



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

June 22, 2022

Honorable Molly Magarik
Cabinet Secretary
Delaware Department of Health and Social Services
1901 North DuPont Highway, Herman M. Holloway Sr. Health and Social Services Campus
New Castle, Delaware 19701

Dear Cabinet Secretary Magarik:

I am writing to advise you of the U.S. Department of Education's (Department) 2022 determination under sections 616 and 642 of the Individuals with Disabilities Education Act (IDEA). The Department has determined that Delaware needs assistance in meeting the requirements of Part C of the IDEA. This determination is based on the totality of the State's data and information, including the Federal fiscal year (FFY) 2020 State Performance Plan/Annual Performance Report (SPP/APR), other State-reported data, and other publicly available information.

With the FFY 2020 SPP/APR submission, the Office of Special Education Programs (OSEP) requested that States and Entities report whether and how the data collection for any indicator was impacted by the COVID-19 pandemic. Specifically, OSEP requested that States and Entities include in the narrative for each impacted indicator: (1) the impact on data completeness, validity, and/or reliability for the indicator; (2) an explanation of how COVID-19 specifically impacted the State's or Entity's ability to collect and verify the data for the indicator; and (3) any steps the State or Entity took to mitigate the impact of COVID-19 on the data collection and verification. OSEP appreciates States' and Entities' level of transparency regarding the impact of COVID-19 on the data reported in the FFY 2020 SPP/APR. When making determination decisions for 2022, OSEP considered all information submitted that related to the impact of the COVID-19 pandemic. For 2022 determinations, as with 2021 determinations, no State or Entity received a determination of "Needs Intervention" due solely to data impacted by COVID-19.

Your State's 2022 determination is based on the data reflected in the State's "2022 Part C Results-Driven Accountability Matrix" (RDA Matrix). The RDA Matrix is individualized for each State and consists of:

- (1) a Compliance Matrix that includes scoring on Compliance Indicators and other compliance factors;
- (2) Results Components and Appendices that include scoring on Results Elements;
- (3) a Compliance Score and a Results Score;
- (4) an RDA Percentage based on both the Compliance Score and the Results Score; and
- (5) the State's Determination.

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

The RDA Matrix is further explained in a document, entitled “How the Department Made Determinations under Sections 616(d) and 642 of the Individuals with Disabilities Education Act in 2022: Part C” (HTDMD).

OSEP is continuing to use both results data and compliance data in making the Department’s determinations in 2022, as it did for the Part C determinations in 2015-2021. (The specifics of the determination procedures and criteria are set forth in the HTDMD and reflected in the RDA Matrix for your State.) For 2022, the Department’s IDEA Part C determinations continue to include consideration of each State’s Child Outcomes data, which measure how children who receive Part C services are improving functioning in three outcome areas that are critical to school readiness:

- positive social-emotional skills;
- acquisition and use of knowledge and skills (including early language/communication); and
- use of appropriate behaviors to meet their needs.

Specifically, the Department considered the data quality and the child performance levels in each State’s Child Outcomes FFY 2020 data.

In 2022, States were required to submit a new SPP/APR for FFYs 2020 through 2025. The 2022 submission of the SPP/APR is the third six-year SPP and includes baseline data and measurable and rigorous targets for FFY 2020 through FFY 2025 for each indicator in the SPP/APR. OSEP has reviewed and approved your State’s SPP under IDEA section 616(b) to include measurable and rigorous targets for FFY 2025 that reflect improvement over the State’s baseline data. Any action required by the State is reflected in OSEP’s response.

For the Department’s 2023 determinations, the Department is reviewing and considering whether and how to use existing indicators and/or other available data in making its determinations as part of its continuing effort to prioritize equity and improve results for infants, toddlers and children with disabilities. In April 2022, the Department released an equity action plan as part of its efforts to advance racial equity and support underserved communities. Examples of existing indicators that could be considered and/or be weighted differently include indicators on child find (for Part C) and/or significant discrepancy and disproportionate representation (for Part B). We will offer opportunities for input from the public, including parents, agencies that implement IDEA and other stakeholders, to provide feedback in the coming months, starting with the OSEP Leadership Conference in July 2022 as well as through email submissions and listening sessions open to the public.

