INTERGOVERNMENTAL AGREEMENT

An agreement between the Department of Economic Security (DES) and the Arizona Department of Education (ADE).

WHEREAS the DES is duly authorized to execute and administer contracts under A.R.S. §41-1954; and

WHEREAS the ADE is duly authorized to execute and administer contracts under A.R.S. § 15-203 (B) 1; and

WHEREAS by signing this form on behalf of the ADE, the Signatory certifies he/she has the authority to bind the ADE to this agreement; and

WHEREAS the DES and the ADE are authorized by A.R.S. §11-951 *et seq.* to enter into agreements for the joint exercise of any power common to the contracting parties as to governmental functions necessary to the public health, safety and welfare, and the proprietary functions of such public agencies;

THEREFORE the DES and ADE agree to abide by all the terms and conditions set forth in this agreement.

For and on behalf of the Arizona Department of Economic Security

Signature

Elizabeth G. Csaki, CPPB

Typed Name and Title

Professional Services Procurement Manager

Date 9/4/07

DE 070280-001
Contract Number

For and on behalf of the Arizona Department of Education

Signature

Douglas C. Peeples, Procurement Administrator
Typed Name and Title

8-17-2007
Date

08-03-ED
Contract Number

In accordance with A.R.S. §11-952 this contract has been reviewed by the undersigned who have determined that this contract is in appropriate form and with the powers and authority granted to each respective public body.

ARIZONA ATTORNEY GENERAL'S OFFICE

Signature

Therese L. Martin
Assistant Attorney General

Typed Name and Title

8/30/07
Date

Signature

Kim S. Anderson
Assistant Attorney General

Typed Name and Title

08/20/07
Date

This Intergovernmental Agreement is entered into pursuant to Arizona Revised Statutes (A.R.S.) §§11-952 et seq. between the Arizona Department of Education (ADE), a State Agency of the State of Arizona, serving as the State of Arizona's State Educational Agency, and the Arizona Department of Economic Security (DES), a State Agency of the State of Arizona, serving as the Lead Agency for implementing Part C of the Individuals with Disabilities Education Act (IDEA).

The ADE and the DES agree to the following terms:

1.0 The ADE is authorized to enter into this Intergovernmental Agreement (IGA or Agreement) by A.R.S. §8-652 and the DES is authorized to enter into this IGA by virtue of A.R.S. §§8-652 and 41-1954(A).

2.0 This Agreement shall become effective on July 1, 2007 and shall remain in effect through June 30, 2012; DES Agreement # DE070280-0001. Until the effective date of this Agreement, the previous IGA between ADE and DES relating to Child Find services remains in effect. As required by law and as specified in Section 7.0, Oversight Responsibility, DES oversees the execution of this IGA within Arizona Early Intervention Program (AzEIP) service providing agencies and the ADE oversees the execution of this IGA by Public Education Agencies. This IGA does not alter or diminish either the ADE's or DES/AzEIP's responsibilities to ensure compliance with Child Find or other legal requirements. In the event that either party fails to meet the obligations set forth in this IGA, the parties shall resolve issues of noncompliance as set forth in Section 7.3 of this IGA. Should either party elect to terminate or cancel this IGA, the party shall notify the other in writing at least one month prior to the proposed termination of this IGA by submitting notice to the Technical Contact noted in Section 11.0.

3.0 <u>Purposes of the Agreement</u>

3.1 To ensure that all children, birth through five years of age, with developmental delays or disabilities are located, identified and evaluated according to 34 C.F.R. §§ 300.111 and 303.321 of the regulations implementing the Individuals with Disabilities Education Act (IDEA) 2004, Parts B and C, and Arizona Administrative Code (A.A.C.) R7-2-401.C-D.

3.2 To ensure families' rights to services for which they are eligible, to delineate responsibilities of each agency in implementing Child Find requirements, and to establish uniformity statewide that will provide for coordination of a seamless system for identifying and serving children ages birth through five with developmental delays or disabilities according to the IDEA, Parts B and C (34 C.F.R. §§300 et seq., 34 C.F.R. §§303 et seq.) and the A.A.C. R7-2-401.C-D.

3.3 To clarify oversight responsibilities of the ADE and DES/AzEIP to ensure Child Find requirements are being met by both Public Education Agencies (PEAs) and AzEIP service providing agencies.

4.0 Definitions

4.1 Arizona Early Intervention Program (AzEIP) is the comprehensive coordinated system of early intervention services authorized in A.R.S. §8-652 and implemented through the collaborative activities of five AzEIP Participating State Agencies and their contractors defined below in Section 4.4. AzEIP is the total effort in Arizona that is directed at finding, assessing, and meeting the needs of children eligible under IDEA, Part C, and their families.

4.2 Assessment for children birth through two years entails ongoing procedures used by appropriate, qualified personnel throughout the period of the child's eligibility for early intervention services to identify:

- the child's unique strengths and needs and the services appropriate to meet those needs;
- the resources, priorities and concerns of the family; and
- the supports and services necessary to enhance the family's capacity to meet the developmental needs of their infant or toddler with a disability.

4.3 AzEIP Eligibility Process includes formal and informal procedures for screening, assessment and evaluation of a child, birth through two years of age, to document and support an eligibility determination within 45 days of referral to AzEIP. A child is determined eligible based on documentation of an established condition by a qualified professional or an evaluation that indicates the child meets AzEIP eligibility criteria for developmental delay as defined in 4.23 of this section.

