2012 Local Educational Agency (LEA) Determinations Methodology

2012 LEA Determinations Process

State's Review and §616 Determination Criteria for LEAs

Under the Individuals with Disabilities Education Act (IDEA) §616, States are required to make annual determinations about the performance of the LEAs using the categories:

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

Determination Criteria

Federally Required Elements

States must consider the following four *federally required elements* in assigning a Determination level for LEAs:

1. Performance on compliance indicators 9, 10, 11, 12, and 13 in the State Performance Plan (SPP);
2. Whether data submitted by LEAs is valid, reliable, and timely on Indicators 7, 11, 12, 13, and 14;
3. Uncorrected noncompliance from other sources (complaints resolution, adverse due process hearing decisions, residential facility monitoring and monitoring activities); and
4. Any financial audit findings

   Note: Due to the unavailability of financial audit information, this data element will not be included in the 2012 Determinations Process

State Defined Elements

States may choose to define additional elements in making Determinations. In order to more accurately reflect LEA performance as indicated by data results, the Texas Education Agency (TEA) has incorporated the following *state defined elements*:

5. Performance-Based Monitoring (PBM) Program Effectiveness (stage of intervention for the special education program area)
6. Significant Disproportionality

   Note: Due to the unavailability of an approved methodology, this data element will not be included in the 2012 Determinations Process.

Determination Rating

The TEA reviews LEA information in all six elements, assigns a point value for each element, and aggregates the total in order to establish the LEA's Determination level.

The following matrix provides a crosswalk from the Determination level to the total of rating points associated with each level.

Crosswalk of Rating Scale to Determination Level

Determination Level	Total Rating Points
Meets Requirements	0 Points
Needs Assistance	1-2 Points
Needs Intervention	3 Points
Needs Substantial Intervention	4 or More Points

2012 LEA Determinations Data Elements

LEAs will be assigned a Determination level based on the data reviewed in the following matrix.

Federally Required Element	Description	Data Source/Timeframe
1. State Performance Plan (SPP) Compliance Indicators	Performance on SPP Compliance Indicators: • 9: Disproportionality of racial and ethnic groups (African American, Asian, Hispanic, Native American, White) in the special education program that is the result of inappropriate identification • 10: Disproportionality of racial and ethnic groups (African American, Asian, Hispanic, Native American, White) by specific disability (Autism, Emotional Disturbance, Learning Disability, Mental Retardation, Other Health Impaired, Speech Impairment) in the special education program that is the result of inappropriate identification • 11: Compliance with Initial Evaluation Timelines • 12: Compliance with Early Childhood Transition Timelines • 13: Compliance with Secondary Transition IEP Requirements	Division of Federal and State Education Policy Data submission for the 2010-2011 school year
2. Valid, Reliable, and Timely Data	Performance on Person Identification Database (PID) Reporting: Fall and Summer Collections Performance on Reporting Valid, Reliable, and Timely Data for SPP Indicators 7, 11, 12, 13, and 14	Data submitted through Public Education Information Management System (PEIMS) and the SPP Online Applications for the 2010-2011 school year

Federally Required Element	Description	Data Source/Timeframe
3. Status of Uncorrected Noncompliance	Performance in timely correction of identified noncompliance (e.g. identified in a given school year and corrected as soon as possible but not later than one year after identification)	Division of Program Monitoring and Interventions October 1, 2010 to October 1, 2011 Division of IDEA Coordination (Complaints Resolution and Adverse Due Process Hearing Decisions) July 1, 2010 – June 30, 2011
4. Financial Audits	Financial Performance	Division of Financial Audits Due to the unavailability of financial audit information, this data element will not be included in the 2012 Determinations Process. In the future, this data element will include a review of two consecutive Annual Financial Reports. For example, the 2013 Determinations process will include a review of the 2010-2011 and 2011-2012 Annual Financial Report. Performance will be based on whether the financial statements are free of material misstatement. This independent audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. The audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

State Defined Element	Description	Data Source
5. Program Effectiveness	Overall Program Effectiveness in Performance-Based Monitoring (PBM) System	Division of Program Monitoring and Interventions October 1, 2010 to October 1, 2011
6. Significant Disproportionality	Significant disproportionality based on race or ethnicity with respect to: • the identification of students as students with disabilities, ages 6-21, including identification as students with particular impairments; • the placement of students in particular educational settings; and • the incidence, duration, and type of disciplinary actions occurring for students, including suspensions and expulsions	Division of Federal and State Education Policy Due to the unavailability of an approved methodology, this data element will not be included in the 2012 Determinations Process. In the future, this data element will include a review of two consecutive years of disproportionality data. For example, the 2013 Determinations process will include a review of the 2011-2012 and 2012-2013 disproportionality data.

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Explanation of 2012 LEA Determinations Data Elements

1. **State Performance Plan (SPP) Compliance Indicators**:

   To meet the data element standard, LEAs must not have disproportionate representation that is the result of inappropriate identification (SPP indicators 9 and 10), and must report at least 95% or higher compliance with SPP indicators 11, 12, and 13 for the 20010-2011 school year.

2. **Valid, Reliable, and Timely Data**:

   To meet the data element standard, LEAs must have met the Person Identification Database (PID) Error Rate Standard reporting based on the summer and fall collections, July 1, 2010, to June 30, 2011, and must have reported valid, reliable, and timely data for SPP indicators 7, 11, 12, and 13 for the 2010-2011 school year.

