

1.A.4 General Supervision System for Monitoring Implementation of Part C

I Policy Index:

 <p>UTAH DEPARTMENT OF HEALTH Baby Watch Early Intervention Birth to Three Development</p>	Policy #:	1.A.4
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	Date Policy Effective:	7/01/2013
	Responsible Authority	BWEIP Manager

II Purpose:

The purpose of this policy is to describe BWEIP's general supervision and monitoring system including the responsibilities of the state early intervention office and the local programs in the monitoring process. This general supervision system includes multiple mechanisms to: 1) identify and correct noncompliance with IDEIA and other requirements; and 2) facilitate continuous improvement. These methods and strategies are interrelated and, as a whole, ensure that the 15 local programs are implementing IDEIA and improving results for children and their families.

III Definition(s):

Annual Performance Report (APR):

The Annual Performance Report is the formal document completed by the BWEIP, required by and submitted to OSEP on an annual basis identifying the outcomes of the SPP targets.

Baby and Toddler Online Tracking System (BTOTS):

Baby and Toddler Online Tracking System (BTOTS) is a Utah database application designed to track EI activities and information, assist EI providers in day-to-day activities, encourage compliance with state and federal regulations and simplify compliance monitoring by allowing the BWEIP access to statewide child information.

Compliance Indicators:

Compliance indicators are SPP/APR indicators that assess compliance performance at one-hundred (100%).

Corrective Action (CA):

The corrective action is the EI programs' correction of any findings of noncompliance identified by the BWEIP (See [Attachment 3](#)).

Correction of Noncompliance:

Correction of noncompliance is a formal verification by the BWEIP that the EI program has corrected all instances of noncompliance by:

- A review of data that demonstrate correction of each individual instance of noncompliance;
- A review of data that demonstrate that any required actions took place, although late, for timeline-specific requirements, unless the child is no longer under the jurisdiction of EI; and
- A review of subsequent data that demonstrate full compliance at one-hundred percent (100%).

Early Intervention (EI):

Early Intervention (EI) refers to programs or services which are selected in collaboration with parents, and are designed to meet the developmental needs of a child and the needs of the family to assist in the child's development.

Finding of Noncompliance:

A finding of noncompliance is any finding of noncompliance determined by the BWEIP through off-site or on-site monitoring that includes:

- ♦ A written notification of the requirement with which noncompliance is identified;
- ♦ A summary of the data that details noncompliance; and
- ♦ The requirement that the noncompliance be corrected as soon as possible but no later than one (1) year from the date of the written notification of the finding of noncompliance.

Incentives:

Incentives are BWEIP recognition of EI programs that have met or exceeded established targets or have demonstrated full compliance of one-hundred percent (100%).

Individuals with Disabilities Education Improvement Act (IDEIA):

The Individuals with Disabilities Education Improvement Act is the federal law set forth by the United States that governs how states and public agencies provide early intervention special education and related services to children with disabilities.

Interagency Coordinating Council (ICC):

The ICC is designed to advise and assist the Utah Baby Watch Early Intervention Program (BWEIP) in performing the responsibilities set out in part C of the IDEIA. As required by statute, the ICC is comprised of a body of people appointed by the governor representing families, EI providers, agencies and representatives from the community.

Low Performance - SPP/APR and BWEIP Results Indicators:

These indicators may impact a program's annual determination and may result in a requirement for performance improvement activities.

Noncompliance:

Noncompliance is any instance in which SPP/APR compliance indicators are performed less than one-hundred percent (100%).

Office of Special Education Programs (OSEP):

The Office of Special Education Programs (OSEP) is the federal program dedicated to improving results for infants, toddlers, children, and youth with disabilities ages birth to twenty-two (22) by providing leadership and financial support to assist states and local districts, to include part C.

Off-site Monitoring:

Off-site monitoring is the oversight of activities of EI programs by BWEIP to promote compliance, technical assistance, improvement strategies, corrective actions, sanctions or incentives to ensure timely correction of all noncompliance and performance in the following areas:

- ♦ Review of data accountability plans;
- ♦ Review of compliance/monitoring reports collected through BTOTS; and
- ♦ Review of materials requested by the BWEIP.

