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

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**The term district, used throughout this FAQ, should be read to be inclusive of charter schools, innovation schools, and virtual schools.**

## **Authority & State Requirements**

**Why does the Department make determinations regarding Local Education Agencies’ (LEA) specific needs for technical assistance or intervention in special education (LEA Determinations)?**

The Individuals with Disabilities Education Act (IDEA) requires that states both monitor LEAs’ implementation of IDEA[[1]](#footnote-2) requirements and enforce those requirements. *See* [20 U.S.C. § 1416](https://sites.ed.gov/idea/statute-chapter-33/subchapter-ii/1416/) and [34 C.F.R. §300.600](https://sites.ed.gov/idea/regs/b/f/300.600).

**Is the Department required to issue LEA determinations annually?**

Yes, the Department must make LEA determinations annually about the performance of each LEA consistent with the requirements in IDEA. *See* [34 C.F.R. 300.600](https://sites.ed.gov/idea/regs/b/f/300.600). Similarly, the U.S. Department of Education annually determines if Massachusetts meets IDEA’s requirements, needs assistance in implementing them, needs intervention in implementing them, or needs substantial intervention implementing them. *See* [34 C.F.R. § 300.603](https://sites.ed.gov/idea/regs/b/f/300.603).

**How are IDEA’s requirements for states related to LEA determinations?**

IDEA requires states to make sure that IDEA’s requirements are carried out, that educational programs for students with disabilities are under the general supervision of persons responsible for educational programs for children with disabilities, and that they meet the state’s educational standards. *See* [34 C.F.R. 300.149](https://sites.ed.gov/idea/regs/b/b/300.149). It also requires that states make sure IDEA’s requirements are carried out consistent with requirements in the McKinney-Vento Homeless Assistance Act. *Id*.

One of the ways that the U.S. Department of Education works with states to improve results for children with disabilities is through its [Results Driven Accountability (RDA)](https://www2.ed.gov/about/offices/list/osers/osep/rda/index.html) system. This system has three components:

1. State Performance Plan/Annual Performance Reports (SPP/APR), which measures results and compliance. States are currently developing State Systematic Improvement Plans (SSIPs), designed to improve outcomes in targeted areas.
2. Determinations, which reflect state performance on results, as well as compliance.
3. Differentiated monitoring and support for all states, but especially low performing states.

Just as the U.S. Department of Education uses [determinations at the state level](https://sites.ed.gov/idea/idea-files/2022-determination-letters-on-state-implementation-of-idea/) to evaluate the provision of special education to students with disabilities, so does the Department use determinations at the district level to evaluate how IDEA’s requirements are being met at the local level. *See* Special Education Policy Memo SY2023-2024 — 3:2023-2024 Determinations of Need for Special Education Technical Assistance or Intervention

In July 2023, the U.S. Department of Education’s Office of Special Education and Rehabilitative Services released their [State General Supervision Responsibilities Under Parts B and C of the IDEA](https://sites.ed.gov/idea/idea-files/guidance-on-state-general-supervision-responsibilities-under-parts-b-and-c-of-the-idea-july-24-2023/) (OSEP 23-01). Within the document, there are specific factors a State must consider when making annual determinations of the performance of an LEA or EIS program. Those factors are:

1. Performance on Compliance Indicators
2. Valid and Reliable Data
3. Correction of Identified Noncompliance
4. Other data available to the State about the LEA’s or EIS program’s compliance with IDEA, which could include any relevant audit findings, or the denial of a Free and Appropriate Public Education, for example.

**What categories do states use for LEA determinations?**

The IDEA requires states to make determinations annually about the performance of each local educational agency using these categories:

1. *Meets requirements* and purposes of Part B (MR)
2. *Needs assistance* in meeting the requirements of Part B (NA)
3. *Needs intervention* in meeting the requirements of Part B (NI)
4. *Needs substantial intervention* in meeting the requirements of Part B (NSI)

See [Monitoring and Enforcement](https://sites.ed.gov/idea/topic-areas/#Monitoring-Enforcement)

**Where are LEA determinations publicly reported?**

The Department publishes an annual list of [LEA determinations](https://www.doe.mass.edu/sped/osep/determinations.html).

**What happens if the Department determines a district needs technical assistance or intervention?**

* If the Department determines that a district is not meeting the requirements of IDEA, including the targets in the State’s Performance Plan, the Department must prohibit that district from reducing its maintenance of effort under [34 C.F.R. § 300.203](https://sites.ed.gov/idea/regs/b/c/300.203) for any fiscal year. *See* [34 C.F.R. § 300.608](https://sites.ed.gov/idea/regs/b/f/300.608).
* States must mirror most, but not all, of the [enforcement](https://sites.ed.gov/idea/files/08-0101_Monitoring_FINAL_June_2009.pdf) actions outlined in IDEA for OSEP to use with states. [*See* 34 C.F.R. § 300.600](https://sites.ed.gov/idea/regs/b/f/300.600).
* States must require districts to prepare and implement a corrective action plan or improvement plan. [*See* 34 C.F.R. § 300.600](https://sites.ed.gov/idea/regs/b/f/300.600).
* States are not restricted from using any other authority available to monitor and enforce the requirements of IDEA. *See* [34 C.F.R. § 300.608](https://sites.ed.gov/idea/regs/b/f/300.608).

