Arizona Part B FFY 2005 SPP/APR Response Table

Monitoring Priorities and Indicators	Status	OSEP Analysis/Next Steps	
Monitoring Priority: FAPE in the LRE			
Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma. [Results Indicator]	The State's FFY 2005 reported data for this indicator are 61%. The State met its FFY 2005 target of 61%. The State reported that the data for this indicator may not be valid and reliable because districts can amend the data for up to three years.	The State met its target and OSEP appreciates the State's efforts to improve performance. The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions. The State proposed to revise the baseline using the reported data in the FFY 2005 APR (61%) based upon its revised measurement; however, the State did not revise the FFY 2004 baseline in the SPP using the revised measurement. The State must either provide the revised FFY 2004 baseline data using the revised measurement or maintain the FFY 2004 baseline data using the old measurement. The State must indicate its choice, and if appropriate, provide the revised data in the FFY 2006 APR, due February 1, 2008. The State reported at Indicator 20, page 35 of the APR, that "the issue of PEAs [local education agencies] being able to amend the SAIS [student accountability information system] data for three years may impact the accuracy of the reported graduation and dropout statistics."	
2. Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school. [Results Indicator]	The State's FFY 2005 reported data for this indicator are 5.59%. The State met its FFY 2005 revised target of 5.59%. The State reported that the data for this indicator may not be valid and reliable because districts can amend the data for up to three years.	The State met its target and OSEP appreciates the State's efforts to improve performance. The State revised the baseline, targets, and improvement activities for this indicator in its SPP and OSEP accepts those revisions. The State reported at Indicator 20, page 35 of the APR, that "the issue of PEAs [local education agencies] being able to amend the SAIS [student accountability information system] data for three years may impact the accuracy of the reported graduation and dropout statistics."	
3. Participation and performance of children with disabilities on statewide assessments:A. Percent of districts that have a disability	The State's FFY 2005 APR reported data for this indicator are 12.16%. This represents slippage from the State's FFY	OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.	

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subgroup that meets the State's minimum "n" size meeting the State's AYP objectives for progress for disability subgroup.	2004 reported data of 22.7%. The State did not meet its FFY 2005 target of 23%.	
[Results Indicator]		
3. Participation and performance of children with disabilities on statewide assessments: B. Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.	The State's FFY 2005 reported data are 98.1% for math and 98.5% for reading. The State met its FFY 2005 target of 95% for math and reading.	The State revised the math and reading participation targets and OSEP accepts those revisions. The State met its FFY 2005 targets for math and reading. OSEP appreciates the State's efforts to improve performance.
[Results Indicator]		
3. Participation and performance of children with disabilities on statewide assessments: C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards. [Results Indicator]	The State's reported FFY 2005 data are 26.9% for math and 26.4% for reading. The State met its math FFY 2005 target of 26% but did not meet its reading FFY 2005 target of 35%. The reading data represent slippage from the FFY 2004 data of 27.1%.	OSEP appreciates the State's efforts to improve math performance. OSEP looks forward to the State's data demonstrating improvement in performance in reading in the FFY 2006 APR, due February 1, 2008.
4. Rates of suspension and expulsion: A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year; and [Results Indicator]	The State's FFY 2005 reported data for this indicator are 2.3%. This represents slippage from the FFY 2004 data of 1.6%. The State did not meet its FFY 2005 target of 1.6%.	The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions. OSEP's March 15, 2006 FFY 2004 SPP response letter required the State to include in the February 1, 2007 APR, clarification that expulsions of children with disabilities for greater than 10 days in a school year, if any, are included and addressed in the data and targets. The State provided the clarification on page 15 of Arizona's FFY 2005 APR. Although the State identified significant discrepancies, Arizona did not describe how it reviewed, and if appropriate revised (or required the affected LEAs to revise) its policies, procedures, and practices relating to the

