

# Chapter 1



## General Overview

### Arizona Early Intervention Program

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## 1.0.0 General Overview

**1.0.1 Authority:** 20 U.S.C §§1476, et seq.; 34 CFR §§303, et seq.; A.R.S. §41-2021; §41-2022

### 1.0.2 Introduction Policy

1. It is the policy of the state of Arizona to continuously develop and implement a statewide, comprehensive, coordinated, interagency, multidisciplinary system for providing early intervention services which are based on scientifically based research, to the extent practicable, to all children who are eligible under IDEA, Part C, and their families, including:
  - A. Native American infants and toddlers with disabilities, and their families who reside on a reservation geographically located in the state;
  - B. infants and toddlers with disabilities who are homeless children and their families; and
  - C. infants and toddlers with disabilities who are wards of the state.
2. A.R.S. § 41-2022 designates the Arizona Department of Economic Security (DES) as the Lead Agency for the state's Part C system to be responsible for the administration of that system, including:
  - A. general administration and supervision of the programs and activities administered by agencies, institutions, organizations, and early intervention service providers receiving assistance under Part C;
  - B. oversight and monitoring of programs and activities used by Arizona to carry out early intervention, whether or not these programs or activities are administered by agencies, institutions, organizations, and early intervention service providers that are receiving Part C funding, to ensure that Arizona complies with all Part C requirements, including:
    - (1) monitoring agencies, institutions, organizations, and early intervention providers used by Arizona to implement early intervention;
    - (2) enforcing any obligations imposed on those agencies, institutions, and early intervention providers under IDEA, Part C and its regulations;
    - (3) providing technical assistance, if necessary to those agencies, institutions, organizations and early intervention providers;
    - (4) correcting any noncompliance identified through monitoring as soon as possible and in no case later than one year after DES' identification of the noncompliance; and
    - (5) conducting the activities in A. through F. of this Section consistent with 34 C.F.R. §§303.700 through 707 and any other activities required by Arizona under those sections.
  - C. the assignment of financial responsibility as required under IDEA, Part C;
  - D. the development of procedures to ensure that early intervention services are provided to eligible children and their families in AzEIP in a timely manner, pending the resolution of any disputes among agencies or early intervention service providers;
  - E. the resolution of any inter- and intra- agency disputes in accordance Chapter 9, Financial Matters; and

- F. the entry into formal interagency agreements or other written methods of establishing financial responsibility of each agency for paying for early intervention services (consistent with Arizona law) and procedures for resolving disputes and that include all additional components necessary to ensure meaningful cooperation and coordination as set forth in Chapter 9, Financial Matters.
3. Within the Department, the Director of DES designated the office of the Arizona Early Intervention Program (DES/AzEIP) to carry out the functions and activities of administering the system noted in Section 2. above, which include:
  - A. monitoring the AzEIP Service Providing Agencies, institutions, organizations, and early intervention service providers used in Arizona to carry out Part C of IDEA and its regulations;
  - B. enforcing obligations imposed on those agencies, institutions, organizations, and early intervention service providers under Part C of IDEA and its regulations;
  - C. providing technical assistance as necessary to those agencies, institutions, organizations, and early intervention service providers;
  - D. correcting any noncompliance identified through monitoring as soon as possible and in no case later than one year after DES/AzEIP's identification of the noncompliance; and
  - E. conducting the activities in A. – D. above consistent with AzEIP's General Supervision system, Chapter 2, and any other activities required by Arizona under those actions.
4. DES/AzEIP develops and utilizes a system that results in effective general supervision of the early intervention program and ensures that infants and toddlers and their families have available quality early intervention supports and services provided within the context of a family's daily activities and routines.
5. DES/AzEIP ensures that appropriate early intervention services are based on scientifically-based research, to the extent practicable, and are available to all infants and toddlers with disabilities and their families.
6. The mission of early intervention is to build upon and provide supports and resources to assist family members and caregivers to enhance children's learning and development through everyday learning opportunities.

