

New York State Education Department 2016 Criteria for School District Determinations under the Individuals with Disabilities Education Act (IDEA)

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). New York State makes its annual IDEA Determinations based on consideration of both a school district’s performance outcomes and/or compliance¹ status as follows:

Determination	Criteria
Needs Assistance	<p><u>Performance:</u> District is a Focused District under the ESEA Waiver based on combined ELA and math assessment results or the graduation rate for students with disabilities.</p> <p><u>Compliance:</u> District has findings of noncompliance that remain uncorrected between <u>12 and 24 months</u> from the date of identification of the noncompliance by the State.</p>
Needs Intervention	<p><u>Performance:</u> District is a Focused District under the ESEA Waiver based on combined ELA and math assessment results or the graduation rate for students with disabilities; and</p> <p>The district has been identified by the State as a Needs Assistance or Needs Intervention district under IDEA for more than five (5) consecutive years.</p> <p><u>Compliance:</u> District has findings of noncompliance that remain uncorrected <u>more than 24 months</u> from the date of identification of the noncompliance by the State.</p>
Needs Substantial Intervention	<p><u>Compliance:</u> 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.</p>

Any school district that is designated as a district needing assistance, intervention or substantial 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]

¹ Compliance factors considered include, but are not limited to, a school district’s data on SPP/Annual Performance Report (APR) compliance indicators; whether a district submitted valid, reliable, and timely data for all indicators; and any uncorrected noncompliance beyond one year, including from other sources (including complaints or hearings).