## **LEA Determination Rubric**

**How are LEA determinations made in Massachusetts?**

In Massachusetts, LEA determinations reflect both performance and compliance in special education. This year, the 5-Year Cohort Graduation rate and Least Restrictive Environment (Indicators 5 and 6) are prioritized by the Department, and thus are weighted accordingly.

In continuing to improve the identification process, the rubric has been adjusted for 2023. The rubric has been separated into Performance Criteria and Compliance Criteria to best reflect our State’s General Supervision Process. Criteria have been added or adjusted to meet requirements set forth by OSEP.

The performance section of the rubric specifically considers the following:

* Annual Dropout rate for students with disabilities (2022);
* 5-Year Cohort Graduation rates for students with disabilities (2021);
* Performance on Special Education State Performance Annual Plan/Annual Performance Report (SPP/APR) Indicator 3 (2023); and
* Performance on Special Education State Performance Annual Plan/Annual Performance Report (SPP/APR) Indicators 5 & 6 (SY 2022-2023).

The compliance section of the rubric specifically considers the following:

* Special Education State Performance Annual Plan/Annual Performance Report (SPP/APR) Indicators 4B, 9, & 10 (SY 2021-2022);
* Special Education State Performance Annual Plan/Annual Performance Report (SPP/APR) Indicators 11, 12, & 13 (SY 2022-2023);
* Identification of Non-Compliance # of Findings (Public School Monitoring (PSM)/Problem Resolution Systems (PRS) (SY 2022-2023); and
* Timely Submission/Verified Correction of Non-Compliance (SY 2022-2023).

This system is one way for the Department to measure district performance in key areas of special education performance and compliance. It is intended to start and/or continue a conversation with districts about how the Department can help support improvement.

**Are any categories in the rubric weighted?**

This year, the 5-Year Cohort Graduation rate is weighted x1.5 and the SPP/APR Performance Indicators (Indicators 5 and 6) rate is weighted x2.

**What are the total number of points that a district could earn using the rubric?**

It depends. The full rubric has a possible point scale of 38; however, not all districts will earn points for every column in the rubric. The lack of points in one or more of the rubric’s columns does not have a negative effect on the district’s calculation.

For example, if your district did not collect and report data for Indicators 11 (Child Find), Indicator 12 (Part C to Part B Transition), or Indicator 13 (Secondary Transition) during the determination cycle, the total possible points for your district are reduced by four, to 34.

For more information see Special Education Policy Memo SY2023-2024 — 3:2023-2024 Determinations of Need for Special Education Technical Assistance or Intervention.

**How are rubric points assigned for the LEA determination?**

|  |  |  |
| --- | --- | --- |
|  | **Performance** | **Compliance** |
| **Points** | **Annual Dropout Rate**(2022) | **5-Year Cohort Graduation Rate**(2021)*Points x1.5* | **Special Education State Performance Plan/Annual Performance Report (SPP/APR) Indicator 3**(2023) | **Special Education State Performance Plan/Annual Performance Report (SPP/APR)****Indicators 5 & 6**(SY2022-2023)*Points x2* | **Special Education State Performance Plan/Annual Performance Report (SPP/APR) Indicators****4B, 9, & 10**(SY2021-2022) | **Special Education State Performance Plan/Annual Performance Report (SPP/APR) Indicators****11, 12, & 13**(SY2022-2023) | **Identification of Noncompliance****# of Findings (PSM/PRS)**(SY2022-2023) | **Timely Submission/ Verified Correction of Noncompliance** (SY2022-2023) |
| 4 | Annual dropout rate for students with disabilities at or below the state’s all students rate (2.1%) | 5-year cohort graduation rate for students with disabilities at or above the state’s all students rate (91.8%) | Gap equal to or below state goal (29 percentage points) | Combined full inclusion rate of 75.0% or higher for students ages 3-21 | No compliance findings | All Indicators compliance percentages at or above 95.0%  | Less than 1.0 findings of special education noncompliance (per 1000 SWD) | All findings of noncompliance have been corrected or submitted in a timely manner (per 1000 SWD) |
| 3 | Annual dropout rate for students with disabilities at or below the state’s students with disabilities rate (3.4%), but above the state’s all students rate (2.1%) | 5-year cohort graduation rate for students with disabilities at or above the state’s students with disabilities rate (80.6%), but below the state’s all students rate (91.8%) | Gap above state goal (29 percentage points), but below 50th percentile (32 percentage points) | Combined full inclusion rate from 50.0% to 74.9% for students ages 3-21 | *At Risk* for any 1 indicator (4b, 9, 10). All others must be labelled *No* *Status* | Any one Indicator compliance percentage from 75.0% to 94.9% | 1.0-2.9 findings of special education noncompliance (per 1000 SWD)  | 0.1 to 1.0 findings of noncompliance not resolved within 1 year or not submitted in a timely manner (per 1000 SWD) |
| 2 | Annual dropout rate for students with disabilities from 3.5% to 5.9%  | 5-year cohort graduation rate for students with disabilities from 66.7% to 80.5%  | Gap equal to or above 50th percentile (32 percentage points) but below 75th percentile (40 percentage points) | Combined full inclusion rate from 35.0% to 49.9% for students ages 3-21 | *Identified* for any 1 indicator  | Any one Indicator compliance percentage from 55.0% to 74.9% | 3.0-3.9 findings of special education noncompliance (per 1000 SWD)  | 1.1 to 2.0 findings of noncompliance not resolved within 1 year or not submitted in a timely manner (per 1000 SWD) |
| 1 | Annual dropout rate for students with disabilities of 6.0% or higher  | 5-year cohort graduation rate for students with disabilities below 66.7%  | Gap equal to or above 75th percentile (40 percentage points) | Combined full inclusion rate below 35.0% for students ages 3-21 | *Identified* for 2 or more indicators  | Any one Indicator compliance percentage below 55.0% | 4.0 or more findings of special education noncompliance (per 1000 SWD)  | 2.1 or more findings of noncompliance not resolved within 1 year or not submitted in a timely manner (per 1000 SWD) |