4.4 AzEIP Participating State Agencies are the five state agencies identified in A.R.S. §8-652 as responsible for entering into Intergovernmental Agreements and maintaining and implementing a comprehensive, coordinated, interagency system of early intervention services. The five participating state agencies identified in A.R.S. §8-652 are: Arizona Department of Economic Security (DES), Arizona State Schools for the Deaf and the Blind (ASDB), Arizona Department of Health Services (ADHS), the Arizona Health Care Cost Containment System (AHCCCS), and the Arizona Department of Education (ADE).

4.5 AzEIP Service Providing Agencies are those state agencies in A.R.S. §8-652 that provide early intervention services under IDEA, Part C: Arizona Department of Economic Security and the Arizona State Schools for the Deaf and the Blind. The Arizona Department of Economic Security provides early intervention services through the DES, Arizona Early Intervention Program (DES/AzEIP), and the DES, Division of Developmental Disabilities (DES/DDD).

4.6 Child Find

- Part C: Child Find is defined as a system, consistent with Part B, with policies and procedures "for making referrals to service providers that includes timelines and provides for participation by

primary referral sources and that ensures rigorous standards for appropriately identifying infants and toddlers with disabilities for services under this part that will reduce the need for future services.", 20 U.S.C. § 1436(a)(5). The system will be coordinated with other major efforts to locate and identify children conducted by other State agencies responsible for administering the various education, health, and social services programs relevant to this part, tribes and tribal organizations, and other federal efforts. 34 C.F.R. §303.321.

- Part B: in accordance with 34 C.F.R. § 300.111, "(a)(1)The State must have in effect policies and procedures to ensure that -- (i) all children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated; and (ii) a practical method is developed and implemented to determine which children are currently receiving needed special education and related services; and (c)(1) children who are suspected of being a child with a disability under §300.8 and in need of special education, even though they are advancing from grade to grade; and (2) highly mobile children including migrant children." And, in accordance with A.A.C. R7-2-401 (C)(1), "Each public agency shall inform the general public and all parents... of the availability of special education services for students aged three through 21 years and how to access those services. This includes information regarding early intervention services for children aged birth through two years."

4.7 Department of Economic Security, Arizona Early Intervention Program (DES/AzEIP) is the office within DES responsible for fulfilling all lead agency responsibilities as described in Part C of IDEA for early intervention services for children birth through two years old and their families.

4.8 Directory Information consists of the child's name, address, and date of birth.

4.9 District of Residence is the elementary district (K–8th grades) or unified district (K–12th grades) in which the parent of the child resides. For the purposes of this IGA, Parent shall be defined in accordance with Section 4.20. The District of Residence ensures Child Find for children aged birth through 21 years and service provision for eligible children aged three through 21 years. The Child Find responsibility for children in approved residential care facilities will be reserved for the student's home school district as defined by the ADE voucher system and procedure.

4.10 Evaluation:

- Part C: Evaluation for children aged birth through two years means the procedures, in accordance with 34 C.F.R. §303.322, used by

appropriate, qualified personnel to determine a child's initial and continuing eligibility for AzEIP, including determining the status of the child in each of the developmental areas.

- Part B: Evaluation for children aged three to five years, evaluation means procedures used in accordance with 34 C.F.R. §§300.300-300.311 to determine whether a child has a disability and is in need of special education services and the nature and extent of special education and related services that the child needs in accordance with 34 C.F.R. §300.500. This evaluation includes: (a) a review of existing information about the child; (b) a decision regarding the need for additional information; (c) if necessary, the collection of additional information; and (d) a review of all information about the child and a determination of eligibility for special education services and needs of the child. A.A.C. R7-2-401 (B)(12).

  A comprehensive developmental assessment (CDA) is required to determine eligibility for Preschool Severe Delay (PSD) and Preschool Moderate Delay (PMD). Preschool Speech-Language (PSL) eligibility requires a CDA or norm referenced assessment and parental input that indicates the child is not eligible for services under another preschool category. The evaluation team shall determine eligibility based on the preponderance of the information presented. (See Section 4.22) A CDA is and full and individual evaluation of the child in all developmental areas: cognitive, physical (including vision and hearing screening), communication, social/emotional and adaptive development. A CDA may be accomplished through a review of existing data, criterion referenced assessments, norm referenced assessments, observation and parent input, however, for the purpose of determining eligibility, at least one norm referenced assessment to obtain standard deviation information must be used to determine if eligibility criteria is met. The final responsibility for the CDA and eligibility lies with the PEA.

4.11 Free Appropriate Public Education (FAPE), in accordance with 34 C.F.R. § 300.101, means special education and related services that meet state standards and are provided based upon an Individualized Education Program (IEP). These services are provided at public expense, under public supervision and direction, without charge to the parents and must be provided in the least restrictive environment (LRE) in accordance with 34 C.F.R. §§ 300.114 and 300.550.

4.12 Identification is the process of determining if a child is suspected of having a developmental delay or disability and includes screening of vision, hearing, cognition, motor skills, social/emotional skills, speech/language, and adaptive development.

4.13 Individualized Education Program (IEP) means a written statement, developed, reviewed, or revised in accordance with applicable federal and

state laws for providing special education services to each eligible child with a disability that includes a statement of: (a) the child's present levels of educational performance, including how the disability affects the child's participation in appropriate activities; (b) measurable annual goals, including short term objectives or benchmarks for evaluating progress towards those goals; (c) a statement of the special educational and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modification or supports for school personnel that will be provided for the child to advance appropriately toward attaining the annual goals and to be involved and progress in the general curriculum; (d) an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in activities; (e) a statement regarding participation in state- and district-wide assessments consistent with A.A.C. R7-2-401(F)(5); (f) the projected dates, duration and location for service; and (g) a statement of how the parents will be informed of their child's progress. 20 U.S.C. 1401(14); 34 C.F.R. §§ 300.320—300.325; A.R.S. § 15-761(11); A.A.C. R7-2-401(F).