As noted earlier, for its 2021 and 2022 determinations, the Department did not issue a determination of “Needs Intervention” to any State because States’ SPP/APR data collections for FFY 2019 and FFY 2020 were impacted by COVID-19. OSEP is considering, but has not yet determined, whether and how a State’s FFY 2021 SPP/APR data collection that was affected by COVID-19 will be considered in the Department’s 2023 determinations.

You may access the results of OSEP’s review of your State’s SPP/APR and other relevant data by accessing the EMAPS SPP/APR reporting tool using your State-specific log-on information at <https://emaps.ed.gov/suite/>. When you access your State’s SPP/APR on the site, you will find, in Indicators 1 through 11, the OSEP Response to the indicator and any actions that the State is

required to take. The actions that the State is required to take are in the “Required Actions” section of the indicator.

It is important for you to review the Introduction to the SPP/APR, which may also include language in the “OSEP Response” and/or “Required Actions” sections.

You will also find all of the following important documents saved as attachments:

- (1) the State’s RDA Matrix;
- (2) the HTDMD document;
- (3) a spreadsheet entitled “2022 Data Rubric Part C,” which shows how OSEP calculated the State’s “Timely and Accurate State-Reported Data” score in the Compliance Matrix; and
- (4) a document entitled “Dispute Resolution 2020-2021,” which includes the IDEA section 618 data that OSEP used to calculate the State’s “Timely State Complaint Decisions” and “Timely Due Process Hearing Decisions” scores in the Compliance Matrix.

As noted above, the State’s 2022 determination is Needs Assistance. A State’s 2022 RDA Determination is Needs Assistance if the RDA Percentage is at least 60% but less than 80%. A State would also be Needs Assistance if its RDA Determination percentage is 80% or above, but the Department has imposed Specific Conditions on the State’s last three IDEA Part C grant awards (for FFYs 2019, 2020, and 2021), and those Specific Conditions are in effect at the time of the 2022 determination.

As a reminder, your State must report annually to the public, by posting on the State lead agency’s website, on the performance of each early intervention service (EIS) program located in the State on the targets in the SPP/APR as soon as practicable, but no later than 120 days after the State’s submission of its FFY 2020 SPP/APR. In addition, your State must:

- (1) review EIS program performance against targets in the State’s SPP/APR;
- (2) determine if each EIS program “meets the requirements” of Part C, or “needs assistance,” “needs intervention,” or “needs substantial intervention” in implementing Part C of the IDEA;
- (3) take appropriate enforcement action; and
- (4) inform each EIS program of its determination.

Further, your State must make its SPP/APR available to the public by posting it on the State lead agency’s website. Within the upcoming weeks, OSEP will be finalizing a State Profile that:

- (1) includes the State’s determination letter and SPP/APR, OSEP attachments, and all State attachments that are accessible in accordance with Section 508 of the Rehabilitation Act of 1973; and
- (2) will be accessible to the public via the ed.gov website.

OSEP appreciates the State's efforts to improve results for infants and toddlers with disabilities and their families and looks forward to working with your State over the next year as we continue our important work of improving the lives of children with disabilities and their families. Please contact your OSEP State Lead if you have any questions, would like to discuss this further, or want to request technical assistance.

Sincerely,

Valerie Williams

Valerie Williams
Director
Office of Special Education Programs

cc: State Part C Coordinator

Delaware 2022 Part C Results-Driven Accountability Matrix

Results-Driven Accountability Percentage and Determination¹

Percentage (%)	Determination
77.68	Needs Assistance

Results and Compliance Overall Scoring

	Total Points Available	Points Earned	Score (%)
Results	8	5	62.5
Compliance	14	13	92.86

2022 Part C Results Matrix

I. Data Quality

(a) Data Completeness: The percent of children included in your State's 2020 Outcomes Data (Indicator C3)

