



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

JUL - 1 2012

Honorable Kimberly A. Berfield
Deputy Secretary
Florida Department of Health
4052 Bald Cypress Way, Bin A06
Tallahassee, Florida 32399-1701

Dear Deputy Secretary Berfield:

We have approved your State's application for Federal Fiscal Year (FFY) 2012 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 Florida Department of Health (FDOH) to the U.S. Department of Education, Office of Special Education Programs (OSEP), on April 16, May 10, and June 25, 2012.

Our approval of the Florida's FFY 2012 IDEA Part C grant includes approval of policies, procedures, methods, descriptions, assurances, and certifications identified in Section II, which is incorporated by reference to this grant award letter as Enclosure A. Our approval is also based on the State's certification in Section II.D of its FFY 2012 application that the State's provisions meet the requirements of IDEA Part C as found in 20 U.S.C. 1431 through 1443 and the final regulations in 34 CFR Part 303 (as published on September 28, 2011), and that the State will operate its Part C program in accordance with all of the required policies, procedures, methods, descriptions, assurances and certifications. *See*, 34 CFR §76.104. In addition, OSEP's approval is based on our approval of the policies, procedures, and descriptions specifically identified in OSEP's June 21, 2012, and June 27, 2012 Memoranda and submitted by FDOH under Sections II.A.1, 2, 3a, 3b., 4, 7, 9, 10, 11 and 12 of the FFY 2012 application.

As part of your State's application for FFY 2012, your State has made an assurance, under Section II.C.2 of its FFY 2012 application and pursuant to 34 CFR §80.11(c), that it will comply with all applicable Federal statutes and regulations in effect during the FFY 2012 grant period.

Before adopting a new or revised IDEA Part C policy or procedure that is required under Part C of the IDEA or the final regulations in 34 CFR Part 303, the State must subject those policies and procedures to the public participation requirements in 34 CFR §303.208 and receive OSEP approval for those policies and procedures referenced in 34 CFR §303.101(c) prior to their implementation.

Enclosed is the State's FFY 2012 grant award for funds currently available under the Consolidated Appropriations Act, 2012 – P.L. 112-74 for the IDEA Part C program. These funds are available for obligation by States from July 1, 2012 through September 30, 2014 in accordance with 34 CFR §76.709.

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Section IV.B of the State FFY 2012 application for Part C funds requested updated information about each State's indirect costs. Florida State indicated in Section IV.B that FDOH is not charging and will not charge indirect costs to its IDEA Part C FFY 2012 grant. By accepting this IDEA Part C FFY 2012 grant, FDOH (as the lead agency designated under Part C) is agreeing not to charge indirect costs to any funds awarded under this FFY 2012 Part C grant.

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 2012 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 IDEA Part C.

As a reminder, no later than August 31, 2012, all prime recipients of IDEA (Part B or Part C) funds, must report subaward information as required by the Federal Funding 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

Enclosure

Enclosure A

cc: Part C Coordinator