

Enclosure B

Arizona IDEA Part C FFY 2012 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) 2012 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 §§303.342(e) and 303.344(f) (timely service provision).

Arizona’s FFY 2011 Part C grant award was subject to Special Conditions to ensure compliance with the IDEA Part C timely service provision requirement by early intervention service (EIS) providers in the Arizona Department of Economic Security (DES), Division of Developmental Disabilities (DDD) in Maricopa County. Noncompliance by Maricopa County-DDD with the timely service provision requirements of Part C has been longstanding and was the subject of the 2004 Compliance Agreement between DES and the U.S. Department of Education (Department) and Special Conditions on Arizona’s FFYs 2008, 2009, 2010 and 2011 IDEA Part C grants.

The State’s FFY 2011 Special Conditions progress reports provided data from July 1, through November 15, 2011 indicating 76% compliance and updated data for the period from January 1, 2012 through March 15, 2012 indicating 97% compliance. These FFY 2011 data indicate progress on timely service provision in Maricopa County within FFY 2011 and from the State’s FFY 2010 statewide data of 78%, but the FFY 2011 data continue to reflect noncompliance.

For this reason, and to ensure that Maricopa County-DDD timely provides early intervention services to infants and toddlers with disabilities and their families, the Department is imposing the following Special Conditions on Arizona’s IDEA Part C FFY 2012 grant.

2. Nature of the Special Conditions

The State must provide data to OSEP by May 6, 2013 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 their families. Arizona’s DES must submit two progress reports.

1. In the first progress report, due by February 1, 2013, with its FFY 2011 APR, DES must provide data for the period from July 1, 2012 through December 31, 2012, 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; 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.
2. In the final progress report, due by May 6, 2013, DES must provide updated data for the period from January 1, 2013 through March 31, 2013 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 IDEA Part C 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