

July 31, 2017

**Nebraska's Levels of Determinations Regarding District Performance  
IDEA Part B**

**Monitoring, Technical Assistance, and Enforcement**  
§300.600 (a)(3)

Levels of Determination	Criteria	Actions
<p><b>Meet Requirements</b> §300.603 (b)(1)</p>	<p>80% to 100%</p>	<p><b>NDE will take one of the following actions:</b></p> <ul style="list-style-type: none"> <li>● Notification from NDE to the district informing them on the level of determination</li> </ul>
<p><b>Needs Assistance</b> §300.603 (b)(1)(ii) §300.604 (a)</p> <p><b>Required Action at 2nd Consecutive Year</b></p>	<p>60% to 79%</p>	<p style="text-align: center;"><u><b>Year 1</b></u></p> <p><b>One of the following actions is accessible to the district through the Nebraska Department of Education:</b></p> <ul style="list-style-type: none"> <li>● Review progress on CAP for any identified compliance issues based upon Regulatory Monitoring</li> <li>● Require district to revisit/revise the Targeted Improvement Plan (TIP) for area(s) in need of improvement in collaboration with an NDE Consultant</li> </ul> <p style="text-align: center;"><u><b>Year 2</b></u></p> <p><b>NDE will take one or more of the following actions in addition to those listed above if a district continues to require enforcement actions:</b></p> <ul style="list-style-type: none"> <li>● Advise district of available resources of technical assistance (TA) which may include:                     <ul style="list-style-type: none"> <li>○ Advice from experts to address the areas in which the LEA needs assistance;</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, TA and support;</li> <li>○ Devising additional approaches to providing TA, such as collaborating with institutions of higher education, educational service agencies and private providers of scientifically based technical assistance.</li> </ul> </li> <li>● Identify the district as high-risk and impose special conditions on the district's IDEA grant which will reallocate IDEA Dollars to focus on Needs Assistance areas</li> </ul>

<p>Needs Intervention §300.603 (b)(1)(iii) §300.604 (b)</p> <p>Required Action at 3rd Consecutive Year</p>	<p>40% to 59%</p>	<p style="text-align: center;"><u>Year 1</u></p> <p>One of the following actions is accessible to the district through the Nebraska Department of Education:</p> <ul style="list-style-type: none"><li>● Review progress on CAP for any identified compliance issues based upon Regulatory Monitoring</li><li>● Require district to revisit/revise the Targeted Improvement Plan (TIP) for area(s) in need of improvement in collaboration with an NDE Consultant</li></ul> <p style="text-align: center;"><u>Year 2 or Year 1 with Needs Assistance Year Prior</u></p> <p>NDE may take any of the actions described in Enforcement Areas of Needs Assistance</p> <p style="text-align: center;"><u>Year 3</u></p> <p>NDE may take one or more of the following actions:</p> <ul style="list-style-type: none"><li>● Any of the actions from Year 1 and Year 2</li><li>● Conduct an onsite Special ED fiscal compliance review</li><li>● Identify the district as high risk and impose special conditions on the district's Part B grant which may include using up to 10% of district IDEA E/P \$ in targeted areas</li><li>● Provide reallocated IDEA Dollars to focus on Needs Assistance areas</li><li>● Withhold, in whole or in part, any further payments to the district under Part B of IDEA and refer district status to NE State Board of Education.</li><li>● Conduct an onsite Special ED fiscal compliance review /Rule 51 visit</li></ul>
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<p>If at any point and time a district is determined to be in needs assistance or lower and then the following year is found to be at a lower level of determination, this will be considered the second consecutive year thus initiating enforcement actions.</p>		
<p><b>Needs Substantial Intervention</b>  <b>§300.603 (b)(1)(iv)</b>  <b>§300.604 (c)</b></p> <p><b>Required Action</b></p>	<p><b>39% and Below</b></p>	<p><b>NDE will take the following actions:</b></p> <ul style="list-style-type: none"> <li>● Any one or more of the actions from Needs Assistance and/or Needs Interventions Enforcement Areas</li> <li>● Withhold, in whole or in part, any further payments to the district under Part B of IDEA and refer district status to NE State Board of Education.</li> <li>● Conduct an on-site Rule 51 visit in collaboration with the monitoring and program improvement team</li> <li>● Conduct a Special Education on-site fiscal audit;</li> <li>● Provide reallocated IDEA Dollars to focus on Needs Assistance areas</li> </ul>