

Nebraska Early
Development
Network

IDEA Part C/Early Development Network Monitoring Process

A Guide for Implementing Early Intervention
Monitoring Activities with Planning Region Teams

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Early Development Network (EDN)

Monitoring of EDN Programs

The Nebraska Early Development Network (EDN) is co-administered by the Nebraska Department of Education (NDE), Office of Special Education and the Nebraska Department of Health and Human Services (DHHS), Division of Medicaid and Long-Term Care (aka “the Co-Leads”). Per the Nebraska Early Intervention Act, these two agencies are responsible for the planning, implementation, and administration of the federal Early Intervention Services System and the Nebraska Early Intervention Act. Additionally, the Nebraska Early Intervention Act requires interagency Planning Region Teams (PRTs) to be responsible for assisting in the planning and implementation of the Early Intervention Act in each local community or region.

The Individuals with Disabilities Education Act (IDEA) Part C regulations requires the EDN Co-Leads to monitor local Early Intervention Programs on the implementation of early intervention statutes and regulations outlined in Part C of the Individuals with Disabilities Education Act (IDEA) and its implementing regulations as well as NDE 92 Neb. Admin. Code § 52 (Rule 52) and DHHS 480 Neb. Admin. Code § 1.

Each PRT is an interagency coordinating council comprised of local schools, EDN services coordination agencies, health and human services agencies, Head Start, medical/mental health providers, clergy, families, and others who provide services to young children/families within each local region. Each PRT covers a specific geographic area of the state and is responsible for implementation of an interagency system of services in the region. A lead agency is chosen by the PRT, approved by the EDN Co-Leads, to assist in the coordination of the planning region team activities, and serve as the fiscal agent. Each of the PRTs annually submits a Systems Support/Change Grant application. Funds from these grants can be used, in part, to address needs as a result of corrective action due to monitoring, including technical assistance, professional development, etc.

The EDN Services Coordination agency assumes the responsibility for delivery of the entitlement of services coordination in the region. The EDN Services Coordination agency may be the same agency selected by the PRT as the lead agency, but in many cases, these are two agencies working collaboratively, to provide early intervention services in the region.

This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document. It is the policy of the Nebraska Department of Education not to discriminate on the basis of gender, disability, race, color, religion, marital status, age, national origin or genetic information in its education programs, administration, policies, employment or other agency programs.

The Nebraska Part C Co-Lead Monitoring process gathers data from multiple sources, analyzes results, identifies gaps with Part C services, rates PRT performance, and stimulates the development of improvement activities for the PRT. The monitoring process relies on multiple sources of data to gauge the effectiveness of early intervention supports and services for infants and toddlers with disabilities and their families. Nebraska has developed monitoring procedures, which require PRTs to be monitored at least once every three (3) years for implementation of the requirements under Part C of IDEA. The Co-Leads utilize a threshold of 100% compliance in identifying areas of noncompliance in the (individualized family service plan) IFSP File Review checklist. The Nebraska Part C Co-Leads review a variety of data sources to document each PRTs compliance with Part C of the IDEA and its implementing regulations, Rule 52 and DHHS 480 Neb. Admin. Code § 1, including:

1. IFSP File Review
2. Completion of prior Corrective Action Plans, including verification that the PRT is correctly implementing the identified regulatory requirements and that each individual case of noncompliance was corrected;
3. Policies and Procedures Review;
4. Forms Review;
5. Review of results from mediations, complaints, and due process hearings; and
6. Review of supporting data from sources such as PRT child count, Referral vs. Verification Data, Referral Sources, CAPTA, and Performance Reports for the last 3 years.

Principles of Monitoring

1. Ensure compliance with Part C of the IDEA and its implementing regulations, Rule 52 and DHHS 480 Neb. Admin. Code § 1.
2. Individualized PRT response to compliance and implementation of Part C of the IDEA and its implementing regulations, Rule 52 and DHHS 480 Neb. Admin. Code § 1.
3. Support the linkage between compliance and improvement (Results Driven Accountability).