**How is the LEA determination percentage calculated?**

|  |
| --- |
| *Numerator:* *(Sum of points earned across all categories with reportable data)**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_* *Denominator:* *(Total Number of Possible Points in Categories with Reportable Data)* |

**How is the LEA determination category assigned?**

|  |  |  |  |
| --- | --- | --- | --- |
| **Meets Requirements****(MR)** | **Needs Assistance** **(NA)** | **Needs Intervention** **(NI)** | **Needs Substantial Intervention (NSI)** |
| LEA determination percentage 75.0 – 100.0 | LEA determination percentage 65.0 – 74.9 | LEA determination percentage 0 – 64.9 | A substantial failure to comply with a condition of LEA eligibility under Part B of the IDEA ([300.200-300.213](https://sites.ed.gov/idea/regs/b/c))  |

## **Data Source**

**What if I think that the SIMS data was not coded/entered correctly?**

The data included in the calculation come from each district’s certified SIMS submissions. Data that were submitted and certified in a now-closed SIMS collection window are considered final and cannot be changed.

**How can I get a list of the students identified in the respective categories, i.e., graduation, dropout, LRE?**

Contact your district’s [directory administrator](https://www.doe.mass.edu/infoservices/data/diradmin/list.aspx).

## **Performance Indicators Used in the LEA Determination**

## **Annual Dropout Rate Calculation**

**Is this the same measurement as last year?**

Yes, only the school year has changed.

**What is the definition of dropout?**

[Dropout is defined](https://www.doe.mass.edu/infoservices/reports/gradrates/dropoutvsgrad.html) as students who leave school prior to graduation for reasons other than transfer to another school.

**How is the dropout rate calculated for LEA determinations?**

For LEA determinations, the Department calculates the dropout rate for students with disabilities in the same way that the dropout rate is calculated for all students.

[Dropout rate calculation](https://www.doe.mass.edu/infoservices/data/guides/dropout-calc.html):

|  |
| --- |
| *Numerator:* *(Summer Dropouts + School Year Dropouts) - Returned Dropouts]**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_* *Denominator:* *October 1 High School Enrollment* |

For example, the 2022 annual dropout rate is the percentage of students in grades 9-12 who dropped out of school between July 1, 2021, and June 30, 2022, and who did not return to school by October 1, 2022.

**Why did the Department use this calculation instead of SPP/APR Indicator 2 for the dropout rate?**

The Department used this calculation to support stakeholders’ ability to compare this rate to the all student rate for the state and by district.

**Where is my district’s dropout data publicly reported?**

[2022 Dropout Rate](https://profiles.doe.mass.edu/statereport/dropout.aspx): Use the dropdown lists to filter on year, rate type, and group.

**For dropout rates, which data do we use to reconstruct and analyze the data so that we can address these concerns?**

The [Security Portal](https://gateway.edu.state.ma.us/) has graduation and dropout reports, which you can access with the right permissions. (See screenshot below) If you do not have access to the report shown in the screenshot below, contact your district’s [directory administrator](https://www.doe.mass.edu/infoservices/data/diradmin/list.aspx).



**How can I get a list of the students identified in the dropout category?**

This information is available in a Security Portal application. Contact your district’s [directory administrator](https://www.doe.mass.edu/infoservices/data/diradmin/list.aspx).

**What resources are available to help me better understand this data?**

* [DESE Attendance and Dropout Reporting Guidance](https://www.doe.mass.edu/infoservices/data/sims/reporting-guidance.docx)
* [Understanding Dropout Calculations](https://www.doe.mass.edu/infoservices/data/guides/dropout-calc.html)
* Contact Education Data Services

## **5-Year Cohort** **Graduation Rate Calculation**

**Is this the same measurement as last year?**

The 5-Year Cohort Graduation Rate calculation is the same for the updated school year; it is weighted x1.5.