On-site Monitoring:

On-site monitoring refers to any BWEIP oversight activities of EI programs provided at their locations to promote compliance and performance that may identify noncompliance, the need for corrective action technical assistance, improvement strategies and incentives or sanctions to ensure timely correction of all instances of noncompliance.

Part C:

Part C of IDEIA supports states in providing EI services for infants and toddlers with disabilities from birth to age three (3) and their families.

Program Determinations:

As required by IDEIA, program determinations are based on an annual BWEIP review of EI programs' performance to determine if programs are meeting IDEIA part C requirements (See [Attachment 2](#)).

Sanctions:

Sanctions may be imposed on EI programs by the BWEIP when performance has not improved or noncompliance is not corrected in a timely manner.

SPP/APR Results and BWEIP Indicators:

Results indicators or those indicators set forth by OSEP that measures early intervention activities as compared to state determined targets.

State Performance Plan (SPP):

A State Performance Plan is a formal document developed by the BWEIP outlining a six (6) year plan to evaluate the state's implementation of part C regulations and how the state will improve such implementation. The SPP shall include compliance indicators (of which targets are one- hundred percent (100%) and results indicators (of which targets have been established by the BWEIP).

Training and Technical Assistance (TA System):

Training and TA are services provided to EI program providers to ensure compliance with IDEIA requirements and evidence-based practices.

Utah's Complaints/Dispute Resolution System:

The Utah Complaints/Dispute Resolution System is an established part C process utilized to identify and correct noncompliance in the implementation of IDEIA requirements, to identify components of the system that need improvement and to ensure parents rights are being met.

Utah Department of Health, Baby Watch Early Intervention Program (BWEIP): The Utah Department of Health, Baby Watch Early Intervention Program (BWEIP) has been designated by the governor as the lead agency with the single line of responsibility to carry out all the provisions of the part C program under IDEIA.

IV Principles and Procedures:

A. State General Supervision System Framework:

1. The State General Supervision System Framework (See [Attachment 1](#)) demonstrates the state's tiered intervention framework for general supervision.
 - a. **General Activities:** An annual review of every program.
 - 1) The BWEIP shall conduct several annual general supervision activities for each EI program to monitor the implementation of IDEIA and identify possible areas of noncompliance and low performance. The general activities include:
 - a) Collection and verification of BTOTS data for the SPP/APR compliance and results indicators;
 - b) Program Determinations;
 - c) Review of program data accountability plan;
 - d) Fiscal Management;
 - e) Collection and verification of 618 data in BTOTS618 data; and f) Targeted technical assistance and professional development.
 - b. **Focused Activities:** An annual review of selected EI programs
 - 1) The BWEIP shall conduct annual focused monitoring activities with selected EI programs. The programs and areas of focus are determined annually based on state aggregated data, individual program data and other information.
 - a) EI programs and the ICC may be included in determining which EI programs will be

- reviewed and what focused activities will be reviewed.
- b) Focused monitoring activities may include:
 - i) Off-site monitoring activities to include in-depth review of data entered in BTOTS.
 - ii) On-site monitoring activities to include file reviews, interviews, observation and follow-up monitoring visits.
 - iii) Additional activities completed as determined necessary by the BWEIP.
 - c. **Intensive Activities:** A review of EI programs, as needed.
 - 1) The BWEIP shall conduct intensive monitoring activities in EI programs, as needed.
 - a) Intensive activities may be necessary based on issues identified through general or focused monitoring activities, the complaints/dispute resolution system, or other means. Intensive activities include:
 - i) On or Off-site monitoring activities, including an in-depth review of data entered in BTOTS;
 - ii) Interviews;
 - iii) Follow-up monitoring visits; and
 - iv) Additional activities determined necessary by the BWEIP.

B. Identification of Noncompliance:

1. Noncompliance may be identified at all levels within the State General Supervision System Framework through relevant activities.
2. If the BWEIP finds noncompliance with any compliance indicator, it shall make a written notification of the finding of noncompliance and require a corrective action (CA) of full correction of all noncompliance from the respective EI program.