Steps of the Part C Monitoring Process

1. The Part C Co-leads schedule the monitoring plan for the year to include dates for the desk audit and the Exit Conference respective to the PRTs to be monitored. The Co-leads send a Notification Letter to select PRT Lead Agencies, informing the PRT of the scheduled dates of the upcoming Part C Monitoring, the various components of the monitoring process, including randomly selected IFSP file reviews, correction of noncompliance, verification of correction of noncompliance, and how information generated from the monitoring activities will be incorporated into the Corrective Action Plan (CAP) and PRT Targeted Improvement Planning process to improve results for infants/toddlers with disabilities and their families.
2. The Part C Co-Leads conduct the desk audit and review of the PRTs early intervention process, including the following components:
 - Forms the PRT uses to document the implementation of Part C of the IDEA and its implementing regulations, Rule 52, and DHHS 480 Neb. Admin. Code § 1
 - IFSP Files
 - PRT Policies, Procedures, and Practices
 - PRT Data review (Child Find data, Public Reporting data, CAPTA data, etc.).
 - Review of any complaints filed and investigated pursuant to Part C of the IDEA and its implementing regulations, Rule 52, and DHHS 480 Neb. Admin. Code § 1
 - Review of any due process findings issued pursuant to 92 Neb. Admin. Code § 55
 - Review of the timely correction of any noncompliance identified during the previous monitoring cycle, including verification that the PRT is correctly implementing the identified regulatory requirements and that each individual case of noncompliance was corrected
 - Issues identified as part of previous fiscal review or sub-recipient fiscal reviews
3. The Part C Co-Leads complete the analysis of findings and conducts the PRT Exit Conference to report on the findings of the Desk Audit. The PRT will have an opportunity to discuss the findings, submit additional evidence to determine whether compliance was met, and begin the development of a corrective action plan (CAP) , if necessary. The meeting will also provide an opportunity for the PRT to identify links from the monitoring findings to improvement activities and the Targeted Improvement Plan (TIP).
4. The Part C Co-Leads provide written notification of Findings to the PRT. The PRT must submit a CAP within 45 calendar days to the Part C Co-Leads. Upon submission of the PRT's CAP, the Part C Co-Leads will give approval in writing.

5. The PRT completes the CAP process, including correction of noncompliance of identified regulatory requirements and correction of each individual case of noncompliance.
6. The Part C Co-Leads verify correction of noncompliance within one year, including verification that the PRT is correctly implementing the identified regulatory requirements and that each individual case of noncompliance was corrected, and closes out the monitoring process. Pursuant to 92 Neb. Admin. Code § 52-004.02E, all noncompliance must be corrected as soon as possible, and in no case later than one year from the date on which the Co-Leads notify the PRT of a finding of noncompliance. The Co-Leads will review updated data, specifically files of newly-referred children to verify that the PRT correctly implemented the specific regulatory requirement previously identified as noncompliant as well as ensure all revised policies/procedures were implemented as documented within the PRT's CAP. For all individual instances of noncompliance, the PRT must correct within the time period the Co-Leads specify and submit evidence of correction to the Part C Co-Leads, who will document the receipt of evidence of the individual correction. The Part C Co-Leads will complete and send a Closeout Letter following the completion of the verification of noncompliance activities. This Closeout Letter is a clear statement by the Part C Co-Leads that the PRT has corrected the areas of individual and regulatory noncompliance previously identified, has successfully completed the CAP activities, and the PRT is now in full compliance with Part C of the IDEA and its implementing regulations, Rule 52, and DHHS 480 Neb. Admin. Code § 1.

EDN Monitoring Process

Activity	Notification/Form	Person Responsible	Timeline
<p>Step 1 – Monitoring Schedule/ Notification of Part C Monitoring</p> <p>The Part C Co-Leads develop the schedule for the upcoming year and sends the PRT Lead Agency and Services Coordination agency the Notification Letter.</p>	<p>PRT Notification Letter</p>	<p>Part C Co-Leads</p>	<p>45 days prior to Monitoring dates</p>
<p>Step 2 – Desk Audit</p> <p>Complete the EDN Desk Audit:</p> <ul style="list-style-type: none"> Review selected files for compliance with Part C of the IDEA and its implementing regulations, Rule 52, and DHHS 480 Neb. Admin. Code § 1 Review Policies/Procedures required by Part C of the IDEA and its implementing regulations, Rule 52, and DHHS 480 Neb. Admin. Code § 1 Review of Planning Region Grant Review of PRT Data reports 	<p>EDN Desk Audit Forms</p> <p>EDN File Review Checklist, EDN Desk Audit Checklist PRT Data Reports</p>	<p>Part C Co-Leads and Part C Data Manager</p>	<p>One week- as stated within the notification letter.</p>

Activity	Notification/Form	Person Responsible	Timeline
<p>Step 3 – PRT Exit Conference</p> <p>The result of the desk audit is shared with the PRT Members present.</p> <p>PRT members recommended to be present at this onsite meeting are:</p> <ul style="list-style-type: none"> • PRT Lead Agency • PRT Chair(s) • EDN Services Coordinator(s) and Supervisor • One representative from each district in the Planning Region area • Early Intervention service providers • Community agency partners (Head Start, Medical/Health agencies, DHHS, Community Action agencies, etc.) • Parent members <p>*Opportunity for clarification or submission of additional evidence to determine whether compliance was met.</p>	<p>EDN Monitoring Results/IFSP File Review Checklist</p>	<p>Part C Co-Leads and Part C Data Manager</p>	<p>Within 60 days of completion of Desk Audit.</p>
<p>Step 4 – Notification of Findings</p> <p>The Co-Leads send written notification to the PRT of findings of noncompliance.</p>	<p>Notification of Findings Letter(s)</p>	<p>Part C Co-Leads</p>	<p>Within 30 days of Exit Conference</p>