**How is the graduation rate calculated for LEA determinations?**

For LEA determinations, the Department calculates the 5-year graduation rate for students with disabilities in the same way that the 5-year graduation rate is calculated for all students.

The Department tracks a cohort of students from 9th grade through high school and then divides the number of students who graduate within 5 years by the total number in the cohort. In other words, the rate provides the percentage of the cohort that graduates in 5 years or less.

[5-year cohort graduation rate calculation](https://www.doe.mass.edu/infoservices/reports/gradrates/gradratesfaq.html):

|  |
| --- |
| *Numerator:* *# of students in cohort who graduate in****5****years or less*  *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_* *Denominator:* *[# of 1st time entering 9th graders in 2015–16] − transfers out + transfers in*  |

**Why did the Department use this calculation instead of SPP/APR Indicator 1 for the graduation rate?**

The Department used this calculation to include students with disabilities who appropriately continue attending school for more than four-years. Also, this calculation supports stakeholders’ ability to compare it to the all student rate for the state and by district.

**For districts that have strong programs for students 18-22, what is the impact on this measurement? Does this inappropriately impact districts’ overall LEA determination rating?**

All students with IEPs must be represented in the LEA determinations– the special education accountability and assistance system. Enrolled 18-22 students do not inappropriately impact this measurement or a district’s overall determination calculation.

In most districts, there are small numbers of 18-22 students enrolled. A district’s graduation rate could be lower if they have many students with significant disabilities who are appropriately staying enrolled beyond 4 years. However, this measure’s impact on the overall determination calculation is reasonable as it represents only one of seven measures in the rubric.

**Where is my district’s 5-year cohort graduation data publicly reported?**

[2021 5-Year Graduation Rate](https://profiles.doe.mass.edu/statereport/gradrates.aspx): Use the dropdown lists to filter on year, rate type, and group.

**Why are the graduation rates for our high school different than the district?**

Publicly funded students placed in collaboratives and private special education schools are included in the district rates. School rates only include students enrolled at the high school.

For more information see Information Services [Frequently Asked Questions](https://www.doe.mass.edu/infoservices/reports/gradrates/gradratesfaq.html#6) #6.

**For graduation rates, which data do we use to reconstruct and analyze the data so that we can address these concerns?**

The [Security Portal](https://gateway.edu.state.ma.us/) has graduation and dropout reports, which you can access with the right permissions. (See screenshot below) If you do not have access to the report shown in the screenshot below, contact your district’s [directory administrator](https://www.doe.mass.edu/infoservices/data/diradmin/export_list.aspx).



**How can I get a list of the students identified in the respective categories?**

This information is available in a Security Portal application. Contact your district’s [directory administrator](https://www.doe.mass.edu/infoservices/data/diradmin/export_list.aspx).

**What resources are available to help me better understand this data?**

* [Graduation Rates](https://www.doe.mass.edu/infoservices/reports/gradrates/)
* Information Services [Frequently Asked Questions](https://www.doe.mass.edu/infoservices/reports/gradrates/gradratesfaq.html#6)
* Contact Education Data Services

## **SPP/APR Indicator 3 - NEW**

This year, the Department has introduced a new data point, using information from the State Performance Plan and Annual Performance Report (SPP/APR) Indicator 3- Statewide Assessment. Indicator 3 includes four separate measurements, across six different groups. For the 2023-2024 Determinations, the Department is using Indicator 3D (Gap in Proficiency Rates for Students with IEPs to All Students), specifically looking at the group that contains: Grade 8 Reading data. For districts that do not have Grade 8 students or data, this category will not be used in their LEA Determination rating.

**What is the Gap in Proficiency Rates?**

The data for this Indicator looks at the proficiency rate for children with IEPs, scoring at or above proficient on the MCAS (Exceeding Expectations and Meeting Expectations), subtracted from the proficiency rate for all students scoring at or above proficient on the MCAS (Exceeding Expectations and Meeting Expectations)

**Why Proficiency Gap in Grade 8 Reading**?

Since there are multiple measurements within Indicator 3 and six different data sources (Grades 4, 8, and HS for both Reading and Math), the Department wanted to choose a single group in be used in this years Determination and looked at historical data for the performance across all groups, and chose Grade 8 Reading as the entry point. The Department will reassess the inclusion of Indicator 3 and adding in more groups in future years.

**Where Can I Find this Data?**

Data regarding the Achievement Results for All Students and Students with IEPs can be found at <https://profiles.doe.mass.edu/statereport/nextgenmcas.aspx>. You can filter by Grade level and Student Groups.

## [**SPP/APR Performance Indicators 5 & 6 Calculation**](#_SPP/APR_Performance_Indicators)

**Is this the same measurement as last year?**

Yes, only the school year has changed. The measurement is still weighted x2.0.

