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DMS Numbered Memo 2026-02

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: Deb Rathermel, Wisconsin Part C Coordinator
Bureau of Children's Services
Division of Medicaid Services

A handwritten signature in black ink, appearing to read "Deb Rathermel".

Birth to 3 Program: Annual County Determinations

PURPOSE

This memo describes updates the Wisconsin Department of Health Services (DHS) is making to the county Birth to 3 Program determinations process. Beginning in 2026, DHS will consider complete and timely participation in the fiscal reconciliation process when making annual county scoring determinations.

BACKGROUND

OSEP 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 Wisconsin county early intervention program.

DHS is updating the factors that are considered in the local determinations to enhance our compliance with OSEP guidance. [OSEP QA 23-01 \(PDF\)](#) states that when making county

determinations, states must consider: (1) performance on compliance indicators; (2) valid and reliable data; (3) correction of identified noncompliance; and (4) other data available to the state about local programs' compliance with IDEA. To align our state practices with OSEP guidance, beginning with determinations issued in 2026, DHS will factor in fiscal reporting adherence as its available "other data" about local Birth to 3 Programs' compliance with IDEA when making county determinations.

UPDATED ANNUAL COUNTY DETERMINATIONS SCORING

Beginning with county determinations for federal fiscal year (FFY) 2025, issued in 2026, DHS will include complete and timely local engagement in fiscal reconciliation when making county determinations.

- "Complete" means accurately and thoroughly participating in this process.
- "Timely" means participating and responding to communications sent by DHS in a reasonable timeframe.

If county programs complete the fiscal reconciliation process in a complete and timely manner, their status will not change. If county programs do not completely and timely participate in the fiscal reconciliation process, their local annual determination status will drop to the next lowest determination status. For example, if a county program would achieve "meets requirements" status but does not completely and timely participate in the annual fiscal reconciliation process, the county would drop to the next lowest determination status and receive a "needs assistance" determinations status.

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 IDEA. The determination status for each state is publicly 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 communication from the Wisconsin Part C Coordinator. The [determination status](#) for each local program is publicly available on the DHS website. The [Wisconsin Birth to 3 Program County Determination Matrix Template, P-02398 \(Word\)](#) and [Wisconsin Birth to 3 Program Matrix Instructions, P-02398i \(PDF\)](#) are also available on the DHS website.

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Each local county determination status issued in 2026 will incorporate the additional factors as defined in this memo.

ASSISTANCE

County Birth to 3 Programs should direct any questions regarding process or program requirements to the Bureau of Children Services Technical Assistance Center (TAC) inbox at dhsbcstac@dhs.wisconsin.gov.