

**How the Illinois State Board of Education Made Local Determinations
Under Section 616 of the Individuals with Disabilities Education Act
For the 2007-2008 School Year**

Overview

Illinois is required, under Section 616(a)(1)(C)(i) and 300.600(a) of IDEA 2004, to make annual determinations on the performance of each Local Education Agency (LEA) with regard to the provision of special education and related services. Essentially, these determinations are a way of designating the status of local districts into one of the following four categories, as outlined in Section 616 (d) of IDEA 2004:

- Meets Requirements
- Needs Assistance
- Needs Intervention
- Needs Substantial Intervention.

States are required to make determinations based on indicators identified by the federal government and delineated in the State Performance Plan (SPP). The SPP contains 20 data-based indicators which are used to evaluate each state's performance and progress with regard to the provision of special education and related services within the state. These 20 indicators are separated into compliance indicators (which measure compliance with the IDEA regulations) and results indicators (which measure results for students with disabilities) as shown below. For more information regarding the Illinois State Performance Plan (SPP) and Annual Performance Report (APR), please visit www.isbe.net/spec-ed.

Additionally, this year State Education Agencies (SEAs) were notified that an SEA must prohibit an LEA from taking advantage of the Maintenance of Effort (MOE) reduction under IDEA section 613(a)(2)(C) unless the LEA receives a "Meets Requirements" determination for the school year. Therefore, for the 2007-2008 school year an SEA must prohibit an LEA from taking advantage of the MOE reduction under IDEA section 613(a)(2)(C) if the LEAs determination is Needs Assistance, Needs Intervention, or Needs Substantial Intervention. For more information please see the ARRA section on page 9 of this document.

Illinois State Performance Plan	
Compliance Indicators	Results Indicators
Disproportionality (9 & 10) Initial Eligibility Timelines (11) Early Childhood Transition (12) Secondary Transition Plans (13) General Supervision (15) Complaints (16) Due Process (17) Timely, Valid & Reliable Data (20)	Graduation (1) Dropout (2) Assessment (3) Discipline (4) EE Ages 6-21 (5) EE Ages 3-5 (6) Early Childhood Outcomes (7) Parent Involvement (8) Post-School Outcomes (14) Resolution Sessions (18) Mediation Agreements (19)

States may consider LEA performance on results indicators, however, at this time, all states are required to consider the following data when making local determinations based on 2007-2008 school year data submitted by districts:

- Indicator 9: Disproportionate Representation in Special Education
- Indicator 10: Disproportionate Representation in Specific Disability Categories
- Indicator 11: Initial Eligibility Timelines
- Indicator 12: Early Childhood Transition
- Indicator 13: Secondary Transition Plans
- Indicator 15: General Supervision – Uncorrected noncompliance
- Indicator 20: Timely, valid & reliable data submissions
- District audit findings with regard to the use of Part B funds

In order to develop Illinois' determinations process, ISBE convened a small stakeholder group comprised of representatives from the Illinois Association of School Administrators (IASA), Illinois State Advisory Council for Children with Disabilities (ISAC), Illinois Alliance of Administrators of Special Education (IAASE), Illinois Federation of Teachers (IFT), Illinois Education Association (IEA) and Regional Offices of Education (ROE) to select key indicators and to set criteria for determining the status of local districts in relation to the mandated requirements as outlined in IDEA. This meeting was facilitated by a representative from the North Central Regional Resource Center, which provides technical assistance to states in meeting the requirements of IDEA. Through this process, the criteria on the following pages were recommended for local determinations based on IDEA requirements for this year. The LEA Determinations process was also discussed with a large stakeholder group, ISAC. ISBE has included information regarding the public reporting of local determinations and district improvement plans at the end of this document.

Criteria for LEA Determinations by SPP Indicator for 2007-2008 School Year

Indicator 9: Disproportionate representation of racial and ethnic groups in special education and related services that is a result of inappropriate identification		
Measurement	<ol style="list-style-type: none"> 1) The district has disproportionate representation in at least one racial/ethnic group in special education overall for three consecutive years, AND 2) As a result of the district's self-assessment, the district was found to have this disproportionate representation due to inappropriate identification of students as needing special education and related services. 	
Data Sources	<ul style="list-style-type: none"> • Funding and Child Tracking System (FACTS): December 1 Child Count • Fall Housing Report • District Self-Assessment (for districts with disproportionate representation for three consecutive years) 	
Determination	Points	Criteria
Meets Requirements	4	District does not have disproportionate representation due to inappropriate identification in any racial/ethnic group receiving special education or related services.
Needs Substantial Intervention	1	District does have disproportionate representation due to inappropriate identification for a particular racial/ethnic group receiving special education or related services.

