

HOW THE OFFICE OF SPECIAL EDUCATION MADE DETERMINATIONS

UNDER SECTION 616(D) OF THE
INDIVIDUALS WITH DISABILITIES EDUCATION ACT
PART B



DIVISION OF ELEMENTARY
& SECONDARY EDUCATION

INTRODUCTION

In 2018, the Arkansas Division of Elementary and Secondary Education's Office of Special Education (DESE-OSE) began using both compliance and results data in making a determination for each local education agency (LEA) under section 616(d) of the Individuals with Disabilities Education Act (*IDEA*) as part of a Results-Driven Accountability System. The Arkansas Department of Education has been issuing determination letters since *IDEA* was reauthorized in 2004, but the determinations were previously based solely on compliance issues. The system rates LEAs 25% on results/outcomes and 75% on compliance. We believe the system will provide LEAs with the knowledge of where to focus their strategic initiatives to help schools improve outcomes for their students with disabilities.

We considered the totality of the information we have about an LEA including information related to the Every Student Succeed Act (ESSA) growth and weighted achievement for students with disabilities (SWD); Annual Performance Report (APR) indicators; and information from monitoring and other issues related to LEA compliance with the *IDEA*. Below is a detailed description of how the DESE-OSE evaluated LEA's data:

1. a **Results Matrix** includes scoring for Results Elements organized within three (3) priority areas:
 - a. Priority I: College and Career Readiness (25% of Result Score)
 - b. Priority II: Student Growth (50% of Result Score)
 - c. Priority III: Student Achievement (25% of Result Score)
2. a **Compliance Matrix** includes scoring for SPP/APR Compliance Indicators and other compliance factors which comprise Priority IV.
3. a **Results Score** and a **Compliance Score**
4. an **RDA Percentage** weighted 75% for Compliance Indicators and 25% for Results Indicators; and
5. the LEA's **Determination**.

THE 2022 PART B RESULTS MATRIX

In making each LEA's 2022 determination, the Department used a Results Matrix comparing the following LEA data elements against state targets:

Priority Area I (25% of Results Score)

1. Percentage of students with disabilities (SWD) who graduated in 4 years
2. Percentage of SWD who dropped out of school in grades 7-12 in a single year

Priority Area II (50% of Results Score)

3. Percentage of students with disabilities (SWD) whose percentile ranking of residual or value-added score (VAS) in English Language Arts (ELA) and math is categorized as moderate or high

Priority Area III (25% of Results Score)

4. Percentage of SWD who participated in Statewide assessments (regular and alternate) in Math and in Reading Language Arts (RLA)
5. District weighted achievement proficiency rate for SWD (combined ELA and math)
6. Percentage of SWD in early childhood who moved toward or reached age level on the Early Childhood Outcomes

The Results Elements for participation and growth are scored separately for reading and math; while the Early Childhood Outcomes are scored separately for each outcome and summary statement.

Scoring of the Results Matrix

The Results Matrix indicates a score of 0, 1, 2, 3, or 4 for each of the results elements listed in Priorities I- III above. Using the cumulative possible number of points as the denominator, and using as the numerator the actual points the LEA received in its scoring under these elements, the Results Matrix reflects a Results Score and Percentage, which is used to make the LEA's Part B Determination.

