July 30, 2002

Honorable Clyde S. Graeber
Secretary
Department of Health and Environment
1000 SW Jackson Suite 220
Topeka, Kansas 66612-1274

Dear Secretary Graeber:

We have determined that the Kansas application for Fiscal Year (FY) 2002, under Part C of the Individuals with Disabilities Education Act (Part C), can be approved. Therefore, I am enclosing your State’s Part C grant award.

The approval is based on our receipt of your assurances for FY 2002. This includes the assurance from DHE that the statewide system of early intervention services required by Part C and its implementing regulations is in effect.

Part III of the FY 2002 application for Part C funds requested updated information about each State’s restricted indirect cost rate. Based on that form, it is our understanding that you do not currently have an approved restricted indirect cost rate as required under 34 CFR §76.563-76.569. By accepting Part C grant funds, DHE (as the lead agency designated under Part C) is agreeing either to use a restricted indirect cost rate or cost allocation plan as required under the Education Department General Administrative Regulations (EDGAR) or to not charge indirect cost rates to the Part C program. It is OSEP’s understanding that DHE is currently working with its cognizant Federal agency, the U. S. Department of Health and Human Services (HHS), to negotiate a restricted indirect cost rate. In discussions with the U.S. Department of Education, DHE has agreed to use the temporary rate of 8% until such time as DHE has obtained an approved restricted rate from HHS. This temporary rate will remain in effect until OSEP receives evidence of an approved restricted indirect cost rate.

The enclosed grant award for FY 2002 is made with the continued understanding that this Office may, from time to time, require clarification of information within your application and appendices, if necessary. These inquiries are needed to allow us to appropriately carry out our administrative responsibilities related to Part C.
We appreciate your ongoing commitment to the provision of quality early intervention services to infants and toddlers with disabilities and their families.

Sincerely,

Stephanie S. Lee  
Director  
Office of Special Education Programs

Enclosure

cc: Peggy Miksch  
Part C Coordinator