Part C
Single Line of Responsibility (SLOR)

# Overview

In 2016, OSEP began providing differentiated monitoring and support (DMS) to States as part of its Results Driven Accountability (RDA) system under Parts B and C of the Individuals with Disabilities Education Act (IDEA). Under RDA, OSEP made a shift from monitoring based solely on compliance with IDEA requirements to monitoring and support focused on both compliance and improving results for infants, toddlers, children with disabilities referred to and/or served under the IDEA (collectively referred to as children with disabilities). OSEP differentiates its approach for each State based on the State's unique strengths, challenges, and needs. Beginning in Federal fiscal year (FFY) 2021, Part B and Part C programs in States are being monitored by OSEP in a cyclical monitoring process. OSEP will monitor all States[[1]](#footnote-2) on their general supervision systems. OSEP will continue to provide support and technical assistance that is differentiated based on each State’s unique strengths, challenges, and needs.

# Implementation

OSEP’s monitoring of each State will be conducted in three (3) phases:

1. ***Discovery (5 months prior to Engagemen***t): The OSEP monitoring team will provide a document request to the State 5 months prior to the Engagement monitoring activities. During this time the monitoring teams will meet with the State for one or two calls to better understand the State structure and organization. In addition, OSEP will conduct Stakeholder and local component calls and meetings prior to the onsite/virtual Engagement activities with the State.
2. ***Engagement (1-month of monitoring Engagement through issuance of the DMS Monitoring Report):*** OSEP will develop an agenda for the on-site/virtual visit focusing on the policies, procedures and implementation of IDEA through interviews and conversations with the State using our posted protocols.[[2]](#footnote-3)
3. ***Close-out (up to one year after the issuance of the DMS Monitoring Report):*** In the year following the on-site visit, the OSEP State Lead will work with the State to ensure correction of any remaining outstanding findings, provide technical assistance, and support, and discuss progress in improving identified results areas.

#### The protocols are developed and organized in the following way—

Question: Overarching area and question related to the monitoring component.

General Information: A listing of statements about what the State would need to effectively answer the question.

Possible Follow-up Questions: Questions designed to more closely examine areas addressed by the General Information section. The questions included identify areas that may be explored and are examples of what can but may not necessarily be asked; OSEP may ask additional questions that are not listed to ensure understanding.

Areas (or issues) for Follow-up: Issues which could: 1) result in findings of noncompliance if verified, or areas of concern that may not rise to the level of a finding of noncompliance but require follow-up; 2) lead to a finding of noncompliance if the State does not have a process or procedure to meet the applicable IDEA Requirement(s); or 3) be areas that suggest the need for technical assistance or further discussion.

# Single Line of Responsibility:

## Does the State maintain and implement a statewide, comprehensive, coordinated, multidisciplinary, interagency system to implement fiscal elements of the single line of responsibility under IDEA Section 635(a)(10)?

Component Definition: SINGLE LINE OF RESPONSIBILITY—
Under Section 633 of IDEA, each State must maintain and implement a statewide, comprehensive, coordinated, multidisciplinary, interagency system to provide early intervention services for infants and toddlers with disabilities and their families. IDEA Section 635 describes the minimum components that must be included in the statewide system. Under IDEA Section 635(a)(10), the statewide system must include a single line of responsibility in a State lead agency (LA) designated by the Governor. This protocol’s focus is to examine how the statewide system implements fiscal elements of the single line of responsibility under IDEA Section 635(a)(10) but, also incorporates other selected requirements as described under IDEA Sections 635(a), 616 and 642 of IDEA and the corresponding regulatory requirements under 34 C.F.R. § 303.120, 34 C.F.R. §§ 303.700-707, and Subpart F.

