



Actions Required for School District as Needs Assistance or Needs Intervention to Meet the Requirements of Part B of the Individuals with Disabilities Education Act (IDEA) April 2016

Title 34 of the Code of Federal Regulations (CFR) §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. 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. (34 CFR §300.603).

Each school district must review their IDEA determination and, if identified as a district that Needs Assistance or Needs Intervention, take the required actions as follows:

REQUIRED ACTIONS

School Districts Determined as "Needs Assistance"

1. Technical Assistance Required

As a result of this determination, the State requires that the District obtain targeted technical assistance to address the reason(s) it was identified based on performance results for the subgroup of students with disabilities and/or failure to correct findings of noncompliance by not later than 12 months from the date of identification of the noncompliance.

For districts identified based on the performance results for students with disabilities, the technical assistance obtained by the school district must focus on identifying and implementing professional development, instructional strategies and methods of instruction that are based on research.

NYSED is committed to supporting your District's efforts to improve results for students with disabilities through the resources of:

- the Regional Special Education Technical Assistance Support Centers (RSE-TASC)
<http://www.p12.nysed.gov/specialed/techassist/rsetasc/locations.htm>
- Other NYSED funded technical assistance networks
<http://www.p12.nysed.gov/specialed/techassist/>
- the Special Education Quality Assurance (SEQA) Offices
<http://www.p12.nysed.gov/specialed/quality/home.html>.

2. Prohibition on Reducing its Fiscal Maintenance of Effort

Any school district that is designated as a district needing assistance for not meeting the requirements of Part B of IDEA, including the targets in the State's Performance Plan, is prohibited from reducing its maintenance of effort under 34 CFR §300.203 for any fiscal year in which it is identified. [34 CFR §300.608]

3. Other Enforcement Actions:

School districts will be notified directly if the Department will impose any additional enforcement action(s), which could include – but are not limited to - identification of the school district as a “high-risk grantee” and/or imposing special conditions on the school district’s IDEA Part B grant.

School Districts determined as “Needs Intervention”

1. Technical Assistance Required

For school districts identified as “Needs Intervention”, the State requires that the District obtain targeted technical assistance to address the reason(s) it was identified based on performance results for the subgroup of students with disabilities and/or failure to correct findings of noncompliance by not later than 12 months from the date of identification of the noncompliance.

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- the Regional Special Education Technical Assistance Support Centers (RSE-TASC) <http://www.p12.nysed.gov/specialed/techassist/rsetasc/locations.htm>
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Any school district that is designated “Needs Intervention” for not meeting the requirements of Part B of IDEA, including the targets in the State’s Performance Plan, is prohibited from reducing its maintenance of effort under 34 CFR §300.203 for any fiscal year in which it is identified. [34 CFR §300.608]

3. Other Enforcement Actions

School districts will be notified directly if the Department will impose any additional enforcement actions, which could include – but are not limited to - identifying the school district as a “high-risk grantee” and impose special conditions on the school district’s IDEA Part B grant; requiring the district to prepare a corrective action plan or improvement plan; and/or withholding, in whole or in part, any further payments to the school district under Part B of IDEA.