



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES
OFFICE OF SPECIAL EDUCATION PROGRAMS

DIRECTOR

February 14, 2022

MEMORANDUM

TO: Alissa Trollinger, Deputy Associate Superintendent
Exceptional Student Services
Arizona Department of Education

THROUGH: Angela Tanner-Dean, Associate Division Director *ATD*
Division of Monitoring and State Improvement Planning
Office of Special Education Programs

FROM: Kim Hymes, State Lead, Arizona Part B

SUBJECT: Arizona IDEA Part B Corrective Action Plan Submission under OSEP's 2020
DMS Monitoring Letter

This memorandum responds to the Arizona Department of Education's (ADE's) submissions in response to the U.S. Department of Education (Department), Office of Special Education Programs (OSEP's) September 11, 2020, monitoring letter (DMS letter) to ADE, which required ADE to implement corrective actions to address noncompliance with requirements under Part B of the Individuals with Disabilities Education Act (IDEA) as identified through OSEP's differentiated monitoring and support (DMS) activities conducted with ADE's Exceptional Student Services Office (ESS).

Specifically, OSEP identified two findings of noncompliance with IDEA Part B requirements:

1. That ADE failed to exercise its general supervisory and monitoring responsibilities related to transition from IDEA Part C early intervention programs to IDEA Part B preschool programs, because it did not have sufficient policies and procedures in place to ensure that children with disabilities participating in early intervention programs under IDEA Part C and who will participate in preschool programs under IDEA Part B experience a smooth and effective transition to those preschool programs in a manner consistent with IDEA Section 637(a)(9), as required by IDEA Sections 612(a)(9) and (11) and 616(a), and 34 C.F.R. §§ 300.124, 300.149, and 300.600 through 300.602, and 20 U.S.C. 1232d(b)(3)(A) and (E); and
2. That ADE failed to exercise its general supervisory and monitoring responsibilities related to IDEA Section 619, because it did not have sufficient policies and procedures for public education agencies (PEAs) to follow in implementing the requirements of IDEA Section 619, as required by IDEA Sections 612(a)(11) and 616(a), 34 C.F.R. §§ 300.149 and 300.600 through 300.602, and 20 U.S.C. 1232d(b)(3)(A).

OSEP's DMS letter required ADE to provide OSEP with a corrective action plan (including timelines and evidence of implementation) within 90 days of receipt of the DMS letter that included steps ADE would take to:

- A.1. Develop and adopt final written policies and procedures that are reasonably designed:
 - a. To ensure a smooth and effective transition to IDEA Part B preschool programs for children with disabilities who are participating in IDEA Part C early intervention programs and found eligible for IDEA Part B services, in a manner consistent with IDEA Section 637(a)(9), as required by IDEA Section 612(a)(9) and 34 C.F.R. § 300.124;
 - b. To ensure the State monitors PEAs' implementation of all the requirements related to transition from IDEA Part C early intervention programs to IDEA Part B preschool programs, including identifying noncompliance and ensuring timely correction of any identified noncompliance in accordance with the requirements in 34 C.F.R. § 300.600(e) and OSEP Memo 09-02¹, as required by IDEA Sections 612(a)(11) and 616(a), 34 C.F.R. §§ 300.149 and 300.600 through 300.602, and 20 U.S.C. 1232d(b)(3)(A) and (E);
- A.2. Develop and adopt final written policies and procedures that are reasonably designed:
 - a. To ensure PEAs carry out the requirements of IDEA Section 619 consistent with IDEA and its implementing regulations, including policies and procedures related to transition conferences as required in IDEA section 612(a)(9) and § 34 C.F.R. 300.124(c), initial IEP Team meetings as required in IDEA section 614(d)(1)(D) and 34 C.F.R. §§ 300.321(f) and 300.323(c), and implementation of IEPs as required in IDEA sections 612(a)(1)(A) and (a)(9) and 614(d)(2)(B) and 34 C.F.R. §§ 300.101(b), 300.124(b), and 300.323(b);
 - b. To ensure the State monitors PEAs' implementation of IDEA Section 619, including identifying noncompliance and ensuring timely correction of any identified noncompliance in accordance with the requirements in 34 C.F.R. §300.600(e) and OSEP Memo 09-02, as required by IDEA Sections 612(a)(11) and 616(a), 34 C.F.R. §§300.149 and 300.600 through 300.602, and 20 U.S.C. 1232d(b)(3)(A) and (E);
- A.3. Implement the final policies and procedures, including:
 - c. To ensure that educators who provide services in IDEA Section 619 programs are trained and aware of their responsibilities under the State's policies and procedures, consistent with the transition requirements in IDEA Sections 612(a)(9) and 637(a)(9), and 34 C.F.R. §300.124, and IDEA Section 619 requirements; and

