IDEA Determinations Summary, FFY 2014 (2014-2015)

The Iowa Department of Education is required to make annual determinations for all sub recipients regarding compliance with and implementation of IDEA Part B and IDEA Part C requirements.

An LEA, AEA or Regional Grantee can be placed in one of four determination categories:

- Meets requirements
- Needs assistance
- Needs intervention
- Needs substantial intervention

Determination categories are not necessarily linear or sequential. An LEA, AEA or Regional Grantee may be placed in any of the four determination categories at any time.

> **41.603(4)** *Variance of determination.* In making the determination required by subrule 41.603(2), the SEA in its discretion may adjust or vary from the criteria described in subrule 41.603(3) based on unusual, unanticipated, or extraordinary aggravating or mitigating factors, on a case-by-case basis.

Determination Category	Criteria – IDEA Part B	Criteria – IDEA Part C	Required Action
Meets Requirements	An LEA or AEA ***meets requirements*** if either: • Indicator B4/B9 was below the threshold or Indicator B4/B9 was above the threshold but a review determined that this was not a result of inappropriate policies, practices or procedures **AND** all other compliance indicators meet the target • Indicator B4/B9 was below the threshold or Indicator B4/B9 was above the threshold but a review determined that this was not a result of inappropriate policies, practices or procedures **AND** one other compliance indicator is less than 100%, and that indicator is greater than or equal to 90% • Indicator B4/B9 was below the threshold or Indicator B4/B9 was above the threshold but a review determined that this was not a result of inappropriate policies, practices or procedures **AND** two or more other compliance indicators are less than 100%, but they are all greater than or equal to 95%	Regional Grantee demonstrates through quantitative and qualitative data substantial compliance, which may include: • All, but one Regional Grantee Requirements were met. • No fiscal audit findings. • Timely correction of identified noncompliance (within one year) – C9 Indicator. • Compliance indicator targets were met and/or improved: 1, 7 and 8A, 8B, 8C.	
Needs Assistance - Year 1	An LEA or AEA that does not meet requirements, need intervention, or need substantial intervention shall be determined to ***need assistance***.		The Department exercises its authority to order any or all of the following: • The Department and AEAs have resources available to assist districts to correct non-compliance • A plan is required to be submitted to the Department

Determination Category	Criteria – IDEA Part B	Criteria – IDEA Part C	Required Action
Needs Assistance - Year 2	An LEA or AEA that does not meet requirements, need intervention, or need substantial intervention shall be determined to ***need assistance***. An LEA or AEA that is determined to need assistance and was determined to be Needs Assistance – Year 1 the prior year will be advanced to Needs Assistance – Year 2.		The IDEA requires the Department to order one or more of the following: • Advise the LEA of available technical assistance that may help the LEA to address the areas in which it needs assistance, which may include any of the following: ▪ provision of advice by experts, including explicit plans to address areas of concern within a designated time, ▪ "assistance in identifying and implementing professional development, instructional strategies, and methods of instruction that are based on scientifically based research," ▪ designating and using distinguished educators "to provide advice, technical assistance, and support," and ▪ "devising additional approaches to providing technical assistance" (e.g., IHEs, AEAs, national centers of technical assistance, private providers of scientifically based technical assistance). • Identify the LEA as a high-risk grantee and place special conditions on its IDEA Part B grant. In addition, the Department exercises its authority to order any or all of the following: • A plan, developed with the assistance of the AEA, is required to be submitted to the Department • Progress report is required to be submitted to the Department midyear • Possible site visit conducted by Department staff

