



DEPARTMENT OF EDUCATION

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June 15, 2015

Dr. Allen F. Lathbury, Jr.
Sussex Technical School District
P.O. Box 351
17137 County Seat Highway
Georgetown, DE 19947

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

Dear Dr. Lathbury:

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.

As discussed in the November Chiefs' meeting, the federal Office of Special Education Programs (OSEP) has broadened their focus from holding states accountable for compliance indicators only to now holding states accountable for both compliance and results indicators. Beginning this spring, LEAs are receiving their annual determination based on a combination of the following compliance and results indicators:

- **Compliance:**

- Indicator 4b Significant Discrepancy, by Race or Ethnicity, in the rate of Suspensions and Expulsions of greater than 10 days in a school year and policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements
- 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
- Other Equitable Services, Needs-Based Funding, Fiscal Monitoring
- Other Corrective Action as a result of an Administrative Complaint or Due Process

- **Results:**

- 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 information from OSEP, Indicator 1/Graduation Rate will be added next year.

As a result of the review of your LEA's data, 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 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.

Please contact the DOE’s Exceptional Children Resources Group with any questions concerning this determination.

Sincerely,



Mary Ann Mieczkowski
Director, Exceptional Children Resources

Sincerely,



Michael Watson
Chief Academic Officer

MAM:BJM/bd
Attachment

cc: Mark T. Murphy, Secretary of Education
Penny Schwinn, Chief Accountability Officer
Katherine Villari, Chief Performance Officer
Ryan Reyna, Director, Office of Accountability
John Sell, Assistant Superintendent
Barbara Mazza, Education Associate, Exceptional Children Resources
Maria N. Locuniak, PhD., NCSP, Education Associate, Exceptional Children Resources
Dale Matusевич, 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. In addition, the Department is required 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 within 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 2013 LEA Annual Determinations

FFY 2013 determinations were made based on a combination of the following compliance and results indicators:

- **Compliance:**

- Indicator 4b Significant Discrepancy, by Race or Ethnicity, in the rate of Suspensions and Expulsions of greater than 10 days in a school year and policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements
- 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
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- **Results:**

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- Indicator 7 Early Childhood Outcomes

Meets Requirements	=	≥ 80% (compliance and results combined)	and	If monitored on-site, LEA is engaged in Prong 1 or Prong 2		
Needs Assistance	=	60% to 79% (compliance and results combined)	and/or	LEA is engaged in a Corrective Action Plan related to any compliance indicator(s)/issues or does not meet targets for results	and/or	Outstanding Noncompliance from On-Site Monitoring (beyond 1 year)
Needs Intervention	=	≤ 59% (compliance and results combined)	and/or	LEA is engaged in an Intervention Plan or Compliance Agreement related to any compliance indicator(s)/issues or does not meet targets for results	and/or	Outstanding Noncompliance from On-Site Monitoring (beyond 2 years)
Needs Significant Intervention	Phase in Spring, 2016					

Sussex Tech School District

Compliance Indicators	Data From: (Time Period)	SPP Target 2013 - 2014	State Data	LEA Data	LEA Score	Possible Points
Indicator 4B: Significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year and policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements. Note - The LEA score is the Rate Ratio which for FFY 2012 had a target of 1.26	2012 - 2013 SY	0.00%	12.82%	Met targets for all races/ethnicities	1	1
Indicator 9: Disproportionality/All Disabilities	12/1/13	0.00%	4.65%	Met target	1	1
Indicator 10: Disproportionality/Specific Disabilities	12/1/13	0.00%	4.65%	Met target	1	1
Indicator 11: Initial Evaluation Timelines	2013 - 2014 SY	100.00%	99.79%	N/A	N/A	N/A
Indicator 12: Preschool Transition Part C to Part B	2013 - 2014 SY	100.00%	97.00%	N/A	N/A	N/A
Indicator 13: Secondary Transition (LEA - actual percentage)	2013 - 2014 SY	100%	48.43%	N/A	N/A	N/A
Equitable Services/Needs-Based Funding/Fiscal Monitoring					1	1