Indicator 10: Disproportionate representation of racial and ethnic groups in specific disability categories that is a result of inappropriate identification.		
Measurement	<ol style="list-style-type: none"> 1) The district has disproportionate representation in at least one racial/ethnic group of students with specific learning disabilities, cognitive disabilities, emotional disabilities, speech/language impairments, other health impairments, or autism for three consecutive years, AND 2) As a result of the district's self-assessment, the district was found to have this disproportionate representation due to inappropriate identification of students as needing special education and related services. 	
Data Sources	<ul style="list-style-type: none"> • Funding and Child Tracking System (FACTS): December 1 Child Count • Fall Housing Report • District Self-Assessment (for districts with disproportionate representation for three consecutive years) 	
Determination	Points	Criteria
Meets Requirements	4	District does not have disproportionate representation due to inappropriate identification in any racial/ethnic group in specific disability categories.
Needs Substantial Intervention	1	District does have disproportionate representation due to inappropriate identification for a particular racial/ethnic group in a particular disability category.

Indicator 11:

The percent of children with parental consent to evaluate, who were evaluated within the 60 school day timeline as defined by the Illinois School Code (105 ILCS 5/14-8.02).

Measurement	<p>A. # of children for whom parental consent to evaluate was received. B. # of children determined not eligible whose evaluations were completed with the 60 school day timeline C. # of children determined eligible whose evaluations were completed within the 60 school day timeline</p> <p>Percent = (B + C) divided by A times 100.</p> <p>Per 34 CFR 300.301(d), the following exceptions have been completely factored out of A, B, and C in the Indicator 11 calculation:</p> <ul style="list-style-type: none"> • The parent of the child repeatedly fails or refuses to produce the child for the evaluation, OR • The child is enrolled in a school of another public agency after the relevant timeframe had begun and prior to the determination by the child's previous public agency.
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Data Source	Funding and Child Tracking System (FACTS)
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Determination	Points	Criteria
Meets Requirements*	4	95% or higher
Needs Assistance	3	50 – 94%
Needs Intervention	2	1 – 49%
Needs Substantial Intervention	1	0%

* Illinois' target for SPP Indicator 11 is 100%. However, under Illinois' LEA Determination process districts are given the determination "Meet Requirements" for Indicator 11 if their percentage is 95% or higher.

Indicator 12: Percent 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 birthdays.		
Measurement	<p>A. # of children who have been served in Part C and referred to Part B for eligibility determination.</p> <p>B. # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays.</p> <p>C. # of those found eligible who have an IEP developed and implemented by their third birthdays.</p> <p>D. # of children for who parent refusal to provide consent caused delays in evaluation or initial services.</p> <p>Percent = C divided by (A – B – D) times 100</p> <p>Per 34 CFR 300.301(d), the following exceptions have been completely factored out of A, B, C, and D in the Indicator 12 calculation:</p> <ul style="list-style-type: none"> • The parent of the child repeatedly fails or refuses to produce the child for the evaluation, OR • The child is enrolled in a school of another public agency after the relevant timeframe had begun and prior to the determination by the child's previous public agency. 	
Data Sources	<ul style="list-style-type: none"> • Department of Human Services (DHS) data sharing agreement • Early Intervention to Early Childhood Transition Tracking Form 	
Determination	Points	Criteria
Meets Requirements*	4	95% or higher
Needs Assistance	3	50 – 94%
Needs Intervention	2	1 – 49%
Needs Substantial Intervention	1	0%
* Illinois' target for SPP Indicator 12 is 100%. However, under Illinois' LEA Determination process districts are given the determination "Meet Requirements" for Indicator 12 if their percentage is 95% or higher.		

Indicator 13: Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the postsecondary goals.		
Measurement	A. # of youth with disabilities aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the postsecondary goals B. # of youth with an IEP age 16 and above Percent = A divided by B times 100	
Data Sources	Funding and Child Tracking System (FACTS)	
Determination	Points	Criteria
Meets Requirements**	4	95% or higher
Needs Assistance	3	50 – 94%
Needs Intervention	2	1 – 49%
Needs Substantial Intervention	1	0%
<p>** Illinois' target for SPP Indicator 13 is 100%. However, under Illinois' LEA Determination process districts are given the determination "Meet Requirements" for Indicator 13 if their percentage is 95% or higher.</p> <p>Note: The Illinois Administrative Code, Section 226.230(c), requires that the student's IEP must contain a transition plan by time the student is 14 ½ years of age. However, per the measurement of Indicator 13 of the State Performance Plan, the calculation of Indicator 13 only considers youth ages 16 and above.</p>		

Indicator 15: Timely Correction of Identified Noncompliance		
Measurement	Any district findings of noncompliance which are not timely corrected within the prescribed timeline will result in "Needs Substantial Intervention."	
Data Sources	General Supervision Systems (e.g. complaints, district monitoring)	
Determination	Points	Criteria
Meets Requirements	4	LEA has no uncorrected noncompliance
Needs Substantial Intervention	1	LEA has uncorrected noncompliance

