

# HOW THE DEPARTMENT MADE DETERMINATIONS

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UNDER SECTION 616(D) OF THE  
*INDIVIDUALS WITH DISABILITIES EDUCATION ACT* IN 2016:  
**PART B**



## INTRODUCTION

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In 2016, the U.S. Department of Education (Department) is continuing to use both results and compliance data in making a determination for each State under section 616(d) of the Individuals with Disabilities Education Act (*IDEA*). We considered the totality of the information we have about a State, including information related to the participation of children with disabilities (CWD) on regular Statewide assessments; the participation and performance of CWD on the most recently-administered (school year (SY) 2014-2015) National Assessment of Educational Progress (NAEP); exiting data on CWD who dropped out and CWD who graduated with a regular high school diploma<sup>1</sup>; the State's Federal fiscal year (FFY) 2014 State Performance Plan (SPP)/Annual Performance Report (APR); information from monitoring and other public information, such as Special Conditions on the State's grant award under Part B; and other issues related to State compliance with the *IDEA*. 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 consists of:

1. a **Compliance Matrix** that includes scoring on SPP/APR Compliance Indicators and other compliance factors;
2. a **Results Matrix** that includes scoring on Results Elements;
3. a **Compliance Score** and a **Results Score**;
4. an **RDA Percentage** based on the Compliance Score and the Results Score; and
5. the State's **Determination**.

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<sup>1</sup>When providing exiting data under section 618 of the *IDEA*, States are required to report on the number of students who exited an educational program through receipt of a high school diploma identical to that for which students without disabilities are eligible. These students met the same standards for graduation as those students without disabilities. As defined in 34 CFR §300.102(a)(3)(iv), "the term regular high school diploma does not include an alternative degree that is not fully aligned with the State's academic standards, such as a certificate or a general educational development credential (GED)."

## THE 2016 PART B COMPLIANCE MATRIX

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In making each State's 2016 determination, the Department used a Compliance Matrix, reflecting the following data:

1. The State's FFY 2014 data for Part B Compliance Indicators 4B, 9, 10, 11, 12, and 13 (including whether the State reported valid and reliable data for each indicator); and whether the State demonstrated correction of all findings of noncompliance it had identified in FFY 2013 under such indicators;
2. The timeliness and accuracy of data reported by the State under sections 616 and 618 of the *IDEA*;
3. The State's FFY 2014 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 2015 *IDEA* Part B grant award and those Special Conditions are in effect at the time of the 2016 determination, and the number of years for which the State's Part B grant award has been subject to Special Conditions; and
- b. Whether there are any findings of noncompliance identified in FFY 2012 or earlier by either the Department or the State that the State has not yet corrected.

### Scoring of the Compliance Matrix

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 four 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.

### Scoring of the Matrix for Compliance Indicators 4B, 9, 10, 11, 12, and 13

In the attached State-specific 2016 Part B Compliance Matrix, a State received points as follows for each of Compliance Indicators 4B, 9, 10, 11, 12, and 13<sup>2</sup>:

- Two points, if either:

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<sup>2</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.

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- The State's FFY 2014 data for the indicator were valid and reliable, and reflect at least 95%<sup>3</sup> compliance (or, for Indicators 4B, 9, and 10, reflect no greater than 5% compliance)<sup>4</sup>; or
- The State's FFY 2014 data for the indicator were valid and reliable, and reflect at least 90% compliance (or, for Indicators 4B, 9, and 10, reflect no greater than 10% compliance); and the State identified one or more findings of noncompliance in FFY 2013 for the indicator, and has demonstrated correction of all findings of noncompliance identified in FFY 2013 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 2013" column.<sup>5</sup>
- One point, if the State's FFY 2014 data for the indicator were valid and reliable, and reflect at least 75% compliance (or, for Indicators 4B, 9, and 10, reflect no greater than 25% 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 2014 data for the indicator reflect less than 75% compliance (or, for Indicators 4B, 9, and 10, reflect greater than 25% compliance); or
  - The State's FFY 2014 data for the indicator were not valid and reliable;<sup>6</sup> or
  - The State did not report FFY 2014 data for the indicator.<sup>7</sup>

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

In the attached State-specific 2016 Part B Compliance Matrix, a State received points as follows for **Timely and Accurate State-Reported Data**<sup>8</sup>:

- Two points, if the OSEP-calculated percentage reflects at least 95% compliance.

