



NECounts and District Annual Determination

*Improving Outcomes for Children and Youth with Disabilities
(Ages 3 through 21)*

This technical guide outlines the processes the Nebraska Department of Education (NDE), Office of Special Education proposes to use for NECounts and district annual determinations in 2024.

May 2024

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Overview

NDE is required to make an annual determination on the performance of each school district under and consistent with Part B of the IDEA. [20 U.S.C. § 1416\(a\), \(e\)](#). NDE makes this district annual determination using both outcome and compliance data. NDE is also required to assess each school district for risk under the Uniform Grant Guidance, determining the school district's risk of noncompliance with federal statutes and regulations and whether the school district may not achieve intended outcomes with federal special education dollars. [2 C.F.R. § 200.332](#). NDE fulfills this requirement through a process called NECounts. Beginning with the 2023 NECounts and district annual determination NDE combined the data analysis, technical assistance, and monitoring of NECounts and district annual determinations into one process.

Following is an explanation of each data category for NECounts and district annual determination, how NDE analyzes the data, and the monitoring and technical assistance NDE provides based on NECounts and district annual determination. NDE generally uses the most recent data available at the time of calculating NECounts and district annual determination but will make exceptions to that when needed and will clearly indicate which data year it uses for each category.

Calculations Explanation

For each data category, NDE first assigns a score based on risk of not achieving objectives. Many of the data categories are a district's performance on an indicator from the State Performance Plan and Annual Performance Report as compared to the state target for that indicator.

- 0 is No Risk
- 1 is Low Risk
- 2 is Medium Risk
- 3 is High Risk
- N/A means that district was not measured in that category in the relevant data year. For example, Correction of Noncompliance is based on whether a district corrected certain noncompliance as required and within a certain timeline. Not all districts have been identified with the noncompliance identified in this category. Districts not identified with the specific noncompliance do not receive a Risk score.

Not all Risk scores are used in each category. For each data category, NDE will be clear about which Risk scores are used and the measurement for each. If a data category contains multiple subcategories, NDE calculates a composite score for the entire category and assigns a Risk score based on the composite score.

Once each district has been assigned a risk score for each data category, NDE then applies a weight to each category. The weight is intended to highlight NDE's focus on particular categories, prioritizing improvement in particular areas. NDE uses 1, 2, or 3 as weights and applies the weight by multiplying the district's score in each category by the weight for each category. After applying the weight to each category to determine the total score, NDE then adds the total scores together to get one total score per district.

NDE determines the denominator for each category for each district by determining the highest risk possible for the data category and multiplying it by the data category's weight. If a district was not measured in a given category in the relevant data year the denominator is N/A, just like the Risk score for the data category. Returning to the Correction of Noncompliance example, not

all districts have been identified with the specific noncompliance for the relevant data year so the denominator for districts not monitored in a given year is N/A. NDE then adds the denominator for each data category to get a total denominator for each district.

NDE then divides each district's total score by each district's total denominator, obtaining a percentage risk score for each district. A higher percentage risk score means a district is at higher risk of federal dollars not achieving intended outcomes. A lower percentage risk score means a district is at lower risk of federal dollars not achieving intended outcomes. NDE then sorts all districts by total percentage score to determine the monitoring and technical assistance each district needs.

Data Categories

Chronic Absenteeism for Students with IEPs

Data Description: Students with IEPs who were absent, meaning not physically on school grounds and not participating in instruction or instruction-related activities at an approved off-grounds location, for at least half the school day. NDE calculates a percentage by dividing the number of chronically absent students with IEPs by the number of students with an IEP in the district.

