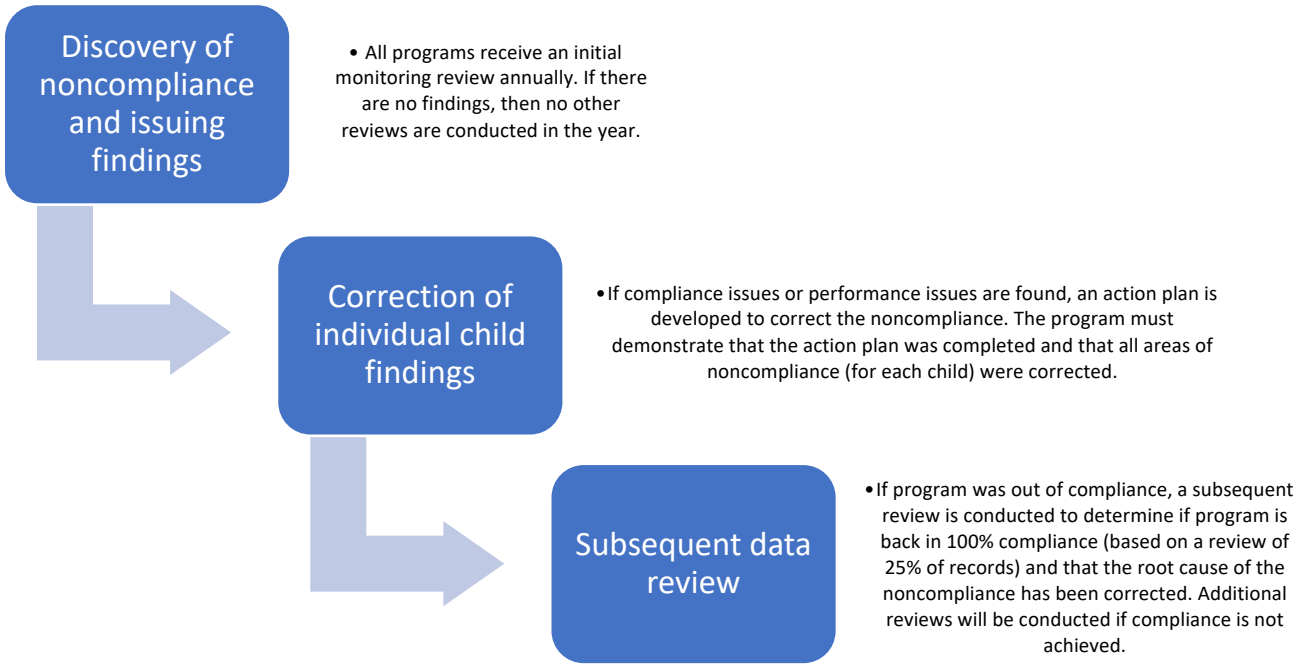
FEDERAL REGULATIONS

§ 303.700 State monitoring and enforcement.
(a) The lead agency must—
(1) Monitor the implementation of this part;
(2) Make determinations annually about the performance of each EIS program using the categories identified in § 303.703(b);
(3) Enforce this part consistent with § 303.704, using appropriate enforcement mechanisms, which must include, if applicable, the enforcement mechanisms identified in § 303.704(a)(1) (technical assistance) and § 303.704(a)(2) (imposing conditions on the lead agency's funding of an EIS program or, if the lead agency does not provide part C funds to the EIS program, an EIS provider), § 303.704(b)(2)(i) (corrective action or improvement plan) and § 303.704(b)(2)(iv) (withholding of funds, in whole or in part by the lead agency), and § 303.704(c)(2) (withholding of funds, in whole or in part by the lead agency); and
(4) Report annually on the performance of the State and of each EIS program under this part as provided in § 303.702.

How the State makes findings of noncompliance: If a program is found to be "Out of Compliance", an Action Plan will be developed outlining actions to reestablish compliance within one year. Follow-up reviews are conducted after the determination of noncompliance to verify that the program is back in 100% compliance according to regulatory requirements and that every instance of noncompliance is corrected for each child involved. If circumstances warrant, ADRS/EI staff may remove records from the program to complete a more thorough review. A written monitoring Report with Action Plan for correcting findings of non-compliance is provided to programs within four (4) weeks following the monitoring. The report will include the cover sheet for the review report, a summary of the review, and an explanation of the compliance status.

The monitoring process is as follows: