



DEPARTMENT OF EDUCATION

The Townsend Building
401 Federal Street Suite 2
Dover, Delaware 19901-3639
DOE WEBSITE: <http://www.doe.k12.de.us>

Mark T. Murphy
Secretary of Education
Voice: (302) 735-4000
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July 8, 2013

Mr. Noel Rodriguez
Academy of Dover
104 Saulsbury Road
Dover, DE 19904

ACADEMY
JUL 11 2013
OF DOVER

RE: LEA Determination Under the Individuals With Disabilities Education Act ("IDEA")

Dear Mr. Rodriguez:

Under the IDEA, the Department is required to review the performance of local education agencies ("LEAs") on the targets identified in the State's Performance Plan ("SPP") and make annual determinations on LEA performance.

The Department has determined your LEA **meets requirements** in implementing the regulations of the IDEA.

Attached, please find an overview of the "IDEA General Supervision & Reporting Requirements" along with your LEA's response table. The response table provides the Department's analysis of the reported data, and identifies, by indicator, the LEA's status in meeting its targets, and whether the LEA's data reflect progress or slippage. The Department has reviewed and commented on all of the indicators reported. However, in assigning the LEA's determination level, the Department primarily considered only those indicators which require 100% compliance (i.e., Indicators 4B, 9, 10, 11, 12, and 13), in addition to the other factors listed above.

Please review the attached response table for more specific information regarding the Department's analysis and comments on the indicators included in the State's Annual Performance Report. For further information regarding the Department's determination, please contact Barbara Mazza at 302-735-4210.

Sincerely,

A handwritten signature in cursive script that reads "Mary Ann Mieczkowski".

Mary Ann Mieczkowski
Director, Exceptional Children Resources

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Attachment

cc: Mark T. Murphy, Secretary of Education
Exceptional Children Resources Work Group

IDEA General Supervision & Reporting Requirements

The Department's General Monitoring Duties Under the IDEA

By way of background, the IDEA requires the Department to monitor the implementation of Part B of the IDEA in the LEAs throughout the State, and to annually report to the public on the performance of the State and each LEA. The Department's monitoring activities must primarily focus on: (1) improving educational results and functional outcomes for all children with disabilities; and (2) ensuring that public agencies meet the program requirements of Part B, with a particular emphasis on the requirements most closely related to improving educational results for children with disabilities. The Department is responsible for monitoring LEAs using quantifiable indicators in certain priority areas, and for using qualitative indicators to allow an adequate measure of performance in each area. IDEA regulations outline the three priority areas as: (1) the provision of FAPE in the least restrictive environment; (2) the State's exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services; and (3) disproportionate representation of racial and ethnic groups in special education and related services, to the extent such representation is the result of inappropriate identification.

The State Performance Plan and Annual Performance Reports

The IDEA further requires the State to have a performance plan in place that evaluates the State's efforts to implement the requirements and purposes of Part B of the IDEA, and describes how the State will improve the implementation of Part B. As part of its State Performance Plan (SPP), the State must establish measurable and rigorous targets for various indicators under the three priority areas mentioned above. The SPP currently has eighteen indicators, and the State must report annually to the U.S. Department of Education on the performance of the State under the SPP. On February 15, 2013, the Department made a timely submission of its FFY 2011 Annual Performance Report (APR) to the U.S. Department of Education based on data reported by the LEAs from the 2010 – 2011 and 2011-2012 school years. The State Performance Plan and Annual Performance Reports can be found on the Department's website at:

http://www.doe.k12.de.us/infosuites/students_family/specialed/cont_improv/default.shtml.

Local Reporting and LEA Determinations

In addition to its federal submission, the Department is responsible for reporting annually to the public on the performance of each LEA located in the State on the targets described in the SPP. On an annual basis, each LEA must use the targets established in the SPP, and the three priority areas mentioned above, to analyze and report on its local performance to the Department. In turn, the Department will review the LEA's performance and assign a determination level.

Based on the Department's analysis of data provided by each LEA, and information obtained through audits, monitoring visits, administrative complaints, due process proceedings, and any other publicly available information, the Department assigns one of the following determination levels: Meets the requirements and purposes of IDEA; Needs assistance in implementing the requirements of IDEA; Needs Intervention in implementing the requirements of IDEA; or Needs substantial intervention in implementing the requirements of IDEA.

Federal and state regulations addressing the SPP, APR, and the LEA's reporting obligations can be found at 34 C.F.R. §§ 300.600-602, 646 and 14 DE Admin Code §§ 927.1.0 through 8.0, and §§ 40.0 through 46.0.

