

Resolving Disputes

Effective Date:

Intended Users: Part C Coordinator, Service Providing Agencies (SPAs), State Agencies

References: 34 CFR § 303.120; 34 CFR § 303.511; AzEIP Administrative Policy Manual 1.0, 1.2; Six State Agency IGA

Definitions

1. “Service Providing Agency” or “SPA” means an entity contracted with and designated by AzEIP for reporting under 34 C.F.R. §303.700 through 303.702.
2. “State Agency” means a state of Arizona agency that has partnered with AzEIP through an intergovernmental agreement, interagency service agreement, intra-agency agreement or Memorandum of Understanding (MOU) to develop and implement a comprehensive, coordinated system of early intervention programs and services for infants and toddlers with or at risk of developmental delays and their families

Procedure

1. The State Agencies and SPAs must attempt to informally resolve the dispute in good faith.
2. If the dispute is not related to the financial responsibility for the payment of early intervention services, the State Agency or SPA may escalate the dispute for AzEIP intervention by submitting the applicable form:
 - A. TBEIS Contractor Request for AzEIP Assistance,
 - B. ASDB Request for AzEIP Assistance, or
 - C. DDD Request for AzEIP Assistance.
3. If a dispute occurs related to the financial responsibility for the payment of early intervention services among State Agencies and SPAs that cannot be resolved informally, the State Agencies and SPAs must:
 - A. Continue to provide early intervention services to the child and family for the duration of the dispute resolution.
 - B. Submit the following to the Part C Coordinator or designee by email within 30 days of the end of the informal dispute resolution process:
 - 1) A written statement describing the dispute,
 - 2) Any supporting documentation,
 - 3) A proposed resolution, and
 - 4) A description of the steps taken by both parties to resolve the dispute in good faith.
4. If a request for dispute resolution is received from only one party, the Part C

- Coordinator or designee must contact the other party within five business days and request a written response.
5. The Part C Coordinator or designee must review the documentation and respond within 30 days of receipt of the written submissions with:
 - A. A written decision, and
 - B. Timeframes for implementation.
 6. If the Part C Coordinator or designee determines that financial responsibility was assigned inappropriately, they must:
 - A. Reassign financial responsibility to the appropriate agency, and
 - B. Make arrangements for reimbursement of any expenditures incurred by the agency that was originally assigned financial responsibility.
 7. SPAs who are also parties to the Six State Intergovernmental Agreement (IGA) may refer to the IGA for additional dispute resolution options among State Agencies that have signed the Six State IGA.