Results Indicators	Data From: (Time Period)	SPP Target 2013 - 2014	State Data	LEA Data	LEA Score	Possible Points	
Indicator 3B Participation Math	Spring, 2014						
Grade 3		95.00%	98.60%	N/A	N/A	N/A	
Grade 4		95.00%	98.78%	N/A	N/A	N/A	
Grade 5		95.00%	98.76%	N/A	N/A	N/A	
Grade 6		95.00%	97.69%	N/A	N/A	N/A	
Grade 7		95.00%	97.43%	N/A	N/A	N/A	
Grade 8		95.00%	97.78%	N/A	N/A	N/A	
Grade 10		95.00%	92.45%	96.97%	1	N/A	
Indicator 3B Participation Reading							
Grade 3		95.00%	96.22%	N/A	N/A	N/A	
Grade 4		95.00%	96.60%	N/A	N/A	N/A	
Grade 5		95.00%	96.70%	N/A	N/A	N/A	
Grade 6		95.00%	96.33%	N/A	N/A	N/A	
Grade 7		95.00%	96.41%	N/A	N/A	N/A	
Grade 8		95.00%	96.87%	N/A	N/A	N/A	
Grade 10		95.00%	90.10%	96.97%	1	1	
Indicator 3C Performance Rate Math							
Grade 3		41.80%	36.69%	N/A	N/A	N/A	
Grade 4		41.80%	37.00%	N/A	N/A	N/A	
Grade 5		41.80%	33.08%	N/A	N/A	N/A	
Grade 6	41.80%	23.21%	N/A	N/A	N/A		
Grade 7	41.80%	27.61%	N/A	N/A	N/A		
Grade 8	41.80%	27.73%	N/A	N/A	N/A		
Grade 10	41.80%	30.96%	68.75%	1	1		

Sussex Tech School District

Results Indicators	Data From: (Time Period)	SPP Target 2013 - 2014	State Data	LEA Data	LEA Score	Possible Points
Indicator 3C Performance Rate Reading						
Grade 3	Spring, 2014	41.40%	33.87%	N/A	N/A	N/A
Grade 4		41.40%	36.45%	N/A	N/A	N/A
Grade 5		41.40%	38.91%	N/A	N/A	N/A
Grade 6		41.40%	30.32%	N/A	N/A	N/A
Grade 7		41.40%	30.04%	N/A	N/A	N/A
Grade 8		41.40%	29.29%	N/A	N/A	N/A
Grade 10		41.40%	34.56%	56.25%	1	1
Indicator 4A: Significant Discrepancy in the rates of long-term suspension of students with disabilities Note - The LEA score is the Rate Ratio which for FFY 2012 had a target of 1.26		2012 - 2013 SY	0.00%	2.56%	Met target	1
Indicator 7A: Early Childhood Outcomes - Social/Emotional						
Percent Increase Rate of Growth	June, 2014	85.20%	86.41%	N/A	N/A	N/A
Percent Within Age Expectation		54.20%	48.81%	N/A	N/A	N/A
Indicator 7B: Early Childhood Outcomes - Knowledge						
Percent Increase Rate of Growth		87.30%	86.63%	N/A	N/A	N/A
Percent Within Age Expectation		49.80%	45.39%	N/A	N/A	N/A
Indicator 7C: Early Childhood Outcomes - Behavior						
Percent Increase Rate of Growth		87.30%	85.60%	N/A	N/A	N/A
Percent Within Age Expectation		65.00%	61.51%	N/A	N/A	N/A

Determination Summary	
Compliance Indicators Score	4
Out of a Possible:	4
Results Indicators Score	5
Out of a Possible:	5
Score Total	9
Out of a Possible:	9
Percentage:	100.0%

