



# fast five



## Five things to know about state and LEA determinations

### 1. Background on State determinations

The U.S. Department of Education's Office of Special Education Programs (OSEP) annually determines the extent to which states are implementing the requirements of the Individuals with Disabilities Education Act (IDEA) as required by 34 CFR §300.603. OSEP has been making annual state determinations

since 2007, originally basing these determinations on compliance indicators from the State Performance Plan and Annual Performance Reports (SPP/APRs) and other compliance data. Beginning in 2014, OSEP included both results and compliance in making state determinations. Determinations are one component of OSEP's accountability framework, which is known as Results-Driven Accountability (RDA).



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“ 34 CFR §300.600 of IDEA requires that the primary focus of the state's monitoring activities be on (1) improving educational results and functional outcomes for all children with disabilities, and (2) ensuring that public agencies meet the program requirements under Part B of IDEA, with a particular emphasis on those requirements that are most closely related to improving educational results for children with disabilities.”

### 2. Background on LEA determinations

State education agencies (SEAs) are also required to determine whether LEAs are meeting the requirements of IDEA (34 CFR §300.600[a][2]). LEA determinations are one of the ways that states monitor each LEA's implementation of IDEA, as part of a state's general supervision system. 34 CFR §300.600 of IDEA requires that the primary focus of the state's monitoring activities be on (1) improving educational results and functional outcomes for all children with disabilities, and (2) ensuring that public agencies meet the program requirements under Part B of IDEA, with a particular emphasis on those requirements that are most closely related to improving educational results for children with disabilities.



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### 3. Data included in LEA determinations

Criteria for LEA determinations are also defined by OSEP. Minimally, states must include in their annual LEA determinations the information described in the chart below.

States may include additional information about LEAs, including results data such as data on child outcomes, graduation rates, dropout rates, least restrictive environment, achievement/assessment results, postsecondary outcomes, or other relevant data that the state has about students with disabilities within each LEA.

### 4. Levels of determination and enforcement

When making LEA determinations, states must use the same categories that OSEP is required to use when making state determinations: meets requirements and purposes of IDEA Part B; needs assistance in implementing the requirements; needs intervention in implementing the requirements; or needs substantial intervention in implementing the requirements (34 CFR §300.603[b][1]). States must also mirror most, but not all, of the identified federal enforcement actions identified in 34 CFR §300.604.

### 5. Publicly reporting LEA determinations

OSEP makes state determinations public through the reporting platform for states' APRs. States are not required to make LEA annual determinations public. However, in the LEA Maintenance of Effort (MOE) Reduction Comprehensive Early Intervening Services (CEIS) Report, known as the section 618 data report, states must report the determination of each LEA for the reporting year. All 618 data reports are considered public reports, and states publish LEA determinations as part of their public reporting of 618 data collections. Some states do this by publishing the data reports on their websites, while others link to the OSEP public reporting of 618 data. Additionally, some states publish the annual LEA determinations on their website. In some cases, states include LEA determinations as part of an annual report of the progress that the LEA is making toward meeting state targets on each APR indicator.

#### Minimal requirements for LEA determinations

##### LEA performance on compliance indicators:

- 4b. Significant discrepancy in rates of suspension/expulsion
- 9. Disproportionate representation of identification of students with disabilities
- 10. Disproportionate representation of students with disabilities in particular categories
- 11. Initial evaluations
- 12. Transition from Part C to Part B
- 13. Appropriate measurable postsecondary goals and services in Individualized Education Programs

LEA submission of valid and reliable data

LEA correction of identified noncompliance

Other data available to the state about LEA compliance with IDEA, including relevant audit findings