



# 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 2023.

August 2023

It is the policy of the Nebraska Department of Education not to discriminate on the basis of gender, disability, race, color, religion, marital status, age, national origin, or genetic information in its education programs, administration, policies, employment, or other agency programs.

## Overview

NDE is required to make an annual determination on the performance of each school district under Part B of the IDEA, consistent with sections 616(a) and (e) of the IDEA. NDE proposes to continue making 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. Historically, NDE has fulfilled this requirement through a process called NECounts. NDE proposes to combine the data analysis, technical assistance, and monitoring of NECounts and district annual determinations into one process, beginning with the 2023 NECounts and district annual determination.

Following is an explanation of each data category proposed for the 2023 NECounts and district annual determination, how NDE proposes to analyze the data, and the monitoring and technical assistance NDE proposes to provide based on the 2023 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 weighting to each category. The weighting is intended to highlight NDE's focus on particular categories, prioritizing improvement in particular areas. NDE uses 1, 2, or 3 as weightings and applies the weighting by multiplying the district's score in each category by the weighting for each category. After applying the weighting 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 weighting. 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**

**Data Type:** 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 2021–22

**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

**Weighting:** 3

**Denominator:** 9

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**Data Type:** 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 2021–22

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

**Risk Scores and Measurements:**

- 0 = District did not have disproportionate representation
- 1 = District had disproportionate representation for one single year, no consecutive years, and NDE review determined it was not the result of inappropriate identification
- 2 = District had disproportionate representation for two or more consecutive years and NDE review determined it was not the result of inappropriate

- identification
- 3 = District had disproportionate representation and NDE review determined it was the result of inappropriate identification

**Weighting:** 1

**Denominator:** 3

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**Data Type:** 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 2021–22

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

**Risk Scores and Measurements:**

- 0 = District did not have disproportionate representation
- 1 = District had disproportionate representation for one single year, no consecutive years, and NDE review determined it was not the result of inappropriate identification
- 2 = District had disproportionate representation for two or more consecutive years and NDE review determined it was not the result of inappropriate identification
- 3 = District had disproportionate representation and NDE review determined it was the result of inappropriate identification

**Weighting:** 2

**Denominator:** 6

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**Data Type:** 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 2021–22

**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

**Weighting:** 2

**Denominator:** 6

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**Data Type:** 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 2021–22

**Data Source:** Indicator 12 data collection in ILCD

**Risk Scores and Measurements:**

- 0 = All 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
- 3 = Any number of children referred by Part C prior to age 3, who are found eligible for Part B, and who have not had an IEP developed and implemented by their third birthdays

**Weighting:** 1

**Denominator:** 3

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**Data Type:** 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 2021–22

**Data Source:** NDE district monitoring

**Risk Scores and Measurements:**

- 0 = NDE determined all components in all reviewed files of youth with IEPs aged 14 and above were compliant
- 1 = NDE determined that at least half of required components in reviewed files of youth with IEPs aged 14 and above were compliant
- 2 = NDE determined that at least one-third, but less than half of required components in reviewed files of youth with IEPs aged 14 and above were compliant
- 3 = NDE determined that less than one-third of required components in reviewed files of youth with IEPs aged 14 and above were compliant
- N/A = District not monitored for Indicator 13 in the relevant Data Year

**Weighting:** 2

**Denominator:** N/A or 6

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**Data Type:** Correction of Noncompliance

**Data Description:** Whether a district corrected identified noncompliance with compliance indicators (Indicators 4B, 9, 10, 11, 12, and 13) pursuant to requirements from OSEP Memorandum 09-02, dated October 17, 2008

**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 Memorandum 09-02
- 3 = District did not correct identified noncompliance with compliance indicators (Indicators 4B, 9, 10, 11, 12, and 13) pursuant to requirements from OSEP Memorandum 09-02
- N/A = District did not have identified noncompliance with compliance indicators

**Weighting:** 3

**Denominator:** N/A or 9

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**Data Type:** Timely, Accurate, and Complete Data Submission

