



EARLY ACCESS: IDEA PART C DETERMINATIONS

Introduction

Each state has a responsibility, under federal statute and regulations, to have a system of general supervision which monitors the implementation of the Individuals with Disabilities Education Act of 2004 (IDEA). The state system is accountable for enforcing requirements and for ensuring continuous improvement. In addition, Iowa Administrative Code rule 120.700(2) states, *“the primary focus of the state’s monitoring activities must be on: a.) Improving early intervention results and functional outcomes for all infants and toddlers with disabilities; and b.) Ensuring that EIS [Early Intervention Services] programs meet the program requirements under Part C of the Act, with a particular emphasis on those requirements that are most closely related to improving early intervention results for infants and toddlers with disabilities.”* Iowa’s foundation for IDEA-Differentiated Accountability (IDEA-DA) is a continuous improvement monitoring cycle which includes compliance and results aligned with federal and state requirements for early intervention.

The Iowa Department of Education (Department) has designated each Area Education Agency (AEA) as an Early ACCESS grantee with the fiscal and legal obligation to ensure the Early ACCESS system (IDEA Part C) is carried out regionally. Iowa’s Early ACCESS Integrated System of Early Intervention Services maintains a primary focus on improving early intervention results and functional outcomes for all children with disabilities and their families while ensuring compliance with IDEA Part C and Early ACCESS Rules.

Determinations

The Department is required to make annual determinations for each AEA regarding compliance with and implementation of IDEA Part C requirements. The following factors are considered when determining each AEA’s status:

- Performance on Annual Performance Report (APR) Compliance Indicators: Timely Services (C1); 45-Day Timeline (C7); Transition (C8 A, B, C)
- Submission of data is valid, reliable, and timely;
- Corrections and Noncompliance; and,
- Fiscal Audit findings.

An AEA, as the designated Early ACCESS grantee, can be placed in one of four determination categories at any time [281 IAC 120.703]:

- Meets Requirements and Purposes of IDEA Part C
- Needs Assistance in implementing requirements of IDEA Part C
- Needs Intervention in implementing requirements of IDEA Part C
- Needs Substantial Intervention in implementing requirements of IDEA Part C

Determination Category	Criteria	Required Actions
Meets Requirements	If the data available to the Department demonstrate: • All compliance indicators at 95% or above (C1, 7, 8 A, B, C); • Correction of noncompliance within 1 year of finding; • Submission of timely and accurate data; and, • No fiscal audit findings.	Submit Early ACCESS report with the following: 1. Summary of relevant data review and analysis; 2. Agency selected area(s) of focus; and, 3. Strategies and activities to sustain FGRBI implementation.
Needs Assistance	If the data available to the Department demonstrate: • Two compliance indicators below 95% for 1 year (C1, 7, 8 A, B, C). OR • One compliance indicator below 95% for 2 consecutive years • Outstanding noncompliance beyond 1 year of finding Other Considerations: • Submission of timely and accurate data • Fiscal audit findings	Submit Early ACCESS report with the following: 1. Summary of APR indicator data review and analysis including whether noncompliance is systemic (widespread or a trend); 2. Descriptions of how correction and verification of child-level noncompliance were completed; 3. Activities of increased monitoring of identified noncompliance; 4. Implementation of strategies addressing area(s) of focus; compliance indicators MUST be identified as a focus; and, 5. Strategies and activities to sustain FGRBI implementation.
Needs Intervention	If the data available to the Department demonstrate: • Three compliance indicators below 95% for 1 year (C1, 7, 8 A, B, C). OR • Two compliance indicators below 95% for 2 consecutive years • Outstanding noncompliance beyond 1 year of finding Other Considerations: • Submission of timely and accurate data • Fiscal audit findings	Submit Early ACCESS report with the following: 1. Summary of APR indicator data review and analysis including whether noncompliance is systemic (widespread or a trend); 2. Descriptions of how correction and verification of child-level noncompliance were completed; 3. Agency long-term plan for increased monitoring of identified noncompliance; 4. Implementation of strategies addressing area(s) of focus; compliance indicators MUST be identified as a focus; 5. Agency activities of professional development and technical assistance; and, 6. Strategies and activities to sustain FGRBI implementation.

Determination Category	Criteria	Required Actions
Needs Substantial Intervention	If the data available to the Department demonstrate: - One compliance indicator below 60% for 1 year (C1, 7, 8 A, B, C). OR - Two compliance indicators below 80% for 2 consecutive years - Outstanding noncompliance beyond 1 year of finding Other Considerations: - Submission of timely and accurate data - Fiscal audit findings	Submit Early ACCESS report with the following: - Summary of APR indicator data review and analysis including whether noncompliance is systemic (widespread or a trend); - Descriptions of how correction and verification of child-level noncompliance were completed; - Agency long-term plan for increased monitoring of identified noncompliance; - Implementation of strategies addressing area(s) of focus; compliance indicators MUST be identified as a focus; - Participation in professional development and technical assistance required by the Department; - Quarterly progress reports to the Department; and, - Strategies and activities to sustain FGRBI implementation. The Department exercises its authority to order any or all of the following: - Withhold, in whole or in part, any further payments to the AEA under Part C of the IDEA. - Conduct a site visit by Department staff. - Refer the matter for appropriate enforcement action, which may include prosecution or audit.