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The IDEAData Center (IDC) created this publication under U.S. Department of Education, Office of Special Education Programs grant number H373Y190001. Richelle Davis and Rebecca Smith serve as the project officers.

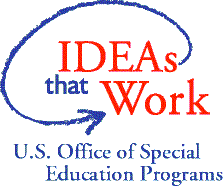
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September 2021

**Suggested Citation:**

Wilkinson, R. (2021, September). *State Determinations of Local Education Agency (LEA) Performance*. IDEA Data Center. Rockville, MD: Westat.



## Introduction

The *Individuals with Disabilities Education Act* (IDEA) Part B regulations, § 300.600(a)(2), require states to make determinations annually about the performance of each local education agency (LEA), using the categories *meets requirements*, *needs assistance*, *needs intervention*, and *needs substantial intervention* (§ 300.603(b)(1)). The Office of Special Education and Rehabilitative Services (OSERS) 2009 memo, [*Questions and Answers on Monitoring, Technical Assistance, and Enforcement*](https://sites.ed.gov/idea/files/08-0101_Monitoring_FINAL_June_2009.pdf), provides further details on factors states must consider when making LEA determinations, including

performance on State Performance Plan/Annual Performance Report (SPP/APR) compliance indicators;

valid and reliable data;

correction of identified noncompliance; and

other data available to the state regarding the LEA’s compliance with IDEA, including relevant audit findings.

Additionally, states may consider performance on results indicators when issuing LEA determinations. For example, states may choose to include data elements aligned with state priorities or other monitoring activities, such as graduation rate for youth with disabilities or performance of children and youth with disabilities on statewide assessments. States also may include other information they deem relevant for LEA determinations aside from SPP/APR indicators. For example, states may factor in designations of significant disproportionality or results from student file reviews conducted for the LEA.

This resource provides a summary of 28 states’[[1]](#footnote-1) publicly available LEA determinations processes and illustrates the diverse ways these states use data elements in LEA determinations, calculate LEA determinations, and apply criteria for the different determination categories. Information about real-world LEA determination processes that states use can be valuable references for states that are revisiting, reconceptualizing, or refining their own LEA determinations processes.

## Methodology

The data for this analysis came from 28 states that have LEA determination information publicly posted online. There is no obligation for states to share this information; accordingly, IDC could not obtain documentation of LEA determination information for all states and territories. We retrieved the LEA determination information for these 28 states from state websites in the winter of 2020.

For the analysis, we first reviewed states’ websites for information about LEA determination processes and documented the information that was available. We then coded the information for each state, focusing on three aspects of states’ LEA determinations processes (see [appendix A)](#Appendix_A): (1) the key data elements that states reviewed and included when making determinations, including the prevalence of certain SPP/APR indicators and other data; (2) states’ methodologies for assigning determinations (e.g., points they assigned to data elements, weighting of priority data); and (3) the criteria states used to assign LEAs to the four determination categories (i.e., *meets requirements*, *needs assistance*, *needs intervention*, and *needs substantial intervention*). We then summarized the information using counts and frequencies. As aforementioned, IDC only reviewed information states made publicly available regarding LEA determinations, and, therefore, some states did not provide enough details for us to code or summarize information for all three aspects.

## Findings

In this section, we present the results of IDC’s analysis of the 28 states’ LEA determinations processes. First, we present the data elements these states used for their LEA determinations. Next, we describe the methodologies states used to calculate LEA determinations. Last, we discuss the criteria states used to assign LEAs to the different determination categories.

### What data elements did states include in LEA determinations?

When analyzing the data elements the 28 states included in LEA determinations, we grouped elements into three categories: compliance data, results SPP/APR indicators, and other data elements.

