

## **How the Department Made Determinations under Sections 616(d) and 642 of the Individuals with Disabilities Education Act in 2014: Part C**

In making our determination for each State under sections 616(d) and 642 of the Individuals with Disabilities Education Act (IDEA), we considered the totality of the information we have about a State. This includes the State's 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 C; and other issues related to State compliance with the IDEA.

As further detailed below, 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 C Compliance Indicators 1, 7, 8A, 8B, 8C, 9, and 14 (including whether the State reported valid and reliable data for each indicator); and, if the FFY 2012 data the State reported under Indicators 1, 7, 8A, 8B, and 8C reflected compliance between 90% and 95%, 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 C grant award and those Conditions are in effect at the time of the 2014 determination, and the number of years for which the State's Part C 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.

As further detailed below, the Compliance Matrix indicates a score of 0, 1, or 2 for each of the compliance indicators in item one above and for 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 percentage that was used to calculate the 2014 determination as follows:

1. Meets Requirements – a State's 2014 determination is Meets Requirements if the matrix percentage was at least 90%,<sup>1</sup> unless the Department imposed Special Conditions on the State's last three (FFYs 2011, 2012, and 2013) IDEA Part C grant awards, and those Special Conditions are in effect at the time of the Department's 2014 determination.
2. Needs Assistance -- a State's 2014 determination is Needs Assistance if its matrix percentage was at least 75%, but less than 90%, or was below 75% but the States does not meet the criteria for Needs Intervention set forth below. A State would also be Needs

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<sup>1</sup> In determining whether a State has met this 90% matrix criterion, the Department will round up from 89.5% (but no lower) to 90%. Similarly, in determining whether a State has met the 75% matrix criterion discussed below, the Department will round up from 74.5% (but no lower) to 75%.

Assistance if its matrix percentage was at least 90%, but the Department imposed Special Conditions on the State's last three (FFYs 2011, 2012, and 2013) IDEA Part C grant awards, and those Special Conditions are in effect at the time of the Department's 2014 determination.

3. Needs Intervention -- a State's 2014 determination is Needs Intervention if the matrix percentage was less than 75%, and the State met one or more of the following criteria (which were the criteria for a determination of Needs Intervention in 2013):
  - a. Compliance is below 50% for one or more of the following Compliance Indicators (Indicators 1, 7, 8A, 8B, 8C, or 9); or for timely State complaint decisions or timely due process hearing decisions;
  - b. The State provided no data or did not provide valid and reliable data for the following Compliance Indicators: Indicators 1, 7, 8A, 8B, 8C, or 9; or
  - c. The State has been subject to Special Conditions for multiple years for failing to comply with key IDEA requirements, the noncompliance has been long-standing, the State's data in response to the Department's FFY 2013 Special Conditions demonstrate continued noncompliance, and those Special Conditions are in effect at the time of the Department's 2014 determination.
4. Needs Substantial Intervention – The Department did not make a determination of Needs Substantial Intervention for any State in 2014.

### **Detailed Discussion of the 2014 Part C Compliance Matrix**

#### **Scoring of the Matrix for Compliance Indicators 1, 7, 8A, 8B, and 8C**

In the attached State-specific 2014 Part C Compliance Matrix, a State received points as follows for each of Compliance Indicators 1, 7, 8A, 8B, and 8C<sup>2</sup>:

- Two points, if either:
  - The State's FFY 2012 data for the indicator were valid and reliable, and reflect at least 95%<sup>3</sup> compliance; or
  - The State's FFY 2012 data for the indicator were valid and reliable, and reflect at least 90% 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

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<sup>2</sup> 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 final matrix percentage for the State or its determination.

<sup>3</sup> In determining whether a State has met this 95% criterion, the Department will round up from 94.5% (but no lower) to 95%. Similarly, in determining whether a State has met the 90% 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% criterion discussed below, the Department will round up from 74.5% (but no lower) to 75%.

with a “Y” (for “yes”) in the “Full Correction of Findings of Noncompliance Identified in FFY 2011” column.<sup>4</sup>

- One point, if the State’s FFY 2012 data for the indicator were valid and reliable, and reflect at least 75% 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
  - The State’s FFY 2012 data for the indicator were not valid and reliable;<sup>5</sup> or
  - The State did not report FFY 2012 data for the indicator.<sup>6</sup>

### **Scoring of the Matrix for Compliance Indicators 9 and 14**

In the attached State-specific 2014 Part C Compliance Matrix, a State received points as follows for each of Compliance Indicators 9 and 14:

- 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.
- Not Applicable (N/A) under Indicator 9 if the State reported under Indicator 9 on its monitoring efforts and further reported in the Indicator 9 Worksheet that it identified no findings of noncompliance in FFY 2011 or reported pre-finding correction of noncompliance for FFY 2011.

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<sup>4</sup> 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 “NA” (for “not applicable”) in that column denotes that the State did not identify any findings of noncompliance in FFY 2011 for the indicator.

<sup>5</sup> 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 C FFY 2012 SPP/APR Response Table.

<sup>6</sup> 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.

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

In the attached State-specific 2014 Part C 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, and 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 C 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 in FFY 2010 or earlier, by OSEP or the State; and
  - No Special Conditions on its FFY 2013 grant award that are in effect at the time of the 2014 determination.
- 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 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 C 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 C grant awards, and those Special Conditions are in effect at the time of the 2014 determination.