



DEPARTMENT OF EDUCATION

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Secretary of Education
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May 31, 2016

Mr. Robert S. Fulton
Superintendent
Cape Henlopen School District
1270 Kings Highway
Lewes, DE 19958

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

Dear Mr. Fulton:

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

For FFY 2014, LEAs are receiving their annual determination based on a combination of the following compliance and results indicators:

- **Compliance:**

- Indicator 4B Disproportionality in the rates of long-term suspensions of students with disabilities by race/ethnicity
- Indicators 9 & 10 Disproportionate Representation related to identification
- Indicator 11 Timely evaluations
- Indicator 12 Early childhood transition from Part C/preschool special education services to Part B/school-age special education services
- Indicator 13 Transition planning in the IEP

- **Results:**

- Indicator 1 Graduation Rate
- Indicator 2 Drop Out Rate
- Indicator 3B Participation in the State Assessment
- Indicator 3C Proficiency on the State Assessment
- Indicator 4A Significant Discrepancy in the rates of long-term suspension of students with disabilities
- Indicator 7 Early Childhood Outcomes.

Based on a review of your LEA's data, the Department has determined your LEA Needs Assistance in implementing the regulations of the IDEA.

Cape Henlopen School District
LEA Determination Under the Individuals With Disabilities Education Act (IDEA)
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Attached, please find an overview of the "IDEA General Supervision & Reporting Requirements" along with an explanation of how your LEA's determination was calculated. The response table provides the Department's analysis of the reported data, and identifies, by indicator, the LEA's status in meeting its targets.

Exceptional Children Resources staff will be in contact with Jeffrey Conrad to discuss next steps. In the interim, please do not hesitate to contact me by phone at (302) 735-4210, or by e-mail maryann.mieczkowski@doe.k12.de.us.

Sincerely,



Mary Ann Mieczkowski
Director, Exceptional Children Resources

Sincerely,



Michael S. Watson
Chief Academic Officer

MAM/MNLbjm
Attachment

cc: Steven H. Godowsky, Secretary of Education
Michael S. Watson, Chief Academic Officer
Jeffrey W. Conrad Ed.D., Director of Special Education Services
Barbara Mazza, Education Associate, Exceptional Children Resources
Maria N. Locuniak, Education Ph.D., NCSP, Education Associate, Exceptional Children Resources
Tracy Neugebauer, Education Associate, Exceptional Children Resources

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 seventeen indicators, and the State must report annually to the U.S. Department of Education on the performance of the State under the SPP.

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.

FFY 2014 LEA Annual Determinations

FFY 2014 determinations were made based on a combination of the following compliance and results indicators:

- **Compliance:**

- Indicator 4B Disproportionality in the rates of long-term suspensions of students with disabilities by race/ethnicity
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- Indicator 11 Timely evaluations
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- **Results:**

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- Indicator 7 Early Childhood Outcomes.

Meets Requirements	=	≥ 80% (compliance and results combined)	and	LEA may be engaged in a Corrective Action Plan.	and/or	If monitored on-site, LEA is engaged in Prong 1 or Prong 2 corrective action.
Needs Assistance	=	60% to 79% (compliance and results combined)	and/or	LEA is engaged in an Intervention Plan.	and/or	Outstanding Noncompliance from On-Site Monitoring (beyond 1 year)
Needs Intervention	=	≤ 59% (compliance and results combined)	and/or	LEA is engaged in a Compliance Agreement.	and/or	Outstanding Noncompliance from On-Site Monitoring (beyond 2 years)

**Spring, 2016 LEA Annual Determination for FFY 2014
Cape Henlopen School District**

Compliance Indicators	Data From: (Time Period)	SPP Target 2014 - 2015	State Data	LEA Data	LEA Score	Possible Points
Indicator 4B: Percentage of LEAs with Significant Discrepancy in the Rates of Long-Term Suspensions and Expulsions of Students with Disabilities by Race/Ethnicity and Noncompliant Policies, Procedures, and Practices	2013-2014	0.00%	0.00%	Met Target	1	1
Indicator 9: Disproportionality/All Disabilities	2014-2015	0.00%	2.33%	Did Not Meet Target	0	1
Indicator 10: Disproportionality/Specific Disabilities	2014-2015	0.00%	2.33%	Did Not Meet Target	0	1
Indicator 11: Initial Evaluation Timelines	2014-2015	100.00%	99.46%	> 99%	1	1
Indicator 12: Preschool Transition Part C to Part B	2014-2015	100.00%	97.84%	> 99%	1	1
Indicator 13: Secondary Transition (LEA - Actual Percentage)	2014-2015	100.00%	98.15%	99.00%	0	1

