**How The Colorado Department of Education  
Exceptional Student Services Unit  
Made Determinations  
2023**

Under Section 616 (D) of the Individuals with Disabilities Education Act Part B

# INTRODUCTION

In 2023, the Colorado Department of Education Exceptional Student Services Unit (ESSU) is using both compliance and results matrices in making determinations for each Administrative Unit (AU) under section 616(d) of the individuals with Disabilities Education Act (IDEA). Using the Result Matrix developed by the Result Matrix Workgroup and the preexisting Compliance Matrix, we considered the totality of the information we have about an AU. The information ranged from traditional compliance topics such as timely evaluations of IEPs and the significant discrepancy in suspension and expulsion by race/ethnicity to results-oriented topics such as state assessment outcomes, graduation rate, and dropout rate. We also examined Special Conditions which included timely correction of remedies issued in state complaints and other issues related to the AUs’ compliance with the IDEA. All of these data considered for the 2023 determination were from the 2021-22 school year. Below is a detailed description of how ESSU evaluated the AUs’ data to make determinations.

The Determination 2023 consists of:

1. A **Compliance Matrix** that includes scoring on the State Performance Plan (SPP) Compliance Indicators and other compliance factors
2. A **Results Matrix** that includes scoring on Results Elements
3. A **Compliance Score** and **Compliance Determination**
4. A **Results Score** and **Results Determination**
5. An **AU Percentage** based on the Compliance Score and the Results Score. The Compliance Score is weighted at **50%** and the Results Score is weighted at **50%** to calculate the AU Percentage.
6. A consideration of **Special Conditions**
7. The AU’s **Determination**

# THE 2023 PART B COMPLIANCE MATRIX

In making each AU’s 2023 determination, ESSU used the Compliance Matrix, reflecting the following data:

1. The AU’s SY2021-22 data for the following Part B Indicators:
   1. 4A[[1]](#footnote-1) - Significant discrepancy of suspension/expulsion compared to State
   2. 4B – Significant discrepancy of suspension/expulsion compared to State by race/ethnicity
   3. 9 – Disproportionate representation in special education by race/ethnicity
   4. 10 – Disproportionate representation in specific disability categories by race/ethnicity
   5. 11 – Timely IEP evaluation
   6. 12 – Timely Part-C-to-B transition
   7. 13 – Secondary transition IEPs with required components
2. The timeliness and accuracy of data submitted by the AUs under section 616 and 618 of the IDEA.

## Scoring of the Compliance Matrix

The Compliance Matrix indicates a score of 0, 1, or 2, for each of the indicators in item 1 and 2 above. Using the cumulative possible number of points as the denominator and using the actual points the AU received in its scoring under these factors as the numerator, the Compliance Matrix reflects a Compliance Score and Compliance Determination.

## Scoring of Indicators 4A, 4B, 9, 10, 11, 12, and 13[[2]](#footnote-2)

In the Compliance Matrix, an AU received points as follows for each of Indicators 11, 12, and 13:

* 2 points if the indicators reflect at least 95%[[3]](#footnote-3) compliance.
* 1 point if indicators reflect at least 75% and less than 95% compliance.
* 0 points if:
  + The indicators reflect less than 75% compliance; or
  + The indicators reflect less than 95% compliance for the current and previous year.

In the Compliance Matrix, an AU received points as follows for each of the indicators 4A, 4B, 9, and 10:

* 2 points if:
  + The rate of children with disabilities who received suspensions/expulsions for greater than 10 days in a school year was below the set threshold for Indicator 4A.
  + No racial category was found with significant discrepancy for Indicator 4B.
  + No racial category was found with disproportionate representation in identification of students as students with disabilities in Indicators 9.
  + No racial category was found with disproportionate representation in identification of specific disability category in Indicator 10.
* 1 point if:
  + The rate of children with disabilities who received suspensions/expulsions for greater than 10 days in a school year was above the set threshold for Indicator 4A.
  + At least one racial category was found with significant discrepancy for Indicator 4B.
  + At least one racial category was found with disproportionate representation in identification of students as students with disabilities in Indicators 9.
  + At least one racial category was found with disproportionate representation in identification of specific disability category in Indicator 10.
* 0 points if:
  + The rate of children with disabilities who received suspensions/expulsions for greater than 10 days in a school year was above the set threshold for Indicator 4A for the current and the previous two school years.
  + 1) At least one racial category was found with significant discrepancy for Indicator 4B for the current and the previous two school years, and 2) policies, procedures, and/or practices were found to 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.
  + 1) At least one racial category was found with disproportionate representation in identification of students as students with disabilities in Indicator 9 for the current and the previous year, and 2) the disproportionate representation was found to be the result of inappropriate identification.
  + 1) At least one racial category was found with disproportionate representation in identification of specific disability category in Indicator 10 for the current and the previous year, and 2) the disproportionate representation was found to be the result of inappropriate identification.

