



**ANNOUNCEMENT: EI-18 #2**  
Office of Child Development and Early Learning  
Bureau of Early Intervention Services and Family Supports

**Issue Date:** December 21, 2018

**Effective Date:** December 21, 2018

**SUBJECT:** Local Determination Process

**TO:** Early Intervention Program Leadership

**FROM:** Suzann L. Morris, MPA  
Deputy Secretary, Office of Child Development & Early Learning

A handwritten signature in black ink, appearing to read 'Suzann L. Morris', is written over the printed name and title in the 'FROM' field.

**PURPOSE:**

The purpose of this announcement is to provide updated guidance to the Infant/Toddler and Preschool Early Intervention (EI) programs on the local determination process. This announcement replaces EI-12 #8, Local Determination Process, effective October 26, 2012.

**BACKGROUND:**

As part of the Bureau of Early Intervention Services and Family Supports (BEIS/FS) commitment to ensuring quality in the Early Intervention (EI) program, performance measures have been identified to assess quality improvement. Under Section 616(a)(1)(C)(i) of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1416(a)(1)(C)(i), and accompanying regulations at 34 CFR § 300.602 (Part B) and 34 CFR § 303.702 (Part C), States are required to make determinations on the performance of local Infant/Toddler and Preschool EI programs. These determinations are based on both compliance measures that states submit in an Annual Performance Report (APR) to the U.S. Department of Education, Office of Special Education Programs (OSEP), as well as other measures identified by the State.

**DISCUSSION:**

The BEIS/FS has developed an updated process for local determinations that corresponds with OSEP's state determination process. This updated process supports local program success and guides continuous program improvement. The determination process is being updated to align with the Quality Enhancement Plan (QEP) and the verification visit process.

This will strengthen the determination process for BEIS/FS and allow BEIS/FS to provide differentiated supports to all programs.

Determination notices will be issued in January of each year for each of the following outcome areas:

- Strengthening Partnerships: Family Engagement
- Strengthening Partnerships: Community Partnerships
- Shared Leadership: Compliance
- Shared Leadership: Data Quality
- Shared Leadership: Program Leadership
- Systemic Implementation of Evidence Based Practices: Child Progress
- Systemic Implementation of Evidence Based Practices: Support in Early Childhood Programs/Natural Environment

The following determination level will be used in each outcome area:

- a. Meets Requirements
- b. Needs Assistance
- c. Needs Intervention
- d. Needs Substantial Intervention

Those programs that receive a determination level below “meets requirements” in an outcome area must address any noncompliance that has been identified and develop quality improvement activities. All noncompliance and quality improvement activities will be documented within the QEP.

In addition, local Infant/Toddler and Preschool EI programs will participate in differentiated support activities identified by the BEIS/FS. These activities will be individualized, based on the determination levels received in each outcome area established in the Program Summary Report and may include the requirements established 34 CFR § 300.604 (Part B) and 34 CFR § 303.704 (Part C). As appropriate for the identified program needs, BEIS/FS will develop teams with the expertise to provide differentiated support activities. These activities may include:

- Providing technical assistance to the Infant/Toddler or Preschool EI program to address the area(s) in which the program needs assistance;
- Sharing effective practices utilized by other Infant/Toddler or Preschool EI programs in addressing performance issues;
- Providing assistance in identifying and implementing professional development on evidence-based practices for EI service delivery;
- Providing assistance in the production of data reports, review and analysis of data, and the use of data for program improvement;
- Identifying additional approaches to providing technical assistance,

such as collaborating with institutions of higher education and national centers of technical assistance;

- Identifying the Infant/Toddler or Preschool EI program as “high-risk” and imposing special conditions on the Infant/Toddler or Preschool EI program’s allocation;
- Directing the use of administrative funds to an area(s) in which the Infant/Toddler or Preschool EI program needs assistance;
- Withholding, in whole or in part, a percentage of administrative funds for each year of the determination, from the Infant/Toddler or Preschool EI program;
- Withholding and/or recovering, in whole or in part, any Part B or Part C funds from the Infant/Toddler or Preschool EI program;
- Replacing the Infant/Toddler or Preschool EI program administrative entity.

#### **NEXT STEPS:**

1. Infant/Toddler and Preschool EI programs should review their determination results, participate in activities identified in this announcement and continue to monitor their data and program performance as part of an ongoing quality management process.
2. Infant/Toddler and Preschool EI programs should review their quality management processes and QEPs with their Local Interagency Coordinating Councils and EI providers as a quality measure for improving services to children and families.

Comments and questions should be directed to the Office of Child Development and Early Learning, Bureau of Early Intervention Services and Family Supports at 717-346-9330 or [ra-ocdintervention@pa.gov](mailto:ra-ocdintervention@pa.gov).