## Suggested Documents to Review (not exhaustive):

* Organizational Chart portraying the State’s EIS providers (sufficient in detail to illustrate the flow of Part C funds).
* *Organizational Chart depicting key fiscal personnel for the Part C program at the State and local program levels.*
* *Monitoring manuals, sample monitoring or other reporting templates.*
* *Policies and procedures, operations manual, etc. describing the LA’s general supervision system.*
* *Policies and procedures for contracting or making other arrangements with public or private individuals or agency service providers to provide* early intervention *services in the State.*
* *Risk assessment policies and procedures, calculations of risk, rubrics related to the assignment of risk categories, related monitoring processes, as appropriate.*
* *Fiscal data system procedures/screenshots, demonstrating the system’s capacity for monitoring of funds for the Part C program.*
* *Policies, procedures, and documentation reflecting the LAs fiscal monitoring of IDEA Part C activities.*
* *EIS provider qualifications/certifications.*
* *Policies and procedures reflecting the LA’s standards for correcting fiscal noncompliance.*
* Policies and procedures surrounding enforcement actions taken to address noncompliance.
* *The State’s method(s) and OSEP approved system of payments policy.*
* *Policies and procedures for the timely reimbursement of Part C funds pursuant to*[*[34 C.F.R. § 303.122](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-303/subpart-B/subject-group-ECFR8b0af1d9e085a1a/section-303.122)*](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-303/subpart-B/subject-group-ECFR8b0af1d9e085a1a/section-303.122)*.*
* Audits, financial reporting, monitoring reports, or other evidence of State monitoring of the LA’s use of Federal funds.
* *Monitoring reports (fiscal and programmatic) or other documentation demonstrating the LA’s monitoring of system of payments implementation in its EIS providers. Preferably, monitoring reports or letters that include findings, documentation supporting corrective action, and closeout reporting.*
* *Needs assessments performed with EIS providers to determine TA/PD needs, if applicable.*
* *Expenditure reports.*
* *Evidence of training/implementation in partner agencies, including examples of online trainings, agendas for on-site trainings, (recorded webinars, slide decks, etc.)*
* Examples of:
	+ Any enforcement action taken to address noncompliance, including corrective action plans.
	+ *Contracts with EIS providers, vendors.*
	+ Agreement(s) other than contracts with EIS providers, including agencies, vendors, institutions, and organization providing IDEA Part C services.
* Documentation or data related to:
	+ The LA’s allocation of all funding sources, particularly IDEA Part C funds, to its EIS providers.
	+ The LA’s implementation of its procedures for the timely reimbursement of Part C funds pursuant to [34 C.F.R. § 303.122](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-303/subpart-B/subject-group-ECFR8b0af1d9e085a1a/section-303.122).
	+ *Interim payments made by the LA, and reimbursement once the payor source is identified.*
	+ *The LA’s ability to compare payor source identified in Individualized Family Service Plans (IFSPs) to actual payor sources accessed.*
	+ *Disputes and resolution of those disputes, including documentation related to the reassignment of financial responsibility, if applicable.*
* *Evidence of the implementation and documentation related to the State’s method and system of payments such as:*
	+ *State forms related to the use of funds to support staff/activities described in the State’s method.*
	+ *Operational procedures, and*
	+ *For available payor sources State monitoring of EIS providers related to implementing the State’s system of payments, evidence of State training provided on payor of last resort requirements, etc.*

# Overarching Questions (details start on page 5)

### General Supervision

## [Does the State have policies and procedures which reasonably ensure its general administration and supervision of programs and activities administered by EIS providers, including agencies, institutions, and organizations receiving assistance under IDEA Part C?](#_Does_the_State)  [34 C.F.R. § 303.120(a)(1)](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-303/subpart-B/subject-group-ECFR8b0af1d9e085a1a/section-303.120)

### Monitoring

## [Does the State have mechanisms that are reasonably designed to monitor EIS providers, including agencies, institutions and organizations use of IDEA Part C funds?](#_Next_question?)

**[34 C.F.R. § 303.120(a)(2)](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-303/subpart-B/subject-group-ECFR8b0af1d9e085a1a/section-303.120)**

### Personnel

## [Does the State provide technical assistance, if necessary, to those EIS providers, including agencies, institutions, and organizations?](#_Does_the_State_1)

[**34 C.F.R. § 303.120(a)(2)(iii)**](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-303/subpart-B/subject-group-ECFR8b0af1d9e085a1a/section-303.120#p-303.120(a)(2)(iii))

### Financial Responsibility

## [Does the State have policies and procedures that are reasonably designed to ensure financial responsibility in accordance with IDEA Part C Use of Funds and Payor of Last Resort Requirements?](#_Does_the_State_2) [34 C.F.R. § 303.120(c)](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-303/subpart-B/subject-group-ECFR8b0af1d9e085a1a/section-303.120)

