

Enclosure B

North Carolina 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 North Carolina'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 third birthday, as required in 34 CFR 303.148(b)(2)(i) as modified by IDEA section 637(a)(9) (Timely Transition Conferences).

OSEP's July 6, 2005 and July 3, 2006 grant award letters imposed Special Conditions on the State's FFY 2005 and 2006 grant awards regarding this requirement. The State's final Progress Report under the FFY 2006 Special Conditions, submitted on May 15, 2007, provided data indicating continued noncompliance with this requirement. Therefore, OSEP is imposing Special Conditions to ensure timely transition planning conferences of infants and toddlers with disabilities under Part C.

In its February 2007 FFY 2005 Annual Performance Report (APR), the State reported 81% compliance with this requirement for its FFY 2005 data for Indicator 8C. Those data show progress from the FFY 2004 data of 30%. The State also reported in its FFY 2005 APR that nine of 18 Child Development Service Agencies (CDSAs) achieved compliance in FFY 2005.

In the February 1, 2007 Progress Report, the State reported data indicating 85% compliance with the timely transition conference requirements for the period between September and November 2006, based on record reviews conducted in December 2006. In its May 15, 2007 Progress Report, the State reported that all but two CDSAs (Durham and Concord) were found to have corrected the noncompliance, and that corrective action plans were in place for the Durham and Concord CDSAs.

2. Nature of the Special Conditions

Pursuant to the Special Conditions, the State must provide data demonstrating compliance regarding this area by June 1, 2008. To document its progress in ensuring the correction of the noncompliance, the State 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, with the following data.

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 the Durham CDSA and Concord CDSA.

If the State's February 1, 2008 Progress Report does not show correction of the noncompliance in the Durham CDSA and the Concord CDSA, the State must submit, in the second Progress Report, due by June 1, 2008, information showing that the Durham and Concord CDSAs have 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, North Carolina provides documentation, satisfactory to the Department, that it has fully met the requirements and conditions set forth above, which require North Carolina 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 North Carolina to the Department under the Special Conditions should 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