

Enclosure B

Delaware Special Conditions

1. Basis for Requiring Special Conditions

Pursuant to 34 CFR §80.12, the Office of Special Education Programs (OSEP) is imposing Special Conditions on Delaware's Federal Fiscal Year (FFY) 2008 grant award under Part C of the Individuals with Disabilities Education Act (Part C). The special conditions are imposed to ensure that all children receiving Part C services and potentially eligible for Part B have transition planning conferences, with the approval of the family, at least 90 days prior to the child's 3rd birthday as required in 34 CFR §303.148(b)(2)(i) (timely transition conferences) (as modified by IDEA section 637(a)(9)(A)(ii)(II)).

OSEP's July 2, 2007 grant award letter imposed special conditions on the State's FFY 2007 grant award requiring the State to report updated correction data on timely transition conferences for one of its two early intervention service (EIS) programs, namely its northern region, CDW Northern Health Services. The State's final Progress Report under the FFY 2007 special conditions, dated June 2008, provided data indicating that this EIS program had not yet corrected this finding, but the State's reported data for 2008, indicating 92% compliance with the timely transition conference requirements, demonstrates progress. OSEP is imposing special conditions to ensure timely transition planning conferences are held for infants and toddlers with disabilities exiting Part C in that EIS program.

2. Nature of the Special Conditions

Pursuant to these Special Conditions, the State must provide:

- In the first Progress Report, due February 2, 2009 with its FFY 2007 APR, data, from July 1 through December 1, 2008, on correction of the noncompliance regarding the timely transition conference requirements for CDW Northern Health Services; and
- In a second Progress Report, due by May 15, 2008, information showing that CDW Northern Health Services has corrected the noncompliance regarding the timely transition conference requirements, if the State's February 2, 2009 progress report does not show correction of the noncompliance for CDW Northern Health Services.

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, Delaware provides documentation, satisfactory to the Department, that it has met the requirements and conditions set forth above, which require DHSS to submit data demonstrating correction by its northern EIS program related to the timely transition conference requirements that are the subject of the special conditions under Part C.

4. Method of Requesting Reconsideration

The State can write to William W. Knudsen, OSEP Acting Director, 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 by Delaware to the Department under these Special Conditions must be submitted to:

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