

## **How the Department Made Determinations under Sections 616(d) and 642 of the Individuals with Disabilities Education Act in 2015: Part C**

### **Introduction**

In 2015, the U.S. Department of Education (Department) is using both results and compliance data in making our determination for each State under sections 616(d) and 642 of the Individuals with Disabilities Education Act (IDEA) for each State's early intervention program under Part C of the IDEA. We considered the totality of the information we have about a State, including information related to the State's Federal fiscal year (FFY) 2013 State Performance Plan (SPP)/Annual Performance Report (APR), Indicator C3 Child Outcomes data (Outcomes data) and other data reported in each State's FFY 2013 SPP/APR; information from monitoring and other publicly available information, such as Special Conditions on the State's grant award under Part C; and other issues related to State compliance with the IDEA.

In examining each State's Outcomes data, we specifically considered the following results elements: (I) Data quality by examining – (a) the completeness of the State's data, and (b) how the State's FFY 2013 data compared to four years of historic data to identify data anomalies; and (II) Child performance by examining – (a) how each State's FFY 2013 data compared with all other States' FFY 2013 data, and (b) how each State's FFY 2013 data compared with its own FFY 2012 data.

Below is a detailed description of how the Office of Special Education Programs (OSEP) evaluated States' data using the Results Driven Accountability (RDA) Matrix. The RDA Matrix is individualized for each State and includes each State's: (1) **RDA Percentage and Determination**; (2) **Results Score**; and (3) **Compliance Score**.

### **A. RDA Percentage and Determination**

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

1. **Meets Requirements** – a State's 2015 RDA Determination is Meets Requirements if the RDA Percentage is at least 80%,<sup>1</sup> unless the Department has imposed Special Conditions on the State's last three IDEA Part C grant awards (for FFYs 2012, 2013, and 2014), and those Special Conditions are in effect at the time of the 2015 determination.
2. **Needs Assistance** – a State's 2015 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 IDEA Part C grant awards (for FFYs 2012, 2013, and 2014), and those Special Conditions are in effect at the time of the 2015 determination.

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<sup>1</sup> 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%.

3. **Needs Intervention** – a State’s 2015 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 2015.

## **B. Part C RDA Matrix 2015 and Results Score**

In making each State’s 2015 determination, the Department used for the first time the FFY 2013 early childhood outcomes data reported by each State under SPP/APR Indicator C3. States have been reporting these data for more than five years and we considered the following results elements:

### **1. Data Quality**

- (a) Data Completeness: Data completeness was calculated using the total number of Part C children who were included in each State’s FFY 2013 Outcomes data and the total number of children the State reported exiting during FFY 2013 in its FFY 2013 IDEA Section 618 Exiting data; and
- (b) Data Anomalies: Data anomalies were calculated by examining how the State’s FFY 2013 Outcomes data compared to four years of historic data.

### **2. Child Performance**

- (a) Data Comparison: How each State’s FFY 2013 Outcomes data compared with all other States’ FFY 2013 Outcomes data; and
- (b) Performance Change Over Time: How each State’s FFY 2013 Outcomes data compared with its own FFY 2012 Outcomes data.

Calculation of each of these results elements and scoring is further described below:

### **1. Data Quality**

- (a) Data Completeness: The data completeness score was calculated using the total number of Part C children who were included in your State’s FFY 2013 Outcomes data and the total number of children your State reported exiting during FFY 2013 in its FFY 2013 IDEA Section 618 Exiting data. Each State received a percentage, which was computed by dividing the number of children reported in the State’s FFY 2013 Outcomes data by the number of children the State reported exited during FFY 2013 in the State’s FFY 2013 IDEA Section 618 Exiting Data. This yielded a percentage such that each State received a data completeness score of ‘2’ if the percentage was at least 70%; a data completeness score of ‘1’ if the percentage was between 34% and 69%; and a data completeness score of ‘0’ if the percentage were less than 34%. For the two States with approved sampling plans, the State received a ‘2’. (Data Sources: FFY 2013 APR Indicator C3 data and ED*Facts* SY 2013-14; data extracted 6/13/15)
- (b) Data Anomalies: The data anomalies score for each State represents a summary of the data anomalies in each State’s FFY 2013 Outcomes data. Previous publicly available

data reported by and across all States for each of 15 progress categories under Indicator 3 (in the FFY 2009 – FFY 2012 APRs) were used to determine an expected range of responses for each progress category under Outcomes A, B, and C.<sup>2</sup> For each of the 15 progress categories, a mean was calculated using this publicly available data. A lower and upper scoring percentage was set at one standard deviation above and below the mean for category a and two standard deviations above or below the mean for categories b through e. In any case where the low scoring percentage set from one or two standard deviations below the mean resulted in a negative number, the low scoring percentage is equal to 0.

