



State to Local Determinations



Presenters

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OSEP Requirements of States

- ▶ Pursuant to 616(a)(1)(c)(i) and 300.600(a)[for Part B]
 - States are required to make “Determinations” annually under 616(d) and the performance of Local Education Agencies (LEAs).

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OSEP Requirements of States (cont.)

- ▶ States must use the same four categories as OSEP in making Determinations of the status of local programs.
- ▶ These categories are:
 - Meets Requirements
 - Needs Assistance
 - Needs Intervention
 - Needs Substantial Intervention

OSEP Requirements of States (cont.)

▶ States *must* consider ...

- Performance on Compliance Indicators;
- Whether data submitted by LEAs are valid, reliable, and timely;
- Uncorrected noncompliance from other sources; and
- Any audit findings.

OSEP Requirements of States (cont.)

- ▶ In addition, States could also consider ...
 - Performance on Performance/Results Indicators; and
 - Other information.

When to Make Determinations ...

- ▶ Although there is no specific timeline in statute or regulations when Determinations must be made, States should consider making Determinations:
 - As soon as possible after issuing their annual report to the public.
 - In a timely manner so that LEAs can take actions necessary for improvement.
 - Before sub grants are issued to LEAs.

Reporting Requirements

- ▶ Individuals with Disabilities Education Act (IDEA) does not require States to report Determination decisions to the U.S. Department of Education or to the public.
- ▶ States, of course, must inform each LEA of the State's Determination.



Determinations and Enforcement

- ▶ In addition to IDEA requirements, States may also use enforcement mechanisms and actions in State Rules, regulations, or policies.



New Mexico's Process for Developing an Accountability System

▶ Stakeholder Involvement

- State Advisory Panel
- Stakeholders involved with the development of the SPP/APR
- Parents Reaching Out
- NMCASE
- NMPED Divisions
 - ▶ Instructional Support
 - ▶ Quality Assurance and Systems Integration



New Mexico's Process for Developing an Accountability System

- ▶ Issues and Questions regarding the Process:
 - How can NM develop an accountability system that focuses on student outcomes and results?
 - How can the indicators be incorporated in the EPSS and support the one plan improvement process?

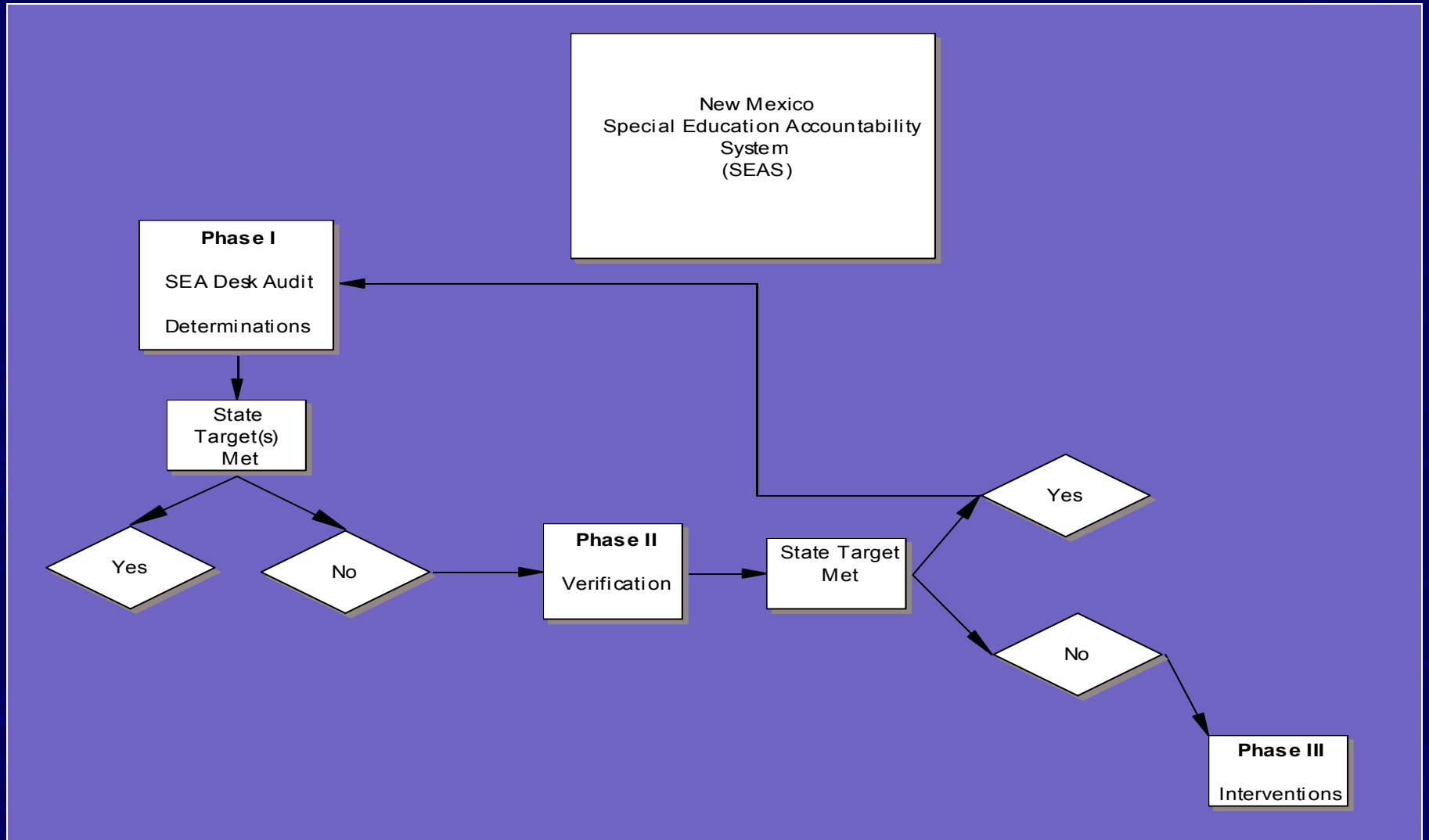
New Mexico's Process for Developing an Accountability System

