

November 26, 2024

Jim Smith
Superintendent
Bear Creek Community CS
30 Charter School Way
Bear Creek Township, Pa 18702

Dear Superintendent Smith:

The purpose of this letter is to advise you of the Pennsylvania Department of Education's (PDE) determination of the status of your local education agency's (LEA) compliance with the Individuals with Disabilities Education Act (IDEA). First, a brief review of the requirement and how we reached this determination for your LEA is appropriate. The IDEA requires the U.S. Secretary of Education to make an annual determination as to whether each state is meeting the requirements of the Act. The federal Office of Special Education Programs (OSEP) reviews student outcomes as well as compliance data in evaluating state performance. The IDEA statute (Section 616) and Part B regulations (Sections 300.603 and 300.604) detail four categories for the Secretary's determination of a state's status. Each determination category leads to various consequences that OSEP must impose on states, ranging from positive recognition that a state has met requirements, through enforcement actions, including possible loss of federal funds. The categories are: (1) meets the requirements and purposes of the IDEA, (2) needs assistance, (3) needs intervention, or (4) needs substantial intervention.

On June 21, 2024, PDE was notified by OSEP that Pennsylvania has received the determination of "meets requirements" for federal fiscal year (FFY) 2022. Pennsylvania has now received the "meets requirements" determination for sixteen of the seventeen years that OSEP has been issuing its determinations.

In addition to the federal-to-state determination requirements, IDEA also mandates that states make annual determinations of the status of every LEA in the state. States must use the same four categories OSEP applies to state determinations for making LEA determinations. Conclusions must be based on at least the following factors: (1) the LEA's performance on the compliance indicators of the State Performance Plan, (2) the LEA's submission of timely and accurate Section 618 and other data to the state, (3) the LEA's timely correction of any findings of noncompliance issued by PDE, (4) whether there are fiscal issues related to Part B funds, and (5) other information that indicates the LEA's inability to meet requirements of the IDEA.

PDE staff conducted a thorough review of the above data for each school district and charter school in the state. This year's determinations are based on the LEA's performance for FFY 2022 and/or current administrative concerns. Based on this review, we have determined that your LEA *meets requirements* of Part B of the IDEA.

An LEA that receives the determination of meets requirements is eligible to take advantage of the 50 percent Maintenance of Effort (MOE) option under Section 300.205 of the IDEA Part B regulations. Additional information concerning this requirement is available from PDE.

PDE commends your LEA for the hard work being done to deliver high quality programs to students with disabilities. Should you want more information about this determination, or wish to discuss it further, please contact Carole Clancy, Director of the Bureau of Special Education, at caclancy@pa.gov.

Sincerely,



Dr. Carrie Rowe, Ed. D.,
Deputy Secretary

CC: Carole L. Clancy, Ed. D.