If your State's FFY 2013 Outcomes data reported in a progress category fell below the calculated "low percentage" or above the "high percentage" for that progress category for all States, the data in that particular category are statistically improbable outliers and considered an anomaly for that progress category. If your State's data in a particular progress category was identified as an anomaly, the State received a '0' for that category. A percentage that is equal to or between the low percentage and high percentage for each progress category received 1 point. A State could receive a total number of points between 0 and 15. Thus, a point total of 0 indicates that all 15 progress categories contained data anomalies and a point total of 15 indicates that there were no data anomalies in all 15 progress categories in the State's data. An overall data anomalies score of '0', '1', or '2' is based on the total points awarded. Each State received a data anomalies score of '2' if the total points received in all progress categories were 13 through 15; a data anomalies score of '1' for 10 through 12 points; and a data anomalies score of '0' for zero through nine points. (Data Sources: States' FFY 2009 through FFY 2012 SPP/APR Indicator C3 data and each State's FFY 2013 Outcomes data)

## 2. **Child Performance**

- (a) Data Comparison: The data comparison overall performance score represents how your State's FFY 2013 Outcomes data compares to other States' FFY 2013 Outcomes data. Each State received a score for the distribution of the 6 Summary Statements (SS) for that State compared to the distribution of the 6 Summary Statements in all

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<sup>2</sup> The three Child Outcome areas are: Outcome A (Positive social-emotional skills (including social relationships); Outcome B (Acquisition and use of knowledge and skills (including early language/communication)); and Outcome C (Use of appropriate behaviors to meet their need). The five Progress Categories under SPP/APR Indicator C3 are the following:

- a. Percent of infants and toddlers who did not improve functioning
- b. Percent of infants and toddlers who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers
- c. Percent of infants and toddlers who improved functioning to a level nearer to same-aged peers but did not reach it
- d. Percent of infants and toddlers who improved functioning to reach a level comparable to same-aged peers
- e. Percent of infants and toddlers who maintained functioning at a level comparable to same-aged peers

Outcomes A, B, and C under SPP/APR Indicator C- each contain these five progress categories for a total of 15 progress categories.

other States.<sup>3</sup> The 10th and 90th percentile for each of the 6 Summary Statements was identified and used to assign points to performance outcome data for each Summary Statement. Each Summary Statement outcome was assigned '0', '1', or '2' points.

If a State's Summary Statement value fell at or below the 10th percentile, that Summary Statement was assigned a score of '0'. If a State's Summary Statement value fell between the 10th and 90th percentile, the Summary Statement was assigned '1' point, and if a State's Summary Statement value fell at or above the 90th percentile, the Summary Statement was assigned '2' points. The points were added across the 6 Summary Statements. A State can receive total points between 0 and 12, with the total points of '0' indicating all 6 Summary Statement values were below the 10th percentile and a total points of 12 indicating all 6 Summary Statements were above the 90th percentile. An overall comparison Summary Statement score of '0', '1', or '2' was based on the total points awarded.

The data comparison Overall Performance Score for this results element of '0', '1', or '2' for each State is based on the total points awarded. Each State received an Overall Performance Score of: '2' if the total points across SS1 and SS2 were nine through 12 points; score of '1' for five through eight points; and score of '0' for zero through four points. (Data Sources: All States' SPP/APR Indicator C3 data from FFY 2009 – FFY 2012 and each State's FFY 2013 SPP/APR Indicator C3 data.)

(b) Performance Change Over Time: The Overall Performance Change Score represents how each State's FFY 2013 Outcomes data compared with its FFY 2012 Outcomes data and whether the State's data demonstrated progress. The data in each Outcome Area is assigned a value of 0 if there was a statistically significant decrease from one year to the next, a value of 1 if there was no significant change, and a value of 2 if there was a statistically significant increase. The specific steps for each State are described in the State's RDA Matrix. The scores from all 6 Outcome Areas were totaled, resulting in total points ranging from 0 – 12. The Overall Performance Change Score for this results element of '0', '1', or '2' for each State is based on the total points awarded. Each State received an Overall Performance Change Score of: '2' if the total points were eight or above; a score of '1' for four through seven points; and score of '0' for below three points. (Data Source: SPP/APR Indicator C3 data from FFY 2012 and 2013)

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<sup>3</sup> Each of the three Child Outcome Areas (A, B, and C) are measured by the following two Summary Statements:

1. Of those infants and toddlers who entered or exited early intervention below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 3 years of age or exited the program.
2. The percent of infants and toddlers who were functioning within age expectations in each Outcome by the time they turned 3 years of age or exited the program.