- ▶ How can NM take a “proactive approach” and focus on improvements now, as opposed to in two years?
- ▶ How can the NMPED support LEAs through various resources that will not only improve the LEAs, but will improve the State's performance?
- ▶ How does NM phase out the focused monitoring process?

New Mexico's Process for Developing an Accountability System

- ▶ Development of the Special Education Accountability System (SEAS)
 - Transparent
 - Balance and Fairness
 - Professional Development and Technical Assistance early in the process
- ▶ Provide assurances to OSEP the State is carrying out its General Supervision responsibilities under IDEA

Special Education Accountability System (SEAS)

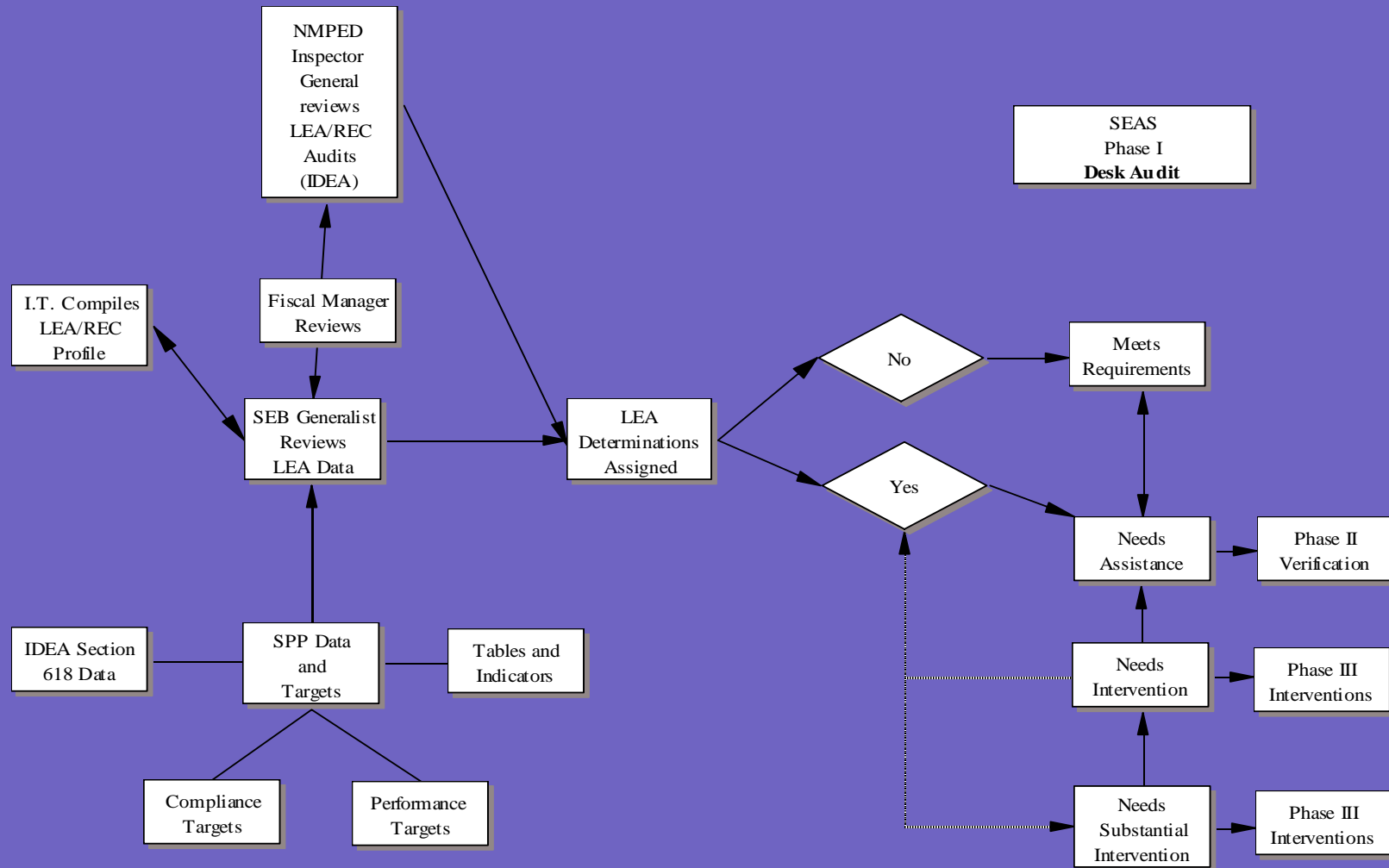


SEAS Phase I (Desk Audit)

- ▶ An examination of all LEAs every year
 - Compliance Indicators
 - Performance/Results Indicators
 - Timely, valid, and reliable submission of data to the State
 - Audit findings
 - Uncorrected non-compliance
 - Other

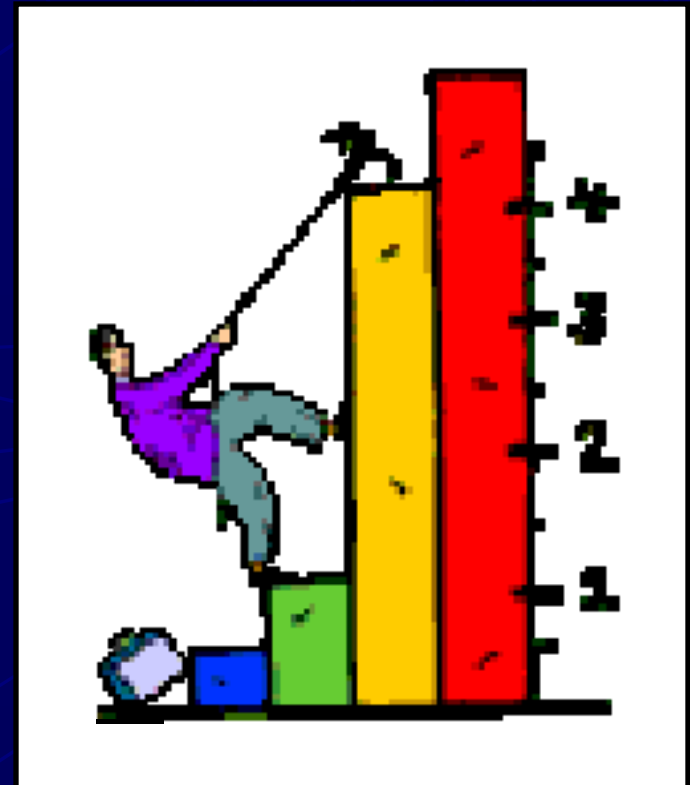


SEAS Phase I (Desk Audit)



SEAS Phase II (Verification)

- ▶ **Assigned Needs Assistance Determination**
- ▶ Work with SEB Generalist
- ▶ Verification of data
- ▶ Advised of technical assistance

