

LEA Special Education Determination (LSED)

IDEA Determination based on FFY 2020 SPP/APR Data

School Year 2020-2021

«SU_Name»

«Determination»

The U.S. Department of Education Office of Special Education Programs (OSEP) requires states to make annual determinations on the performance of each Local Education Agency (LEA) in implementing the requirements and purposes of IDEA – Part B, with regard to the provision of special education and related services. Determinations are a way of designating the status of LEAs into one of four categories as outlined in [34 CFR §300.603](#). These categories are:

- Meets Requirements (MR)
- Needs Assistance (NA)
- Needs Intervention (NI)
- Needs Substantial Intervention (NSI)

Special education determinations are based upon the most recent data filed with the Office of Special Education Programs (OSEP) for Vermont’s State Performance Plan/Annual Performance Report (SPP/APR). States must use the indicator targets established in the State Performance Plan (SPP) under [34 CFR §300.601](#) and the priority areas described in [34 CFR §300.600\(d\)](#) to analyze the performance of each LEA. Following OSEP’s lead, Vermont is implementing an accountability system under the IDEA known as Results Driven Accountability (RDA), which shifts efforts for accountability from a primary emphasis on compliance to a framework that focuses on improved results for students with disabilities, while continuing to ensure compliance with the requirements found in IDEA.

Calculating Determinations

In making determinations, in FFY2020 Vermont’s system incorporates factors for compliance indicators as reported to OSEP in the SPP/APR. Additionally, other compliance measures including general supervision requirements were included. The focus areas for LEA Special Education Determinations are influenced by the focus areas in OSEP’s State Determination for the same timeframe and are derived using similar criteria to that which OSEP uses for State determinations. OSEP’s FFY2020 criteria for state determinations is outlined in the table below.

Contact Information:

If you have questions about this document or would like additional information, please contact:
the [Special Education Monitoring Team](#).

Determination	Meets Requirements	Needs Assistance	Needs Intervention	Needs Substantial Intervention
OSEP criteria for state determinations	≥ 80%	60-79%	40-59%	< 40%

Calculations are based on individual LEA performance toward achieving state targets and are aligned with local annual performance reports for the same time period. The Part B compliance indicators measure LEA performance related to suspension and expulsion, disproportionate representation, child find activities, and transitions of students with disabilities (both C to B and post-secondary transitions). Compliance indicators (4, 9/10, 11, 12, 13) will only receive points for *meets target* or *did not meet target*. The Part B results indicators measure LEA performance on APR indicators related to graduation rate, performance and participation on statewide assessments including the alternate assessment (grades 3-9), educational environment for both school age and preschool students (ages 3-21), and preschool outcomes (ages 3-5). In FFY2020, Part B results indicators are reported, however, not factored into calculations for determinations. Bonus points will be awarded for participation in the Statewide Systemic Improvement Plan (SSIP). In addition, determinations may also be made in general supervision performance measures related to compliance on annual date reviews for IEPs and triennial evaluations, timely and accurate data reporting, fiscal/grantee pre-award risk rating, dispute resolutions, and timely resolution on findings of noncompliance.

Areas listed as NA indicate data not available and might occur because:

- The LEA does not have data generated for this indicator;
- LEA was not in that year’s monitoring cycle; and
- The LEA number of students for this indicator is fewer than Vermont’s minimum n-size.
- For FFY2020 (SY2020-2021), performance indicators are listed as NA (see description below).

Beginning with FFY2018 (SY2018-2019), both compliance and results indicators were given equal weight in making the LEA Special Education Determination. Beginning with FFY2019 (SY2019-2020), determinations also included accountability for general supervision requirements. For FFY2020 (SY2020-2021), the Vermont Agency of Education made simplified determinations for LSEDs, using only compliance measures over the more robust set (compliance and performance) used in the recent past. Scoring criteria is listed at the bottom of this report.

Technical Assistance, Improvement, Correction, Incentives and Sanctions

In addition, [34 CFR §300.604](#) outlines enforcement actions related to the above categories and the State Education Agency (SEA or AOE) will use these enforcement activities when developing differentiated monitoring and supports for LEAs based upon their determination category. IDEA identifies specific technical assistance or enforcement actions that must occur under specific circumstances when LEAs are not determined to “meet requirements”. If the

LEA “needs assistance” for two consecutive years, the AOE must take one or more enforcement actions, including, among others, requiring the LEA to access technical assistance, designating the LEA as a high-risk grantee, or directing the use of LEA funds to the area(s) where the LEA needs assistance. If the LEA “needs intervention” for three consecutive years, the AOE must take one or more enforcement actions, including among others, requiring a corrective action plan or compliance agreement, or withholding further payments to the LEA. Any time the LEA “needs substantial intervention” the AOE must take immediate enforcement action, such as withholding funds or referring the matter to the AOE’s legal team for appropriate enforcement.

For additional information on Vermont’s General Supervision and Monitoring System, please visit our [website](#).