### Availability of Resources

## [Describe how the LA ensures that resources are available for IDEA Part C services in all geographic regions within the State, consistent with 34 C.F.R. § 303.207?](#_Describe_how_the)

**[34 C.F.R. § 303.207](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-303/subpart-C/subject-group-ECFR362299c33e527bd/section-303.207)**

1. Does the State have policies and procedures which reasonably ensure its general administration and supervision of programs and activities administered by EIS providers, including agencies, institutions, organizations, and programs receiving assistance under IDEA Part C? [34 C.F.R. § 303.120(a)(1)](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-303/subpart-B/subject-group-ECFR8b0af1d9e085a1a/section-303.120#p-303.120(a)(1))

### General Supervision

#### General Information

* The State must have policies and procedures for ensuring its general supervision system is reasonably designed to perform fiscal monitoring of its local EIS providers.
* The State should be able to describe its policies and procedures to ensure its general administration and supervision of programs and activities by EIS providers, including agencies, institutions, and organizations receiving IDEA Part C funds.
* The State must be able to describe the roles and responsibilities of EIS providers, including agencies, institutions, and organizations, receiving IDEA Part C Funds.
* The State must maintain an inventory of assets purchased using IDEA Part C funds consistent with State policies and procedures.

#### Possible Follow-up Questions

* How is the statewide system structured (what types of regional or local EIS providers and programs, vendors, etc. does the lead agency use to deliver early intervention services)?
* Are local EIS providers providing evaluations, service coordination and early intervention services?
* What entities (State level agencies or programs, local EIS providers, etc.) in the State receive Part C funds?
* How many EIS providers does the State currently contract with (or otherwise arrange for services) to provide EIS services using Part C funds?
* What Part C activities (provision of early intervention services, child find activities, financial responsibilities, etc.) do the EIS providers perform on behalf of the LA using Part C funds?
* How does the LA provide monitoring of the procurement of goods and services by EIS providers using IDEA Part C funds?
* How does the LA ensure that it obtains OSEP’s prior approval for applicable local program expenditures involving Part C funds (e.g., expenditures for equipment, renovation/construction/rent, and participant support costs) as required by IDEA Section 605, [34 C.F.R. § 303.225](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-303/subpart-C/subject-group-ECFRc5cccc8d1b15b64/section-303.225), and [2 C.F.R. § 200.439](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-E/subject-group-ECFRed1f39f9b3d4e72/section-200.439)?
* How does the LA’s administration and supervision differ across the different types of EIS providers, including agencies, institutions, and organizations receiving Part C funds?
* How does the LA track expenditures to budgeted amounts for its Part C grant funds, consistent with [2 C.F.R. § 200.302(b)(5)](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D/section-200.302#p-200.302(b)(5))?
* What mechanisms (desk audits, on-site monitoring, data reporting, contractual language, etc.) does the LA use to ensure that it has general supervision and fiscal monitoring regarding those entities used by the State to carry out Part C?
* If the LA does not rely on other agencies, institutions, organizations, or EIS providers to perform child find activities, how does it perform those activities directly for EIS providers?
* How/where are IDEA Part C requirements reflected in the mechanisms/methods used by the LA to secure early intervention service provision?

#### Areas (or issues) for Follow-up

* The State does not have policies and procedures that are reasonably designed to implement its general supervision system.
* The State was unable to provide actual contracts, where appropriate, with local EIS providers, including agencies, institutions, and organizations receiving Part C funds.
* The State does not have policies or procedures to ensure it attains OSEP’s prior approval for applicable local program expenditures involving Part C funds (e.g., expenditures for equipment, renovation/construction/rent, and participant support costs) as required by IDEA Section 605, [34 C.F.R. § 303.225](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-303/subpart-C/subject-group-ECFRc5cccc8d1b15b64/section-303.225), and [2 C.F.R. § 200.439.](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-E/subject-group-ECFRed1f39f9b3d4e72/section-200.439)
* The State lacks policies and procedures to ensure its general administration and supervision of programs and activities by EIS providers, including agencies, institutions, and organizations receiving IDEA Part C funds.
* The State does not monitor the procurement of goods and services by EIS providers using IDEA Part C funds.
* The State does not track expenditures to budgeted amounts for its Part C grant funds, consistent with [2 C.F.R. § 200.302(b)(5).](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D/section-200.302#p-200.302(b)(5))
* The State was unable to provide policies and procedures on how it performs child find activities and/or early intervention service provision in cases where the State does not rely on other agencies, institutions, organizations, or EIS providers to carry out those activities.
* The State does not have clear mechanisms (e.g., desk audits, on-site monitoring, data reporting, contractual language, etc.) to ensure that it has general supervision and fiscal monitoring regarding those entities used by the State to carry out Part C.

