COLORADO
Department of Education

How The Colorado Department of Education Exceptional Student Services Unit Made Determinations 2024

Under Section 616 (D) of the Individuals with Disabilities Education Act Part B

INTRODUCTION

The Individuals with Disabilities Education Act (IDEA) requires States to make an annual determination of the extent to which each Administrative Unit (AU) meets the requirements and purposes of IDEA based on the information in the State Performance Plan/Annual Performance Report (SPP/APR), information obtained through monitoring visits, and any other publicly available information. 34 C.F.R. § 300.603(b)(1)

In 2024, the Colorado Department of Education (CDE) Exceptional Student Services Unit (ESSU) used both compliance and results matrices in making determinations for each AU under section 616(d) of the IDEA. Using the Result Matrix developed by the Result Matrix Workgroup and the preexisting Compliance Matrix, we considered the totality of the information we have about an AU. The information ranged from traditional compliance topics such as timely evaluations of IEPs and the significant discrepancy in suspension and expulsion by race/ethnicity to results-oriented topics such as state assessment outcomes, graduation rate, and dropout rate. We also examined Special Conditions which included timely correction of remedies issued in state complaints and other issues related to the AUs' compliance with the IDEA.

The AU's performance is measured based on data submitted by the AU during the 2022-2023 SY and information obtained through general supervision and monitoring activities to determine if the AU:

1) Meets Requirements: if the Overall Percentage is at least 73%,
2) Needs Assistance: if the Overall Percentage is at least 58% but less than 73%,
3) Needs Intervention: if the Overall Percentage is less than 58%,
4) Needs Substantial Intervention: for a substantial failure to comply with a condition of AU eligibility under Part B of the IDEA 34 C.F.R. § 300.200-300.213

The Determination 2024 consists of:

- A **Compliance Matrix** that includes scoring on the SPP/APR compliance indicators and other compliance elements
- A **Results Matrix** that includes scoring on SPP/APR results indicators and other results elements
- A **Compliance Score**
- A **Results Score**
- An **Overall Percentage** is calculated by adding 50% of the Compliance Score and 50% of the Results Score.
- A consideration of **Special Conditions**
- The AU's **Determination**

THE 2024 PART B COMPLIANCE MATRIX

The Compliance Matrix includes the following data:

1. The AU's 2022-23 SY data for the following Part B Indicators:
    a. 4A[1] – Significant discrepancy of suspension/expulsion compared to State
    b. 4B – Significant discrepancy of suspension/expulsion compared to State by race/ethnicity
    c. 9 – Disproportionate representation in special education by race/ethnicity
    d. 10 – Disproportionate representation in specific disability categories by race/ethnicity
    e. 11 – Timely IEP initial evaluation
    f. 12 – Timely Part-C-to-B transition
    g. 13 – Secondary transition IEPs with required components

2. The timeliness and accuracy of data submitted by the AUs under section 616 and 618 of the IDEA.

Scoring of the Compliance Matrix

The Compliance Matrix indicates a score of 0, 1, or 2, for each of the indicators in items 1 and 2 above. Using the cumulative possible number of points as the denominator and using the actual points the AU received in its scoring under these factors as the numerator, the Compliance Matrix reflects a Compliance Score.

Scoring of Indicators 4A, 4B, 9, 10, 11, 12, and 13[2]

In the Compliance Matrix, an AU received points as follows for each of Indicators 11, 12, and 13:

- 2 points if the indicators reflect at least 95%[3] compliance.
- 1 point if indicators reflect at least 75% and less than 95% compliance.
- 0 points if:
    - The indicators reflect less than 75% compliance; or
    - The indicators reflect less than 95% compliance for the current and previous year.

[1] Indicator 4A is included in the Compliance Matrix despite it being a result-indicator due to its close association with 4B.