Annual Determination: Meets Requirements

District Progress on State Performance Plan Indicators for Students with Disabilities - FFY 2013

Sussex Technical

Indicator 1 - Graduation Rates

<u>Indicator</u>	<u>School Year</u>	<u>Graduates</u>	<u>Dropouts</u>	<u>Graduation Rate</u>	<u>Target</u>	<u>Met Target?</u>
1	2012	31		100.00%	87.00%	Yes
1	2013	29		90.63%	87.00%	Yes
1	2014	32		88.90%	63.00%	Yes

Indicator 2 - Dropout Rates

<u>Indicator</u>	<u>School Year</u>	<u>Enrollment</u>	<u>Dropouts</u>	<u>Dropout Rate</u>	<u>Target</u>	<u>Met Target?</u>
2	2012	115		0.00%	3.80%	Yes
2	2013	117		2.56%	3.80%	Yes
2	2014	115		0.00%	5.50%	Yes

Indicator 3 - Performance on AYP

<u>Indicator</u>	<u>School Year</u>	<u>School Level</u>	<u>Meets Reading Target?</u>	<u>Meets Math Target?</u>	<u>Meets AYP Target?</u>
3A	2013	High Sch			
AYP was not calculated for this LEA in FFY 2012.					
3A	2014	High Sch			

Indicator 3B - Participation in State Assessments

<u>Indicator</u>	<u>School Year</u>	<u>Grade</u>	<u>Subject</u>	<u># Eligible</u>	<u># Tested</u>	<u>% Tested</u>	<u>Target</u>	<u>Met Target?</u>
3B	2012	10	Math	37	37	100.00%	95.4%	Yes
3B	2013	10	Math	29	29	100.00%	95.4%	Yes
3B	2014	10	Math	33	32	96.97%	95.0%	Yes

District Progress on State Performance Plan Indicators for Students with Disabilities - FFY 2013

Sussex Technical

<u>Indicator</u>	<u>School Year</u>	<u>Grade</u>	<u>Subject</u>	<u># Eligible</u>	<u># Tested</u>	<u>% Tested</u>	<u>Target</u>	<u>Met Target?</u>
3B	2012	10	Reading	37	37	100.00%	95.8%	Yes
3B	2013	10	Reading	29	29	100.00%	95.8%	Yes
3B	2014	10	Reading	33	32	96.97%	95.0%	Yes

Indicator 3C - Performance on State Assessments

<u>Indicator</u>	<u>School Year</u>	<u>Grade</u>	<u>Subject</u>	<u># Tested</u>	<u># Meets</u>	<u>% Meets</u>	<u>Target</u>	<u>Met Target?</u>
3C	2012	10	Math	37	22	59.46%	36.00%	Yes
3C	2013	10	Math	29	16	55.17%	41.80%	Yes
3C	2014	10	Math	32	22	68.75%	41.80%	Yes
3C	2012	10	Reading	37		37.84%	35.60%	Yes
3C	2013	10	Reading	29		34.48%	41.40%	No
3C	2014	10	Reading	32	18	56.25%	41.40%	Yes

Indicator 4A - Disproportionality in Students Suspended > 10 Days

<u>Indicator</u>	<u>SY</u>	<u>Spec Ed Enroll</u>	<u>Reg Ed Enroll</u>	<u>Spec Ed Suspend</u>	<u>RegEd Suspend</u>	<u>Met Target?</u>	<u>Rate Ratio</u>
4A	2013	114	1292	0	2	Yes	0

For FFY 2013 a Rate Ratio over 1.26 with cell size over 15 will trigger.

