

Enclosure C
District of Columbia FFY 2008 Special Conditions
Under Part C of the IDEA

1. Basis for Requiring Special Conditions

Pursuant to 34 CFR §80.12, the Office of Special Education Programs (OSEP) is imposing Special Conditions on the District of Columbia's (District's or DC's) Federal Fiscal Year (FFY) 2008 grant award under Part C of the Individuals with Disabilities Education Act (Part C) to ensure that DC 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 34 CFR §303.501(b).

In its June 2008 FFY 2006 Annual Performance Report (APR), the District was required to report on its timely correction of noncompliance within one year from identification as required by 34 CFR §303.501(b). The District failed to report any timely correction data for FFY 2006, indicating that data were "not systematically collected because of inadequate staffing." In addition, the District reported in its FFY 2006 APR that no monitoring had been conducted nor any findings made during FFYs 2005 or 2006. The District cited resource challenges that affected its ability to implement any monitoring system. Given the lack of timely correction data in the District's FFYs 2005 and 2006 APRs, OSEP cannot determine whether and how the District is monitoring to identify and timely correct noncompliance with Part C requirements.

2. Nature of the Special Conditions

Pursuant to these Special Conditions, the District must provide to OSEP by May 15, 2009 data demonstrating compliance with the requirements of 34 CFR §303.501(b). To document its progress in ensuring the timely correction of noncompliance, the District must submit:

- A. Its first progress report with the State's FFY 2007 APR, due by February 2, 2009, the following: (1) a list of the EIS programs and EIS providers used by DC OSSE to implement Part C requirements; (2) a copy of the contract, subgrant, or other subaward document between DC OSSE and each EIS program or EIS provider; (3) a description and analysis of the Part C compliance data that each EIS program or EIS provider is required to submit to DC OSSE; (4) a list of findings by EIS program or EIS provider and relevant Part C requirement; and (5) any other efforts by DC OSSE to ensure compliance from September 1, 2008 through December 31, 2008 (such as data reviews, self-assessments, etc.); and
- B. Its second progress report, due by May 15, 2009, including the following: (1) a description and analysis of the Part C compliance data that each EIS program or EIS provider is required to submit to DC OSSE; (2) a list of findings by EIS program or EIS provider and relevant Part C requirement; (3) the corrective action(s) required by DC OSSE; (4) the status of correction of any outstanding findings; and (5) any other efforts by DC OSSE to ensure compliance from

January 1, 2009 through April 30, 2009 (such as data reviews, self-assessments, etc.).

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, the District provides documentation, satisfactory to the Department, that it has fully met the requirements and conditions set forth above, which require the District to submit data demonstrating compliance with the requirement to identify and correct noncompliance.

4. Method of Requesting Reconsideration

The State can write to the Office of Special Education Programs Acting Director, William W. Knudsen, 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

All reports to the Department under these Special Conditions must be submitted to:

U.S. Department of Education
Office of Special Education and Rehabilitative Services
400 Maryland Avenue, S.W.
Washington, D.C. 20202-2550
Attention: Jill Harris