

**Delaware Department of Education (DDOE) State Compliance Monitoring**

**Subject: FY 2022 - Needs-Based Funding**

Student: \_\_\_\_\_

Last, First

**Status**     Agree  
                   Disagree

**LEA:**

**DDOE Reviewer:**

**Program Reviewed: IDEA**

**Date of Review:**

**Review Type:**

- On-site Review
- Desk Audit Review

**Legislation/Regulation Authority:**

State funding for the education of students with disabilities is administered pursuant to Title 14 of the Delaware Code and the State’s special education regulations at 14 DE Admin Code §§ 701 and 928. The Department of Education ("DOE") is authorized by Title 14 of the Delaware Code to adopt rules and procedures to administer and authenticate the count of children with disabilities as outlined in Chapter 17, Title 14 of the Delaware Code. The DOE is also governed by the Administrative Procedures Act as outlined in Chapter 101, Title 29 of the Delaware Code, except where specially exempted by law.

**Focus of Monitoring:**

To ensure compliance with Title 14 of the Delaware Code and the State’s special education regulations at 14 DE Admin Code §§ 701 and 928, the DOE shall conduct verification activities to ensure districts and charter schools are allocating the units generated by special education students to support students with disabilities in the manner required by 14 *Del. C.* § 1703. These activities may include but not be limited to, on-site record reviews by staff from the Exceptional Children Resources group, as well as classroom observations, and/or interviews with teachers, administrators, related service providers, and other school staff. These verification activities will be conducted during the annual compliance monitoring process.

**2021 – 2022 NEEDS BASED FUNDING VERIFICATION  
 PROTOCOL FOR RECORD REVIEW**

**INTENSE AND COMPLEX CATEGORIES**

Student Last Name:		Student First Name:	Student ID#
School District or Charter School:		School:	
Student Age:	Student DOB:	Student Grade Level on Date of Record Review:	
Disability Category:		LRE:	
Meeting Date of IEP Reviewed:		Needs Based Category Reported by the LEA (circle)  Intense      Complex	
Name of DOE Representative Completing Record Review:		Date of Record Review:	

Evidence within the IEP and/or other documents support the needs based category stated by LEA     Agree     Disagree

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Were Copies of Records Made:     Yes     No    Is the Assurance Form Included in Audit File:     Yes     No

