

Enclosure D

Special Conditions

1. Basis for Requiring Special Conditions

Due to the State's long-standing failure to comply with the requirements of Part B of the Individuals with Disabilities Education Act (IDEA), in Federal Fiscal Year (FFY) 2005, the Office of Special Education Programs (OSEP) designated California as a high-risk grantee, and imposed Special Conditions on California's Federal Fiscal Year (FFY) 2005 Part B grant award pursuant to 34 CFR §80.12. OSEP's prior actions were based, in part, upon the California Department of Corrections (CDC) failure to ensure that a free appropriate public education is available to eligible inmates with disabilities in adult correctional facilities consistent with the requirements of Part B. Because this noncompliance has not been corrected, OSEP is imposing Special Conditions on California's FFY 2006 Part B grant award pursuant to 34 CFR §80.12.

This Special Condition is a continuation of the prior condition that applied to CDC. In its 1996 Monitoring Report, OSEP found that California was not making special education services available to eligible youth with disabilities in any of California's adult correctional facilities. The 1996 Monitoring Report required that the State take corrective action. Last year's Special Conditions contained a provision regarding this requirement. To date, OSEP does not have any data indicating that CDC has ensured that a free appropriate public education is made available to all eligible youth with disabilities in adult correctional facilities. Therefore, this Special Condition remains appropriate under 20 U.S.C. §1412(a)(11) and 34 C.F.R. §300.600.

2. Nature of the Special Conditions

At the request of the Department, the State will provide reports detailing the steps it has taken to comply with the requirements of Part B of the IDEA, including steps taken by CDC, the California Department of Education (CDE), or both, as appropriate, to locate, identify, evaluate, and provide special education services to eligible youth with disabilities in adult correctional facilities, consistent with the requirements of Part B.

3. Evidence Necessary for Conditions To Be Removed

Full compliance with the Special Condition set forth above, must be achieved within thirty days of any such request. The Department will remove the special conditions if, at any time prior to the expiration of the grant year, California provides documentation, satisfactory to the Department, that it has fully met the requirements and conditions set forth above, which require California to submit data demonstrating compliance with each of the areas that are the subject of the special conditions under Part B.

4. Method of Requesting Reconsideration

The State can write to the Office of Special Education Programs Director, Alexa Posny, 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 and Documentation

All reports and documentation that are required to be submitted by California to the Department under the Special Conditions should be submitted to:

U.S. Department of Education
Office of Special Education and Rehabilitative Services
Attn: Perry Williams
400 Maryland Ave, SW
Washington, DC 20202-2550