Indicator 20: Timely, Valid, and Reliable Data		
Measurement	Timeliness, validity and reliability of data submissions to ISBE.	
Data Sources	<ul style="list-style-type: none"> • Student Information System (SIS) <ul style="list-style-type: none"> ○ Ongoing data collection • Funding and Child Tracking System (FACTS)/Personnel Data <ul style="list-style-type: none"> ○ Due: October, December, March, June and August • Fall Housing Report <ul style="list-style-type: none"> ○ Due: October • End of Year Report <ul style="list-style-type: none"> ○ Due: August • School Report Card Report <ul style="list-style-type: none"> ○ Due: August 	
Determination	Points	Criteria
Meets Requirements	4	Data submitted are timely and valid
Needs Assistance	3	1 report is not timely
Needs Intervention	2	2 or more reports are not timely OR data submitted are not valid
Needs Substantial Intervention	1	Data submitted are neither timely nor valid OR 2 or more years of untimely reports
Note: Instances when an LEA proactively wishes to correct an error in a data submission will not result in penalization.		

IDEA Part B Audit Findings		
Data Sources	Annual A-133 Audit Findings	
Determination	Points	Criteria
Meets Requirements	4	No Audit Findings
Needs Assistance	3	Minor monitoring and/or reporting issues which can be easily remedied by implementing procedures according to A-133 guidance. (e.g. Salaries were reported in the wrong Fiscal Year.)
Needs Intervention	2	Moderate documentation and/or reporting issues which would require revision of internal financial processes. (e.g. Salaries that were split between departments and/or funding sources were not accurately documented.) OR a new moderate/ minor issue is found if the district had audit findings last year.
Needs Substantial Intervention	1	Major financial tracking issues which would require the initiation of appropriate financial and accounting procedures. (e.g. The Administrative Agent does not maintain an adequate set of financial records.) OR district has same finding for at least 2 consecutive years.

Overall LEA Determination		
Measurement	The number of points received for each category will be averaged to determine the overall LEA Determination. Categories that are “Not Applicable” for a particular district will not be calculated in the average. For example, Indicator 12 – Early Childhood Transition will be “Not Applicable” for High School districts since they do not serve children turning 3 years old.	
Determination	Points	Criteria
Meets Requirements	4	4.0 points
Needs Assistance	3	3.0 – 3.99 points
Needs Intervention	2	2.0 – 2.99 points
Needs Substantial Intervention	1	1.0 – 1.99 points

Changes to the LEA Determinations Process from Previous Years

On September 3, 2008, the Office of Special Education Programs (OSEP) provided states with a guidance Document entitled, “Frequently Asked Questions Regarding Identification and Correction of Noncompliance and Reporting on Correction in the SPP/APR” and the subsequent memorandum issued on October 17, 2008 entitled, “Reporting on Correction of Noncompliance in the Annual Performance Report Required under Sections 616 and 642 of the Individuals with Disabilities Education Act.” In these two documents along with clarifications from OSEP between November 2008 and January 2009, ISBE was notified that the State must make findings of noncompliance based on data reported by the LEAs through the State Data System(s). Therefore, ISBE is required to make findings for any single instance of noncompliance found within a district regardless of the district’s LEA Determination. Further, these findings must be made outside of the LEA Determinations process. For additional information, please refer to the “OSEP FAQ on Identification and Correction” document located at:

<http://spp-apr-calendar.rfcnetwork.org/explorer/view/id/529> .

Required Follow-Up Activities

Needs Assistance, Needs Intervention or Needs Substantial Intervention

Districts with these designations for this year will not be required to complete specific follow up activities in the District Improvement Plan in relation to the LEA Determination process. **However, districts that have received a designation of “NA2”, for being in the Needs Assistance category for two or more consecutive years will need to review and complete the requirements listed below under the heading “Needs Assistance for Two or More Consecutive Years (NA2)”.**

Needs Assistance for Two or More Consecutive Years (NA2)

For districts designated as “Needs Assistance” for two or more consecutive years (NA2), ISBE in accordance with Section 616(e) of IDEA and 34 CFR 300.604, must take one or more enforcement actions. Such actions include advising districts of available sources of technical assistance that may help them address the area(s) in which they need assistance, directing the use of funds on the area or areas in which the district needs assistance or identifying the district as a high-risk grantee and imposing special conditions on the district’s IDEA Part B grant award. ISBE has chosen to advise districts of available sources of technical assistance that may help them address the Indicator area(s) in which they need assistance. If your district’s LEA

Determination letter indicates a designation of “NA2” your district will be required to complete the following:

- The district is required to add an objective regarding technical assistance resources under Section II – Action Plan in the District Improvement Plan (DIP). Districts may go to the Illinois Interactive Report Card e-Plans website at <http://iirc.niu.edu/>. The school district superintendent may access the template by entering the district username and password already provided to the district. If the district does not currently have this information, usernames and passwords for the district can be obtained by emailing gwilliam@isbe.net. Please make sure to identify your district region-county-district code in the e-mail. Once districts have accessed their 2009 DIP they will select “Manage Objectives” under Section II to add an objective related to technical assistance resources. Districts must complete only Part A under Section II by developing the objective itself, and then describing the objective by addressing 1) the technical assistance sources from which they received, or will receive assistance and 2) what actions they took or plan to take in the immediate future as a result of the technical assistance.
- If the school district has an existing District Improvement Plan, strategies and activities related to special education must be incorporated into the existing plan to ensure alignment with current district initiatives. This can be accomplished by revising existing strategies and activities or adding new ones or by creating strategies and activities for a new objective.
- Districts are encouraged to access the technical assistance resources for their specific SPP Indicators on the ISBE Special Education webpage found at www.isbe.net/spec-ed.html/lea_determinations.htm. Additional resources are located on the Regional Resource & Federal Center Network website at <http://spp-apr-calendar.rfcnetwork.org/>.
- Please note District Improvement Plans must be submitted to the ISBE consultant outlined in your LEA Determinations letter no later than **July 1, 2009**, via the Illinois Interactive Report Card e-Plans website. Districts will need to notify their ISBE consultant via e-mail once they have completed their plan on the e-Plans website. The consultant will then access the plan and review it for approval.

Funds for Part B of the Individual with Disabilities Education Act Under the American Recovery and Reinvestment Act of 2009 (ARRA)

Per guidance released by the U.S. Department of Education entitled “Funds for Part B of Individual with Disabilities Education Act Under The American Recovery and Reinvestment Act of 2009” and the subsequent modification to the guidance questions entitled, “Modifications to Questions in the April 2009 Guidance on the Individuals with Disabilities Education Act, Part B”, there are other provisions of the IDEA that limit whether an LEA may reduce local effort under IDEA section 613(a)(2)(C)(35CFR 300.205). Under IDEA section 616(a) (34 CFR 300.600(a)(2)), SEAs are required to make determinations annually about the performance of each LEA using the following categories: Meets Requirements, Needs Assistance, Needs Intervention, and Needs Substantial Intervention. Under 616(f) (34 CFR 300.608(a)), if in making its annual determinations, an SEA determines that an LEA is not meeting the requirements of Part B, including meeting targets in the state’s performance plan, the SEA *must* prohibit that LEA from reducing its Maintenance of Effort (MOE) under IDEA section 613(a)(2)(C) for any fiscal year. Therefore, an SEA must prohibit an LEA from taking advantage of the MOE reduction under IDEA section 613(a)(2)(C) if the LEA’s determination is Needs Assistance, Needs Intervention, or Needs Substantial Intervention. For more information, please review the documents located at: <http://www.ed.gov/policy/gen/leg/recovery/guidance/idea-b.pdf>
<http://www.ed.gov/policy/gen/leg/recovery/guidance/idea-guidance-mod.pdf>

Stakeholder Involvement

ISBE strongly encourages districts that are completing the District Improvement Plan to involve district stakeholders (including, but not limited to parents, teachers, union representatives, community business leaders, etc.) through the improvement planning process. This involvement will help ensure the entire improvement planning process is implemented with fidelity and results in improved outcomes for students.

Website

ISBE has gathered several resources for districts regarding the LEA Determinations process. These resources may be accessed from the LEA Determinations link found at <http://www.isbe.net/spec-ed>.

Appeals

Districts wishing to appeal their determination must submit a written appeal and supporting documentation by **June 1, 2009** to the ISBE consultant identified in the last paragraph of the LEA Determination letter.

- Per Indicator 20 of the Illinois State Performance Plan, appeals based on instances in which a district submitted inaccurate data to ISBE will not be accepted.
- ISBE must use federal reporting guidelines to calculate each LEA's performance in relation to the SPP Indicators. Therefore, appeals based on disputes with the prescribed measurement, as seen on pages 3 – 8, will not be accepted.

Districts are encouraged to discuss their intent to appeal with their ISBE consultant before formally submitting a written appeal with supporting documentation.

Public Reporting of Local Determinations

- Districts are not obligated to report their determination to the public, and ISBE will not publicly disclose a listing of these determinations.
- Local Determinations will not be part of the LEA Special Education Profile, which is available publicly on the ISBE website.
- ISBE will direct any inquires regarding local district determinations to the district. ISBE encourages districts to develop a plan regarding how to share determination information with their stakeholders. Furthermore, districts are encouraged to share local determination information with the local union leadership.