

AU Determinations ESSU Levels of Support

Administrative Unit (AU) Determinations

The Colorado Department of Education (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). The 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](#).

The 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 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](#)

General Information for AU Determination: Levels of Support

Tiered layers of support are designed to assist AUs in addressing factors that may be contributing to determinations that are below "Meets Requirements." Intervention plans are developed collaboratively between CDE and the Director of Record. The Director of Record must be part of the development of the Intervention Plan.

Intervention plans will be incorporated into Facilitated Assessment Action Plans (when applicable) and will take into consideration any existing Corrective Action Plans to ensure alignment and avoid duplication of efforts.

AUs that do 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.

The list below provides general guidance around common components of intervention plans; however, each plan will be customized to reflect the AU's unique context, needs, and contributing factors. **Unless otherwise specified, actions outlined in the previous tier will also apply to each subsequent level.**

Timeline for AU Determination: Levels of Support

- AUs will be notified of the AU Determination by May 31st of each year.
- General Supervision and Monitoring (GSM) leads will be assigned to any AU that falls below "Meets Requirements".
- The assigned GSM lead will contact the Director of Record for any AU below "Meets Requirements" by June 30th of each year.



Determination Levels and Associated Supports

Meets Requirements

Administrative Units (AUs) identified as meeting requirements have no required interventions. They continue to have access to annual professional development opportunities offered through the Colorado Department of Education. Additionally, AUs may request support from CDE in specific areas of need.

Needs Assistance – Year 1

- Each AU will be assigned a GSM lead to provide as needed support.
- AUs will be contacted by an assigned GSM lead by June 30th to discuss the determination and provide options for consultations to address the needs of the AU.
- AUs will have the option to consult with CDE upon request, to:
 - Review indicator data relevant to AU determinations.
 - Provide input on the development of an optional intervention plan (the optional intervention plan is determined by the AU Director of Record and the GSM lead).
- The assigned GSM lead will conduct informal quarterly check-ins with AUs to provide as needed support.

Needs Assistance – Two or More Consecutive Years 34 CFR § 300.604(a)

- Each AU will be assigned a GSM lead to provide support and monitor the required components below.
- AUs will be contacted by an assigned GSM lead by June 30th 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 1st.
 - The AU must draft a CDE approved intervention plan by November 1st that includes:
 - Data from the root cause analysis regarding specific areas of improvement
 - A **professional development plan** 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.
 - Quarterly timelines
 - The AU Special Education Director of Record and additional AU personnel deemed necessary by the Special Education Director will formally 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 intervention plan, 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, as per 34 CFR § 300.608(a).



Needs Intervention 34 CFR § 300.604(b)

- Each AU will be assigned a GSM lead to provide support and monitor the required components below.
- AUs will be contacted by an assigned GSM lead by June 30th 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 1st.
 - The AU must draft a CDE approved intervention plan by November 1st that includes:
 - Data from the root cause analysis regarding specific areas of improvement
 - A professional development plan 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.
 - Quarterly timelines
- The AU Special Education Director of Record and additional AU personnel deemed necessary by the Special Education Director will formally 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 on the intervention plan, and
 - Make any necessary adjustments.
- Optional 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 status continues for three or more consecutive years:

- CDE may withhold, in whole or in part, further payments under Part B (to the AU) or Part C (to the EIS program), per 34 CFR §§ 300.604(c)(2) and 303.704(b)(2)(iv).

Needs Substantial Intervention 34 CFR § 300.604(c)

- Each AU will be assigned a GSM lead to provide support and monitor the required components below.
- AUs will be contacted by an assigned GSM lead by June 30th 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 1st.
 - The AU must draft a CDE approved intervention plan by November 1st that includes:
 - Data from the AU Determination and the root cause analysis regarding specific areas of improvement
 - A professional development plan 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.
- Quarterly timelines
- The AU Director of Record and the Director or Record's supervisor will formally 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 intervention plan, and
 - Make any necessary adjustments.
- Targeted Director Liaison team 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 status continues for two or more consecutive years:

- The AU or EIS program may be identified as a high-risk grantee.
- CDE may impose specific conditions on the AU's IDEA Part B or the EIS program's Part C grant award (34 CFR §§ 300.604(a)(3) and 303.704(a)(2)).
- 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 or under Part C to the EIS program (34 CFR §§ 300.604(c)(2) and 303.704(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's policy. See 34 C.F.R. §§ 300.608(b) and 303.708.