



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

DEC 15 2006

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OSEP 07-05

MEMORANDUM

TO: State Lead Agency Directors
Part C Coordinators

FROM: Alexa Posny, Ph.D., Director *Alexa Posny*
Office of Special Education Programs (OSEP)

SUBJECT: Procedures for Receiving a Federal Fiscal Year (FFY) 2007 Grant Award Under Part C of the Individuals with Disabilities Education Act (IDEA)

ACTION

REQUIRED: Submission of Part C Application Packet by Friday, April 20, 2007

The purpose of this memorandum and enclosed Application is to inform Lead Agencies (LAs) of the procedures they are to follow in order to receive a grant under Part C of IDEA as amended in 2004, for FFY 2007 funds that we anticipate will become available to States on July 1, 2007.¹

The enclosed packet contains instructions and forms needed for completion of a Part C State Application. The Application is available on the Internet at <http://www.ed.gov/fund/grant/apply/osep/2007apps.html>. The completed Application, with supporting information, should be submitted on or before April 20, 2007.

¹ As of the date of this memorandum, the Department has only received short term funding for Federal Fiscal Year (FFY) 2007 through a series of 'Continuing Resolutions.' However, we do not anticipate the basic funding structure of the Part C program will change.

Upon receipt and approval of the certifications and other information required by the Application, the State LA will be eligible to receive its FFY 2007 Part C funds.

I. Procedures Lead Agencies are to Follow in Order to Receive a Part C Grant Award for FFY 2007

For the FFY 2007 grant period for July 1, 2007 through June 30, 2008, the Department is asking Lead Agencies (LAs) to:

- 1) Read the Instruction Sheet;
- 2) Carefully review the eligibility requirements found in the *Technical Assistance Checklist* at <http://www.ed.gov/fund/grant/apply/osep/2007apps.html>;
- 3) Determine which policies, procedures, methods, descriptions, and assurances, in Section II, the State can and/or cannot provide in Section II and attach any that are checked as new or revised for the policies, procedures, methods or descriptions that must be part of the State's Application;
- 4) Provide an appropriate submission statement(s) found in Section I;
- 5) Provide the certifications found in Section II;
- 6) Complete, as instructed, the Use of Funds information in Section III, including making sure that the sum total of all amounts budgeted for each part in Section III adds up to the total amount the State is requesting of its FFY 2007 Part C allotment;
- 7) Complete Section IV regarding system of payments and indirect costs and attach a copy of any appropriate documents including a cost allocation plan or restricted indirect cost rate agreement or proposal; and
- 8) Follow the public participation requirements found in Section V of this letter.

States should carefully consider who has the authority to provide the assurances and certifications in light of the changes to the IDEA, as amended in 2004, and the State's laws and regulations. Until the State can provide all policies, procedures, methods, descriptions, and assurances found in the Application, the State and Lead Agency are responsible for ensuring that early intervention services are available to all infants and toddlers with disabilities in the State and implementing the requirements of Part C (see 20 U.S.C. 1435).

Consistent with 20 U.S.C. 1404 of the IDEA, as amended in 2004, each State, by accepting a grant under Part C of the IDEA, expressly agrees to a waiver of Eleventh Amendment immunity for violations of the IDEA.

II. Summary of Substantive Changes in Part C Application Requirements

A summary of the substantive statutory changes that affect State Application requirements to the IDEA, as amended in 2004, that are relevant to State implementation of Part C for July 1, 2007 through June 30, 2008 is found in the *Technical Assistance Checklist* at <http://www.ed.gov/fund/grant/apply/osep/2007apps.html>. The column titled 'Description of Changes' provides a summary of the substantive statutory changes that apply to the Part C eligibility requirements found in PL 108-446.

III. Description of Use of Funds Under Part C

Each State's Application must include a description of how a State proposes to use its FFY 2007 grant funds under Part C. States should follow the instructions found in Section III (Use of Funds) of the enclosed Instruction Sheet. States must include computations showing that the amounts on each page equal the total for that page, and that the totals from each section add up to the total estimated grant amount.

Although the Secretary is not required to reserve 15 percent of the appropriated amount for FFY 2007, as described in 20 U.S.C. 1443(e), States may still offer early intervention services to families, after the child turns three, consistent with 20 U.S.C. 1435(c).

IV. Description Required By Section 427 of the General Education Provisions Act

Each State must also have on file with the Department a description of the steps the State proposes to take to ensure equitable access to, and participation in, activities conducted under Part C, by addressing the special needs of students, teachers, and other program beneficiaries in order to overcome barriers to equitable participation, including barriers based on gender, race, color, national origin, disability, and age, as required by section 427 of the General Education Provisions Act (GEPA). This description must identify barriers and strategies to address the barriers. A notice regarding compliance with section 427 is attached to this memorandum. If OSEP has previously approved a State's description under section 427 and the State has not revised that description, it need not submit the description again.

V. Public Participation Requirements that Lead Agencies Must Meet

The public participation requirements in 34 CFR §§303.110-303.113 and section 441 of the General Education Provisions Act (GEPA) apply to Lead Agencies submitting Part C Applications. In accordance with the GEPA requirement, the State must assure that it will provide reasonable opportunities for participation by local agencies, representatives of the class of individuals affected by this program, including families of infants, toddlers, and young children with disabilities, early intervention service providers, and other interested institutions, organizations, and individuals in the planning for the operation of this program. (See 20 U.S.C. 1232d(b)(7).)

GEPA requires that the State publish each proposed plan (i.e., Part C Application) in a manner that will ensure circulation throughout the State, at least 60 days prior to the date on which the plan is submitted to the Secretary or on which the plan becomes effective, whichever occurs earlier, with an opportunity for public comments on such plan to be accepted for at least 30 days. Further, GEPA requires the State to hold public hearings on the proposed plans if required by the Secretary by regulation. The Education Department General Administrative Regulations (EDGAR) at 34 CFR §76.102 makes clear that the Part C Applications are State plans. The Part C regulations at 34 CFR §303.110(a)(2) and (3) set forth Part C's additional public hearing requirements, which apply when a State has a revised or new Application or adopts new or revised policies or procedure that are not contained in the State's existing Application.

Therefore, prior to submitting your Part C Application for FFY 2007 funds, your State must publish the Application for at least 60 days and accept public comment for at least 30 days.

In addition, if your State is adopting new or revised policies or procedures under Part C that are not part of the State's existing Part C Application on file with the Department, your agency must also conduct public hearings at times and places throughout the State to afford interested parties, including families of infants, toddlers, and young children with disabilities, and early intervention service providers, an opportunity to participate pursuant to the public hearing and related requirements at 34 CFR §§303.110 through 303.113. The State must then review and consider all public comments and make any necessary modifications to the policies and procedures.