#### Notes

## Does the State have mechanisms that are reasonably designed to monitor EIS providers, including agencies, institutions, and organizations use of IDEA Part C funds? [34 C.F.R. § 303.120(a)(2)](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-303/subpart-B/subject-group-ECFR8b0af1d9e085a1a/section-303.120#p-303.120(a)(2))

### Monitoring

#### General Information

* The State must be able to provide its policies and procedures for fiscal monitoring to ensure that EIS providers are accomplishing performance goals.
* The State must retain record of its fiscal monitoring activities ensuring that EIS providers are accomplishing its performance goals.
* The State should be able to explain the roles of the agencies/offices responsible for conducting fiscal monitoring of EIS providers.

#### Possible Follow-up Questions

* What factors (risk, cycles, other monitoring by the LA, etc.) drive the LA’s monitoring of EIS providers?
	+ How often (or on what basis) are those EIS providers monitored?
* Does the LA perform a risk assessment of its EIS providers?
	+ If so, what factors does the LA consider in performing its assessment of risk?
	+ How is that risk assessment used to drive the LA’s monitoring activities?
	+ If the LA does not perform a risk assessment, how does the LA ensure that it has established and maintained internal controls that are reasonably designed to ensure compliance with Part C requirements? [2 C.F.R. § 200.303](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D/section-200.303).
* What fiscal functions (system of payments, procurement, subcontracting, etc.) does the LA monitor through these mechanisms?
* What Part C activities (provision of EI services, child find activities, financial responsibilities, etc.) do those EIS providers perform on behalf of the LA?
* How does the LA monitor the provision of early intervention services, child find activities, financial responsibilities, etc.?
	+ How does the LA monitor public awareness and child find activities performed by EIS providers? [34 C.F.R. §§ 303.301](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-303/subpart-D/subject-group-ECFR5c39b9622a3015f/section-303.301) and [303.302](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-303/subpart-D/subject-group-ECFR5c39b9622a3015f/section-303.302).
	+ How does the LA monitor EIS provider use of IDEA Part C funds to provide early intervention services?
	+ How does the LA monitor EIS provider implementation of its system of payments and fees under [34 C.F.R. § 303.521](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-303/subpart-F/subject-group-ECFR2478496cc5550eb/section-303.521)?
	+ How does the LA monitor early intervention service decisions related to natural environments?
	+ How does the LA monitor the training and professional development activities performed by its EIS providers to meet the requirements in [34 C.F.R. § 303.118](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-303/subpart-B/subject-group-ECFR8b0af1d9e085a1a/section-303.118)?
* What other Part C requirements does the LA include in its monitoring of local EIS providers?

(e.g., consent, procedural safeguards, prior written notice)

* What standards does the LA use in correcting fiscal noncompliance in its EIS providers?
	+ What is the source of those standards?
* How do EIS providers inform the LA of the actions they have taken to address identified noncompliance?
* How does the LA inform EIS providers that sufficient action has been taken to address findings of noncompliance?
	+ Are standards for correction, and related reporting, different for programmatic and fiscal findings?
* What factors does the LA consider in making annual determinations for its local EIS providers?
	+ What, if any, fiscal factors are considered?

#### Areas (or issues) for Follow-up

* The State is unable to clearly articulate and/or provide documentation of its timeline or schedule for monitoring its EIS providers.
* The State does not have policies and procedures describing fiscal monitoring that is used to determine whether the goals of the Part C program are being accomplished.
* The State is not able to demonstrate that fiscal monitoring of its EIS providers has occurred within the past 3 years.
* The State does not maintain records of fiscal monitoring activities for the Part C program.
* The State does not monitor its EIS provider activities related to:
	+ public awareness and child find activities
	+ use of IDEA Part C funds to provide EI services
	+ implementation of its system of payments and fees
	+ EI service decisions related to natural environments
	+ training and professional development activities
* The State is unable to demonstrate its process to correct noncompliance and ensure timely correction.