Measure from Local APR and SPP/APR	LEA Data	State Target	Meets Target (Y/N)	Distance from Target	Points
Indicator 1 Graduation Rate % of youth with IEPs graduating with a regular diploma (6-year cohort) NOTE: VT has only one diploma for all students		≥ 77%			N/A
Indicator 2 Dropout Rate (students with IEPs ages 14-21) % of youth who dropped out of high school without a diploma		≤20%			N/A
Indicator 3 Statewide Assessments (students with IEPs grades 3-9)					
A. ELA/Grade 4 - % Participation includes alternate assessments		≥95%			N/A
A. ELA/Grade 8 - % Participation includes alternate assessments		≥95%			
A. ELA/Grade 9 - % Participation includes alternate assessments		≥95%			N/A
A. MATH/Grade 4 - % Participation includes alternate assessments.		≥95%			N/A
A. MATH/Grade 8 - % Participation includes alternate assessments.		≥95%			N/A

Measure from Local APR and SPP/APR	LEA Data	State Target	Meets Target (Y/N)	Distance from Target	Points
A. MATH/Grade 9 - % Participation includes alternate assessments.		≥95%			N/A
B. ELA/Grade 4 - % Proficient on general assessment		≥12.8%			N/A
B. ELA/Grade 8 - % Proficient on general assessment		≥9.5%			N/A
B. ELA/Grade 9 - % Proficient on general assessment		≥10.8%			N/A
B. MATH/Grade 4 - % Proficient on general assessment		≥12.4%			N/A
B. MATH/Grade 8 - % Proficient on general assessment		≥5.9%			N/A
B. MATH/Grade 9 - % Proficient on general assessment		≥3.10%			N/A
C. ELA/Grade 4 - % Proficient on alternate assessment		≥55.4%			N/A
C. ELA/Grade 8 - % Proficient on alternate assessment		≥54.4%			N/A
C. ELA/Grade 9 - % Proficient on alternate assessment		≥46.5%			N/A
C. MATH/Grade 4 - % Proficient on alternate assessment		≥45.6%			N/A
C. MATH/Grade 8 - % Proficient on alternate assessment		≥37.1%			N/A
C. MATH/Grade 9 - % Proficient on alternate assessment		≥42.2%			N/A
D. ELA/Grade 4 – Gap in proficiency rates for children with IEPs and all students, not including alternate assessment		≤37.9%			N/A

Measure from Local APR and SPP/APR	LEA Data	State Target	Meets Target (Y/N)	Distance from Target	Points
D. ELA/Grade 8 – Gap in proficiency rates for children with IEPs and all students, not including alternate assessment		≤43.4%			N/A
D. ELA/Grade 9 – Gap in proficiency rates for children with IEPs and all students, not including alternate assessment		≤45.8%			N/A
D. MATH/Grade 4 – Gap in proficiency rates for children with IEPs and all students, not including alternate assessment		≤34.2%			N/A
D. MATH/Grade 8 – Gap in proficiency rates for children with IEPs and all students, not including alternate assessment		≤34.1%			N/A
D. MATH/Grade 9 – Gap in proficiency rates for children with IEPs and all students, not including alternate assessment		≤31.8%			N/A
Indicator 4 Suspension/Expulsion (students with IEPs ages 3-21)					
A. Does the LEA have >3% of students with disabilities with out-of-school suspensions and expulsions greater than 10 cumulative days in a school year?		N			N/A
B. Does the LEA have a significant discrepancy by race or ethnicity for which policies/procedures/practices contributed to out-of-school suspensions for greater than 10 cumulative days in a school year?		N			
Indicator 5 Educational Environments (students with IEPs ages 6-21)					

Measure from Local APR and SPP/APR	LEA Data	State Target	Meets Target (Y/N)	Distance from Target	Points
A. % inside the regular classroom 80% or more of the school day		≥ 80%			N/A
B. % inside the regular classroom less than 40% of the school day		≤ 4.5%			N/A
C. % in separate schools, residential facilities, or homebound/hospital placements		≤6.5%			N/A
D. % inside the regular classroom 40-79% (informational only)					
Indicator 6 Preschool Environments (children with IEPs ages 3-5)					
A. % attending regular early childhood program & receiving special education & related services in a regular early childhood program		≥68%			N/A
B. % attending separate special education class, separate school or residential facility		≤0.81%			N/A
C. % receiving special education and related services in the home		≤8.23%	N/A		N/A
Indicator 7 Preschool Outcomes (children with IEPs ages 3-5)					
Measurement 1 - % of preschool children entering ECSE functioning below age expectations, who substantially increased their rate of growth by the time they turned six years of age or exited the program					
Outcome A: Positive Social-Emotional Skills		≥83.67%			N/A
Outcome B: Acquisition and use of knowledge and skills		≥87.8%			N/A