### **1.1.0 Structural Overview**

#### **1.1.1 Policy**

#### **1.1.2 AzEIP Participating Agencies**

1. DES/AzEIP administers the early intervention system in collaboration and agreement with the following AzEIP Participating Agencies:
  - A. Arizona Department of Economic Security (DES);
  - B. Arizona Department of Education (ADE);

- C. Arizona Department of Health Services (ADHS);
- D. Arizona Health Care Cost Containment System (AHCCCS); and
- E. Arizona State Schools for the Deaf and the Blind (ASDB).

### **1.1.3 AzEIP Service Providing Agencies**

1. AzEIP Service Providing Agencies are those state agencies in A.R.S. §41-2022 that provide service coordination and other early intervention supports and services according to IDEA, Part C, relevant federal and state law, and AzEIP policies and procedures.
2. The AzEIP Service Providing Agencies are the following state agencies and each of their employees and contractors providing early intervention supports and services:
  - A. Arizona State Schools for the Deaf and the Blind;
  - B. DES/Division of Developmental Disabilities; and
  - C. DES/AzEIP.
3. DES/AzEIP provides technical assistance and independent review to support consistent and constructive monitoring across agencies.
4. DES/AzEIP addresses specific agency, contract, and/or employee performance with the appropriate agency or contractor individually. The two entities determine a mutually acceptable corrective action, including timelines, resources, and responsible parties. In the event that the two entities cannot agree on corrective actions, DES/AzEIP will establish steps to ensure conformity to AzEIP policies and procedures and the process for monitoring change. See *General Supervision*, Chapter 2.
5. All AzEIP Service Providing Agencies serve all racial and ethnic groups within the state.
6. All Service Providing Agencies provide services throughout the state, thus providing access for all cultural groups in urban and rural locations, including Native Americans living on reservations geographically located in the state.

### **1.1.4 Interagency Agreements**

1. DES/AzEIP is responsible for ensuring that signed inter- and intra-agency agreements are maintained between and among the AzEIP Participating Agencies. Each agreement must:
  - A. ensure effective cooperation and coordination between and among all agencies involved in AzEIP;
  - B. define the financial responsibility for the early intervention services delineated in each agreement; and
  - C. include all procedures for resolving intra-agency and interagency disputes, including the provision of services during the pendency of any dispute.
2. Procedures for resolving disputes must allow the AzEIP Participating Agencies to resolve their own internal disputes in a timely manner. If an AzEIP Participating

Agency is unable to resolve its own internal dispute within 15 days, then it must submit a written request to the Executive Director of DES/AZEIP. The Executive Director of DES/AZEIP or designee will review all the relevant information in the dispute by:

- A. conducting an independent, on-site investigation, if necessary; and
  - B. giving all parties involved in the dispute the opportunity to submit additional information, either orally or in writing.
3. The Executive Director of DES/AZEIP or designee will make an independent determination as to the resolution within 90 days of the receipt of the request.
  4. During a dispute, DES/AZEIP is responsible for assigning financial responsibility to the appropriate agency, dependent upon the facts and nature of the situation. If, during the course of the resolution of the dispute, it is determined that the assignment of financial responsibility was inappropriately made, then DES/AZEIP shall reassign financial responsibility to the appropriate agency and make arrangements for reimbursement of any expenditures incurred by the agency originally assigned financial responsibility.
  5. Through the dispute resolution above, DES/AZEIP ensures that services are provided to children who are eligible for AZEIP and their families in a timely manner regardless of disputes regarding financial or other responsibilities. A copy of AZEIP Interagency Agreements can be found at [www.azdes.gov/azeip](http://www.azdes.gov/azeip) or by contacting the DES/AZEIP office.