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		development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, as required by 34 CFR §300.170(b). In its FFY 2006 APR, the State must describe the review, and if appropriate revision, of policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA for: (1) the LEAs identified as having significant discrepancies in the FFY 2005 APR; and (2) the LEAs identified as having significant discrepancies in the FFY 2006 APR. (The review for LEAs identified in the FFY 2006 APR may occur either during or after the FFY 2006 reporting period, so long as the State describes that review in the FFY 2006 APR.) OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2006 APR submission.
4. Rates of suspension and expulsion: B. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity. [Results Indicator; New]		Based upon our preliminary review of all State submissions for Indicator 4B, it appears that the instructions for this indicator were not sufficiently clear and, as a result, confusion remains regarding the establishment of measurements and targets that are race-based and for which there is no finding that the significant discrepancy is based on inappropriate policies, procedures, or practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. As a result, use of these targets could raise Constitutional concerns. Therefore, OSEP has decided not to review this year's submissions for Indicator 4B for purposes of approval and will revise instructions for this indicator to clarify how this indicator will be used in the future. Based upon this, OSEP did not consider the submissions for Indicator 4B in making determinations under section 616(d). It is also important that States immediately cease using Indicator 4B measurements and targets, unless they are based on a finding of inappropriate policies, procedures, or practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.
5. Percent of children with IEPs aged 6 through 21:A. Removed from regular class less than 21%	A. The State's FFY 2005 reported data for this indicator are 50.5%. The	The State met its target for 5A and 5C and OSEP appreciates the State's efforts to improve performance. OSEP looks forward to the State's data demonstrating improvement in performance for 5B in the FFY 2006 APR,

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of the day; B. Removed from regular class greater than 60% of the day; or C. Served in public or private separate schools, residential placements, or homebound or hospital placements. [Results Indicator]	State met its FFY 2005 target of 49%. B. The State's FFY 2005 reported data for this indicator are 17.2%. The State did not meet its FFY 2005 target of 17%. C. The State's FFY 2005 reported data for this indicator are 2.6%. The State met its FFY 2005 target of 2.7%.	due February 1, 2008.
6. Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (i.e., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings). [Results Indicator]	The State's FFY 2005 reported data for this indicator are 45.9%. This represents slippage from the FFY 2004 data of 47%. The State did not meet its FFY 2005 target of 48%.	The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions. The State reported slippage in its FFY 2005 APR. Please note that, due to changes in the 618 State-reported data collection, the measurement for this indicator will change for the FFY 2006 APR, due February 1, 2008. States will be required to describe how they will collect valid and reliable data to provide baseline and targets in the FFY 2007 APR, due February 1, 2009.
7. Percent of preschool children with IEPs who demonstrate improved: A. Positive social-emotional skills (including social relationships); B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and C. Use of appropriate behaviors to meet their needs. [Results Indicator; New]	Entry data provided.	OSEP's March 15, 2006 FFY 2004 SPP response letter required the State to inform OSEP in the FFY 2005 APR of the State's decision whether to sample or gather census data, and revise the State Performance Plan accordingly. In the FFY 2005 APR, the State reported its decision not to use sampling but to use census data, and revised the SPP accordingly. OSEP accepts those revisions. The State reported the required entry data and activities and also included improvement activities. The State must provide progress data and improvement activities with the FFY 2006 APR, due February 1, 2008.
8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a	The State's reported baseline data for this indicator are	OSEP's March 15, 2006 FFY 2004 SPP response letter (Table A) and the instructions for the FFY 2005 SPP required the State to include a copy of the parent survey with the FFY 2005 APR submission. The State did so and

