

## 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), 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) 2006 Part B grant award pursuant to 34 C.F.R. §80.12. OSEP's prior actions were based, in part, upon the California Department of Corrections and Rehabilitation's (CDCR's) 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. 34 C.F.R. §§300.101-300.102. Because this noncompliance has not been corrected, OSEP is imposing Special Conditions on California's FFY 2007 Part B grant award pursuant to 34 C.F.R. §80.12.

These Special Conditions are a continuation of the prior conditions that applied to CDCR (formerly, the California Department of Corrections<sup>1</sup> (CDC)). In its 1996 Monitoring Report, OSEP found that California was not making special education and related 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 CDCR has ensured that a free appropriate public education is made available to all eligible youth with disabilities in adult correctional facilities. Therefore, these Special Conditions remain appropriate under 20 U.S.C. §1412(a)(11) and 34 C.F.R. §300.149 (formerly 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 CDCR, the California Department of Education (CDE), or both, as appropriate, to locate, identify, evaluate, and provide special education and related services to eligible youth with disabilities in adult correctional facilities, consistent with the requirements of Part B. Full compliance with these Special Conditions, must be achieved within thirty days of any such request.

#### 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 grant year, California provides documentation, satisfactory to the Department, that it has fully met the requirements and conditions set forth above, including the submission of data demonstrating compliance with the Part B requirements referenced in these Special Conditions.

---

1 On June 5, 1997, in his Executive Order W-155-97, former Governor Wilson transferred from CDE to CDC the responsibility for ensuring that the requirements of the IDEA are met with respect to eligible youth who are convicted as adults under State law and are incarcerated in adult prisons.

**4. Method of Requesting Reconsideration**

The State can write to the Office of Special Education Programs Acting Director, Patricia J. 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 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