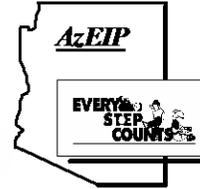


Chapter 2



General Supervision

Arizona Early Intervention Program

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2.0.0 General Supervision - Overview

2.0.1 Authority: 20 U.S.C. §1435(a)(10)(A); 34 C.F.R. §§303.11, 12, 120, 700, 704, 720 and 721

2.0.2 Policy

1. In administering the statewide AzEIP program, DES/AzEIP must ensure the following requirements are met:
 - A. monitoring the implementation of the statewide early intervention system.
 - B. making annual Determinations of each Early Intervention Program (EIP) using the four categories designated by the United States Department of Education, Office of Special Education Programs (OSEP) as to the program's implementation of the requirements of IDEA, Part C: (1) meets requirements; (2) needs assistance; (3) needs intervention; and (4) needs substantial intervention. Local determinations are made available to the public on the DES/AzEIP website.
 - C. enforcing the requirements of IDEA, Part C using appropriate enforcement mechanisms, which must include:
 - (1) advising the EIP of available DES/AzEIP-approved sources of technical assistance to help address the area(s) in which the EIP needs assistance and requiring the program to work with appropriate entities. The technical assistance may include:
 - (a) the provision of advice by experts to address the areas in which the EIP needs assistance, including explicit plans for addressing the areas of concern within a specific period of time;
 - (b) assistance in identifying and implementing professional development, early intervention service provision strategies, and methods of early intervention service provision that are based on scientifically based research;
 - (c) designating and using administrators, service coordinators, service providers, and other personnel from the EIP to provide advice, technical assistance, and support; and
 - (d) devising additional approaches to provide technical assistance, such as collaborating with institutions of higher education, educational service agencies, and other entities approved by DES/AzEIP.
 - (2) imposing special conditions on the funding of the EIP, or if the program is not funded by Part C, then conditions on an EIS provider;
 - (3) requiring the EIP, in coordination with DES/AzEIP, to prepare a corrective action or improvement plan if DES/AzEIP determines that the program should be able to correct the problem within one year; and
 - (4) withholding funds, in whole or in part, to the EIP;

- (5) suspending or terminating the AzEIP Service Providing Agency's service provision responsibilities, in part or in whole with funding for suspended or terminated service responsibilities directed for use by DES/AzEIP; and
 - (6) reporting annually on the performance of AzEIP and each EIP.
2. An Early Intervention Program is defined as the DES/AzEIP contracted region for team-based early intervention services and includes the team(s) working together in that region together and consisting of:
- A. The early intervention professionals working with one AzEIP Team-based Early Intervention Services contractor;
 - B. All the Division of Developmental Disabilities (DDD) service coordinators working as part of the team with the early intervention professionals included in (1); and
 - C. All ASDB service coordinators and Vision Specialists and Hearing Specialists working as a part of the team with the early intervention professionals included in (1).

An EIP has only one AzEIP Team-based Early Intervention Services contractor; there may be more than one EIP in a region where the region has multiple AzEIP Team-based Early Intervention Services contractors.

3. DES/AzEIP ensures that the primary focus of its monitoring activities is to:
- A. improves early intervention results and functional outcomes for all AzEIP eligible children and their families; and
 - B. ensure that EIP meet 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.
4. DES/AzEIP carries out general supervision activities through the implementation and oversight of the following:
- A. State Performance Plan/Annual Performance Report;
 - B. Annual 618 reports;
 - C. AzEIP Policies and Procedures and Effective Implementation (which includes Inter- and Intra- Agency Agreements and the Comprehensive System of Professional Development);
 - D. Data Processes and Results;
 - E. Integrated Monitoring Activities;
 - F. Improvement, Correction, Incentives and Sanctions
 - G. Effective Dispute Resolution;
 - H. Technical Assistance System and Professional Development; and
 - I. Fiscal Management.

5. To implement the responsibilities listed in Numbers 1. and 2. above, DES/AzEIP uses quantifiable indicators and such qualitative indicators as are needed, to adequately measure performance in the priority areas of:
 - A. early intervention services in natural environments; and
 - B. general supervision activities, including child find, effective monitoring, mediation, and a system of transition services as described in Chapter 4, Transition.

