How the Department Made Determinations under Section 616(d) of the Individuals with Disabilities Education Act in 2014: Part B, Revised April 2015

Introduction

In 2014, the U.S. Department of Education (Department) is using both results and compliance data in making our determination for each State under section 616(d) of the Individuals with Disabilities Education Act (IDEA). We considered the totality of the information we have about a State, including information related to participation and performance of children with disabilities on regular Statewide assessments and the National Assessment of Educational Progress (NAEP); the State's Federal fiscal year (FFY) 2012 Annual Performance Report (APR)/State Performance Plan (SPP); information from monitoring and other public information, such as Special Conditions on the State's grant award under Part B; and other issues related to State compliance with the IDEA. Below is a detailed description of how the Office of Special Education Programs (OSEP) evaluated States' data using the Compliance Matrix and the Results Driven Accountability (RDA) Matrix. The RDA Matrix includes scoring on Results Elements and a Results Performance Percentage (collectively, "Results Matrix"), a Compliance Performance Percentage, and an RDA Percentage and Determination.

The 2014 Part B Compliance Matrix

In making each State's 2014 determination, the Department used a Compliance Matrix, reflecting the following data:

1. The State's FFY 2012 data for Part B Compliance Indicators 4B, 9, 10, 11, 12, 13, 15, and 20 (including whether the State reported valid and reliable data for each indicator); and, if the FFY 2012 data the State reported under Indicators 11, 12, and 13 reflected compliance between 90% and 95% (or, for Indicators 4B, 9, and 10, were between 5% and 10%), whether the State demonstrated correction of all findings of noncompliance it had identified in FFY 2011 under such indicators;
2. The State's FFY 2012 data, reported under section 618 of the IDEA, for the timeliness of State complaint and due process hearing decisions;
3. Whether the Department imposed Special Conditions on the State's FFY 2013 IDEA Part B grant award and those Special Conditions are in effect at the time of the 2014 determination, and the number of years for which the State's Part B grant award has been subject to Special Conditions; and
4. Whether there are any findings of noncompliance identified in FFY 2010 or earlier by either the Department or the State that the State has not yet corrected.

Scoring of the Compliance Matrix

The Compliance Matrix indicates a score of 0, 1, or 2, for each of the compliance indicators in item one above and for each of the additional factors listed in items two through four above. Using the cumulative possible number of points as the denominator, and using as the numerator the actual points the State received in its scoring under these factors, the Compliance Matrix reflects a Compliance Performance Percentage, which is combined with the Results Performance Percentage to calculate the State's RDA percentage and determination.

Scoring of the Matrix for Compliance Indicators 4B, 9, 10, 11, 12, and 13

In the attached State-specific 2014 Part B Compliance Matrix, a State received points as follows for each of Compliance Indicators 4B, 9, 10, 11, 12, and 13[1]:

- Two points, if either:
  - The State's FFY 2012 data for the indicator were valid and reliable, and reflect at least 95%[2] compliance (or, for Indicators 4B, 9, and 10, reflect no greater than 5% compliance)[3]; or
  - The State's FFY 2012 data for the indicator were valid and reliable, and reflect at least 90% compliance (or, for Indicators 4B, 9, and 10, reflect no greater than 10% compliance); and the State identified one or more findings of noncompliance in FFY 2011 for the indicator, and has demonstrated correction of all findings of noncompliance identified in FFY 2011 for the indicator. Such full correction is indicated in the matrix with a "Y" (for "yes") in the "Full Correction of Findings of Noncompliance Identified in FFY 2011" column.[4]
- One point, if the State's FFY 2012 data for the indicator were valid and reliable, and reflect at least 75% compliance (or, for Indicators 4B, 9, and 10, reflect no greater than 25% compliance), and the State did not meet either of the criteria above for two points.
- Zero points, under any of the following circumstances:
  - The State's FFY 2012 data for the indicator reflect less than 75% compliance (or, for Indicators 4B, 9, and 10, reflect greater than 25% compliance); or
  - The State's FFY 2012 data for the indicator were not valid and reliable;[5] or
  - The State did not report FFY 2012 data for the indicator.[6]

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[1] A notation of "N/A" (for "not applicable") in the "Performance" column for an indicator denotes that the indicator is not applicable to that particular State. The points for that indicator are not included in the denominator for the matrix, and the indicator does not impact the State's compliance performance percentage, RDA percentage, or RDA determination.