### **C. 2015 Part C Compliance Matrix and Compliance Score**

In making each State's 2015 determination, the Department used a Compliance Matrix, reflecting the following compliance data:

1. The State's FFY 2013 data for Part C Compliance Indicators 1, 7, 8A, 8B, and 8C. (including whether the State reported valid and reliable data for each indicator); and, if the FFY 2013 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 2012 under such indicators;
2. The timeliness and accuracy of data reported by the State under sections 616, 618, and 642 of the IDEA;
3. The State's FFY 2013 data, reported under section 618 of the IDEA, for the timeliness of State complaint and due process hearing decisions;
4. Longstanding Noncompliance: The Department considered
  - a. Whether the Department imposed Special Conditions on the State's FFY 2014 IDEA Part C grant award and those Special Conditions are in effect at the time of the 2015 determination, and the number of years for which the State's Part C grant award has been subject to Special Conditions; and
  - b. Whether there are any findings of noncompliance identified in FFY 2011 or earlier by either the Department or the State that the State has not yet corrected.

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 five 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 Score, which is combined with the Results Score to calculate the State's RDA percentage and determination.

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

In the 2015 Part C Compliance Matrix, a State received points as follows for each of Compliance Indicators 1, 7, 8A, 8B, and 8C<sup>4</sup>:

- Two points, if either:
  - The State's FFY 2013 data for the indicator were valid and reliable, and reflect at least 95%<sup>5</sup> compliance; or

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<sup>4</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 State's Compliance Score, RDA percentage, or RDA determination.

<sup>5</sup> 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%.

- The State’s FFY 2013 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 2012 for the indicator, and has demonstrated correction of all findings of noncompliance identified in FFY 2012 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 2012” column.<sup>6</sup>
- One point, if the State’s FFY 2013 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 2013 data for the indicator reflect less than 75% compliance; or
  - The State’s FFY 2013 data for the indicator were not valid and reliable;<sup>7</sup> or
  - The State did not report FFY 2013 data for the indicator.<sup>8</sup>

## 2. Scoring of the Matrix for Timely and Accurate State-Reported Data

In the 2015 Part C Compliance Matrix, a State received points as follows for **Timely and Accurate State-Reported Data**<sup>9</sup>:

- Two points, if the OSEP-calculated percentage reflects at least 95% compliance.
- One point, if the OSEP-calculated percentage reflects at least 75% and less than 95% compliance.
- Zero points, if the OSEP-calculated percentage reflects less than 75% compliance.

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<sup>6</sup> An “N” (for “no”) in that column denotes that the State has one or more remaining findings of noncompliance identified in FFY 2012 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 2012 for the indicator.

<sup>7</sup> If a State’s FFY 2013 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 OSEP Response to the State’s FFY 2013 SPP/APR in GRADS 360.

<sup>8</sup> If a State reported no FFY 2013 data for any compliance indicator, the matrix so indicates in the “Performance” column, with a corresponding score of 0.

<sup>9</sup> OSEP used the Part C Timely and Accurate Data Rubric to award points to states based on the timeliness and accuracy of their 616 and 618 data. A copy of the rubric is contained in the OSEP Response to the State’s FFY 2013 SPP/APR in GRADS 360. On the first page of the rubric, entitled “Part C Timely and Accurate Data-SPP/APR Data” states are given one point for each indicator with valid and reliable data and five points for SPP/APRs that were submitted timely. The total points for valid and reliable SPP/APR data and timely submission are added together to form the APR Grand Total. On page two of the rubric, the State’s 618 data is scored based on information provided to OSEP on 618 data timeliness, completeness, edit checks, and data notes from EDFacts. The percentage of Timely and Accurately Reported Data is calculated by adding the 618 Data Grand Total to the APR Grand Total and dividing this sum by the total number of points available for the entire rubric. This percentage is inserted into the Compliance Matrix.

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

In the 2015 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 2013 data were valid and reliable, and reflect at least 95% compliance.
- One point, if the State's FFY 2013 data reflect at least 75% and less than 95% compliance.
- Zero points, if the State's FFY 2013 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.

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

In the 2015 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 by OSEP or the State; in FFY 2011 or earlier, and
  - No Special Conditions on its FFY 2014 grant award that are in effect at the time of the 2015 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 2011, FFY 2010, and/or FFY 2009, for which the State has not yet demonstrated correction (see the FFY 2013 Response Table for specific information regarding these remaining findings of noncompliance); and/or
  - The Department has imposed Special Conditions on the State's FFY 2014 Part C grant award and those Special Conditions are in effect at the time of the 2015 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 2008 or earlier, for which the State has not yet demonstrated correction (see the OSEP Response to the State's FFY 2013 SPP/APR in GRADS 360 for specific information regarding these remaining findings of noncompliance); and/or
  - The Department has imposed Special Conditions on the State's last three (FFYs 2012, 2013, and 2014) IDEA Part C grant awards, and those Special Conditions are in effect at the time of the 2015 determination.