

OREGON DEPARTMENT OF EDUCATION
OFFICE OF ENHANCING STUDENT OPPORTUNITIESS
SPECIAL EDUCATION

**General Information from ODE for Making 2023 EI/ECSE Program
IDEA Determinations**

The purpose of this document is to provide information and guidance on the Determinations that the Oregon Department of Education (ODE) is required to make annually on each program's performance in meeting the requirements of The Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004). EI/ECSE program's 2023 Determinations are based on FFY 2021 (2021-2022) data and the completion of corrective actions related to that data, if needed, within the one-year timeframe.

EI/ECSE programs annually submit special education procedural compliance data through file reviews and data collections (Special Education Child Count, Child Find, and Special Education Exit) to the Oregon Department of Education (ODE). In addition to correction of noncompliance identified through file reviews, complaints and dispute resolution, ODE included initial compliance and correction of noncompliance for indicators B11, B12, C1, C7, and C8 as required by the federal Office of Special Education Programs (OSEP). A description of these indicators is included at the end of this document under the heading of "*Compliance Indicator Descriptions as Required for State Reporting Purposes.*" ODE has assigned each EI/ECSE program a determination based on the review of initial compliance and corrected noncompliance data.

The IDEA 2004 places an emphasis on improving results and outcomes for children with disabilities by focusing monitoring activities in certain priority areas and measuring performance using quantifiable indicators and qualitative indicators to measure performance. State responsibilities include:

- Collecting valid and reliable data to report annually to the Secretary and the public on the State's performance on the indicators in the State Performance Plan (SPP) [Part B: 34 CFR §300.602(b); Part C: 34 CFR §303.702(b)];
- Reporting to the public on the performance of each program against the targets in the SPP [Part B: 34 CFR §300.602(b)(1)(A); Part C: 34 CFR §303.702(b)(1)(A)]; and
- Carrying out enforcement actions against those programs not meeting the requirements (Part B: 34 CFR §300.608; Part C: 34 CFR §303.708).

The State must monitor programs in each of the following priority areas:

- Provision of a free appropriate public education (FAPE) in the least restrictive environment (LRE) or services in natural environments.
- Exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, and mediation.

Part B 34 CFR 300.603 and Part C 34 CFR 303.703 outlines the Determinations states are required to apply, based on program performance. The four categories of Determinations states must use are:

- Meets Requirements
- Needs Assistance
- Needs Intervention
- Needs Substantial Intervention

2023 Determination Process based on FFY 2021 (2021-2022) Data:

In reviewing FFY 2021 data, ODE considered the timeliness and accuracy of special education data collections and correction of previously identified noncompliance including dispute or complaint findings. ODE examined whether the program provided timely and accurate 2021-2022 data for the Special Education Child Count (SECC), Child Find, and the Special Education Exit collections. To evaluate the timeliness and accuracy of FFY 2021 data, ODE determined whether the program submitted and verified the data prior to the close of the designated reporting window with no further edits or error reports after the close of the designated window for correction.

Based on OSEP requirements, ODE included Compliance Indicators [B11, B12, C1, C7, and C8 (A, B, C)]. With respect to these indicators, ODE looked for evidence that the program demonstrated substantial compliance, correction of noncompliance, and completion of any corrective action resulting from complaints or dispute resolution within the one-year timeframe.

Generally, and absent any other issues, ODE considered a program to Meet Requirements if it provided valid and reliable FFY 2021 data and demonstrated substantial compliance or correction of noncompliance across all indicators and no other data sources indicated noncompliance. ODE determined that a program demonstrated substantial compliance if it provided data showing a very high level (95% or greater) of initial compliance or corrected noncompliance within the one year timeframe.

If a program did not meet this standard on only one indicator [B11, B12, C1, C7, C8 (A, B, C) and correction of previous year's noncompliance] the ODE considered the program to Meet Requirements if the compliance level for that indicator was high (90% or better). A program was not placed in Meets Requirements if it failed to provide ODE with timely and accurate FFY 2021 data as defined by the EI/ECSE Determinations & Enforcement Matrix.

Generally, and absent any other issues, ODE considered a program to Need Assistance if it demonstrated between 50% and 94% initial compliance or correction of noncompliance within the one-year timeline and no other data sources indicated noncompliance. A program was not placed in Need Assistance if it failed to provide timely and accurate FFY 2021 data as defined by the EI/ECSE Determination & Enforcement Matrix.

ODE considered a program to Need Intervention if it demonstrated below 50% initial compliance or correction of noncompliance within the one-year timeline and no other data sources indicated noncompliance. ODE also identified a program as being in need of intervention if they did not provide timely and accurate FFY 2021 data for any collection, or failed to provide accurate or timely data across the three collections included in determinations as defined by the EI/ECSE Determination & Enforcement Matrix.

ODE identified a program in Need of Substantial Intervention if its substantial failure to comply significantly affected the core requirements of the program, such as the delivery of services to children with disabilities or the State's exercise of general supervision, or if the program informed the ODE that it was unwilling to comply.

Compliance Indicator Descriptions as Required for State Reporting Purposes:

C1: Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner.

C7: Percent of infants and toddlers with IFSPs for whom any evaluation, assessment, and an initial IFSP meeting were conducted within Part C's 45-day timeline.

C8 A, B, & C: 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; and
- C. Transition Conference, if child potentially eligible for Part B.

B11: Percent of children evaluated and eligibility determined within 60 days of receiving parental consent for initial evaluation or the State established timeframe.

B12: Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an ECSE IFSP developed and implemented by their third birthdays.

The general supervision system (including monitoring, complaints, hearings, etc.) requires identification and correction of noncompliance as soon as possible but in no case later than one year from identification.

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