The compliance data category encompasses the SPP/APR compliance indicators (Indicators 4B, 9, 10, 11, 12, and 13),[[2]](#footnote-2) measures of valid and reliable data, verification of correction of noncompliance, and additional data—such as fiscal audit findings—that address compliance with IDEA. As shared in the introduction, states must consider compliance data when making LEA determinations. We found 100 percent (n=28) of the states included one or more type of compliance data in their LEA determinations. Table 1 breaks down the compliance data states used in further detail.

**Table 1. Percent and count of states using compliance data elements**

|  |  |  |
| --- | --- | --- |
| **Compliance data elements** | **Percent of states** | **Number of states** |
| SPP/APR compliance indicators | 100 percent | 28[[3]](#footnote-3) |
| Measure(s) of valid and reliable data | 67.9 percent | 19 |
| Verification of correction of noncompliance | 75 percent | 21 |
| Fiscal audit findings | 32.1 percent | 9 |

While not required, the majority of the 28 states (53.6%, n=15) also included one or more SPP/APR result indicators (Indicators 1, 2, 3, 4A, 5, 6, 7, 8, 14, 15, and 16)[[4]](#footnote-4) in their LEA determinations. The most commonly used SPP/APR results indicators that states included were Indicators 1, 2, 3B,[[5]](#footnote-5) and 3C.[[6]](#footnote-6) Figure 1 provides a detailed breakdown of the total number of states using each of the SPP/APR results indicators.

**Figure 1. Count of states that used SPP/APR results indicators in LEA determinations, by indicator**

Finally, some states used other data elements that did not fall under the umbrella of compliance data or the SPP/APR results indicators. We identified 21.4 percent (n=6) of the 28 states used other data elements, including significant disproportionality designations (n=1), participation on alternate assessments (n=2), LEA designations under the *Every Student Succeeds Act* (ESSA) (n=1), on-site monitoring results (n=1), survey response rates (n=1), training attendance (n=1), and career preparation assessment results (n=1).

### What methodologies did states use to calculate LEA determinations?

As part of our analysis, we examined the methodologies that the 28 states used to calculate the LEA determinations. We found that 60.7 percent (n=17) of the states assigned point values to the data elements included for LEA determinations. Some of these states assigned points based on cut scores or percentiles, mimicking those used by OSEP when issuing state determinations of performance. The 28.6 percent (n=8) of states that did not assign points used alternative methods, such as determining whether targets for data elements were met or whether LEAs were fully compliant for all data elements. The remaining 10.7 percent (n=3) of states did not specify what process they used to calculate LEA determinations. Figure 2 shows this breakdown.

**Figure 2. Percentage of states that assigned points to data elements in LEA determinations calculations**

To prioritize certain data elements over others, some states elected to use a weighting system in which some data are more highly valued than other data. For example, if a state wants to focus on participation on statewide assessments and uses points to score the data, the state will assign more points for SPP/APR Indicator 3B than for other indicators. Weighting of data elements does not apply only to instances in which the state assigns points, as the determination category criteria could reflect weighting. For example, if a state wants to focus on SPP/APR Indicator 3B, it might specify that it will determine that any LEA with 100 percent participation for Indicator 3B *meets requirements*, regardless of other data. In this instance, the state values, or weights, this assessment participation rate data higher than other data elements.

As shown in Figure 3, 25 percent (n=7) of states used weighting to place priorities on certain data elements, and 64.3 percent (n=18) of states did not use weighting. The remaining 10.7 percent (n=3) of states did not specify whether they weighted the data.