Since many States have indicated that they will not be adopting any new or revised policies and procedures at this time, those States will not need to conduct public hearings under 34 CFR §303.110(a)(2) and (3). However, all States will need to make their Part C Applications available for public comment for 60 days and must accept comment for 30 days. When a State adopts revised or new policies and procedures to come into compliance with IDEA 2004, then the State must make its revised or new policies and procedures available for 60 days, accept comment for 30 days, and also conduct public hearings as described above.

VI. Conditional Approval of FFY 2006 Application

As noted above, any State that received a grant award letter conditionally approving its FFY 2006 Application must provide OSEP with appropriate documentation to demonstrate that the conditions and other criteria outlined in the FFY 2006 grant award letter have been met. If a State's conditional approval was solely based on the State not providing all of the assurances in Section II of the Application, the State may simply update Section II of the Application. However, if a State had conditional approval issues from previous Applications, it may need to submit specific documentation to address the conditions. In such cases, it is preferable that documentation to address the FFY 2006 conditional approval be sent to OSEP prior to the FFY 2007 Application submission, to ensure timely processing of the Application. However, the documentation must be submitted with the FFY 2007 Application submission unless a different date is specified in the State's FFY 2006 grant letter. If the documentation includes any revisions in the State's policies and procedures, methods of implementation, or State law or regulations related to Part C implementation, States must comply with the public participation requirements of 34 CFR §§303.110-303.113.

VII. System of Payments / Use of Insurance / Program Income; Restricted Indirect Cost Rate / Cost Allocation Plan Information

When completing Section IV.A, States are asked to place a check in one of the two blanks provided. By entering a check in the appropriate blank, the State is indicating whether the State does or does not have a system of payments for Part C services under 20 U.S.C. 1432(4)(B) which may include use of public and/or private insurance or family fees, such as a sliding scale. If the State has adopted or revised its existing policies and procedures regarding its system of payments, it must submit these policies and procedures under Section II of the Application.

When completing Section IV.B, Lead Agencies that are not State educational agencies (SEAs) (as well as any outlying area that has the Department of Interior as its cognizant Federal agency, even if an SEA) must complete the requested information on indirect costs in Appendix A, Part II of the Application and provide copies of appropriate documentation.

VIII. Submission of Application Packet

States should submit an original of the documents necessary to demonstrate eligibility, which must be received by OSEP on or before April 20, 2007 to:

United States Department of Education
ATTN: Janet Scire, Mail Stop 2600
7100 Old Landover Road
Landover, MD 20785-1506

For your convenience, the Application may be submitted to this Office electronically formatted in Microsoft Word. The Application is available on the Internet at <http://www.ed.gov/fund/grant/apply/osep/2007apps.html>. If you wish to submit the Application by e-mail, please send it to OSERS.capp@ed.gov. OSEP requires an original signature on the "Submission Statement and Assurances" to be sent by mail. Copies of the signed documents may be faxed to OSEP, at (202) 245-7614 to the attention of Janet Scire. Documents with original signatures must follow in the mail. The Application will not be determined as received by OSEP under the Cash Management Improvement Act (CMIA) and the Education Department General Administrative Regulations (EDGAR), at 34 CFR §76.703, until OSEP **receives** in the mail the original hard copy of the signed *Submission Statement and Assurances*.

IX. Due Date / Effective Date of Grant

The provisions of EDGAR, at 34 CFR §76.703, apply to grant awards under Part C of the IDEA. Section 76.703 implements the requirements of the Cash Management Improvement Act (CMIA), 31 U.S.C. §6503, and its implementing regulations at 31 CFR Part 205, which provide for the timely transfer of funds between Federal agencies and States, and authorizes payment of interest where transfers are not made in a timely fashion.

Consistent with 34 CFR §76.703(a)(1), the Department has established April 20, 2007, as the submission date for all documents necessary to demonstrate eligibility for FFY 2006 grant awards under Part C of the IDEA. As explained below, pre-award costs will only be provided consistent with the provisions of the CMIA and EDGAR at 34 CFR §76.703 (a copy of which is attached to the memorandum). Therefore, the effective date of a grant to a State that does not submit a substantially approvable Part C Application to OSEP by April 20, 2007, may be later than July 1, 2007.

Consistent with the requirements of 34 CFR §76.703, grant award notification forms will indicate the effective date of the grant award period for Applications received prior to July 1, 2007, as the later date of either: (1) the date that the Secretary determines that the State Application is substantially approvable; or (2) the date that the funds are first available for obligation by the Secretary (i.e., July 1, 2007).

If a State has submitted a substantially approvable Application by the April 20, 2007 deadline, the Federal funding period as noted in block 6 on the grant award notification will begin July 1, 2007. If the Department receives a State's substantially approvable Application after the April 20, 2007 deadline, but before July 1, 2007, the starting date for obligating funds will be July 1, 2007, provided that the Department is able to determine that the Application is substantially approvable prior to July 1, 2007. If the Department is unable to determine that the Application is substantially approvable prior to July 1, 2007, the starting obligation date will be determined in

accordance with the procedures in 34 CFR §76.703(e)(2).

If the Department receives a State's Application after July 1, 2007, or the Application that the State submits is not substantially approvable, the grant award notification will indicate, as the start of the Federal funding period, the date when the Department determines that the Application is substantially approvable. For purposes of Part C Applications for FFY 2007, an Application is "substantially approvable" when it meets, to the Department's satisfaction, the requirements in this Application packet. An Application will not be "substantially approvable" until OSEP receives any clarifications, amendments or assurances requested by OSEP.

X. Conclusion

As explained in this memorandum, it is important that, before submitting its Part C Application for FFY 2007, each State ensure that it has:

- Provided an appropriate submission statement(s) found in Section I;
- Provided OSEP with appropriate documentation to demonstrate that any conditions outlined in the State's FFY 2006 grant award have been met;
- Indicated which policies, procedures, methods, descriptions, and assurances, in Section II. A-B, the State can and/or cannot make and provided documentation as appropriate;
- Provided certifications found in Section II. C (*Note: States submitted ED Form 80-0013, Certification Regarding Lobbying, with the State's FFY 2006 Part C Application. Therefore the first certification found in Section II. B, Certifications, should be marked 'yes'.*);
- Completed and signed the Statement found in Section II. D;
- Completed, as instructed, the Use of Funds information in Section III;
- Completed Section IV as appropriate and provided appropriate documentation; and
- Met Part C's public participation requirements as described in this memorandum;

Should you need assistance in implementing the requirements of IDEA, as amended in 2004, and/or meeting the Application requirements for FFY 2007 grants under Part C contact your Part C State Contact, Regional Resource Center and/or the National Early Childhood Technical Assistance Center.

