



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

JUL - 1 2011

Honorable Hosanna Mahaley  
State Superintendent  
Office of the State Superintendent of Education  
810 First Street, N.E., 9<sup>th</sup> Floor  
Washington, D.C. 20002

Dear Superintendent Mahaley:

We have conditionally approved the District of Columbia's (D.C.) application for Federal Fiscal Year (FFY) 2011 funds under Part C of the Individuals with Disabilities Education Act (IDEA Part C). Our conditional approval is based on our review of the application, submitted by the D.C. Office of the State Superintendent of Education (OSSE) to the U.S. Department of Education, Office of Special Education Programs (OSEP), on May 10, 2011, May 27, 2011 and June 28, 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.

OSEP's conditional approval of D.C.'s IDEA Part C FFY 2011 grant is also based on the approval of D.C.'s May 27, 2011 Memorandum of Agreement Between D.C. OSSE-Part C and Early Head Start Grantees, as submitted by D.C. OSSE under Section II.A.15 of its FFY 2011 IDEA Part C application. 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 2011. 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 2011 grant award.

The first set of FFY 2011 Special Conditions is contained in the Department's June 15, 2011 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, including its IDEA Part C funds, 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. The Special Conditions in Enclosure C are to ensure that D.C. OSSE timely identifies and corrects 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). Under the Special Conditions in Enclosure C, D.C. OSSE must submit progress reports by October 15, 2011 and February 1, and May 7, 2012.

The District's acceptance of its award constitutes an agreement to meet both sets of these Special Conditions. The terms of both Enclosures B and C are expressly incorporated into the terms of D.C.'s FFY 2011 IDEA Part C grant award and D.C. OSSE must administer this grant award in compliance with applicable Federal laws and regulations and both sets of these Special Conditions.

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 indirect costs. Your State indicated that OSSE is not charging and will not charge indirect costs to its IDEA Part C FFY 2011 grant. By accepting this IDEA Part C FFY 2011 grant, your agency (as the lead agency designated under Part C) is agreeing not to charge indirect costs to any funds awarded under this FFY 2011 Part C grant.

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, your State is expressly agreeing as a condition of IDEA funding to a waiver of Eleventh Amendment immunity and to ensuring that

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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 necessary. These inquiries may be necessary needed 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  
Enclosure B  
Enclosure C

cc: Part C Coordinator