Honorable Susan Castillo  
Superintendent of Public Instruction  
Oregon Department of Education  
255 Capital Street, NE  
Salem, Oregon 97310-0203

Dear Superintendent Castillo:

This is to inform you that we have conditionally approved Oregon's Application, including policies, procedures, methods, descriptions, assurances and certifications for Federal Fiscal Year (FFY) 2005 funds under Part C of the Individuals with Disabilities Education Act (IDEA) with special conditions, under the regulations governing "high risk" grantees in 34 CFR §80.12. OSEP's determination that Oregon is eligible for a conditional approval is based on receipt of the Part C Application for FFY 2005 submitted on May 2, 2005 and amended on May 31, 2005 by the Oregon Department of Public Instruction (ODPI) to the U.S. Department of Education, Office of Special Education Programs (OSEP), in which it assures that it will:

1. Operate consistent with the Part C requirements of PL 108-446 and its applicable regulations;
2. Ensure that the Statewide system of early intervention services required by Part C and its implementing regulations is in effect throughout the FFY 2005 grant period; and
3. Make such changes to, and submit for OSEP's approval, existing policies, procedures, methods, and descriptions as are necessary to bring those policies, procedures, methods and descriptions into compliance with the requirements of Part C of the IDEA, as amended, as soon as possible, and not later than the earlier of the date indicated by the State in Section II of its application or July 1, 2006. Section II of the State's application (which is incorporated by reference and enclosed with this grant letter) identifies the IDEA statutory sections for which the State needs to amend policies, procedures, methods and descriptions and the timelines by which the State will amend its policies, procedures, methods and descriptions in order to comply with Part C of the IDEA. Within Section II, the State has included the date by which it expects to complete necessary changes associated with any policies, procedures, methods and descriptions that are not yet in compliance with the requirements of Part C of the IDEA, as amended.

Please note that as part of your State's Application for FFY 2005, 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 FFY 2005 grant period. Any changes made by the State, after OSEP approval, to the State's Part C application (including policies, procedures, descriptions and methods) must meet the public participation requirements of IDEA, including those in 20 U.S.C. 1232d(b)(7).

The Oregon FFY 2005 IDEA Part C grant awards are being released subject to FFY 2005 Special Conditions, as set forth in Enclosure B, that are being imposed pursuant to the Department's authority in 34 CFR §80.12. Specifically, OSEP has determined that Oregon has failed to comply with the requirements at 34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a) to conduct an evaluation and assessment and an initial individualized family services plan (IFSP) meeting within 45 days of referral.
The enclosed grant award for FFY 2005 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.

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 early intervention services to infants and toddlers with disabilities and their families.

Sincerely,

[Signature]

Troy R. Justesen
Acting Director
Office of Special Education Programs

Enclosures

cc: Dr. Nancy Lantini
    Associate Superintendent