**Rubric for Intensive and Complex Needs Based Funding Units**

<p>A student shall be counted in the <b>intensive unit</b> if the student is:</p> <ol style="list-style-type: none"> <li>1. Enrolled in preschool through grade 12; and</li> <li>2. Identified as a student eligible for special education; and</li> <li>3. In need of a moderate level of instructional, behavioral, personal support, or health support characterized individually or in combination by the following criteria:</li> </ol> <p><i>Note: the IEP must describe each of the criteria in sufficient detail. The supports can be detailed in the Statement of Services, Services/Aides/Modifications, within the Annual Goals, and/or other relevant areas of the IEP or attached documentation.</i></p>				<p>A student shall be counted in the <b>complex unit</b> if the student is:</p> <ol style="list-style-type: none"> <li>1. Enrolled in preschool through grade 12; and</li> <li>2. Identified as a student eligible for special education; and</li> <li>3. In need of a high level of instructional, behavioral, personal, or health support characterized individually or in combination by the following criteria:</li> </ol> <p><i>Note: the IEP must describe each of the criteria in sufficient detail. The supports can be detailed in the Statement of Services, Services/Aides/Modifications, within the Annual Goals, and/or other relevant areas of the IEP or attached documentation.</i></p>			
<b>Intensive</b>				<b>Complex</b>			
<p><b>Criteria A. Need for adult-student ratio of 1:3 to 1:8 for a substantial portion of educational program. (14 Del. C. § 1703(d)(5)(3)(A))</b></p> <p><i>Note: In order to count a student in the Intensive Unit, the needs of the child and the services provided to support the child must be detailed in the IEP to support the need for an adult-student ratio of 1:3 to 1:8 for greater than 50% of the educational program.</i></p>				<p><b>Criteria A. Need for adult-student ratio of 1:1 to 1:2 for a substantial portion of educational program. (14 Del. C. § 1703(d)(6)(3)(A))</b></p> <p><i>Note: In order to count a student in the Complex Unit, the needs of the child and the services provided to support the child must be detailed in the IEP to support the need for an adult-student ratio of 1:1 to 1:2 for greater than 50% of the educational program.</i></p>			
<input type="checkbox"/> Strong	<input type="checkbox"/> Moderate	<input type="checkbox"/> Weak	<input type="checkbox"/> N/A	<input type="checkbox"/> Strong	<input type="checkbox"/> Moderate	<input type="checkbox"/> Weak	<input type="checkbox"/> N/A
<p><i>Examples:</i></p> <ul style="list-style-type: none"> <li>• One-to-one or small group support for specific times of day (e.g., 1:1 to 1:2 less than half of day OR 1:3 to 1:8 for more than half of day)</li> <li>• Flexible grouping beyond grouping as part of core instruction</li> <li>• Behavior intervention plan (e.g., student check-in at end of day or class periods, behavior skill instruction)</li> <li>• Interventions to prevent occasional disruptions to the educational environment</li> </ul>		<p><i>Comments:</i></p>		<p><i>Examples:</i></p> <ul style="list-style-type: none"> <li>• One-to-one instruction for <u>substantial portion of day</u> (e.g., more than half of the day with 1:1 to 1:2 by combination of general ed, special ed, para support, and other specialists)</li> <li>• Behavior intervention plan (e.g., behavior analyst, interventionist, one-on-one support staff that follows the student throughout the day)</li> <li>• Interventions to prevent escaping from building, extreme aggression, danger to self or other students, continuous disruptions to the educational environment</li> <li>• Staff support for safety concerns related to health, physical disability, or behavior</li> </ul>		<p><i>Comments:</i></p>	

Intensive				Complex			
<b>Criteria B. Need for staff support for mid-range or moderate-use assistive technology. (14 Del. C. § 1703(d)(5)(3)(B))</b>				<b>Criteria B. Need for staff support for high-tech or extensive use assistive technology with may include both high and low technology items. (14 Del. C. § 1703(d)(6)(3)(B))</b>			
<i>Note: Support for assistive technology - Need for moderate level of staff support to provide direct instruction, facilitated use, or development of materials.</i>				<i>Note: Support for assistive technology – Need for extensive level of staff support for high-tech or extensive-use assistive technology which may include both high and low technology items.</i>			
<input type="checkbox"/> Strong	<input type="checkbox"/> Moderate	<input type="checkbox"/> Weak	<input type="checkbox"/> N/A	<input type="checkbox"/> Strong	<input type="checkbox"/> Moderate	<input type="checkbox"/> Weak	<input type="checkbox"/> N/A
<i>Examples:</i> <ul style="list-style-type: none"> <li>• <u>Intermittent instruction/assistance</u> for a student to use assistive technology (e.g., low, moderate, and high tech systems)</li> <li>• Use of AT for multiple domains (e.g., expressive/ receptive communication, daily living, content area instruction)</li> </ul>		<i>Comments:</i>		<i>Examples:</i> <ul style="list-style-type: none"> <li>• <u>On-going instruction/ facilitation</u> for extensive support across settings</li> <li>• Supported use of AT for multiple domains (e.g., expressive/ receptive communication, daily living, content area instruction)</li> <li>• Instruction and use of AT is also part of related services</li> </ul>		<i>Comments:</i>	

