

Making Data-Based Local Determinations

Infant & Toddler Connection
of Virginia
Part C

Federal Requirements for Determinations

With reauthorization of IDEA 2004, each State:

- Must have a State Performance Plan (SPP); and
- Must report to the Secretary on performance under the SPP through the Annual Performance Report (APR).

With reauthorization of IDEA 2004, OSEP must:

- Review the APR/SPP annually; and
- Assign States a determination based on review of SPP/APR and other data:
 - Meets Requirements;
 - Needs Assistance;
 - Needs Intervention; and
 - Needs Substantial Intervention.

Federal Requirements for Determinations

In accordance with §616(e) of the IDEA, States are required to make determinations annually on the performance of each early intervention program (EIS):

- Meets Requirements;
- Needs Assistance;
- Needs Intervention; and
- Needs Substantial Intervention.

Federal Requirements for Determinations

In making determinations, States must consider:

- Performance on compliance indicators;
- History, nature and length of time of any reported noncompliance;
- Evidence of correction, including progress toward full compliance;
- Whether data submitted by EIS programs are valid, reliable, and timely;
- Audit findings;
- Verification or focused monitoring findings;
- Uncorrected noncompliance from other sources;
- Special Conditions; and
- Compliance Agreements.

Federal Requirements for Determinations

In making determinations, States may consider:

- Performance on results indicators; and
- Other available information.

Stakeholder Involvement in Virginia

Convened the General Supervision and Monitoring Advisory Committee (GS&M):

- Meeting facilitated by National Consultant;
- Purpose was to develop the criteria for Virginia's determinations; and
- Developed determinations over 2, day-long meetings.

Constituent Groups represented:

- Parents;
- Local System Managers;
- Mental Retardation Directors;
- Child and Family Services Directors;
- Virginia Interagency Coordinating Council;
- Early Intervention Interagency Management Team; and
- Part C Staff.

Stakeholder Involvement in Virginia

Meeting #1: Purpose

- Provide an overview of changes in IDEA 2004; and
- Develop draft criteria for determinations.

Committee Recommendation “DO’s”:

- Hold local EIS to high standard of accountability;
- Use data from compliance & performance indicators;
- Report determinations to the public;
- Have Part C Office “test” the criteria with actual data from EIS programs.

Committee Recommendation “Don’ts”:

- Use Reason for low performance related to state target;
- Use Annualized child count on Indicators #5 and #6; and
- Use A formal “appeal process” for first year of determinations.

Stakeholder Involvement in Virginia

Following Meeting #1:

- Part C Office “tested” criteria
 - 20 EIS programs (half of EIS programs in Commonwealth)
 - Identified gaps, inconsistencies and concerns with results of “field test”
- Teleconference with National Consultant
 - Shared data analysis
 - Discussed potential explanations
 - Discussed how to proceed during next GS&M meeting

Stakeholder Involvement in Virginia

Meeting #2 Purpose

- To make final recommendations to the Part C office
- Review findings of “field test”;
 - Shared actual results of 2 EIS programs
 - Meets Requirements
 - Needs Intervention
 - Modified criteria
 - Point System

Additional Recommendations

- No EIS to be placed in “Needs Substantial Intervention” for first year;
- Part C Office determine “cut off” scores for each determination category.

Stakeholder Involvement in Virginia

FFY 2006 Determinations

- Modifications made to scoring sheet
 - Dispute Resolution
 - Timely and Accurate Data
- Modifications made to overall scoring
 - Family Outcomes
 - Correction of Non-compliance
 - Timely submission of data
- To ensure equity across all EIS
 - Used total “possible” points that could be obtained
 - Used “actual” points obtained
 - Applied mathematical formula to determine total percentage
 - Ranked systems by total percentage

Virginia's Local System of Determinations

What does Virginia consider in establishing the criteria for determinations?

- Information from OSEP; what they considered when making determinations on States;
- Performance on all monitoring indicators;
- History, nature and length of time of any reported noncompliance;
- Evidence of correction, including progress toward full compliance;
- Timely completion of ITOTS verification forms;
- Valid and reliable data;
- Timely submission of contract deliverables and other requested data; and
- Outcome of Dispute Resolutions.

Virginia's Local System of Determinations

What is looked at in making determinations?

- Indicator #1: Timely Initiation of Services
- Indicator #2: Primary Service Setting
- Indicator #4: Family Outcomes
- Indicator #5: Identification of Children Birth – 1 year
- Indicator #6: Identification of Children Birth – 3 years
- Indicator #7: 45-day timeline
- Indicator #8: Transition
- Indicator #9: Timely Correction of Non-compliance
- Indicator # 10, 11, 13: Dispute Resolutions
- Indicator # 14: Timely and Accurate Data

Virginia's Local System of Determinations

How are determinations made?

- Virginia uses a point system to make the determination status:
 - Each element receives a score of 0, 1, or 2 points; and
 - Points are given based on EIS performance in achieving the state target.