Priority Area I: College Career Readiness					
	Score 4	Score 3	Score 2	Score 1	Score 0
Indicator 1: Graduation	The LEA meets or exceeds the State target.	The LEA is .01% to 6.00% below the State target.	The LEA is 6.01% to 16.00% below the State target.	The LEA is 16.01% to 26.00% below the State target.	The LEA is more than 26.00% below the State target.
	Score 4	Score 3	Score 2	Score 1	Score 0
Indicator 2: Drop Out	The LEA meets or exceeds the State target.	The LEA is .01% to 6.00% above the State target.	The LEA is 6.01% to 16.00% above the State target.	The LEA is 16.01% to 26.00% above the State target.	The LEA is more than 26.00% above the State target.
Priority Area II: Academic Growth					
	Score 4	Score 3	Score 2	Score 1	Score 0
Mathematics-% of students whose VAS is categorized as moderate or high	The LEA meets or exceeds the State target.	The LEA is .01% to 6.00% below the State target.	The LEA is 6.01% to 16.00% below the State target.	The LEA is 16.01% to 26.00% below the State target.	The LEA is more than 26.00% below the State target.
English Language Arts-% of students whose VAS is categorized as moderate or high	The LEA meets or exceeds the State target.	The LEA is .01% to 6.00% below the State target.	The LEA is 6.01% to 16.00% below the State target.	The LEA is 16.01% to 26.00% below the State target.	The LEA is more than 26.00% below the State target.
Priority Area III: Achievement					
	Score 4	Score 3	Score 2	Score 1	Score 0
Indicator 3B: Math Participation	The LEA meets or exceeds the State target.	The LEA is .01% to 6.00% below the State target.	The LEA is 6.01% to 16.00% below the State target.	The LEA is 16.01% to 26.00% below the State target.	The LEA is more than 26.00% below the State target.
	Score 4	Score 3	Score 2	Score 1	Score 0
Indicator 3B: Reading Language Arts Participation	The LEA meets or exceeds the State target.	The LEA is .01% to 6.00% below the State target.	The LEA is 6.01% to 16.00% below the State target.	The LEA is 16.01% to 26.00% below the State target.	The LEA is more than 26.00% below the State target.
	Score 12	Score 9	Score 6	Score 3	Score 0
Weighted Achievement Proficiency Rate	The LEA meets or exceeds the State target.	The LEA is .01% to 6.00% below the State target.	The LEA is 6.01% to 16.00% below the State target.	The LEA is 16.01% to 26.00% below the State target.	The LEA is more than 26.00% below the State target.

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Priority Area III: Achievement (cont.)					
	Score 1	Score .75	Score .5	Score .25	Score 0
Indicator 7A: EC Outcomes – Positive social-emotional skills Summary Statement 1	The LEA meets or exceeds the State target.	The LEA is .01% to 6.00% below the State target.	The LEA is 6.01% to 16.00% below the State target.	The LEA is 16.01% to 26.00% below the State target.	The LEA is more than 26.00% below the State target.
Indicator 7B: EC Outcomes – Acquisition and use of knowledge and skills Summary Statement 1	The LEA meets or exceeds the State target.	The LEA is .01% to 6.00% below the State target.	The LEA is 6.01% to 16.00% below the State target.	The LEA is 16.01% to 26.00% below the State target.	The LEA is more than 26.00% below the State target.
Indicator 7C: EC Outcomes –Use of appropriate behaviors to meet their needs Summary Statement 1	The LEA meets or exceeds the State target.	The LEA is .01% to 6.00% below the State target.	The LEA is 6.01% to 16.00% below the State target.	The LEA is 16.01% to 26.00% below the State target.	The LEA is more than 26.00% below the State target.
Indicator 7A: EC Outcomes – Positive social-emotional skills Summary Statement 2	The LEA meets or exceeds the State target.	The LEA is .01% to 6.00% below the State target.	The LEA is 6.01% to 16.00% below the State target.	The LEA is 16.01% to 26.00% below the State target.	The LEA is more than 26.00% below the State target.
Indicator 7B: EC Outcomes – Acquisition and use of knowledge and skills Summary Statement 2	The LEA meets or exceeds the State target.	The LEA is .01% to 6.00% below the State target.	The LEA is 6.01% to 16.00% below the State target.	The LEA is 16.01% to 26.00% below the State target.	The LEA is more than 26.00% below the State target.
Indicator 7C: Outcomes –Use of appropriate behaviors to meet their needs Summary Statement 2	The LEA meets or exceeds the State target.	The LEA is .01% to 6.00% below the State target.	The LEA is 6.01% to 16.00% below the State target.	The LEA is 16.01% to 26.00% below the State target.	The LEA is more than 26.00% below the State target.

