

# AU Determinations

## Levels of Support and Intervention Plans



### **Administrative Unit Determinations**

The Colorado Department of Education (CDE) has an obligation to annually report the performance of each Local Education Agency (LEA), Administrative Unit (AU) in Colorado, 34 CFR § 300.602. The CDE uses both Compliance and Results matrices to make determinations for each Administrative Unit (AU) under section 616(d) of the Individuals with Disabilities Education Act (IDEA). Based on input gathered through a public workgroup, CDE has created one user-friendly report that meets the requirements for both the AU Determination and the State Performance Plan/Annual Performance Report (SPP/APR) Indicator Profile. For additional information on AU Determinations, visit the [Determinations and SPP/APR webpage](#).

Each AU's performance is measured based on data submitted by the AU during the previous school year and information obtained through general supervision and monitoring activities to determine if the AU:

- 1) Meets Requirements: if the Overall Percentage is at least 74%,
- 2) Needs Assistance: if the Overall Percentage is at least 58% but less than 74%,
- 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 CFR § 300.200 through 300.213.

### **Overview**

Tiered levels of support are designed to assist AUs in addressing factors that may be contributing to determinations that are below "Meets Requirements." In most cases, AU Determination Intervention Plans (AUD IPs) will be required for any AU who is in "Needs Assistance" for two or more consecutive years. AUD IPs are developed collaboratively between CDE and the Special Education Director of Record (SpEd DoR). 34 CFR §§ 300.600 and 300.604.

- The SpEd DoR, as the AU authority outlined in ECEA Rule 3.01(1)(c), must be actively involved in the development and implementation of AU Determination Intervention Plans.
- AUD IPs may be incorporated into Facilitated Assessment (FA) Action Plans (when applicable) and will take into consideration any existing Corrective Action Plans (CAPs) to ensure alignment and avoid duplication of efforts.
- Any AU that does not receive a final Determination due to insufficient data will be individually evaluated using cyclical monitoring tools and/or multi-year data analysis to identify overall trends.

### **AU Determination Levels, Intervention Plans, and CDE Supports**

#### **Meets Requirements**

AUs identified as "Meets Requirements" have no required CDE interventions. AUs in this category will continue to have access to annual professional development opportunities offered through the Colorado Department of Education. Additionally, AUs may request support from CDE for specific areas of need.



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### Needs Assistance – Year 1

- Each AU will be assigned a General Supervision and Monitoring (GSM) Lead to provide support.
- AUs will be contacted by an assigned GSM Lead by June 30<sup>th</sup> to discuss the Determination and provide options to address the needs of the AU.
- AUs will have the option to consult with CDE to:
  - review SPP/APR Indicator data
  - provide input on the development of an optional AU Determination Intervention Plan (determined by the AU SpEd DoR and the GSM Lead).
- The assigned GSM Lead will conduct bi-annual check-ins with AUs to provide support.
- The AU is prohibited from reducing its Maintenance of Effort (MOE) under 34 CFR § 300.204 for any fiscal year. 34 CFR § 300.608(a).

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### Needs Assistance – Two or More Consecutive Years

- Each AU will be assigned a GSM Lead to provide support and monitor required components.
- AUs will be contacted by an assigned GSM Lead by June 30<sup>th</sup> to discuss the Determination and coordinate the following steps.
  - The AU must partner with the GSM Lead to conduct a root cause analysis of the “Needs Assistance” Determination.
    - The root cause analysis will be conducted by October 1<sup>st</sup>.
  - The AU must draft a CDE-approved AU Determination Intervention Plan by November 1<sup>st</sup> that includes:
    - Data from the root cause analysis regarding specific areas of improvement
    - Technical assistance and/or professional development in collaboration with CDE to address the areas of need identified through the root cause analysis
    - Measurable goals to address the areas of need
    - Specific interventions or initiatives
    - Timelines
  - The AU Special Education Director of Record and additional AU personnel deemed necessary by the SpEd DoR will meet with the GSM Lead and other CDE staff (as necessary), either on-site or virtually, at least **twice** during the year to:
    - review progress on the AUD IP, and
    - make any necessary adjustments.
- The AU is prohibited from reducing its Maintenance of Effort (MOE) under 34 CFR § 300.204 for any fiscal year. 34 CFR § 300.608(a).

