

**CHAPTER 2: GENERAL SUPERVISION 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. §1435(a)(10)(A); 34 C.F.R. §§303.11, 12, 120, 700, 704, 720 and 721, 20 U.S.C. §1416; 34 C.F.R. §§303.701 and 702, 20 U.S.C. §1431, et seq.; 34 C.F.R. &303.301, 20 U. .C. §§1415(e); 1435(a); 1436(e); 1439; and 34 C.F.R. §303.430, 20 U.S.C. § 1435(a)(14), 34 C.F.R. §§ 303.124, 720 -724, 20 U.S.C. §§1416, 1417, 1418, and 1442; 3 4 C.F.R. §§303.700(a) (4) and 303.702, 20 U.S.C. §§1416, 1417, 1418, and 1442; 34 C.F.R. §303.700, 20 U.S.C. §§ 1416(a); 1435(a) (10) (A); and 1442. 34 C.F.R. §303.700, 20 U.S.C. §1434(a) (10) (A); 34 CFR §303.118; 34 C.F.R. §501, 20 U.S.C. §§1416(a) (1)(C), 1435(a)(10), and 1442, 20 U.S.C. §§1432, 1435, 1437 - 1438, and 1440-1441; 34 C.F.R.303.500

**2.0 General Supervision**

- 2.0.1 In administering the statewide early intervention program, ADES/AzEIP must ensure the following requirements are met:
- A. Monitoring the implementation of the statewide early intervention system
  - B. Making annual determinations about the extent to which each AzEIP service providing agency implements the requirements of IDEA, Part C, using the four categories designated by the United States Department of Education, Office of Special Education Programs (OSEP) (1) meets requirements; (2) needs assistance; (3) needs intervention; and (4) needs substantial intervention. Local determinations are made available to the public on the ADES/AzEIP website at <http://des.az.gov/azeip>;
  - C. Enforcing the requirements of IDEA, Part C using appropriate enforcement mechanisms, which include:
    - 1) Advising the early intervention program (EIP) of available ADES/AzEIP-approved sources of technical assistance to help address the area(s) in which the EIP needs assistance; and requiring the EIP to implement a corrective action plan (CAP) as appropriate. The technical assistance may include:
      - a. Assistance in identifying and implementing professional development, early intervention service provision strategies, and methods of early intervention service provision that are based on evidence-based practices
      - b. Designating and using administrators, service coordinators,

early intervention service providers, and other personnel from the EIP to provide technical assistance and support; and

- c. Devising additional approaches to provide technical assistance, such as collaborating with institutions of higher education, educational service agencies, and other entities approved by ADES/AzEIP.
- 2) Imposing special conditions on the funding of the EIP, or if the program is not funded by IDEA, Part C grant funds, additional conditions may apply
  - 3) Requiring the EIP to prepare a corrective action plan and correct noncompliance within one year
  - 4) Withholding funds, in whole or in part, to the EIP
  - 5) Suspending or terminating the AzEIP service providing agency's service provision responsibilities and funding, in part or in whole, as directed by ADES/AzEIP
  - 6) Reporting annually on the performance of ADES/AzEIP and each EIP.

2.0.2 An EIP is defined as the ADES/AzEIP service providing agencies designated to provide early intervention services in a specified region and consists of:

- A. The early intervention service providers working with one AzEIP Team-based Early Intervention Services (TBEIS) contractor
- B. The Division of Developmental Disabilities (ODD) service coordinators working as part of the team with the early intervention service providers included in 2.0.2.A and 2.0.2.C; and
- C. The ASDB teachers of the visually impaired (TVI) and teachers of the Deaf/Hard of Hearing (TOD) working as a part of the team with the early intervention service providers included in 2.0.2.A. and 2.0.2.B.

Each EIP has only one AzEIP TBEIS contractor. There may be more than one EIP in a region where the region has multiple AzEIP TBEIS contractors.

2.0.3 ADES/AzEIP ensures that the primary focus of its monitoring activities is to:

- A. Improve early intervention results and functional outcomes for all AzEIP eligible infants and toddlers and their families; and
- B. Ensure that the EIP meets the requirements under IDEA, Part C with a particular emphasis on those requirements that are closely related to

improving early intervention results for eligible children.