Data Year: SY 2022–23

Data Source: Your district's attendance data as uploaded to ADVISER

Risk Scores and Measurements:

- 0 = No students with disabilities were chronically absent
- 1 = Less than 10% of SWD were chronically absent
- 2 = 10.00%–29.99% of SWD were chronically absent
- 3 = 30% or more of SWD were chronically absent

Weight: 2

Denominator: 6

Correction of Noncompliance

Data Description: Whether a district corrected identified noncompliance with compliance indicators (Indicators 4B, 9, 10, 11, 12, and 13) pursuant to [OSEP QA 23-01, dated July 24, 2023](#), requirements

Data Year: NDE findings from SY 2021–22

Data Source: NDE findings and follow-up for districts with identified noncompliance with Indicators 4B, 9, 10, 11, 12, and/or 13

Risk Scores and Measurements:

- 0 = District corrected identified noncompliance with compliance indicators (Indicators 4B, 9, 10, 11, 12, and 13) pursuant to requirements from OSEP QA 23-01
- 3 = District did not correct identified noncompliance with compliance indicators (Indicators 4B, 9, 10, 11, 12, and 13) pursuant to requirements from OSEP QA 23-01
- N/A = District did not have identified noncompliance with compliance indicators

Weight: 3

Denominator: N/A or 9

Fiscal Desk Review: Special Education Findings and Grants Management

Data Description: NDE's fiscal review for all subrecipients that meet certain criteria. Fiscal Desk Review reports and Management Decision Letters distinguish special education findings.

Data Year: 2023 calendar year

Data Source: NDE Office of Budget & Grants Management Fiscal Desk Review reports

Risk Scores and Measurements:

- 0 = District had a Fiscal Desk Review, but no special education findings
- 3 = District had a Fiscal Desk Review and had one or more special education findings and/or was issued a Management Decision Letter
- N/A = District did not have a Fiscal Desk Review.

Weight: 1

Denominator: N/A or 3

Indicator 1: Graduation

Data Description: Percent of youth with IEPs exiting special education due to graduating with a regular high school diploma.

Data Year: SY 2022–23

Data Source: Exiting Graduation Data from NSSRS/ADVISOR

Risk Scores and Measurements:

- 0 = 100% of youth with IEPs in the district exited special education due to graduating with a regular high school diploma
- 1 = 99.9%–87.85% of youth with IEPs in the district exited special education due to graduating with a regular high school diploma
- 2 = 87.84%–77.84% of youth with IEPs in the district exited special education due to graduating with a regular high school diploma
- 3 = 77.83%–0% of youth with IEPs exited special education due to graduating with a regular high school diploma
- N/A = This does not apply to your district because your district reported zero potential graduates.

Weight: 2

Denominator: N/A or 6

Indicator 2: Drop Out

Data Description: Percent of youth with IEPs who exited special education due to dropping out.

Data Year: SY 2022–23

Data Source: Exiting Graduation Data from NSSRS/ADVISOR

Risk Scores and Measurements:

- 0 = 0% youth with IEPs in the district exited special education due to dropping out
- 1 = 0.01%–6.80% youth with IEPs in the district exited special education due to dropping out
- 2 = 6.82%–12.81% youth with IEPs in the district exited special education due to dropping out
- 3 = 12.82%–100% youth with IEPs in the district exited special education due to dropping out
- N/A = This does not apply to your district because your district reported no youth ages 14–21 with IEPs.

Weight: 3

Denominator: N/A or 9

Indicator 3: Participation rate, Proficiency rate against grade level and alternate academic achievement standards, and Gap in proficiency rates against grade level in math

Data Description:

- NDE calculates one composite score for math.
- Some districts do not have any fourth or eighth graders or third-year high school students take the alternate assessment. To account for this NDE calculates the composite score for math as a percentage of each data element where the State target is met as compared to the data elements available for that district to meet State targets.
- State targets for the relevant Data Year are:
 - Indicator 3A: Participation for Children with IEPs
 - At least 95.00% of children with IEPs in the district participated in the state math assessment.
 - Indicator 3B: Proficiency rate for children with IEPs against grade level academic achievement standards
 - At least 21.33% of fourth graders with IEPs, 14.35% of eighth graders with IEPs, and 10.53% of third-year high school students with IEPs were proficient on the state math assessment.
 - Indicator 3C: Proficiency rate for children with IEPs against alternate academic achievement standards
 - At least 44.02% of fourth graders with IEPs, 44.55% of eighth graders with IEPs, and 36.52% of third-year high school students with IEPs were proficient on the state math alternate assessment.
 - Indicator 3D: Gap in proficiency rates for children with IEPs and all students against grade level academic achievement standards
 - The gap in proficiency rate between all students scoring at or above proficient and students with IEPs scoring at or above proficient on the state math assessment is no more than 24.33% for fourth graders, 30.93% for eighth graders, and 35.13% for third-year high school students.