Each point has defined criteria:

- 0 points reflects a substantial degree of compliance; and
- 2 points reflects a lack of compliance

Enforcements

Corrective Action/Service Enhancement Plan (CAP-SEP)

- First level of Enforcement
- Developed for any identified non-compliance
- Addresses strategies to achieve compliance
- Must consider following components to determine if noncompliance is attributed in part or whole to any/all of the components
 - Infrastructure
 - Policies and Procedures
 - Professional Development/Technical Assistance
 - Daily Practice
 - Resources
- Must include
 - Monitoring and Supervision mechanism to ensure compliance.

Enforcements

Meets Requirements:

- Develop CAP/SEP to monitor indicators not in full compliance
- Advise of available Technical Assistance
- Scheduled phone calls with TA and Monitoring Consultants
 - Frequency determined on individual basis
- Ensure local monitoring mechanisms in place
 - Achieve and/or maintain compliance

Enforcement

Needs Assistance (First Year)

- Same as Meets Requirements

Additional Requirements

- Scheduled phone calls with TA and Monitoring Consultants
 - Monitor progress of CAP-SEP
 - Revise CAP-SEP as appropriate

Enforcements

Additional Enforcement Options

- On-site activities as needed and appropriate
 - Training, Technical Assistance and/or Monitoring Activities
- Focused Monitoring site visit to “drill down” on an area of non-compliance
- Increased scheduled calls to monitor implementation of CAP-SEP
 - Status report on required Technical Assistance
 - Data analysis and review
- Required targeted Technical Assistance
- Record reviews
- Require EIS to direct use of Part C funds

Enforcement

Needs Assistance (Year Two)

- Same as Meets Requirements and Needs Assistance

Additional Requirements

- Required to obtain and use targeted Technical Assistance
- CAP/SEP revised to include required Technical Assistance requests
- Scheduled phone calls with TA and Monitoring Consultants
 - Status Report of required Technical Assistance

Enforcements

Additional Enforcement Options

- Same as Needs Assistance (Year 1)

Enforcements

Needs Intervention

- Same as Meets Requirements and Needs Assistance

Additional Requirements

- Develop vigorous CAP/SEP
 - Framework for expectations to bring EIS into compliance
- On-site activities
 - Technical Assistance, Training and/or Monitoring
 - Frequency to be determined on an individual basis
 - Initial visit scheduled with Local System Manager (LSM) and Supervisor and administrative personnel as appropriate

Enforcements

Additional Enforcement Options

- Same as Needs Assistance (Year 1)

Enforcements

Needs Substantial Intervention or Needs Intervention (3 Years)

- Same as Needs Intervention

Additional Requirements

- Direct use of Part C funds to areas that will ensure correction of non-compliance;
- Identify EIS as “high risk”;
 - “Compliance Agreement”
- Notify Assistant Commissioner (DMRMHSAS) and Executive Director of above;
 - Assist in developing terms of “Compliance Agreement”
 - Outline conditions if terms of “Compliance Agreement” not met
- Conditionally approve contract.

Enforcements

Additional Enforcement Options:

- Same as Needs Assistance (Year 1);
- Withhold percentage of Part C funds for each year of Determination Status;
- Recover funds*;
- Withhold further payment to EIS*; and
- Terminate contract.

* Requirements of IDEA

Enforcements

Outside Determination Ranking

- Contract deliverables not met
- CAP/SEP activities not completed or deadlines not met
- EIS refusal to comply with requirements

Actions to be taken:

- Withhold funds until the item completed;
- Elevate to next levels of administration
 - Local System Manager's Supervisor
 - Part C Coordinator
 - Assistant Commission of Community Services
 - Executive Director of agency
 - Commissioner of DMHMRSAS

Public Reporting and Determinations in Virginia

Data reported in the SPP is used in publicly reporting on required indicators

- Indicator #1: Timely Initiation of Services
- Indicator #2: Primary Service Setting
- Indicator #4: Family Outcomes
- Indicator #5: Identification of Children 0-1 year
- Indicator #6: Identification of Children 0-3 years
- Indicator #7: 45-day timeline
- Indicator #8: Transition
- Data used in making determinations
 - Includes above indicators
 - Indicator #9: Timely Correction of Noncompliance
 - Indicators #10, 11, 12: Dispute Resolution
 - Indicator #14: Timely and accurate data

Public Reporting and Determinations in Virginia

- Virginia looks at both compliance and performance indicators when making determinations.
 - Why do we do this?
 - Required to demonstrate progress toward state target on all SPP indicators (compliance and performance);
 - Performance Indicators are considered by OSEP in selecting States for on-site visits; and
 - The data on both compliance and performance indicators are annually reported to the public.

Virginia's Method of Data Collection

Currently

- ITOTS (Data base system)
- Record Reviews
 - Hand Calculations
 - Hand Development of Reports

Issues

- ITOTS does not collect all data elements needed
- Increased possibility of human error
- Time consuming
- Requires multiple checks for data accuracy

Virginia's Method of Data Collection

Future

- ITOTS (Data base system)
 - An Enhancement Plan to ITOTS is under development
 - To shift ITOTS from data collection system to Monitoring and Supervision tool at both State and local level
 - Identifying data elements needed for SPP/APR
 - Developing report specifications to calculate and produce reports needed for SPP/APR, Public Reporting and Determinations

Issues

- There won't be any; ITOTS will be perfect!

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