

# Archived Information



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

SEP 15 2004

Honorable César Rey-Hernández  
Secretary of Education  
Puerto Rico Department of Education  
P.O. Box 190759  
San Juan, Puerto Rico 00919-0759

Dear Secretary Rey:

This is to inform you that we have conditionally approved Puerto Rico's Eligibility Documents for Federal Fiscal Year (FFY) 2004 under Part B of the Individuals with Disabilities Education Act (IDEA). Special Conditions are imposed on each of the Puerto Rico Department of Education's (PRDE's) FFY 2004 grants made available by the U. S. Department of Education (Department) (per the attached letter). The program grant awards from the Department to PRDE are made in accordance with the Department's regulations governing "high risk" grantees in 34 CFR §80.12. The Special Conditions are imposed to help ensure that PRDE awards are expended in accordance with applicable legal requirements and with appropriate fiscal accountability measures and management practices and controls.

Our determination that you are eligible for a conditional approval is based on our receipt of the following documents submitted by the Puerto Rico Department of Education to the U.S. Department of Education, Office of Special Education Programs (OSEP):

1. The Part B Eligibility Documents for FFY 2002 including the Eligibility Documents submitted October 3, 2000, and subsequent revisions to those Eligibility Documents on June 27, 2003, and August 4, 2004 and the Submission Statement submitted April 22, 2004 with the revision on May 12, 2004.
2. The August 26, 2004 letter from Puerto Rico to OSEP, in which Puerto Rico assures that as soon as possible, but no later than July 1, 2005, Puerto Rico will revise and finalize the interagency agreement between the Department of Health and the Department of Education to coordinate Parts C and B of the IDEA to address early childhood transition requirements and the requirements of 34 CFR §300.142 of the Individuals with Disabilities Education Act (IDEA) and its implementing regulations, and will provide the Secretary with a copy of the revised documents showing those changes.

In the August 26, 2004 letter, Puerto Rico 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. Puerto Rico further assures that it will provide OSEP with a copy of a memorandum notifying all public

agencies of changes that impact on their provision of special education and related services that are required by OSEP as a result of its review of the State's Eligibility Documents.

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.

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

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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 cursive script, appearing to read "Patricia J. Lee".

Stephanie Smith Lee  
Director  
Office of Special Education Programs

Enclosures

cc: Sonia Rosario  
Myrta Reyes