Data Year: SY 2022–23

Data Source: NSCAS

Risk Scores and Measurements:

- 0 = District met all relevant State targets
- 1 = District met 75% or more of relevant State targets
- 2 = District met 50%–74.99% of relevant State targets
- 3 = District met less than 50% of relevant State targets
- N/A = District did not report any students with IEPs as taking the state math assessment or state alternate math assessment.

Weight: 2

Denominator: N/A or 6

Indicator 3: Participation rate, Proficiency rate against grade level and alternate academic achievement standards, and Gap in proficiency rates against grade level in reading

Data Description:

- NDE calculates one composite score for reading.

- Some districts do not have any fourth or eighth graders or third-year high school students take the alternate assessment. To account for this NDE calculates the composite score for reading as a percentage of each data element where the State target is met as compared to the data elements available for that district to meet State targets.
- State targets for the relevant Data Year are:
 - Indicator 3A: Participation for Children with IEPs
 - At least 95.00% of children with IEPs in the district participated in the state reading assessment.
 - Indicator 3B: Proficiency rate for children with IEPs against grade level academic achievement standards
 - At least 25.02% of fourth graders with IEPs, 17.52% of eighth graders with IEPs, and 11.63% of third-year high school students with IEPs were proficient on the state reading assessment.
 - Indicator 3C: Proficiency rate for children with IEPs against alternate academic achievement standards
 - At least 45.94% of fourth graders with IEPs, 34.09% of eighth graders with IEPs, and 44.16% of third-year high school students with IEPs were proficient on the state reading alternate assessment.
 - Indicator 3D: Gap in proficiency rates for children with IEPs and all students against grade level academic achievement standards
 - The gap in proficiency rate between all students scoring at or above proficient and students with IEPs scoring at or above proficient on the state reading assessment is no more than 28.68% for fourth graders, 33.07% for eighth graders, and 36.32% for third- year high school students.

Data Year: SY 2022–23

Data Source: NSCAS

Risk Scores and Measurements:

- 0 = District met all relevant State targets
- 1 = District met 75% or more of relevant State targets
- 2 = District met 50%–74.99% of relevant State targets
- 3 = District met less than 50% of relevant State targets
- N/A = District did not report any students with IEPs as taking the state math assessment or state alternate math assessment.

Weight: 3

Denominator: N/A or 9

Indicator 4B: Suspension/Expulsion

Data Description: District with 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 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.

Data Year: SY 2022–23

Data Source: End of Year Snapshot (July) NSSRS/Advisor

Risk Scores and Measurements:

- 0 = District did not have a significant discrepancy
- 1 = District had a significant discrepancy for one single year, no consecutive years, and NDE review determined district policies, procedures, or practices did not contribute to the significant discrepancy and met legal requirements
- 2 = District had a significant discrepancy for two or more consecutive years and NDE review determined district policies, procedures, or practices did not contribute to the significant discrepancy and met legal requirements
- 3 = District had a significant discrepancy and NDE review determined district policies, procedures, or practices contributed to the significant discrepancy and did not meet legal requirements

Weight: 1

Denominator: 3

Indicator 5: Education Environments (children 5 (Kindergarten) – 21)

Data Description:

- Percent of children with IEPs aged 5 who are enrolled in kindergarten and 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.
- NDE calculates a composite score based on whether the district met State targets for Indicator 5A, 5B, and 5C (three components).
- State targets for the relevant Data Year are:
 - A. At least 81.47% of children with IEPs aged 5 who are enrolled in kindergarten and aged 6 through 21 are served inside the regular class 80% or more of the day;
 - B. No more than 5.43% of children with IEPs aged 5 who are enrolled in kindergarten and aged 6 through 21 are served inside the regular class less than 40% of the day; and
 - C. No more than 2.24% of children with IEPs aged 5 who are enrolled in kindergarten and aged 6 through 21 are served in separate schools, residential facilities, or homebound/hospital placements.

