Honorable Nancy S. Grasmick  
State Superintendent of Schools  
Maryland State Department of Education  
200 West Baltimore Street  
Baltimore, Maryland 21201

Dear Superintendent Grasmick:

This is to inform you that we have received Maryland’s Eligibility Documents for Federal Fiscal Year (FFY) 2004 under Part B of the Individuals with Disabilities Education Act (IDEA), submitted by Maryland to the Office of Special Education Programs (OSEP) on April 9, 2004. Based on these documents and Maryland’s Eligibility Documents approved by OSEP on July 1, 2003, your grant awards are enclosed.

While MSDE’s Eligibility Documents for FFY 2004 are approved, OSEP remains concerned about the status of MSDE’s correction of two of the four Part B noncompliance issues identified in OSEP’s July 26, 2001 Monitoring Report. Although MSDE provided a sample monitoring report in January 2004 and submitted additional data and information concerning strategies and initiatives to identify noncompliance in its Annual Performance Report of March 2004, the State still has not demonstrated that it is able to ensure correction, in a timely manner, at the local level. OSEP plans to conduct a verification visit in the State during Spring 2005 to assess, among other issues, whether that correction has occurred, and whether the State ensures correction of identified noncompliance. MSDE should consider the resolution of this matter a high priority by the State.

Please note that as part of your Eligibility Documents for FFY 2004, 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 IDEA and must be approved by OSEP before implementation.

Enclosed are grant awards for funds currently available under the Department of Education FFY 2004 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 2004-2005 and are available for obligation by States from July 1, 2004 through September 30, 2006.

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 2004. Of the $10,068,106,452 appropriated for Section 611 in FFY 2004, $4,655,106,452 is available for awards on July 1, 2004, and $5,413,000,000 will be available on October 1, 2004.

The funding formula under Section 611 is the same as the formula 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.

Section 604 of the IDEA provides that “[a] State shall not be immune under the eleventh amendment to the Constitution of the United States from suit in Federal court for a violation of this Act.” Therefore, by accepting this grant a State is expressly agreeing to a waiver of Eleventh Amendment immunity as a condition of IDEA funding.

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

Sincerely,

Stephanie Smith Lee
Director
Office of Special Education Programs

Enclosures

cc: Carol Ann Baglin