

July 1, 2017

Honorable Rafael Rodriguez-Mercado, MD, FAANS, FACS  
Secretary  
Puerto Rico Department of Health  
P.O. Box 70184  
San Juan, Puerto Rico 00936

Dear Secretary Rodriguez-Mercado:

We have conditionally approved the Commonwealth of Puerto Rico's application for Federal fiscal year (FFY) 2017 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 the Puerto Rico Department of Health (PRDH) to the U.S. Department of Education (Department), Office of Special Education Programs (OSEP), on April 21, May 22, May 30, and June 19, 2017.

Our conditional approval of the PRDH's FFY 2017 IDEA Part C grant is also based on the Commonwealth'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. OSEP's conditional approval of the Commonwealth's FFY 2017 IDEA Part C application is also based on our approval of the descriptions submitted by the Commonwealth on February 28, 2017 under Section II.A.12 (General Education Provisions Act - GEPA) and approved in OSEP Memo, dated March 30, 2017, and submitted on April 4, 2017 under Section II.A.9 (Public Participation) and approved in OSEP Memo, dated April 19, 2017. Our conditional approval is also based on our approval of the Commonwealth's June 19, 2017 submission under Section II.A.8 (Geographic Equity).

Our conditional approval is also based on the PRDH's certification in Section II.D of its FFY 2017 IDEA Part C application, in which the Commonwealth certifies under 34 CFR §76.104 that it will:

1. Operate throughout the period of the FFY 2017 grant award consistently with the requirements of the IDEA Part C as found in 20 U.S.C. §§1431 through 1443 and the regulations in 34 CFR Part 303; 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 Commonwealth in Section II.A or B of its application or June 30, 2018 whichever is earlier.

Enclosed is the Commonwealth's FFY 2017 grant award for funds currently available under the Consolidated Appropriations Act, 2017, P.L. 115-31, for the IDEA Part C program. These funds

are available for obligation by States from the effective date of the grant award, July 1, 2017 through September 30, 2019 in accordance with 34 CFR §76.709.

Under IDEA section 605, 2 CFR Part 200, and 34 CFR §303.104, the Commonwealth must obtain prior approval to charge the following expenses as direct costs: (1) equipment (2 CFR §200.33 and 34 CFR §303.104); (2) participant support costs (2 CFR §200.75); (3) construction/renovation (2 CFR §200.12(b) and 34 CFR §303.104); and (4) rent (2 CFR §200.465 and 34 CFR §303.225(d)). OSEP's approval of the FFY 2017 IDEA Part C grant application does not constitute approval for any costs that fall into these categories that are listed in Section III of the grant application. For any direct costs the Commonwealth proposes under these categories in Section III of its FFY 2017 IDEA Part C grant application, OSEP will review and respond after July 1, 2017 through a separate approval process.

Section IV.B of the IDEA Part C FFY 2017 application requested updated information about how your lead agency implements the restricted indirect cost rate requirements in 34 CFR §303.225(c). The Commonwealth indicated in Section IV.B that PRDH is not charging and will not charge indirect costs to its IDEA Part C FFY 2017 grant funds. This letter confirms that, under 2 CFR §200.210(a)(15) and by accepting this IDEA Part C FFY 2017 grant, your agency (as the lead agency designated under Part C) is agreeing not to charge indirect costs for the period that the Commonwealth uses any funds awarded under this FFY 2017 IDEA Part C grant.

Section 604 of the IDEA provides that “[a] State shall not be immune under the 11<sup>th</sup> 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, the Commonwealth 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 2017 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 the Commonwealth adopts a new or revised IDEA Part C policy or procedure that is required under Part C of the IDEA or under the 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 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.

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We appreciate your ongoing commitment to the provision of quality early intervention services to infants and toddlers with disabilities and their families.

Sincerely,

/S/

Ruth E. Ryder  
Acting Director  
Office of Special Education Programs

Enclosure

Enclosure A

cc: Part C Coordinator