The Individuals with Disabilities Education Act (IDEA)
92 NAC 51 (Rule 51)

Improving Learning for Children with Disabilities (ILCD)

August 2018

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Introduction

Since passage of the landmark Education for All Handicapped Children Act in 1975, significant progress has been made toward meeting our national goals for developing and implementing effective programs and services for children and youth with disabilities. With the reauthorization of IDEA in 2004, each state is required to have in place a State Performance Plan (SPP) and must use the targets established in the SPP under 34 CFR §300.601 to analyze the performance of each district. Annual targets for SPP compliance indicators are set by OSEP and annual targets (benchmarks) for SPP improvement indicators have been set by stakeholders and the State Special Education Advisory Council (SEAC).

In the past, the federal Office of Special Education Programs (OSEP) focused on ensuring that states meet IDEA program procedural requirements. OSEP and the Nebraska Department of Education, Office of Special Education, acknowledge that focusing primarily on procedural compliance has not sufficiently improved results for children with disabilities. Therefore, Nebraska has realigned its accountability system to shift the balance between compliance and results. Components of the Results Driven Accountability (RDA) System include:

- State/District Performance Plan/Annual Performance Report (SPP/APR) measures results and compliance
- Determinations reflect State/District performance on results as well as compliance
- Differentiated monitoring and technical assistance support improvement in all districts

The goal of the Results Driven Accountability (RDA) system is to improve educational results and functional outcomes, and demonstrate growth over time for all children with disabilities. The alignment of all components of the accountability system allows school districts to more effectively leverage resources and to support providers in delivering effective, evidence-based interventions that lead to improved outcomes and protect the rights of children and families.
Nebraska’s ILCD Process for Results Driven Accountability (RDA)

All school districts will participate in an ongoing review of their special education program utilizing the Improving Learning for Children with Disabilities (ILCD) process (92 NAC 51-004.13).

The ILCD process, based upon the State Performance Plan (SPP) Part B Indicators, is designed to enhance program improvement that will result in better outcomes for children with disabilities. Rather than analyzing individual SPP indicators, The Nebraska Department of Education, Office of Special Education, with stakeholder input, organized the SPP indicators into three Impact Areas:

- Improving developmental outcomes and academic achievement (school readiness) for children with disabilities,
- Improving communication and relationships among families, schools, communities and agencies, and
- Improving transitions for children with disabilities from early intervention to adult living.

This comprehensive, “big picture” approach provides a broader view for improving achievement outcomes and accountability for children with disabilities within a continuous improvement framework.

The three Impact Areas contain an overarching question, components and analysis questions to help districts drill down and perform a root-cause analysis to identify underlying issue(s) from which a systemic problem arises. The district’s Targeted Improvement Plan (TIP) is based on challenges identified through the analysis of the Impact Area data, the district infrastructure, and other pertinent district data that supports measurable improvement of results for children with disabilities, and builds district capacity.

The purpose of this document is to provide guidance to school districts for Nebraska’s ILCD process for RDA, which balances compliance and improvement of outcomes for children with disabilities. To achieve improved results, the process begins with analysis of district data on the SPP/APR indicator targets for each of the three Impact Areas as well as other pertinent district data. Based on the results of the data analysis, the second step involves identifying the measurable results (goals) and coherent improvement strategies that will be the focus for improvement. Next the district reviews the current infrastructure and the capacity to implement, scale-up and sustain evidence-based practices to support improved results for children with disabilities within the instructional or improvement framework used. Finally, guidance is provided on developing a comprehensive, multi-year TIP that contains detailed coherent improvement strategies focused on improving results for children with disabilities.
ILCD Committee/Team Responsibilities

The ILCD Committee/Team is responsible for the general oversight of the ILCD process for RDA.

