

**State of Connecticut  
 Department of Education  
 Bureau of Special Education  
 IDEA Determination Process for 2005-06**

Pursuant to 616(a)(1)(C)(i) and 300.600(a) in IDEA 2004, states are required to make determinations annually on the performance of districts within the state and publicly disseminate those determinations. States are required to compare district level data and performance in relation to state established targets found in the State Performance Plan (SPP), as well as compliance indicators established by the US Office of Special Education Programs (OSEP). Consistent with OSEP's determination upon states, there are four categories that districts may be assigned into:

- A) *Meets Requirements*
- B) *Needs Assistance*
- C) *Needs Intervention*
- D) *Needs Substantial Intervention*

The Connecticut State Department of Education used data for the following compliance indicators found in the SPP for making district determinations based on 05-06 data and performance:

- Indicator 9 - Eliminate disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification. Target = 0 areas
- Indicator 10 - Eliminate disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. Target = 0 areas
- Indicator 11 - Percent of children with parental consent to evaluate, who were evaluated within state established timelines of 45 days. Target = 100%
- Indicator 12 - Percent of children referred by Part C at least 90 days prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthday. Target = 100 %
- Indicator 15 - 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. Target = 100%
  - 15A: Noncompliance corrected within 1 year

Indicators used for the IDEA determination process will change each year for the next three years as additional indicators become required by OSEP. Please see page 6 for details.

## 2005-06 Indicators

**Compliance** indicators are those that have targets set by the US Office of Special Education Programs (OSEP) of 100% or 0%. **Performance** indicators are those that have targets set by the Connecticut State Department of Education with broad stakeholder input. See the State Performance Plan for targets.

### Indicator 9 - Eliminate disproportionate representation

- Met Target = Zero areas of disproportionality as defined by a Relative Risk Index  $< 2.0$
- Making Progress = reduce the number of areas identified as disproportionate, OR  
If you only have one area remaining, reduce the risk according to the following:
  - If a district is found with a RRI of 3.5 or above, need to decrease 1 point from previous year
  - If a district is found with a RRI of 2.5 – 3.5, then need to decrease by 0.5 from previous year
  - If a district is found with a RRI of 2.5 – 2.0, then need to decrease by 0.25 from previous year or meet target
- Did not meet target =  $RRI \geq 2.0$

### Indicator 10 - Eliminate disproportionate representation by disability

- Same as indicator 9 above

### Indicator 11 – Determine eligibility within state established timelines

- Met Target = 100%
- Substantial Compliance = 95 % - 99% performance
- Did not meet target =  $< 95\%$

### Indicator 12 – Implement IEPs by age 3

- Met Target = 100%
- Substantial Compliance = 95% - 99% performance
- Making progress = increase 10% over previous year
- Did not meet target =  $< 95\%$

### Indicator 15A - General supervision: Noncompliance corrected within one year

- Met target = 0 areas of outstanding noncompliance
- Did not meet target = 1 or more citations of outstanding noncompliance

## Criteria Used

The Department used the following criteria to make determinations for 2005-06 data:

### **Meets Requirements**

- The district either met target, OR
- Was in substantial compliance (95%-99% performance), OR
- Made progress *for all compliance indicators* 9, 10, 11, 12, and 15A.
- Districts met requirements if there was no outstanding noncompliance identified through focused monitoring activities or other general supervision activities.

### **Needs Assistance**

- The district is in compliance with 70% - 99% of the indicators (fails to meet target, be in substantial compliance, or make progress in only one indicator in 05-06 data) AND
- The district has up to 2 years of outstanding noncompliance in that indicator.
  - ▶ Note: If a district is found out of compliance for an indicator in the first year, and is subsequently found out of compliance in the second year for a different indicator, if the first indicator has been resolved, the district will remain in its first year of needs assistance.

### **Needs Intervention**

- The district is in compliance with fewer than 70% of the indicators (fail to meet targets, be in substantial compliance, or make progress in more than one indicator in 05-06 data) OR
- The district has more than 2 but less than 5 years of noncompliance in a single indicator.

### **Needs Substantial Intervention**

- The district has 5 or more years of noncompliance in a single indicator OR
- The district has been in “Needs Intervention” for more than 3 years.

## Enforcement Actions

The IDEA regulations at §300.600(a) specifically designate the enforcement actions that states must apply after a district’s determination is made.

