



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

October 24, 2013

Honorable Maggie Anderson
Executive Director
Department of Human Services
State Capitol, Judicial Wing
600 East Boulevard Avenue
Department 325
Bismarck, North Dakota 58505-0520

Dear Director Anderson:

We have approved your State'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 grant award is October 18, 2013. Our approval is based on our review of the IDEA Part C application, submitted by the North Dakota Department of Human Services (DHS) to the U.S. Department of Education, Office of Special Education Programs (OSEP), on April 22, 2013, July 23, 2013 and October 18, 2013.

Our approval of the State's 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 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 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.

OSEP's approval of the State's FFY 2013 IDEA Part C application is also based on our approval of the policies, procedures, agreement, and descriptions submitted by the State on April 22, 2013 and July 23, 2013, as described in OSEP's August 1, 2013 memorandum. OSEP also approves the State's interagency agreement submitted on October 18, 2013, under Section II.A.10, entitled Interagency Agreement between Department of Human, Services, Department of Public Instruction, and ND Office of Administrative Hearings.

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 the effective date of the grant award, October 18, 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 restricted indirect cost rate. Your State indicated in Section IV.B that DHS has a cost allocation plan that has been approved by DHS's cognizant Federal agency and was effective on July 1, 2009 until amended. In Section IV.B, your agency (as the lead agency designated under Part C) indicated that it will continue to apply the currently approved cost allocation plan to its IDEA Part C FFY 2013 grant funds until a new cost allocation plan is negotiated and approved by DHS's cognizant Federal agency.

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 Facilitators 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." with a stylized flourish at the end.

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

Enclosure

Enclosure A

cc: Part C Coordinator