



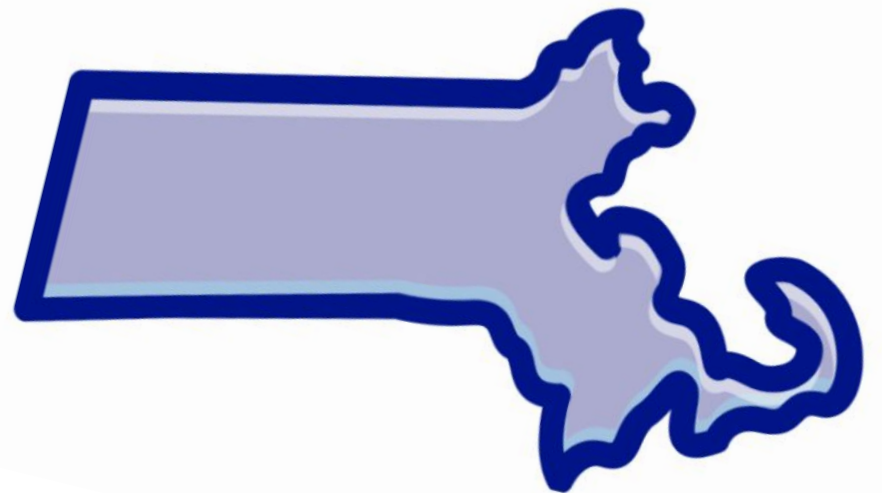
# Special Education LEA Determinations

May 7, 2025

# DESE's Vision of Excellence

“All students in Massachusetts, particularly students from historically underserved groups and communities, will have **equitable opportunities to excel** in all content areas across all grades.

Culturally and linguistically sustaining classroom and school practices will support students to thrive by creating affirming environments where students have a sense of **belonging**, engage in **deeper learning**, and are held to **high expectations** with targeted support.”

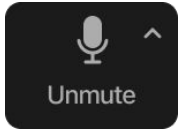


# Who We Are

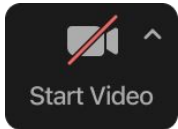
**SPED Strategies** is transforming how students with disabilities experience school everyday by ensuring leaders and educators across the nation have the tools and resources they need to effectively meet needs and prepare all learners to be successful in life after high school.



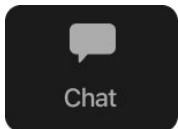
# Zoom Meeting Preparation



- Please make sure your **phone or computer is muted** to minimize background noise.
  - Hover over the bottom left-hand side of your screen and click “Mute.”



- Please make sure you have **turned off your camera** to save bandwidth and prevent any connectivity issues.
  - Hover over the bottom left-hand side of your screen and click “Stop Video.”



- Please **submit questions in the “Chat”** function located on the bottom of your screen.
  - Your questions will inform the FAQ and Focus Groups

# Webinar Objectives

- Understand the **calculations** used to make the special education determinations
- Identify **appropriate** DESE offices to assist with questions related to the determinations
- Understand **fiscal implications** of special education determinations
- Integrate **data** from the special education determinations in school and district improvement planning
- Become familiar with **various frameworks** and **evidenced-based practices** for improvement planning



# Special Education Accountability and Assistance – *The Big Picture*

# General Supervision

States must have a reasonably designed **system of general supervision** – an accountability and support system – that monitors local education agencies (LEAs) and assists LEAs to implement the Individuals with Disabilities Education Act (IDEA).

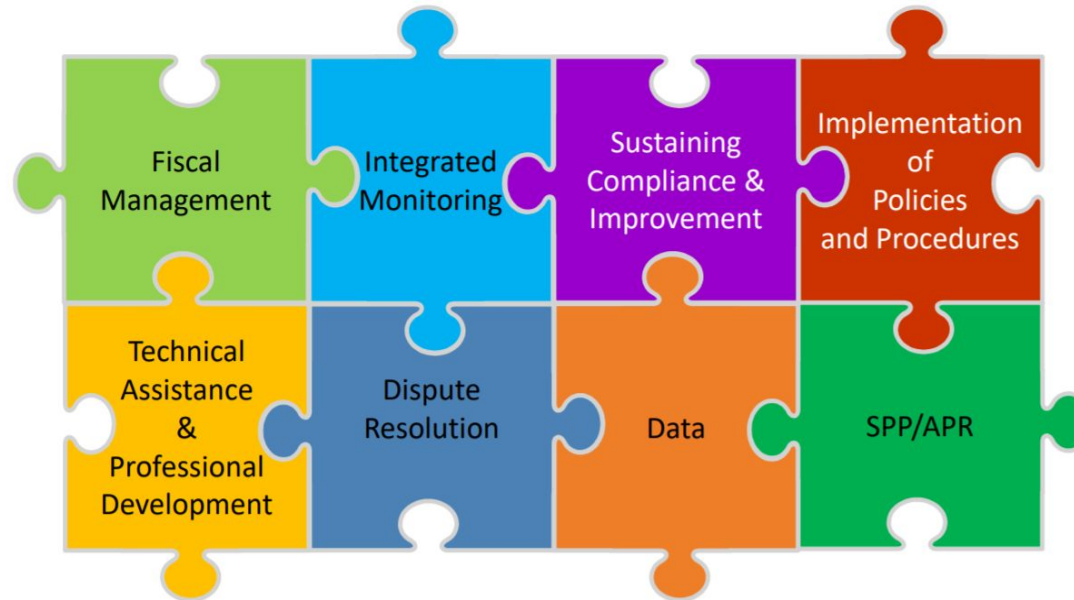
Primary focus:

