



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

**JUL -3 2012**

Honorable Mary E. O'Dowd, M.P.H.  
Commissioner  
Department of Health and Senior Services  
Family Health Services  
New Jersey Early Intervention System  
P.O. Box 360  
Trenton, New Jersey 08625-0360

Honorable Gloria M. Rodriguez, D.S.W.  
Assistant Commissioner  
Department of Health and Senior Services  
Family Health Services  
New Jersey Early Intervention System  
P.O. Box 364  
Trenton, New Jersey 08625-0360

Dear Acting Commissioner O'Dowd and Assistant Commissioner Rodriguez:

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). The effective date of the grant is July 3, 2012. Our approval is based on our review of the application, submitted by the Department of Health and Senior Services (DHSS) to the U.S. Department of Education, Office of Special Education Programs (OSEP), on April 9, 2012, June 18, 2012, June 20, 2012, July 2, 2012, and July 3, 2012.

Our approval of the State'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. OSEP's approval of the State's IDEA Part C FFY 2012 grant is also based on approval of the policies described in OSEP's Memoranda, dated June 4, 2012 and June 28, 2012, and the State's interagency agreement between DHSS and the New Jersey Department of Education submitted on July 3, 2012. 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.

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

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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.

Section IV.B of the State FFY 2012 application for Part C funds requested updated information about each State's restricted indirect cost rate. Your State indicated in Section IV.B that DHSS has a provisional restricted indirect cost rate of six percent (6%) that expired on June 30, 2012, and the agency is in the process of negotiating a new restricted indirect cost rate that will be in effect for the FFY 2012 grant period. In Section IV.B, your agency indicated it will continue to bill the IDEA Part C FFY 2012 grant based on this provisional restricted indirect cost rate until a final restricted indirect cost rate agreement is approved for FFY 2012; which may result in an adjustment of the final audited expenditures allowed to the Part C FFY 2012 grant funds. When a final restricted indirect cost rate is approved for FFY 2012, please forward to our Indirect Cost Unit and to your OSEP State Contact: (1) a copy of the final restricted rate agreement; and (2) details of adjustments made to GAPS/G-5 liquidations from the provisional or prior billing rate after approval of the final rate.

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 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.

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

Sincerely,

Handwritten signature of Melody Musgrove in cursive script.

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

Enclosure

Enclosure A

cc: Part C Coordinator