



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

JUL - 1 2010

Honorable Alvin D. Jackson
Director
Ohio Department of Health
P.O. Box 118
246 North High Street
Columbus, Ohio 43215

Dear Director Jackson:

We have determined that your State's application for Federal Fiscal Year (FFY) 2010 funds, under Part C of the Individuals with Disabilities Education Act (IDEA or Part C), can be approved. Our approval is based upon our review of the application, submitted by the Ohio Department of Health (ODH) to the U.S. Department of Education Office of Special Education Programs (OSEP) on May 10, 2010, and an amended application submitted on June 29, 2010, including the policies, procedures, methods, descriptions, assurances, and certifications provided in Section II, which is incorporated by reference to this letter as noted in Enclosure A. This includes the assurance from the ODH 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.

Our approval is based on OSEP's review and approval of the policies and interagency agreement that ODH submitted under Section II.A.15 of its FFY 2010 application, regarding the description of Head Start and interagency coordination as required by IDEA section 637(a)(10). OSEP has not reviewed the other policies submitted with the State's application (as the State neither indicated they were new or revised policies under Section II.A of the State's FFY 2010 application nor requested OSEP review of those policies.) OSEP is available to provide technical assistance regarding those policies, if requested by ODH.

Ohio's Part C FFY 2009 grant award was subject to the November 8, 2006 Compliance Agreement between ODH and the U.S. Department of Education under IDEA Part C. OSEP's April 30, 2010 letter responding to the Ohio's final progress report under the Compliance Agreement confirmed the State's efforts to ensure compliance with the timely evaluation, assessment, service provision and transition requirements that were the subject of the Compliance Agreement. We look forward to the State's continued reporting through its Annual Performance Reports demonstrating continued compliance with these requirements.

Please note that as part of your State's application for FFY 2010, your State 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 2010 grant period. Any changes made by the State to its FFY 2010 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.

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Enclosed is the State's regular grant award for funds currently available under the Consolidated Appropriations Act, 2010 - P.L. 111-117 for the Part C program. These funds are for use primarily in 2010-2011 and are available for obligation by States from July 1, 2010 through September 30, 2012 in accordance with 34 CFR §76.709.

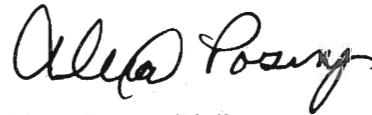
ODH has a final restricted indirect cost rate that has been approved by ODH's cognizant Federal agency and is effective until June 30, 2011. Section IV.B of your State's Part C Application indicates that ODH will continue to apply the currently approved restricted indirect cost rate to its IDEA Part C FFY 2010 grant funds until a new restricted indirect cost rate is negotiated and approved by ODH's cognizant Federal agency. When a new restricted indirect cost rate is negotiated and approved by ODH's cognizant Federal agency, please forward a copy to our Indirect Cost Unit and to your OSEP State Contact.

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 2010 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,



Alexa Posny, Ph.D.
Acting Director
Office of Special Education Programs

Enclosure

Enclosure A

cc: Part C Coordinator