# Nebraska’s Levels of Determinations Regarding District Performance

**IDEA Part B**

## Monitoring, Technical Assistance, and Enforcement

§300.600 (a)(3)

<table>
<thead>
<tr>
<th>Levels of Determination</th>
<th>Criteria</th>
<th>Actions</th>
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</thead>
</table>
| Meet Requirements §300.603 (b)(1) | 80% to 100% | NDE will take one of the following actions:  
- Notification from NDE to the district informing them on the level of determination |

| Needs Assistance §300.603 (b)(1)(ii) §300.604 (a) | 60% to 79% | **Year 1**  
One of the following actions is accessible to the district through the Nebraska Department of Education:  
- Review progress on CAP for any identified compliance issues based upon Regulatory Monitoring  
- Require district to revisit/revise the Targeted Improvement Plan (TIP) for area(s) in need of improvement in collaboration with an NDE Consultant  

| | | **Year 2**  
NDE will take one or more of the following actions in addition to those listed above if a district continues to require enforcement actions:  
- Advise district of available resources of technical assistance (TA) which may include:  
  - Advice from experts to address the areas in which the LEA needs assistance;  
  - 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, TA and support;  
  - 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.  
- 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 |
Needs Intervention
§300.603 (b)(1)(iii)  
§300.604 (b)  
Required Action at 3rd Consecutive Year

40% to 59%

**Year 1**
One of the following actions is accessible to the district through the Nebraska Department of Education:
- Review progress on CAP for any identified compliance issues based upon Regulatory Monitoring
- Require district to revisit/revise the Targeted Improvement Plan (TIP) for area(s) in need of improvement in collaboration with an NDE Consultant

**Year 2 or Year 1 with Needs Assistance Year Prior**
NDE may take any of the actions described in Enforcement Areas of Needs Assistance

**Year 3**
NDE may take one or more of the following actions:
- Any of the actions from Year 1 and Year 2
- Conduct an onsite Special ED fiscal compliance review
- 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
- Provide reallocated IDEA Dollars to focus on Needs Assistance areas
- 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.
- Conduct an onsite Special ED fiscal compliance review /Rule 51 visit
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.

<table>
<thead>
<tr>
<th>Needs Substantial Intervention</th>
<th>39% and Below</th>
<th>NDE will take the following actions:</th>
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<tbody>
<tr>
<td>§300.603 (b)(1)(iv)</td>
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<td>• Any one or more of the actions from Needs Assistance and/or Needs Interventions Enforcement Areas</td>
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<tr>
<td>§300.604 (c)</td>
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<td>• 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.</td>
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<tr>
<td>Required Action</td>
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<td>• Conduct an on-site Rule 51 visit in collaboration with the monitoring and program improvement team</td>
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<td>• Conduct a Special Education on-site fiscal audit;</td>
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<td></td>
<td></td>
<td>• Provide reallocated IDEA Dollars to focus on Needs Assistance areas</td>
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