Data Year: SY 2022–23

Data Source: October 1 Child count due in NSSRS/Advisor October 15

Risk Scores and Measurements:

- 0 = District met Indicator 5A, 5B, and 5C targets
- 2 = District met two of three Indicator 5A, 5B, and 5C targets
- 3 = District met one of three Indicator 5A, 5B, and 5C targets or did not meet any Indicator 5A, 5B, and 5C targets

Weight: 3

Denominator: 9

Indicator 6: Preschool Environments

Data Description:

- Percent of children with IEPs aged 3, 4, and aged 5 who are enrolled in a preschool

program attending a:

- A. Regular early childhood programs and receiving the majority of special education and related services in the regular early childhood program;
- B. Separate special education class, separate school, or residential facility; and
- C. Receiving special education and related services in the home.
- NDE calculates a composite score based on whether the district met State targets for Indicator 6A, 6B, and 6C for children with IEPs aged 3, 4, and aged 5 who are enrolled in a preschool program (nine components).
- State targets for the relevant Data Year are:
 - A. At least 66.45% of three-year-olds with IEPs, 82.65% of four-year-olds with IEPs, and 78.83% of five-year-olds with IEPs are enrolled in a preschool program attending a regular early childhood program and receiving the majority of special education and related services in the regular early childhood program;
 - B. No more than 4.01% of three-year-olds with IEPs, 2.50% of four-year-olds with IEPs, and 2.58% of five-year-olds with IEPs are enrolled in a preschool program attending a separate special education class, separate school or residential facility; and
 - C. No more than 19.16% of three-year-olds with IEPs, 6.96% of four-year-olds with IEPs, and 6.43% five-year-olds with IEPs are receiving special education and related services in the home.

Data Year: SY 2022–23

Data Source: October 1 Child count due in NSSRS/Advisor October 15

Risk Scores and Measurements:

- 0 = District met all applicable components
- 1 = District met two-thirds of the applicable components
- 2 = District met one-third of the applicable components
- 3 = District met less than one-third of the applicable components
- N/A = District reported no three, four, or five-year-olds with IEPs

Weight: 3

Denominator: N/A or 9

Indicator 7: Preschool Outcomes

Data Description:

- 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.
- NDE calculates a composite score based on whether the district met State targets for Indicator 7A1, 7A2, 7B1, 7B2, 7C1, and 7C2 (six components). Some districts do not have any preschool children that enter the program below age expectations in a given outcome. To account for this NDE calculates the composite score as a percentage of each data element met as compared to the data elements available for that district to meet.
- State targets for the relevant Data Year are:

- A1. Of those children who entered or exited the preschool program below age expectations in positive social-emotional skills (including social relationships), at least 57.20% substantially increased their rate of growth by the time they turned six or exited the preschool program;
- A2. At least 60.00% of preschool children functioning within age expectations in positive social-emotional skills (including social relationships) by the time they turned six or exited the preschool program;
- B1. Of those children who entered or exited the preschool program below age expectations in acquisition and use of knowledge and skills (including early language/ communication and early literacy), at least 62.20% substantially increased their rate of growth by the time they turned six or exited the preschool program;
- B2. At least 55.40% of preschool children functioning within age expectations in acquisition and use of knowledge and skills (including early language/ communication and early literacy) by the time they turned six or exited the preschool program;
- C1. Of those children who entered or exited the preschool program below age expectations in use of appropriate behaviors to meet their needs, at least 58.10% substantially increased their rate of growth by the time they turned six or exited the preschool program; and
- C2. At least 64.10% of preschool children functioning within age expectations in use of appropriate behaviors to meet their needs by the time they turned six or exited the preschool program.