<u>Year of data</u>	<u>Determination</u>	<u>Length of time</u>	<u>Possible Enforcement Actions</u>
05-06	Needs Assistance	1 <sup>st</sup> year	None
	Needs Intervention	1 <sup>st</sup> year	<ul style="list-style-type: none"> <li>• Advise programs of available resources of technical assistance to address areas in need of assistance</li> <li>• Identify programs as high risk grantee and impose conditions on use of funds</li> </ul>
	Needs Substantial Intervention	1 <sup>st</sup> year	<ul style="list-style-type: none"> <li>• Advise programs of available resources of technical assistance to address areas of noncompliance</li> <li>• Identify programs as high risk grantee and impose conditions on use of funds</li> <li>• Require the program to prepare and implement a corrective action plan to correct the identified areas</li> <li>• Withhold, in whole or in part, further payments to programs</li> </ul>
06-07	Needs Assistance – different indicator	1 <sup>st</sup> year	None
	Needs Assistance – same indicator	2 <sup>nd</sup> year	<ul style="list-style-type: none"> <li>• Advise programs of available resources of technical assistance to address areas in need of assistance AND/OR</li> <li>• Identify programs as high risk grantee and impose conditions on use of funds</li> </ul>
	Needs Intervention	1 <sup>st</sup> year	<ul style="list-style-type: none"> <li>• Advise programs of available resources of technical assistance to address areas in need of assistance AND/OR</li> <li>• Identify programs as high risk grantee and impose conditions on use of funds AND</li> <li>• Require the program to prepare and implement a corrective action plan to correct the identified areas</li> </ul>
	Needs Intervention	2 <sup>nd</sup> year	<ul style="list-style-type: none"> <li>• Advise programs of available resources of technical assistance to address areas in need of assistance AND</li> <li>• Identify programs as high risk grantee and impose conditions on use of funds AND</li> <li>• Require the program to prepare and implement a corrective action plan to correct the identified areas</li> </ul>
	Needs Substantial Intervention	1 <sup>st</sup> or 2 <sup>nd</sup> year	<ul style="list-style-type: none"> <li>• Advise programs of available resources of technical assistance to address areas of noncompliance</li> <li>• Identify programs as high risk grantee and impose conditions on use of funds</li> <li>• Require the program to prepare and implement a corrective action plan to correct the identified areas</li> <li>• Withhold, in whole or in part, further payments to programs</li> </ul>

<u>Year of data</u>	<u>Determination</u>	<u>Length of time</u>	<u>Possible Enforcement Actions</u>
07-08 08-09 09-10 10-11	Needs Assistance – different indicator	1 <sup>st</sup> year	None
	Needs Assistance – same indicator	2 <sup>nd</sup> year	<ul style="list-style-type: none"> <li>• Advise programs of available resources of technical assistance to address areas in need of assistance OR</li> <li>• Identify programs as high risk grantee and impose conditions on use of funds</li> </ul>
	Needs Intervention	1 <sup>st</sup> year	<ul style="list-style-type: none"> <li>• Advise programs of available resources of technical assistance to address areas in need of assistance AND</li> <li>• Identify programs as high risk grantee and impose conditions on use of funds</li> </ul>
	Needs Intervention	2 <sup>nd</sup> year	<ul style="list-style-type: none"> <li>• Advise programs of available resources of technical assistance to address areas in need of assistance</li> <li>• Identify programs as high risk grantee and impose conditions on use of funds</li> <li>• Require the program to prepare and implement a corrective action plan to correct the identified areas</li> </ul>
	Needs Intervention	3 <sup>rd</sup> year	<ul style="list-style-type: none"> <li>• Advise programs of available resources of technical assistance to address areas in need of assistance</li> <li>• Identify programs as high risk grantee and impose conditions on use of funds</li> <li>• Require the program to prepare and implement a corrective action plan to correct the identified areas</li> <li>• Withhold, in whole or in part, further payments to programs</li> </ul>
	Needs Substantial Intervention	1 <sup>st</sup> , 2 <sup>nd</sup> , or 3 <sup>rd</sup> year	<ul style="list-style-type: none"> <li>• Advise programs of available resources of technical assistance to address areas in need of assistance</li> <li>• Identify programs as high risk grantee and impose conditions on use of funds</li> <li>• Require the program to prepare and implement a corrective action plan to correct the identified areas</li> <li>• Withhold, in whole or in part, further payments to programs</li> </ul>

## SPP Indicators Being Used for Determinations over Time

Please see the SPP for specific targets.

