

The Story of IDEA Compliance and Results

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## Abstract

Section 616 of the Individuals with Disabilities Education Act (IDEA) (2004) requires the Secretary make a determination of the status of each state in meeting requirements and purposes of IDEA. The statute states that monitoring by the federal government of states must focus on “improving educational results and functional outcomes for all children with disabilities; and ensuring that States meet the program requirements under this part.” States have submitted data on compliance and results indicators for six years. The U.S. Department of Education, Office of Special Education Programs has issued determinations to all 60 states and territories for all six years.

There has been limited examination of the effect of the status determination requirement on compliance or results for children with disabilities. This paper presents the analyses of the state data. Three questions guided this work: 1) Has the national performance on indicators of compliance and results improved in six years? 2) Are the most compliant states showing improved performance on indicators of results? 3) What is the compliance status of states with the highest performance on results indicators?

The conclusions from this examination and these analyses are that national performance on compliance indicators has improved, while performance on results indicators has remained almost constant. States demonstrating high compliance as defined above in general did not have the highest performance on results. One of the eight states with the highest compliance also had high performance for most of the results indicators. Of the eight states examined for results then compliance, only one was in meets requirements for multiple consecutive years.

The paper concludes with implications from this examination. One implication that seems apparent is when the focus is on compliance, compliance increases. What is more concerning is how to address the stagnant improvement of results.

## The Story of IDEA Compliance and Results

Section 616 of the Individuals with Disabilities Education Act (IDEA) (2004) requires the Secretary of Education to make a determination of the status of each state in meeting the requirements and purposes of IDEA. The statute states that monitoring by the federal government of states must focus on “improving educational results and functional outcomes for all children with disabilities; and ensuring that States meet the program requirements under this part” (20 U.S.C. 1416(a)).

Under statute, states are to report to the U.S. Department of Education (ED) annually on 20 indicators of performance. Eleven of the indicators are deemed “results” indicators, meaning they result from some action, either by the student or the system of education. For example, graduation rate is a results indicator. The other nine indicators are compliance indicators, meaning they measure the extent to which the state is complying with IDEA regulations. An example of a compliance indicator is whether an evaluation of a child suspected of a disability has the evaluation completed within a specified timeline.

States have submitted data on compliance and results indicators for six years. The U.S. Department of Education, Office of Special Education Programs (OSEP) has monitored states’ performance through an Annual Performance Report (APR) and issued a determination to all 60 states and territories for each of the six years on how closely the state met the requirements of statute. The way that OSEP has made these determinations (see <http://www2.ed.gov/fund/data/report/idea/sppapr.html> for the most recent year) has relied primarily on indicators of compliance with law. It is important to note that through the past six years, there have been measurement changes, clarifications, and additions to the wording of the indicators so that not all indicators have six years of data.

There has been limited examination by state of the effect of the status determination requirement on compliance or results for children with disabilities. This paper presents the analyses of the state data. Three questions guided this work: 1) Has the national performance on indicators of compliance

and results improved? 2) Are the most compliant states showing improved performance on indicators of results? 3) What is the compliance status of states with the highest performance on results indicators?

Method

Data used for this study were taken from state reported data. Each state is required to make the APR data public, usually through publication on the state department of education website. As noted above not all 20 indicators have comparable data for all years. The decision rule was to examine specific indicators for the past two years (data school years 2009-10 and 2010-11). The indicators used in this study are listed in Table 1.

**Table 1: Compliance and Results Indicators<sup>1</sup>**

Compliance Indicators	Results Indicators
<p><u>Indicator 11</u>: Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe. (20 U.S.C. 1416(a)(3)(B))</p>	<p><u>Indicator 1</u>: Percent of youth with IEPs graduating from high school with a regular diploma. (20 U.S.C. 1416 (a)(3)(A))</p>
<p><u>Indicator 12</u>: 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. (20 U.S.C. 1416(a)(3)(B))</p>	<p><u>Indicator 3</u>: Participation and performance of children with IEPs on statewide assessments: A. Percent of the districts with a disability subgroup that meets the State’s minimum “n” size that meet the State’s AYP targets for the disability subgroup. B. Participation rate for children with IEPs. C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards. (20 U.S.C. 1416 (a)(3)(A))</p>
<p><u>Indicator 13</u>: Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student’s transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be</p>	<p><u>Indicator 5</u>: Percent of children with IEPs aged 6 through 21 served: A. Inside the regular class 80% or more of the day; B. Inside the regular class less than 40% of the day; and C. In separate schools, residential facilities, or homebound/hospital placements. (20 U.S.C. 1416(a)(3)(A))</p>

<sup>1</sup> See <http://www2.ed.gov/fund/data/report/idea/sppapr.html>, Current Forms and Supporting Documents, Part B Indicator Measurement Table.

