



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

June 24, 2021

Honorable Dr. Susan Bunting  
Secretary of Education  
Delaware Department of Education  
401 Federal Street, #2  
Dover, Delaware 19901

Dear Secretary Bunting:

I am writing to advise you of the U. S. Department of Education's (Department) 2021 determination under section 616 of the Individuals with Disabilities Education Act (IDEA). The Department has determined that Delaware needs assistance in implementing the requirements of Part B of the IDEA. This determination is based on the totality of the State's data and information, including the Federal fiscal year (FFY) 2019 State Performance Plan/Annual Performance Report (SPP/APR), other State-reported data, and other publicly available information.

With the FFY 2019 SPP/APR submission, the Office of Special Education Programs (OSEP) requested that States and Entities report whether and how the data collection for any indicator was impacted by the COVID-19 pandemic. Specifically, OSEP requested that States and Entities include in the narrative for each impacted indicator: (1) the impact on data completeness, validity, and/or reliability for the indicator; (2) an explanation of how COVID-19 specifically impacted the State's or Entity's ability to collect and verify the data for the indicator; and (3) any steps the State or Entity took to mitigate the impact of COVID-19 on the data collection and verification. OSEP appreciates States' and Entities' level of transparency regarding the impact of COVID-19 on the data reported in the FFY 2019 SPP/APR. When making determination decisions for 2021, OSEP considered all information submitted that related to the impact of the COVID-19 pandemic. For 2021 determinations, no State or Entity received a determination of "Needs Intervention" due solely to data impacted by COVID-19.

Your State's 2021 determination is based on the data reflected in the State's "2021 Part B Results-Driven Accountability Matrix" (RDA Matrix). The RDA Matrix is individualized for each State and consists of:

- (1) a Compliance Matrix that includes scoring on Compliance Indicators and other compliance factors;
- (2) a Results Matrix that includes scoring on Results Elements;
- (3) a Compliance Score and a Results Score;
- (4) an RDA Percentage based on both the Compliance Score and the Results Score; and

400 MARYLAND AVE. S.W., WASHINGTON DC 20202-2600

[www.ed.gov](http://www.ed.gov)

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

(5) the State’s Determination.

The RDA Matrix is further explained in a document, entitled “How the Department Made Determinations under Section 616(d) of the Individuals with Disabilities Education Act in 2021: Part B” (HTDMD).

OSEP is continuing to use both results data and compliance data in making determinations in 2021, as it did for Part B determinations in 2014-2020. (The specifics of the determination procedures and criteria are set forth in the HTDMD and reflected in the RDA Matrix for your State.) In making Part B determinations in 2021, OSEP continued to use results data related to:

- (1) the participation and performance of CWD on the most recently administered (school year 2018-2019) National Assessment of Educational Progress (NAEP)<sup>1</sup>;
- (2) the percentage of CWD who graduated with a regular high school diploma; and
- (3) the percentage of CWD who dropped out.

You may access the results of OSEP’s review of your State’s SPP/APR and other relevant data by accessing the EMAPS SPP/APR reporting tool using your State-specific log-on information at <https://emaps.ed.gov/suite/>. When you access your State’s SPP/APR on the site, you will find, in Indicators 1 through 16, the OSEP Response to the indicator and any actions that the State is required to take. The actions that the State is required to take are in the “Required Actions” section of the indicator.

It is important for you to review the Introduction to the SPP/APR, which may also include language in the “OSEP Response” and/or “Required Actions” sections.

You will also find all of the following important documents saved as attachments:

- (1) the State’s RDA Matrix;
- (2) the HTDMD document;
- (3) a spreadsheet entitled “2021 Data Rubric Part B,” which shows how OSEP calculated the State’s “Timely and Accurate State-Reported Data” score in the Compliance Matrix; and
- (4) a document entitled “Dispute Resolution 2019-2020,” which includes the IDEA section 618 data that OSEP used to calculate the State’s “Timely State Complaint Decisions” and “Timely Due Process Hearing Decisions” scores in the Compliance Matrix.

As noted above, the State’s 2021 determination is Needs Assistance. A State’s 2021 RDA Determination is Needs Assistance if the RDA Percentage is at least 60% but less than 80%. A State’s determination would also be Needs Assistance if its RDA Determination percentage is 80% or above but the Department has imposed Specific Conditions on the State’s last three IDEA Part B grant awards (for FFYs 2018, 2019, and 2020), and those Specific Conditions are in effect at the time of the 2021 determination.

---

<sup>1</sup> OSEP has used results data on the participation and performance of children with disabilities on the National Assessment of Educational Progress (NAEP) in making determinations for States (but not Entities) since 2014. Although the BIE is the only Entity that administers the NAEP, OSEP has not used NAEP data in making the BIE’s determinations because the BIE’s NAEP data were previously not available. However, given that the BIE’s NAEP data are now available, OSEP is considering using the NAEP data in making the BIE’s 2022 determination under IDEA section 616(d).

The State’s determination for 2020 was also Needs Assistance. In accordance with section 616(e)(1) of the IDEA and 34 C.F.R. § 300.604(a), if a State is determined to need assistance for two consecutive years, the Secretary must take one or more of the following actions:

- (1) advise the State of available sources of technical assistance that may help the State address the areas in which the State needs assistance and require the State to work with appropriate entities;
- (2) direct the use of State-level funds on the area or areas in which the State needs assistance; or
- (3) identify the State as a high-risk grantee and impose Specific Conditions on the State’s IDEA Part B grant award.

Pursuant to these requirements, the Secretary is advising the State of available sources of technical assistance, including OSEP-funded technical assistance centers and resources at the following website: <https://osep.communities.ed.gov>, and requiring the State to work with appropriate entities. In addition, the State should consider accessing technical assistance from other Department-funded centers such as the Comprehensive Centers with resources at the following link: <https://compcenternetwork.org/states>. The Secretary directs the State to determine the results elements and/or compliance indicators, and improvement strategies, on which it will focus its use of available technical assistance, in order to improve its performance. We strongly encourage the State to access technical assistance related to those results elements and compliance indicators for which the State received a score of zero. Your State must report with its FFY 2020 SPP/APR submission, due February 1, 2022, on:

- (1) the technical assistance sources from which the State received assistance; and
- (2) the actions the State took as a result of that technical assistance.

As required by IDEA section 616(e)(7) and 34 C.F.R. § 300.606, your State must notify the public that the Secretary of Education has taken the above enforcement actions, including, at a minimum, by posting a public notice on its website and distributing the notice to the media and through public agencies.

States were required to submit Phase III Year Five of the SSIP by April 1, 2021. OSEP appreciates the State’s ongoing work on its SSIP and its efforts to improve results for students with disabilities. We have carefully reviewed and responded to your submission and will provide additional feedback in the upcoming weeks. Additionally, OSEP will continue to provide technical assistance to your State as it implements the SSIP, which is due on February 1, 2022.

As a reminder, your State must report annually to the public, by posting on the State educational agency’s (SEA’s) website, the performance of each local educational agency (LEA) located in the State on the targets in the SPP/APR as soon as practicable, but no later than 120 days after the State’s submission of its FFY 2019 SPP/APR. In addition, your State must:

- (1) review LEA performance against targets in the State’s SPP/APR;
- (2) determine if each LEA “meets the requirements” of Part B, or “needs assistance,” “needs intervention,” or “needs substantial intervention” in implementing Part B of the IDEA;
- (3) take appropriate enforcement action; and
- (4) inform each LEA of its determination.

Further, your State must make its SPP/APR available to the public by posting it on the SEA's website. Within the upcoming weeks, OSEP will be finalizing a State Profile that:

- (1) includes the State's determination letter and SPP/APR, OSEP attachments, and all State attachments that are accessible in accordance with Section 508 of the Rehabilitation Act of 1973; and
- (2) will be accessible to the public via the ed.gov website.

OSEP appreciates the State's efforts to improve results for children and youth with disabilities and looks forward to working with your State over the next year as we continue our important work of improving the lives of children with disabilities and their families. Please contact your OSEP State Lead if you have any questions, would like to discuss this further, or want to request technical assistance.

Sincerely,



---

David Cantrell, PhD

Acting Director

Office of Special Education Programs

cc: State Director of Special Education

# Delaware

## 2021 Part B Results-Driven Accountability Matrix

### Results-Driven Accountability Percentage and Determination<sup>1</sup>

Percentage (%)	Determination
71.88	Needs Assistance

### Results and Compliance Overall Scoring

	Total Points Available	Points Earned	Score (%)
Results	16	7	43.75
Compliance	18	18	100

### 2021 Part B Results Matrix

#### Reading Assessment Elements

Reading Assessment Elements	Performance (%)	Score
Percentage of 4th Grade Children with Disabilities Participating in Regular Statewide Assessments	N/A	N/A
Percentage of 8th Grade Children with Disabilities Participating in Regular Statewide Assessments	N/A	N/A
Percentage of 4th Grade Children with Disabilities Scoring at Basic or Above on the National Assessment of Educational Progress	17	0
Percentage of 4th Grade Children with Disabilities Included in Testing on the National Assessment of Educational Progress	93	1
Percentage of 8th Grade Children with Disabilities Scoring at Basic or Above on the National Assessment of Educational Progress	22	0
Percentage of 8th Grade Children with Disabilities Included in Testing on the National Assessment of Educational Progress	89	1

#### Math Assessment Elements

Math Assessment Elements	Performance (%)	Score
Percentage of 4th Grade Children with Disabilities Participating in Regular Statewide Assessments	N/A	N/A
Percentage of 8th Grade Children with Disabilities Participating in Regular Statewide Assessments	N/A	N/A
Percentage of 4th Grade Children with Disabilities Scoring at Basic or Above on the National Assessment of Educational Progress	38	0
Percentage of 4th Grade Children with Disabilities Included in Testing on the National Assessment of Educational Progress	93	1
Percentage of 8th Grade Children with Disabilities Scoring at Basic or Above on the National Assessment of Educational Progress	16	0
Percentage of 8th Grade Children with Disabilities Included in Testing on the National Assessment of Educational Progress	91	1

<sup>1</sup> For a detailed explanation of how the Compliance Score, Results Score, and the Results-Driven Accountability Percentage and Determination were calculated, review "How the Department Made Determinations under Section 616(d) of the *Individuals with Disabilities Education Act* in 2021: Part B."

## Exiting Data Elements

Exiting Data Elements	Performance (%)	Score
Percentage of Children with Disabilities who Dropped Out	12	2
Percentage of Children with Disabilities who Graduated with a Regular High School Diploma <sup>1</sup>	77	1

### 2021 Part B Compliance Matrix

Part B Compliance Indicator <sup>2</sup>	Performance (%)	Full Correction of Findings of Noncompliance Identified in FFY 2018	Score
Indicator 4B: Significant discrepancy, by race and ethnicity, in the rate of suspension and expulsion, and policies, procedures or practices that contribute to the significant discrepancy and do not comply with specified requirements.	0	N/A	2
Indicator 9: Disproportionate representation of racial and ethnic groups in special education and related services due to inappropriate identification.	0	Yes	2
Indicator 10: Disproportionate representation of racial and ethnic groups in specific disability categories due to inappropriate identification.	2.63	Yes	2
Indicator 11: Timely initial evaluation	98.47	Yes	2
Indicator 12: IEP developed and implemented by third birthday	91.56	Yes	2
Indicator 13: Secondary transition	99.89	Yes	2
Timely and Accurate State-Reported Data	94.5		2
Timely State Complaint Decisions	100		2
Timely Due Process Hearing Decisions	N/A		N/A
Longstanding Noncompliance			2
Specific Conditions	None		
Uncorrected identified noncompliance	None		

<sup>1</sup> When providing exiting data under section 618 of the IDEA, States are required to report on the number of students with disabilities who exited an educational program through receipt of a regular high school diploma. These students meet the same standards for graduation as those for students without disabilities. As explained in 34 C.F.R. § 300.102(a)(3)(iv), in effect June 30, 2017, “the term regular high school diploma means the standard high school diploma awarded to the preponderance of students in the State that is fully aligned with State standards, or a higher diploma, except that a regular high school diploma shall not be aligned to the alternate academic achievement standards described in section 1111(b)(1)(E) of the ESEA. A regular high school diploma does not include a recognized equivalent of a diploma, such as a general equivalency diploma, certificate of completion, certificate of attendance, or similar lesser credential.”

<sup>2</sup> The complete language for each indicator is located in the Part B SPP/APR Indicator Measurement Table at: [https://sites.ed.gov/idea/files/1820-0624\\_Part\\_B\\_SPP\\_APR\\_Measurement\\_Table\\_2021\\_final.pdf](https://sites.ed.gov/idea/files/1820-0624_Part_B_SPP_APR_Measurement_Table_2021_final.pdf)

# **STATE PERFORMANCE PLAN / ANNUAL PERFORMANCE REPORT: PART B**

**for STATE FORMULA GRANT PROGRAMS under the Individuals with Disabilities Education Act**

**For reporting on  
FFY 2019**

**Delaware**



**PART B DUE  
February 1, 2021**

**U.S. DEPARTMENT OF EDUCATION  
WASHINGTON, DC 20202**

## Introduction

### Instructions

Provide sufficient detail to ensure that the Secretary and the public are informed of and understand the State's systems designed to drive improved results for students with disabilities and to ensure that the State Educational Agency (SEA) and Local Educational Agencies (LEAs) meet the requirements of IDEA Part B. This introduction must include descriptions of the State's General Supervision System, Technical Assistance System, Professional Development System, Stakeholder Involvement, and Reporting to the Public.

### Intro - Indicator Data

#### Executive Summary

Delaware IDEA Part B SPP-APR FFY 2019 Introduction attached

#### Additional information related to data collection and reporting

DDOE ensures all data reported in FFY2019 APR is complete, accurate, reliable, and valid. COVID-19 did not affect the SEAs ability to collect the data because the SEA utilizes a state data system, which is available electronically from any location. DDOE did take steps to mitigate the potential impact of COVID-19 within Indicators 7, 8, 9, 10, 11, 12 and 14 by providing guidance, technical assistance, changing methods of survey submissions, and modifying the requirements of the LEAs regarding the use of the required tools for COS ratings. Please refer to each indicator for details.

#### Number of Districts in your State/Territory during reporting year

41

#### General Supervision System

**The systems that are in place to ensure that IDEA Part B requirements are met, e.g., monitoring, dispute resolution, etc.**

Delaware IDEA Part B SPP-APR FFY 2019 Introduction attached

#### Technical Assistance System

**The mechanisms that the State has in place to ensure the timely delivery of high quality, evidenced based technical assistance and support to LEAs.**

Delaware IDEA Part B SPP-APR FFY 2019 Introduction attached

#### Professional Development System

**The mechanisms the State has in place to ensure that service providers have the skills to effectively provide services that improve results for students with disabilities.**

Delaware IDEA Part B SPP-APR FFY 2019 Introduction attached

#### Stakeholder Involvement

**The mechanism for soliciting broad stakeholder input on targets in the SPP, including revisions to targets.**

Delaware IDEA Part B SPP-APR FFY 2019 Introduction attached

#### Apply stakeholder involvement from introduction to all Part B results indicators (y/n)

NO

#### Reporting to the Public

**How and where the State reported to the public on the FFY18 performance of each LEA located in the State on the targets in the SPP/APR as soon as practicable, but no later than 120 days following the State's submission of its FFY 2018 APR, as required by 34 CFR §300.602(b)(1)(i)(A); and a description of where, on its Web site, a complete copy of the State's SPP, including any revision if the State has revised the SPP that it submitted with its FFY 2018 APR in 2020, is available.**

The FFY 2018 IDEA Part B State Performance Plan/Annual Performance Report and the FFY2018 LEA Annual Determinations are posted on the Delaware Department of Education website at: <https://www.doe.k12.de.us/annualdeterminations>

As soon as the FFY 2019 IDEA Part B State Performance Plan/Annual Performance Report is posted by OSEP, it will be posted on the Delaware Department of Education website. As soon as the FFY2019 LEA Annual Determinations are issued and not later than 120 days after submitting the FFY 2019 Annual Performance Report, it too will be posted on the Department website.

### Intro - Prior FFY Required Actions

In the FFY 2019 SPP/APR, the State must report FFY 2019 data for the State-identified Measurable Result (SiMR). Additionally, the State must, consistent with its evaluation plan described in Phase II, assess and report on its progress in implementing the SSIP. Specifically, the State must provide: (1) a narrative or graphic representation of the principal activities implemented in Phase III, Year Five; (2) measures and outcomes that were implemented and achieved since the State's last SSIP submission (i.e., April 1, 2020); (3) a summary of the SSIP's coherent improvement strategies, including infrastructure improvement strategies and evidence-based practices that were implemented and progress toward short-term and long-term outcomes that are intended to impact the SiMR; and (4) any supporting data that demonstrates that implementation of these activities is impacting the State's capacity to improve its SiMR data.

The State's IDEA Part B determination for both 2019 and 2020 is Needs Assistance. In the State's 2020 determination letter, the Department advised the State of available sources of technical assistance, including OSEP-funded technical assistance centers, and required the State to work with appropriate entities. The Department directed the State to determine the results elements and/or compliance indicators, and improvement strategies, on which it will focus its use of available technical assistance, in order to improve its performance.

The State must report, with its FFY 2019 SPP/APR submission, due February 1, 2021, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance.

### Response to actions required in FFY 2018 SPP/APR



In response to FFY 18 required actions, DDOE has incorporated the required actions within the FFY 19 Introduction under the appropriate sections. In response to data from the State-identified Measurable Result (SiMR), the Phase III report submitted April 1, 2020 is located at <https://www.doe.k12.de.us/Page/2343>. Measures and outcomes implemented and achieved since the State's last SSIP submission by April 1, 2020 will be included in the SSIP submission due April 1, 2021. The April 1, 2021 SSIP report will also include the additional responses required. The April 2021 SSIP report will be posted at the same above link.

### **Intro - OSEP Response**

The State's determinations for both 2019 and 2020 were Needs Assistance. Pursuant to section 616(e)(1) of the IDEA and 34 C.F.R. § 300.604(a), OSEP's June 25, 2020 determination letter informed the State that it must report with its FFY 2019 SPP/APR submission, due February 1, 2021, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State provided the required information.

Due to the circumstances created by the COVID-19 pandemic, and resulting school closures, the State does not have any FFY 2019 data for indicator 17.

### **Intro - Required Actions**

The State's IDEA Part B determination for both 2020 and 2021 is Needs Assistance. In the State's 2021 determination letter, the Department advised the State of available sources of technical assistance, including OSEP-funded technical assistance centers, and required the State to work with appropriate entities. The Department directed the State to determine the results elements and/or compliance indicators, and improvement strategies, on which it will focus its use of available technical assistance, in order to improve its performance. The State must report, with its FFY 2020 SPP/APR submission, due February 1, 2022, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance.

### **Intro - State Attachments**



Delaware IDEA Part B  
SPP-APR FFY 2019 Ini

# Indicator 1: Graduation

## Instructions and Measurement

**Monitoring Priority:** FAPE in the LRE

**Results indicator:** Percent of youth with Individualized Education Programs (IEPs) graduating from high school with a regular high school diploma. (20 U.S.C. 1416 (a)(3)(A))

### Data Source

Same data as used for reporting to the Department of Education (Department) under Title I of the Elementary and Secondary Education Act (ESEA).

### Measurement

States may report data for children with disabilities using either the four-year adjusted cohort graduation rate required under the ESEA or an extended-year adjusted cohort graduation rate under the ESEA, if the State has established one.

### Instructions

Sampling is not allowed.

Describe the results of the State's examination of the data for the year before the reporting year (e.g., for the FFY 2019 SPP/APR, use data from 2018-2019), and compare the results to the target. Provide the actual numbers used in the calculation.

Provide a narrative that describes the conditions youth must meet in order to graduate with a regular high school diploma and, if different, the conditions that youth with IEPs must meet in order to graduate with a regular high school diploma. If there is a difference, explain.

Targets should be the same as the annual graduation rate targets for children with disabilities under Title I of the ESEA.

States must continue to report the four-year adjusted cohort graduation rate for all students and disaggregated by student subgroups including the children with disabilities subgroup, as required under section 1111(h)(1)(C)(iii)(II) of the ESEA, on State report cards under Title I of the ESEA even if they only report an extended-year adjusted cohort graduation rate for the purpose of SPP/APR reporting.

## 1 - Indicator Data

### Historical Data

Baseline Year	Baseline Data
2015	63.70%

FFY	2014	2015	2016	2017	2018
Target >=	66.70%	71.40%	74.10%	77.80%	67.30%
Data	67.66%	65.61%	67.15%	67.94%	69.07%

### Targets

FFY	2019
Target >=	68.50%

### Targets: Description of Stakeholder Input

Delaware began implementing the ESSA plan during the 2017-2018 School Year, therefore, new targets were set during the development of the ESSA plan. The Graduation Rate targets are set in accordance to the DDOE's ESSA plan. The DDOE gathered stakeholder input on graduation rate targets through the ESSA plan process.

Stakeholder consultation was carried out in multiple ways:

First, DDOE scheduled time during the planning process within existing group meetings. DDOE called these stakeholder consultation meetings. DDOE originally engaged these stakeholder groups during the development of the Delaware School Success Framework and equity planning.

Second, the DDOE scheduled community conversations across the state in all three counties. These meetings were open to the public.

Third, the Governor, through Executive Order 62, created an ESSA Advisory Committee. This committee brought together a variety of education leaders, advocates, educators, parents/guardians, community members, advocates, administrators, and other education stakeholders who were required to be part of the consultation process and provided input for the state plan.

Fourth, the DDOE engaged representatives of stakeholder groups in ESSA discussion groups. Stakeholder groups, included teachers, school and district leaders, students, families, community partners, and nominated participants for these topical discussion groups. The first group focused discussions on technical topics related to measures of school success and reporting. The second group focused discussions on provisions for student and school supports. The discussion groups provided information to the Advisory group created by this Executive Order.

Finally, the DDOE established an ESSA state plan email account so that DDOE could share information and collect feedback. Surveys were available on the ESSA webpage during the process to provide additional feedback.

Additional feedback regarding the ESSA Plan was received by special education stakeholder groups: National Technical Assistance Center on Transition (NTACT) State Team, State Transition Cadre, Governor's Advisory Council for Exceptional Citizens (the state's IDEA advisory council), transition subcommittee, state transition council, Special Education Leadership Group, and County Special Education Directors. Members of these groups include students, parents, teachers, transition specialists, special education directors, state agency representatives, community service providers, and other community members.

The DDOE, with the input from its stakeholders, has established ambitious long-term goals with measurements of interim progress for all students and subgroups for the four-year adjusted cohort graduation rates and for extended-year adjusted cohort graduation rates. Based on stakeholder feedback, the DDOE will continue to calculate and report both five- and six-year adjusted cohort graduation rates. Feedback from stakeholders encouraged long-

term goals to be set for a length of more than five years. Ambitious long-term goals were developed to reduce the percentage of non-graduating students by 50% by 2030. This is calculated by first identifying the 2014-2015 baseline cohort graduation rate by subgroup, subtracting that percentage from 100%, dividing the result by 50%, which represents the desired reduction in the percentage of non-graduating students, and adding that percentage to the baseline to identify the long-term goal.

Once the ESSA Plan was approved by USDOE, the new graduation targets were presented to the above mentioned transition stakeholder groups.

For Special Education, the Delaware Class of 2019 graduation rate is 73.34%. This year's rate is an increase of 4.27% over FFY 18 69.07%, exceeding the state goal of +1.2 percentage growth per year. The current rate is an increase of 9.64% from our baseline of 63.7% for the Class of 2015.

Through our approved ESSA plan, our graduation goals were set through the following process:

Subgroup: Special Education

Step 1: 2014-2015 Graduation Rate = 63.7%

Step 2: 100% - 63.7% = 36.3%

Step 3: Reduction goal is 50% of 36.3% = 18.15%

Step 4: Add reduction goal to baseline graduation rate to determine long-term goal (increase in graduation rate) for the Special Education subgroup  
63.7% + 18.2% = 81.9% (an annual increase of 1.2% through 2030)

Using the above calculation through our ESSA plan development, the Delaware baseline year is FFY 14 (school year 2014-2015). Hence, DDOE new targets are BASELINE FFY 15 (SY 14-15) = 63.7%; FFY 16 (SY 15-16) = 64.9%; FFY 17 (SY 16-17) = 66.1%; FFY 18 (SY 17-18) = 67.3%; FFY 19 (SY 18-19) = 68.5% and FFY 20 (SY 19-20) = 69.7%.

DDOE has moved to a new graduation calculation under the approved ESSA plan. DDOE is unable to revise historical data (due to the platform) so historical data should be BASELINE FFY 15 (SY 14-15) = 63.7%; FFY 16 (SY 15-16) = 65.8%; FFY 17 (SY 16-17) = 67.6%, FFY 18 (SY 17-18) = 69.8%

### Prepopulated Data

Source	Date	Description	Data
SY 2018-19 Cohorts for Regulatory Adjusted-Cohort Graduation Rate (EDFacts file spec FS151; Data group 696)	07/27/2020	Number of youth with IEPs graduating with a regular diploma	*1
SY 2018-19 Cohorts for Regulatory Adjusted-Cohort Graduation Rate (EDFacts file spec FS151; Data group 696)	07/27/2020	Number of youth with IEPs eligible to graduate	1,489
SY 2018-19 Regulatory Adjusted Cohort Graduation Rate (EDFacts file spec FS150; Data group 695)	07/27/2020	Regulatory four-year adjusted-cohort graduation rate table	73% <sup>2</sup>

### FFY 2019 SPP/APR Data

Number of youth with IEPs in the current year's adjusted cohort graduating with a regular diploma	Number of youth with IEPs in the current year's adjusted cohort eligible to graduate	FFY 2018 Data	FFY 2019 Target	FFY 2019 Data	Status	Slippage
*1	1,489	69.07%	68.50%	73% <sup>2</sup>	Met Target	No Slippage

### Graduation Conditions

Choose the length of Adjusted Cohort Graduation Rate your state is using:

4-year ACGR

Provide a narrative that describes the conditions youth must meet in order to graduate with a regular high school diploma and, if different, the conditions that youth with IEPs must meet in order to graduate with a regular high school diploma. If there is a difference, explain.

Graduation conditions for students in Delaware are as follows:

Beginning with the graduating class of 2019, a public school student shall be granted a State of Delaware Diploma when such student has successfully completed a minimum of twenty-four (24) credits in order to graduate including: four (4) credits in English Language Arts, four (4) credits in Mathematics, three (3) credits in Science, three (3) credits in Social Studies, two (2) credits in a World Language, one (1) credit in Physical Education, one half (1/2) credit in Health Education, three (3) credits in a Career Pathway, and three and one half (3 ½) credits in elective courses.

The student shall earn credit upon completion of Mathematics course work that includes no less than the equivalent of the traditional requirements of Geometry, Algebra I and Algebra II courses. The student shall complete an Algebra II or Integrated Mathematics III course as one of the Mathematics credits.

Scientific investigations related to the State Science Standards shall be included in all three Science course requirements. The student shall complete a Biology course as one of the Science credits.

<sup>1</sup> Data suppressed due to privacy protection

<sup>2</sup> Percentage blurred due to privacy protection

The student shall complete a U. S. History course as one of the Social Studies credits.

During the senior year the student shall maintain a credit load each semester that earns the student at least a majority of credits that could be taken that semester. A credit in Mathematics shall be earned during the senior year. Further provided, a student participating in a dual enrollment course or dual credit course, as defined in 14 DE Admin. Code 506 Policies for Dual Enrollment and Awarding Dual Credit, shall be considered to be meeting the majority of credits, as long as a credit in Mathematics is earned during the senior year.

Senior year credits shall include regular High School course offerings, the options available in Section 8.0, or a combination of both.

World Language:

Students may fulfill the two (2) credit World Language requirement by either:

Earning a minimum of two (2) World Language credits in the same language; or

Demonstrating Novice-high or higher proficiency level on a nationally recognized assessment of language proficiency, except English, in the skill areas of oral or signed expressive and receptive communication, reading and writing, that uses the levels of proficiency as identified by the American Council for the Teaching of Foreign Language, or as approved for use by DDOE.

Any student enrolling in a Delaware public High School from an out-of-state school or nonpublic Delaware High School between and including October 1st of the 11th grade year and September 30th of the 12th grade year with one (1) World Language credit from a previous school shall be required to earn the second credit in that language unless the language is not offered at the enrolling school. In such case, the student shall earn one (1) credit in an additional language for a total of two (2) credits or pursue available options in Section 8.0 to earn the second credit of the original language.

Any student enrolling in a Delaware public High School from an out-of-state school or nonpublic Delaware High School between and including October 1st of the 11th grade year and September 30th of the 12th grade year with no World Language credits shall be required to earn at least one (1) World Language credit prior to graduation. Provided further, the minimum twenty-four (24) total credits outlined in this section shall still be met, or any other credit requirements pursuant to Section 8.0.

Any student enrolling in a Delaware public High School from an out-of-state school or nonpublic Delaware High School on or after October 1st of the 12th grade year, the World Language requirement shall be waived. Provided further, the minimum twenty-four (24) total credits outlined in this section shall still be met, or any other credit requirements pursuant to Section 8.0.

Any student transferring between Delaware public schools with one (1) World Language credit from a previous school shall be required to earn the second credit in that language unless the language is not offered at the enrolling school. In such case, the student shall pursue available options in Section 8.0 to earn the second credit of the original language or earn one (1) credit in an additional language for a total of two (2) credits.

LEAs may require students to earn additional credits to the above stated state minimal requirements.

Delaware does not currently have any alternate routes for students with disabilities to graduate with a regular high school diploma.

**Are the conditions that youth with IEPs must meet to graduate with a regular high school diploma different from the conditions noted above? (yes/no)**

NO

**Provide additional information about this indicator (optional)**

DDOE ensures that this data is complete, accurate, reliable, and valid for Indicator 1. The data for this indicator is pulled from the 2018-2019 school year which was not impacted by COVID-19.

## **1 - Prior FFY Required Actions**

None

## **1 - OSEP Response**

## **1 - Required Actions**

## Indicator 2: Drop Out

### Instructions and Measurement

**Monitoring Priority:** FAPE in the LRE

**Results indicator:** Percent of youth with IEPs dropping out of high school. (20 U.S.C. 1416 (a)(3)(A))

#### Data Source

OPTION 1:

Same data as used for reporting to the Department under section 618 of the Individuals with Disabilities Education Act (IDEA), using the definitions in ED Facts file specification FS009.

OPTION 2:

Use same data source and measurement that the State used to report in its FFY 2010 SPP/APR that was submitted on February 1, 2012.

#### Measurement

OPTION 1:

States must report a percentage using the number of youth with IEPs (ages 14-21) who exited special education due to dropping out in the numerator and the number of all youth with IEPs who left high school (ages 14-21) in the denominator.