Results Indicators	Data From: (Time Period)	SPP Target 2014 - 2015	State Data	LEA Data	LEA Score	Possible Points
Indicator 1: Graduation Rate	2013-2014	66.70%	67.66%	60.00%	0	1
Indicator 2: Drop Out Rate	2013-2014	5.20%	3.49%	2.95%	1	1
Indicator 3B: Participation Math						
Grade 3	2014-2015	95.00%	97.10%	91.17%	0	1
Grade 4		95.00%	97.03%	95.71%	1	1
Grade 5		95.00%	97.41%	96.00%	1	1
Grade 6		95.00%	97.28%	96.87%	1	1
Grade 7		95.00%	97.45%	93.05%	0	1
Grade 8		95.00%	96.25%	> 99%	1	1
Grade 11		95.00%	92.09%	93.87%	0	1
Indicator 3B: Participation ELA						
Grade 3	2014-2015	95.00%	97.16%	91.18%	0	1
Grade 4		95.00%	97.27%	97.10%	1	1
Grade 5		95.00%	97.76%	97.33%	1	1
Grade 6		95.00%	97.34%	96.87%	1	1
Grade 7		95.00%	97.33%	93.50%	0	1
Grade 8		95.00%	96.50%	97.40%	1	1
Grade 11		95.00%	91.95%	93.80%	0	1

Results Indicators	Data From: (Time Period)	SPP Target 2014 - 2015	State Data	LEA Data	LEA Score	Possible Points
Indicator 3C: Performance Rate Math						
Grade 3	2014-2015	15.00%	25.00%	24.19%	1	1
Grade 4		15.00%	18.59%	28.36%	1	1
Grade 5		15.00%	13.62%	22.22%	1	1
Grade 6		15.00%	9.67%	20.97%	1	1
Grade 7		15.00%	11.15%	22.22%	1	1
Grade 8		15.00%	11.73%	19.48%	1	1
Grade 11		15.00%	8.67%	19.57%	1	1
Results Indicators	Data From: (Time Period)	SPP Target 2014 - 2015	State Data	LEA Data	LEA Score	Possible Points
Indicator 3C: Performance Rate ELA						
Grade 3	2014-2015	19.30%	25.31%	29.03%	1	1
Grade 4		19.30%	21.67%	34.33%	1	1
Grade 5		19.30%	19.82%	26.03%	1	1
Grade 6		19.30%	15.13%	20.97%	1	1
Grade 7		19.30%	15.43%	29.17%	1	1
Grade 8		19.30%	16.45%	38.67%	1	1
Grade 11		19.30%	18.60%	30.43%	1	1
Indicator 4A: Percentage of LEAs with Significant Discrepancy in the Rates of Long-Term Suspensions and Expulsions of Students with Disabilities Note - The LEA score is the Rate Ratio which for FFY 2013 had a target of 1.24	2013-2014	0.00%	0.00%	< 1%	1	1
Indicator 7A: Early Childhood Outcomes - Social/Emotional						
Percent Increase Rate of Growth	2014-2015	86.20%	85.86%	87.88%	1	1
Percent Within Age Expectation		55.30%	50.32%	55.00%	0	1
Indicator 7B: Early Childhood Outcomes - Knowledge						
Percent Increase Rate of Growth	2014-2015	89.00%	87.18%	80.56%	0	1
Percent Within Age Expectation		50.90%	47.06%	52.50%	1	1
Indicator 7C: Early Childhood Outcomes - Behavior						
Percent Increase Rate of Growth	2014-2015	88.10%	87.16%	96.15%	1	1
Percent Within Age Expectation		65.00%	63.58%	72.50%	1	1

Determination Summary	
Compliance Indicators Score	3
Possible Points:	6
Results Indicators Score	28
Possible Points:	37
Score Total	31
Out of a Possible:	43
Percentage:	72.09%
Annual Determination: Needs Assistance	