Data Year: SY 2022–23

Data Source: TS Gold system

Risk Scores and Measurements:

- 0 = District met all relevant State targets
- 1 = District met at least 75% of applicable State targets
- 2 = District met 50%–74.99% of applicable State targets
- 3 = District met less than 50% of applicable State targets
- N/A = District did not report any data for preschool children aged 3 through 5 with IEPs

Weight: 2

Denominator: N/A or 6

Indicator 9: Disproportionate Representation

Data Description: District with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

Data Year: SY 2022–23

Data Source: October 1 Child count due in NSSRS/Advisor October 15

Risk Scores and Measurements:

- 0 = District did not have disproportionate representation of racial and ethnic groups in special education
- 1 = District had disproportionate representation of racial and ethnic groups in special education for one single year, no consecutive years, and NDE review of district policies, procedures, and practices determined that the disproportionate representation was not the result of inappropriate identification.
- 2 = District had disproportionate representation of racial and ethnic groups in special

education for two or more consecutive years and NDE review of district policies, procedures, and practices determined that the disproportionate representation was not the result of inappropriate identification

- 3 = District had disproportionate representation of racial and ethnic groups in special education and NDE review of district policies, procedures, and practices determined that the disproportionate representation was the result of inappropriate identification

Weight: 1

Denominator: 3

Indicator 10: Disproportionate Representation in Specific Disability Categories

Data Description: District with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

Data Year: SY 2022–23

Data Source: October 1 Child count due in NSSRS/Advisor October 15

Risk Scores and Measurements:

- 0 = District did not have disproportionate representation in specific disability categories
- 1 = District had disproportionate representation in specific disability categories for one single year, no consecutive years, and NDE review of district policies, procedures, and practices determined that the disproportionate representation was not the result of inappropriate identification.
- 2 = District had disproportionate representation in specific disability categories for two or more consecutive years and NDE review of district policies, procedures, and practices determined that the disproportionate representation was not the result of inappropriate identification.
- 3 = District had disproportionate representation in specific disability categories and NDE review of district policies, procedures, and practices determined that the disproportionate representation was the result of inappropriate identification.

Weight: 2

Denominator: 6

Indicator 11: Child Find

Data Description: Children evaluated more than 45 school days or 60 calendar days of receiving parental consent for initial evaluation.

Data Year: SY 2022–23

Data Source: Indicator 11 data collection in ILCD

Risk Scores and Measurements:

- 0 = All children evaluated within 45 school days or 60 calendar days of receiving parental consent for initial evaluation
- 3 = Any number of children evaluated more than 45 school days or 60 calendar days of receiving parental consent for initial evaluation, or the district did not submit Indicator 11 data by the deadline.

Weight: 2

Denominator: 6

Indicator 12: Early Childhood Transition

Data Description: 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.

Data Year: SY 2022–23

Data Source: Indicator 12 data collection in ILCD

Risk Scores and Measurements:

- 0 = All children referred by Part C prior to age 3, were determined eligible for Part B, and had an IEP developed and implemented by their third birthdays, including children whose parents chose to continue early intervention services until the end of the school year in which the child turns 3 (August 31).
- 3 = One or more children referred by Part C prior to age 3, who are determined eligible for Part B, and who did not have an IEP developed and implemented by their third birthdays, including children whose parents did not choose to continue early intervention services until the end of the school year in which the child turns 3 (August 31).

Weight: 1

Denominator: 3

Indicator 13: Secondary Transition

Data Description: Youth with IEPs aged 14 and above with:

- An IEP that includes:
 - Appropriate measurable postsecondary goals that are annually updated and based upon age-appropriate transition assessments;
 - 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.
- Evidence that:
 - The student was invited to the IEP Team meeting where transition services are to be discussed and
 - If appropriate, a representative of any participating agency that is likely to be responsible for providing or paying for transition services, including, if appropriate, pre-employment transition services, was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.