ILCD Team Membership includes at a minimum individuals who represent
- District administrator
- General education teacher(s)
- Special education teacher(s)
- Data Contact
- Other members including parents, that reflect the ethnic and cultural diversity of the community

Guidance for the ILCD Committee/Team for the RDA Process
To achieve improved results, the ILCD Committee/Team will address four key areas in developing the district's Targeted Improvement Plan: (1) Data analysis, (2) Identification of the focus for Improvement, (3) Review of infrastructure to support improvement and build capacity and (4) Designing and creating the TIP that identifies measurable results and coherent improvement strategies for children with disabilities.
Continuous Improvement Process

1. Implementing the Targeted Improvement Plan
2. Data Analysis of Impact Areas
3. Developing the Targeted Improvement Plan (Review resources and supports)
4. Identifying a Focus
5. Creating the Profile
6. Setting the Goals
7. Planning to Improve
8. Implementing the Plan
Creating the Profile: Data Analysis

IMPACT AREA I
Improving Developmental Outcomes And Academic Achievement (School Readiness) For Children With Disabilities

Do the district’s policies and practices result in improved developmental outcomes and academic achievement for children with disabilities?

COMPONENTS:

1.1 IDENTIFICATION/VERIFICATION
- Disproportionate Representation in Special Education – SPP Indicator B9
- Disproportionate Representation in Specific Disability Categories – SPP Indicator B10

1.2 SETTINGS - LRE - SPP Indicator B5
- Preschool Settings - SPP Indicator B6

1.3 ASSESSMENTS AND CHILD OUTCOMES
- NSCAS Assessment Participation and Performance - SPP Indicator B3
- Preschool Outcomes – Results Matter - SPP Indicator B7

1.4 PROGRAM COMPLETION
- Graduation Rates - SPP Indicator B1

1.1 Identification/Verification

How does the district’s verification process for special education and related services ensure appropriate identification?

Analysis

- What evidence exists to show that a Student Assistance Team (SAT) or comparable problem solving team ensures that evidence-based curriculum and interventions are being implemented with fidelity prior to referral for an evaluation for special education and related services?

- What progress monitoring data indicate that children are making progress in meeting benchmarks or established performance criteria or if more intensive intervention is needed? What patterns and trends are evident in the data?

- In conducting the evaluation for special education and related services, what evidence indicates that multiple measures were utilized in determining whether the child is a child with a disability and for determining an appropriate educational program for the child?
● Is there a disproportionate identification of children with disabilities in any disability category? If so, what factors may contribute to the discrepancies in the identification process?

● Is there a significant discrepancy between the local and state percentages of racial and ethnic groups within preschool and special education programs because of inappropriate identification? If so, what factors may contribute to this identification rate?

● Outline in detail the district’s policies and procedures for the verification of children for special education and related services.

1.2 Settings

How are children and youth with disabilities, including those in out-of-District placements, provided timely special education and related services in least restrictive environments (to the extent appropriate) in order to access the regular curriculum?

Analysis

● What evidence exists that preschoolers (ages 3-5) receive services and supports in regular early childhood settings with typically developing peers?

● What evidence exists that school-age children (ages 6-21) receive services and supports in the least restrictive environment and access the general education curriculum?

● What district policies, procedures and practices provide a method reasonably calculated to ensure the provision of a free appropriate public education to children placed outside the district in juvenile and youth correctional facilities or other out-of-district placements?

1.3 Assessments and Child Outcomes

How does the district ensure that children and youth with disabilities meet developmental and learning objectives, progress in the general education curriculum and improve outcomes on statewide assessments?

Analysis

● How does the district ensure that all preschoolers with disabilities (ages 3-5) are included in the Teaching Strategies GOLD child assessment system? Consider the cause of any discrepancies between the numbers of preschoolers (ages 3-5) entered online and the number reported in the June Special Education Snapshot (NSSRS)?

● Do preschoolers (3-5) demonstrate progress in the three child outcome areas of (1) positive social-emotional skills, (2) acquisition and use of knowledge, and (3) use of appropriate behaviors to meet their needs? If not, what might be influencing those results? What patterns and trends are evident in the data?
• Is the District meeting the targets for participation by children and youth with disabilities in grades 3-8 and 11 in the Nebraska Student-Centered Assessment System (NSCAS) or the Nebraska Student-Centered Assessment System - Alternate Assessment (NSCAS-AA)? By grade level? By building level? By race/ethnicity? What patterns and trends are evident in the data?

• Do performance results for children and youth with disabilities in grades 3-8 and 11 as demonstrated on the Nebraska Student-Centered Assessment System (NSCAS) or the Nebraska Student-Centered Assessment System - Alternate Assessment for Reading and Mathematics indicate improvement equal to or greater than the state target? What patterns and trends are evident in the data?

