

**Enclosure B**  
**Special Conditions**

I. Basis for Requiring Special Conditions

Pursuant to 34 CFR §80.12, the Office of Special Education Programs (OSEP) is imposing Special Conditions on Ohio's Federal Fiscal Year (FFY) 2005 grant award under Part C of the Individuals with Disabilities Education Act (Part C), related to the following two areas of noncompliance identified in OSEP's 2001 Monitoring Report (Report), which found that the State had failed to: (1) complete evaluations and assessments, including family assessments and hold the initial Individualized Family Service Plan (IFSP) meeting within 45 days from referral under 34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a) (45-day timeline); and (2) conduct timely transition planning under 34 CFR §§303.148(b)(2)(i) and 303.344(h) (timely transition planning).

Background

OSEP's 2001 Report directed the State to develop and implement strategies to ensure correction of all nine areas of noncompliance identified in the Report, including the 45-day timeline and transition planning findings listed above. The Ohio Department of Health (ODH), the Part C lead agency in Ohio, submitted in 2002 (revised on January 16, 2003) its Improvement Plan that proposed to address the noncompliance identified in OSEP's Report. OSEP's October 24, 2002 letter accepting ODH's Improvement Plan required that ODH submit a final Progress Report by October 24, 2003, providing data demonstrating compliance with these findings. ODH submitted its Federal Fiscal Year (FFY) 2001 Annual Performance Report (APR) on June 27, 2003, its final Progress Report for the Improvement Plan on October 30, 2003, its FFY 2002 APR on April 30, 2004, its November 1, 2004 additional Progress Report, and its FFY 2003 APR on March 31, 2005, all of which included data indicating continued noncompliance with the two findings identified above.

A. 45-day Timeline

1. Basis for requiring special conditions

OSEP's 2001 Report found that the State had failed to ensure that evaluations and assessments and the initial IFSP meeting were conducted within 45 days from referral under 34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a) (45-day timeline). ODH submitted an Improvement Plan in 2002 (revised on January 16, 2003), which proposed to address the 45-day timeline finding identified in OSEP's Report. OSEP's October 24, 2002 letter accepting ODH's Improvement Plan required that ODH submit a final Progress Report by October 24, 2003, providing data demonstrating compliance with the 45-day timeline requirement.

Ohio's April 30, 2004 FFY 2002 APR provided monitoring data from the 15 counties it monitored between April and July 2003 indicating that 64% of these counties met compliance for the State's 45-day timeline under the State's "Standard #1 - the developmental evaluation process meets requirements for timelines and team membership." ODH submitted updated monitoring data from the 15 counties monitored in its November 1, 2004 Progress Report and its March 31, 2005 FFY 2003 APR indicating 88.9% compliance for these 15 counties for the indicator "each child referred to early intervention will have a timely, comprehensive, multidisciplinary developmental evaluation that includes family directed identification of needs of the child and family." The State reported much lower compliance on the 45-day timeline based on statewide data in its March 2005 FFY 2003 APR. The March 2005 FFY 2003 APR contained data reflecting 64% compliance for all 88 counties (based on data from the Virtual System Review (VSR)) for the quarter from October through December 2004) and 48% compliance for all 88 counties for the indicator "developmental evaluations for a suspected developmental delay are completed within 45 days of initial referral to the Help Me Grow system."

2. Nature of special conditions

In the first Progress Report, due on October 28, 2005, the State must provide:

- a. Statewide aggregated data (already being collected by the State through its VSR system) for July, August and September 2005 showing the number and percentage of infants and toddlers for whom initial evaluations and assessments and the initial IFSP meetings were conducted: (a) within 45 days from referral; and (b) longer than 45 days from referral, and for this number, disaggregating by number any children for which the State has documented explanations due to family circumstances outside the lead agency's control;
- b. A list of counties identified by the State as being in noncompliance with the 45-day timeline requirement in the State's March 2005 FFY 2003 APR, and for each county: updated data for the county on the 45-day timeline, the State's analysis of the causes for those delays in each county, and the corrective actions approved by the State (including data required by the State from the county to demonstrate correction) to ensure correction as soon as possible, but no later than April 1, 2006.