OPTION 2:

Use same data source and measurement that the State used to report in its FFY 2010 SPP/APR that was submitted on February 1, 2012.

#### Instructions

Sampling is not allowed.

OPTION 1:

Use 618 exiting data for the year before the reporting year (e.g., for the FFY 2019 SPP/APR, use data from 2018-2019). Include in the denominator the following exiting categories: (a) graduated with a regular high school diploma; (b) received a certificate; (c) reached maximum age; (d) dropped out; or (e) died.

Do not include in the denominator the number of youths with IEPs who exited special education due to: (a) transferring to regular education; or (b) who moved, but are known to be continuing in an educational program.

OPTION 2:

Use the annual event school dropout rate for students leaving a school in a single year determined in accordance with the National Center for Education Statistic's Common Core of Data.

If the State has made or proposes to make changes to the data source or measurement under Option 2, when compared to the information reported in its FFY 2010 SPP/APR submitted on February 1, 2012, the State should include a justification as to why such changes are warranted.

Options 1 and 2:

Data for this indicator are "lag" data. Describe the results of the State's examination of the data for the year before the reporting year (e.g., for the FFY 2019 SPP/APR, use data from 2018-2019), and compare the results to the target.

Provide a narrative that describes what counts as dropping out for all youth and, if different, what counts as dropping out for youth with IEPs. If there is a difference, explain.

## 2 - Indicator Data

### Historical Data

Baseline Year	Baseline Data
2013	5.12%

FFY	2014	2015	2016	2017	2018
Target <=	5.20%	4.90%	4.60%	4.30%	4.00%
Data	3.49%	3.25%	2.91%	2.38%	2.60%

### Targets

FFY	2019
Target <=	3.70%

### Targets: Description of Stakeholder Input

With the start of the current APR package, the Delaware Department of Education (DDOE) consulted with various stakeholder groups to receive input into historical and current drop out data to determine targets for the current APR. Fall of 2019, targets were extended for one more year. These groups included the National Technical Assistance Center on Transition (NTACT) State Team, State Transition Cadre, Governor's Advisory Council for Exceptional Citizens (the state's IDEA advisory council), transition subcommittee, state transition council, Special Education Leadership Group, and County Special Education Director. Members of these groups include students, parents, teachers, transition specialists, special education directors, State agency representatives, community service providers, and other community members.

### Please indicate the reporting option used on this indicator

Option 2

### Prepopulated Data

Source	Date	Description	Data
SY 2018-19 Exiting Data Groups (EDFacts file spec FS009; Data Group 85)	05/27/2020	Number of youth with IEPs (ages 14-21) who exited special education by graduating with a regular high school diploma (a)	1,086
SY 2018-19 Exiting Data Groups (EDFacts file spec FS009; Data Group 85)	05/27/2020	Number of youth with IEPs (ages 14-21) who exited special education by receiving a certificate (b)	119
SY 2018-19 Exiting Data Groups (EDFacts file spec FS009; Data Group 85)	05/27/2020	Number of youth with IEPs (ages 14-21) who exited special education by reaching maximum age (c)	25
SY 2018-19 Exiting Data Groups (EDFacts file spec FS009; Data Group 85)	05/27/2020	Number of youth with IEPs (ages 14-21) who exited special education due to dropping out (d)	163
SY 2018-19 Exiting Data Groups (EDFacts file spec FS009; Data Group 85)	05/27/2020	Number of youth with IEPs (ages 14-21) who exited special education as a result of death (e)	9

**Has your State made or proposes to make changes to the data source under Option 2, when compared to the information reported in its FFY 2010 SPP/APR submitted on February 1, 2012? (yes/no)**

NO

**Use a different calculation methodology (yes/no)**

YES

**Change numerator description in data table (yes/no)**

YES

**Change denominator description in data table (yes/no)**

YES

**If use a different calculation methodology is yes, provide an explanation of the different calculation methodology**

Methodology Used to Calculate Drop out

Delaware uses an Event Rate method for reporting in its Annual Dropout Summary of Statistics. Event rate reporting is a snapshot which reflects the total numbers of students in grades 9-12 who dropped out of school in a single year divided by the fall enrollment of that same year. This method aligns with the DDOE's reporting under Title 1 of the Elementary and Secondary Education Act (ESEA).

The calculation is based on students who were included in the September 30 Enrollment Report to the state. A dropout for any particular year is any student who was in the September enrollment report who did not graduate, did not die, or did not transfer to another school and was not included in the end of year enrollment report. Students who are identified as "whereabouts unknown" by a school district or charter school are assumed to be dropouts for this calculation.

Calculation:

# of students who did not graduate, did not die, or did not transfer to another school and were not included in the end of the year enrollment

# of special education students enrolled in grades 9-12 on September 30

**FFY 2019 SPP/APR Data**

Number of youth with IEPs who exited special education due to dropping out	Total number of High School Students with IEPs by Cohort	FFY 2018 Data	FFY 2019 Target	FFY 2019 Data	Status	Slippage
137	6,614	2.60%	3.70%	2.07%	Met Target	No Slippage

**Provide reasons for slippage, if applicable**

**Provide a narrative that describes what counts as dropping out for all youth**

A dropout for any particular year is any student who was in the September enrollment report who did not graduate, did not die, or did not transfer to another school and was not included in the end of year enrollment report. Students who are identified as "whereabouts unknown" by a school district or charter school are assumed to be dropouts for this calculation.

**Is there a difference in what counts as dropping out for youth with IEPs? (yes/no)**

NO

**If yes, explain the difference in what counts as dropping out for youth with IEPs below.**

**Provide additional information about this indicator (optional)**

DDOE ensures that this data is complete, accurate, reliable, and valid for Indicator 2. The data for this indicator is pulled from the 2018-2019 school year which was not impacted by COVID-19.

**2 - Prior FFY Required Actions**

None

**2 - OSEP Response**

**2 - Required Actions**

## Indicator 3B: Participation for Students with IEPs

### Instructions and Measurement

**Monitoring Priority:** FAPE in the LRE

**Results indicator:** Participation and performance of children with IEPs on statewide assessments:

- A. Indicator 3A – Reserved
- B. Participation rate for children with IEPs
- C. Proficiency rate for children with IEPs against grade level and alternate academic achievement standards.

(20 U.S.C. 1416 (a)(3)(A))

#### Data Source

3B. Same data as used for reporting to the Department under Title I of the ESEA, using EDFacts file specifications FS185 and 188.

#### Measurement

B. Participation rate percent = [(# of children with IEPs participating in an assessment) divided by the (total # of children with IEPs enrolled during the testing window)]. Calculate separately for reading and math. The participation rate is based on all children with IEPs, including both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year.

#### Instructions

Describe the results of the calculations and compare the results to the targets. Provide the actual numbers used in the calculation.

Include information regarding where to find public reports of assessment participation and performance results, as required by 34 CFR §300.160(f), i.e., a link to the Web site where these data are reported.

Indicator 3B: Provide separate reading/language arts and mathematics participation rates, inclusive of all ESEA grades assessed (3-8 and high school), for children with IEPs. Account for ALL children with IEPs, in all grades assessed, including children not participating in assessments and those not enrolled for a full academic year. Only include children with disabilities who had an IEP at the time of testing.

### 3B - Indicator Data

#### Reporting Group Selection

Based on previously reported data, these are the grade groups defined for this indicator.

Group	Group Name	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 9	Grade 10	Grade 11	Grade 12	HS
A	Grade 3	X										
B	Grade 4		X									
C	Grade 5			X								
D	Grade 6				X							
E	Grade 7					X						
F	Grade 8						X					
G	High School											X

#### Historical Data: Reading

Group	Group Name	Baseline	FFY	2014	2015	2016	2017	2018
A	Grade 3	2018	Target >=	95.00%	95.00%	95.00%	95.00%	95.00%
A	Grade 3	98.00%	Actual	97.16%	97.96%	98.13%	98.00%	98.00%
B	Grade 4	2018	Target >=	95.00%	95.00%	95.00%	95.00%	95.00%
B	Grade 4	98.16%	Actual	97.32%	97.74%	98.49%	96.17%	98.16%
C	Grade 5	2018	Target >=	95.00%	95.00%	95.00%	95.00%	95.00%
C	Grade 5	97.59%	Actual	97.76%	97.42%	97.96%	97.85%	97.59%
D	Grade 6	2018	Target >=	95.00%	95.00%	95.00%	95.00%	95.00%
D	Grade 6	97.17%	Actual	97.45%	95.96%	97.08%	97.25%	97.17%
E	Grade 7	2018	Target >=	95.00%	95.00%	95.00%	95.00%	95.00%
E	Grade 7	96.74%	Actual	97.57%	95.64%	97.45%	96.64%	96.74%
F	Grade 8	2018	Target >=	95.00%	95.00%	95.00%	95.00%	95.00%
F	Grade 8	95.70%	Actual	96.55%	95.11%	95.81%	96.80%	95.70%



<b>G</b>	High School	2018	Target >=	95.00%	95.00%	95.00%	95.00%	95.00%
<b>G</b>	High School	74.76%	Actual	92.00%	90.36%	89.36%	84.40%	74.76%

**Historical Data: Math**

Group	Group Name	Baseline	FFY	2014	2015	2016	2017	2018
<b>A</b>	Grade 3	2018	Target >=	95.00%	95.00%	95.00%	95.00%	95.00%
<b>A</b>	Grade 3	97.91%	Actual	97.10%	97.98%	97.64%	97.64%	97.91%
<b>B</b>	Grade 4	2018	Target >=	95.00%	95.00%	95.00%	95.00%	95.00%
<b>B</b>	Grade 4	98.06%	Actual	97.09%	97.75%	98.17%	96.34%	98.06%
<b>C</b>	Grade 5	2018	Target >=	95.00%	95.00%	95.00%	95.00%	95.00%
<b>C</b>	Grade 5	97.60%	Actual	97.41%	97.09%	97.91%	97.80%	97.60%
<b>D</b>	Grade 6	2018	Target >=	95.00%	95.00%	95.00%	95.00%	95.00%
<b>D</b>	Grade 6	97.02%	Actual	97.39%	95.64%	96.74%	96.63%	97.02%
<b>E</b>	Grade 7	2018	Target >=	95.00%	95.00%	95.00%	95.00%	95.00%
<b>E</b>	Grade 7	96.63%	Actual	97.70%	95.77%	96.78%	96.24%	96.63%
<b>F</b>	Grade 8	2018	Target ≥	95.00%	95.00%	95.00%	95.00%	95.00%
<b>F</b>	Grade 8	95.38%	Actual	96.23%	95.70%	95.25%	96.79%	95.38%
<b>G</b>	High School	2018	Target >=	95.00%	95.00%	95.00%	95.00%	95.00%
<b>G</b>	High School	74.68%	Actual	92.14%	90.44%	89.36%	83.84%	74.68%

**Targets**

Subject	Group	Group Name	2019
Reading	A >=	Grade 3	95.00%
Reading	B >=	Grade 4	95.00%
Reading	C >=	Grade 5	95.00%
Reading	D >=	Grade 6	95.00%
Reading	E >=	Grade 7	95.00%
Reading	F >=	Grade 8	95.00%
Reading	G >=	High School	95.00%
Math	A >=	Grade 3	95.00%
Math	B >=	Grade 4	95.00%
Math	C >=	Grade 5	95.00%
Math	D >=	Grade 6	95.00%
Math	E >=	Grade 7	95.00%
Math	F >=	Grade 8	95.00%
Math	G >=	High School	95.00%

**Targets: Description of Stakeholder Input**

**FFY 2019 Data Disaggregation from EDFacts**

Include the disaggregated data in your final SPP/APR. (yes/no)

NO

**Data Source:**

SY 2019-20 Assessment Data Groups - Reading (EDFacts file spec FS188; Data Group: 589)

**Date:**

**Reading Assessment Participation Data by Grade**

Grade	3	4	5	6	7	8	9	10	11	12	HS
a. Children with IEPs											
b. IEPs in regular assessment with no accommodations											
c. IEPs in regular assessment with accommodations											
f. IEPs in alternate assessment against alternate standards											

**Data Source:**

SY 2019-20 Assessment Data Groups - Math (EDFacts file spec FS185; Data Group: 588)

**Date:**

**Math Assessment Participation Data by Grade**

Grade	3	4	5	6	7	8	9	10	11	12	HS
a. Children with IEPs											
b. IEPs in regular assessment with no accommodations											
c. IEPs in regular assessment with accommodations											
f. IEPs in alternate assessment against alternate standards											

**FFY 2019 SPP/APR Data: Reading Assessment**

Group	Group Name	Number of Children with IEPs	Number of Children with IEPs Participating	FFY 2018 Data	FFY 2019 Target	FFY 2019 Data	Status	Slippage
A	Grade 3			98.00%	95.00%		N/A	N/A
B	Grade 4			98.16%	95.00%		N/A	N/A
C	Grade 5			97.59%	95.00%		N/A	N/A
D	Grade 6			97.17%	95.00%		N/A	N/A
E	Grade 7			96.74%	95.00%		N/A	N/A
F	Grade 8			95.70%	95.00%		N/A	N/A
G	High School			74.76%	95.00%		N/A	N/A

**FFY 2019 SPP/APR Data: Math Assessment**

Group	Group Name	Number of Children with IEPs	Number of Children with IEPs Participating	FFY 2018 Data	FFY 2019 Target	FFY 2019 Data	Status	Slippage
A	Grade 3			97.91%	95.00%		N/A	N/A
B	Grade 4			98.06%	95.00%		N/A	N/A

Group	Group Name	Number of Children with IEPs	Number of Children with IEPs Participating	FFY 2018 Data	FFY 2019 Target	FFY 2019 Data	Status	Slippage
C	Grade 5			97.60%	95.00%		N/A	N/A
D	Grade 6			97.02%	95.00%		N/A	N/A
E	Grade 7			96.63%	95.00%		N/A	N/A
F	Grade 8			95.38%	95.00%		N/A	N/A
G	High School			74.68%	95.00%		N/A	N/A

**Regulatory Information**

The SEA, (or, in the case of a district-wide assessment, LEA) must make available to the public, and report to the public with the same frequency and in the same detail as it reports on the assessment of nondisabled children: (1) the number of children with disabilities participating in: (a) regular assessments, and the number of those children who were provided accommodations in order to participate in those assessments; and (b) alternate assessments aligned with alternate achievement standards; and (2) the performance of children with disabilities on regular assessments and on alternate assessments, compared with the achievement of all children, including children with disabilities, on those assessments. [20 U.S.C. 1412 (a)(16)(D); 34 CFR §300.160(f)]

**Public Reporting Information**

Provide links to the page(s) where you provide public reports of assessment results.

Provide additional information about this indicator (optional)

**3B - Prior FFY Required Actions**

None

**3B - OSEP Response**

The State was not required to provide any data for this indicator. Due to the circumstances created by the COVID-19 pandemic, and resulting school closures, the State received a waiver of the assessment requirements in section 1111(b)(2) of the ESEA, and, as a result, does not have any FFY 2019 data for this indicator.

**3B - Required Actions**

## Indicator 3C: Proficiency for Students with IEPs

### Instructions and Measurement

**Monitoring Priority:** FAPE in the LRE

**Results indicator:** Participation and performance of children with IEPs on statewide assessments:

- A. Indicator 3A – Reserved
- B. Participation rate for children with IEPs
- C. Proficiency rate for children with IEPs against grade level and alternate academic achievement standards.

(20 U.S.C. 1416 (a)(3)(A))

#### Data Source

3C. Same data as used for reporting to the Department under Title I of the ESEA, using EDFacts file specifications FS175 and 178.

#### Measurement

C. Proficiency rate percent = [(# of children with IEPs scoring at or above proficient against grade level and alternate academic achievement standards) divided by the (total # of children with IEPs who received a valid score and for whom a proficiency level was assigned)]. Calculate separately for reading and math. The proficiency rate includes both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year.

#### Instructions

Describe the results of the calculations and compare the results to the targets. Provide the actual numbers used in the calculation.

Include information regarding where to find public reports of assessment participation and performance results, as required by 34 CFR §300.160(f), i.e., a link to the Web site where these data are reported.

Indicator 3C: Proficiency calculations in this SPP/APR must result in proficiency rates for reading/language arts and mathematics assessments (combining regular and alternate) for children with IEPs, in all grades assessed (3-8 and high school), including both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year. Only include children with disabilities who had an IEP at the time of testing.

## 3C - Indicator Data

### Reporting Group Selection

Based on previously reported data, these are the grade groups defined for this indicator.

Group	Group Name	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 9	Grade 10	Grade 11	Grade 12	HS
A	Grade 3	X										
B	Grade 4		X									
C	Grade 5			X								
D	Grade 6				X							
E	Grade 7					X						
F	Grade 8						X					
G	High School											X

### Historical Data: Reading

Group	Group Name	Baseline	FFY	2014	2015	2016	2017	2018
A	Grade 3	2018	Target >=	19.30%	26.00%	32.70%	39.50%	27.63%
A	Grade 3	21.42%	Actual	25.31%	24.67%	23.92%	12.28%	21.42%
B	Grade 4	2018	Target >=	19.30%	26.00%	32.70%	39.50%	24.54%
B	Grade 4	21.70%	Actual	21.77%	21.66%	20.95%	16.88%	21.70%
C	Grade 5	2018	Target >=	19.30%	26.00%	32.70%	39.50%	25.58%
C	Grade 5	21.23%	Actual	19.85%	23.87%	22.97%	15.59%	21.23%
D	Grade 6	2018	Target >=	19.30%	26.00%	32.70%	39.50%	17.74%
D	Grade 6	15.28%	Actual	15.07%	15.88%	16.11%	11.07%	15.28%
E	Grade 7	2018	Target >=	19.30%	26.00%	32.70%	39.50%	18.07%
E	Grade 7	15.82%	Actual	15.43%	16.51%	17.49%	12.81%	15.82%

F	Grade 8	2018	Target >=	19.30%	26.00%	32.70%	39.50%	17.53%
F	Grade 8	15.18%	Actual	16.49%	17.29%	16.46%	13.30%	15.18%
G	High School	2018	Target >=	19.30%	26.00%	32.70%	39.50%	17.46%
G	High School	12.82%	Actual	18.70%	18.03%	13.57%	8.62%	12.82%

**Historical Data: Math**

Group	Group Name	Baseline	FFY	2014	2015	2016	2017	2018
A	Grade 3	2018	Target >=	15.00%	22.10%	29.20%	36.30%	30.82%
A	Grade 3	25.02%	Actual	25.00%	26.69%	25.90%	16.92%	25.02%
B	Grade 4	2018	Target >=	15.00%	22.10%	29.20%	36.30%	22.91%
B	Grade 4	21.24%	Actual	18.60%	19.72%	21.05%	16.67%	21.24%
C	Grade 5	2018	Target >=	15.00%	22.10%	29.20%	36.30%	16.94%
C	Grade 5	13.99%	Actual	13.64%	14.89%	14.94%	9.40%	13.99%
D	Grade 6	2018	Target >=	15.00%	22.10%	29.20%	36.30%	13.76%
D	Grade 6	9.00%	Actual	9.68%	12.24%	12.56%	5.70%	9.00%
E	Grade 7	2018	Target >=	15.00%	22.10%	29.20%	36.30%	14.43%
E	Grade 7	7.30%	Actual	11.15%	12.81%	13.42%	5.05%	7.30%
F	Grade 8	2018	Target >=	15.00%	22.10%	29.20%	36.30%	12.75%
F	Grade 8	6.14%	Actual	11.77%	12.29%	11.82%	5.74%	6.14%
G	High School	2018	Target >=	15.00%	22.10%	29.20%	36.30%	10.85%
G	High School	3.20%	Actual	8.71%	12.23%	8.46%	2.83%	3.20%

**Targets**

Subject	Group	Group Name	2019
Reading	A >=	Grade 3	30.41%
Reading	B >=	Grade 4	27.44%
Reading	C >=	Grade 5	28.44%
Reading	D >=	Grade 6	20.90%
Reading	E >=	Grade 7	21.22%
Reading	F >=	Grade 8	20.70%
Reading	G >=	High School	20.63%
Math	A >=	Grade 3	33.48%
Math	B >=	Grade 4	25.88%
Math	C >=	Grade 5	20.13%
Math	D >=	Grade 6	17.06%
Math	E >=	Grade 7	17.72%
Math	F >=	Grade 8	15.95%
Math	G >=	High School	14.28%

**Targets: Description of Stakeholder Input**

**FFY 2019 Data Disaggregation from EDFacts**

Include the disaggregated data in your final SPP/APR. (yes/no)

NO

Data Source:

Date:

**Reading Proficiency Data by Grade**

Grade	3	4	5	6	7	8	9	10	11	12	HS
a. Children with IEPs who received a valid score and a proficiency was assigned											
b. IEPs in regular assessment with no accommodations scored at or above proficient against grade level											
c. IEPs in regular assessment with accommodations scored at or above proficient against grade level											
f. IEPs in alternate assessment against alternate standards scored at or above proficient against grade level											

Data Source:

Date:

**Math Proficiency Data by Grade**

Grade	3	4	5	6	7	8	9	10	11	12	HS
a. Children with IEPs who received a valid score and a proficiency was assigned											
b. IEPs in regular assessment with no accommodations scored at or above proficient against grade level											
c. IEPs in regular assessment with accommodations scored at or above proficient against grade level											
f. IEPs in alternate assessment against alternate standards scored at or above proficient against grade level											

**FFY 2019 SPP/APR Data: Reading Assessment**

Group	Group Name	Children with IEPs who received a valid score and a proficiency was assigned	Number of Children with IEPs Proficient	FFY 2018 Data	FFY 2019 Target	FFY 2019 Data	Status	Slippage
A	Grade 3			21.42%	30.41%		N/A	N/A
B	Grade 4			21.70%	27.44%		N/A	N/A
C	Grade 5			21.23%	28.44%		N/A	N/A
D	Grade 6			15.28%	20.90%		N/A	N/A
E	Grade 7			15.82%	21.22%		N/A	N/A
F	Grade 8			15.18%	20.70%		N/A	N/A
G	High School			12.82%	20.63%		N/A	N/A

**FFY 2019 SPP/APR Data: Math Assessment**

Group	Group Name	Children with IEPs who received a valid score and a proficiency was assigned	Number of Children with IEPs Proficient	FFY 2018 Data	FFY 2019 Target	FFY 2019 Data	Status	Slippage
A	Grade 3			25.02%	33.48%		N/A	N/A
B	Grade 4			21.24%	25.88%		N/A	N/A
C	Grade 5			13.99%	20.13%		N/A	N/A
D	Grade 6			9.00%	17.06%		N/A	N/A
E	Grade 7			7.30%	17.72%		N/A	N/A
F	Grade 8			6.14%	15.95%		N/A	N/A
G	High School			3.20%	14.28%		N/A	N/A

**Regulatory Information**

The SEA, (or, in the case of a district-wide assessment, LEA) must make available to the public, and report to the public with the same frequency and in the same detail as it reports on the assessment of nondisabled children: (1) the number of children with disabilities participating in: (a) regular assessments, and the number of those children who were provided accommodations in order to participate in those assessments; and (b) alternate assessments aligned with alternate achievement standards; and (2) the performance of children with disabilities on regular assessments and on alternate assessments, compared with the achievement of all children, including children with disabilities, on those assessments. [20 U.S.C. 1412 (a)(16)(D); 34 CFR §300.160(f)]

**Public Reporting Information**

Provide links to the page(s) where you provide public reports of assessment results.

Provide additional information about this indicator (optional)

**3C - Prior FFY Required Actions**

None

**3C - OSEP Response**

The State was not required to provide any data for this indicator. Due to the circumstances created by the COVID-19 pandemic, and resulting school closures, the State received a waiver of the assessment requirements in section 1111(b)(2) of the ESEA, and, as a result, does not have any FFY 2019 data for this indicator.

**3C - Required Actions**





## Indicator 4A: Suspension/Expulsion

### Instructions and Measurement

**Monitoring Priority:** FAPE in the LRE

**Results Indicator:** Rates of suspension and expulsion:

A. Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs

(20 U.S.C. 1416(a)(3)(A); 1412(a)(22))

#### Data Source

State discipline data, including State's analysis of State's Discipline data collected under IDEA Section 618, where applicable. Discrepancy can be computed by either comparing the rates of suspensions and expulsions for children with IEPs to rates for nondisabled children within the LEA or by comparing the rates of suspensions and expulsions for children with IEPs among LEAs within the State.

#### Measurement

Percent = [(# of districts that meet the State-established n size (if applicable) that have a significant discrepancy in the rates of suspensions and expulsions for greater than 10 days in a school year of children with IEPs) divided by the (# of districts in the State that meet the State-established n size (if applicable))] times 100.

Include State's definition of "significant discrepancy."

#### Instructions

If the State has established a minimum n size requirement, the State may only include, in both the numerator and the denominator, districts that met that State-established n size. If the State used a minimum n size requirement, report the number of districts excluded from the calculation as a result of this requirement.

Describe the results of the State's examination of the data for the year before the reporting year (e.g., for the FFY 2019 SPP/APR, use data from 2018-2019), including data disaggregated by race and ethnicity to determine if significant discrepancies are occurring in the rates of long-term suspensions and expulsions of children with IEPs, as required at 20 U.S.C. 1412(a)(22). The State's examination must include one of the following comparisons:

- The rates of suspensions and expulsions for children with IEPs among LEAs within the State; or
- The rates of suspensions and expulsions for children with IEPs to nondisabled children within the LEAs

In the description, specify which method the State used to determine possible discrepancies and explain what constitutes those discrepancies.

Indicator 4A: Provide the actual numbers used in the calculation (based upon districts that met the minimum n size requirement, if applicable). If significant discrepancies occurred, describe how the State educational agency reviewed and, if appropriate, revised (or required the affected local educational agency to revise) its policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, to ensure that such policies, procedures, and practices comply with applicable requirements.

Provide detailed information about the timely correction of noncompliance as noted in OSEP's response for the previous SPP/APR. If discrepancies occurred and the district with discrepancies had policies, procedures or practices that contributed to the significant discrepancy and that do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, describe how the State ensured that such policies, procedures, and practices were revised to comply with applicable requirements consistent with the Office of Special Education Programs (OSEP) Memorandum 09-02, dated October 17, 2008.

If the State did not ensure timely correction of the previous noncompliance, provide information on the extent to which noncompliance was subsequently corrected (more than one year after identification). In addition, provide information regarding the nature of any continuing noncompliance, improvement activities completed (e.g., review of policies and procedures, technical assistance, training, etc.) and any enforcement actions that were taken.

If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2019 SPP/APR, the data for 2018-2019), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

## 4A - Indicator Data

### Historical Data

Baseline Year	Baseline Data
2017	100.00%

FFY	2014	2015	2016	2017	2018
Target <=	0.00%	0.00%	0.00%	50.00%	50.00%
Data	0.00%	4.65%	66.67%	100.00%	0.00%

### Targets

FFY	2019
Target <=	40.00%

### Targets: Description of Stakeholder Input

In the fall of 2018, The Delaware Department of Education (DDOE) engaged stakeholders to revisit Indicator 4A targets, review the state bar including rate ratios, years of data measured and n size requirements. DDOE utilized the expertise of the NCSI staff to facilitate stakeholder review process. The stakeholder group was designed to engage in sharing knowledge, thoughts and ideas, discuss and solve complex concerns and issues, and a forum to provide recommendations for new policies and procedures. Based on stakeholder recommendations, the DDOE made changes to the Indicator 4A targets starting with FFY 17.

Stakeholders reviewed information and data from other states with demographics similar to Delaware, national trends, and Delaware specific data/trends in order to make informed recommendations for changes. The stakeholders included LEA Special Education Directors, Delaware Positive Behavior Support Project (DE-PBS) coaches, DDOE staff, school psychologists, members of Governor’s Advisory Council for Exceptional Citizens (the state’s IDEA advisory council), parents, school climate personnel, administrators, and the Part B Data Manager.

Stakeholders set the targets at 50% for two years (FFY 17 & 18), at 40% for the next two years (FFY 19 & 20), then 32% for the following two years (FFY 21 & 22). The stakeholders agreed that a target of 0% was commendable but not realistic for all of the students identified with special education needs, especially those students who may have difficulty responding to tiered behavior supports due to their individual needs or functions of their particular disability.

**FFY 2019 SPP/APR Data**

**Has the state established a minimum n-size requirement? (yes/no)**

YES

**If yes, the State may only include, in both the numerator and the denominator, districts that met the State-established n size. Report the number of districts excluded from the calculation as a result of the requirement.**

39

Number of districts that have a significant discrepancy	Number of Districts that met the State's minimum n-size	FFY 2018 Data	FFY 2019 Target	FFY 2019 Data	Status	Slippage
0	3	0.00%	40.00%	0.00%	Met Target	No Slippage

**Choose one of the following comparison methodologies to determine whether significant discrepancies are occurring (34 CFR §300.170(a))**

The rates of suspensions and expulsions of greater than 10 days in a school year for children with IEPs in each LEA compared to the rates for nondisabled children in the same LEA

**State’s definition of “significant discrepancy” and methodology**

Delaware’s state bar or threshold is a static rate ratio of 2.0, with a state-established n size of 15 for Indicator 4A. Additionally, the DDOE will examine three consecutive years of data. If an LEA exceeds the n size and rate ratio for each of three consecutive years, the LEA will be identified with Significant Discrepancy. DDOE and stakeholders concluded that increasing the review to three years of longitudinal data will provide the LEA with the opportunity to evaluate and revise their MTSS systems over time, as well as monitor implementation fidelity of those programs. This also provides the DDOE an opportunity to identify consistent systemic issues that may be occurring and hindering student results.

DDOE did not want to lose sight of LEAs that may be considered outliers or those which exceed the rate ratio by a large margin but do not meet the n size. Delaware has agreed that any LEA, that has an n size of 5 or more and exceeds the rate ratio of 5.0 within one year, will be identified with Significant Discrepancy. If an LEA is 5 times more likely to suspend students with disabilities versus students without disabilities, a review of policies, procedures and practices, would be necessary to identify the root cause(s) for the Significant Discrepancy.

The DDOE compares the rates of suspensions and expulsions of greater than 10 days in a school year for children with IEPs in each LEA to the rates for students without disabilities in the same LEA using a rate ratio calculation. These rates are then compared to the State bar. The DDOE defines “significant discrepancy” as those LEAs with a rate ratio which exceeds the “State bar,” and for which the number of students with disabilities suspended or expelled greater than 10 days equals or exceeds 15 students (state established n size). The DDOE calculates the LEAs’ rate ratio by dividing the percentage of students with disabilities suspended or expelled greater than 10 days by the percentage of general education students suspended or expelled greater than 10 days within each LEA. The rate ratio or threshold is a static 2.0.

Therefore, if an LEA exceeds the n size and rate ratio for each of three consecutive years or has an n size of 5 or more and exceeds the rate ratio of 5.0 within one year, the LEA will be identified with Significant Discrepancy.