[2] In determining whether a State has met this 95% compliance criterion, the Department will round up from 94.5% (but no lower) to 95%. Similarly, in determining whether a State has met the 90% compliance criterion discussed below, the Department will round up from 89.5% (but no lower) to 90%. In addition, in determining whether a State has met the 75% compliance criterion discussed below, the Department will round up from 74.5% (but no lower) to 75%.

[3] For Indicators 4B, 9, and 10, a very high level of compliance is generally at or below 5%.

[4] An "N" (for "no") in that column denotes that the State has one or more remaining findings of noncompliance identified in FFY 2011 for which the State has not yet demonstrated correction. An "N/A" (for "not applicable") in that column denotes that the State did not identify any findings of noncompliance in FFY 2011 for the indicator.

[5] If a State's FFY 2012 data for any compliance indicator are not valid and reliable, the matrix so indicates in the "Performance" column, with a corresponding score of 0. The explanation of why the State's data are not valid and reliable is contained in the attached compliance data summary notes of the Part B FFY 2012 SPP/APR Response Table.

Scoring of the Matrix for Compliance Indicators 15 and 20

In the attached State-specific 2014 Part B Compliance Matrix, a State received points as follows for each of Compliance Indicators 15 and 20:

- Two points, if the State's FFY 2012 data for the indicator were valid and reliable, and reflect at least 95% compliance.
- One point, if the State's FFY 2012 data for the indicator were valid and reliable, and reflect at least 75% and less than 95% compliance.
- Zero points, under any of the following circumstances:
    - The State's FFY 2012 data for the indicator reflect less than 75% compliance; or
    - The State's FFY 2012 data for the indicator were not valid and reliable; or
    - The State did not report FFY 2012 data for the indicator.

Scoring of the Matrix for Timely State Complaint Decisions and Timely Due Process Hearing Decisions

In the attached State-specific 2014 Part B Compliance Matrix, a State received points as follows for timely State complaint decisions and for timely due process hearings, as reported by the State under section 618 of the IDEA:

- Two points, if the State's FFY 2012 data were valid and reliable, and reflect at least 95% compliance.
- One point, if the State's FFY 2012 data reflect at least 75% and less than 95% compliance.
- Zero points, if the State's FFY 2012 data reflect less than 75% compliance.
- Not Applicable (N/A), if the State's data reflect less than 100% compliance, <u>and</u> there were fewer than ten State complaint decisions or ten due process hearing decisions.

Scoring of the Matrix for Long-Standing Noncompliance (Includes Both Uncorrected Identified Noncompliance and Special Conditions)

In the attached State-specific 2014 Part B Compliance Matrix, a State received points as follows for the Long-Standing Noncompliance component:

- Two points, if the State has:
    - No remaining findings of noncompliance identified, by OSEP or the State, in FFY 2010 or earlier; and
    - No Special Conditions on its FFY 2013 grant award that are in effect at the time of the 2014 determination.

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[6] If a State reported no FFY 2012 data for any compliance indicator, the matrix so indicates in the "Performance" column, with a corresponding score of 0.

- One point, if either or both of the following occurred:
    - The State has remaining findings of noncompliance identified, by OSEP or the State, in FFY 2010, FFY 2009, and/or FFY 2008, for which the State has not yet demonstrated correction (see the FFY 2012 SPP/APR Response Table for specific information regarding these remaining findings of noncompliance); and/or
    - The Department has imposed Special Conditions on the State's FFY 2013 Part B grant award and those Special Conditions are in effect at the time of the 2014 determination.
- Zero points, if either or both of the following occurred:
    - The State has remaining findings of noncompliance identified, by OSEP or the State, in FFY 2007 or earlier, for which the State has not yet demonstrated correction (see the FFY 2012 SPP/APR Response Table for specific information regarding these remaining findings of noncompliance); and/or
    - The Department has imposed Special Conditions on the State's last three (FFYs 2011, 2012, and 2013) IDEA Part B grant awards, and those Special Conditions are in effect at the time of the 2014 determination.