**How is this rate calculated for LEA determinations?**

The Department calculates this rate directly from SIMS, it’s not in the Special Education reports published on the website. It represents a district’s full inclusion rate ages 3 through 21.

|  |
| --- |
| *Numerator:* *[# of SwD in full inclusion (K through age 22)] + [# of SwD* whose IEP services are provided in inclusive settings for the majority of the time, i.e., greater than 50% (ages 3–5 in early childhood environments)]\**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_* *Denominator:* *# of SwD enrolled* |

\*(The numerator’s SIMS Codes include DOE034 – 10 and DOE032 – 31 & 34.)

**Some districts receive a large number of students who are DCF-involved and already have a placement outside of full inclusion when enrolled. Has the Department considered this in the scoring/weighting of this measurement? Does this inappropriately impact districts’ overall LEA determination rating?**

Yes, the Department has considered this. All students with IEPs have a right to FAPE and must be represented in the LEA determinations– the special education accountability and assistance system.

In most districts, there are small numbers of students enrolled that fit this description. A district’s rate could be lower if they have many students who are assigned to a district because of a student’s DCF-involvement. However, this measure’s impact on the overall determination calculation is reasonable as it represents only one of seven measures in the rubric.

**What resources are available to help me better understand this data?**

* [Learn more about the SPP/APR Indicators](https://www.doe.mass.edu/sped/spp/indicators/)
* [State Performance Plan (MA SPP) and Annual Performance Reports (MA APR)](https://www.doe.mass.edu/sped/spp/maspp.html)
* Contact Special Education Planning and Policy Development

## **Compliance Indicators Used in the LEA Determination**

## **SPP/APR Compliance Indicators 4B, 9, & 10**

**Is this the same measurement as last year?**

Yes, only the school year has changed.

**What resources are available to help me better understand this data?**

* Public reporting on [School and District Profiles](https://profiles.doe.mass.edu/statereport/special_education.aspx)
* [State Performance Plan (MA SPP) and Annual Performance Reports (MA APR)](https://www.doe.mass.edu/sped/spp/maspp.html)
* [Rethinking Discipline, Significant Disproportionality, and Indicators 4, 9, and 10](https://www.doe.mass.edu/sfs/discipline/indicators-4-9-10.pdf#search=%22discipline%22)
* Contact Special Education Planning and Policy Development

## **SPP/APR Compliance Indicators 11, 12, and 13 - NEW**

Previously compliance Indicators 11 (Child Find), 12 (Part C to Part B Transition), and Indicator 13 (Secondary Transition) were included in the Public School Monitoring Compliance column in an LEAs Determination Rating. As required by the Office of Special Education Programs (OSEP) a State must include all compliance Indicators as part of their annual LEA Determinations[[2]](#footnote-3). Therefore, they are their own category in this year’s LEA Determinations.

**What data is included in this category?**

When a district goes through Tiered Focus Monitoring Group A, they submit their Indicators 11-13 data to the Department through a Web Based Monitoring System (WBMS). The data is analyzed by Monitoring Specialists at the Department and compliance for each record for all three Indicators is determined. A compliance percentage, by Indicator, is then calculated and is used for this category.

**How is Compliance Calculated?**

Each Indicator has a slightly different calculation and takes into consideration a number of factors, but largely compliance is calculated by dividing the number of records that were compliant with IDEA regulations by the total number of records in the data set. For more information about each Indicator you can visit:

* [Indicator 11 Quick Reference Guide](https://www.doe.mass.edu/sped/spp/indicators/indicator11/)
* [Indicator 12 Quick Reference Guide](https://www.doe.mass.edu/sped/spp/indicators/indicator12/)
* [Indicator 13 Quick Reference Guide](https://www.doe.mass.edu/sped/spp/indicators/indicator13/indicator13-qrg.docx)

**What if my district did not get monitored for Group A TFM?**

There would be no compliance data to report and this category would not count towards your Determination rating for this year.

## **Identification of Non-Compliance # of Findings – NEW**

For this year, the number of findings of special education non-compliance found either through Public School Monitoring’s (PSM) Tiered Focus Monitoring (Group A and Group B) or through Problem Resolution Systems (PRS) is combined into a single category.

**Is this the same measurement as last year?**

The short answer is ‘Yes’ and ‘No’. The Department is using the same data points as last year, but combining both PSM and PRS into a single category and the measurement is still calculated per 1000 students with disabilities to better account for the district size. The calculation includes all special education findings and complaints resulting in a non-compliance finding during the determination cycle, regardless of when the complaint is presently open pending corrective action implementation or has been closed.

**Why is my LEA determination data showing more/less findings than the district received?**

This is a rate, not a count. It standardizes the way we think about complaints. Getting 5 complaints in a small district is different from getting 5 complaints in a very large district.

