

14B NCAC 11C .0502 CORRECTIVE ACTION AND PENALTIES

(a) When any of the terms of the contract are documented to have been violated through the monitoring and evaluation of program requirements, the Department shall take measures to correct the violation.

- (1) Where violations of state or federal law are documented the Department shall notify law enforcement officials; and
- (2) Where conditions or practices are found within a program that create a threat or danger to students or staff the following measures shall be taken:
 - (A) Notification to local Division of Social Services and if appropriate law enforcement;
 - (B) Notification to designated Departmental officials;
 - (C) Discontinuation of all funding and request for complete fiscal audit of the program; and
 - (D) Maintenance of detailed written records of all actions taken until any issues of harm or danger are resolved.

(b) Where allegations or information indicates that conditions or practices may exist which constitute a threat or danger to staff or students within a program the Department shall conduct an on-site visit to the program. Additionally the following measures shall be taken:

- (1) Notification to designated Departmental officials; and
- (2) Maintenance of detailed written records of all actions taken until any issues regarding harm or danger are resolved.

(c) Where the program refuses to make good faith efforts to correct violations identified in the monitoring and evaluation process and where such refusal adversely impacts or affects the quality of services or reduces the number being served, the Department may:

- (1) Impose the penalties provided for in the contractual agreement; or
- (2) Without notice, terminate the contract.

*History Note: Authority G.S. 143B-516(b)(4); 143B-516(b)(5); 143B-516(b)(9);
Temporary Adoption Eff. July 15, 2002;
Eff. April 1, 2003;
Transferred from 28 NCAC 03A .0502 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*