Compliance Indicators	Results Indicators
discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority. (20 U.S.C. 1416(a)(3)(B))	
<u>Indicator 15.</u> General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification. (20 U.S.C. 1416(a)(3)(B))	<u>Indicator 8:</u> Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities. (20 U.S.C. 1416(a)(3)(A))
<u>Indicator 20.</u> State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. (20 U.S.C. 1416(a)(3)(B))	

In addition to the two year rule, the second criteria for inclusion in this study was that the measure was in a positive direction, meaning that a completely “positive” outcome would be 100%. The indicator related to the dropout rate was omitted for this reason. The third and final rule was for indicators 3 and 5. Only proficiency (3C) was examined for Indicator 3 for both math (M) and reading (R). Only inside regular class 80% or more was examined for Indicator 5 (5A).

Data were analyzed using the data visualization software Tableau™. This software<sup>2</sup> allows data to be organized and compared across states, across years, and with filters for specific criteria. Indicators of compliance with law required performance levels of 94.5% or higher on all five compliance indicators to be termed “most compliant.” Performance levels for results indicators required the state to be at or above the national average for each of the five results indicators.

### Results

The results of this study are organized by the questions that guided the study. The first question was - has the national performance on indicators of compliance and results improved in six years?

Figure 1 below compares national averages for the compliance indicators for the past two years. The

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<sup>2</sup> Disclaimer: Any product(s) referenced in this document are not endorsements either by the author or LSUHSC-HDC. LSUHSC does not support or endorse any products or vendors.

reference line is set at 94.50% because, for the most part, OSEP has defined compliance as 95% or greater. It can be noted that three of the five indicators are at or above 95% both years. One indicator (15) is slightly below 95% and increased from 2009-10 to 2010-11. Similarly, the other indicator (13) that is more significantly below the 95% criteria has improved from 2009-10 to 2010-11. Something to note about Indicator 13 is that it has more than five measurement components. One indicator (20) did decrease by a slight 0.04 percentage points from 2009-10 to 2010-11.