¹ [OSEP Memo 09-02 Timely Correction Memo \(ed.gov\)](#)

- d. To notify all PEAs, parent advocacy groups, and other interested parties that the State has developed and adopted the written policies and procedures noted above.

OSEP's DMS letter also required ADE to provide, within 120 days of receipt of the letter:

- B.1. The final written policies and procedures related to transition from IDEA Part C early intervention programs to IDEA Part B preschool programs;
- B.2. The final written policies and procedures related to implementation of IDEA Section 619;
- B.3. Documentation that demonstrates that the State is implementing the new policies and procedures; and
- B.4. Evidence that the State has disseminated the new policies and procedures to PEAs in the State, and that educators who provide services in IDEA Section 619 programs in Arizona are trained and aware of their responsibilities under those policies and procedures, consistent with IDEA requirements.

In addition, OSEP's DMS letter required ADE to provide, by April 1, 2021:

- C. Evidence (e.g., monitoring protocols and reports) that it is exercising its responsibility to monitor PEAs' implementation of requirements related to transition from IDEA Part C early intervention programs to IDEA Part B preschool programs and requirements related to IDEA Section 619, including identifying noncompliance and ensuring timely correction of any identified noncompliance in accordance with the requirements in 34 C.F.R. § 300.600(e) and OSEP Memo 09-02.

In response to the required actions set out in OSEP's DMS letter, ADE submitted a written corrective action plan to OSEP on December 10, 2020, that included a timeline and the steps that ADE would take to complete all of the required actions included in the DMS letter. In addition, ADE requested, and OSEP granted, an extension of several timelines in order to sufficiently address some of the required actions. Based on the revised timelines, and several meetings between ADE and OSEP to discuss the submissions to date and any necessary revisions, ADE/ESS submitted documents and information on December 10, 2020, March 12, 2021, April 15, 2021, May 4, 2021, June 16, 2021, and October 29, 2021, including draft revised policies and procedures related to transition from IDEA Part C to IDEA Part B and implementation of IDEA Section 619 requirements, and documentation related to implementation and dissemination of, and monitoring under, the revised policies and procedures. (See enclosed chart for a detailed listing of ADE's submissions.)

Based on OSEP's review of the documents and information submitted by ADE, and discussions with ADE, OSEP has approved the State's corrective action plan. OSEP has also determined, subject to the additional explanations contained in the enclosed chart, that ADE/ESS has taken appropriate steps to complete Required Actions A.1 through A.3 and B.1 through B.3, related to the submission of the corrective action plan and the adoption and implementation of policies and procedures to reasonably ensure a smooth and effective transition to IDEA Part B preschool programs for children with disabilities who are participating in the IDEA Part C early

intervention programs and found eligible for IDEA Part B services, and to exercise its general supervisory and monitoring responsibilities regarding IDEA Section 619 requirements.

However, ADE must still complete Required Action B.4 (evidence of dissemination of, and training on, the final version of the revised policies and procedures) and Required Action C (evidence of implementation of the revised monitoring procedures) in accordance with the timelines noted in the enclosed chart. OSEP appreciates ADE/ESS's efforts to complete several of the required actions, and looks forward to receiving the additional documentation as described in the enclosed chart in order to complete the remaining required actions and close out the findings.

Please contact Kim Hymes, at 202-245-7068 or kimberly.hymes@ed.gov if you have any questions or concerns.

Sincerely,
/s/
Valerie Williams
Director
Office of Special Education Programs

Enclosure

cc: Gregg Corr, Division Director

OSEP's Analysis of Arizona's Responses to IDEA Part B DMS Findings and Required Actions in OSEP's September 2020 DMS Letter

Listed below are the required actions identified in OSEP's September 2020 DMS letter, the State's responses to the required actions, and OSEP's analysis of the State's responses.