4.14 Individualized Family Service Plan (IFSP) is a written plan developed by a multidisciplinary team, including the parent (as defined in Section 4.20), which includes statements of: (a) the child's present levels of development; (b) with the concurrence of the family, the family's priorities, resources, and concerns related to enhancing the development of the child; (c) the major outcomes expected; (d) the specific early intervention services necessary to meet the unique needs of the child and family to achieve the outcomes, (e) the frequency, intensity and method of service delivery; (f) the natural environments in which the services will take place; (g) the projected dates of service; (h) the name of the Service Coordinator; and (i) the transition plan. 34 C.F.R. § 303.344.

4.15 Initial Planning Process (IPP), as appropriate, is a process initiated in response to a referral to AzEIP. The IPP includes the sharing and gathering of information, screening, evaluation, assessment, eligibility determination, and, for children who are eligible, the development of the IFSP.

4.16 Initial Planning Process Team is the multidisciplinary team, as defined in 34 C.F.R. §303.17, responsible for completion of the initial planning process of all children potentially eligible for Part C within a specified geographic area. Determination of the IPP Team is based on the child's zip code and can be verified at, www.azdes.gov/AzEIP/familyinfo.asp#referchild, the AzEIP website. The IPP Team is the system point of contact for families seeking early intervention services for their children.

4.17 Initial Referral is the first time a child is referred to AzEIP for the purpose of determining eligibility under Part C or to a Public Education Agency (PEA) for the purpose of determining eligibility under Part B.

4.18 Multidisciplinary, as defined in Part C, 34 C.F.R. § 303.17, means the involvement of two or more disciplines or professions in the provision of integrated and coordinated services, including evaluation and assessment

activities in 34 C.F.R. §303.322 and development of the IFSP in 34 C.F.R. §303.342.

4.19 Multidisciplinary Evaluation Team in Part B means, in accordance with A.R.S. § 15-761(16), a team of persons including individuals described as the Individualized Education Program (IEP) Team and other qualified professionals who shall determine whether a child is eligible for special education.

The IEP Team includes, in accordance with 34 C.F.R. § 300.321:

(1) The parents of the child;
(2) Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);
(3) Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child;
(4) A representative of the public agency who—
  (i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
  (ii) Is knowledgeable about the general curriculum; and
  (iii) Is knowledgeable about the availability of resources of the public agency;
(5) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in paragraphs (a)(2) through (6) of this section; and
(6) At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate.

4.20 Parent means: (1) a biological or adoptive parent of a child; (2) foster parent; (3) a legal guardian of a child; (4) a person acting in place of a parent (such as a relative or stepparent with whom a child lives, or a person who is legally responsible for the child's welfare); or (5) a surrogate parent who has been assigned in accordance with relevant law. "Parent" does not include the State. 20 U.S.C. § 1401(23), 34 C.F.R. § 300.30 and A.R.S. § 15-761(22)

4.21 Parental Consent is informed consent provided by a Parent, as defined in Section 4.22, and as appropriate under law.

4.22 Part B Eligibility Criteria for Preschool Special Education Services, in accordance with A.R.S. § 15-761, et seq.:

Hearing Impairment means a loss of hearing acuity, as determined by evaluation pursuant to A.R.S.§ 15-766, which interferes with the child's performance in the educational environment and requires the provision of special education and related services.

Preschool Moderate Delay means performance by a preschool child on a norm-referenced test that measures at least one and one-half, but not

more than three, standard deviations below the mean for children of the same chronological age in two or more of the following areas:

(a) Cognitive development.
(b) Physical development.
(c) Communication development.
(d) Social or emotional development.
(e) Adaptive development.

The results of the norm-referenced measure must be corroborated by information from a comprehensive developmental assessment and from parental input, if available, as measured by a judgment-based assessment or survey. If there is a discrepancy between the measures, the evaluation team shall determine eligibility based on a preponderance of the information presented.

Preschool Severe Delay means performance by a preschool child on a norm-referenced test that measures more than three standard deviations below the mean for children of the same chronological age in one or more of the following areas:

(a) Cognitive development.
(b) Physical development.
(c) Communication development.
(d) Social or emotional development.
(e) Adaptive development.

The results of the norm-referenced measure must be corroborated by information from a comprehensive developmental assessment and from parental input, if available, as measured by a judgment based assessment or survey. If there is a discrepancy between the measures, the evaluation team shall determine eligibility based on a preponderance of the information presented.

Preschool Speech/Language Delay means performance by a preschool child on a norm-referenced language test that measures at least one and one-half standard deviations below the mean for children of the same chronological age or whose speech, out of context, is unintelligible to a listener who is unfamiliar with the child. Eligibility under this paragraph is appropriate only if a comprehensive developmental assessment or norm-referenced assessment and parental input indicate that the child is not eligible for services under another preschool category. The evaluation team shall determine eligibility based on a preponderance of the information presented.

Visual Impairment means a loss in visual acuity or a loss of visual field as determined by evaluation pursuant to A.R.S. § 15-766, that interferes with the child's performance in the educational environment and that requires the provision of special education and related services.

4.23 Part C Eligibility Criteria for Early Intervention Services, in accordance with A.R.S. § 8-651, defines as eligible a child between birth and 36 months of

age, who is developmentally delayed or who has an established condition that has a high probability of resulting in a developmental delay.