## **1.2.0 Interagency Coordinating Council**

**1.2.1 Authority:** 20 U.S.C. §1441; 34 C.F.R. §§303.601- 605; A.R.S. §41-2022

### **1.2.2 Policy**

1. Under A.R.S. §41-2022, the Interagency Coordinating Council (ICC) is designated, as required by federal law, to advise and assist DES in developing and implementing the statewide system of early intervention services for eligible children and their families. The ICC includes parents, providers, state agency representatives, a personnel preparation professional and others. The ICC elects a Chair and Vice Chair who are not representatives of DES/AZEIP or an AZEIP Participating Agency.
2. The membership of the Council shall consist of the following:
  - A. At least 20 percent of the members are parents including minority parents, of infants or toddlers with disabilities or children with disabilities aged 12 or younger, with knowledge of, or experience with, programs for infants and toddlers with disabilities. At least one parent member has a child with a disability less than six years of age.
  - B. At least 20 percent of the members are public or private providers of early intervention services.
  - C. There is at least one member from each of the state agencies involved in the provision of or payment for early intervention services. These agencies include the Department of Economic Security/Division for Developmental

Disabilities, the Department of Health Services, the Arizona State Schools for the Deaf and the Blind, and the Arizona Health Care Cost Containment System. The agencies' representatives have sufficient authority to engage in policy planning and implementation on behalf of their agencies.

- D. At least one member is from the Arizona Department of Education, which is responsible for preschool services to children with disabilities. The ADE representative has sufficient authority to engage in policy planning and implementation on its behalf.
  - E. At least one member from the state Medicaid agency, the Arizona Health Care Cost Containment System.
  - F. At least one member is from the state Legislature.
  - G. At least one member is involved in the preparation of personnel to work in early intervention.
  - H. At least one member is from the Arizona Department of Insurance, which is the state agency responsible for the state regulation of health insurance.
  - I. At least one representative from a Head Start agency or program in the state.
  - J. At least one member from the Department of Economic Security/Child Care Administration.
  - K. At least one member from the Office of the coordinator of education of homeless children and youth.
  - L. At least one member who is a state foster care representative from the state child welfare agency responsible for foster care, DES, Division of Children, Youth and Families.
  - M. At least one member from the state agency responsible for children's mental health, the Arizona Department of Health Services.
3. The Governor may appoint one member to the Council who represents more than one agency/program listed above.
  4. Council members are chosen to provide the widest possible geographic, racial, and ethnic representation so that the needs of children throughout the state may be properly heard and addressed.
  5. The Council has established three standing committees - Executive, Structure and Flow, and Collaboration and Education. Ad hoc committees are formed as needed to address specific issues, which do not fall under the purview of one of the standing committees.
  6. Each Committee of the ICC will review proposed policy, procedures, materials and strategies within their areas of focus and make recommendations to the full Council. The Council will consider and deliberate (1) the proposed action by DES/AZEIP on behalf of AZEIP and (2) Committee recommendations before voting to forward specific recommendations to DES/AZEIP.
  7. Members of the ICC may be reimbursed for reasonable and necessary expenses for attending Council meetings and performing Council duties. This includes reimbursement to family members for their time and travel. A member may also be compensated if that member is not employed or must forfeit wages from other

employment when performing official ICC business. Otherwise, Council members serve without compensation from funds available under IDEA, Part C.

8. Meetings are held every other month. Members are encouraged to attend and participate fully. Meeting announcements are publicized in advance. All meetings are held in facilities that are open and accessible to members and the public. If necessary, interpretation for the deaf and other special services are provided for Council members and participants.
9. No member of the Council may cast a vote on any matter that would provide direct financial benefit to that member or otherwise give the appearance of a conflict of interest. A "Council Member Conflict of Interest Statement" for each member is on file in the DES/AzEIP office.