**Provide additional information about this indicator (optional)**

DDOE meets with Special Education leadership and Directors throughout the state, six times a year, and reviews relevant Indicator 4 improvement activities and outcome data. The DDOE continues to share Indicator 4 data with the IDEA state advisory group, as well as the Multi-Tiered System of Support for Academics and Behavior Advisory Group, which focuses on implementation of a multi-tiered academic and behavioral framework. Discussions within these groups include identification of alternatives to suspension and expulsion, continuation of technical assistance and professional development through DE-PBS, and the State Personnel Development Grant (SPDG) initiatives that focus on Multi-Tiered Systems of Support (MTSS) for academic and social emotional/behavioral needs.

The DDOE receives ongoing intensive TA from the IDEA Data Center (IDC). Staff from IDC has facilitated data review within DDOE, including Exceptional Children Resources, Data Management, the Office of School Climate and Discipline, to focus on improving data quality and data reporting regarding suspensions and expulsions of students with disabilities. In addition, IDC has continued to support DDOE with implementing policies, procedures, and practices to support ongoing improvement with data collections, root cause analysis and evidenced-based strategies.

DDOE ensures that this data is complete, accurate, reliable, and valid for Indicator 4a. The data for this indicator are pulled from the 2018-2019 school year which was not impacted by COVID-19. In addition, COVID-19 did not have any impact on the data review since the SEA and LEA utilize a state data system which is available electronically from any location.

**Review of Policies, Procedures, and Practices (completed in FFY 2019 using 2018-2019 data)**

**Provide a description of the review of policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.**

For FFY 19, using 2018-2019 data, the Delaware Department of Education did not identify any LEAs with significant discrepancy. Therefore, the Delaware Department of Education did not need to conduct a review of policies, procedures and practices.

The State DID NOT identify noncompliance with Part B requirements as a result of the review required by 34 CFR §300.170(b)

**Correction of Findings of Noncompliance Identified in FFY 2018**

Findings of Noncompliance Identified	Findings of Noncompliance Verified as Corrected Within One Year	Findings of Noncompliance Subsequently Corrected	Findings Not Yet Verified as Corrected
0	0	0	0

**Correction of Findings of Noncompliance Identified Prior to FFY 2018**

Year Findings of Noncompliance Were Identified	Findings of Noncompliance Not Yet Verified as Corrected as of FFY 2018 APR	Findings of Noncompliance Verified as Corrected	Findings Not Yet Verified as Corrected

**4A - Prior FFY Required Actions**

None

**4A - OSEP Response**

**4A - Required Actions**

## Indicator 4B: Suspension/Expulsion

### Instructions and Measurement

**Monitoring Priority:** FAPE in the LRE

**Compliance Indicator:** Rates of suspension and expulsion:

B. Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) 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.

(20 U.S.C. 1416(a)(3)(A); 1412(a)(22))

#### Data Source

State discipline data, including State's analysis of State's Discipline data collected under IDEA Section 618, where applicable. Discrepancy can be computed by either comparing the rates of suspensions and expulsions for children with IEPs to rates for nondisabled children within the LEA or by comparing the rates of suspensions and expulsions for children with IEPs among LEAs within the State.

#### Measurement

Percent = [(# of districts that meet the State-established n size (if applicable) for one or more racial/ethnic groups that have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) 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) divided by the (# of districts in the State that meet the State-established n size (if applicable) for one or more racial/ethnic groups)] times 100.

Include State's definition of "significant discrepancy."

#### Instructions

If the State has established a minimum n size requirement, the State may only include, in both the numerator and the denominator, districts that met that State-established n size. If the State used a minimum n size requirement, report the number of districts excluded from the calculation as a result of this requirement.

Describe the results of the State's examination of the data for the year before the reporting year (e.g., for the FFY 2019 SPP/APR, use data from 2018-2019), including data disaggregated by race and ethnicity to determine if significant discrepancies are occurring in the rates of long-term suspensions and expulsions of children with IEPs, as required at 20 U.S.C. 1412(a)(22). The State's examination must include one of the following comparisons

- The rates of suspensions and expulsions for children with IEPs among LEAs within the State; or
- The rates of suspensions and expulsions for children with IEPs to nondisabled children within the LEAs

In the description, specify which method the State used to determine possible discrepancies and explain what constitutes those discrepancies.

Indicator 4B: Provide the following: (a) the number of districts that met the State-established n size (if applicable) for one or more racial/ethnic groups that have a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) the number of those districts in which policies, procedures or practices 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.

Provide detailed information about the timely correction of noncompliance as noted in OSEP's response for the previous SPP/APR. If discrepancies occurred and the district with discrepancies had policies, procedures or practices that contributed to the significant discrepancy and that do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, describe how the State ensured that such policies, procedures, and practices were revised to comply with applicable requirements consistent with the Office of Special Education Programs (OSEP) Memorandum 09-02, dated October 17, 2008.

If the State did not ensure timely correction of the previous noncompliance, provide information on the extent to which noncompliance was subsequently corrected (more than one year after identification). In addition, provide information regarding the nature of any continuing noncompliance, improvement activities completed (e.g., review of policies and procedures, technical assistance, training, etc.) and any enforcement actions that were taken.

If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2019 SPP/APR, the data for 2018-2019), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

Targets must be 0% for 4B.

## 4B - Indicator Data

### Not Applicable

Select yes if this indicator is not applicable.

NO

### Historical Data

Baseline Year	Baseline Data
2017	50.00%

FFY	2014	2015	2016	2017	2018
Target	0%	0%	0%	0%	0%
Data	0.00%	4.65%	100.00%	50.00%	0.00%

**Targets**

<b>FFY</b>	<b>2019</b>
Target	0%

**FFY 2019 SPP/APR Data**

**Has the state established a minimum n-size requirement? (yes/no)**

YES

**If yes, the State may only include, in both the numerator and the denominator, districts that met the State-established n size. Report the number of districts excluded from the calculation as a result of the requirement.**

39

Number of districts that have a significant discrepancy, by race or ethnicity	Number of those districts that have policies procedure, or practices that contribute to the significant discrepancy and do not comply with requirements	Number of Districts that met the State's minimum n-size	FFY 2018 Data	FFY 2019 Target	FFY 2019 Data	Status	Slippage
0	0	3	0.00%	0%	0.00%	Met Target	No Slippage

**Were all races and ethnicities included in the review?**

YES

**State's definition of "significant discrepancy" and methodology**

The DDOE defines significant discrepancy, by race or ethnicity, by comparing the rates of suspensions and expulsions of greater than 10 days in a school year for children with IEPs in each LEA to the rates for students without disabilities in the same LEA using a rate ratio calculation. These rates are then compared to the State bar which is a rate ratio of 2.0. The DDOE defines "significant discrepancy" as those LEAs with a rate ratio which exceeds the "State bar," and for which the number of students with disabilities within a racial category are suspended or expelled greater than 10 days equals or exceeds 10 students (state established n size). The DDOE calculates the LEAs' rate ratio by dividing the percentage of students with disabilities in each race or ethnicity, suspended or expelled greater than 10 days by the percentage of general education students suspended or expelled greater than 10 days within each LEA.

The DDOE examines three consecutive years of data. If an LEA exceeds the n size and rate ratio for each of three consecutive years, the LEA will be identified with Significant Discrepancy. Additionally, any LEA, that has an n size of 5 or more and exceeds the rate ratio of 5.0 within one year, will be identified with Significant Discrepancy.

**Provide additional information about this indicator (optional)**

Delaware's definition of Significant Discrepancy changed starting FFY 18. Based on stakeholder recommendations, the state bar or threshold for Delaware will be a static rate ratio of 2.0, with a state-established n size of 10 for Indicator 4B.

Stakeholders concluded that increasing the review to three years of longitudinal data will provide the opportunity for LEAs to evaluate and revise their MTSS systems over time, as well as monitor implementation fidelity of those programs. This also provides the DDOE an opportunity to identify consistent systemic issues that may be occurring and hindering student results. Due to these changes to Delaware's definition, stakeholders did not want to lose sight of LEAs that may be considered outliers or those which exceed the rate ratio by a large margin but do not meet the n size. Delaware has agreed that any LEA, that has an n size of 5 or more and exceeds the rate ratio of 5.0 within one year, will be identified with Significant Discrepancy. The stakeholders concluded that, if an LEA is 5 times more likely to suspend students with disabilities versus students without disabilities, a review of policies, procedures and practices, would be necessary to identify the root cause(s) for the Significant Discrepancy. The stakeholders included LEA Special Education Directors, Delaware Positive Behavior Support Project (DE-PBS) coaches, DDOE staff, school psychologists, members of Governor's Advisory Council for Exceptional Citizens (the state's IDEA advisory council), parents, school climate personnel, administrators, and the Part B Data Manager.

DDOE meets with Special Education leadership and Directors throughout the state, six times a year, and reviews relevant Indicator 4 improvement activities and outcome data. The DDOE continues to share Indicator 4 data with the IDEA state advisory group, as well as the Multi-Tiered System of Support for Academics and Behavior Advisory Group, which focuses on implementation of a multi-tiered academic and behavioral framework. Discussions within these groups include identification of alternatives to suspension and expulsion, continuation of technical assistance and professional development through DE-PBS, and the State Personnel Development Grant (SPDG) initiatives that focus on Multi-Tiered Systems of Support (MTSS) for academic and social emotional/behavioral needs.

The DDOE receives ongoing intensive TA from the IDEA Data Center (IDC). Staff from IDC has facilitated data review within DDOE, including Exceptional Children Resources, Data Management, the Office of School Climate and Discipline, to focus on improving data quality and data reporting regarding suspensions and expulsions of students with disabilities. In addition, IDC has continued to support DDOE with implementing policies, procedures, and practices to support ongoing improvement with data collections, root cause analysis and evidenced-based strategies.

DDOE ensures that this data is complete, accurate, reliable, and valid for Indicator 4b. The data for this indicator are pulled from the 2018-2019 school year which was not impacted by COVID-19. In addition, COVID-19 did not have any impact on the data review since the SEA and LEA utilize a state data system which is available electronically from any location.

**Review of Policies, Procedures, and Practices (completed in FFY 2019 using 2018-2019 data)**

Provide a description of the review of policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

For FFY 19, using SY18-19 data, the DDOE did not identify any LEAs with significant discrepancy. Therefore, DDOE did not need to conduct a review of any LEAs policies, procedures and practices.

The State DID NOT identify noncompliance with Part B requirements as a result of the review required by 34 CFR §300.170(b)

**Correction of Findings of Noncompliance Identified in FFY 2018**

Findings of Noncompliance Identified	Findings of Noncompliance Verified as Corrected Within One Year	Findings of Noncompliance Subsequently Corrected	Findings Not Yet Verified as Corrected
0	0	0	0

**Correction of Findings of Noncompliance Identified Prior to FFY 2018**

Year Findings of Noncompliance Were Identified	Findings of Noncompliance Not Yet Verified as Corrected as of FFY 2018 APR	Findings of Noncompliance Verified as Corrected	Findings Not Yet Verified as Corrected

**Findings of Noncompliance Verified as Corrected**

Describe how the State verified that the source of noncompliance is correctly implementing the *regulatory requirements*

Describe how the State verified that each *individual case* of noncompliance was corrected

**4B - Prior FFY Required Actions**

None

**4B - OSEP Response**

**4B- Required Actions**

## Indicator 5: Education Environments (children 6-21)

### Instructions and Measurement

**Monitoring Priority:** FAPE in the LRE

**Results indicator:** Education environments (children 6-21): Percent of children with IEPs aged 6 through 21 served:

- A. Inside the regular class 80% or more of the day;
- B. Inside the regular class less than 40% of the day; and
- C. In separate schools, residential facilities, or homebound/hospital placements.

(20 U.S.C. 1416(a)(3)(A))

#### Data Source

Same data as used for reporting to the Department under section 618 of the IDEA, using the definitions in EDFacts file specification FS002.

#### Measurement

Percent = [(# of children with IEPs aged 6 through 21 served inside the regular class 80% or more of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.

Percent = [(# of children with IEPs aged 6 through 21 served inside the regular class less than 40% of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.

Percent = [(# of children with IEPs aged 6 through 21 served in separate schools, residential facilities, or homebound/hospital placements) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.

#### Instructions

Sampling from the State's 618 data is not allowed.

Describe the results of the calculations and compare the results to the target.

If the data reported in this indicator are not the same as the State's data reported under section 618 of the IDEA, explain.

## 5 - Indicator Data

### Historical Data

Part	Baseline	FFY	2014	2015	2016	2017	2018
A	2013	Target >=	68.00%	69.00%	70.00%	71.00%	72.00%
A	67.20%	Data	67.68%	66.18%	65.72%	65.74%	64.98%
B	2013	Target <=	15.50%	15.30%	15.10%	14.90%	14.70%
B	15.54%	Data	15.10%	14.96%	14.96%	14.94%	14.61%
C	2013	Target <=	5.00%	4.80%	4.50%	4.00%	3.50%
C	5.16%	Data	5.43%	5.64%	5.46%	5.22%	4.91%

### Targets

FFY	2019
Target A >=	72.00%
Target B <=	14.70%
Target C <=	3.50%

### Targets: Description of Stakeholder Input

In the Fall of 2019, targets for this indicator were set through advisement with multiple stakeholder groups. The Delaware Department of Education (DDOE) presented trend data and targets from FFY 2013 to FFY 2018 to the Access to General Education Committee (AGEC), the advisory committee for SPP/APR Indicators 3 and 5. This stakeholder group includes LEA Special Education Directors, DDOE staff, administrators, Governor's Advisory Council for Exceptional Citizens (the state's IDEA advisory council), Autism Delaware, Parent Information Center, Inc. (PIC), Center for Disability Studies and parents. In addition, DDOE also presented trend data and targets to the Special Education Leadership Group, who represent all LEAs. Both groups developed recommendations for the 2019 target and will develop future targets in the Spring of 2021 for the new APR package. The trend data and target recommendations were then presented to the Governor's Advisory Council for Exceptional Citizens (the state's IDEA advisory council). The stakeholder groups unanimously recommended that the DDOE should keep targets the same for FFY 2019.

### Prepopulated Data

Source	Date	Description	Data
SY 2019-20 Child Count/Educational Environment Data Groups (EDFacts file spec FS002; Data group 74)	07/08/2020	Total number of children with IEPs aged 6 through 21	22,797

Source	Date	Description	Data
SY 2019-20 Child Count/Educational Environment Data Groups (EDFacts file spec FS002; Data group 74)	07/08/2020	A. Number of children with IEPs aged 6 through 21 inside the regular class 80% or more of the day	14,646
SY 2019-20 Child Count/Educational Environment Data Groups (EDFacts file spec FS002; Data group 74)	07/08/2020	B. Number of children with IEPs aged 6 through 21 inside the regular class less than 40% of the day	3,374
SY 2019-20 Child Count/Educational Environment Data Groups (EDFacts file spec FS002; Data group 74)	07/08/2020	c1. Number of children with IEPs aged 6 through 21 in separate schools	944
SY 2019-20 Child Count/Educational Environment Data Groups (EDFacts file spec FS002; Data group 74)	07/08/2020	c2. Number of children with IEPs aged 6 through 21 in residential facilities	31
SY 2019-20 Child Count/Educational Environment Data Groups (EDFacts file spec FS002; Data group 74)	07/08/2020	c3. Number of children with IEPs aged 6 through 21 in homebound/hospital placements	125

Select yes if the data reported in this indicator are not the same as the State's data reported under section 618 of the IDEA.

NO

**FFY 2019 SPP/APR Data**

Education Environments	Number of children with IEPs aged 6 through 21 served	Total number of children with IEPs aged 6 through 21	FFY 2018 Data	FFY 2019 Target	FFY 2019 Data	Status	Slippage
A. Number of children with IEPs aged 6 through 21 inside the regular class 80% or more of the day	14,646	22,797	64.98%	72.00%	64.25%	Did Not Meet Target	No Slippage
B. Number of children with IEPs aged 6 through 21 inside the regular class less than 40% of the day	3,374	22,797	14.61%	14.70%	14.80%	Did Not Meet Target	No Slippage
C. Number of children with IEPs aged 6 through 21 inside separate schools, residential facilities, or homebound/hospital placements [c1+c2+c3]	1,100	22,797	4.91%	3.50%	4.83%	Did Not Meet Target	No Slippage

Use a different calculation methodology (yes/no)

NO

Provide additional information about this indicator (optional)

DDOE ensures that this data is complete, accurate, reliable, and valid for Indicator 5. Data was finalized prior to the advent of COVID-19; therefore, this data has not been impacted. In addition, COVID-19 did not have any impact on the data collection since the SEA and LEA utilize a state data system which is available electronically from any location.

**5 - Prior FFY Required Actions**

None

**5 - OSEP Response**

**5 - Required Actions**



## Indicator 6: Preschool Environments

### Instructions and Measurement

**Monitoring Priority:** FAPE in the LRE

**Results indicator:** Preschool environments: Percent of children aged 3 through 5 with IEPs attending a:

- A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and
- B. Separate special education class, separate school or residential facility.

(20 U.S.C. 1416(a)(3)(A))

#### Data Source

Same data as used for reporting to the Department under section 618 of the IDEA, using the definitions in EDFacts file specification FS089.

#### Measurement

Percent = [(# of children aged 3 through 5 with IEPs attending a regular early childhood program and receiving the majority of special education and related services in the regular early childhood program) divided by the (total # of children aged 3 through 5 with IEPs)] times 100.

Percent = [(# of children aged 3 through 5 with IEPs attending a separate special education class, separate school or residential facility) divided by the (total # of children aged 3 through 5 with IEPs)] times 100.

#### Instructions

Sampling from the State's 618 data is not allowed.

Describe the results of the calculations and compare the results to the target.

If the data reported in this indicator are not the same as the State's data reported under section 618 of the IDEA, explain.

## 6 - Indicator Data

### Not Applicable

Select yes if this indicator is not applicable.

NO

### Historical Data

Part	Baseline	FFY	2014	2015	2016	2017	2018
A	2012	Target >=	46.00%	47.00%	48.50%	49.00%	50.50%
A	43.50%	Data	50.20%	49.01%	47.46%	49.24%	47.91%
B	2012	Target <=	35.00%	34.00%	33.50%	32.00%	31.00%
B	37.70%	Data	32.59%	33.73%	34.78%	34.59%	37.38%

### Targets

FFY	2019
Target A >=	50.50%
Target B <=	31.00%

### Targets: Description of Stakeholder Input

In January of 2020, stakeholders from all LEAs Part B 619 personnel engaged in an activity to set targets for FFY19 APR. Their recommendation was to keep the targets for FFY 19 the same as they had been for FFY18. The recommendation to keep the target the same as the FFY 18 targets was then approved by OSEP. The Governor's Advisory Council for Exceptional Citizens (the IDEA state advisory panel for Delaware), which includes parents, were also engaged in the target setting activity and agreed with the recommendation of these targets for this APR submission. Delaware has been engaging with a diverse group of stakeholders including but not limited to parents, the Parent Information Center, Inc., Autism Delaware, Governor's Advisory Council for Exceptional Citizens (the state's IDEA advisory council), and IDC technical assistance providers in developing future targets for the new APR package.

### Prepopulated Data

Source	Date	Description	Data
SY 2019-20 Child Count/Educational Environment Data Groups (EDFacts file spec FS089; Data group 613)	07/08/2020	Total number of children with IEPs aged 3 through 5	3,263
SY 2019-20 Child Count/Educational Environment Data Groups (EDFacts file spec FS089; Data group 613)	07/08/2020	a1. Number of children attending a regular early childhood program and receiving the majority of special education and related services in the regular early childhood program	1,611

Source	Date	Description	Data
SY 2019-20 Child Count/Educational Environment Data Groups (EDFacts file spec FS089; Data group 613)	07/08/2020	b1. Number of children attending separate special education class	1,000
SY 2019-20 Child Count/Educational Environment Data Groups (EDFacts file spec FS089; Data group 613)	07/08/2020	b2. Number of children attending separate school	124
SY 2019-20 Child Count/Educational Environment Data Groups (EDFacts file spec FS089; Data group 613)	07/08/2020	b3. Number of children attending residential facility	0

Select yes if the data reported in this indicator are not the same as the State's data reported under section 618 of the IDEA.

NO

**FFY 2019 SPP/APR Data**

Preschool Environments	Number of children with IEPs aged 3 through 5 served	Total number of children with IEPs aged 3 through 5	FFY 2018 Data	FFY 2019 Target	FFY 2019 Data	Status	Slippage
A. A regular early childhood program and receiving the majority of special education and related services in the regular early childhood program	1,611	3,263	47.91%	50.50%	49.37%	Did Not Meet Target	No Slippage
B. Separate special education class, separate school or residential facility	1,124	3,263	37.38%	31.00%	34.45%	Did Not Meet Target	No Slippage

Use a different calculation methodology (yes/no)

NO

**Provide additional information about this indicator (optional)**

DDOE ensures that this data is complete, accurate, reliable, and valid for Indicator 6. Data was finalized prior to the advent of COVID-19; therefore, this data has not been impacted. In addition, COVID-19 did not have any impact on the data collection since the SEA and LEA utilize a state data system which is available electronically from any location.

**6 - Prior FFY Required Actions**

None

**6 - OSEP Response**

**6 - Required Actions**

## Indicator 7: Preschool Outcomes

### Instructions and Measurement

**Monitoring Priority:** FAPE in the LRE

**Results indicator:** Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/ communication and early literacy); and
- C. Use of appropriate behaviors to meet their needs.

(20 U.S.C. 1416 (a)(3)(A))

#### Data Source

State selected data source.

#### Measurement

Outcomes:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and
- C. Use of appropriate behaviors to meet their needs.

Progress categories for A, B and C:

- a. Percent of preschool children who did not improve functioning = [(# of preschool children who did not improve functioning) divided by (# of preschool children with IEPs assessed)] times 100.
- b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = [(# of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.
- c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it = [(# of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it) divided by (# of preschool children with IEPs assessed)] times 100.
- d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers = [(# of preschool children who improved functioning to reach a level comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.
- e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers = [(# of preschool children who maintained functioning at a level comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.

#### Summary Statements for Each of the Three Outcomes:

**Summary Statement 1:** Of those preschool children who entered the preschool program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.

**Measurement for Summary Statement 1:** Percent = [(# of preschool children reported in progress category (c) plus # of preschool children reported in category (d)) divided by ((# of preschool children reported in progress category (a) plus # of preschool children reported in progress category (b) plus # of preschool children reported in progress category (c) plus # of preschool children reported in progress category (d))] times 100.

**Summary Statement 2:** The percent of preschool children who were functioning within age expectations in each Outcome by the time they turned 6 years of age or exited the program.

**Measurement for Summary Statement 2:** Percent = [(# of preschool children reported in progress category (d) plus # of preschool children reported in progress category (e)) divided by ((the total # of preschool children reported in progress categories (a) + (b) + (c) + (d) + (e))] times 100.

#### Instructions

Sampling of **children for assessment** is allowed. When sampling is used, submit a description of the sampling methodology outlining how the design will yield valid and reliable estimates. (See [General Instructions](#) on page 2 for additional instructions on sampling.)

In the measurement include, in the numerator and denominator, only children who received special education and related services for at least six months during the age span of three through five years.

Describe the results of the calculations and compare the results to the targets. States will use the progress categories for each of the three Outcomes to calculate and report the two Summary Statements. States have provided targets for the two Summary Statements for the three Outcomes (six numbers for targets for each FFY).

Report progress data and calculate Summary Statements to compare against the six targets. Provide the actual numbers and percentages for the five reporting categories for each of the three outcomes.

In presenting results, provide the criteria for defining "comparable to same-aged peers." If a State is using the Early Childhood Outcomes Center (ECO) Child Outcomes Summary (COS), then the criteria for defining "comparable to same-aged peers" has been defined as a child who has been assigned a score of 6 or 7 on the COS.

In addition, list the instruments and procedures used to gather data for this indicator, including if the State is using the ECO COS.

## 7 - Indicator Data

**Not Applicable**

**Select yes if this indicator is not applicable.**

NO

#### Historical Data

Part	Baseline	FFY	2014	2015	2016	2017	2018
A1	2008	Target >=	86.20%	87.40%	88.60%	89.80%	91.00%
A1	90.50%	Data	85.86%	89.27%	89.89%	91.25%	89.78%
A2	2008	Target >=	55.30%	56.70%	58.00%	59.30%	60.70%

A2	60.20%	Data	50.32%	51.47%	51.26%	51.06%	50.95%
B1	2008	Target >=	89.00%	90.00%	91.10%	92.20%	93.40%
B1	92.90%	Data	87.18%	85.60%	87.36%	88.14%	88.49%
B2	2008	Target >=	50.90%	51.80%	52.70%	53.70%	54.80%
B2	54.30%	Data	47.06%	48.42%	48.60%	46.86%	48.38%
C1	2008	Target >=	88.10%	89.20%	90.20%	91.30%	92.30%
C1	91.80%	Data	87.16%	86.91%	88.19%	89.60%	89.34%
C2	2008	Target >=	65.00%	65.20%	65.30%	65.40%	65.50%
C2	64.80%	Data	63.58%	64.27%	64.31%	63.58%	60.92%

**Targets**

FFY	2019
Target A1 >=	91.00%
Target A2 >=	60.70%
Target B1 >=	93.40%
Target B2 >=	54.80%
Target C1 >=	92.30%
Target C2 >=	65.50%

**Targets: Description of Stakeholder Input**

In January of 2020, stakeholders from LEAs Part B 619 personnel engaged in an activity to set targets for FFY19 APR. Their recommendation was to keep the targets for FFY 19 the same as they had been for FFY18. The recommendation to keep the target the same as the FFY 18 targets was then approved by OSEP. The Governor's Advisory Council for Exceptional Citizens, (the state's IDEA advisory council), which includes parents, were also engaged in the target setting activity and agreed with the recommendation of these targets for this APR submission.

This fall, with support from the IDEA DATA CENTER, Delaware began engaging a diverse group of stakeholders to set new targets, including a new baseline for the new SPP/APR package for the next five years. Based on an analysis of all past data, Delaware has clearly identified that a new more realistic, yet rigorous baseline be set with targets that are achievable. The original baseline set well over a decade ago was based on a very small number of children who primarily had an articulation disorder or less significant disabilities. Delaware's identification of children with significant disabilities, including a large increase of children with Autism at a very young age necessitates revisiting the original baseline.