DES/AzEIP monitors each of these priority areas for each EIP.

6. DES/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 in no case no later than one year from the identification of the noncompliance.
7. DES/AzEIP does not identify non-compliance for EIPs that are in the first year of a contract where they would be monitored for a compliance Indicator. These programs are part of the integrated monitoring activities and may be required to enter into a Technical Assistance (TA) plan to improve compliance or progress.

2.1.0 State Performance Plan/Annual Performance Report (SPP/APR)

2.1.1 Authority: 20 U.S.C. §1416; 34 C.F.R. §§303.701 and 702

2.1.2 Policy

1. Arizona maintains a State Performance Plan (SPP), on file and approved with the United States Department of Education, Office of Special Education Programs (OSEP), as an accountability mechanism for the state and local early intervention programs. Arizona reviews its SPP annually, submitting changes to OSEP.
2. The SPP includes:
 - A. measurable indicators of Arizona's performance in specific statutory priority areas under Part C of IDEA;
 - B. measurable and rigorous targets for the indicators; and
 - C. improvement activities, timelines, and resources, which describes how the state will improve the implementation of the priority areas.
3. The measurable indicators in the SPP 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).
4. The SPP indicators are as follows:

Indicator 1: Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner.

Indicator 2: Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or programs for typically developing children.

Indicator 3: Percent of infants and toddlers with IFSPs who demonstrate improved:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/communication); and
- C. Use of appropriate behaviors to meet their needs.

Indicator 4: Percent of families participating in Part C who report that early intervention services have helped the family:

- A. Know their rights;
- B. Effectively communicate their children's needs; and
- C. Help their children develop and learn.

Indicator 5: Percent of infants and toddlers birth to one with IFSPs compared to:

- A. Other States with similar eligibility definitions; and
- B. National data.

Indicator 6: Percent of infants and toddlers birth to three with IFSPs compared to:

- A. Other States with similar eligibility definitions; and
- B. National data.

Indicator 7: Percent of eligible infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting were conducted within Part C's 45-day timeline.

Indicator 8: Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including:

- A. Developed 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;
- B. Notified (consistent with any opt-out policy adopted by the State) the SEA and the LEA where the toddler resides at least 90 days prior to the toddler's third birthday, if the for toddlers potentially eligible for Part B preschool services; and
- C. transition conference held 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 Part B.

Indicator 9: General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.

Indicator 10:

Indicator 11: New indication pending approval

Indicator 12: 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; Part B procedures were not adopted.*

Indicator 13: Percent of mediations resulting in mediation agreements.

Indicator 14: State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

5. Arizona collects valid and reliable data on its performance on the indicators and reports to OSEP annually in its Annual Performance Report (APR). Reporting includes each of the indicators and whether or not the state met its targets. A copy of the State's current SPP and APR may be found online at the AzEIP website www.azdes.gov/azeip.
6. Arizona collects data on specific indicators through the State's integrated monitoring activities. Data are collected through AzEIP's electronic database, self-reports, dispute resolution data and outcome data. The State collects and report data on those indicators for each EIP at least once during the six-year period of a State performance plan.
7. Arizona seeks broad stakeholder involvement for the SPP and APR, including input from its Interagency Coordinating Council on improvement activities and monitoring progress and slippage.
8. OSEP reviews Arizona's Annual Performance Report each year and makes a Determination of the State based on the data from the report, any monitoring visits, and any other public information made available and determines if the State: (1) Meets the requirements; (2) Needs assistance in implementing the requirements in IDEA, Part C; (3) Needs intervention in implementing IDEA, Part C, or (4) Needs substantial intervention to implement the requirements of IDEA, Part C.
9. Local data from Early Intervention Programs (EIPs) are gathered and evaluated against the State's targets for all priority areas to analyze the EIP's data in implementing IDEA Part C. Local data are publicly reported on the AzEIP website. See Section 2.4.3 below.
10. DES/AzEIP ensures that it does not report to the public or to OSEP any information on the State's performance, through state, local, or public reporting, that would result in the disclosure of personally identifiable information about individual children or where the available data are insufficient to yield statistically reliable information.