### **1.3.0 Information About Public Participation**

#### **1.3.1 Authority: 34 C.F.R. §303.208**

#### **1.3.2 Policy**

1. At least 60 days prior to the adoption of any new or revised policy necessary to meet the requirements of Part C, including but not limited to the Application for Federal Funds and policies required to be submitted with the Application for Federal Funds, DES/AzEIP and the AzEIP Participating Agencies, with assistance from the ICC, circulate the policy or Application for at least 60 days and solicit public comment for a minimum of 30 days within the 60-day circulation period.
2. During the public comment period, the general public, including individuals with disabilities and parents of infants or toddlers with disabilities, may submit comments by fax, letter or e-mail to DES/AzEIP or during public hearings, which are publicized with the original posting of the proposed policy. Procedures for submitting public comment are outlined in public comment announcements.
3. DES/AzEIP distributes proposed policy and/or information about accessing proposed policy statewide via e-mail, posting on its website, and/or at meeting presentations to the AzEIP Participating Agencies, the ICC and its committees, early intervention contractors, and families, as appropriate. The AzEIP Participating Agencies distribute information to their employees, contractors and families via agency mechanisms for communication. The ICC and its committees, DES/AzEIP, and the AzEIP Participating Agency employees and contractors are encouraged to inform as broad a range of contacts as possible.
4. DES/AzEIP conducts public hearings during the latter thirty (30) days of the sixty-day public comment period. Public comment period will have been available, as described in #3 above for at least thirty days. DES/AzEIP provides prior notice at least 30 days before the hearings.
5. AzEIP policies not specifically developed to meet the requirements of Part C are not subject to public participation requirements. Clarification of existing policies is not subject to public participation requirements.

## **1.4.0 General Supervision**

**1.4.1 Authority:** 20 U.S.C. §1435; 34 C.F.R. §303.120

### **1.4.2 Policy**

1. DES/AzEIP is responsible for the general administration of the Arizona Early Intervention Program, which includes the following:
  - A. supervision of the programs and activities receiving funding under Part C; and
  - B. oversight and monitoring of programs and activities used by Arizona to carry out early intervention, whether or not these programs or activities are receiving Part C funding, to ensure that Arizona complies with all federal requirements.
2. AzEIP's general supervision includes the implementation and monitoring of the following systems, which are set out in separate sections/chapters of AzEIP policies and procedures:
  - A. Child Find and Public Awareness System
  - B. Comprehensive System of Professional Development
  - C. Early Intervention Services
  - D. Transition
  - E. Technical Assistance System
  - F. Data Collection and Record Keeping
  - G. Financial Matters

## **1.5.0 Public Awareness and Child Find System**

**1.5.1 Authority:** 20 U.S.C. §1435; 34 C.F.R. §§303.212(a), 301-303

### **1.5.2 Public Awareness Policy**

1. DES/AzEIP coordinates with the AzEIP Participating Agencies (including its contractors) and community and state partners to ensure that it has a statewide public awareness system that focuses on preparing and disseminating information to reach parents and caregivers about the availability of early intervention services in the state.
2. The public awareness system provides materials and information to all primary referral sources including hospitals and physicians, to be shared with parents and caregivers of infants and toddlers, especially parents/caregivers with premature infants with other physical risk factors associated with learning and developmental complications.
3. AzEIP public awareness materials and public meeting agendas include the statement for people with disabilities or special needs to request appropriate accommodations to ensure their active participation on all committees, conferences, public hearings, and meetings. Facilities used for meetings must meet the accessibility requirements of the Americans with Disabilities Act.
4. Public awareness materials describe:



- A. the early intervention services available in AzEIP;
  - B. AzEIP procedures for referral to determine whether a child is suspected of having a developmental delay or disability; and
  - C. AzEIP's central directory, as described in Section 1.7.0.
5. Primary referral sources include:
- A. parents/families;
  - B. hospitals, including prenatal and postnatal care facilities;
  - C. physicians;
  - D. child care and early learning programs;
  - E. schools;
  - F. public health facilities;
  - G. other public health or social service agencies;
  - H. other clinics and health care providers;
  - I. public agencies and staff in the child welfare system, including Child Protective Services, and foster care and adoption agencies;
  - J. homeless shelters; and
  - K. domestic violence shelters and agencies.
6. DES/AzEIP ensures the dissemination of materials to primary referral sources and AzEIP Participating Agencies engage in public awareness activities, including the dissemination of materials, within their agencies and through existing outreach mechanisms.
7. DES/AzEIP and the AzEIP Participating Agencies identify potential community partners and facilitate the development of local partnerships to understand the role and scope of the early intervention system and participate on relevant planning and/or advisory committees.

