



Local Determinations Individuals with Disabilities in Education Act (IDEA 2004)

Updated February 22, 2012

The document is intended to provide detailed information about the local determinations process used by the Indiana Department of Education (IDOE) as an important component of its Continuous Improvement Focused Monitoring System (CIFMS). It also provides information about the consequences associated with these local determinations.

The Individuals with Disabilities in Education Act (IDEA 2004) requires states to make annual determinations on the performance of each local education agency (LEA) in implementing the requirements and purposes of the IDEA 2004, with regard to the provision of special education and related services. Determinations are a way of designating the status of local districts into one of the following four categories, as outlined in 34 CFR§ 300.600 of IDEA 2004:

- **Meets Requirements** and purposes of IDEA 2004;
- **Needs Assistance** in meeting the requirements and purposes of IDEA 2004;
- **Needs Intervention** in meeting the requirements and purposes of IDEA 2004; and
- **Needs Substantial Intervention** in meeting the requirements and purposes of IDEA 2004.

States are required to make local determinations based on data collected for indicators identified by the United States Department of Education's Office of Special Education Programs (OSEP). There are 20 indicators, divided into two categories: Compliance Indicators (which measure compliance with requirements of IDEA 2004) and Performance Indicators (which measure results for students with disabilities).

States may consider LEA outcomes on performance indicators; however, states are required, at a minimum, to consider the following data when making local determinations:

- Indicators 9 and 10: Disproportionality
- Indicator 11: Initial Evaluation Timelines
- Indicator 12: Part C to Part B Transition
- Indicator 13: Post Secondary Transition Planning
- Indicator 15: General Supervision – Uncorrected Noncompliance
- Indicator 20: Timely and Accurate Data

In addition, OSEP directs that states must consider audit findings with regard to the use of Part B funds.

The IDOE makes local determinations using a zero point system. The IDOE developed scenarios for each indicator, giving different weight and value to various levels of performance. Once the IDOE defined each scenario for the applicable indicators, it presented these scenarios to the State Advisory Council (SAC) for feedback and guidance. The number of points received in each category will be averaged in order to identify the overall local determination category. Indicators that are "Not Applicable" for a particular LEA will not be calculated in the average. For example, Indicator 13: Secondary Transition Planning will be "Not Applicable" to an LEA who did not have a student 14 years

of age or older. A detailed explanation of this scoring can be found in the “Local Determinations” section at the following website: <http://www.doe.in.gov/achievement/individualized-learning/monitoring>.

What the scores mean for the LEAs:

The IDOE has elected to use the framework for enforcement mechanisms as outlined in IDEA 2004, which may include any of the sanctions listed below.

- **Meets Requirements**
 - The IDOE will likely take no further action but is not restricted from taking actions it deems necessary to ensure that the LEA continues to meet the requirements and purposes of IDEA 2004.

- **Needs Assistance, Needs Intervention, or Needs Substantial Intervention**

The following sanctions may be imposed for any of the above local determination scores:

 - Advise the LEA of available sources of technical assistance such as assistance in identifying and implementing professional development, instructional strategies, and methods of instruction that are based on scientifically based research.
 - Identify the LEA as a high-risk grantee and impose special conditions on the LEA’s grant under Part B of the IDEA.
 - Require the LEA to prepare a corrective action plan or improvement plan, if the IDOE determines that the LEA should be able to correct the problem within one year.
 - Withhold or delay, in whole or in part, any further payments to the LEA under Part B of the IDEA 2004.

The IDOE is not restricted from utilizing any other enforcement action to monitor and enforce the requirements of Part B of the IDEA 2004.