Attachments:

- Annual State Application Under Part C of the Individuals with Disabilities Education Act for Federal Fiscal Year 2007 (CFDA No. 84.181A)
- Notice to All Applicants Regarding GEPA section 427
- EDGAR 34 CFR §76.703 – When A State May Begin To Obligate Funds

cc: National Early Childhood Technical Assistance Center
Regional Resource Centers
Federal Resource Center

**Annual State Application Under Part C of the Individuals with Disabilities Education Act
As Amended in 2004**

Instruction Sheet

Section I

A. Submission Statement for Part C in IDEA

When completing this section:

- Select and check the appropriate submission statement(s) the State is using for this Federal Fiscal Year (FFY). The third statement is optional and should only be checked if the State chooses to submit policies and procedures to OSEP for review under one or more of the conditions specified in the statement. Possible combinations of 'checked' statements are as follows: 1; 2; 1 and 3; or 2 and 3.

B. Conditional Approval for FFY 2006 Year

Section I.B is to be completed only if the State received **conditional approval** for the FFY 2006 grant year.

When completing this section:

- Check only one of the statements provided (1-3).
- The State must follow the directions found in the parenthetical phrases if the second or third statement is checked.

Section II

A. State Policies, Procedures and Descriptions

When completing this section:

- Read each statement (Policies and Procedures; Descriptions)¹.
- Enter, in the cells found to the left of the statements, either a check in one of the cells labeled N (for new policies, procedures or descriptions), R (for revised policies, procedures or descriptions), or OF (for "on file" with OSEP) found in the 'yes' column or a date in the cell found in the 'no' column. If the cell labeled N or R is checked, the State must submit those policies, procedures or descriptions with the FFY 2007 application. The date in the 'no' column is the date on which the State will submit to OSEP required documentation and can be no later than June 30, 2008. At least one cell must be completed beside each statement.
- Enter 'NA' in the cells to the left of the Optional Policies, Procedures or Descriptions if the provision is not applicable to your State.

B. Assurances and Optional Assurance

When completing this section:

- Read each assurance.
- Enter, in the cells found to the left of the assurance, either a check in the cell found in the 'yes' column or a date in the cell found in the 'no' column. The date in the 'no' column is the date on which the State will complete changes in order to provide the assurance and can be no later than June 30, 2008. At least one cell must be completed beside each assurance.
- Enter 'NA' in the cells to the left of the Optional Assurance if this assurance is not applicable.

C. Certifications

When completing this section:

- Read each certification statement and place a check in the cells labeled 'yes'.

D. Statement

To complete the assurance and certification statement:

- Enter the name of the State and official name of the State Agency in the appropriate blanks.
- Print the name and title of the authorized representative of the State.
- Sign the signature block.
- Enter the date the assurance and certification statement was signed.

¹ The *Optional Technical Assistance Checklist – Application Requirements* found in PL 108-446, previously found in Section V of this application packet, is now found at <http://www.ed.gov/fund/grant/apply/osep/2006apps.html>. This checklist is provided to assist States in the completion of OMB Information Collection 1820-0550.

Section III

Each State's Application must include a description of how a State proposes to use its funds under Part C. The description must be presented separately for the lead agency and the State Interagency Coordinating Council. States with a fully approved FFY 2006 Application must still submit any appropriate revisions to the 'Description of Use of Part C Funds.' (Only States that have submitted percentage allocations in the prior Part C grant application's 'Description of Use of Funds of Part C Funds' section of the application, that are still accurate for the FFY 2006 grant year, do not have to submit a revised 'Description of Use of Part C Funds'.) States should follow the instructions and use the forms in Section III.

A. Description of Use of Part C Funds for the Lead Agency

When completing this section include:

- Totals for the number of lead agency administrative positions, salaries and fringe benefits funded either 100 percent and/or less than 100 percent with Part C funds;
- A general description of the duties which the positions entail; and
- A subtotal of the amount under Section A.

Identify any administrative positions for which less than 100% of the time is spent on Part C and, for each such position, indicate the percentage of time spent on Part C and the total amount of salary and fringe benefits included in the Part C application budget.

B. Maintenance and Implementation Activities for the Lead Agency

When completing this section include:

- A description of the nature and scope of each major activity to be carried out under Part C in maintaining and implementing the Statewide system of early intervention services. Activities could include enhancing the Comprehensive System of Personnel Development, implementing child find strategies, or ensuring a timely, comprehensive, multidisciplinary evaluation for each child;
- The approximate amount of funds to be spent for each activity; and
- A subtotal of the amount under Section B.

C. Description of Use of Part C Funds for the Interagency Coordinating Council (ICC)

When completing this section include:

- Totals for the number of ICC administrative positions, salaries and fringe benefits funded either 100 percent and/or less than 100 percent with Part C funds;
- A general description of the duties which the positions entail; and
- A subtotal of the amount under Section C.

Identify any administrative positions for which less than 100% of the time is spent on Part C and, for each such position, indicate the percentage of time spent on Part C and the total amount of salary and fringe benefits included in the Part C application budget.

D. Maintenance and Implementation Activities for the State Interagency Coordinating Council (SICC)

When completing this section include:

- A description of the nature and scope of each major activity to be carried out under Part C in maintaining and implementing the Statewide system of early intervention services. Activities could include coordinating child find identification efforts, ensuring the timely provision and payment of early intervention services to eligible children and their families, advising on early childhood transition, support for the ICC (travel), or other implementation and development activities of the SICC;
- The approximate amount of funds to be spent for each activity; and
- A subtotal of the amount under Section D.

E. Direct Services

When completing this section include:

- A description of any direct early intervention service that the State lead agency expects to provide to eligible children and their families with funds under this part, including a description of any services provided to at-risk infants and toddlers and their families for States that provide services to at-risk children as part of its eligibility criteria. The description must include information about each type of service to be provided, including:

- A summary of the methods to be used to provide the service (e.g., contracts or other arrangements with specified public or private organizations); and
- The approximate amount of funds under this part to be used for the direct provision of early intervention services.

Provide subtotals of the amount under Section E and for salaries and fringe benefits for direct service employees (discipline).

F. Description of Optional Use of Part C Funds

For any State that does not provide direct services for at-risk infants and toddlers under 20 U.S.C. 1437(a)(4), but chooses to use funds under 20 U.S.C. 1438(5), each Application must include a description of how these funds will be used. Specifically, a State may use Part C funds for initiating, expanding, or improving collaborative efforts related to at-risk infants and toddlers, including establishing linkages with appropriate public or private community-based organizations, services, or personnel for the purpose of:

- Identifying and evaluating at-risk infants and toddlers;
- Making referrals of at-risk infants and toddlers who are identified and evaluated; and
- Conducting periodic follow-up on at-risk infants and toddlers to determine if the status of the infant or toddler's eligibility for Part C services has changed.