**Data Description:** Timely: Submitted by deadline

Accurate: Does not need correction

Complete: Is not missing any required parts

**Data Year:** SY 2021–22

**Data Source:**

- Timely:
  - SPEDFRS: Final Financial for Transportation, birth to five, School Age
  - Indicator 11: Child Find
  - Maintenance of Effort Eligibility
  - Targeted Improvement Plan Submission
  - Maintenance of Effort Compliance
  - Proportionate Share
  - Submitting a Justification for Percentage of Students Taking the Alternate Assessment
- Accurate:
  - Maintenance of Effort Eligibility
- Complete:
  - Targeted Improvement Plan
  - Maintenance of Effort Compliance
  - Submitting a Justification for Percentage of Students Taking the Alternate Assessment

**Risk Scores and Measurements:**

- 0 = District submitted all relevant data sources on time, accurately, and completely
- 1 = District submitted all but one relevant data source on time, accurately, and completely
- 2 = District submitted all but two relevant data sources on time, accurately, and completely
- 3 = District submitted all but three or more relevant data sources on time, accurately, and completely

**Weighting:** 3

**Denominator:** 9

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**Data Type:** Fiscal Desk Review: Special Education Findings

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

**Data Year:** Calendar year 2022

**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

**Weighting:** 1

**Denominator:** N/A or 6

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**Data Type:** Indicator 1: Graduation

**Data Description:** Percent of youth with IEPs exiting special education due to graduating with a regular high school diploma. State target for the relevant Data Year is at least 77.85% of youth with IEPs exiting special education due to graduating with a regular high school diploma.

**Data Year:** SY 2021–22

**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%–77.85% of youth with IEPs in the district exited special education due to graduating with a regular high school diploma
- 3 = 77.84%–0% of youth with IEPs exited special education due to graduating with a regular high school diploma

**Weighting:** 2

**Denominator:** N/A or 6

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**Data Type:** Indicator 2: Drop Out

**Data Description:** Percent of youth with IEPs who exited special education due to dropping out. State target for the relevant Data Year is no more than 12.81% of youth with IEPs exiting special education due to dropping out.

**Data Year:** SY 2021–22

**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%–6.81% youth with IEPs in the district exited special education due to dropping out
- 2 = 6.80%–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

**Weighting:** 2

**Denominator:** N/A or 6

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

**Data Description:**

- NDE calculates one composite score for math and 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 math and 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 math assessment and state reading assessment.
  - Indicator 3B: Proficiency rate for children with IEPs against grade level academic achievement standards
    - At least 24.02% of fourth graders with IEPs, 16.52% of eighth graders with IEPs, and 10.63% of third-year high school students with IEPs were proficient on the state reading assessment.
    - At least 20.33% of fourth graders with IEPs, 13.35% of eighth graders with IEPs, and 9.53% 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 44.94% of fourth graders with IEPs, 33.09% of eighth graders with IEPs, and 43.16% of third-year high school students with IEPs were proficient on the state reading alternate assessment.
    - At least 43.02% of fourth graders with IEPs, 43.55% of eighth graders with IEPs, and 35.52% 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 reading assessment is no more than 29.68% for fourth graders, 34.07% for eighth graders, and 37.32% for third-year high school students.
    - 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 25.33% for



fourth graders, 31.93% for eighth graders, and 36.13% for third-year high school students.

**Data Year:** SY 2021–22

**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

**Weighting:** 3 for Reading and 2 for Math

**Denominator:** 9 for Reading and 6 for Math

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**Data Type:** 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 81.32% 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 5.44% 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 2.25% 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 2021–22

**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

**Weighting:** 1

**Denominator:** 3

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**Data Type:** 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 65.95% of three-year-olds with IEPs, 82.15% of four-year-olds with IEPs, and 78.73% 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 4.26% of three-year-olds with IEPs, 2.60% of four-year-olds with IEPs, and 2.78% 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 19.66% of three-year-olds with IEPs, 7.06% of four-year-olds with IEPs, and 6.63% five-year-olds with IEPs are receiving special education and related services in the home.

