

CHAPTER 1: GENERAL OVERVIEW REVISION

DATES: 07/01/2021, 12/14/2018 **EFFECTIVE DATES:**
04/01/2022, 07/01/2019

INTENDED USER(S): All ADES/AzEIP personnel, AzEIP service providing agencies including all employees, contractors, subcontractors, and volunteers.

REFERENCES/AUTHORITY: 20 U.S.C §§1476, et seq.; 34 CFR §§303, et seq.; A.R.S. §41- 2021; §41-2022, 20 U.S.C. §1441; 34 C.F.R. §§303.601- 605, 34 C.F.R. §303.208, 20 U.S.C. §1435; 34 C.F.R. §303.120, 20 U.S.C. §1435; 34 C.F.R. §§303.212(a), 301-303, 34 C.F.R. §303.301

1.0 Introduction

- 1.0.1 It has been established in the Arizona Revised Statutes (A.R.S.) 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 and their families
 - C. Infants and toddlers with disabilities, and their families who are experiencing homelessness
 - D. Infants and toddlers with disabilities who are wards of the state.
- 1.0.2 A.R.S. § 41-2022 designates the Arizona Department of Economic Security (ADES) as the Lead Agency responsible for the administration of the state's IDEA, Part C system.
- 1.0.3 The Director of ADES designates the Arizona Early Intervention Program (AzEIP) to carry out the functions and activities of administering the Part C system, including the:
- A. General administration and supervision of the programs and activities administered by agencies, institutions, organizations, and early intervention service providers that are receiving IDEA, Part C funding
 - B. Oversight and monitoring of programs and activities to carry out early intervention, whether or not these programs or activities are administered by agencies, institutions, organizations, or early intervention service providers that are receiving IDEA, Part C funding, to ensure that Arizona complies with all IDEA, Part C requirements, including:

- 1) Monitoring agencies, institutions, organizations, and early intervention service providers used to implement early intervention
 - 2) Enforcing any obligations imposed on those agencies, institutions, and early intervention service providers under IDEA, Part C and its regulations
 - 3) Providing technical assistance, if necessary, to those agencies, institutions, organizations, and early intervention service providers
 - 4) Correcting any noncompliance identified through monitoring as soon as possible, and in no case later than one year after ADES/AzEIP identifies the noncompliance
 - 5) Conducting the activities in A – F. of 1.0.2 consistent with 34 C.F.R. §§303.700 through 707 and any other activities required by Arizona regulations.
- C. Assignment of financial responsibility as required under IDEA, Part C
- D. Development of procedures to ensure that early intervention services are provided to AzEIP eligible children and their families in a timely manner, and if applicable, pending the resolution of any disputes among agencies or early intervention service providers
- E. Resolution of any inter- and intra-agency disputes in accordance with the AzEIP Policy Manual, Chapter 5: *Financial Matters*
- F. 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 the AzEIP Policy Manual, Chapter 5: *Financial Matters*.
- 1.04 ADES/AzEIP develops and utilizes a system that results in effective general supervision of the early intervention program and ensures quality early intervention supports and services provided within the context of a family's daily activities and routines are available to infants and toddlers with disabilities and their families.
- 1.05 ADES/AzEIP ensures that early intervention services are based on age-appropriate scientific research, to the extent practicable given the availability of age-appropriate scientific research concerning a particular early intervention service and are available to all infants and toddlers with disabilities and their families.
- 1.06 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 Structural Overview

1.1.1 AzEIP Participating Agencies:

- A. ADES/AzEIP administers the early intervention system in collaboration and agreement with the following AzEIP participating agencies:
 - 1) Arizona Department of Economic Security (ADES)
 - 2) Arizona Department of Education (ADE)
 - 3) Arizona Department of Health Services (ADHS)
 - 4) Arizona Health Care Cost Containment System (AHCCCS)
 - 5) Arizona State Schools for the Deaf and the Blind (ASDB).