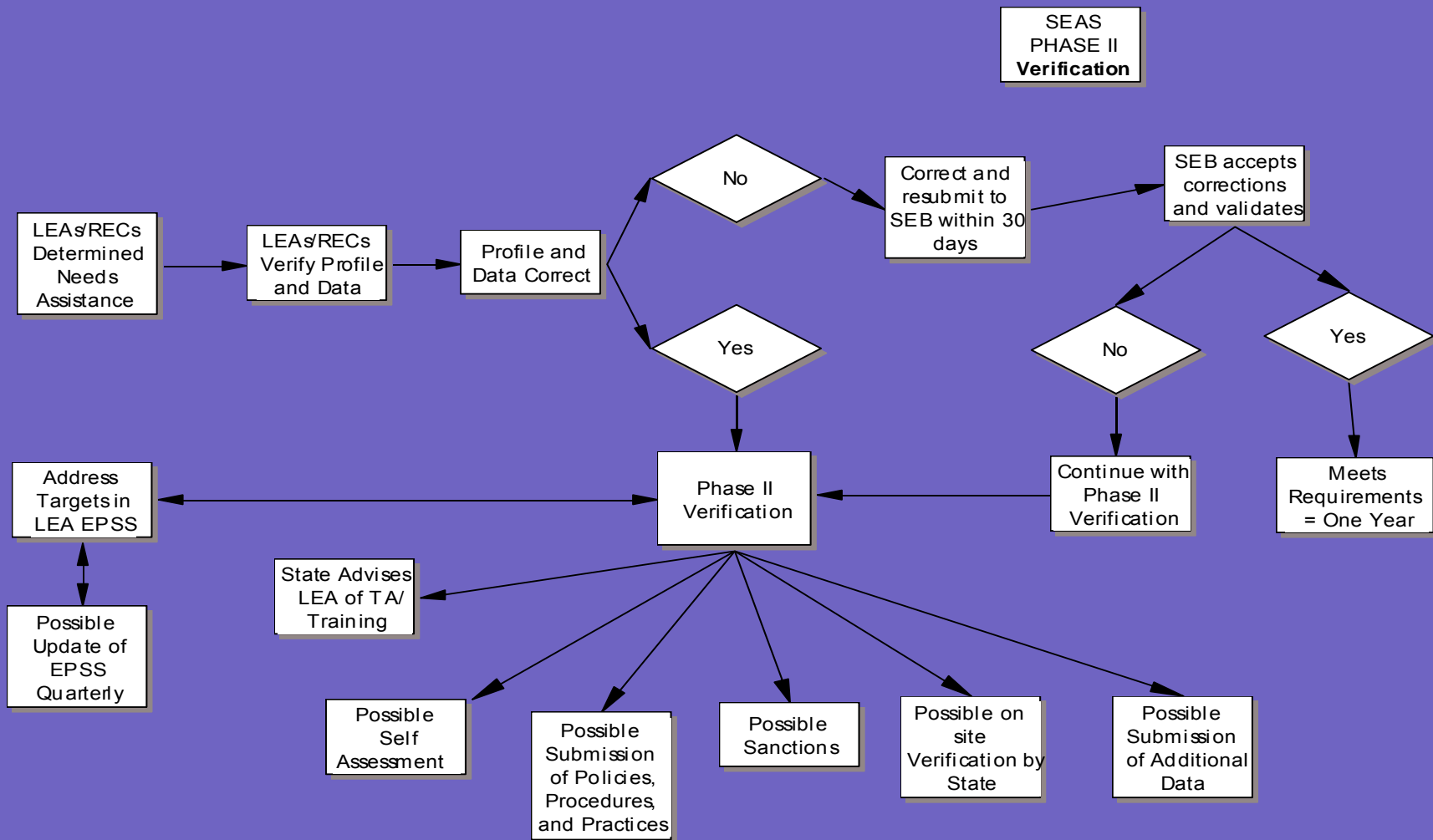


SEAS Phase II

- ▶ Make corrections in EPSS, non-compliance corrected as soon as possible, but in no case later than one year
- ▶ Other requirements