- 2.0.4 ADES/AzEIP carries out general supervision activities through the implementation and oversight of the following:
- A. State Performance Plan/Annual Performance Report (SPP/APR);
  - B. Annual 618 reports
  - C. AzEIP policies and procedures and effective implementation which includes Inter- and Intra- Agency Agreements and the Comprehensive System of Personnel Development
  - D. Data processes and results
  - E. Integrated monitoring activities
  - F. Effective dispute resolution
  - G. Technical assistance system and professional development
  - H. Fiscal management.
- 2.0.5 To implement general supervision responsibilities, ADES/AzEIP uses quantitative and qualitative indicators, to adequately measure performance and monitor each EIP in the priority areas of:
- A. Early intervention services in natural environments
  - B. General supervision activities, including child find, effective monitoring, mediation, fiscal monitoring, and a system of transition services as described in the AzEIP Policy and Procedure Manuals, Chapter 4, *Transition*.
- 2.0.6 ADES/AzEIP ensures that when it identifies noncompliance with the requirements of IDEA, Part C by an EIP, the noncompliance is corrected as soon as possible and no later than one year from the identification of the noncompliance.

## 2.1 **State Performance Plan/Annual Performance Report (SPP/APR)**

- 2.1.1 ADES/AzEIP maintains the SPP/APR, on file and approved with OSEP, as an accountability mechanism for the state and local EIP's. ADES/AzEIP reviews its SPP/APR annually and submits the report to OSEP.
- 2.1.2 The SPP/APR includes:
- A. Measurable federal indicators of ADES/AzEIP's performance in specific

statutory priority areas under IDEA, Part C

- B. Stakeholder feedback
  - C. Measurable and rigorous targets for the indicators
  - D. Improvement activities, timelines, and resources, which describe how the state will improve the implementation of the priority areas.
- 2.1.3 The measurable federal indicators in the SPP/APR include both compliance indicators (with required targets of 100 percent) and performance indicators (with measurable and rigorous targets established by the state with broad stakeholder involvement).
- 2.1.4 The IDEA, Part C SPP/APR federal indicators are as follows:
- A. Indicator 1 Timely Service Delivery: Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner.
  - B. Indicator 2 Settings: Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based settings.
  - C. Indicator 3 Child Outcomes: Percent of infants and toddlers with IFSPs who demonstrate improved:
    - 1) Positive social-emotional skills (including social relationships)
    - 2) Acquisition and use of knowledge and skills (including early language/communication)
    - 3) Use of appropriate behaviors to meet their needs.
      - a. Summary Statement 1: Of those infants and toddlers who entered early intervention below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 3 years of age or exited the program.
      - b. Summary Statement 2: The percent of infants and toddlers who were functioning within age expectations in each Outcome by the time they turned 3 years of age or exited the program.
  - D. Indicator 4 Family Outcomes: Percent of families who report that early intervention services have helped their family:
    - 1) Know their rights
    - 2) Effectively communicate their children's needs

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- 3) Help their children develop and learn.
- E. Indicator 5 Child Find, Ages Birth to 1: Percent of infants and toddlers' birth to one with IFSPs compared to national data.
- F. Indicator 6 Child Find, Ages Birth to 3: Percent of infants and toddlers' birth to three with IFSPs compared national data.
- G. Indicator 7 Timeliness of IFSP: Percent of eligible infants and toddlers with IFSPs for whom an initial evaluation, initial assessment and an initial IFSP meeting were conducted within IDEA, Part C's 45-day timeline.
- H. Indicator 8 Early Childhood Transition: Percent of all toddlers exiting IDEA, Part C who received timely transition planning to support the child's transition to preschool and/or other appropriate community services by their third birthday including:
- 1) Development of an IFSP with transition steps and services at least 90 days (and at the discretion of all parties, not more than nine months) prior to the child's third birthday
  - 2) Notification (consistent with any opt-out policy adopted by the State) to the State Education Agency (SEA) and the Local Education Agency (LEA) where the toddler resides at least 90 days prior to the toddler's third birthday, for toddlers potentially eligible for IDEA, Part B preschool services
  - 3) Provision of a transition conference with the approval of the family at least 90 days (and at the discretion of all parties, not more than nine months) prior to the child's birthday, if the child is potentially eligible for IDEA, Part B preschool services.
- I. Indicator 9 Hearing Requests Resolved: Percent of hearing requests resolved through resolution session settlement agreements. This indicator does not apply to AzEIP as Arizona's due process procedures follow IDEA, Part C; IDEA, Part B procedures were not adopted.
- J. Indicator 10 Mediation Agreements: Percent of mediations held resulting in mediation agreements.
- K. Indicator 11 State Systemic Improvement Plan (SSIP): A comprehensive, ambitious, yet achievable multi-year plan for improving results for infants and toddlers with disabilities and their families, including a multi-year phased approach of analysis, plan, implementation, and evaluation.

