



System of Enforcements

Section 616(d) of the Individuals with Disabilities Education Act requires the State Lead Agency (SLA) review and verify data submitted by each local Early Intervention System (EIS) for inclusion in the State Performance Plan (SPP) and Annual Performance Report (APR). Based on the information provided by the local EIS, the SLA is required to determine if the local EIS: Meets Requirements; Needs Assistance; Needs Intervention; or Needs Substantial Intervention. In making these determinations and in deciding upon appropriate enforcement actions, the SLA will consider all information that is available at the time of the determination, including the history, nature and length of time of any reported noncompliance, and any evidence of correction.

Under section 616(g) of the Individuals with Disabilities Education Act, the SLA may at any time utilize any authority under the General Education Provisions Act to monitor and enforce the requirements of IDEA, regardless of the determination of the local Early Intervention System's status under section 616(d).

The SLA can withhold a warrant at any time including when an EIS does not meet a Part C Contract deliverable.

Potential enforcement options available to the SLA include but are not limited to the following:

- Required targeted Technical Assistance (TA) and/or Training;
- On-Site Activities (training, TA, record reviews, meetings with staff and/or providers etc) with the Local EIS Manager are made as needed and appropriate;
- On-Site Activities include the Local EIS Manager's Supervisor;
- On-Site Activities include the Local EIS Administration;
- Focused monitoring site visit(s) on area(s) of noncompliance;
- Increased frequency of CAP Or SEP Status Check-ins;
- Development/revision of the EIS's annual staff development plan to include professional development related to the area(s) of noncompliance;
- Require the EIS Manager collect & analyze data & review it with their TA &/or Monitoring Consultant at a frequency determined with the SLA;
- Require the EIS complete additional record reviews at a frequency determined with the SLA & with verification by the SLA;
- Link to another EIS which demonstrates promising practices in the identified area(s) of noncompliance;
- Require a meeting with the EIS Administration & the State Part C Coordinator, TA & Monitoring Consultants to discuss barriers to compliance, CAP or SEP strategies, how SLA can further assist EIS;
- Report noncompliance to the Administration of the EIS explaining that it may be necessary to redirect or withhold funds if timely improvement is not shown;
- Conditionally approve the local contract;
- Require the EIS to direct the use of Part C funds to areas that will assure correction of noncompliance;
- Withhold a percentage of EIS funds;
- Recover funds;
- Withhold any further payments to the EIS;
- Terminate local contract.



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Corrective Action Plan (CAP): An action plan with explicit strategies, activities and evidence of change for correcting area(s) of noncompliance as soon as possible but no later than one year from the date of the identification of the noncompliance (date of memo from SLA).

Service Enhancement Plan (SEP): An action plan with explicit strategies, activities and evidence of change which serves as the mechanism to monitor progress on the State Performance Plan/Annual Performance Report (SPP/APR) results indicators and as the framework/plan to assist the EIS in meeting State targets. State targets are set by the SLA with guidance and assistance from the Virginia Interagency Coordinating Council (VICC).

Category	Corrective Action Plan (CAP) And/OR Service Enhancement Plan (SEP)	Technical Assistance	Required Enforcements
Non-Compliance Beyond One Year	The CAP is revised to include required targeted Technical Assistance (TA).	<p>The EIS is required to obtain and use targeted TA & training resources on topics specific to the area(s) of noncompliance which includes technical assistance from their TA &/or Monitoring Consultants as part of the CAP process. The focus is on capacity building & overcoming barriers to compliance.</p> <p><u>Additional TA options include but are not limited to:</u></p> <ul style="list-style-type: none"> ○ Training & Technical Assistance Centers (TTAC); ○ The Integrated Training Collaborative; ○ Kaleidoscope I & II; ○ Local EIS training ; ○ Web-based training; ○ Local University sponsored training; ○ Educational service agency training ; ○ Mentoring by another local EIS Manager; ○ Other as identified & appropriate. 	<p><u>Required</u> targeted TA;</p> <p>Scheduled CAP status check-ins between the EIS & the SLA include a status report by the EIS related to the outcome of the targeted TA which is documented on the CAP in the “Status to Date” section completed by the EIS Manager prior to the scheduled CAP status check-in.</p> <p>The local EIS Manager <u>must</u> inform the SLA of the outcome of the required TA.</p> <p><u>PLEASE NOTE:</u> Non-compliance beyond one year impacts the local EIS annual “Determination” (which may have additional enforcement actions associated with it).</p>



