2013 LEA Determinations Process

The Individuals with Disabilities Education Improvement Act of 2004 (IDEA) requires the Ohio Department of Education (ODE) to apply annual determinations of special education performance to entities receiving IDEA funding. The Office of Special Education Programs (OSEP) at the U.S. Department of Education applies one of four determinations in evaluating each state's implementation of the requirements of Part B of IDEA. In making determinations of the status of each local education agency (LEA), states must use the same four categories, which are:

- Meets Requirements;
- Needs Assistance;
- Needs Intervention; or
- Needs Substantial Intervention.

Determinations must evaluate LEA performance against targets set in the State Performance Plan (SPP) for indicators OSEP considers *compliance* indicators (which measure compliance with the IDEA regulations). Determinations also may evaluate LEA performance against targets for *results* indicators (which measure results for students with disabilities).

State Performance Plan	
Compliance Indicators	**Results Indicators**
Discipline (4b) Disproportionality (9, 10) Child Find (11) Early Childhood Transition (12) Secondary Transition Planning (13) General Supervision (15) Timely, Valid & Reliable Data (20)	Graduation (1) Dropout (2) Assessment (3) School-age LRE (5) Preschool LRE (6) Early Childhood Outcomes (7) Parent Involvement (8) Post-School Outcomes (14)

To make LEA determinations states must consider:

- Performance on compliance indicators (Indicators 4b and 9-13);
- Uncorrected noncompliance from any source (Indicator 15);
- Whether data submitted by local education agencies are valid, reliable and timely (Indicator 20); and
- IDEA-specific audit findings.

To establish criteria for making LEA determinations, the Ohio Department of Education, Office for Exceptional Children (OEC) convened a stakeholder group with representation from urban, suburban and rural school districts, community schools, Educational Service Centers, State Support Teams, the State Advisory Panel for Exceptional Children, Ohio Coalition for the Education of Children with Disabilities, Buckeye Association of School Administrators and Ohio Association of Pupil Service Administrators.

According to the group's recommendations, OEC calculates determinations by assigning points to LEAs for each of the bulleted areas listed above. The number of points received for each area is averaged to determine the overall LEA determination.

Indicators that are not applicable for a particular LEA are not calculated in the average. For example, Indicator 12 (Early Childhood Transition) is not applicable for LEAs that do not serve preschool students, such as community schools. These indicators are displayed with "NR" on the determinations profile.

Points are assigned as follows:

Performance on Compliance Indicators (Indicators 4b and 9-13)

Indicator 4b – Significant discrepancies, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs *and* policies, procedures or practices that contribute to the significant discrepancy and do not comply with IDEA discipline requirements.	
Data Source	Data collected in 2011-2012 EMIS Student Attendance Record, Student Discipline Record, and year-end enrollment files; calculated to identify LEAs with significant discrepancies.
Notes	The measurement for Indicator 4b requires two steps: 1) ODE identifies significant discipline discrepancies in LEAs with risk ratios of 3.5 or above. 2) LEAs with significant discipline discrepancies complete a self-review of their policies, procedures and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. Using the results of this self-review and corresponding student records, OEC determines if the LEA has policies, procedures or practices that do not comply with IDEA discipline requirements.
Indicator 4b Points	**Criteria**
4	LEA does not have a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs *and* policies, procedures or practices that contribute to the significant discrepancy.
1	LEA has a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs *and* policies, procedures or practices that contribute to the significant discrepancy.
NR	LEA does not meet the minimum group size of 30 SWD enrolled and at least 5 SWD disciplined for greater than 10 days in the racial/ethnic subgroups included in the calculation.

Indicator 9 – Disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.	
Data Source	Data collected in 2011-2012 EMIS year-end enrollment files and calculated to identify LEAs with significant risk ratios.
Notes	The measurement for Indicator 9 requires two steps: 1) ODE identifies disproportionate representation *across disability categories* in LEAs with risk ratios of 3.5 or above, using a minimum group size of 30 that aligns with the calculation of AYP for racial and ethnic subgroups. 2) LEAs with disproportionate representation complete a self-review of their policies, procedures and practices relating to the identification of students with disabilities. Using the results of this self-review and corresponding student records, OEC determines if the disproportionate representation is a result of inappropriate identification.

