



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

JUL - 2 2007

Honorable Kate Jesberg  
Interim Director  
Department of Human Services  
64 New York Avenue, N.E., Sixth Floor  
Washington, D.C. 20002

Dear Director Jesberg:

This is to inform you that we have conditionally approved the District of Columbia's Application for Federal Fiscal Year (FFY) 2007 under Part C of the Individuals with Disabilities Education Act (IDEA). Our conditional approval is based on review of your application submitted by the District of Columbia Department of Human Services (DC DHS) to the U.S. Department of Education, Office of Special Education Programs (OSEP) on April 24, 2007, including policies, procedures, methods, descriptions, assurances, certifications, and submission statement provided in Section II, and incorporated by reference to this letter as noted in Enclosure A. In addition, the District of Columbia provided the following specific assurances that it will:

1. Operate consistent with the Part C requirements in 20 U.S.C. 1431 through 1444 and applicable regulations in 34 CFR Part 303;
2. Ensure that the Statewide system of early intervention services required by Part C and its implementing regulations is in effect throughout the FFY 2007 grant period; and
3. Make such changes to, and submit, as necessary, for OSEP's approval, the District's 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 District in Section II of its application or June 30, 2008. Section II of the District's application identifies the IDEA statutory sections for which the District needs to amend any policies, procedures, methods and descriptions and the timelines by which the District will amend its policies, procedures, methods and descriptions in order to comply with Part C of the IDEA. Within Section II, the District 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.

Section 304 of the D.C. Public Education Reform Amendment Act of 2007 (referred to as DCPERAA and effective June 12, 2007) provides for the transition during FFY 2007 of the Part C lead agency from DC DHS to "an office of and administered by the Office of the State Superintendent of Education" and provides that authority for funds, rules, grants, and other specific provisions continue through the transition. The Department is imposing special conditions for fiscal accountability under 34 CFR §80.12 (dated June 28, 2007) as part of its FFY 2007 grants to the District of Columbia Public Schools and its successor entity, the D.C. Office of the State Superintendent of Education under the DCPERAA of 2007. These special conditions do not apply to DC DHS. However, once the responsibility of the lead agency under Part C transfers from DC DHS to the new lead agency within the Office of the State Superintendent of Education

under the DCPERAA, the District of Columbia government, including DC DHS, acknowledges that the Department's special conditions (dated June 28, 2007) shall apply to Part C FFY 2007 funds. By accepting this Part C FFY 2007 grant, the District of Columbia government, including DC DHS, acknowledges that the Department's special conditions (dated June 28, 2007) shall apply to Part C FFY 2007 funds once these funds are administered by the DC Office of the State Superintendent of Education.

Enclosed is the District's grant award for funds currently available under the Department of Education FFY 2007 Appropriations Act for the Part C program. These funds are available for obligation by States from July 1, 2007 through September 30, 2009.

The enclosed grant award for FFY 2007 is made with the continued understanding that this Office may, from time to time, require clarification of information within your application, if necessary. These inquiries are needed to allow us to appropriately carry out our administrative responsibilities related to Part C.

Please note that as part of the District of Columbia's application for FFY 2007, the District has made an assurance, in 34 CFR §80.11(c), that it will comply with all applicable Federal statutes and regulations in effect with respect to the FFY 2007 grant period. Any changes made by the District to its FFY 2007 application or Part C policies or procedures that are application requirements, after issuance of this grant award, must meet the applicable public participation requirements under Part C of the IDEA in 34 CFR §§303.110 through 303.113 and if they are requirements under Section II.A must be submitted to, and approved by, OSEP prior to the District's implementation of its new or revised application, policies and procedures.

Section IV.B of the FFY 2007 application for Part C funds requested updated information about each grant recipient's restricted indirect cost rate. The District of Columbia represented in section IV.B of its FFY 2007 Part C application that DC DHS is not charging, and will not charge, indirect costs to the Part C program. By accepting Part C grant funds, the District of Columbia is agreeing not to charge indirect costs to the Part C program for FFY 2007 Part C grant funds. When the Part C lead agency transfers from DC DHS to the DC Office of the State Superintendent of Education, the new lead agency may not charge indirect costs to Part C FFY 2007 funds without a restricted indirect cost rate or approved cost allocation plan.

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." Section 606 provides that each recipient of assistance under IDEA make positive efforts to employ and advance in employment qualified individuals with disabilities in programs assisted under the IDEA. Therefore, by accepting this grant the District of Columbia is expressly agreeing as a condition of IDEA funding to a waiver of Eleventh Amendment immunity and to ensuring that positive efforts are made to employ and advance employment of qualified individuals with disabilities in programs assisted under the IDEA.

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We appreciate your ongoing commitment to the provision of quality early intervention services to infants and toddlers with disabilities and their families.

Sincerely,

A handwritten signature in cursive script that reads "Patricia J. Guard".

Patricia J. Guard  
Acting Director  
Office of Special Education Programs

Enclosures

Enclosure A

cc: Tracie Dickson, Ph.D.  
Part C Coordinator