- 2.1.5 ADES/AzEIP collects valid and reliable data on its performance on the indicators and reports to OSEP annually in its SPP/APR. Reporting includes each of the indicators and whether or not ADES/AzEIP met its targets. A copy of ADES/AzEIP's current SPP/APR can be found online at the ADES/AzEIP website at <http://des.az.gov/azeip>.
- 2.1.6 ADES/AzEIP collects data on specific federal indicators through ADES/AzEIP's integrated monitoring activities. Data are collected through the ADES data system(s), self-reports, dispute resolution data and outcome data. ADES/AzEIP collects and reports data on those federal indicators for each EIP at least once during the six-year period of the SPP/APR.
- 2.1.7 ADES/AzEIP seeks broad stakeholder feedback and involvement for the SPP/APR, including input from its ICC, on improvement activities, monitoring progress, and potential reasons for slippage.
- 2.1.8 OSEP reviews ADES/AzEIP's SPP/APR annually and makes a determination about the extent to which ADES/AzEIP meets the purposes and requirements under IDEA, Part C. based on the data from the report, any monitoring visits, and any other public information made available; and determines if the ADES/AzEIP:
- A. Meets requirements
  - B. Needs assistance in implementing the requirements of IDEA, Part C
  - C. Needs intervention in implementing the requirements of IDEA, Part C
  - D. Needs substantial intervention in implementing the requirements of IDEA, Part C.
- 2.1.9 Local data from EIP's are gathered and evaluated against ADES/AzEIP's targets for all priority areas to analyze each EIP's implementation of IDEA, Part C. Local data are publicly reported on the ADES/AzEIP website at <http://des.az.gov/azeip>.
- 2.1.10 ADES/AzEIP ensures that it does not report to the public or to OSEP any information on performance, through state, local, or public reporting, that would result in the disclosure of personally identifiable information about individual infants or toddlers or where the available data are insufficient to yield statistically reliable information.

## **2.2 AzEIP Policies and Procedures and Effective Implementation**

- 2.2.1 ADES/AzEIP ensures that policies and procedures:
- A. Align with IDEA, Part C

- B. Are in effect statewide
  - C. Are made available for public comment.
- 2.2.2 ADES/AzEIP ensures early intervention services, based on peer-reviewed research, to the extent practicable, are available for infants and toddlers with disabilities and their families throughout the state.
- 2.2.3 AzEIP service providing agencies (including their contractors) are required to comply with IDEA, Part C, regulations, AzEIP policies and procedures, and other applicable federal and state law.
- 2.2.4 Data from various sources and activities are reviewed regularly to inform decisions about policies and procedures to ensure compliance and quality practices.
- 2.2.5 AzEIP policies and procedures include descriptions of methods used to identify noncompliance with IDEA, Part C requirements and to ensure correction of noncompliance when identified.
- 2.2.6 ADES/AzEIP integrated monitoring activities examine early intervention service providers' implementation of the AzEIP policies and procedures, as well as their use of effective practices including fiscal monitoring.

### **2.3 Effective Dispute Resolution**

- 2.3.1 ADES/AzEIP uses a dispute resolution system (complaints, mediation, and due process actions) to identify and correct noncompliance in the implementation of IDEA, Part C requirements and to identify components of the system that need improvement (e.g., policies, procedures, written agreements). ADES/AzEIP dispute resolution system is fully described in Chapter 7: *Procedural Safeguards*.
- 2.3.2 As part of its integrated monitoring activities, ADES/AzEIP also reviews informal and formal dispute resolution data of each EIP to identify issues related to performance as part of the local determination process, and to help plan onsite monitoring, and technical assistance activities.

