



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

JUL - 1 2009

Honorable Kerri Briggs
Acting State Superintendent
Office of the State Superintendent
Government of the District of Columbia
441 4th Street, NW
Suite 350 North
Washington, D.C. 20001

Dear Acting Superintendent Briggs:

This is to inform you that we have conditionally approved the District of Columbia's application for Federal Fiscal Year (FFY) 2009 funds under Part C of the Individuals with Disabilities Education Act (IDEA or Part C). Our conditional approval is based on our review of the application submitted by the District of Columbia Office of the State Superintendent of Education (DC OSSE) to the U.S. Department of Education, Office of Special Education Programs (OSEP), on May 18, 2009 and amended on June 17, 2009, including policies, procedures, methods, descriptions, assurances, certifications, and submission statement provided in Section II, which is incorporated by reference to this letter as Enclosure A. In addition, the District provided the following specific assurances that it will:

1. Operate consistently 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 2009 grant period; and
3. Make such changes to, and submit, as necessary, for OSEP's approval, the State'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, and applicable regulations, as soon as possible, and not later than the earlier of the date indicated by the State in Section II of its application or June 30, 2010. Section II of the State's application identifies the IDEA requirements for which the State needs to amend any 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 and applicable regulations. Within Section II, the State has included for each requirement that it cannot meet at this time, 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 and applicable regulations.

Under the authority of the Education Department General Administrative Regulations (EDGAR), 34 CFR §80.12, the Department has determined that DC OSSE is a "high risk" grantee for all FFY 2009 Department grants to DC OSSE. In addition, pursuant to IDEA sections 616(g) and 642 and

34 CFR §80.12, the Department is imposing Special Conditions under Part C of the IDEA for FFY 2009. These two sets of Special Conditions are set forth in detail in Enclosures B and C to this grant award letter and are incorporated by this reference to DC OSSE's Part C FFY 2009 grant award.

The first set of FFY 2009 Special Conditions is contained in the Department's June 15, 2009 letter, which is Enclosure B to this grant award letter. These Special Conditions are imposed to help ensure that Department funds granted to DC OSSE are expended in accordance with applicable legal requirements and the appropriate fiscal accountability measures. The second set of Special Conditions is contained in Enclosure C to this grant award letter. These Special Conditions are imposed to ensure that DC OSSE provides data by February 1, and May 14, 2010 on the timely correction of noncompliance, as soon as possible but in no case later than one year from identification, as required by IDEA section 635(a)(10)(A) and 34 CFR §303.501(b).

DC OSSE must administer this grant award both in keeping with applicable Federal laws and regulations and both sets of the special conditions attached to this grant award. The District's acceptance of its award constitutes an agreement to meet the special conditions.

Enclosed is the State's grant award for funds currently available under the Department of Education Appropriations Act for FFY 2009 for the Part C program. These funds are available for obligation by States from the effective date of the grant award through September 30, 2011.

The enclosed grant award for FFY 2009 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 your State's application for FFY 2009, your State has made an assurance, pursuant to 34 CFR §80.11(c), that it will comply with all applicable Federal statutes and regulations in effect with respect to the FFY 2009 grant period. Any changes made by the State to its FFY 2009 application or Part C policies or procedures that are application requirements, after OSEP approval, must meet the applicable public participation requirements under Part C in 34 CFR §§303.110 through 303.113 and, if they are requirements under Section II.A, must also be submitted to, and approved by, OSEP prior to the State's implementation of its new or revised application, policies and procedures.

Enclosed is the State's regular grant award for funds currently available under the Omnibus Appropriations Act, 2009 for the Part C program. These funds are for use primarily in 2009-2010 and are available for obligation by States from July 1, 2009 through September 30, 2011 in accordance with 34 CFR §76.709.

In addition to these regular FFY 2009 Part C funds, the American Recovery and Reinvestment Act of 2009 (ARRA) provided a one-time large increment in IDEA Part C funding. The ARRA IDEA Part C grants are a supplemental appropriation to the regular IDEA Part C appropriation. The first 50 percent of the ARRA IDEA Part C funds were awarded to States, including the District, on April 1, 2009 and the second 50 percent will be available to States, including the District, by September 30, 2009. Please note that each grant recipient will be required to submit additional

information that addresses how the recipient will meet the accountability and reporting requirements in section 1512 of the ARRA before it will be considered eligible to receive the second 50 percent of the ARRA funds. Together, DC OSSE's regular FFY 2009 IDEA funds and its ARRA IDEA Part C funds constitute its total FFY 2009 Part C allocation. Given the increased IDEA Part C FFY 2009 allocation to each State, DC OSSE may wish to review carefully the guidance on the ARRA IDEA Part C grant awards, available at <http://www.ed.gov/fund/data/award/idea/arra/index.html>.

Section IV.B. of the Part C FFY 2009 application requested information about each grantee's restricted indirect costs. DC OSSE indicated in Section IV.B. that it is not charging any indirect costs to IDEA Part C funds. By accepting the FFY 2009 IDEA and ARRA IDEA Part C grant funds, DC OSSE (as the lead agency designated under Part C) is agreeing not to charge indirect costs to the Part C program for all FFY 2009 Part C grant funds, including ARRA IDEA Part C funds.

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 a State 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.

The enclosed grant award for FFY 2009 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.

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

Sincerely,



Patricia J. Guard
Acting Director
Office of Special Education Programs

Enclosures

- Enclosure A
- Enclosure B
- Enclosure C

cc: Part C Coordinator