**What resources are available to help me better understand the PSM data?**

* [PSM Webpage](https://www.doe.mass.edu/psm/)
* [TFM Toolkit](https://www.doe.mass.edu/psm/resources/tfm-toolkit.docx)
* [TFM Reports](https://www.doe.mass.edu/psm/tfm/reports/)

**What resources are available to help me better understand the PRS data?**

* [PRS website](http://www.doe.mass.edu/prs/)
* [PRS Liaisons](https://www.doe.mass.edu/prs/specialist.html)
* [PRS Information Guide](https://www.doe.mass.edu/prs/guide/default.html)
* Contact the Problem Resolution System Office

## **Timely Submission/Verified Correction of Non-Compliance – NEW**

Consistent with OSEP Memo 23-01, a state must use valid, reliable, and timely data and the verification of correction of non-compliance when determining a LEAs Determination rating. Once a finding of non-compliance has been issued to a district, they have one year from date of notification, to correct the issues pertaining to non-compliance. Within this category, the Department is using any outstanding findings of non-compliance that have not been corrected within the one-year timeframe and/or the district did not supply the Department with the necessary documentation related to non-compliance within a timely manner.

Similarly, to the Identification of Non-Compliance, this is a rate, not a count. It standardizes the way we think about the correction and submission of data to the Department. Uncorrected findings or data not submitted in a timely manner in this category are lag data and come from the previous school year (2021-2022).

## **Maintenance of Effort (MOE)**

**The LEA determination letter for my district talked about MOE; can you tell me more about that?**

The [maintenance of effort (MOE)](https://www.doe.mass.edu/federalgrants/idea/qrg-moe.docx) requirement obligates LEAs receiving funds under IDEA Part B Section 611 (DESE Fund Code 240) and 619 (DESE Fund Code 262) to budget and spend at least the same amount of local and state funds for the education of children with disabilities on a year-to-year basis.

Districts receiving NA, NI, or NSI determinations must not use the MOE adjustment flexibility available under IDEA and must budget for special education in 20232-2023 at least as much state and local funds in the aggregate or per pupil as it budgeted and spent the last year it met MOE.

**What resources are available to help me better understand this data?**

* [IDEA Local Educational Agency Maintenance of Effort Quick Reference Guide](https://www.doe.mass.edu/federalgrants/idea/qrg-moe.docx)
* [34 CFR §300.203](https://sites.ed.gov/idea/regs/b/c/300.203)
* [34 CFR §300.204](https://sites.ed.gov/idea/regs/b/c/300.204)
* [34 CFR §300.205](https://sites.ed.gov/idea/regs/b/c/300.205)
* Center for IDEA Fiscal Reporting (CIFR) [LEA MOE Calculator](https://cifr.wested.org/resources/lea-moe/calculator/)
* Center for IDEA Fiscal Reporting (CIFR) [LEA MOE Organizer](https://cifr.wested.org/resources/lea-moe/organizer/)

## **Assistance**

**What does a district need to do if determined to Meet Requirements (MR)?**

There are no activities required.

**What does a district need to do if determined to Need Assistance (NA)?**

1. All districts determined NA should review the[, January 31, 2023, technical assistance webinar](https://youtu.be/XwMEoFFOVt8) (excluding slides 9-12). This resource will help you:
	* + Understand the calculations used to make the LEA determinations.
		+ Identify the appropriate DESE office to assist with questions related to the determinations.
		+ Understand the fiscal implications of LEA determinations.
		+ Recognize district leadership roles related to the LEA determinations.
		+ Integrate data from the LEA determinations in school and district improvement planning.
		+ Become familiar with various frameworks and evidenced-based practices for improvement planning.
		+ Start and/or continue an evidence-based improvement planning process.
2. NA districts ***must not use the flexibility available under the*** [***MOE***](#_MOE) ***provisions of IDEA*** and must budget for special education in 2023-2024 at least as much state and local funds in the aggregate or per pupil as it budgeted and spent in the last year it met MOE.
3. Districts that are in their second year as NA, should ensure improvement planning is on track based on the process and tools outlined in last year’s webinar. This year the Department will provide at least one technical assistance webinar that will address next steps:
	* + Developing an Action Plan
		+ Implementing the Plan
		+ Monitoring Progress
4. All districts will be notified about technical assistance opportunities, as all are welcome to participate; however, *districts that are determined as NA are required to participate.*

**What does a district need to do if determined as NI or NSI?**

1. All districts determined NI should review the, [January 31, 2023 technical assistance webinar](https://youtu.be/XwMEoFFOVt8) (excluding slides 9-12). This resource will help you:
	* + Understand the calculations used to make the LEA determinations.
		+ Identify the appropriate DESE office to assist with questions related to the determinations.
		+ Understand the fiscal implications of LEA determinations.
		+ Recognize district leadership roles related to the LEA determinations.
		+ Integrate data from the LEA determinations in school and district improvement planning.
		+ Become familiar with various frameworks and evidenced-based practices for improvement planning.
		+ Start and/or continue an evidence-based improvement planning process.
2. NI districts ***must not use the flexibility available under the*** [***MOE***](#_Maintenance_of_Effort) ***provisions of IDEA*** and must budget for special education in 2023-2024 at least as much state and local funds in the aggregate or per pupil as it budgeted and spent in the last year it met MOE.
3. Districts that are in their second year as NI, should ensure improvement planning is on track based on the process and tools outlined in last year’s webinar. This year the Department will provide at least one technical assistance webinar that will address next steps:
	* + Developing an Action Plan
		+ Implementing the Plan
		+ Monitoring Progress
4. All districts will be notified about technical assistance opportunities, as all are welcome to participate; however, *districts that are determined as NI are required to participate.*
5. NI districts are required to participate in [Making Money Matter (M3)](#_Making_Money_Matter).
6. The Department will assign NI districts a LEA determination liaison, who will contact you. Prior to contacting you, the determination liaison will coordinate with your current assistance liaison (SSoS, OST, Charter, SEPP, PSM), if any, to ensure there is a cohesive approach to providing your district with technical assistance, support, and/or intervention.