3. **Uncorrected Noncompliance**:

   To meet the data element standard, LEAs must have corrected all identified noncompliance as soon as possible, but not later than one year after notification from the TEA of the noncompliance.

   Uncorrected noncompliance is noncompliance that has not been corrected one year after the LEA was notified of the noncompliance by the TEA. Residential facility monitoring and monitoring activity data are based on noncompliance required to have been corrected during the calendar year from October 1, 2010, to October 1, 2011. Complaints resolution and adverse due process hearing decision corrective action data are based on uncorrected noncompliance that was cited from July 1, 2010, to June 30, 2011. Any LEA failing to correct previously identified noncompliance within the October 1, 2010 to October 1, 2011 calendar year is considered to have uncorrected noncompliance, regardless of whether the noncompliance is corrected at the point in time the LEA is assigned a Determination level.

4. **Financial Audits**:

   Due to the unavailability of financial audit information, this data element will not be included in the 2012 Determinations Process.

5. **2010-11 Performance-Based Monitoring (PBM) Program Effectiveness**:

   To meet the data element standard, LEAs must not be staged for intervention in the special education component of the PBM system for the 2011-12 school year and must meet state supervision and oversight requirements for special education programs as required by state and federal law. Intervention stages for the 2011-12 school year generally are based on data from the 2010-2011 school year

6. **Significant Disproportionality**

   Due to the unavailability of an approved methodology, this data element will not be included in the 2012 Determinations Process.

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2012 LEA Determinations Rating Scale

Federally Required Element	Description	Rating Points
1. State Performance Plan (SPP) Compliance Indicators	Performance on SPP Compliance Indicators 9, 10, 11, 12, and 13:	
	• All five indicators in compliance (for indicators 11, 12, and 13: at least 95% or higher)	0 points
	• One or more indicators out of compliance	1 point
2. Valid, Reliable, and Timely Data	Person Identification Database (PID) Error Rate Standard for the fall and summer collection:	
	• Both collections meet the PID Error Rate Standard	0 points
	• Both collections exceeded the PID Error Rate Standard	1 point
	SPP Indicators 7,11, 12, 13, and 14 Data Collection:	
	• Certified data for all collections	0 points
	• Did not certify data in one or more of the five collections	1 point
3. Status of Uncorrected Noncompliance	Timely correction of identified noncompliance (e.g. identified in a given school year and corrected no later than one year after identification):	
	• Noncompliance corrected within one year	0 Points
	• Uncorrected noncompliance after one year	1 Point
4. Financial Audits	Due to the unavailability of financial audit information, this data element will not be included in the 2012 Determinations Process.	0 Points
5. Program Effectiveness	Overall Program Effectiveness in Performance-Based Monitoring (PBM) System:	
	• Not Staged	0 points
	• Stage 1	1 point
	• Stage 2	2 points
	• Stage 3	3 points
	• Stage 4	4 points
6. Significant Disproportionality	Due to the unavailability of an approved methodology, this data element will not be included in the 2012 Determinations Process.	0 points

Appeals Process

Any LEA assigned a Determination level of **Needs Intervention** or **Needs Substantial Intervention** may file a written request for appeal within 30 calendar days of the date of the Determination Level Notification letter. The written request for appeal must include the submission of all information necessary for the TEA to reconsider the original Determination status assignment. The TEA will acknowledge receipt of the request for appeal and will issue a Determination Status Appeal Response letter when the review is completed.

Appeals must include a contact person's name, an email address, a phone number, and the LEA superintendent's name and signature. The appeal should be sent to the following address:

Determination Status Appeal
Texas Education Agency
Division of Federal and State Education Policy
1701 N. Congress
Austin, Texas 78701

The TEA will evaluate the appeal based on information provided in the appeal request form. Please note that the TEA will not consider any appeal received after the 30 calendar day time frame.

State Level Enforcement Actions

States are required to take the following enforcement actions with LEAs based on the LEA's Determination level:

Determination Level	Enforcement Actions
Meets Requirements	None
Needs Assistance	State shall take one or more of the following actions if the LEA receives this Determination for two or more consecutive years: • Provide technical assistance • Direct the use of funds • Impose special conditions State must prohibit the LEA from reducing the LEA's maintenance of effort under § 300.203 for any fiscal year.
Needs Intervention	State shall take any of the actions described above, and require one or more of the following if the LEA receives this Determination for three or more consecutive years: • A corrective action plan or improvement plan for the LEA • A compliance agreement signed by the LEA • Withhold or seek to recover funds from the LEA State may refer the matter for appropriate legal enforcement action. State must prohibit the LEA from reducing the LEA's maintenance of effort under §300.203 for any fiscal year.
Needs Substantial Intervention	State shall take any of the actions described above, and require one or more of the following: • Recover funds from the LEA • Withhold further payments from the LEA • Refer the LEA to legal authorities State must prohibit the LEA from reducing the LEA's maintenance of effort under §300.203 for any fiscal year.

In addition to the enforcement actions reflected in the table above, LEAs are subject to the interventions and sanctions listed at 19 Texas Administrative Code §89.1076.

District Level Required Action

LEAs are required to take the following required actions based on the LEA's Determination level:

Determination Level	Required Actions
Meets Requirements	None
Needs Assistance	• Seek technical assistance from regional education service center and/or other technical assistance providers; • Develop and/or implement continuous improvement plans through the TEA's Special Education Monitoring System.
Needs Intervention	
Needs Substantial Intervention	