### **2.4 Data Requirements**

- 2.4.1 ADES/AzEIP annually reports to OSEP and to the public on the information required under IDEA, Part C, which includes SPP/APR and 618 data reports.
- 2.4.2 ADES/AzEIP carries out these requirements by establishing procedures to ensure that data are timely and accurate.
- 2.4.3 Each EIP collects information on early intervention services provided to children and families served within the EIP.

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- 2.4.4 ADES/AzEIP reviews and analyzes the data collected by each EIP in the ADES data system(s) in order to develop required reports and to inform system monitoring and improvement efforts.
- 2.4.5 Each EIP gathers and enters all required information, updates information regularly, and submits data, electronically within ten (10) calendar days of the activity and by paper format, as requested or required by ADES/AzEIP.
- 2.4.6 Each AzEIP service providing agency designates one individual who is responsible for implementing data collection policies at the local level and is authorized to make decisions related to EIP data entry policies and activities, ensuring alignment with the ADES/AzEIP data collection policy. This individual will be considered by ADES/AzEIP to be the "Data Manager" and must be knowledgeable about:
- A. AzEIP policies and procedures,
  - B. Arizona's Address Confidentiality Program,
  - C. ADES data system(s),
  - D. AzEIP forms,
  - E. Data collection, entry, and validation procedures,
  - F. Early intervention timelines,
  - G. The relationship between data entry and billing/invoice preparation,
  - H. Effective utilization of AzEIP reports, and
  - I. Data correction.
- 2.4.7 The Data Manager is responsible for ensuring:
- A. All required activities are entered timely and accurately into the ADES data system(s)
  - B. Each individual's access to the ADES data system(s) within their agency is maintained and ADES/AzEIP is notified when an individual no longer needs access
  - C. Each individual who has access to the ADES data system(s) uses the system for only its intended purpose, maintains and protects the confidentiality of the data, and upholds any proprietary rights associated with the software/equipment; all required forms are completed and maintained in the child's file; and data are reflected and entered into the

ADES data system(s)

- D. Implementation of data procedures to ensure complete, accurate, and timely data are collected and submitted, as required by ADES/AzEIP.

2.4.8 Each EIP ensures that:

- A. Electronic data for each eligible infant or toddler and his/her family are accurate and contained in a record
- B. All required data, including new demographic, evaluation, service, and/or other required information, are entered in the ADES data system(s) within ten (10) calendar days of the activity or event
- C. A written process is in place to follow-up and/or track when data is submitted or entered late; and
- D. All information contained in a child's file, including data on the IFSP and other required forms, are accurate and updated timely.

2.4.9 Each EIP will generate and submit data reports as required for billing and reporting to ADES/AzEIP and/or ODD, as appropriate.

2.4.10 The Service Coordinator or designee will input data into the ADES data system(s) in the following general categories:

- A. Child Demographics
- B. Insurance Information
- C. Team Members
- D. Eligibility
  - 1) Records and/or developmental evaluation information
- E. IFSP Information
  - 1) Services authorized by the IFSP with expected start and end dates
- F. Service Delivery
  - 1) Services received by the family with dates (this may be entered by individual service providers)
- G. Transition
- H. Exit date and reason.

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## 2.5 Integrated Monitoring Activities

- 2.5.1 ADES/AzEIP implements and oversees integrated monitoring activities, to ensure that the requirements of IDEA, Part C are fulfilled statewide.
- 2.5.2 The primary focus of integrated monitoring activities is to:
- A. Improve early intervention results and functional outcomes for all AzEIP eligible children and their families; and
  - B. Ensure that each EIP meets the requirements under IDEA, Part C with emphasis on those requirements that are closely related to improving early intervention results for eligible children.
- 2.5.3 Effective monitoring strategies are integrated across all components of the general supervision system to ensure data collection from EIP's on all SPP/APR indicators, which includes both quantitative and qualitative indicators.
- 2.5.4 Integrated monitoring activities include collection, review, and analysis of EIP data on related requirements and state identified priority areas.
- 2.5.5 ADES/AzEIP integrated monitoring activities are (i) multi-faceted, seeking to improve both compliance and program performance, as well as fiscal sustainability and compliance with the system of payments and payor of last resort requirements as outlined in the AzEIP Policy and Procedure Manuals, Chapter 5: *Fiscal Matters*. and (ii) coordinated with its other systems, including the Comprehensive System of Personnel Development and the Technical Assistance System.
- 2.5.6 ADES/AzEIP integrated monitoring activities are inclusive of the following data sources:
- A. Self-Report Data
    - 1) Gather and review data from each EIP on a three-year cycle
    - 2) Gather data not available through the current ADES data system(s)
    - 3) Data that corresponds to indicators identified in the SPP/APR.
  - B. Electronic Data
    - 1) Gather data from each EIP annually
    - 2) Data that corresponds to the indicators identified in the SPP/APR.
  - C. Child Outcomes Data
    - 1) Gather data from each EIP annually