### **1.5.3 Procedures**

1. DES/AzEIP and the AzEIP Participating Agencies promote public awareness and understanding of the Arizona Early Intervention Program through:
  - A. interagency planning and dissemination of public awareness materials;
  - B. provision of training and technical assistance; and
  - C. the development of partnerships within the early child care and education, health and human service systems, and the business communities. Public awareness is a continuous, ongoing effort that is in effect throughout the state, including rural areas.
2. DES/AzEIP and the AzEIP Participating Agencies work with community partners to ensure that:
  - A. public awareness and child find activities are culturally and linguistically appropriate, ongoing, and designed to identify all potentially eligible children residing throughout the state; and

- B. all areas of the state are well represented in all aspects of AzEIP planning and implementation.
- 3. DES/AzEIP and the AzEIP Participating Agencies develop partnerships with the Native American tribal communities in planning public awareness and child find activities on the reservations, of which there are 21 in the state.
- 4. DES/AzEIP and appropriate AzEIP Participating Agency personnel and contractors develop public awareness materials, including presentations, brochures, and other media, which consistently describe:
  - A. the purpose and availability of early intervention services;
  - B. the process for making referrals;
  - C. criteria for eligibility; and
  - D. the obligation to ensure that referrals are made no more than seven (7) working days after a professional has identified a potentially eligible child.
- 5. DES/AzEIP and AzEIP Participating Agencies facilitate local public awareness and child find efforts (such as participation in health fairs and school child find events) by ensuring the distribution of public awareness materials, and other information as appropriate, to physicians, hospitals, public health nurses, social service organizations, schools, Head Start, child care centers, WIC offices, immunization clinics, faith-based organizations, tribal early childhood programs and other referral sources.
- 6. DES/AzEIP and/or its contractors provide technical assistance to targeted medical, education, human service, and child care programs. The AzEIP Participating Agencies provide technical assistance within their agencies and for state and community partners, as appropriate. Training and technical assistance includes information about AzEIP and its public awareness activities.

#### **1.5.4 Child Find Policy**

- 1. DES/AzEIP, in coordination with AzEIP Participating Agencies, implements a child find system to identify, locate, and evaluate infants and toddlers in Arizona who may be eligible for early intervention services as required under IDEA, Part c and the General Education Provisions Act (GEPA), including but not limited to children who are:
  - A. Native American infants and toddlers with disabilities residing on a reservation geographically located in Arizona;
  - B. homeless, in foster care, and wards of the State;
  - C. the subject of a substantiated case of child abuse or neglect, or identified as directly affected by illegal substance or withdrawal symptoms resulting from prenatal drug exposure.
- 2. DES/AzEIP, in collaboration with the AzEIP Participating Agencies and the Interagency Coordinating Council, ensures that the child find system for infants and toddlers is coordinated with all other major efforts to locate and identify children including:

- A. the Arizona Department of Education, which administers the preschool special education program under IDEA, Part B;
  - B. the Arizona Department of Health Services, which is responsible for the maternal child health program, WIC, behavioral health services, and other supports for families and children;
  - C. the Arizona Healthcare Cost Containment System overseeing the administration of Early Periodic Screening, Diagnosis and Treatment (EPSDT), Arizona Long-Term Care, and other health programs;
  - D. programs under the Developmental Disabilities Assistance and Bill of Rights Act;
  - E. the Arizona Head Start and Early Head Start grantees;
  - F. the divisions and programs within the Arizona Department of Economic Security, including the Supplemental Security Income program, , Child Care, Arizona Refugees Resettlement program, and Domestic Violence programs;
  - G. Department of Child Safety
  - H. the Early Hearing Detection and Intervention system; and
  - I. Maternal, Infant and Early Childhood Home Visiting Program under Title V
3. All the AzEIP Service Providing Agencies have served, and will continue to serve, all racial and ethnic groups within the state. These agencies provide services throughout the state, thus providing access for all cultural groups in urban and rural locations, including Native Americans living on reservations geographically located in the state.
  4. DES/AzEIP with the advice and assistance of the ICC ensures that there will not be unnecessary duplication of effort by the agencies involved in the Part C Child Find system. The resources of each public agency will be utilized to implement the Child Find system in the most efficient manner.
  5. DES/AzEIP, the AzEIP Participating Agencies and their contractors, as appropriate, facilitate the identification, location and evaluation of all potentially eligible children through interagency planning, participating in the public awareness and child find system, screening and referral, and monitoring.
  6. The AzEIP Participating Agencies, ICC, and other community partners identify and recruit potential Child Find partners at the state and local levels respectively and share information with DES/AzEIP to provide information and materials to promote collaboration.
  7. DES/AzEIP and ADE ensure implementation of the Child Find IGA to support the identification and referral of children to Part C and Part B.
  8. DES/AzEIP and DDCCS coordinate to ensure that procedures are in place for the referral of children under the age of three who (a) are the subject of a substantiated case of child abuse or neglect; or (b) are identified as directly affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure.

