



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

August 29, 2013

Audrey Tayse Haynes
Kentucky Cabinet for Health and Family Services
Office of the Secretary
275 East Main Street, 5W-A
Frankfort, Kentucky 40621-0001

Dear Secretary Haynes:

We have conditionally approved Kentucky's application for Federal fiscal year (FFY) 2013 funds under Part C of the Individuals with Disabilities Education Act (IDEA Part C). The effective date of the State's IDEA Part C grant award is August 14, 2013. Our conditional approval is based on our review of the IDEA Part C application, submitted by the Kentucky Cabinet for Health and Family Services (CHFS) to the U.S. Department of Education, Office of Special Education Programs (OSEP), on April 19, 2013 and August 14, 2013.

Our conditional approval of the State's FFY 2013 IDEA Part C grant is also based on the State's policies, procedures, methods, descriptions, assurances, and certifications identified in Section II.A, II.B, and II.C, 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 2013 IDEA Part C application, in which section the State certifies under 34 CFR §76.104 that it will:

1. Operate throughout the period of the FFY 2013 grant award consistently with the requirements of the IDEA 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
2. Make such changes to existing 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.A. or B of its application or June 30, 2014.

OSEP's conditional approval of the State's FFY 2013 application is also based on our approval of the State's description submitted under Section II.A.11 (Head Start) of the State's FFY 2013 IDEA Part C grant application.

The conditional approval for Kentucky's FFY 2013 IDEA Part C grant is also based on the State's assurance, dated July 26, 2013, from the Kentucky Cabinet for Health and Family Services, Department of Public Health, in which the State specifically assured that it shall:

1. Make all changes necessary to its regulations, and other documents that constitute its system of payments (SOP) policy, and complete all actions as specified in OSEP's June 28, 2013 memorandum and attached SOP checklist, to comply with the IDEA Part C requirements identified in the memorandum, and submit to OSEP those revised regulations and documents that are required to be submitted under Section II.A of the IDEA Part C grant application, as soon as they are finalized, but no later than June 30, 2014;
2. Ensure that, throughout the period that the State uses its IDEA Part C FFY 2013 grant

funds, all early intervention service (EIS) programs and providers in the State will comply with all requirements of IDEA Part C;

3. Provide OSEP, by August 1, 2013, a copy of the memorandum notifying all EIS programs and providers that are part of the State's IDEA Part C early intervention system of the changes described in OSEP's June 28, 2013 memorandum that affect the provision of early intervention services under IDEA Part C; and
4. Ensure that the statewide system of early intervention required by IDEA Part C, in 20 U.S.C. §§1431 through 1444 and final regulations in 34 CFR Part 303, will be in effect throughout the FFY 2013 grant period.

As part of your State's application for FFY 2013, your State has made an assurance, under Section II.C.2 of its FFY 2013 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 2013 grant period.

Before adopting a new or revised IDEA Part C policy or procedure that is required under Part C of the IDEA or under 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, for those policies and procedures specifically referenced in 34 CFR §303.101(c), receive OSEP approval prior to their implementation.

Enclosed is the State's FFY 2013 grant award for funds currently available under the Consolidated and Further Continuing Appropriations Act, 2013 -- P.L. 113-6 for the IDEA Part C program. These funds are available for obligation by States from the effective date of the grant award through September 30, 2015 in accordance with 34 CFR §76.709.

Section IV.B of the State FFY 2013 application for Part C funds requested updated information about each State's indirect costs. Your State indicated in Section IV.B that CHFS is not charging and will not charge indirect costs to its IDEA Part C FFY 2013 grant. By accepting this IDEA Part C FFY 2013 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 2013 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 2013 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, 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. First-tier subaward information must be reported by the end of the following month from when the award was made or obligated. FFATA guidance is found at <http://www2.ed.gov/policy/gen/leg/recovery/rms-web-conferences.html>. Please contact your State's

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Fiscal Accountability 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,

A handwritten signature in black ink that reads "Melody Musgrove Ed.D." The signature is written in a cursive, flowing style.

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

Enclosure

Enclosure A

cc: Part C Coordinator