Provide a subtotal of the amount under Section F.

G. Activities by Other State or Local Public Agencies

If other State or local public agencies are to receive a portion of the Federal funds under Part C, the Application must include:

- The name of each public agency expected to receive funds;
- The approximate amount of funds each public agency will receive; and
- A summary of the purposes for which the funds will be used.

Provide subtotal of amount under Section G.

H. Totals

Enter the subtotal amounts for Sub Sections A-G found in Section III and any indirect costs charged as specified in Section IV.B. The sub total amounts (Rows 1-8) should total the estimated grant application amount. (A State may apply for less than the full estimated allotted amount.)

Section IV

A. System of Payments / Use of Insurance / Program Income

When completing this section:

- Place a check in one of the two blanks provided. By entering a check in the appropriate blank the State is indicating whether the State does or does not have a system of payments for Part C services under 20 U.S.C. 1432(4)(B) which may include use of public and/or private insurance or family fees, such as a sliding scale.

If the State has adopted new or has revised its existing policies and procedures regarding its system of payments, it must submit these policies and procedures under Section II of the Application.

B. Restricted Indirect Cost Rate/Cost Allocation Plan Information

Lead agencies that are not State educational agencies (SEAs) (as well as any outlying areas that have the Department of Interior as its cognizant Federal agency, even if an SEA) must complete the requested information on indirect costs in Appendix A, Part III of the Application and submit the required documentation. Because the IDEA (20 U.S.C. 1437(b)(5)(B)) has a statutory requirement that prohibits the use of Federal Part C funds to supplant non-Federal funds, the Education Department General Administration Regulations (EDGAR), at 34 CFR §§76.563-76.569, require that Part C lead agencies use a restricted indirect cost rate or cost allocation plan for the Part C program. The cost principles contained in the Office of Management and Budget (OMB) Circular A-87 also apply. (Refer to OSEP Memorandum 99-2 for additional information.) States must also submit with the Application documentation that the Part C lead agency has an approved final restricted indirect cost rate agreement or cost allocation plan for the Part C program that is applicable for FFY 2007 (effective July 1, 2007 through June 30, 2008).

OMB NO. 1820-0550
Expires: 12/31/2009

ANNUAL STATE APPLICATION UNDER PART C OF THE
INDIVIDUALS WITH DISABILITIES EDUCATION ACT AS AMENDED IN 2004
FEDERAL FISCAL YEAR 2007

CFDA No. 84.181A

ED FORM No. 1 B20--26P

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION PROGRAMS
Washington, DC 20202-2600

Section I

A. Submission Statements for Part C of IDEA

Select 1 or 2 below. Check 3 if appropriate.

1. _____ The State's policies, procedures, methods, descriptions, and assurances meet all application requirements of Part C of the Act as found in PL 108-446, the Individuals with Disabilities Education Improvement Act of 2004 and applicable regulations (IDEA). The State is able to provide and/or meet all policies, procedures, methods, descriptions, and assurances, found in Sections II.A and II.B of this Application.

By selecting this submission statement the State has submitted the new and/or revisions to State policies, procedures, methods, and descriptions that meet all requirements found in Section II.A.

2. _____ The State cannot provide policies, procedures, methods, descriptions, and/or assurances for all application requirements of Part C of the Act as found in PL 108-446, the Individuals with Disabilities Education Improvement Act of 2004. The State has determined that it is unable to provide the policies, procedures, methods, descriptions, and/or assurances that are checked 'No' in Sections II.A and II.B. However, the State assures that throughout the period of this grant award the State will operate consistent with all requirements of IDEA in PL 108-446 and applicable regulations. The State will develop and/or make such changes to existing policies, procedures, methods, descriptions, and assurances as are necessary to bring the policies, procedures, methods, descriptions, and assurances into compliance with the requirements of the IDEA, as amended, as soon as possible, and not later than June 30, 2008. The State has included the date by which it expects to complete necessary changes associated with policies, procedures, methods, descriptions, and assurances marked 'No'. The items checked 'Yes' are enclosed with this application.¹

Optional:

3. _____ The State is submitting new or modified State policies and procedures previously submitted to the Department and has checked, under Section II.A, the appropriate 'R' cell(s) found in the 'Yes' column. These modifications are: (1) deemed necessary by the State, for example when the State revises applicable State law or regulations; (2) required by the Secretary because there is a new interpretation of the Act or regulations by a Federal court or the State's highest court; and/or (3) because of an official finding of noncompliance with Federal law or regulation.

B. Conditional Approval for Current Grant Year

If the State received conditional approval for the current grant year, check the appropriate statement(s) below:

1. Conditional Approval Related to Assurances in Section II.A:

- _____ a. Sections II.A and II.B provide documentation of completion of all issues identified in the FFY 2006 conditional approval letter.
- _____ b. As noted in Sections II.A and II.B, the State has not completed all issues identified in the FFY 2006 conditional approval letter.

2. Conditional Approval Related to Other Issues:

- _____ a. The State previously submitted documentation of completion of all issues identified in the FFY 2006 conditional approval letter.
- _____ b. The State is attaching documentation of completion of all issues identified in the FFY 2006 conditional approval letter. *(Attach documentation showing completion of all issues.)*
- _____ c. The State has not completed all issues identified in the FFY 2006 conditional approval letter. *(Attach documentation showing completion of any issues and a list of items not yet completed.)*

¹ If Option 2 is checked, the State is to provide dates in Sections II.A and II.B as to when the required policies, procedures, methods, descriptions, and assurances will be provided, which date can be no later than June 30, 2008. The State will be granted conditional approval until it can provide all policies, procedures, methods, descriptions, and assurances.

Section II

A. State Policies, Procedures, Methods, and Descriptions

As checked below, the State hereby declares that it has or has not filed the following policies, procedures, methods, and descriptions with the U.S. Department of Education, and, as of the date of the signature below, affirms and incorporates by reference those policies, procedures, methods, and descriptions with respect to Part C of PL 108-446.

