

July 1, 2002

Honorable Douglas D. Christensen
Commissioner of Education
Nebraska Department of Education
301 Centennial Mall, South, 6th Floor
P.O. Box 94987
Lincoln, Nebraska 68509

Dear Commissioner Christensen:

This is to inform you that we have conditionally approved Nebraska's Eligibility Document Submission for Federal Fiscal Year (FFY) 2002 under Part B of the Individuals with Disabilities Education Act (IDEA). Our determination that you are eligible for a conditional approval is based on our receipt of the following documents submitted by Nebraska to the Office of Special Education Programs:

1. The Part B Eligibility Document Submission for FFY 2002 including the Eligibility Documents submitted April, 2000, subsequent revisions to those Eligibility Documents and the Submission Statement submitted May 24, 2002; and
2. The June 5, 2002 letter from Nebraska to OSEP, in which Nebraska assures that as soon as possible, but no later than July 1, 2003, Nebraska will complete all of the changes set forth in its June 5, 2002 letter and the March 16, 2001 issues chart including:
 - (A) Revising Neb. Rev. Stat. 79-1167(3) and 92 NAC 55-009.02 to be consistent with 34 CFR §300.514 and deleting the language in Neb. Rev. Stat. 79-1167(7) that is inconsistent with §300.514;
 - (B) Revising (as set forth specifically in the June 5, 2002 letter) Nebraska's 30-day timeline under Neb. Rev. Stat. §§79-1167(2) and (7) and 92 NAC 55-009.02;
 - (C) Distributing to public agencies and parents the proposed memo from Gary M. Sherman and Don Anderson attached to the June 5, 2002 letter; and
 - (D) Submitting to OSEP as soon as possible the revised Neb. Rev. Stat. 79-1167(2), (3), and (7) and NAC 55- once the revisions are finalized.

In the documents submitted on 6/5/02 and its FY 2002 Part B IDEA application, Nebraska also assures that it will take steps to ensure that, throughout the period of this grant award, all public agencies in the State that provide special education and related services to children with disabilities will operate their programs in a manner fully consistent with Part B.

Please note that as part of your Eligibility Document Submission for FFY 2002, your State has made an assurance, under 34 CFR §80.11(c), that it will comply with all applicable Federal statutes and regulations in effect with respect to the periods for which it receives grant funding. Any changes made by the State, after OSEP approval, to information that is a part of a State's eligibility documentation, must meet the public participation requirements of the IDEA and must be approved by OSEP before implementation.

Enclosed are grant awards for funds currently available under the Department of Education FFY 2002 Appropriations Act for the Part B Section 611 (Grants to States) and Section 619 (Preschool Grants) programs. These funds are for use primarily in school year 2002-2003 and are available for obligation by States from July 1, 2002 through September 30, 2004.

The amount in your award for Section 619 represents the full amount of funds to which you are entitled. However, the amount shown in your award for the Section 611 program is only part of the total funds that will be awarded to you for FFY 2002. Of the \$7,528,533,000 appropriated for Section 611 in FFY 2002, \$2,456,533,000 is available for awards on July 1, 2002, and \$5,072,000,000 will be available on October 1, 2002.

The funding formula for the Section 611 program is the same as was implemented for FFY 2000. Subject to certain maximum and minimum funding requirements, State allocations are based on the amount that each State received from FFY 1999 funds, the general population in the age range for which each State ensures a free appropriate public education (FAPE) to all children with disabilities, and the number of children living in poverty in the age range for which each State ensures FAPE to all children with disabilities.

Enclosure A provides a short description of how Section 611 funds were allocated and how those funds can be used. In addition, Table I in Enclosure A shows funding levels for distribution of Section 611 funds.

Enclosure B provides a short description of how Section 619 funds were allocated and how those funds can be used. In addition, Table II in Enclosure B shows State-by-State funding levels for distribution of Section 619 funds.

These awards are based on submission of a complete eligibility document package, a signed assurance statement regarding resolution of issues identified in OSEP's review of that eligibility document package, and implementation of the provisions of the Individuals with Disabilities Education Act. The complete eligibility document package and assurances must be made available for public inspection.

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We appreciate your ongoing commitment to the provision of quality educational services to children with disabilities.

Sincerely,

Stephanie S. Lee
Director
Office of Special Education Programs

Enclosures

cc: Gary M. Sherman