#### Notes

## Does the State provide technical assistance, if necessary, to those EIS providers, including agencies, institutions, and organizations?[34 C.F.R. § 303.120(a)(2)(iii)](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-303/subpart-B/subject-group-ECFR8b0af1d9e085a1a/section-303.120#p-303.120(a)(2)(iii))

### Personnel

#### General Information

* The State must have policies and procedures for documenting the time and effort of staff supported with IDEA Part C funds.
* The State must have records of personnel changes of the work performed by its employees toward IDEA Part C program objectives.
* The State should be able to describe its policies and procedures for ensuring that personnel changes for worked performed by IDEA Part C funded program employees toward IDEA program objectives.
* The State maintains records for its personnel changes of the work performed by its employees toward IDEA Part C program objectives.

#### Possible Follow-up Questions

* How does the State ensure that sufficient documentation is maintained for all personnel changes made using IDEA Part C funds?
* What documentation does the State maintain to demonstrate it is monitoring, and ensuring that IDEA Part C funded staff are working consistently with grant objectives?
* How are EIS provider staff trained on Part C requirements applicable to the functions that they perform?
* What mechanisms (teleconference, periodic in-person meetings, webinars, etc.) does the LA use to provide training and professional development to EIS providers?
	+ Specifically, what ***fiscal*** training and technical assistance does the LA provide to its EIS providers?
* How does the LA determine topics for training and professional development to its EIS providers?
* What funding sources does the LA use to support technical assistance, training, and professional development activities?
	+ How does the LA monitor the use of Part C funds supporting training and professional development activities performed by its EIS providers to meet the requirements in [34 C.F.R. § 303.118](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-303/subpart-B/subject-group-ECFR8b0af1d9e085a1a/section-303.118).

#### Areas (or issues) for Follow-up

* The State does not have policies and procedures for documenting personnel expenses for its employees.
* The State does not maintain record of its personnel charges for work performed toward IDEA program objectives.
* Part C program employees (funded 100% with IDEA Part C funds) perform work that is unrelated to Part C program activities.
* The State does not maintain documentation of how it monitors and ensures that IDEA Part C funded staff are working consistently on grant objectives.
* The State does not have evidence (e.g., webinars, PowerPoints, training manuals, online modules, etc.) of how EIS provider staff have been trained on Part C requirements applicable to the functions that they perform.
* The State was unable to provide evidence of how they train or provide technical assistance to their EIS providers on fiscal topics, including but not limited to those covered under IDEA Part C or OMB Uniform Guidance.
* The State was unable to demonstrate how it determines topics for training and professional development to its EIS providers, and/or provide evidence on which funding sources the State uses to support technical assistance, training, and professional development activities.
* The State does not monitor the use of Part C funds supporting training and professional development activities performed by its EIS providers to meet the requirements in [34 C.F.R. § 303.118](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-303/subpart-B/subject-group-ECFR8b0af1d9e085a1a/section-303.118).

#### Notes

## Does the State have policies and procedures that are reasonably designed to ensure financial responsibility in accordance with IDEA Part C Use of Funds and Payor of Last Resort Requirements? [34 C.F.R. § 303.120(c)](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-303/subpart-B/subject-group-ECFR8b0af1d9e085a1a/section-303.120#p-303.120(c))

### Financial Responsibility

#### General Information

* The State must be able to provide policies and procedures related to the preparation and review of budgets for the IDEA Part C grant program.
* The State must retain documentation demonstrate that its use of IDEA Part C grant funds are reasonable, allowable, and allocable.
* The State must have policies and procedures on procurement transactions involving federal funds, demonstrating compliance with State procurement rules.
* The State should be able to describe the roles and responsibilities of each agency with responsibilities for conducting procurement transactions and services involving IDEA Part C funds.
* The State must retain documentation of its budgets and planning for the use of funds to administer the IDEA grant.
* The State must be able to ensure that IDEA Part C funds are obligated and liquidated in a timely manner.
* The State should have policies and procedures to track obligations and liquidations for IDEA grant awards.