C. Correction of Noncompliance:

1. All noncompliance, once it is identified and notification is given to the EI Program, shall be corrected as soon as possible, but in no case later than one (1) year from the date of the written notification of findings of noncompliance.
2. The BWEIP shall require CAs for all noncompliance.
3. The actions and reporting required varies based on the level of noncompliance as delineated in the Corrective Action Overview (See [Attachment 3](#)).
4. If noncompliance is not corrected within one (1) year of the written finding of noncompliance, the BWEIP may impose sanctions, such as:
 - a. More explicit details required within the CA;
 - b. On-site visits to determine root causes of noncompliance;
 - c. Additional reporting requirements deemed necessary to ensure compliance; and
 - d. Extensive technical assistance.
5. The BWEIP may require that the EI program provide detail in the CA on how they may revise necessary policies, procedures or practices that contributed to any noncompliance.

D. Training and Technical Assistance:

1. The BWEIP may provide training and TA that is directly linked to the SPP/APR and state monitoring activities to assist EI programs in:
 - a. Understanding the requirements related to these indicators;

- b. Developing and implementing meaningful improvement plans to correct any noncompliance;
- c. Enhancing their program performance; and
- d. Improving outcomes for children and families within their program.

V Authority:

34 CFR § 303.101: *State eligibility – requirements for a grant under this part; and*
 34 CFR § 303.120: *Lead agency role in supervision, monitoring, funding, interagency coordination, and other responsibilities.*

VI Related Directive(s):

20 U.S.C. 1435(a)(10)(A); and
 Section 616 and 642 of the 2004 Amendments of the IDEA

VII Revision Log:

April 2011: **New** policy

June 2011: **Revised** Purpose statement. **Added** definition of Compliance Indicators. **Revised** title of State Indicators to APR/SPP Results and LA Indicators and its content. **Revised** definition of Noncompliance. **Added** reference to access by LA staff and Note to Attachments 1 and 2. August 2011: Added definitions of Low Performance – SPP/APR and Low Performance – Determined by the LA within Definitions section. **Deleted** reference to SPP/APR results indications and LA indicators from definition of Noncompliance and **deleted** definition of Corrective Action Plan. **Deleted** former ss (A1a1)b referencing data submitted in BTOTS for state indicators, **added** ss (A1a1)d-f), **added** reference to “on” in ss (A1c1)a)i), **added** ss (ii-iv) within ss (A1c1)a) and **deleted** ss (A1c2) regarding file review all within State General Supervision System Framework. **Deleted** “Correction” from section title of “Identification and Correction of Noncompliance, **deleted** reference to noncompliance shall be corrected as soon as possible in former ss (B3) and **deleted** former ss (B4 & B4 Note) regarding LAs require CAs for all noncompliance and actions required may vary based on the level of noncompliance all within ss (Identification of Noncompliance). **Revised** former subsection title of Corrective Action to Correction of Noncompliance within ss (C), **added** new ss (C1-4a-d). **deleted** former ss (C2 and C5) referencing EI programs cited for noncompliance shall be released from the CA and reference to LA imposed sanctions all within Correction of Noncompliance. **Deleted** former ss (D) regarding Corrective Action Plan. **Added** new Attachment 2. **Revised** minor wording and bulleting throughout policy.

January 2013: **Deleted** definition of LA, **added** definition of Utah Department of Health, BWEIP, and **updated** definitions. **Replaced** “IDEA” with “IDEIA” and “LA” with “BWEIP” throughout policy. **Added** section V. **Revised** attachment formatting.

June 2013: **Deleted** committee from media advisory committee. **Revised** to read **Low Performance - SPP/APR and BWEIP Results Indicators: These indicators may impact a program’s annual determination and may result in a requirement for performance improvement activities.**

 Susan Ord, BWEIP Program Manager		<i>7-01-13</i> Date
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Attachment 1: State General Supervision System Framework

1. The ***State General Supervision System Framework*** may be accessed on the BWEIP website by clicking [here](#).

Attachment 2: Program Determinations

1. The ***Program Determinations*** may be accessed on the BWEIP website by clicking [here](#).

Attachment 3: Corrective Action Overview

1. The ***Corrective Action Overview*** may be accessed on the BWEIP website by clicking [here](#).