**Figure 3. Percentage of states that weighted certain data elements in LEA determinations calculations**

### What criteria did states use to assign LEAs to determination categories?

IDC also analyzed the criteria states used for assigning LEAs to determination categories. Twenty-two out of the 28 states provided explicit documentation about their criteria. Six states did not specify the criteria for each determination category in their available documentation. More than half (54.5 percent, n=12) of the 22 states used the same methods to establish criteria for each of the LEA determinations categories. For example, a state could have used cut scores to assign LEAs to determination categories. The state could have assigned 0 points, 1 point, or 2 points for the 10 data elements it used in LEA determinations and used cut scores for each category based on total points the LEA earns (see below):

*Meets requirements*: 15 points or more

*Needs assistance*:9–14 points

*Needs intervention*: 4–8 points

*Needs substantial intervention*: less than 4 points

The remaining states (45.5 percent, n=10) used varying methods to assign LEA determinations for particular determination categories. For example, a state could have assigned points to indicators and used the percentage of total possible points earned for determination categories of *meets requirements* or *needs assistance* but different methods for assigning the determination categories *needs intervention* and *needs substantial intervention* (see below):

*Meets requirements*: 90 percent or more of total possible points earned

*Needs assistance*: 75 percent to less than 90 percent of total possible points earned

*Needs intervention*: LEA falls in *needs assistance* category for 3 consecutive years OR earns less than 75 percent of total possible points

*Needs substantial intervention*: LEA falls into *needs intervention* for 3 consecutive years

For more details about the different methods states used to assign LEA determination categories, see [appendix B.](#Appendix_B)

## Conclusion

LEA determinations are an important component of state monitoring and enforcement (§ 300.600 of IDEA Part B regulations). As noted in § 300.600(b)(2), the determinations help states to assess LEA performance across various indicators and data elements to “ensure that public agencies meet the program requirements under Part B of the Act, with a particular emphasis on those requirements that are most closely related to improving educational results for children with disabilities” (U.S. Department of Education n.d.-d). This resource provided details about data elements 28 states with LEA determinations information publicly posted included in their LEA determinations processes, methodologies they used for calculating LEA determinations, and criteria they used for issuing LEA determinations.

The latitude states have in assigning LEA determinations provides a unique opportunity for states not only to meet IDEA Part B regulation requirements but also to develop a meaningful process that can help them assess LEA performance in improving educational results for children and youth with disabilities. States and their LEAs can use LEA determinations in diverse ways to convey state priorities, identify LEA needs, and allocate LEA resources and supports.

## 

## Appendix A

The components IDC used to collect and aggregate information from 28 states’ LEA determinations processes follow. IDC designed these questions to gather consistent information across all states, based on the availability of information, for uniform analysis of state LEA determinations. Some states did not provide details or nuanced information to address one or more of the questions (e.g., criteria for determination categories). In these cases, IDC excluded the states from calculations and analysis of particular areas or reported them as having such questions unspecified.

**Q1. Compliance Indicators Used? (Y/N)**

Are any SPP/APR compliance indicators used in the state's SPP/APR local determinations calculations? Note: compliance indicators are 4B, 9, 10, 11, 12, and 13.

**Q2. Results Indicators Used? (Y/N)**

Are any SPP/APR results indicators used in the state's SPP/APR local determinations calculations? Note: results indicators are 1, 2, 3B and 3C, 4A, 5A through 5C, 6A and 6B,[[7]](#footnote-7) 7A S1 and S2, 7B S1 and S2, 7C S1 and S2, 8, 14A through 14C, 15, and 16.

**Q3. Other Data Used? (Y/N)**

Are other data elements included in the state's SPP/APR local determinations calculations (e.g., monitoring results, compliance findings outside of the SPP/APR indicators)?

**Q4. List All Indicators/Data Used in the Local Determinations**

What SPP/APR indicators (1 through 17) and other data sources are used in the calculations of local determinations?

**Q5. Points Assigned to Indicators/Data? (Y/N)**

Does the state assign points to indicators or data elements included in the calculations for local determinations?

**Q5(a). Explanation of How Points Are Assigned (if Q5 is "Y")**

As an example, perhaps a state uses a tiered system to assign points for Indicator 1, in which a score of <60% = 0 points, a score of >=60% to <80% = 1 point, and a score of >=80% = 2 points.

**Q6. Indicators/Data Weighted? (Y/N)**

Does the state assign different weights or values to particular indicators or data elements?

