



Results-Driven Accountability: *Needs Substantial Intervention*

November 2018

Introduction

The U.S. Department of Education (ED) began implementation of Results-Driven Accountability (RDA) in 2014. RDA introduced the use of both results and compliance data in making annual determinations for each state as required by section 616(d) of IDEA. Prior to 2014, determinations were made solely on compliance elements (2007-2013).

Compliance had improved dramatically over the years following implementation of the annual state determination process required by the amendments to IDEA in 2004. At the same time, the proficiency of students with disabilities showed barely any improvement (see Figure 1 and Table 1).

Thus, ED reasoned that if the emphasis shifted to include both compliance and results the performance of students with disabilities would respond in kind.

*Background information on the RDA initiative is available at
<https://www2.ed.gov/about/offices/list/osers/osep/rda/index.html>*

Figure 1: Data from the National Assessment of Educational Progress (NAEP) and GRADS360

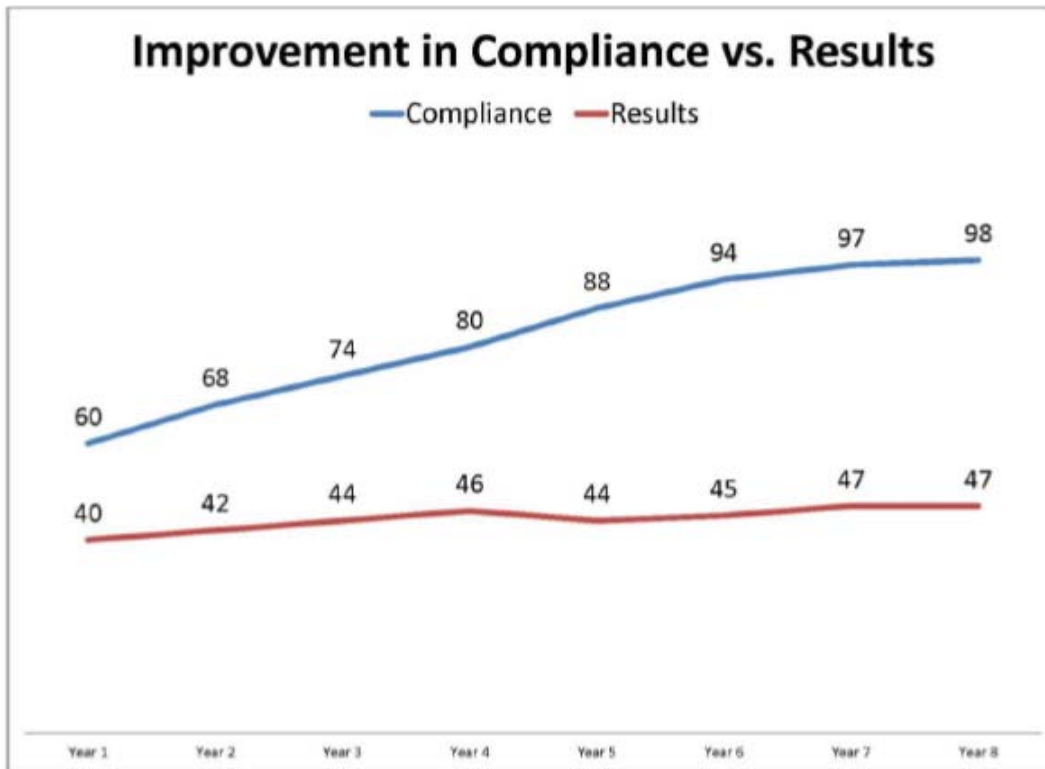


Table 1: Gaps for Students with IEPs and Comparison Peer Group on General State Assessments: Biannually from 2006-2007 to 2014-2015.