SEAS Phase II



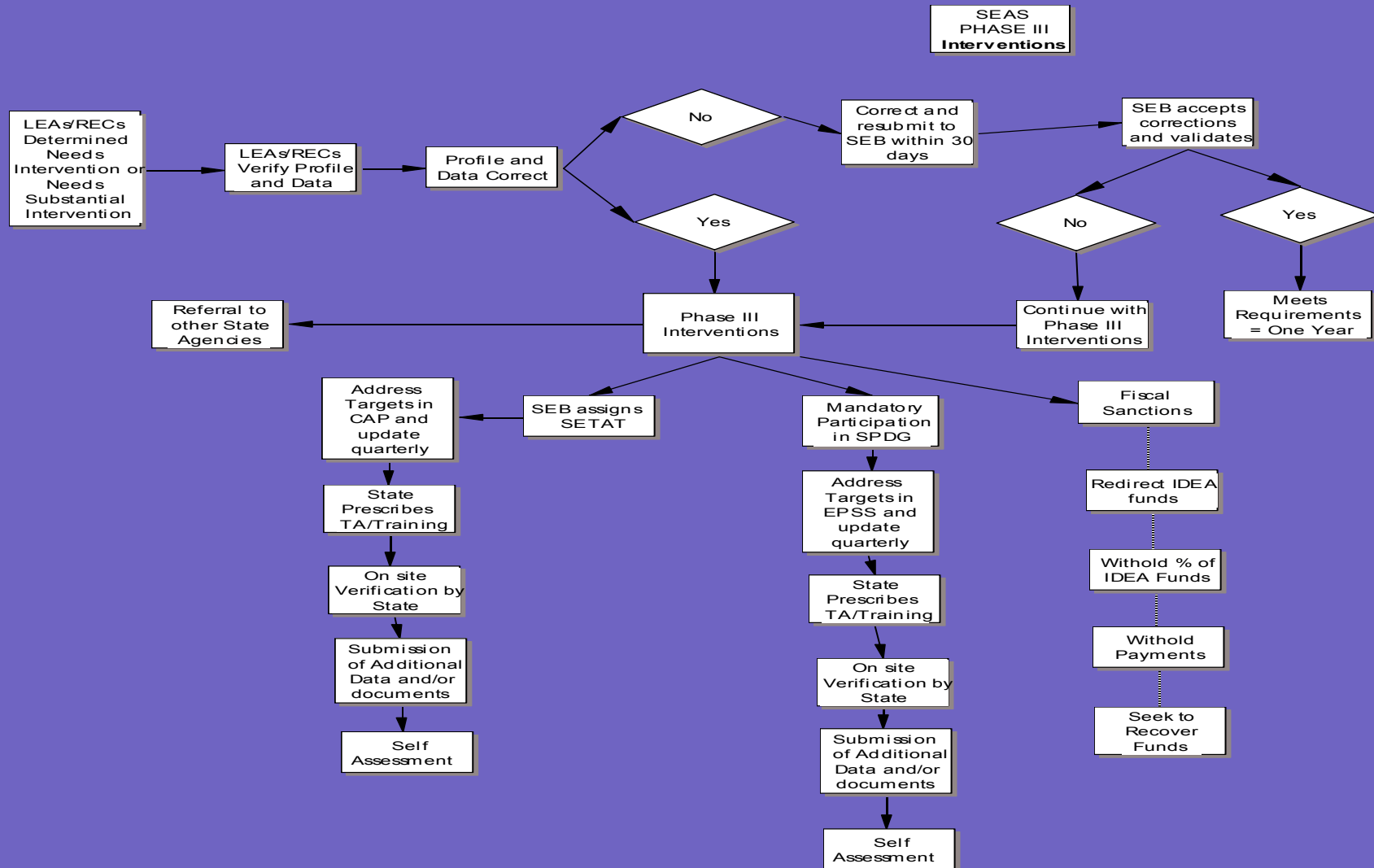
SEAS Phase III (Interventions)

- ▶ **Assigned Needs Intervention Determination**
- ▶ Improvements made in EPSS – updated quarterly
- ▶ Mandatory Participation in the Leadership Development Project
- ▶ Additional data submission
- ▶ Possible on-site verification
- ▶ Prescribed training and technical assistance

SEAS Phase III (Interventions)

- ▶ **Assigned Needs Substantial Intervention Determination**
- ▶ State assigns a Special Education Technical Assistance Team (SETAT)
- ▶ Corrective Action Plan (CAP)
- ▶ Prescribed training and technical assistance
- ▶ On-site verification
- ▶ Possible fiscal sanctions

SEAS Phase III (Interventions)



New Mexico's Process



In Closing ...

- ▶ Allocate State-level fiscal and human resources to improve student outcomes and support LEAs
- ▶ Proactive approach – work with LEAs now as opposed to later
- ▶ Improved LEA Compliance/Results = Improved State Compliance/Results

Questions?



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