

New York State Education Department 2021 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 each state's targets for improvement for these indicators. Based upon this information, states must determine whether the district meets the requirements and purposes of the IDEA, or needs assistance, needs intervention, or needs substantial intervention in implementing the requirements and purposes of the 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.

The following chart contains the criteria NYSED applied in making the 2021 IDEA determinations:

Determination	Criteria
Needs Assistance	<p>Performance: District is a Target District under the Every Students Succeeds Act (ESSA) based on performance of students with disabilities* and is resolving a compliance assurance plan with the Office of Special Education (OSE) and/or continuing a professional development support plan with the OSE Educational Partnership; and/or</p> <p>Compliance: District has findings of noncompliance that remain uncorrected between 12 and 24 months from the date of identification of the noncompliance by NYSED.</p>
Needs Intervention	<p>Performance: District is a Target District under ESSA based on performance of students with disabilities* and is resolving a compliance assurance plan with the OSE and/or continuing a professional development support plan with the OSE Educational Partnership and the district has been identified by the State as a Needs Assistance or Needs Intervention district under the IDEA for more than five consecutive years; and/or</p> <p>Compliance: District has findings of noncompliance that remain uncorrected for more than 24 months from the date of identification of the noncompliance by NYSED; and/or</p> <p>Consecutive Years: The district has been identified by the State as a Needs Assistance or Needs Intervention district under the IDEA for more than five consecutive years.</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>

* Based on accountability waivers granted by United States Department of Education and related changes to Commissioner's Regulations §100.21 to address the impacts of the COVID-19 pandemic, the 2019-20 accountability statuses of public schools and districts were retained for the 2020-21 and 2021-22 school years. Therefore, for 2021 IDEA determinations based on the performance criteria, any district that was identified as a Target District in the 2019-20 school year maintained that identification status in the 2020-21 and 2021-22 school years. Also, as no progress determinations were made based on 2019-20 or 2020-21 school year data for identified Target Districts, the number of consecutive years identified under the IDEA will not increase for those districts identified based on the performance criteria. For those districts with an identification based on compliance criteria, the consecutive years identified under the IDEA will increase.

¹ Compliance factors considered include, but are not limited to, a school district's data on the 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).