Activity	Notification/Form	Person Responsible	Timeline
<p>Step 5 – PRT Corrective Action Plan (CAP) and correction of implementation of identified regulatory requirements and individual instances of noncompliance.</p> <p>The PRT Lead Agency is responsible for submitting evidence showing correction of individual instances of identified noncompliance within IFSP files, within the timeline the Co-Leads specify, and submitting the CAP. The CAP must be developed through a collaborative process which includes the PRT Lead Agency, the Services Coordination Agency, School Districts within the PRT, and other PRT Team Members.</p> <p>Upon the PRT’s submission of the CAP, the EDN Co-Coordination will review and either provide written approval of the CAP or request edits until the CAP can be approved.</p>	<p>CAP and CAP signature page</p> <p>Notification of Approval of the CAP.</p>	<p>Part C Co-Leads and Part C Data Manager</p>	<p>Within 45 days of receipt of Final Notification letter.</p> <p>Within 30 days of receipt of CAP.</p>

Activity	Notification/Form	Person Responsible	Timeline
<p>Step 6 – Verification of Correction of Noncompliance</p> <p>Pursuant to 92 Neb. Admin. Code § 51-004.02E, all noncompliance must be corrected as soon as possible, and in no case later than one year from the date on which the PRT lead agency is notified of a finding of noncompliance.</p> <p>The EDN Co-Coordinators and Part C Data Manager will complete all activities associated with the verification of correction of noncompliance.</p> <p>For all individual instances of noncompliance, the PRT must correct within the timeline the Co-Leads specify and submit evidence of correction of noncompliance to the NDE/DHHS EDN Coordinators, who will document the receipt and review of evidence of the individual correction.</p> <p>The Part C Co-leads will verify all correction of noncompliance, including verification that the PRT is correctly implementing the identified regulatory requirements and that each individual case of noncompliance was corrected and close the CAP.</p>	<p>Notification to the PRT Lead agency to submit newly referred IFSP files to the Co-Leads for verification of correction of regulatory noncompliance and correct implementation of revised policies and procedures.</p> <p>CAP</p>	<p>Part C Co-Leads and Part C Data manager</p>	<p>Within 1 year from date of identification.</p>
<p>Step 7 – Closeout Letter</p> <p>The EDN Co-Coordinators submit the Monitoring Closeout letter to the PRT Lead Agency and the Services Coordination Agency.</p>	<p>Closeout Letter – Notification of completion of CAP.</p>	<p>Part C Co-Leads</p>	<p>Within 30 days of verification of correction of noncompliance.</p>

Demonstrating Correction:

In order to demonstrate that previously identified noncompliance has been corrected, the PRT, must:

- Account for all instances of noncompliance identified (systemic and individual);
- Identify the root cause of each instance of noncompliance;
- Make any necessary changes to policies, procedures, and/or practices as identified in the Corrective Action Plan; and
- Provide evidence of correction that the Part C Co-Leads request.

Verification of Correction:

The Co-Leads will verify correction of individual and systemic noncompliance. Coleads will review the files of individual instances of noncompliance to ensure correction.

Systemic correction of noncompliance is completed via a review of randomly selected services coordination files, review of PRT data, and/or reviewing revised policies, procedures, and practices submitted by the PRT.

Findings of Noncompliance Not Verified as Corrected within the Required One-Year Timeline:

If the PRT is unable to demonstrate correction of noncompliance within the regulatory timeline, then the Co-Leads may take one or more of the following actions:

- Extend and revise the Corrective Action Plan for an additional time frame, as determined by the Co-Leads, to adequately address and ensure systemic correction of the continuing noncompliance.
- Identify the PRT as high risk and impose special conditions on the PRT System Support grant which may include requiring the funds to be utilized in targeted areas
- Withhold, in whole or in part, any further payments to the PRT under the PRT System Support Grant.

Appendix | Monitoring Cycles

PRT - Cycle A	PRT - Cycle B	PRT - Cycle C
#12 Chadron Area	#1 Wakefield Area	#3 Rural Omaha
#13 Scottsbluff Area	#2 Fremont Area	#9 Hastings area
#14 Sidney Area	#4 Auburn Area	#10 Kearney area
#15 McCook Area	#5 Beatrice Area	#11 Holdrege area
#16 Ogallala Area	#6 Milford Area	#20 Bellevue P.S.
#19 Omaha P.S.	#7 Columbus Area	#21 Millard P.S.
#22 Westside C.S.	#8 Neligh Area	#23 Papillion/LaVista P.S.
#25 Elkhorn P.S	#17 Ainsworth Area	#26 Grand Island P.S.
#27 North Platte P.S.	#18 Lincoln P.S.	
	#29 Norfolk P.S.	