

New York State Education Department 2018 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 its 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 district is valid, reliable, and timely.

States 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 district’s performance outcomes and compliance¹ status.

Determination	Criteria
Needs Assistance	<p>Performance: District is a Target District under the Every Student Succeeds Act (ESSA) based on performance of students with disabilities at the elementary/middle and/or high school levels on the ESSA accountability indicators and/or the district has one or more schools identified as Targeted Support and Improvement (TSI) or Comprehensive Support and Improvement (CSI) for the performance of students with disabilities.</p> <p>Compliance: 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>Performance: District is a Target District under ESSA based on performance of students with disabilities at the elementary/middle and/or high school levels on the ESSA accountability indicators and/or the district has one or more schools identified as TSI or CSI for the performance of students with disabilities.</p> <p>The district has been identified by the State as a Needs Assistance or Needs Intervention district under IDEA for more than five consecutive years.</p> <p>Compliance: District has findings of noncompliance that remain uncorrected <u>more than 24 months</u> from the date of identification of the noncompliance by NYSED.</p>
Needs Substantial Intervention	<p>Compliance: District has significant noncompliance that remains uncorrected and 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 has been determined to be a district needing assistance, intervention or substantial intervention for not meeting the requirements of Part B of IDEA, including the targets in the State 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 monitoring reviews, State complaints and/or impartial hearings).