

**IDEA Part C Special Condition for
The District of Columbia's FFY 2010 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 (D.C.'s or D.C. OSSE's) Federal Fiscal Year (FFY) 2010 grant award under Part C of the Individuals with Disabilities Education Act (Part C or IDEA), in order to ensure that D.C. 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 D.C. OSSE can provide timely correction data under Indicator 9 of its Annual Performance Report (APR).

D.C. has not met the Special Conditions on its FFY 2009 Part C grant. The FFY 2009 Special Conditions required D.C. 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 D.C. OSSE's identification, and to submit data in its FFY 2008 APR, due February 1, 2010, on timely correction of such noncompliance and in two progress reports due February 1, and May 14, 2010. D.C. did not report timely correction data under Indicator 9 of its FFY 2008 APR.

As a result of D.C.'s inability to provide FFY 2008 Indicator 9 data, D.C. received a "needs intervention" determination for the fourth consecutive year and the Department's June 3, 2010 determination letter requires D.C. OSSE to submit to the Department by August 1, 2010 a corrective action plan (CAP) to ensure that D.C. can provide timely correction data under Indicator 9 with its FFY 2009 APR, due on February 1, 2011 (i.e., timely correction of FFY 2008 findings). In its May 14, 2010 FFY 2010 Special Conditions progress report, D.C. confirmed that D.C. OSSE timely corrected within one year three findings issued on April 30, 2009 and one finding issued in December 2009. While OSEP expects D.C. OSSE to be able to provide timely correction data under Indicator 9 with its FFY 2009 APR, OSEP is imposing Special Conditions that incorporate the provisions of the August 1, 2010 CAP given the longstanding history of this noncompliance.

OSEP is imposing the following Special Conditions for FFY 2009 to ensure that D.C. 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

D.C. must comply with the following Special Conditions:

- a. CAP: As directed in OSEP's June 3, 2010 FFY 2008 APR response letter to D.C., D.C. must submit a CAP that ensures it can submit with its FFY 2009 IDEA Part C APR FFYs 2009 and 2010 data for Indicator 9 (regarding the timely correction of any

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findings made during FFYs 2008 and 2009) and must utilize available sources of technical assistance. D.C. must submit its CAP to OSEP by August 1, 2010.

D.C.'s CAP must include the specific actions (including utilizing available technical assistance sources) and timelines by which it will ensure that it will submit, with the State's FFY 2009 APR, due February 1, 2011, valid and reliable data from FFY 2009 for Indicator 9 (i.e., timely correction of findings identified in FFY 2008). The CAP must include provisions to ensure the following information is submitted to the Department by October 1, 2010: (1) a list of all findings issued in FFY 2008, 2009 and 2010; (2) a copy of all monitoring reports issued to EIS providers and programs for any finding of noncompliance with Part C requirements identified in FFY 2008, 2009 and 2010, including findings of noncompliance with the requirements of Indicators 1, 7, and 8; and (3) a summary of the data that D.C. requires of EIS programs and providers and that it reviews to determine that the EIS program or provider has demonstrated correction of the finding, consistent with OSEP Memorandum 09-02, dated October 17, 2008.

- b. Progress Reports: D.C. must submit three progress reports with the reporting periods and timelines specified below. With each of its three progress reports, D.C. 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.

	<u>Progress Report Due Date</u>	Reporting Period
First Progress Report	October 1, 2010	All correction data through September 1, 2010
Second Progress Report	February 1, 2011	All correction data from September 1, 2010 through December 31, 2010
Final Progress Report	May 1, 2011	All correction data from January 1, 2011 through April 30, 2011

- c. D.C. must also submit its FFY 2009 APR to OSEP, due February 1, 2011.

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 2010 grant year, D.C. provides documentation, satisfactory to the Department, that it has fully met the requirements and conditions set forth above, which require D.C. 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.

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4. Method of Requesting Reconsideration

D.C. can write to Alexa Posny, Ph.D., Acting Director, 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 D.C. and the reasons for those requested changes.

5. Submission of Reports

D.C. 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 12th Street, S.W., Room 4174

Washington, D.C. 20202 and by e-mail to: jill.harris@ed.gov