- ❑ Educational Results
- ❑ Functional Outcomes



# Components of General Supervision

8  
Key  
Components





# Coherence Matters!

Imagine a general supervision system as a *sophisticated machine* comprised of many interlocking gears that all must operate in concert to produce the desired outcomes.





STATE GENERAL SUPERVISION  
RESPONSIBILITIES UNDER  
PARTS B AND C OF THE  
IDEA

MONITORING, TECHNICAL ASSISTANCE, AND ENFORCEMENT

OSEP QA 23-01

U.S. DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND  
REHABILITATIVE SERVICES

JULY 24, 2023

400 MARYLAND AVE. S.W., WASHINGTON, DC 20202-2800  
[www.ed.gov](http://www.ed.gov)

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness  
by fostering educational excellence and ensuring equal access.*

General Supervision Guidance

# LEA Determinations

Under the federal Individuals with Disabilities Education Act (IDEA), the Department must make annual determinations regarding LEA's specific needs for technical assistance or intervention in special education. Massachusetts does so based on four categories:

- **Meets Requirements (MR)**
- **Needs Assistance (NA)**
- **Needs Intervention (NI)**
- **Needs Substantial Intervention (NSI)**



## Question D-1: When making LEA determinations, must States use the same categories that OSEP uses with States?

States must use the same **four determination categories** that OSEP is required to use with States: meets requirements, needs assistance, needs intervention, and needs substantial intervention.





# Understanding Determination Calculations

## Question D-2: What factors must a State consider when making annual determinations?

A State must consider the following factors:

- (1) performance on **compliance** indicators;
- (2) **valid** and **reliable** data;
- (3) **correction** of identified noncompliance; and
- (4) other data available to the State about the **LEA's compliance with IDEA**, including any relevant audit findings.



# How did the Department Make the 2024–2025 Determinations?






Assessed LEAs' **performance and compliance data**, including data from the general Accountability and Assistance System, Tiered Focused Monitoring process, State complaints, State Performance Plan/Annual Performance Reports, and other data available to the State about the LEA's compliance with IDEA.

Changes were made to the rubric this year to align it with the U.S. Department of Education's [Office of Special Education and Rehabilitative Services Memo 23–01: State General Supervision Responsibilities Under Parts B and C of the IDEA](#).











# 3 Categories of the Determination Status Matrix






## Performance

-  Graduation Rate
-  Dropout Rate
- 
  - MCAS Reading Grade 4
  - MCAS Reading Grade 8
  - MCAS Reading High School
  - MCAS Math Grade 4
  - MCAS Math Grade 8
  - MCAS Math High School
-  Edu. Environment: School-Age
-  Edu. Environment: Preschool

## Compliance

-  SPP/APR Indicator 4B
-  SPP/APR Indicator 9
-  SPP/APR Indicator 10
-  SPP/APR Indicator 11
-  SPP/APR Indicator 12
-  SPP/APR Indicator 13
-  Identification of Noncompliance Findings
-  Correction of Noncompliance

## Other Considerations

-  MOE Compliance Standard
-  SPP/APR Indicator 7 Useable Records
-  SPP/APR Indicator 14 Response Rate
-  Child Count Submitted on Time
-  Child Count Accurate and Reliable





# Performance Criteria



**Graduation Rate**

(Ind 1)



**Dropout Rate**

(Ind 2)



**Grade 4 Reading**

**Grade 8 Reading**

**Grade 10 Reading**

**Grade 4 Math**

**Grade 8 Math**

**Grade 10 Math**

(Ind 3)



**LRE Ages 5-21**

(Ind 5A)



**LRE Ages 3-5**

(Ind 6A)



# Compliance Criteria

SPP/APR Indicator 4B Data Review

SPP/APR Indicator 4B PPP Review

SPP/APR Indicator 9 Data Review

SPP/APR Indicator 9 PPP Review

SPP/APR Indicator 10 Data Review

SPP/APR Indicator 10 PPP Review

SPP/APR Indicator 11

SPP/APR Indicator 12

SPP/APR Indicator 13

Identification of Noncompliance Findings

Correction of Noncompliance



# Other Considerations Criteria



**MOE Compliance Standard**



**SPP/APR Indicator 7 Useable Records**



**SPP/APR Indicator 14 Response Rate**




**Equitable Services Child Count Submitted on Time**





**Equitable Services Child Count Accurate and Reliable**




# Determinations Matrix Quick Reference Guide


**SPP/APR Indicator 9**

**Define**

**Graduation Rate**

**Define**

The percentage of children with disabilities who graduated with a regular high school diploma within the reporting period (July 1 - June 30).  
Data are lagged one year and reflect the graduation data from the prior school year.