<p><i>Check and enter date(s) as applicable. Enclose relevant documents.</i></p>			<p><i>N = 'New' Policy and/or Procedure R = 'Revised' Policy and/or Procedure OF = Policy and/or Procedure is already 'On File' with the USDE</i></p>	
<p>Yes (If New or Revised is checked, the State is submitting policies, procedures, methods, and descriptions with this application. If already 'On File with OSEP', check OF.)</p>	<p>No (Policies, procedures, methods, and descriptions have not been provided. Provide date by which State will submit to OSEP required documentation, which date shall be no later than June 30, 2008.)</p>			
N	R	OF	State Policies, Procedures, Methods, and Descriptions	
			State Policies and Procedures	
			<p>1. As required in 20 U.S.C. 1432(5)(A) and 1435(a)(1), the State has provided its policies and/or procedures regarding the State's definition of 'developmental delay' to ensure that a rigorous definition of the term 'developmental delay' will be used by the State in carrying out programs under this Part in order to appropriately identify infants and toddlers with disabilities that are in need of services under this Part.</p>	
			<p>2. As required in 20 U.S.C. 1437(a)(9)(B), the State has provided its policies and/or procedures to ensure review of the child's program options for the period from the child's third birthday through the remainder of the school year.</p>	
			<p>3. As required in 20 U.S.C. 1437(a)(9)(C), the State has provided its policies and/or procedures to ensure the establishment of a transition plan, including, as appropriate, steps to exit from the program.</p>	
			<p>4. As required in 20 U.S.C. 1437(a)(6), the State has provided its policies and procedures that require the referral for early intervention services under this part of a child under the age of 3 who - (A) is involved in a substantiated case of abuse or neglect; or (B) is identified as affected by illegal substance abuse, or withdrawal symptoms resulting from prenatal drug exposure.</p>	
			<p>5. As required in 20 U.S.C. 1437(a)(9)(A), the State has provided its</p>	

<p><i>Check and enter date(s) as applicable. Enclose relevant documents.</i></p>			<p><i>N = 'New' Policy and/or Procedure R = 'Revised' Policy and/or Procedure OF = Policy and/or Procedure is already 'On File' with the USDE</i></p>
<p>Yes</p> <p>(If New or Revised is checked, the State is submitting policies, procedures, methods, and descriptions with this application. If already 'On File with OSEP', check OF.)</p>	<p>No</p> <p>(Policies, procedures, methods, and descriptions have not been provided. Provide date by which State will submit to OSEP required documentation, which date shall be no later than June 30, 2008.)</p>		
N	R	OF	<p>State Policies, Procedures, Methods, and Descriptions</p> <p>policies and procedures that ensures a smooth transition for toddlers receiving early intervention services under this part (and children receiving those services under by 20 U.S.C 1435(c)) to preschool, school, other appropriate services, or exiting the program, including a description of how: (i) the families of such toddlers and children will be included in the transition plans required 20 U.S.C. 1437(a)(9)(C); and (ii) the lead agency designated or established under 20 U.S.C. 1435(a)(10) will (I) notify the local educational agency for the area in which such a child resides that the child will shortly reach the age of eligibility for preschool services under Part B, as determined in accordance with State law; (II) in the case of a child who may be eligible for such preschool services, with the approval of the family of the child, convene a conference among the lead agency, the family, and the local educational agency not less than 90 days (and at the discretion of all such parties, not more than 9 months) before the child is eligible for the preschool services, to discuss any such services that the child may receive; and (III) in the case of a child who may not be eligible for such preschool services, with the approval of the family, make reasonable efforts to convene a conference among the lead agency, the family, and providers of other appropriate services for children who are not eligible for preschool services under Part B, to discuss the appropriate services that the child may receive.</p>
			<p>Optional Policies/Methods</p> <p>Type in 'NA' for not applicable under 'No' in the cells to the left if the State has not exercised this option.</p>
			<p>6. As required in 20 U.S.C. 1437(a)(4), if the State provides services to at-risk infants and toddlers through the statewide system, the State has provided its: 1) description of services to at-risk infants and toddlers, and 2) definition of 'at-risk' under 20 U.S.C. 1432(5)(B)(i).</p>

<p><i>Check and enter date(s) as applicable. Enclose relevant documents.</i></p>			<p><i>N = 'New' Policy and/or Procedure R = 'Revised' Policy and/or Procedure OF = Policy and/or Procedure is already 'On File' with the USDE</i></p>
<p>Yes</p> <p>(If New or Revised is checked, the State is submitting policies, procedures, methods, and descriptions with this application. If already 'On File with OSEP', check OF.)</p>	<p>No</p> <p>(Policies, procedures, methods, and descriptions have not been provided. Provide date by which State will submit to OSEP required documentation, which date shall be no later than June 30, 2008.)</p>		
N	R	OF	<p>State Policies, Procedures, Methods, and Descriptions</p>
			<p><i>Enter 'NA' in the cells to the left if the State does not have a system of payment. (See Section IV.A)</i></p> <p>7. As required in 20 U.S.C. 1432(4)(B) and 1437(a)(3)(A), the State has provided its policies and/or procedures that identify the State's system of payments for Part C services.</p>
			<p><i>Enter 'NA' in the cells to the left if this statement is not applicable; otherwise check the 'N' cell under the 'Yes' column and attach all policies.</i></p> <p>8. As described in 20 U.S.C. 1435(c) the State has provided its policy, developed and implemented jointly by the lead agency and the State educational agency, under which parents of children with disabilities who are eligible for services under 20 U.S.C. 1419 and previously received services under this part, may choose the continuation of early intervention services (which includes an educational component that promotes school readiness and incorporates preliteracy, language, and numeracy skills) for such children under this part until such children enter, or are eligible under State law to enter, kindergarten.</p> <p>The statewide system ensures that--</p> <p>(A) parents of children with disabilities served pursuant to 20 U.S.C. 1435(c) are provided annual notice that contains--</p> <ul style="list-style-type: none"> (i) a description of the rights of such parents to elect to receive services pursuant to 20 U.S.C. 1435(c) or under Part B; and (ii) an explanation of the differences between services provided pursuant to 20 U.S.C. 1435(c) and services provided under Part B, including-- <ul style="list-style-type: none"> (I) types of services and the locations at which the services are provided; (II) applicable procedural safeguards; and (III) possible costs (including any fees to be charged to families as described in 20 U.S.C. 1432(4)(B)), if any,