**Data Year:** SY 2021–22

**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 2/3 of the applicable components
- 2 = District met 1/3 of the applicable components
- 3 = District met less than 1/3 of the applicable components

**Weighting:** 1

**Denominator:** N/A or 3

**Data Type:** 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 56.95% substantially increased their rate of growth by the time they turned six or exited the preschool program;
  - A2. At least 59.75% 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 61.95% substantially increased their rate of growth by the time they turned six or exited the preschool program;
  - B2. At least 55.15% 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 57.85% substantially increased their rate of growth by the time they turned six or exited the preschool program; and
  - C2. At least 63.85% 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 2021–22

**Data Source:** TS Gold system

**Risk Scores and Measurements:**

- 0 = District met all relevant State targets
- 1 = District met at least 75% of relevant State targets
- 2 = District met 50%–74.99% of relevant State targets
- 3 = District met less than 50% of relevant State targets

**Weighting:** 3

**Denominator:** N/A or 9

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**Data Type:** 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, 2021–June 30, 2022

**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

**Weighting:** 3

**Denominator:** 9

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**Data Type:** Maintenance of Effort

**Data Description:** In the years 2018–19, 2019–20, and 2020–21 did the district meet maintenance of effort?

**Data Year:** SYs 2018–19, 2019–20, and 2020–21

**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
- N/A = District did not report MOE for relevant years because they are considered a new local education agency

**Weighting:** 3

**Denominator:** N/A or 9

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**Data Type:** Targeted Improvement Plan (TIP)

**Data Description:**

- Did the TIP the district submitted May 1, 2022, 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;
  - An explanation for the rating of MTSS implementation; and
  - A description of changes made to the TIP based on data.

**Data Year:** SY 2021–22

**Data Source:** TIP Spring Update 2021 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 of the areas required with its TIP submission
- 3 = District did not address three or more of the areas required with its TIP submission or did not submit a TIP in spring 2022

**Weighting:** 3

**Denominator:** 9

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**Data Type:** 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 2021–22

**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 = 10.01% - 30% of SWD were chronically absent
- 3 = 30% or more of SWD were chronically absent

**Weighting:** 1

**Denominator:** 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"><li>• NDE will notify the district of its determination and the data used to make the determination.</li><li>• 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.</li></ul>

Level of Determination	Risk Score Range	Actions
Needs Assistance	25.1–39.9% of possible risk points	<ul style="list-style-type: none"> <li>• NDE will notify the district of its determination and the data used to make the determination.</li> <li>• 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).</li> <li>• NDE will inform district of available technical assistance which may include:               <ul style="list-style-type: none"> <li>○ Advice from experts to address one or more areas of high risk, based on the NECounts data analysis;</li> <li>○ Assistance in identifying and implementing professional development, instructional strategies and methods of instruction that are based on scientifically based research;</li> <li>○ Designating and using professionals to provide advice, technical assistance, and support;</li> <li>○ 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.</li> </ul> </li> <li>• NDE will apply its monitoring protocol to consider conducting a special education monitoring of the district focused on compliance and student outcomes.</li> <li>• 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.</li> <li>• 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.</li> </ul> <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"> <li>• 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) and 303.704(a)(1).</li> <li>• 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) and 303.704(a)(2).</li> </ul>

Level of Determination	Risk Score Range	Actions
Needs Intervention	40–75% of possible risk points	<ul style="list-style-type: none"> <li>• NDE will notify the district of its determination and the data used to make the determination.</li> <li>• NDE may take any of the actions described in the Level of Determination Needs Assistance.</li> <li>• NDE will provide multiple opportunities to engage in professional development and targeted support activities.</li> <li>• NDE may conduct a special education fiscal compliance review.</li> </ul> <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"> <li>• 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) and 303.704(b)(2)(i).</li> <li>• Withhold, in whole or in part, further payments under Part B to the LEA. 34 C.F.R. §§ 300.604(b)(2)(v) and 303.704(b)(2)(iv).</li> </ul>
Needs Substantial Intervention	75.1–100% of possible risk points	<ul style="list-style-type: none"> <li>• NDE will notify the district of its determination and the data used to make the determination.</li> <li>• NDE may take any of the actions described in the Level of Determination Needs Assistance and Needs Intervention.</li> <li>• NDE may refer the LEA's accreditation status to the Nebraska State Board of Education.</li> <li>• 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) and 303.704(c)(2).</li> </ul>