Response Table: Academy of Dover FFY 2011

Monitoring Priorities and Indicators	Status	DOE Analysis/Next Steps
Indicator 1/Results: Graduation rates – percent of youth with IEPs graduating from high school with a regular diploma.	N/A	This indicator does not apply to this LEA.
Indicator 2/Results: Dropout Rates – Percent of youth with IEPs dropping out of high school.	N/A	This indicator does not apply to this LEA.
Indicator 3/Results: Participation and performance of children with IEPs on statewide assessments: A: Percent of elementary, middle and high schools with a disability subgroup that meets the State’s minimum “n” size that meet the State’s AYP targets for the disability subgroup	N/A	AYP was not calculated for this LEA in FFY 2011.
Indicator 3/Results: Participation and performance of children with IEPs on statewide assessments: B: Participation rate for children with IEPs	The charter met 2 out of 2 targets in Mathematics and 1 out of 2 targets in Reading.	The DOE commends the charter for meeting targets in Mathematics. The DOE looks forward to improvement in Reading during the next reporting period.
Indicator 3/Results: Participation and performance of children with IEPs on statewide assessments: C: Proficiency rate for children with IEPs against grade level and alternate academic achievement standards.	The charter met 0 out of 2 targets in Mathematics and 1 out of 2 targets in Reading.	The charter showed slippage in grades 3 and 4 for Mathematics and in grade 4 for Reading. The charter should consider these data when identifying improvement activities. The DOE looks forward to improvement in the next reporting period.

Monitoring Priorities and Indicators	Status	DOE Analysis/Next Steps
Indicator 4A/Results: Significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in the school year for children with IEPs.	No significant discrepancy identified.	To identify significant discrepancy, the DOE applies a formula using the rate ratio method. The charter must exceed the rate ratio set as the State threshold and have 15 or more students with IEPs with greater than 10 days of suspensions or expulsion in a school year. The charter school did not exceed the threshold and therefore, no significant discrepancy was identified.
Indicator 4B/Compliance: Significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsion of greater than 10 days in a school year for children with IEPs that is based on policies, procedures, or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	No significant discrepancy identified.	There was no significant discrepancy as a result of noncompliant policies, procedures, and practices.
Indicator 5A/Results: LRE ages 6 to 21 – Students with IEPs removed from the regular class <21% of the day	The charter et the target.	The DOE commends the charter for exceeding the target of students with disabilities being served in a regular education setting for the majority of the school day.
Indicator 5B/Results: LRE ages 6 to 21 – Students with IEPs removed from the regular class >60% of the day	The charter et the target.	The DOE commends the charter for meeting this target.
Indicator 5C/Results: LRE ages 6-21 Separate Settings	The charter et the target.	The DOE commends the charter for meeting this target.
Indicator 6/Results: LRE Ages 3 to 5 – Students with IEPs who receive special education and related services with typical peers (Early Childhood, Home, Part Time Early Childhood, Part Time Early Childhood Special Education).	N/A	This indicator does not apply to this LEA.

Monitoring Priorities and Indicators	Status	DOE Analysis/Next Steps
Indicator 7A/Results: Child Outcomes – Percent of 3 to 5 year old children who (1) substantially increased their rate of growth or (2) were functioning within age expectations by the time they exited the program in social-emotional skills including relationships.	N/A	This indicator does not apply to this LEA.
Indicator 7B/Results: Child Outcomes – Percent of 3 to 5 year old children who (1) substantially increased their rate of growth or (2) were functioning within age expectations by the time they exited the program in acquisition and use of knowledge and skills (including early language and early literacy).	N/A	This indicator does not apply to this LEA.
Indicator 7C/Results: Child Outcomes – Percent of 3 to 5 year old children who (1) substantially increased their rate of growth or (2) were functioning within age expectations by the time they exited the program in the use of appropriate behaviors to meet their needs.	N/A	This indicator does not apply to this LEA.
Indicator 8/Results: Parent Involvement is facilitated as a means of improving services and results for children with disabilities.	The charter did not meet the target.	While the charter did not meet the target, improvement was shown in the percent of parents who reported that the charter facilitated parent involvement 2011 (0%) to 2012 (83.3%). The DOE looks forward to continued improvement during the next reporting period.
Indicator 9/Compliance: Disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.	No disproportionate representation identified.	Based on the small number of students in racial and ethnic groups enrolled in the charter, no disproportionate representation was identified.

Monitoring Priorities and Indicators	Status	DOE Analysis/Next Steps
Indicator 10/Compliance: Disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	No disproportionate representation identified.	Based on the small number of students in racial and ethnic groups enrolled in the charter, no disproportionate representation was identified.
Indicator 11/Compliance: Percent of children with parental consent to evaluate, who were evaluated and eligibility determined within 45 school days or 90 calendar days, whichever is shorter.	The charter met the target.	The charter completed initial evaluations to determine eligibility for special education and related services within the timeline required by 34 C.F.R. § 300.301 and 14 DE Admin Code § 925.2.1. The DOE commends the charter for meeting this target. <i>**Note: The DOE encourages the charter to review procedures with staff to ensure accurate reporting for this indicator.</i>
Indicator 12/Compliance: Percent of children referred by Part C prior to age 3, who are found eligible for Part B and who have an IEP developed and implemented by their third birthdays.	N/A	This indicator does not apply to this LEA.
Indicator 13/Compliance: Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals. <i>**Note: In Delaware transition planning begins by the middle of the 8th grade or when the child turns 14 years of age, or younger if determined appropriate by the IEP team.</i>	N/A	This indicator does not apply to this LEA.