Measure from Local APR and SPP/APR	LEA Data	State Target	Meets Target (Y/N)	Distance from Target	Points
Outcome C: Use of appropriate behaviors to meet needs		≥86.5%			N/A
Measurement 2 - % of preschool children who were functioning within age expectations by the time they turned six years of age or exited the program					
Outcome A: Positive Social-Emotional Skills		≥48.04%			N/A
Outcome B: Acquisition and use of knowledge and skills		≥32.4%			N/A
Outcome C: Use of appropriate behaviors to meet needs		≥55.87%			N/A
Indicator 8 Parent Involvement (ages 3-21) % of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities		≥79.8%			N/A
Indicator 9 Disproportionate Representation (ages 6-21) Does the LEA have disproportionate representation in special education by race or ethnicity as a result of inappropriate identification?		N			
Indicator 10 Disproportionate Representation (ages 6-21) Does the LEA have disproportionate representation in six specific disability categories by race or ethnicity as a result of inappropriate identification?		N			

Measure from Local APR and SPP/APR	LEA Data	State Target	Meets Target (Y/N)	Distance from Target	Points
Indicator 11 Child Find (ages 3-21) % of children evaluated within 60 days of receiving parental consent for initial evaluation, or if appropriately delayed documentation was provided		100%			
Indicator 12 Part C to B Transition % 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 birthday.		100%			
Indicator 13 Post-Secondary Transition (youth with IEPs ages 16-21) % with an IEP that includes appropriate measurable post-secondary goals that are annually updated and based upon age appropriate transition assessments, transition services, including course of study that will reasonably enable the student to meet those post-secondary goals, and annual IEP goals related to the student's transition service needs		100%			
Indicator 14 Post-School Outcomes % youth with IEPs who are no longer in high school and within one year of leaving school were:					
A. Enrolled in higher education		≥17%			N/A
B. Enrolled in higher education or competitively employed		≥64.37%			N/A
C. Enrolled in any postsecondary education or training program or in any employment		≥75.3%			N/A

Measure from Local APR and SPP/APR	LEA Data	State Target	Meets Target (Y/N)	Distance from Target	Points
Indicator 17 State Systemic Improvement Plan (SSIP) Participation by LEA receives up to (3) bonus points toward determination based on number of years of participation					N/A
Annual Date Reviews					
IEPs are reviewed and updated annually (defined as 365 days)		≥ 95%			
Evaluations are reviewed and updated within three years (defined as 1095 days)		≥ 95%			

Scoring Criteria

(3) points for each meets target, (2) points for 1-5 percentage point(s) below target, (1) point for 6-10 percentage points below target, (0) points for >10 percentage points below target, and up to (3) bonus points for SSIP participation. *NOTE:* Ind 4, 9/10, 11, 12, & 13 are OSEP compliance requirements and will receive a score of (3) or (0) only. Entries in the column labelled “points” that are listed as NA are not included in this determination, or the total maximum points for the LEA.

**Participation scores are significantly impacted by Vermont’s small n-size and therefore points are awarded as follows: (3) points for meeting target, or not meeting target by 1 participant; (2) points for not meeting target by 2 participants; and (1) point for not meeting target by 3 participants; (0) points will be awarded for all other scenarios involving participation.

General Supervision Requirements

Includes oversight and accountability related to special education for SPP/APR indicators, effective implementation of policies and procedures; monitoring, fiscal, data, sanctions, dispute resolution, and technical assistance/professional development. OSEP requires that states include some or all of the general supervision measures in making determinations.

Measure from General Supervision Requirements	LEA Data	State Target	Meets Target (Y/N)
Long-standing non-compliance (greater than 1 year from written notification)		N	Y = 3 N = 0
Timely Data Reporting (child count/exit data submissions met)		Y	
Accurate Data Reporting (no data quality follow-ups or resubmissions required)		Y	
Fiscal/Grantee Pre-Award Risk Rating <ul style="list-style-type: none"> • Available in the summer from the business office • Use current year Risk Rating FY20 • No rating will be available summer 2022-use same chart as FY20 • Low = 3pts, Moderate = 2pts, High = 0pts 		Low	
Informational Purposes Only: (Not used for points for determinations score)			
# of students with disabilities (ages 3-21)	DMAD		
# of early childhood students with disabilities (ages 3-5)	DMAD		
# of school-age students with disabilities (ages 6-21)	DMAD		

Scoring Criteria	LEA Total Score
General supervision and monitoring compliance requirements will receive a score of (3) meets target or (0) did not meet target. The exception to this will be the Fiscal/Grantee Pre-Award Risk Rating which will be scored as indicated above. NOTE: The pre-award risk rating information is provided annually through the business office.	

LEA Total Score Review and Determination	LEA Total Score and Details
LEA Total Score (includes bonus)	
LEA Maximum Points Possible	36
LEA Total Percentage	
LEA Determination	

Special education program monitoring activities open annually in September with LEA submissions due January 15th and March 15th until FFY2023, when they will be due February 15th. AOE reviews are conducted February - May with LEA closeout/notifications prior to the beginning of the next school year. LEAs will receive an email in early September outlining specific requirements for monitoring activities identified below.

Expected monitoring activities for the upcoming school year include: _____