

**Table B – Arizona Part B
Previously-Identified Issues**

Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 15: OSEP's September 20, 2005 Annual Performance Report (APR) response letter required the Arizona Department of Education (ADE) to submit, with the SPP, a report demonstrating progress toward compliance with the requirement at 34 CFR §300.600, to ensure the correction of identified noncompliance within one year of identification.</p> <p>In addition, ADE was required to report, by October 20, 2006, data and analysis demonstrating compliance with the requirement to address all local educational agency (LEA) 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, that has not been corrected by September 20, 2006 and includes the specific additional steps the State has taken to ensure correction after the LEA's one-year period to correct expired.</p>	<p>On pages 53-57 of the SPP, ADE provided information and data that included methods the State used to ensure the correction of noncompliance identified in Arizona's LEAs. Data reported showed:</p> <ol style="list-style-type: none"> (1) 53% of the corrective action plans (CAPs) were closed during the reporting period; (2) 27% of the CAPs were closed in less than two years; and (3) 20% of the CAPs addressing findings related to the SPP priority areas and indicators and those not related to the priority areas were not yet due to be closed out. 	<p>ADE reported that it is revising its procedures to align them with the appropriate timeline for correction. Although the State reported its progress toward compliance in the timely correction of identified noncompliance, the data indicated continuing noncompliance, with the level of compliance reported as 80%.</p>	<p>The State must review and, if necessary, revise its improvement strategies to ensure they will enable the State to demonstrate full compliance with this requirement by September 20, 2006. Failure to demonstrate compliance may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p> <p>The State must submit appropriate data as outlined in OSEP's September 20, 2005 letter, demonstrating timely correction of identified noncompliance, including long-standing noncompliance. However, in order to reduce the burden on the State, the final report should be submitted as part of the FY 2005 APR due February 1, 2007.</p>
<p>Indicator 16: OSEP's September 20, 2005 letter directed ADE to submit a plan with the SPP, designed to ensure that the State meets the timeline requirements at 34 CFR §300.661. OSEP also required ADE to submit a Progress Report by March 20, 2006, demonstrating progress toward compliance with the timeline requirements and a final report, demonstrating</p>	<p>ADE submitted data and a plan on pages 58-60 of the SPP. On page 58, the State reported that 73.9% of complaints were completed within 60 days or a properly-extended timeline during 2004-2005. ADE attributed the level of noncompliance to the fact that complaint investigators found it difficult to contact relevant school</p>	<p>The State provided data that demonstrate continued noncompliance with the requirements at 34 CFR §300.661 regarding the resolution of complaints resulting in the issuance of final decisions within the 60-day timeline or within an</p>	<p>The State must review and, if necessary, revise its improvement strategies to ensure they will enable the State to demonstrate compliance with the timeline requirements at 34 CFR §300.661 by September 20, 2006. The State must submit appropriate data as outlined in OSEP's September 20, 2005 letter, demonstrating full compliance. However, in order to reduce burden on the State, the final report should be</p>

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<p>compliance, by October 20, 2006.</p>	<p>personnel or obtain documentation during the summer break (timelines for issuance of the final decision are often due during extended school break periods).</p>	<p>allowable extension. The level of compliance reported was 73.9%. OSEP's September 20, 2005 letter noted that, during the period of July 1, 2003 to June 30, 2004, 82% of complaint decisions were issued within timelines. Data reported in the SPP showed an 8% decrease from the previous reporting year, in meeting the timeline requirements.</p>	<p>submitted as part of the FY 2005 APR due February 1, 2007. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>
<p>Indicator 17: In its September 20, 2005 APR response letter, OSEP required ADE to report data in the SPP, demonstrating compliance with the due process hearing timeline requirements at 34 CFR §300.511.</p>	<p>On page 61 of the SPP, the State reported that 86% (6 of 7) of the due process hearing requests that resulted in hearings, were completed within 45 days or a properly-extended timeline during 2004-2005.¹ ADE attributed the</p>	<p>The State provided data that demonstrate continued noncompliance with the due process hearing timeline requirements at 34 CFR §300.511. The level of</p>	<p>The State must submit data that demonstrate compliance with this requirement by June 1, 2006. Failure to demonstrate compliance at that time may result in the State being identified as a "high-risk" grantee or may otherwise affect the State's FFY 2006 grant award.</p>

¹ OSEP noted that discrepancies existed between the due process hearing data reported in the State's FFY 2003 APR reported in the State's SPP. ADE's APR reported data for the period between June 1, 2004 and June 1, 2005, while data in the SPP was for the period of July 1, 2004 through June 30, 2005.

² Attachment 1 of the SPP showed that 25 of the 51 requests were resolved without a hearing and decisions were rendered within timelines for 6 of 7 requests. In a March 2, 2006 follow-up telephone conversation with the State, staff reported that for the 51 hearing requests: 14 were withdrawn, 27 dismissed, 7 decisions were rendered, 2 were pending, and 1 expedited hearing was fully adjudicated. Although this information does not impact the State's baseline, ADE will need to revise the data in Attachment 1 to reflect that 41 requests were resolved without a hearing.

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	<p>noncompliance to the independence of hearing officers, so that extensions were granted but the mandated timelines were not met. The State also reported that it had transitioned from a two-tier system to a one-tier system.</p>	<p>compliance reported was 86%.²</p> <p>OSEP's September 20, 2005 letter noted that, during the period of July 1, 2003 to June 30, 2004, 82% of due process hearing decisions were issued within required timelines. Arizona has improved the rate of meeting the timeline requirement by 4%.</p>	