• How does the progress demonstrated by children with disabilities in Results Matter and on NSCAS assessments compare to all children? What patterns and trends are evident in the data?

• What evidence exists to show that the results indicated on the NSCAS assessments for students with disabilities mirror student results on other standardized testing measures or formative classroom assessments?

• Are children with disabilities making progress within the general curriculum that aligns with grade level standards? If not, what is influencing the results?

1.4 Program Completion

Are high school completion rates for children with disabilities comparable to high school completion rates for all children?

Analysis

• Is there a difference between the state graduation rate and the local graduation rate for children with disabilities graduating with a regular diploma? If so, what may account for the difference?

• Is the district meeting the state graduation targets for children with disabilities using the adjusted cohort graduation rate formula?

• Are children with disabilities completing high school with a regular diploma at a rate comparable to the completion rate for all children? What patterns and trends are evident in the data?

• What evidence indicates that children with disabilities are prepared for college and/or career upon exiting high school?
# DATA SOURCES – IMPACT AREA I

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<thead>
<tr>
<th>Data Displayed on the District’s Secure ILCD Website</th>
<th>Additional Data Sources</th>
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<tbody>
<tr>
<td>• Nebraska State Performance Plan, Disproportionate Representation in Special Education - Part B Indicator 9</td>
<td>• NSSRS Data</td>
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<tr>
<td>• Nebraska State Performance Plan, Disproportionate Representation in Specific Disability Categories - Part B Indicator 10</td>
<td>• Nebraska Education Profile</td>
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<td>• Nebraska State Performance Plan, LRE Placement - Part B Indicator 5</td>
<td>• Local Data Sources:</td>
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<td>o District Special Education Policies and Procedures</td>
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<td>o District Improvement Plan(s)</td>
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<td>o Summative Data</td>
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<td>o Other</td>
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<tr>
<td>• Nebraska State Performance Plan, Preschool Settings - Part B Indicator 6</td>
<td>• District Graduation Data</td>
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<tr>
<td>• Nebraska State Performance Plan, Assessment Participation and Performance - Part B Indicator 3</td>
<td>• NWEA Portal and eDIRECT</td>
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<td></td>
<td>NWEA portal will allow districts to access information concerning data for the NSCAS general summative assessment. Data Recognition Corporation (DRC) website eDIRECT enables districts to quickly and easily access links to online testing tools and program information for the Nebraska Student-Centered Assessment System (NSCAS). The District Assessment Coordinator is the person who has been given access for the district. It is the district’s decision as to who can have access. On this site, you are able to see any student’s performance on the NSCAS and NSCAS-AA/.</td>
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<tr>
<td>• Nebraska State Performance Plan, Results Matter – Child Outcomes -Part B Indicator 7</td>
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<tr>
<td>• Nebraska State Performance Plan, Graduation - Part B Indicator 1</td>
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</tbody>
</table>
- Monitoring Results (92 NAC 51)
- Part B Parent Survey
- Part B Staff Survey
- District Performance Report

### IMPACT AREA I RESULTS

**Analysis of Data for SPP Indicators – Performance Report and other relevant district data**

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<th>Competencies</th>
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**District Infrastructure (Resources and Supports): At a minimum, please review:**
- Administrative Involvement
- Professional Development
- Evidence-Based Practices
- Connections with district and state initiatives

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<th>Resources &amp; Supports Available</th>
<th>Resources &amp; Supports Needed</th>
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PART B IMPACT AREA II
Improving Communication and Relationships Among Families, Schools, Communities and Agencies

How does the communication and relationships among families, schools, communities and agencies promote improved outcomes for children with disabilities?

COMPONENTS:

2.1 PARENTAL INVOLVEMENT - SPP Indicator B8

2.2 CHILDFIND - SPP Indicator B11

2.3 POSITIVE BEHAVIORAL INTERVENTIONS/SUPPORTS
   Dropout - SPP Indicator B2
   Suspension/Expulsion - SPP Indicator B4

2.1 Parent Involvement

How does the district ensure active parent participation in all phases of the special education process and engage parents in a meaningful manner that results in improved outcomes and services for children with disabilities?

Analysis

- How are parents of children and youth with disabilities provided opportunities to participate in program/school improvement activities that result in improved outcomes for their children?

- How does the district support parents of children with disabilities so that they are meaningfully involved in school committees?

