

FLORIDA
Table B – Part B
Previously Identified Issues

Issue	State Submission	OSEP Analysis	Required Action
<p><u>Indicator 17: General Supervision – Due Process Hearings.</u></p> <ul style="list-style-type: none"> • OSEP’s January 21, 2004 letter required FDE to submit a plan describing how it would monitor and enforce timelines for due process hearings in accordance with 34 CFR §300.511(a) and (c). • In response to this letter, on June 13, 2005, FDE submitted documentation that included due process hearing data and a description of the State’s procedures used to monitor due process hearing timelines. • OSEP’s October 4, 2004 letter indicated that FDE did not provide sufficient evidence to demonstrate that it ensured compliance with due process hearing timelines; therefore, OSEP required FDE to submit revised procedures that would lead to compliance with the due process hearing timelines within 60 days of 	<p>On page 79 of the SPP and in Attachment 1, baseline data (tracked by the Administrative Law Judges in the Division of Administrative Hearings) for FFY 2004-2005 reflect that 9 of 28 fully-adjudicated due process hearings (32%) were completed within the required timelines under 34 CFR §300.511(a) and (c).</p>	<p>The State provided data that demonstrate continuing noncompliance with the requirements at 34 CFR §300.511 (a) and (c), regarding due process hearing timelines. The level of compliance reported was 32%. OSEP initially identified this noncompliance in its January 24, 2004 letter.</p> <p>Pages 80-81 of the SPP include activities, timelines and resources to correct this noncompliance.</p>	<p>Failure to demonstrate compliance by June 1, 2006, may result in the State being identified as a “high-risk” grantee or may otherwise affect the State’s FFY 2006 grant award.</p>

Issue	State Submission	OSEP Analysis	Required Action
<p>the date of the letter.</p> <ul style="list-style-type: none"> • On December 6, 2004, FDE submitted a revised plan for ensuring compliance with the due process hearing timelines. OSEP accepted FDE's plan on February 28, 2005 and required FDE to demonstrate progress toward compliance in the FFY 2003 APR, due March 31, 2005. • OSEP's August 19, 2005 letter required FDE to submit a report demonstrating full compliance no later than March 28, 2006. 			