The 2014 Part B Results Matrix

In making each State's 2014 determination, the Department used a Results Matrix reflecting the following data:

1. The percentage of fourth-grade and eighth-grade children with disabilities (CWD) participating in regular Statewide assessments;
2. The percentage of fourth-grade and eighth-grade CWD scoring proficient on regular Statewide assessments compared to all students scoring proficient on regular Statewide assessments (proficiency gap);
3. The percentage of fourth-grade CWD scoring at basic[7] or above on the NAEP;
4. The percentage of fourth-grade CWD included in NAEP testing;
5. The percentage of eighth-grade CWD scoring at basic or above on the NAEP; and
6. The percentage of eighth-grade CWD included in NAEP testing.

[7] While the goal is to ensure that all CWD demonstrate proficient or advanced mastery of challenging subject matter, we recognize that States may need to take intermediate steps to reach this benchmark. Therefore, this year we assessed the performance of CWD using the basic achievement level on the NAEP, which also provided OSEP with the broader range of data needed to identify variations in student performance across States. Generally, the Basic achievement level on the NAEP means that students have demonstrated partial mastery of prerequisite knowledge and skills that are fundamental for proficient work at each grade.

These six Results Elements are scored separately for reading and math, for a total of twelve Results Elements.

The Results Elements are defined as follows:

Percentage of CWD Participating in Regular Statewide Assessments – This is the percentage of CWD, by grade (4 and 8) and subject (math and reading), who took regular Statewide assessments in school year (SY) 2012-13 with and without accommodations. The numerator for this calculation is the number of CWD participating with and without accommodations on regular Statewide assessments in SY 2012-13, and the denominator is the number of all CWD participants and non-participants on regular Statewide assessments in SY 2012-13, excluding medical emergencies. The calculation is done separately by grade (4 and 8) and subject (math and reading). (Data source: ED*Facts* SY 2012-13; data extracted 4/16/14.)

Proficiency Gap – This is the gap between (a) the percentage of CWD, by grade (4 and 8) and subject (math and reading), who scored proficient on regular Statewide assessments in SY 2012-13 and (b) the percentage of students with and without disabilities, by grade (4 and 8) and subject (math and reading), who scored proficient on regular Statewide assessments in SY 2012-13. The calculation is done by subtracting (a) from (b). (Data source: ED*Facts* SY 2012-13; data extracted 4/16/14.)

Percentage of CWD Scoring Basic or Above on the NAEP – This is the percentage of CWD, not including students with a Section 504 plan, by grade (4 and 8) and subject (math and reading), who scored at or above basic on the NAEP in SY 2012-13. (Data Source: Main NAEP Data Explorer; data extracted 4/16/14.)

Percentage of CWD Included in NAEP Testing – This is the reported percentage of identified CWD, by grade (4 and 8) and subject (math and reading), who were included in the NAEP testing in SY 2012-13. (Data Source:

Inclusion rate for 4th and 8th grade reading: See page 6:
http://www.nationsreportcard.gov/reading_math_2013/files/Tech_Appendix_Reading.pdf

Inclusion rate for 4th and 8th grade math: See page 6:

http://www.nationsreportcard.gov/reading_math_2013/files/Tech_Appendix_Math.pdf

Scoring of the Results Matrix

In the attached State-specific 2014 Part B Results Matrix, a State received points as follows for the Results Elements:

- A State's participation rates on regular Statewide assessments were assigned scores of '2', '1' or '0' based on an analysis of the participation rates across all States and the percentage of CWD who participate in alternate assessments and whose proficient and advanced scores may be used for accountability purposes under the Elementary and Secondary Education Act (ESEA). For a State that did not administer the alternate assessments based on modified academic achievement

standards (AA-MAAS), a score of ‘2’ was assigned if at least 90% of their CWD participated in the regular Statewide assessment; a score of ‘1’ if the participation rate for CWD was 81% to 89%; and a score of ‘0’ if the participation rate for CWD was 80% or less. For a State that administered an AA-MAAS, a score of ‘2’ was assigned if the participation rate of CWD was 70% or greater; a score of ‘1’ if the participation rate of CWD was 61% to 69%; and a score of ‘0’ if the participation rate of CWD was 60% or less.