- How does the district ensure that parents of children with disabilities (ages 3-21) are active participants in the process to determine their child’s eligibility for FAPE? How does the district ensure that parents are afforded all procedural safeguards required in 92 NAC 51?

- What district procedures are in place to support staff engagement with families?

2.2 ChildFind

How does the school district provide an effective ChildFind system and referral process that ensures the identification of all eligible children with disabilities?

Analysis

- What ChildFind and outreach activities does the district conduct to locate and identify children and youth with disabilities who may be eligible for special education services?
● What documentation indicates that ChildFind information is published annually?

● Examining the district’s ChildFind activities, what evidence is there to support the hypothesis that eligible children and youth are being appropriately located and served?

● How does the district ensure that evaluations for preschoolers and school-age children are completed within 45 school days?

2.3 Positive Behavioral Interventions/Supports

How does the district’s use of positive behavioral interventions support a welcoming and engaging school climate, improve communication with families and decrease dropout and suspension/expulsion rates?

Analysis

● How are developmentally appropriate, positive behavioral supports and strategies, implemented in the district early childhood programs to promote positive social skills and relationships?

● How is district staff provided adequate training and supports to provide children with positive behavioral intervention, supports and services? How is this determined and measured?

● What evidence indicates that the positive behavioral interventions and supports provided by the district are effective in assisting children and youth with disabilities whose behavior impedes learning?

● Explain how your policies on bullying, restraint and seclusion impact children with disabilities?

● What is the district’s process to analyze school environments that allows staff, parents and children to address issues of school safety and positive school climate?

● What district policies, procedures and practices are in place to ensure that children with disabilities receive appropriate IEP services starting on the 11th day of suspension or expulsion?

● How does the district dropout rate for children with disabilities compare to all district children? Are there notable differences when data is disaggregated by race/ethnicity or gender?

● How does the district re-engage children with disabilities after they have dropped out of school? What efforts does the district make to re-engage struggling high school children with disabilities?
# DATA SOURCES – IMPACT AREA II

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<tr>
<th>Data Displayed on the District’s Secure ILCD Website</th>
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<tr>
<td>● Nebraska State Performance Plan Parent Involvement - Part B Indicator 8</td>
<td>● NSSRS Data</td>
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<tr>
<td>● Nebraska State Performance Plan Initial evaluation - Part B Indicator 11</td>
<td>● State of the Schools Report</td>
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<tr>
<td>● Nebraska State Performance Plan Dropouts - Part B Indicator 2</td>
<td>● ChildFind Notices</td>
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<tr>
<td>● Nebraska State Performance Plan Suspension/Expulsion rate greater than 10 days - Part B Indicator 4A</td>
<td>● Documentation that indicates parents of children and youth with disabilities are involved in a variety of committees</td>
</tr>
</tbody>
</table>
| ● Nebraska State Performance Plan Suspension/Expulsion rate disproportionality - Part B Indicator 4B | ● Local Data Sources:  
  ○ Data Patterns and Trends  
  ○ District Special Education Policies and Procedures  
  ○ District Improvement Plan(s)  
  ○ Other |
| ● Part B Parent Survey | |
| ● Part B Staff Survey | |
| ● Monitoring Results (92 NAC 51) | |
| ● District Performance Report | |
## IMPACT AREA II RESULTS

### Analysis of Data for SPP Indicators – Performance Report and other relevant district data

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<th>Competencies</th>
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### District Infrastructure (Resources and Supports): At a minimum, please review:

- Administrative Involvement
- Professional Development
- Evidence-Based Practices
- Connections with district and state initiatives

### Resources & Supports Available | Resources & Supports Needed

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PART B IMPACT AREA III
Improving Transitions for Children with Disabilities From Early Intervention to Adult Living

How does the district support seamless transitions across the continuum from early intervention services to adult living?

COMPONENTS:

3.1 SEAMLESS TRANSITIONS
  Transition from Part C to B - SPP Indicator B12

3.2 POST-SECONDARY TRANSITION
  Post School Transitions - SPP Indicator B13
  Post School Outcomes - SPP Indicator B14

3.1 Seamless Transitions

*Do the district’s procedures and practices support seamless transitions for children and youth with disabilities across district programs of early childhood, elementary, middle school and high school, between school districts, service agencies and returning children?*

Analysis

How does the district support transition from early childhood services to elementary services to ensure continuity in programming and services?