Intensive				Complex			
<b>Criteria C1.</b> <b>Federal: Need for some Extended School Year (14 Del. C. § 1703(d)(5)(3)(C))</b> <i>Note: Need for staff support to provide <u>some extended school year services</u> such as but not limited to the provision of related services, the provision of instruction in some academic areas as ESY.</i>  <b>State: Need for Reading-Based Extended School Year Services (14 Del. C. 925 § 24.2.7)</b>				<b>Criteria C1.</b> <b>Federal: Need for some Extended School Year (14 Del. C. § 1703(d)(5)(3)(C))</b> <i>Note: Need for staff support to provide <u>extensive extended school year services</u> such as but not limited to the provision of related services, the provision of instruction in some academic areas as ESY.</i>  <b>State: Need for Reading-Based Extended School Year Services (14 Del. C. 925 § 24.2.7)</b>			
<input type="checkbox"/> Strong	<input type="checkbox"/> Moderate	<input type="checkbox"/> Weak	<input type="checkbox"/> N/A	<input type="checkbox"/> Strong	<input type="checkbox"/> Moderate	<input type="checkbox"/> Weak	<input type="checkbox"/> N/A
<b>Federal - Examples:</b>  <ul style="list-style-type: none"> <li>ESY – continuation of therapy services or after-school tutoring for limited areas intermittently</li> </ul> <b>Criteria C1</b> can be met for a student participating in the 12-month program <u>if the student</u> is also eligible for ESY and the ESY requires the level of staff support described in C1.  <b>State - Examples:</b>  <ul style="list-style-type: none"> <li>Reading Based ESY – continuation of reading instruction in the areas of phonological awareness and the ability to use letter sound knowledge and decode unknown words.</li> </ul> <b>Criteria C1</b> can be met for a student participating in the 12-month program <u>if the student</u> is also eligible for Reading Based ESY and the Reading Based ESY requires the level of staff support described in C1.		Comments:		<b>Federal - Examples:</b>  <ul style="list-style-type: none"> <li>ESY – continuation of therapy services or after-school tutoring for limited areas intermittently</li> </ul> <b>Criteria C1</b> can be met for a student participating in the 12-month program <u>if the student</u> is also eligible for ESY and the ESY requires the level of staff support described in C1.  <b>State - Examples:</b>  <ul style="list-style-type: none"> <li>Reading Based ESY – continuation of reading instruction in the areas of phonological awareness and the ability to use letter sound knowledge and decode unknown words.</li> </ul> <b>Criteria C1</b> can be met for a student participating in the 12-month program <u>if the student</u> is also eligible for Reading Based ESY and the Reading Based ESY requires the level of staff support described in C1.		Comments:	

Intensive				Complex			
<b>Criteria C2. Need for relatively frequent but intermittent out-of-school (e.g., hospital; homebound) services. (14 Del. C. § 1703(d)(5)(3)(C))</b>				<b>Criteria C2. Need for relatively frequent but intermittent out-of-school (e.g., hospital; homebound) services. (14 Del. C. § 1703(d)(6)(3)(C))</b>			
<i>Note: Need for staff support to provide <u>relatively frequent but intermittent</u> supportive instructional and/or related services such as hospital or homebound setting resulting from out-of-school placement.</i>				<i>Note: Need for staff support to provide <u>relatively frequent but intermittent</u> supportive instructional and/or related services such as hospital or homebound setting resulting from out-of-school placement.</i>			
<input type="checkbox"/> Strong	<input type="checkbox"/> Moderate	<input type="checkbox"/> Weak	<input type="checkbox"/> N/A	<input type="checkbox"/> Strong	<input type="checkbox"/> Moderate	<input type="checkbox"/> Weak	<input type="checkbox"/> N/A
<i>Examples:</i> <ul style="list-style-type: none"> <li>Hospital/homebound – services for 5 hours or less per week</li> </ul> <p><b>Criteria C2</b> is not met when out of school services are provided because the student has been removed from school for disciplinary reasons.</p>		Comments:		<i>Examples:</i> <ul style="list-style-type: none"> <li>Hospital/homebound – services for more than 5 hours per week in combination with other services</li> </ul> <p><b>Criteria C2</b> is not met when out of school services are provided because the student has been removed from school for disciplinary reasons.</p>		Comments:	