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Category	Corrective Action Plan (CAP) And/Or Service Enhancement Plan (SEP)	Technical Assistance	Required Enforcements
Meets Requirements	<p>A CAP or SEP is required when an EIS's compliance/results fall below 93% on any indicator.</p> <p>A CAP or SEP may or may not be in effect for an EIS with this Determination.</p>	<p>The SLA advises the EIS of available sources of TA.</p> <p>If the EIS has a CAP or SEP in effect, TA is provided as part of the CAP or SEP process.</p>	<p>Scheduled phone calls with the TA & Monitoring Consultants are made on an <u>as needed basis</u> & as necessary to monitor progress & to ensure a local monitoring mechanism is in place to attain/maintain compliance and/or results. Frequency is determined on an individualized basis.</p>
Needs Assistance	<p>A CAP or SEP is required when an EIS's compliance/results fall below 93% on any indicator.</p>	<p>The SLA advises the EIS of available sources of TA.</p>	<p>Scheduled phone calls with the TA & Monitoring Consultants <u>are</u> made on a regular basis to monitor progress of the CAP or SEP strategies, to discuss revisions & to ensure a local monitoring mechanism is in place to attain/maintain compliance and/or results. Frequency is determined on an individualized basis.</p>
Needs Assistance for Two Consecutive Years	<p>The CAP or SEP is revised to include required targeted Technical Assistance (TA).</p>	<p>The EIS is required to obtain and use targeted technical assistance & training resources on topics specific to the area(s) of non-compliance and /or non-performance which includes technical assistance from their TA &/or Monitoring Consultants as part of the CAP or SEP process. The focus is on capacity building & overcoming barriers to compliance.</p> <p><u>Additional TA options include but are not limited to:</u></p> <ul style="list-style-type: none"> ○ Training & Technical Assistance Centers (TTAC); ○ The Integrated Training Collaborative; ○ Kaleidoscope I & II; ○ Local EIS training ; 	<p><u>Required</u> targeted TA;</p> <p>Scheduled phone calls with the TA & Monitoring Consultants <u>are</u> made to monitor progress of the CAP or SEP strategies, to discuss revisions when needed & to ensure a local monitoring mechanism is in place to attain/maintain compliance and/or results. Frequency is determined on an individualized basis.</p> <p>Scheduled CAP or SEP status check-ins between the EIS & the SLA include a status report by the EIS related to the targeted TA documented on the CAP or SEP in the "Status to Date" section completed by the EIS Manager</p>



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		<ul style="list-style-type: none"> ○ Web-based training; ○ Local University sponsored training; ○ Educational service agency training ; ○ Mentoring by another local EIS Manager; ○ Other as identified & appropriate. 	<p>prior to the scheduled CAP or SEP status check-in.</p> <p>The local Early Intervention System (EIS) Manager <i>must</i> inform the State Lead Agency (SLA) of the outcome of the required TA.</p>
<p>Needs Intervention</p>	<p>The EIS will be held to a vigorous CAP or SEP that will be used as the framework for the expectations to bring the EIS into compliance and/or to meet State target(s).</p>	<p>The EIS is required to obtain and use targeted technical assistance & training resources on topics specific to the area(s) of non-compliance and /or non-performance which includes technical assistance from their TA &/or Monitoring Consultants as part of the CAP or SEP process. The focus is on capacity building & overcoming barriers to compliance.</p> <p><i>TA options include but are not limited to:</i></p> <ul style="list-style-type: none"> ○ Training & Technical Assistance Centers (TTAC); ○ The Integrated Training Collaborative; ○ Kaleidoscope I & II; ○ Local EIS training ; ○ Web-based training; ○ Local University sponsored training; ○ Educational service agency training ; ○ Mentoring by another local EIS Manager; ○ Other as identified & appropriate. 	<p><i>Required</i> targeted TA;</p> <p>The local Early Intervention System (EIS) Manager <i>must</i> inform the SLA of the outcome of the required TA documented on the CAP or SEP in the “Status to Date” section completed by the EIS Manager prior to the scheduled CAP or SEP status check-in.</p> <p>Scheduled CAP or SEP status check-ins with the TA & Monitoring Consultants are made to monitor progress of the CAP or SEP strategies, to discuss revisions & to ensure a local monitoring mechanism is in place to attain/maintain compliance and/or performance/results.</p> <p>Frequency of CAP or SEP Status Checks increase;</p> <p>Scheduled CAP or SEP status check-ins include a status report by the EIS documented on the CAP or SEP in the “Status to Date” section completed by the EIS Manager prior to the scheduled CAP or SEP status check-in.</p>