Indicator 4B- Disproportionality in Students Suspended > 10 Days by Race/Ethnicity

<u>Indicator</u>	<u>School Year</u>	<u>Race</u>	<u>Special Ed Enrolled</u>	<u>Spec Ed Suspend>10 days</u>	<u>Rate Ratio</u>	<u>Target</u>	<u>Met Target?</u>
4B	2013	Afr.American	17		0.00	1.26	Yes

District Progress on State Performance Plan Indicators for Students with Disabilities - FFY 2013

Sussex Technical

<u>Indicator</u>	<u>School Year</u>	<u>Race</u>	<u>Special Ed Enrolled</u>	<u>Spec Ed Suspend>10 days</u>	<u>Rate Ratio</u>	<u>Target</u>	<u>Met Target?</u>
4B	2013	AI/AK			0.00	1.26	Yes
4B	2013	Asian			0.00	1.26	Yes
4B	2013	Hispanic	17		0.00	1.26	Yes
4B	2013	Multi.Racial			0.00	1.26	Yes
4B	2013	Nat.Haw./PI			0.00	1.26	Yes
4B	2013	White	78		0.00	1.26	Yes

An LEA can exceed the Rate Ratio with less than 10 students in the sub-category and not miss target.

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

<u>Indicator</u>	<u>School Year</u>	<u>Total</u>	<u># Outside < 21%</u>	<u>% Outside < 21%</u>	<u>Target</u>	<u>Met Target?</u>
5A	2012	115	101	87.83%	66.00%	Yes
5A	2013	113	106	93.81%	68.00%	Yes
5A	2014	107	95	88.79%	67.00%	Yes

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

<u>Indicator</u>	<u>School Year</u>	<u>Total</u>	<u># Outside > 60%</u>	<u>% Outside > 60%</u>	<u>Target</u>	<u>Met Target?</u>
5B	2012	115		0.87%	17.50%	Yes
5B	2013	113		0.00%	17.30%	Yes
5B	2014	107		1.87%	15.60%	Yes

Indicator 5C - LRE Ages 6 to 21 - Separate Settings

<u>Indicator</u>	<u>School Year</u>	<u>Total</u>	<u># Separate</u>	<u>% Separate</u>	<u>Target</u>	<u>Met Target?</u>
5C	2012	115		0.00%	3.60%	Yes
5C	2013	113		0.00%	3.50%	Yes
5C	2014	107		0.00%	5.20%	Yes

Indicator 6 - LRE Ages 3 to 5 - With Typical Peers (Early Childhood, Home, Part-time Early Childhood Part-Time Early Childhood Special Education)

District Progress on State Performance Plan Indicators for Students with Disabilities - FFY 2013

Sussex Technical

<u>Indicator</u>	<u>FFY</u>	<u>Total EC</u>	<u># with Peers</u>	<u>% with Peers</u>	<u>Target</u>	<u>Met Target</u>
6	2013				45.0%	This indicator does not apply to this LEA.

Indicator 7 - Percent of pre-school children aged 3 though 5 who demonstrate improved Positive Social-Emotional Skills; Acquisition and use of Knowledge Skills; and use of Appropriate Behaviors to meet their needs.

<u>School Year</u>	<u>% Increase Rate of Growth</u>	<u>Target Increase Rate of Growth</u>	<u>Met Growth Target?</u>	<u>% Within Age Expectation</u>	<u>Target within Age</u>	<u>Met Age Target?</u>	<u>Skillset</u>
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7 2012

This indicator does not apply to this LEA.

<u>School Year</u>	<u>% Increase Rate of Growth</u>	<u>Target Increase Rate of Growth</u>	<u>Met Growth Target?</u>	<u>% Within Age Expectation</u>	<u>Target within Age</u>	<u>Met Age Target?</u>	<u>Skillset</u>
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7 2013

This indicator does not apply to this LEA.

<u>School Year</u>	<u>% Increase Rate of Growth</u>	<u>Target Increase Rate of Growth</u>	<u>Met Growth Target?</u>	<u>% Within Age Expectation</u>	<u>Target within Age</u>	<u>Met Age Target?</u>	<u>Skillset</u>
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7 2014

This indicator does not apply to this LEA.