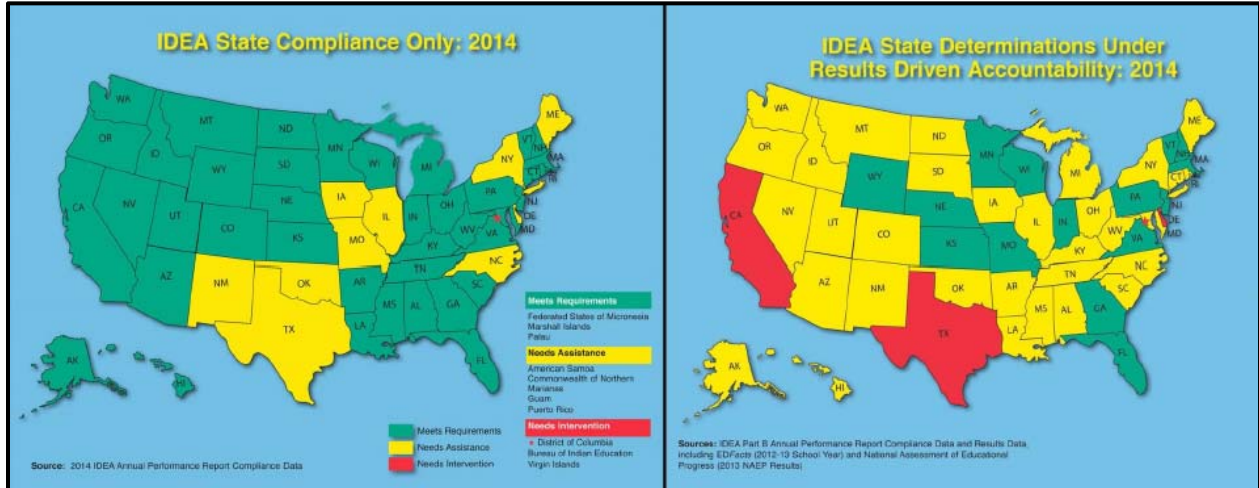
Grade Ranges	Mean Gaps for All States with Data ¹									
	2006-07		2008-09		2010-11		2012-13		2014-15	
	Gap	Number of States	Gap	Number of States	Gap	Number of States	Gap	Number of States	Gap	Number of States
Elementary Reading	31	47	31	45	34	45	35 (34)	45 (48)	32 (32)	41 (42)
Middle School Reading	40	47	40	46	41	45	41 (41)	45 (48)	38 (38)	41 (42)
High School Reading	40	46	40	44	40	45	39 (38)	46 (49)	37 (36)	41 (42)
Elementary Math	29	47	28	46	30	45	32 (32)	45 (48)	29 (28)	41 (42)
Middle School Math	40	47	38	46	40	42	40 (39)	45 (48)	29 (29)	41 (42)
High School Math	38	44	37	44	40	43	37 (36)	46 (49)	28 (28)	42 (43)

¹ Data in parentheses include the unique states. Data including the unique states were available only for 2012-13 and 2013-14. Prior analyses did not include the unique states.

Source: NCEO Report 405- 2014-15 Publicly Reported Assessment Results for Students with Disabilities and ELs with Disabilities, May 2017.

The initial determinations based on RDA in 2014 clearly showed the impact of incorporating results. The “Needs Assistance” category grew by 340 percent while the “Needs Intervention” category grew by 400 percent over the previous year (see Figure 2).

Figure 2: 2014 Determinations based upon Compliance only vs. RDA



Results-Driven Accountability (RDA) Explained

The RDA Matrix consists of a Results Matrix and a Compliance Matrix (see Table 3), the RDA Percentage and the state’s RDA Determination.

A state’s RDA Percentage is calculated by adding 50% of the state’s Results Score (i.e., percentage of points scored out of total points available) and 50% of the state’s Compliance Score (i.e., percentage of points scored out of total points available).

The state’s RDA Determination is made based on the RDA Percentage as follows:

- **Meets Requirements:** Percentage of at least 80% unless ED has imposed special conditions on the states last three grant awards.
- **Needs Assistance:** Percentage of at least 60% but less than 80%. A state is also determined as Needs Assistance if its percentage is 80% or above but ED has imposed special conditions.
- **Needs Intervention:** Percentage is less than 60%
- **Needs Substantial Intervention:** ED has not made a determination of Needs Substantial Intervention in any year since implementing RDA.

Actions required by ED:

Both IDEA law and regulations provide explicit actions the Secretary may or shall take for each determination category as shown below.