Data Year: SY 2022–23

Data Source: NDE Indicator 13 district monitoring in ILCD

Risk Scores and Measurements:

- 0 = All youth with IEPs aged 14 and above that NDE reviewed in Indicator 13 monitoring have IEPs that contain each of the required components for secondary transition
- 1 = 66.67%–99.99% of youth with IEPs aged 14 and above that NDE reviewed in Indicator 13 monitoring have IEPs that contain each of the required components for secondary transition
- 2 = 33.34%–66.66% of youth with IEPs aged 14 and above that NDE reviewed in Indicator 13 monitoring have IEPs that contain each of the required components for secondary transition
- 3 = 33.33% or less of youth with IEPs aged 14 and above that NDE reviewed in

Indicator 13 monitoring have IEP that contain each of the required components for secondary transition

Weight: 2

Denominator: 6

Maintenance of Effort

Data Description: In the years 2019–20, 2020–21, and 2021–22 did the district meet maintenance of effort?

Data Year: 2019–20, 2020–21, and 2021–22

Data Source: Reports from the specific school year's Individuals with Disabilities Education Act (IDEA) Part B Maintenance of Effort (MOE) For Compliance Standard, system generated report is maintained on a school year Summary worksheet.

Risk Scores and Measurements:

- 0 = District met MOE compliance standard in all three years
- 2 = District met MOE compliance standard in two of the three years
- 3 = District met MOE compliance in one or zero of the three years, or the district did not submit MOE data for one or more of the prior three years
- N/A = District did not report MOE for relevant years because it is considered a new local education agency

Weight: 2

Denominator: N/A or 6

State Complaint Filings and Findings

Data Description: Did the district have special education state complaints filed against it and did a complaint investigation make findings of violations of special education law for an individual child (or children) or systemic findings.

Data Year: State complaints filed between July 1, 2022–June 30, 2023

Data Source: NDE maintains data on all state complaints filings and findings

Risk Scores and Measurements:

- 0 = District had no state complaints filed against it
- 1 = District had at least one state complaint filed, but no findings
- 2 = District had at least one state complaint filed, and findings related to an individual child or children
- 3 = District had at least one complaint filed and systemic findings

Weight: 3

Denominator: 9

Targeted Improvement Plan (TIP)

Data Description:

- Did the TIP the district submitted May 1, 2023, include:
 - Summarized and uploaded:
 - Updated student outcome data;
 - Implementation data;
 - A measurable goal;
 - An explanation for the rating of the district's selected evidence-based

- strategy;
- o An explanation for the rating of MTSS implementation; and
- o A description of changes made to the TIP based on data.

Data Year: SY 2022–23

Data Source: TIP Spring Update 2023 Review Rubric in ILCD

Risk Scores and Measurements:

- 0 = District addressed each of the areas required with its TIP submission
- 1 = District addressed all but one of the areas required with its TIP submission
- 2 = District addressed all but two or three of the areas required with its TIP submission
- 3 = District did not address four or more of the areas required with its TIP submission or did not submit a TIP in spring 2023

Weight: 3

Denominator: 9

Timely, Accurate, and Complete IDEA Data

Data Description: Timely: Submitted by deadline

Accurate: Does not need correction

Complete: Is not missing any required parts

Total of 10 possible points.

