

Enclosure B

Nevada Part C FFY 2007 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 Nevada's Department of Health and Human Services (DHHS) Federal Fiscal Year (FFY) 2007 grant award under Part C of the Individuals with Disabilities Education Act (Part C). These special conditions are imposed to ensure that all eligible infants and toddlers have evaluations and assessments and an initial Individualized Family Service Plan (IFSP) meeting within 45 days of referral to the Part C early intervention program as required by 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a) (45-day timeline).

OSEP's July 3, 2006 Part C FFY 2006 grant award letter to Nevada imposed Special Conditions to ensure compliance with Part C's 45-day timeline requirement and required Nevada to submit two progress reports. The State's first progress report, due and provided by February 1, 2007, contained census data indicating 77.8% Statewide compliance with the 45-day timeline requirement for the period July 1, 2006 through November 30, 2006. The State's May 21, 2007 final Progress Report provided census data indicating 86.1% Statewide compliance with the 45-day timeline requirement during the first three quarters of FFY 2006. While both reports demonstrate substantial progress regarding the 45-day timeline from the State's FFY 2005 reported data of 67.1% and FFY 2004 data of 25%, the State has not yet met its FFY 2006 special conditions regarding the 45-day timeline.

The State's May 21, 2006 progress report provided program-specific census data for each of its five early intervention service (EIS) programs for each of the first three quarters of FFY 2006 indicating as March 2007 that two EIS programs had achieved compliance or timely correction (the Southern region and REM Nevada). OSEP appreciates the State's efforts in these two programs, particularly the Southern Region, which has had the most dramatic improvement (its FFY 2005 compliance data were 64.9%). The data from the remaining three EIS programs indicate a downward trend (the Northwestern region, Northeastern region and Eastern Seals of Southern Nevada) and continue to represent noncompliance with the requirement to ensure timely evaluations, assessments and initial IFSP meetings. OSEP is imposing Special Conditions on Nevada's FFY 2006 Part C grant to ensure correction in these three programs with Part C's 45-day timeline requirements.

2. Nature of the Special Conditions

Pursuant to these Special Conditions, the State must ensure that it provides data demonstrating compliance with, or correction of, the 45-day timeline requirements by June 1, 2008. DHHS must submit two progress reports to OSEP with updated data on February 1, 2008 and by June 1, 2008.

In the first Progress Report, due February 1, 2008 with its FFY 2006 Annual Performance Report, DHHS must provide, for each of the following three EIS programs: the Northwestern region, Northeastern region and Eastern Seals of Southern Nevada, data

demonstrating compliance with the 45-day timeline requirement. For any of these three EIS programs for which the State was unable to demonstrate substantial compliance or timely correction in its February 1, 2008 progress report, the Northwestern region, Northeastern region and Eastern Seals of Southern Nevada, DHHS must submit, in its final Progress Report, due by June 1, 2008, data demonstrating compliance with Part C's 45-day timeline requirement. If the State's February 1, 2008 report provides data demonstrating compliance for all three EIS programs, the State is not required to submit the June 1, 2008 report.

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 FFY 2007 grant year, Nevada provides documentation, satisfactory to the Department, that it has fully met the requirements and conditions set forth above, which require Nevada to submit data demonstrating correction of the 45-day timeline requirement in 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a).

4. Method of Requesting Reconsideration

Nevada can write to the OSEP Acting Director, Patricia J. Guard, at the address below, if it wishes the Department to reconsider any aspect of these FFY 2007 Special Conditions. The request must describe in detail the changes to the FFY 2007 Special Conditions sought by Nevada and the reasons for those requested changes.

5. Submission of Reports

Any reports Nevada must provide to the Department under these FFY 2007 IDEA Part C Special Conditions must be submitted to:

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