1.1.2 AzEIP Service Providing Agencies:

- A. AzEIP service providing agencies are those state agencies in A.R.S. §41-2022 that provide service coordination and/or other early intervention supports and services in accordance with IDEA, Part C, relevant federal and state law, and AzEIP policies and procedures.
- B. AzEIP service providing agencies include the following agencies and each of their employees and contractors providing early intervention supports and services:
 - 1) Team-based Early Intervention Contractors contracted with ADES/AzEIP
 - 2) ADES/Division of Developmental Disabilities (DDD)
 - 3) ASDB.
- C. ADES/AzEIP provides technical assistance and independent review to support consistent and constructive monitoring across AzEIP service providing agencies.
- D. ADES/AzEIP addresses specific agency, contractor, and/or employee performance with the appropriate service providing agency individually and if needed, determines mutually acceptable corrective action with the service providing agency, including timelines, resources, and responsible parties. In the event that the two entities cannot agree on corrective actions, ADES/AzEIP will establish steps to ensure conformity to AzEIP policies and procedures and the process for monitoring change. See the AzEIP Policy Manual, Chapter 2: *General Supervision*.
- E. AzEIP service providing agencies serve all racial and ethnic groups within the state.
- F. AzEIP 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.

1.2 Inter- and Intra- agency Agreements

- 1.2.1 ADES/AzEIP is responsible for ensuring that inter- and intra-agency agreements or memorandums of understanding (MOUs) 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 the coordination and implementation of Part C requirements in the state
 - B. Define the financial obligations for the early intervention services delineated in each agreement
 - C. Include procedures for resolving inter- and intra-agency disputes, including the provision of services pending resolution of any dispute.
- 1.2.2 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 an internal dispute within 15 days, then it must submit a written request to the Part C Coordinator of ADES/AzEIP. The Part C Coordinator of ADES/AzEIP, or designee, will review all relevant information in the dispute by:
- A. Conducting an independent, on-site investigation, if necessary
 - B. Giving all parties involved in the dispute the opportunity to submit additional information, either orally or in writing.
- 1.2.3 The Part C Coordinator of ADES/AzEIP, or designee, will make an independent determination as to the resolution within 90 days of the receipt of the request.
- 1.2.4 During a dispute, ADES/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 ADES/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.
- 1.2.5 Through the dispute resolution above, ADES/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 on the AzEIP website at <http://des.az.gov/azeip> or by contacting ADES/AzEIP.

1.3 Interagency Coordinating Council

- 1.3.1 Under A.R.S. §41-2022, the Interagency Coordinating Council (ICC) for Infants and Toddlers is designated, as required by federal law, to advise and assist ADES/AzEIP, the lead agency, in developing and implementing the statewide system of early intervention services for eligible children and their families.
- 1.3.2 The members of the Council must be appointed by the Governor, pursuant to the requirements of IDEA Part C. To the extent possible, the membership of the ICC shall represent the ethnic and geographic characteristics of the state's population.
- 1.3.3 The Council shall be composed as follows:
 - A. At least 20 percent of the members are parents including minority parents, of infants or toddlers with disabilities or children with disabilities ages 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 who is less than six years of age.
 - B. At least 20 percent of the members are public or private providers of early intervention services.
 - C. At least one member is from each of the state agencies involved in the provision of or payment for early intervention services. These agencies include the ADES/DDD, ADHS, ASDB, and AHCCCS. The agencies' representatives must have sufficient authority to engage in policy planning and implementation on behalf of their agencies.
 - D. At least one member is from ADE, the state agency responsible for preschool services for children with disabilities. The ADE representative must have sufficient authority to engage in policy planning and implementation on its behalf.
 - E. At least one member is from AHCCCS, the state Medicaid agency.
 - F. At least one member is from the state Legislature.
 - G. At least one member is involved in personnel preparation.
 - H. At least one member is from the Arizona Department of Insurance, the state agency responsible for the regulation of private health insurance.

