

**Table B – Alaska Part C  
Previously Identified Issues**

Issue	State Submission	OSEP Analysis	Required Action
<p><b><u>Indicator 1</u></b></p> <p>OSEP’s October 4, 2005 FFY 2003 APR letter found the State in noncompliance with the requirement that all services identified on the IFSP and consented to by the parent must be provided in a timely manner as required by 34 CFR §§303.340(c), 303.342(e) and 303.344(f)(1), and accepted the State’s plan designed to ensure compliance with this requirement.</p> <p>The October 4, 2005 letter required the State to submit data and analysis demonstrating progress toward compliance in the SPP, and to submit a final Progress Report demonstrating full compliance no later than 30 days following the date of the letter, which would be November 3, 2006.</p>	<p>The State submitted SPP baseline data indicating that 85% of infants and toddlers with IFSPs received the early intervention services on their IFSPs in a timely manner.</p>	<p>The State provided data that demonstrate continuing noncompliance with the requirement regarding timely provision of early intervention services, specifically the requirement at 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1). The level of compliance reported was 85%.</p> <p>In the State’s computation of its baseline data for this compliance indicator, the State may have included children for whom reasonable delays were attributable to exceptional family circumstances documented in the child’s record.</p>	<p>The State’s final Progress Report demonstrating compliance with this requirement, which is due November 3, 2006, may be submitted with the State’s FFY 2005 APR due on February 1, 2007. The State must review and, if necessary revise, its improvement strategies to ensure they will enable the State to include data in that APR that demonstrate full compliance with this requirement. The State should not include in the calculation of its data children for whom the State has identified the cause for the delay as exceptional family circumstances documented in the child’s record. The State must include in its discussion of data, the numbers it used to determine its calculation and report separately the number of documented delays attributable to family circumstances. 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>

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<p><b><u>Indicator 7</u></b></p> <p>OSEP's February 4, 2004 FFY 2001 APR letter required the State to submit a final Progress Report on February 4, 2005 demonstrating correction of noncompliance with the requirement that evaluations, assessments and initial IFSP meetings must be completed within 45 days of referral, as required by 34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a).</p> <p>OSEP's October 4, 2005 letter responding to the State's FFY 2003 APR and its February 4, 2005 Progress Report, required the State to submit in the SPP, updated data and analysis demonstrating:</p> <ol style="list-style-type: none"> <li>1. The status of the Improvement Plans of four local programs where noncompliance had been previously identified; and</li> <li>2. Compliance with the requirement that evaluations and assessments are completed, and IFSP meetings are held, within 45 days of referral.</li> </ol>	<ol style="list-style-type: none"> <li>1. On pages 3, 4, 5 and 9 of a final Progress Report related to other areas submitted with the SPP, the State reported that one of the local programs, KAN, had demonstrated 100% compliance in completing evaluations, assessments, and initial IFSP meetings within 45 days of referral.</li> </ol> <p>The State reported data showing improvement for another local program, CCK, from May 2004 when 29% of the 45-day timelines were met compared with April through June 2005 when 100% of newly enrolled children had evaluations, assessments and IFSPs completed with 45 days of referral.</p> <p>The State indicated that the two remaining programs, ACC and TCC, have implemented improvement strategies and are scheduled to report on compliance by June 30, 2006.</p> <ol style="list-style-type: none"> <li>2. For Indicator 7 on page 33 of the SPP, the State reported baseline data indicating a 71% level of compliance in meeting the 45-day timeline. The State reported that some of the delays in meeting the 45-day timeline were due to family circumstances.</li> </ol>	<p>OSEP initially identified noncompliance with this requirement in its February 4, 2004 FFY 2001 APR letter and required correction. The State provided data that do not conclusively demonstrate compliance with the requirement that evaluations, assessments, and initial IFSP meetings must be completed within 45 days, as required by 34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a).</p> <ol style="list-style-type: none"> <li>1. Two of the local programs that were previously identified as noncompliant with this requirement have demonstrated compliance, but two of the programs, ACC and TCC, are not scheduled to report on compliance with this requirement until June 30, 2006.</li> <li>2. Although the level of compliance reported for the SPP baseline data was 71%, the State's computation of this data appears to include children for whom reasonable delays were attributable to exceptional family circumstances documented in the child's record. In addition, the State indicated that it has recently implemented specific activities designed to ensure compliance with this requirement despite the occurrence of severe weather conditions.</li> </ol>	<ol style="list-style-type: none"> <li>1. and 2. The State must review and, if necessary revise, its improvement strategies to ensure they will enable the State to include data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement, including correction data for the two local programs, ACC and TCC, in the process of completing the activities in their Improvement Plans. The State should not include in the calculation children for whom the State has identified the cause for the delay as exceptional family circumstances documented in the child's record. The State must include in its discussion of data, the numbers it used to determine its calculation under this indicator and report separately the number of documented delays attributable to family circumstances. Failure to demonstrate compliance at that time will affect OSEP's determination of the State's status under section 616(d) of the IDEA.</li> </ol>