Needs assistance category (for two consecutive years)

The Secretary shall take one or more of the following actions:

- Advises the state of available sources of technical assistance that may help the state address the areas in which the state needs assistance, which may include assistance from the Office of Special Education Programs, other offices of the Department of Education, other federal agencies, technical assistance providers approved by the Secretary, and other federally funded nonprofit agencies, and requires the state to work with appropriate entities. Such technical assistance may include the following:
- The provision of advice by experts to address the areas in which the state needs assistance, including explicit plans for addressing the area for concern within a specified period of time;
- Assistance in identifying and implementing professional development, instructional strategies, and methods of instruction that are based on scientifically based research;
- Designating and using distinguished superintendents, principals, special education administrators, special education teachers, and other teachers to provide advice, technical assistance, and support; and
- Devising additional approaches to providing technical assistance, such as collaborating with institutions of higher education, educational service agencies, national centers of technical assistance supported under Part D of the Act, and private providers of scientifically based technical assistance.
- Directs the use of state-level funds under section 611(e) of the act on the area or areas in which the state needs assistance.
- Identifies the state as a high-risk grantee and impose special conditions on the state's grant under Part B of the Act.

Needs intervention category (for three or more consecutive years)

- The Secretary may take any of the actions listed under Needs Assistance.
- The Secretary shall take one or more of the following actions:
- Requires the state to prepare a corrective action plan or improvement plan if the Secretary determines that the state should be able to correct the problem within one year.
- Requires the state to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 et seq. (GEPA), if the Secretary has reason to believe that the state cannot correct the problem within one year.
- For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the state's funds under section 611(e) of the act, until the Secretary determines the state has sufficiently addressed the areas in which the state needs intervention.

- Seeks to recover funds under section 452 of GEPA.
- Withholds, in whole or in part, any further payments to the state under Part B of the Act.
- Refers the matter for appropriate enforcement action, which may include referral to the Department of Justice.

Needs substantial intervention category (NOTE: This determination has not been assigned to any jurisdiction in any year 2007-2018.)

- Secretary takes one or more of the following actions:
- Recovers funds under section 452 of GEPA.
- Withholds, in whole or in part, any further payments to the state under Part B of the Act.
- Refers the case to the Office of the Inspector General at the Department of Education.
- Refers the matter for appropriate enforcement action, which may include referral to the Department of Justice.

Changes to Results Matrix in 2015

Following the initial determinations in 2014, ED made a significant shift in the Results Matrix elements. Most notably, the elements regarding the percentage of children with disabilities scoring proficient on regular state assessments compared to all students (proficiency gap) was eliminated (see Table 2). Additionally, the NAEP participation elements were changed from the percentage of children with disabilities excluded to the percentage of children with disabilities included.

The elimination of elements measuring the proficiency gap in reading and math within each state increased the relative weight given to NAEP within the Results Matrix. It also eliminated the only element that measured within state performance of students with disabilities on general state assessments compared to all students.

Table 2: Results Matrix Elements Used in Part B Determinations 2014-2018

YEAR →	2014 FFY2012	2015 FFY2013	2016 FFY2014	2017 FFY2015	2018 FFY2016
READING COMPONENT ELEMENTS					
Percentage of 4 th and 8 th -grade CWD participating in regular statewide assessments	X				
Percentage of 4 th -grade CWD participating in regular Statewide assessments		X	X	X	X
Percentage of 8 th -grade CWD participating in regular Statewide assessments		X	X	X	X
Percentage of 4 th and 8 th grade CWD scoring proficient on regular Statewide assessments compared to all students scoring proficient on regular Statewide assessments (proficiency gap)	X				

Percentage of 4th-grade CWD scoring at basic or above on the NAEP	X	X	X	X	X
Percentage of 4th-grade CWD excluded from NAEP testing	X				
Percentage of 4th-grade CWD included in NAEP testing		X	X	X	X
Percentage of 8 th -grade CWD scoring at basic or above on the NAEP	X	X	X	X	X
Percentage of 8 th -grade CWD excluded from NAEP testing	X				
Percentage of 8 th -grade CWD included in NAEP testing		X	X	X	X
MATH COMPONENT ELEMENTS					
Percentage of 4 th and 8 th grade CWD participating in regular statewide assessments	X				
Percentage of 4 th -grade CWD participating in regular Statewide assessments		X	X	X	X
Percentage of 8 th -grade CWD participating in regular Statewide assessments		X	X	X	X
Percentage of 4 th and 8 th grade CWD scoring proficient on regular Statewide assessments compared to all students scoring proficient on regular Statewide assessments (proficiency gap)	X				
Percentage of 4th-grade CWD scoring at basic or above on the NAEP	X	X	X	X	X
Percentage of 4th-grade CWD excluded from NAEP testing	X				
Percentage of 4th-grade CWD included in NAEP testing		X	X	X	X
Percentage of 8 th -grade CWD scoring at basic or above on the NAEP	X	X	X	X	X
Percentage of 8 th -grade CWD excluded from NAEP testing	X				
Percentage of 8-grade CWD included in NAEP testing		X	X	X	X
EXITING DATA ELEMENTS					
Percentage of CWD exiting school by dropping out		X	X	X	X
Percentage of CWD exiting school by graduating with a regular high school diploma		X	X	X	X
Total Results Matrix points available >>>>>	20	24	24	24	24