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- 2) Data are gathered through child indicators summary information and AzEIP family surveys submitted to ADES/AzEIP
  - 3) Data that corresponds to the indicators identified in the SPP/APR.
- D. Dispute Resolution Data
- 1) Review dispute resolution data to determine if formal complaints resulted in findings of noncompliance
  - 2) Data used as one source of verification of data submitted through Self-Report
  - 3) Data that corresponds to the indicators identified in the SPP/APR.
- E. Fiscal Data
- 1) Review data from financial auditing and monitoring to ensure, among other things, that funds are used in accordance with federal and state requirements and AzEIP policies and procedures, including fiscal monitoring indicators.
- 2.5.7 ADES/AzEIP's integrated monitoring activities include annual review and analysis of data for each EIP across multiple data sources for the purposes of:
- A Identifying and correcting noncompliance with SPP/APR indicators and fiscal monitoring indicators, as described in section 2.9, including required corrective actions
  - B. Improving performance
  - C. Selecting programs for focused on-site visits
  - D. Making local program determinations
  - E. Identifying technical assistance and training priorities
  - F. Completing the SPP/APR
  - G. Identifying and highlighting program strengths and innovative practices.
- 2.5.8 ADES/AzEIP ensures that identified noncompliance is corrected as soon as possible, but no later than one year from the identification of the noncompliance.
- 2.5.9 ADES/AzEIP monitoring activities provide EIPs with support through its technical assistance system. ADES/AzEIP oversees any serious incidents that occur with children, families and EIP's. EIP's are required to report serious incidents to ADES/AzEIP using the Incident Report Form (See AzEIP Procedure Manual Chapter 2: *General Supervision*).

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- 2.5.10 Through its integrated monitoring activities (IMA), ADES/AzEIP supports the improvement of program practice and correction of noncompliance to meet the requirements of IDEA, Part C and AzEIP policies and procedures.
- 2.5.11 If areas of noncompliance are identified, ADES/AzEIP may implement corrective actions, including:
- A. Required submission of additional documentation and/or increased reporting of the area(s) of noncompliance and strategies to improve compliance
  - B. Focused monitoring activities that may occur on site or remotely to review files, meet with staff, identify strategies for improvement and prepare a plan to address areas of noncompliance
  - C. Developing a corrective action plan (CAP), including timelines for implementation and periodic progress reporting
  - D. Revising contract terms and provisions of the EIP when necessary and with appropriate notice
  - E. Requiring the EIP to revise its contractual terms or procurement methods when necessary, and with appropriate notice
  - F. Adjustment or withholding of whole or partial payment until satisfactory resolution of noncompliance
  - G. Suspending all or part of the EIP's contract or service provision responsibilities
  - H. Termination of the EIP's contract or service provision responsibilities in whole or in part.

## **2.6 Determinations**

- 2.6.1 ADES/AzEIP reviews at least annually each AzEIP service providing agency's data and other data sources to make an annual determination of the service providing agency's progress in meeting the SPP/APR federal indicator requirements.
- 2.6.2 The ADES/AzEIP will notify the EIP in writing of its determination.
- 2.6.3 The following information is considered when making local EIP Determinations:
- A. Performance on federal indicators, if available for the current reporting period
  - B. Uncorrected noncompliance from other sources

