**24:14:02:05.06.  State enforcement -- Determinations.** On an annual basis, based on local Part C program performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each Part C program meets the requirements and purposes of Part C.

If the department determines, for two consecutive years, that a Part C program needs assistance in implementing the requirements of Part C, the department may take one or more of the following actions:

(1)  Advise the program of available sources of technical assistance that may help address the areas in which the program needs assistance;

(2)  Identify the program as a high-risk grantee and impose special conditions on the program's grant under Part C; and

(3)  If the department determines, for three or more consecutive years, that a program needs intervention in implementing the requirements of Part C, the department may require the program to prepare and implement a corrective action plan to correct deficiencies within one year, or the department may withhold, in whole or in part, any further payments to the program under Part C.

Notwithstanding the other provisions of this section, if the department determines that a program needs substantial intervention in implementing the requirements of Part C or that there is a substantial failure to comply with any condition of the program's eligibility under Part C, the department shall withhold, in whole or in part, any further payments to the program under Part C.

Nothing in this section restricts the department from using any other authority available to it to monitor and enforce the requirements of Part C.

**Source:** 35 SDR 82, effective October 22, 2008; 49 SDR 7, effective July 31, 2022.

**General Authority:** SDCL 13-37-1.1.

**Law Implemented:** SDCL 13-1-23, 13-14-1, 13-37-1.1.