### 2005- 06 data - Issued to districts August 2007

- Indicator 9 - Eliminate disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.
- Indicator 10 - Eliminate disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.
- Indicator 11 - Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State established timelines).
- Indicator 12 - 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.
- Indicator 15 - 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. Target = 100%
  - 15A: Noncompliance corrected within 1 year

### 2006-07 data - Issued to districts February 2008

- Indicators 9, 10, 11, 12, 15A
- Indicator 13 - Percent of youth age 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.

### 2007-08 data– Issued to districts December 2008

- Indicators 9, 10, 11, 12, 13, 15 A
- Indicator 15B – Elimination of Significant Disproportionality by disability, placement, or disciplinary actions in race/ethnicity categories (see page 7)
- Indicator 20 - State reported data (618 and State Performance Plan and Annual Performance Reports) are timely and accurate. *District level data is submitted in a timely and accurate manner, according to state deadlines, which includes the following data collections: SEDAC Oct. 1 Child Count, Evaluation Timelines, Early Childhood Outcomes, PJ Data, ED 166 Discipline Data, Dispute Resolution Data, Exiters (PSIS) and RRE (SEDAC).*

### 2008-09 data, and every year thereafter - Issued to districts November of the following school year

- Indicators 9, 10, 11, 12, 13, 15 A & B, 20
- All performance indicators are currently under consideration for making district determinations. (1, 2, 3, 4, 5, 6, 7, 14)

## **Significant Disproportionality**

States are required to address disproportionality that is the result of inappropriate identification in the State Performance Plan indicators 9 and 10. Under these indicators, which are based on statutory language in 20 U.S.C 1416(a)(3)(C), states are required to review districts in the state to determine the extent that disproportionate representation of racial and ethnic groups in special education is a result of inappropriate identification (OSEP memo 07-09). In Connecticut, once a review of data indicates disproportionality, a review of policies, procedures and practices takes place to determine if it is the result of inappropriate identification. Inappropriate identification was determined in the context of a focused monitoring site visit. A combination of district self assessments, desk audits, file reviews, interviews, and analysis of policies may result in inappropriate identification practices. This affects a district's status under indicators 9 and 10. Please see the SPP for more information regarding indicators 9 and 10.

States have a separate obligation, under 20 U.S.C. 1418(d) and 34 CFR § 300.646, to collect and examine data to determine whether significant disproportionality based on race or ethnicity is occurring in districts, with respect to the identification of children with disabilities, including within disability categories; the placement of children in particular educational settings; and the incidence, duration, and type of disciplinary actions, including suspensions and expulsions. When significant disproportionality by disability, placement, or disciplinary action is found based on the collection and examination of their data, states must require the LEA to reserve the maximum amount of funds to be used for early intervening services (EIS). The obligation to reserve funds for EIS occurs independent of any analysis of whether that disproportionality is the result of inappropriate identification (OSEP memo 07-09). In Connecticut, districts are required to reserve 15% of their IDEA funds to address EIS following the year that significant disproportionality is identified; this is part of general supervision and impacts a district's status under indicator 15B: Significant Disproportionality 15%.

The following timeline is provided to help understand the impact of significant disproportionality based on a review of data.

**Redirection of 15% IDEA funds for Early Intervening Services**

<b><u>Data</u></b>	<b><u>05-06 school year</u></b>	<b><u>06-07 school year</u></b>	<b><u>07-08 school year</u></b>	<b><u>08-09 school year</u></b>	<b><u>09-10 school year</u></b>	<b><u>10-11 school year</u></b>
<b>05-06</b>	Collect December 2005		Analyze fall 2007 Mail to districts fall 2007 APR Feb. 2008 No impact			
<b>06-07</b>		Collect October 2006	Analyze fall 2007 Mail to districts fall 2007 APR Feb. 2008 No impact			
<b>07-08</b>			Collect October 2007 Analyze spring 2008 Mail spring 2008 Impact May 2008 IDEA grant application (2008-10)	APR December 2008 Impact determinations 15% funds redirected		
<b>08-09</b>				Collect October 2008 Analyze spring 2009 Mail spring 2009 Impact May 2009 IDEA grant application (2009-11)	APR November 2009 Impact determinations 15% funds redirected	
<b>09-10</b>					Collect October 2009 Analyze spring 2010 Mail spring 2010 Impact May 2010 IDEA grant application (2010-12)	APR November 2010 Impact determinations 15% funds redirected