## Scoring of the Matrix for Timely and Accurate Data Submission

The following three Special Education Data Pipeline collections were evaluated for their timeliness and accuracy: Special Education December Count, Special Education End of Year Collection, and Special Education Discipline Collection. Indicator 13 – review of transition IEPs – was also evaluated for timeliness. The Data Pipeline collections were considered timely when the AU submitted the data electronically via the Data Pipeline to the CDE and submitted necessary data reports with the special education directors’ signature by the closing date of the given data collection. The data collections were considered accurate if they were not reopened due to inaccuracy after the closing date. Indicator 13 was considered timely when the sampled students’ IEPs were reviewed, and the data were submitted electronically via the Data Management System to the CDE by the due date. An AU received points as follows for Timely and Accurate Data Submission:

* 2 points if the following data submissions were timely and accurate: Special Education December Count, Special Education End of Year Collection, and Special Education Discipline Collection. Also, if the Indicator 13 (Transition IEP) review was submitted on time.
* 1 point if one or two of the following data submissions were late and/or inaccurate: Special Education December Count, Special Education End of Year Collection, Special Education Discipline Collection, and Indicator 13 (Transition IEP) review.
* 0 points if at least three of the following data submissions were late and/or inaccurate: Special Education December Count, Special Education End of Year Collection, Special Education Discipline Collection, and Indicator 13 (Transition IEP) review.

## Compliance Determination

A Compliance Determination was made based on the Compliance Score. The following rubric was applied to the AUs’ Compliance Score:

* Meets Requirement: Compliance Score ≥ 90 points
* Needs Assistance: 90 points > Compliance Score ≥ 80 points
* Needs Intervention: Compliance Score < 80 points

# The 2023 PART B RESULTS MATRIX

In making each AU’s 2023 determination, the CDE ESSU used the Results Matrix reflecting the following data from SY2021-22:

1. State Assessments
   1. Colorado IEP Accountability Participation Rates in English Language Arts (ELA) and Math
   2. OSEP Accountability Participation Rates in ELA and Math (Indicator 3A)
   3. Regular Assessment Mean Scale Scores in ELA and Math (Part of Indicator 3B)
   4. Alternate Assessment Proficiency Rates in ELA and Math (Part of Indicator 3C)
2. Median Growth Percentiles in ELA and Math
3. Rise Up in ELA and Math – no data in 2022 determination
4. Keep Up in ELA and Math – no data in 2022 determination
5. Preschool Skill (Indicator 7)
   1. Positive Social-Emotional Skills
      1. Of the children who entered the program below age expectations, the percent who substantially increased their rate of growth by the time they exited the program (i.e., Growth).
      2. The percent of children who were functioning within age expectations by the time they exited the program (i.e., Achievement).
   2. Acquisition and Use of Knowledge and Skills
      1. Of the children who entered the program below age expectations, the percent who substantially increased their rate of growth by the time they exited the program (i.e., Growth).
      2. The percent of children who were functioning within age expectations by the time they exited the program (i.e., Achievement).
   3. Use of Appropriate Behaviors to Meet their Needs
      1. Of the children who entered the program below age expectations, the percent who substantially increased their rate of growth by the time they exited the program (i.e., Growth).
      2. The percent of children who were functioning within age expectations by the time they exited the program (i.e., Achievement).
6. Graduation Rate
7. Special Education Dropout Exiter Rate (Indicator 2)
8. Post-School Outcomes (Indicator 14)
   1. The percent of former students selected in the post-school outcome interview sample whom AU attempted to reach.
   2. The percent of former students who participated in the post-school outcome interview.
   3. Of the former students who participated in the post-school outcome interview, the percent of former students who are:
      1. Enrolled in higher education, or
      2. In some other post-secondary education or training programs, or
      3. Competitively employed, or
      4. In some other employment

