



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

AUG 23 2005

Honorable Rosa Perez Perdomo
Secretary of Health
Commonwealth of Puerto Rico Department of Health
P.O. Box 70184
San Juan, Puerto Rico 00936-8184

Dear Secretary Perdomo:

This is to inform you that we have conditionally approved Puerto Rico's Application, including policies, procedures, methods, descriptions, and assurances, for Federal Fiscal Year (FFY) 2005 under Part C of the Individuals with Disabilities Education Act (IDEA). Our determination that you are eligible for a conditional approval is based on our receipt of the Part C Application for FFY 2005, including the policies, procedures, methods, descriptions, assurances, certifications, and submission statement submitted on June 15, 2005 by the Puerto Rico Department of Health 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 Commonwealth-wide 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 Commonwealth in Section II of its application or July 1, 2006. Section II of the Commonwealth's application (which is incorporated by reference and enclosed with this grant letter) identifies the IDEA statutory sections for which the Commonwealth needs to amend policies, procedures, methods and descriptions and the timelines by which the Commonwealth will amend its policies, procedures, methods and descriptions in order to comply with Part C of the IDEA. Within Section II, the Commonwealth 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 the Commonwealth's Application for FFY 2005, it 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 Commonwealth, after OSEP approval, to its 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). In addition, OSEP's August 3, 2005 memorandum to PRDOH confirms that PRDOH has resolved all issues from its FFY 2004 grant application consistent with the August 3, 2005 memorandum interpretations.

Section IV.B of the FFY 2005 application for Part C funds requested updated information about each Part C lead agency's restricted indirect cost rate. Our records indicate that your agency has a restricted indirect cost rate of 5.1% that was approved by your agency's cognizant Federal

Page 2 – Honorable Rosa Perez Perdomo

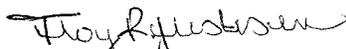
agency for use through June 30, 2005. Section IV. B of your Part C Application indicates that your agency will continue to apply this restricted indirect cost rate throughout the FFY 2005 grant year until a new restricted indirect cost rate is approved by your agency's cognizant Federal agency. Please forward to us your agency's revised restricted indirect cost rate or cost allocation plan once it is approved by your cognizant agency.

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,



Troy R. Justesen
Acting Director
Office of Special Education
Programs

Enclosure

cc: Dr. Naydamar Perez Otero
Part C Coordinator