



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

July 1, 2015

Honorable Veronda L. Durden
Commissioner
Texas Department of Assistive and Rehabilitative Services
4800 North Lamar Boulevard
Austin, Texas 78756

Dear Commissioner Durden:

We have approved Texas' application for Federal fiscal year (FFY) 2015 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 Texas Department of Assistive and Rehabilitative Services (DARS) to the U.S. Department of Education (Department), Office of Special Education Programs (OSEP), on April 21, 2015.

Our approval of the State's FFY 2015 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 2015 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 2015 IDEA Part C application is also based on our approval of the policies and procedures submitted by the State on April 20, 2015 and May 1, 2015 under Sections II.A.2, 3a, 4 and 11 as referenced in OSEP's memorandum to the State dated May 28, 2015.

As part of the IDEA Part C application for FFY 2015, your State has provided a certification, under Section II.D of its FFY 2015 application and pursuant to 34 CFR §76.104, that it will comply with all applicable Federal statutes and regulations in effect during the FFY 2015 grant period.

Enclosed is the State's FFY 2015 grant award for funds currently available under the Consolidated and Further Continuing Appropriations Act, 2015, P.L. 113-235, for the IDEA Part C program. These funds are available for obligation by IDEA grant recipients from July 1, 2015 through September 30, 2017 in accordance with 34 CFR §76.709.

Please note that effective with this IDEA Part C FFY 2015 grant award, IDEA Part C funds are subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, codified in 2 CFR Part 200 and commonly referred to as the Uniform Guidance. The Uniform Guidance provisions in 2 CFR Part 200 replace provisions previously found in the Education Department General Administrative Regulations or EDGAR in 34 CFR

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Parts 74 and 80 and prior OMB Circulars A-87 and A-133. Under 2 CFR §200.308(e), a State must obtain the prior approval of OSEP, by submitting a revised Section III (Use of Funds), for a transfer of funds among direct cost categories, programs, or activities that exceed 10% of the total grant award or are expected to exceed 10% of that total, and the Federal share in the grant exceeds the Simplified Acquisition Threshold (currently set at \$150,000). This replaces a similar provision previously found in 34 CFR §80.30(c)(1). Please review the Department's technical assistance resources on the Uniform Guidance at <http://www2.ed.gov/policy/fund/guid/uniform-guidance/index.html>.

Section IV.B of the IDEA Part C FFY 2015 application requested updated information about how your lead agency implements the restricted indirect cost rate requirements in 34 CFR §303.225(c). Your State indicated in Section IV.B that DARS has a restricted indirect cost rate that expires on August 31, 2015, and the State lead agency is in the process of negotiating a restricted indirect cost rate that will be in effect for the FFY 2015 grant period, including September 1, 2015 through June 30, 2016. In Section IV.B your lead agency also indicated that it will continue to bill IDEA Part C FFY 2015 grant funds based on this previously approved restricted indirect cost rate until a final restricted indirect cost rate agreement is approved for FFY 2015. This letter confirms that, under 2 CFR §200.210(a)(15) (effective July 1, 2015) and by accepting this IDEA Part C FFY 2015 grant, your State will continue to bill IDEA Part C FFY 2015 grant funds based on the previously approved restricted indirect cost rate, to the extent authorized by you cognizant Federal agency, until a final restricted indirect cost agreement is approved for FFY 2015. When a final restricted indirect cost rate is approved by the DARS' cognizant Federal agency for FFY 2015, you must forward a copy of it to your OSEP State Contact.

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 2015 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 revises those IDEA Part C policies or procedures that are 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.

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 long horizontal line extending to the right.

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

Enclosure

Enclosure A

cc: Part C Coordinator