## Common Calculation Rules

Each results indicator was calculated when there was a data point that included 16 or more students. When the data point included fewer than 16 students, N showed “n < 16.” Percentages in all results indicators were rounded to the first decimal point. The scoring rubrics were determined based on the data from SY2015-16 for each indicator.[[4]](#footnote-4) The score that corresponded to the 90th percentile in SY2015-16 was the threshold for 3 out of 3 of the possible eligible points. The score that corresponded to the 50th percentile was the threshold for 2 out of 3 of the possible eligible points. The score that corresponded to the 15th percentile was the threshold for 1 out of 3 of the possible eligible points. The score that corresponded to lower than the 15th percentile received 0 points. These thresholds for 3/3, 2/3, 1/3, and 0/3 points, which were set based on the SY2015-16 data, remained the same for the current determination.

If an AU had fewer than 16 students in any of the results indicators (e.g., Academic Achievement, Graduation, Preschool Outcomes), ESSU would accumulate the data for the impacted indicator for up to 3 consecutive years, where data is available, and calculate the rate based on the aggregated data, resulting in a larger N size. When multiple years of data were combined, the note section under each indicator specified which years of data were aggregated. When an AU did not reach n≥16 after 3 years, the indicator was dropped from the calculation.

## Academic Achievement

The Academic Achievement section is worth 15% of the Results Score (45 points out of 300 total points).

### Participation (Part of Indicator 3A)

A student was considered a participant in the state assessment if the student was between grades 3 through 8 and had a valid test score in a regular or an alternate state assessment in the SY2021-22. The Results Matrix showed two participation rates – the OSEP participation rate and the Colorado IEP participation rate. The OSEP participation rate included students who participated in the state assessments and those who did not participate for any reasons in its calculation. The Colorado IEP accountability participation rate included the same students as the OSEP accountability participation rates, however, it excluded the following students from the denominator: students who had excuses deemed allowable by the CDE and students who did not participate due to parental refusal.

When an AU’s Colorado IEP accountability participation rate was 95% or more, the AU received 3 points. Otherwise, the AU received 0 points. The participation rates for ELA and Math were calculated separately.

### *Regular Assessment Mean Scale Score (Part of Indicator 3B)*

Students with disabilities who received a valid test score from the CMAS were included in the calculation of mean scale score (MSS). Students’ scale scores were averaged at the AU-level, ranked across the state to indicate AU’s percentile. AU’s ELA percentiles of 55, for example, means that the AU’s ELA MSS was above 55% of all AUs (63 AUs) in the state. The AU in which the student participated in the assessment in the SY2021-22 were accountable for the student’s scale score. The regular assessment mean scale score was assigned the possible eligible points of 9 for ELA and Math respectively. Based on the scoring method discussed under “Common Calculation Rules” above, the following rubric developed based on the SY2015-16 data was applied:

|  | 9 points | 6 points | 3 points | 0 points |
| --- | --- | --- | --- | --- |
| ELA | ≥ 712 | 712 > MSS ≥ 701.9 | 701.9 > MSS ≥ 693.6 | 693.6 > |
| Math | ≥ 711.8 | 711.8 > MSS ≥ 701.1 | 701.1 > MSS ≥ 694.2 | 694.2 > |

In the current determination, in addition to the MSS of students with disabilities, the MSS for “IEP Exiter” and “Combined” are provided. “IEP Exiter” referred to the students who were reported as students *without* disabilities in the regular state assessment of SY2021-22 and were last reported as students with disabilities in December Count 2021, December Count 2020, or December Count 2019. They are considered as students who were formerly on IEPs, and their MSS were reported along with students currently on IEPs. “Combined” refers to students who were reported as students with disabilities in the regular state assessment of SY2021-22 and those were considered as “IEP Exiters.” The AU’s percentiles and the points were awarded based on the MSS of students currently on IEPs. However, the results matrix work group found the MSS of IEP Exiters and combined MSS to be informative and recommended that such information to be available on the current determination.