A child from birth to 36 months of age will be considered to exhibit a developmental delay when that child has not reached 50 percent of the developmental milestones expected at his/her chronological age, in one or more of the following domains: (1) physical: fine and/or gross motor/sensory (includes vision and/or hearing); (2) cognitive; (3) language/communication; (4) social or emotional; or (5) adaptive (self-help).

Established conditions that may have a high probability of developmental delay include, but are not limited to:

- chromosomal abnormalities;
- metabolic disorders;
- hydrocephalus;
- neural tube defects (e.g., spinal bifida);
- intraventricular hemorrhage, grade 3 or 4;
- periventricular leukomalacia;
- cerebral palsy;
- significant auditory impairment;
- significant visual impairment;
- failure to thrive; and
- severe attachment disorders.

The State's definition of "eligible child" does not include children who are at risk of having substantial delays if early intervention services are not provided.

4.24 Public Education Agency (PEA) means a school district, charter school, accommodation school, state supported institution or other political subdivision of the state that is responsible for providing education to children with disabilities.

4.25 Screening means the informal or formal process of determining the status of a child with respect to appropriate developmental and academic norms that may indicate the need for an evaluation to determine eligibility for Part C or Part B services. Screening may include: observations; family interviews; review of medical, developmental or education records; or administration of specific screening instruments identified by the test publisher as appropriate for use as screening tools. Screening does not include an assessment or evaluation to determine eligibility.

4.26 Tracking refers to documentation of the major steps conducted during the process of identifying if a child is eligible to receive early intervention or preschool special education services.

5.0 Child Find Policies and Procedures

5.1 Mutual Responsibilities

Both DES/AzEIP and the ADE will ensure that their respective policies and procedures for Child Find requirements are established and disseminated to all public education agencies and AzEIP Initial Planning Process Teams and/or AzEIP service providing agencies that are subsequently required to adhere to them.

5.2 Public Awareness for Child Find

DES/AzEIP and the ADE will continue to provide annual financial support for publishing and disseminating public awareness products. The ADE and DES/AzEIP will collaborate in developing additional products and public awareness strategies targeted to specific audiences, including the general public and families for whom written English is not the native language or usual mode of communication, using a mutually agreed upon annual dissemination plan.

DES/AzEIP and the ADE agree to collaborate by supporting annual development and provision of public awareness materials to staff in medical facilities and other primary referral sources, including families. Educational materials and strategies will describe: (1) the purpose and availability of early intervention and preschool special education services; (2) the procedures for referral to AzEIP or preschool special education; and (3) criteria for eligibility.

DES/AzEIP and the ADE agree to finance, develop and provide annual training for AzEIP contractors and PEA staff regarding: (1) the protocol for the child identification process for children birth to five; (2) public awareness and Child Find obligations; (3) release of directory information without parental consent; and (4) best practices for Child Find efforts to ensure all children, birth to five years of age with delays or disabilities are located, identified, and evaluated. DES/AzEIP and the ADE will each maintain their respective web sites to facilitate referral of families to local AzEIP and preschool special education services throughout the state. Links to other relevant sites will be included to assist parents in acquiring other family supports they may need.

6.0 Child Find Identification Procedures: Initial Referrals, Assessments, Evaluations

6.1 Mutual Responsibilities

DES/AzEIP ensures the Initial Planning Process Teams will meet their requirement to determine eligibility for Part C services, and, for an eligible child, ensure the IFSP meeting is conducted within 45 calendar days of Initial Referral to AzEIP.

The ADE ensures the District of Residence will meet their requirement to determine eligibility for Part B services as required by the Arizona Administrative Code and IDEA; 45 calendar days for screening and 60 calendar days for evaluation. A.A.C. R7-2-401. (D)(E); 34 C.F.R. §300.301

6.2 Use of the Arizona's Child Find Tracking Form

The *Arizona's Child Find Tracking Form,* a state standardized form, ensures appropriate oversight of referral status and timelines by the DES/AzEIP and the ADE. See Appendix A. The form is to be used only for Initial Referrals to the Parts C and B programs and should be used within two business days of receipt of a concern.

The ADE and DES/AzEIP require PEAs and AzEIP Initial Planning Process Teams to use the form to track Initial Referrals, not transitions, of children from PEAs to AzEIP Initial Planning Process Teams and from AzEIP Initial Planning Process Teams, charter schools, or union high school districts to the District of Residence. The *Arizona's Child Find Tracking Form* is not intended to be used by physicians, families or other referral sources, or to replace other existing forms for initiating referrals.

6.2.1 For Children Aged Birth to 2 Years and 9 Months Referred from the PEA to AzEIP

When an AzEIP Initial Planning Process Team receives an Initial Referral to AzEIP from a PEA for a child aged birth to 2 years and 9 months, the AzEIP Initial Planning Process Team will: (1) initiate the AzEIP eligibility determination process; (2) notify the referring PEA of the status of the referral by faxing the Arizona's Child Find Tracking Form within 30 calendar days from receipt of the Initial Referral; and (3) maintain a copy of the tracking form for monitoring purposes.

If the PEA has not received notification from AzEIP within 30 calendar days from the date of Initial Referral to AzEIP, the PEA will contact the local AzEIP Initial Planning Process Team to determine the status of the referral. If the eligibility determination process has been delayed, the PEA must complete the Alert portion of the *Arizona's Child Find Tracking Form* and fax a copy to the ADE Child Find Coordinator, and to DES/AzEIP, within two business days. The ADE Child Find Coordinator will contact DES/AzEIP to ensure the eligibility determination process is being expedited to meet state and federal timelines. If an Alert has been filed, the AzEIP Initial Planning Process Team must notify the Parents, the PEA, DES/AzEIP and the ADE upon completion of the eligibility determination process. The AzEIP Initial Planning Process Team shall maintain a copy of the tracking form for monitoring purposes.