- I. At least one member is from a Head Start or Early Head Start agency or program.
 - J. At least one member is from the ADES/Child Care Administration, the state agency responsible for childcare.
 - K. At least one member is from the ADE Office of the Coordination of Education of Homeless Children and Youth.
 - L. At least one member is from the Arizona Department of Child Safety (DCS), the state child welfare agency responsible for foster care.
 - M. At least one member is from the state agency responsible for children's mental health.
- 1.3.4 The Council meets at minimum quarterly and the meetings:
- A. Are publicized sufficiently in advance of the meeting dates to ensure all interested parties have an opportunity to attend
 - B. Are open and accessible to the extent appropriate to members and the general public
 - C. Have qualified interpreters for those in attendance who are deaf and other special services for Council members and participants, when needed.
- 1.3.5 The Council elects a Chair and Vice Chair who are not representatives of ADES/AzEIP and at least one of whom shall be a parent.
- 1.3.6 The Council consists of a standing Executive Committee, and additional standing committees and ad-hoc committees, as further defined in the ICC By-Laws, to address specific issues as identified by the Council.
- 1.3.7 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.
- 1.3.8 The Council will consider and deliberate any proposed actions by ADES/AzEIP on behalf of AzEIP and committee recommendations before voting to forward specific recommendations to ADES/AzEIP.
- 1.3.9 A Council member may not 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.
- 1.3.10 Parent members of the Council may be reimbursed for reasonable and necessary expenses for attending Council meetings and performing Council duties as addressed in the ICC By-Laws.

1.4 Public Participation in Policies and Procedures and Part C Grant Application

- 1.4.1 At least 60 days prior to ADES/AzEIP's submittal of the Part C grant application for federal funds to the Office of Special Education Programs (OSEP), including any proposed new or revised policies, procedures, descriptions, methods, certifications, assurances and other information required in the application, ADES/AzEIP must publish in a manner that will ensure circulation throughout the State for at least a 60-day period, an opportunity for public comment on the Part C grant application for at least 30 days during that period.
- 1.4.2 Prior to adopting any new policy and/or procedure (including any revision to an existing policy and/or procedure) needed to comply with IDEA, Part C, ADES/AzEIP will:
- A. Hold public hearings on the new or revised policy and/or procedure
 - B. Provide notice of public hearings at least 30 days before the hearings are conducted to enable public participation
 - C. Provide an opportunity for the general public, including individuals with disabilities, parents of infants and toddlers with disabilities, early intervention service providers, and the members of the ICC, to comment for at least 30 days on the new or revised policy and/or procedure
- 1.4.3 During the public comment period, comments may be submitted by fax, letter, or e-mail to ADES/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 and public hearing announcements.
- 1.4.4 ADES/AzEIP distributes and releases information on how to access proposed new or revised policy and/or procedure changes statewide via e-mail, posting on ADES/AzEIP website at <http://des.az.gov/azeip>, and/or at meeting presentations to the AzEIP participating agencies, the ICC and its committees, early intervention service providing agencies, families, and other stakeholders as appropriate.
- 1.4.5 Each AzEIP participating agency is responsible to distribute information to their employees, contractors, and families via agency mechanisms for communication.
- 1.4.6 The ICC and its committees, ADES/AzEIP, and the AzEIP participating agency employees and contractors are encouraged to inform a broad range of contacts.
- 1.4.7 AzEIP policies and procedures not specifically developed to meet the

requirements of IDEA, Part C are not subject to public participation requirements. Clarification of existing policies and procedures is not subject to public participation requirements. AzEIP established guidance documents are not subject to public participation requirements.

1.5 General Supervision

1.5.1 ADES/AzEIP is responsible for the:

A. General administration and supervision of programs and activities receiving funding under IDEA, Part C in Arizona.

B. Oversight and monitoring of programs and activities used by the State to carry out early intervention, whether or not these programs or activities are receiving IDEA, Part C funding, to ensure that Arizona complies with all federal requirements.

