

April 19, 2024

Dear Rick Bailey,

IDEA requires States to make an annual determination of the extent to which each Administrative Unit (AU) meets the requirements and purposes of IDEA based on the information in the SPP/APR, information obtained through monitoring visits, and any other publicly available information. [34 C.F.R. § 300.603\(b\)\(1\)](#)

The AU's performance is measured based on data submitted by the AU during the 2022-2023 SY and information obtained through general supervision and monitoring activities to determine if the AU:

- 1) Meets Requirements: if the Overall Percentage is at least 73%,
- 2) Needs Assistance: if the Overall Percentage is at least 58% but less than 73%,
- 3) Needs Intervention: if the Overall Percentage is less than 58%,
- 4) Needs Substantial Intervention: for a substantial failure to comply with a condition of AU eligibility under Part B of the IDEA

[34 C.F.R. § 300.200-300.213](#)

The CDE has made the following Overall Determination for
Department of Corrections:

Insufficient data available to calculate Determination for the implementation of Part B of the IDEA for the 2022-2023 SY.

Determination Criteria:

- A **Compliance Matrix** that includes scoring on SPP/APR compliance indicators and other compliance elements
- A **Results Matrix** that includes scoring on SPP/APR results indicators and other results elements
- A **Compliance Score**
- A **Results Score**
- An **Overall Percentage** is calculated by adding 50% of the Compliance Score and 50% of the Results Score.
- A consideration of **Special Conditions**
- The AU's **Determination**

SPP/APR compliance indicators and other compliance elements examined:

Indicator 4A: Whether the AU has significant discrepancy from the state in the rate of out-of-school suspensions/expulsions of students with disabilities that sum up to greater than 10 days in a school year.

Indicator 4B: Whether the AU has disproportionate representation by race/ethnicity in the rate of out-of-school suspensions/expulsions of students with disabilities that sum up to greater than 10 days in a school year, and the disproportionate representation is due to inappropriate policies, procedures, or practices.

Indicator 9: Whether the AU has disproportionate representation of students with disabilities by race/ethnicity due to inappropriate policies, procedures, or practices.

Indicator 10: Whether the AU has disproportionate representation of students with disabilities by race/ethnicity in a specific disability category due to inappropriate policies, procedures, or practices.

Indicator 11: Percent of children who were evaluated within 60 calendar days of receiving parental consent for initial evaluation.

Indicator 12: Percent of 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.

Indicator 13: Percent of youth ages 15 and above with an IEP that includes each of the required components for secondary transition.

Timely and Accurate Data Submission: The timeliness and accuracy of data submitted by the AUs under section 616 and 618 of the IDEA.

SPP/APR results indicators and other results elements examined:

Graduation Rate: Colorado's best of 4-, 5-, 6-, or 7-year cohort graduation rate.

Indicator 2: Percent of youth ages 14 and above with IEPs who exited from school due to dropping out.

Indicator 3A and Academic Achievement: Statewide assessments participation, regular assessment mean scale score, and alternate assessment proficiency rate.

In addition, the following results elements are also included:

- 1) Median Growth Percentile in English Language Arts (ELA) and Math
- 2) Rise Up in ELA and Math (No data available)
- 3) Keep Up in ELA and Math (No data available)
- 4) For information only: Regular assessment mean scale score in ELA and Math with "IEP exiters" included. (Please see "How CO Made Determinations 2024," for detailed information.)



Indicator 7: Percent of preschool children who showed substantial growth and those who reached age expectations by the time they exited the program in positive socio-emotional skills, acquisition and use of knowledge and skills, and use of appropriate behaviors.

Indicator 14: Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and

- 1) Whom AUs attempted to contact.
- 2) Participated in the post-school outcome interview.
- 3) Interview results indicate that the youth is enrolled in higher ed or some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.

The State is required to take certain enforcement action(s) if an AU needs assistance for two consecutive years, needs intervention for three or more consecutive years, or at any time the State determines that an AU needs substantial intervention or that there is a substantial failure to comply with any Part B eligibility condition or Part C requirement. [34 C.F.R. § 300.604](#)

For more information on enforcement actions that a State must, or may impose under IDEA, please see pages 34-36 of [OSEP QA 23-01](#).

CDE is committed to supporting Department of Corrections in its efforts to improve results for children with disabilities and looks forward to working with you over the next year.

Resources and AU reports are publicly posted on the [Determinations for AUs web page](#).

For questions, contact Gloria Duroska at Duroska_g@cde.state.co.us.

Sincerely,



Paul Foster, Ed.D.
Ex Executive Director; State Director of Special Education
Exceptional Student Services Unit