Required Actions from OSEP's Sep. 2020 DMS Letter	State's Response to Required Actions	OSEP Analysis and Required Actions
<p>A. Within 90 days from the receipt of the September 11, 2020 letter, ADE must submit a written plan to OSEP that includes a timeline, as well as steps it will take, to:</p> <p>1. Develop and adopt final written policies and procedures that are reasonably designed:</p> <p style="padding-left: 20px;">a. To ensure a smooth and effective transition to IDEA Part B preschool programs for children with disabilities who are participating in IDEA Part C early intervention programs and found eligible for IDEA Part B services, in a manner consistent with IDEA Section 637(a)(9), as required by IDEA Section 612(a)(9) and 34 C.F.R. § 300.124; and</p> <p style="padding-left: 20px;">b. To ensure the State monitors PEAs' implementation of all of the requirements related to transition from IDEA Part C early intervention programs to IDEA Part B preschool programs, including identifying noncompliance and ensuring timely correction of any identified noncompliance in accordance with the requirements in 34 C.F.R. § 300.600(e) and OSEP Memo 09-027, as required by IDEA Sections 612(a)(11) and 616(a), 34 C.F.R. §§ 300.149 and 300.600 through 300.602, and 20 U.S.C. 1232d(b)(3)(A) and (E);</p> <p>2. Develop and adopt final written policies and procedures that are reasonably designed:</p>	<p>On December 10, 2020, ADE submitted a draft ADE/ESS ECSSE Transition Policy and Procedure and a written plan that included a timeline and the steps it would take to complete the required actions. ADE requested an extension of the following deadlines: (1) an extension from 12/10/2020 to 3/1/2021 to complete Required Actions A.3.a and A.3.b; (2) an extension from 1/8/2021 to 3/1/2021 to complete Required Actions B.3 and B.4; and (3) an extension from 4/1/2021 to 6/25/2021 to complete Required Action C.</p> <p>On March 1, 2021, ADE submitted the following documents:</p> <ul style="list-style-type: none"> - Revised draft ADE/ESS ECSE Transition Policy and Procedure (revised Feb. 2021) - ADE/ESS Early Childhood Transition Policy and Procedure Training Plan (developed Feb. 2021) - Revised ADE/ESS organizational charts (revised Feb. 2021) outlining organizational responsibility for IDEA activities <p>With its March 1, 2021, submission, ADE also indicated it had completed the following activities:</p> <ul style="list-style-type: none"> - Finalization of the Transition Policy and Procedure - Notification to the field, as documented in the Early Childhood Special Education Summit training document (Feb. 2021) and the Special Education Director Check-In (Feb. 2021) - Development of a comprehensive plan for technical assistance and training, in accordance with the Transition Policy and Procedure Training Plan 	<p>OSEP granted ADE's requests for extension of the timelines, and the State submitted documents and information in response to the corrective actions within the agreed-upon timelines.</p> <p><u>Required Actions A.1 through A.3:</u></p> <p>ADE submitted a written plan and timeline on December 10, 2020, regarding the steps it would take to complete the required actions. Based on the State's submissions, OSEP approved the State's proposed plan and timeline as reasonably designed to address the findings of noncompliance and required actions identified in the September 2020 DMS letter. No further action is required under Required Actions A.1 through A.3.</p> <p><u>Required Actions B.1 through B.4:</u></p> <p>ADE submitted the following documents in response to Required Actions B.1 through B.4:</p> <ul style="list-style-type: none"> - Revised policies and procedures related to transition from the Part C program to the Part B preschool program - Revised policies and procedures related to implementation of the requirements of IDEA Section 619 - Documentation demonstrating that the State is implementing the revised policies and procedures