In the second Progress Report, due on April 14, 2006, the State must provide:

- a. Updated statewide aggregated data under 1 above for October 1, 2005, through March 30, 2006; and
- b. Updated monitoring information and data under 2 above for October 1, 2005, through March 30, 2006.

## B. Timely transition planning

### 1. Basis for requiring special conditions

OSEP's 2001 Report found that the State had failed to ensure timely transition planning and implementation under 34 CFR §§303.148(b)(2)(i) and 303.344(h) (timely transition planning). ODH submitted an Improvement Plan in 2002 (revised on January 16, 2003) that proposed to address the timely transition planning noncompliance identified in OSEP's Report. OSEP's October 24, 2002 letter accepting ODH's Improvement Plan required that ODH submit a final Progress Report by October 24, 2003, providing data demonstrating compliance with OSEP's timely transition planning findings.

The State in its April 30, 2004 FFY 2002 APR, provided data from the 15 counties it monitored from April through July 2003 for timely transition planning and indicated that only 13.3% of the IFSPs included transition steps and that 40% of the counties held a transition planning conference for children potentially eligible under Part B (as required by 34 CFR §303.148(b)(2)(i)) at least 90 days prior to the child's third birthday. ODH submitted correction data from the 15 counties monitored in its November 1, 2004 Progress Report and March 31, 2005 APR indicating that data on "every child exiting the HMG system has a written transition plan, as part of the IFSP" reflected compliance at 77.8%. While these data represented an improvement in correction on transition plans by the 15 counties monitored in Spring 2003, the statewide data collected quarterly through the VSR and reported in the State's March 2005 APR indicated the following Statewide noncompliance with timely transition planning requirements: The Standard #1 "every child exiting the HMG system has a written transition plan as part of the IFSP and that the county adheres to transition timelines for children with developmental delays and disabilities as outlined in the Interdepartmental Agreement between the Ohio Department of Education (ODE) and ODH for coordination of Part C services with HMG for children birth to three" indicated compliance at 67%.

### 2. Nature of special conditions

In the first Progress Report, due on October 28, 2005, the State must provide:

- a. Monitoring, sampling or other data for July, August and September 2005 (to the extent available, disaggregated by county) showing the number and percentage of children potentially eligible for Part B who have a transition planning conference at least 90 days prior to the third birthday; for age-appropriate eligible children who do not have a transition planning conference at least 90 days prior to the third birthday, data and descriptions for why the timeline was not met;

- b. Monitoring, sampling, or other data (to the extent available, disaggregated by county) showing the number and percentage of children who have IFSPs with transition plans; for age-appropriate eligible children who do not have IFSPs with transition plans, data and descriptions for why the timeline was not met; and
- c. A list of the counties identified by the State in its March 2005 FFY 2003 APR as being in noncompliance with: (1) the 90-day transition planning conference under 34 CFR §303.148(b)(2)(i) and (2) IFSP transition planning content requirements of 34 CFR §303.344(h); and for each county identified in noncompliance: (a) updated data for the county on the 90-day transition conference and IFSP transition content requirements; (b) the State's analysis of the causes for the noncompliance in the county; and (c) the corrective actions approved by the State (including data required by the State of the county to demonstrate correction) to ensure correction as soon as possible, but no later than April 1, 2006.

In the second Progress Report, due on April 14, 2006, the State must provide updated transition planning data and monitoring information under 1, 2, and 3 above for the period October 1, 2005 through March 30, 2006.

## II. 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, ODH provides documentation, satisfactory to the Department, that it has fully met the requirements and conditions set forth above, which require ODH to submit data demonstrating compliance with each of the two noncompliance areas that are the subject of the special conditions under Part C.

## III. Method of Requesting Reconsideration

The State can write to Troy R. Justesen, Acting Director, OSEP, 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.

## IV. Submission of Reports

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

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