<p><i>Check and enter date(s) as applicable. Enclose relevant documents.</i></p>			<p><i>N = 'New' Policy and/or Procedure R = 'Revised' Policy and/or Procedure OF = Policy and/or Procedure is already 'On File' with the USDE</i></p>		
<p>Yes</p> <p>(If New or Revised is checked, the State is submitting policies, procedures, methods, and descriptions with this application. If already 'On File with OSEP', check OF.)</p>		<p>No</p> <p>(Policies, procedures, methods, and descriptions have not been provided. Provide date by which State will submit to OSEP required documentation, which date shall be no later than June 30, 2008.)</p>			
N	R	OF	<p>State Policies, Procedures, Methods, and Descriptions</p>		
			<p>to parents of infants or toddlers with disabilities;</p> <p>(B) services provided pursuant to 20 U.S.C. 1435(c) include an educational component that promotes school readiness and incorporates preliteracy, language, and numeracy skills;</p> <p>(C) the State policy will not affect the right of any child served pursuant to 20 U.S.C. 1435(c) to instead receive a free appropriate public education under Part B;</p> <p>(D) all early intervention services outlined in the child's individualized family service plan under 20 U.S.C. 1436 are continued while any eligibility determination is being made for services under 20 U.S.C. 1435(c);</p> <p>(E) the parents of infants or toddlers with disabilities (as defined in 20 U.S.C. 1432(5)(A)) provide informed written consent to the State, before such infants or toddlers reach 3 years of age, as to whether such parents intend to choose the continuation of early intervention services pursuant to 20 U.S.C. 1435(c) for such infants or toddlers;</p> <p>(F) the requirements under 20 U.S.C. 1437(a)(9) shall not apply with respect to a child who is receiving services in accordance with 20 U.S.C. 1435(c) until not less than 90 days (and at the discretion of the parties to the conference, not more than 9 months) before the time the child will no longer receive those services; and</p> <p>(G) there will be a referral for evaluation for early intervention services of a child who experiences a substantiated case of trauma due to exposure to family violence (as defined in section 320 of the Family Violence Prevention and Services Act).</p> <p>The State shall submit to the Secretary, in the State's report under 20 U.S.C. 1437(b)(4)(A), a report on the number and percentage of children with disabilities who are eligible for services under 20 U.S.C. 1419 but whose parents choose for such children to continue to receive early intervention services under this part.</p> <p>The policy shall include a description of the funds (including an</p>		

<p><i>Check and enter date(s) as applicable. Enclose relevant documents.</i></p>			<p><i>N = 'New' Policy and/or Procedure R = 'Revised' Policy and/or Procedure OF = Policy and/or Procedure is already 'On File' with the USDE</i></p>
<p>Yes (If New or Revised is checked, the State is submitting policies, procedures, methods, and descriptions with this application. If already 'On File with OSEP', check OF.)</p>	<p>No (Policies, procedures, methods, and descriptions have not been provided. Provide date by which State will submit to OSEP required documentation, which date shall be no later than June 30, 2008.)</p>		
N	R	OF	<p align="center">State Policies, Procedures, Methods, and Descriptions</p>
			<p>identification as Federal, State, or local funds) that will be used to ensure that the option described 20 U.S.C. 1435(c)(1) is available to eligible children and families who provide the consent described in 20 U.S.C. 1435(c)(2)(E), including fees (if any) to be charged to families as described in 20 U.S.C. 1432(4)(B).</p> <p>In accordance with 20 U.S.C. 1435(c)(5)(A), when providing services to a child with a disability who is eligible for services under 20 U.S.C. 1419 the State is not required to provide the child with a free appropriate public education under Part B for the period of time in which the child is receiving services under Part C.</p>
			<p><i>Enter 'NA' in the cells to the left if this statement is not applicable; otherwise check either the 'N' or 'R' cell under the 'Yes' column and attach appropriate written methods. See the Optional Technical Assistance Checklist for the full provisions of 20 U.S.C. 1440.</i></p> <p>9. The State has chosen to meet the requirement to establish financial responsibility for early intervention services under 20 U.S.C. 1440(b)(1) through 'appropriate written methods' under 20 U.S.C. 1440(b)(3)(C) other than State statute or regulation or signed interagency agreements.</p>
			<p>Descriptions</p>
			<p>10. As required by Section 427 of the General Education Provisions Act (GEPA), the State has identified barriers and developed strategies to address the barriers and has provided a description of the steps the State is taking to ensure equitable access to, and participation in Part C.</p>
			<p>11. As required in 20 U.S.C. 1437(a)(3)(B), the State has provided a description of early intervention services to be provided to infants and toddlers with disabilities and their families through the statewide system.</p>
			<p>12. As required in 20 U.S.C. 1437(a)(5), the State has provided a description of the uses for which funds will be expended in accordance with this part. (See Section III. If the State is</p>

<p><i>Check and enter date(s) as applicable. Enclose relevant documents.</i></p>			<p><i>N = 'New' Policy and/or Procedure R = 'Revised' Policy and/or Procedure OF = Policy and/or Procedure is already 'On File' with the USDE</i></p>	
<p>Yes (If New or Revised is checked, the State is submitting policies, procedures, methods, and descriptions with this application. If already 'On File with OSEP', check OF.)</p>		<p>No (Policies, procedures, methods, and descriptions have not been provided. Provide date by which State will submit to OSEP required documentation, which date shall be no later than June 30, 2008.)</p>		
N	R	OF		<p>State Policies, Procedures, Methods, and Descriptions</p>
				<p><i>submitting a completed Section III, check 'N' under the 'Yes' column to the left.)</i></p>
				<p>13. As required in 20 U.S.C. 1437(a)(7) the State has provided a description of the procedures used to ensure that resources are made available under this part for all geographic areas within the State.</p>
				<p>14. As required in 20 U.S.C. 1437(a)(8) the State has provided a description of the policies and procedures used to ensure that, prior to the adoption by the State of any other policy or procedure necessary to meet the requirements of this part, there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of infants and toddlers with disabilities.</p>
				<p>15. As required in 20 U.S.C. 1437(a)(10) the State has provided a description of State efforts to promote collaboration among Early Head Start programs under section 645A of the Head Start Act, early education and child care programs, and services under Part C.</p>

B. Assurances and Optional Assurance

The State makes the following assurances and provisions as required by Part C of the Individuals with Disabilities Education Act. (20 U.S.C. 1431 et.seq.)

Check and enter date(s) as applicable		Assurances (20 U.S.C. 1434;1435; and 1437(b))
Yes (Assurance is hereby provided.)	No (Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)	
		1. As applicable, the assurance found in OMB Standard Form 424(B) (Assurances for Non-Construction Programs), relating to legal authority to apply for assistance; access to records; conflict of interest; merit systems; nondiscrimination; Hatch Act provisions; labor standards; flood insurance; environmental standards; wild and scenic river systems; historic preservation; protection of human subjects; animal welfare; lead-based paint; Single Audit Act; and general agreement to comply with all Federal laws, executive orders and regulations is in place.
		2. The State has adopted a policy that appropriate early intervention services are available to all infants and toddlers with disabilities in the State and their families, including Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State, infants and toddlers with disabilities who are homeless children and their families, and infants and toddlers with disabilities who are wards of the State; and has in effect a statewide comprehensive, coordinated, multidisciplinary, interagency system to provide early intervention services, for infants and toddlers with disabilities and their families, that meet the requirements of 20 U.S.C 1401, and 1431-1443. <i>See the Optional Technical Assistance Checklist for the full provisions of 1401 and 1432.</i>
		3. The State has in effect a policy that ensures that appropriate early intervention services based on scientifically based research, to the extent practicable, are available to all infants and toddlers with disabilities and their families, including Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State and infants and toddlers with disabilities who are homeless children and their families in accordance with 20 U.S.C. 1435(a)(2).
		4. The State has in effect a timely, comprehensive, multidisciplinary evaluation of the functioning of each infant or toddler with a disability in the State, and a family-directed identification of the needs of each