**FFY 2019 SPP/APR Data**

**Number of preschool children aged 3 through 5 with IEPs assessed**

1,023

**Outcome A: Positive social-emotional skills (including social relationships)**

Outcome A Progress Category	Number of children	Percentage of Children
a. Preschool children who did not improve functioning	47	4.59%
b. Preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	77	7.53%
c. Preschool children who improved functioning to a level nearer to same-aged peers but did not reach it	422	41.25%
d. Preschool children who improved functioning to reach a level comparable to same-aged peers	339	33.14%
e. Preschool children who maintained functioning at a level comparable to same-aged peers	138	13.49%

Outcome A	Numerator	Denominator	FFY 2018 Data	FFY 2019 Target	FFY 2019 Data	Status	Slippage
A1. Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they turned 6 years of age	761	885	89.78%	91.00%	85.99%	Did Not Meet Target	Slippage

Outcome A	Numerator	Denominator	FFY 2018 Data	FFY 2019 Target	FFY 2019 Data	Status	Slippage
or exited the program. <i>Calculation: (c+d)/(a+b+c+d)</i>							
A2. The percent of preschool children who were functioning within age expectations in Outcome A by the time they turned 6 years of age or exited the program. <i>Calculation: (d+e)/(a+b+c+d+e)</i>	477	1,023	50.95%	60.70%	46.63%	Did Not Meet Target	Slippage

**Outcome B: Acquisition and use of knowledge and skills (including early language/communication)**

Outcome B Progress Category	Number of Children	Percentage of Children
a. Preschool children who did not improve functioning	37	3.62%
b. Preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	90	8.80%
c. Preschool children who improved functioning to a level nearer to same-aged peers but did not reach it	436	42.62%
d. Preschool children who improved functioning to reach a level comparable to same-aged peers	402	39.30%
e. Preschool children who maintained functioning at a level comparable to same-aged peers	58	5.67%

Outcome B	Numerator	Denominator	FFY 2018 Data	FFY 2019 Target	FFY 2019 Data	Status	Slippage
B1. Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program. <i>Calculation: (c+d)/(a+b+c+d)</i>	838	965	88.49%	93.40%	86.84%	Did Not Meet Target	Slippage
B2. The percent of preschool children who were functioning within age expectations in Outcome B by the time they turned 6 years of age or exited the program. <i>Calculation: (d+e)/(a+b+c+d+e)</i>	460	1,023	48.38%	54.80%	44.97%	Did Not Meet Target	Slippage

**Outcome C: Use of appropriate behaviors to meet their needs**

Outcome C Progress Category	Number of Children	Percentage of Children
a. Preschool children who did not improve functioning	42	4.11%
b. Preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	64	6.26%
c. Preschool children who improved functioning to a level nearer to same-aged peers but did not reach it	312	30.50%
d. Preschool children who improved functioning to reach a level comparable to same-aged peers	446	43.60%
e. Preschool children who maintained functioning at a level comparable to same-aged peers	159	15.54%

Outcome C	Numerator	Denominator	FFY 2018 Data	FFY 2019 Target	FFY 2019 Data	Status	Slippage
C1. Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program. <i>Calculation: (c+d)/(a+b+c+d)</i>	758	864	89.34%	92.30%	87.73%	Did Not Meet Target	Slippage
C2. The percent of preschool children who were functioning within age expectations in Outcome C by the time they turned 6 years of age or exited the program. <i>Calculation: (d+e)/(a+b+c+d+e)</i>	605	1,023	60.92%	65.50%	59.14%	Did Not Meet Target	Slippage

Part	Reasons for slippage, if applicable
A1	The SEA has identified two key reasons for slippage across all 3 outcomes. First, this is the first full year of outcomes data that reflects use of the updated Delaware Early Childhood Outcomes Manual and the technical assistance provided by the SEA. This technical assistance included in depth review of the seven- point rating scale, the decision tree for ratings and how to use the assessments for determining levels of functioning. Included in the manual is a change to the data entry: entry ratings must now be done within 15 days of eligibility determination (as opposed to 60 days in prior years) and the ratings are determined by an embedded teaming process as part of the IEP team meetings, versus gathering input from team members in a separate approach. Second, the use of the Delaware required assessment tools was waived as a result of school closures/remote learning due to the Covid-19 pandemic. LEAs were permitted to use alternative data sources they could access to determine exit COS ratings. Challenges with children accessing virtual supports (such as parents choosing not to access some or any services) have contributed to the difference in exit ratings especially for children who may have only begun their initial IEP in the fall/winter of 2019/2020. These children would have had limited in person instruction with the last four months of services having been switched to remote formats as a result of Covid-19. All of these components point to the decrease in Delaware's FFY 2019 data.
A2	The SEA has identified two key reasons for slippage across all 3 outcomes, especially for summary statement two. First, this is the first full year of outcomes data that reflects use of the updated Delaware Early Childhood Outcomes Manual and the technical assistance provided by the SEA. This technical assistance included in depth review of the seven-point rating scale, the decision tree for ratings and how to use the assessments for determining levels of functioning. Included in the manual is a change to the data entry: entry ratings must now be done within 15 days of eligibility determination (as opposed to 60 days in prior years) and the ratings are determined by an embedded teaming process as part of the IEP team meetings, versus gathering input from team members in a separate approach. Second, the use of the Delaware required assessment tools was waived as a result of school closures/remote learning due to the Covid-19 pandemic. LEAs were permitted to use alternative data sources they could access to determine exit COS ratings. Challenges with children accessing virtual supports (such as parents choosing not to access some or any services) have contributed to the difference in exit ratings especially for children who may have only begun their initial IEP in the fall/winter of 2019/2020. These children would have had limited in person instruction with the last four months of services having been switched to remote formats as a result of Covid-19. All of these components point to the decrease in Delaware's FFY 2019 data.
B1	The SEA has identified two key reasons for slippage across all 3 outcomes. First, this is the first full year of outcomes data that reflects use of the updated Delaware Early Childhood Outcomes Manual and the technical assistance provided by the SEA. This technical assistance included in depth review of the seven- point rating scale, the decision tree for ratings and how to use the assessments for determining levels of functioning. Included in the manual is a change to the data entry: entry ratings must now be done within 15 days of eligibility determination (as opposed to 60 days in prior years) and the ratings are determined by an embedded teaming process as part of the IEP team meetings, versus gathering input from team members in a separate approach. Second, the use of the Delaware required assessment tools was waived as a result of school closures/remote learning due to the Covid-19 pandemic. LEAs were permitted to use alternative data sources they could access to determine exit COS ratings. Challenges with children accessing virtual supports (such as parents choosing not to access some or any services) have contributed to the difference in exit ratings especially for children who may have only begun their initial IEP in the fall/winter of 2019/2020. These children would have had limited in person instruction with the last four months of services having been switched to remote formats as a result of Covid-19. All of these components point to the decrease in Delaware's FFY 2019 data.
B2	The SEA has identified two key reasons for slippage across all 3 outcomes, especially for summary statement two. First, this is the first full year of outcomes data that reflects use of the updated Delaware Early Childhood Outcomes Manual and the technical assistance provided by the SEA. This technical assistance included in depth review of the seven-point rating scale, the decision tree for ratings and how to use the assessments for determining levels of functioning. Included in the manual is a change to the data entry: entry ratings must now be done within 15 days of eligibility determination (as opposed to 60 days in prior years) and the ratings are determined by an embedded teaming process as part of the IEP team meetings, versus gathering input from team members in a separate approach. Second, the use of the Delaware required assessment tools was waived as a result of school closures/remote learning due to the Covid-19 pandemic. LEAs were permitted to use alternative data sources they could access to determine exit COS ratings. Challenges with children accessing virtual supports (such as parents choosing not to access some or any services) have contributed to the difference in exit ratings especially for children who may have only begun their initial IEP in the fall/winter of 2019/2020. These children would have

Part	Reasons for slippage, if applicable
	had limited in person instruction with the last four months of services having been switched to remote formats as a result of Covid-19. All of these components point to the decrease in Delaware's FFY 2019 data.
C1	The SEA has identified two key reasons for slippage across all 3 outcomes. First, this is the first full year of outcomes data that reflects use of the updated Delaware Early Childhood Outcomes Manual and the technical assistance provided by the SEA. This technical assistance included in depth review of the seven- point rating scale, the decision tree for ratings and how to use the assessments for determining levels of functioning. Included in the manual is a change to the data entry: entry ratings must now be done within 15 days of eligibility determination (as opposed to 60 days in prior years) and the ratings are determined by an embedded teaming process as part of the IEP team meetings, versus gathering input from team members in a separate approach. Second, the use of the Delaware required assessment tools was waived as a result of school closures/remote learning due to the Covid-19 pandemic. LEAs were permitted to use alternative data sources they could access to determine exit COS ratings. Challenges with children accessing virtual supports (such as parents choosing not to access some or any services) have contributed to the difference in exit ratings especially for children who may have only begun their initial IEP in the fall/winter of 2019/2020. These children would have had limited in person instruction with the last four months of services having been switched to remote formats as a result of Covid-19. All of these components point to the decrease in Delaware's FFY 2019 data.
C2	The SEA has identified two key reasons for slippage across all 3 outcomes, especially for summary statement two. First, this is the first full year of outcomes data that reflects use of the updated Delaware Early Childhood Outcomes Manual and the technical assistance provided by the SEA. This technical assistance included in depth review of the seven-point rating scale, the decision tree for ratings and how to use the assessments for determining levels of functioning. Included in the manual is a change to the data entry: entry ratings must now be done within 15 days of eligibility determination (as opposed to 60 days in prior years) and the ratings are determined by an embedded teaming process as part of the IEP team meetings, versus gathering input from team members in a separate approach. Second, the use of the Delaware required assessment tools was waived as a result of school closures/remote learning due to the Covid-19 pandemic. LEAs were permitted to use alternative data sources they could access to determine exit COS ratings. Challenges with children accessing virtual supports (such as parents choosing not to access some or any services) have contributed to the difference in exit ratings especially for children who may have only begun their initial IEP in the fall/winter of 2019/2020. These children would have had limited in person instruction with the last four months of services having been switched to remote formats as a result of Covid-19. All of these components point to the decrease in Delaware's FFY 2019 data.

**Does the State include in the numerator and denominator only children who received special education and related services for at least six months during the age span of three through five years? (yes/no)**

YES

Sampling Question	Yes / No
Was sampling used?	NO

**Did you use the Early Childhood Outcomes Center (ECO) Child Outcomes Summary Form (COS) process? (yes/no)**

YES

**List the instruments and procedures used to gather data for this indicator.**

Delaware Child Outcomes Summary Assessment Tools:

Adaptive Behavior Assessment System (ABAS)

- Ages and Stages Questionnaire-3 AND Ages and Stages SE-2 (referred to as ASQ on the COS form). May only be used for children identified with Preschool Speech Delay, OR receiving itinerant services (if the program is not already using another approved assessment)
- Assessment of Basic Language and Learning Skills (ABLLS-R)
- Callier Azusa Scale
- Carolina Curriculum Assessment for Infants and Toddlers with Special Needs
- Carolina Curriculum Assessment for Preschoolers with Special Needs
- Creative Curriculum
- Developmental Assessment for the Severely Handicapped (DASH-3)
- Early Learning Survey
- Early Start Denver Model (ESDM) checklist (in conjunction with TSG)
- Evaluation Summary Report (to be used for entry COS only)
- Goldman Fristoe Test of Articulation-3 (GFTA-3) For children identified with Preschool Speech Delay, if GFTA-3 is selected as the primary assessment, a secondary assessment must also be used so all 3 Outcomes are addressed.
- Record Review for Transfers Only
- The Ounce Scale
- The Photo Articulation Test – Third Edition (PAT-3) – use for outcome #2 ONLY
- Teaching Strategies GOLD-Birth to Five (TSG)
- Verbal Behavior Milestones Assessment and Placement Program (VB-MAPP)
- Vineland Adaptive Behavior Scale- 3rd Edition
- Work Sampling

Delaware utilizes the ECO Center Early Childhood Outcomes Summary form process. LEAs enter COS ratings data into the eSchoolPlus statewide data system throughout the year. A new Indicator 7 data report was created for this 2019-2020 reporting year in the online EdInsight reporting portal. This reporting module included many new features that required LEAs to verify their data in a more comprehensive manner than ever before. Once districts reviewed their data and corrected identified warnings and errors based on the SEA guidance document, the Part B Data Manager reviewed all district data for completeness and accuracy and extracted the final aggregated data for the APR. The SEA provided extensive technical assistance to support the LEAs in making sure that all children who met the COS requirements were included in the data count and assuring that those who did not meet all criteria were not included in the final count. The 619 coordinator reviewed the data for validity and provided the data to the State Director and APR Coordinator for final entry. Based on this new and improved reporting module the SEA affirms that the data is valid, reliable and accurate

**Provide additional information about this indicator (optional)**

DDOE ensures that this data is complete, accurate, reliable, and valid for Indicator 7.

Covid-19 did not affect the SEAs ability to collect the data because the SEA utilizes a state data system which is available electronically from any location.

DDOE mitigated the impact of Covid-19 related school closures and the subsequent change to remote learning by modifying the requirements of the LEAs regarding the use of the required tools for COS ratings. The SEA provided a memo in May of 2020 to LEAs which waived the use of the required

assessment tools for COS exit ratings during the time that schools were closed or in a remote setting. LEAs were advised to utilize a variety of data sources in order to obtain an exit rating, which was to be documented as records review in the data system. In addition, the SEA provided technical assistance to the LEAs by increasing the frequency and number of meetings with LEA 619 personnel in order to share Covid-19 related information. Resources were provided by the ECTA Center, who was designated by OSEP to support LEA preschool programs during the pandemic. Further, LEA staff were offered opportunities to meet individually with the SEA 619 Coordinator and the SEA data management team.

### **7 - Prior FFY Required Actions**

None

### **7 - OSEP Response**

The State reported that the COVID-19 pandemic impacted the data for this indicator. Specifically, the State reported, "[t]he SEA provided a memo in May of 2020 to LEAs which waived the use of the required assessment tools for COS exit ratings during the time that schools were closed or in a remote setting. LEAs were advised to utilize a variety of data sources in order to obtain an exit rating, which was to be documented as records review in the data system."

### **7 - Required Actions**



## Indicator 8: Parent involvement

### Instructions and Measurement

**Monitoring Priority:** FAPE in the LRE

**Results indicator:** 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.

(20 U.S.C. 1416(a)(3)(A))

#### Data Source

State selected data source.

#### Measurement

Percent = [(# of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities) divided by the (total # of respondent parents of children with disabilities)] times 100.

#### Instructions

Sampling of parents from whom response is requested is allowed. When sampling is used, submit a description of the sampling methodology outlining how the design will yield valid and reliable estimates. (See [General Instructions](#) on page 2 for additional instructions on sampling.)

Describe the results of the calculations and compare the results to the target.

Provide the actual numbers used in the calculation.

If the State is using a separate data collection methodology for preschool children, the State must provide separate baseline data, targets, and actual target data or discuss the procedures used to combine data from school age and preschool data collection methodologies in a manner that is valid and reliable.

While a survey is not required for this indicator, a State using a survey must submit a copy of any new or revised survey with its SPP/APR.

Report the number of parents to whom the surveys were distributed.

Include the State's analysis of the extent to which the demographics of the parents responding are representative of the demographics of children receiving special education services. States should consider categories such as race and ethnicity, age of the student, disability category, and geographic location in the State.

If the analysis shows that the demographics of the parents responding are not representative of the demographics of children receiving special education services in the State, describe the strategies that the State will use to ensure that in the future the response data are representative of those demographics. In identifying such strategies, the State should consider factors such as how the State distributed the survey to parents (e.g., by mail, by e-mail, on-line, by telephone, in-person through school personnel), and how responses were collected.

States are encouraged to work in collaboration with their OSEP-funded parent centers in collecting data.

### 8 - Indicator Data

Question	Yes / No
Do you use a separate data collection methodology for preschool children?	NO

#### Targets: Description of Stakeholder Input

The Delaware Department of Education (DDOE) engages in ongoing collaboration with stakeholder groups to review data for this indicator. During the 2019 school year, the discussion of Indicator 8, which included historical data and the survey, provided stakeholders with the opportunity to review and reflect on the state's data and establish a target for FFY 2019. The stakeholders included local education agency (LEA) special education directors and charter school special education coordinators representing each county in the state, the Parent Information Center, Inc. (PIC), the Governor's Advisory Council for Exceptional Citizens (the state's IDEA advisory council), the Delaware Network for Excellence in Autism (DNEA), the Center for Disabilities Studies (CDS), Therapy Services, the Statewide Autism Program (DAP), the Division of the Visually Impaired (DVI), the Statewide Program for the Deaf and Hard of Hearing and various community members. Target setting activities also included discussions as to what the individual stakeholders have done to increase parents' meaningful participation in the IEP process, results of their efforts, as well as ways to increase parents' meaningful participation. The stakeholders decided the target will remain the same. The DDOE will reconvene stakeholder groups in Spring 2021 to review data and set targets for the new APR package.

#### Historical Data

Baseline Year	Baseline Data
2006	83.00%

FFY	2014	2015	2016	2017	2018
Target >=	87.00%	87.00%	88.00%	89.00%	90.00%
Data	88.24%	90.67%	89.18%	89.54%	93.50%

#### Targets

FFY	2019
Target >=	90.00%

#### FFY 2019 SPP/APR Data

Number of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities	Total number of respondent parents of children with disabilities	FFY 2018 Data	FFY 2019 Target	FFY 2019 Data	Status	Slippage
1,096	1,187	93.50%	90.00%	92.33%	Met Target	No Slippage

The number of parents to whom the surveys were distributed.

24,281

Percentage of respondent parents

4.89%

Since the State did not report preschool children separately, discuss the procedures used to combine data from school age and preschool surveys in a manner that is valid and reliable.

The DDOE distributes a parent survey to families of ALL students with IEPs including both preschool and school aged children. LEAs are required to enter and maintain data, within Delaware's electronic statewide pupil accounting system. This information includes, but is not limited to, the date eligibility is determined, disability code, initiation, and end dates of the IEP. By requiring all LEAs to enter information into the statewide pupil accounting system, DDOE is able to identify both preschool and school aged children receiving special education and related services. This enables distribution of the parent survey to all families. DDOE utilizes the data from the December 1 Child Count. DDOE ensures that this data is complete, accurate, reliable, and valid.

Sampling Question	Yes / No
Was sampling used?	NO

Survey Question	Yes / No
Was a survey used?	YES
If yes, is it a new or revised survey?	NO
The demographics of the parents responding are representative of the demographics of children receiving special education services.	NO

If no, describe the strategies that the State will use to ensure that in the future the response data are representative of those demographics.

In an effort to conduct a more comprehensive root cause analysis DDOE plans to engage stakeholders in an examination of additional demographics related to the response data. Next steps would include target setting, possible survey revision, consideration of survey modality distribution, and methods to increase response rates from underrepresented demographics.

Include the State's analyses of the extent to which the demographics of the parents responding are representative of the demographics of children receiving special education services.

A chi-square test of independence was performed to examine the relationship between respondent parents of children within each disability category and the state demographics of children within each disability category receiving special education services. The relationship between these variables was significant, therefore, they are not representative,  $X^2(14, N=26,060) = 179.8, p < .01$ . Respondents within disability category not reported were excluded from this analysis. The DDOE further explored the relationship between state demographics of disability categories and respondent parents by examining the 95% confidence interval. This analysis indicates that the mild intellectual disability category is representative of state demographics. Please refer to Table 1 (attached).

A second chi-square test of independence was performed to examine the relationship between respondent parents of children within each race and ethnicity category and state demographics of children within each race and ethnicity category receiving special education services. The relationship between these variables was significant, therefore, they are not representative,  $X^2(6, N=26,060) = 116.7, p < .01$ .

Respondents with race and ethnicity not reported were excluded from this analysis. The DDOE further explored the relationship between the state demographics of race and ethnicity categories and respondent parents by examining the 95% confidence interval. This analysis indicated that no race and ethnicity category was representative. Please refer to Table 2(attached).

Provide additional information about this indicator (optional)

The DDOE ensures that this data is complete, accurate, reliable, and valid for Indicator 8. COVID-19 would have impacted DDOE's ability to collect data for this indicator however, DDOE took steps to mitigate the impact on this data collection. DDOE originally planned to send surveys to parents in two separate mailings. Parents whose children had annual IEP meetings from 7/1/19 through 12/31/19 were mailed surveys. The plan was to then mail surveys to parents whose children had annual IEP meetings from 1/1/20 through 6/30/20. Due to the fact that postal mail delivery was and continues to be delayed, the second distribution of the survey was offered through a secure online survey platform that could be completed using a smartphone, tablet, or computer. Options were provided for a link to the survey platform via web address or QR scan. In addition, paper copies were available upon request.

## 8 - Prior FFY Required Actions

In the FFY 2019 SPP/APR, the State must report whether its FFY 2019 data are from a response group that is representative of the demographics of children receiving special education services, and, if not, the actions the State is taking to address this issue. The State must also include its analysis of the extent to which the demographics of the parents responding are representative of the demographics of children receiving special education services.

Response to actions required in FFY 2018 SPP/APR

The DDOE performed a chi-square test of independence to examine the relationship between respondent parents of children within each disability category and the state demographics of children within each disability category receiving special education services. The relationship between these variables was significant, therefore, they are not representative,  $X^2(14, N=26,060)$

= 179.8,  $p < .01$ . Respondents within disability category not reported were excluded from this analysis. DDOE further explored the relationship between state demographics of disability categories and respondent parents by examining the 95% confidence interval. This analysis indicates that the mild intellectual disability category is representative of state demographics. Please refer to Table 1 (attached).

A second chi-square test of independence was performed to examine the relationship between respondent parents of children within each race and ethnicity category and state demographics of children within each race and ethnicity category receiving special education services. The relationship between these variables was significant, therefore, they are not representative,  $\chi^2(6,$

$N=26,060) = 116.7, p < .01$ . Respondents with race and ethnicity not reported were excluded from this analysis. The DDOE further explored the relationship between the state demographics of race and ethnicity categories and respondent parents by examining the 95% confidence interval. This analysis indicated that no race and ethnicity category was representative. Please refer to Table 2 (attached).

In an effort to conduct a more comprehensive root cause analysis, DDOE plans to engage stakeholders in an examination of additional demographics related to the response data. Next steps would include target setting, possible survey revision, consideration of survey modality distribution, and methods to increase response rates from underrepresented demographics.

## **8 - OSEP Response**

### **8 - Required Actions**

In the FFY 2020 SPP/APR, the State must report whether its FFY 2020 data are from a response group that is representative of the demographics of children receiving special education services, and, if not, the actions the State is taking to address this issue. The State must also include its analysis of the extent to which the demographics of the parents responding are representative of the demographics of children receiving special education services.

### **8 - State Attachments**



Delaware Indicator  
8 Demographics Dat

## Indicator 9: Disproportionate Representation

### Instructions and Measurement

**Monitoring Priority:** Disproportionality

**Compliance indicator:** Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

(20 U.S.C. 1416(a)(3)(C))

#### Data Source

State's analysis, based on State's Child Count data collected under IDEA section 618, to determine if the disproportionate representation of racial and ethnic groups in special education and related services was the result of inappropriate identification.

#### Measurement

Percent = [(# of districts, that meet the State-established n and/or cell size (if applicable) for one or more racial/ethnic groups, with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification) divided by the (# of districts in the State that meet the State-established n and/or cell size (if applicable) for one or more racial/ethnic groups)] times 100.

Include State's definition of "disproportionate representation." Please specify in your definition: 1) the calculation method(s) being used (i.e., risk ratio, weighted risk ratio, e-formula, etc.); and 2) the threshold at which disproportionate representation is identified. Also include, as appropriate, 3) the number of years of data used in the calculation; and 4) any minimum cell and/or n-sizes (i.e., risk numerator and/or risk denominator).

Based on its review of the 618 data for FFY 2018, describe how the State made its annual determination as to whether the disproportionate representation it identified of racial and ethnic groups in special education and related services was the result of inappropriate identification as required by 34 CFR §§300.600(d)(3) and 300.602(a), e.g., using monitoring data; reviewing policies, practices and procedures, etc. In determining disproportionate representation, analyze data, for each district, for all racial and ethnic groups in the district, or all racial and ethnic groups in the district that meet a minimum n and/or cell size set by the State. Report on the percent of districts in which disproportionate representation of racial and ethnic groups in special education and related services is the result of inappropriate identification, even if the determination of inappropriate identification was made after the end of the FFY 2019 reporting period (i.e., after June 30, 2020).

#### Instructions

Provide racial/ethnic disproportionality data for all children aged 6 through 21 served under IDEA, aggregated across all disability categories.

States are not required to report on underrepresentation.

If the State has established a minimum n and/or cell size requirement, the State may only include, in both the numerator and the denominator, districts that met that State-established n and/or cell size. If the State used a minimum n and/or cell size requirement, report the number of districts totally excluded from the calculation as a result of this requirement because the district did not meet the minimum n and/or cell size for any racial/ethnic group.

Consider using multiple methods in calculating disproportionate representation of racial and ethnic groups to reduce the risk of overlooking potential problems. Describe the method(s) used to calculate disproportionate representation.

Provide the number of districts that met the State-established n and/or cell size (if applicable) for one or more racial/ethnic groups identified with disproportionate representation of racial and ethnic groups in special education and related services and the number of those districts identified with disproportionate representation that is the result of inappropriate identification.

Targets must be 0%.

Provide detailed information about the timely correction of noncompliance as noted in OSEP's response for the previous SPP/APR. If the State did not ensure timely correction of the previous noncompliance, provide information on the extent to which noncompliance was subsequently corrected (more than one year after identification). In addition, provide information regarding the nature of any continuing noncompliance, improvement activities completed (e.g., review of policies and procedures, technical assistance, training, etc.) and any enforcement actions that were taken. If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2019 SPP/APR, the data for FFY 2018), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

## 9 - Indicator Data

### Not Applicable

Select yes if this indicator is not applicable.

NO

#### Historical Data

Baseline Year	Baseline Data
2016	17.50%

FFY	2014	2015	2016	2017	2018
Target	0%	0%	0%	0%	0%
Data	2.33%	0.00%	17.50%	0.00%	5.13%

#### Targets

FFY	2019
Target	0%

#### FFY 2019 SPP/APR Data

Has the state established a minimum n and/or cell size requirement? (yes/no)

YES

If yes, the State may only include, in both the numerator and the denominator, districts that met the State-established n and/or cell size. Report the number of districts excluded from the calculation as a result of the requirement.

2

Number of districts with disproportionate representation of racial and ethnic groups in special education and related services	Number of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification	Number of Districts that met the State's minimum n-size	FFY 2018 Data	FFY 2019 Target	FFY 2019 Data	Status	Slippage
13	0	39	5.13%	0%	0.00%	Met Target	No Slippage

Were all races and ethnicities included in the review?

YES

Define “disproportionate representation.” Please specify in your definition: 1) the calculation method(s) being used (i.e., risk ratio, weighted risk ratio, e-formula, etc.); and 2) the threshold at which disproportionate representation is identified. Also include, as appropriate, 3) the number of years of data used in the calculation; and 4) any minimum cell and/or n-sizes (i.e., risk numerator and/or risk denominator).

The Delaware Department of Education (DDOE) used its Child Count 2020 data for the FFY 2019 SPP/APR submission for this indicator.

The relative risk ratio methodology is what Delaware uses to determine whether there is disproportionate representation of racial and ethnic groups in special education. In the relative risk ratio method, the total enrollment of all students is compared to the number of special education students. The DDOE uses a minimum cell size of 15 students in this calculation. The data being reviewed is within a one year period.

Relative Risk Ratio - Calculated by comparing one ethnic group’s risk of being identified for a disability with that of a comparison group (all other students) Please see below:

Numerator:

# of SWD in X ethnic/racial group

\_\_\_\_\_

Total # X ethnic/racial group in the school population

Denominator:

# all other Non-X SWD

\_\_\_\_\_

Total # of Non-X in the school population

After the relative risk ratio is calculated, the ratio is compared to the state “bar”, and if the LEA’s risk ratio is greater than or equal to the state “bar”, the LEA is identified as having disproportionate representation. The “bar” was informed by aggregate data from all LEAs as well as input from stakeholder group. The stakeholder group includes members from the IDEA State advisory council, Parent Information Center, Special Education Directors, building administrators, and school psychologists. The state “bar” is set at a relative risk ratio of 1.46.

For FFY 2019, 13 LEAs exceeded the relative risk ratio and were required to complete a state developed self-assessment of their policies, procedures, and practices relating to the identification of students with disabilities.

**Describe how the State made its annual determination as to whether the disproportionate representation it identified of racial and ethnic groups in special education and related services was the result of inappropriate identification.**

The Delaware Department of Education (DDOE) applies a formula to calculate disproportionate representation of racial and ethnic groups in special education using December 1st child count data. For FFY 19, 13 LEAs exceeded the risk ratio and were required to complete a State developed self-assessment of their policies, procedures and practices related to child find, evaluation, and special education eligibility requirements. In addition, the LEAs were provided a list of individual students who contributed to the disproportionate representation identification, to review as part of that assessment.

DDOE conducted a review of the 13 LEA self-assessments, including a review of a sample of records of individual students who contributed to the disproportionate representation. Compliance was verified via reviews of individual student Evaluation Summary Reports, utilizing the State’s PSIEP system and the LEA self-assessment tool. After DDOE conducted this verification process, all LEAs were found compliant for the regulatory requirements and individual student records.

**Provide additional information about this indicator (optional)**

DDOE ensures that this data is complete, accurate, reliable, and valid for Indicator 9. DDOE mitigated the impact of COVID-19 by providing guidance documents and technical assistance. COVID-19 did not have any impact on the data collection since the SEA and LEA utilize a state data system which is available electronically from any location. DDOE provided the LEA with the data from the state system which the LEA utilized to conduct a self-assessment. DDOE reviewed the self-assessment, individual student records, and verified the data.

**Correction of Findings of Noncompliance Identified in FFY 2018**

Findings of Noncompliance Identified	Findings of Noncompliance Verified as Corrected Within One Year	Findings of Noncompliance Subsequently Corrected	Findings Not Yet Verified as Corrected
2	2	0	0

**FFY 2018 Findings of Noncompliance Verified as Corrected**

**Describe how the State verified that the source of noncompliance is correctly implementing the *regulatory requirements***

For FFY18, after verifying all individual instances of non-compliance were completed, utilizing updated data, the DDOE reviewed randomly selected student records from the 2 LEAS and verified that the 2 LEAs were compliant and correctly implementing the regulatory requirements under IDEA within the one-year time frame.

**Describe how the State verified that each *individual case of noncompliance* was corrected**

For FFY 2018, the DDOE identified 2 LEAs with noncompliance relating to disproportionate representation. One LEA made the individual student correction within the 30-day self-correction period. Utilizing the updated data, DDOE verified the individual student correction was completed. The second LEA was directed to make individual student corrections, develop a Corrective Action Plan including a Root Cause Analysis. Based on the root causes identified, the LEA corrected individual student files as well as providing professional development to staff addressing the areas of non-compliance. Technical assistance was provided by the DDOE to the LEA to assist in this process. Utilizing updated data, DDOE verified each instance of non-compliance was corrected in the second LEA within the one-year timeframe.

**Correction of Findings of Noncompliance Identified Prior to FFY 2018**

Year Findings of Noncompliance Were Identified	Findings of Noncompliance Not Yet Verified as Corrected as of FFY 2018 APR	Findings of Noncompliance Verified as Corrected	Findings Not Yet Verified as Corrected

**9 - Prior FFY Required Actions**

None

**9 - OSEP Response**

**9 - Required Actions**

## Indicator 10: Disproportionate Representation in Specific Disability Categories

### Instructions and Measurement

**Monitoring Priority:** Disproportionality

**Compliance indicator:** Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

(20 U.S.C. 1416(a)(3)(C))

#### Data Source

State's analysis, based on State's Child Count data collected under IDEA section 618, to determine if the disproportionate representation of racial and ethnic groups in specific disability categories was the result of inappropriate identification.

#### Measurement

Percent = [(# of districts, that meet the State-established n and/or cell size (if applicable) for one or more racial/ethnic groups, with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification) divided by the (# of districts in the State that meet the State-established n and/or cell size (if applicable) for one or more racial/ethnic groups)] times 100.

Include State's definition of "disproportionate representation." Please specify in your definition: 1) the calculation method(s) being used (i.e., risk ratio, weighted risk ratio, e-formula, etc.); and 2) the threshold at which disproportionate representation is identified. Also include, as appropriate, 3) the number of years of data used in the calculation; and 4) any minimum cell and/or n-sizes (i.e., risk numerator and/or risk denominator).

Based on its review of the 618 data for FFY 2019, describe how the State made its annual determination as to whether the disproportionate representation it identified of racial and ethnic groups in specific disability categories was the result of inappropriate identification as required by 34 CFR §§300.600(d)(3) and 300.602(a), e.g., using monitoring data; reviewing policies, practices and procedures, etc. In determining disproportionate representation, analyze data, for each district, for all racial and ethnic groups in the district, or all racial and ethnic groups in the district that meet a minimum n and/or cell size set by the State. Report on the percent of districts in which disproportionate representation of racial and ethnic groups in special education and related services is the result of inappropriate identification, even if the determination of inappropriate identification was made after the end of the FFY 2019 reporting period (i.e., after June 30, 2020).

#### Instructions

Provide racial/ethnic disproportionality data for all children aged 6 through 21 served under IDEA, aggregated across all disability categories.

States are not required to report on underrepresentation.

If the State has established a minimum n and/or cell size requirement, the State may only include, in both the numerator and the denominator, districts that met that State-established n and/or cell size. If the State used a minimum n and/or cell size requirement, report the number of districts totally excluded from the calculation as a result of this requirement because the district did not meet the minimum n and/or cell size for any racial/ethnic group.

Consider using multiple methods in calculating disproportionate representation of racial and ethnic groups to reduce the risk of overlooking potential problems. Describe the method(s) used to calculate disproportionate representation.

Provide the number of districts that met the State-established n and/or cell size (if applicable) for one or more racial/ethnic groups identified with disproportionate representation of racial and ethnic groups in special education and related services and the number of those districts identified with disproportionate representation that is the result of inappropriate identification.

Targets must be 0%.

Provide detailed information about the timely correction of noncompliance as noted in OSEP's response for the previous SPP/APR. If the State did not ensure timely correction of the previous noncompliance, provide information on the extent to which noncompliance was subsequently corrected (more than one year after identification). In addition, provide information regarding the nature of any continuing noncompliance, improvement activities completed (e.g., review of policies and procedures, technical assistance, training, etc.) and any enforcement actions that were taken.

If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2019 SPP/APR, the data for FFY 2018), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

## 10 - Indicator Data

### Not Applicable

Select yes if this indicator is not applicable.

NO

#### Historical Data

Baseline Year	Baseline Data
2016	18.92%

FFY	2014	2015	2016	2017	2018
Target	0%	0%	0%	0%	0%
Data	2.33%	0.00%	18.92%	2.70%	5.13%

#### Targets

FFY	2019
Target	0%

#### FFY 2019 SPP/APR Data

**Has the state established a minimum n and/or cell size requirement? (yes/no)**

YES

If yes, the State may only include, in both the numerator and the denominator, districts that met the State-established n and/or cell size. Report the number of districts excluded from the calculation as a result of the requirement.

