

Honorable Hanseul Kang
State Superintendent of Education
District of Columbia
Office of the State Superintendent of Education
1050 First Street, N.E.
Washington, D.C. 20002

Dear Superintendent Kang:

We have approved the District of Columbia's (D.C.'s) application for Federal fiscal year (FFY) 2018 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 Office of the State Superintendent of Education (OSSE) to the U.S. Department of Education (Department), Office of Special Education Programs (OSEP), on May 29, 2018 and June 5, 2018. This letter is also to inform you that we have approved OSSE's application for a State incentive grant to make available IDEA Part C early intervention services beyond age three under 20 U.S.C. §§ 1432(5), 1435(c) and 1443(e) and 34 CFR §303.211.

Our approval of D.C.'s FFY 2018 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 D.C.'s certification in Section II.D of its FFY 2018 application that D.C.'s provisions meet the requirements of IDEA Part C as found in 20 U.S.C. §§1431 through 1443 and the regulations in 34 CFR Part 303, 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 DC's FFY 2018 IDEA Part C application is also based on our approval of the revised policy OSSE submitted on June 1, 2018 under Section II.A.4 (level of developmental delay). OSEP previously approved OSSE's policies under Section II.A.4 as noted in its June 19, 2013 memo to OSSE.

Enclosed is D.C.'s FFY 2018 grant award for funds currently available under the Department of Education Appropriations Act, 2018, Title III of Division H, P.L. 115-141 (DOE Appropriations Act) for the IDEA Part C program. These funds are available for obligation by IDEA grant recipients from July 1, 2018 through September 30, 2020 in accordance with 34 CFR §76.709.

Under the DOE Appropriations Act, the IDEA Part C program received an appropriation of \$470 million (an \$11.4 million increase from 2017) that enabled the Department to reserve funds to provide State incentive grants (SIGs) to States that elect to offer Part C services beyond age three under IDEA Section 632(5)(B)(ii) and 635(c) and 34 CFR §303.211. D.C. has on file with OSEP approved policies and procedures under Section II.A.13 of its application. These policies provide parents of children with disabilities who are eligible for services under 20 U.S.C. 1419 and who previously received services under Part C of the IDEA, to choose to continue receiving IDEA Part C early intervention services beyond age three. OSSE submitted a separate request for

\$300,000 for a SIG in Section III of its FFY 2018 application to continue to make available Part C services to eligible children beyond age three under IDEA Sections 632(5)(B)(ii), 635(c) and 643(e) and 34 CFR §303.211. Under IDEA Section 643(e)(2)(A), the amount of the SIG award is based on the ratio of the number of infants and toddlers in the State to the number of infants and toddlers in all States receiving such grants. The amounts of the grants are further limited by Section 643(e)(2)(B) to 20% of the amount reserved for SIG grants. One other State, Maryland, applied for a SIG. For D.C., since the number of infants and toddlers reflects 10.8276% of the infants and toddlers in D.C. and Maryland combined, D.C. is only eligible for 10.8276% of the \$1.5 million reserved for SIG grants. OSEP approves D.C.'s separate application for its SIG and consistent with IDEA Sections 632(5)(B)(ii), 635(c) and 643(e) and 34 CFR §303.211, D.C. will receive \$162,414 as part of its IDEA Part C grant award.

Under IDEA Section 605, 2 CFR Part 200, and 34 CFR §303.104, the State 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)). OSSE identified, and OSEP approves, the participant support costs listed in Section III of the regular grant application as direct costs. The State lead agency must ensure that such costs are reasonable, necessary, and allowable to the IDEA Part C grant.

Section IV.B of the IDEA Part C FFY 2018 application requested updated information about how your lead agency implements the restricted indirect cost rate requirements in 34 CFR §303.225(c). OSSE indicated in Section IV.B that OSSE is not charging and will not charge indirect costs to its IDEA Part C FFY 2018 grant funds. Under 2 CFR §200.210(a)(15), by accepting this IDEA Part C FFY 2018 grant, OSSE is agreeing not to charge indirect costs for the period that it uses any funds awarded under this FFY 2018 IDEA 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, D.C. 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 2018 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 D.C. revises those IDEA Part C policies or procedures that are required under Part C of the IDEA or 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 receive OSEP approval for those policies and procedures referenced in 34 CFR §303.101(c) prior to their implementation.

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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,

Ruth E. Ryder
Acting Director
Office of Special Education Programs

Enclosure

Enclosure A

cc: Part C Coordinator