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**Arizona's Early Intervention Program Funded
Parties Agree To Dismiss *Zoe M. v. Blessing*
Class Action Lawsuit Against Arizona Department of Economic Security
Tucson, August 4, 2009**

With Arizona's Early Intervention Services funded for fiscal year 2010, the Arizona Center for Disability Law (Center), along with the Arizona Attorney General's Office, moved last week to dismiss the Center's class action lawsuit filed against the Arizona Department of Economic Security (DES). On Monday, August 3, 2009, the U.S. District Court in Tucson ordered the action dismissed without prejudice. A dismissal without prejudice means that the Center could return to Court with the same cause of action.

The Center filed its class action lawsuit in April 2009 to prevent the state from carrying out millions of dollars in budget cuts which violated federal and state law by eliminating or greatly reducing the provision of early intervention services to eligible infants and toddlers with disabilities. At the time, DES notified families that their children's early intervention services would be reduced or suspended.

The terms of the settlement, which led to the dismissal, included DES posting a notice on their website that states:

Early Intervention UPDATE: The Department of Economic Security plans to continue providing early intervention services to eligible children and their families for the 2010 state fiscal year (July 1, 2009 through June 30, 2010).

"The Center's priority was to ensure that early intervention services were provided to every eligible child in Arizona," said J.J. Rico, one of the attorneys who filed the class action lawsuit. "At this point, our clients are receiving services and we saw no need to continue with the lawsuit." Arizona Early Intervention Program (AzEIP) is a statewide system of supports and services for families of children, birth to age three, with disabilities or developmental delays. AzEIP was created in accordance with the Individuals with Disabilities Education Act (IDEA) Part C, to aid infants and toddlers in catching up to their peers and/or learning to adapt to their disabilities; thereby avoiding possible institutionalization and reducing costs to the education sector and society in general. All fifty states provide services and supports under this federal law. In Arizona, AzEIP is a collaboration of activities by: DES; Arizona Department of Health Services; Arizona State Schools for the Deaf and Blind; Arizona Department of Education; and the Arizona Health Care Cost Containment System.

The future of early intervention services beyond fiscal year 2010 remains uncertain as the Governor and state legislative leaders continue to debate additional budget cuts to bridge a growing budget deficit. Some analysts have estimated the current budget gap to be over \$3 billion dollars.

“The Court dismissed our suit without prejudice,” said Rico. “We can return to federal court to protect the rights of children with disabilities again if necessary.”

Zoe M. v. Blessing is a continuation of the Center’s work to ensure that children with disabilities receive a free and appropriate public education as guaranteed by federal and state law. The Center’s staff handles issues ranging from abusive seclusion and restraint, the failure to implement Individualized Education Plans, and disputes over related special education services.

JoAnn Sheperd and J.J. Rico were the Center’s lead attorneys on this case.

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The Arizona Center for Disability Law is a not for profit public interest law firm, dedicated to protecting the rights of individuals with a wide range of physical, mental, psychiatric, sensory and cognitive disabilities. The Arizona Center for Disability Law is authorized under various federal statutes to ensure the protection and advocacy of all individuals with disabilities in the state.