**Figure 1: National Averages on Select IDEA Compliance Indicators**

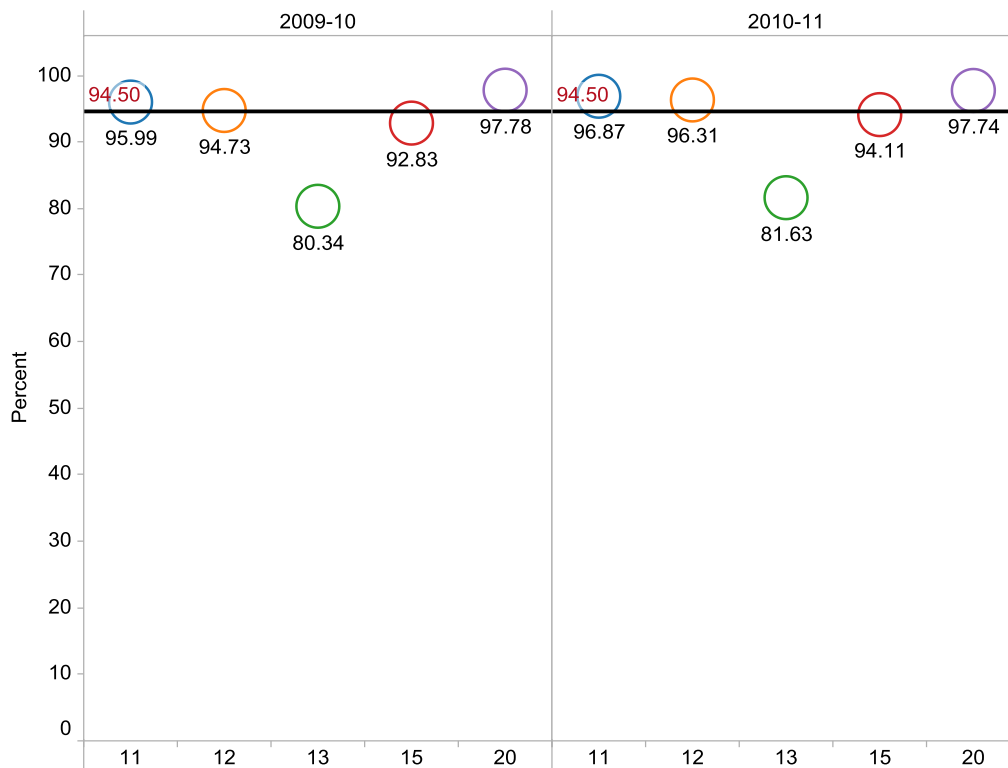
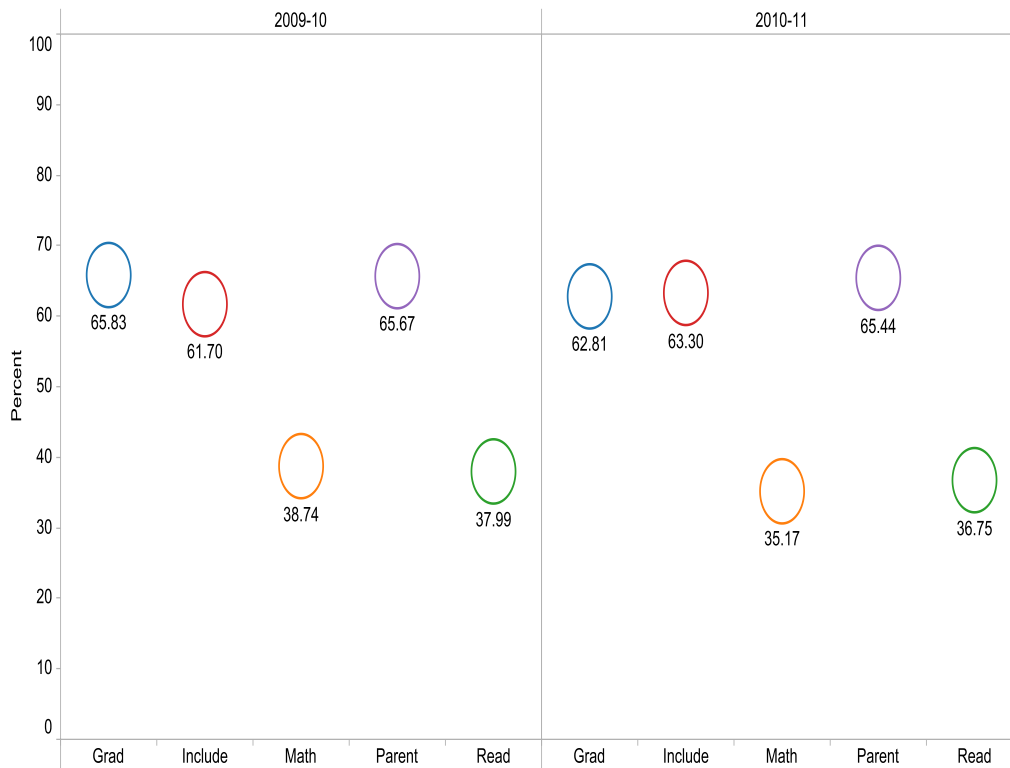


Figure 2 below compares national averages for results indicators for the past two years. Short titles are given for each indicator as follows:

- Indicator 1 – Grad
- Indicator 3C-M – Math
- Indicator 3C-R – Read
- Indicator 5A - Include