#### Possible Follow-up Questions

* What other state-level agencies pay for or provide Part C services? (If there are other State level agencies that pay for or provide Part C services, the State will need a method to ensure financial responsibility.)
* Are there local contributions of public funding for EI services provided consistent with [34 C.F.R. § 303.225](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-303/subpart-C/subject-group-ECFRc5cccc8d1b15b64/section-303.225)? If so, how does the LA track those local contribution?
* What agency is Medicaid housed in? (*Is it a different State agency or the same LA that the Part C program is housed in?*)
* Through what mechanism does the State ensure financial responsibility for the provision of those Part C services provided or paid for by the LA or other State-level public agencies? (MOU, statute, intra/inter-agency agreements etc.)
	+ When the LA is the only State level agency involved, what policies, procedures and processes have been implemented to ensure the resolution of disputes between different components of that agency (e.g., offices, divisions)?
* How is the LA ensuring that any provisions in the State’s method related to the use of Part C funds are allowable under the cost categories described in the permissive use of funds requirements in [34 C.F.R. § 303.501](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-303/subpart-F/subject-group-ECFR1bcd8e3da3eb54a/section-303.501)?
* How is the LA ensuring that its partner agencies are appropriately implementing any aspects of its method relating to the use of Part C funds?
* Does the State’s method reference the use of funds? If so:
	+ Do the uses of Part C funds described in the State’s method fall under the categories of cost described under the permissive use of funds requirements?
	+ How does the State implement those provisions?
* Is the State’s method consistent with the system of payments established by the LA?
* If other State-level agencies provide EI services, how does the State ensure that those agencies operate consistently with the LA’s system of payment?
* Has the LA experienced any intra-agency and/or interagency disputes about payments for a given service, or disputes about other matters related to the State’s Part C program? If so, how did the LA implement its procedures and achieve a timely resolution of that dispute?
* How does the LA ensure that early intervention services are delivered in a timely manner, if there is a delay in reimbursement from the agency or entity that has ultimate responsibility for the payment? (e.g., interim payments and reimbursements)?
* Have there been any instances where the LA reassigned financial responsibility to the appropriate agency following a dispute?
	+ If so, how did the LA make arrangements for reimbursement of any expenditures incurred by the agency originally assigned financial responsibility?
	+ In the event of an interagency dispute regarding financial or other responsibilities, how did the LA ensure that no Part C services were delayed or denied as a result of the dispute?
* How do the State’s policies pertaining to contracting or otherwise arranging for early intervention services ensure that all EIS providers meet State standards and provisions of Part C and the OMB Uniform Guidance? [34 C.F.R. § 303.121(a) and (b)](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-303/subpart-B/subject-group-ECFR8b0af1d9e085a1a/section-303.121)

#### Areas (or issues) for Follow-up

* The State does not have a method to ensure financial responsibility for other state-level agencies that pay for or provide Part C services.
* The State does not track local contributions of public funding for EI services provided consistent with [34 C.F.R. § 303.225](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-303/subpart-C/subject-group-ECFRc5cccc8d1b15b64/section-303.225).
* The State lacks a methodology to ensure Part C funds will be used to supplement the level of State and local funds expended for infants and toddlers with disabilities and their families and in no case supplant those State and local funds in accordance with [34 C.F.R. § 303.225](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-303/subpart-C/subject-group-ECFRc5cccc8d1b15b64/section-303.225).
* The State does not have mechanisms that ensure financial responsibility for the provision of those Part C services provided or paid for by the LA or other State-level public agencies. (MOU, statute, intra/inter-agency agreements etc.)
* The State (if the LA is the only State level agency involved) lacks policies, procedures, and practices to ensure the resolution of disputes between different components of that agency (e.g., offices, divisions).
* The State is unable to describe how the LA ensures that any provisions in the State’s method related to the use of Part C funds are allowable under the cost categories described in the permissive use of funds requirements in [34 C.F.R. § 303.501](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-303/subpart-F/subject-group-ECFR1bcd8e3da3eb54a/section-303.501).
* The State is unable to describe how the LA ensures that its partner agencies are appropriately implementing any aspects of its method relating to the use of Part C funds.
* The State’s method is inconsistent with the system of payments established by the LA.
* The State does not ensure that other State-level agencies that provide early intervention services operate consistently with the LA’s system of payments.
* The State does not have procedures or procedures to achieve a timely resolution of an intra-agency and/or interagency dispute about payments for a given service, or disputes about other matters related to the State’s Part C program.
* The State does not have policies or procedures to ensure that early intervention services are delivered in a timely manner, if there is a delay in reimbursement from the agency or entity that has ultimate responsibility for the payment. (e.g., interim payments and reimbursements)
* In the event of an interagency dispute regarding financial or other responsibilities, the LA was unable to ensure that no Part C services were delayed or denied as a result of the dispute.
* The State lacks policies or procedures pertaining to contracting or otherwise arranging for early intervention services to ensure that all EIS providers meet State standards and provisions of Part C and the OMB Uniform Guidance? [34 C.F.R. § 303.121(a) and (b)](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-303/subpart-B/subject-group-ECFR8b0af1d9e085a1a/section-303.121)
* The State does not have policies and procedures related to preparing budgets for the IDEA Part C grant program.
* The State is not able to provide documentation demonstrating that its use of IDEA Part C grant funds were reasonable, necessary, or allocable.
* The State was not able to provide documentation supporting ongoing monitoring to ensure that expenditures are consistent budgeted amounts.
* The State does not have written procedures related to making a budget change request.
* The State is not able to provide policies and procedures on procurement transactions involving IDEA Part C funds.
* The State does not maintain comprehensive records of its procurement transactions involving IDEA Part C funds.
* The State does not have a process to track obligations and liquidations for IDEA Part C grant award.

