

Appendix D: ITCVA System of Enforcements

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Overview

Section 616(d) of the Individuals with Disabilities Education Act (IDEA) requires the State Lead Agency (SLA) to review and verify data submitted by each local early intervention system (LEIS) for inclusion in the State Performance Plan (SPP) and Annual Performance Report (APR). Based on the information provided by the LEIS, the SLA is required to determine if the LEIS: 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 IDEA, the SLA may at any time utilize any authority under the General Education Provisions Act (GEPA) to monitor and enforce the requirements of IDEA, regardless of the determination of the LEIS's status under section 616(d).

In Virginia, the SLA [Department of Behavioral Health and Developmental Services (DBHDS)] can withhold a warrant at any time, including when a LEIS does not meet a Part C local contract deliverable.

Associated Documents and Forms

This appendix describes Virginia's system of enforcements in detail. *It may be disseminated and used as a stand-alone document.*

Enforcement Options

Enforcement options include, but are not necessarily limited to, the following⁷:

- A. An improvement plan.
- B. Required targeted technical assistance and/or training.

⁷ Lettering is used solely to facilitate identification of enforcement options and does not imply hierarchal order.

- C. On-site activities (training, technical assistance, record reviews, meetings with staff and/or providers, etc.) with the local system manager (LSM); (may include LSM's supervisor and/or LLA administration).
- D. Focused monitoring site visit(s) re: area(s) of noncompliance.
- E. Increased frequency of meetings between LSM and Part C TA/monitoring staff.
- F. Development/revision of the LEIS's annual staff development plan to include professional development related to the area(s) of noncompliance.
- G. Required collection and analysis of specific data.
- H. Required record reviews at a frequency determined with the SLA and with verification by the SLA.
- I. Link to another LEIS which demonstrates promising practices in the identified area(s) of noncompliance.
- J. Required meeting with the LEIS administration and the state's Early Intervention Program Manager and staff to identify barriers and develop a plan to address the barriers.
- K. Report noncompliance to the administration of the LEIS explaining that it may be necessary to redirect or withhold funds if timely improvement is not shown.
- L. Conditionally approve the Part C local contract.
- M. Require the LEIS to direct the use of Part C funds to areas that will assure correction of noncompliance.
- N. Withhold a percentage of LEIS funds.
- O. Recover funds.
- P. Withhold any further payments to the LEIS.
- Q. Terminate the Part C local contract.

Required Enforcements

The U.S. Department of Education, Office of Special Education Programs (OSEP) has established the following minimum enforcement requirements based on monitoring findings. The SLA may impose additional enforcements depending on the specific circumstances.

Category	Required Enforcements
Non-Compliance Beyond One Year	<p>The LEIS is required to:</p> <ol style="list-style-type: none"> 1. Implement an improvement plan; and 2. Obtain and use targeted technical assistance and training resources on topics specific to the area(s) of non-compliance and /or non-performance which includes technical assistance from their TA and/or monitoring consultants. The focus is on capacity building and overcoming barriers to compliance
Determination of "Needs Assistance" 2 or more years in a row	<p>The LEIS is required to:</p> <ol style="list-style-type: none"> 1. Implement an improvement plan; and 2. Obtain and use targeted technical assistance and training resources on topics specific to the area(s) of non-compliance and /or non-performance which includes technical assistance from their TA and/or monitoring consultants. The focus is on capacity building and overcoming barriers to compliance.

Category	Required Enforcements
Determination of “Needs Intervention”	<p>The LEIS is required to:</p> <ol style="list-style-type: none"> 1. Implement an improvement plan; and 2. Obtain and use targeted technical assistance and training resources on topics specific to the area(s) of non-compliance and /or non-performance which includes technical assistance from their TA and/or monitoring consultants. The focus is on capacity building and overcoming barriers to compliance.
Determination of “Needs Intervention” for 3 Consecutive Years	<p>The LEIS is required to:</p> <ol style="list-style-type: none"> 1. Implement an improvement plan; and 2. Obtain and use targeted technical assistance and training resources on topics specific to the area(s) of non-compliance and/or non-performance which includes technical assistance from their TA and/or monitoring consultants. The focus is on capacity building and overcoming barriers to compliance. <ol style="list-style-type: none"> a. On-site activities are required including TA and training. The LSM’s supervisor must participate in the initial onsite visit. b. The LEIS will be required to direct the use of Part C funds to areas that will assure correction of noncompliance. It may be necessary to redirect or withhold funds if timely improvement is not shown. c. The LEIS may be identified as “high-risk” with a requirement that it enters into a Special Agreement (as determined with the SLA Assistant Commissioner and the state Early Intervention Program Manager).
Determination of “Needs Substantial Intervention”	<p>The enforcements identified for “Needs Intervention Three Consecutive Years” apply. In addition, the SLA will take one or both of the following actions:</p> <ol style="list-style-type: none"> 1. Recover funds; and/or 2. Withhold further payments to the LEIS.

Revision Table

Date	Summary
2025-02	Revision Table added
2025-06	Formatting changes and updates; no substantive updates

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