THE 2022 PART B COMPLIANCE MATRIX

In making each LEA's 2022 determination, the DESE-OSE used a Compliance Matrix, reflecting the following data:

1. The LEA's 2020-21 data for Part B Compliance Indicators 4B, 9, 10, 11, 12, and 13;
2. The timeliness and accuracy of data reported by the LEA via the statewide information system and/or MySped Resource, required documentation/activities for all sections of the DESE Office of Special Education by their due dates; and
3. Longstanding Noncompliance

The DESE-OSE considered:

- a. Whether the DESE-OSE imposed Special Conditions on the LEA's 2020-21 *IDEA* Part B grant award and those Special Conditions in effect at the time of the 2022 determination, and the number of years for which the LEA's Part B grant award has been subject to Special Conditions; and
- b. Whether there are any findings of noncompliance identified in 2019-20 or earlier by the DESE-OSE that the LEA has not yet corrected.

Scoring of the Compliance Matrix

The Compliance Matrix indicates a score of 0, 1, 2, 3, or 4 for each of the compliance elements in item one above and for each of the additional factors listed in items two and three above. Using the cumulative possible number of points as the denominator, and using as the numerator the actual points the LEA received in its scoring under these factors, the Compliance Matrix reflects a Compliance Score and Percentage, which is used to make the LEA's Part B Determination.

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Priority Area IV: Compliance					
	Score 4	Score 3	Score 2	Score 1	Score 0
Indicators 4B: Discipline	There is no significant difference suspected within the LEA.	The LEA has been required to complete the self-assessment for 1 year.	The LEA has been required to complete the self-assessment for 2 years.	The LEA has been required to complete the self-assessment for 3 or more years.	Inappropriate policies, procedures, and practices resulted in a significant difference in discipline
Indicators 9: Disproportionality Identification	There is no disproportionate representation suspected within the LEA.	The LEA has been required to complete the self-assessment for 1 year.	The LEA has been required to complete the self-assessment for 2 years.	The LEA has been required to complete the self-assessment for 3 or more years.	Inappropriate policies, procedures, and practices resulted in a disproportionate representation in identification.
Indicators 10: Disproportionality in a Specific Disability	There is no disproportionate representation suspected within the LEA.	The LEA has been required to complete the self-assessment for 1 year.	The LEA has been required to complete the self-assessment for 2 years.	The LEA has been required to complete the self-assessment for 3 or more years.	Inappropriate policies, procedures, and practices resulted in a disproportionate representation in a specific disability
Indicators 11: Child Find –Timely Evaluation	The LEA meets or exceeds the State target.	The LEA is .01% to 6.00% below the State target.	The LEA is 6.01% to 16.00% below the State target.	The LEA is 16.01% to 26.00% below the State target.	The LEA is more than 26.00% below the State target.
Indicator 12: Part C to Part B Transition	The LEA meets or exceeds the State target.	The LEA is .01% to 6.00% below the State target.	The LEA is 6.01% to 16.00% below the State target.	The LEA is 16.01% to 26.00% below the State target.	The LEA is more than 26.00% below the State target.
Indicator 13: Secondary Transition	The LEA meets or exceeds the State target.	The LEA is .01% to 6.00% below the State target.	The LEA is 6.01% to 16.00% below the State target.	The LEA is 16.01% to 26.00% below the State target.	The LEA is more than 26.00% below the State target.
State Indicator: Timely and Accurate Reporting	The LEA reported all requested data/ documents within timelines and all were accurate.	1 Component was Late and/or Not Accurate	2 Components were Late and/or Not Accurate	3 or more Components were Late and/or Not Accurate	Failed to Report one or more required data sets/documents.

Scoring of the Matrix for Long-Standing Noncompliance (Includes Both Uncorrected Identified Noncompliance and Special Conditions)

In the attached LEA-specific 2021 Part B Compliance Matrix, an LEA received points as follows for the Long-Standing Noncompliance component:

- Four points, if the LEA has:
 - No remaining findings of noncompliance identified, by DESE-OSE or the LEA, in 2019-20 or earlier; and
 - No Special Conditions on its 2020-21 grant award that are in effect at the time of the 2022 determination.
- Three points, if either or both of the following occurred
 - The LEA has noncompliance from the past year and has not demonstrated correction; and/or
 - The DESE-OSE has imposed Special Conditions on the LEA's 2020-21 Part B grant award and those Special Conditions are in effect at the time of the 2022 determination.
- Two points, if either or both of the following occurred:
 - The LEA has remaining findings of noncompliance identified, by DESE-OSE or the LEA, ifrom the past two years or prior for which the LEA has not yet demonstrated correction; and/or
 - The DESE-OSE has imposed Special Conditions on the LEA's 2020-21 Part B grant award and those Special Conditions are in effect at the time of the 2022 determination.
- One points, if both of the following occurred:
 - The LEA has remaining findings of noncompliance identified, by DESE-OSE or the LEA, ifrom the past two years or prior for which the LEA has not yet demonstrated correction; and
 - The DESE-OSE has imposed Special Conditions on the LEA's 2020-21 Part B grant award and those Special Conditions are in effect at the time of the 2022 determination.
- Zero points, if either or both of the following occurred:
 - The LEA has remaining findings of noncompliance identified by DESE-OSE from 3 or more years-ago and has not demonstrated correction; and/or
 - The DESE-OSE has imposed Special Conditions on the LEA's last three *IDEA* Part B grant awards, and those Special Conditions are in effect at the time of the 2022 determination.

Priority Area IV: Compliance (cont.)					
	Score 4	Score 3	Score 2	Score 1	Score 0
Long-standing Non-compliance	Has zero outstanding noncompliance or special conditions imposed on Part B grant.	Has non-compliance from the past year and has not shown/ demonstrated correction and/or has a special condition imposed on Part B grant.	Has non-compliance from the past 2 years and has not shown/ demonstrated correction and/or has a special condition imposed on Part B grant.	Has non-compliance from the past 2 years and has not shown/ demonstrated correction and has a special condition imposed on Part B grant.	Has non-compliance from 3 or more years-ago and has not shown/ demonstrated correction and/or has had special condition imposed on Part B grant for more than 3 years.

The RDA Determination

The LEA's RDA Determination is defined as follows:

Meets Requirements

An LEA's 2022 Determination is Meets Requirements if the RDA rate is at least 80%, unless the DESE-OSE has imposed Special Conditions on the LEA's last three *IDEA* Part B grant awards, and those Special Conditions are in effect at the time of the 2022 determination.

Needs Assistance

An LEA's 2022 Determination is Needs Assistance if the RDA rate is at least 60% but less than 80%. A LEA would also be in Needs Assistance if its Compliance Score is 80% or above, but the DESE-OSE has imposed Special Conditions on the LEA's last three *IDEA* Part B grant awards, and those Special Conditions are in effect at the time of the 2022 determination.

Needs Intervention

An LEA's 2022 Determination is Needs Intervention if the RDA rate is less than 60%.

Needs Substantial Intervention

The DESE-OSE did not make a determination of Needs Substantial Intervention for any LEA in 2022.

Other Factors: When making determinations, other factors may be considered beyond the elements of the RDA Matrix. For example, poor monitoring results and fiscal audits which deems an LEA as being a high risk could result in the determination being lowered by one or more levels. This would be the decision of the DESE Office of Special Education and may not be evident in the RDA Matrix base scoring.

Enforcement Actions

Meets Requirements: If the DESE determines an LEA Meets Requirements and the LEA is at 100% for compliance, no enforcement action is associated with the determination of Meets Requirements.

However, if DESE determines an LEA Meets Requirements but is less than 100% for compliance (has a score earned less than four (4) for any of the compliance indicators on Page 3 of the RDA Determination Matrix) or specific compliance indicators of the APR, the LEA must complete a response table addressing the specific compliance indicators.