- How does the district support transition from elementary services to middle school services to ensure continuity in programming and services?

- How does the district support transition from middle school services to high school services to ensure continuity in programming and services?

- How does the district support transitions for children and youth who transfer between school districts to ensure continuity in programming and services?

- How does the district support transition for children who are returning to school (dropouts, out of district placement) to ensure continuity in programming and services?
3.2 Postsecondary Transitions

Are appropriate secondary transition services provided that result in children completing their program and, participating in postsecondary training/or education, securing employment, and independent adult living?

Analysis

● What is the district’s process to support children’s active involvement and participation in developing their IEP?

● What activities and supports does the district provide to assist children to develop self-advocacy skills and student identification of postsecondary goals, annual goals, course of study and transition services that will enable them to meet their postsecondary goals?

● How are ongoing transition assessments (formal and informal) being used to develop measurable post-secondary goals?

● How does the district partner with community resources, higher education and other agencies in transition planning (i.e., work experience, job shadowing, living skills, and soft skills)?

● How is the district using evidence-based Predictors of Post School Success to improve post school outcomes (NSTTAC)?

● What is the district’s process to assure children are provided a Summary of Performance with recommendations on how to assist children in meeting their post-secondary goals?
### DATA SOURCES – IMPACT AREA III

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<tr>
<th>Data Displayed on the District’s Secure ILCD Website</th>
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<tr>
<td>● Part C to B Transition – SPP Part B Indicator 12</td>
<td>● NSSRS</td>
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<tr>
<td>● Secondary Transition – SPP Part B Indicator 13</td>
<td>● Interagency collaborations (i.e. community partners, business, work-study, vocational rehabilitation, higher education training/college)</td>
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<tr>
<td>● Post-School Outcomes – SPP Part B Indicator 14</td>
<td>● District Post School Outcomes Report</td>
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<td>● Part B Parent Survey</td>
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## IMPACT AREA III RESULTS

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GUIDING QUESTIONS

Creating the Profile: Data Analysis

● What does the data show?

● Review district performance in each Impact Area
  o For which SPP/APR indicators did the district performance meet the target(s)?
  o For which SPP/APR indicators did the district performance NOT meet the target(s)?

● Observation of data – what story does the data tell? Why might this be?
  o Consider the reasons for data trends, patterns, strengths, weaknesses and gaps over the past 3-5 year period.
  o If the district did not meet the targets for the Impact Area SPP/APR Indicators or slippage has occurred, the district performs a root-cause analysis to identify the underlying issue(s) from which a systemic problem arises. The goal of the root cause analysis is:
    • Find out what happened, why it happened and how to prevent it from happening again
  o Utilize Analysis Questions in each Impact Area to assist with drill down and finding root cause

● Identify methods and timelines to collect, compare and analyze additional district data (i.e. implementation data) that is key to informing areas of improvement

● Describe HOW data were disaggregated to identify areas for improvement

● Assess the quality of the district’s data: assessment of data’s fitness to serve its purpose in a given context, accuracy, completeness, update status, relevance, consistency across data sources, reliability, accessibility

● Identify any compliance issues that present barriers to achieving improved measurable results for children with disabilities.

Creating the Profile: Review the Capacity of the District’s Infrastructure to Support Improvement

● Identify how the district analyzed the capacity of the current system to support improvement and build capacity to implement, scale-up and sustain evidence-based practices for improvement and the results of the analysis

● Review district system components including: administration/supervision, fiscal resources, quality standards (AdvancED, curriculum, teacher quality), professional development provided, data, technical assistance and accountability (attaining goals, results). Identify the:
  o Strengths of the system
  o How components of the system are coordinated, e.g., school improvement and ILCD
  o Evidence-based practices utilized by the district that result in improved outcomes
  o Areas for improvement within and across system components
  o Analysis of initiatives in the district, including general education and other areas beyond special education that can have an impact on improving results for children with disabilities
How decisions are made within the district and with other representatives that are involved in planning for systematic improvements in the district (e.g., agencies - NDE, DHHS, School Boards, other groups or individuals)

- Pinpoint additional evidence-based practices needed by the district
- What are the specific steps the district has taken to further align current initiatives and improvement plans that impact children with disabilities?
- How is the district aligning and leveraging the current improvement plans across the district (in general and special education), and how will this work specifically improve outcomes for children with disabilities?
- How does the evaluation measure the district’s infrastructure changes needed to better align current initiatives identified in the infrastructure analysis?
- Describe how data analysis, drill down and interpretation of the data by Impact Area led to the identification of the area of focus for the district’s TIP.
- How do the results of the analysis of the components in each Impact Area connect with, reflect and influence the outcomes in the other two Impact Areas?