### *Alternate Assessment Proficiency Rate (Part of Indicator 3C)*

Students with disabilities grades 3-8 who had a valid test score from the alternate state assessment were included in the calculation of the Alternate Assessment Proficiency Rate. The number of students who achieved proficiency (“At Target” or “Advanced” on the alternate assessment) were divided by the total number of the alternate assessment takers. The proficiency rates were ranked across the state to indicate AU’s percentile. The AU in which the student participated in the assessment in the SY2021-22 were accountable for the student’s proficiency. The alternate assessment proficiency rate was assigned the possible eligible points of 6 for ELA and Math respectively. Based on the scoring method discussed under “Common Calculation Rules” above, the following rubric developed based on the SY2015-16 data was applied:

|  | 6 points | 4 points | 2 points | 0 points |
| --- | --- | --- | --- | --- |
| ELA | ≥ 48.8% | 48.8% > Prof ≥ 31.6% | 31.6% > Prof ≥ 17.9% | 17.9% > |
| Math | ≥ 26.7% | 26.7% > Prof ≥ 14.1% | 14.1% > Prof ≥ 6.9% | 6.9% > |

### Preschool Skills (Indicator 7)

The preschool skills consisted of three expected outcomes – A. Positive social-emotional skills, B. Acquisition and use of knowledge and skills, and C. Use of appropriate behaviors to meet their needs - and two summary statements below for each outcome:

* Growth - Of the children who entered the program below age expectations, the percent who substantially increased their rate of growth by the time they exited the program.
* Achievement - Of the children who entered the program below age expectations, the percent of children who were functioning within age expectations by the time they exited the program

The data indicating the percent of children with IEPs who met these summary statements for each of the three outcomes came from Teaching Strategy Gold (TS Gold). The percentage for each outcome and summary statement was ranked across the state to indicate AU’s percentile. Each summary statement was assigned possible eligible points of 1.5. Based on the scoring method discussed under “Common Calculation Rules” above, the following rubric was developed based on the SY2015-16 data:

|  | 1.5 points | 1.0 points | 0.5 points | 0 points |
| --- | --- | --- | --- | --- |
| A Growth | ≥ 91.5% | 91.5% > A1 ≥ 82% | 82% > A1 ≥ 73.9% | 73.9% > |
| A Achievement | ≥ 82.8% | 82.8% > A2 ≥ 67.5% | 67.5% > A2 ≥ 59.6% | 59.6% > |
| B Growth | ≥ 91.2% | 91.2% > B1 ≥ 80.4% | 80.4% > B1 ≥ 72.1% | 72.1% > |
| B Achievement | ≥ 81.8% | 81.8% > B2 ≥ 69.3% | 69.3% > B2 ≥ 55.9% | 55.9% > |
| C Growth | ≥ 86.6% | 86.6% > C1 ≥ 76.2% | 76.2% > C1 ≥ 66.7% | 66.7% > |
| C Achievement | ≥ 86% | 86% > C2 ≥ 71.4% | 71.4% > C2 ≥ 61.8% | 61.8% > |
|  |  |  |  |  |

## Academic Growth

The Academic Growth section is worth 50% of the Results Score (150 points out of 300 total points).

### Median Growth Percentile

Students who had a valid Student Growth Percentile were included in the calculation of the Median Growth Percentile. The students were required to have test scores from the regular state assessment for at least 2 years including the current year in order to receive a Student Growth Percentile. We calculated the median of all the Student Growth Percentiles of students with disabilities in the AU and ranked them across the state. The minimum N size for Median Growth Percentile was 20. The AU in which the student participated in the regular state assessment in the SY2021-22 was accountable for the student’s Growth Percentile. The Median Growth Percentile was assigned a possible eligible points of 15 for ELA and Math respectively. Based on the scoring method discussed under “Common Calculation Rules” above, the following rubric developed based on the SY2015-16 data was applied:

|  | 15 points | 10 points | 5 points | 0 points |
| --- | --- | --- | --- | --- |
| ELA | ≥ 47 | 47 > MGP ≥ 39.1 | 39.1 > MGP ≥ 33 | 33 > |
| Math | ≥ 47 | 47 > MGP ≥ 40.7 | 40.7 > MGP ≥ 34.5 | 34.5 > |