C. Implementation and monitoring of the following systems, which are defined in the AzEIP Policy and Procedure Manuals:

- 1) Public Awareness and Child Find System
- 2) Technical Assistance System
- 3) Early Intervention Services
- 4) Transition
- 5) Financial Matters
- 6) Comprehensive System of Personnel Development
- 7) Data Collection and Record Keeping

1.6 Public Awareness

- 1.6.1 AzEIP participating agencies and the ICC, maintain a public awareness system using a variety of methods to inform families, primary referral sources, and the general public about the importance of early identification of infants and toddlers with disabilities and the availability of early intervention services in Arizona.
- 1.6.2 All primary referral sources, including hospitals and physicians, are provided public awareness materials and information to be shared with parents and caregivers of infants and toddlers, especially those with premature infants or infants with other physical risk factors associated with learning and developmental complications.
- 1.6.3 All 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.
- 1.6.4 Public awareness materials and information include, but are not limited to:
 - A. A description of the purpose of early intervention and services available through AzEIP
 - B. A description of how to make a referral for a child under the age of three for screening and/or evaluation to determine eligibility for AzEIP
 - C. A description of the eligibility criteria for AzEIP
 - D. The obligation to ensure that referrals are made no more than seven (7) calendar days after a professional has identified a potentially eligible child.
 - E. The availability of preschool services under IDEA, Part B at least 90 days prior to a toddler's third birthday.
 - F. A central directory, as described in 1.8.
- 1.6.5 AzEIP participating agencies and the ICC participate in public awareness activities which include but are not limited to the following:
 - A. Public service announcements and news releases
 - B. Maintaining a website which provides relevant information regarding early intervention
 - C. Distribution of brochures, flyers, and printed materials

- D. Presentations and trainings to community partners
- E. Participation in health fairs and conferences
- F. Participation at school child find events
- G. Participation in relevant planning and/or advisory councils and committees.

1.7 Child Find

- 1.7.1 ADES/AzEIP, in coordination with AzEIP participating agencies (including its contractors), and advice and assistance from the ICC, implements a child find system that:
- A. Ensures all infants and toddlers residing in Arizona who are potentially eligible for early intervention services through AzEIP are identified, located, and evaluated as required under IDEA, Part C, and the General Education Provisions Act (GEPA), including:
 - 1) Native American infants and toddlers with disabilities residing on a reservation geographically located in Arizona and minority populations
 - 2) Infants and toddlers with developmental delays or disabilities who are homeless, in foster care, and/or wards of the State
 - 3) Infants and toddlers who are 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.
 - B. Includes a system for making referrals.
 - C. Ensures that the child find system is coordinated with all other entities to locate and identify children, including:
 - 1) ADE, which administers the preschool special education program under section 619 of IDEA, Part B
 - 2) ADHS, which is responsible for the maternal child health program, Women Infants and Children (WIC), behavioral health services, and other supports for families and children
 - 3) AHCCCS which oversees the administration of Early Periodic Screening, Diagnosis and Treatment (EPSDT), Arizona Long Term Care System (ALTCS), Children's Health Insurance Program (CHIP) and other health programs