<p>a. To ensure PEAs carry out the requirements of IDEA Section 619 consistent with IDEA and its implementing regulations, including policies and procedures related to transition conferences as required in IDEA section 612(a)(9) and § 34 C.F.R. 300.124(c), initial IEP Team meetings as required in IDEA section 614(d)(1)(D) and 34 C.F.R. §§ 300.321(f) and 300.323(c), and implementation of IEPs as required in IDEA sections 612(a)(1)(A) and (a)(9) and 614(d)(2)(B) and 34 C.F.R. §§ 300.101(b), 300.124(b), and 300.323(b);</p> <p>b. To ensure the State monitors PEAs' implementation of IDEA Section 619, including identifying noncompliance and ensuring timely correction of any identified noncompliance in accordance with the requirements in 34 C.F.R. § 300.600(e) and OSEP Memo 09-028, as required by IDEA Sections 612(a)(11) and 616(a), 34 C.F.R. §§ 300.149 and 300.600 through 300.602, and 20 U.S.C. 1232d(b)(3)(A) and (E);</p> <p>3. Implement the final policies and procedures described in Required Actions A.1 and A.2 above, including:</p> <p>a. Ensuring that educators who provide services in IDEA Section 619 programs are trained and aware of their responsibilities under the State's policies and procedures, consistent with the transition requirements in IDEA Sections 612(a)(9) and 637(a)(9), and 34 C.F.R. § 300.124, and IDEA Section 619 requirements; and</p> <p>b. Notifying all PEAs, parent advocacy groups, and other interested parties that the State has developed and adopted written policies and procedures consistent with the required actions above.</p>	<ul style="list-style-type: none"> - Training of section 619 educators regarding their responsibilities, as documented in the Early Childhood Special Education Summit training document (Feb. 2021) and the Special Education Director Check-In (Feb. 2021) <p>In addition, with its March 1, 2021, submission, ADE requested further extension of the following deadlines: (1) an extension from 3/1/2021 to 4/1/2021 to submit documentation of evidence of dissemination of new policies and procedures to PEAs, in order to complete the public participation requirements under IDEA based on feedback from OSEP and ADE; and (2) an extension from 4/1/2021 to 6/25/2021 to submit documentation of implementation of the new policies and procedures.</p> <p>On April 15, 2021, and May 4, 2021, ADE submitted further revisions to the Transition Policy and Procedure document.</p> <p>On June 16, 2021, ADE submitted the following documents and information:</p> <ul style="list-style-type: none"> - ADE/ESS announcement email demonstrating that notice of programmatic monitoring changes to the preschool transition process were sent via the ESS Special Education Directors email list serv, which contains contacts for all PEA special education directors and preschool coordinators - May 2021 ADE/ESS monitoring alert to special education directors and preschool coordinators, outlining changes being made to the programmatic monitoring process specific to preschool transition, resulting from findings of noncompliance issued by OSEP. - Documentation showing how the revised ECSE Transition Policy and Procedures have been integrated into the ADE/ESS programmatic monitoring system, including revisions to: (1) ADE/ESS Programmatic Monitoring Guide Steps showing the compliance review for a PEA's systems for Child Find procedures for ages 2.5-5 years; (2) ADE/ESS Programmatic Monitoring Data Collection Form designed to document compliance decisions and other helpful information at the PEA or "Agency Level" and to accompany the Child Find Agency-Level Guide Steps; (3) ADE/ESS Programmatic Monitoring Guide Steps showing the 	<ul style="list-style-type: none"> - Documentation of notification and training to the field regarding the changes being made to the Part C to Part B transition process and to the IDEA Section 619 program. <p>Based on OSEP's review of the documents and information submitted by ADE, and discussions with ADE staff, OSEP has determined that ADE has completed Required Actions B.1 through B.3, related to the adoption and implementation of policies and procedures to reasonably ensure a smooth and effective transition to IDEA Part B preschool programs for children with disabilities who are participating in the IDEA Part C early intervention programs and found eligible for IDEA Part B services, and to exercise its general supervisory and monitoring responsibilities regarding IDEA Section 619 requirements.</p> <p>However, ADE must still complete Required Action B.4, i.e., provide evidence that it has disseminated the final version of the revised policies and procedures to PEAs in the State and that educators who provide services in IDEA Section 619 programs in the State are trained on their responsibilities under those final policies and procedures. OSEP appreciates ADE's submission of the ADE Exceptional Student Services Early Childhood Special Education Policy & Procedure Training Plan document, dated February 28, 2021. While this documentation provides general information regarding completed and upcoming training opportunities, it does not specify whether such training is aligned to the final version of the revised policies and procedures document. ADE must submit documentation of completed training aligned to the final ADE ESS ECSE Transition Policies and Procedures by May 16, 2022.</p> <p><u>Required Action C:</u></p>
