

**IDEA Part C Special Condition for  
The District of Columbia's FFY 2009 Grant Award**

**Enclosure C**

**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 imposing these Special Conditions on the District of Columbia's (District's, DC's or DC OSSE's) Federal Fiscal Year (FFY) 2009 grant award under Part C of the Individuals with Disabilities Education Act (Part C or IDEA), in order to ensure that DC OSSE identifies and corrects, as soon as possible, but in no case later than one year from identification, noncompliance with Part C requirements as required by IDEA section 635(a)(10) and 34 CFR §303.501(b). These special conditions are imposed to ensure that DC OSSE can provide timely correction data under Indicator 9 of its Annual Performance Report (APR).

The District has not met the Special Conditions on its FFY 2008 Part C grant. The FFY 2008 Special Conditions required the District to monitor early intervention service (EIS) programs and EIS providers for compliance with Part C requirements and to require correction of any identified noncompliance, as soon as possible, but not later than one year from DC OSSE's identification, and to submit data on timely correction of such noncompliance.

In its May 15, 2009 FFY 2008 Special Conditions progress report, the District confirmed that DC OSSE had just begun to issue letters of findings as of April 30, 2009 to four of its EIS programs regarding compliance with APR Indicators 1, 7 and 8. These letters required correction by June 30, 2009. Additionally, DC OSSE was not able to provide any timely correction data in either its FFY 2007 APR submitted on February 1, 2009 or in its final progress report under its FFY 2008 Special Conditions. As a result of DC's inability to provide FFY 2007 Indicator 9 data, DC received a "needs intervention" determination for the third consecutive year and the Department's June 1, 2009 determination letter requires DC OSSE to submit to the Department by August 1, 2009 a corrective action plan (CAP) to ensure that DC can provide Indicator 9 FFY 2009 data with its FFY 2008 APR by February 1, 2010.

Therefore, OSEP is imposing the following Special Conditions for FFY 2009 to ensure that DC OSSE identifies and corrects as soon as possible, but in no case later than one year from identification, noncompliance with Part C requirements as required by IDEA section 635(a)(10) and 34 CFR §303.501(b).

**2. Nature of the Special Conditions**

The District must comply with the following Special Conditions:

- a. **CAP**: As directed in OSEP's June 1, 2009 FFY 2007 APR response letter to the District, the District must submit a corrective action plan (CAP) that ensures it can submit with its FFY 2008 IDEA Part C APR FFYs 2008 and 2009 data for Indicator 9 (regarding the timely correction of any findings made during FFYs 2008 and 2009) and must utilize available sources of technical assistance. DC must submit its CAP to OSEP by August 1, 2009.

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The CAP must include a schedule for how and when DC will issue monitoring reports, approve any corrective action plans, and verify correction of noncompliance by EIS programs and EIS providers. DC's CAP must include the specific actions (including utilizing available technical assistance sources) and timelines by which it will ensure that it will submit, in D.C.'s FFY 2008 APR, due February 1, 2010, FFY 2008 and FFY 2009 data (to the extent available) for Indicator 9. The District's CAP must also include how DC OSSE will access technical assistance that is designed to help the State improve its system of general supervision. Assistance is available to the State from the Data Accountability Center (DAC), an OSEP-funded technical assistance provider. In each of the required progress reports, the District shall include a description of the technical assistance the State assessed and the actions taken as a result of the technical assistance.

- b. Progress Reports:** DC must submit correction data in two progress reports in accordance with the reporting periods and timelines specified below. With each of its two progress reports, DC must also submit: (1) any monitoring reports, (2) corrective action plans and (3) documentation of verification of correction by its EIS programs and EIS providers.

	<b><u>Progress Report Due Date</u></b>	<b>Reporting Period</b>
First Progress Report	<b>February 1, 2010</b>	All correction data through December 31, 2009
Second Progress Report	<b>May 14, 2010</b>	All correction data from January 1, 2009 through April 18, 2010

- c. The District must also submit its FFY 2008 Annual Performance Report (APR) to OSEP, due February 1, 2010.

**3. Evidence Necessary for Conditions to be Removed**

The Department will remove these Special Conditions if, at any time prior to the expiration of the FFY 2009 grant year, the District provides documentation, satisfactory to the Department, that it has fully met the requirements and conditions set forth above, which require the District to submit data demonstrating compliance with the requirements in IDEA section 635(a)(10) (A) and 34 CFR §303.501 to identify and correct noncompliance.

**4. Method of Requesting Reconsideration**

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

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**5. Submission of Reports**

DC OSSE must submit all reports required under these Special Conditions to:

Jill Harris

U.S. Department of Education

Office of Special Education and Rehabilitative Services

Office of Special Education Programs-MSIP

550 12<sup>th</sup> Street, S.W., Room 4174

Washington, D.C. 20202 or by e-mail to: [jill.harris@ed.gov](mailto:jill.harris@ed.gov)