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means of improving services and results for children with disabilities.	44.9%.	also provided progress data and improvement activities. OSEP accepts the SPP for this indicator.
[Results Indicator; New]		
Monitoring Priority: Disproportionality		
9. Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is	The State's reported baseline data for this indicator are 0%.	The State provided targets at 0% and improvement activities and OSEP accepts the SPP for this indicator.
special education and related services that is the result of inappropriate identification. [Compliance Indicator; New]		The State reported the percent of districts with disproportionality that was the result of inappropriate identification policies, procedures, or practices. However, the State also described its process as making a determination of LEAs "at risk of significant disproportionality," and included consideration of achievement rates and dropout rates. The State described its process as not reviewing disproportionality for White and Asian students and as only looking at "potential overidentification." The State also indicated that it excludes schools with 10 or fewer students and apparently excludes charter schools because they "inherit students already identified." On page 41 of the SPP, the State reported noncompliance in identification in three districts where the State identified disproportionality. The State reported that the districts had already taken steps to address the overidentification of Hispanic students, including budgeting 15% of their IDEA grant to assist teachers in the regular education classrooms and contracting for in-service training on effective intervention strategies in such classrooms. The State did not report on the correction of the specific noncompliance identified in these districts but only on the corrective actions that were "initiated."
		In reporting on disproportionate representation that is the result of inappropriate identification, the State reported that it reviewed data for some, but not all race ethnicity categories present in the State. Under 34 CFR §300.600(d)(3) a State may, in reviewing data for each race ethnicity category, do so in a statistically appropriate manner, and may set an "n" size that applies to all racial and ethnic groups, but it must review data for all race ethnicity categories in the State and must do the analysis at the LEA level for all race and ethnic groups meeting that "n" size that are present in any of its LEAs. The State also indicated that it only reviewed and reported data on overidentification of racial and ethnic groups in special education and related services. Indicator 9, pursuant to 34 CFR §300.600(d)(3),

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		requires States to identify disproportionate representation, both over representation and underrepresentation, of races and ethnicities in special education and related services. The State also appears to be categorically excluding charter schools from determinations of disproportionality on the basis that they do not identify students with disabilities. This is not an appropriate basis for excluding such LEAs from the required review for disproportionate representation that is the result of inappropriate identification. It is important to note that the State has a number of charter schools that are LEAs, and as such, are responsible for ensuring that all Part B requirements are met, including evaluations and reevaluations, unless State law assigns the responsibility to some other entity. 34 CFR §300.209(b)(2).
		Therefore, we conclude that the State is not complying with 34 CFR §300.600(d)(3) and is using an inappropriate measurement. To correct this noncompliance, the State, in its FFY 2006 APR, due February 1, 2008, must: 1) revise its process including a clarification of whether the State is using the same definition of disproportionate representation in special education and significant disproportionality; and 2) report the appropriate data consistent with the instructions for this indicator. For both FFY 2005 and FFY 2006, the State must describe and report on its review of data and information for all race ethnicity categories in the State to determine if there is disproportionate representation in special education, both underidentification and overidentification, that is the result of inappropriate identification. To the extent that charter school LEAs meet the Stateestablished "n" size, they also must be part of the State's review for disproportionate representation that is the result of inappropriate identification. To the extent the State identifies noncompliance with Part B requirements in a district under this indicator, the State must also report on the correction of that noncompliance under this indicator and Indicator 15.
		Under 34 CFR §300.646(b)(2), if the State determines that significant disproportionality (which may or may not be the same as disproportionate representation) is occurring in an LEA, the State must require the LEA to reserve the maximum amount for early intervening services, regardless of the result of the review of the LEA's policies, practices, and procedures. Because the State provided information in its FFY 2005 APR that appears to reference the requirements of 34 CFR §300.646(b)(2), as part of its clarification required above, the State also must clarify in its FFY 2006

