indicator based on evidence of correction of the previous year's noncompliance if the State's current year data for that indicator reflect a very low level of compliance (generally 75% or below); and
- (2) We will credit a State with correction relative to a child-specific compliance indicator only if the State confirms that it has addressed each instance of noncompliance identified in the data for an indicator that was reported in the previous year's APR, as well as any noncompliance identified by the Department more than one year previously. The State must specifically report for each compliance indicator whether it has corrected all of the noncompliance identified in its data for that indicator in the prior year's APR as well as that identified by the Department more than one year previously.

For example --

- Reporting correction of noncompliance identified in on-site monitoring findings alone will not be sufficient to demonstrate correction if the data reported in a State's prior year's APR showing noncompliance were collected through the State's data system, and the monitoring findings do not include all of the instances of noncompliance identified through the prior year's data.
- In order to report correction of noncompliance identified in data based on a statewide sample, the State would need to track the noncompliance identified in the sample data reported in its prior year's APR back to the specific LEAs or EIS programs with noncompliance and report correction for those LEAs or EIS programs.

In other words, a State's demonstration of correction needs to be as broad in scope as the noncompliance identified in the prior year's data.

We hope that you find the information in this memorandum helpful in collecting and reporting data for your future SPP/APR submissions. OSEP is committed to supporting your efforts to improve results for infants, toddlers, children and youth with disabilities and looks forward to working with your State over the next year. If you have any questions, would like to discuss this further, or would like to request technical assistance, please do not hesitate to call your OSEP State Contact.

cc: Part B State Directors  
Part C Coordinators

## **Appendix C: NDE Special Education Data Calendar**

### Special Education Reporting Due Dates

Date Due:	NDE Number:	Data Collection Title:	Submit To:	Phone #:
<b>As Required</b>				
AR	02-063	NSSRS Templates	Data Services	471-4735
AR	06-040	Special Education Application for Enrollment/Poverty IDEA Part B Funding	Special Education	471-2471
<b>September</b>				
30	06-016	Special Education Final Financial Claim for Transportation	Financial Services	471-2637
<b>October</b>				
1	06-025	Special Education Final Financial Report for Children with Disabilities Birth to Age Five	Financial Services	471-2637
15	NSSRS	Special Education Snapshot	Special Education	471-2471
31	06-008	Special Education and Support Services Final Financial Report for School Age Students, ages 5 – 21 (online submission)	Financial Services	471-2637
31	06-055	Final Financial Report School Age Special Education for Mobile Learning Centers (online submission)	Financial Services	471-2637
31	06-007	Statement Of Assurances For A Free Appropriate Public Education (Electronic Submission)	Special Education	471-2471
<b>February</b>				
1	06-015	Special Education Claim Form for Transportation Expenses of Children with Disabilities, 1 <sup>st</sup> Semester	Financial Services	471-2637
<b>April</b>				
9	06-094	Post-School Outcomes Student Contact Information	Special Education	471-2471
<b>June</b>				
30	06-020	Report of Children with Disabilities Unilaterally Removed to an Interim Alternative Setting, or Suspended or Expelled (Electronic Submission)	Special Education	471-2471
30	06-051	NSSRS Special Education June Snapshot	Special Education	471-2471
<b>July</b>				
31	Portal	Proportionate Share Worksheet for Nonpublic Schools	Special Education	471-2471

**Appendix D: Part B District Determinations “Rules of the Road”**



## Rules of the Road District Determinations – Part B

*The following steps are completed automatically via the website.*

1. The **Part B Performance Reports** for the previous and current years are used to complete the district determinations.
2. If the district's performance meets or exceeds the state target for an indicator, one point is awarded.
3. A district may earn one point for a target **if**:
  - ⚠ The performance demonstrated improvement from the previous year; or
  - ⚠ The performance was maintained from the previous year.

*Additional Considerations:*

- ⚠ For a **COMPLIANCE** indicator (4b, 9, 10, 11, 12, 13 and 15) that does not meet the target, the district may score one point **if**:
  - ⚠ the compliance rate is 75% or more and stays the same or improves from the previous years, **and**
  - ⚠ For a **COMPLIANCE** indicator (9, 10, 11, 12, 13 and 15) that does not meet the target, the district may score one point **if** the correction of noncompliance within the indicator occurred in one year.
- ⚠ **Indicator 2, Dropout**- To score a point, dropout rates should **decrease** or remain the same. the compliance rate exceeds 75% and stays the same or improves from 2007-08 to 2008-09, **and** the correction of noncompliance within the indicator occurred in one
- ⚠ **Indicator 5A, LRE** – To score a point, (Inside the regular class 80% or more of the day) the percentage should **increase** or remain the same.
- ⚠ **Indicator 5B, LRE** – To score a point, (Inside the regular class less than 40% of the day) the score should **decrease** or remain the same.
- ⚠ **Indicator 5C, LRE** – To score a point, (separate outside placements) the score should **decrease** or remain the same.
- ⚠ **Indicator 6A, Preschool LRE**- To score a point, the percentage should **meet** or **exceed** the baseline.
- ⚠ **Indicator 6B, Preschool LRE**- To score a point, the percentage should be **at** or **below** the baseline.

**Special Education Timely/Accurate Data Reporting**

The Performance Report accounts for 29 points!

## Special Education Timely/Accurate Data Reporting

1. **Timely:** Data must be received by NDE **on or before the due date**. One point is awarded for all Timely data reporting.
2. **Accurate:** Data must pass **all** edit checks, i.e., all errors must be corrected **on or before the due date**. One point is awarded for accurate data reporting.



Data Collections account for a maximum of **2** points!

## Special Education Financial Reports

1. **Timely:** Reports must be received by NDE **on or before the due date**. One point is awarded for all financial reports.
2. **Significant Audit Finding:** All reports are also reviewed for significant audit findings. One point is awarded for no significant audit findings. The review of school district financial data is based on the most recent year of complete data. Additionally, the following criteria are used when determining a significant audit finding:

- ⚠ Audit finding exceeds +/-10% of total special education expenditures reported; and/or
- ⚠ Major audit finding exceptions (claiming costs that are not allowable).



Financial Reports account for a maximum of **2** points!

In Summary: The total number of points possible for the District Determinations 2013:  
29 possible points from the Performance Report  
2 possible points for timely and accurate data  
2 possible points for financial data with no significant audit findings  
**33 possible points**

The District Determination Worksheet Summary 2013, on the ILCD website, will automatically calculate the overall district percentage. The district's level of determination will also be provided. The level of determination is based on the district's overall percentage.

The levels of determination include:

- Meets Requirements (100% to 70%)
- Needs Assistance (69% to 50%)
- Needs Intervention (49% to 31%)
- Needs Substantial Intervention (30% and below)