District Progress on State Performance Plan Indicators for Students with Disabilities- FFY 2014

Cape Henlopen School District

Indicator 1: Graduation Rates		Graduates	Denominator	Graduation Rate	Target	Met Target?	Note:
School Year	2014	33	55	60.00%	66.70%	No	NA

Indicator 2: Drop-Out Rates		Enrollment	Drop-Outs	Drop-Out Rate	Target	Met Target?	Note:
School Year	2014	271	-	2.95%	5.20%	Yes	NA

Indicator 3B: Participation in State Assessment		Grade	Subject	Number Eligible	Number Tested	Percent Tested	Target	Met Target?
School Year	2015	3	ELA	68	62	91.18%	95.00%	No
	2015	4	ELA	69	67	97.10%	95.00%	Yes
	2015	5	ELA	75	73	97.33%	95.00%	Yes
	2015	6	ELA	64	62	96.87%	95.00%	Yes
	2015	7	ELA	77	72	93.50%	95.00%	No
	2015	8	ELA	77	75	97.40%	95.00%	Yes
	2015	11	ELA	49	46	93.80%	95.00%	No
	2015	3	MATH	68	62	91.17%	95.00%	No
	2015	4	MATH	70	67	95.71%	95.00%	Yes
	2015	5	MATH	75	72	96.00%	95.00%	Yes
	2015	6	MATH	64	62	96.87%	95.00%	Yes
	2015	7	MATH	77	72	93.05%	95.00%	No
	2015	8	MATH	77	77	> 99%	95.00%	Yes
	2015	11	MATH	49	46	93.87%	95.00%	No

Indicator 3C: Performance in State Assessments		Grade	Subject	Number Tested	Number Meets	Percent Meets	Target	Met Target?
School Year	2015	3	ELA	62	18	29.03%	19.30%	Yes
	2015	4	ELA	67	23	34.33%	19.30%	Yes
	2015	5	ELA	73	19	26.03%	19.30%	Yes
	2015	6	ELA	62	-	20.97%	19.30%	Yes
	2015	7	ELA	72	21	29.17%	19.30%	Yes
	2015	8	ELA	75	29	38.67%	19.30%	Yes
	2015	11	ELA	46	-	30.43%	19.30%	Yes
	2015	3	MATH	62	-	24.19%	15.00%	Yes
	2015	4	MATH	67	19	28.36%	15.00%	Yes
	2015	5	MATH	72	16	22.22%	15.00%	Yes
	2015	6	MATH	62	-	20.97%	15.00%	Yes
	2015	7	MATH	72	16	22.22%	15.00%	Yes
	2015	8	MATH	77	-	19.48%	15.00%	Yes
	2015	11	MATH	46	-	19.57%	15.00%	Yes

Indicator 4A: Percentage of LEAs with Significant Discrepancy in the Rates of Long-Term Suspensions and Expulsions of Students with Disabilities
 Note - The LEA score is the Rate Ratio which for FY 2013 had a target of 1.24.

School Year	SWD Enrollment	Non-SWD Enrollment	SWD Suspended > 10 Days	Non-SWD Suspended	Rate Ratio	Rate Ratio Target	Met Target?	Note:
2014	742	4,194	-	-	0	1.24	Yes	NA

Indicator 4B: Percentage of LEAs with Significant Discrepancy in the Rates of Long-Term Suspensions and Expulsions of Students with Disabilities by Race/Ethnicity and Noncompliant Policies, Procedures, and Practices

School Year	Race	SWD Enrolled	SWD Suspended > 10 Days	Rate Ratio	Rate Ratio Target	Met Target?	Note:
2014	Hispanic	76	-	0.00	0.00	Yes	NA
2014	American Indian	-	-	0.00	0.00	Yes	NA
2014	African American	165	-	0.00	0.00	Yes	NA
2014	White	473	-	0.00	0.00	Yes	NA
2014	Asian	-	-	0.00	0.00	Yes	NA
2014	Haw./P.I.	-	-	0.00	0.00	NA	NA
2014	Multiple	18	-	0.00	0.00	Yes	NA

Indicator 5A: LRE Ages 6 to 21 Outside Regular Class < 21% of Day

School Year	Total	Total in LRE A	Percent in LRE A	Target	Met Target?
2015	796	400	50.25%	68.00%	No

Indicator 5B: LRE Ages 6 to 21 Outside Regular Class > 60% of the Day

School Year	Total	Total in LRE B	Percent in LRE B	Target	Met Target?
2015	796	165	20.73%	15.50%	No

Indicator 5C: LRE Ages 6 to 21 Separate Setting

School Year	Total	Total in Separate Setting	Percent in Separate Setting	Target	Met Target?
2015	796	74	9.30%	5.00%	No

Indicator 6: LRE Ages 3 to 5 Early Childhood with Typical Peers

School Year	Total EC	Total With Peers	Percent With Peers	Target	Met Target?	Note:
2015	57	57	> 99%	46.00%	Yes	NA

Indicator 7: Percent of Preschool Students Ages 3 to 5 Who Demonstrate Improved Skills in Social/Emotional, Knowledge, and Appropriate Behaviors to Meet Needs

School Year	Knowledge Increased Rate Growth	Knowledge Increased Target	Knowledge Increased Met Target?	Knowledge Within Age Expectation	Knowledge Within Age Expectation Met Target?
2015	80.56%	89.00%	No	52.50%	Yes
	Behavior Increased Rate Growth	Behavior Increased Target	Behavior Increased Met Target?	Behavior Within Age Expectation	Behavior Within Age Expectation Met Target?
2015	96.15%	88.10%	Yes	72.50%	Yes
	Social/Emotional Increased Rate Growth	Social/Emotional Increased Target	Social/Emotional Increased Met Target?	Social/Emotional Within Age Expectation	Social/Emotional Within Age Expectation Met Target?
2015	87.88%	86.20%	Yes	55.00%	No

Note: NA

Indicator 8 - Percent of Parents with a Child Receiving Special Education Services Who Report That School Facilitated Parent Involvement as a Means of Improving Services and Results for Children with Disabilities

School Year	Agree	Disagree	Total	Percent Agree	Target	Met Target?	Note:
2015	73	79	79	92.41%	87.00%	Yes	NA

Indicator 9 - Percent of LEA's with Disproportional Representation of Racial and Ethnic Groups in Special Education and Related Services That is a Result of Inappropriate Identification

School Year	Disproportionate Representation as a Result of Inappropriate Identification?	Met Target?
2015	Did Not Meet Target	No

Indicator 10 - Percent of LEA's with Disproportional Representation of Racial and Ethnic Groups in Specific Disability Categories That is a Result of Inappropriate Identification

School Year	Disproportionate Representation as a Result of Inappropriate Identification?	Met Target?
2015	Did Not Meet Target	No

Indicator 11 - 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

School Year	Within Timelines	Percent Within	Target	Met Target?	Note:
2015	24	> 99%	100.00%	Yes	NA

Indicator 12 - 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 Birthday

Referred,
Less Not
Eligible and
Parent
Refusals

Number with
Services by Age 3

Percent Services by Age 3

Target

Met Target?

Note:

School Year	2015	17	> 99%	100.00%	Yes	NA
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Indicator 13 - Percent of Youth Age 14 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.

Percent Meeting Standard

Target

Met Target?

Note:

School Year	2015	288	99.00%	100.00%	No	NA
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**Indicator 14 - Post-School Outcomes (Results Indicator) - Percent of Youth Who Are No Longer in Secondary School, Had IEPs in Effect at the Time They Left School, and Were:
A. Enrolled in Higher Education Within One Year of Leaving High School, B. Enrolled in Higher Education or Competitively Employed Within One Year of Leaving High School, or
C. Enrolled in Higher Education or in Some Other Post-Secondary Education or Training Program; or Competitively Employed or in Some Other Employment Within One Year of Leaving High School**

Total
Exiters

Total Respondents

Group A Respondents

Group A Percentage

Group A Target

Group A Target
Met?

Group A Target
Met?

Note:

School Year	2014	46	21	71.43%	25.00%	Yes
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Total
Exiters

Total Respondents

Group B Respondents

Group B Percentage

Group B Target

Group B Target
Met?

Group B Target
Met?

Note:

School Year	2014	19	19	90.48%	56.00%	Yes
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Total
Exiters

Total Respondents

Group C Respondents

Group C Percentage

Group C Target

Group C Target
Met?

Group C Target
Met?

Note:

School Year	2014	19	19	90.48%	100.00%	No
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