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**MEMORANDUM#06-24-2**

**TO:** Early Intervention Services Program Directors

**FROM:** Molly Gilbride

 Clinical Quality Manager 

**SUBJECT:** FFY22 Local Determination

The purpose of this memorandum is to inform early intervention service programs of the requirement for the Lead Agency (34 CFR 303.700) to make a local determination for each early intervention service program.

Each state Lead Agency (the Early Intervention Division in Massachusetts) must have in place a State Performance Plan that both evaluates the state’s efforts to implement the requirements of Part C of the Individuals with Disabilities Education Act (IDEA) and describe improvement activities as well as make a local determination for each local program. The Office of Special Education Programs (OSEP) of the U.S. Department of Education requires that the Early Intervention Division must consider the following factors in making a determination (20 U.S.C. 1442):

(1) performance on compliance indicators (Timely Services, Initial IFSP meeting within 45 days, Complete Transition Plan, LEA Notification within the timeframe, Transition Conference within the timeframe)

(2) valid and reliable data

(3) correction of identified noncompliance

(4) other data available to the State about the EIS program’s compliance with the IDEA including relevant findings

Please review the enclosed Massachusetts Part C – Local Determinations documents for additional information about the criteria for making Local Determinations as well as technical assistance requirements associated with each determination. If you have any questions regarding the determination process, please contact your Clinical Oversight and Support Specialist.

**Massachusetts Part C Local Program Determinations Federal Fiscal Year 2022**

**How the Division made Determinations**

The Early Intervention Division is required to report annually on the performance of the State and of each EIS program (§34 CFR 303.702). The data in the Early Intervention Client System (EICS) were used to calculate performance for the six compliance indicators in the State Performance Plan (Timely Services, Initial IFSP meetings within 45 days, Complete Transition Plan, Timely LEA Notification, Timely Transition Conference, and Timely Correction of Non‐Compliance). These data were also used for each EIS program’s local performance report and local determination percentages. EIS program percentages for indicator 4 (family outcomes) were used for the results indicator. The percentage for each of the six compliance indicators (total compliant/total \*100) for each program are available on the Early Intervention website as part of the SPP/APR reporting (Local Program Performance Reports). In addition, the Early Intervention Division included program performance on data quality reports and the number of months with more than 40 errors as well as fiscal compliance, meeting the fiscal year end claim submission deadline.

These performance measurements were used to calculate a point score for each program. Points for each compliance indicator as well as points for valid and reliable data entry, fiscal compliance and correction of noncompliance were given to determine an overall score for each early intervention program. Please see the attached scoring matrix and table for further information.

**Determination Indicators**

1. Percent of infants and toddlers with Individual Family Service Plans (IFSPs) who receive the early intervention services on their IFSPs in a timely manner.
2. Percent of eligible infants and toddlers with IFSPs for whom an initial evaluation and initial assessment and an initial IFSP meeting were conducted within Part C’s 45-day timeline.
3. The percentage of toddlers with disabilities exiting Part C with timely transition planning for whom the EIS program has; developed an IFSP with transition steps and services at least 90 days, and at the discretion of all parties, not more than nine months, prior to the toddler’s third birthday.
4. The percentage of toddlers with disabilities exiting Part C with timely transition planning for whom the EIS program notified the lead educational agency (LEA) where the toddler resides at least 90 days prior to the toddler’s third birthday for toddlers potentially eligible for Part B preschool services
5. The percentage of toddlers with disabilities exiting Part C with timely transition planning for whom the EIS program conducted the transition conference held with the approval of the family at least 90 days, and at the discretion of all parties, not more than nine months, prior to the toddler’s third birthday for toddlers potentially eligible for Part B preschool services.
6. The Percentage of families participating in Part C who report that early intervention services have helped the family: A. Know their rights; B. Effectively communicate their children's needs; and C. Help their children develop and learn.
7. Valid and Reliable Data- The number of months in the federal fiscal year that the Early Intervention Program was identified to have more than 40 errors on their Data Quality Report.
8. Fiscal Compliance: The timeframe in which the EIS program submitted claims for the fiscal year deadline.
9. Timely correction of non‐compliance

The Office of Special Education Programs (OSEP) identifies four categories of determination:

* Meets requirements
* Needs assistance
* Needs intervention
* Needs substantial intervention

Table 1 summarizes these categories and accompanying actions.

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| **Table 1. Determinations and Actions** |
| **Determination Category** | Potential Required Actions for this Category  |
| **MR = Meets Requirements**15-19 Points | EIS programs recognized as meeting requirements and purposes of the IDEA in Early Intervention Division’s public-facing documents |
| **NA = Needs Assistance**10-14 Points | EIS programs advised of available sources of technical assistance and encouraged to participate in technical assistance activities. May require specific technical assistance activities or quality improvement plan after two years in this category. Determination noted in the Early Intervention Division’s public-facing documents |
| **NI = Needs Intervention**5-9 Points | EIS programs may be required to develop and implement a Corrective Action Plan to address noncompliance. Determination noted in the Early Intervention Division’s public-facing documents |
| **NSI = Needs Substantial Intervention**0-4 Points | EIS programs required to develop and implement a Corrective Action Plan to address noncomplianceDetermination noted in the Early Intervention Division’s public-facing documentsReferrals to EIS program may be limited, the Early Intervention Division may withhold, in whole or in part, payment to the EIS program |

**DETERMINATION RESULTS**

The following is a summary of the Massachusetts Part C EIS program determinations, as defined by 34 CFR 300.703(b):

Meets Requirements – 51

Needs Assistance – 8

Needs Intervention – 0

Needs Substantial Intervention – 0

Please use the following link to see IDEA part C requirements of the state for actions that must be taken if the EI Division determines a program to be in category “Needs assistance” or Needs intervention for multiple years.[eCFR :: 34 CFR 303.704 -- Enforcement.](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-303/subpart-H/subject-group-ECFRe32b04708514b9c/section-303.704)