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Mary Ann Mieczkowski
Director, Exceptional Children Resources

MAM:BJM/bd
Attachment

cc: Mark T. Murphy, Secretary of Education
Michael Watson, Chief Academic Officer
Jennifer Nagourney, Director, Charter School Office
Exceptional Children Resources Work Group

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Monitoring Priorities and Indicators	Status	DOE Analysis/Next Steps
Indicator 1/Results: Graduation rates – percent of youth with IEPs graduating from high school with a regular diploma.	N/A	This indicator does not apply to this LEA.
Indicator 2/Results: Dropout Rates – Percent of youth with IEPs dropping out of high school.	N/A	This indicator does not apply to this LEA.
Indicator 3/Results: Participation and performance of children with IEPs on statewide assessments: A: Percent of elementary, middle and high schools with a disability subgroup that meets the State's minimum "n" size that meet the State's AYP targets for the disability subgroup	N/A	AYP was not calculated for this LEA.
Indicator 3/Results: Participation and performance of children with IEPs on statewide assessments: B: Participation rate for children with IEPs	The LEA met 2 out of 2 targets in Mathematics and 2 out of 2 targets in Reading.	The LEA met all targets for participation rates. The DOE commends the LEA for meeting this target.
Indicator 3/Results: Participation and performance of children with IEPs on statewide assessments: C: Proficiency rate for children with IEPs against grade level and alternate academic achievement standards.	The LEA met 2 out of 2 targets in Mathematics and 2 out of 2 targets in Reading.	The LEA met all targets for proficiency rates. The DOE commends the LEA for meeting this target.
Indicator 4A/Results: Significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in the school year for children with IEPs.	The LEA met the target.	To identify significant discrepancy, the DOE applies a formula using the rate ratio method. The LEA must exceed the rate ratio set as the State threshold and have 15 or more students with IEPs with greater than 10 days of suspensions or expulsion in a school year. The LEA did not exceed the threshold and therefore, no significant discrepancy was identified. The DOE commends the LEA for meeting this target.

Monitoring Priorities and Indicators	Status	DOE Analysis/Next Steps
Indicator 4B/Compliance: Significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsion of greater than 10 days in a school year for children with IEPs that is based on policies, procedures, or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	The LEA met the target.	There was no significant discrepancy as a result of noncompliant policies, procedures, and practices. The DOE commends the LEA for meeting this target.
Indicator 5A/Results: LRE ages 6 to 21 – Students with IEPs removed from the regular class <21% of the day	The LEA met the target.	The DOE commends the LEA for meeting this target.
Indicator 5B/Results: LRE ages 6 to 21 – Students with IEPs removed from the regular class >60% of the day	The LEA met the target.	The DOE commends the LEA for meeting this target.
Indicator 5C/Results: LRE ages 6-21 Separate Settings	The LEA met the target.	The DOE commends the LEA for meeting this target.
Indicator 6/Results: LRE Ages 3 to 5 – Students with IEPs who receive special education and related services with typical peers (Early Childhood, Home, Part Time Early Childhood, Part Time Early Childhood Special Education).	N/A	This indicator does not apply to this LEA.
Indicator 7A/Results: Child Outcomes - Percent of 3 to 5 year old children who (1) substantially increased their rate of growth or (2) were functioning within age expectations by the time they exited the program in social-emotional skills including relationships.	N/A	This indicator does not apply to this LEA.
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Monitoring Priorities and Indicators	Status	DOE Analysis/Next Steps
Indicator 7C/Results: Child Outcomes – Percent of 3 to 5 year old children who (1) substantially increased their rate of growth or (2) were functioning within age expectations by the time they exited the program in the use of appropriate behaviors to meet their needs.	N/A	This indicator does not apply to this LEA.
Indicator 8/Results: Parent Involvement is facilitated as a means of improving services and results for children with disabilities.	The LEA met the target.	The DOE commends the LEA for meeting this target.
Indicator 9/Compliance: Disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.	The LEA met the target.	No disproportionate representation was identified in racial and ethnic groups enrolled. The DOE commends the LEA for meeting this target.
Indicator 10/Compliance: Disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	The LEA met the target.	No disproportionate representation was identified in racial and ethnic groups enrolled. The DOE commends the LEA for meeting this target
Indicator 11/Compliance: Percent of children with parental consent to evaluate, who were evaluated and eligibility determined within 45 school days or 90 calendar days, whichever is shorter.	N/A	The LEA did not report data for this reporting period.
Indicator 12/Compliance: Percent of children referred by Part C prior to age 3, who are found eligible for Part B and who have an IEP developed and implemented by their third birthdays.	N/A	This indicator does not apply to this LEA.
Indicator 13/Compliance: Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals. <i>**Note: In Delaware transition planning begins by the middle of the 8th grade or when the child turns 14 years of age, or younger if determined appropriate by the IEP team.</i>	N/A	This indicator does not apply to this LEA.