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		APR that it requires an LEA to reserve the maximum amount of its Part B allocation for early intervening services when it is determined that significant disproportionality is occurring in the LEA, as required by 34 CFR §300.646(b)(2).
10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. [Compliance Indicator; New]	The State's reported baseline data for this indicator are 0% of districts with disproportionality by disability that was the result of inappropriate identification policies, procedures, or practices.	The State provided targets at 0% and improvement activities and OSEP accepts the SPP for this indicator. The State reported that it used the same process described for Indicator 9 in making its determinations under Indicator 10. As noted above, OSEP has identified numerous concerns with the State's process for these indicators. Those concerns are incorporated by reference for Indicator 10, but will not be repeated. However, OSEP noted that for some of the additional districts identified as having "substantial procedural issues with the special education identification process," the State did not report on the correction of the specific noncompliance identified in these districts. To correct this noncompliance, the State, in its FFY 2006 APR, due February 1, 2008, must: 1) revise its process including a clarification of whether the State is using the same definition of disproportionate representation and significant disproportionality; and 2) report the appropriate data consistent with the instructions for this indicator. For both FFY 2005 and FFY 2006, the State must describe and report on its review of data and information for all race ethnicity categories in the State to determine if there is disproportionate representation by disability category, both underidentification and overidentification, that is the result of inappropriate identification by disability category. To the extent that charter school LEAs meet the State-established "n" size, they also must be part of the State's review for disproportionate representation by disability categories that is the result of inappropriate identification. To the extent that the State identifies noncompliance with Part B requirements under this indicator, the State must also report on the correction of that noncompliance under this indicator and Indicator 15.
Monitoring Priority: Effective General Super	vision	
11. Percent of children with parental consent to evaluate, who were evaluated within 60 days	The State's reported baseline data for this indicator are	The State provided baseline data, targets and improvement activities. The State reported data based on a State-established timeframe within which the evaluation must be conducted. OSEP accepts the improvement activities

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(or State-established timeline).	86%.	and targets for this indicator.
[Compliance Indicator; New]	Data not valid and reliable. The State did not submit FFY 2005 data consistent with the required measurement for this indicator.	The State reported that the data for this indicator are collected through its monitoring system. The State reported that because it only monitored the files of those students found eligible for special education, the reported data was for eligible children only and was based on the timeline, "from parental consent for the collection of additional data to the date of the eligibility determination." The State did not report on children not found eligible. The State also reported that for the "2006–2007 school year [its monitoring system will] include a sample of children who were evaluated and found to be not eligible to ensure that the reporting on this indicator addresses both groups of students." OSEP also noted that the State did not indicate the range of days beyond the timeline or the reasons for delay, as required in the instructions.
		In the FFY 2006 APR, the State must report on this indicator consistent with the instructions and using the required measurement. OSEP looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements 34 CFR §300.301(c)(1), including correction of the noncompliance identified in FFY 2005.
12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays. [Compliance Indicator]	The State's FFY 2005 reported data for this indicator are 63.61%. This represents slippage from the FFY 2004 data of 83%. The State did not meet its FFY 2005 target of 100%. The State did not demonstrate timely correction of previously identified noncompliance for this indicator.	The State reported a significant change in its data collection from monitoring data to census data. This provides a more complete measure of Statewide compliance. The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions. The State's improvement activities included collecting information regarding delays beyond the third birthday based on parental wishes, root cause analyses and documentation of correction. OSEP's March 15, 2006 FFY 2004 SPP response letter required the State to ensure timely correction of noncompliance with 34 CFR §300.124, (previously at 34 CFR §300.132(b)) and include data that demonstrates compliance. The State's FFY 2005 data demonstrate noncompliance and the State did not report on the correction of all previous noncompliance identified under this indicator.
		In the FFY 2006 APR, due February 1, 2007, consistent with the instructions, the State must provide data on the range of delays and the reasons for the delays. The State must review its improvement activities and

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		revise, if appropriate, to ensure they will enable the State to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate full compliance with the requirements at 34 CFR §§300.124 and 300.101(b) including correction of noncompliance identified in FFY 2005 and remaining noncompliance identified in FFY 2004.
13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals. [Compliance Indicator; New]	The State's reported baseline data for this indicator are 83.5%.	The State provided baseline data and targets and revised improvement activities and OSEP accepts the SPP for this indicator. OSEP looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements of 34 CFR §300.320(b), including data demonstrating correction of noncompliance identified in FFY 2005 and any remaining noncompliance from FFY 2004.
14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of post-secondary school, or both, within one year of leaving high school. [Results Indicator; New]	Entry data provided.	The State provided a plan that described how the data would be collected. The State must provide baseline data and targets with the FFY 2006 APR, due February 1, 2008.
15. 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. [Compliance Indicator]	The State's FFY 2005 reported data for this indicator are 92.4% corrective actions completed within one year of identification. This represents progress from the FFY 2004 data of 65.9%. The State did not meet its FFY 2005 target of 100%.	OSEP's March 15, 2006 FFY 2004 SPP response letter required the State to submit appropriate data as outlined in OSEP's September 20, 2005 letter, demonstrating timely correction of identified noncompliance, including long-standing noncompliance. OSEP's September 20, 2005 letter required documentation of correction of noncompliance identified by the State prior to June 2005, including any remaining uncorrected noncompliance regarding the provision of psychological counseling services, child find for children birth through three, and the provision of extended school year (ESY) services, and documentation of the specific additional steps the State has taken to ensure correction of noncompliance after the one-year period to correct has expired and correction has not occurred. In its APR submission, the State described the additional enforcement steps taken with LEAs monitored during FFY 2005 (2005-2006) after the expiration of the one-year correction period. The State did not report on correction of noncompliance identified prior to June 2005 where correction did not occur within one year.