### 1.5.5 Procedures

1. DES/AZEIP, AzEIP Participating Agencies, and relevant contractors participate in the development and distribution of AzEIP public awareness materials to ensure that primary referral sources are informed about AzEIP procedures for referral of children to AzEIP, including their responsibility to refer a child no more than seven (7) working days after a child has been identified as potentially eligible.
2. DES/AZEIP participates on committees and workgroups and facilitates the development of statewide guidelines, as appropriate, to ensure coordinated efforts with the entities noted in 1.6.4.2.
3. DES/AZEIP and its contractors facilitate local collaboration between EIS programs and community partners, including regional meetings, the preparation of local procedures and memoranda and other efforts as needed.
4. The AzEIP Service Providing Agencies implement the requirements of the Child Find IGA between the Arizona Department of Economic Security and the Arizona Department of Education when referrals are received for children who may be potentially eligible for IDEA, Part B. See AzEIP Policies and Procedures, Chapter 3, *Early Intervention Services*.
5. DES/AZEIP and ADE undertake ongoing communication and coordination to provide technical assistance to schools and EIS program to ensure appropriate child find efforts between AzEIP and the schools.
6. DES/AZEIP and the Department of Child Safety (DCS) have developed procedures for the referral of children who are the subject of a substantiated case of abuse or neglect or are identified as directly affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure. In accordance with Arizona statutes and DCS policy, children who are the subject of a substantiated case of abuse or neglect or are identified as directly affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure may (a) be removed from their parents' care or (b) remain in the care of their parents with state-supervised services.

Within 30 calendar days of removal or less, children who are removed from their parents' care are referred to (1) the Regional Behavioral Health Authority (RBHA) for assessment, which includes developmental screening, and (2) the physician for an Early Periodic Screening, Diagnosis, and Treatment visit. The Regional Behavioral Health Authority (or their contractor) or the physician refer to AzEIP when a developmental screening shows a concern in any area of development. When children remain in their parents' care, DCS makes referrals directly to AzEIP. After referral, AzEIP coordinates with the other entities involved with the child, as appropriate and permitted under IDEA and FERPA.

## **1.6.0 Central Directory**

### **1.6.1 Authority: 34 C.F.R. §303.301**

### **1.6.2 Policy**

1. DES/AzEIP maintains a Central Directory of information, which is operational and includes the following information:
  - A. public and private early intervention services, resources and experts available within the state;
  - B. research and demonstration projects being conducted in the state;
  - C. professional and other groups, nationally and locally, that provide assistance to infants and toddlers with special needs, and their families.
2. The Central Directory of information provides sufficient detail to:
  - A. ensure that the general public will be able to determine the nature and scope of the services and assistance available from each of the sources listed in the directory; and
  - B. enable the parent of an eligible child to contact, by telephone or letter, any of the sources listed in the directory.
3. The Central Directory shall be:
  - A. updated at least annually, through coordination with other information and referral systems;
  - B. available in each geographic region, including rural areas upon request and on the DES/AzEIP website; and
  - C. available in places and in a manner which is accessible to persons with disabilities.