RDA: Examining Five Years of Implementation

The initial objective of RDA—to improve results for students with disabilities—clearly has not been realized. Unlike the improvement that occurred in the first seven years using only compliance, improvement under RDA has barely changed over five years (see Figure 3). In fact, only ten states have received “Meets Requirements” rating in each of the five years (KS, MA, MN, MO, MT, NH, PA, VA, WI, WY)(See Appendix A). Meanwhile, none of the nation’s three

largest states, CA, NY and TX, which together educate 25 percent of all students with disabilities, have achieved a “Meets Requirements” determination in any year of RDA.

Figure 3: Part B Determinations 2007-2018

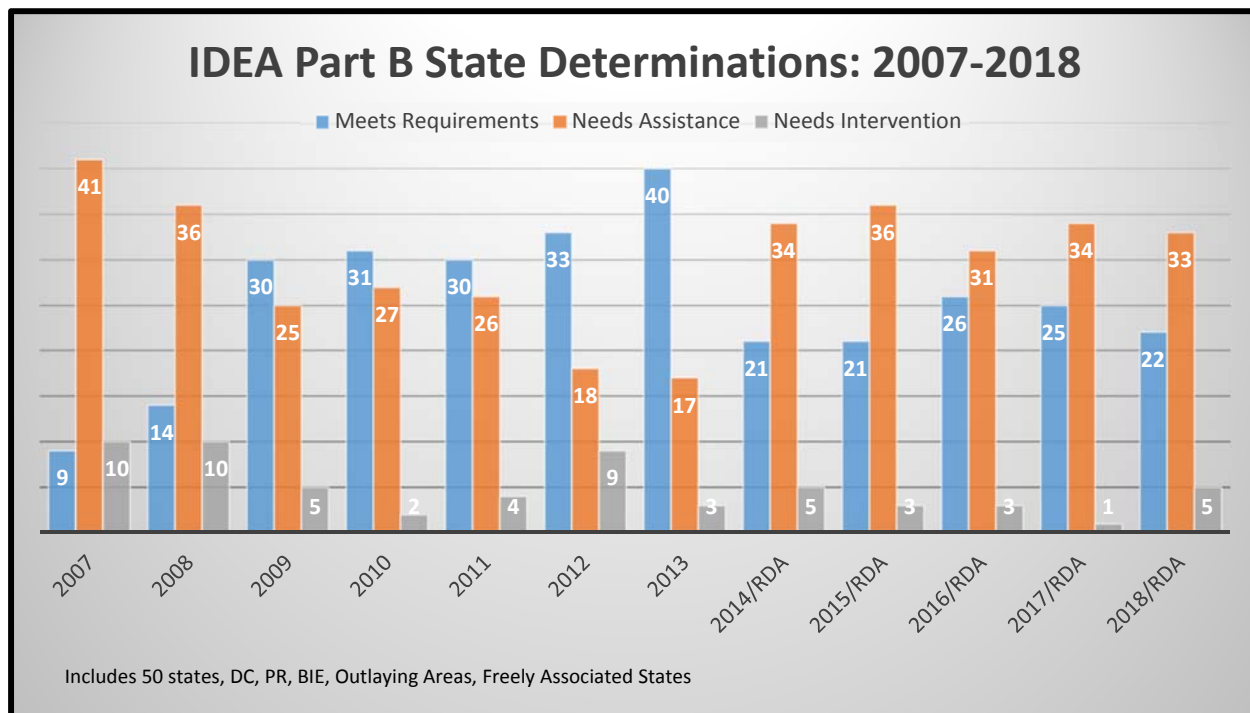


Table 3: Scoring of Results and Compliance Elements Based on 2018 Part B Determinations

