



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

July 1, 2014

Honorable Kitty Rhoades
Secretary
Wisconsin Department of Health Services
1 West Wilson Street
Room 650
Madison, Wisconsin 53703

Dear Secretary Rhoades:

We have conditionally approved Wisconsin's application for Federal fiscal year (FFY) 2014 funds under Part C of the Individuals with Disabilities Education Act (IDEA Part C). Our conditional approval is based on our review of the IDEA Part C application, submitted by Wisconsin Department of Health Services (DHS) to the U.S. Department of Education, Office of Special Education Programs (OSEP), on April 16, 2014.

Our conditional approval of the State's FFY 2014 IDEA Part C grant is also based on the State's policies, procedures, methods, descriptions, assurances, and certifications identified in Sections II.A, II.B, and II.C, which are incorporated by reference to this grant award letter as Enclosure A. OSEP's conditional approval of the State's FFY 2014 IDEA Part C application is further based on our approval of the State's policies and procedures under Sections II.A.2, 4, 7 and 11, as outlined in OSEP's memo dated December 20, 2013 and the State's evaluation and assessment policies, procedures, and descriptions under Section II.A.4a submitted by the State April 16, 2014 and approved in OSEP's memo dated June 20, 2014.

Our approval is also based on the State's certification in Section II.D of its FFY 2014 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 2014 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 either the date indicated by the State in Section II.A or B of its application or June 30, 2015, whichever is earlier.

Additionally, OSEP's conditional approval of Wisconsin's grant is based on the State's indicating "No" and a completion date of June 30, 2015. OSEP's conditional approval is not based on the draft policies, procedures and agreements the State submitted under Section II.A 3a, 3b, 9, and 10. OSEP will review and respond to those submissions under separate cover after July 1, 2014.

As part of your State's application for FFY 2014, your State has made an assurance, under Section II.C.2 of its FFY 2014 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 2014 grant period.

Enclosed is the State's FFY 2014 grant award for funds currently available under the Consolidated Appropriations Act, 2014 – P.L. 113-76 for the IDEA Part C program. These funds are available for obligation by States from July 1, 2014 through September 30, 2016 in accordance with 34 CFR §76.709.

Section IV.B of the IDEA Part C FFY 2014 application requested updated information about how your lead agency implements the restricted indirect cost requirements in 34 CFR §303.225(c). Your State indicated in Section IV.B that DHS is not charging and will not charge indirect costs to its IDEA Part C FFY 2014 grant funds. By accepting this IDEA Part C FFY 2014 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 2014 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 2014 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. If your State adopts 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, it 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.

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,

A handwritten signature in black ink, appearing to read "Melody Musgrove". The signature is fluid and cursive, with a horizontal line extending to the right.

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

Enclosure

Enclosure A

cc: State Part C Coordinator