

BATH COUNTY SCHOOL BOARD

AGENDA ITEM: INFORMATION { X }                      ACTION {    }                      CLOSED MEETING {    }

**SUBJECT:**                      SUPERINTENDENT’S REPORT - PRESENTATIONS/INFORMATION

Annual Performance Report for Special Education – Mrs. Hall

**BACKGROUND:**                      The Virginia Department of Education requires each school division to make determinations of compliance based on the special education annual performance data reports. Mrs. Hall will give an update on these special education indicator reports.



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF EDUCATION

P.O. BOX 2120

RICHMOND, VA 23218-2120

August 15, 2012

Mrs. Sue Hirsh  
Superintendent  
Bath County Public Schools  
P.O. Box 67  
Warm Springs, Virginia 24484

Dear Mrs. Hirsh:

The Virginia Department of Education (VDOE) would like to thank you for your timely submission of data that was used in Virginia's Federal Fiscal Year (FFY) 2010 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part B of the Individuals with Disabilities Education Improvement Act (IDEA 2004).

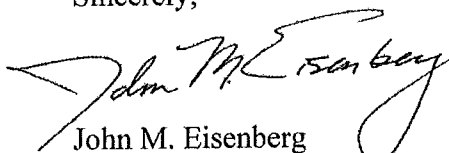
VDOE is required, pursuant to IDEA 2004, at 34 C.F.R. § 300.600(a)(2), to make determinations for each school division based on their submitted APR data. The determination categories are as follows: Meets Requirements; Needs Assistance; Needs Intervention; or Needs Substantial Intervention. Based on your division's 2010-2011 submitted data, VDOE has designated Bath County Public Schools as Meets Requirements.

The determination is based on whether the division: (1) demonstrated substantial compliance with indicators 9, 10, 11, 12, and 13; (2) corrected previously identified noncompliance within one year; (3) submitted timely data; and (4) had no longstanding or unresolved Part B audit issues. A copy of the rubric used to make the determination is enclosed for your review. If you have questions about the determination or to request targeted technical assistance and professional development, please contact Jeff Phenicie by e-mail at [jeff.phenicie@doe.virginia.gov](mailto:jeff.phenicie@doe.virginia.gov) or by phone at 804-786-0308.

Mrs. Sue Hirsh  
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The VDOE is committed to supporting efforts to improve results for children with disabilities and looks forward to working with your division in continuing to meet our State Performance Plan/Annual Performance Report requirements.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. Eisenberg". The signature is fluid and cursive, with a large loop at the end of the last name.

John M. Eisenberg  
Assistant Superintendent  
Division of Special Education and Student Services

JME/JAP/cp  
Enclosure

**Local Determinations**  
**Section 616 of the Individuals with Disabilities Education Act**  
**For the 2010-2011 School Year**

**Overview**

The Virginia Department of Education (VDOE) is required pursuant to the 2006 federal implementing regulations for the Individuals with Disabilities Education Improvement Act (IDEA 2004), at 34 C.F.R. § 300.600(a)(2), to make determinations for each local school division based on your submitted APR data. States may consider LEA performance on results indicators; however, at this time, states are required to use the following data when making determinations based on 2010-2011 school year data submitted by divisions:

- Indicator 9: Disproportionate Representation in Special Education
- Indicator 10: Disproportionate Representation in Specific Disability Categories
- Indicator 11: Initial Evaluation Timeline
- Indicator 12: Early Childhood Transition
- Indicator 13: Secondary Transition
- General Supervision – Correction of noncompliance within one year
- Timely data submissions
- Audit findings with regard to the use of Part B funds

These determinations are a way of designating the status of each Local Education Agency (LEA) into one of the following four categories, as outlined in Section 616 (d) of IDEA 2004:

- Meets Requirements
- Needs Assistance
- Needs Intervention
- Needs Substantial Intervention

**Criteria for LEA Determinations**

<b>Indicator 9:</b> Disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.		
<b>Data Source</b>	Data submitted for the FFY2010 SPP/APR	
<b>Determination</b>	<b>Points</b>	<b>Criteria</b>
Meets Requirements	0	LEA does not have disproportionate representation due to inappropriate identification in any racial/ethnic group receiving special education or related services.
Does Not Meet Requirements	3	LEA does have disproportionate representation due to inappropriate identification for a particular racial/ethnic group receiving special education or related services.