2.2.0 AzEIP Policies and Procedures and Effective Implementation

2.2.1 Authority: 20 U.S.C. §1431, et seq.; 34 C.F.R. §303.301

2.2.2 Policy

1. AzEIP policies and procedures:
 - A. are aligned with Part C of IDEA;
 - B. are in effect statewide; and
 - C. ensure that appropriate 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. AzEIP Service Providing Agencies are required to comply with IDEA, and its implementing regulations, AzEIP policies and procedures, and other applicable federal and state law.
3. Data from various sources and activities are reviewed regularly to inform decisions about policies and procedures to ensure compliance and quality practices.
4. AzEIP policies and procedures include descriptions of methods used to identify noncompliance with Part C requirements and to ensure correction of noncompliance when identified.
5. AzEIP policies and procedures describe program improvement through the use of follow-up activities, incentives, and sanctions. Specifically, AzEIP's integrated monitoring procedures examine early intervention service providers' implementation of the AzEIP policies and procedures, as well as, their use of effective practices.

2.3.0 Effective Dispute Resolution

2.3.1 Authority: 20 U.S.C. §§1415(e); 1435(a); 1436(e); 1439; and 34 C.F.R. §303.430

2.3.2 Policy

1. DES/AzEIP uses the dispute resolution system (complaints, mediation, and due process actions) to identify and correct noncompliance in the implementation of IDEA requirements and to identify components of the system that need improvement (e.g., policies, procedures, written agreements). AzEIP's dispute resolution system is fully described in Chapter 7, *Procedural Safeguards*.
2. As part of its integrated monitoring activities, DES/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.

2.4.0 Data Requirements

2.4.1 Authority: 20 U.S.C. §1435(a) (14); 34 CFR §§303.720-724

2.4.2 Policy

1. DES/AzEIP annually reports to OSEP and to the public on the information required by section 618 of IDEA at the times and in the manner specified by OSEP. The reports are known as Arizona's 618 Reports.
2. DES/AzEIP establishes procedures to be used by EIPs to collect, maintain, and transmit required state and federal information for the 618 Reports.
3. Arizona's annual 618 Reports contain the following data:
 - A. the number and percentage of children (1) ages birth to one years old and (2) ages birth through two years old, by race, gender, and ethnicity receiving early intervention services in Arizona on a date between October 1 and December 1 of each year, including those children reported to it by its tribes, tribal organizations, and consortia.
 - B. the number and percentage of children by race, gender and ethnicity who from birth through age two stopped receiving early intervention services because of program completion or for other reasons.
 - C. the number of written, signed complaints filed with DES/AzEIP, the number of fully adjudicated due process hearings conducted, and the number of mediations held that resulted in a mediation agreement.
4. DES/AzEIP ensures that accurate data is collected, analyzed, and utilized to guide integrated monitoring activities, improvement strategies, and decision-making.
5. DES/AzEIP uses data for its reporting requirements, which include:
 - A. SPP/APR;
 - B. 618 data (child count, settings, exit, and dispute resolution data);
 - C. Local Reporting; and
 - D. Local Determinations.

2.4.3 Procedures

1. DES/AzEIP data processes for collecting and reporting data include the following:
 - A. collection and verification: AzEIP Service Providing Agencies must regularly update the data and ensure that the data submitted to DES/AzEIP are accurate and timely;
 - B. examination and analysis: DES/AzEIP examines data to identify and determine patterns and trends, as well as, plan improvement activities;

- C. reporting of data: Data of the AzEIP Service Providing Agencies are reported in aggregate annually to OSEP in the 618 data and the Annual Performance Report;
 - D. status determination: DES/AzEIP uses program data from all sources to make local program determinations, which are available to the public; and
 - E. improvement: Data from Arizona's SPP improvement activities and program performance data are used for program improvement, progress measurement, and to assist in identifying technical assistance needs.
2. Procedures for Early Intervention Programs to submit data to DES/AzEIP are found in Chapter 8, Data Collection and include timelines for reporting the data and certification that the data is accurate.