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<sup>3</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%.

<sup>4</sup> For Indicators 4B, 9, and 10, a very high level of compliance is generally at or below 5%.

<sup>5</sup> An "N" (for "no") in that column denotes that the State has one or more remaining findings of noncompliance identified in FFY 2013 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 2013 for the indicator.

<sup>6</sup> If a State's FFY 2014 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 2014 SPP/APR in GRADS360.

<sup>7</sup> If a State reported no FFY 2014 data for any compliance indicator (unless the indicator is not applicable to the State), the matrix so indicates in the "Performance" column, with a corresponding score of 0.

<sup>8</sup> OSEP used the Part B Timely and Accurate Data Rubric to award points to States based on the timeliness and accuracy of their sections 616 and 618 data. A copy of the rubric is contained in the OSEP Response to the State's FFY 2014 SPP/APR in GRADS360. On the first page of the rubric, entitled "Part B 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 section 618 data is scored based on information provided to OSEP on 618 data timeliness, completeness, edit checks, and data notes from ED Facts. 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.

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- 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.

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

In the attached State-specific 2016 Part B 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 2014 data were valid and reliable, and reflect at least 95% compliance.
- One point, if the State's FFY 2014 data reflect at least 75% and less than 95% compliance.
- Zero points, if the State's FFY 2014 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.

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

In the attached State-specific 2016 Part B 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 2012 or earlier; and
  - No Special Conditions on its FFY 2015 grant award that are in effect at the time of the 2016 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 2012, FFY 2011, and/or FFY 2010, for which the State has not yet demonstrated correction (see the OSEP Response to the State's FFY 2014 SPP/APR in GRADS360 for specific information regarding these remaining findings of noncompliance); and/or
  - The Department has imposed Special Conditions on the State's FFY 2015 Part B grant award and those Special Conditions are in effect at the time of the 2016 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 2009 or earlier, for which the State has not yet demonstrated correction (see the

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OSEP Response to the State's FFY 2014 SPP/APR in GRADS360 for specific information regarding these remaining findings of noncompliance); and/or

- The Department has imposed Special Conditions on the State's last three (FFYs 2013, 2014, and 2015) *IDEA* Part B grant awards, and those Special Conditions are in effect at the time of the 2016 determination.

## THE 2016 PART B RESULTS MATRIX

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In making each State's 2016 determination, the Department used a Results Matrix reflecting the following data:

1. The percentage of fourth-grade CWD participating in regular Statewide assessments;
2. The percentage of eighth-grade CWD participating in regular Statewide assessments;
3. The percentage of fourth-grade CWD scoring at basic<sup>9</sup> or above on the NAEP;
4. The percentage of fourth-grade CWD included in NAEP testing;
5. The percentage of eighth-grade CWD scoring at basic or above on the NAEP;
6. The percentage of eighth-grade CWD included in NAEP testing;
7. The percentage of CWD exiting school by dropping out; and
8. The percentage of CWD exiting school by graduating with a regular high school diploma.

The Results Elements for participation in regular Statewide assessments and participation and performance on the NAEP are scored separately for reading and math. When combined with the exiting data, there are a total of fourteen Results Elements. The Results Elements are defined as follows:

### Percentage of CWD Participating in Regular Statewide Assessments

This is the percentage of CWD, by grade (4 and 8) and subject (math and reading), who took regular Statewide assessments in SY 2014-2015 with and without accommodations. The numerator for this calculation is the number of CWD participating with and without accommodations on regular Statewide assessments in SY 2014-2015, and the denominator is the number of all CWD participants and non-participants on regular Statewide assessments in SY 2014-2015, excluding medical emergencies. The calculation is done separately by grade (4 and 8) and subject (math and reading). (Data source: EDFacts SY 2014-15; data extracted 4/15/16.)