[2] A notation of "N/A" (for "not applicable") in the "Performance" column for an indicator denotes that the indicator is not applicable to the AU. The points for such indicator are not included in the denominator for the matrix, and the indicator does not impact the AU's Compliance Score, AU Score, or AU Overall Determination.

[3] In determining whether an AU has met this 95% compliance criterion, the CDE will round up from 94.5% (but no lower) to 95%. Similarly, in determining whether an AU has met the 75% compliance criterion discussed below, the CDE will round up from 74.5% (but no lower) to 75%.

In the Compliance Matrix, an AU received points as follows for each of the indicators 4A, 4B, 9, and 10:

- 2 points if:
    - The rate of children with disabilities who received suspensions/expulsions for greater than 10 days in a school year was below the threshold for Indicator 4A.
    - No racial category was found with significant discrepancy for Indicator 4B.
    - No racial category was found with disproportionate representation in identification of students as students with disabilities in Indicator 9.
    - No racial category was found with disproportionate representation in identification of specific disability category in Indicator 10.

- 1 point if:
    - The rate of children with disabilities who received suspensions/expulsions for greater than 10 days in a school year was above the threshold for Indicator 4A.
    - At least one racial category was found with significant discrepancy for Indicator 4B.
    - At least one racial category was found with disproportionate representation in identification of students as students with disabilities in Indicator 9.
    - At least one racial category was found with disproportionate representation in identification of specific disability category in Indicator 10.

- 0 points if:
    - The rate of children with disabilities who received suspensions/expulsions for greater than 10 days in a school year was above the threshold for Indicator 4A for the current and the previous two school years.
    - 1) At least one racial category was found with significant discrepancy for Indicator 4B for the current and the previous two school years, and 2) policies, procedures, and/or practices were found to 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.
    - 1) At least one racial category was found with disproportionate representation in identification of students as students with disabilities in Indicator 9 for the current and the previous year, and 2) the disproportionate representation was found to be the result of inappropriate identification.
    - 1) At least one racial category was found with disproportionate representation in identification of specific disability category in Indicator 10 for the current and the previous year, and 2) the disproportionate representation was found to be the result of inappropriate identification.

Scoring of the Matrix for Timely and Accurate Data Submission

The following three Special Education Data Pipeline collections were evaluated for their validity, reliability, and timeliness: Special Education December Count, Special Education End of Year Collection, and Special Education Discipline Collection. Indicator 13 – review of transition IEPs – was also evaluated for timeliness. The Data Pipeline collections were considered timely when the AU submitted the data electronically via the Data Pipeline to the CDE and submitted necessary data reports with the special education directors' signature by the closing date of the given data collection. The data collections were considered valid and reliable if they were not reopened due to inaccuracy after the closing date. Indicator 13 was considered timely when the sampled students' IEPs were reviewed, and the data were submitted electronically via the Data Management System (DMS) to the CDE by the due date. An AU received points as follows for Timely and Accurate Data Submission:

- 2 points if the following data submissions were timely and accurate: Special Education December Count, Special Education End of Year Collection, Special Education Discipline Collection, and the Indicator 13 (Transition IEP) reviews were submitted on time.
- 1 point if one or two of the following data submissions were late and/or inaccurate: Special Education December Count, Special Education End of Year Collection, Special Education Discipline Collection, or Indicator 13 (Transition IEP) reviews.
- 0 points if at least three of the following data submissions were late and/or inaccurate: Special Education December Count, Special Education End of Year Collection, Special Education Discipline Collection, or Indicator 13 (Transition IEP) review.

Compliance Score

The Compliance Score reflects the points earned divided by points eligible times 100.

