



DETERMINATIONS BOTTOM LINES

Updated December 1, 2011

WHAT IS A DETERMINATION?

A determination is a label that is applied to a state or local entity to specify whether they are substantially in compliance or need some level of assistance to be in compliance with Part C requirements. The determination is made annually based on performance of the past year.

WHAT ARE THE CATEGORIES OF DETERMINATIONS:

- Meets Requirements (demonstrates substantial compliance)
- Needs Assistance (needs assistance to be in compliance)
- Needs Intervention (needs intervention to be in compliance)
- Needs Substantial Intervention (needs substantial intervention to be in compliance)

WHAT IS FLORIDA'S DETERMINATION?

In June 2007, the U.S. Department of Education, Office of Special Education Programs (OSEP) made a determination of Florida as a "Needs Assistance" state. In June 2008, June 2009, June 2010, and June 2011 Florida was also designated as a "Needs Assistance" state.

STATES ARE REQUIRED TO USE THE SAME DETERMINATION CATEGORIES IN MAKING DETERMINATIONS OF EACH LOCAL EARLY INTERVENTION PROGRAM (i.e. Local Early Steps)

Only one determination or label is applied to each local Early Steps. For example, an LES may have several areas of noncompliance, but are given only one determination.

WHICH INDICATORS MUST BE CONSIDERED?

- Indicator 1: Timely Service Delivery
- Indicator 7: 45 Day Timeline from Referral to Initial IFSP
- Indicator 8: Transition
 - 8A: Transition plans include steps and services
 - 8B: The local education agency is notified
 - 8C: 90 day transition conference

OTHER CRITERIA THAT MUST BE CONSIDERED:

- Is LES data valid, reliable, & timely?
- Is noncompliance corrected within one year?
- Are there audit findings? (OMB circular A-133)

STATES MAY USE OTHER CRITERIA

In consultation with the Early Steps Continuous Improvement Workgroup, Florida also considered performance on Indicator 9, timely correction of noncompliance, and timely periodic IFSPs and annual IFSP reviews.

MUST THE STATE PUBLICLY REPORT THE DETERMINATION OF EACH LOCAL?

No, there is no requirement to publicly report the determination of each Local Early Steps.

TIMELINE FOR DETERMINATIONS: Determinations of local Early Steps were first announced in August 2007. Subsequent determinations of local Early Steps have been made each year. On November 30, 2011, determinations will be issued for the 2011-2012 year.

DETERMINATION LEVELS FOR LOCAL EARLY STEP:

Below is a table showing the number of LESs in each determination category.

	Meets Requirements	Needs Assistance	Needs Intervention	Needs Substantial Intervention
2007	12	1	2	1
2008	9	2	4	0
2009	10	2	3	0
2010	12	2	1	0
2011	8	7	0	0
2012*				

** Issued in November 2011*

WHAT WILL HAPPEN AS A RESULT OF DETERMINATIONS?

Determination categories are utilized by the Early Steps State Office to prioritize resources provided to Local Early Steps. In addition, the Early Steps State Office imposes a tiered system of sanctions to LESs in the Needs Assistance, Needs Intervention or Needs Substantial Intervention categories.

December 1, 2011

**Early Steps Continuous Improvement Process
Determinations Criteria
2011-2012**

Period of Review for which determinations will be made:
July 1, 2010 – June 30, 2011

INDICATORS / PROBES TO BE CONSIDERED IN MAKING DETERMINATIONS			
Indicator 1	Services are provided in a timely manner	QA Probe II.4.2.(b)	Child Record Review
Indicator 7	Initial IFSP takes place within 45 days or referral	QA Probe II.1.6.(b)	Child Record Review
Indicator 8A	IFSP includes steps and services for transition	QA Probe III.1.2	Child Record Review
Indicator 8B	The local education agency is notified of potentially eligible children.	QA Probe III.1.1	Child Record Review
Indicator 8C	A transition conference is held at least 90 days prior to the child's third birthday.	QA Probe III.1.3.(b)	Child Record Review
Indicator 9	Noncompliance is corrected within one year of identification.	N/A	Noncompliance Tracking
N/A	Annual and periodic reviews of the IFSP are held as required	QA Probe II.1.7.(b)	Child Record Review

Meets Requirements

For all identified probes:

QA Score of 75% - 100% on QA 2011-2012;

AND

Noncompliance identified in 2010-2011 was corrected within one year of identification;

AND

Noncompliance identified in 2009-2010 or any prior year has been corrected.