- 4) Programs under the Developmental Disabilities Assistance and Bill of Rights Act
 - 5) Arizona Head Start and Early Head Start grantees
 - 6) Divisions and programs within ADES, including the Supplemental Security Income (SSI) program, Child Care Administration (CCA), Arizona Refugees Resettlement program, and domestic violence programs
 - 7) The Arizona Department of Child Safety (DCS), which administers the Child Abuse Prevention and Treatment Act (CAPTA)
 - 8) The Early Hearing Detection and Intervention (EHDI) system administered by the Centers for Disease Prevention and Control (CDC)
 - 9) The Maternal, Infant and Early Childhood Home Visiting (MIECHV) Program under Title V.
- 1.7.2 The AzEIP service providing agencies will serve all racial, ethnic, and cultural groups in all urban and rural locations of the state, including Native Americans living on reservations geographically located in the state.
- 1.7.3 ADES/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 IDEA, 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.
- 1.7.4 ADES/AzEIP and the AzEIP participating agencies (including its contractors, as appropriate), facilitate the identification, location, and evaluation of all potentially eligible children through interagency planning, participation in public awareness and the child find system, screening and referral, and monitoring.
- 1.7.5 The AzEIP participating agencies, ICC, and other community partners identify child find partners statewide to promote collaboration with ADES/AzEIP.
- 1.7.6 ADES/AzEIP and ADE collaborate to ensure implementation of an Intergovernmental Agreement (IGA) that details each agency's responsibilities under IDEA in relation to Child Find.
- 1.7.7 ADES/AzEIP and DCS coordinate and develop procedures to ensure children under the age of three are referred to AzEIP who are:
- A. The subject of a substantiated case of child abuse or neglect

- B. Identified as directly affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure.

1.7.8 ADES/AzEIP coordinates with the Arizona Department of Health Services, Office of Newborn Screening EHDl program, to ensure infants and toddlers with, or at-risk for, hearing loss are screened by one month of age, diagnosed by three months of age, and referred to AzEIP and receiving early intervention services by six months of age.

1.8 Central Directory

1.8.1 ADES/AzEIP shall develop and maintain a central directory of information, which includes the following information:

- A. Public and private early intervention services, resources, and experts available within the state
- B. Parent support, training, and information centers
- C. Research and demonstration projects being conducted in Arizona relating to infants and toddlers with disabilities
- D. Professional and other groups, nationally and locally, that provide assistance to infants and toddlers with disabilities, and their families.

1.8.2 The central directory shall provide sufficient detail to allow:

- A. The general public the ability to determine the nature and scope of the services and assistance available from each of the sources listed in the directory; and
- B. Families and caregivers, the opportunity to contact, by telephone, email, or written correspondence, any source listed in the directory.

1.8.3 The central directory shall be:

- A. Updated at least annually
- B. Available in each geographic region, including rural areas upon request, and on the ADES/AzEIP website at <http://des.az.gov/azeip>
- C. Available in places and in a manner which is accessible to persons with disabilities.

1.9 Referrals to AzEIP

1.9.1 Anyone may refer an infant or toddler suspected of having a developmental delay or disability to AzEIP.

- 1.9.2 A person or entity who refers an infant or toddler to AzEIP is considered a primary referral source and may include but is not limited to:
- A. Parents
 - B. Family members or friends
 - C. Hospitals, including prenatal and postnatal care facilities
 - D. Physician
 - E. Private therapists
 - F. Childcare and early learning programs
 - G. Local Education Agencies (LEAs) and schools
 - H. Head Start
 - I. Public health facilities
 - J. Other public health or social service agencies
 - K. Other clinics and health care providers
 - L. Public agencies and staff in the child welfare system, including the Department of Child Safety, and foster care and adoption agencies
 - M. Homeless shelters
 - N. Domestic violence shelters and agencies.
- 1.9.3 Primary referral sources have a responsibility to complete a referral to AzEIP within seven (7) calendar days of identifying a child suspected of having a developmental delay or disability, as defined by AzEIP's eligibility criteria.
- 1.9.4 DCS is required to refer an infant or toddler under the age of three who is:
- A. The subject of a substantiated case of child abuse or neglect, or
 - B. Is identified as directly affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure.
- 1.9.5 The single entity that serves as the point of entry for families into AzEIP is called the AzEIP central referral agency.
- 1.9.6 A referral may be submitted in many ways including by e-mail, fax, phone, or through the online referral system.
- 1.9.7 Upon receipt of a referral, the AzEIP central referral agency assigns the referral to a TBEIS contractor in the geographic service region in which the child and family resides.