



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

July 1, 2013

Honorable Cheryl Bartlett
Acting Commissioner
Massachusetts Department of Public Health
250 Washington Street, 2nd Floor
Boston, Massachusetts 02108-4619

Dear Commissioner Bartlett:

We have approved Massachusetts' application for Federal fiscal year (FFY) 2013 funds, under Part C of the Individuals with Disabilities Education Act (IDEA Part C). Our approval is based on our review of the IDEA Part C application, submitted by the Massachusetts Department of Public Health (MDPH) to the U.S. Department of Education, Office of Special Education Programs (OSEP), on April 23, 2013.

Our approval of the Massachusetts' FFY 2013 IDEA Part C grant includes approval of policies, procedures, methods, descriptions, assurances, and certifications identified in Section II.A, II.B, and II.C, which are incorporated by reference to this grant award letter as Enclosure A. OSEP notes MDPH indicated "No" and a date prior to July 1, 2013 under Section II.A.2, II.A.4, II.A.7, II.A.9, II.A.10, II.A.11, and II.A.12 and the State submitted well prior to July 1, 2013 all documents required under those sections. OSEP has approved those documents as follows. OSEP's June 14, 2013 memorandum approved the specific policies, procedures, agreements, methods, and descriptions submitted by MDPH on April 23, and June 5, 2013 under Sections II.A.2, II.A.3a, II.A.4, II.A.7, II.A.10, and II.A.12 of its FFY 2013 IDEA Part C application. OSEP's February 27, 2013 memorandum approved the policies and description submitted by MDPH under Sections II.A.9, and II.A.11 as amendments to its FFY 2012 IDEA Part C application.

Our approval is also based on the State's certification in Section II.D of its FFY 2013 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 IDEA Part C requirements including required policies, procedures, methods, descriptions, assurances and certifications. *See*, 34 CFR §76.104.

As part of your State's IDEA Part C 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 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 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 July 1, 2013 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. Massachusetts indicated in Section IV.B that MDPH 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, MDPH (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 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,



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

Enclosure

Enclosure A

cc: Part C Coordinator