



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

JUL - 1 2010

Honorable Kerri Briggs  
District of Columbia State Superintendent  
Office of the State Superintendent of Education  
810 First Street, NE  
9<sup>th</sup> Floor  
Washington, DC 20002

Dear Superintendent Briggs:

We have conditionally approved District of Columbia's (D.C.) application for Federal Fiscal Year (FFY) 2010 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 D.C. Office of the State Superintendent (OSSE) to the U.S. Department of Education, Office of Special Education Programs (OSEP), on May 14, June 4, June 22, and June 30, 2010, including policies, procedures, methods, descriptions, assurances, and certifications identified in Section II, which is incorporated by reference to this letter as Enclosure A. In addition, D.C. 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 IDEA Part C and its implementing regulations is, and will remain, in effect throughout the FFY 2010 grant period; and
3. Make such changes to, and submit, for OSEP's approval, D.C.'s policies, procedures, methods, and descriptions as are necessary to bring those policies, procedures, methods and descriptions into compliance with the requirements of IDEA Part C, as soon as possible, and not later than the earlier of the date indicated by D.C. in Section II of its application or June 30, 2011. Within Section II of its application, D.C. 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 IDEA Part C.

OSEP has reviewed and approved D.C.'s policies and procedures submitted in June 2010 under Section II.A.2 of its FFY 2010 IDEA Part C application regarding the requirements in IDEA section 637(a)(9)(A) and (B), including the Memorandum of Understanding Between the Child and Family Services Agency and the Office of the State Superintendent of Education and the Modification Number One to that Memorandum.

OSEP's May 12, 2010 IDEA Part C verification visit letter required D.C. to provide to OSEP by June 11, 2010 the following documents: (1) an assurance and correspondence regarding D.C.'s tracking State and local expenditures to meet the maintenance-of-effort (MOE) requirements in IDEA section 637(b)(5)(B) and 34 CFR §303.124; (2) its State Hearing Officer (SHO) procedures; (3) its methods under IDEA section 640 for ensuring the timely provision of, and fiscal responsibility for, early intervention services under IDEA Part C; and (4) copies of findings

issued to contracted EIS providers when data reflect noncompliance with the timely service provision requirements in 34 CFR §§303.340(c), 303.342(e), and 303.344(f). On June 11, 2010, D.C. OSSE submitted the required documentation regarding the MOE requirements, the SHO procedures, and two June 11, 2010 Memoranda of Understanding (MOUs) between D.C. OSSE and the D.C. Department of Health Care Finance (DHCF) to ensure the timely provision of, and fiscal responsibility for, early intervention services under IDEA Part C. D.C. OSSE indicated in its June 11, 2010 submission that it was working on an MOU with DHCF regarding its fee-for-service children; D.C. must submit that MOU not later than February 1, 2011. With regard to the data reflecting noncompliance with the timely service provision requirements, D.C. OSSE confirmed in its June 11, 2010 letter that as of July 1, 2010, all EIS providers will submit data on timely service provision through D.C. OSSE's web-based data system, which it indicated will be used to issue findings of noncompliance.

Under the authority of the Education Department General Administrative Regulations (EDGAR), 34 CFR §80.12, the Department has determined that D.C. OSSE is a "high risk" grantee for all FFY 2010 Department grants to D.C. OSSE. In addition, pursuant to IDEA sections 616(g) and 642 and 34 CFR §80.12, the Department is imposing Special Conditions under IDEA Part C for FFY 2010. These two sets of Special Conditions are set forth in Enclosures B and C to this grant award letter and are incorporated by this reference to D.C. OSSE's IDEA Part C FFY 2010 grant award.

The first set of FFY 2010 Special Conditions is contained in the Department's June 15, 2010 letter, which is Enclosure B to this grant award letter. These Special Conditions are imposed to help ensure that Department funds granted to D.C. 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 D.C. OSSE submits a corrective action plan (CAP) by August 1, 2010 and progress reports by October 1, 2010 and February 1, and May 1, 2011 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). Both Enclosures B and C are expressly incorporated into the terms of D.C.'s FFY 2010 IDEA Part C grant award.

D.C. 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.

Please note that as part of D.C.'s application for FFY 2010, D.C. has made an assurance, pursuant to 34 CFR §80.11(c), that it will comply with all applicable Federal statutes and regulations in effect during the FFY 2010 grant period. Before adopting a new or revised IDEA Part C policy or procedure that is required under Section II.A of D.C.'s FFY 2010 application, D.C. must subject those policies and procedures to the public participation requirements in 34 CFR §§303.110 through 303.113 and receive OSEP approval for them prior to their implementation.

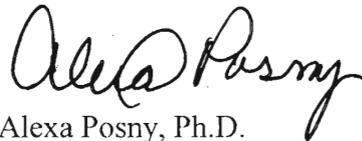
Enclosed is D.C.'s FFY 2010 grant award for funds available under the Consolidated Appropriations Act, 2010 – P.L. 111-117 for the Part C program. These funds are available for obligation by States from July 1, 2010 through September 30, 2012 in accordance with 34 CFR §76.709.

Section 604 of the IDEA provides that “[a] State shall not be immune under the 11<sup>th</sup> 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, D.C. 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 of FFY 2010 funds 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 may be necessary 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,



Alexa Posny, Ph.D.

Acting Director

Office of Special Education Programs

Enclosures

Enclosure A

Enclosure B

Enclosure C

cc: Part C Coordinator