2.4.3 Local Reporting and Determinations

2.4.4 Authority: 20 U.S.C. §§1416, 1417, 1418, and 1442; 34 C.F.R. §§303.700(a)(4) and 303.702

2.4.5 Local Reporting Policy

1. Arizona reports annually to the public on performance of each local EIP on Indicators 1 through 8 from the SPP as compared to the state's targets for these indicators. Arizona reports to the public as soon as practicable, but no later than 120 days from its submission of its annual performance report to OSEP.
2. DES/AzEIP compiles the local report using data from all available sources.
3. DES/AzEIP reports include the most recent performance data on each local EIP and the date the data were obtained.
4. The local report is available through public means, including posting on the AzEIP website, distributed to local EIPs, and to the media. It is also accessible to individuals with disabilities and understandable to the public.

2.4.6 Local Reporting Procedures

1. Local EIPs submit data to DES/AzEIP, and this data are compiled and compared with Arizona's targets for SPP Indicators 1 through 8 to complete the local report.
2. The local report of the local EIPs is disseminated through, at a minimum, posting for the public on the AzEIP website.

2.4.7 Determinations

2.4.8 Authority: 20 U.S.C. §§1416, 1417, 1418, and 1442; 34 C.F.R. §303.700

2.4.9 Determinations Policy

1. DES/AzEIP reviews at least annually each local EIP's data for the SPP indicators gathered from the sources identified above and makes an annual Determination of each local EIP.
2. The following information will be considered to make local EIP Determinations:

- A. performance on compliance and results indicators, if available for the current reporting period;
 - B. uncorrected non-compliance 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; and
 - F. verification or other monitoring findings.
3. Based on the above information, DES/AzEIP will make one of the following determinations of each local EIP:
 - A. Meets Requirements;
 - B. Needs Assistance;
 - C. Needs Intervention; or
 - D. Needs Substantial Intervention.
 4. In making these Determinations and in deciding the appropriate enforcement actions, DES/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.
 5. Local EIPs that do not meet one or more of Arizona's performance targets identified in the state's SPP should closely examine the improvement strategies and activities identified in its Corrective Action (or other) Plan, as well as, the program's implementation of those strategies and activities and consider whether the program needs to change or adjust them.
 6. Failure to meet performance targets may result in one or more of the corrective measures and remedies set forth below.
 7. Correction of identified non-compliance is verified within one year from the date the program was notified, in writing, of the non-compliance.
 8. The following are the state's guidelines for making determinations in one of the four categories:

A. Meets Requirements

- (1) DES/AzEIP will consider the following factors in determining whether an early intervention services program meets the requirements and the purposes of IDEA:
 - (a) The EIP demonstrates substantial compliance on all compliance indicators, which may include, as appropriate, a demonstration through quantitative and qualitative data that the EIP:
 - timely corrects identified non-compliance for indicators that are not 'new' or where noncompliance was previously identified by DES/AzEIP; and
 - 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 DES/AzEIP.

- (b) All indicators, including performance indicators, have valid and reliable data as required by IDEA and AzEIP policy.
- (c) Correction of identified non-compliance is verified within one year from the date the program was notified in writing of the non-compliance.

B. Needs Assistance

- (1) DES/AzEIP will consider the following factors in determining whether an EIP needs assistance in meeting the requirements and the purposes of IDEA:
 - (a) The EIP does not demonstrate substantial compliance on one or more of the compliance indicators. Evidence related to substantial compliance can include, as appropriate, a demonstration through quantitative and qualitative data that the EIP:
 - timely corrects identified noncompliance for indicators that are not 'new' or where noncompliance was previously identified by DES/AzEIP; and
 - 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 DES/AzEIP.
 - (b) One or more indicators, including performance indicators, do not have valid and reliable data.
 - (c) The EIP does not demonstrate that it timely corrects noncompliance identified by DES/AzEIP through monitoring or other means but has made significant progress in correcting that noncompliance.
- (2) If DES/AzEIP determines, for two consecutive years, that the EIP needs assistance, DES/AzEIP shall 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;
 - (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; and
 - (c) identify the EIP as a high-risk program and impose special conditions on the program continuing to provide early intervention services. For example, DES/AzEIP may require (i) submission of additional documentation; and/or (ii) increased frequency of reporting concerning area(s) of noncompliance and strategies to improve compliance.