3

Number of districts with disproportionate representation of racial and ethnic groups in specific disability categories	Number of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification	Number of Districts that met the State's minimum n-size	FFY 2018 Data	FFY 2019 Target	FFY 2019 Data	Status	Slippage
19	1	38	5.13%	0%	2.63%	Did Not Meet Target	No Slippage

**Were all races and ethnicities included in the review?**

YES

**Define “disproportionate representation.” Please specify in your definition: 1) the calculation method(s) being used (i.e., risk ratio, weighted risk ratio, e-formula, etc.); and 2) the threshold at which disproportionate representation is identified. Also include, as appropriate, 3) the number of years of data used in the calculation; and 4) any minimum cell and/or n-sizes (i.e., risk numerator and/or risk denominator).**

The Delaware Department of Education (DDOE) used its Child Count 2020 data for the FFY 2019 SPP/APR submission for this indicator.

Delaware uses the relative risk ratio method to determine whether there is disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification in special education. The DDOE uses a minimum cell size of 10 for the calculation of students with disabilities in racial/ethnic groups and disability categories. After the LEA data is populated and the relative risk ratio is calculated, the LEA data is then compared to the state bar of 1.50. The data being reviewed is within a one-year period.

The calculation for determining the relative risk ratio is as follows:

Numerator:

# of students in X ethnic/racial group in Y disability category

---

Total # of students in X ethnic/racial group in the school

---

Denominator:

# of Other students in Y disability category

---

Total # of Other students in the school population

After the relative risk ratio is calculated, the ratio is compared to the State “bar,” and if the LEA’s risk ratio is greater than or equal to the State “bar,” the LEA is identified as having disproportionate representation. The “bar” was informed by aggregate data from all LEAs, as well as input from stakeholder groups. The stakeholder group includes members from the IDEA State advisory council, Parent Information Center, Special Education Directors, building administrators, and school psychologists. For FFY 2019, the State “bar” was set at a relative risk ratio of 1.50.

For FFY 2019, 19 LEAs exceeded the risk ratio and were required to complete a state developed self-assessment of their policies, procedures, and practices relating to the identification of students with disabilities.

**Describe how the State made its annual determination as to whether the disproportionate overrepresentation it identified of racial and ethnic groups in specific disability categories was the result of inappropriate identification.**

For FFY 2019, 19 LEAs exceeded the risk ratio and were required to complete a state developed self-assessment of their policies, procedures, and practices relating to the identification of students with disabilities. The DDOE reviewed all 19 LEA self-assessments and, in addition, the DDOE reviewed a sample of records of individual students who contributed to the disproportionate representation, verified them via reviews of individual student Evaluation Summary Reports and through the State’s PSIEP System.

After DDOE conducted this review, 1 LEA had a finding of non-compliance identified and a letter of findings was issued.

**Provide additional information about this indicator (optional)**

DDOE ensures that this data is complete, accurate, reliable, and valid for Indicator 10. DDOE mitigated the impact of COVID-19 by providing guidance documents and technical assistance. COVID-19 did not have any impact on the data collection since the SEA and LEA utilize a state data system which is available electronically from any location. DDOE provided the LEA with the data from the state system which the LEA utilized to conduct a self-assessment. DDOE reviewed the self-assessment, individual student records, and verified the data.

**Correction of Findings of Noncompliance Identified in FFY 2018**



Findings of Noncompliance Identified	Findings of Noncompliance Verified as Corrected Within One Year	Findings of Noncompliance Subsequently Corrected	Findings Not Yet Verified as Corrected
2	2	0	0

**FFY 2018 Findings of Noncompliance Verified as Corrected**

**Describe how the State verified that the source of noncompliance is correctly implementing the regulatory requirements**

For FFY18, after verifying all individual instances of non-compliance were completed, utilizing updated data, the DDOE reviewed randomly selected student records from the 2 LEAS and verified that the 2 LEAs were compliant and correctly implementing the regulatory requirements under IDEA within the one-year time frame.

**Describe how the State verified that each individual case of noncompliance was corrected**

For FFY 2018, the DDOE identified 2 LEAs with noncompliance relating to disproportionate representation. One LEA made the individual student correction within the 30-day self-correction period. Utilizing the updated data, DDOE verified the individual student correction was completed. The second LEA was directed to make individual student corrections, develop a Corrective Action Plan including a Root Cause Analysis. Based on the root causes identified, the LEA corrected individual student files as well as providing professional development to staff addressing the areas of non-compliance. Technical assistance was provided by the DDOE to the LEA to assist in this process. Utilizing updated data, DDOE verified each instance of non-compliance was corrected in the second LEA within the one-year timeframe.

**Correction of Findings of Noncompliance Identified Prior to FFY 2018**

Year Findings of Noncompliance Were Identified	Findings of Noncompliance Not Yet Verified as Corrected as of FFY 2018 APR	Findings of Noncompliance Verified as Corrected	Findings Not Yet Verified as Corrected

**10 - Prior FFY Required Actions**

None

**10 - OSEP Response**

**10 - Required Actions**

Because the State reported less than 100% compliance for FFY 2019 (greater than 0% actual target data for this indicator), the State must report on the status of correction of noncompliance identified in FFY 2019 for this indicator. The State must demonstrate, in the FFY 2020 SPP/APR, that the district identified in FFY 2019 with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification is in compliance with the requirements in 34 C.F.R. §§ 300.111, 300.201, and 300.301 through 300.311, including that the State verified that each district with noncompliance: (1) is correctly implementing the specific regulatory requirement(s) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memo 09-02. In the FFY 2020 SPP/APR, the State must describe the specific actions that were taken to verify the correction.

If the State did not identify any findings of noncompliance in FFY 2019, although its FFY 2019 data reflect less than 100% compliance (greater than 0% actual target data for this indicator), provide an explanation of why the State did not identify any findings of noncompliance in FFY 2019.

## Indicator 11: Child Find

### Instructions and Measurement

**Monitoring Priority:** Effective General Supervision Part B / Child Find

**Compliance indicator:** Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.

(20 U.S.C. 1416(a)(3)(B))

#### Data Source

Data to be taken from State monitoring or State data system and must be based on actual, not an average, number of days. Indicate if the State has established a timeline and, if so, what is the State's timeline for initial evaluations.

#### Measurement

- a. # of children for whom parental consent to evaluate was received.
- b. # of children whose evaluations were completed within 60 days (or State-established timeline).  
Account for children included in (a), but not included in (b). Indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.

Percent = [(b) divided by (a)] times 100.

#### Instructions

If data are from State monitoring, describe the method used to select LEAs for monitoring. If data are from a State database, include data for the entire reporting year.

Describe the results of the calculations and compare the results to the target. Describe the method used to collect these data, and if data are from the State's monitoring, describe the procedures used to collect these data. Provide the actual numbers used in the calculation.

Note that under 34 CFR §300.301(d), the timeframe set for initial evaluation does not apply to a public agency if: (1) the parent of a child repeatedly fails or refuses to produce the child for the evaluation; or (2) a child enrolls in a school of another public agency after the timeframe for initial evaluations has begun, and prior to a determination by the child's previous public agency as to whether the child is a child with a disability. States should not report these exceptions in either the numerator (b) or denominator (a). If the State-established timeframe provides for exceptions through State regulation or policy, describe cases falling within those exceptions and include in b.

Targets must be 100%.

Provide detailed information about the timely correction of noncompliance as noted in OSEP's response for the previous SPP/APR. If the State did not ensure timely correction of the previous noncompliance, provide information on the extent to which noncompliance was subsequently corrected (more than one year after identification). In addition, provide information regarding the nature of any continuing noncompliance, improvement activities completed (e.g., review of policies and procedures, technical assistance, training, etc.) and any enforcement actions that were taken.

If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2019 SPP/APR, the data for FFY 2018), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

## 11 - Indicator Data

### Historical Data

Baseline Year	Baseline Data
2006	91.00%

FFY	2014	2015	2016	2017	2018
Target	100%	100%	100%	100%	100%
Data	99.46%	97.01%	98.97%	99.36%	99.24%

### Targets

FFY	2019
Target	100%

### FFY 2019 SPP/APR Data

(a) Number of children for whom parental consent to evaluate was received	(b) Number of children whose evaluations were completed within 60 days (or State-established timeline)	FFY 2018 Data	FFY 2019 Target	FFY 2019 Data	Status	Slippage
2,622	2,582	99.24%	100%	98.47%	Did Not Meet Target	No Slippage

**Number of children included in (a) but not included in (b)**

40

**Account for children included in (a) but not included in (b). Indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.**

The Delaware Department of Education (DDOE) reviewed data regarding timeline of initial evaluations and found 40 students in 8 LEAs that were noncompliant. Delaware's timeline for initial evaluations is forty-five (45) school days or ninety (90) calendar days, whichever is less, of receiving written parental consent. The time frame described does not apply to a public agency if: a) the parent of a child repeatedly fails or refuses to produce the child for the evaluation or b) a child enrolls in a school of another public agency after the relevant time frame has begun, and prior to a determination by the child's previous public agency as to whether the child is a child with a disability. The latter exemption applies only if the subsequent public agency is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent public agency agree to a specific time when the evaluation will be completed.

The number of days that exceeded the state timeline of 45 school days or 90 calendar days, whichever is less, for initial evaluations ranged from 1 to 106 days over the state timeline. Root causes that contributed to the noncompliance were identified as staff shortage, availability and scheduling of bilingual and Spanish evaluators, scheduling difficulties, difficulty getting in touch with parents, and miscounting the timeline.

**Indicate the evaluation timeline used:**

The State established a timeline within which the evaluation must be conducted

**What is the State's timeline for initial evaluations? If the State-established timeframe provides for exceptions through State regulation or policy, describe cases falling within those exceptions and include in (b).**

Delaware's timeline for initial evaluations is detailed in 14 DE Admin Code § 925.2.3-2.5: Within forty-five (45) school days or ninety (90) calendar days, whichever is less, of receiving written parental consent, the initial evaluation shall be conducted; and the child's eligibility for special education and related services must be determined at a meeting convened for that purpose.

The time frame described does not apply to a public agency if: a) the parent of a child repeatedly fails or refuses to produce the child for the evaluation or b) a child enrolls in a school of another public agency after the relevant time frame has begun, and prior to a determination by the child's previous public agency as to whether the child is a child with a disability. The latter exemption applies only if the subsequent public agency is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent public agency agree to a specific time when the evaluation will be completed.

**What is the source of the data provided for this indicator?**

State database that includes data for the entire reporting year

**Describe the method used to collect these data, and if data are from the State's monitoring, describe the procedures used to collect these data.**

LEAs are required to enter and maintain data within Delaware's electronic statewide pupil accounting system. LEAs enter the date on which the parent's informed written consent for initial evaluation is received and the date on which eligibility is determined. The eligibility date is the end date used in the calculation to determine whether initial evaluations are conducted within the State established timeline. By requiring all LEAs to enter information into the electronic state-wide pupil accounting system DDOE monitors the timeliness of initial evaluations.

**Provide additional information about this indicator (optional)**

The DDOE has received technical assistance from the IDEA Data Center for the development of the data protocol for Indicator 11. In turn, DDOE has developed guidance documents and provides technical assistance to LEAs on the accuracy of data entry procedures. In addition, the Exceptional Children Resources Workgroup works collaboratively with DDOE's Technology Operations Workgroup and Data Management Workgroup to ensure the validity and accuracy of the data. During the 2019- 2020 school year, the LEAs migrated to a new electronic statewide special services application. In preparation for the migration, DDOE provided LEAs with new guidance documents and technical assistance to support them during this transition.

DDOE ensures that this data is complete, accurate, reliable, and valid for Indicator 11. DDOE mitigated the impact of COVID-19 by providing guidance documents and technical assistance.

COVID-19 did not have any impact on the data collection since the SEA and LEA utilize a state data system which is available electronically from any location. DDOE provided the LEAs with the data from the state system which the LEAs utilized to conduct a self-assessment. DDOE reviewed the self-assessments from the LEAs and verified the data.

**Correction of Findings of Noncompliance Identified in FFY 2018**

Findings of Noncompliance Identified	Findings of Noncompliance Verified as Corrected Within One Year	Findings of Noncompliance Subsequently Corrected	Findings Not Yet Verified as Corrected
21	21	0	0

**FFY 2018 Findings of Noncompliance Verified as Corrected**

**Describe how the State verified that the source of noncompliance is correctly implementing the regulatory requirements**

DDOE provided technical assistance to all LEAs regarding processes for timely evaluations. Targeted technical assistance regarding the timeline for initial evaluations was provided directly to the 7 identified LEAs. DDOE convened an internal committee to review the LEAs' root cause analysis and corrective action plans, which includes professional development activities. Utilizing updated data collected through the state's data system, DDOE reviewed additional student records to verify that the LEAs are correctly implementing the regulatory requirements regarding timely evaluations.

**Describe how the State verified that each individual case of noncompliance was corrected**

Utilizing updated data collected through the State data system, DDOE conducted a review of 21 individual student records which contributed to the noncompliance. DDOE verified that each area of noncompliance was 100% corrected. Evidence of correction included verification of Evaluation Summary Report documents, as well as staff interviews and review of communication to parents. DDOE instructed the identified LEAs to conduct a root cause analysis and develop a corrective action plan.

**Correction of Findings of Noncompliance Identified Prior to FFY 2018**

Year Findings of Noncompliance Were Identified	Findings of Noncompliance Not Yet Verified as Corrected as of FFY 2018 APR	Findings of Noncompliance Verified as Corrected	Findings Not Yet Verified as Corrected

**11 - Prior FFY Required Actions**

None

**11 - OSEP Response**

**11 - Required Actions**

Because the State reported less than 100% compliance for FFY 2019, the State must report on the status of correction of noncompliance identified in FFY 2019 for this indicator. When reporting on the correction of noncompliance, the State must report, in the FFY 2020 SPP/APR, that it has verified that each LEA with noncompliance identified in FFY 2019 for this indicator: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2020 SPP/APR, the State must describe the specific actions that were taken to verify the correction.

If the State did not identify any findings of noncompliance in FFY 2019, although its FFY 2019 data reflect less than 100% compliance, provide an explanation of why the State did not identify any findings of noncompliance in FFY 2019.

## Indicator 12: Early Childhood Transition

### Instructions and Measurement

**Monitoring Priority:** Effective General Supervision Part B / Effective Transition

**Compliance indicator:** 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.

(20 U.S.C. 1416(a)(3)(B))

#### Data Source

Data to be taken from State monitoring or State data system.

#### Measurement

- a. # of children who have been served in Part C and referred to Part B for Part B eligibility determination.
- b. # of those referred determined to be NOT eligible and whose eligibility was determined prior to their third birthdays.
- c. # of those found eligible who have an IEP developed and implemented by their third birthdays.
- d. # of children for whom parent refusal to provide consent caused delays in evaluation or initial services or to whom exceptions under 34 CFR §300.301(d) applied.
- e. # of children determined to be eligible for early intervention services under Part C less than 90 days before their third birthdays.
- f. # of children whose parents chose to continue early intervention services beyond the child's third birthday through a State's policy under 34 CFR §303.211 or a similar State option.

Account for children included in (a), but not included in b, c, d, e, or f. Indicate the range of days beyond the third birthday when eligibility was determined and the IEP developed, and the reasons for the delays.

Percent = [(c) divided by (a - b - d - e - f)] times 100.

#### Instructions

If data are from State monitoring, describe the method used to select LEAs for monitoring. If data are from a State database, include data for the entire reporting year.

Describe the results of the calculations and compare the results to the target. Describe the method used to collect these data, and if data are from the State's monitoring, describe the procedures used to collect these data. Provide the actual numbers used in the calculation.

Category f is to be used only by States that have an approved policy for providing parents the option of continuing early intervention services beyond the child's third birthday under 34 CFR §303.211 or a similar State option.

Targets must be 100%.

Provide detailed information about the timely correction of noncompliance as noted in OSEP's response for the previous SPP/APR. If the State did not ensure timely correction of the previous noncompliance, provide information on the extent to which noncompliance was subsequently corrected (more than one year after identification). In addition, provide information regarding the nature of any continuing noncompliance, improvement activities completed (e.g., review of policies and procedures, technical assistance, training, etc.) and any enforcement actions that were taken.

If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2019 SPP/APR, the data for FFY 2018), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

## 12 - Indicator Data

### Not Applicable

Select yes if this indicator is not applicable.

NO

#### Historical Data

Baseline Year	Baseline Data
2005	81.60%

FFY	2014	2015	2016	2017	2018
Target	100%	100%	100%	100%	100%
Data	97.84%	98.86%	98.55%	89.11%	93.68%

#### Targets

FFY	2019
Target	100%

#### FFY 2019 SPP/APR Data

a. Number of children who have been served in Part C and referred to Part B for Part B eligibility determination.	1,015
b. Number of those referred determined to be NOT eligible and whose eligibility was determined prior to third birthday.	78

c. Number of those found eligible who have an IEP developed and implemented by their third birthdays.	662
d. Number for whom parent refusals to provide consent caused delays in evaluation or initial services or to whom exceptions under 34 CFR §300.301(d) applied.	194
e. Number of children who were referred to Part C less than 90 days before their third birthdays.	20
f. Number of children whose parents chose to continue early intervention services beyond the child's third birthday through a State's policy under 34 CFR §303.211 or a similar State option.	0

Measure	Numerator (c)	Denominator (a-b-d-e-f)	FFY 2018 Data	FFY 2019 Target	FFY 2019 Data	Status	Slippage
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.	662	723	93.68%	100%	91.56%	Did Not Meet Target	Slippage

**Provide reasons for slippage, if applicable**

Based on data review 14 children were not evaluated, nor found eligible, nor had an IEP developed and implemented by age three due to the Covid-19 pandemic. (such as due to school closures). Had these 14 children not been impacted by the pandemic there would be no slippage in Delaware's data for Early Childhood Transitions ( these 14 are included in the 61 below).

**Number of children who served in part C and referred to Part B for eligibility determination that are not included in b, c, d, e, or f**

61

**Account for children included in (a), but not included in b, c, d, e, or f. Indicate the range of days beyond the third birthday when eligibility was determined and the IEP developed, and the reasons for the delays.**

The range of days beyond the third birthday went from 4 days up to 152 days. Reasons provided by the LEAs included a lack of sufficient numbers of evaluators, meetings being scheduled very close to third birthday and parent cancelled or "no-showed" at the meeting and next available dates to meet were past third birthday. In addition, a few LEAs cited lack of bilingual evaluators as reason for delays. The SEA has provided information from the ECTA center related to completion of initial evaluations and has recommended various strategies to LEAs such as forming partnerships to share evaluators or using video conferencing platforms to increase capacity of evaluation slots. The SEA has and will continue to provide general and targeted technical assistance to the LEAs to assure smooth, timely and compliant transitions from Part C to Part B. Two SEA staff are now dedicated as Early Childhood Transition Coordinators whose primary focus is to support moving Delaware forward with compliance on this indicator.

**Attach PDF table (optional)**

**What is the source of the data provided for this indicator?**

State database that includes data for the entire reporting year

**Describe the method used to collect these data, and if data are from the State's monitoring, describe the procedures used to collect these data.**

Data are collected in a state created data collection report and include data for the entire reporting year. LEAs enter child level data throughout the year in the state data system (eSchoolPlus) which includes referral date to Part B, parent consent to evaluate, initial evaluation date, IEP eligibility meeting date and IEP implementation date. At the end of the school year, LEAs generate an Indicator 12 report and import that data into the state developed B12 data collection worksheet which also includes data from the state generated transition notification report (TNR) sent from Part C, which is done on a monthly basis. LEAs submit their completed data worksheet to the SEA for verification of completeness, timeliness, accuracy and compliance status. SEA staff follow up with the LEAs for additional documentation of their data submission as needed. This is detailed in the IDC Part B IDEA Data Processes Toolkit, Protocol, Indicator 12, Early Childhood Transition.

**Provide additional information about this indicator (optional)**

DDOE ensures that this data is complete, accurate, reliable, and valid for Indicator 12. DDOE mitigated the impact of COVID-19 by providing guidance documents and technical assistance.

COVID-19 did not have any impact on the data collection since the SEA and LEA utilize a state data system which is available electronically from any location. The B12 data collection worksheet is also available electronically. LEA staff were able to access it as they worked remotely to complete and submit their final data to the SEA. DDOE verified the data submitted.

**Correction of Findings of Noncompliance Identified in FFY 2018**

Findings of Noncompliance Identified	Findings of Noncompliance Verified as Corrected Within One Year	Findings of Noncompliance Subsequently Corrected	Findings Not Yet Verified as Corrected
42	42	0	0

**FFY 2018 Findings of Noncompliance Verified as Corrected**

**Describe how the State verified that the source of noncompliance is correctly implementing the regulatory requirements**

The SEA verified that required actions in the letter of findings were carried out, with required documentation sent to the SEA for review. Utilizing updated data, DDOE completed a subsequent verification of a random sample of child records after completion of the required professional development and found no further instances of non-compliance. The LEAs were notified by letter that the district was now in compliance.

**Describe how the State verified that each individual case of noncompliance was corrected**

The SEA verified the individual child records and the data supports that in each case, the child was evaluated and those found eligible received an IEP, although late. As well, children who had an IEP developed, although late, did start receiving services although also late.

**Correction of Findings of Noncompliance Identified Prior to FFY 2018**

Year Findings of Noncompliance Were Identified	Findings of Noncompliance Not Yet Verified as Corrected as of FFY 2018 APR	Findings of Noncompliance Verified as Corrected	Findings Not Yet Verified as Corrected

**12 - Prior FFY Required Actions**

None

**12 - OSEP Response**

**12 - Required Actions**

Because the State reported less than 100% compliance for FFY 2019, the State must report on the status of correction of noncompliance identified in FFY 2019 for this indicator. When reporting on the correction of noncompliance, the State must report, in the FFY 2020 SPP/APR, that it has verified that each LEA with noncompliance identified in FFY 2019 for this indicator: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2020 SPP/APR, the State must describe the specific actions that were taken to verify the correction.

If the State did not identify any findings of noncompliance in FFY 2019, although its FFY 2019 data reflect less than 100% compliance, provide an explanation of why the State did not identify any findings of noncompliance in FFY 2019.

## Indicator 13: Secondary Transition

### Instructions and Measurement

**Monitoring Priority:** Effective General Supervision Part B / Effective Transition

**Compliance indicator:** Secondary transition: Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.

(20 U.S.C. 1416(a)(3)(B))

#### Data Source

Data to be taken from State monitoring or State data system.

#### Measurement

Percent = [(# of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority) divided by the (# of youth with an IEP age 16 and above)] times 100.

If a State's policies and procedures provide that public agencies must meet these requirements at an age younger than 16, the State may, but is not required to, choose to include youth beginning at that younger age in its data for this indicator. If a State chooses to do this, it must state this clearly in its SPP/APR and ensure that its baseline data are based on youth beginning at that younger age.

#### Instructions

If data are from State monitoring, describe the method used to select LEAs for monitoring. If data are from a State database, include data for the entire reporting year.

Describe the results of the calculations and compare the results to the target. Describe the method used to collect these data and if data are from the State's monitoring, describe the procedures used to collect these data. Provide the actual numbers used in the calculation.

Targets must be 100%.

Provide detailed information about the timely correction of noncompliance as noted in OSEP's response for the previous SPP/APR. If the State did not ensure timely correction of the previous noncompliance, provide information on the extent to which noncompliance was subsequently corrected (more than one year after identification). In addition, provide information regarding the nature of any continuing noncompliance, improvement activities completed (e.g., review of policies and procedures, technical assistance, training, etc.) and any enforcement actions that were taken.

If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2019 SPP/APR, the data for FFY 2018), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

## 13 - Indicator Data

### Historical Data

Baseline Year	Baseline Data
2013	48.43%

FFY	2014	2015	2016	2017	2018
Target	100%	100%	100%	100%	100%
Data	98.15%	99.23%	99.24%	100.00%	96.50%

### Targets

FFY	2019
Target	100%

### FFY 2019 SPP/APR Data

Number of youth aged 16 and above with IEPs that contain each of the required components for secondary transition	Number of youth with IEPs aged 16 and above	FFY 2018 Data	FFY 2019 Target	FFY 2019 Data	Status	Slippage
9,304	9,314	96.50%	100%	99.89%	Did Not Meet Target	No Slippage

What is the source of the data provided for this indicator?



State monitoring

**Describe the method used to collect these data, and if data are from the State’s monitoring, describe the procedures used to collect these data.**

Delaware, Indicator 13 reviews include all students age 14 or who have entered the eighth (8th) grade and up.

Through analysis of the historical data after the 2013-2014 SY, with input provided by stakeholder groups, the DDOE determined that the representative sample used in previous years did not provide a true representation of transition planning state-wide. In addition, the DDOE had moved to a cyclical monitoring process, thus our sample size decreased. After discussions internally at DDOE and with stakeholder groups, it was determined the DDOE needed to increase the data pool to provide a true state-wide representation. The decision was made that beginning with the 2014-2015 SY, the DDOE would begin implementing a new monitoring process for Indicator 13. Through this process, all districts and charters having transition age (age 14 or in the 8th grade) students are monitored for Indicator 13 each year. This process has been implemented in a two-phase process:

**Phase 1 – LEA Self-Assessment**

LEAs will be required to conduct a self-assessment of all student records for students age 14 or in the 8th grade and above. DDOE utilizes the data from the December 1 count and provides LEAs with an electronic spreadsheet to capture all data requirements for Indicator 13. Self-Assessment will be sent to DDOE.

**Phase 2 – DDOE validation of LEA submitted data**

DDOE will review a randomly selected sample of the submitted data for verification. The data reviewed will represent all schools within the LEA. All disability categories will be proportionately represented.

If found non-compliant, the LEA will be directed to correct the individual student records and complete all areas of Corrective Action. Utilizing the updated data, DDOE will verify the correction of individual student records. Furthermore, DDOE will review additional individual student records to confirm systemic changes and that the LEA is implementing these regulatory requirements.

Question	Yes / No
Do the State’s policies and procedures provide that public agencies must meet these requirements at an age younger than 16?	YES
If yes, did the State choose to include youth at an age younger than 16 in its data for this indicator and ensure that its baseline data are based on youth beginning at that younger age?	YES
If yes, at what age are youth included in the data for this indicator	14

**Provide additional information about this indicator (optional)**

The DDOE ensures that this data is complete, accurate, valid, and reliable for Indicator 13. COVID-19 did not have any impact on the data collection since the SEA and LEA utilize a state data system which is available electronically from any location. DDOE provided the LEA with the data from the state system which the LEA utilized to conduct a self-assessment. DDOE reviewed the self-assessment, individual student records, and verified the data.

**Correction of Findings of Noncompliance Identified in FFY 2018**

Findings of Noncompliance Identified	Findings of Noncompliance Verified as Corrected Within One Year	Findings of Noncompliance Subsequently Corrected	Findings Not Yet Verified as Corrected
291	291	0	0

**FFY 2018 Findings of Noncompliance Verified as Corrected**

**Describe how the State verified that the source of noncompliance is correctly implementing the regulatory requirements**

After the verification of correction of all 291 cases of individual noncompliance and at the conclusion of professional development around noncompliant areas, utilizing updated data the DDOE subsequently reviewed new randomly selected student records to verify compliance with IDEA regulatory requirements for secondary transition.

**Describe how the State verified that each individual case of noncompliance was corrected**

The LEA is required to develop a Corrective Action Plan including a Root Cause Analysis, correct individual student noncompliance, and provide professional development in all regulatory areas of noncompliance. Once the LEAs reported all corrective action had been completed, utilizing this updated data, the DDOE verified correction of 291 individual student records and documentation of professional development to ensure compliance.

**Correction of Findings of Noncompliance Identified Prior to FFY 2018**

Year Findings of Noncompliance Were Identified	Findings of Noncompliance Not Yet Verified as Corrected as of FFY 2018 APR	Findings of Noncompliance Verified as Corrected	Findings Not Yet Verified as Corrected

**13 - Prior FFY Required Actions**

None

## 13 - OSEP Response

### 13 - Required Actions

Because the State reported less than 100% compliance for FFY 2019, the State must report on the status of correction of noncompliance identified in FFY 2019 for this indicator. When reporting on the correction of noncompliance, the State must report, in the FFY 2020 SPP/APR, that it has verified that each LEA with noncompliance identified in FFY 2019 for this indicator: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2020 SPP/APR, the State must describe the specific actions that were taken to verify the correction.

If the State did not identify any findings of noncompliance in FFY 2019, although its FFY 2019 data reflect less than 100% compliance, provide an explanation of why the State did not identify any findings of noncompliance in FFY 2019.

## Indicator 14: Post-School Outcomes

### Instructions and Measurement

**Monitoring Priority:** Effective General Supervision Part B / Effective Transition

**Results indicator:** Post-school outcomes: Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:

Enrolled in higher education within one year of leaving high school.

Enrolled in higher education or competitively employed within one year of leaving high school.

Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.

(20 U.S.C. 1416(a)(3)(B))

#### Data Source

State selected data source.

#### Measurement

A. Percent enrolled in higher education = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education within one year of leaving high school) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.

B. Percent enrolled in higher education or competitively employed within one year of leaving high school = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education or competitively employed within one year of leaving high school) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.

C. Percent enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.

#### Instructions

*Sampling of youth who had IEPs and are no longer in secondary school is allowed. When sampling is used, submit a description of the sampling methodology outlining how the design will yield valid and reliable estimates of the target population. (See [General Instructions](#) on page 2 for additional instructions on sampling.)*

Collect data by September 2020 on students who left school during 2018-2019, timing the data collection so that at least one year has passed since the students left school. Include students who dropped out during 2018-2019 or who were expected to return but did not return for the current school year. This includes all youth who had an IEP in effect at the time they left school, including those who graduated with a regular diploma or some other credential, dropped out, or aged out.

#### I. Definitions

*Enrolled in higher education* as used in measures A, B, and C means youth have been enrolled on a full- or part-time basis in a community college (two-year program) or college/university (four or more year program) for at least one complete term, at any time in the year since leaving high school.

*Competitive employment* as used in measures B and C: States have two options to report data under “competitive employment” in the FFY 2019 SPP/APR, due February 2021:

Option 1: Use the same definition as used to report in the FFY 2015 SPP/APR, i.e., competitive employment means that youth have worked for pay at or above the minimum wage in a setting with others who are nondisabled for a period of 20 hours a week for at least 90 days at any time in the year since leaving high school. This includes military employment.

Option 2: States report in alignment with the term “competitive integrated employment” and its definition, in section 7(5) of the Rehabilitation Act, as amended by Workforce Innovation and Opportunity Act (WIOA), and 34 CFR §361.5(c)(9). For the purpose of defining the rate of compensation for students working on a “part-time basis” under this category, OSEP maintains the standard of 20 hours a week for at least 90 days at any time in the year since leaving high school. This definition applies to military employment.