Results Matrix Elements Scoring		
The Results matrix accounts for 55 percent of a state’s total RDA score. Within the Results Matrix, 50 percent of possible points (12 of 24) are based upon a rank ordering of state performance.		
ELEMENT	SCORING	POINTS AVAILABLE
READING ASSESSMENT ELEMENTS		
Percentage of 4 th -grade CWD participating in regular Statewide assessments	Based on analysis of participation rates across all states: 2 pts. if at least 90% of CWD participate in regular state assessments; 1 pt. if participation rate was 80% to 89% 0 pt. if participation was less than 80%.	2
Percentage of 8 th -grade CWD participating in regular Statewide assessments	Based on analysis of participation rates across all states: 2 pts. if at least 90% of CWD participate in regular state assessments; 1 pt. if participation rate was 80% to 89% 0 pt. if participation was less than 80%.	2

Percentage of 4th-grade CWD scoring at basic or above on the NAEP	States are rank-ordered : 2 pts. if in top 3 rd (tertile) 1 pt. if in middle 3 rd 0 pt. if in bottom 3 rd	2
Percentage of 4th-grade CWD included in NAEP testing	Score based on state's NAEP inclusion rate that is higher or not significantly different from NAGB goal of 85%: 1 pt. if 85% or higher 0 pt. if less than 85%	1
Percentage of 8 th -grade CWD scoring at basic or above on the NAEP	States are rank-ordered : 2 pts. if in top 3 rd (tertile) 1 pt. if in middle 3 rd 0 pt. if in bottom 3 rd	2
Percentage of 8th-grade CWD included in NAEP testing	Score based on state's NAEP inclusion rate that is higher or not significantly different from NAGB goal of 85%: 1 pt. if 85% or higher 0 pt. if less than 85%	1
MATH ASSESSMENT ELEMENTS		
Percentage of 4 th -grade CWD participating in regular Statewide assessments	Based on analysis of participation rates across all states: 2 pts. if at least 90% of CWD participate in regular state assessments; 1 pt. if participation rate was 80% to 89% 0 pt. if participation was less than 80%.	2
Percentage of 8 th -grade CWD participating in regular Statewide assessments	Based on analysis of participation rates across all states: 2 pts. if at least 90% of CWD participate in regular state assessments; 1 pt. if participation rate was 80% to 89% 0 pt. if participation was less than 80%.	2
Percentage of 4th-grade CWD scoring at basic or above on the NAEP	States are rank-ordered : 2 pts. if in top 3 rd (tertile) 1 pt. if in middle 3 rd 0 pt. if in bottom 3 rd	2
Percentage of 4th-grade CWD included in NAEP testing	Score based on state's NAEP inclusion rate that is higher or not significantly different from NAGB goal of 85%: 1 pt. if 85% or higher 0 pt. if less than 85%	1
Percentage of 8 th -grade CWD scoring at basic or above on the NAEP	States are rank-ordered : 2 pts. if in top 3 rd (tertile) 1 pt. if in middle 3 rd 0 pt. if in bottom 3 rd	2
Percentage of 8-grade CWD included in NAEP testing	Score based on state's NAEP inclusion rate that is higher or not significantly different from NAGB goal of 85%: 1 pt. if 85% or higher 0 pt. if less than 85%	1

EXITING DATA ELEMENTS		
Percentage of CWD exiting school by dropping out	State's data of CWDs dropping out are rank-ordered : 2 pts. if in top 3 rd (tertile) 1 pt. if in middle 3 rd 0 pt. if in bottom 3 rd	2
Percentage of CWD exiting school by graduating with a regular high school diploma	State's data of CWDs exiting with a regular high school diploma are rank-ordered : 2 pts. if in top 3 rd (tertile) 1 pt. if in middle 3 rd 0 pt. if in bottom 3 rd	2
Total Results Matrix points available >>>>>		24

Compliance Matrix Elements Scoring

The Compliance matrix accounts for 45 percent of a state's total RDA score.