Number of Children Reported in Indicator C3 (i.e., outcome data)	857
Number of Children Reported Exiting in 618 Data (i.e., 618 exiting data)	1156
Percentage of Children Exiting who are Included in Outcome Data (%)	74.13
Data Completeness Score²	2

(b) Data Anomalies: Anomalies in your State's FFY 2020 Outcomes Data

Data Anomalies Score³	2
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II. Child Performance

(a) Data Comparison: Comparing your State's 2020 Outcomes Data to other States' 2020 Outcomes Data

Data Comparison Score⁴	1
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(b) Performance Change Over Time: Comparing your State's FFY 2020 data to your State's FFY 2019 data

Performance Change Score⁵	0
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Summary Statement Performance	Outcome A: Positive Social Relationships SS1 (%)	Outcome A: Positive Social Relationships SS2 (%)	Outcome B: Knowledge and Skills SS1 (%)	Outcome B: Knowledge and Skills SS2 (%)	Outcome C: Actions to Meet Needs SS1 (%)	Outcome C: Actions to Meet Needs SS2 (%)
FFY 2020	61.25	33.49	65.42	27.77	65.97	36.64
FFY 2019	68.01	39.29	69.51	33.58	71.01	39.83

¹ For a detailed explanation of how the Compliance Score, Results Score, and the Results-Driven Accountability Percentage and Determination were calculated, review "How the Department Made Determinations under Section 616(d) of the *Individuals with Disabilities Education Act* in 2022: Part C."

² Please see Appendix A for a detailed description of this calculation.

³ Please see Appendix B for a detailed description of this calculation.

⁴ Please see Appendix C for a detailed description of this calculation.

⁵ Please see Appendix D for a detailed description of this calculation.

2022 Part C Compliance Matrix

Part C Compliance Indicator ⁶	Performance (%)	Full Correction of Findings of Noncompliance Identified in FFY 2019	Score
Indicator 1: Timely service provision	85.19	N/A	1
Indicator 7: 45-day timeline	97.71	N/A	2
Indicator 8A: Timely transition plan	99.15	N/A	2
Indicator 8B: Transition notification	100	N/A	2
Indicator 8C: Timely transition conference	91.21	N/A	2
Timely and Accurate State-Reported Data	100		2
Timely State Complaint Decisions	N/A		N/A
Timely Due Process Hearing Decisions	N/A		N/A
Longstanding Noncompliance			2
Specific Conditions	None		
Uncorrected identified noncompliance	None		

⁶ The complete language for each indicator is located in the Part C SPP/APR Indicator Measurement Table at: https://sites.ed.gov/idea/files/2022_Part-C_SPP-APR_Measurement_Table.pdf

Appendix A

I. (a) Data Completeness:

The Percent of Children Included in your State's 2020 Outcomes Data (Indicator C3)

Data completeness was calculated using the total number of Part C children who were included in your State's FFY 2020 Outcomes Data (C3) and the total number of children your State reported in its FFY 2020 IDEA Section 618 data. A percentage for your State was computed by dividing the number of children reported in your State's Indicator C3 data by the number of children your State reported exited during FFY 2020 in the State's FFY 2020 IDEA Section 618 Exit Data.

Data Completeness Score	Percent of Part C Children included in Outcomes Data (C3) and 618 Data
0	Lower than 34%
1	34% through 64%
2	65% and above

Appendix B

I. (b) Data Quality: Anomalies in Your State's FFY 2020 Outcomes Data

This score represents a summary of the data anomalies in the FFY 2020 Indicator 3 Outcomes Data reported by your State. Publicly available data for the preceding four years reported by and across all States for each of 15 progress categories under Indicator 3 (in the FFY 2016 – FFY 2019 APRs) were used to determine an expected range of responses for each progress category under Outcomes A, B, and C. For each of the 15 progress categories, a mean was calculated using the publicly available data and a lower and upper scoring percentage was set 1 standard deviation above and below the mean for category a, and 2 standard deviations above and below the mean for categories b through e⁷⁸. In any case where the low scoring percentage set from 1 or 2 standard deviations below the mean resulted in a negative number, the low scoring percentage is equal to 0.