The 2024 PART B RESULTS MATRIX

The Results Matrix includes the following data from the 2022-23 SY:

- State Assessments
    a. Colorado IEP Accountability Participation Rates in English Language Arts (ELA) and Math
    b. OSEP Accountability Participation Rates in ELA and Math (Indicator 3A)
    c. Regular Assessment Mean Scale Scores in ELA and Math
    d. Alternate Assessment Proficiency Rates in ELA and Math
- Median Growth Percentiles in ELA and Math
- Rise Up in ELA and Math – no data available
- Keep Up in ELA and Math – no data available
- Preschool Skill (Indicator 7)
    a. Positive Social-Emotional Skills
        i. Of the children who entered the program below age expectations, the percent who substantially increased their rate of growth by the time they exited the program (i.e., Growth).
        ii. The percent of children who were functioning within age expectations by the time they exited the program (i.e., Achievement).
    b. Acquisition and Use of Knowledge and Skills
        i. Of the children who entered the program below age expectations, the percent who substantially increased their rate of growth by the time they exited the program (i.e., Growth).
        ii. The percent of children who were functioning within age expectations by the time they exited the program (i.e., Achievement).
    c. Use of Appropriate Behaviors to Meet their Needs
        i. Of the children who entered the program below age expectations, the percent who substantially increased their rate of growth by the time they exited the program (i.e., Growth).
        ii. The percent of children who were functioning within age expectations by the time they exited the program (i.e., Achievement).
- Graduation Rate (Colorado best of 4-, 5-, 6-, or 7- cohort rates)
- Special Education Dropout Exiter Rate (Indicator 2)
- Post-School Outcomes (Indicator 14)
    a. Contacts Attempted - the percent of former students selected in the post-school outcome interview sample whom the AU attempted to reach.
    b. Students Participated - the percent of former students who participated in the post-school outcome interview.
    c. Of the former students who participated in the post-school outcome interview, the percent of former students who were:
        i. Enrolled in higher education, or
        ii. In some other post-secondary education or training programs, or
        iii. Competitively employed, or
        iv. In some other employment

Common Calculation Rules

Each results indicator was calculated when there was a data point that included 16 or more students. When the data point included fewer than 16 students, the cell showed "n < 16." Percentages and scores in all results indicators were rounded to the first decimal point. The scoring rubrics were determined based on the data from the 2015-16 SY for each indicator. The score that corresponded to the 90th percentile in the 2015-16 SY was the threshold for 3 out of 3 of the possible eligible points. The score that corresponded to the 50th percentile was the threshold for 2 out of 3 of the possible eligible points. The score that corresponded to the 15th percentile was the threshold for 1 out of 3 of the possible eligible points. The score that corresponded to lower than the 15th percentile received 0 points. These thresholds for 3/3, 2/3, 1/3, and 0/3 points, which were set based on the 2015-16 SY data, remained the same for the current determination.

If an AU had fewer than 16 students in any of the results indicators (e.g., Academic Achievement, Graduation, Preschool Outcomes), ESSU would accumulate the data for the impacted indicator for up to 3 consecutive years, where data is available, and calculate the rate based on the aggregated data, resulting in a larger n-size. When multiple years of data were combined, the note section under each indicator specified which years of data were aggregated. When an AU did not reach n≥16 after 3 years, the indicator was dropped from the calculation.

Academic Achievement

The Academic Achievement section is worth 15% of the Results Score (45 out of 300 total points).

Participation

A student was considered a participant in the state assessment if the student was between grades 3 through 8 and had a valid test score in a regular or an alternate state assessment in the 2022-23 SY. The Results Matrix showed two participation rates – the OSEP participation rate and the Colorado IEP participation rate. The OSEP participation rate included students who participated in the state assessments and those who did not participate for any reason in its calculation. The Colorado IEP accountability participation rate included the same students as the OSEP accountability participation rate, however, it excluded the following students from the denominator: students who had excuses deemed allowable by the CDE and students who did not participate due to parental opt-outs.