#### Notes

## Describe how the LA ensures that resources are available for all geographic regions within the State, consistent with [34 C.F.R. § 303.207](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-303/subpart-C/subject-group-ECFR362299c33e527bd/section-303.207)?

### Availability of Resources

#### General Information

* The State must ensure that regardless of region, all infants and toddlers with disabilities receive an equitable distribution of resources.
* The State should have mechanisms in place to ensure all infants and toddlers in the State, regardless of income level, disability category, race, language, ethnicity, religion, or place of residence have access to equitable services.

#### Possible Follow-up Questions

* Describe the LA’s considerations and process for allocating State and Federal funds to EIS providers?
* How does the LA ensure that resources are available for all geographic regions within the State?
* If the State’s has a system of payments that includes public insurance (e.g., Medicaid), how does the State monitor its implementation?
	+ Are all EIS providers accessing Medicaid equally?
	+ Are any programs underserved?
	+ Is it equitable across EIS providers?
	+ Are EIS providers accessing payor sources equally?
* How does the State examine mechanisms to ensure that EIS providers reflect the diversity of the population served by the State?
* Does the State conduct training with EIS providers in cultural competence?

#### Areas (or issues) for Follow-up

* The State does not have a mechanism in place to ensure that all geographic regions receive an equitable distribution of resources.
* At the local EIS provider level, Medicaid and/or other payor sources are not accessed equitably across the State.
* The State (if the State’s system of payments includes public insurance) does not monitor the implementation of its system of payments to ensure that EIS providers can access Medicaid equally, regardless of income level, disability category, race, language, ethnicity, religion, or place of residence have access to equitable services