**Analyze**

**Where can I find it?**

The **Special Education Report** on the School and District Profiles website. Sort by year and indicator type ("Performance") to see SPP/APR indicators, including Indicator 1.

**How is it calculated?**


**Numerator:**


Students in special education at the start of the reporting period (July 1 - June 30) who exited special education due to graduating with a regular high school diploma.\*


**Denominator:**


Students in special education at the start of the reporting period who exited special education with the reasons of graduated with a regular high school diploma, graduated with an alternate diploma, received a certificate, reached maximum age, or dropped out.


\* End of year report for the reporting period (SIMS)


**To further investigate this and other related criteria, you may want to explore data about [Completion and Engagement](#).**


**Graduation Rate**

**Indicator 14 Response Rate**


**Dropout Rate**

**Indicator 13**

**MOE Compliance Standard**

**Define**

An indication of whether an LEA met one of two Maintenance of Effort (MOE) standards during the annual submission of their consolidated grant application.


**Analyze**


**Where can I find it?**


This information is not publicly reported.  
Details about MOE standards and the consolidated grant application can found in the state grants management system, **GEMS**.


**How is it calculated?**


A point is awarded to LEAs who meet one of the two **MOE compliance standards** (either total aggregate spending or per-pupil spending) in the reporting period with the most recently available data.


**To further investigate this and other related criteria, you may want to explore data about [Compliance](#).**


**SPP/APR Indicator 4B\*, 9, 10**


**SPP/APR Indicator 11, 12, 13**


**Identification of Noncompliance Findings**


**Correction of Noncompliance**

**MOE Compliance Standard**

**Indicator 7 Useable Records**

**SPP/APR Indicator 14 Response Rate**

**Child Count Submitted on Time**

**Child Count Accurate and Reliable**

\* Indicator 4B may also relate to [Access and Instruction](#)

# Determination Status Matrix Scoring

- Performance = 2 pts (20 total)
- Compliance = 2 pts (22 total)
- Other considerations = 1 pt (5 total)



# Performance Criteria Points

PERFORMANCE			
Matrix Criteria	Point Assignments		
	2 points	1 point	0 points
<b>Graduation Rate</b> (2022-23 SY)	Graduation rate is at or above the state target (79.33%)	Graduation rate is below the state target (79.33%) and at or above the below-target <sup>2</sup> median (64.80%)	Graduation rate is below the state target (79.33%) and the below-target median (64.80%)
<b>Dropout Rate</b> (2022-23 SY)	Dropout rate is at or below the state target (12.47%)	Dropout rate is above the state target (12.47%) and at or below the below-target median (26.21%)	Dropout rate is above the state target (12.47%) and the below-target median (26.21%)
<b>MCAS Reading Proficiency - Grade 4</b> (2023-24 SY)	MCAS proficiency rate is at or above the state target (23.00%)	MCAS proficiency rate is below the state target (23.00%) and at or above the below-target median (8.41%)	MCAS proficiency rate is below the state target (23.00%) and the below-target median (8.41%)
<b>MCAS Reading Proficiency - Grade 8</b> (2023-24 SY)	MCAS proficiency rate is at or above the state target (14.00%)	MCAS proficiency rate is below the state target (14.00%) and at or above the below-target median (5.78%)	MCAS proficiency rate is below the state target (14.00%) and the below-target median (5.78%)
<b>MCAS Reading Proficiency - High School</b> (2023-24 SY)	MCAS proficiency rate is at or above the state target (29.00%)	MCAS proficiency rate is below the state target (29.00%) and at or above the below-target median (13.65%)	MCAS proficiency rate is below the state target (29.00%) and the below-target median (13.65%)