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<p>B. Within 120 days from the receipt of the September 11, 2020 letter, ADE must provide OSEP with:</p> <ol style="list-style-type: none"> 1. The final written policies and procedures related to transition from IDEA Part C early intervention programs to IDEA Part B preschool programs, as detailed in Required Action A.1 above; 2. The final written policies and procedures related to implementation of IDEA Section 619, as detailed in Required Action A.2 above; 3. Documentation that demonstrates that the State is implementing the new policies and procedures; 4. Evidence that the State has disseminated the new policies and procedures to PEAs in the State, and that educators who provide services in IDEA Section 619 programs in Arizona are trained and aware of their responsibilities under those policies and procedures, consistent with IDEA requirements. <p>C. By April 1, 2021, the State is required to provide evidence (e.g., monitoring protocols and reports) that it is exercising its responsibility to monitor PEAs' implementation of requirements related to transition from IDEA Part C early intervention programs to IDEA Part B preschool programs and requirements related to IDEA 619, including identifying noncompliance and ensuring timely correction of any identified noncompliance in accordance with the requirements in 34 C.F.R. § 300.600(e) and OSEP Memo 09-02.</p>	<p>compliance review for a PEA's systems of Early Childhood Special Education Transition at the student level; and (4) ADE/ESS Programmatic Monitoring Data Collection Form designed to document compliance decisions and other student identification information (to support future correction of noncompliance at the individual level) and to accompany the Preschool Transition Student-Level Guide Steps</p> <ul style="list-style-type: none"> - Information indicating that the Guide Steps are posted on the ADE/ESS website and were made available on May 28, 2021, through: (a) an email to special educators via the ESS Special Education Directors email list serv; and (b) a memo notifying the field that the Guide Steps have been made available for SY 2021-2022 and highlighting the revisions to the early childhood special education preschool transition process - Information indicating that the SY 2021-2022 PEA monitoring schedule will not begin until October 2021, and that there may not be comprehensive documentation with actual student data until Spring 2022 - Information indicating that the dissemination of the final ECSE Transition Policy and Procedure would occur after final approval from OSEP. <p>On October 29, 2021, ADE submitted the following documents:</p> <ul style="list-style-type: none"> - Further revised ECSE Transition Policy and Procedures - Further revised ADE/ESS Programmatic Monitoring Guide Steps 	<p>ADE submitted the following documents in response to Required Action C:</p> <ul style="list-style-type: none"> - Documentation of notification to the field regarding changes to programmatic monitoring of the Part C to Part B transition process and implementation of IDEA Section 619 requirements - Documentation of revised monitoring protocols and data collection forms - Information indicating that ADE will begin monitoring PEAs based on the revised policies and procedures in October 2021 <p>OSEP appreciates ADE's submissions and efforts to ensure it has monitoring procedures that support its general supervision requirements under Part B of IDEA.</p> <p>During a January 28, 2022 discussion between ADE and OSEP regarding the status of the Required Actions, ADE stated the revised version of the ADE/ESS Programmatic Monitoring Guide Steps would not be implemented until the SY 2022-23 PEA monitoring cycle, given when ADE received OSEP feedback on the ADE/ESS Programmatic Monitoring Guide Steps. However, the revised ECSE Transition Policy and Procedures reflect the content of the revised Programmatic Monitoring Guide Steps consistent with IDEA requirements, and ADE indicated it has implemented the revised Transition Policy and Procedures effective with the State's SY 2021-22 monitoring cycle. Therefore, although ADE will use the revised ADE/ESS Programmatic Monitoring Guide Steps starting in the SY 2022-23 PEA monitoring cycle, based on the information and documentation submitted by ADE on the whole, OSEP accepts that the revisions to the ADE/ESS Programmatic Monitoring Guide are sufficiently addressed in the ECSE Transition Policy and</p>
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		<p>Procedures for the purposes of ADE's SY 2021-22 monitoring cycle for its PEAs.</p> <p>However, in order to complete Required Action C, ADE must still submit evidence of implementation of its revised ECSE Transition Policy and Procedures by providing, for example, sample monitoring findings issued to PEAs on requirements related to transition from IDEA Part C early intervention programs to IDEA Part B preschool programs and requirements related to IDEA Section 619 by May 16, 2022.</p>
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