### Rise Up and Keep Up

Rise Up refers to students on IEPs who are currently not meeting the grade-level expectations on the regular state assessments and are on track to move from one achievement category to the next category within the next three years or by tenth grade. Keep Up refers to students on IEPs who previously met grade-level expectations on the regular state assessments and have demonstrated enough growth in the past year to maintain proficiency over three years or until tenth grade. Due to the lack of an Adequate Growth Percentile based on the 2020-21 state assessment, which feeds the calculation of Rise Up and Keep Up, the Rise Up Percentage and Keep Up Percentage could not be determined. We awarded 30 points out of 45 possible eligible points for Rise Up and 10 points out of 15 possible eligible points for Keep Up to all AUs for ELA and MATH respectively for the 2023 Results Matrix.

## Postsecondary & Workforce Readiness

The Postsecondary and Workforce Readiness section is worth 35% of the Results Score (105 points out of 300 total points).

### Graduation Rate (Part of Indicator 1)

Cohort graduation rates were used to calculate the graduation rates. The Results Matrix considers the AU’s best of a 4-, 5-, 6-, or 7-year cohort graduation rate, and uses the best rate to determine the percentile relative to other AUs. When the number of cohorts for the highest graduation rate was less than 16, the second highest graduation year with a cohort of 16 students or more was used to rank the AUs. As an example of the cohort graduation rate, the 4-year cohort graduation rate for the 2021-22 school year is defined as the “Number of students receiving a regular diploma within 4 years of entering from 9th grade DIVIDED BY the number of students entering from 9th grade **plus** thenumber of transfers into the AU **minus** the number of verified transfers out of the AU.” The data collected from school districts in the Student End of Year data collection was used for this calculation. Please see CDE’s [Graduation Statistics Webpage](http://www.cde.state.co.us/cdereval/gradratecurrent) for more information. Students reported to have IEPs at any point during their high school careers are included in the calculation.

The graduation rate was assigned the possible total points eligible of 21. Based on the scoring method discussed under “Common Calculation Rules” above, the following rubric was developed based on the SY2015-16 data:

|  | 21 points | 14 points | 7 points | 0 points |
| --- | --- | --- | --- | --- |
| Grad | ≥ 92.3% | 92.3% > Grad ≥ 79.2% | 79.2% > Grad ≥ 66.9% | 66.9% > |

### IEP Dropout Exiter Rate (Indicator 2)

IEP Dropout Exiter Rate was calculated based on the data collected from AUs in the Special Education End of Year data collection. Students with disabilities who were between the ages of 14 and 21 at the time of exiting school with IEPs were included in the calculation. The numerator was the number of students who exited from schools due to dropped out during SY2021-22, and the denominator included students who exited from schools due to graduating with a regular high school diploma, receiving a graduation certificate, reaching the maximum age, being deceased, and dropping out during SY2021-22. When students received GEDs upon completion of a GED preparation program offered by their home district, they were counted as a non-dropout (this does not count toward graduation rate, but it does **not** count as a dropout either). Alternatively, when students received GEDs from a program not offered by their home district, they were counted as a dropout by their home district. The IEP Dropout Exiter Rate was assigned possible total points eligible of 42. Based on the scoring method discussed under “Common Calculation Rules” above, the following rubric was developed based on the SY2015-16 data:

|  | 42 points | 28 points | 14 points | 0 points |
| --- | --- | --- | --- | --- |
| Dropout | ≤ 6.5% | 6.5% < Drop ≤ 19% | 19% < Drop ≤ 34.2% | 34.2% < |

