
Part C Determinations

Presentation to ICC

June 14, 2007

What are Determinations?

- Based on information provided in the State's SPP/APR and other monitoring information the Office of Special Education Programs (OSEP) of the U.S. Department of Education will determine if the State:
 - ❑ Meets Requirements
 - ❑ Needs Assistance
 - ❑ Needs Intervention
 - ❑ Needs Substantial Intervention
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Determinations

- Meets Requirements

- State demonstrates substantial compliance on all compliance indicators, has valid and reliable data as required in the SPP/APR, and demonstrates timely correction of noncompliance
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Determinations

■ Needs Assistance

- State does not demonstrate substantial compliance on one or more compliance indicators, does not have valid and reliable data as required by the SPP/APR, and does not demonstrate timely correction of noncompliance.
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Determinations

■ Needs Intervention

- State does not demonstrate substantial compliance in one or more of the compliance indicators and has not made progress in correcting noncompliance, is missing valid and reliable data, had made no progress in correcting data problems and has not made progress in correcting noncompliance.
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Determinations

- Needs Substantial Intervention
 - State's failure to comply significantly affects the core requirements of the program, such as delivery of service to children and their families and/or the state has informed the Department that it is unwilling to comply.
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OSEP Requirements of States

▶ Pursuant to 616 and 642 of IDEA

▶ States are required to make “Determinations” annually on the performance of local Early Intervention Programs.

OSEP Requirements of States (cont)

- ▶ States must use the same four categories as OSEP in making Determinations of the status of local programs. These categories are:
 - ▶ Meets Requirements
 - ▶ Needs Assistance
 - ▶ Needs Intervention
 - ▶ Needs Substantial Intervention
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OSEP Requirements of States (cont)

- ▶ State *must* consider...
 - ▶ Performance on Compliance Indicators;
 - ▶ Whether data submitted by EIPs are valid, reliable, and timely;
 - ▶ Uncorrected noncompliance from other sources
 - ▶ In addition, States may also consider...
 - ▶ Performance on Performance Indicators; and
 - ▶ Other information.
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When to Make Determinations...

- ▶ Although there is no specific timeline in statute or regulations when Determinations must be made, States should consider making Determinations:
 - ▶ As soon as possible after issuing their annual report to the public.
 - ▶ In a timely manner so that EIPs can take actions necessary for improvement.
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Reporting Requirements

- ▶ IDEA does not require States to report Determination decisions to the U.S Department of Education or to the public.
 - ▶ State's, of course, *must inform* each EIP of the State's Determination.
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Determinations and Enforcement

- ▶ States must use the same four categories as OSEP in making Determinations of the status of local programs. Categories and enforcement actions may include:
 - ▶ Meets Requirements
 - ▶ Needs Assistance
 - ▶ advise program of available sources of technical assistance to address areas in which the program needs assistance.
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Determinations and Enforcement (cont)

▶ Needs Intervention

- ▶ Require the program to prepare or implement a corrective action plan to correct the identified area(s).

- ▶ Withhold, in whole or in part payments to program.

▶ Needs Substantial Intervention

- ▶ Withhold, in whole or in part funds.

Determinations and Enforcement (cont)

- ▶ States are required to implement the timeline for enforcement for local programs. For example,
 - ▶ After *two* consecutive years of a Determination of “needs assistance” the state may take action.
 - ▶ After *three* consecutive years of a Determination of “needs intervention” the state *must* take action.
 - ▶ If EIP is determined to be in the category “Needs Substantial Intervention”, immediate action must be taken.
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Issues and Challenges

- ▶ Issues related to fairness, equity, and transparency...
 - ▶ How can we ensure that the process for making Determinations is perceived as fair and equitable?
 - ▶ Issues related to public reporting...
 - ▶ Do we intend to report the Determinations to the public?
 - ▶ How will we take into consideration data that are more recent than our last report to the public?
 - ▶ What is the relationship of the public report and individual program determinations?
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Issues and Challenges

- ▶ Issues related to setting Determinations criteria...
 - ▶ What criteria will we use to know whether EIP program data are valid, reliable, and timely?
 - ▶ What criteria will our state use to assign each EIP to one of the four Determinations categories?
 - ▶ Will our state consider data from dispute resolutions – complaints, etc. as part of the criteria?
 - ▶ Will our state have an appeals process for EIPs?
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Issues and Challenges

- ▶ Issues related to setting Determinations criteria...
 - ▶ How will our state incorporate “new” indicators into the Determinations process in the future?
 - ▶ How will the state use the Determinations of local programs to guide or inform the state related to SPP improvement activities?
 - ▶ How will the state allocate resources for each of the four Determinations categories?
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Next Steps

- ▶ Involve Interagency Coordinating Council as stakeholders to participate in and advise the DPH in the development of the Determinations Process.
 - ▶ DPH to develop review process and Determinations Summary Report for input and feedback from ICC.
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