



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

JUL - 8 2011

Honorable Clarence H. Carter
Director
Arizona Department of Economic Security
1717 West Jefferson Street, Site Code 010A
Phoenix, Arizona 85007

Dear Director Carter:

We have conditionally approved Arizona's application for Federal Fiscal Year (FFY) 2011 funds under Part C of the Individuals with Disabilities Education Act (IDEA Part C), which grant is effective July 1, 2011. Our conditional approval is based on our review of the application, submitted by the Arizona Department of Economic Security (DES) to the U.S. Department of Education (Department), Office of Special Education Programs (OSEP), received on May 18, 2011, including the policies, procedures, methods, descriptions, assurances, and certifications identified 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 IDEA 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 2011 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 IDEA Part C, 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, 2012. Within Section II of its application, 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 IDEA Part C.

The conditional approval of Arizona's FFY 2011 IDEA Part C grant is also based on OSEP's review and approval of the redlined sections of Arizona Early Intervention Program's (AzEIP's) Chapter 3 (Early Intervention Services), Chapter 7 (Procedural Safeguards), and Chapter 9 (Financial Matters) submitted by DES on May 18, 2011 under Sections II.A. 7 and 11 of its IDEA Part C FFY 2011 application.

Under IDEA sections 616(g) and 642 and 34 CFR §80.12, Arizona's FFY 2011 IDEA Part C grant award is being released subject to Special Conditions, which are identified in Enclosure B to this letter and are incorporated in this grant letter by this reference. Arizona's FFY 2010 IDEA Part C grant award was subject to Special Conditions to ensure compliance with the 45-

day timeline and timely service provision requirements under IDEA Part C. The Department's June 20, 2011 determination letter and FFY 2009 APR response table confirmed that the Special Conditions progress reports of February 1, and May 2, 2011 provided updated data demonstrating compliance with the 45-day timeline requirements for the three remaining early intervention service (EIS) programs and lifted those special conditions. The Department is continuing to impose Special Conditions in FFY 2011 to ensure DES's ability to timely provide early intervention services to infants and toddlers with disabilities and their families under 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1) in Maricopa County through its largest EIS program, DDD, which is part of DES. These Special Conditions require the State to submit progress reports on February 1, and May 2, 2012.

Please note that as part of your State's application for FFY 2011, 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 2011 grant period. Before adopting a new or revised IDEA Part C policy or procedure that is required under Section II.A of the State's FFY 2011 application, the State 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 the State's FFY 2011 grant award for funds currently available under the Department of Defense and Full-Year Continuing Appropriations Act, 2011 -- P.L. 112-10 for the IDEA Part C program. These funds are available for obligation by States from July 1, 2011 through September 30, 2013 in accordance with 34 CFR §76.709.

Section IV.B of the State FFY 2011 application for Part C funds requested updated information about each State's restricted indirect cost rate. Your State indicated that DES has a final cost allocation plan that identifies restricted indirect costs that has been approved by the Department, DES's cognizant Federal agency and is effective until June 30, 2011. In Section IV.B, your agency (as the lead agency designated under Part C) indicated that it will continue to apply the currently approved cost allocation plan to its IDEA Part C FFY 2011 grant funds until a new cost allocation plan is negotiated and approved by DES's cognizant Federal agency. Please forward a copy to your OSEP State Contact of the new or revised cost allocation plan once it is approved by the Department.

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 2011 funds is made with the continued understanding that this Office may, from time to time, require clarification of information within your application, if

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necessary. These inquiries may be necessary to allow us to appropriately carry out our administrative responsibilities related to IDEA Part C.

As a reminder, within 30 days of July 1, 2011, all prime recipients of IDEA (Part B or Part C) funds must report subaward information as required by the Federal Financial Accountability and Transparency Act of 2006 (FFATA), as amended in 2008. FFATA guidance is found at <http://www2.ed.gov/policy/gen/leg/recovery/rms-web-conferences.html>. Please contact your State's Recovery Act Facilitator if you have further questions.

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

Sincerely,



Melody Musgrove, Ed.D.
Director
Office of Special Education Programs

Enclosures:

- Enclosure A (Section II)
- Enclosure B (Special Conditions)

cc: (w/enc.)
Part C Coordinator