

2026 Birth to 3 Program Review Protocol: Noncompliance Correction Requirements

This document details 2026 requirements for county programs to correct noncompliance identified in final results of the Birth to 3 Program Review Protocol.

Background

At the direction of DHS, every year MetaStar reviews a small sample of program records from each county . The review serves as one measure of how county program practices meet requirements in [DHS 90](#) and the [Part C regulations](#), and state-level priorities. The review evaluates documentation in Birth to 3 Program participant files for evidence of required practices, expanded practices, and one pilot measure.

Required practices are divided into four focus areas:

1. Eligibility determination and ongoing child assessment
2. Individualized Family Service Plan (IFSP) process, documentation, and outcomes
3. Family engagement, support, and services
4. Transitions

MetaStar reviews selected county files remotely and scores them according to the Review Protocol developed and approved by DHS. Before results are finalized, county programs may request rescore for any measure scored as Not Met.

After scores are finalized, MetaStar issues a summary of findings based on the documentation in the records reviewed. The summary of findings provides a score and corresponding scoring category for each required practice focus area and an aggregate score for all required practice measures. In addition to the summary of findings, county programs receive detailed file-level scoring with the reasons a measure was scored as Not Met.

Requirements for Correcting Noncompliance

Correcting noncompliance is an opportunity to complete missed activities for a child and family, address any impact of those missed activities, document the resolution, and improve county program practice. County Birth to 3 programs must correct noncompliance for any required practice measure scored as Not Met. Requirements for correcting noncompliance vary by measure and the child's enrollment status, according to the requirements detailed in this document.

The first priority is to resolve the impact on the child and family still enrolled in the Birth to 3 Program. County programs must correct noncompliance to resolve the impact of any

missed requirements in Focus Areas 1 to 3. Focus Area 4 applies only to children who have exited the program, so no child-level correction is required.

For each measure with a finding of Not Met, the county program must:

1. Correct noncompliance and resolve the impact on the child and family, if still enrolled in the Birth to 3 Program.
2. Document the correction and resolution in the file according to requirements defined in this document.
3. Identify the reason for noncompliance and develop a plan for practice improvements that can be reasonably expected to prevent the issue from recurring in future files.
4. Prepare and submit a written attestation to DHS confirming that the county program has corrected noncompliance and initiated practice improvement activities.

Attestation Requirements

All corrections of noncompliance must be documented in the file and verified directly with DHS through an attestation submitted to the [BCS Technical Assistance Center](#) no later than 120 days after MetaStar issues the final summary of findings.

For each measure scored as Not Met, the county program must submit a one-paragraph attestation of correction that includes:

- One to two statements summarizing the identified noncompliance and impact on the child and family.
- One to two) statements briefly describing the correction and resolution, when the correction of noncompliance is required at the child level.
- One to two statements identifying the reason for the noncompliance.
- One to two statements describing practice improvement activities that have been initiated to prevent similar noncompliance in the future.
- An affirmation of the following statement: “I hereby attest that this information is true, accurate, and complete to the best of my knowledge.”

DHS reviews each county program’s attestation and confirms that it meets requirements. DHS may request documentation or conduct a review of corrected records at any time to verify that corrections have been fully implemented. DHS or its subcontractor may conduct this review.

Requirements for Individual County Program Technical Assistance

County programs can request technical assistance in correcting noncompliance identified in the final results of Program Review Protocol by contacting the [BCS Technical Assistance Center](#).

Individual county program technical assistance is required for any county with a focus area score of Not Met or an aggregate score of Partially Met or Not Met.

A Children and Family Program Specialist (CFPS) will contact county programs requiring individual Technical Assistance. The CFPS will help the county program identify the underlying cause of the identified noncompliance and develop meaningful system improvements.

Measure-Level Requirements for Correcting Noncompliance

Requirements for correcting noncompliance for each measure scored as *Not Met* are detailed below.