6.2.2 For Children Aged 2 Years and 6 Months–2 Years and 9 Months Referred from the PEA to AzEIP

While AzEIP retains the responsibility for evaluation and services for this age group, the District of Residence shall participate in the eligibility determination process due to the district's responsibility to provide FAPE to an eligible child no later than the child's third birthday. This participation will reduce the potential for duplicative evaluation efforts and will enhance the district's capacity to prepare for and serve the child in a timely manner.

Districts that exercise the state option of serving children with disabilities at 2 years and 9 months shall participate in the eligibility determination process for children in this age group.

Children aged 2 years and 6 months–2 years and 9 months will be referred to AzEIP Initial Planning Process Teams. If an evaluation is needed, AzEIP staff will notify the District of Residence in order to facilitate the district's participation in the eligibility determination process.

If the PEA has not received notification from AzEIP within 30 calendar days from the date of Initial Referral to AzEIP, the PEA will contact the local AzEIP Initial Planning Process Team to determine the status of the referral. If the eligibility determination process has been delayed, the PEA must complete the Alert portion of the *Arizona's Child Find Tracking Form* and fax a copy to the ADE Child Find Coordinator, and to DES/AzEIP. The ADE will contact DES/AzEIP to ensure the eligibility determination process is being expedited. If an Alert has been filed, the AzEIP Initial Planning Process Team must notify the Parents, PEA, DES/AzEIP and the ADE upon completion of the eligibility determination process. The AzEIP Initial Planning Process Team shall maintain a copy of the tracking form for monitoring purposes.

6.2.3 For Children Aged 2 Years and 9 Months to 3 Years Referred to AzEIP or a PEA

For an eligible child between the ages of 2 years and 9 months–3 years, entry into school district services is imminent; however the child remains eligible for consideration for Part C services. Therefore, regardless of which agency (AzEIP or PEA) receives the Initial Referral, that agency is obligated to explain to the Parent the eligibility determination processes and the service delivery systems under both Part B and Part C. If a charter school or union high school district is in first contact with the Parent, that PEA is still responsible for providing the Parent with an explanation as to the following for Part C and Part B: (1) eligibility criteria; (2) eligibility determination processes; and (3) service delivery systems.

Following that explanation, the Parent may elect to initiate the eligibility determination process under either Part B or Part C, or both. If a child in this age range is found eligible for Part B services, the school district shall develop an IEP that ensures the provision of FAPE to the child by the child's 3rd birthday.

- If the Parent chooses both Part C and Part B eligibility determinations: (1) the agency in first contact with the Parent is to document the Parent's decision on the tracking form and immediately fax it to the other agency that is responsible for the eligibility determination as to its programs; and (2) within 30 calendar days of the Initial Referral date to the agency in first contact with the Parent, the District of Residence will facilitate a joint assessment of the child's eligibility for services under Part C or Part B and will document completion of the process on the tracking form, as well as fax a copy to the AzEIP Initial Planning Process Team.

- If the Parent chooses the Part C eligibility determination and: (1) a PEA is the agency in first contact with the Parent and the Parent elects an eligibility determination for Part C, then procedures outlined in 6.2.1 above will be followed; (2) when AzEIP is the agency in first contact with the Parent and the Parent elects to have the child's eligibility considered under Part C only, then this is considered an initial referral to AzEIP and AzEIP will follow established procedures for Part C and is not required to use the tracking form.

- If the Parent chooses the Part B eligibility determination and: (1) AzEIP is the agency in first contact with the Parent and the Parent elects an eligibility determination under Part B only, then procedures outlined in 6.2.4 below will be followed; 2) when the District of Residence is the agency in first contact with the Parent and the Parent elects the eligibility determination for Part B only, then this is considered an initial referral to Part B and the District of Residence will follow established procedures and is not required to use the tracking form.

6.2.4 For Children Ages 3–5 referred from AzEIP, Charter Schools, or Union High Schools to the District of Residence

Upon learning of a Parent's concern regarding a child's development, the District of Residence is required to screen and/or evaluate the child within State prescribed timelines.

Upon receipt of a concern about a child's development or a request for an evaluation from a parent of a child ages 3–5 years old to either AzEIP, a charter school, or a union high school, the contacted agency will refer parents to the District of Residence for a screening or evaluation. The referring agency will use the *Arizona's Child Find Tracking Form* and fax it to the District of Residence within two business days of a statement of concern or request for an evaluation. The District of Residence will conduct a screening and/or evaluation and notify the referring agency of the status of the referral within 30 calendar days of the Initial Referral.

If the District of Residence has not contacted the referring agency within 30 calendar days from the date of Initial Referral, the referring agency shall contact the District of Residence to determine the status of the referral.

If the District of Residence has not initiated the eligibility determination process, the referring agency will complete the Alert portion of the *Arizona's Child Find Tracking Form* and fax it to the ADE within two business days. The ADE will send a copy of the Alert to DES/AzEIP. The ADE will ensure the screening and/or evaluation (if parental consent has been obtained) is in process and being expedited to meet state timelines. If an Alert has been filed, the District of Residence must notify the ADE, the Parents and referring agency upon completion of the screening or evaluation. The District of Residence shall maintain a copy of the tracking

form for monitoring purposes. The ADE will notify DES/AzEIP of the resolution of the referral.