### Percentage of CWD Scoring Basic or Above on the NAEP

This is the percentage of CWD, not including students with a Section 504 plan, by grade (4 and 8) and subject (math and reading), who scored at or above basic on the NAEP in SY 2014-2015. (Data Source: Main NAEP Data Explorer; data extracted 4/13/16.)

### Percentage of CWD Included in NAEP Testing

This is the reported percentage of identified CWD, by grade (4 and 8) and subject (math and reading), who were included in the NAEP testing in SY 2014-2015. (Data Source: Main NAEP Data Explorer, 2015):

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<sup>9</sup> While the goal is to ensure that all CWD demonstrate proficient or advanced mastery of challenging subject matter, we recognize that States may need to take intermediate steps to reach this benchmark. Therefore, we assessed the performance of CWD using the Basic achievement level on the NAEP, which also provided OSEP with the broader range of data needed to identify variations in student performance across States. Generally, the Basic achievement level on the NAEP means that students have demonstrated partial mastery of prerequisite knowledge and skills that are fundamental for proficient work at each grade.

Inclusion rate for 4<sup>th</sup> and 8<sup>th</sup> grade reading: See page 6:

[www.nationsreportcard.gov/reading\\_math\\_2015/files/2015\\_Tech\\_Appendix\\_Reading.pdf](http://www.nationsreportcard.gov/reading_math_2015/files/2015_Tech_Appendix_Reading.pdf)

Inclusion rate for 4<sup>th</sup> and 8<sup>th</sup> grade math: See page 6:

[www.nationsreportcard.gov/reading\\_math\\_2015/files/2015\\_Tech\\_Appendix\\_Math.pdf](http://www.nationsreportcard.gov/reading_math_2015/files/2015_Tech_Appendix_Math.pdf)

### Percentage of CWD Exiting School by Dropping Out

This is a calculation of the percentage of CWD, ages 14 through 21, who exited school by dropping out. The percentage was calculated by dividing the number of students ages 14 through 21 served under *IDEA* Part B, reported in the exit reason category *dropped out* by the total number of students ages 14 through 21 served under *IDEA* Part B, reported in the five exit-from-both-special education-and-school categories (*graduated with a regular high school diploma, received a certificate, dropped out, reached maximum age for services, and died*), then multiplying the result by 100. (Data source: EDFacts SY 2013-14; data extracted 6/4/15.)

### Percentage of CWD Exiting School by Graduating with a Regular High School Diploma

This is a calculation of the percentage of CWD, ages 14 through 21, who exited school by graduating with a regular high school diploma. The percentage was calculated by dividing the number of students ages 14 through 21 served under *IDEA* Part B, reported in the exit reason category *graduated with a regular high school diploma* by the total number of students ages 14 through 21 served under *IDEA* Part B, reported in the five exit-from-both-special education-and-school categories (*graduated with a regular high school diploma, received a certificate, dropped out, reached maximum age for services, and died*), then multiplying the result by 100. (Data source: EDFacts SY 2013-14; data extracted 6/4/15.)

## Scoring of the Results Matrix

In the attached State-specific 2016 Part B Results Matrix, a State received points as follows for the Results Elements:

- A State's participation rates on regular Statewide assessments were assigned scores of '2', '1' or '0' based on an analysis of the participation rates across all States and whether a State administered an alternate assessment based on modified academic achievement standards (AA-MAAS).<sup>10</sup> For a State that did not administer an AA-MAAS, a score of '2' was assigned if at least 90% of their CWD participated in the regular Statewide assessment; a score of '1' if the participation rate for CWD was 81% to 89%; and a score of '0' if the participation rate for CWD was 80% or less. For a State that administered an AA-MAAS, a score of '2' was assigned if the participation rate of CWD was 70% or

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<sup>10</sup>In FFY 2014, in assessing the academic progress of students with disabilities under Title I of the Elementary and Secondary Education Act (ESEA), some States were permitted to develop and administer AA-MAAS for eligible students with disabilities, and to include Proficient and Advanced scores of students who took those assessments in ESEA accountability determinations, provided the number of those scores at the district and state levels, separately, did not exceed 2.0 percent of all students in the tested grades. States were also permitted to develop and administer alternate assessments based on alternate academic achievement standards for students with the most significant cognitive disabilities, and to include Proficient and Advanced scores of students who took those assessments in ESEA accountability determinations, provided the number of those scores at the district and state levels, separately, did not exceed 1.0 percent of all students in the tested grades.