# Performance Criteria Points (cont.)

PERFORMANCE			
Matrix Criteria	Point Assignments		
	2 points	1 point	0 points
<b>MCAS Math Proficiency - Grade 4</b> (2023-24 SY)	MCAS proficiency rate is at or above the state target (14.00%)	MCAS proficiency rate is below the state target (14.00%) and at or above the below-target median (6.65%)	MCAS proficiency rate is below the state target (14.00%) and the below-target median (6.65%)
<b>MCAS Math Proficiency - Grade 8</b> (2023-24 SY)	MCAS proficiency rate is at or above the state target (10.00%)	MCAS proficiency rate is below the state target (10.00%) and at or above the below-target median (3.70%)	MCAS proficiency rate is below the state target (10.00%) and the below-target median (3.70%)
<b>MCAS Math Proficiency - High School</b> (2023-24 SY)	MCAS proficiency rate is at or above the state target (18.00%)	MCAS proficiency rate is below the state target (18.00%) and at or above the below-target median (7.52%)	MCAS proficiency rate is below the state target (18.00%) and the below-target median (7.52%)
<b>Educational Environments - School-Age</b> (2023-24 SY)	Percentage of school-age children and youth with disabilities in the regular classroom 80% or more of the day is at or above the state target (65.49%)	Percentage of school-age children and youth with disabilities in the regular classroom 80% or more of the day is below the state target (65.49%) and at or above the below-target median (57.58%)	Percentage of school-age children and youth with disabilities in the regular classroom 80% or more of the day is below the state target (65.49%) and the below-target median (57.58%)
<b>Educational Environments - Preschool</b> (2023-24 SY)	Percentage of preschool children with disabilities attending and receiving the majority of special education and related services in a regular preschool setting is at or above the state target (52.31%)	Percentage of preschool children with disabilities attending and receiving the majority of special education and related services in a regular preschool setting is below the state target (52.31%) and at or above the below-target median (23.74%)	Percentage of preschool children with disabilities attending and receiving the majority of special education and related services in a regular preschool setting is below the state target (52.31%) and the below-target median (23.74%)



# Compliance Criteria Points

COMPLIANCE			
Matrix Criteria	Point Assignments		
	2 points	1 point	0 points
<b>SPP/APR Indicator 4B</b> (2022-23 SY)	<b>Data Review:</b> No significant discrepancy <sup>3</sup>	N/A	<b>Data Review:</b> Flagged for significant discrepancy
	<b>PPP Review:</b> <sup>4</sup> No finding(s) of noncompliance		<b>PPP Review:</b> Finding(s) of noncompliance
<b>SPP/APR Indicator 9</b> (2023-24 SY)	<b>Data Review:</b> No disproportionate representation <sup>5</sup>		<b>Data Review:</b> Flagged for disproportionate representation
	<b>PPP Review:</b> No finding(s) of noncompliance		<b>PPP Review:</b> Finding(s) of noncompliance
<b>SPP/APR Indicator 10</b> (2023-24 SY)	<b>Data Review:</b> No disproportionate representation		<b>Data Review:</b> Flagged for disproportionate representation
	<b>PPP Review:</b> No finding(s) of noncompliance		<b>PPP Review:</b> Finding(s) of noncompliance
<b>SPP/APR Indicator 11</b> (2023-24 SY)	Percentage of children and youth with initial evaluations completed within the state timeline is at or above 95.00%	Percentage of children and youth with initial evaluations completed within the state timeline is below 95.00% and at or above 75.00%	Percentage of children and youth with initial evaluations completed within the state timeline is below 75.00%





# Compliance Criteria Points (cont.)

COMPLIANCE			
Matrix Criteria	Point Assignments		
	2 points	1 point	0 points
<b>SPP/APR Indicator 12</b> (2023-24 SY)	Percentage of children transitioning from Part C to Part B who are eligible and have an IEP implemented by their third birthday is at or above 95.00%	Percentage of children transitioning from Part C to Part B who are eligible and have an IEP implemented by their third birthday is below 95.00% and at or above 75.00%	Percentage of children transitioning from Part C to Part B who are eligible and have an IEP implemented by their third birthday is below 75.00%
<b>SPP/APR Indicator 13</b> (2023-24 SY)	Percentage of children and youth with disabilities aged 14 and above with measurable, annually updated IEP goals and appropriate transition assessments, services, and courses is at or above 95.00%	Percentage of children and youth with disabilities aged 14 and above with measurable, annually updated IEP goals and appropriate transition assessments, services, and courses is below 95.00% and at or above 75.00%	Percentage of children and youth with disabilities aged 14 and above with measurable, annually updated IEP goals and appropriate transition assessments, services, and courses is below 75.00%
<b>Findings of Noncompliance</b> (2023-24 SY)	0 total special education findings of noncompliance (from PSM and PRS)	1 to 5 total special education findings of noncompliance (from PSM and PRS)	6 or more total special education findings of noncompliance (from PSM and PRS)
<b>Correction of Findings of Noncompliance</b> (2022-23 SY)	0 findings of noncompliance uncorrected after one year and/or still uncorrected from previous years	1 to 2 findings of noncompliance uncorrected after one year and/or still uncorrected from previous years	3 or more findings of noncompliance uncorrected after one year and/or still uncorrected from previous years