If your State's FFY 2020 data reported in a progress category fell below the calculated "low percentage" or above the "high percentage" for that progress category for all States, the data in that particular category are statistically improbable outliers and considered an anomaly for that progress category. If your State's data in a particular progress category was identified as an anomaly, the State received a 0 for that category. A percentage that is equal to or between the low percentage and high percentage for each progress category received 1 point. A State could receive a total number of points between 0 and 15. Thus, a point total of 0 indicates that all 15 progress categories contained data anomalies and a point total of 15 indicates that there were no data anomalies in all 15 progress categories in the State's data. An overall data anomaly score of 0, 1, or 2 is based on the total points awarded.

Outcome A	Positive Social Relationships
Outcome B	Knowledge and Skills
Outcome C	Actions to Meet Needs

Category a	Percent of infants and toddlers who did not improve functioning
Category b	Percent of infants and toddlers who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers
Category c	Percent of infants and toddlers who improved functioning to a level nearer to same-aged peers but did not reach it
Category d	Percent of infants and toddlers who improved functioning to reach a level comparable to same-aged peers
Category e	Percent of infants and toddlers who maintained functioning at a level comparable to same-aged peers

Expected Range of Responses for Each Outcome and Category, FFY 2020

Outcome\Category	Mean	StDev	-1SD	+1SD
Outcome A\Category a	1.61	2.44	-0.83	4.04
Outcome B\Category a	1.37	2.77	-1.39	4.14
Outcome C\Category a	1.29	2.56	-1.27	3.85

⁷ Numbers shown as rounded for display purposes.

⁸ Values based on data for States with summary statement denominator greater than 199 exiters.

Outcome\Category	Mean	StDev	-2SD	+2SD
Outcome A\ Category b	22.84	8.64	5.56	40.12
Outcome A\ Category c	19.79	12.21	-4.64	44.22
Outcome A\ Category d	27.69	9.07	9.56	45.83
Outcome A\ Category e	28.07	14.94	-1.8	57.95
Outcome B\ Category b	24.32	9.72	4.87	43.76
Outcome B\ Category c	28.05	11.51	5.02	51.08
Outcome B\ Category d	32.71	7.86	16.99	48.42
Outcome B\ Category e	13.56	8.64	-3.73	30.84
Outcome C\ Category b	19.7	8.24	3.22	36.18
Outcome C\ Category c	22.3	12.44	-2.57	47.17
Outcome C\ Category d	34.7	7.93	18.85	50.56
Outcome C\ Category e	22.01	14.92	-7.82	51.84

Data Anomalies Score	Total Points Received in All Progress Areas
0	0 through 9 points
1	10 through 12 points
2	13 through 15 points

Anomalies in Your State's Outcomes Data FFY 2020

Number of Infants and Toddlers with IFSP's Assessed in your State	857
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Outcome A — Positive Social Relationships	Category a	Category b	Category c	Category d	Category e
State Performance	0	291	279	181	106
Performance (%)	0	33.96	32.56	21.12	12.37
Scores	1	1	1	1	1

Outcome B — Knowledge and Skills	Category a	Category b	Category c	Category d	Category e
State Performance	0	269	350	159	79
Performance (%)	0	31.39	40.84	18.55	9.22
Scores	1	1	1	1	1

Outcome C — Actions to Meet Needs	Category a	Category b	Category c	Category d	Category e
State Performance	3	275	265	274	40
Performance (%)	0.35	32.09	30.92	31.97	4.67
Scores	1	1	1	1	1

	Total Score
Outcome A	5
Outcome B	5
Outcome C	5
Outcomes A-C	15

Data Anomalies Score	2
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Appendix C

