



## PROGRAM DETERMINATIONS

### BWEIP's Determination Criteria for Local Program Performance in Meeting the Requirements and Purposes of the IDEA

*Please refer to BWEIP policy 1.A.4 General Supervision  
System for Monitoring Implementation of Part C*

Determination Criteria	Meets Requirements	Needs Assistance (Sanctions imposed after two consecutive years – see below)	Needs Intervention (Sanctions imposed after three consecutive years – see below)	Needs Substantial Intervention (Sanctions imposed – see below)
<b>Substantial compliance on all SPP/APR compliance indicators (1, 7, 8A, 8B, and 8C.)</b>	<ul style="list-style-type: none"> <li>Demonstrates 95%-100% compliance on all compliance indicators</li> </ul>	<ul style="list-style-type: none"> <li>Demonstrates 80% - 94.99% compliance on one or more compliance indicators</li> </ul>	<ul style="list-style-type: none"> <li>Demonstrates 70% - 79.99% compliance on one or more compliance indicators</li> </ul>	<ul style="list-style-type: none"> <li>Demonstrates less than 70% compliance on one or more compliance indicators</li> </ul>
<b>Performance on Results Indicator</b>  (For implementation in FFY 2010-2011)	<ul style="list-style-type: none"> <li>Meets or exceeds the state target</li> </ul>	<ul style="list-style-type: none"> <li>Does not meet state target</li> </ul> <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> <li>Demonstrates progress toward the state target</li> </ul>	<ul style="list-style-type: none"> <li>Does not meet state target</li> </ul> <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> <li>Does not demonstrate progress toward the state target</li> </ul>	<ul style="list-style-type: none"> <li>Does not meet state targets AND/OR</li> <li>Does not demonstrate progress toward state target AND/OR</li> <li>Shows unwillingness to improve performance.</li> </ul>
<b>Timely correction of ANY noncompliance identified through "Audit Findings" (monitoring, file review, database, site visits, etc.)</b>	<ul style="list-style-type: none"> <li>Demonstrates timely correction of all noncompliance identified in the previous fiscal year AND</li> <li>Has improvement activities to timely correct all noncompliance identified in the previous fiscal year</li> </ul>	<ul style="list-style-type: none"> <li>Does not demonstrate timely correction of all noncompliance from previous fiscal year AND</li> <li>Has made significant progress toward correcting all noncompliance identified in the previous fiscal year</li> </ul>	<ul style="list-style-type: none"> <li>Does not demonstrate timely correction of all noncompliance identified in the previous fiscal year AND</li> <li>Has not made significant progress toward correcting all noncompliance identified in the previous fiscal year</li> </ul>	<ul style="list-style-type: none"> <li>Failure to substantially comply significantly affects core requirements of the program AND</li> <li>Shows unwillingness to comply to correct noncompliance</li> </ul>
<b>Valid and reliable data on ALL (including results) indicators</b>	<ul style="list-style-type: none"> <li>All indicators have valid and reliable data</li> </ul>	<ul style="list-style-type: none"> <li>One or more indicators are missing valid and reliable data</li> </ul>	<ul style="list-style-type: none"> <li>One or more indicators are missing valid and reliable data AND</li> <li>Does not demonstrate significant progress in correcting data problems identified through monitoring or other means</li> </ul>	<ul style="list-style-type: none"> <li>One or more indicators are missing valid and reliable data AND</li> <li>Failure to correct data problems significantly affects core requirements of the program AND/OR</li> <li>Shows unwillingness to comply to correct data problems</li> </ul>
<b>Timely Dispute Resolution</b>	<ul style="list-style-type: none"> <li>No disputes OR</li> <li>Demonstrates timely resolution of all disputes</li> </ul>	<ul style="list-style-type: none"> <li>Does not demonstrate timely resolution of one or more disputes.</li> </ul>	<ul style="list-style-type: none"> <li>Does not demonstrate timely resolution of any disputes</li> </ul>	<ul style="list-style-type: none"> <li>Does not demonstrate timely resolution of any disputes AND/OR</li> <li>Shows unwillingness to resolve disputes</li> </ul>

## **DEFINITIONS OF DETERMINATIONS CRITERIA:**

### **“Substantial compliance on compliance indicators”:**

1. Having a program rating of 95% or higher, based on compliance reviews and Baby Toddler Online Tracking System (BTOTS) data on all compliance indicators, as shown on the most recent State Performance Plan (SPP) or Annual Performance Report (APR).
2. However, any level of compliance less than 100% is considered noncompliance and will require full correction to 100%.

**Indicator 1:** Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner (45 days).

**Indicator 7:** Percent of eligible infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting were conducted within Part C’s 45-day timeline.

**Indicator 8:** Percent of all children exiting Part C who received timely transition planning to support the child’s transition to preschool and other appropriate community services by their third birthday including:

- A. IFSPs with transition steps and services;
- B. Notification to LEA, if child potentially eligible for Part B (*compliance expected as of FFY 09 in accordance with OSEP acceptance of Utah’s Disclosure of Directory Information Policy*); and
- C. Transition conference, if child potentially eligible for Part B.

### **“Performance on results indicators”**

Meet or exceed state targets on results indicators. Criteria to be determined for FFY 2010-2011.

### **“Timely correction of ANY noncompliance identified through Audit Findings” (monitoring, file review, BTOTS, site visits etc.)**

The noncompliance is corrected—i.e., a plan of corrective action (CA) has been *developed, implemented, and resolved*—no later than one year after BWEIP informed the local program in writing of the noncompliance. Correction has been verified through the review of data collected or submitted demonstrating that each individual instance of noncompliance has been corrected and subsequent data demonstrates 100% compliance with the specific regulatory requirements. AND/OR **“Significant progress in correcting noncompliance”**: Means a CA has been *developed and implemented AND* BWEIP’s monitoring of progress indicates that the program is on track to resolve the action within one year of the date of the CA. All individual instances of noncompliance have been verified as corrected. Subsequent data have been collected or submitted that show that the program has nearly demonstrated 100% compliance and will likely demonstrate 100% compliance within one year of notification of noncompliance.

### **“Valid and reliable data”:**

1. No evidence of noncompliance was identified through the compliance review process; **AND**
2. The accuracy of BTOTS data was verified by the Program Directors and BWEIP staff.

### **“Timely dispute resolution”**

All disputes were resolved within the proscribed timeframe.

**Additional Information:**

As required by IDEA (sections 616(a)(1)(C)(ii) and 642), BWEIP will impose sanctions, as necessary, based on its determinations. When BWEIP determines that a program:

1. Needs Assistance for two consecutive years, BWEIP will take one or more of the following enforcement actions:
  - Advise programs of available sources of technical assistance to address areas on which the program needs assistance; or
  - Identify programs as high risk grantee and impose conditions on use of funds.
2. Needs Intervention for three or more consecutive years, BWEIP will take one or more of the following actions:
  - Require the program to prepare or implement a corrective action plan to correct the identified area(s); or
  - Withhold, in whole or in part, further payments to programs.
3. Needs Substantial Intervention at any time, BWEIP will take the following enforcement action:
  - Withhold, in whole or in part, any Part C funds.

In addition to the minimum enforcement actions noted above, BWEIP may use any other enforcement mechanisms and actions available to it to enforce the IDEA. For example, BWEIP might advise an EIS program of available technical assistance on areas on which the program needs assistance after the first year the program is identified as needing assistance, or require more rigorous reporting on the area needing improvement.