Check and enter date(s) as applicable		Assurances (20 U.S.C. 1434;1435; and 1437(b))
Yes <i>(Assurance is hereby provided.)</i>	No <i>(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)</i>	
		family of such an infant or toddler, to assist appropriately in the development of the infant or toddler in accordance with 20 U.S.C. 1435(a)(3).
		5. For each infant or toddler with a disability in the State, the State has an individualized family service plan in accordance with 20 U.S.C. 1436, including service coordination services in accordance with such service plan. (20 U.S.C. 1435(a)(4)) <i>See Optional Technical Assistance Checklist for the full provisions of 20 U.S.C. 1436.</i>
		6. The State has a comprehensive child find system, consistent with Part B, including a system for making referrals to service providers that includes timelines and provides for participation by primary referral sources and that ensures rigorous standards for appropriately identifying infants and toddlers with disabilities for services under this part that will reduce the need for future services. (20 U.S.C. 1435(a)(5))
		7. The State has a public awareness program focusing on early identification of infants and toddlers with disabilities, including the preparation and dissemination by the lead agency designated or established under 20 U.S.C. 1435(a)(10) to all primary referral sources, especially hospitals and physicians, of information to be given to parents, especially to inform parents with premature infants, or infants with other physical risk factors associated with learning or developmental complications, on the availability of early intervention services under this part and of services under 20 U.S.C. 1419, and procedures for assisting such sources in disseminating such information to parents of infants and toddlers with disabilities. (20 U.S.C. 1435(a)(6))
		8. The State has a central directory that includes information on early intervention services, resources, and experts available in the State and research and demonstration projects being conducted in the State. (20 U.S.C. 1435(a)(7))
		9. The State has a comprehensive system of personnel development, including the training of paraprofessionals and the training of primary referral sources with respect to the basic components of early intervention services available in the State that

Check and enter date(s) as applicable		Assurances (20 U.S.C. 1434;1435; and 1437(b))
Yes <i>(Assurance is hereby provided.)</i>	No <i>(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)</i>	
		<p>(A) includes--</p> <ul style="list-style-type: none"> (i) implementing innovative strategies and activities for the recruitment and retention of early education service providers; (ii) promoting the preparation of early intervention providers who are fully and appropriately qualified to provide early intervention services under this part; and (iii) training personnel to coordinate transition services for infants and toddlers served under this part from a program providing early intervention services under this part and under Part B (other than 20 U.S.C. 1419), to a preschool program receiving funds under 20 U.S.C. 1419, or another appropriate program; and <p>(B) may include--</p> <ul style="list-style-type: none"> (i) training personnel to work in rural and inner-city areas; and (ii) training personnel in the emotional and social development of young children. <p>(20 U.S.C. 1435(a)(8)(A) and (B))</p>
		<p>10. The State has policies and procedures relating to the establishment and maintenance of qualifications to ensure that personnel necessary to carry out this part are appropriately and adequately prepared and trained, including the establishment and maintenance of qualifications that are consistent with any State-approved or recognized certification, licensing, registration, or other comparable requirements that apply to the area in which such personnel are providing early intervention services, except that nothing in this part (including this paragraph) shall be construed to prohibit the use of paraprofessionals and assistants who are appropriately trained and supervised in accordance with State law, regulation, or written policy, to assist in the provision of early intervention services under this part to infants and toddlers with disabilities. (20 U.S.C. 1432 and 1435(a)(9))</p>
		<p>11. The State has a single line of responsibility in a lead agency designated or established by the Governor for carrying out -</p> <p>(A) the general administration and supervision of programs and activities receiving assistance under 20 U.S.C. 1433, and the monitoring of programs and activities used by the State to carry</p>

Check and enter date(s) as applicable		Assurances (20 U.S.C. 1434;1435; and 1437(b))
Yes <i>(Assurance is hereby provided.)</i>	No <i>(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)</i>	
		<p>out this part, whether or not such programs or activities are receiving assistance made available under 20 U.S.C. 1433, to ensure that the State complies with this part;</p> <p>(B) the identification and coordination of all available resources within the State from Federal, State, local, and private sources;</p> <p>(C) the assignment of financial responsibility in accordance with 20 U.S.C. 1437(a)(2) to the appropriate agencies;</p> <p>(D) the development of procedures to ensure that services are provided to infants and toddlers with disabilities and their families under this part in a timely manner pending the resolution of any disputes among public agencies or service providers;</p> <p>(E) the resolution of intra- and interagency disputes; and</p> <p>(F) the entry into formal interagency agreements that define the financial responsibility of each agency for paying for early intervention services (consistent with State law) and procedures for resolving disputes and that include all additional components necessary to ensure meaningful cooperation and coordination. See <i>Optional Technical Assistance Checklist for the full provisions of 20 U.S.C. 1440.</i></p> <p>(20 U.S.C. 1435(a)(10)(A)-(F) and 1440)</p>
		<p>12. The State has a policy pertaining to the contracting or making of other arrangements with service providers to provide early intervention services in the State, consistent with the provisions of Part C, including the contents of the application used and the conditions of the contract or other arrangements. (20 U.S.C. 1435(a)(11))</p>
		<p>13. The State has a procedure for securing timely reimbursements of funds used under this part in accordance with 20 U.S.C. 1440(a). See <i>Optional Technical Assistance Checklist for the full provisions of 20 U.S.C. 1440.</i> (20 U.S.C. 1435(a)(12) and 1440)</p>
		<p>14. The State has procedural safeguards with respect to programs under this part, as required by 20 U.S.C. 1439. (20 U.S.C. 1435(a)(13)) See <i>Optional Technical Assistance Checklist for applicable provisions of 20 U.S.C. 1415 and 1439.</i></p>