II. (a) Data Comparison: Comparing Your State's 2020 Outcomes Data to Other States' 2020 Outcome Data

This score represents how your State's FFY 2020 Outcomes data compares to other States' FFY 2020 Outcomes Data. Your State received a score for the distribution of the 6 Summary Statements for your State compared to the distribution of the 6 Summary Statements in all other States. The 10th and 90th percentile for each of the 6 Summary Statements was identified and used to assign points to performance outcome data for each Summary Statement⁹. Each Summary Statement outcome was assigned 0, 1, or 2 points. If your State's Summary Statement value fell at or below the 10th percentile, that Summary Statement was assigned 0 points. If your State's Summary Statement value fell between the 10th and 90th percentile, the Summary Statement was assigned 1 point, and if your State's Summary Statement value fell at or above the 90th percentile the Summary Statement was assigned 2 points. The points were added up across the 6 Summary Statements. A State can receive a total number of points between 0 and 12, with 0 points indicating all 6 Summary Statement values were at or below the 10th percentile and 12 points indicating all 6 Summary Statements were at or above the 90th percentile. An overall comparison Summary Statement score of 0, 1, or 2 was based on the total points awarded.

Summary Statement 1: Of those infants and toddlers who entered or exited early intervention below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 3 years of age or exited the program.

Summary Statement 2: The percent of infants and toddlers who were functioning within age expectations in each Outcome by the time they turned 3 years of age or exited the program.

Scoring Percentages for the 10th and 90th Percentile for Each Outcome and Summary Statement, FFY 2020

Percentiles	Outcome A SS1	Outcome A SS2	Outcome B SS1	Outcome B SS2	Outcome C SS1	Outcome C SS2
10	43%	34.95%	53.26%	26.46%	57.28%	36.45%
90	85.22%	72.37%	80.57%	57.54%	84.71%	78.3%

Data Comparison Score	Total Points Received Across SS1 and SS2
0	0 through 4 points
1	5 through 8 points
2	9 through 12 points

Your State's Summary Statement Performance FFY 2020

Summary Statement (SS)	Outcome A: Positive Social Relationships SS1	Outcome A: Positive Social Relationships SS2	Outcome B: Knowledge and Skills SS1	Outcome B: Knowledge and Skills SS2	Outcome C: Actions to meet needs SS1	Outcome C: Actions to meet needs SS2
Performance (%)	61.25	33.49	65.42	27.77	65.97	36.64
Points	1	0	1	1	1	1

Total Points Across SS1 and SS2(*)	5
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Your State's Data Comparison Score	1
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⁹ Values based on data for States with summary statement denominator greater than 199 exiters.

Appendix D

II. (b) Performance Change Over Time:

Comparing your State's FFY 2020 data to your State's FFY 2019 data

The Summary Statement percentages in each Outcomes Area from the previous year's reporting (FFY 2019) is compared to the current year (FFY 2020) using the test of proportional difference to determine whether there is a statistically significant (or meaningful) growth or decline in child achievement based upon a significance level of $p \leq .05$. The data in each Outcome Area is assigned a value of 0 if there was a statistically significant decrease from one year to the next, a value of 1 if there was no significant change, and a value of 2 if there was a statistically significant increase across the years. The scores from all 6 Outcome Areas are totaled, resulting in a score from 0 - 12. The Overall Performance Change Score for this results element of '0', '1', or '2' for each State is based on the total points awarded. Where OSEP has approved a State's reestablishment of its Indicator C3 Outcome Area baseline data the State received a score of 'N/A' for this element.

Test of Proportional Difference Calculation Overview

The summary statement percentages from the previous year's reporting were compared to the current year using an accepted formula (test of proportional difference) to determine whether the difference between the two percentages is statistically significant (or meaningful), based upon a significance level of $p \leq .05$. The statistical test has several steps.

Step 1: Compute the difference between the FFY 2020 and FFY 2019 summary statements.

e.g., C3A FFY2020% - C3A FFY2019% = Difference in proportions

Step 2: Compute the standard error of the difference in proportions using the following formula which takes into account the value of the summary statement from both years and the number of children that the summary statement is based on¹⁰

$$\sqrt{\left(\frac{\text{FFY2019}\% \cdot (1 - \text{FFY2019}\%)}{\text{FFY2019}_N} + \frac{\text{FFY2020}\% \cdot (1 - \text{FFY2020}\%)}{\text{FFY2020}_N}\right)} = \text{Standard Error of Difference in Proportions}$$

Step 3: The difference in proportions is then divided by the standard error of the difference to compute a z score.