*Enrolled in other postsecondary education or training* as used in measure C, means youth have been enrolled on a full- or part-time basis for at least 1 complete term at any time in the year since leaving high school in an education or training program (e.g., Job Corps, adult education, workforce development program, vocational technical school which is less than a two-year program).

*Some other employment* as used in measure C means youth have worked for pay or been self-employed for a period of at least 90 days at any time in the year since leaving high school. This includes working in a family business (e.g., farm, store, fishing, ranching, catering services, etc.).

#### II. Data Reporting

Provide the actual numbers for each of the following mutually exclusive categories. The actual number of “leavers” who are:

1. Enrolled in higher education within one year of leaving high school;
2. Competitively employed within one year of leaving high school (but not enrolled in higher education);
3. Enrolled in some other postsecondary education or training program within one year of leaving high school (but not enrolled in higher education or competitively employed);
4. In some other employment within one year of leaving high school (but not enrolled in higher education, some other postsecondary education or training program, or competitively employed).

“Leavers” should only be counted in one of the above categories, and the categories are organized hierarchically. So, for example, “leavers” who are enrolled in full- or part-time higher education within one year of leaving high school should only be reported in category 1, even if they also happen to be employed. Likewise, “leavers” who are not enrolled in either part- or full-time higher education, but who are competitively employed, should only be reported under category 2, even if they happen to be enrolled in some other postsecondary education or training program.

#### III. Reporting on the Measures/Indicators

Targets must be established for measures A, B, and C.

Measure A: For purposes of reporting on the measures/indicators, please note that any youth enrolled in an institution of higher education (that meets any definition of this term in the Higher Education Act (HEA)) within one year of leaving high school must be reported under measure A. This could include youth who also happen to be competitively employed, or in some other training program; however, the key outcome we are interested in here is enrollment in higher education.

Measure B: All youth reported under measure A should also be reported under measure B, in addition to all youth that obtain competitive employment within one year of leaving high school.

Measure C: All youth reported under measures A and B should also be reported under measure C, in addition to youth that are enrolled in some other postsecondary education or training program, or in some other employment.

Include the State's analysis of the extent to which the response data are representative of the demographics of youth who are no longer in secondary school and had IEPs in effect at the time they left school. States should consider categories such as race and ethnicity, disability category, and geographic location in the State.

If the analysis shows that the response data are not representative of the demographics of youth who are no longer in secondary school and had IEPs in effect at the time they left school, describe the strategies that the State will use to ensure that in the future the response data are representative of those demographics. In identifying such strategies, the State should consider factors such as how the State collected the data.

## 14 - Indicator Data

### Historical Data

Measure	Baseline	FFY	2014	2015	2016	2017	2018
A	2009	Target >=	25.00%	29.00%	33.00%	37.00%	41.00%
A	24.40%	Data	62.86%	63.11%	49.47%	41.39%	45.62%
B	2009	Target >=	56.00%	60.00%	64.00%	68.00%	72.00%
B	71.00%	Data	78.68%	81.27%	82.59%	62.16%	73.54%
C	2009	Target >=	100.00%	100.00%	100.00%	100.00%	100.00%
C	100.00%	Data	82.64%	85.88%	86.20%	81.56%	81.01%

### FFY 2019 Targets

FFY	2019
Target A >=	45.00%
Target B >=	76.00%
Target C >=	100.00%

### Targets: Description of Stakeholder Input

The Delaware Department of Education (DDOE) annually meets with various stakeholder groups to review historical and current post school data to determine trends and actual progress based on the set targets within the APR. These groups include: National Technical Assistant Center on Transition (NTACT) State Team, State Transition Cadre, Governor's Advisory Council for Exceptional Citizens (the state's IDEA advisory council), state transition council, Special Education Leadership Group, and County Special Education Directors. Members of these groups include students, parents, teachers, transition specialists, special education directors, State agency representatives, community service providers, and other community members.

The aforementioned groups were involved in setting of targets entering FFY 2010 and continue to provide feedback on data presented each year. DDOE met with stakeholders during FFY 18 to determine targets for FFY 19. DDOE will reconvene stakeholder groups in Spring of 2021 to review data and set targets for the new APR package.

### FFY 2019 SPP/APR Data

Number of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school	674
1. Number of respondent youth who enrolled in higher education within one year of leaving high school	360
2. Number of respondent youth who competitively employed within one year of leaving high school	135
3. Number of respondent youth enrolled in some other postsecondary education or training program within one year of leaving high school (but not enrolled in higher education or competitively employed)	92
4. Number of respondent youth who are in some other employment within one year of leaving high school (but not enrolled in higher education, some other postsecondary education or training program, or competitively employed).	4

Measure	Number of respondent youth	Number of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school	FFY 2018 Data	FFY 2019 Target	FFY 2019 Data	Status	Slippage
A. Enrolled in higher education (1)	360	674	45.62%	45.00%	53.41%	Met Target	No Slippage
B. Enrolled in higher education or competitively employed within one year of leaving high school (1 +2)	495	674	73.54%	76.00%	73.44%	Did Not Meet Target	No Slippage
C. Enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment (1+2+3+4)	591	674	81.01%	100.00%	87.69%	Did Not Meet Target	No Slippage

**Please select the reporting option your State is using:**

Option 2: Report in alignment with the term “competitive integrated employment” and its definition, in section 7(5) of the Rehabilitation Act, as amended by Workforce Innovation and Opportunity Act (WIOA), and 34 CFR §361.5(c)(9). For the purpose of defining the rate of compensation for students working on a “part-time basis” under this category, OSEP maintains the standard of 20 hours a week for at least 90 days at any time in the year since leaving high school. This definition applies to military employment.

Sampling Question	Yes / No
Was sampling used?	NO

**Describe the sampling methodology outlining how the design will yield valid and reliable estimates.**

Survey Question	Yes / No
Was a survey used?	YES
If yes, is it a new or revised survey?	NO

**Include the State’s analyses of the extent to which the response data are representative of the demographics of youth who are no longer in secondary school and had IEPs in effect at the time they left school.**

To determine representativeness, DDOE analyzes proportions of different demographic groups, comparing the exiter proportions/percentages to the respondent proportions/percentages. Current demographic groups analyzed are disability category, race/ethnicity, and gender. The DDOE uses a threshold of +/- 3% to determine whether the respondent population is representative of the exiter population. Through the data collection process, DDOE strives to ensure the response group is representative of the exiter population. The data collection process consists of various collection methods. Level one collection is through phone calls to all exiters to discuss post school outcome survey questions. Level two is through a mailed survey to all exiters not captured through phone survey. Level three involves collaboration through our Higher Education Workgroup to ensure phone call responses are accurate and potentially capture any student who was not reached by phone or survey. Level four consists of analyzing data obtained through our MOU with Delaware Department of Labor/Division of Vocational Rehabilitation and Division on Developmental Disabilities Services to validate data gathered through phone or survey and potentially capture any student not previously contacted. After collecting responses through our varied levels of collection, an analysis is conducted to ensure the response group is representative of the exiter population. If the response group is not representative of the population, DDOE continues to work with other collaborating state agencies (Division of Vocational Rehabilitation, Division of Developmental Disabilities, Division of Visual Impairments, etc.) in an attempt to reach representativeness.

Are the response data representative of the demographics of youth who are no longer in school and had IEPs in effect at the time they left school? (see attached tables, Table 1 Disability Category, Table 2 Race/Ethnicity, Table 3 Gender)

For disability category, the response data were not consistent/within consistent range (+/- 3%) of statewide exiter representation of disability categories. There was an overrepresentation in the categories of mild intellectual disability and autism. There was an underrepresentation in the category of learning disabilities.

For race/ethnicity, the response data were not consistent/within consistent range (+/- 3%) of statewide exiter representation of race/ethnicity. There was an underrepresentation in Black/African American.

For gender, the response data were consistent/within consistent range (+/- 3%) of statewide exiter representation.

Question	Yes / No
Are the response data representative of the demographics of youth who are no longer in school and had IEPs in effect at the time they left school?	NO

**If no, describe the strategies that the State will use to ensure that in the future the response data are representative of those demographics.**

The SEA will continue to discuss and analyze collection methods with stakeholders and partner agencies to ensure the possibility all response data will be consistent/within consistent range (+/- 3%) of statewide exiter representation. Focused attention will be placed on those under-represented categories. The SEA has already begun discussion with sister agencies (Division of Vocation Rehabilitation and Division on Developmental Disabilities Services) to examine respective data systems in an effort to better align systems and track individuals for post school outcomes data. In addition, the SEA is investigating the potential of using email and text messaging as an additional option to raise response rates and address representativeness.

**Provide additional information about this indicator (optional)**

The DDOE ensures that this data is complete, accurate, valid, and reliable for Indicator 14. COVID-19 did not have any impact on the response rate (data collection) since the SEA mitigated the impact by continuing to partner with sister agencies through data sharing agreements.

**14 - Prior FFY Required Actions**

In the FFY 2019 SPP/APR, the State must report whether the FFY 2019 data are representative of the demographics of youth who are no longer in secondary school and had IEPs in effect at the time they left school, and, if not, the actions the State is taking to address this issue. The State must also include its analysis of the extent to which the response data are representative of the demographics of youth who are no longer in secondary school and had IEPs in effect at the time they left school.

**Response to actions required in FFY 2018 SPP/APR**

In response to FFY18 required actions, DDOE ensures the data includes a representative comparison analysis of the representation of exiters and exiter respondents for FFY19.

Through the analysis of the 2018-2019 data being reported within this APR, FFY 2019, the response group is not completely representative of the demographics of children who exited secondary education. As provided in the attached Table 1 and Table 2, as well as the narrative analysis provided, the data is not representative of disability category or representative of race and ethnicity for exiters.

In an effort to reach a complete representative response group, the DDOE added an additional demographic, gender, into this year's analysis. Analysis of gender data, attached in Table 3, does indicate a response group representative of the children who exited secondary education.

As DDOE continues to strive for a complete representative response group of children who exit secondary education, DDOE will continue taking steps to conduct a more comprehensive root cause analysis. DDOE will continue to conduct expanded data analysis to explore other differences in demographics related to response data. For FFY 20, the DDOE will include exit type in their analysis of representativeness. DDOE worked with stakeholders in respect to identifying the data elements to be explored and determining a root cause. The need to ensure current contact information for children exiting secondary education was identified as a barrier to representativeness. DDOE is currently working with stakeholders to update a student exit form as part of the Summary of Performance procedures in an effort to collect updated contact information for individuals as they exit. DDOE also continues to work with sister agencies in an effort to improve data sharing metrics to enhance the ability to track student post school outcomes one year upon the student exiting secondary education.

**14 - OSEP Response**

**14 - Required Actions**

In the FFY 2020 SPP/APR, the State must report whether the FFY 2020 data are representative of the demographics of youth who are no longer in secondary school and had IEPs in effect at the time they left school, and, if not, the actions the State is taking to address this issue. The State must also include its analysis of the extent to which the response data are representative of the demographics of youth who are no longer in secondary school and had IEPs in effect at the time they left school.

**14 - State Attachments**



Delaware Indicator  
14 Representativene

## Indicator 15: Resolution Sessions

### Instructions and Measurement

**Monitoring Priority:** Effective General Supervision Part B / General Supervision

**Results Indicator:** Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements. (20 U.S.C. 1416(a)(3)(B))

#### Data Source

Data collected under section 618 of the IDEA (IDEA Part B Dispute Resolution Survey in the ED Facts Metadata and Process System (EMAPS)).

#### Measurement

Percent = (3.1(a) divided by 3.1) times 100.

#### Instructions

Sampling is not allowed.

Describe the results of the calculations and compare the results to the target.

States are not required to establish baseline or targets if the number of resolution sessions is less than 10. In a reporting period when the number of resolution sessions reaches 10 or greater, develop baseline, targets and improvement activities, and report on them in the corresponding SPP/APR.

States may express their targets in a range (e.g., 75-85%).

If the data reported in this indicator are not the same as the State's data under IDEA section 618, explain.

States are not required to report data at the LEA level.

### 15 - Indicator Data

Select yes to use target ranges

Target Range is used

#### Prepopulated Data

Source	Date	Description	Data
SY 2019-20 EMAPS IDEA Part B Dispute Resolution Survey; Section C: Due Process Complaints	11/04/2020	3.1 Number of resolution sessions	3
SY 2019-20 EMAPS IDEA Part B Dispute Resolution Survey; Section C: Due Process Complaints	11/04/2020	3.1(a) Number resolution sessions resolved through settlement agreements	2

Select yes if the data reported in this indicator are not the same as the State's data reported under section 618 of the IDEA.

NO

#### Targets: Description of Stakeholder Input

In order to establish targets for FFY 2019, during the 2019 school year, the Delaware Department of Education (DDOE) prepared a presentation and engaged in target setting activities with stakeholders during a Special Education Leadership Meeting. The stakeholder group included local education agency (LEA) special education directors and charter school special education coordinators representing each county in the state, the Special Education Partnership for the Amicable Resolution of Conflict (SPARC) at the Conflict Resolution Program (CRP), the Parent Information Center, Inc. (PIC), the Governor's Advisory Council for Exceptional Citizens (the state's IDEA advisory council), the Delaware Network for Excellence in Autism (DNEA), the Center for Disabilities Studies (CDS), Therapy Services, the Statewide Autism Program (DAP), Division of the Visually Impaired (DVI) and the Statewide Program for the Deaf and Hard of Hearing. A description of Indicator 15, as well as historical data were provided to the stakeholders. The stakeholders were informed that a target does not need to be set when there are fewer than 10 resolution sessions held; however, the stakeholders agreed to set a target for FFY 2019. Discussions included setting target utilizing a single number or a range. Stakeholders agreed that the target will remain a consistent range across years. DDOE will engage stakeholders in the Spring of 2021 to review data and set targets for the new APR package.

#### Historical Data

Baseline Year	Baseline Data
2015	50.00%

FFY	2014	2015	2016	2017	2018
Target >=			50.00%	50.00% - 60.00%	50.00% - 60.00%
Data	25.00%	50.00%	100.00%	100.00%	75.00%

#### Targets

FFY	2019 (low)	2019 (high)
Target	50.00%	60.00%

**FFY 2019 SPP/APR Data**

3.1(a) Number resolutions sessions resolved through settlement agreements	3.1 Number of resolutions sessions	FFY 2018 Data	FFY 2019 Target (low)	FFY 2019 Target (high)	FFY 2019 Data	Status	Slippage
2	3	75.00%	50.00%	60.00%	66.67%	Met Target	No Slippage

**Provide additional information about this indicator (optional)**

The DDOE ensures that this data is complete, accurate, valid, and reliable for Indicator 15. Only one due process case was filed during COVID-19. Subsequently the case was withdrawn. Therefore, COVID-19 did not impact DDOE's ability to collect the data.

Although Delaware has established targets for this indicator, the state is not required to establish a target for FFY 2019 because the number of resolution sessions is less than 10. Delaware submitted an application and later engaged in an interview process to become members of the Center for Appropriate Dispute Resolution in Special Education's (CADRE) Written State Complaint Intensive Technical Assistance Work Group. Delaware was one of nine states selected to participate in this intensive technical assistance work group. Delaware completed a self-assessment and created an action plan with goals. Next steps include the following: providing quarterly progress reports, engaging in quarterly work group calls, networking resource sharing, and accessing individual state technical assistance as needed.

**15 - Prior FFY Required Actions**

None

**15 - OSEP Response**

The State reported fewer than ten resolution sessions held in FFY 2019. The State is not required to meet its targets until any fiscal year in which ten or more resolution sessions were held.

**15 - Required Actions**



## Indicator 16: Mediation

### Instructions and Measurement

**Monitoring Priority:** Effective General Supervision Part B / General Supervision

**Results indicator:** Percent of mediations held that resulted in mediation agreements.

(20 U.S.C. 1416(a)(3(B)))

#### Data Source

Data collected under section 618 of the IDEA (IDEA Part B Dispute Resolution Survey in the ED Facts Metadata and Process System (EMAPS)).

#### Measurement

Percent = (2.1(a)(i) + 2.1(b)(ii)) divided by 2.1 times 100.

#### Instructions

Sampling is not allowed.

Describe the results of the calculations and compare the results to the target.

States are not required to establish baseline or targets if the number of resolution sessions is less than 10. In a reporting period when the number of resolution sessions reaches 10 or greater, develop baseline, targets and improvement activities, and report on them in the corresponding SPP/APR.

States may express their targets in a range (e.g., 75-85%).

If the data reported in this indicator are not the same as the State's data under IDEA section 618, explain.

States are not required to report data at the LEA level.

## 16 - Indicator Data

### Select yes to use target ranges

Target Range is used

### Prepopulated Data

Source	Date	Description	Data
SY 2019-20 EMAPS IDEA Part B Dispute Resolution Survey; Section B: Mediation Requests	11/04/2020	2.1 Mediations held	5
SY 2019-20 EMAPS IDEA Part B Dispute Resolution Survey; Section B: Mediation Requests	11/04/2020	2.1.a.i Mediations agreements related to due process complaints	0
SY 2019-20 EMAPS IDEA Part B Dispute Resolution Survey; Section B: Mediation Requests	11/04/2020	2.1.b.i Mediations agreements not related to due process complaints	4

Select yes if the data reported in this indicator are not the same as the State's data reported under section 618 of the IDEA.

NO

### Targets: Description of Stakeholder Input

In order to establish targets for FFY 2019, during the 2019 school year, the Delaware Department of Education (DDOE) prepared a presentation and engaged in target setting activities with stakeholders during a Special Education Leadership Meeting. The stakeholder group included local education agency (LEA) special education directors and charter school special education coordinators representing each county in the state, the Special Education Partnership for the Amicable Resolution of Conflict (SPARC) at the Conflict Resolution Program (CRP), the Parent Information Center, Inc. (PIC), the Governor's Advisory Counsel for Exceptional Citizens (the state's IDEA advisory council), the Delaware Network for Excellence in Autism (DNEA), the Center for Disabilities Studies (CDS), Therapy Services, the Statewide Autism Program (DAP), Division of the Visually Impaired (DVI) and the Statewide Program for the Deaf and Hard of Hearing. A description of Indicator 16, as well as historical data were provided to the stakeholders. The stakeholders were informed that a target does not need to be set when there are fewer than 10 resolution sessions held; however, the stakeholders agreed to set a target for FFY 2019. Discussions included setting target utilizing a single number or a range. Stakeholders agreed that the target will remain a consistent range across years. DDOE will engage stakeholders in the Spring of 2021 to review data and set targets for the new APR package.

### Historical Data

Baseline Year	Baseline Data
2005	64.00%

FFY	2014	2015	2016	2017	2018
Target >=	88.00%	88.00%	89.00%	70.00% - 80.00%	70.00% - 80.00%
Data	90.91%	76.92%	50.00%	88.89%	77.78%

### Targets

FFY	2019 (low)	2019 (high)
Target	70.00%	80.00%

**FFY 2019 SPP/APR Data**

2.1.a.i Mediation agreements related to due process complaints	2.1.b.i Mediation agreements not related to due process complaints	2.1 Number of mediations held	FFY 2018 Data	FFY 2019 Target (low)	FFY 2019 Target (high)	FFY 2019 Data	Status	Slippage
0	4	5	77.78%	70.00%	80.00%	80.00%	Met Target	No Slippage

**Provide additional information about this indicator (optional)**

The DDOE ensures that this data is complete, accurate, valid, and reliable for Indicator 16. COVID-19 prevented in-person mediation. The Office of Conflict Resolution Program (CRP) at the University of Delaware (contracted vendor that provides Delaware’s special education mediation services) swiftly moved to a remote platform by continuing to offer and provide mediation services virtually. In addition, steps were taken to mitigate the logistical impacts of COVID-19 by developing guidance documents and technical assistance which focused on technology use and best practices while engaging with others in a virtual realm. Data collection for this indicator was not impacted by COVID-19. The CRP and the Education Associate at DDOE that manages the dispute resolution system remained in close communication via email and phone to record the data and then conducted interrater reliability checks in completing Table 7.

Although Delaware has established targets for this indicator, the state is not required to establish a target for FFY 2019 because the number of mediations is less than 10. Delaware submitted an application and later engaged in an interview process to become members of the Center for Appropriate Dispute Resolution in Special Education’s (CADRE) Written State Complaint Intensive Technical Assistance Work Group. Delaware was one of nine states selected to participate in this intensive technical assistance work group. Delaware completed a self-assessment and action plan with goals. Next steps include the following: providing quarterly progress reports, engaging in quarterly work group calls, networking, and resource sharing, and accessing individual state technical assistance as needed.

**16 - Prior FFY Required Actions**

None

**16 - OSEP Response**

The State reported fewer than ten mediations held in FFY 2019. The State is not required to meet its targets until any fiscal year in which ten or more mediations were held.

**16 - Required Actions**

## Indicator 17: State Systemic Improvement Plan



Delaware Phase III  
Report 3.30.21.pdf

## Certification

### Instructions

Choose the appropriate selection and complete all the certification information fields. Then click the "Submit" button to submit your APR.

#### Certify

I certify that I am the Chief State School Officer of the State, or his or her designee, and that the State's submission of its IDEA Part B State Performance Plan/Annual Performance Report is accurate.

#### Select the certifier's role:

Designated by the Chief State School Officer to certify

**Name and title of the individual certifying the accuracy of the State's submission of its IDEA Part B State Performance Plan/Annual Performance Report.**

#### Name:

Mary Ann Mieczkowski

#### Title:

Director, Exceptional Children Resources

#### Email:

maryann.mieczkowski@doe.k12.de.us

#### Phone:

302-735-4210

#### Submitted on:

04/29/21 11:54:32 AM

## ED Attachments



DE-2021DataRubricPartB.xlsx



DE-B-Dispute-Resolution-2019-20.pdf



de-resultsmatrix-2021b.pdf

## Delaware Department of Education

### General Supervision System

#### Multi-Tiered System of Accountability for IDEA

The Office of Special Education Programs (OSEP) has always required states to focus our efforts and resources on our general supervision responsibilities of procedural compliance through rigorous monitoring and extensive reporting procedures. OSEP's new accountability framework, called Results Driven Accountability (RDA), brings into focus the educational results and functional outcomes for children with disabilities while balancing those results with the compliance requirements of the Individuals with Disabilities Education Act (IDEA). The purpose is to help close the achievement gap for students with disabilities, improve outcomes for our children while preparing them to have range of college and career options appropriate to their individual needs and preferences, move away from a one-size-fits-all compliance focused approach and to craft a more balanced system that looks at how well students are being educated in addition to continued efforts to protect their rights. In addition, children with disabilities are to be a part of, not separate from, the general population. Thus, Special Education Accountability should strengthen and compliment other general education initiatives, including the Every Student Succeeds Act (ESSA).

The Delaware Department of Education (DDOE) Exceptional Children Resources (ECR) Workgroup has developed a Multi-Tiered System of Accountability to improve results for children while ensuring compliance of IDEA within our general supervision responsibilities.

#### Tier I

All Local Education Agencies (LEAs) are monitored through data analysis, desk audits, self-assessments, review of student records, on-site visits and/or student observations for the following:

##### Compliance:

- Disproportionate Suspension & Expulsion Ethnicity (Indicator 4b)
- Disproportionate Representation in Special Education (Indicators 9 & 10)
- Initial Evaluation Timelines (Indicator 11)
- Transition of Part C to Part B (Indicator 12)
- Secondary Transition (Indicator 13)
- Compliance of IEP Process
- Equitable Services for Parentally Placed Private School Student
- Needs-Based Funding Verification
- Consolidated Grant Reviews – Program and Fiscal Monitoring
- Fiscal Monitoring of MOE and Excess Costs
- Analysis of Dispute Resolution and Mediation issues (Indicator 15 & 16)

##### Results:

- State Assessment Participation (Indicator 3b)
- State Assessment Performance (Indicator 3c)

Significant Discrepancy Suspension and Expulsion (Indicator 4a)  
Early Childhood Outcomes (Indicator 7)  
Graduation Rate (Indicator 1)  
Drop-out Rate (Indicator 2)  
LRE (Indicator 5)  
LRE Preschool (Indicator 6)  
Post School Outcomes (Indicator 14)  
Needs-Based Funding Verification  
Consolidated Grant Reviews – Program and Fiscal Monitoring

If an LEA is found noncompliant or they have not met the targets for results, the LEA moves to Tier II. Data from all compliance and results indicators, along with other factors, are considered when identifying the movement of an LEA to Tier II. In addition to the schedule of LEA on-site monitoring, the DDOE conducts a Risk Based Analysis to identify specific LEAs for monitoring, technical assistance, and support.

## Tier II

For compliance issues, the LEA is required to correct all individual student noncompliance, conduct a Root Cause Analysis in the area of noncompliance, and develop a Corrective Action Plan including improvement activities, benchmarks, and a timeline for submitting deliverables and status updates. Following the completion of these activities and utilizing updated data, DDOE verifies the correction of individual student noncompliance, in addition to reviewing randomly selected student files to ensure there are no systemic issues of non-compliance and that the LEA is implementing the regulatory requirements under IDEA. If continued noncompliance exists, the LEA will move to Tier III. For results issues, the LEA is monitored through Continuous Improvement Plans developed by the LEAs and through monitoring activities of the Exceptional Children Resources Workgroup. In addition, this information is shared within DDOE to be included in the overall performance of the LEA.

### Compliance:

LEA driven, DDOE monitors through deliverables, individual student corrections of noncompliance, verification of systemic compliance, progress/status updates and technical assistance (TA),  
LEA corrects individual noncompliance,  
LEA conducts a Self- Assessment including a Root Cause Analysis in the area of noncompliance,  
LEA develops a Corrective Action Plan including improvement activities, benchmarks, and timeline for submitting deliverables and status updates,  
DDOE provides TA, as requested,  
DDOE verifies correction of individual student noncompliance,  
DDOE verifies systemic compliance utilizing updated data,  
DDOE monitors status of Corrective Action Plan.

### Results:

LEA driven, DDOE monitors through progress/status updates of Continuous Improvement Plan,  
LEA reviews data, conducts a Root Cause Analysis and develops a Continuous Improvement Plan,  
DDOE monitors through analysis of LEA data and status of Continuous Improvement Plan,  
DDOE reviews alignment of data within Consolidated Grant to Continuous Improvement activities to show improvement,

DDOE provides TA, as requested.

If an LEA is found to continue in the areas of noncompliance, they have not completed the activities in their Corrective Action Plan or they have not met the targets for results for another year, the LEA moves to Tier III. Again, the DDOE conducts a Risk Based Analysis to identify LEAs for on-site monitoring each year. Data from all compliance and results indicators, along with additional data, are considered when identifying the movement to Tier III. Tier III is driven by both LEA and DDOE.

### Tier III

#### Compliance:

LEA and DDOE driven, DDOE monitors through deliverables, individual student corrections of noncompliance, verification of systemic compliance, progress/status updates and TA, LEA corrects individual noncompliance, LEA and DDOE conducts a Self- Assessment including a Root Cause Analysis in the area of noncompliance, LEA and DDOE develop an Intervention Plan together to include improvement activities, benchmarks, and timeline for submitting deliverables and status updates, TA provided by DDOE or other entity, DDOE verifies correction of individual student noncompliance, DDOE verifies systemic compliance utilizing updated data, DDOE monitors status of Intervention Plan.

#### Results:

LEA and DDOE driven, DDOE monitors through Intervention Plan progress/status update and status of Intervention Plan, LEA reviews data, conducts a Root Cause Analysis and works with DDOE to develop an Intervention Plan, DDOE monitors through analysis of LEA data and status of Intervention Plan, DDOE reviews alignment of data within Consolidated Grant to Intervention Plan Activities to show improvement, DDOE provides TA in necessary areas

For Tier III results issues, progress updates are provided on the LEA's Intervention Plan. TA is provided to LEA by DDOE throughout the year. If an LEA continues to be noncompliant, the LEA moves into Tier IV and enters into a Compliance Agreement with DDOE. DDOE leads a Root Cause Analysis with the LEA in the area(s) of noncompliance and develops the Compliance Agreement which is signed by both parties.

### Tier IV

#### Compliance:

DDOE driven, DDOE monitors through deliverables, individual student corrections of noncompliance, verification of systemic compliance progress/status updates and TA is directed by DDOE and/or other entity, LEA corrects individual noncompliance, A Root Cause Analysis is completed by LEA and DDOE in the area of noncompliance,



DDOE develops a Compliance Agreement and the LEA and DDOE enter into the Compliance Agreement which includes improvement activities, benchmarks, PD, TA, and timeline for submitting deliverables and status updates,  
TA provided by DDOE or other entity,  
DDOE verifies correction individual student noncompliance,  
DDOE verifies systemic compliance utilizing updated data,  
DDOE monitors status of Compliance Agreement,  
Possible direction of IDEA funds.

Results:

DDOE driven, DDOE monitors through progress updates, deliverables, discussions of data and status of a Compliance Agreement,  
DDOE reviews data, and supports the LEA in conducting a Root Cause Analysis and develops a Compliance Agreement,  
DDOE monitors through analysis of LEA data and status of the Compliance Agreement,  
DDOE provides TA to LEA in areas of improvement.

For Tier IV issues, DDOE monitors the Compliance Agreement closely. If the DDOE is able to verify correction of noncompliance in all of the regulatory areas, the DDOE will close out the findings of noncompliance that are corrected and notify the LEA in writing. If, however, findings of noncompliance remain open in specific regulatory areas, additional actions will be necessary. Depending on the results of the DDOE's verification activities, the DDOE may increase its enforcement actions in accordance with its authority.

In order to accomplish a multi-tiered system of accountability to improve results for children and ensure compliance with IDEA, OSEP identified Delaware as Needs Assistance and has provided Delaware with TA supports/resources through National Center for Systemic Improvement (NCSI), the IDEA Data Center (IDC), the Center for IDEA Fiscal Reporting (CIFR), the National Secondary Transition Technical Assistance Center (NSTTAC), the National Post School Outcomes Center (NPSO), Early Childhood TA Center and Early Childhood Data Center (DaSy), Center for Appropriate Dispute Resolution in Special Education's (CADRE) Written State Complaint Intensive Technical Assistance Workgroup. Delaware Department of Education, Exceptional Children Resources Workgroup, greatly appreciates all the technical assistance and support that OSEP has provided, especially regarding Continuous Improvement Process, Suspension and Expulsion, Secondary Transition, Significant Disproportionality, Comprehensive Early Intervening Services, Timely and Accurate Data, Early Childhood, Fiscal Monitoring and Dispute Resolution. We have engaged in numerous TA opportunities, sought specific resources/support to address our needs and will continue to accept the support provided to improve results and compliance for Delaware's children with disabilities.