1. Eligibility determination and ongoing child assessment

Measure	Reason for <i>Not Met</i> score	Requirement to correct noncompliance	Due date
1.1 Initial Eligibility Evaluation Evaluation is conducted by two different disciplines to determine initial eligibility.	a. Evaluation was not conducted by two different disciplines.	Systems correction only	N/A
	b. An initial eligibility evaluation was not found.	Systems correction only	N/A
1.2 Comprehensive Child Assessment Appropriate assessment tool is utilized for initial and ongoing child assessment.	a. The initial tool was not appropriate.	Use an appropriate tool to assess all five areas of the child’s development.	At the next scheduled IFSP review, or within 90 days , whichever occurs first
	b. The initial tool was not used to assess all five areas of development.	Assess all five areas of the child’s development using an appropriate tool.	At the next scheduled IFSP review, or within 90 days , whichever occurs first
	c. An initial tool was not found.	Complete an assessment of all five areas of the child’s development using an appropriate tool.	Within 45 days
	d. An ongoing assessment process was not found.	Complete an assessment of all five areas of the child’s development using an appropriate tool.	Within 45 days
1.3 Family Assessment	a. A family assessment was not completed at enrollment.	Complete family assessment with the family or document that the	At the next scheduled IFSP review, or within

Measure	Reason for <i>Not Met</i> score	Requirement to correct noncompliance	Due date
Initial and ongoing family assessment is completed at least annually.		family declined the family assessment.	90 days , whichever occurs first
	b. A family assessment was not completed beyond the annual timeframe.	Complete family assessment with the family or document that the family declined the family assessment.	At the next scheduled IFSP review, or within 90 days , whichever occurs first
	c. A family assessment was not completed.	Complete family assessment with the family or document that the family declined the family assessment.	At the next scheduled IFSP review, or within 90 days , whichever occurs first

2. Individualized Family Service Plan (IFSP) process, documentation, and outcomes

Measure	Reason for <i>Not Met</i> score	Requirement to correct noncompliance	Due date
<p>2.1 Family Information in IFSP The family’s description of their strengths, natural supports, priorities, and concerns related to supporting and enhancing their child’s development is included in the initial IFSP and updated at least annually.</p>	<p>a. The initial IFSP did not include the family’s: i. Strengths. ii. Natural Supports. iii. Priorities. iv. Concerns.</p>	<p>Discuss missing element(s) with family and document full family information in the IFSP.</p>	<p>At the next scheduled IFSP review, or within 90 days, whichever occurs first</p>
	<p>b. The family information was not reviewed or updated in the IFSP at least annually.</p>	<p>Discuss strengths, natural supports, priorities, and concerns with family and document the updates in the IFSP.</p>	<p>At the next scheduled IFSP review, or within 90 days, whichever occurs first</p>
<p>2.2 Functional, Measurable, and Time-Based Outcomes IFSP outcomes are individualized, functional, measurable, and have timelines.</p>	<p>a. Outcome(s) were not individualized.</p>	<p>Discuss with family and develop and document outcomes that are individualized.</p>	<p>At the next scheduled IFSP review, or within 90 days, whichever occurs first</p>
	<p>b. Outcome(s) were not functional.</p>	<p>Discuss with family and develop and document outcomes that are functional.</p>	<p>At the next scheduled IFSP review, or within 90 days, whichever occurs first</p>
	<p>c. Outcome(s) were not measurable.</p>	<p>Discuss with family and develop and document outcomes that are measurable.</p>	<p>At the next scheduled IFSP review, or within 90 days, whichever occurs first</p>
	<p>d. Outcome(s) did not include timelines.</p>	<p>Discuss with family and develop and document outcomes that include timelines.</p>	<p>At the next scheduled IFSP review, or within 90 days, whichever occurs first</p>

Measure	Reason for <i>Not Met</i> score	Requirement to correct noncompliance	Due date
<p>2.3 Outcomes Written in Family-Friendly Language IFSP outcomes are written in family-friendly language and reflect family priorities.</p>	<p>a. Outcome(s) were not written in family-friendly language.</p>	<p>Discuss with family and develop and document outcomes in family-friendly language.</p>	<p>At the next scheduled IFSP review, or within 90 days, whichever occurs first</p>
	<p>b. Outcome(s) did not reflect family priorities.</p>	<p>Discuss with family and develop and document outcomes that reflect family priorities.</p>	<p>At the next scheduled IFSP review, or within 90 days, whichever occurs first</p>