### Needs Intervention

- Each AU will be assigned a GSM Lead to provide support and monitor required components.
- AUs will be contacted by an assigned GSM Lead by June 30<sup>th</sup> to discuss the Determination and coordinate the following steps.



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- The AU must partner with the GSM Lead to conduct a root cause analysis of the “Needs Assistance” Determination.
  - The root cause analysis will be conducted by October 1<sup>st</sup>.
- The AU must draft a CDE-approved AU Determination Intervention Plan by November 1<sup>st</sup> that includes:
  - Data from the root cause analysis regarding specific areas of improvement
  - Technical assistance and/or professional development in collaboration with CDE to address the areas of need identified through the root cause analysis
  - Measurable goals to address the areas of need
  - Specific interventions or initiatives
  - Timelines
- The AU Special Education Director of Record and additional AU personnel deemed necessary by the SpEd DoR will meet with the GSM Lead and other CDE staff (as necessary), either on-site or virtually, at least **quarterly** during the year to:
  - review progress of the AUD IP, and
  - make any necessary adjustments.
- Optional Special Education Director Liaison support will be offered to the AU.
- The AU is prohibited from reducing its MOE under 34 CFR § 300.204 for any fiscal year. 34 CFR § 300.608(a).

### If this AU Determination level continues for three or more consecutive years:

- CDE may withhold, in whole or in part, further payments under Part B (to the AU) or direct the use of State-level funds under section 611(e) of the Act in the area or areas in which the AU needs assistance. 34 CFR §§ 300.600, 300.604(c)(2).

### Needs Substantial Intervention

- Each AU will be assigned a GSM Lead to provide support and monitor required components.
- AUs will be contacted by an assigned GSM Lead by June 30<sup>th</sup> to discuss the Determination and coordinate the following steps.
  - The AU must partner with the GSM Lead to conduct a root cause analysis of the “Needs Assistance” Determination.
    - The root cause analysis will be conducted by October 1<sup>st</sup>.
  - The AU must draft a CDE-approved AU Determination Intervention Plan by November 1<sup>st</sup> that includes:
    - Data from the root cause analysis regarding specific areas of improvement
    - Technical assistance and/or professional development in collaboration with CDE to address the areas of need identified through the root cause analysis
    - Measurable goals to address the areas of need
    - Specific interventions or initiatives



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- Timelines
  - The AU Special Education Director of Record and the SpEd DoR's supervisor will meet with the GSM Lead and other CDE staff (as necessary), either on-site or virtually at least **bi-monthly** during the year to:
    - conduct side-by-side reviews of all indicators,
    - review progress on the AUD IP, and
    - make any necessary adjustments.
- Targeted Special Education Director Liaison support is required.
- The AU is prohibited from reducing its MOE under 34 CFR § 300.204 for any fiscal year. 34 CFR § 300.608(a).

### If this AU Determination level continues for two or more consecutive years:

- The AU may be identified as a high-risk grantee.
- CDE may impose specific conditions on the AU's IDEA Part B grant award. 34 CFR §§ 300.600 and 300.604(a)(3). This may include, but is not limited to, ensuring funds are flowing to areas identified as priorities through the root cause analysis or other activities.
- CDE must withhold, after reasonable notice and the opportunity for a hearing, in accordance with 34 CFR §§ 300.155, 300.221, and 76.401(d), further payments in whole or in part under Part B to the AU. 34 CFR §§ 300.600 and 300.604(c)(2).
- Under IDEA Part B, CDE may assume direct provision of special education and related services **if the AU is unable to meet FAPE requirements**. In such cases:
  - CDE will use the funds that would have been provided to the AU to directly serve children with disabilities. 34 CFR § 300.227(a)(1)(ii).
- CDE may take additional enforcement actions that it identifies as appropriate under its Determination policy. 34 CFR §§ 300.600 and 300.608(b).