C. Needs Intervention

- (1) DES/AzEIP will consider the following factors in determining whether an EIP needs intervention in meeting the requirements and the purposes of IDEA:
 - (a) 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 DES/AzEIP on those indicators. Evidence related to substantial compliance can include, as appropriate, a demonstration through quantitative and qualitative data that the EIP:
 - timely corrects identified noncompliance for indicators that are not new or where noncompliance was previously identified by DES/AzEIP; and
 - 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 DES/AzEIP.
 - (b) One or more indicators, including performance indicators, are missing valid and reliable, and the EIP has not made significant progress in correcting previously identified data problems.
 - (c) The EIP does not demonstrate that it corrects noncompliance identified by DES/AzEIP through monitoring or other means, and has not made significant progress in correcting that noncompliance.
- (2) If DES/AzEIP determines, for three consecutive years, that the EIP needs intervention, DES/AzEIP may take any of the actions described under needs assistance and shall 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 DES/AzEIP determines that the EIP should be able to correct the problem within one year;
 - (b) Require the EIP to enter into a compliance agreement, if DES/AzEIP has reason to believe that the EIP cannot correct the problem within one year;
 - (c) Revising contract terms and provisions of the EIP when necessary, and with appropriate notice;
 - (d) Requiring the EIP to revise its contractual terms or procurement methods when necessary, and with appropriate notice;
 - (e) Adjusting or withholding of whole or partial payment until satisfactory resolution of default/noncompliance;
 - (f) Suspending all or part of the program's responsibilities; and
 - (g) Terminating the EIP's contract or its service provision responsibilities in whole or in part.

D. Needs Substantial Intervention

(1) If DES/AzEIP determines, at any time, that a EIP needs substantial intervention in implementing the Part C requirements and AzEIP policies and procedures or that there is a substantial failure to comply with any condition of a EIP's contract or agreement with DES/AzEIP, DES/AzEIP will designate the EIP as in need of substantial intervention. Among the factors that DES/AzEIP will consider are:

- (a) The substantial failure to comply significantly affects the core requirements of the EIP program, such as the delivery of services to families with children with disabilities or the EIP's ability to administer its program; and/or
- (b) The EIP has informed DES/AzEIP that it is unwilling to comply.

(2) If DES/AzEIP determines, at any time, that the EIP needs substantial intervention, DES/AzEIP shall take one or more of the following enforcement actions, consistent with IDEA, Part C and AzEIP policies and procedures:

- (a) Revising contract terms and provisions of the EIP when necessary, and with appropriate notice;
- (b) Requiring the EIP to revise its contractual terms or procurement methods when necessary, and with appropriate notice;
- (c) Adjusting or withholding of whole or partial payment until satisfactory resolution of default/noncompliance;
- (d) Suspending all or part of the EIP's contract or its service provision responsibilities; and
- (e) Terminating the EIP's contract or its service provision responsibilities in whole or in part.

9. Under its general supervision authority, DES/AzEIP may at any time monitor and enforce the requirements of IDEA, regardless of the Determination of the EIP's status.

2.4.10 Determinations Procedures

1. DES/AzEIP will make a Determination for each EIP on an annual basis using data from the prior fiscal year, including the most recent data from the Annual Performance Report.
2. DES/AzEIP will notify the EIP in writing of its Determination.
3. DES/AzEIP will make local EIP Determinations letters and summary information available to the public by posting the determination for each EIP on its website. DES/AzEIP may also distribute local determinations information to the Interagency Coordinating Council and other stakeholder groups.