**Is there a list of districts that have been identified for networking and comparative purposes? Can we access information to identify groups of districts that have been identified for similar reasons (to attempt share resources/ideas/practices)?**

No. However, this is being considered as part of the [M3](#_Making_Money_Matter) activities for this year. If your district is interested, please contact Abi Slayton at Abigail.T.Slayton@mass.gov.

Districts may consider using the [special education RADAR report](https://www.doe.mass.edu/research/radar/) to identify similar districts for comparative and networking purposes. Districts are encouraged to work with existing assistance teams (SSoS, OST, Charter, PSM, SEPP) with their Special Education liaison to align with existing improvement plans.

A list of all districts’ LEA determinations is available at [MA Local Education Agencies' (LEA) Determinations of Need](https://www.doe.mass.edu/sped/osep/determinations.html) webpage.

**What resources are available to help me better understand this data?**

The [MA Local Education Agencies' (LEA) Determinations of Need](https://www.doe.mass.edu/sped/osep/determinations.html) webpage has helpful resources.

## **Making Money Matter (M3)**

**What is Making Money Matter (M3)?**

The [Making Money Matter](https://www.doe.mass.edu/turnaround/redesign/m3/) (M3, AKA "M-cubed") project, is part of the Massachusetts [Results Driven Accountability (RDA)](https://www.doe.mass.edu/sped/osep/resultsdrivenaccountability.html) initiative. This initiative is intended to promote targeted use of federal special education funds in ways that are designed to lead to improved outcomes for students with Individualized Education Programs (IEPs). Districts determined as NI or NSI are identified for M3 participation and are directed to use a portion of the funds made available under the IDEA Part B special education entitlement grants, known as Fund Code (FC) 240 and (FC) 262, for the improvement of performance issues identified through LEA determinations– the special education accountability and assistance system.

The title of this initiative, Making Money Matter, represents the power of leveraging a small percentage of funds to effect systemic impact on outcomes for students with IEPs. The nomenclature, M3 (M cubed) focuses on the exponential benefits districts can obtain with this set aside to outcomes for individual students through system level improvements.

M3 districts are required to direct at least 2% of their total special education entitlement allocation toward targeted systemic improvement of performance outcomes for students with disabilities *in the areas of need identified* in the [LEA determination rubric](#_Rubric). Districts may choose to direct more of their IDEA allocation toward M3 activities in order to create meaningful and sustainable systemic change and to accelerate progress for students with IEPs.

All districts participating in M3 must submit the [M3 Year-end Report](https://www.doe.mass.edu/turnaround/redesign/m3/yearend-report-template.docx)by June 30.

**Which districts must participate and for how long?**

Districts required to participate in M3 are those with a LEA determination level of Needs Intervention (NI) or Need Substantial Intervention (NSI).

Districts that have been designated for participation previously and have participated for less than 3 years are encouraged to continue so that they can complete the goals of their 3-year strategic improvement plan.

**If a district received a NI or NSI determination last year and was required to begin the improvement planning and implementation process including M3, but received a MR determination this year, how does that impact Making Money Matter?**

If the district has already been an M3 participant for at least 3 years, they will not be required to participate in M3 as long as their LEA determination is Meets Requirements (MR).

The Department encourages districts that no longer need to participate in M3 to continue the activities they began with M3. Those districts can continue to use their special education funds for those activities and strategies identified through the M3 process at the discretion of the district but are not required to by DESE.

**What are some examples of evidence-based planning frameworks?**

* [Planning for Success](https://www.doe.mass.edu/research/success/)
* [Success Gaps Toolkit: Addressing Equity, Inclusion, and Opportunity](https://www.ideadata.org/resources/resource/1538/success-gaps-toolkit-addressing-equity-inclusion-and-opportunity)
* [DESE District Data Team Toolkit](https://www.doe.mass.edu/accountability/toolkit/district-data-toolkit.pdf)
* [Active Implementation](https://nirn.fpg.unc.edu/ai-hub)
* [Data Wise](https://datawise.gse.harvard.edu/)

**What if the evidence-based planning framework we are using isn’t in that list?**

Any other planning frameworks used, should include the following essential elements:

1. Data-based Decision Making
2. Cultural Responsiveness
3. Core Instructional Program
4. Ongoing assessment – Universal Screening and Progress Monitoring
5. Evidenced-Based Instructional and Positive Behavioral Interventions and Supports
6. District/School Leadership that Facilitates Improvement
7. Parent/Family Engagement throughout the Educational Process and System

