

## **Enclosure B**

### **Mississippi FFY 2009 Special Conditions**

#### **1. Basis for Requiring Special Conditions**

Pursuant to 34 CFR §80.12 and sections 616(g) and 642 of Part C of the Individuals with Disabilities Education Act, the Office of Special Education Programs (OSEP) is designating Mississippi as a “high risk” grantee and imposing Special Conditions on Mississippi’s Federal Fiscal Year (FFY) 2009 grant award under Part C. OSEP is imposing these Special Conditions on the Mississippi State Department of Health (MSDH) to ensure the timely provision of early intervention (EI) services to infants and toddlers with disabilities and their families in Mississippi (timely service provision), as required by 34 CFR §§303.340(c), 303.342(e) and 303.344(f)(1).

OSEP imposed Special Conditions on MSDH’s FFYs 2007 and 2008 Part C grant awards to ensure timely service provision, and MSDH has not satisfied those Special Conditions. MSDH implements Mississippi’s early intervention program through nine early intervention service (EIS) programs, which are within nine regional Health Districts. In its May 15, 2009, FFY 2008 Special Conditions final progress report, MSDH provided Statewide data indicating 74% compliance with the timely service provision requirements during the period of January 1, 2009 through April 30, 2009, and continued noncompliance with Part C’s timely service provision requirements in all of Mississippi’s nine Health Districts, which ranged from 62% to 88% during this period.

For these reasons and to ensure the timely service provision to infants and toddlers with disabilities and their families in Mississippi, the Department is imposing these Special Conditions on Mississippi’s FFY 2009 grant award.

#### **2. Nature of the Special Conditions**

MSDH must provide data to OSEP by May 14, 2010, demonstrating compliance with the timely service provision requirements in 34 CFR §§303.340(c), 303.342(e) and 303.344(f)(1). MSDH must submit two progress reports with the following data for each health district: (1) the number of infants and toddlers with disabilities with an initial individualized family service plan (IFSP) or new services on a subsequent IFSP; (2) the number and percentage of those infants and toddlers for whom the Part C services identified on their IFSP were timely initiated (and include in this calculation children for whom there were documented exceptional family circumstances); (3) for children whose services were not timely initiated [(1) minus (2)]: (a) the type of services; (b) an explanation as to why delays for these EIS occurred (including any identified barriers that impacted timely service provision); and (c) the specific actions that MSDH has implemented in each Health District to address the identified causes for continuing noncompliance, the timeline for such actions, and the impact of those actions.

- A. The first Progress Report, due by February 1, 2010, with MSDH’s FFY 2008 APR, must provide data for elements (1) through (3) above for the period from July 1, 2009, through December 31, 2009, for each Health District.
- B. The second and final Progress Report, due by May 15, 2010, must provide updated data for elements (1) through (3) above for the period from January 1, 2010, through April 30, 2010, for each Health District.

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#### **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, Mississippi provides documentation, satisfactory to the Department, that it has met the conditions set forth above.

#### **4. Method of Requesting Reconsideration**

MSDH may write to the OSEP Acting Director, Patricia 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 these Special Conditions sought by the State and the reasons for those requested changes.

#### **5. Submission of Reports**

MSDH must submit all reports to the Department under these Special Conditions to:

U.S. Department of Education  
Office of Special Education and Rehabilitative Services  
400 Maryland Ave., S.W.  
Washington, D.C. 20202-2550  
Attention: Kate Moran  
or by email to: [kate.moran@ed.gov](mailto:kate.moran@ed.gov)