Needs Assistance: If the DESE determines that a LEA needs assistance in implementing the requirements of Part B of the IDEA, the DESE may take any of the actions described for a LEA designated as a LEA in need assistance and shall take one or more of the following enforcement actions:

Year one of needs assistance

- An LEA with a determination of Needs Assistance for the first year based on results elements, must address any results element with a score of half or less of the total available points for that element as part of the LEA's continuous cycle of improvement and documentation of improvement planning.
- A response is required for each compliance element (page 3 of Matrix) with a rate less than 100% and/or a score less than 4.

Two or more consecutive years of needs assistance

In accordance with Section 616(e)(1) of the IDEA and 34 C.F.R. §600.604(a), an LEA identified as needs assistance for two or more years the DESE-OSE must take one of the following actions

- Require the LEA to obtain technical assistance including consultation and/or professional development from the DESE'S Office of Special Education or other resources available to and within the DESE.
- Require the LEA to use its IDEA Part B funds to obtain technical assistance in the areas in which the LEA needs assistance, including explicit plans for addressing the area(s) of concern within a specified period of time
- Require the LEA to redirect its fiscal or human resources to the area(s) in which the district needs assistance.
- Identify the LEA as a high-risk grantee and impose special conditions on the LEA grant under Part B of the IDEA.
- Require the LEA to prepare a corrective action plan or improvement plan.

Needs Intervention: In accordance with Section 616(e)(1) of the IDEA and 34 C.F.R. §600.604(a), if the DESE determines that a LEA needs intervention in implementing the requirements of Part B of the IDEA, the DESE may take any of the actions described above for a LEA designated as a LEA in need of intervention, and shall take one or more of the following enforcement actions:

Years one and two of needs intervention

- Require the LEA to review the noted areas of deficiency and to submit a response table addressing the areas of deficiency.
 - Require the LEA to address the noted deficiencies with district-developed strategies.
 - Require the LEA to conduct a self-assessment of its policies, procedures and practices related to the noted deficiencies.
 - Prohibit the LEA from taking advantage of the maintenance of effort (MOE) reduction flexibility under Part B of the IDEA Section 613(a)(2)(C).
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Three or more consecutive years of needs intervention

- Any of the actions described above for a LEA designated as a LEA in year one or two of needs intervention.
 - Require the LEA to obtain technical assistance including consultation and/or professional development from the DESE Office of Special Education or other resources available to and within the DESE.
 - Require the LEA to use its IDEA Part B funds to obtain technical assistance in the areas in which the LEA needs assistance, including explicit plans for addressing the area(s) of concern within a specified period of time.
 - Require the LEA to redirect its fiscal or human resources to the area(s) in which the district needs assistance.
 - Identify the LEA as a high-risk grantee and impose special conditions on the LEA grant under Part B of the IDEA.
 - Require the LEA to prepare a corrective action plan or improvement plan.
 - For each year of the determination, withhold not less than 20 percent and not more than 50 percent of the LEA's IDEA funds until the State determines the LEA has sufficiently addressed the areas in which the LEA needs intervention.
 - Seek to recover funds.
 - Withhold, in whole or in part, any further payments to the LEA under Part B of the IDEA.
 - Refer the LEA to the DESE Standards Assurance Unit for review of compliance with the rules governing standards for accreditation.
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Needs Substantial Intervention If the DESE determines that a LEA needs substantial intervention in implementing the requirements of Part B of the IDEA or that there is a substantial failure to comply with any condition of the LEA eligibility under Part B of the IDEA, the DESE may take any of the enforcement actions described for a LEA in need of assistance or intervention, and must take one or more of the following enforcement actions:

- Recover funds under Section 452 of GEPA.
 - Withhold, in whole or in part, any further payments of IDEA funds to the LEA. Note: Prior to withholding IDEA funds, the LEA must have reasonable notice and an opportunity for a hearing. Pending the outcome of the hearing, the State may suspend payment to a recipient; suspend the authority of the recipient to obligate funds, or both. Withholding or suspending of funds is limited to the programs or projects or portions of programs or projects that affected the State's determination.
 - In addition to any of the actions identified for the three levels of intervention, the State may utilize any other authority available to it to enforce the requirements of IDEA.
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