



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

JUL - 8 2004

Honorable D. Kent King
Commissioner
Missouri Department of Elementary and Secondary Education
205 Jefferson Street, 6th Floor
Jefferson City, Missouri 65102-0480

Dear Commissioner King:

This is to inform you that we have approved Missouri's Eligibility Documents for Federal Fiscal Year (FFY) 2004 under Part B of the Individuals with Disabilities Education Act (IDEA). Our determination that you are eligible for full approval is based on our review and acceptance of the documents submitted by Missouri to the Office of Special Education Programs (OSEP) on December 10, 2003 confirming that the revisions to Sections 162.680 and 162.962 RSMo went into effect on August 28, 2003.

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.

I would like to remind you of the post-approval notification provision in 34 CFR §300.284, which requires your Department to "give notice in newspapers or other media, or both, that the policies and procedures are approved. The notice must name places throughout the State where the policies and procedures are available for access by any interested person." Once the notice has been published, a copy should be submitted to the Office of Special Education Programs (OSEP).

OSEP is releasing Missouri's FFY 2004 IDEA Part B grant awards subject to FFY 2004 Special Conditions, as set forth in Enclosure C, that the Department of Education is imposing pursuant to the Department's authority in 34 CFR §80.12. Part B requirements regarding the participation of children with disabilities in, and reporting on participation and performance of children with disabilities in, regular assessments have been in effect since July 1, 1998; the same requirements regarding alternate assessments have been in effect since July 1, 2000. Your State's failure to meet these requirements has resulted in the Department imposing the FFY 2004 Special Conditions contained in Enclosure C, which sets forth the Department's reasons for doing so and the specific conditions. As further detailed in Enclosure C, OSEP determined that Missouri:

1. Has not complied with the requirements of 34 CFR §300.139 regarding reporting on the performance of children with disabilities on the the State's alternate assessment;

2. Has not complied with the requirements of 34 CFR §§300.138 and 300.347(a)(5), to ensure that all children with disabilities participate in State-wide assessments, and if the individualized education program (IEP) team determines that a child with a disability will not participate in a particular State-wide assessment of student achievement (or part of an assessment), the child's IEP must include a statement of why the assessment is not appropriate for the child and how the child will be assessed;
3. Has not met the requirements of 34 CFR §§300.138, 300.139, and 300.347(a)(5), with respect to youth with disabilities in Division of Youth Services (DYS) facilities; and
4. Has not ensured compliance with the requirements of 34 CFR §§300.138, 300.139, and 300.347(a)(5) as they apply to district-wide assessments.

Missouri must administer these awards in keeping with both the applicable provisions of Federal law and regulations and the Special Conditions attached to the grant award document. Acceptance by Missouri of these grant awards constitutes an agreement by the State to comply with these Special Conditions.

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.

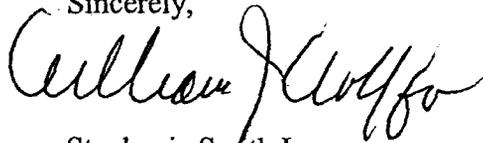
Enclosure B provides a short description of how Section 619 funds were allocated and how those funds can be used. In addition, Table II in Enclosure B shows State-by-State funding levels for distribution of Section 619 funds.

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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,

A handwritten signature in black ink, appearing to read "Stephanie Smith Lee". The signature is fluid and cursive, with the first name being the most prominent.

Stephanie Smith Lee

Director

Office of Special Education Programs

Enclosures

cc: Melodie Friedebach