



Exceptional Student Services Unit  
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The Colorado Department of Education (CDE) recognizes that educators, students, and families are facing unprecedented circumstances and challenges related to the COVID-19 pandemic. At this time, however, the U.S. Department of Education has not granted waivers related to the CDE's requirement to annually review the performance of the State's administrative units (AUs) to determine if each AU:

- 1) Meets the requirements and purposes of Part B of IDEA,
- 2) Needs assistance in implementing the requirements of Part B of IDEA,
- 3) Needs intervention in implementing the requirements of Part B of IDEA, or
- 4) Needs substantial intervention in implementing the requirements of Part B of IDEA.

34 C.F.R. § 300.603(b)(1)

Historically, performance is measured based on information provided by the AU, information obtained through monitoring visits, and other public information made available to the AU. Examining this information in its totality, the CDE determines the AU's level of compliance with IDEA and academic success of students with disabilities via the Compliance Matrix and Results Matrix, respectively.

The disruptions to the state assessments in both spring 2020 and spring 2021 caused by the COVID-19 pandemic significantly compromised the availability and reliability of data used to score the Results Matrix. Given the compromised scoring of the Results Matrix, the AU determinations for 2022 were made using only the Compliance Matrix. Although the Results Matrix is populated with the AU's actual performance, it was not included in the scoring of the AU determinations. The Results Matrix is therefore being provided to the AU as information only.

Consequently, in making the determination in spring 2022, the CDE considered data submitted by EL PASO 49, District 49 throughout SY2020-21 in the following manner:

1. **A Compliance Matrix** that includes scoring on the State Performance Plan (SPP) Compliance Indicators and other compliance factors
2. **Compliance Score and Compliance Determination** makes the **AU's Final Determination**



**SPP-APR compliance indicators and other compliance elements examined in the current determination:**

**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 *but NOT included* in the scoring of the current determination:**

**Indicator 1:** Percent of youth with IEPs graduating from high school with a regular diploma.

**Indicator 2:** Percent of youth with IEPs dropping out of high school.

**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 for the post-school outcome interview.
2. Participated in the post-school outcome interview.



3. Interview results indicated that the youth was 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.

**SPP-APR results indicators and other results elements NOT examined or included in the scoring of the current determination:**

**Indicator 3:** Statewide Assessments participation, regular assessment mean scale score, and alternate assessment proficiency rate.

In addition, the following results elements are also included in the typical year determinations but not the current year:

1. Median Growth Percentile in ELA and Math
2. Rise Up in ELA and Math
3. Keep Up in ELA and Math

Based on an evaluation using the criteria identified above, the CDE has determined that EL PASO 49, District 49 **meets the requirements and purposes of Part B of the IDEA for SY2020-21**. Please access <http://www.cde.state.co.us/cdesped/determpref> for various resources related to the determinations.

CDE is committed to supporting EL PASO 49, District 49 in its efforts to improve results for children with disabilities during these challenging times and looks forward to working with you over the next year.

If you have any questions regarding this determination or the process, please contact Candace Hawkins at [Hawkins\\_C@cde.state.co.us](mailto:Hawkins_C@cde.state.co.us).

Sincerely,



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

Posted to <https://www.cde.state.co.us/cdesped/determinations> on 4/29/2022