Indicator 9 Points	Criteria
4	LEA does not have disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification (across disability categories).
1	LEA has disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification (across disability categories).
NR	LEA does not meet the minimum group size of 30 SWD enrolled.

Indicator 10 – Disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	
Data Source	Data collected in 2011-2012 EMIS year-end enrollment files and calculated to identify LEAs with significant risk ratios.
Notes	The measurement for Indicator 10 requires two steps: 1) ODE identifies disproportionate representation *in specific disability categories* in LEAs with risk ratios of 3.5 or above, using a minimum group size of 30 that aligns with the calculation of AYP for racial and ethnic subgroups. 2) LEAs with disproportionate representation complete a self-review of their policies, procedures and practices relating to the identification of students with disabilities. Using the results of this self-review and corresponding student records, OEC determines if the disproportionate representation is a result of inappropriate identification.
Indicator 10 Points	**Criteria**
4	LEA does not have disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification (in specific disability categories).
1	LEA has disproportionate representation of racial and ethnic in special education and related services that is the result of inappropriate identification (in specific disability categories).
NR	LEA does not meet the minimum group size of 30 SWD enrolled.

Indicator 11 – Percent of children who were evaluated within 60 calendar days of receiving parental consent for initial evaluation.	
Data Source	Data collected in 2011-2012 EMIS year-end Special Education Event Record.
Notes	There is no minimum group size used; all LEAs with at least one initial evaluation in 2011-2012 receive a score for Indicator 11.
Indicator 11 Points	**Criteria**
4	95% or higher
3	75 – 94% *or* Finding of noncompliance from data verification
2	50 – 74%
1	0 – 49%
NR	0 students with initial evaluations in 2011-2012

Indicator 12 – Percent of children referred by Part C (early intervention services) prior to age 3, who are found eligible for Part B (preschool services), and who have an IEP developed and implemented by their third birthdays.	
Data Source	Data collected in 2011-2012 EMIS year-end Special Education Event Record.
Notes	There is no minimum group size used; all LEAs with at least one student transitioning from Part C to B in 2011-2012 receive a score for Indicator 12.
Indicator 12 Points	**Criteria**
4	95% or higher
3	75 – 94% *or* Finding of noncompliance from data verification
2	50 – 74%
1	0 – 49%
NR	0 students transitioning from Part C to Part B in 2011-2012

Indicator 13 – Percent of youth with IEPs age 16* and above with an IEP that includes: a) Appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment; b) Transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals; c) Annual IEP goals related to the student's transition services needs; d) Evidence that the student was invited to the IEP Team meeting where transition services are to be discussed; and e) 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.	
Data Source	Data collected in 2011-2012 EMIS year-end enrollment files and the Special Education Event Record.
Indicator 13 Points	**Criteria**
4	95% or higher
3	75 – 94% *or* Finding of noncompliance from data verification
2	50 – 74%
1	0 – 49%
NR	0 students with disabilities of transition age enrolled in 2011-2012
*Although Ohio requires transition planning beginning at age 14, LEA determinations are limited to the federal Indicator 13 measurement, which includes students with disabilities ages 16 and above.	

Timely Correction of Noncompliance from Any Source (Indicator 15)

Indicator 15 – Identified noncompliance is corrected as soon as possible but in no case later than one year from identification.	
Data Source	Findings of noncompliance identified from: 1) Onsite monitoring (preschool, school-age and fiscal reviews); 2) Indicator monitoring (Indicators 4, 9, 10, 11, 12 and 13); 3) Selective reviews; 4) Complaints; and 5) Due process hearings.
Notes	Specific to findings made in *2010-2011* and due for correction in *2011-2012*.
Indicator 15 Points	**Criteria**
4	LEA corrected all identified noncompliance within one year (or did not receive a finding of noncompliance).
1	LEA did not correct all identified noncompliance within one year.