Difference in proportions / standard error of the difference in proportions = z score

Step 4: The statistical significance of the z score is located within a table and the *p* value is determined.

Step 5: The difference in proportions is coded as statistically significant if the *p* value is it is less than or equal to .05.

Step 6: Information about the statistical significance of the change and the direction of the change are combined to arrive at a score for the summary statement using the following criteria

0 = statistically significant decrease from FFY 2019 to FFY 2020

1 = No statistically significant change

2 = statistically significant increase from FFY 2019 to FFY 2020

Step 7: The score for each summary statement and outcome is summed to create a total score with a minimum of 0 and a maximum of 12. The score for the test of proportional difference is assigned a score for the Indicator 3 Overall Performance Change Score based on the following cut points:

Indicator 2 Overall Performance Change Score	Cut Points for Change Over Time in Summary Statements Total Score
0	Lowest score through 3
1	4 through 7
2	8 through highest

¹⁰Numbers shown as rounded for display purposes.

Summary Statement/ Child Outcome	FFY 2019 N	FFY 2019 Summary Statement (%)	FFY 2020 N	FFY 2020 Summary Statement (%)	Difference between Percentages (%)	Std Error	z value	p-value	p<=.05	Score: 0 = significant decrease 1 = no significant change 2 = significant increase
SS1/Outcome A: Positive Social Relationships	797	68.01	751	61.25	-6.75	0.0243	-2.7826	0.0054	Yes	0
SS1/Outcome B: Knowledge and Skills	843	69.51	778	65.42	-4.09	0.0233	-1.7563	0.079	No	1
SS1/Outcome C: Actions to meet needs	883	71.01	817	65.97	-5.03	0.0225	-2.234	0.0255	Yes	0
SS2/Outcome A: Positive Social Relationships	929	39.29	857	33.49	-5.8	0.0227	-2.552	0.0107	Yes	0
SS2/Outcome B: Knowledge and Skills	929	33.58	857	27.77	-5.81	0.0218	-2.6696	0.0076	Yes	0
SS2/Outcome C: Actions to meet needs	929	39.83	857	36.64	-3.19	0.023	-1.3864	0.1656	No	1

Total Points Across SS1 and SS2 2

Your State's Performance Change Score 0

FFY 2016 APR -- (State)

FFY 2020 APR-- (Delaware)

Part C Timely and Accurate Data -- SPP/APR Data		
APR Indicator	Valid and Reliable	Total
1	1	1
2	1	1
3	1	1
4	1	1
5	1	1
6	1	1
7	1	1
8a	1	1
8b	1	1
8c	1	1
9	N/A	N/A
10	1	1
11	1	1
	Subtotal	12
APR Score Calculation	Timely Submission Points - If the FFY 2020 APR was submitted on-time, place the number 5	5
	Grand Total - (Sum of subtotal and Timely Submission Points) =	17.0

FFY 2016 APR -- (State)

618 Data				
Table	Timely	Complete Data	Passed Edit Check	Total
Child Count/Settings Due Date: 4/7/21	1	1	1	3
Exiting Due Date: 11/3/21	1	1	1	3
Dispute Resolution Due Date: 11/3/21	1	1	1	3
			Subtotal	9
618 Score Calculation	Grand Total (Subtotal X 2) =			18.0

Indicator Calculation	
A. APR Grand Total	17.00
B. 618 Grand Total	18.00
C. APR Grand Total (A) + 618 Grand Total (B) =	35.00
Total NA Points Subtracted in APR	1.00
Total NA Points Subtracted in 618	0.00
Denominator	35.00
D. Subtotal (C divided by Denominator) =	1.000
E. Indicator Score (Subtotal D x 100) =	100.0

* Note any cell marked as N/A will decrease the denominator by 1 for APR and 2 for 618