### Post-School Outcomes (Indicator 14)

Post-school outcomes were based on the results of the summer 2021 post-school outcome interviews conducted by the AUs. Attempted rate indicated the percent of students whom the AU attempted to call among all students who were selected for the post-school outcome interviews. AUs with a 100% Attempt rate received 6 points. AUs with less than a 100% Attempt rate received 0 points. Participation rate indicated the percent of students who participated in the interview among all students who were preselected for the interview and did not go back to high school or decreased after leaving high school. AUs with a participation rate of equal to or greater than 60% received 6 points. AUs with less than a 60% participation rate received 0 points. Outcome rate indicated the percent of students who were considered as any of the following among those who participated in the interview: enrolled in higher education, enrolled in some other post-secondary education or training program, competitively employed, or in some other employment. The outcome rate was assigned the possible total points eligible of 30. Based on the scoring method discussed under “Common Calculation Rules” above, the following rubric was developed based on the SY2015-16 data:

|  | 30 points | 20 points | 10 points | 0 points |
| --- | --- | --- | --- | --- |
| Outcome | ≥ 91.5% | 91.5% > Outcome ≥ 75.3% | 75.3% > Outcome ≥ 59.8% | 59.8% > |
|  |  |  |  |  |

## Results Determination

A Results Determination was made based on the Results Score. The subsections of Academic Achievement, Academic Growth, Postsecondary and Workforce Readiness were worth 45 points, 150 points, and 105 points respectively, thus the total Results Score was 300. When an AU’s total eligible points for a specific subsection was less than the points allocated for the subsection, the AU’s earned points were adjusted accordingly before being summed with the rest of the subsections. For example, if an AU’s total earned points for the Academic Achievement subsection was 30.5 and the total eligible points was 33, the AU’s Academic Achievement points was adjusted to 41.59 out of 45 before it was summed with the rest of the subsections. The following rubric was applied to the AUs’ Results Scores:

* Meets Requirement: Results Score ≥ 170 points
* Needs Assistance: 170 points > Results Score ≥ 110 points
* Needs Intervention: Results Score < 110 points

SPECIAL CONDITIONS

Special Conditions include issues related to the AUs’ compliance with the IDEA. These issues determine the level of the AU’s AU Determination independent of their Compliance Score or Results Score. For example, non-timely compliance with the remedies issued in a state complaint could lower the level of AU Determination by one level from what would otherwise be based on the Compliance and Results Scores (e.g., Meets Requirement becomes Needs Assistance). Findings in the unresolved fiscal single audit could lower the level of AU Determination by one level from what would otherwise be based on the Compliance and Results Scores, and the findings for more than two consecutive years would result in the AU Determination of Needs Intervention. The issue and its corresponding appropriate AU Determination would be determined on an as-needed basis.

AU PERCENTAGE AND AU DETERMINATION

An AU Percentage was determined based on the Compliance Score and the Results Score. The Compliance Score was weighted at 50%and the Results Score was weighted at 50% to calculate the AU Percentage for the 2023 AU Determination unless specified otherwise due to Special Conditions. The AU Determination is the official and final determination that ESSU uses to fulfill the federal reporting requirements under Section 618 of the IDEA. The following rubric was applied to the AU Percentages to make the AU Determinations:

* Meets Requirement: AU Percentage ≥ 73%
* Needs Assistance: 73%> AU Percentage ≥ 58%
* Needs Intervention: AU Percentage <58%

1. Indicator 4A is included in the Compliance Matrix despite its being a result-indicator due to its close association with 4B. [↑](#footnote-ref-1)
2. A notation of “N/A” (for “not applicable”) in the “Performance” column for an indicator denotes that the indicator is not applicable to that particular AU. The points for such indicator are not included in the denominator for the matrix, and the indicator does not impact the AU’s Compliance Score, Compliance Determination, AU Score, or AU Determination. [↑](#footnote-ref-2)
3. In determining whether an AU has met this 95% compliance criterion, the CDE ESSU will round up from 94.5% (but no lower) to 95%. Similarly, in determining whether an AU has met the 75% compliance criterion discussed below, the CDE ESSU will round up from 74.5% (but no lower) to 75%. [↑](#footnote-ref-3)
4. Both AU’s percentage and the scoring rubric for each of ranked results indicators were rounded to the first decimal point. If an AU’s graduation rate was 92.2% and the threshold for the maximum eligible points was 92.3%, the AU did not meet the criterion for the maximum points. [↑](#footnote-ref-4)