**Q6(a). Explanation of How Weights Are Used (if Q6 is "Y")**

As an example, perhaps a state places a higher value on Indicators 5A and 6A and these data align with state priorities. The state might assign a weight of 2 to these indicators in the determinations calculation, while assigning a weight of 0.5 to less valued indicators/data.

**Q7. Criteria for Determination Category *Meets Requirements***

How does the state assign LEAs to this determinations category? Are cut points assigned for each determination category, based on awarded points? Does the state use thresholds to assign determinations categories based on the percent of total possible points earned by an LEA?

**Q8. Criteria for Determination Category *Needs Assistance***

How does the state assign LEAs to this determinations category? Are cut points assigned for each determination category, based on awarded points? Does the state use thresholds to assign determinations categories based on the percent of total possible points earned by an LEA?

**Q9. Criteria for Determination Category *Needs Intervention***

How does the state assign LEAs to this determinations category? Are cut points assigned for each determination category, based on awarded points? Does the state use thresholds to assign determinations categories based on the percent of total possible points earned by an LEA?

**Q10. Criteria for Determination Category *Needs Substantial Intervention***

How does the state assign LEAs to this determinations category? Are cut points assigned for each determination category, based on awarded points? Does the state use thresholds to assign determinations categories based on the percent of total possible points earned by an LEA?

**Q11. Additional Notes**

Provide any additional aspects of the state LEA determinations not captured elsewhere.

**Q12. Date of Guidance**

Provide the date on which guidance on state local determinations was most recently updated.

## Appendix B

Provided below is a summary of the different methods 22 states reported for placing LEAs in determinations categories. This table provides information on the criteria these states used to establish LEA determination categories (e.g., points earned), the details of how the states applied the criteria, and the number of states using the specified criteria. This information may be valuable for states looking for ideas about different ways to designate in which of the four determination categories an LEA might fall.

| **Criteria for LEA determinations categories** | **Details** | **Number of states using criteria** |
| --- | --- | --- |
| Years in *needs assistance* | States moved LEAs for whom they issued a determination of *needs assistance* for 3 consecutive years or more to the category of *needs intervention*. | 1 state |
| Variable | For all determination categories, the data states included for LEA determinations changed consistently, and with changes in data states used, the determination category criteria changed as well. | 1 state |
| Points earned | States pre-assigned points to the data elements they included for issuing determinations.  States pre-assigned points in a variety of ways, based on the state, but most states using this method assigned points based on cut scores.  *Example: For Indicator 11, states assigned 2 points for 90 percent and above compliance, 1 point for 60 percent to less than 90 percent compliance, and 0 points for less than 60 percent compliance.*  States also assigned points based on LEAs meeting targets.  *Example: If the target for Indicator 1 is 70 percent, then the state assigned 1 point if the graduation rate is 70 percent or above and 0 points for graduation rates less than 70 percent.* | 5 states[[8]](#footnote-8) |
| Points earned (cont.) | In states using points earned criteria, the sum of points (or average of points) they assigned dictated determination categories.  *Example: 40 points or more qualified an LEA for* meets requirements*, 30 through 39 points qualified an LEA for* needs assistance*, and so on.* |  |
| Percent score | The process for calculating the percent scores to assign determination categories was similar to the process states used for the points earned category above.  The majority of the states using percent score for issuing determinations assigned points to the data elements they included in analysis.  States divided the total points an LEA generated across all data the state used in its determinations by the total possible points an LEA could have generated, and the result was the percent of the total possible points for the LEA, or the percent score for the LEA.  Most states using this method created percent ranges to place LEAs in determination categories.  *Example: A percent score of 80 percent or more yielded the determination of* meets requirements*, a percent score of 60 percent to less than 80 percent or more yielded the determination of* needs assistance*, and so on.* | 9 states[[9]](#footnote-9) |
| Multi-pronged | States using this method had multiple criteria that an LEA had to meet for the state to assign an LEA to a particular determination category.  *Example: To be determined as* meets requirements*, an LEA must have met all data element targets and have no outstanding noncompliance.*  This category was more difficult to define, as it largely varied by state. | 7 states[[10]](#footnote-10) |
| Not specified | Some states either did not clearly delineate what criteria an LEA must meet for placement in any determination category or did not provide guidance on one or more determination categories. | 13 states[[11]](#footnote-11) |

