

Enclosure B

Mississippi IDEA Part C FFY 2012 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) 2012 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, as required by 34 CFR §§303.342(e) and 303.344(f)(1) (timely service provision).

OSEP imposed Special Conditions on MSDH’s FFY 2011 IDEA Part C grant award to ensure timely service provision, and MSDH has not satisfied those Special Conditions. MSDH implements Mississippi’s EI program through nine early intervention service (EIS) programs, which are within nine regional Health Districts. In its FFY 2010 Annual Performance Report, dated February 1, 2012, the State reported data for Indicator 1 (timely provision of EIS) for the period of July 1, 2010-June 30, 2011, reflecting 87% compliance. In its first FFY 2011 Special Conditions progress report, submitted with its APR on February 1, 2012, the State provided updated data for this indicator for the period July 1, 2011 through December 31, 2011 indicating 80% statewide compliance with the timely service provision requirements. In its second progress report, dated May 2, 2012, the State submitted data for the period of January 1, 2012 through April 15, 2012 indicating 84% statewide compliance with the timely service provision requirements.

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 IDEA Part C FFY 2012 grant award.

2. Nature of the Special Conditions

MSDH must provide data to OSEP by May 1, 2013, demonstrating compliance with the timely service provision requirement. MSDH must submit two progress reports with the following data for each health district: (1) the number and percentage of infants and toddlers with disabilities 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); (2) the number and percentage of infants and toddlers with disabilities for whom the Part C services identified on their IFSP were not timely initiated; (3) the length of the delays, and an explanation as to the causes of the delays (including any identified barriers that impacted timely service provision); and (4) the specific actions (including timelines) that MSDH has implemented in each Health District to address the identified causes for continuing noncompliance.

- A. The first Progress Report, due by February 1, 2013, with MSDH’s FFY 2011 APR, must provide data for elements (1) through (4) above for the period from July 1, 2012 through December 31, 2012, for each Health District.

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B. The second and final Progress Report, due by May 1, 2013, must provide updated data for elements (1) through (4) above for the period from January 1, 2013 through April 15, 2013, for each Health District.

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 Director, Melody Musgrove, Ed.D., 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
and by email to: kate.moran@ed.gov