- Indicator 8 – Parent

**Figure 2: National Averages on Select IDEA Results Indicators**

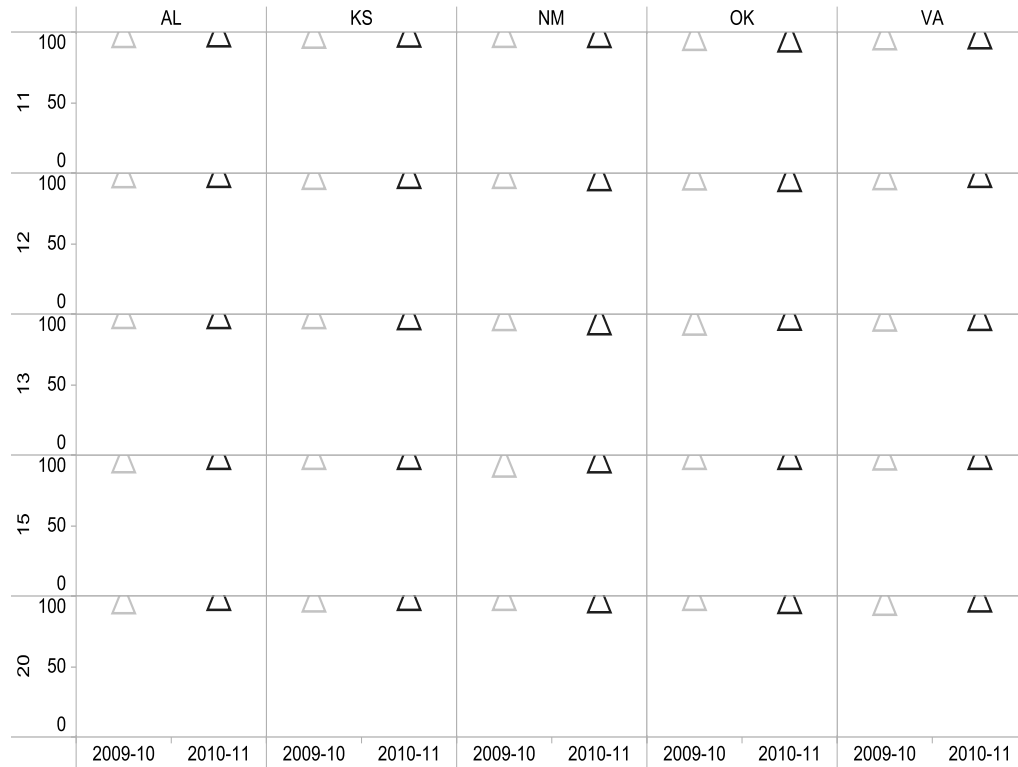


Note that performance is essentially the same for all five indicators for both years with some decreases in performance noted in graduation rate, math proficiency, and reading proficiency.

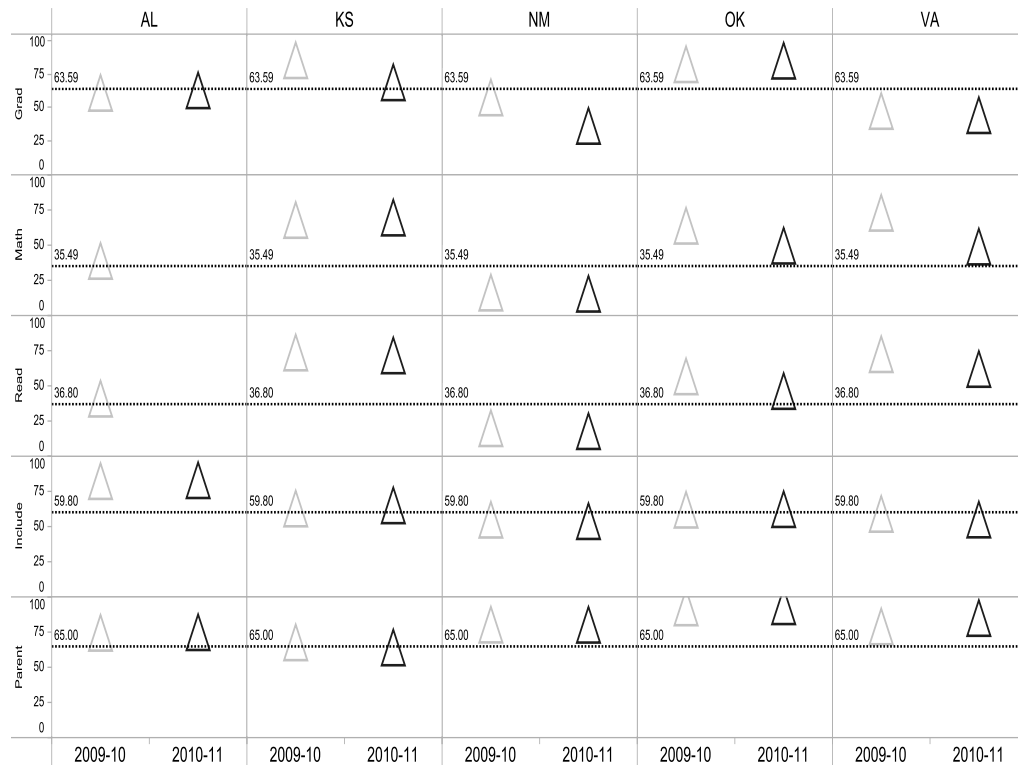
The second question posed for this study was - are the most compliant states showing improved performance on indicators of results? To identify the “most compliant” state, data for the last two years were sorted to identify states with performance at 94.5% or greater for all five indicators of compliance. Five states were identified as having performance at or above the criterion for both 2009-10 and 2010-11. Those states are Alabama, Kansas, New Mexico, Oklahoma, and Virginia. Figure 3 below shows the performance levels for these states on the five compliance indicators.