ELEMENT	SCORING	POINTS AVAILABLE
Indicator 4B: Significant discrepancy, by race and ethnicity, in the rate of suspension and expulsion, and policies, procedures or practices that contribute to the significant discrepancy and do not comply with specified requirements.	2 pts. if data were valid and reliable and reflect at least 95% compliance (or for Indicators 4B, 9 and 10 reflect no greater than 5% compliance) OR Data were valid and reliable, reflect at least 90% compliance (or for Indicators 4B, 9 and 10 reflect no greater than 10% compliance) and state identified one or more findings of noncompliance in previous year and demonstrated correction 1 pt. if data were valid and reliable and reflect at least 75% compliance (or for Indicators 4B, 9 and 10 reflect no greater than 25% compliance) and state did not meet either of criteria for 2 pts. 0 pts if any of the following: data reflect less than 75% compliance; data were not valid and reliable; state did not report data.	2
Indicator 9: Disproportionate representation of racial and ethnic groups in special education and related services due to inappropriate identification.	See above	2
Indicator 10: Disproportionate representation of racial and ethnic groups in specific disability categories due to inappropriate identification.	See above	2

Indicator 11: Timely initial evaluation	See above	2
Indicator 12: IEP developed and implemented by third birthday	See above	2
Indicator 13: Secondary transition	See above	2
Timely and Accurate State-Reported Data	2 pts if OSEP-calculated percentage reflects at least 95% compliance; 1 pt. if OSEP-calculated percentage reflects at least 75% and less than 95% compliance 0 pts. if OSEP-calculated percentage reflects less than 75% compliance	2
Timely State Complaint Decisions	2 pts. if state data were valid and reliable and reflect at least 95% compliance; 1 pt. if state data were valid and reliable and reflect at least 75% and less than 95% compliance; 0 pts. if data reflect less than 75% compliance; Not Applicable if state data reflect less than 100% compliance and there were fewer than 10 state complaint decisions or 10 due process hearing decisions.	2
Timely Due Process Hearing Decisions	See above	2
Longstanding Noncompliance	2 pts. if state has no remaining findings of from 2 years ago or earlier and no special conditions on its grant award in effect at time of determination; 1 pt. if either or both of the following: state has remaining findings of noncompliance 2, 3 or 4 years ago for which state has not demonstrated correction and/or ED has imposed Special Conditions on the state's grant award and those conditions are in effect at time of determination; 0 pts. if either or both of the following: state has remaining findings of noncompliance 5 years ago or earlier and has not demonstrated correction and/or ED has imposed special conditions at state's last three grant awards and those special conditions are in effect at time of determination.	2
Total Compliance Matrix points available >>>>		20

RDA: Going Forward

Given the disappointing impact of RDA after five years of implementation, the time has come for a thorough evaluation (beyond the scope of this report) and formulation of recommendations for improvement as well as a timeline for implementation of changes. Below we articulate the most pressing issues of the current system. Interestingly, many of the issues highlighted below were voiced by the members of the National Association of State Directors of Special Education just weeks after release of the first RDA-based determinations (see Appendix B).

The current RDA Results Matrix:

- **Relies too heavily on NAEP elements.** Given biannually in Grades 4 and 8, NAEP results are reported only at the state level, making it impossible for states to investigate NAEP performance at the LEA level in order to foster improvement. NAEP does not capture students who take a state’s alternate assessments, as these students do not participate in NAEP. A state’s NAEP performance and its ranking among states plays no role in ESSA state accountability systems.
- **Does not measure performance on general state assessments.** Since 2015, there is no element that addresses the performance of students with disabilities on the state’s general assessment. ESSA requires states to establish ambitious long-term goals and measurements of interim progress for the performance of students with disabilities on state assessments in reading and math. Not mirroring the performance on state assessments in RDA does little to encourage states to focus on those goals.
- **Does not measure performance gap between students with disabilities and students without disabilities on state assessments.** Closing the performance gaps between students with disabilities and those without disabilities, as well as other historically poor performing subgroups, is the primary purpose of ESSA. Failing to include the performance gap in RDA determinations does nothing to assist with this gap-closing effort.
- **Does not measure performance or participation of students with the most significant cognitive disabilities who are assessed via a state’s alternate assessment on alternate academic achievement standards (AA-AAAS).** These students—approximately 10 percent of students with disabilities—are completely ignored in RDA. Meanwhile, ESSA has smoothed out state-to-state discrepancies regarding alternate assessments by prohibiting all but the AA-AAAS and capping the percentage of students who can be assessed.
- **Does not provide recognition of growth (i.e., improvement, gap closing) within each state from year to year in performance on state assessments.** ESSA provided states the

opportunity to use growth as an indicator in state accountability systems. RDA should do the same.