IDEA Data Center: To address timely and accurate state reported data, the DDOE enlisted the support of the IDEA Data Center (IDC) to provide a series of technical assistance days for a combined group of Exceptional Children Resources, the Data Management and Governance, Technology and Assessment Workgroups. This technical assistance has included developing and strengthening policies and procedures using the protocols from the Part B IDEA 618 Data Processes Toolkit. In addition, IDC has engaged in initial problem-solving discussions regarding the enhancement of a Continuous Improvement Process for LEAs. In addition, IDC has engaged in initial problem-solving discussions and conducted a

workshop regarding the enhancement of a Continuous Improvement Process for LEAs through an accurate data collection process.

Center for IDEA Fiscal Reporting (CIFR): In prior years, the DDOE sought support from the Center for IDEA Fiscal Reporting (CIFR) to develop a new workbook for MOE, Excess Costs calculations under IDEA and improve the consolidated grant process including allocations. DDOE continues to take part in the CIFR Community of Practice to address their fiscal responsibilities.

The National Center for Systemic Improvement (NCSI): In prior years, NCSI has been an integral part in the development of Delaware's IDEA State Systemic Improvement Plan and the establishment of the Delaware Early Literacy Initiative to improve results for students with disabilities. Currently, NCSI is supporting DDOE's work on the Continuous Improvement Process. DDOE has utilized the support to revamp the Continuous Improvement Process for LEAs to address the results of their Determinations.

The National TA Center on Intensive Intervention (NCII): NCII has supported the DDOE in developing the Multi-Tiered System of Support framework, which is the foundation of our State Personnel Development Grant (SPDG). DDOE is implementing a professional learning, TA, and coaching initiative with LEAs.

The National Secondary Transition Technical Assistance Center (NSTTAC) and the National Post School Outcomes Center (NPSO) which has now become the National Technical Center on Transition (NTACT): NSTTAC and NTACT have provided support to the DDOE with TA around Indicators 1, 2, 13 and 14 through emails, phone calls, face to face meetings, informational resources, and guidance for moving from compliance to best practice. Delaware also participated in the NTACT State Capacity Building Institute and Delaware continues to be one of the states who receives intensive technical assistance with secondary transition. DDOE then provides support and TA to LEAs to improve results and compliance in this area.

Delaware receives technical assistance from the National Alliance for Partnerships in Equity (NAPE) through the DDOE's PIPEline for Career Success for Students with Disabilities (PIPEline). NAPE is collaborating with DDOE, other state agencies and national organizations that serve SWD to modify a proven change process to increase positive educational and employment outcomes for SWD to address these disparities. NAPE's Program Improvement Process for Equity™ (PIPE) has been successfully implemented with school districts across the country to close gender gaps in CTE career pathways leading to nontraditional career fields. PIPE engages teams of educators, community members, and other stakeholders to: use data to conduct a performance and participation gap analysis; learn about the research literature on root causes for these gaps; conduct action research to identify the root causes in play at their institution; select and implement an aligned intervention that directly addresses the identified root causes; and evaluate their success.

This iterative process is being applied to the context of SWD to increase the enrollment, matriculation, graduation, and transition to postsecondary education and competitive employment of SWD through CTE career pathways. A team of subject matter experts and instructional designers are modifying the PIPE curriculum and tools and creating new tools in the context of SWDs. DDOE is currently implementing this process in Delaware schools to implement the PIPEline to Career Success for Students with Disabilities (PIPEline) project, to determine its efficacy, and to inform modifications or refinements.

Delaware is now a member of the Center for Appropriate Dispute Resolution in Special Education's (CADRE) Written State Complaint Intensive Technical Assistance Workgroup. Delaware was one of nine

states selected to participate in this intensive technical assistance. Delaware has completed a self-assessment and engaged in a two-day workshop this winter. Next steps include completing a logic model, providing quarterly progress reports, engaging in quarterly workgroup calls, networking, and resource sharing, and accessing individual state technical assistance as needed.

Again, Delaware thanks OSEP for the opportunities of such valuable and productive technical assistance.

## LEA Determinations

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. Since 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, DDOE has begun issuing LEA annual determinations 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 1: Graduate 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 5: LRE

Indicator 7: Early Childhood Outcomes

LEAs must analyze their data, engage stakeholders in a root cause analysis and develop a Continuous Improvement Plan to actively improve results for students with disabilities.

## State Systemic Improvement Plan

The Delaware (DE) State-identified Measurable Result (SiMR) is to increase the literacy proficiency of students with disabilities in K-3rd grade, as measured by a decrease in the percentage of 3rd grade students with disabilities scoring below proficiency on Delaware's statewide assessments. To accomplish this goal, the DE SSIP Theory of Action developed in Phase 1 focuses on four strands: school

leadership, Delaware State Standards, transparent data, and supports for struggling schools. Eight improvement strategies were identified to address the four strands:

- Use of Implementation Science principles
- Infusing family involvement in all activities
- Use of diagnostic & assessment tools to guide learning
- Support for struggling schools
- Infusing cultural competency into all activities
- Quality professional learning systems
- Insuring high expectations for all students
- Transparent data systems

During Phase II, eight logic models were developed to determine the inputs, outputs, and outcomes expected for each of the eight improvement strategies. A project-level logic model was then developed to eliminate redundancy across improvement strategies and to prioritize outcomes to address in Phase III. Data collection tools have been developed to assess the impact of the DE SSIP on those intended outcomes.

Efforts included the careful selection of the participating districts and schools; the American Institutes of Research (AIR) as our professional learning provider (through a competitive bid process); a deliberate training plan, supported by monthly school implementation team meetings; ongoing coaching; and the use of data to inform implementation. The professional learning system is based on implementation science, addresses cultural competence, and infuses high expectations for all students into all professional learning. Professional learning activities have been aligned with the Learning Forward Professional Development Standards and Guskey's five levels of professional development evaluation. The components of the Delaware Early Literacy Initiative included the development of school implementation teams, a multi-tiered systems of support (MTSS) needs assessment that guided the creation of action plans, a three-day Early Literacy Institute, coaching, and parent engagement.

SSIP (Indicator 17) full report will be submitted on April 1, 2021.

## General Supervision

### Charter School Accountability

Charter schools are monitored through the DDOE Exceptional Children Resources Work Group and the Charter School Office. Exceptional Children Resources monitors compliance and results issues and works closely with Charter School Office staff to ensure that charter schools are meeting both compliance and results expectations. In addition, a representative from Exceptional Children Resources is part of the Charter School Accountability Committee which reviews all new, renewal, and request for modification applications. This provides an opportunity to ensure that charter schools have an understanding of federal and state special education regulations and that they have provisions in place to ensure requirements are met.

### Dispute Resolution Process

The Office of Special Education Programs (OSEP) encourages parents and LEAs to work collaboratively, in the best interests of children, to resolve the disagreements that may occur when working to provide a positive educational experience for all children, including children with disabilities. To this end, the IDEA and its implementing regulations provide specific options for resolving disputes between parents and public agencies, which can be used in a manner consistent with our shared goals of improving results and achieving better outcomes for children with disabilities.

## Delaware's Special Education Dispute Resolution System

**Due Process Complaints:** A due process complaint may be filed by a parent, school district, or charter school relating to the identification, evaluation, or educational placement of a child with a disability, or the provision of a free, appropriate public education to the child. When a due process complaint is received by the Department, the Secretary of Education will appoint a three-member hearing panel (or a single hearing officer in the case of an expedited hearing) and inform the parties who has been appointed. The hearing panel must conduct an evidentiary hearing and issue a final decision within 45 days of the end of the 30-day resolution period.

14 Del. C. §§ 3135 to 3142; 14 DE Admin Code §§ 926.7.0 to 18.0; 34 C.F.R. §§ 300.507 to 518. See also, the Department of Education's "Due Process Hearing Procedures", dated July 2019.

School board members must receive a copy of any due process complaint received by the Department from the district superintendent, as well as a copy of any hearing panel decision or civil action filed by a parent seeking judicial review of a hearing decision. In addition, a decision to seek judicial review of a hearing decision must be made by a majority of school board members.

14 Del. C. § 3110(d); 14 DE Admin Code § 211

**State Complaints:** State complaints may be filed by any person or organization and must allege a violation of a requirement of Part B of the IDEA or the Department's regulations concerning the education of children with disabilities. Upon receipt of a state complaint, the Department will appoint an investigator and issue a written decision to the complainant within 60 days that addresses each allegation in the complaint.

14 DE Admin Code §§ 923.51.0 to 53.0; 34 C.F.R. §§ 300.151 to 153. For additional information, see also, the Department of Education's "Special Education State Complaint Procedures", dated July 2019.

**Mediation:** The Department offers mediation to parents, districts, and charter schools to resolve special education disputes. Mediation is voluntary on the part of the parties and conducted by a qualified and impartial mediator trained in effective mediation techniques.

14 DE Admin Code § 926.6.0; 34 C.F.R. § 300.506

**IEP Facilitation:** The Department offers IEP Facilitation to parents, districts, and charter schools. During a facilitated IEP meeting, a trained facilitator assists members of the team in developing or reviewing a student's IEP and addressing differing opinions. The role of the facilitator is to assist team members in communicating effectively in order to reach decisions that are in the best interest of the student.

## Technical Assistance System

## Professional Development and Technical Assistance

The DDOE has developed a comprehensive professional development and technical assistance system that moves beyond short-term, episodic training to a community of practice that is sustainable and builds LEA capacity to improve results for students with disabilities. The system focuses on implementation of the Delaware State Standards, as well as academic and behavioral supports. The DDOE engages in an analysis of state-level, as well as LEA level data and in meaningful discussions with LEA leadership to identify LEAs in need of technical assistance. Once identified, the LEA and the DDOE enter into a Memorandum of Understanding which outlines the roles and responsibilities of both the LEA and the Department. Technical assistance is provided through a variety of formats including group training, on-site/online coaching, and consultation.

Following are examples of the professional development and technical assistance provided:

**Systematic Processes for Enhancing and Assessing Communication Supports (SPEACS):** The DDOE has contracted with the University of Delaware, Center for Disabilities Studies' ACCESS Project to provide training and technical assistance in the area of communication for students with significant disabilities. Built on the premise that all students can communicate, the SPEACS initiative provides training and technical assistance to school teams who work with targeted students with complex communication needs to increase communication skills with the ultimate goal of symbolic communication. Literacy and writing skills are also addressed in training.

**IEP Development for Behavior & Social/Emotional Skills:** The DDOE has contracted with The University of Delaware, Center for Disabilities Studies' PBS Project to provide training and technical assistance focused on IEP development related to behavioral goals and social/emotional supports. This includes group trainings, individual coaching, online collaboration, and a variety of methods necessary in order to successfully support state education professionals in development and implementation IEPs addressing behavioral needs.

**Tiered Behavior Supports:** The DDOE has contracted with Rose Iovannone to provide training and technical assistance which focuses on tiered behavior supports through Prevent-Teach-Reinforce (PTR). Training and coaching are provided to ensure teachers are able to implement behavior plans with fidelity.

**Universal Design for Learning:** Open to all LEA staff with a focus on universal design and differentiated instructional strategies to support the rigor of the Delaware State Standards.

**Accessibility Guidelines:** Open to all LEA staff with a focus on increasing access to all assessments in the Delaware System of Student Assessments.

DDOE's Delaware Early Literacy Initiative provides a system of professional learning through a Multi-Tiered System of Academic Supports (MTSS) for early literacy. Through this initiative, schools engage in high-quality, job embedded training and coaching in effective literacy practices and a framework to improve literacy outcomes for all students, including students with disabilities and English learners (ELs), preschool through third grade.

Delaware Early Literacy Initiative's multi-pronged approach to professional learning is focused on promoting teacher and leader effectiveness related to reading and literacy instruction to meet the

needs of all learners within an MTSS framework, responsive to the needs of district and school staff, who are active partners in shaping their professional learning plans, seamlessly aligned with Delaware's ESSA Plan and Delaware State Literacy Plan and district initiatives/priorities, as well as with Guskey's Levels of Professional Development Evaluation and Learning Forward Professional Learning Standards, provided by a team of experts in implementation of research-based literacy practices including former administrators, veteran teachers, English learner (EL) specialists and special educators. DDOE's Delaware Multi-Tiered Systems of Support (DE MTSS) initiative provides professional development and coaching designed to build the capacity of the state education agency (SEA), local education agencies (LEAs), and school personnel. The purpose of this partnership is to implement and sustain MTSS practices throughout Delaware to increase outcomes for all students. The DE MTSS initiative will provide district and school leadership with high-quality training and coaching in effective practices to align academic and behavior supports under one MTSS framework.

DDOE's approach to professional learning is focused on strengthening multi-tiered systems of support at the district/systems and school levels, responsive to the needs of district and school staff, seamlessly aligned with Delaware's ESSA Plan and state and district initiatives/priorities, as well as with Guskey's Levels of Professional Development Evaluation and Learning Forward Professional Learning Standards and provided by a team of experts in MTSS implementation and research-based behavior, literacy and math practices including former administrators, veteran teachers, English learner (EL) specialists and special educators.

DDOE staff engages in ongoing data analysis and evaluation of all professional development and technical assistance to ensure fidelity of implementation of evidenced-based strategies and attainment of measurable outcomes and to drive future technical assistance. The DDOE evaluates professional development and technical assistance using the Guskey's Five Critical Levels of Professional Development: Participants' Reactions, Participants' Learning, Organization Support and Change, Use of New Knowledge and Skills, and Student Learning Outcomes. In addition, other measures are utilized such as coaching rubrics and coaching fidelity checklists based on Participatory Adult Learning Strategy (PALS).

## Professional Development System

In addition to the above, the DDOE has established a professional development and technical assistance framework that engages stakeholder groups to foster a collective responsibility and investment in improving results for students with disabilities. Professional development is provided on an ongoing basis and includes DDOE and stakeholder-initiated topics such as IDEA regulations, procedural safeguards, policies, procedures, and practices, legislative updates, policy issues, State Performance Plan/Annual Performance Report, State Systemic Improvement Plan, fiscal, updates from agency providers, and other current issues in special education both national and those specific to Delaware.

Professional development and technical assistance are provided through a variety of formats including the following:

Special Education Leadership Group: Meetings are held throughout the year, are open to the public, and include LEA staff, outside agency providers, community members, stakeholder group representatives, and DDOE staff.

Special Education Directors: Meetings are held throughout the year and are open to current LEA Special Education Directors (both districts and charters).

Charter Schools: Targeted professional development is provided for charter school administrators and staff based on topics identified through a needs survey.

Literacy Coalition & Literacy Cadre: Open to LEA identified staff such as district curriculum leaders and reading specialists, with a focus on literacy strategies and Multi-tiered Systems of Support. This work is led by the Curriculum Work Group with support from Exceptional Children Resource Work Group staff.

Delaware Positive Behavior Support (DE-PBS) Cadre: Open to all LEAs who participate in the Delaware Positive Behavior Support Initiative.

Secondary Transition: Collaboration with National Centers (National Secondary Transition Technical Assistance Center and National Post School Outcomes Center). Open to all LEAs with a focus on increasing graduation rate/decrease dropout rate, improving transition planning, and improving post-school outcomes.

State-Wide Transition Cadre: Open to all LEAs with a focus on data analysis and developing transition plans specific to LEA population.

State Transition Council: Open to all LEAs with a focus on providing agency updates, TA/PD, and addressing questions/concerns relating to transition. Participants include LEAs, DDOE, agencies, and community members.

Adult Correction Education: Professional development is provided to the Teacher Supervisors and Educational Diagnosticians that work within the prison system.

Liaison: TA is provided daily through a varied methodology, including but not limited to phone calls, emails, on-site visits, and webinars.

Schoology: Web based platform to provide professional development and technical assistance.

Other: Annual conferences such as Transition Conference and Inclusion Conference which is aligned with the priorities of TA projects.

## Stakeholder Involvement

### Delaware State Performance Plan/Annual Performance Report:

The State Performance Plan/Annual Performance Report development was the result of collaboration between the DDOE's Exceptional Children Resource Group and other DDOE work groups, various statewide committees and groups which include LEA representatives, parents, agency representatives and community members. Stakeholder groups include the following: Governor's Council for Exceptional Citizens (the state's advisory council), Access to the General Education Curriculum Committee, MTSS Advisory Council (Behavior and Academics), 619 Coordinators, Statewide Transition Cadre, NSTTAC State



Team, Delaware PTA, Delaware Parent Information Center, Special Education Leadership Group and LEA Special Education Directors, and Charter Leaders.

### Impact of COVID 19 on Data Collection

DDOE ensures all data reported in FFY2019 APR is complete, accurate, reliable, and valid. COVID-19 did not affect the SEAs ability to collect the data because the SEA utilizes a state data system, which is available electronically from any location. DDOE did take steps to mitigate the potential impact of COVID-19 within Indicators 7, 8, 9, 10, 11, 12 and 14 by providing guidance, technical assistance, changing methods of survey submissions, and modifying the requirements of the LEAs regarding the use of the required tools for COS ratings. Please refer to each indicator for details.

### Reporting to the Public

The FFY 2018 IDEA Part B State Performance Plan/Annual Performance Report and the FFY2018 LEA Annual Determinations are posted on the Delaware Department of Education website at:

<https://www.doe.k12.de.us/annualdeterminations>

As soon as the FFY 2019 IDEA Part B State Performance Plan/Annual Performance Report is posted by OSEP, it will be posted on the Delaware Department of Education website. As soon as the FFY2019 LEA Annual Determinations are issued and not later than 120 days after submitting the FFY 2019 Annual Performance Report, it too will be posted on the Department website.

## FFY 2019 Indicator B-17/C-11 Annual Performance Report (APR) Optional Template

### Section A: Data Analysis

**1. What is the State-identified Measurable Result (SiMR).** *(Please limit your response to 785 characters without space).*

To increase the literacy proficiency of students with disabilities in K-3rd grade, as measured by a decrease in the percentage of third grade students with disabilities scoring below proficiency on Delaware's statewide assessments.

**2. Has the SiMR changed since the last SSIP submission?** No

**If "Yes", provide an explanation for the change(s), including the role of stakeholders in decision-making.** *(Please limit your response to 1600 characters without space).*

#### Progress toward the SiMR

**3. Please provide the data for the specific FFY listed below** (expressed as actual number and percentages).

**Baseline Data:** 74.69%

**Has the SiMR target changed since the last SSIP submission?** No

**FFY 2018 Target:** 67.69%      **FFY 2019 Target:** 67.69%

**FFY 2018 Data:** 77.94%      **FFY 2019 Data:** 0

**Was the State's FFY 2019 Target Met?** No

**Did slippage<sup>1</sup> occur?** No

**If applicable, describe the reasons for slippage.** *(Please limit your response to 1600 characters without space).*

The Delaware DOE did not administer the Smarter Balanced Assessment Consortium (SBAC) assessment, nor the Delaware Alternate Assessment based on alternate achievement standards (DCAS-ALT1), in spring 2020 due to the pandemic. As a result, there was no slippage.

---

**4. Optional: Has the State collected additional data (i.e., benchmark, CQI, survey) that demonstrates progress toward the SiMR? Yes**

**If “Yes”, describe any additional data collected by the State to assess progress toward the SiMR. (Please limit your response to 1600 characters without space).**

Student academic screening data from a small number of schools has been collected to gauge changes in student performance, although only in 2018-19 did we have data for the full year. As participating schools used different screening instruments, we collected data on the percentage of student at high, moderate, and no risk. Baseline data were collected and reported in September 2019, but the spring 2020 administration did not occur. We are not certain at this time as to the availability of 2020-21 student screening data.

Professional learning (PL) data were collected from participants to assess the impact of Delaware Early Literacy Initiative (DELI) and MTSS training and coaching on participants knowledge and skills to provide evidence-based early literacy instruction and to support MTSS implementation. Data were collected from end-of-training evaluations, the annual Participating Personnel Survey (PPS), and administrator and literacy coach interviews.

The PPS is administered in May each year. Participants are asked to rate the quality, relevance, usefulness, and impact of SSIP training and coaching, the impact on school implementation teams MTSS knowledge and skills, teachers' knowledge and use of early literacy practices, and district and school support for early literacy instruction.

Fidelity of implementation data were collected to ensure SSIP training and coaching were provided with fidelity and of the quality expected. Fidelity of MTSS and early literacy instruction were collected to determine how well the interventions were implemented by participating schools and districts. The fidelity of implementation for literacy instruction was impacted by the pandemic, so only baseline data were collected for 2019-20. No further data were collected. MTSS fidelity of implementation data were collected virtually in summer 2020.

(1,583 Characters)

**5. Did the State identify any provide describe of general data quality concerns, unrelated to COVID-19, that affected progress toward the SiMR during the reporting period? - Yes**

**If “Yes”, describe any data quality issues specific to the SiMR data and include actions taken to address data quality concerns. (Please limit your response to 3000 characters without space).**

We have been limited by the amount of time available for training. Rather than assess the quality, relevance, utility, and impact of a number of short trainings, we moved to the use of retrospective pre/post questions to assess the impact of the SSIP training on participants’ knowledge of MTSS and early literacy. These questions are included on the annual PPS.

Due to the small number of districts and schools receiving direct SSIP support, it is difficult to impact state level data. Also, due to the relatively small number of students in individual schools, there can be significant variance in student achievement results across years. The state-level student achievement data moves in small incremental amounts, due to the large number of schools involved.

These data limitations do not significantly impact the ability to assess progress. There are other data sources that inform the progress of early literacy implementation. PPS and administrator interview data collected each year (except in 2020) have provided stakeholders’ perceptions on the impact of the PL. The two fidelity of MTSS implementation administrations have provided insight into schools’ areas of strength and weaknesses. Student data collected to assess

progress include screening data collected three times a year, the percentage of students receiving Tier 2 and Tier 3 interventions, and state assessment data. These different data sets were used to triangulate the data and to assess implementation quality.

(1,217 Characters)

**6. Did the State identify any data quality concerns directly related to the COVID-19 pandemic during the reporting period? - Yes**

**If data for this reporting period were impacted specifically by COVID-19, the State must include in the narrative for the indicator: (1) the impact on data completeness, validity and reliability for the indicator; (2) an explanation of how COVID-19 specifically impacted the State's ability to collect the data for the indicator; and (3) any steps the State took to mitigate the impact of COVID-19 on the data collection. (Please limit your response to 3000 characters without space).**

The most significant data quality concern due to the pandemic is the lack of 2020 SBAC and DCAS-ALT1 data used to inform the SiMR. Other impacts of the pandemic included less and different types of PL provided, incomplete teacher early literacy fidelity of implementation data, and incomplete student screening data.

Between March and June 2020, the amount of PL provided decreased in recognition of the demands placed on teachers to adapt to a virtual environment and to deal with the pandemic-related stress. This also impacted our ability to collect the second wave of teacher early literacy fidelity of intervention data. The school-level MTSS fidelity of intervention data were collected, although it was delayed until summer 2020 and conducted virtually, rather than face-to-face as in previous administrations. Last, in 2018-19, we had just instituted a process to gather indicators of accurate and reliable student screening data (the percentage of student at high, moderate, and no risk), as well as the percentage of students receiving tiered instruction to complement the statewide SBAC assessment is our only measure of student performance. However, we were only able to collect the baseline fall 2019 data.

(1,030 Characters)

**Section B: Phase III Implementation, Analysis and Evaluation**

**7. Is the State's theory of action new or revised since the previous submission? No**

**If "Yes", please provide a description of the changes and updates to the theory of action** (*Please limit your response to 1600 characters without space*).

**8. Did the State implement any new (previously or newly identified) infrastructure improvement strategies during the reporting period? Yes**

**If "Yes", describe each new (previously or newly identified) infrastructure improvement strategy and the short-term or intermediate outcomes achieved.** (*Please limit your response to 1600 characters without space*).

Extensive effort focused on the creation of new standards and governance improvement strategies related to the development, establishment, and implementation of DE's MTSS. Through extensive stakeholder engagement since 2018, the DE DOE developed MTSS regulations that were approved by the DE State Board of Education on October 15, 2020 and go into effect July 1, 2021. The DE SSIP staff and partners were instrumental in the development of the regulations and accompanying resources.

To support implementation, the DE SSIP created and disseminated numerous resources. An MTSS website (<https://www.doe.k12.de.us/Page/4255>) was created to disseminate MTSS information and resources. Each resource listed below are on the website.

- \* DE-MTSS Implementation Guides
- \* DE-MTSS School Needs Inventory
- \* DE-MTSS School Action Plan Template
- \* DE-MTSS infographic
- \* District, School, and Classroom Quick Reference Guides are under development.
- \* Essential Components one-page infographics

As will be discussed in greater detail later in this report, these resources were developed with input and guidance from the MTSS Advisory Council (AC), MTSS Leadership and Reviews Team, and Core Team. The MTSS AC is composed of district and school personnel, family representatives, community agencies, DE DOE personnel, and SSIP staff.

New PL improvement strategies included the use of virtual courses and book studies. The first virtual course on early literacy was held in in October and November, 2020, with 12 people completing the course. In January 2021, a series of virtual PL events to support early literacy leadership began. Two book studies are also currently underway, with 130 state, district, and school level personnel enrolled. "Integrated MTSS, Blending RTI and PBIS" is oriented to district, school, and DDOE staff and "Leading Equity Based MTSS" is designed for school staff.

(1,596 Characters)

**9. Provide a summary of each infrastructure improvement strategy that the State continued to implement in the reporting period, including the short-term or intermediate outcomes achieved (*Please limit your response to 3000 characters without space*).**

Continued infrastructure improvement strategies included a focus on governance, standards, accountability, and monitoring, professional learning strategies, and family involvement.

The MTSS Leadership Team is led by Jalee Pernol from the Exceptional Children Resources and Pam Alfaro, from Curriculum, Instruction, and Professional Development. Other members include additional staff from those two divisions, the AIR PL staff, the DE PIC Director, and the external evaluator. This group is responsible for supporting PL on MTSS and early literacy. In December 2019, Steven Goodman, with MiMTSS, facilitated a planning session on the alignment of PBIS and RTI for the MTSS Leadership Team that set the stage for future alignment work in Delaware. Qualitative data from the DE MTSS AC indicates the MTSS Leadership Team has been effective in guiding the PL.

The MTSS AC played a large role in supporting SSIP work addressing governance, standards, accountability, and monitoring. The MTSS AC (consisting of 65 stakeholders) met 4 times during this reporting period, with an average of 30 participants. The MTSS AC includes district and school personnel, family representatives, community agencies, DE DOE personnel, and SSIP staff. The AC meetings included a review the SiMR, and reviews and feedback on the MTSS Implementation Guide and other resources.

The DE SSIP team continued to support PL implementation through the use of training, coaching, fidelity data collection, and action planning. During 2019-20, prior to the closure of schools in March 2020, 7 literacy trainings were held with personnel from 2 charter schools and 1 district with 3 participating schools. Training topics included the essential components of a multilevel prevention system, scaffold and support struggling learners, explicit instruction and modeling, whole group and small group instruction, examining data to effectively form differentiated instructional reading groups, characteristics of effective phonics instruction, resources for phonics teaching and learning, teaching foundational reading skills in K – 2, teaching academic content and literacy to English Learners, and effective behavioral strategies for supporting small group instruction. Outcome data are presented in the next question.

Sustained, job embedded coaching was provided by AIR staff to support early literacy and/or MTSS implementation in 3 elementary schools in 1 district, a 2nd school district, and 4 charter schools. In 2019-20, there were 63 early literacy coaching contacts and 45 MTSS coaching contacts. Minimal coaching was provided between March and June 2020. Between July 2020 and February 2021, there were 27 early literacy coaching contacts and 35 MTSS coaching contacts.

In summer 2020, MTSS fidelity data were collected virtually from 3 schools in the one SSIP district and from four charter schools. SSIP coaches facilitated the MTSS fidelity conversations. Each school used their fidelity data to inform their action plan development. Outcome data are presented in the next question.

The DE PIC supported the SSIP family engagement activities to increase parents understanding of MTSS and early literacy. This included the development and dissemination of 5 webinars, 2 videos, and 42 resources documents.

(2,797 Characters)

**10. Provide a description of how the State evaluated outcomes for each improvement strategy and how the evaluation data supports the decision to continue implementing the strategy. (Please limit your response to 3000 characters without space):**

MTSS AC: Evaluation data from Advisory Council members found that they perceived the MTSS AC meetings to be high quality, their views were listened to and honored, and there were opportunities for collaboration.

PL: Training and job-embedded coaching output data were collected via a Google Form, allowing real time analyses via the corresponding Google Sheets file. Data were analyzed on an ongoing basis to inform the MTSS Leadership Team about the frequency and type of PL provided.

An average of 33 participants participated in each of the 7 DELI trainings ranging from 16 to 58, with a total of 230 participants. Participant feedback on the effectiveness of SSIP training was gathered in May 2020 on the PPS. Respondents agreed that the trainings were high quality, relevant, useful, and impacted their knowledge of early literacy and MTSS. Evaluation data have been useful in determining changes to the training process. As a result, trainings are shorter in duration, with more varied training forums.

Coaching data were tracked through a PL tracker. Data included schools coached, type and duration of coaching, and the coaching audience. These data were reviewed throughout the year by the MTSS Leadership Team to ensure coaching occurred as planned. Data are collected from coaching recipients on the year-end participant survey and reviewed by the MTSS Leadership Team. Similar to the training data, respondents agreed that the coaching were high quality, relevant, useful, and impacted their early literacy and MTSS skills. With the exception of 2020, administrators and literacy coaches have been interviewed to gather qualitative feedback on coaching and training. Feedback on the quality of coaching has been positive.

Fidelity data: For the 4 schools with 2 years of data, 2 reported a higher rating on the second administration, while the other 2 perceived lower fidelity on the second administration. We feel that the initial ratings were likely too high for these 2 schools. On average, the 3 schools from the 1 participating district were slightly above the mid-point of the fidelity scale (3.5 on a 5-point scale). The charter school's second rating was 2.8, below the mid-point.

Parent/family engagement was assessed by the development and access of DE PIC family resources. Web usage data are collected and reviewed to ensure resources are developed according to the scope of work. The DE PIC has increased the number of resources significantly from past years.

The PPS is administered each May to district and school personnel participating in the SSIP. Survey items address outcomes including: participants' knowledge and skills to implement MTSS and early literacy; the quality, relevance, and usefulness of SSIP support provided; support provided by districts and schools, and quality of school/family interactions. These data impact a number of our SSIP improvement strategies. The participant survey report is reviewed each summer to determine what changes, if any, are needed to adapt the strategies.

(2,557 Characters)

**11. Provide a summary of the next steps for each infrastructure improvement strategy and the anticipated outcomes to be attained during the next reporting period. (Please limit your response to 3000 characters without space):**

MTSS Leadership Team: The MTSS Leadership Team will continue to meet and directly guide DELI and MTSS implementation. Over the next year, we expect the Leadership Team to guide district and school implementation from the exploration and installation stages into initial implementation.