# Other Considerations Criteria Points

OTHER CONSIDERATIONS		
Matrix Criteria	Point Assignments	
	1 point	0 points
<b>MOE Compliance Standard</b> (2023-24 SY)	Met one of two MOE compliance standards during submission of the IDEA grant application	<u>Did not</u> meet either MOE compliance standard during submission of the IDEA grant application
<b>SPP/APR Indicator 7 - Useable Records</b> (2023-24 SY)	Percentage of useable records related to Early Childhood Outcomes is at or above the state percentage (23.70%)	Percentage of useable records related to Early Childhood Outcomes is below the state percentage (23.70%)
<b>SPP/APR Indicator 14 - Response Rate</b> (2023-24 SY)	Response rate on the Indicator 14 survey (Massachusetts After High School Survey) is at or above the state response rate (25.47%)	Response rate on the Indicator 14 survey (Massachusetts After High School Survey) is below the state response rate (25.47%)
<b>Timely Submission of Child Count Data</b> (2023-24 SY)	Submitted the IDEA Equitable Services Annual Child Count application by the designated due date (April 2024)	<u>Did not</u> submit the IDEA Equitable Services Annual Child Count application by the designated due date (April 2024)
<b>Accurate and Reliable Child Count Data</b> (October 1, 2024)	<u>Did not</u> request decertification of the data in their Child Count application in order to address data quality concerns or inaccuracies	Requested decertification of the data in their Child Count application in order to address data quality concerns or inaccuracies



# Calculation

Sum of Points Earned across all Categories with Reportable Data


=

Special Education Determination Percentage

Total Number of Possible Points in Categories with Reportable Data

Meets Requirements (MR)	Needs Assistance (NA)	Needs Intervention (NI)	Needs Substantial Intervention (NSI)
LEA determination percentage 75.0 – 100.0	LEA determination percentage 65.1– 74.9	LEA determination percentage 0 – 65.0	A substantial failure to comply with a condition of LEA eligibility under Part B of the IDEA (300.200-300.213)





# Identification and Correction of Non-Compliance

## Question B-4: What does the State's "identification of noncompliance" mean?

- Identification of noncompliance (i.e., a finding) means the determination by a State that an LEA's **policy**, **procedure**, or **practice**, including those that are child-specific, is inconsistent with an applicable IDEA requirement, another IDEA-related Federal requirement, or any specific IDEA grant award terms or conditions.
- This includes **requirements** related to GEPA, under EDGAR, and the OMB Uniform Guidance.



## Question B-5: How must a State notify LEAs or providers of any identified noncompliance?

- The State must inform LEAs in **writing** of any identified noncompliance to provide notice.



## Question B-10: What is the standard for correction of noncompliance?

- In order to demonstrate that noncompliance has been corrected, the State must verify that the LEA:
  - (1) Is correctly implementing the **specific regulatory requirements** (i.e., achieved 100 percent compliance with the relevant IDEA requirements) based on a review of updated data and information, such as data and information subsequently collected through integrated monitoring activities or the State's data system (systemic compliance); and
  - (2) Has **corrected each individual case** of child-specific noncompliance.



## Question B-13: What is the timeline for correcting noncompliance under the IDEA?

- To correct noncompliance as soon as possible, but no later than **one year** after the State's written notification of noncompliance.





# Number of Findings

- Point values based on 2023–24 **special education** findings of noncompliance from both PSM and PRS

Identification of Noncompliance # of Findings	Point Value
0 findings of noncompliance	2
1-5 findings of noncompliance	1
6 or more findings of noncompliance	0



# Correction of Findings

- Point values based on the correction of noncompliance findings

Correction of Noncompliance Findings	Point Value
0 findings uncorrected within 1 year	2
1-2 findings uncorrected within 1 year	1
3+ findings uncorrected within 1 year	0



# What is PRS?

## PRS Mission Statement

- The Problem Resolution System (PRS) Office provides students, families, school districts, and other community members with **easy access to information** regarding students' rights and educational options and access to a forum for the resolution of disputes that is prompt, accurate and fair.



# Key Governing Authority

- **Special Education Complaints:** Federal regulation requires each state education agency to maintain a state complaint process to investigate complaints filed alleging a violation of the Individuals with Disabilities Education Act, Part B. (34 C.F.R. §§ 300.151 – 300.153)
- **General Education Complaints:** State regulation requires PRS to investigate complaints and enforce compliance with the Department's special education regulations, as well as with other statutes and regulations relating to the provision of publicly funded education. (603 CMR 28.08(2))



# What Types of Issues Might PRS Address?

- 504
- Approved Special Education Schools
- Bullying
- Career & Vocational Technical Education
- Diploma/Graduation Disputes
- Discipline
- English Learners
- Free Appropriate Public Education and Appropriateness of Special Education Services
- Home Hospital Services
- Language Access Services
- Learning Time Requirements
- METCO
- Provision of Student Records
- Residency/Admissions/Enrollment
- Restraint and Time Out Procedures and Reporting
- School Facilities/Accessibility
- Special Education Implementation
- Special Education Procedures
- Student Fees
- Transportation



# 34 CFR § 300.152 – Minimum State Complaint Procedures

- (a) Time limit; minimum procedures. Each **SEA must** include in its complaint procedures a time limit of 60 days after a complaint is filed under § 300.153 to—
  - (1) Carry out an independent on-site investigation, *if the SEA determines that an investigation is necessary*;
  - (2) **Give the complainant the opportunity to submit additional information**, either orally or in writing, about the allegations in the complaint;
  - (3) **Provide the public agency with the opportunity to respond to the complaint**, including, at a minimum—
    - (i) At the discretion of the public agency, a proposal to resolve the complaint; and
    - (ii) An opportunity for a parent who has filed a complaint and the public agency to voluntarily engage in mediation consistent with § 300.506;
  - (4) **Review all relevant information and make an independent determination as to whether the public agency is violating a requirement of Part B of the Act or of this part**; and
  - (5) **Issue a written decision** to the complainant that addresses each allegation in the complaint and contains—
    - (i) Findings of fact and conclusions; and
    - (ii) The reasons for the SEA's final decision.