Issue	State Submission	OSEP Analysis	Required Action
<p><b>Indicator 8</b></p> <p>OSEP's November 15, 2004 FFY 2002 APR letter found that data submitted in the APR demonstrated noncompliance, not previously identified by OSEP, with the transition planning requirements of 34 CFR §§303.344(h), 303.148(b)(1) 303.148(b)(2)(i), and 303.148(b)(4). OSEP's letter accepted the State's plan for ensuring correction of the noncompliance, and required the State to provide a final Progress Report demonstrating full compliance by December 15, 2005, which the State agreed to submit early with its SPP submission.</p> <p>OSEP's October 4, 2005 FFY 2003 APR response required the State to submit, in the final Progress Report in conjunction with the SPP, data and information to ensure that:</p> <p>8A: Steps are included on the IFSP to support the transition of the child and family;</p> <p>8B: The lead agency notifies the appropriate local education agency that the child will shortly reach the age of eligibility for preschool services under Part B; and</p>	<p>8A: On page 38 of the SPP, the State reported data indicating that 95% of children exiting Part C have an IFSP with transition steps and services.</p> <p>8B: On page 38 of the SPP, the State reported data indicating a 95% level of compliance for notification to the LEA for children exiting Part C and potentially eligible for Part B.</p> <p>8C: On page 38 of the SPP, the State reported data indicating that 95% of the children exiting Part C and potentially eligible for Part B had a transition conference.</p> <p>On pages 6 through and 9 of the December 2, 2005 final Progress Report, the State reported data demonstrating that three of the four local programs required to demonstrate compliance completed the strategies in their Improvement Plans. The data indicated that:</p> <p>ACC has 100% compliance with requirements associated with Indicators 8A, 8B and 8C;</p> <p>KAN and CCK have corrected noncompliance regarding the requirement associated with 8A that IFSPs include transition steps and services, have 100% compliance with the LEA notification requirement reported under 8B and with the transition conference requirement reported under 8C.</p> <p>TCC has 100% compliance with the LEA notification requirement reported under 8B and the schedule for its final report on the requirements reported under 8A and 8C is June 30, 2006.</p>	<p>While the SPP baseline level of compliance is below 100% for Indicators 8A, 8B and 8C and requires improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in working toward compliance with these requirements.</p> <p>Since OSEP's November 15, 2004 letter identifying the noncompliance, all four local programs have demonstrated progress with Part C's transition planning requirements. The State reported that three of the four local programs have demonstrated full compliance with the requirements of 34 CFR §§303.344(h), 303.148(b)(1), 303.148(b)(2)(i), and 303.148(b)(4) reported under Indicators 8A, 8B and 8C. The one remaining local program, TCC, has demonstrated progress toward compliance with these requirements and is scheduled to report on full compliance on June 30, 2006.</p>	<p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement. The State must include both the Statewide data required for Indicator 8, and specific data for TCC. Failure to demonstrate TCC's compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>

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<p>8C: Transition meetings are held at least 90 days prior to the child's third birthday.</p> <p>OSEP's October 4, 2005 letter also required the State to submit data regarding the reasons for the delays in transition plans and the status of progress in the Improvement Plans for the local programs where noncompliance with these requirements had been identified.</p>	<p>On page 5 of the final Progress Report, the State indicated its database requires modification to accurately account for children whose parents do not agree to referral to Part B or for whom transition planning is delayed due to reasons related to child and family circumstances, and that data reported in the Progress Report was obtained from child files where such reasons are documented.</p>		

