

Enclosure B

Mississippi Special Conditions

I. Basis for Requiring Special Conditions

Pursuant to 34 CFR §80.12, the Office of Special Education Programs (OSEP) is imposing Special Conditions on Mississippi's Federal Fiscal Year (FFY) 2007 grant award under Part C of the Individuals with Disabilities Education Act (Part C). OSEP's July 3, 2006 FFY 2006 Part C grant award letter imposed the following three Special Conditions to ensure:

1. That all infants and toddlers referred to Part C have evaluations and assessments and an initial Individualized Family Service Plan (IFSP) meeting within 45 days of referral to the early intervention program as required by 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a) (**45-day timeline**).
2. The timely provision of all early intervention services listed on the child's IFSP for which parental consent has been obtained as required by 34 CFR §303.342(e) (**Timely provision of early intervention services**):
3. The timely correction of identified noncompliance as required by 34 CFR §303.501(b) (**Timely correction**).

The July 2006 grant letter required Mississippi to provide two reports with compliance data on these three areas of noncompliance, the first by February 1, 2007 and a final progress report due June 1, 2007 with data demonstrating compliance. The State's final progress report, submitted on June 1, 2007 continues to demonstrate noncompliance with each of these three areas and therefore, special conditions are being imposed on the State's FFY 2007 grant in each of these three areas.

1. **45-day Timeline**

Mississippi's February 1, 2007 Progress Report provided data indicating 87% compliance with the 45-day timeline requirements for the period from July 1, 2006 through November 30, 2006. The data in the June 1, 2007 Progress Report indicate 78% compliance for the period from December 1, 2006 through March 31, 2007. The State has not met its FFY 2006 special conditions and OSEP is imposing special conditions to ensure compliance with Part C's 45-day timeline requirements.

2. **Timely Provision of Early Intervention Services**

In its February 1, 2007 Progress Report, the State provided data indicating 83% compliance with the timely provision of early intervention requirement for children referred from July 1, 2006 through November 30, 2006. The data in the June 1, 2007 Progress Report indicate 67% compliance for the period from December 1, 2006 through March 31, 2007. The State has not met its FFY 2006 special conditions and OSEP is imposing special conditions to ensure the timely provision of early intervention services.

3. **Timely Correction of Identified Noncompliance**

In its February 1, 2007 APR, the State reported that it had not monitored previously during FFYs 2004 and 2005 and that it first monitored all nine Health Districts by the end of 2006, issued monitoring reports in January 2007, which included 19 findings of noncompliance that must be corrected by January 2008, and developed correction plans. No further correction data could be provided in the June 1, 2007 progress report. Mississippi has not met its FFY 2006 special

conditions and OSEP is imposing special conditions to ensure the State's timely correction of identified noncompliance.

II. Nature of the Special Conditions

Pursuant to the Special Conditions, the State must provide by June 1, 2008 data demonstrating compliance with these three areas. To document its progress in ensuring the correction of the noncompliance, MDH must submit two Progress Reports, the first with its FFY 2006 APR due on February 1, 2008,¹ and a final Progress Report by June 1, 2008, with the following data.

A. 45-day timeline

1. In the first Progress Report, due February 1, 2008 with its FFY 2005 APR, the State must provide data for referrals received between July 1, 2007 and December 31, 2007, from its First Steps Information System (FSIS), broken down by Health District, showing: (a) the number and percentage of those infants and toddlers for whom initial evaluations and assessments and the initial IFSP meeting were conducted within 45 days from referral, including the number of children for whom delays were due to documented family circumstances, which number would be included in both the numerator and denominator of the percentage calculation; and (b) the number and percentage of those infants and toddlers for whom initial evaluations and assessments and the initial IFSP meeting² were not conducted within 45 days from referral for reasons other than documented family circumstances and explanations as to why the other delays occurred.
2. In the second Progress Report, due by June 1, 2008, the State must provide: (a) the same data and information identified in A.1, above, for the period from January 1, 2008 through April 30, 2008 on any Health Districts for which full compliance was not reported in the February 1, 2008 Progress Report; and (b) the strategies, including any enforcement actions, that MDH has implemented to address any Health Districts still in noncompliance.

B. Timely Provision of Early Intervention Services

1. In the first Progress Report, due February 1, 2008 with its FFY 2006 APR, the State must provide data from its FSIS data system for the period from July 1, 2007 through December 31, 2007, broken down by Health District, showing: (a) the number and percentage of infants and toddlers with disabilities and their families who timely received all the Part C services identified on their IFSPs (i.e., services on initial IFSPs and new services on subsequent IFSPs), including the number of children for whom delays were due to documented family circumstances, which number would be included in both the numerator and denominator of the percentage calculation; and (b) the number

¹ In addition to the specific reporting requirements set forth in this enclosure, the State must also, as part of its FFY 2006 Annual Performance Report, due by February 1, 2008, provide the required data for Indicators 1,7 and 9 for the reporting period of July 1, 2006 through June 30, 2007.

² The State's standard is to develop the initial IFSP at the initial IFSP meeting. Therefore, OSEP will use these data for determining compliance with the 45-day timeline requirements in 34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a).

and percentage of those infants and toddlers with disabilities and their families who did not timely receive all the Part C services identified on their IFSPs for reasons other than documented family circumstances and explanations as to why the other delays occurred.

2. In the second Progress Report, due by June 1, 2008, the State must provide: (a) the same data and information identified in B.1, above, for the period from January 1, 2008 through April 30, 2008 on any Health Districts for which full compliance was not reported in the February 1, 2008 Progress Report; and (b) the strategies, including any enforcement actions, that MDH has implemented to address any Health Districts still in noncompliance.

C. Timely Correction of Noncompliance

1. In the first Progress Report, due February 1, 2008 as part of Indicator 9 of the FFY 2006 APR, the State must, for each of the nine Health Districts, indicate for each of the 19 findings of noncompliance made in calendar year 2006: (a) the status of correction; and (b) the strategies MDH has implemented to address the noncompliance.
2. In the second Progress Report, due by June 1, 2008, the State must provide: (a) updated data for any of the 19 findings in C.1 above not reported as corrected within the one-year timeframe; and (b) information on corrective actions that MDH has implemented to correct any remaining noncompliance, including any program-specific sanctions and enforcement actions.

III. 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, Mississippi provides documentation, satisfactory to the Department, that it has fully met the requirements and conditions set forth above, which require Mississippi to submit data demonstrating compliance with the 45-day timeline, timely provision of early intervention services, and timely correction of identified noncompliance requirements that are the subject of these special conditions under Part C.

IV. Method of Requesting Reconsideration

The State can write to OSEP 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.

V. Submission of Reports

All reports that are required to be submitted by Mississippi to the Department under these Special Conditions must be submitted to:

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