<b>Indicator 10:</b> Disproportionate representation of racial and ethnic groups in specific disability categories that is a result of inappropriate identification.		
<b>Data Source</b>	Data submitted for the FFY2010 SPP/APR	
<b>Determination</b>	<b>Points</b>	<b>Criteria</b>
Meets Requirements	0	LEA does not have disproportionate representation due to inappropriate identification in any racial/ethnic group in specific disability categories.
Does Not Meet Requirements	3	LEA does have disproportionate representation due to inappropriate identification for a particular racial/ethnic group in a particular disability category.

<b>Indicator 11:</b> Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a time frame within which the evaluation must be conducted, within that time frame *.		
<b>Data Source</b>	Data submitted for the FFY2010 SPP/APR	
<b>Determination</b>	<b>Points</b>	<b>Criteria</b>
Meets Requirements	0	95% or higher
Does Not Meet Requirements	1	90 – 94%
	2	81 – 89%
	3	≤80%
Note: * Virginia regulations require children be evaluated and have eligibility determined within 65 business days of receiving parental consent.		

<b>Indicator 12:</b> 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.		
<b>Data Source</b>	Data submitted for the FFY2010 SPP/APR	
<b>Determination</b>	<b>Points</b>	<b>Criteria</b>
Meets Requirements	0	95% or higher
Does Not Meet Requirements	1	90 – 94%
	2	81 – 89%
	3	≤80%

<b>Indicator 13:</b> Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the postsecondary goals.		
<b>Data Source</b>	Data submitted for the FFY2010 SPP/APR	
<b>Determination</b>	<b>Points</b>	<b>Criteria</b>
Meets Requirements	0	95% or higher
Does Not Meet Requirements	1	90 – 94%
	2	81 – 89%
	3	≤80%

<b>General Supervision – Uncorrected Noncompliance</b>		
<b>Data Source</b>	VDOE ODRAS/FPM (i.e., state complaints, due process hearings, and on site monitoring)	
<b>Determination</b>	<b>Points</b>	<b>Criteria</b>
Meets Requirements	0	LEA had no uncorrected noncompliance from the previous year
Does Not Meet Requirements	1	LEA has 1 instance of uncorrected noncompliance from the previous year
	2	LEA has 2 instances of uncorrected noncompliance from the previous year
	3	LEA has 3+ instances of uncorrected noncompliance from the previous year

<b>Timely Data</b>		
<b>Data Source</b>	Submission of compliance indicators	
<b>Determination</b>	<b>Points</b>	<b>Criteria</b>
Meets Requirements	0	Data submitted are timely
Does Not Meet Requirements	1	1 report is not submitted timely
	2	2 reports are not submitted timely
	3	3+ reports are not submitted timely OR 2 or more years of untimely reports

<b>Audit findings with regard to the use of Part B funds</b>		
<b>Data Source</b>	VDOE Office of Program Administration and Accountability/Special Education Financial and Data Services	
<b>Determination</b>	<b>Points</b>	<b>Criteria</b>
Meets Requirements	0	No audit findings; OR Audit findings that have been addressed through a corrective action plan that has been reviewed and accepted by the VDOE
Does Not Meet Requirements	1	Audit findings that have not been addressed through a corrective action plan; OR Audit findings that have not been reviewed and accepted by the VDOE.
	2	Unresolved audit findings cited in the previous year's audit.
	3	Unresolved audit findings cited in the previous 2+ year's audits.

<b>Overall LEA Determination</b>	
<b>Determination</b>	<b>Points</b>
Meets Requirements	0
Needs Assistance	1-5
Needs Intervention	6-8
Needs Substantial Intervention	9+

## Appeal

Divisions appealing the local determination must submit a written request within 30 calendar days of the determination notification letter. Written appeals must include a contact person's name, e-mail address, phone number, division superintendent's signature, and any supporting documentation in order for the Virginia Department of Education (VDOE) to reconsider a determination category. VDOE will acknowledge receipt of the appeal followed by a written response when the review is completed.

Appeals should be mailed to: Jeff Phenicie  
 Virginia Department of Education  
 P.O. Box 2120  
 Richmond, VA 23218-2120