# Contacting PRS

## **Problem Resolution System Office**

Massachusetts Department of Elementary and Secondary Education

135 Santilli Highway - Everett, MA 02149

Main Telephone: 781-338-3700

TTY: N.E.T. Relay: 1-800-439-2370

Fax: 781-338-3710

Email: [compliance@doe.mass.edu](mailto:compliance@doe.mass.edu)

<http://www.doe.mass.edu/prs/>

Kelsey LoDuca-Towne, Director



# Public School Monitoring

Rubric calculation includes:

- Number of findings of special education noncompliance from the 2023–24 Tiered Focused Monitoring Review
  - Findings related to SPP/APR Indicators 4B, 9, 10, 11, 12, and 13 are reported separately and not included in the counts of total findings of noncompliance
- Special education noncompliance not resolved within one year
- Public School Tiered Focused Monitoring Reports:  
<https://www.doe.mass.edu/psm/tfm/reports/>
- [Contact PSM](#)





# Frequently Asked Questions



## Frequently Asked Questions about LEA Determinations of Need for Special Education Technical Assistance or Intervention

The term district, used throughout this FAQ, is inclusive of public districts, charter schools, innovation schools, and virtual schools.

<b><u>Authority &amp; State Requirements.....</u></b>	<b><u>5</u></b>
Why does the Department make determinations regarding Local Education Agencies' (LEA) specific needs for technical assistance or intervention in special education (LEA Determinations)?.....	5
How are IDEA's requirements for states related to LEA determinations?.....	5
What categories do states use for LEA determinations?.....	6
Where are LEA determinations publicly reported?.....	6
What happens if the Department determines a district needs technical assistance or intervention?.....	6
<b><u>LEA Determination Matrix.....</u></b>	<b><u>7</u></b>
How are LEA determinations made in Massachusetts?.....	7
Are any criteria in the matrix weighted?.....	8
What are the total number of points that a district could earn using the matrix?.....	8
How are matrix points assigned for the LEA determination?.....	9
How is the LEA determination percentage calculated?.....	14
How is the LEA determination category assigned?.....	14



# Frequently Asked Questions?

**Frequently Asked Questions** can be found at <https://www.doe.mass.edu/sped/osep/determinations-faq.docx>. Other general questions about Special Education Determinations should be sent to [specialeducation@doe.mass.edu](mailto:specialeducation@doe.mass.edu).

Measure	Resources/Reports
Graduation Rate Dropout Rate	<a href="mailto:data@doe.mass.edu">data@doe.mass.edu</a>
MCAS Proficiency Rates	<a href="mailto:mcas@doe.mass.edu">mcas@doe.mass.edu</a>
Educational Environments: School-Age and Preschool	<a href="mailto:Specialeducation@doe.mass.edu">Specialeducation@doe.mass.edu</a>
SPP/APR Indicators 4B, 9, and 10	<a href="mailto:Specialeducation@doe.mass.edu">Specialeducation@doe.mass.edu</a>
SPP/APR Indicators 11, 12, and 13	<a href="https://www.doe.mass.edu/psm/contact-info.html">https://www.doe.mass.edu/psm/contact-info.html</a> <a href="mailto:specialeducation@doe.mass.edu">specialeducation@doe.mass.edu</a>
Problem Resolution System Complaints	<a href="mailto:compliance@doe.mass.edu">compliance@doe.mass.edu</a>
Public School Monitoring Compliance	<a href="https://www.doe.mass.edu/psm/contact-info.html">https://www.doe.mass.edu/psm/contact-info.html</a>
MOE Compliance Standard	IDEAfiscal@mass.gov
SPP/APR Indicator 7: Useable Records	IDEAData@mass.gov
SPP/APR Indicator 14: Response Rate	IDEAData@mass.gov
Child Count Data Submission	IDEAfiscal@mass.gov





# Maintenance of Effort (MOE)

# Special Education Determinations and MOE

- MOE is **required** for all LEAs
- Any LEA receiving IDEA Part B funds must budget and spend **at least the same amount of local or state and local funds for the education of children with disabilities on a year-to-year basis**
- **Ways to Meet MOE**
  - The law gives LEAs 4 options to demonstrate they have met MOE:
    1. Local funds only\*,
    2. Combination of State and local funds in the aggregate,
    3. Local funds on a per capita (e.g., per child with disability) basis,\* or
    4. Combination of State and local funds on a per capita basis.