When an AU's Colorado IEP accountability participation rate was 95% or more, the AU received 3 points. Otherwise, the AU received 0 points. The participation rates for ELA and Math were calculated separately.

$$OSEP\ Participation\ Rate = \frac{\text{Participated}}{\text{Participated} + \text{Excused} + \text{Parent Optout} + \text{Unexcused}}$$

$$CO\ IEP\ Participation\ Rate = \frac{\text{Participated}}{\text{Participated} + \text{Unexcused}}$$

Regular Assessment Mean Scale Score

Students with disabilities who received a valid test score from the CMAS were included in the calculation of mean scale score (MSS). Students' scale scores were averaged at the AU-level, ranked across the state to indicate AU's percentile. AU's ELA percentiles of 55, for example, means that the AU's ELA MSS was above 55% of all AUs (63 AUs) in the state. The AU in which the student participated in the assessment in the 2022-23 SY were accountable for the student's scale score. The regular assessment mean scale score was assigned the possible eligible points of 9 for ELA and Math respectively. The rubric was developed based on the scoring method discussed under "Common Calculation Rules" above.

	0 points	3 points	6 points	9 points
ELA	MSS < 693.6	693.6 ≤ MSS < 701.9	701.9 ≤ MSS < 712	712 ≤ MSS
Math	MSS < 694.2	694.2 ≤ MSS < 701.1	701.1 ≤ MSS < 711.8	711.8 ≤ MSS

In addition to the MSS of students with disabilities, the MSS for "IEP Exiter" and "Combined" are also provided. The AU's percentiles and the points were awarded based on the MSS of students currently on IEPs. However, the results matrix work group found the MSS of "IEP Exiters" and "Combined" to be informative and recommended that such information be available on the current determination. An "IEP Exiter" refers to the students who were reported as students *without* disabilities in the regular state assessment of the 2022-23 SY and were previously reported as students with disabilities in the 2022-, 2021-, or 2020-December Count. These students were formerly on an IEP during the 3 years prior to the current assessment year. "Combined" refers to students who were reported as students on an IEP during the regular state assessment of the 2022-23 SY and those considered as "IEP Exiters."

Alternate Assessment Proficiency Rate (Part of Indicator 3C)

Students with disabilities grades 3-8 who had a valid test score from the Colorado Alternate Assessment (CoAlt) were included in the calculation of the Alternate Assessment Proficiency Rate. The number of students who achieved proficiency ("At Target" or "Advanced" on the CoAlt) were divided by the total number of CoAlt takers. The proficiency rates were ranked across the state to indicate the AU's percentile. The AU in which the student participated in the assessment in the 2022-23 SY were accountable for the student's proficiency. The alternate assessment proficiency rate was assigned the possible eligible points of 6 for ELA and Math respectively. The rubric was developed based on the scoring method discussed under "Common Calculation Rules" above.

	0 points	2 points	4 points	6 points
ELA	Prof ≤ 17.9%	17.9% ≤ Prof < 31.6%	31.6% ≤ Prof < 48.8%	48.8% ≤ Prof
Math	Prof ≤ 6.9%	6.9% ≤ Prof < 14.1%	14.1% ≤ Prof < 26.7%	26.7% ≤ Prof

Preschool Skills (Indicator 7)

The preschool skills consisted of three expected outcomes:
A. Positive social-emotional skills
B. Acquisition and use of knowledge and skills
C. Use of appropriate behaviors to meet their needs.
Each outcome includes two summary statements:

1. Growth - Of the children who entered the program below age expectations, the percent who substantially increased their rate of growth by the time they exited the program.
2. Achievement - Of the children who entered the program below age expectations, the percent of children who were functioning within age expectations by the time they exited the program.

The data used for this indicator comes from one of three CDE-approved progress monitoring instruments: *GOLD®* by Teaching Strategies, COR Advantage by HighScope, or AEPS (Assessment Evaluation Programming System for Infants and Children.) The percentage for each outcome and summary statement was ranked across the state to indicate AU's percentile. Each summary statement was assigned possible eligible points of 1.5. The rubric was developed based on the scoring method discussed under "Common Calculation Rules" above.