6.2.5 Charter School and Union High School District Child Find Responsibilities for Children Ages Birth–5

For children aged birth through 5, charter schools and union high school districts are required to provide public awareness for Child Find and make referrals to AzEIP or the District of Residence for screening, evaluation, and provision of services for eligible children. Charter schools and union high school districts will complete the *Arizona's Child Find Tracking Form* to make Initial Referrals to AzEIP and/or the District of Residence and fax it within two business days of receipt of a statement of concern.

If AzEIP or the District of Residence has not contacted the referring agency within 30 calendar days from the date of Initial Referral, the referring agency will contact AzEIP or the District of Residence to determine the status of the eligibility determination process.

If AzEIP or the District of Residence has not initiated the eligibility determination process, the charter school staff or union high school district staff will complete the Alert portion of the *Arizona's Child Find Tracking Form* and fax a copy to the ADE within two business days. The ADE will ensure the eligibility determination process is being expedited to meet state timelines. If an Alert has been filed, AzEIP or the District of Residence must notify the Parents, the referring agency, and ADE upon completion of the screening or evaluation. AzEIP or the District of Residence shall maintain a copy of the tracking form for monitoring purposes.

7.0 Oversight Responsibility

7.1 DES/AzEIP oversees the AzEIP service providing agencies and the network of early intervention service providers to ensure adherence to the requirements of IDEA, Part C. This includes, but is not limited to, conducting compliance monitoring for the IDEA, Part C, and it's implementing regulations to ensure that AzEIP IPP Teams are adhering to DES/AzEIP policies and procedures, as well as the provisions of this Agreement. If the provisions herein are not followed as set forth, the ADE is not absolved of its obligation to ensure Child Find procedures are implemented according to IDEA.

7.2 The ADE is responsible for oversight of all public education agencies' compliance with Part B of IDEA and the terms of this Agreement. This includes, but is not limited to, conducting compliance monitoring for the IDEA, Part B, and it's implementing regulations, to ensure PEAs are adhering to the ADE's policies and procedures, as well as the provisions herein.

7.3 Dispute Resolution/Compliance Oversight

(A) If a Parent, PEA, AzEIP IPP Team member or other interested individual believes that a PEA or an AzEIP IPP Team member is not fulfilling its obligations under this Agreement or applicable law concerning Child Find procedures for children with developmental delays or disabilities, that individual may take one or both of the following steps:

(1) Seek technical assistance from DES/AzEIP or ADE. It is recommended that AzEIP Service Coordinators or AzEIP Contractors contact DES/AzEIP and that PEAs contact ADE with concerns. Technical assistance may be obtained by writing or calling the Technical Contacts identified in Section 11.0 of this Agreement. At the discretion of the Technical Contact, individuals may be asked to put their concerns in writing in order to promote resolution of the issue.

(2) File a Complaint with DES or ADE. DES and ADE have each established complaint and dispute resolution procedures in order to comply with, respectively, Part C and Part B of the IDEA. Information about the available complaint and dispute resolution procedures may be obtained as follows:

DES/AzEIP—http://www.azdes.gov/azeip/safeguard.asp

ADE—http://www.ade.az.gov/ess/dispute/

(B) If DES or ADE believes that the other party has failed to meet the obligations set forth in this IGA, the aggrieved party shall engage the following process to resolve issues of noncompliance. First, the DES and ADE Technical Contacts identified in Section 11.0 of this IGA shall investigate and attempt to resolve the alleged issue of non-compliance within 90 days of receipt of written notice of the issue. Second, if the matter remains unresolved, it shall be brought to the attention of the DES Director, or the DES Director's designee, and the ADE Deputy Associate Superintendent, Exceptional Student Services, as designee for the Superintendent of Public Instruction. The DES and ADE Technical Contacts shall prepare for their respective Director or Designee a written statement including: (a) a description of the issue of alleged noncompliance; (b) efforts to resolve the issue; and (c) recommended strategies for resolving the issue. Third, if the matter is not resolved by the DES Director, or the DES Director's designee, and the Superintendent's Designee within 90 days, DES and ADE shall seek the assistance of the Governor's Office in order to resolve the issue.

(C) Disputes between the Parties arising under this Agreement that are not resolved according to the processes described in 7.3(B) shall be subject to arbitration to the extent required by A.R.S. §12-1518.

8.0 Financial Responsibilities

8.1 The agency or entity assigned responsibility for activities herein shall be responsible for paying for or coordinating access to the resources to ensure the completion of the activity. This Agreement does not require the transfer of funds between ADE and DES, nor between the PEAs and the AzEIP service providing agencies and the provider network.

8.2 Every obligation of ADE and DES under this Agreement is conditioned upon the availability of funds appropriated or allocated for the performance of such obligation. If funds are not allocated, nor available for continuance of this Agreement, ADE or DES may terminate this Agreement at the end of the period for which funds are available. No liability shall accrue to ADE or DES in the event this provision is exercised; however both agencies shall continue to comply with federal and state law.

8.3 Availability of Funds for the Next State Fiscal Year. Funds may not presently be available for performance under this Agreement beyond the current fiscal year. No legal liability on the part of the DES or the ADE for any payment may arise under this Agreement beyond the current state fiscal year until funds are made available for performance of this Agreement.

8.4 Availability of Funds for the Current Fiscal Year. Should the State Legislature enter back into session and reduce the appropriations for any reason and these goods or services are not funded, the State may take any of the following actions:

- Accept a decrease in prices
- Cancel this Agreement
- Cancel this Agreement and solicit the requirements

8.5 Audit. Pursuant to A.R.S. § 35-214, at any time during the term of this Agreement and five (5) years thereafter, The ADE or any subcontractor's books and records shall be subject to audit by the DES, and, where applicable, the Federal Government, to the extent that the books and records relate to the performance of the Agreement or Subcontract.