Determination Category	Criteria – IDEA Part B	Criteria – IDEA Part C	Required Action
Needs Assistance - Year 3 and Above	An LEA or AEA that does not meet requirements, need intervention, or need substantial intervention shall be determined to ***need assistance***. An LEA or AEA that is determined to need assistance and was determined to be Needs Assistance – Year 2 the prior year will be advanced to Needs Assistance – Year 3.		The IDEA requires the Department to order one or more of the following: • Advise the LEA of available technical assistance that may help the LEA to address the areas in which it needs assistance, which may include any of the following: ▪ provision of advice by experts, including explicit plans to address areas of concern within a designated time, ▪ "assistance in identifying and implementing professional development, instructional strategies, and methods of instruction that are based on scientifically based research," ▪ designating and using distinguished educators "to provide advice, technical assistance, and support," and ▪ "devising additional approaches to providing technical assistance" (e.g., IHEs, AEAs, national centers of technical assistance, private providers of scientifically based technical assistance). • Identify the LEA as a high-risk grantee and place special conditions on its IDEA Part B grant. In addition, the Department exercises its authority to order any or all of the following: • A Corrective Action Plan, developed with the assistance of the Department, is required to be submitted to the Department • Progress reports are required to be submitted to the Department quarterly Site visit conducted by Department staff

Determination Category	Criteria – IDEA Part B	Criteria – IDEA Part C	Required Action
Needs Intervention - Years 1 and 2	An LEA or AEA ***needs intervention*** if Indicator B4/B9 was above the threshold AND a review determined that this was a result of inappropriate policies, practices or procedures **OR** any compliance indicator is less than 50% AND a review determined that this was a result of inappropriate policies, practices or procedures. An LEA or AEA that is determined to need intervention and was determined to be Needs Intervention – Year 1 the prior year will be advanced to Needs Intervention – Year 2.		The Department exercises its authority to order any or all of the following: • The Department will require districts to accept support in correcting non-compliance, which may include support from AEAs • A plan will be developed by the Department • Progress reports are required to be submitted to the Department quarterly • Site visit conducted by Department staff
Needs Intervention - Year 3	An LEA or AEA ***needs intervention*** if Indicator B4/B9 was above the threshold AND a review determined that this was a result of inappropriate policies, practices or procedures **OR** any compliance indicator is less than 50% AND a review determined that this was a result of inappropriate policies, practices or procedures. An LEA or AEA that is determined to need intervention and was determined to be Needs Intervention – Year 2 the prior year will be advanced to Needs Intervention – Year 3.		The IDEA requires the Department to order one or more of the following: • Require the LEA to prepare a corrective action plan or improvement plan, if the Department determines the LEA should be able to correct the problem within one year; and • Withhold, in whole or in part, any further payments under Part B of the IDEA. The IDEA also permits the Department to take any of the actions required for "Needs assistance" In addition, the Department exercises its authority to order any or all of the following: • The Department will require LEAs to accept support in correcting non-compliance, which may include support from AEAs • Corrective Action Plan will be developed by the Department • Progress reports are required to be submitted to the Department quarterly • Site visit conducted by Department staff

Determination Category	Criteria – IDEA Part B	Criteria – IDEA Part C	Required Action
Needs Substantial Intervention – Any Time	An LEA or AEA needs ***substantial intervention*** if Indicator B4/B9 was above the threshold AND a review determined that this was a result of inappropriate policies, practices or procedures **AND** any compliance indicator is less than 50% AND a review determined that this was a result of inappropriate policies, practices or procedures. An LEA or AEA also will be determined to need substantial intervention if the data available to the Department demonstrate "there is a substantial failure to comply with any condition of an LEA's eligibility" under IDEA's Part B or Iowa's special education rules. An LEA or AEA may be determined to need substantial intervention at any time including a year for which a determination has already been made. An LEA or AEA that is determined to need substantial intervention and was determined to be Needs Substantial Intervention – Year 1 the prior year will be advanced to Needs Substantial Intervention – Year 2.		The IDEA requires the Department to take one or more of the following actions: • Withhold, in whole or in part, any further payments to the LEA under Part B of the IDEA; and • Refer the matter for appropriate enforcement action, which may include prosecution or audit In addition, the Department exercises its authority to order any or all of the following: • The Department will require LEAs to accept support in correcting non-compliance, which may include support from AEAs • Corrective Action Plan will be developed by the Department • Progress reports are required to be submitted to the Department quarterly • Site visit conducted by Department staff