

Enclosure B

Delaware Special Conditions

1. Basis for Requiring Special Conditions

Pursuant to 34 CFR §80.12, the Office of Special Education Programs (OSEP) is imposing Special Conditions on Delaware's Federal Fiscal Year (FFY) 2007 grant award under Part C of the Individuals with Disabilities Education Act (Part C). The special conditions are imposed to ensure that all children receiving Part C services and potentially eligible for Part B have transition planning conferences, with the approval of the family, at least 90 days prior to the child's 3rd birthday as required in 34 CFR §303.148(b)(2)(i) (Timely Transition Conferences).

OSEP's July 3, 2006 grant award letter imposed special conditions on the State's FFY 2006 grant award regarding this requirement. The State's final Progress Report under the FFY 2006 special conditions, submitted on June 27, 2007, provided data indicating continued noncompliance with this requirement. The Birth to Three Early Intervention System in Delaware is divided into two regions – north and south. In its June 2007 progress report, the State demonstrated substantial compliance with the timely transition conference requirements for CDW Southern Health Services. For CDW Northern Health Services, the State reported 80% compliance in 2006, and 87% compliance based on records reviewed in March and April, 2007. Therefore, OSEP is imposing special conditions to ensure timely transition planning conferences of infants and toddlers with disabilities under Part C.

2. Nature of the Special Conditions

Pursuant to the Special Conditions, the State must provide data demonstrating compliance with Part C's timely transition conference requirements by June 1, 2008. To document its progress in ensuring the correction of the noncompliance, DHSS must submit to OSEP two Progress Reports, the first with its FFY 2006 APR due on February 1, 2008 and a final Progress Report by June 1, 2008.

In the first Progress Report, due February 1, 2008 with its FFY 2006 APR, the State must provide information regarding the status of correction of the noncompliance regarding the timely transition conference requirements for CDW Northern Health Services.

If the State's February 1, 2008 progress report does not show correction of the noncompliance for CDW Northern Health Services, the State must submit, in the second Progress Report, due by June 1, 2008, information showing that CDW Northern Health Services has corrected the noncompliance regarding the timely transition conference requirements.

3. Evidence Necessary for Conditions To Be Removed

The Department will remove the special conditions if, at any time prior to the expiration of the grant year, Delaware provides documentation, satisfactory to the Department, that it has fully met the requirements and conditions set forth above, which require DHSS to submit data demonstrating compliance related to the timely transition conference requirements that are the subject of the special conditions under Part C.

4. Method of Requesting Reconsideration

The State can write to the Office of Special Education Programs Acting Director, Patricia J. Guard, 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 the State and the reasons for those requested changes.

5. Submission of Reports

All reports that are required to be submitted by Delaware to the Department under the Special Conditions should be submitted to:

U.S. Department of Education
Office of Special Education and Rehabilitative Services
Attn.: Rebecca Walawender
400 Maryland Ave, SW
Washington, DC 20202-2550