



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

JUL - 1 2009

Honorable Nancy Grasmick  
State Superintendent of Schools  
Maryland Department of Education  
200 West Baltimore Street, 7<sup>th</sup> St.  
Baltimore, Maryland 21201-2595

Dear Superintendent Grasmick:

This is to inform you that we have conditionally approved Maryland's application for Federal Fiscal Year (FFY) 2009 funds under Part C of the Individuals with Disabilities Education Act (IDEA or Part C) submitted by the Maryland Department of Education (MDE). This is also to inform you that we have approved MDE's application for State incentive grant funds under IDEA section 643(e) and the American Reinvestment and Recovery Act of 2009 (ARRA).

Our conditional approval of Maryland's regular FFY 2009 IDEA Part C grant is based on our review of the application submitted by the Maryland Department of Education (MDE) to the U.S. Department of Education, Office of Special Education Programs (OSEP), on May 15, 2009 and amended on June 18, 2009 and July 1, 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 State 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.

Our approval of MDE's application for State incentive grant funds under IDEA section 643(e) and the ARRA is based on our review of Maryland's final policies and procedures under which parents of children with disabilities who are eligible for services under 20 U.S.C. 1419 and previously received services under Part C of the IDEA, may choose the continuation of early intervention services (which includes an educational component that promotes school readiness and

incorporates preliteracy, language, and numeracy skills) for such children under Part C of the IDEA until such children enter, or are eligible under State law to enter, kindergarten. OSEP has determined that the State's policies and procedures are consistent with the Part C requirements under 20 U.S.C. 1432(5), 1435(c) and 1443(e) and is awarding Maryland the sum of \$14,382,810 of ARRA funds under IDEA section 643(e). Maryland must comply with the reporting requirements under ARRA section 1512 and IDEA section 618 for these funds. In addition, Maryland must comply with the conditions in Enclosure B and Box 10 of the enclosed Grant Award Notification for the State incentive grant.

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 ARRA provided a one-time large increment in IDEA Part C funding. Maryland is receiving three separate distributions of its ARRA funds: two awards of 50 percent each of the State's ARRA IDEA Part C grant as well as the amount of the State incentive grant awarded under IDEA section 643(e) through this grant letter. 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 on April 1, 2009 and the second 50 percent will be available to States by September 30, 2009. Please note that each State will be required to submit additional information that addresses how the State 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, a State's regular FFY 2009 IDEA funds and a State's ARRA IDEA Part C funds (including any funds awarded under IDEA section 643(e)) constitute a State's total FFY 2009 Part C allocation. All of the ARRA IDEA Part C funds, including any funds awarded under IDEA section 643(e) and the ARRA, are subject to the reporting requirements of the ARRA section 1512 and IDEA sections 616, 618, and 642. Given the increased IDEA Part C FFY 2009 allocation to each State, States 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 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

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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 Maryland's ongoing commitment to the provision of quality early intervention services to infants and toddlers with disabilities and their families and to offering these services to eligible children beyond age three.

Sincerely,



Patricia J. Guard  
Acting Director  
Office of Special Education Programs

Enclosures

Enclosure A  
Enclosure B

cc: State Special Education Director