**What resources are available to help me better understand M3?**

* [Making Money Matter (M3)](https://www.doe.mass.edu/turnaround/redesign/m3/)
* [M3 First Year Participation and Planning Year Guide](https://www.doe.mass.edu/turnaround/redesign/m3/firstyear.html)
* [M3 Introduction](https://www.doe.mass.edu/turnaround/redesign/m3/introduction.pptx)
* [M3 Video Conference Slides](https://www.doe.mass.edu/turnaround/redesign/m3/m3-video-conference.pptx)
* [*Equity in Special Education Placement: School Self-Assessment Guide for Culturally Responsive Practice*](https://www.researchgate.net/profile/Alfredo-Artiles/publication/265225110_Equity_in_Special_Education_Placement_A_School_Self-Assessment_Guide_for_Culturally_Responsive_Practice/links/54b7da710cf269d8cbf5529e/Equity-in-Special-Education-Placement-A-School-Self-Assessment-Guide-for-Culturally-Responsive-Practice.pdf) by ResearchGate (2005)
* [Results Driven Accountability](https://www.doe.mass.edu/sped/osep/ResultsDrivenAccountability.html)
* [Special Education Accountability and Assistance Webinar — Support for Districts with a Determination of Needs Assistance (NA) and Needs Intervention (NI)](https://www.doe.mass.edu/sped/osep/determinations.html)

## **Additional Questions**

**Why have some of the calculations changed?**

We are committed to improving the LEA determination process. This is a work in progress and the Department appreciates feedback.

**Where can I find data resources?**

|  |  |
| --- | --- |
| **Measure** | **Resources/Reports** |
| **Annual Dropout Rate** | Profiles: <https://profiles.doe.mass.edu/statereport/dropout.aspx>[Security Portal](https://gateway.edu.state.ma.us/): Dropout Data Summary Report |
| **Graduation Rate** | Profiles: <https://profiles.doe.mass.edu/statereport/gradrates.aspx> [Security Portal](https://gateway.edu.state.ma.us/): Graduation Rate Reports |
| **SPP/APR Indicator 3 – Grade 8 Reading Gap in Proficiency Rates** | Profiles: <https://profiles.doe.mass.edu/statereport/nextgenmcas.aspx> [Security Portal](https://gateway.edu.state.ma.us/): Assessment – Achievement Analysis |
| **SPP/APR Performance (5, & 6)** | The 3-21 LRE rate is calculated by DESE specifically for the LEA determinations Indicator 5: SIMS element DOE034 – 10 Indicator 6: SIMS element DOE032 – 31 & 34 |
| **SPP/APR Compliance (4B, 9, & 10)** | Flagged and Identified Districts have data emailed to the Superintendent and Special Education DirectorPublicly reporting on district status: <https://profiles.doe.mass.edu/statereport/special_education.aspx> |
| **SPP/APR Compliance (11-13)** | Indicators 11-13 data are submitted to the Department using the Web Based Monitoring System (WBMS) when a district goes through Group A of the TFM. |
| **Identification of Non-Compliance and Timely Submission/Verified Correction of Non-Compliance** | **Public School Monitoring** Public School Tiered Focused Monitoring Reports: <https://www.doe.mass.edu/psm/tfm/reports/> **Problem Resolution System**compliance@doe.mass.edu |

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## **Department Contact Information**

**Who do I contact with additional data questions?**

|  |  |
| --- | --- |
| **Measure** | **Resources/Reports** |
| **Annual Dropout Rate****Graduation Rate** | data@doe.mass.edu  |
| **Indicator 3 – Statewide Assessment (MCAS)** | [mcas@doe.mass.edu](https://www.doe.mass.edu/contact/qanda.aspx?orgcode=ATAC_SA09) |
| **Special Ed. SPP/APR Performance (5, & 6)** | Specialeducation@doe.mass.edu  |
| **Special Ed. SPP/APR Compliance (4B, 9, & 10)** | Specialeducation@doe.mass.edu  |
| **SPP/APR Compliance (11-13)** | <https://www.doe.mass.edu/psm/contact-info.html>specialeducation@doe.mass.edu |
| **Problem Resolution System Complaints** | compliance@doe.mass.edu |
| **Public School Monitoring Compliance** | <https://www.doe.mass.edu/psm/contact-info.html>  |

1. References to IDEA made in this document concern IDEA Part B. IDEA Part B includes provisions related to formula grants that assist states in providing a free appropriate public education in the least restrictive environment for children with disabilities ages three through 21. *See* [IDEA Statute and Regulations](https://sites.ed.gov/idea/statuteregulations/). [↑](#footnote-ref-2)
2. OSEP Memorandum 23-01: State General Supervision Responsibilities Under Parts B and C of the IDEA <https://sites.ed.gov/idea/files/Guidance_on_State_General_Supervision_Responsibilities_under_Parts_B_and_C_of_IDEA-07-24-2023.pdf> [↑](#footnote-ref-3)