

**To:** Service Providing Agencies

**Date:** November 29, 2023

**Subject:** AzEIP Eligibility Criteria for Established Conditions

The Arizona Early Intervention Office (AzEIP) has recently received multiple community concerns and inquiries regarding eligibility criteria for Part C services. In response, AzEIP has developed this Technical Assistance Bulletin to provide clarification regarding eligibility criteria for infants and toddlers with an Established Condition as described in current AzEIP policy.

### [AzEIP Policy Manual Chapter 3: Early Intervention Services](#)

#### **1. Early Intervention (AzEIP Policy Manual 3.4.1)**

*In Arizona, eligibility for early intervention is defined as an infant or toddler between birth and 36 months of age who lives in Arizona and has a significant developmental delay in one or more areas of development; or an established condition that has a high probability of resulting in a developmental delay.*

#### **Policy Clarification**

Any infant or toddler who has either a significant delay or an established condition is eligible for Part C services in Arizona. In order to be eligible based on an established condition, an infant or toddler must have a medical condition that results in a high probability of a developmental delay. AzEIP Service Provider Agencies utilize their clinical expertise in determining when an infant or toddler's physical or mental condition has a high probability of resulting in a developmental delay.

#### **2. Established Conditions (AzEIP Policy Manual 3.4.1.b)**

*Established conditions are defined as a diagnosed physical or mental condition that has a high probability of resulting in a significant developmental delay, **including but not limited to the following:***

- a. chromosomal disorders with a high probability of a developmental delay (e.g., Down Syndrome, Fragile X Syndrome, 5p- Syndrome, Prader-Willi Syndrome, Trisomy 18, Trisomy 13 and chromosomal deletions and duplications)*
- b. genetic or congenital disorders with a high probability of a developmental delay (e.g., Spinal Muscular Atrophy, Krabbe Disease)*
- c. disorders reflecting disturbance of the development of the nervous system (e.g., autism spectrum disorders, anencephaly, seizure disorders, and children born dependent on alcohol or a substance(s) and experiencing withdrawal at birth)*
- d. Congenital Infections (e.g., congenital cytomegalovirus, congenital toxoplasmosis, and congenital rubella)*

- e. *Metabolic disorders (e.g., Tay-Sachs disease)*
- f. *Hydrocephalus*
- g. *Neural tube defects (e.g., spina bifida)*
- h. *Intraventricular hemorrhage, grade III or IV*
- i. *Periventricular leukomalacia*
- j. *Cerebral palsy*
- k. *Bilateral or unilateral loss of hearing acuity, as determined by an audiologist, that interferes or has the potential to interfere with the child's development; Bilateral loss in visual acuity or a loss of visual field, as determined by an ophthalmological evaluation, that interferes or has a potential to interfere with the child's development*
- l. *Failure to thrive/pediatric undernutrition*
- m. *Severe attachment disorders*
- n. *Disorders secondary to exposure to toxic substances, including fetal alcohol syndrome.*

### **Policy Clarification**

IDEA defines “established condition” as any diagnosed physical or mental condition that results in a high probability of a developmental delay. AzEIP provides a list of *examples* of conditions that would make an infant or toddler eligible for Part C services in Arizona. The list provided in policy are examples **and is not an exhaustive list** of physical and mental conditions that would result in a high probability of developmental delay. Any documented physical or mental condition that results in a high probability of developmental delay may be considered an established condition by the Multidisciplinary Evaluation Team (MET).

### **3. Prior Written Notice (AzEIP Procedure Manual 3.7.5-3.7.6)**

*If based on the evaluation the child does not meet the AzEIP eligibility criteria, the service coordinator:*

- A. *provides the family a copy of the Developmental Evaluation Report, the PWN, and the Child and Family Rights in the Arizona Early Intervention Program (AzEIP) booklet, and explains the reasons for the determination within ten (10) business days from the date of the evaluation*
- B. *explores with the family other community resources and activities to assist them in supporting their child, such as childcare, playgroups, library social time, informal and organized parent-parent support, and workshops through local schools, hospitals, childcare resources*
- C. *ensures the evaluation and eligibility data are entered, including all information required to exit the child, in the ADES data system(s).*

*If the family disagrees with the denial of AzEIP eligibility, the family may initiate the dispute resolution process (i.e., filing a complaint, requesting mediation or a due process*

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*hearing) as described in the Child and Family Rights in the Arizona Early Intervention Program (AzEIP) booklet.*

### **Procedure Clarification**

A family with an infant or toddler that is determined ineligible for AzEIP services may disagree with the eligibility determination and access their dispute resolution options. The service coordinator must explain the dispute resolution options related to eligibility when providing the family with [Prior Written Notice \(GCI-1050B RAPDF\)](#) and a copy of the [Child and Family Rights in the Arizona Early Intervention Program booklet](#) (GCI-1070A) as outlined in the AzEIP Procedure Manual 3.7.5 so that they fully understand their choices if they disagree with the team's decision. If a parent has an infant or toddler with a physical or mental health condition that they believe places their child at high risk for a developmental delay, the parent may dispute the MET decision to deny eligibility. Prior to denying eligibility for AzEIP services, the MET team should carefully consider whether or not the child's condition meets the definition for an established condition. Their condition may not be on the list of examples, but may still place them at high risk for a developmental delay. If a family files a complaint disagreeing with the eligibility decision, the AzEIP office will proceed with the dispute resolution process.

If you have any questions regarding the explanation of the above referenced policy or procedure or the practical application for your early intervention teams, please contact the AzEIP Quality Improvement Team at [azeipqualityimprovement@azdes.gov](mailto:azeipqualityimprovement@azdes.gov).

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