	0 points	0.5 points	1.0 points	1.5 points
A Growth	A1 ≤ 73.9%	73.9% ≤ A1 < 82%	82% ≤ A1 < 91.5%	91.5% ≤ A1
A Achievement	A2 ≤ 59.6%	59.6% ≤ A2 < 67.5%	67.5% ≤ A2 < 82.8%	82.8% ≤ A2
B Growth	B1 ≤ 72.1%	72.1% ≤ B1 < 80.4%	80.4% ≤ B1 < 91.2%	91.2% ≤ B1
B Achievement	B2 ≤ 55.9%	55.9% ≤ B2 < 69.3%	69.3% ≤ B2 < 81.8%	81.8%≤ B2
C Growth	C1 ≤ 66.7%	66.7% ≤ C1 < 76.2%	76.2% ≤ C1 < 86.6%	86.6% ≤ C1
C Achievement	C2 ≤ 61.8%	61.8% ≤ C2 < 71.4%	71.4% ≤ C2 < 86%	86% ≤ C2

Academic Growth

The Academic Growth section is worth 50% of the Results Score (150 out of 300 total points).

Median Growth Percentile

The students were required to have test scores from the regular state assessment for at least 2 years including the current year to receive a valid Student Growth Percentile. We calculated the median of all the Student Growth Percentiles of students with disabilities in the AU and ranked them across the state. The minimum n-size for Median Growth Percentile was 20. The AU in which the student participated in the regular state assessment in the 2022-23 SY was accountable for the student's growth percentile. The Median Growth Percentile was assigned possible eligible points of 15 for ELA and Math respectively. The rubric was developed based on the scoring method discussed under "Common Calculation Rules" above.

	0 points	5 points	10 points	15 points
ELA	MGP ≤ 33	33 ≤ MGP < 39.1	39.1 ≤ MGP < 47	47 ≤ MGP
Math	MGP ≤ 34.5	34.5 ≤ MGP < 40.7	40.7 ≤ MGP < 47	47 ≤ MGP

Rise Up and Keep Up (no data available)

Rise Up refers to students on IEPs who are currently not meeting the grade-level expectations on the regular state assessments and are on track to move from one achievement category to the next category within the next three years or by tenth grade. Keep Up refers to students on IEPs who previously met grade-level expectations on the regular state assessments and have demonstrated enough growth in the past year to maintain proficiency over three years or until tenth grade. These data are no longer available, therefore the Rise Up and Keep Up calculations could not be completed. We awarded 30 points out of 45 possible eligible points for Rise Up and 10 points out of 15 possible eligible points for Keep Up to all AUs for ELA and MATH respectively for the 2024 Results Matrix.

Postsecondary & Workforce Readiness

The Postsecondary and Workforce Readiness section is worth 35% of the Results Score (105 points out of 300 total points).

Graduation Rate

The data collected from school districts in the 2022-23 SY Student End of Year data collection was used for this calculation. Cohort graduation rates were used to calculate the graduation rates. The Results Matrix considers the AU's best of a 4-, 5-, 6-, or 7-year cohort graduation rate, and uses the best rate to determine the percentile relative to other AUs. For more information, see CDE's Graduation Statistics Webpage. Students reported to have IEPs at any point during their high school careers are included in the calculation. The graduation rate was assigned the possible total points eligible of 21. The rubric was developed based on the scoring method discussed under "Common Calculation Rules" above.

	0 points	7 points	14 points	21 points
Grad	Grad ≤ 66.9%	66.9% ≤ Grad < 79.2%	79.2% ≤ Grad < 92.3%	92.3% ≤ Grad

IEP Dropout Exiter Rate (Indicator 2)

IEP Dropout Exiter Rate was calculated based on the 2022-23 SY Special Education End of Year data collection. Students with disabilities who were between the ages of 14 and 21 at the time of exiting school with IEPs were included in the calculation. Details on Indicator 2 can be found on the website. The IEP Dropout Exiter Rate was assigned possible total points eligible of 42. The rubric was developed based on the scoring method discussed under "Common Calculation Rules" above.