9.0 This Agreement shall be construed under the laws of the State of Arizona and all laws governing an Intergovernmental Agreement.

10.0 Other Provisions

10.1 Modification. This Agreement may only be modified in writing and must be signed by both parties and their duly authorized agents. In the event that state or federal law enacted after the effective date of this Agreement conflicts with any term of this Agreement, controlling law will apply and supersede that/those term(s). The parties agree to promptly consider an appropriate amendment to the Agreement to remove each conflict.

10.2 Non-Discrimination. The parties comply with Executive Order 99-4, which mandates that all persons regardless of race, color, religion, sex, age, national origin or political affiliation, shall have equal access to employment opportunities, and all other applicable state and federal employment laws, rules, and regulations, including the Americans with Disabilities Act. The parties shall take affirmative action to ensure that applicants for employment and employees are not discriminated against due to race, creed, color, religion, sex, national origin, political affiliation or disability.

10.3 Cancellation for Conflict of Interest. Pursuant to A.R.S. § 38-511, the State, its political subdivisions or any department or agency of either may, within three years after its execution, cancel any contract, without penalty or further obligation, made by the State, its political subdivisions, or any of the departments or agencies of either if any person significantly involved in initiating, negotiating, securing, drafting or creating the contract on behalf of the State, its political subdivisions or any of the departments or agencies of either is, at any time while the contract or any extension of the contract is in effect, an employee or agent of any other party to the contract in any capacity or a consultant to any other party of the contract with respect to the subject matter of the contract. A cancellation made pursuant to this provision shall be effective when the other party receives written notice of the cancellation unless the notice specifies a later time.

10.4 Records. To the extent required by A.R.S. §§ 35-214 and 35-215, both parties shall retain all data, books and other records relating to this Agreement for a period of five years after termination of the Agreement. All records shall be subject to inspection and audit by the other party at reasonable times. Upon request, the parties shall produce the original of any or all such records.

10.5 Confidentiality. Both parties agree to maintain the confidentiality of records relating to children with disabilities in accordance with the Family Educational Rights and Privacy Act of 1974, A.R.S. §15-141(A) and other applicable laws.

10.6 Compliance with Applicable Law. The materials and services supplied under this Agreement shall comply with all applicable Federal, State and local laws, and the ADE shall maintain all applicable license and permit requirements.

10.7 Availability of Funds for the Next Fiscal Year. Funds may not presently be available for performance under this Agreement beyond the current fiscal year. No legal liability on the part of the State of Arizona for any payment may arise under this Agreement beyond the current fiscal year until funds are made available for performance of this Agreement. The State of Arizona shall make reasonable efforts to secure such funds.

11.0 All written communications shall be addressed and mailed or personally served upon the parties as follows:

To the DES:

Arizona Department of Economic Security
Arizona Early Intervention Program (AzEIP)
3839 North Third Street, Suite 304
Phoenix, Arizona 85012

Technical Contact:
DES/AzEIP Executive Director
(602) 532-9960

To the ADE:

Arizona Department of Education
Exceptional Student Services
1535 West Jefferson Street, Bin #24
Phoenix, AZ 85007

Technical Contact:
ADE/ESS Child Find Coordinator
(928) 679-8106

APPENDIX A: ARIZONA'S CHILD FIND TRACKING FORM

Referral from a PEA (District or Charter School) to AzEIP

Section I PEA Instructions:
When any PEA receives a statement of concern from a parent about the development of their child aged birth to 3 years, **(1 a)** they will complete **Boxes 1-17** of this form *within 2 business days* of the date the initial parental referral was received and **(1 b)** fax this form to the closest AzEIP Initial Planning Process (IPP) Team with a cover sheet marked 'Confidential'. This begins the AzEIP timeline requirement for the eligibility process (45 days from intake/screening through development of the IFSP). If the parent chooses both Part B and Part C for the child between the ages of 2 years 9 months and 3 years of age, AzEIP and the district of residence shall coordinate efforts to expedite timelines **(Box 5)**. A copy of this tracking form must be maintained for monitoring purposes. A copy of this tracking form must be maintained for monitoring purposes.
(2) The PEA is responsible for verifying the AzEIP eligibility determination process is near completion to meet the 45 day timeline **(Box 18)**.
(3) If the AzEIP IPP Team has not notified the referring PEA *within 30 calendar days* from the date of the initial referral, the PEA must contact the AzEIP Team to verify the status of the eligibility determination process **(Boxes 19-20)**.
(4) If eligibility determination is not in process for 45 day completion, or the status of the referral cannot be verified by the AzEIP IPP Team, the PEA must document the status and immediately fax this form to the ADE/Child Find Unit, (928) 679-8124, and DES/AzEIP, (602) 200-9820, **(Box 20 and Section III)**.

Section I Initial Referral Data

		1. Date of initial referral
2. Child's name	**3.** Parents'/guardians' names	**4.** Child's date of birth
5. ☐ Parent selected **both** Part B & Part C	**6.** Parents' mailing address	
7. Parents' home phone number	**8.** Parents' work phone number	**9.** Parents' alternative phone number
10. Person sending referral	**11.** Sender's district or charter school	**12.** Sender's phone number
13. Sender's fax number	**14.** Person receiving referral	**15.** Name of receiving agency
16. Receiver's phone number	**17.** Receiver's fax number	**18.** AzEIP notified PEA on status of referral AzEIP staff: Date:
19. Date of contact with AzEIP By PEA staff: To AzEIP staff:		**20.** Status of referral ☐ In process for IFSP completion within 45 days ☐ Not in-process or not verified - file Alert (Section III)

Section II AzEIP Instructions:
(1) The AzEIP IPP Team must immediately begin the eligibility determination process **(Box 21)**. A copy of this tracking form must be maintained for monitoring purposes.
(2) *Within 30 calendar days* of the initial referral date **(Box 1)** the AzEIP IPP Team must fax this form to the referring PEA to notify them of the status of the referral **(Box 20 & 22)**.
(3) If an Alert is filed, upon completion of the eligibility determination process the AzEIP IPP Team will complete **Boxes 23-24**, notify the parents, and fax this form to the referring PEA, the DES/AzEIP state office at (602) 200-9820, and the ADE/Child Find Unit at (928) 679-8124.

