

## New York State Education Department Criteria for School District Determinations under the Individuals with Disabilities Education Act (IDEA)

34 CFR section 300.600 requires each state to make determinations annually about the performance of each public school district based on the public school district's annual performance relating to State Performance Plan (SPP) indicators (see <http://www.p12.nysed.gov/specialed/spp/2011/final211.htm>). These determinations must be made in consideration of information obtained through monitoring visits, other public information made available, including any audit findings and whether the data submitted by the local educational agency (LEA) is valid, reliable, and timely. The state must consider compliance and may consider other performance indicators in relation to the state's targets for improvement for these indicators. Based upon this information, the state must determine whether the district:

- meets the requirements and purposes of IDEA;
- needs assistance in implementing the requirements of IDEA;
- needs intervention in implementing the requirements of IDEA; or
- needs substantial intervention in implementing the requirements of IDEA. (§300.603)

### New York State IDEA Determination Criteria (Revised)

Effective beginning with the 2011-12 school year

The State will make its annual IDEA Determinations based on a school district's performance outcomes and compliance status as follows:

I. Performance Outcomes: Determinations of whether a school district Meets Requirements, Needs Assistance, or Needs Intervention will be based on their Adequate Yearly Progress (AYP) outcomes for the subgroup of students with disabilities, which includes students with disabilities' graduation rates and performance on State assessments (as reported for SPP Indicators 1 and 3). The specific criteria include:

Determination	Performance Criteria
Meets Requirements	District and all schools <sup>1</sup> within the district are in Good Standing under the State's Differentiated Accountability System for the subgroup of students with disabilities
Needs Assistance	District and/or one or more schools <sup>1</sup> in the district are in Improvement or Corrective Action status and have failed to make AYP for students with disabilities on an accountability criterion for which a school is identified; and no schools within the district are identified as a school in Restructuring or as a Persistently Lowest Achieving school for students with disabilities.
Needs Intervention	The district and/or one or more schools <sup>1</sup> in the district are in Restructuring and/or identified as Persistently Lowest Achieving and/or Schools Under Registration Review (SURR); and in one or more of these schools, the school failed to make AYP for students with disabilities on an accountability criterion for which the school is identified.

II. Compliance Status: In making the annual IDEA Determinations, the Office of Special Education must consider compliance with federal and State special education requirements. Therefore, in addition to the performance criteria identified above, the Office of Special Education may reassign the district to another determination level (Needs Assistance, Needs Intervention or Needs Substantial Intervention\*) if

<sup>1</sup> The State will consider the district as "Meets Requirements" if the District is in Good Standing or the District made AYP for students with disabilities for all subjects for which it is identified for improvement **and** 90 percent or more of its schools are in Good Standing or have made AYP for all accountability criteria for which a school is identified for improvement under the State's Differentiated Accountability system. For New York City, the district shall mean community school districts.

noncompliance is significant or if the district has continuing noncompliance beyond one year. For example, a district that has been determined to Need Assistance under IDEA based on the performance criteria listed above may be reassigned to Needs Intervention because of continuing noncompliance. Compliance factors that will be considered include, but are not limited to:

- (1) a school district's data on SPP/Annual Performance Report (APR) compliance indicators;
- (2) whether a district submitted valid, reliable, and timely data for all indicators; and
- (3) any uncorrected noncompliance beyond one year, including from other sources (including complaints or hearings).

The specific criteria include:

<b>Determination</b>	<b>Compliance Criteria</b>
Meets requirements <sup>2</sup>	District has no findings of noncompliance that have not been corrected within one year from the date of identification of noncompliance by the State.
Needs assistance	District has findings of noncompliance that remain uncorrected between 12 and 24 months from the date of identification of the noncompliance by the State.
Needs Intervention	District has findings of noncompliance that remain uncorrected more than 24 months from the date of identification of the noncompliance by the State.
Needs Substantial Intervention <sup>3</sup>	The State finds the district has significant noncompliance that remains uncorrected for 36 months or more resulting in the substantial failure of the district to provide a free appropriate public education to students with disabilities.

Notification of Determination

Based on these criteria which include a district’s performance outcomes and compliance status as described within this document, the State will make its annual IDEA Determination and notify districts.

Technical Assistance

The Office of Special Education will direct technical assistance resources to school districts in response to these determinations to provide assistance and interventions consistent with each level in ways that coordinate the work of New York State Education Department Offices, when appropriate.

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<sup>2</sup> **At risk** - The State will notify a school district that it is “at risk” of being identified as a Needs Assistance district if, for Indicators 4, 9, 10, 11, 12 and/or 13 of the State Performance Plan (see <http://www.p12.nysed.gov/specialed/spp/2011/final211.htm>), the district that has been unable to resolve the reported noncompliance by 6 to 12 months; and/or when the district is in enforcement status because it failed to correct other findings of noncompliance within the time period identified by the State.

<sup>3</sup> **Needs Substantial Intervention**- Upon a finding that a district has significant noncompliance that remains uncorrected and that is resulting in substantial failure of the district to provide a free appropriate public education (FAPE) for its students with disabilities, the State will make the determination that the district "needs substantial intervention." Federal regulations require that the State withhold, in whole or in part, the district’s IDEA funds upon a determination that the district needs substantial intervention.