# Special Considerations for MOE

- Please note that most Massachusetts LEAs can use only methods:  
Method 2: Total amount of state and local funds in the aggregate and  
Method 4: Per capita amount of state and local funds.
- In Massachusetts, we **cannot separate out Chapter 70** state aid and funding from the local tax base because Chapter 70 goes into a community's General Fund and therefore loses its identity as State funds when appropriated to the school department.
- The only true State funds are Circuit Breaker funds.



# Special Education Determinations and MOE

## 2 Parts to MOE:

- Eligibility standard – MOE levels for budgeting (Collected in the IDEA Consolidated Grant Application)
- Compliance standard – MOE levels for spending (Collected in the End of Year Financial Report)



## Eligibility Standard – MOE levels for budgeting (Collected in the IDEA Consolidated Grant Application)

For purposes of establishing the LEA's eligibility for a fiscal year, the LEA must budget for the education of children with disabilities, at least the same amount, from at least one of the following sources, as the LEA spent for that purpose from the same source for the most recent fiscal year for which information is available:

(1) local funds only; (2) the combination of State and local funds in the aggregate; or (3) local funds only on a per capita basis; or (4) the combination of State and local funds on a per capita basis. See [34 CFR §300.203\(a\)\(1\)](#).

Using the budgeted amounts to meet MOE that the LEA reports on the IDEA Consolidated Application DESE will determine the LEA's eligibility for IDEA funding.

It is important that the LEA demonstrates compliance with the eligibility standard and if not, indicates on the grant application the reason for not meeting the eligibility standard.



## Compliance Standard – MOE levels for spending (Collected in the End of Year Financial Report)

An LEA meets the compliance standard if it does not reduce the level of expenditures for the education of children with disabilities made by the LEA from the State and/or local sources from the level of expenditures from the same State and/or local sources for the preceding fiscal year, except as provided in §§ 300.204 (exceptions) and 300.205 (adjustments). [34 CFR eCFR :: 34 CFR 300.204 -- Exception to maintenance of effort 300.203\(b\)](#)





# Exceptions to MOE

- Allowable exceptions are those due to:
  - a) voluntary or for-cause departure of special education staff,
  - b) decrease in enrollment of IDEA eligible children,
  - c) termination of an exceptionally costly program for a particular child, under certain circumstances,
  - d) termination of costly expenditures for long-term purchases, and
  - e) assumption of cost by DESEs high-cost fund

[34 CFR 300.204](#)

\*Exceptions are allowed for all LEAs regardless of determination level.



# Adjustments to MOE

- Allowable adjustment:

An LEA may:

- Reduce its MOE obligation by up to 50 percent of any increase over the preceding year in its IDEA Part B Section 611 allocation (fund code 240) [34 CFR § 300.205 -- Adjustment to local fiscal efforts in certain fiscal years.](#)
- Voluntarily use up to 15 percent of IDEA Part B Sections 611 and 619 funds (fund codes 240 and 262) to provide coordinated early intervening services (CEIS) or a combination of both.

**\*Adjustments can ONLY be used if the LEA has a special education determination level of 'Meets Requirements'**



# Fiscal Review and Consequences for Failing to Meet MOE: Eligibility Standard

## Eligibility Standard

- An LEA is not eligible to receive IDEA Part B funds **until it has met** the MOE eligibility (i.e., budget) standard.
- The LEA will be contacted by DESE to resolve MOE eligibility non-compliance **based on review** of the LEAs' IDEA consolidated application and allowable exceptions.



# Fiscal Review and Consequences for Failing to Meet MOE: Compliance Standard

## Compliance Standard

- If DESE determines following a review of EOY reports that an LEA failed to meet its MOE compliance (i.e., expenditure) standard and there are no acceptable reasons to allow reduction of MOE, the LEA **must repay** either the difference between what the LEA actually spent, and what it should have spent to meet the MOE requirement, or the amount of the LEA's Part B subgrant for that fiscal year, whichever is less.



# Resources for MOE

- [DESE LEA MOE Quick Reference Guide](#)
- [CIFR LEA MOE Calculator](#)
- [CIFR LEA MOE Organizer](#)
- [34 CFR §300.203](#)
- [34 CFR §300.204](#)
- [34 CFR §300.205](#)





# Closing the Success Gaps

# Closing the Gaps: What does the research show?



In schools where the general education population is successful, all students are more likely to do well.



Unequal access to high-quality core instruction beginning in early childhood and early elementary may be one reason for a system to identify some children as in need of special education services and subsequently place them in separate classrooms.










All students can benefit from evidence-based core instructional practices.



The achievement of PreK-12 students with disabilities and that of their general education peers is tightly linked.



# What is a gap?

- Gaps may be in any **outcome differences** between groups of students
- These poor outcomes may include the following:
  -  increased dropout and  lower graduation rates;
  -  lack of achievement in reading or math;
  -  decreased postschool outcomes such as employment rates and college completion;
  -  increased likelihood of disciplinary actions;
  -  increased likelihood of identification of a disability;
  -  increased more-restrictive placements.








