

**281—120.700(34CFR303) State monitoring and enforcement.**

**120.700(1)** *General.* The department must:

- a. Monitor the implementation of this chapter;
- b. Make determinations annually about the performance of each EIS program, using the categories identified in subrule 120.703(2);
- c. Enforce this chapter consistent with rule 281—120.704(34CFR303), using appropriate enforcement mechanisms listed therein; and
- d. Report annually on the performance of the state and of each EIS program under this chapter as provided in rule 281—120.702(34CFR303).

**120.700(2)** *Primary focus of monitoring activity.* The primary focus of the state's monitoring activities must be on:

- a. Improving early intervention results and functional outcomes for all infants and toddlers with disabilities; and
- b. Ensuring that EIS programs meet the program requirements under Part C of the Act, with a particular emphasis on those requirements that are most closely related to improving early intervention results for infants and toddlers with disabilities.

**120.700(3)** *Indicators of performance and compliance.* As a part of its responsibilities under subrule 120.700(1), the state must use quantifiable indicators and such qualitative indicators as are needed to adequately measure performance in the priority areas identified in subrule 120.700(4), and the indicators established by the Secretary for the state performance plans.

**120.700(4)** *Monitoring; priority areas.* The department must monitor each EIS program located in the state, using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- a. Early intervention services in natural environments.
- b. State exercise of general supervision, including child find, effective monitoring, mediation, and a system of transition services as defined in Section 637(a)(9) of the Act.

**120.700(5)** *Correction of noncompliance.* In exercising its monitoring responsibilities under subrule 120.700(4), the state must ensure that when it identifies noncompliance with this chapter by EIS programs and providers, the noncompliance is corrected as soon as possible and in no case later than one year after the state's identification of the noncompliance.

[ARC 7805C, IAB 4/17/24, effective 5/22/24]