



The Commonwealth of Massachusetts
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MEMORANDUM#06-26

TO: Early Intervention Service Program Directors

FROM: Molly Gilbride
Clinical Quality Manager

Molly Gilbride

SUBJECT: FFY24 Local Determinations

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 Department of Public Health 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 2024 (July 1, 2024-June 30, 2025)

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 five compliance indicators in the State Performance Plan (Timely Services, Initial IFSP meetings within 45 days, Complete Transition Plan, Timely LEA Notification, Timely Transition Conference). These data were also used for each EIS program's local performance report. The percentage for each of the five compliance indicators (total compliant/total *100) for each EIS program are available on the Early Intervention website as part of the SPP/APR reporting (Local Program Performance Reports). EIS program percentages for indicator 4 (family outcomes) were used as one of the results indicators reviewed. In addition, the Early Intervention Division included data completeness for indicator 3 Child Outcomes as a second results indicator. Program performance on data quality reports and the number of months with more than 40 or 5% errors, fiscal compliance and correcting noncompliance within the required one-year timeframe were calculated as part of the local determination scoring matrix.

These performance measurements were used to calculate a point score for each program. Points for each compliance and results 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. The percentage of infants and toddlers with Individual Family Service Plans (IFSPs) who receive the early intervention services on their IFSPs in a timely manner.
2. The percentage 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. The percentage of children enrolled in early intervention for at least 6 months and received two evaluations with the Battelle Developmental Inventory.
8. The number of months in the federal fiscal year that the early intervention service program was identified to have more than 40 errors or 5% errors on their Data Quality Report.
9. The number of findings and prefinding corrections received from the fiscal team.
10. Noncompliance corrected within the required 1-year time frame from the date of written notification.

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.

Table 1. Determinations and Actions	
Determination Category	Potential Required Actions for this Category
MR = Meets Requirements 16-21 Points	EIS programs recognized as meeting requirements and purposes of the IDEA in Early Intervention Division's public-facing documents
NA = Needs Assistance 11-15 Points	EIS programs advised of available sources of technical assistance and encouraged to participate in technical assistance activities. Will 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 7-10 Points	EIS programs 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	EIS programs required to develop and implement a Corrective Action Plan to address noncompliance

0-6 Points	Determination noted in the Early Intervention Division's public-facing documents Referrals to EIS program may be limited, the Early Intervention Division may withhold, in whole or in part, payment to the EIS program
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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 – 55

Needs Assistance – 6

Needs Intervention – 1

Needs Substantial Intervention – 0

The State must take one or more of the following actions related to EIS program Local Determinations:

(a) *Needs assistance.*

If the State determines, for two consecutive years, that an EIS program needs assistance under [§ 303.703\(b\)\(1\)\(ii\)](#) in implementing the requirements of part C of the Act, the State takes one or more of the following actions:

(1) Advises the State of available sources of technical assistance that may help the State address the areas in which the program needs assistance.

This technical assistance may include—

- (i) The provision of advice by experts to address the areas in which the program needs assistance, including explicit plans for addressing the areas of concern within a specified period of time;
- (ii) Assistance in identifying and implementing professional development, early intervention service provision strategies, and methods of early intervention service provision that are based on scientifically based research;
- (iii) Designating and using administrators, service coordinators, service providers, and other personnel from the EIS program to provide advice, technical assistance, and support; and
- (iv) Devising additional approaches to providing technical assistance, such as collaborating with institutions of higher education, educational service agencies, national centers of technical assistance supported under part D of the Act, and private providers of scientifically based technical assistance.

(b) ***Needs intervention.*** If the State determines, for three or more consecutive years, that a State needs intervention under [§ 303.703\(b\)\(1\)\(iii\)](#) in implementing the requirements of part C of the Act, the following apply:

(1) The State may take any of the actions described in [paragraph \(a\)](#) of this section.

(2) The State takes one or more of the following actions:

(i) Requires the EIS program to prepare a corrective action plan or improvement plan if the State determines that the EIS program should be able to correct the problem within one year.

(ii) Requires the EIS program to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended (GEPA), [20 U.S.C. 1234f](#), if the State has reason to believe that the EIS program cannot correct the problem within one year.

(iii) Seeks to recover funds

(iv) Withholds, in whole or in part, any further payments to the EIS program under part C of the Act.

(v) Refers the matter for appropriate enforcement action

(c) ***Needs substantial intervention.*** Notwithstanding [paragraph \(a\)](#) or [\(b\)](#) of this section, at any time that the State determines that a program needs substantial intervention in implementing the requirements of part C of the Act or that there is a substantial failure to comply with any requirement under part C of the Act by the an EIS program the State takes one or more of the following actions:

(1) Recovers funds under section 452 of GEPA, [20 U.S.C. 1234a](#).

(2) Withholds, in whole or in part, any further payments to the EIS program under part C of the Act.

(3) Refers the case to the Office of Inspector General of the Department of Education.

(4) Refers the matter for appropriate enforcement action