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<p><b><u>Indicator 9</u></b></p> <p>OSEP's February 4, 2004 FFY 2001 APR letter requested the State to submit a final Progress Report on February 4, 2005 demonstrating that noncompliance with the general supervision requirements of 34 CFR §303.501 had been corrected.</p> <p>OSEP's October 4, 2005 FFY 2003 APR letter indicated that the State appeared to have a system in place reasonably designed to identify noncompliance with Part C requirements. With respect to the State's timely correction of identified noncompliance, the letter required the State to submit:</p> <ol style="list-style-type: none"> <li>1. Copies of correspondence confirming the status of the correction of each local program previously identified with noncompliance; and</li> <li>2. Updated data and analysis for the four local programs demonstrating correction of identified areas of noncompliance.</li> </ol>	<ol style="list-style-type: none"> <li>1. The State submitted with the SPP, copies of correspondence to the four local programs<sup>1</sup> previously identified with noncompliance.</li> <li>2. On pages 1 and 2 of a final Progress Report relating to other areas submitted with the SPP, the State reported data indicating that two local programs, KAN and CCK, had demonstrated 100% correction of identified noncompliance within one year of identification and the scheduled date for the final correction report for ACC was February 2006. For TCC, the date is July 30, 2006.</li> </ol> <p>On page 48 of the SPP, the State reported an 87.5% level of compliance related to monitoring priority areas and SPP indicators.</p>	<ol style="list-style-type: none"> <li>1. The State has submitted the requested documentation.</li> <li>2. Since OSEP's February 4, 2004 letter identifying the State's noncompliance, the State has demonstrated progress toward compliance with the general supervision requirements of 34 CFR §303.501. The State reported an 87.5% statewide level of compliance related to identifying and timely correcting noncompliance for monitoring priority areas and SPP indicators.</li> </ol> <p>The State submitted data demonstrating that two of the four programs had completed correction of identified noncompliance within the requisite timeline and two were in the process of completing their Improvement Plan activities for correcting noncompliance. The State indicated that it has recently implemented new activities, guidelines, and timelines for ensuring correction of identified noncompliance.</p>	<ol style="list-style-type: none"> <li>1. No further action required.</li> <li>2. The State must include data in the APR, due February 1, 2007, that demonstrate compliance with this requirement. These data must include both the Statewide data required for Indicator 9, and specific data for the two local programs, TCC and ACC, that are in the process of completing their Improvement Plans activities. The State should review and, if necessary revise, its improvement strategies included in the SPP to ensure they will enable the State to include data in the APR, that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</li> </ol>

<sup>1</sup> ADOHSS provided follow-up data on the four local programs previously-identified with noncompliance, specifically Alaska Center for Children and Adults (ACCA); Community Connections ILP (CCK); Tanana Chiefs Conference ILP (TCC) and Kodiak Area Native Association ILP (KAN). ADOHSS presented monitoring data for two additional programs monitored in FFY 2004, OSEP's analysis of these two local programs is presented in its analysis of the State's baseline data in the SPP.

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<p><b><u>Indicator 9B</u></b></p> <p>OSEP's November 15, 2004 FFY 2002 APR letter identified noncompliance with the requirement that parents must be provided procedural safeguards as part of the prior written notice provisions of 34 CFR §303.403. OSEP accepted the State's plan to ensure correction of the noncompliance and required the State to submit a final report demonstrating compliance by December 15, 2005.</p> <p>OSEP's October 4, 2005 FFY 2003 APR response required the State to submit in its final Progress Report, which the State agreed to submit early with the SPP, data and analysis demonstrating full compliance by the local programs where noncompliance with this requirement had been identified.</p>	<p>On pages 2, 3 and 9 of the final Progress Report submitted with its SPP, the State reported data from its follow-up monitoring activities indicating that the three local programs had corrected their noncompliance with the written parental procedural safeguard provisions of 34 CFR §303.403.</p>	<p>The State reported data showing full correction of the previously-identified noncompliance with the requirement at 34 CFR §303.403.</p> <p>OSEP appreciates the State's efforts in ensuring compliance with this requirement.</p>	<p>No further action is required.</p>