

Enclosure B

Arizona IDEA Part C FFY 2010 Special Conditions

1. Basis for Requiring Special Conditions

Pursuant to IDEA sections 616(g) and 642 and 34 CFR §80.12, the Office of Special Education Programs (OSEP) is designating Arizona as a “high risk” grantee and imposing Special Conditions on Arizona’s Federal Fiscal Year (FFY) 2011 grant award under Part C of the Individuals with Disabilities Education Act (IDEA Part C) to ensure that early intervention services listed on the child’s Individualized Family Service Plan (IFSP) are provided to the child and family in a timely manner under 34 CFR §§303.340(c), 303.342(e) and 303.344(f)(1) (timely service provision).

Arizona’s FFY 2010 Part C grant award was subject to Special Conditions to ensure compliance by three early intervention service (EIS) providers with the timely service provision requirement.¹ Arizona reported in its May 2, 2011 FFY 2010 Special Conditions final progress report that the EIS provider Maricopa County - DDD (Division of Developmental Disabilities) was at 52% compliance with the timely service provision requirement for the period of January 1 – February 15, 2011. The noncompliance by Maricopa County - DDD has been longstanding and was the subject of the 2004 Compliance Agreement between Arizona’s Department of Economic Security (DES) and the U.S. Department of Education and Special Conditions on Arizona’s FFYs 2008, 2009 and 2010 IDEA Part C grants.

For this reason, and to ensure that Maricopa County - DDD timely provides early intervention services to infants and toddlers with disabilities, the Department is imposing the following Special Conditions on Arizona’s IDEA Part C FFY 2011 grant.

2. Nature of the Special Conditions

The State must provide data to OSEP by May 2, 2012 demonstrating compliance by Maricopa County - DDD with the IDEA Part C timely service provision requirement to ensure that Maricopa County - DDD timely provides IDEA Part C services to eligible children and families. Arizona’s DES must submit two progress reports.

1. In the first progress report, due by February 1, 2012, with its FFY 2010 APR, DES must provide data for the period from July 1, 2011 through December 31, 2011, for Maricopa County - DDD on:
 - (a) The number and percentage of infants and toddlers with disabilities for whom services on the IFSP were timely initiated;

¹ Arizona’s FFY 2010 Part C grant award was also subject to Special Conditions to ensure compliance by three system-point-of-entry or SPOE programs regarding the 45-day timeline requirements. The three SPOE programs were restructured in 2010 into five SPOE programs and at that time three of the five programs were in compliance with this requirement. Arizona’s May 2, 2011 FFY 2010 Special Conditions final progress report provided updated data demonstrating 100% compliance with the applicable 45-day timeline requirements by the two remaining restructured SPOE programs (Blake-Pinal/Gila and Blake-Pima 2C).

- (b) For those children for whom services were not timely initiated, the causes for the delay, the actions that DES and DDD have implemented to address the causes; and the results of those actions.
- 2. In the final progress report, due by May 2, 2012, DES must provide updated data for the period from January 1, 2012 through March 31, 2012 for Maricopa County - DDD on:
 - (a) The number and percentage of infants and toddlers with disabilities for whom Part C services on the IFSP were timely initiated; and
 - (b) For those children for whom services were not timely initiated, the causes for the delay, the actions that DES and DDD have implemented to address the causes; and the results of those actions.;

3. Evidence Necessary to Remove Conditions

The Department will remove the Special Conditions if, at any time prior to the expiration of the grant year, Arizona provides documentation, satisfactory to the Department, that it has met the Special Conditions and timely provided services to eligible children and their families in Maricopa County, as set forth above.

4. Method of Requesting Reconsideration

Arizona DES may write to Melody Musgrove, Ed.D., OSEP Director, at the address below, if it wishes the Department to reconsider any aspect of these Special Conditions. The request must describe in detail the changes to the Special Conditions sought by Arizona DES and the reasons for those requested changes.

5. Submission of Reports

All reports under these Special Conditions must be submitted to:

U.S. Department of Education
Office of Special Education and Rehabilitative Services
Attn.: Debra O. Jennings
400 Maryland Ave., S.W.
Washington, D.C. 20202-2550
And by e-mail: debra.jennings@ed.gov