Indicator 8 - Percent of parents with a child receiving Special Education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

<u>Indicator</u>	<u>School Year</u>	<u>Agree</u>	<u>Disagree</u>	<u>Total</u>	<u>% Agree</u>	<u>Target</u>	<u>Met Target?</u>
8	2012	18	1	19	94.74%	87.00%	Yes
8	2013	17	0	17	100.00%	87.00%	Yes
8	2014	8	0	8	100.00%	87.00%	Yes

Indicator 9 - Percent of LEA's with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification. Disproportionate representation data are found in the APR.

District Progress on State Performance Plan Indicators for Students with Disabilities - FFY 2013

Sussex Technical

<u>Indicator</u>	<u>School Year</u>	<u>Disprop representation is result of inappropriate identification</u>	<u>Target</u>	<u>Met Target</u>
9	2012	No	0.0%	Yes
<u>Indicator</u>	<u>School Year</u>	<u>Disprop representation is result of inappropriate identification</u>	<u>Target</u>	<u>Met Target</u>
9	2013	No	0.0%	Yes
<u>Indicator</u>	<u>School Year</u>	<u>Disprop representation is result of inappropriate identification</u>	<u>Target</u>	<u>Met Target</u>
9	2014	No	0.0%	Yes

Indicator 10 - Percent of LEA's with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

<u>Indicator</u>	<u>School Year:</u>	<u>Disprop. Rep. is result of Inaprop. Identification</u>	<u>Target</u>	<u>Met Target</u>
10	2012	No	0.0%	Yes
<u>Indicator</u>	<u>School Year:</u>	<u>Disprop. Rep. is result of Inaprop. Identification</u>	<u>Target</u>	<u>Met Target</u>
10	2013	No	0.0%	Yes
<u>Indicator</u>	<u>School Year:</u>	<u>Disprop. Rep. is result of Inaprop. Identification</u>	<u>Target</u>	<u>Met Target</u>
10	2014	No	0.0%	Yes

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.

<u>Indicator</u>	<u>School Year</u>	<u>W/In Timelines</u>	<u>Not W/In Timelines</u>	<u>% Within</u>	<u>Target</u>	<u>Met Target?</u>
11	2012				100.00%	N/A
		No initial evaluation data was reported during this reporting period by this LEA.				
11	2013				100.00%	N/A
		No initial evaluation data was reported during this reporting period by this LEA.				
11	2014				100.00%	N/A
		No initial evaluation data was reported during this reporting period by this LEA.				

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 birthdays.

<u>Indicator</u>	<u>School Year</u>	<u>Referred Less Not Eligible and Parent Refusals</u>	<u># Services By Age 3</u>	<u>% Services by Age 3</u>	<u>Target</u>	<u>Met Target?</u>
12	2012				100.00%	

This indicator does not apply to this LEA.

District Progress on State Performance Plan Indicators for Students with Disabilities - FFY 2013

Sussex Technical

<u>Indicator</u>	<u>School Year</u>	<u>Referred Less Not Eligible and Parent Refusals</u>	<u># Services By Age 3</u>	<u>% Services by Age 3</u>	<u>Target</u>	<u>Met Target?</u>
12	2013				100.00%	
		This indicator does not apply to this LEA.				
12	2014				100.00%	
		This indicator does not apply to this LEA.				

Indicator 13 - Percent of youth aged 16 and above with an IEP that includes coordinated, measureable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.

<u>Indicator</u>	<u>School Year</u>	<u>IEP's Reviewed</u>	<u>IEP's Meeting Standard</u>	<u>% Meeting Standard</u>	<u>Target</u>	<u>Met Target?</u>
13	2012				100.0	
		Data was not reviewed for this reporting period.				
13	2013				100.0	
		Data was not reviewed for this reporting period.				
13	2014				100.0	
		Data was not reviewed for this reporting period.				