3. Family engagement, support, and services

Measure	Reason for <i>Not Met</i> score	Requirement to correct noncompliance	Due date
<p>3.1 Family-Identified Values and Priorities Included in IFSP The family’s description of their values, cultural identity, beliefs, or priorities are included in the IFSP.</p>	<p>a. The IFSP did not include the family’s description of their values, cultural identity, beliefs, or priorities.</p>	<p>Discuss with family and document in the IFSP their description of their values, cultural identity, beliefs, or priorities.</p>	<p>At the next scheduled IFSP review, or within 90 days, whichever occurs first</p>
<p>3.2 Procedural Safeguards Parents are informed orally and in writing of the procedural safeguards of informed consent:</p> <ul style="list-style-type: none"> • Prior written notice (PWN) and written parental consent • Conflict resolution, including mediation, due process hearings, and federal Individuals with 	<p>a. Prior written notice (PWN) was not provided before the program:</p> <ol style="list-style-type: none"> i. Screened the child. ii. Proposed to evaluate the child. iii. Proposed to conduct child or family assessments. iv. Intended to begin or change early intervention services. v. Determined the child’s potential eligibility for local education agency (LEA) services (transition). vi. Discharged a child. 	<p>Communicate the error to the family, provide the required information about the activity that was completed for the child, and document resolution of noncompliance.</p> <p>Corrected PWN should reflect that notice was provided after the activity occurred.</p>	<p>Within 30 days, if not already provided</p>

Measure	Reason for <i>Not Met</i> score	Requirement to correct noncompliance	Due date
<p>Disabilities Education Act (IDEA) complaints</p> <ul style="list-style-type: none"> Record retention, maintenance, and destruction policies 	<p>b. Written parental consent was not obtained prior to:</p> <ol style="list-style-type: none"> Screening, evaluation, or assessment procedures. Providing services to a child or family. Accessing private insurance or Medicaid. Disclosing personally identifiable information. 	<p>Communicate the error to the family, document resolution of noncompliance, and obtain written consent for future activities.</p> <p>Corrected consent should reflect that written consent was obtained after the activity occurred.</p>	<p>Within 30 days, if not already provided</p>
	<p>c. Parents were not informed of conflict resolution options or record retention, maintenance, and destruction policies.</p>	<p>Inform the family of conflict resolution options and the county program’s record retention, maintenance, and destruction policies. Document resolution of noncompliance.</p>	<p>At the next scheduled IFSP review, or within 90 days, whichever occurs first</p>
<p>3.3 Interpreter Available</p> <p>Interpreter services are available for assessment and evaluation, IFSP development and review, and provision of services.</p>	<p>a. Interpreter services were not available for the family for the initial evaluation.</p>	<p>Do not change the initial evaluation.</p> <p>Meet with family using adequate interpretation services, communicate the error, address any family concerns, and review the initial assessment. Document resolution of noncompliance.</p>	<p>Within 30 days, correct and submit verification to DHS.</p>

Measure	Reason for <i>Not Met</i> score	Requirement to correct noncompliance	Due date
	<p>b. Interpreter services were not available for the family for ongoing assessment.</p>	<p>Meet with family using adequate interpretation services to communicate the error, address any family concerns, and conduct ongoing child and family assessment in the family’s preferred language. Document resolution of noncompliance.</p>	<p>Within 30 days, correct and submit verification to DHS.</p>
	<p>c. Interpreter services were not available for the family for IFSP development and review.</p>	<p>Meet with family using adequate interpretation services to communicate the error, address any family concerns, and review and update the IFSP. Document resolution of noncompliance.</p>	<p>Within 30 days, correct and submit verification to DHS.</p>

4. Transitions

Measure	Reason for <i>Not Met</i> score	Requirement to correct noncompliance	Due date
<p>4.1 Next Steps After the Birth to 3 Program Documented Evidence exists of information provided to the family on next steps after the Birth to 3 Program</p>	<ul style="list-style-type: none"> a. Transition planning was not discussed with the family. b. Steps and procedures to prepare the child and family for transition were not outlined. c. A referral to the LEA was not found. d. Other resources to support transition activities were not provided to the family. 	<p>Child is no longer enrolled in the Birth to 3 Program. Systems correction only.</p>	<p>N/A</p>
<p>4.2 Identification of Transition Activities Evidence exists of family involvement and understanding of the Transition Planning Conference (TPC) with the local education agency (LEA)</p>	<ul style="list-style-type: none"> a. Documentation did not show that the family was involved in the TPC. 	<p>Child is no longer enrolled in the Birth to 3 Program. Systems correction only.</p>	<p>N/A</p>
<p>4.3 Family Reason Documented for Late Transition Activities Documentation shows there was a family reason for late transition planning, late referral to the LEA, or late TPC.</p>	<p>Documentation did not show there was a family reason for a late:</p> <ul style="list-style-type: none"> a. Transition Plan. b. Referral to LEA. c. Transition Planning Conference. 	<p>Child is no longer enrolled in the Birth to 3 Program. Systems correction only.</p>	<p>N/A</p>