- C. The history, nature, and length of time of identified noncompliance
  - D. Evidence of correction, including progress towards full compliance
  - E. Information regarding a local EIP's valid, reliable, and timely data
  - F. Verification or other monitoring findings including data from reviews of fiscal monitoring indicators.
- 2.6.4 Based on the above information, ADES/AzEIP will make one of the following determinations of each local EIP:
- A. Meets Requirements
  - B. Needs Assistance
  - C. Needs Intervention
  - D. Needs Substantial Intervention.
- 2.6.5 In making these Determinations and in deciding the appropriate enforcement actions, ADES/AzEIP will consider all information available at the time of the determination, including the history, nature, and length of time of any reported noncompliance, and any evidence of correction.
- 2.6.6 EIP's that do not meet one or more of the indicator targets identified in AzEIP's SPP/APR should closely examine the improvement strategies and activities identified in its Corrective Action (or other) Plan, as well as the program's implementation of the strategies and activities and consider if they need to be changed or adjusted.
- 2.6.7 Failure to meet indicator targets may result in one or more of the corrective measures and remedies set forth below. In the case of fiscal noncompliance, sanctions may be required including withholding of payments or recoupment of funds.
- 2.6.8 Correction of identified non-compliance is verified within one year from the date the EIP was notified, in writing, of the non-compliance.
- 2.6.9 The following are the state's guidelines for making determinations in one of the four categories:
- A. Meets Requirements: ADES/AzEIP will consider the following factors in determining whether an EIP meets the requirements and the purposes of IDEA, Part C:
    - 1) The EIP demonstrates substantial compliance on all compliance indicators, which may include, as appropriate, a demonstration through quantitative and qualitative data that the EIP:

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- a. Timely corrects identified continuing non-compliance for indicators where noncompliance was previously identified by ADES/AzEIP
    - b. Has improvement strategies and activities in their corrective action plan to timely correct identified noncompliance for 'new' indicators for which noncompliance was not previously identified by ADES/AzEIP.
  2. All indicators, including performance indicators, have valid and reliable data as required by IDEA, Part C and AzEIP policies and procedures.
  3. Correction of identified non-compliance is completed by the EIP and verified within one year from the date the EIP was notified in writing of the non-compliance.
- B. Needs Assistance: ADES/AzEIP will consider the following factors in determining whether an EIP needs assistance in meeting the requirements and the purposes of IDEA, Part C:
- 1) The EIP does not demonstrate substantial compliance on one or more of the compliance indicators. Evidence related to substantial compliance may include, as appropriate, a demonstration through quantitative and qualitative data that the EIP:
    - a. Timely corrects identified continuing noncompliance for indicators where noncompliance was previously identified by ADES/AzEIP
    - b. Has improvement strategies and activities in their corrective action plan (CAP) to timely correct identified noncompliance for 'new' indicators for which noncompliance was not previously identified by ADES/AzEIP.
  - 2) One or more indicators, including performance indicators, are missing valid and reliable data.
  - 3) The EIP does not demonstrate that it timely corrects noncompliance identified by ADES/AzEIP through monitoring or other means but has made significant progress in correcting the noncompliance.
  - 4) If, for two consecutive years, ADES/AzEIP determines that the EIP needs assistance, ADES/AzEIP will take one or more of the following enforcement actions, consistent with IDEA, Part C and AzEIP policies and procedures:
    - a. Advise the program of available sources of technical assistance

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- b. Conduct focused monitoring visits to review files, meet with staff, identify strategies for improvement, and prepare a corrective action plan to address areas of noncompliance
  - c. Identify the EIP as a high-risk program and impose special conditions on the EIP. For example, ADES/AzEIP may require (i) submission of additional documentation; and/or (ii) increased frequency of reporting in regard to concerning area(s) of noncompliance and strategies to improve compliance.
- C. Needs Intervention: ADES/AzEIP will consider the following factors in determining whether an EIP needs intervention in meeting the requirements and the purposes of IDEA, Part C:
- 1) The EIP does not demonstrate substantial compliance on one or more of the compliance indicators; and has not made significant progress in correcting noncompliance previously identified by ADES/AzEIP on those indicators. Evidence related to substantial compliance may include, as appropriate, a demonstration through quantitative and qualitative data that the EIP:
    - a. Timely corrects identified continuing noncompliance for indicators where noncompliance was previously identified by **ADES/AzEIP**
    - b. Has improvement strategies and activities in their corrective action plan to timely correct identified noncompliance for 'new' indicators for which noncompliance was not previously identified by ADES/AzEIP.
  - 2) One or more indicators, including performance indicators, are missing valid and reliable data, and the EIP has not made significant progress in correcting previously identified data problems.
  - 3) The EIP does not demonstrate that it corrects noncompliance identified by ADES/AzEIP through monitoring or other means and has not made significant progress in correcting that noncompliance.
  - 4) If, for three consecutive years, ADES/AzEIP determines that the EIP needs intervention, ADES/AzEIP may take any of the actions described under needs assistance and will take one or more of the following corrective measures and remedies, consistent with IDEA, Part C and AzEIP policies and procedures:
    - a. Require the EIP to prepare a corrective action plan, if ADES/AzEIP determines that the EIP should be able to correct the problem within one year