- **Relies too heavily on scoring based upon rank ordering of states.** Half of the possible points in the Results Matrix are based on how a state ranks among all states on that element. This approach results in one-third of states always failing to earn any points regardless of how the students with disabilities perform compared to students without disabilities in the states or how much improvement and/or gap closing has occurred.
- **Uses a different metric for graduation.** ESSA requires states to use the Four Year Adjusted Cohort Graduation Rate (ACGR) for goal setting and accountability purposes (identifying schools in need of improvement). States must use the ACGR and the graduation goals in the state ESSA plan for their State Performance Plan and Annual Performance Report. The RDA Matrix uses an “event rate” for measuring graduation. The rates vary significantly.

In 2012, the National Center on Educational Outcomes, at the request of OSEP, convened a team to provide recommendations on measures that could be used to monitor states on the performance of students with disabilities. The team recommended the following variables be included:

- Participation and performance of students with disabilities in state assessments.
- Performance of students with disabilities in state assessments.
- Gap on general state assessment performance between students with disabilities and students without disabilities.
- Improvement in performance over time (growth).
- Relative difficulty of state assessments (using NAEP state mapping study).
- Report separate data for reading and mathematics.

Read the full report, *Using Assessment Data as Part of a Results-Driven Accountability System: Input from the NCEO Core Team* available [here](#).

The Advocacy Institute is a non-profit, tax-exempt organization dedicated to the development of products, projects and services that work to improve the lives of people with disabilities. Founder/Director Candace Cortiella served on the NCEO Core Team.

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NASDSE Members' Feedback on OSEP's 2014 State Determination Process

Background

In an effort to focus more energy and resources at the federal, state and local levels toward the achievement of improved student results for students with disabilities, the U.S. Department of Education's Office of Special Education Programs (OSEP) put into place a process to attempt to achieve a better balance between **compliance** with the special education process and student **results**. After months of internal planning, OSEP rolled out its expectations for states to utilize stakeholder input to develop a State Systemic Improvement Plan (SSIP) as part of their State Performance Plans (SPPs) and Annual Performance Reports (APRs) utilizing a State Identified Measurable Result (SIMR). At the same time, OSEP revised its state evaluation process under its Results Driven Accountability (RDA) framework to make state determinations of states in one of four categories: Meets Requirements; Needs Assistance; Needs Intervention; and Needs Substantial Intervention. The scoring matrix provided that 50% of the determination is based on compliance with the requirements of the IDEA, and 50% on student results.

States received letters from OSEP in June, 2014, with their determinations based on the new process:

Determination Category	Number of States - Part B	Number of States - Part C*
Meets Requirements	18	36
Needs Assistance	36	17
Needs Intervention	6	4
Needs Substantial Intervention		

*Part C determinations were not based on the new system.

OSEP's focus on a balanced approach between compliance with the IDEA requirements and student results is consistent with NASDSE recommendations made over the past 10 years since the SPP/APR system was put into place by the 2004 reauthorization of the IDEA. However, while the "what" is in line with the direction state directors believe is appropriate, there are many concerns about the selection of measurement items and "how" state determinations of performance were made in this first year of implementation. This paper summarizes major issues and concerns reported by state directors and includes recommendations as this process continues to be rolled out by OSEP.

Methods for Feedback

Because of the tremendous interest by state directors of special education to dialogue with their peers about the process, NASDSE hosted a webinar on June 26, 2014 for this purpose. Approximately, 26 state representatives provided their reactions to the process. Several of the respondents were state staff members and not state directors of special education.

Since all state directors of special education were not able to participate in the June 26th call, NASDSE followed-up with a brief three question survey of state directors to provide another opportunity for feedback. The survey questions were:

1. What did OSEP get right about the process?

2. Where did OSEP miss the mark?
3. What recommendations do you have for improvement?

The data from the survey were analyzed to determine the positive aspects of the process as well as major concerns. Twenty-two NASDSE member states responded to the survey. There were no feedback items that were in conflict with the feedback from the June 26th call, so the survey results reported here are from the survey. Single item responses are not included in the results below.

Results

Question 1: What did OSEP get right about the process?

There were 29 discrete issues raised by the 22 respondents in response to this question. Twenty-one of the responses praised OSEP for putting more emphasis on results and/or using an appropriate balance between compliance and results when making determinations of states' performances and for providing prior notice that student results would be used in the calculations.

Question 2: Where did OSEP miss the mark?