# Overarching Framework for Data Analysis









- **Gaps are not about an individual child or a group of children's failure to perform.**
- Rather, work should center on the **structural components** of education (and other) systems that may have failed to provide equitable opportunities for some groups of students.
- Specifically, LEA data districts or schools should examine the differences in:
  - opportunities that the **group of students with disabilities** identified with a success gap (e.g., children who are migrant, Black children, Hispanic/Latinx children) have experienced, and
  - the **outcome area** where the gap is occurring (e.g., graduation rates, reducing suspensions, mathematics proficiency, or special education disproportionality).






*Success Gaps Toolkit: Addressing Equity, Inclusion, and Opportunity.* Handbook, page 13



# Target Areas for Analysis & Improvement Planning

-  Graduation Rate
-  Dropout Rate
- 
  - MCAS Reading Grade 4
  - MCAS Reading Grade 8
  - MCAS Reading High School
  - MCAS Math Grade 4
  - MCAS Math Grade 8
  - MCAS Math High School
-  Edu. Environment: School-Age
-  Edu. Environment: Preschool

-  SPP/APR Indicator 4B
-  SPP/APR Indicator 9
-  SPP/APR Indicator 10
-  SPP/APR Indicator 11
-  SPP/APR Indicator 12
-  SPP/APR Indicator 13
-  Identification of Noncompliance Findings
-  Correction of Noncompliance

-  MOE Compliance Standard
-  SPP/APR Indicator 7 Useable Records
-  SPP/APR Indicator 14 Response Rate
-  Child Count Submitted on Time
-  Child Count Accurate and Reliable



# Three Goals for Engaging in Closing Gaps

Use data and evidence to:

1. Discover the **root cause** of the prioritized success gap(s);
2. Develop an **action plan** to effectively address the root cause
3. **Implement** your action plan and **monitor your progress**



# Fiscal Considerations to Serve Your Students Better

## Making Money Matter (M<sup>3</sup>)

- At least 2% of IDEA set aside required for systemic improvements at LEAs with *Needs Intervention* Special Education Determination
- Supports systemic activities and strategic planning, such as data collection, root cause analysis, action planning, & implementation of systemic interventions, with emphasis on equity, gap closing, and culturally responsive & inclusive practices.
- For more information:
  - <https://www.doe.mass.edu/turnaround/redesign/m3/>
  - Email: [specialeducation@doe.mass.edu](mailto:specialeducation@doe.mass.edu)

## Coordinated Early Intervening Services (CEIS)

- Services provided to students in K-12 *who are not identified as needing special education or related services*, but who need additional academic or behavioral support to succeed in general education.
- Allows any LEA to reserve up to 15 percent of their IDEA Part B for CEIS services to address needs of students.
- For more information:
  - [https://ideadata.org/sites/default/files/media/documents/2017-09/idc\\_ceis\\_chart.pdf](https://ideadata.org/sites/default/files/media/documents/2017-09/idc_ceis_chart.pdf)
  - Email: [specialeducation@doe.mass.edu](mailto:specialeducation@doe.mass.edu)





# Technical Assistance

# Technical Assistance Roadmap

1. Initial Orientation and Resources
2. Root Cause Analysis
3. Action Planning
4. Implementation and Follow-up



# Initial Orientation and Resources

- Introductory webinar
- Informational video
- Quick Reference Guide (QRG)
- Frequently Asked Questions (FAQ)
- Office hours



# Root Cause Analysis

- October convening
  - NI – 2 days
  - NA – 1 day
- Open webinars with Q&A (NA)
- Individual consult calls (NI)





# Action Planning

- January convening
  - NI – 1 day
  - NA – 1 day
- Open webinars with Q&A (NA)
- Individual consult calls (NI)



# Implementation and Follow-up

- Action plan submission and feedback
- New Determination Status letters
- Open webinars with Q&A (NA)
- Individual consult calls (NI)



# Requirements for NA and NI Districts

- Engagement with SSOS, OST, or CSSRD; and/or
- Engagement with PSM to address identified noncompliance or as part of Tiered Focused Monitoring activities; and/or
- Participation in required technical assistance activities (convenings)
- Engagement with SEPP and/or other Department offices to address other special education compliance and performance issues by:
  - Reviewing the district's special education related data
  - Conducting a root cause analysis
  - Developing an improvement plan aligned to that root cause analysis
- Prohibited from using the flexibility available under the Maintenance of Effort provisions of IDEA.



# Requirements for NI Districts

- Use of a portion of IDEA funds for the improvement of performance issues identified through the LEA determination system, i.e., Making Money Matter (M3)
- Attend consult calls with SPED Strategies





## Next Steps

# What should I do right now?

- Leverage the existing resources (QRC, FAQ)
- Begin gathering and exploring your data
- Think about your team
- Be ready to register for upcoming technical assistance



# THANK YOU

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