Data Year: SY 2022–23

Data Source:

- Timely (6 points):
 - o Indicator 11: Child Find
 - o Maintenance of Effort Compliance
 - o Maintenance of Effort Eligibility
 - o SPEDFRS: Final Financial for Transportation, birth to five, School Age
 - o Submitting a Justification for Percentage of Students Taking the Alternate Assessment
 - o Targeted Improvement Plan Submission
- Accurate (3 points):
 - o IDEA Annual Child Count (ADVISER Fall Collection)
 - o Maintenance of Effort Eligibility
 - o Submitting a Justification for Percentage of Students Taking the Alternate Assessment
- Complete (1 point):
 - o Targeted Improvement Plan

Risk Scores and Measurements:

- 0 = District submitted all relevant data sources on time, accurately, and completely
- 1 = District earned more than 90% of possible points for timeliness, accuracy, and completeness
- 2 = District earned more than 80% of possible points for timeliness, accuracy, and completeness
- 3 = District earned less than 80% of possible points for timeliness, accuracy, and completeness
- Weight: 3

Levels of Determination

Level of Determination	Risk Score Range	Actions
Meets Requirements	0–25% of possible risk points	<ul style="list-style-type: none">• NDE will notify the district of its determination and the data used to make the determination.• NDE will apply its monitoring protocol to all districts to consider conducting a special education monitoring of the district focused on compliance and student outcomes.

Level of Determination	Risk Score Range	Actions
Needs Assistance	25.1–39.9% of possible risk points	<ul style="list-style-type: none"> • NDE will notify the district of its determination and the data used to make the determination. • NDE must prohibit the LEA from reducing its maintenance of effort under 34 C.F.R. § 300.203 for any fiscal year. 34 C.F.R. § 300.608(a). • NDE will inform district of available technical assistance which may include: <ul style="list-style-type: none"> ○ Advice from experts to address one or more areas of high risk, based on the NECounts data analysis; ○ Assistance in identifying and implementing professional development, instructional strategies and methods of instruction that are based on scientifically based research; ○ Designating and using professionals to provide advice, technical assistance, and support; ○ Devising additional approaches to providing technical assistance, such as collaborating with institutions of higher education, educational service agencies, and private providers of scientifically based technical assistance. • NDE will apply its monitoring protocol to consider conducting a special education monitoring of the district focused on compliance and student outcomes. • NDE may require the district to submit an Improvement Plan to address one or more areas of high risk, based on the NECounts data analysis. • NDE may require the district to revisit/revise its Targeted Improvement Plan (TIP) to address one or more areas of high risk, based on the NECounts data analysis. <p>If NDE determines that an LEA needs assistance for two consecutive years, NDE must take one or more of the following actions:</p> <ul style="list-style-type: none"> • Advise the LEA of available sources of TA that may help the LEA address the areas in which the LEA needs assistance and require the LEA to work with the appropriate sources of TA. 34 C.F.R. § 300.604(a)(1). • Identify the LEA as a high-risk grantee and impose Specific Conditions on the LEA's IDEA Part B grant award. 34 C.F.R. § 300.604(a)(3).

Level of Determination	Risk Score Range	Actions
Needs Intervention	40–75% of possible risk points	<ul style="list-style-type: none"> • NDE will notify the district of its determination and the data used to make the determination. • NDE may take any of the actions described in the Level of Determination Needs Assistance. • NDE will provide multiple opportunities to engage in professional development and targeted support activities. • NDE may conduct a special education fiscal compliance review. <p>If NDE determines that an LEA needs intervention for three or more consecutive years, NDE must take one or more of the following actions:</p> <ul style="list-style-type: none"> • Require the LEA to prepare a corrective action plan or improvement plan to correct the identified area(s). 34 C.F.R. § 300.604(b)(2)(i). • Withhold, in whole or in part, further payments under Part B to the LEA. 34 C.F.R. § 300.604(b)(2)(v).
Needs Substantial Intervention	75.1–100% of possible risk points	<ul style="list-style-type: none"> • NDE will notify the district of its determination and the data used to make the determination. • NDE may take any of the actions described in the Level of Determination Needs Assistance and Needs Intervention. • NDE may refer the LEA's accreditation status to the Nebraska State Board of Education. • NDE must withhold, (after reasonable notice and opportunity for a hearing, consistent with 34 C.F.R. §§ 300.155, 300.221, and 76.401(d)), in whole or in part, any further payments under IDEA Part B to the LEA. 34 C.F.R. §§ 300.604(c)(2).