Needs Assistance

One or more probes meet the following criteria and all other probes meet the above criteria:

The LES achieved a score of $\leq 74\%$ on 2011-2012 QA;

AND

Noncompliance identified in 2010-2011 was corrected within one year of identification;

AND

Noncompliance identified in 2009-2010 or any prior year has been corrected.

OR

Noncompliance identified in 2010-2011 was not corrected within one year of identification.

OR

Noncompliance identified in 2010-2011 or any prior year has not yet been corrected and there has been a score of 90% or greater on a subsequent correction activity.

OR

Noncompliance identified in 2010-2011 or any prior year has not yet been corrected and the LES has demonstrated improvement that meets or exceeds the statewide average (either on QA or correction activity).

Needs Intervention

One or more probes meet the following criteria:

Noncompliance identified in 2010-2011 or any prior year has not yet been corrected and the LES has demonstrated some improvement (either on QA or correction activity).

OR

Does not meet criteria for Meets Requirements, Needs Assistance, or Needs Substantial Intervention.

Needs Substantial Intervention

Two or more probes meet the following criteria:

Noncompliance identified in 2010- 2011 or any prior year has not yet been corrected and the LES has demonstrated no improvement (either on QA or correction activity).

OR

The failure to substantially comply significantly affects the core requirements of the program, such as the delivery of services to eligible children or the LES has informed the Early Steps State Office that it is unwilling to comply.

Other Factors to be Considered in Determinations Decisions:

DATA: Is data valid and reliable?

DATA PROBES TO BE CONSIDERED	
QA Probe II.1.6 (c)	Barrier code is entered if initial IFSP more than 45 days
QA Probe III.1.3(c)	Transition conference date is entered into data system
QA Probe III.1.3(d)	Barrier code if transition conference date is late
QA Probe IV.2.2	FSPSAs are accurate.

Data is valid and reliable if:

There are no instances of uncorrected historical noncompliance with data probes.

Audit Reports specify no material weaknesses, reportable conditions, or other significant findings

The audit report submitted in accordance with OMB Circular A-133 and the report of any audit conducted by the Department of Health Contract Administration unit specify no material weaknesses, reportable conditions, or other findings that are likely to compromise program operations.

OR

One or both of the audit reports mentioned above specifies material weaknesses, reportable conditions, or other findings and the provider has complied with the required corrections in the manner and timeframe specified in the audit report.

Decision consideration: If data is not valid and reliable and/or the audit report(s) specifies material weaknesses, reportable conditions, or other findings which have not been corrected, the Determination of the LES will be moved to the next lowest Determination level.

DETERMINATIONS TIMEFRAMES

Each LES will be notified in writing by April 30, 2012 of its determination category.

APPEALS PROCESS

In the event an LES Director/Coordinator disagrees with the determination designation for the LES, a written statement must be submitted to the Bureau Chief of the Early Steps State Office. This statement must be submitted within 30 days of the LES's receipt of the determination notification and should include rationale and supporting documentation for the disagreement.



DEPARTMENT OF HEALTH REPORTING OF SUBCONTRACTOR EXPENDITURES

PRIME CONTRACTORS SHALL REPORT ALL SUBCONTRACTING EXPENDITURES REGARDLESS OF VENDOR DESIGNATION (SEE PAGE 2 FOR TYPES OF DESIGNATIONS)

PLEASE COMPLETE AND REMIT THIS REPORT TO YOUR DOH CONTRACT MANAGER.