Section II Documentation of Referral from PEA and Follow-Up

21. Date of PEA referral Received by AzEIP staff:	**22.** Date PEA notified of status of referral By AzEIP staff: To PEA staff:
23. If Alert filed, date eligibility completed	**24.** Alert notification to parent, referring school, AzEIP State office & Child Find Unit By AzEIP staff: Date:

Section III Alert Instructions:
If eligibility determination is not in process, or is not verified, the PEA must complete **Boxes 25-27** and within two days fax this form to the ADE/Child Find Unit at (928) 679-8124. The ADE/Child Find Coordinator will contact the DES/AzEIP State office to ensure the eligibility determination process is being expedited. For more information contact the Child Find Coordinator at (928) 679-8106.

Section III Alert to Arizona Department of Education/Child Find Unit

25. Date Alert sent	**26.** Person sending Alert	**27.** Sender's phone number

Section IV Arizona Department of Education/Child Find Unit Follow-Up

Date Alert Received	Received by	Date & Action Taken

ARIZONA'S CHILD FIND TRACKING FORM

Referral from AzEIP, Union High School or Charter School to District of Residence

Section I Referring Agency Instructions:
When any AzEIP Initial Planning Process (IPP) Team, a union high school district, or a public charter school receives a request for an evaluation or a statement of concern from a parent about the development of their child between the ages of 2 years 9 months and 5 years of age, **(1 a)** they will complete **Boxes 1-17** of this form *within 2 business days* of the date the initial parental referral was received and **(1 b)** fax this form to the district of residence with a cover sheet marked 'Confidential'. This begins the timeline requirement for eligibility determination (45 days to screen, 60 days to evaluate). If the parent chooses both Part B and Part C for the child between the ages of 2 years 9 months and 3 years of age, AzEIP and the district of residence shall coordinate efforts to expedite timelines **(Box 5)**. A copy of this tracking form must be maintained for monitoring purposes.
(2) The referring agency is responsible for verifying the status of the referral to meet the 45 day timeline **(Box 18)**.
(3) If the district of residence has not notified the referring agency *within 30 calendar days* from the date of the initial referral, the referring agency must contact the district of residence to verify the status of the eligibility determination process **(Boxes 19-20)**.
(4) If eligibility determination (screening or evaluation) is not in process to meet prescribed timelines, or the status cannot be verified by the district of residence, the referring agency must document the status and immediately fax this form to the ADE/Child Find Unit **(Box 20 and Section III)**.

Section I Initial Referral Data

		1. Date of initial referral
2. Child's name	**3.** Parents'/guardians' names	**4.** Child's date of birth
5. ☐ Parent selected **both** Part B & Part C	**6.** Parents' mailing address	
7. Parents' home phone number	**8.** Parents' work phone number	**9.** Parents' alternative phone number
10. Person sending referral	**11.** Sender's agency	**12.** Sender's phone number
13. Sender's fax number	**14.** Person receiving referral	**15.** Name of receiving district of residence
16. Receiver's phone number	**17.** Receiver's fax number	**18.** District of residence notified referring agency on status of referral District staff: Date:
19. Date of contact with district of residence By agency staff: To district of residence staff:		**20.** Status of referral ☐ In process to meet timeline requirements ☐ Not in-process or not verified - file alert (Section III)

Section II District of Residence Instructions:
(1) The district of residence must immediately begin the screening or evaluation process **(Box 21)**. A copy of this tracking form must be maintained for monitoring purposes.
(2) *Within 30 calendar days* of the initial referral date **(Box 1)** the district of residence must fax this form to the referring agency to notify them of the status of the referral **(Box 20 & 22)**.
(3) If an Alert is filed the referring agency will complete **Boxes 23-24** upon completion of the screening or evaluation, notify the parents, and fax this form to the referring agency and the ADE/Child Find Unit at (928) 679-8124.

Section II Documentation of Referral from AzEIP, Union High School or Charter School & Follow-up

21. Date of agency referral Received by district of residency staff:	**22.** Date agency notified of status of referral By district staff: To agency staff:
23. If Alert filed, date eligibility completed	**24.** Alert notification to parent, referring school, AzEIP State office & Child Find Unit By AzEIP staff: Date:

Section III Alert Instructions:
If eligibility determination is not in process, or is not verified, the referring agency must complete **Boxes 25-27** and within 2 days fax this form to the ADE/Child Find Unit at (928) 679-8124. The ADE/Child Find Coordinator will contact the district of residence to ensure the screening and/or evaluation process is being expedited. For more information contact the ADE/Child Find Coordinator at (928) 679-8106.

Section III Alert to Arizona Department of Education/Child Find Unit

25. Date Alert sent	**26.** Person sending Alert	**27.** Sender's phone number

Section IV Arizona Department of Education/Child Find Unit Follow-Up

Date Alert received	Person receiving Alert	Date & Action Taken