

**New York State Education Department (NYSED) 2022 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 special education 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 are 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 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 compliance<sup>1</sup> status.

Determination	Criteria
<p><b>Needs Assistance</b></p>	<p><b><u>Performance:</u></b> District has one or more schools with the students with disabilities subgroup identified for Targeted Support and Improvement (TSI) or Additional Targeted Support and Improvement (ATSI) under the Every Students Succeeds Act (ESSA); and/or</p> <p><b><u>Compliance:</u></b> District has findings of noncompliance that remain uncorrected between 12 and 24 months from the date of identification of the noncompliance by NYSED.</p>
<p><b>Needs Intervention</b></p>	<p><b><u>Performance:</u></b> District has one or more schools with the students with disabilities subgroup identified for TSI or ATSI under ESSA 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><b><u>Compliance:</u></b> 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><b><u>Consecutive Years:</u></b> 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>
<p><b>Needs Substantial Intervention</b></p>	<p><b><u>Compliance:</u></b> 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>

<sup>1</sup> 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).