

**Alabama Part B Table B
Previously Identified Issues**

Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 12: In its September 2004 response to the State's FFY 2002 APR, OSEP required Alabama State Department of Education (ALSDE) to submit: (1) data demonstrating compliance or a plan to correct identified noncompliance with 34 CFR §300.132(b), within 60 days of the date of the September 2004 letter; (2) as part of the FFY 2003 APR, data and analysis demonstrating progress toward compliance with 34 CFR §300.132(b) regarding children transitioning from Part C to Part B; and (3) a report, including data and analysis, demonstrating compliance with those requirements, within 30 days following one year from when OSEP accepted the plan. The State's FFY 2003 APR did not include either evidence of compliance with 34 CFR §300.132(b) or a plan to ensure correction. OSEP's August 29, 2005 response to the FFY 2003 APR required the State to submit, in the SPP, responsive baseline data regarding the percentage of children who are referred by Part C prior to age 3 and found eligible for Part B who receive special education and related services by their third birthday (34 CFR §300.132(b)).</p>	<p>On page 64 of the SPP, ALSDE reported that 63% of the Part B-eligible children transitioning from Part C to Part B had individualized education programs (IEPs) developed and implemented by their third birthdays during 2004-2005. On page 68, the State included activities to address the noncompliance.</p>	<p>See Table A under Indicator 12, for the required action the State must take to address the noncompliance.</p>	<p>See Table A under Indicator 12.</p>
<p>Indicator 17: Based on the information ALSDE submitted in its FFY 2003 APR, OSEP was unable to determine if the number of hearing requests exceeded 162. OSEP required the State to submit data clarifying the precise number of hearings that resulted in a decision within the 45-day timeline or within a documented extension (34 CFR §300.511(a) and (c)).</p>	<p>On page 98 of the SPP, ALSDE reported an accurate account of the 162 hearings requested for 2003-2004. The State indicated that 143 were either settled by agreement or withdrawn by the petitioner, 17 hearings were held (2 decisions issued within timelines and 15 decisions within extended timelines), and there were 2 remaining hearings where testimony had begun but had not been completed at the time of the report submission.</p>	<p>The State submitted the necessary data to clarify the precise number of hearings that resulted in a decision within the 45-day timeline or within a documented extension as required by 34 CFR §300.511(a) and (c).</p>	<p>OSEP appreciates the State's efforts in this area and looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement.</p>