Figure 3 highlights that these states have had high levels of compliance for the two year period. The question is whether they have shown similar high performance on the results indicators. Figure 4 below shows the comparison.

**Figure 3: Performance of States with High Compliance on Select Indicators**



**Figure 4: Performance of States with High Compliance on Select Results Indicators**



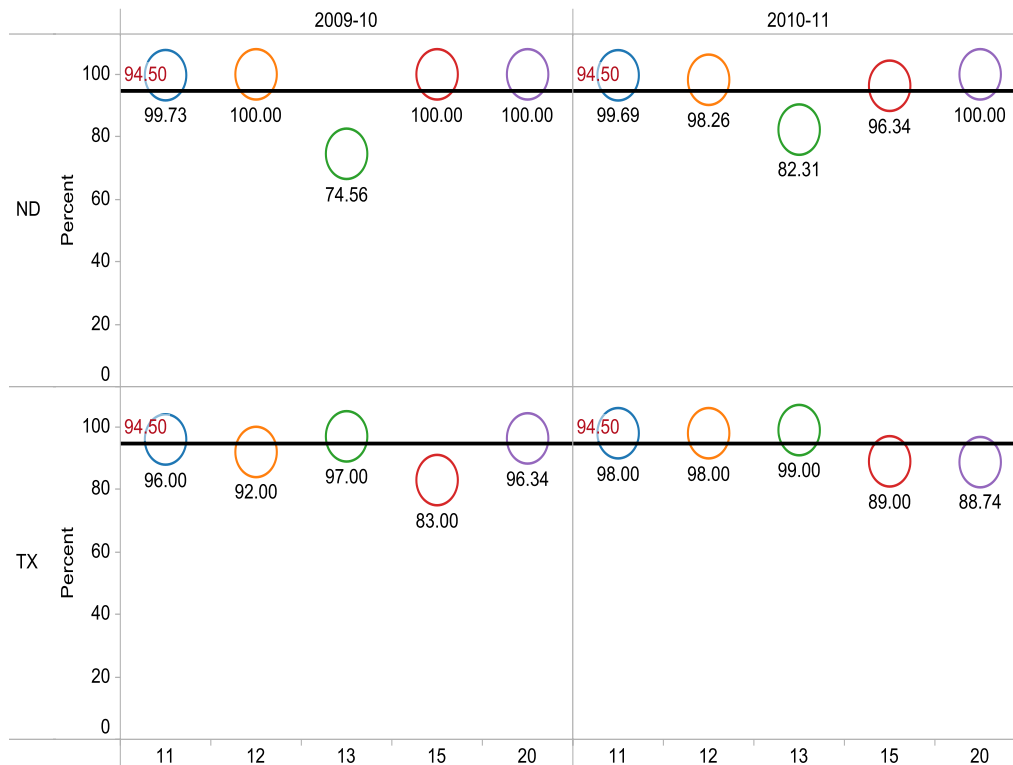


The only state with performance at or above the national average for both years is Oklahoma. Kansas is close, yet the performance on Parent for 2010-11 dipped slightly below the 65% average. In answer to the second question of whether the most compliant states are showing improved results, the answer is only one state (20%) of the five most compliant.