MTSS AC: The MTSS AC will continue to meet as in previous years, with virtual meetings likely for the remainder of this calendar year. They will continue to help support the implementation of MTSS and professional learning related to MTSS and early literacy. We also look to review the membership of the MTSS AC and to consider relevant new members. We expect the MTSS AC to provide valuable insight and guidance to SSIP implementation in the upcoming year, as they have in the past. We also assume that the MTSS AC will continue to see a benefit in their participation.

MTSS and DELI Training - In the near future, we will continue to develop on line training opportunities which will benefit the 5 remaining early literacy schools. The online trainings will also broaden the audience, build capacity, and support sustainability efforts by expanding the reach of our professional learning across the state. We will make online modules and videos available via the state learning management system and expect more school and district personnel to become informed and skilled to implement evidence-based early intervention practices and MTSS.

Job-embedded coaching will continue as well. We expect to return to face-to-face coaching as the pandemic ends. However, an unexpected benefit of the pandemic has been the increased use of virtual coaching. MTSS and DELI coaches, as well as district and school staff have become more skilled in the use of virtual platforms. This will allow us to expand and extend our coaching reach as the virtual coaching is more time efficient.

Fidelity Data Collection: MTSS fidelity data collection will continue with the remaining 5 DELI schools, 2 of which are charter schools and the 1 district and charter school just focusing on MTSS. Similar to the coaching discussion above, we have found that at least for the MTSS fidelity data collection, which is based on district and school leadership teams' discussions and findings, virtual platforms are acceptable means to facilitate these conversations. Data collection related to teachers' use of evidence-based early literacy practices is more challenging in a virtual environment, although we will continue to explore methods to facilitate this process.

Parent Engagement: We will continue to work closely with the DE PIC, along with other family representatives on the MTSS AC to ensure the family perspective is embedded in DELI and MTSS professional learning activities. Concurrently, the MTSS Leadership Team and MTSS AC will share information with the PIC to disseminate to families so they are informed about MTSS and early literacy.

(2,449 Characters)

**12. Did the State implement any new (previously or newly identified) evidence-based practices? – No**

**If “Yes”, describe the selection process for the new (previously or newly identified) evidence-based practices. (Please limit your response to 1600 characters without space):**

**13. Provide a summary of the continued evidence-based practices and how the evidence-based practices are intended to impact the SiMR. (Please limit your response to 1600 characters without space):**

MTSS Implementation: DELI schools implemented key elements of MTSS in reading during this reporting period. Each school used a screening process three times per year to identify students at risk for poor reading outcomes. In addition, each school used screening and diagnostic data to inform the development of intervention groups for students identified as needing support in reading. Schools varied in their processes for making data-based decisions, providing reading intervention, and progress monitoring. All school sites used MTSS teams to review student data and make decisions about intervention and instruction.

Evidence-Based Early Literacy Instruction: Baseline classroom observations during this reporting period (prior to school closures in March 2020) indicate that participating teachers implemented several evidence-based practices for early literacy instruction. The Florida Center for Reading Research (FCRR) Principal Walkthrough Checklists were used to collect data on the implementation of evidence-based early literacy practices. Data collected in fall and winter of 2019-20 indicate that teachers were implementing literacy practices with fidelity. For example, in the Teacher Instruction domain, 66% of second grade teachers observed implemented the practices with fidelity.



Evidence-Based PL Practices: The DELI training and follow-up coaching were informed by evidence-based practices for PL and adult learning practices. At the DELI trainings, participants had opportunities to reflect on evidence-based instructional practices and consider ways that these practices could be adapted to fit their classroom context. Survey data from face-to-face and virtual trainings indicate that participants were more knowledgeable about early literacy practices and felt the trainings used adult learning practices to facilitate learning.

(1,600 Characters)

**14. Describe the data collected to evaluate and monitor fidelity of implementation and to assess practice change.**

*(Please limit your response to 1600 characters without space):*

The primary methods of evaluating and monitoring fidelity of implementation include the aforementioned MTSS and early literacy fidelity of intervention processes, the fidelity of training and coaching provided, and the PPS.

As mentioned previously in this report, fidelity of implementation data are collected for MTSS (district/school level) and early literacy (classroom level) implementation twice each year. During this reporting period, we have been able to collect fidelity of intervention data for MTSS implementation, but only baseline data for early literacy instruction, due to schools closing in March 2020. These data are reviewed by MTSS and DELI coaches and district and school leadership teams to inform changes to the support provided.

The fidelity of DELI training and coaching was assessed periodically to ensure the trainers and coaches were providing quality training and coaching. Fidelity checklists developed at the University of Kansas were used. Observations were conducted both by DELI leadership and through peer-to-peer observations. To date, the observations have found the training and coaching to have been high quality and provided with fidelity.

The annual PPS administered each May provides an opportunity for participating district and school personnel to share feedback on how well implementation is occurring in their districts and schools. Outcomes assessed include the quality, relevance, and usefulness of SSIP PL provided and the impact of the training and coaching on their knowledge and skills to implement MTSS and early literacy evidence-based practices. Based on feedback received, modifications are made to SSIP strategies.

(1,427 Characters)

**15. Describe the components (professional development activities, policies/procedures revisions, and/or practices, etc.) implemented during the reporting period to support the knowledge and use of selected evidence-based practices. (Please limit your response to 1600 characters without space):**

Key components to support participants' knowledge and skills to implement MTSS and early literacy evidence-based practices included training, coaching, book studies, and the MTSS AC.

The DELI training component continues to evolve over the course of the SSIP. Initially, day-long Literacy Institutes were held at participating districts or schools. However, participant feedback stressed that being out of the classroom that long was difficult. Trainings became shorter and more school-based, with a greater focus on embedding training topics into individualized coaching sessions. When schools closed in March 2020, all training became virtual. An eight-week early literacy virtual course, using synchronous and asynchronous methods, was implemented in fall 2020. In early 2021, two book studies were implemented to support learning and use of MTSS practices.

The 80 MTSS and 90 early literacy coaching contacts during this reporting period (July 2019 - February 2021) focused on embedding necessary knowledge and skills within participants' day-to-day work. This included training on MTSS to the 1

school district and one charter school that are just addressing MTSS, as well as ongoing training to DELI schools. The face-to-face coaching was also replaced with virtual coaching. The purpose of the coaching evolved as well, as participants sought assistance on implementing MTSS and evidence-based early literacy instruction virtually.

The MTSS AC provided a forum for district and school personnel, family representatives, and community agency members to learn more about MTSS and evidence-based early literacy practices. The resources developed by the DE MTSS core team were shared with the MTSS AC initially, allowing them to learn more about MTSS so they could disseminate their learnings within their districts and schools, and various constituent groups.

(1,590 Characters)

## Section C: Stakeholder Engagement

**16. Describe the specific strategies implemented to engage stakeholders in key improvement efforts. (Please limit your response to 3000 characters without space):**

The primary strategy to engage stakeholders in SSIP improvement efforts was through the DE MTSS AC and a review team that includes additional stakeholders such as the DE PBS and ACCESS project at the University of Delaware. There are 65 members of the MTSS AC, although they do not all participate regularly. As stated earlier in this report, the MTSS AC met 4 times during this reporting period, with an average of 30 participants. The MTSS AC includes district and school personnel, family representatives from the DE PIC and the Governor's Advisory Council for Exceptional Citizens, community agencies, DE DOE personnel, and SSIP staff. The AC meetings included a review the SiMR, planning for the alignment of PBIS and RTI, and reviews and feedback on the MTSS Implementation Guide and other resources.

Participants in the MTSS and DELI PL are surveyed at the end of each school year on the PPS to determine which improvement efforts are working well and which could be improved. Survey results are reviewed and discussed by the MTSS Leadership Team to adapt improvement strategies as necessary.

As stated previously, the DE PIC supported the SSIP family engagement activities to increase parents understanding of MTSS and early literacy. This included the development and dissemination of 5 webinars, 5 videos, and 42 resources. The DE PIC has increased the number of resources from past years. Resources are developed on an ongoing basis, including videos and webinars on parent/child shared reading, dialogic reading, social-emotional learning, phonics, and MTSS. A sample of family resources developed in this reporting period includes:

- Signs and Symptoms of Dyslexia
- Helping Children to Develop Early Literacy
- Early Literacy: Parents Play a Key Role
- Four Reading Intervention Strategies
- Critical Literacy in Early Elementary Grades
- Developmental Screening Resources
- MTSS Parent Booklet
- Schools and Families as Partners in Remote Literacy Learning

The DE PIC Director is a member of the DE MTSS Leadership Team and MTSS AC. This allows both groups to consistently hear and learn from the parent/family perspective.

(2,170 Characters)

**17. Were there any concerns expressed by stakeholders during engagement activities? If yes, describe how the State addressed the concerns expressed by stakeholders. (Please limit your response to 1600 characters without space):**

An evaluation survey was completed after each MTSS AC meeting. The quantitative survey items, scored on Likert scale, were always very positive. The qualitative feedback was more informative for improvement efforts. Most feedback involved the review and feedback of materials discussed at the meetings. Earlier in the reporting period, materials were presented at the meeting, discussed, and stakeholders were asked to review the materials after the meeting and provide feedback. Feedback included:

"Perhaps a format in the future could be to walk through materials quickly, allow ALOT [sic] of time to give written feedback before coming back together as a group to discuss questions and make decisions together."

"Allowing us to review the sections of the guide a week prior to the meeting so that we can come prepared- I personally like to make a hard copy and write notes that way."

As a result of this stakeholder feedback, the AC meetings were structured so that breakout rooms were used, with sufficient time for reviewing materials and providing feedback.

School personnel participating in DELI early literacy PL were surveyed in May 2020 PPS. Four primary themes emerged from their suggestions for improvement. The most frequent set of responses was that no changes were needed. Specific suggestions included modifications to the PL provided; more varied instructional practices, especially for small group instruction; and more tailored PL to meet the needs of individual teachers.

Since this survey, there has been limited direct coaching of teachers due to the pandemic. At the same time, as discussed earlier in this report, new methods of PL were provided, offering more of a choice in PL opportunities. This impacted SSIP schools, as well as a large number of non-SSIP Delaware schools.

(1,517 Characters)

**18. If applicable, describe the action(s) that the State implemented to address any FFY 2018 SPP/APR required OSEP response.**

- N/A

# HOW THE DEPARTMENT MADE DETERMINATIONS

---

UNDER SECTION 616(D) OF THE  
*INDIVIDUALS WITH DISABILITIES EDUCATION ACT* IN 2021:  
**PART B**

REVISED 06/24/2021



## INTRODUCTION

---

In 2021, the U.S. Department of Education (Department) is continuing to use both results and compliance data in making our determination for each State under section 616(d) of the Individuals with Disabilities Education Act (*IDEA*). We considered the totality of the information we have about a State, including information related to the participation of children with disabilities (CWD) on regular Statewide assessments; the participation and performance of CWD on the most recently-administered (school year (SY) 2018–2019) National Assessment of Educational Progress (NAEP); exiting data on CWD who dropped out and CWD who graduated with a regular high school diploma<sup>1</sup>; the State’s Federal fiscal year (FFY) 2019 State Performance Plan/Annual Performance Report (SPP/APR); information from monitoring and other public information, such as Department-imposed Specific Conditions on the State’s grant award under Part B; the impact of COVID-19 on the State’s ability to collect and report valid and reliable data; and other issues related to State compliance with the *IDEA*. Below is a detailed description of how the Office of Special Education Programs (OSEP) evaluated States’ data using the Results Driven Accountability (RDA) Matrix.

The RDA Matrix consists of:

1. a **Compliance Matrix** that includes scoring on SPP/APR Compliance Indicators and other compliance factors;
2. a **Results Matrix** that includes scoring on Results Elements;
3. a **Compliance Score** and a **Results Score**;
4. an **RDA Percentage** based on the Compliance Score and the Results Score; and
5. the State’s **Determination**.

The scoring of each of the above evaluation criteria is further explained below in the following sections:

- A. 2021 Part B Compliance Matrix and Scoring of the Compliance Matrix
- B. 2021 Part B Results Matrix and Scoring of the Results Matrix
- C. 2021 RDA Percentage and 2021 Determination

In making the 2021 determinations based on FFY 2019 APR data, OSEP specifically considered whether and to what extent States and Entities included in the narrative for each impacted indicator: (1) a description of the impact on data completeness, validity, and/or reliability for the indicator; (2) an explanation of how COVID-19 specifically impacted that State’s or Entity’s ability to collect or verify the data for the indicator; and (3) a description of any steps the State or Entity took to mitigate the impact

---

<sup>1</sup> When providing exiting data under section 618 of the *IDEA*, States are required to report on the number of students with disabilities who exited an educational program through receipt of a regular high school diploma. These students meet the same standards for graduation as those for students without disabilities. As explained in 34 C.F.R. § 300.102(a)(3)(iv), in effect June 30, 2017, “the term regular high school diploma means the standard high school diploma awarded to the preponderance of students in the State that is fully aligned with State standards, or a higher diploma, except that a regular high school diploma shall not be aligned to the alternate academic achievement standards described in section 1111(b)(1)(E) of the *ESEA*. A regular high school diploma does not include a recognized equivalent of a diploma, such as a general equivalency diploma, certificate of completion, certificate of attendance, or similar lesser credential.”

## HOW THE DEPARTMENT MADE DETERMINATIONS

of COVID-19 on the data collection and verification. OSEP appreciates States' and Entities' level of transparency regarding the impact of COVID-19 on the data reported in the FFY 2019 SPP/APR. For 2021 determinations, no State or Entity received a determination of "Needs Intervention" due solely to data impacted by COVID-19.

## A. 2021 PART B COMPLIANCE MATRIX

---

In making each State's 2021 determination, the Department used a Compliance Matrix, reflecting the following data:

1. The State's FFY 2019 data for Part B Compliance Indicators 4B, 9, 10, 11, 12, and 13 (including whether the State reported valid and reliable data for each indicator); and whether the State demonstrated correction of all findings of noncompliance it had identified in FFY 2018 under such indicators;
2. The timeliness and accuracy of data reported by the State under sections 616 and 618 of the *IDEA*;
3. The State's FFY 2019 data, reported under section 618 of the *IDEA*, for the timeliness of State complaint and due process hearing decisions;
4. Longstanding Noncompliance:

The Department considered:

- a. Whether the Department imposed Specific Conditions on the State's FFY 2020 *IDEA* Part B grant award and those Specific Conditions are in effect at the time of the 2021 determination, and the number of years for which the State's Part B grant award has been subject to Specific Conditions; and
- b. Whether there are any findings of noncompliance identified in FFY 2017 or earlier by either the Department or the State that the State has not yet corrected.

### Scoring of the Compliance Matrix

The Compliance Matrix indicates a score of 0, 1, or 2, for each of the compliance indicators in item one above and for each of the additional factors listed in items two through four above. Using the cumulative possible number of points as the denominator, and using as the numerator the actual points the State received in its scoring under these factors, the Compliance Matrix reflects a Compliance Score, which is combined with the Results Score to calculate the State's RDA Percentage and Determination.

## Scoring of the Matrix for Compliance Indicators 4B, 9, 10, 11, 12, and 13

In the attached State-specific 2021 Part B Compliance Matrix, a State received points as follows for each of Compliance Indicators 4B, 9, 10, 11, 12, and 13<sup>2</sup>:

- Two points, if either:
  - The State’s FFY 2019 data for the indicator were valid and reliable, and reflect at least 95%<sup>3</sup> compliance (or, for Indicators 4B, 9, and 10, reflect no greater than 5% compliance)<sup>4</sup>; or
  - The State’s FFY 2019 data for the indicator were valid and reliable, and reflect at least 90% compliance (or, for Indicators 4B, 9, and 10, reflect no greater than 10% compliance); and the State identified one or more findings of noncompliance in FFY 2018 for the indicator, and has demonstrated correction of all findings of noncompliance identified in FFY 2018 for the indicator. Such full correction is indicated in the matrix with a “Yes” in the “Full Correction of Findings of Noncompliance Identified in FFY 2018” column.<sup>5</sup>
- One point, if the State’s FFY 2019 data for the indicator were valid and reliable, and reflect at least 75% compliance (or, for Indicators 4B, 9, and 10, reflect no greater than 25% compliance), and the State did not meet either of the criteria above for two points.
- Zero points, under any of the following circumstances:
  - The State’s FFY 2019 data for the indicator reflect less than 75% compliance (or, for Indicators 4B, 9, and 10, reflect greater than 25% compliance); or
  - The State’s FFY 2019 data for the indicator were not valid and reliable;<sup>6</sup> or
  - The State did not report FFY 2019 data for the indicator.<sup>7</sup>

<sup>2</sup> A notation of “N/A” (for “not applicable”) in the “Performance” column for an indicator denotes that the indicator is not applicable to that particular State. The points for that indicator are not included in the denominator for the matrix.

<sup>3</sup> In determining whether a State has met the 95% compliance criterion for Indicators 11, 12, and 13, the Department will round up from 94.5% (but no lower) to 95%. In determining whether a State has met the 90% compliance criterion for these indicators, the Department will round up from 89.5% (but no lower) to 90%. In addition, in determining whether a State has met the 75% compliance criterion for these indicators, the Department will round up from 74.5% (but no lower) to 75%. Similarly, in determining whether a State has met the 5% compliance criterion for Indicators 4B, 9, and 10, the Department will round down from 5.49% (but no higher) to 5%. In determining whether a State has met the 10% compliance criterion for these indicators, the Department will round down from 10.49% (but no higher) to 10%. In addition, in determining whether a State has met the 25% compliance criterion for these indicators, the Department will round down from 25.49% (but no higher) to 25%. The Department will also apply the rounding rules to the compliance criteria for 95% and 75% for: (1) the timeliness and accuracy of data reported by the State under sections 616 and 618 of the IDEA; and (2) the State’s FFY 2019 data, reported under section 618 of the IDEA, for the timeliness of State complaint and due process hearing decisions.

<sup>4</sup> For Indicators 4B, 9, and 10, a very high level of compliance is generally at or below 5%.

<sup>5</sup> A “No” in that column denotes that the State has one or more remaining findings of noncompliance identified in FFY 2018 for which the State has not yet demonstrated correction. An “N/A” (for “not applicable”) in that column denotes that the State did not identify any findings of noncompliance in FFY 2018 for the indicator.

<sup>6</sup> If a State’s FFY 2019 data for any compliance indicator are not valid and reliable, the matrix so indicates in the “Performance” column, with a corresponding score of 0. The explanation of why the State’s data are not valid and reliable is contained in the OSEP Response to the State’s FFY 2019 SPP/APR in the EMAPS SPP/APR reporting tool.

<sup>7</sup> If a State reported no FFY 2019 data for any compliance indicator (unless the indicator is not applicable to the State), the matrix so indicates in the “Performance” column, with a corresponding score of 0.



## Scoring of the Matrix for Timely and Accurate State-Reported Data

In the attached State-specific 2021 Part B Compliance Matrix, a State received points as follows for Timely and Accurate State-Reported Data<sup>8</sup>:

- Two points, if the OSEP-calculated percentage reflects at least 95% compliance.
- One point, if the OSEP-calculated percentage reflects at least 75% and less than 95% compliance.
- Zero points, if the OSEP-calculated percentage reflects less than 75% compliance.

## Scoring of the Matrix for Timely State Complaint Decisions and Timely Due Process Hearing Decisions

In the attached State-specific 2021 Part B Compliance Matrix, a State received points as follows for timely State complaint decisions and for timely due process hearing decisions, as reported by the State under section 618 of the *IDEA*:

- Two points, if the State's FFY 2019 data were valid and reliable, and reflect at least 95% compliance.
- One point, if the State's FFY 2019 data reflect at least 75% and less than 95% compliance.
- Zero points, if the State's FFY 2019 data reflect less than 75% compliance.
- Not Applicable (N/A), if the State's data reflect less than 100% compliance, and there were fewer than ten State complaint decisions or ten due process hearing decisions.

## Scoring of the Matrix for Longstanding Noncompliance (Includes Both Uncorrected Identified Noncompliance and Specific Conditions)

In the attached State-specific 2021 Part B Compliance Matrix, a State received points as follows for the Longstanding Noncompliance component:

- Two points, if the State has:
  - No remaining findings of noncompliance identified, by OSEP or the State, in FFY 2017 or earlier; and
  - No Specific Conditions on its FFY 2020 grant award that are in effect at the time of the 2021 determination.

---

<sup>8</sup> OSEP used the Part B Timely and Accurate State-Reported Data Rubric to award points to States based on the timeliness and accuracy of their sections 616 and 618 data. A copy of the rubric is contained in the OSEP Response to the State's FFY 2019 SPP/APR in the EMAPS SPP/APR reporting tool. On page two of the rubric, entitled "APR and 618-Timely and Accurate State Reported Data," States are given one point for each indicator with valid and reliable data and five points for SPP/APRs that were submitted timely. The total points for valid and reliable SPP/APR data and timely SPP/APR submission are added together to form the APR Grand Total. On page three of the rubric, the State's section 618 data is scored based on information provided to OSEP on section 618 data timeliness, completeness, and edit checks from EDFacts. On page four of the rubric, the percentage of Timely and Accurate State-Reported Data is calculated by adding the 618 Data Grand Total to the APR Grand Total and dividing this sum by the total number of points available for the entire rubric. This percentage is inserted into the Compliance Matrix.

## HOW THE DEPARTMENT MADE DETERMINATIONS

- One point, if either or both of the following occurred:
  - The State has remaining findings of noncompliance identified, by OSEP or the State, in FFY 2017, FFY 2016, and/or FFY 2015, for which the State has not yet demonstrated correction (see the OSEP Response to the State's FFY 2019 SPP/APR in the EMAPS SPP/APR reporting tool for specific information regarding these remaining findings of noncompliance); and/or
  - The Department has imposed Specific Conditions on the State's FFY 2020 Part B grant award and those Specific Conditions are in effect at the time of the 2021 determination.
- Zero points, if either or both of the following occurred:
  - The State has remaining findings of noncompliance identified, by OSEP or the State, in FFY 2014 or earlier, for which the State has not yet demonstrated correction (see the OSEP Response to the State's FFY 2019 SPP/APR in the EMAPS SPP/APR reporting tool for specific information regarding these remaining findings of noncompliance); and/or
  - The Department has imposed Specific Conditions on the State's last three (FFYs 2018, 2019, and 2020) *IDEA* Part B grant awards, and those Specific Conditions are in effect at the time of the 2021 determination.

## B. 2021 PART B RESULTS MATRIX

---

In making each State’s 2021 determination, the Department used a Results Matrix reflecting the following data:

1. The percentage of fourth-grade CWD participating in regular Statewide assessments;
2. The percentage of eighth-grade CWD participating in regular Statewide assessments;
3. The percentage of fourth-grade CWD scoring at basic<sup>9</sup> or above on the NAEP;
4. The percentage of fourth-grade CWD included in NAEP testing;
5. The percentage of eighth-grade CWD scoring at basic or above on the NAEP;
6. The percentage of eighth-grade CWD included in NAEP testing;
7. The percentage of CWD exiting school by dropping out; and
8. The percentage of CWD exiting school by graduating with a regular high school diploma.

The Results Elements for participation in regular Statewide assessments and participation and performance on the NAEP are scored separately for reading and math. When combined with the exiting data, there are a total of fourteen Results Elements. The Results Elements are defined as follows:

### Percentage of CWD Participating in Regular Statewide Assessments

Due to the circumstances created by the COVID-19 pandemic, and resulting school closures, each State received a waiver of the assessment requirements in section 1111(b)(2) of the ESEA, and, as a result, did not have any FFY 2019 data for this element.

### Percentage of CWD Scoring at Basic or Above on the NAEP

This is the percentage of CWD, not including students with a Section 504 plan, by grade (4 and 8) and subject (math and reading), who scored at or above basic on the NAEP in SY 2018–2019. (Data Source: Main NAEP Data Explorer; data extracted 10/31/19)

### Percentage of CWD Included in NAEP Testing

This is the reported percentage of identified CWD, by grade (4 and 8) and subject (math and reading), who were included in the NAEP testing in SY 2018–2019. (Data Source: Nation’s Report Card, 2019):

Inclusion rate for 4<sup>th</sup> and 8<sup>th</sup> grade reading (see page 11):

[https://www.nationsreportcard.gov/reading/supportive\\_files/2019\\_technical\\_appendix\\_reading.pdf](https://www.nationsreportcard.gov/reading/supportive_files/2019_technical_appendix_reading.pdf)

---

<sup>9</sup> While the goal is to ensure that all CWD demonstrate proficient or advanced mastery of challenging subject matter, we recognize that States may need to take intermediate steps to reach this benchmark. Therefore, we assessed the performance of CWD using the Basic achievement level on the NAEP, which also provided OSEP with the broader range of data needed to identify variations in student performance across States. Generally, the Basic achievement level on the NAEP means that students have demonstrated partial mastery of prerequisite knowledge and skills that are fundamental for proficient work at each grade.

Inclusion rate for 4<sup>th</sup> and 8<sup>th</sup> grade math (see page 11):

[https://www.nationsreportcard.gov/mathematics/supportive\\_files/2019\\_technical\\_appendix\\_math.pdf](https://www.nationsreportcard.gov/mathematics/supportive_files/2019_technical_appendix_math.pdf)

### Percentage of CWD Exiting School by Dropping Out

This is a calculation of the percentage of CWD, ages 14 through 21, who exited school by dropping out. The percentage was calculated by dividing the number of students ages 14 through 21 served under *IDEA* Part B, reported in the exit reason category *dropped out* by the total number of students ages 14 through 21 served under *IDEA* Part B, reported in the six exit-from-both-special education-and-school categories (*graduated with a regular high school diploma, graduated with an alternate diploma, received a certificate, dropped out, reached maximum age for services, and died*), then multiplying the result by 100. (Data source: EDFacts SY 2018–2019; data extracted 5/27/20)

### Percentage of CWD Exiting School by Graduating with a Regular High School Diploma

This is a calculation of the percentage of CWD, ages 14 through 21, who exited school by graduating with a regular high school diploma. The percentage was calculated by dividing the number of students ages 14 through 21 served under *IDEA* Part B, reported in the exit reason category *graduated with a regular high school diploma* by the total number of students ages 14 through 21 served under *IDEA* Part B, reported in the six exit-from-both-special education-and-school categories (*graduated with a regular high school diploma, graduated with an alternate diploma, received a certificate, dropped out, reached maximum age for services, and died*), then multiplying the result by 100. (Data source: EDFacts SY 2018–2019; data extracted 5/27/20)

## Scoring of the Results Matrix

In the attached State-specific 2021 Part B Results Matrix, a State received points as follows for the Results Elements:

- A State’s participation rates on the regular Statewide assessments reflects “N/A” on the Results Matrix. A State’s NAEP scores (Basic and above) were rank-ordered; the top tertile<sup>10</sup> of States received a ‘2’, the middle tertile of States received a ‘1’, and the bottom tertile of States received a ‘0’.
- A State’s NAEP inclusion rate was assigned a score of either ‘0’ or ‘1’ based on whether the State’s NAEP inclusion rate for CWD was “higher than or not significantly different from the National Assessment Governing Board [NAGB] goal of 85 percent.” “Standard error estimates” were reported with the inclusion rates of CWD and taken into account in determining if a State’s inclusion rate was higher than or not significantly different from the NAGB goal of 85 percent.
- A State’s data on the percentage of CWD who exited school by dropping out were rank-ordered; the top tertile of States (*i.e.*, those with the lowest percentage) received a score of ‘2’, the middle tertile

---

<sup>10</sup> The tertiles of a data set divide it into three equal parts.

## HOW THE DEPARTMENT MADE DETERMINATIONS

of States received a '1', and the bottom tertile of States (*i.e.*, those with the highest percentage) received a '0'.

- A State's data on the percentage of CWD who exited school by graduating with a regular high school diploma were rank-ordered; the top tertile of States (*i.e.*, those with the highest percentage) received a score of '2', the middle tertile of States received a '1', and the bottom tertile of States (*i.e.*, those with the lowest percentage) received a '0'.

The following table identifies how each of the Results Elements was scored:

Results Elements	RDA Score= 0	RDA Score= 1	RDA Score= 2
Participation Rate of 4th and 8th Grade CWD on Regular Statewide Assessments (reading and math, separately)	N/A	N/A	N/A
Percentage of 4th grade CWD scoring Basic or above on reading NAEP	<23	23-27	>=28
Percentage of 8th grade CWD scoring Basic or above on reading NAEP	<27	27-31	>=32
Percentage of 4th grade CWD scoring Basic or above on math NAEP	<40	40-46	>=47
Percentage of 8th grade CWD scoring Basic or above on math NAEP	<20	20-27	>=28
Percentage of CWD Exiting School by Graduating with a Regular High School Diploma	<70	70-77	>=78
Percentage of CWD Exiting School by Dropping Out	>19	19-14	<=13
Percentage of 4th and 8th Grade CWD included in NAEP testing (reading or math): 1 point if State's inclusion rate was higher than or not significantly different from the NAGB goal of 85%. 0 points if less than 85%.			

Using the cumulative possible number of points as the denominator, and using as the numerator the actual points the State received in its scoring under the Results Elements, the Results Matrix reflects a Results Score, which is combined with the Compliance Score to calculate the State's RDA Percentage and Determination.

### C. 2021 RDA Percentage and 2021 Determination

The State’s RDA Percentage was calculated by adding 50% of the State’s Results Score and 50% of the State’s Compliance Score. The State’s RDA Determination is defined as follows:

---

**Meets Requirements**

A State’s 2021 RDA Determination is Meets Requirements if the RDA Percentage is at least 80%,<sup>11</sup> unless the Department has imposed Specific Conditions on the State’s last three (FFYs 2018, 2019, and 2020) *IDEA* Part B grant awards, and those Specific Conditions are in effect at the time of the 2021 determination.

---

**Needs Assistance**

A State’s 2021 RDA Determination is Needs Assistance if the RDA Percentage is at least 60% but less than 80%. A State’s determination would also be Needs Assistance if its RDA Determination percentage is 80% or above, but the Department has imposed Specific Conditions on the State’s last three (FFYs 2018, 2019, and 2020) *IDEA* Part B grant awards, and those Specific Conditions are in effect at the time of the 2021 determination.

---

**Needs Intervention**

A State’s 2021 RDA Determination is Needs Intervention if the RDA Percentage is less than 60%.

---

**Needs Substantial Intervention**

The Department did not make a determination of Needs Substantial Intervention for any State in 2021.

---



---

<sup>11</sup> In determining whether a State has met this 80% matrix criterion for a Meets Requirements determination, the Department will round up from 79.5% (but no lower) to 80%. Similarly, in determining whether a State has met the 60% matrix criterion for a Needs Assistance determination discussed below, the Department will round up from 59.5% (but no lower) to 60%.