



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

AUG 23 2005

Honorable Ronald A. Lebel, Esq.
Acting Director of Human Services
Rhode Island Department of Human Services
Louis Pasteur Building
600 New London Avenue
Cranston, Rhode Island 02920

Dear Acting Director Lebel:

This is to inform you that we have conditionally approved Rhode Island's Application, including policies, procedures, methods, descriptions, assurances and certifications 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 Applications submitted for FFYs 2004 and 2005, including the policies, procedures, methods, descriptions, assurances, certifications, and submission statement submitted on May 18, 2005 and amended on July 12, 2005 by the Department of Human Services 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 P.L. 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 and in the enclosed chart entitled "OSEP Review of Rhode Island's Part C Application" or July 1, 2006. Section II (which is enclosed with this grant letter) identifies the IDEA statutory sections for which the State needs to amend its policies, procedures, methods, and descriptions in order to comply with the requirements of 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. The enclosed chart shows OSEP's analysis of the FFY 04 Application and actions required of the State. This chart also cross-references these issues with the FFY 05 Application.

The conditional approval for the State's FFY 2005 Part C grant is also based on the assurance faxed to OSEP on June 26, 2005 from the Rhode Island Department of Human Services (RIDHS) in which it assures that the State will:

1. Complete, by June 30, 2006, the actions specified in OSEP's issues chart, and submit a revised Part C FFY 2004 Application to OSEP;
2. Ensure compliance in the interim with the following Part C regulations: 34 CFR §§303.12(b); 303.344(d)(1)(ii); 303.18; 303.12(d)(2); 303.19(b); 303.12(d)(6); 303.600; 303.601(a)(5)(i) and (ii); 303.110-113; 303.23(b)(7); 303.148; 303.321(d); 303.402; 300.571; 303.322(b); 303.322(c); 303.342(a); 303.342(c); 303.343; 303.346; 303.401; 303.403(c); and 303.523;

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3. Send a memorandum to all agencies and providers that are part of the State's Part C early intervention system to inform them of the changes that impact on the provision of early intervention services in the State with respect to the above-identified Part C requirements; and
4. Ensure that the Statewide system of early intervention required by Part C of IDEA at 20 U.S.C. §§1441 through 1443 (as amended by P.L. 108-446) and its implementing regulations at 34 CFR Part 303 will be in effect throughout the FFY 2005 grant period.

Please note that as part of Rhode Island'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 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).

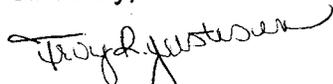
Section IV.B of your State's FFY 2005 application for Part C funds requested updated information about each State's restricted indirect cost rate. Our records indicate that you have a cost allocation plan approved by your cognizant agency as of December 23, 2004. RIDHS also submitted an assurance on July 13, 2005 that RIDHS would operate consistently with this cost allocation plan but not charge to its FFY 2005 Part C grant specific costs identified in OSEP's June 28, 2005 memo to your agency and ensure compliance with 34 CFR §§76.560 through 76.569 (applicable to Part C through 34 CFR §303.5(a)(1)(i)). Section IV.B of your State's FFY 2005 Part C Application indicates that your agency will continue to apply the currently approved cost allocation plan with the July 13, 2005 amendment throughout the FFY 2005 grant year until a new restricted rate or cost allocation plan reflecting restricted indirect costs is negotiated and approved by the State's cognizant Federal 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

Enclosures

cc: Deborah Florio
Part C Coordinator