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U.S. Department of Education. (n.d.-a). *Part B State Performance Plan (SPP) and Annual Performance Report (APR) Part B Indicator Measurement Table: For Federal Fiscal Year (FFY) 2020 Submission*. Retrieved from <https://sites.ed.gov/idea/files/1820-0624_FFY20Part_B_SPPAPR_Measurement_TableFINAL.pdf>.

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1. States were included based on whether their LEA determinations processes were publicly available, and, therefore, we did not intend for these 28 states to be a representative sample of all states and territories. Readers should not consider the findings we present generalizable to all states. [↑](#footnote-ref-1)
2. Definitions of these compliance indicators can be found in [*Part B State Performance Plan (SPP) and Annual Performance Report (APR) Part B Indicator Measurement Table: For Federal Fiscal Year (FFY) 2020 Submission*](https://sites.ed.gov/idea/files/1820-0624_FFY20Part_B_SPPAPR_Measurement_TableFINAL.pdf). [↑](#footnote-ref-2)
3. Based on the information publicly available, two of the 28 states noted use of compliance data but did not specify which SPP/APR indicators they used. The remaining 26 states provided details about the SPP/APR indicators they used in their LEA determinations. [↑](#footnote-ref-3)
4. Definitions of these results indicators can be found in [*Part B State Performance Plan (SPP) and Annual Performance Report (APR) Part B Indicator Measurement Table: For Federal Fiscal Year (FFY) 2020 Submission*](https://sites.ed.gov/idea/files/1820-0624_FFY20Part_B_SPPAPR_Measurement_TableFINAL.pdf)*.* [↑](#footnote-ref-4)
5. IDC retrieved the data for this analysis prior to the release of the FFY 2020–2025 Part B SPP/APR collection. At the time of this analysis, Indicator 3B was defined as the participation rate for children with IEPs on statewide assessments. [↑](#footnote-ref-5)
6. IDC retrieved the data for this analysis prior to the release of the FFY 2020–2025 Part B SPP/APR collection. At the time of this analysis, Indicator 3C was defined as the proficiency rate for children with IEPs against grade level and alternate academic achievement standards on statewide assessments. [↑](#footnote-ref-6)
7. IDC retrieved the data for this analysis prior to the release of the FFY 2020–2025 Part B SPP/APR collection. At the time of this analysis, Indicator 6C (percent of children ages 3, 4, and 5 with IEPs receiving special education and related services in the home) did not exist. [↑](#footnote-ref-7)
8. Five states used this LEA determination category criteria for the determination categories of *meets requirements* and *needs assistance*,and four states used it for the determination categories of *needs intervention* and *needs substantial intervention*. [↑](#footnote-ref-8)
9. Eight states used this LEA determination category criteria for the determination category of *meets requirements*, nine states used it for the determination categories of *needs assistance* and *needs intervention*, and four states used it for the determination category of *needs substantial intervention*. [↑](#footnote-ref-9)
10. Seven states used this LEA determination category criteria for the determination categories of *meets requirements*, *needs assistance*, and *needs intervention,* and six states used it for the determination category of *needs substantial intervention*. [↑](#footnote-ref-10)
11. Seven states used this LEA determination category criteria for the determination category of *meets requirements*, six states used it for the determination categories of *needs assistance* and *needs intervention*, and 13 states used it for the determination category of *needs substantial intervention*. [↑](#footnote-ref-11)