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		the prior identified noncompliance outlined in the March 15, 2006 SPP response letter. The State must provide in the FFY 2006 APR, due in February 2008, data demonstrating timely correction of noncompliance identified prior to June 2005, including any remaining uncorrected noncompliance regarding the provision of psychological counseling services, child find for children birth through three, and the provision of ESY services. Failure to provide this information in the FFY 2006 APR may affect the State's determination under section 616(d) of the IDEA. The State did not break the data down by indicator or substantive finding areas. OSEP looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements in 20 U.S.C. 1232d(b)(3)(E), and 34 CFR §§300.149 and 300.600. In its response to Indicator 15 in the FFY 2006 APR, due February 1, 2008, the State must disaggregate by APR indicator the status of timely correction of the noncompliance findings identified by the State during FFY 2005. In addition, the State must, in responding to Indicators 4A, 9, 10, 11, 12, and 13, specifically identify and address the noncompliance identified in this table under those indicators.
16. Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint. [Compliance Indicator]	The State's FFY 2005 reported data for this indicator are 99.4%. This represents progress from the FFY 2004 data of 73.9%. The State did not meet the FFY 2005 target of 100%.	The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions. OSEP's March 15, 2006 FFY 2004 SPP response letter required the State to submit appropriate data as outlined in OSEP's September 20, 2005 letter, demonstrating compliance with the requirement at 34 CFR §300.661 (now 34 CFR §300.152) to resolve formal, written complaints within 60 days of receipt. The State's March 31, 2006 report to OSEP indicated 94% compliance. In the APR, the State reported that only one of 161 complaints was late and by a period of only one day. This demonstrates significant improvement. OSEP appreciates the State's efforts and looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with 34 CFR §300.152.
17. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is	The State's FFY 2005 reported data for this indicator are 100%. The State met the	The State met the FFY 2005 target and OSEP appreciates the State's efforts in achieving compliance. OSEP's March 15, 2006 FFY 2004 SPP response letter required the State to

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properly extended by the hearing officer at the request of either party. [Compliance Indicator]	FFY 2005 target of 100%.	submit appropriate data as outlined in OSEP's September 20, 2005 letter, demonstrating full compliance. The State demonstrated progress toward compliance in the State's March 31, 2006 report to OSEP. The State has demonstrated compliance.
18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements. [Results Indicator; New]	The State's reported baseline data for this indicator are 57.9%.	The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.
19. Percent of mediations held that resulted in mediation agreements.[Results Indicator]	The State's FFY 2005 reported data for this indicator are 88.9%. The State met its FFY 2005 target of 82%.	The State met the FFY 2005 target and OSEP appreciates the State's efforts to improve performance.
20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]	The State's FFY 2005 reported data for this indicator are 85%. This represents slippage from the FFY 2004 data of 100%. The State did not meet the FFY 2005 target of 100%.	The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions. The State reported at Indicator 20, page 35 of the APR that "the issues of LEAs being able to amend the SAIS data for three years may impact the accuracy of the reported graduation and dropout statistics at Indicators 1 and 2." The State did not submit FFY 2005 data consistent with the required measurement for Indicator 11. The State must review its improvement activities and revise, if appropriate, to ensure they will enable the State to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate full compliance with the requirements in IDEA section 618 and 34 CFR §§76.720 and 300.601(b).