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- b. Require the EIP to enter into a compliance agreement, if ADES/AzEIP has reason to believe that the EIP cannot correct the problem within one year
  - c. Revise contract terms and provisions of the EIP when necessary, and with appropriate notice
  - d. Require the EIP to revise its contractual terms or procurement methods when necessary, and with appropriate notice
  - e. Adjust or withhold whole or partial payment until satisfactory resolution of default/noncompliance
  - f. Suspend or terminate the AzEIP service providing agency's service provision responsibilities in whole or in part.
- D. Needs Substantial Intervention: If ADES/AzEIP determines, at any time, that an EIP needs substantial intervention in implementing the IDEA, Part C requirements and AzEIP policies and procedures or that there is a substantial failure to comply with any condition of the EIP's contract or agreement with ADES/AzEIP, ADES/AzEIP will designate the EIP as in need of substantial intervention. Among the factors that ADES/AzEIP will consider are:
- 1) The substantial failure to comply significantly affects the core requirements of the EIP, such as the delivery of services to infants and toddlers with disabilities and their families, or the EIP's ability to administer its program; and/or
    - a. The EIP has informed ADES/AzEIP that it is unwilling to comply.
  - 2) If ADES/AzEIP determines, at any time, that the EIP needs substantial intervention, ADES/AzEIP will take one or more of the following enforcement actions, consistent with IDEA, Part C and AzEIP policies and procedures:
    - a. Revise contract terms and provisions of the EIP when necessary, and with appropriate notice
    - b. Require the TBEIS contractor to revise its contractual terms or procurement methods when necessary, and with appropriate notice
    - c. Adjust or withhold whole or partial payment until satisfactory resolution of default/noncompliance
    - d. Suspend or terminate all or part of the AzEIP service providing agency's service provision responsibilities
    - e. Terminate the EIP's contract or its service provision responsibilities in whole or in part.

- 2.6.10 Under its general supervision authority, ADES/AzEIP may at any time monitor and enforce the requirements of IDEA, Part C, regardless of an EIP's determination status.
- 2.6.11 The ADES/AzEIP will make local EIP determinations letters and summary information available to the public by posting the determination for each EIP on the ADES/AzEIP website at. ADES/AzEIP may also distribute local determinations information to the Interagency Coordinating Council (ICC) and other stakeholder groups.

## **2.7 Public Reporting**

- 2.7.1 ADES/AzEIP reports annually to the public on the performance of each local EIP on federal indicators 1 through 10 from the SPP/APR as compared to the state's targets for these indicators. ADES/AzEIP reports to the public as soon as practicable, but no later than 120 days from submission of its annual performance report to OSEP.
- 2.7.2 ADES/AzEIP compiles the public report using data from all available sources.
- 2.7.3 ADES/AzEIP reports include the most recent performance data on each local EIP and the date the data were obtained.
- 2.7.4 The public report is available through public means, including posting on the ADES/AzEIP website at <http://des.az.gov/azeip>, distributing to local EIP's, and to the media. It is also accessible to individuals with disabilities and understandable to the public.
- 2.7.5 Local EIP's must submit data as requested to ADES/AzEIP, and these data are compiled and compared with Arizona's targets for SPP/APR federal indicators to complete the report.

## **2.8 Training and Technical Assistance System**

- 2.8.1 The purpose of the ADES/AzEIP training and technical assistance (TA) system is to provide guidance and assistance to enhance knowledge, confidence, and performance of IDEA, Part C, AzEIP policies and procedures, and State initiatives. As an interagency initiative, it directly responds to system needs identified through the continuous monitoring and quality improvement system, the comprehensive system of personnel development and identified State initiatives. Training and TA is provided in a variety of ways to ensure that the assimilation and application of information is practiced by the broad early intervention community. The overall goal of the Training and TA system is to provide EIPs the opportunity to enhance their confidence and competence in providing early intervention supports and services in accordance with federal law and AzEIP policies and procedures and to collaborate with other early childhood programs.