State directors reported many problem areas for the determinations process, noting 67 discrete issues of concern. The most common concern expressed by nearly all of the responding directors (20 of 22) was that the use of NAEP participation and scores was inappropriate for the calculation of state determinations. Several reasons were given for this concern: it is not given every year; a low participation rate for students with disabilities; it's voluntary, not designed for this purpose, etc. as well as others. We note that in a letter to the U.S. Department of Education from Republican senators on the U.S. Senate Health, Education, Labor and Pensions (HELP) Committee, the legality of using the NAEP was challenged. Further, NAEP's own standards make it clear that the assessment must only be used for the purpose for which it is intended, which was clearly not done in this determinations process.

Half of the state directors were troubled by not having a comment period to provide input before the process was finalized and implemented.

Eight directors had concerns with the metrics used and rank ordering of states.

Not including students with disabilities taking alternate assessments in calculations for participation and performance was cited by six directors.

Five other concerns were cited more than once: not using growth as a factor; not delaying the process due to significant changes in states with respect to new assessments and development of the SSIP/RDA process; not giving states time to adjust their processes and programs before utilizing the 50/50 percentages for compliance and results; not considering states were implementing new assessments leading to new achievement targets; and not considering that 2013-2014 assessments were already given, so states cannot impact next year's determinations.

Question 3: What recommendations do you have for improvement?

State directors made 45 discrete recommendations for improvement of the determinations process. The highest number of directors (seven) recommended that the NAEP not be used as a data point or that its importance be reduced. Four directors recommended providing time for stakeholder review and comments and providing prior notice when items used in determinations are going to change. Three recommendations called for OSEP to freeze or adjust timelines for weighting (between compliance and results) to allow states time to implement new assessments and to focus on results. Another three directors recommended awarding points on individual state results based on state populations rather than ranking/comparing states. Three state directors went further by saying that the process was flawed and should be rescinded, and OSEP should engage states/stakeholders in a process that goes beyond test scores (shared vision, redesign of the scoring metrics, use of critical comparable elements, transparency). Three other items received two responses: allow states to calculate gap and growth targets based on new assessments and OSEP's acknowledgement that it takes years for recalculations; consider using a different method for determining proficiency results and give credit for growth and improvement; and while ranking states, consider trend data instead of point-in-time data.

Recommendations

Based on the feedback received from the state directors of special education, NASDSE makes the following recommendations for changes to the determinations process.

1. For multiple reasons, the use of NAEP participation and scores is not appropriate as an element for making state determinations and must not be used for the current or future determinations. Assessments must only be used for their intended use, rather than an over interpretation of intended use for rank ordering states. NAEP scores used for this year's calculations should be used for information only and not be used as the base year for future determinations.
2. For state directors to be more knowledgeable and more supportive of the determinations process, they must have the opportunity to be authentically engaged before next year's determinations are made. This includes, but is not limited to, the metrics used and the rank ordering of states. While it is recognized that moving to the use of results and compliance was a bold move in the right direction for assessing states' performance, the process was flawed and should be rescinded, giving time for OSEP to work with the state directors of special education and other stakeholders to design a more appropriate process.
3. Because it takes multiple years for new assessments and other changes to yield valid and reliable data, states need more time to understand and implement the new SSIP/RDA/Determinations process before determinations leading to sanctions are made. This would be consistent with the principles of implementation science, which is often cited by the U.S. Department of Education, including OSEP, as an underlying theory of its work.
4. All means all and every child/youth counts. All students with disabilities should be included in calculations for participation and performance, including those students taking alternate

assessments. Excluding those who take modified or alternate assessments is inconsistent with the IDEA because it treats these students unequally.

5. State determinations should be made on the basis of each state's growth – both in compliance and outcomes, but states should not be ranked according to a single indicator or a combination of indicators. States are charged with setting goals for each indicator and should be evaluated on their progress towards achieving those goals and not compared to progress or lack of progress made by other states, because state goals are **individualized based on multiple factors within a given state.**

Conclusion

OSEP made a bold step in the right direction by including both compliance and student results in its calculations for determining state performance, but the process was implemented too quickly and with limited transparency. NASDSE strongly recommends that OSEP use this year's process as a 'test year,' giving time to make needed adjustments based on critical feedback received on the process. NASDSE and the state directors of special education welcome an opportunity to continue to work with OSEP to improve the accountability system with the goal of improving outcomes for students with disabilities.