COMPANY NAME: _____

DEPARTMENT OF HEALTH CONTRACT NUMBER: _____

REPORTING PERIOD-FROM: _____ **TO:** _____

SUBCONTRACTOR'S/VENDORNAME & ADDRESS	FEID NO.	EXPENDITURE AMOUNT

NOTE: YOU MAY USE A SEPARATE SHEET

DOH USE ONLY - REPORTING ENTITY (DIVISION, OFFICE, CHD, ETC.):
PLEASE SUBMIT ALL SUBCONTRACT FORMS TO: MBE COORDINATOR, BUREAU OF GENERAL SERVICES, 4052 BALD CYPRESS WAY, STE. 310, TALLAHASSEE, FL. 32399-1734

I. DESIGNATIONS:

MINORITY PERSON as defined by [Section 288.703](#) FS; means a lawful, permanent resident of Florida who is, one of the following:

- (A) **AN AFRICAN AMERICAN**, a person having origins in any of the racial groups of the African Diaspora.
- (B) **A HISPANIC AMERICAN**, a person of Spanish or Portuguese cultures with origins in Spain, Portugal, Mexico, South America, Central America or the Caribbean regardless of race.
- (C) **AN ASIAN AMERICAN**, a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands, including the Hawaiian Islands prior to 1778.
- (D) **A NATIVE AMERICAN**, a person who has origins in any of the Indian Tribes of North America prior to 1835, upon presentation of proper documentation thereof as established by rule of the Department of Management Services
- (E) **AN AMERICAN WOMAN**.

CERTIFIED MINORITY BUSINESS ENTERPRISE as defined by [Section 288.703](#) FS, means a small business which is at least 51 percent owned and operated by a minority person(s), which has been certified by the certifying organization or jurisdiction in accordance with Section 287.0943(1).

SERVICE-DISABLED VETERAN BUSINESS ENTERPRISE: As defined by [Section 295.187](#), FS, means an Independently owned and operated business that employees 200 or fewer permanent full-time employees; Is organized to engage in commercial transactions; Is domiciled in Florida; Is at least 51% owned by one or more service-disabled veterans; and, who's management and daily business operations of which are controlled by one or more service-disabled veterans or, for a service-disabled veteran with a permanent and total disability, by the spouse or permanent caregiver of the veteran.

CERTIFIED SERVICE-DISABLED VETERAN BUSINESS ENTERPRISE as defined by [Section 295.187](#), FS means a business that has been certified by the Department of Management Services to be a service-disabled veteran business enterprise

SMALL BUSINESS means an independently owned and operated business concern that employs 100 or fewer permanent full-time employees and has a net worth of not more than \$3,000,000 and an average net income, after federal income taxes, of not more than \$2,000,000.

NON-CERTIFIED MINORITY BUSINESS means a small business which is at least 51 percent owned and operated by a minority person(s).

MINORITY NON-PROFIT ORGANIZATION means a not-for-profit organization that has at least 51 percent minority board of directors, at least 51 percent minority officers, or at least 51 percent minority community served.

II. INSTRUCTIONS TO PRIME CONTRACTORS:

- A) ENTER THE COMPANY NAME AS IT APPEARS ON YOUR DOH CONTRACT.
- B) ENTER THE DOH CONTRACT NUMBER.
- C) ENTER THE TIME PERIOD THAT YOUR CURRENT INVOICE COVERS.
- D) ENTER THE CMBE SUBCONTRACTOR'S NAME and ADDRESS.
- E) ENTER THE SUBCONTRACTOR'S FEDERAL EMPLOYMENT IDENTIFICATION NUMBER. THE SUBCONTRACTOR CAN PROVIDE YOU WITH THIS NUMBER
- F) ENTER THE AMOUNT EXPENDED WITH THE SUBCONTRACTOR FOR THE TIME PERIOD COVERED BY THE INVOICE.
- G) ENCLOSE THIS FORM AND SEND TO YOUR DOH CONTRACT MANAGER