

## Enclosure B

### Arizona IDEA Part C FFY 2010 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) 2010 grant award under Part C of the Individuals with Disabilities Education Act (IDEA Part C or IDEA) to ensure that:

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

Arizona’s FFY 2009 Part C grant award was subject to Special Conditions to ensure compliance by three early intervention service (EIS) providers with the timely service provision requirements and by three system-point-of-entry or SPOE programs with the 45-day evaluation and 45-day IFSP development requirements. The three SPOE programs were restructured into five SPOE programs for which Arizona provided updated data. Arizona’s May 15, 2010 FFY 2009 Special Conditions final progress report provided updated data.

Specifically, Arizona reported correction or compliance by two<sup>2</sup> of the three EIS providers regarding timely service provision. Arizona also reported correction or compliance by three of its five restructured SPOE programs with the 45-day IFSP development timeline requirements and by all five of its restructured SPOE programs with the 45-day evaluation timeline requirements.

However, Arizona’s data indicate that one EIS provider, DDD-Maricopa County, continues to be in significant noncompliance with the timely service provision requirements, and that two SPOE programs, Blake-Pinal/Gila and Blake-Pima 2C, continue to be in noncompliance with the 45-day timeline requirements. Regarding the timely service provision requirement, Arizona reported that Maricopa County-DDD was at 32% compliance for the period December 1, 2009 through March 1, 2010.

Regarding the 45-day timeline requirement, Arizona reported that the three SPOE programs for which it was required to provide compliance data were reorganized into five SPOE programs and data for three of these five programs continue to indicate noncompliance. Specifically, Arizona provided monthly data for the period January to May 2010 indicating that: (1) Blake-Pinal/Gila compliance ranging from 63% to 92% with the 45-day timeline for IFSP development; and (2) Blake-Pima 2C compliance ranging from 67% to 81% with the 45-day timeline for IFSP development.

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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> Arizona reported correction by Pima County-DDD and updated data for Pima County-AzEIP/ESBF at 100% for timely service provision.

For these reasons, and to ensure that these EIS providers timely develop IFSPs for, and timely provide early intervention services to, infants and toddlers with disabilities, the Department is imposing the following Special Conditions on Arizona's Part C FFY 2010 grant.

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

The State must provide data to OSEP by May 2, 2011 demonstrating correction by the three SPOE programs and three EIS providers identified above.

**A. Timely Service Provision** -- Maricopa County-DDD must timely provide Part C services to eligible children and families and DES must submit two progress reports.

1. In the first progress report, due by February 1, 2011, with its FFY 2009 APR, DES must provide data for the period from July 1, 2010 through December 31, 2010, for Maricopa County-DDD 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 2, 2011, DES must provide updated data for the period from January 1, 2011 through March 31, 2011 for Maricopa County- DDD 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.

**A. 45-Day Timeline** -- Blake-Pinal/Gila and Blake-Pima 2C must timely develop IFSPs within 45 days of referral and DES must submit two progress reports.

1. In the first progress report, due by February 1, 2011 with its FFY 2009 APR, DES must provide data, for the period from July 1, 2010 through December 31, 2010, for Blake-Pinal/Gila and Blake-Pima 2C, on the number and percentage of eligible children for whom the IFSP was developed within 45 days of referral and explanation of any noncompliance.

2. In the final progress report, due by May 2, 2011, DES must provide updated data for the period, from January 1, 2011 through March 31, 2011, for Blake-Pinal/Gila and Blake-Pima 2C, if compliance or correction was not reported in the February 1, 2011 progress report for these EIS providers, on the number and percentage of eligible children for whom the 45-day timeline was met and explanation of any noncompliance.

**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 DES may write to Melody Musgrove, Ed.D., OSEP 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 Arizona 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., SW  
Washington, DC 20202-2550

And by e-mail: [debra.jennings@ed.gov](mailto:debra.jennings@ed.gov)