Demonstrate how addressing this area of focus for improvement will build the district’s capacity to improve the identified measurable result for children with disabilities (i.e., improve performance on reading assessments – implement evidence-based literacy practices).

**Setting the Goals: Designing, Creating, and Evaluating the District’s Multi-year, Comprehensive Targeted Improvement Plan (TIP)**

Based on the analysis of the district data and infrastructure, the district develops a comprehensive, multi-year TIP that includes identified measurable results and coherent improvement strategies to improve outcomes for children with disabilities. The district Plan includes:

- **Identification of a focus for improvement**
  - Indicate if the focus for improvement was the same it was in the previous year.
  - If the focus for improvement changed, provide the rationale for the change. The rationale may include by not limited to the following.
    - Training and/or hiring of new leadership staff
    - Purchase of new curricular materials
    - Change to coincide with other continuous improvement framework
    - Other (please explain)
- **Specific measurable outcome/goal for the focus of improvement.**
- **Annual targets for outcome/goal that need to be met to achieve the district-identified, measurable improvement in results for children with disabilities**
- **Identification of the instructional or improvement framework used which may include MTSS, PBIS, Marzano, Danielson, or a description of another framework in use by the district**
- **Specific student-centered evidence-based strategies or practices that are used to supplement or intensify core instruction for students with disabilities. A description of what an evidence-based strategy is can be found below.**
Evidence-Based Practice

An evidence-based practice can be defined as an instructional strategy, intervention, or teaching program that has resulted in consistent positive results when experimentally tested (Mesibov & Shea, 2011; Simpson, 2005). The implementation of high quality research is needed in order for intervention strategies to be considered an evidence-based practice (Odom, Collet-Klingenberg, Rogers, & Hatton, 2010). Boutot and Myles (2011) further define “quality” as research that incorporates experimental, quasi-experimental, or single-subject research designs; is replicated multiple times; and is published in peer-reviewed professional journals.¹

Is Your Evidence-Based Practice on Target?

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¹ Adapted from: https://www.cec.sped.org/Standards/Evidence-Based-Practice-Resources-Original
Planning to Improve: Support for District Implementation of Evidence-Based Practices

- Describe the student-centered, evidence-based practices (EBPs) that will be implemented? (What is the plan for implementation?)
- How will the district support the staff in implementing evidence-based practices?
  - Districts will have the following options to choose from including:
    - Coaching
    - Modeling
    - Spaced Learning
    - Varied Learning Opportunities
    - Analyzing and Reflecting
    - Scaffolding
- What is the professional development support for high-fidelity adoption, implementation, and sustainability of the student-centered, evidence-based improvement strategy?
- What are the criteria for successful implementation for the specific evidence-based practice (EBP) selected that will be measured? (What is the plan for evaluation of the EBP)?
  - To what extent did (an activity) produce a change in student outcomes? (an outcome)?
  - To what extent were milestones in implementation (# of sites, # of implementers trained to criterion, proficiency of fidelity measures, # of coaches employed) reached on schedule?
  - What are the criteria for successful implementation based on the measure(s) established (e.g., the level of proficiency on a fidelity measure)?
  - What is the district’s system for collecting valid and reliable implementation data and data related to the focus of improvement?
  - How often is the data reviewed? Who is participating in the review? How are changes made to the implementation and improvement strategies as a result of the data review?
  - Did student results change over time (e.g. pre-post) or did results change when compared to other groups of students?
  - How does the district evaluate the effectiveness of the professional development? If the professional development is determined to be ineffective, what is the process for making adjustments?
  - What is the process that the district will use to make modifications to the TIP as necessary?

Implementing the Plan: Evaluation

- How did the district implement the specific evidence-based practice (EBP) within the selected framework?
- Based upon a review of the implementation data (fidelity data, coaching data, etc.), what adjustments need to be made to the plan?