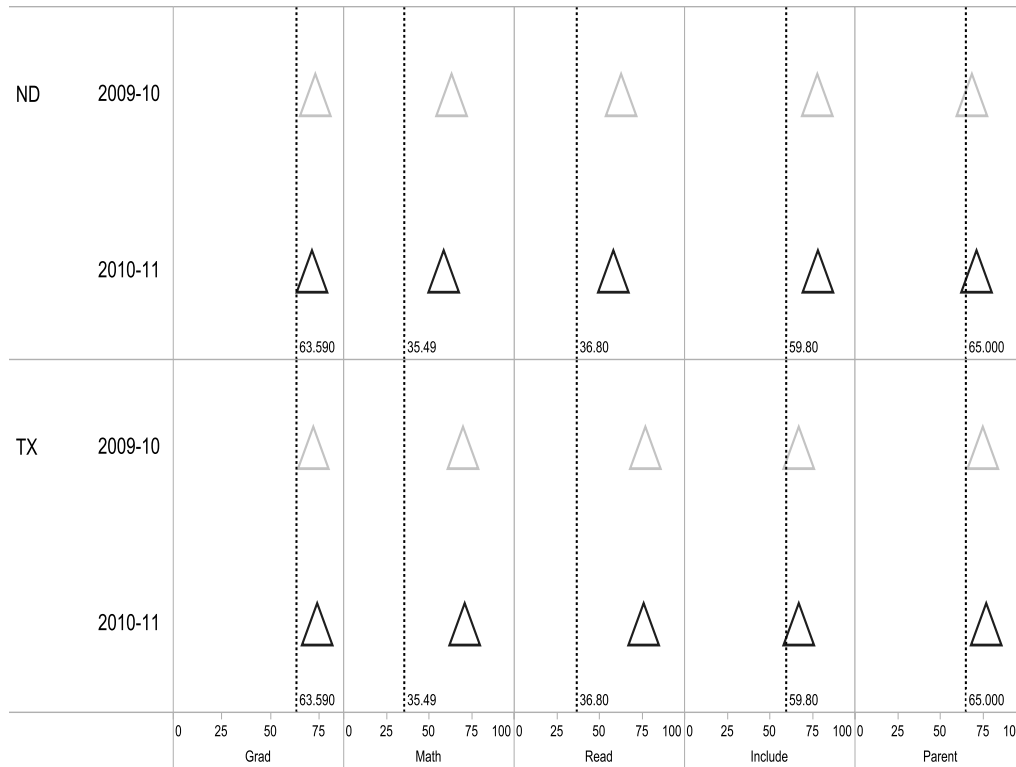
The final question in this study was - what is the compliance status of states with the highest performance on results indicators? There were only three states that were at or above the national average for 2009-10 and 2010-11. Those states are North Dakota, Oklahoma, and Texas. As was noted above Oklahoma has had high compliance on the five indicators examined for the past two years.

Figures 5 and 6 below shows the levels of performance on compliance and results indicators for North Dakota and Texas for the past two years.

**Figure 5: Performance on Compliance Indicators – North Dakota and Texas**



**Figure 6: Performance on Results Indicators – North Dakota and Texas**



North Dakota was only below the criterion of 94.5% compliance on Indicator 13, while being at or above the national average for all five indicators of results. Texas was below the 94.5% compliance criterion on indicators 12 and 15 in 2009-10 and indicators 15 and 20 in 2010-11. Each of those years Texas was at or above the national average for the five indicators of results.

Although not explicitly stated, a final examination was planned. That examination was a comparison of the “status” of the identified states for the two years examined. Status refers to the determination of how well states are meeting the IDEA requirements and purposes of improved results for children with disabilities. Even though IDEA notes both purposes and requirements, the determinations have predominately been made based on compliance indicators of legal requirements, not results of services to children with disabilities. The seven states included in this study were examined to see their determination status for the past two years.

As might be expected states with the highest compliance over the two year period were determined to meet the requirements of the IDEA, although not all of them. Alabama, Kansas, and New Mexico met the requirements both years. Virginia met the requirements in 2010-11, not in 2009-10. A review of the determination by OSEP indicated that the Virginia Department of Education

*did not provide valid and reliable data for Indicator 4B; and (2) did not report, under Indicator 4A, that it reviewed policies, procedures, and practices related to the development and implementation of individualized education programs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA for the local educational agencies identified with significant discrepancies*

(<http://www2.ed.gov/fund/data/report/idea/partbspap/2011/va-aprltr-2011b.doc>).