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greater; a score of '1' if the participation rate of CWD was 61% to 69%; and a score of '0' if the participation rate of CWD was 60% or less.

- A State's NAEP scores (Basic and above) were rank-ordered; and the top third of States received a '2', the middle third of States received a '1', and the bottom third of States received a '0'.
- A State's NAEP inclusion rate was assigned a score of either '0' or '1' based on whether the State's NAEP inclusion rate for CWD was "higher than or not significantly different from the National Assessment Governing Board [NAGB] goal of 85 percent." "Standard error estimates" were reported with the inclusion rates of CWD and taken into account in determining if a State's inclusion rate was higher than or not significantly different from the NAGB goal of 85 percent.
- A State's data on the percentage of CWD who exited school by dropping out were rank-ordered; and the top third of States (i.e., those with the lowest percentage) received a score of '2', the middle third of States received a '1', and the bottom third of States (i.e., those with the highest percentage) received a '0'.
- A State's data on the percentage of CWD who exited school by graduating with a regular high school diploma were rank-ordered; and the top third of States (i.e., those with the highest percentage) received a score of '2', the middle third of States received a '1', and the bottom third of States (i.e., those with the lowest percentage) received a '0'.

The following table identifies how each of the Results Elements was scored:

Results Elements	RDA Score= 0	RDA Score= 1	RDA Score= 2
Participation Rate of 4th and 8th Grade CWD on Regular Statewide Assessments (reading and math, separately)	<=80	81-89	>=90
Participation Rate of 4th and 8th Grade CWD on Regular Statewide Assessments for States with AA-MAAS (reading and math, separately)	<=60	61-69	>=70
Percentage of 4th grade CWD scoring Basic or above on reading NAEP	<=24	25-31	>=32
Percentage of 8th grade CWD scoring Basic or above on reading NAEP	<=26	27-35	>=36
Percentage of 4th grade CWD scoring Basic or above on math NAEP	<=45	46-54	>=55
Percentage of 8th grade CWD scoring Basic or above on math NAEP	<=23	24-28	>=29
Percentage of CWD Exiting School by Graduating with a Regular High School Diploma	<=62	63-76	>=77
Percentage of CWD Exiting School by Dropping Out	>=24	23-16	<=15

Percentage of 4th and 8th Grade CWD included in NAEP testing (reading or math):

1 point if greater than or equal to the NAGB goal of 85%.

0 points if less than 85%.

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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 the Results Elements, the Results Matrix reflects a Results Score, which is combined with the Compliance Score to calculate the State's RDA Percentage and Determination.

### The RDA Percentage and Determination

The 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:

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**Meets Requirements**

A State's 2016 RDA Determination is Meets Requirements if the RDA Percentage is at least 80%,<sup>11</sup> unless the Department has imposed Special Conditions on the State's last three (FFYs 2013, 2014, and 2015) *IDEA* Part B grant awards, and those Special Conditions are in effect at the time of the 2016 determination.

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**Needs Assistance**

A State's 2016 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 (FFYs 2013, 2014, and 2015) *IDEA* Part B grant awards, and those Special Conditions are in effect at the time of the 2016 determination.

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**Needs Intervention**

A State's 2016 RDA Determination is Needs Intervention if the RDA Percentage is less than 60%.

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**Needs Substantial Intervention**

The Department did not make a determination of Needs Substantial Intervention for any State in 2016.

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<sup>11</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 Assistance determination discussed below, the Department will round up from 59.5% (but no lower) to 60%.