2.5.0 Integrated Monitoring Activities

2.5.1 Authority: 20 U.S.C. §§ 1416(a); 1435(a) (10) (A); and 1442; 34 C.F.R. §303.700

2.5.2 General Policy

1. DES/AzEIP implements and oversees integrated monitoring activities, which ensure that the functions of IDEA, Part C are carried out statewide.
2. The primary focus of the 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 a particular emphasis on those requirements that are closely related to improving early intervention results for eligible children.
3. Effective monitoring strategies are integrated across all components of the general supervision system to ensure data collection from early intervention programs on all SPP indicators, which includes both quantitative and qualitative indicators.
4. Integrated monitoring activities include collection, review and analysis of EIPs data on related requirements and state identified priority areas.
5. AzEIP's integrated monitoring activities are (i) multi-faceted, seeking to improve both compliance and program performance and (ii) coordinated with its other systems, including the Comprehensive System of Personnel Development and the Technical Assistance System.
6. AzEIP integrated monitoring activities are inclusive of the following data sources:
 - A. Self-Report
 - (1) gather and review data from each EIP on a three-year cycle;
 - (2) gather data not available through the current AzEIP data system; and
 - (3) data correspond to indicators identified in the SPP/APR.
 - B. Electronic Data
 - (1) gather data from each EIPs annually; and
 - (2) data correspond to the indicators identified in the SPP/APR.
 - C. Outcomes Data
 - (1) gather data from each EIP annually;
 - (2) data are gathered through child indicator summary forms and AzEIP family surveys submitted to DES/AzEIP; and
 - (3) data correspond to the indicators identified in the SPP/APR.
 - D. Dispute Resolution Data
 - (1) consist of a review of 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; and

- (3) data correspond to the indicators identified in the SPP/APR.
- E. Fiscal 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 procedure.
- 7. 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, 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 State Performance Plan/Annual Performance Report (SPP/APR); and
 - G. Identifying and highlighting program strengths and innovative practices.
- 8. DES/AzEIP ensures that identified noncompliance is corrected as soon as possible, but no later than one year from the identification of the noncompliance.
- 9. Arizona's monitoring activities provide agencies and programs with support offered through its technical assistance system.
- 10. DES/AzEIP additionally oversees any serious incidents that occur with child, families and the EIPs. EIPs are required to report serious incidents to DES/AzEIP using the AzEIP incident form. A serious incident is an extraordinary event involving a child, family, or an early intervention service provider acting in the course of providing early intervention services, that (i) poses a threat of immediate death or severe injury to a person, (ii) involves substantial damage to individual or state property, and/or (iii) has widespread interest in news/media. Serious incidents include but are not limited to the following: (1) theft of child records or other child/family data; (2) potentially dangerous situations involving the child or family; and (3) emergency situations in the home where the police or Department of Child Safety (DCS) were notified; and (4) weather conditions or disasters resulting in a change of operations for the early intervention program or provider.

2.5.3 Procedures

- 1. DES/AzEIP reviews and verifies each EIP's data annually.
 - A. Self-report data from a specified period of time;
 - B. Electronic data from a specified period of time;
 - C. Child and Family Outcome data; and
 - D. Dispute resolution.
- 2. In preparation for monitoring of electronic data, DES/AzEIP runs preliminary data reports and provides the results to the EIPs.

3. EIPs have the opportunity to ensure their data are complete and correct.
4. DES/AzEIP runs a final report for the purpose of monitoring to identify noncompliance.
5. Programs are selected for the self-report cycle based on multiple factors, including, but not limited to: when last monitored; most recent review of electronic data and dispute resolution data; correction of noncompliance; geographic location; and program size to ensure each area of the state and varying program sizes are included.
6. Programs complete self-reports on a three-year cycle, or more frequently, if required by DES/AzEIP.
7. DES/AzEIP confirms receipt of all required self-report documentation and notifies programs of the files selected for verification.
8. Programs submit data for verification to DES/AzEIP.
9. DES/AzEIP reviews and verifies data submitted by EIP for timeliness, completeness, and accuracy.
10. Based on review and analysis of all data sources, DES/AzEIP issues written notification to each EIP of findings, required corrective action, whether the EIP was selected for an onsite visit and the EIP's local determination.
11. Selection of EIPs for onsite visits is based on multiple factors including, but not limited to: the extent and level of the EIPs compliance and noncompliance; recurring noncompliance; program practices; recency of the last onsite visit; and local determinations.
12. EIPs selected for a site review, who have not submitted a self report within the three year cycle, are required to complete and submit a self-report prior to the onsite visit.
13. Each EIP receives an onsite visit on a three-year cycle.
14. Focus of the onsite visit is to review existing data and gather additional data needed to determine the root cause(s) of the noncompliance and appropriate strategies to correct the noncompliance.
15. Based on the extent and level of the EIP's noncompliance, and the identified root causes, each EIP is required to implement corrective actions to ensure correction of noncompliance as soon as possible, but no later than one year from the date of the written notification issued by DES/AzEIP.
16. Corrective Action Plans must include benchmarks, appropriate activities and timelines to address the contributing factors to ensure timely correction of the noncompliance.
17. DES/AzEIP requires EIPs to submit documentation of child specific correction and subsequent correction for each area of noncompliance for verification of the correction and implementation of the regulatory requirement.

