



Date: November 7, 2019

DMS Numbered Memo 2019-09

To: County Birth to 3 Program Coordinators
County Department of Human Services Directors
County Department of Social Services Directors
County Department of Community Programs Directors
Long-Term Support Supervisors and Leads

From: James Jones, Medicaid Director
Division of Medicaid Services

A handwritten signature in black ink, appearing to be 'James Jones'.

Birth to 3 Program: Local Birth to 3 Program Determinations

Background

The Office of Special Education Programs (OSEP) within the U.S. Department of Education requires states to monitor and enforce the Individuals with Disabilities Education Act (IDEA) by issuing local determinations annually per [34 CFR 303.700\(a\)\(2\)](#), specific to the performance of each early intervention program. To comply with this requirement, the Wisconsin Department of Health Services (DHS) has historically issued annual determinations to local Birth to 3 Programs considering each program's ability to meet targets and requirements for compliance indicators 1, 2, 7, 8a, 8b, 8c, 9 and 10, in addition to timely correction of a finding of non-compliance (if applicable). Beginning in 2019, DHS will consider results indicator 3 in addition to compliance indicators 1, 2, 7, 8a, 8b, 8c, 9 and 10 when making local Birth to 3 Program determinations.

Purpose

This memo describes DHS' updated determinations process. Beginning in 2019, DHS is incorporating child outcomes results indicator data (indicator 3) into its determinations for local Birth to 3 Programs. DHS will examine data quality and completeness for indicator 3, as well as performance on indicator 3 targets when making local Birth to 3 Program determinations. DHS' updated determinations process aligns with the 2015 change to the OSEP state-level determination process, which includes consideration of each state's child outcomes data. The intent of the updated determinations process is to focus attention on early intervention results and outcomes achieved by children enrolled in the Wisconsin Birth to 3 Program, in addition to the compliance requirements of IDEA.

Determination Status Categories

[34 CFR 303.703\(b\)](#) specifies four determination status categories. Based on a local Birth to 3 Program's compliance and results data, its determination status will fall into one of four categories:

1. Meets the requirements and purposes of IDEA
2. Needs assistance in implementing the requirements of IDEA
3. Needs intervention in implementing the requirements of IDEA
4. Needs substantial intervention in implementing the requirements of IDEA

Any local Birth to 3 Program not in the “meets the requirements” status category (category 1) requires technical assistance from their DHS Technical Assistance Lead. Local Birth to 3 Programs in the “needs assistance” status category (category 2) for three consecutive years, as well as programs in the “needs intervention” status categories (categories 3 and 4) are required to undertake additional remedial actions. Additional remedial actions include conducting a review of data quality and a root cause analysis. Local Birth to 3 Programs in the “needs intervention” status categories (categories 3 and 4) are also required to add improvement strategies to their county performance plan (CPP).

Any local Birth to 3 Program in the “needs substantial intervention” status category (category 4) will be issued a corrective action plan. The local Birth to 3 Program must then implement the correction process with assistance from DHS.

Summary of Action

Every June, the Secretary of the U.S. Department of Education makes a determination as to whether each state is meeting the requirements of the federal Individuals with Disabilities Education Act (IDEA). The [determination status for each state](#) is publically available on the U.S. Department of Education’s website.

After receiving its determination status from the U.S. Department of Education, each state is required to make an annual determination as to whether each local program is meeting the requirements of IDEA. Each local Birth to 3 Program receives its determination status via a communication from the Wisconsin Part C Coordinator. Beginning in 2019, the [determination status for each local program](#) will be publically available on the DHS website. The [Wisconsin Birth to 3 Program County Determination Matrix Template P-02398](#) and [Wisconsin Birth to 3 Program Matrix Instructions P-02398i](#) are also available on the DHS website.

The information in this memo is effective immediately and replaces any previous determinations guidance provided by DHS.

Assistance

Local Birth to 3 Programs should direct any questions regarding process or program requirements to their [DHS Technical Assistance Lead](#). Any questions regarding determinations data should be directed to the Birth to 3 Program Data Manager at B3datamanager@wisconsin.gov.