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KENTUCKY DEPARTMENT OF EDUCATION

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May 28, 2018

Mr. Phillip Watts, Superintendent
Breathitt County Schools
P.O. Box 750
Jackson, Kentucky 41339

RE: 2018 Determination Letter
Status: Meets Requirements

Dear Mr. Watts:

This letter is to provide the **Breathitt County Schools** with its 2018 special education **“Determination”** as required under the Individuals with Disabilities Education Act (IDEA).

The United States Department of Education (USED) is required to make annual determinations under the IDEA for State Educational Agencies (SEAs). Determinations serve as a public acknowledgement of the SEAs’ progress in meeting requirements of the IDEA. Similarly, SEAs are required to make annual determinations for its school districts based on their progress in meeting federal special education law.

There are four levels of determinations for both SEAs and school districts. They are:

- 1) Meets Requirements;
- 2) Needs Assistance;
- 3) Needs Intervention; or,
- 4) Needs Substantial Intervention.

The **Kentucky Determination Process** document describes the various levels of Determinations and what actions, if any are required based on this Determination. This document can be downloaded at: <https://education.ky.gov/specialed/excep/IDEA/Pages/Public-Reporting-of-IDEA-B-Data.aspx>. The KDE will provide districts with the degree of support needed depending upon their individual Determination level.

Originally, the Office of Special Education Programs (OSEP) within the USED made SEA determinations based solely upon whether the state had complied with IDEA requirements. This was accomplished by using compliance data from the SEA’s State Performance Plan (SPP) and Annual Performance Report (APR). The Division of Learning Services (DLS) within the Kentucky Department of Education (KDE) followed OSEP’s model and used only IDEA compliance data from the SPP and APR in determining whether a Kentucky school district “met requirements” under the IDEA.

A few years ago, OSEP changed its process in making SEA determinations to a **Results Driven Accountability** (RDA) model. Under the new system, OSEP uses both the data from a state’s educational outcomes of students with disabilities and its IDEA compliance data in making its determination.

For the past few years, Kentucky was found to **Meet Requirements** by OSEP, for both educational outcomes for students with disabilities and legal compliance with IDEA. In reaching this conclusion, OSEP used the totality of Kentucky’s education data, including compliance and student outcome data from Kentucky’s most recent SPP and APR, along with other State-reported data and publicly available information.

Given the focus at the federal level on RDA and the KDE’s emphasis on reduction in novice performance in statewide testing, the DLS decided to change its process in making district determinations to include student outcomes. To obtain input from outside the KDE, the DLS surveyed district superintendents and other shareholders and asked the question, **“What results data should the KDE use in making annual district determinations under the IDEA?”**

The DLS used the survey results and the KDE’s focus on novice reduction to develop *outcome* measures for making district determinations. The educational outcomes for students with disabilities, as well as IDEA compliance comprise the elements DLS is using to make its 2018 District Determinations.

The KDE used district performance from the SPP indicators, performance measures and compliance in the tables below to make its determinations. The 2018 Determinations are based on data from the 2016-2017 school year.

The tables below report the status of the **Breathitt County Schools** in each of several areas.

Table 1 – Indicator Measures:

Compliant	Measure	Measure Description
No Visit	On-Site Visit	Results, if Applicable of On-Site Monitoring Visit
No	Indicator 1	Graduation Rate of Students with Disabilities
No	Indicator 4b	Suspensions of Students with IEPs Over 10 Days
Yes	Indicator 9	Disproportionate Representation of Students with IEPs (<i>racial and ethnic groups</i>)
Yes	Indicator 10	Disproportionate Representation by Specific Disability Category
Yes	Indicator 11	Child Find (<i>students evaluated within 60 school days after parental consent received by the district</i>)
Yes	Indicator 12	IEPs in Place by the Student’s Third Birthday (<i>transitioning from First Steps</i>)
Yes	Indicator 13	Secondary Transition with IEP Including Postsecondary Goals

Table 2 – Outcomes:

Compliant	Outcomes	Assessment Outcome Description
Yes	Math	4 th Grade Math
Yes	Participation	8 th Grade Math
Yes	Reading	4 th Grade Reading
Yes	Participation	8 th Grade Reading
No	Math Performance	Proficient and Above for 8 th Grade Math

Table 3 – Compliance:

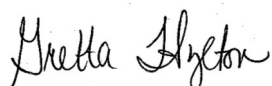
Compliant	Status of District’s Ability to Comply with Special Education Standards
No Finding	Persistent Failure to Comply/Not Able to Comply

Based on the performance of the **Breathitt County Schools** during the 2016-2017 school year in the areas listed above, the district’s overall 2018 Special Education Determination is “**Meets Requirements**” (**MEETS**)

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If you have questions regarding your 2018 Determination, please contact Joe McCowan at (502) 564-4970 or by e-mail to joseph.mccowan@education.ky.gov.

Sincerely,



Gretta Hylton, Director
 Division of Learning Services

- C: Amanda Ellis, KDE Associate Commissioner
- Darlene Jesse, KDE Division of Learning Services
- Frank Wayne Sizemore, Director of Special Education, Breathitt County Schools
- Eddy Wilder, Regional Special Education Cooperative Director