#### Notes

# **Related Requirements**

* [**34 C.F.R. § 303.120(a)(1)**](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-303/subpart-B/subject-group-ECFR8b0af1d9e085a1a/section-303.120) **[Lead Agency’s Role]**
* [**34 C.F.R. § 303.120(a)(2)**](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-303/subpart-B/subject-group-ECFR8b0af1d9e085a1a/section-303.120#p-303.120(a)(2)) **[Monitoring]**
* [**34 C.F.R. § 303.120(a)(2)(iii)**](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-303/subpart-B/subject-group-ECFR8b0af1d9e085a1a/section-303.120#p-303.120(a)(2)(iii)) **[Technical Assistance]**
* [**34 C.F.R. § 303.120(c)**](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-303/subpart-B/subject-group-ECFR8b0af1d9e085a1a/section-303.120#p-303.120(c)) **[Financial Responsibility]**
* [**34 C.F.R. § 303.207**](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-303/subpart-C/subject-group-ECFR362299c33e527bd/section-303.207)**[Availability of Resources]**
* [**34 C.F.R. § 303.122**](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-303/subpart-B/subject-group-ECFR8b0af1d9e085a1a/section-303.122) **[Reimbursement Procedures]**
* [**34 C.F.R. § 303.225**](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-303/subpart-C/subject-group-ECFRc5cccc8d1b15b64/section-303.225)**[Prohibition against supplanting; Indirect cost]**
* [**34 C.F.R. § 200.313**](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR8feb98c2e3e5ad2/section-200.313) **[Equipment]**
* [**2 C.F.R. § 200.439**](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-E/subject-group-ECFRed1f39f9b3d4e72/section-200.439) **[Equipment and other capital expenditures]**
* [**2 C.F.R. § 200.302**](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D/section-200.302) **[Financial Management]**
* [**2 C.F.R. § 200.303**](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D/section-200.303) **[Internal Controls]**
* [**34 C.F.R.**](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-303/subpart-D/subject-group-ECFR5c39b9622a3015f/section-303.301) **§ 303.301 [Public Awareness Program-information for parents]**
* [**34 C.F.R. § 303.302**](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-303/subpart-D/subject-group-ECFR5c39b9622a3015f/section-303.302) **[Comprehensive Child Find System]**
* [**34 C.F.R. § 303.521**](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-303/subpart-F/subject-group-ECFR2478496cc5550eb/section-303.521) **[System of Payments and Fees]**
* [**34 C.F.R. § 303.118**](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-303/subpart-B/subject-group-ECFR8b0af1d9e085a1a/section-303.118) **[Comprehensive system of personnel development (CSPD)]**
* [**34 CFR §303.501**](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-303/subpart-F/subject-group-ECFR1bcd8e3da3eb54a/section-303.501) **[Permissive use of funds by the lead agency]**
* [**34 C.F.R. § 303.121(a) and (b)**](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-303/subpart-B/subject-group-ECFR8b0af1d9e085a1a/section-303.121) **[Policy for contracting or otherwise arranging for services]**
1. The State educational agency (SEA) is responsible for implementing Part B of the IDEA and the State lead agency (SLA) is responsible for implementing Part C of the IDEA in the State. Both the SEA and SLA respectively must exercise general supervision over the programs and activities used to implement IDEA requirements in the State (regardless of whether Federal IDEA funds are provided to such programs and activities). [20 U.S.C. Sections 1416(a)(3)](https://sites.ed.gov/idea/statute-chapter-33/subchapter-ii/1416), [1435(a)(10)](https://sites.ed.gov/idea/statute-chapter-33/subchapter-iii/1435), [1437(a)(1)](https://sites.ed.gov/idea/statute-chapter-33/subchapter-iii/1437) and [1442](https://sites.ed.gov/idea/statute-chapter-33/subchapter-iii/1442) and [34 C.F.R. §§ 303.120(a)](https://www.ecfr.gov/cgi-bin/text-idx?SID=e6c33b333d6456a438dbd2feb0f64cf9&mc=true&node=se34.2.303_1120&rgn=div8) and [303.700(b)](https://www.ecfr.gov/cgi-bin/text-idx?SID=e6c33b333d6456a438dbd2feb0f64cf9&mc=true&node=se34.2.303_1700&rgn=div8) for IDEA Part C. [20 U.S.C. Sections 1412(a)(11)](https://sites.ed.gov/idea/statute-chapter-33/subchapter-ii/1412) and [1416(a)(3)](https://sites.ed.gov/idea/statute-chapter-33/subchapter-ii/1416) and [34 C.F.R. §§ 300.149](https://www.ecfr.gov/cgi-bin/text-idx?SID=36a281a95887586543a75d7188cd4f21&mc=true&node=se34.2.300_1149&rgn=div8) and [300.600](https://www.ecfr.gov/cgi-bin/text-idx?SID=36a281a95887586543a75d7188cd4f21&mc=true&node=se34.2.300_1600&rgn=div8) for IDEA Part B. [↑](#footnote-ref-2)
2. OSEP’s monitoring protocols identify a framework of applicable IDEA statutory and regulatory requirements. They are neither intended as questionnaires nor as forms for States to complete. Rather, OSEP will conduct its IDEA monitoring based on State-specific circumstances and the conversation with States will be guided by the information both provided by the State and information that is publicly available to help OSEP determine how States are implementing IDEA requirements and where there may be a need for additional technical assistance or other support. [↑](#footnote-ref-3)