Data Submitted are Valid, Reliable and Timely (Indicator 20)

Indicator 20 – LEA-reported data are valid, reliable and timely.	
Data Source	Valid, reliable and timely data submission evaluated for: a) Initial evaluations (Indicator 11); b) Early childhood transition (Indicator 12); c) Secondary transition planning (Indicator 13); or d) Other areas of the 2011-2012 year-end Special Education Event Record.
Notes	Data for components a) – d) are considered invalid/unreliable if 30% or more of the applicable records reviewed do not match the data reported in EMIS.
Indicator 20 Points	**Criteria**
4	All data are valid, reliable and timely.
3	One component of a) – d) is not valid, reliable, and/or timely.
2	Two components of a) – d) are not valid, reliable, and/or timely.
1	Three or more components of a) – d) are not valid, reliable, and/or timely.
0	Significant under- or non-reporting of special education data.

Audit Findings

IDEA Audit Findings	
Data Source	Audits conducted by the Ohio Auditor of State's Office during the 2011-2012 school year.
Audit Points	**Criteria**
4	No IDEA audit findings.
3	Minor monitoring and/or reporting issues which can be easily remedied by implementing procedures according to A-133 guidance.
2	Moderate documentation and/or reporting issues which would require revision of internal financial processes.
1	Major financial tracking issues which would require the initiation of appropriate financial and accounting procedures.
NR	Not audited in 2011-2012.

Calculating Determinations

OEC calculates determinations by totaling the points the LEA receives in all areas and dividing that figure by the total number of areas, for an average of all points. OEC identifies the overall LEA determination by linking that average to the corresponding determination category, as follows:

Average of All Points	Determination
4.0 points	Meets Requirements
3.0 – 3.9 points	Needs Assistance
2.0 – 2.9 points	Needs Intervention
1.0 – 1.9 points	Needs Substantial Intervention

Appeals Process

LEAs wishing to appeal their determination must submit a completed appeal form and supporting documentation by **August 16, 2013** to the Office for Exceptional Children.

- 2013 determinations are based on data from 2011-2012. These data were provided to LEAs through the Special Education Profiles posted in February, 2013. As part of the Compliance Indicator Review process, OEC adjusted compliance rates and required actions if LEAs submitted proof of data reporting errors.
- If you are considering an appeal, we encourage you to contact OEC at determinations@education.ohio.gov.
- Each appeal will be reviewed on a case-by-case basis.

Public Reporting

Beginning with 2005-2006 data, states have been required to annually report to the public on the performance of each LEA on a subset of the targets in the SPP/APR. OEC posts this report to the department website each year.

In May, 2013, states were required to report on the 2012 determination given to each LEA, as part of Table 8 for the IDEA Section 618 data submitted to OSEP each year. (Table 8 collects data on maintenance of effort reduction and coordinated early intervening services.)

OEC has included the 2012 LEA determinations in the public report of SPP/APR data on ODE's website and will add the 2013 LEA determinations in August, 2013. To access this report, visit www.education.ohio.gov , keyword search: *District-Level Performance Data;* click on the link to "*2011-2012 District-Level Performance Data".*

Enforcement Actions

The IDEA Part B regulations at §300.600(a) specifically designate the enforcement actions that states must apply after an LEA is determined to "Need Assistance" for two consecutive years, "Need Intervention" for three or more consecutive years, or immediately when an LEA is determined to "Need Substantial Intervention."

Based on these regulations, the table below displays the enforcement actions required by ODE for determinations other than Meets Requirements:

Category	ODE Enforcement Actions
Needs Assistance (Year 1)	Inform LEAs of technical assistance available from State Support Teams (SSTs) and other resources.
Needs Assistance (Year 2)	Require training by SSTs with other LEAs in NA-2.
Needs Intervention	Require individualized training and technical assistance from SSTs specific to identified areas.
Needs Substantial Intervention	• Withhold, in whole or in part, any Part B funds; • Require completion of specific corrective actions before release of funds; and • Require intensive SST support.