	0 points	14 points	28 points	42 points
Dropout	Drop ≥ 34.2%	34.2% > Drop ≥ 19%	19% > Drop ≥ 6.5%	6.5% ≥ Drop

Post-School Outcomes (Indicator 14)

Post-School Outcomes (PSO) were based on the results of the summer 2023 interviews conducted by the AUs. The Contacts Attempted rate reflects the percent of students whom the AU attempted to call among all students who were selected for the post-school outcome interviews. Points were earned as follows:

- 100% Contacts Attempted = 6 points
- Less than 100% = 0 points

The participation rate reflects the percent of students who participated in the interview among all students who were preselected for the interview and did not go back to high school or were deceased. Points were earned as follows:

- 60% or greater Participation Rate = 6 points
- Less than 60% = 0 points

The engagement rate indicated the percent of students who participated in the interview and were engaged in any of the following:

- Enrolled in higher education,
- Enrolled in some other post-secondary education or training program,
- Competitively employed, or
- In some other employment.

The engagement rate was assigned the possible total points eligible of 30. The rubric was developed based on the scoring method discussed under “Common Calculation Rules” above.

	0 points	10 points	20 points	30 points
Engaged	Engaged ≤ 59.8%	59.8% ≤ Engaged < 75.3%	75.3% ≤ Engaged < 91.5%	91.5% ≤ Engaged

Results Score

The subsections of Academic Achievement, Academic Growth, Postsecondary and Workforce Readiness are worth 45 points, 150 points, and 105 points respectively, thus the total Results Score is 300. When an AU’s total eligible points for a specific subsection was less than the points allocated for the subsection, the AU’s earned points were adjusted accordingly before being summed with the rest of the subsections. The Results Score reflects the points earned divided by points eligible times 100.

SPECIAL CONDITIONS

Special Conditions include issues related to the AUs' compliance with the IDEA.

These issues determine the level of the AU's Determination independent of their Compliance Score or Results Score. For example, failure to correct identified noncompliance in 365 days or non-timely compliance with the remedies issued in a state complaint could lower the level of AU Determination by one level from what would otherwise be based on the Compliance and Results Scores (e.g., Meets Requirement becomes Needs Assistance). Findings in an unresolved fiscal single audit could lower the level of AU Determination by one level from what would otherwise be based on the Compliance and Results Scores, and the findings for more than two consecutive years would result in the AU Determination of Needs Intervention. The issue and its corresponding appropriate AU Determination would be determined on an as-needed basis.

AU OVERALL PERCENTAGE AND AU DETERMINATION

The AU Overall Percentage was calculated based on the Compliance Score and the Results Score. The Compliance Score and the Results Score are both weighted at 50% to calculate the AU Percentage for the 2024 AU Determination unless specified otherwise due to Special Conditions. The AU Determination is the official and final determination that CDE uses to fulfill the federal reporting requirements under Section 618 of the IDEA. The following rubric was applied to the AU Percentages to make the AU Determinations:

1) Meets Requirements: if the Overall Percentage is at least 73%,
2) Needs Assistance: if the Overall Percentage is at least 58% but less than 73%,
3) Needs Intervention: if the Overall Percentage is less than 58%,
4) Needs Substantial Intervention: for a substantial failure to comply with a condition of AU eligibility under Part B of the IDEA 34 C.F.R. § 300.200-300.213

ENFORCEMENT

The State is required to take certain enforcement action(s) if an AU needs assistance for two consecutive years, needs intervention for three or more consecutive years, or at any time the State determines that an AU needs substantial intervention or that there is a substantial failure to comply with any Part B eligibility condition or Part C requirement. 34 C.F.R. § 300.604

For more information on enforcement actions that a State must, or may impose under IDEA, please see pages 34-36 of OSEP QA 23-01.