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			<p>On-site Activities (TA & Training). The initial site visit includes the LSM's Supervisor. Frequency of onsite visits determined on an individualized basis as appropriate;</p> <p>Report noncompliance to the administration of the EIS explaining that it may be necessary to redirect or withhold funds if timely improvement is not shown.</p>
Needs Intervention for 3 Consecutive Years	<p>The EIS will be held to a vigorous CAP or SEP that will be used as the framework for the expectations to bring the EIS into compliance and/or to meet State targets.</p>	<p>The EIS is required to obtain and use targeted technical assistance & training resources on topics specific to the area(s) of non-compliance and /or non-performance which includes technical assistance from their TA &/or Monitoring Consultants as part of the CAP or SEP process. The focus is on capacity building & overcoming barriers to compliance.</p> <p><i>Additional TA options include but are not limited to:</i></p> <ul style="list-style-type: none"> ○ Training & Technical Assistance Centers (TTAC); ○ The Integrated Training Collaborative; ○ Kaleidoscope I & II; ○ Local EIS training ; ○ Web-based training; ○ Local University sponsored training; ○ Educational service agency training ; ○ Mentoring by another local EIS Manager; ○ Other as identified & appropriate. 	<p><i>Required</i> targeted TA;</p> <p>The local Early Intervention System (EIS) Manager <i>must</i> inform the SLA of the outcome of the required TA documented on the CAP or SEP in the "Status to Date" section completed by the EIS Manager prior to the scheduled CAP or SEP status check-in.</p> <p>Scheduled CAP or SEP status check-ins with the TA & Monitoring Consultants are made to monitor progress of the CAP or SEP strategies, to discuss revisions & to ensure a local monitoring mechanism is in place to attain/maintain compliance and/or performance.</p> <p>Frequency of CAP or SEP Status Checks increase to monthly;</p> <p>Scheduled CAP or SEP status check-ins include a status report by the EIS documented on the CAP or SEP in the "Status to Date" section</p>



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			<p>completed by the EIS Manager prior to the scheduled CAP or SEP status check-in.</p> <p>On-site Activities (TA & Training). The initial site visit includes the EIS Manager's Supervisor. Frequency of onsite visits determined on an individualized basis as appropriate;</p> <p>Report noncompliance to the administration of the EIS explaining that it may be necessary to redirect or withhold funds if timely improvement is not shown.</p> <p>Require the EIS to direct the use of Part C funds to areas that will assure correction of the noncompliance;</p> <p>Identify the EIS as "high-risk" with a requirement that the EIS enter into a <u>Compliance Agreement</u> (As determined with the SLA Assistant Commissioner & the State Part C Coordinator).</p> <p>Notify the SLA Assistant Commissioner of the substantial reoccurring noncompliance, status as a "high-risk" EIS & the implications for the EIS;</p> <ul style="list-style-type: none"> ○ Work with the Assistant Commissioner & EIS designee to determine the terms of the <u>Compliance Agreement</u>; ○ Conditionally approve the local contract; ○ If compliance is not achieved within the



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			<p>timeline of the <i>Compliance Agreement</i>, then the EIS moves to <i>Special Conditions</i> (Implemented when the EIS is determined to not be able to correct the noncompliance within the terms of the Compliance Agreement. <i>Special Conditions</i> are determined with the SLA Commissioner, Assistant Commissioner & the State Part C Coordinator.</p> <ul style="list-style-type: none"> o Maintain designation as a “high-risk” EIS; o Notify SLA Commissioner of the failure of the EIS to meet the terms of the <i>Compliance Agreement</i> within the designated time period & potential for termination of the local contract.
<p>Needs Substantial Intervention</p>			<p>Same as “Needs Intervention for 3 Consecutive Years”.</p> <p>In addition, per IDEA, if the SLA determines, at any time, that an EIS “Needs Substantial Intervention”, the SLA <i>will</i> take one or both of the following actions:</p> <ul style="list-style-type: none"> o <i>Recover funds;</i> o <i>Withhold further payments to the EIS.</i>