

## **Enclosure B**

### **Arizona IDEA Part C FFY 2009 Special Conditions**

#### **1. Basis for Requiring Special Conditions**

Pursuant to IDEA sections 616(g) and 642 and 34 CFR §80.12, the Office of Special Education Programs (OSEP) is designating Arizona as a “high risk” grantee and imposing Special Conditions on Arizona’s Federal Fiscal Year (FFY) 2009 grant award under Part C of the Individuals with Disabilities Education Act (Part C or IDEA) to ensure that:

- A) All infants and toddlers with disabilities have evaluations and assessments and initial Individualized Family Service Plan (IFSP) meetings conducted within 45 days of the child’s referral to the Part C early intervention program as required by 34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a) (45-day timeline),<sup>1</sup> and
- B) Early intervention services listed on the child’s IFSP are provided to the child and family in a timely manner as required by 34 CFR §§303.340(c), 303.342(e) and 303.344(f)(1) (timely service provision).

Arizona’s FFY 2008 Part C grant award was subject to Special Conditions to ensure compliance with the 45-day timeline and timely service provision requirements and Arizona demonstrated correction or compliance by a number of its early intervention service (EIS) providers in specific EIS regional programs. However, Arizona’s progress report data under its FFY 2008 Special Conditions indicate that three EIS providers continue to be in noncompliance with the 45-day timeline requirement and three EIS providers continue to be in noncompliance with the timely service provision requirement.

Specifically, regarding the 45-day timeline requirement, Arizona’s May 14, 2010 progress report data indicate low levels of compliance in three system point of entry (SPOE) programs: (1) Blake-Pinal/Gila (70%); (2) Blake-Pima 2a (82%); and (3) Blake-Pima 2b (77%).<sup>2</sup> Regarding the timely service provision requirement, Arizona’s progress report data for the period July 2008 through April 11, 2009 reflect low levels of compliance for the following three EIS providers: (1) Maricopa County—DDD (51%); (2) Pima County—DDD (84%); and (3) Pima County—AzEIP/ESBF (85%).

For these reasons and to ensure timely IFSP development for, and provision of services to, infants and toddlers with disabilities, the Department is imposing the following Special Conditions on Arizona’s Part C FFY 2009 grant.

#### **2. Nature of the Special Conditions**

The State must provide data to OSEP by May 14, 2010 demonstrating correction by the three SPOE programs and three EIS providers identified above.

- A. **45-Day Timeline** -- DES must submit two progress reports.

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<sup>1</sup> Arizona requires that the initial IFSP be developed within 45 days of a child’s referral.

<sup>2</sup> The contract for a fourth SPOE program, SWHD-Maricopa (with compliance at 51%), was terminated by DES on January 31, 2009.

1. In the first Progress Report, due by February 1, 2010 with its FFY 2008 APR, data for the period from July 1, 2009 through December 31, 2009, for each of the following three SPOE programs: (1) Blake-Pinal/Gila; (2) Blake-Pima 2a; and (3) Blake-Pima 2b on:
  - (a) The number and percentage of eligible children for whom the 45-day timeline was met; and
  - (b) For those children for whom the 45-day timeline was not met, the causes for the delay, the actions that DES has implemented to address the causes; and the results of those actions.
2. In the final Progress Report, due by May 14, 2010, updated data for the period from January 1, 2010 through April 30, 2010 on any EIS provider for which compliance or correction was not reported in the February 1, 2010 Progress Report on:
  - (a) The number and percentage of eligible children for whom the 45-day timeline was met; and
  - (b) For those children for whom the 45-day timeline was not met, the causes for the delay, the actions that DES has implemented to address the causes; and the results of those actions.

**B. Timely Service Provision -- DES must submit two progress reports.**

1. In the first Progress Report, due by February 1, 2010, with its FFY 2008 APR, data for the period from July 1, 2009 through December 31, 2009, for each of the following three EIS providers: (1) Maricopa County – DDD; (2) Pima County – DDD and (3) Pima County – AzeIP/ESBF on:
  - (a) The number and percentage of infants and toddlers with disabilities for whom services on the IFSP were timely initiated;
  - (b) For those children for whom services were not timely initiated, the causes for the delay, the actions that DES has implemented to address the causes; and the results of those actions; and
  - (c) The number and type of personnel identified by DES as needed by DDD in Maricopa County to ensure the timely provision of services and the steps DES is taking to recruit and retain personnel or to contract with EIS providers for DDD-Maricopa County.
2. In the final Progress Report, due by May 14, 2010, updated data for the period from January 1, 2010 through April 30, 2010 on any EIS provider listed above for which compliance or correction was not reported in the February 1, 2010 Progress Report on:
  - (a) The number and percentage of infants and toddlers with disabilities for whom Part C services on the IFSP were timely initiated;
  - (b) For those children for whom services were not timely initiated, the causes for the delay, the actions that DES has implemented to address the causes; and the results of those actions; and

- (c) Updates on the number and type of personnel identified by DES as needed by DDD in Maricopa County to ensure the timely provision of services and the steps DES-AZEIP and DES-DDD have taken to recruit and retain or contract with EIS providers for DDD-Maricopa County.

**3. Evidence Necessary to Remove Conditions**

The Department will remove the Special Conditions if, at any time prior to the expiration of the grant year, Arizona provides documentation, satisfactory to the Department, that it has met the Special Conditions set forth above.

**4. Method of Requesting Reconsideration**

Arizona may write to Patricia J. Guard, OSEP Acting Director, at the address below, if it wishes the Department to reconsider any aspect of these Special Conditions. The request must describe in detail the changes to the Special Conditions sought by DES and the reasons for those requested changes.

**5. Submission of Reports**

All reports under these Special Conditions must be submitted to:

U.S. Department of Education  
Office of Special Education and Rehabilitative Services  
Attn: Debra O. Jennings  
400 Maryland Ave., S.W.  
Washington, D.C. 20202-2550  
Or by e-mail: [debra.jennings@ed.gov](mailto:debra.jennings@ed.gov)