



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

JUL - 1 2010

Honorable Alice Seagren
Commissioner
Minnesota Department of Education
1500 Highway 36 West
Roseville, Minnesota 55113-4266

Dear Commissioner Seagren:

We have approved your State's application for Federal Fiscal Year (FFY) 2010 funds, under Part C of the Individuals with Disabilities Education Act (IDEA Part C). Our approval is based on our review of the application, submitted by the Minnesota Department of Education (MDE) to the U.S. Department of Education, Office of Special Education Programs (OSEP) on May 10, 2010, including the policies, procedures, methods, descriptions, assurances, and certifications identified in Section II, which is incorporated by reference to this letter as Enclosure A. This includes the assurance from the MDE that the statewide system of early intervention services required by Part C under 20 U.S.C. 1431 through 1444 and applicable regulations in 34 CFR Part 303 is, and will remain, in effect throughout the FFY 2010 grant period.

OSEP's January 27, 2010 Minnesota Part C Verification Visit Letter required the State to submit, with its FFY 2010 Part C application: (1) written confirmation that it issued findings against (or verified correction by) those districts for whom the State had FFY 2007 data indicating noncompliance with Part C Annual Performance Report/State Performance Plan Indicators 1, 7, and 8; and (2) a written assurance that it will review its State database compliance data at least annually and issue findings for any noncompliance reflected by that data. With its FFY 2010 Part C application, the State provided the required written confirmation and assurance.

In its January 27, 2010 letter, OSEP found that the State had not implemented procedures to ensure compliance with the Part C's nonsupplanting/maintenance-of-effort (MOE) requirement in IDEA section 637(b)(5)(B) and 34 CFR §303.124(b). OSEP's letter required the State to provide, with its FFY 2010 Part C Application: (1) a separate written assurance that the State met the IDEA MOE requirements under IDEA Part C section 637(b)(5)(B) and 34 CFR §303.124(b) for FFY 2009; and (2) a copy of the correspondence in which the Lead Agency informed its State audit office of the need to review under the State's Single Audit, conducted under the Single Audit Act, the State's procedures to comply with the tracking of expenditures to meet the IDEA MOE requirements in IDEA section 637(b)(5)(B) and 34 CFR §303.124(b). With its FFY 2010 Part C application, the State provided the required written assurance and correspondence.

Please note that as part of your State's application for FFY 2010, 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 during the FFY 2010 grant period. Before adopting a new or revised Part C policy or procedure that is required under Section II.A of the State's FFY 2010 application, the State must subject those policies and procedures to the public participation

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requirements in 34 CFR §§303.110 through 303.113 and receive OSEP approval for them prior to their implementation.

Enclosed is the State'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 11th 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, your 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 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

Enclosure

Enclosure A

cc: Part C Coordinator