Intensive				Complex			
<b>Criteria D. Need for moderate level of related services, including interpreter, therapy, and school nurse and health services.</b> <b>(14 Del. C. § 1703(d)(5)(3)(D))</b>				<b>Criteria D. Need for extensive level of related services, including interpreter, therapy, and school nurse and health services.</b> <b>(14 Del. C. § 1703(d)(6)(3)(D))</b>			
<i>Note: The combination of the related services (including type, frequency and duration of the services) should reflect the intensity of needs.</i>				<i>Note: The combination of the related services (including type, frequency and duration of the services) should reflect the intensity of needs.</i>			
<input type="checkbox"/> Strong	<input type="checkbox"/> Moderate	<input type="checkbox"/> Weak	<input type="checkbox"/> N/A	<input type="checkbox"/> Strong	<input type="checkbox"/> Moderate	<input type="checkbox"/> Weak	<input type="checkbox"/> N/A
<i>Examples:</i> <ul style="list-style-type: none"> <li>• One type of therapy provided individually across multiple days</li> <li>• Two or more therapies provided in a group and/or consult support</li> <li>• Nursing services – support at specific times per day for a regular medical procedure (e.g., daily nebulizer treatment, tube feeding, suction)</li> <li>• Intermittent interpreter services (e.g., less than half of day)</li> <li>• Specialized transportation (e.g., door to door)</li> </ul>		Comments:		<i>Examples:</i> <ul style="list-style-type: none"> <li>• Multiple therapies (combination of individual and group services)</li> <li>• Individual therapies provided in combination of individual, group and/or consult with instruction to generalize skills</li> <li>• Interpreter services for substantial part of day (e.g., more than half of day)</li> <li>• Nursing care, tube feeding, assistance or significant concerns for breathing, suctioned, etc</li> <li>• Assistance with daily living skills due to limited level of independence</li> <li>• Orthopedic needs (transfers or positioning throughout the day), personal care, toileting</li> </ul>		Comments:	

Intensive				Complex			
<b>Criteria E. Need for nonroutine or frequent accommodations or adaptations to curriculum or educational environment. (14 Del. C. § 1703(d)(5)(3)(E))</b>				<b>Criteria E. Need for extraordinary or extensive accommodations or adaptations to curriculum or educational environment. (14 Del. C. § 1703(d)(6)(3)(E))</b>			
<i>Note: Need for staff support to provide the accommodation(s) or to teach the student use of the accommodation(s).</i>				<i>Note: Need for extensive staff support to provide the accommodation(s) or to teach the student use of the accommodation(s).</i>			
<input type="checkbox"/> Strong	<input type="checkbox"/> Moderate	<input type="checkbox"/> Weak	<input type="checkbox"/> N/A	<input type="checkbox"/> Strong	<input type="checkbox"/> Moderate	<input type="checkbox"/> Weak	<input type="checkbox"/> N/A
<i>Examples:</i> <ul style="list-style-type: none"> <li>• High level of accommodations <u>used intermittently</u></li> <li>• Accommodations beyond routine accommodations utilized on a regular basis (e.g., assess student individually, multiple assessment administrations, modified format of test items, scribe, enlarged print)</li> <li>• Modifications easily available (e.g., high/low readers for students reading below grade level)</li> <li>• Consistent/frequent verbal and physical prompts (systemized)</li> </ul>		Comments:		<i>Examples:</i> <ul style="list-style-type: none"> <li>• High level of accommodations and modifications <u>used throughout day</u></li> <li>• Modifications that must be individually tailored, staff intensive for creation</li> <li>• Extensively modified curriculum – changes to representation &amp; expression</li> <li>• Extensive modifications/ adjustments to the classroom, building, or school environment to provide increased access/mobility</li> </ul>		Comments:	