- A State’s proficiency gaps on regular Statewide assessments were rank-ordered; and the top third of States (i.e., those with the smallest proficiency gaps) received a ‘2’, the middle third of States received a ‘1’, and the bottom third of States (i.e., those with the largest proficiency gaps) received a ‘0’.
- A State’s NAEP scores (basic and above) were rank-ordered; and the top third of States received a ‘2’, the middle third of States received a ‘1’, and the bottom third of States received a ‘0’.
- A State’s NAEP inclusion rate was assigned a score of either ‘1’ or ‘-1’ based on whether the State’s NAEP inclusion rate for CWD was “higher than or not significantly different from the National Assessment Governing Board [NAGB] goal of 85 percent.” “Standard error estimates” were reported with the inclusion rates of CWD and taken into account in determining if a State’s inclusion rate was higher than or not significantly different from the NAGB goal of 85 percent.

The following table identifies how each of the Results Elements was scored:

Results Elements	**Results Score: 0**	**Results Score: 1**	**Results Score: 2**
Participation Rate of 4th and 8th Grade CWD on Regular Statewide Assessment (reading and math, separately)	≤ 80	81-89	≥ 90
Participation Rate of 4th and 8th Grade CWD on Regular Statewide Assessment for States With AA-MAAS (reading and math, separately)	≤ 60	61-69	≥ 70
Proficiency Gap for 4th and 8th Grade CWD on Regular Statewide Assessment (reading and math, separately)	≤ 35	34-27	≤ 26
Percentage of 4th grade CWD scoring basic or above on reading NAEP	≤ 23	24-29	≥ 30
Percentage of 8th grade CWD scoring basic or above on reading NAEP	≤ 29	30-37	≥ 38
Percentage of 4th grade CWD scoring basic or above on math NAEP	≤ 51	52-57	≥ 58
Percentage of 8th grade CWD scoring basic or above on math NAEP	≤ 26	27-33	≥ 34
Percentage of 4th and 8th grade CWD Included in NAEP (reading or math): 1 point if greater than or equal to 85%. -1 point if less than 85%.			

After a State's RDA Results score was calculated, it was converted into a percentage. Using the cumulative possible number of points as the denominator, and using as the numerator the actual points the State received in its scoring under the Results Elements, the Results Matrix reflects a percentage that constitutes the State's 2014 Results Performance Percentage.

The RDA Percentage and Determination

The State's RDA Percentage was calculated by adding 50% of the State's Results Performance Percentage and 50% of the State's Compliance Performance Percentage. The State's RDA Determination is defined as follows:

1. **Meets Requirements –**
   A State's 2014 RDA Determination is Meets Requirements if the RDA Percentage is at least 80%,[8] unless the Department has imposed Special Conditions on the State's last three (FFYs 2011, 2012, and 2013) IDEA Part B grant awards, and those Special Conditions are in effect at the time of the 2014 determination.

2. **Needs Assistance –**
   A State's 2014 RDA Determination is Needs Assistance if the RDA Percentage is at least 60% but less than 80%. A State would also be Needs Assistance if its RDA Determination percentage is 80% or above, but the Department has imposed Special Conditions on the State's last three (FFYs 2011, 2012, and 2013) IDEA Part B grant awards, and those Special Conditions are in effect at the time of the 2014 determination.

3. **Needs Intervention –**
   A State's 2014 RDA Determination is Needs Intervention if the RDA Percentage is less than 60%.

4. **Needs Substantial Intervention –**
   The Department did not make a determination of Needs Substantial Intervention for any State in 2014.

[8] In determining whether a State has met this 80% matrix criterion for a Meets Requirements determination, the Department will round up from 79.5% (but no lower) to 80%. Similarly, in determining whether a State has met the 60% matrix criterion for a Needs Intervention determination discussed below, the Department will round up from 59.5% (but no lower) to 60%.