This is not an indicator included in this analysis; it relates to disciplinary actions taken for children with disabilities.

North Dakota also met requirements in 2010-11, but not in 2009-10. A review of their determination indicated that the North Dakota Department of Education

*did not, when reporting in Indicator 15 on correction of noncompliance identified in FFY 2008 indicate that it verified that each LEA with identified noncompliance was correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system* (<http://www2.ed.gov/fund/data/report/idea/partbspap/2011/nd-aprltr-2011b.doc>).

In this instance, even though the data reported were 100% a determination was made that specific requirements of the indicator were not implemented correctly.

Oklahoma was noted as having high compliance both years and above the national average performance on the results indicators. However, Oklahoma met requirements in 2009-10 but not in 2010-11. A review of their determination indicated that the Oklahoma Department of Education

*did not provide valid and reliable data for Indicators 4B and 16, and that its FFY 2010 data reflect a very low level of compliance with compliance Indicator 15 at 0%*

<http://www2.ed.gov/fund/data/report/idea/partbspap/2012/ny-aprltr-2012b.doc>).

This is rather confusing since the data in the APR on the state's website indicates 100% for Indicator 15.

As was noted above Indicator 4 was not included in this study, neither was Indicator 16.

The final state, Texas, did not meet the requirements of IDEA either year although performance on the results indicators was at or above the national average. A review of the determination letters for each year indicates the following. The Texas Department of Education (2010-11 data) *did not provide valid and reliable data for Indicators 4B and 17*

<http://www2.ed.gov/fund/data/report/idea/partbspap/2011/tx-aprltr-2011b.doc>). For the 2009-10 data, the Texas Department of Education data indicate *92% compliance for Indicator 12 and 83% for Indicator 15* (<http://www2.ed.gov/fund/data/report/idea/partbspap/2011/tx-aprltr-2011b.doc>). As was noted with other states Indicator 4 was not included in this study, similarly Indicator 17 was not included.

### Conclusions

The conclusions from this examination and these analyses are that national performance on compliance indicators has improved, while performance on results indicators has remained almost constant. States demonstrating high compliance as defined above, in general, did not necessarily have the highest performance on results. Only one of the states with the highest compliance also had high performance for the results indicators examined. Yet when that state's determination status was reviewed there seemed to be a mis-match between state reported data and the determination.

The criteria used to make determinations of the extent to which a state meets the purposes and requirements of IDEA have been predominately based on performance on indicators of compliance. As a result, compliance has improved. However, performance of children with disabilities on indicators of

results has not improved at the same rate. Based on the data, for the most part, performance on indicators of results has been relatively stagnant. This raises the question of whether emphasis on procedural/legal compliance improves student results and ultimately outcomes.

There are obviously limitations to this study. One of the first limitations is that only two years of data are examined and only for a subset (50%) of the indicators of compliance and results. Another limitation is that these are aggregated state level data. Aggregated data mask variations at lower levels that might provide explanations. For example, if there are a number of very high performing school districts and a high number of low performing school districts, then the state average performance might remain relatively the same, even as specific improvements are being made.

The importance of this study is that it considers whether focusing attention predominately on compliance with the law (IDEA) is related to increased or improved performance. The results do not indicate a relationship between high levels of compliance and improved results for children with disabilities. It is strictly a preliminary study. Closer and deeper examinations are required. Yet, this study does raise the question of where to focus attention. If attention is focused primarily on complying with requirements of the law, then performance in compliance improves. However, is there enough “attention” to also focus on improving results for children with disabilities? This preliminary study seems to indicate that there is not enough attention to focus on both since performance on results indicators is relatively stagnant.

## References

Individuals with Disabilities Education Act of 2004 §616 20 USC §1416

Individuals with Disabilities Education Act of 2004 §618 20 USC §1418

Special Education and Rehabilitative Services, OSEP Part B and C State Monitoring and Formula

Grants. <http://www2.ed.gov/policy/speced/guid/idea/monitor/index.html>