Preventative Activities

1. DES/AzEIP reviews all data submitted by the EIPs to identify strengths and areas in need of improvement planning.
2. The following data sources are periodically reviewed and analyzed:
 - A. child tracking data from ACTS-4, FOCUS, or other approved data systems;
 - B. family complaints or grievances;
 - C. program performance relative to SPP/APR indicators; and
 - D. corrective action plan development or review.

2.6.0 Technical Assistance and Professional Development

2.6.1 Authority: 20 U.S.C. §1434(a) (10) (A); 34 CFR §303.118

2.6.2 Policy

1. AzEIP's technical assistance is directly linked to Arizona's SPP indicators and to the improvement activities necessary to continue improving compliance and performance.
2. DES/AzEIP provides AzEIP Service Providing Agencies, and their employees and subcontractors, with a range of assistance to improve results and compliance. Technical assistance and capacity building activities include:
 - A. Written documents;
 - B. Coaching;
 - C. In-service trainings;
 - D. Web-based information sharing; and
 - E. Local, regional or statewide meetings/conferences.
3. See AzEIP Policy: *Technical Assistance System* for additional policies and procedures.

2.7.0 Improvement, Correction, Incentives and Sanctions

2.7.1 Authority: 20 U.S.C. §§1416(a) (1)(C), 1435(a)(10), and 1442

2.7.2 Policy

1. Through its Integrated Monitoring Activities, see above, DES/AzEIP supports the improvement of program practice and correction of noncompliance to meet the requirements of IDEA and AzEIP policies and procedures.
2. If areas of non-compliance are identified, DES/AzEIP may implement corrective measures and remedies, including:
 - A. Required submission of additional documentation and/or increased frequency of reporting concerning area(s) of noncompliance and strategies to improve compliance;
 - B. Focused monitoring visits to review files, meet with staff, identify strategies for improvement and prepare a plan to address areas of noncompliance;

- C. Implementing a corrective action plan, 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 default/noncompliance;
- G. Suspending all or part of the EIP's contract or service provision responsibilities; and
- H. Termination of the EIP's contract or service provision responsibilities in whole in part.

2.8.0 Fiscal Management

2.8.1 Authority: 20 U.S.C. §§1432, 1435, 1437 – 1438, and 1440 – 1441; 34 C.F.R.> 303.500

2.8.2 Policy

1. DES/AzEIP, as the designated lead agency, is responsible for administering the Part C funds. In addition to using Part C funds to maintain and implement the system throughout the state, DES/AzEIP *may* use the funds for direct early intervention services and to expand and improve upon current early intervention services.
2. DES/AzEIP has established a system of payments to ensure that eligible children enrolled in early intervention and their families receive the early intervention services identified on their Individualized Family Service Plan.
3. DES/AzEIP recognizes that 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 Part C funds:
 - A. State funding;
 - B. Local funding;
 - C. Private donations and other grant funding;
 - D. Private insurance; and
 - 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).
4. Arizona may not use 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 to this policy is when it is necessary to prevent a delay in the delivery of early intervention services. Funding should immediately be stopped by Part C funds when the funding is available through the other funding source.

5. The Interagency Coordinating Council assists DES/AzEIP in:
 - A. identifying financial resources and other supports for early intervention services;
 - B. assigning financial responsibility to AzEIP Participating Agencies; and
 - C. promoting interagency agreements.
6. DES/AzEIP ensures contracts or other arrangements are in place with service providers to provide early intervention services throughout the State.