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- 2.8.2 ADES/AzEIP oversees the Training and TA system to provide supports to the AzEIP community throughout the State.
  - 2.8.3 ADES/AzEIP sets TA priorities for the State based upon: IDEA, Part C priorities; State initiatives, State monitoring findings; and current research findings.
  - 2.8.4 The ADES/AzEIP TA system is directly linked to Arizona's SPP/APR indicators and to the improvement activities necessary to continue improving compliance and performance.
  - 2.8.5 The AzEIP TA system is linked with other early childhood TA systems that support all infants and toddlers and their families and/or those that specialize in supporting infants and toddlers with developmental delays and disabilities.
  - 2.8.6 ADES/AzEIP provides AzEIP service providing agencies, including their employees and subcontractors, with a range of assistance to improve results and compliance. TA and capacity building activities include:
    - A. Written documents
    - B. Coaching
    - C. In-service trainings
    - D. Web-based information sharing
    - E. Local, regional and/or statewide meetings and/or conferences.
  - 2.8.7 The primary recipients of TA resources include:
    - A. Early intervention personnel, including service coordinators, therapists, and developmental special instructionists
    - B. Early intervention administrators, including supervisors, data managers, and management staff from AzEIP participating agencies
    - C. Families
    - D. Other early childhood community partners
    - E. Primary referral sources.
  - 2.8.8 TA may be provided in the following ways:
    - A. Written materials
    - B. In person during site visits
    - C. Coaching in person, by telephone, e-mail, and web-based conferencing
    - D. Consultation in person, by telephone, e-mail, and web-based conferencing
    - E. In-service trainings
    - F. Regional/topical workshops

- G. Statewide workshops, conferences, and/or meetings
- H. Web-based information sharing.

2.8.9 ADES/AzEIP ensures the evaluation of the TA system by the following:

- A Short-term impact assessment through participant feedback
- B. Evaluation of intermediate and long-range impact on agencies and programs, including the review and comparison of monitoring data to determine progress and identify potential changes
- C. Analysis of TA services requested and provided on a regular basis for inclusion, as appropriate, in federal, state, and local reporting
- D. EIP reporting in monitoring activities on the efficacy of TA
- E. Analysis of close out reports with regard to TA provided in areas that came into compliance.

## **2.9 Fiscal Management**

- 2.9.1 ADES/AzEIP, as the designated lead agency, is responsible for administering the IDEA, Part C funds. In addition to using IDEA, Part C funds to maintain and implement the early intervention system throughout the state, ADES/AzEIP may use the funds as a payor of last resort and to expand and improve upon current early intervention services.
- 2.9.2 ADES/AzEIP has established a system of payments to ensure that eligible children and their families receive the early intervention services identified on their IFSP.
- 2.9.3 ADES/AzEIP and the AzEIP Participating Agencies recognize that IDEA, Part C funds must be used as the payor of last resort and that the following resources, and other potential financial resources, are to be used prior to using IDEA, Part C funds:
  - A State funding
  - B. Local funding
  - C. Private donations and grant funding
  - D. Private insurance
  - E. Public insurance (Medicaid funding in Arizona is provided through the Arizona Health Care Cost Containment System, which includes both acute care funding (Early Periodic Screening Diagnosis, and Treatment - EPSDT); long-term care funding (Arizona Long-Term Care System, ALTCS) and funding for children in the child welfare system (Comprehensive Medical and Dental Program-CMDP).

- 2.9.4 ADES/AzEIP may not use IDEA, Part C funds to pay for early intervention services when another funding source is available to pay for those services. Supplantation is prohibited. An exception may be made to prevent a delay in the delivery of early intervention services while securing the payor for services, however, IDEA, Part C funding should immediately be stopped once funding is available through the other funding source and appropriate mechanisms be taken to recoup any IDEA, Part C funding when it is appropriate.
- 2.9.5 ADES/AzEIP ensures contracts or other arrangements are in place with AzEIP service providing agencies to provide early intervention services throughout the State.
- 2.9.6 The ICC assists ADES/AzEIP in:
- A. Identifying financial resources and other supports for early intervention services
  - B. Assigning financial responsibility to AzEIP participating agencies
  - C. Promoting interagency agreements.