Check and enter date(s) as applicable		Assurances (20 U.S.C. 1434;1435; and 1437(b))
Yes <i>(Assurance is hereby provided.)</i>	No <i>(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)</i>	
		15. The State has a system for compiling data requested by the Secretary under section 618 that relates to this part. (20 U.S.C. 1418, 1435(a)(14) and 1442)
		16. The State has a State interagency coordinating council that meets the requirements of 20 U.S.C. 1441. (20 U.S.C. 1435(a)(15)) See <i>Optional Technical Assistance Checklist for the full provisions of 20 U.S.C. 1441.</i>
		17. The State has policies and procedures to ensure that, consistent with 20 U.S.C 1436(d)(5): A) to the maximum extent appropriate, early intervention services are provided in natural environments; and B) the provision of early intervention services for any infant or toddler with a disability occurs in a setting other than a natural environment that is most appropriate, as determined by the parent and the individualized family service plan team, only when early intervention cannot be achieved satisfactorily for the infant or toddler in a natural environment. (20 U.S.C. 1435(a)(16))
		18. The State ensures that Federal funds made available under 20 U.S.C. 1443 will be expended in accordance with this part. (20 U.S.C. 1437(b)(1) and 1438)
		19. The State ensures that it has methods in place to comply with the requirements of 20 U.S.C. 1440. (20 U.S.C. 1437(b)(2)) <i>State's response should be consistent with Certification #3 below.</i>
		20. The State ensures that the control of funds provided under 20 U.S.C. 1443, and title to property derived from those funds, will be in a public agency for the uses and purposes provided in this part and that a public agency will administer such funds and property. (20 U.S.C. 1437(b)(3))
		21. The State ensures that provisions shall be made for-- (A) making such reports in such form and containing such information as the Secretary may require to carry out the Secretary's functions under this part; and (B) keeping such reports and affording such access to the reports as the Secretary may find necessary to ensure the correctness and verification of those reports and proper disbursement of Federal

Check and enter date(s) as applicable		Assurances (20 U.S.C. 1434;1435; and 1437(b))
Yes <i>(Assurance is hereby provided.)</i>	No <i>(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)</i>	
		funds under this part. (20 U.S.C. 1437(b)(4))
		22. The State ensures that the Federal funds made available under 20 U.S.C. 1443 to the State-- (A) will not be commingled with State funds; and (B) will be used so as to supplement the level of State and local funds expended for infants and toddlers with disabilities and their families and in no case to supplant those State and local funds. (20 U.S.C. 1437(b)(5))
		23. The State ensures that fiscal control and fund accounting procedures will be adopted as may be necessary to ensure proper disbursement of, and accounting for, Federal funds paid under 20 U.S.C. 1443 to the State. (20 U.S.C. 1437(b)(6))
		24. The State ensures that policies and procedures have been adopted to ensure meaningful involvement of underserved groups, including minority, low-income, homeless, and rural families and children with disabilities who are wards of the State, in the planning and implementation of all the requirements of Part C. (20 U.S.C. 1437(b)(7))
		25. The State assures that it shall provide other information and assurances as the Secretary may reasonably require by regulation. (20 U.S.C. 1437(b)(8).
		Optional Assurance
		<i>Enter 'NA' in the cells to the left if this assurance is not applicable</i> 26. The State has adopted a policy that includes making ongoing good-faith efforts to recruit and hire appropriately and adequately trained personnel to provide early intervention services to infants and toddlers with disabilities, including, in a geographic area of the State where there is a shortage of such personnel, the most qualified individuals available who are making satisfactory progress toward completing applicable course work necessary to meet the standards described in 20 U.S.C. 1435(a)(9). (20 U.S.C. 1435(b))

C. Certifications

The State Lead Agency is providing the following certifications:

Yes	
	<p>1. The State certifies that ED Form 80-0013, <i>Certification Regarding Lobbying</i>, is on file with the Secretary of Education.</p> <p>With respect to the <i>Certification Regarding Lobbying</i> the State recertifies that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making or renewal of Federal grants under this program; that the State shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," when required (34 CFR Part 82, Appendix B); and that the State Agency shall require the full certification, as set forth in 34 CFR Part 82, Appendix A, in the award documents for all sub awards at all tiers.</p>
	<p>2. The State certifies that it has met the certifications in the Education Department General Administrative Regulations (EDGAR) at 34 CFR §80.11 relating to State eligibility, authority and approval to submit and carry out the provisions of its State application, and consistency of that application with State law are in place within the State.</p>
	<p>3. The State certifies that the methods or arrangements to establish financial responsibility for early intervention services provided under Part C pursuant to 20 U.S.C. 1440(b) are current as of the date of this Application certification. (20 U.S.C. 1437(a)(2) and 1440). <i>See Item 9 in Section II.A above regarding including, with this Application for the Secretary's review, 'other appropriate written methods' to meet the requirements of 20 U.S.C. 1440(b). State's response under Assurance #19 above should be consistent with its response to this Certification.</i></p>

D. Statement

I certify that the State of _____ has provided the policies, procedures, methods, descriptions, and assurances checked as 'yes' in Sections II.A and II.B and the certifications required in Section II.C of this application. These provisions meet the requirements of Part C of the Individuals with Disabilities Education Act as found in PL 108-446. The State will operate its Part C program in accordance with all of the required policies, procedures, methods, descriptions, assurances and certifications.

If any policies, procedures, methods, descriptions, and assurances have been checked 'no', I certify that the State will operate throughout the period of this grant award consistent with the requirements of the IDEA as found in PL 108-446 and any applicable regulations, and will make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of the IDEA, as amended, as soon as possible, and not later than June 30, 2008. (34 CFR §76.104)

I, the undersigned authorized official of the

(Name of State and official name of State lead agency)

am designated under Part C by the Governor of this State to submit this application for FFY _____ funds under Part C of the Individuals with Disabilities Education Act (IDEA).

Printed/Typed Name and Title of Authorized Representative of the State:

Signature:

Date:

Section III

A. Description of Use of Part C Funds for the Lead Agency

When completing this section include:

- Totals for the number of lead agency administrative positions, salaries and fringe benefits funded either 100 percent and/or less than 100 percent with Part C funds;
- A general description of the duties which the positions entail; and
- A subtotal of the amount.

Identify any administrative positions for which less than 100% of the time is spent on Part C and, for each such position, indicate the percentage of time spent on Part C and the total amount of salary and fringe benefits included in the Part C application budget.

Positions Funded	Number of Positions	% of Time Spent on Part C	Salaries & Fringe Benefits	Description of Duties
100% funded with Part C Funds				
< 100% funded with Part C Funds				
Subtotal of amount under A:				

Section III (Continued)

B. Maintenance and Implementation Activities for the Lead Agency

When completing this section include:

- A description of the nature and scope of each major activity to be carried out under Part C in maintaining and implementing the Statewide system of early intervention services. Activities could include enhancing the Comprehensive System of Personnel Development, implementing child find strategies, or ensuring a timely, comprehensive, multidisciplinary evaluation for each child;
- The approximate amount of funds to be spent for each activity; and
- A subtotal of the amount.

(Add columns and rows as needed.)

Major Activity	Part C Funds to be Spent	Description of Activities
Subtotal of amount under B:		

Section III (Continued)

C. Description of Use of Part C Funds for the Interagency Coordinating Council (ICC)

When completing this section include:

- Totals for the number of ICC administrative positions, salaries and fringe benefits funded either 100 percent and/or less than 100 percent with Part C funds;
- A general description of the duties which the positions entail; and
- A subtotal of the amount.

Identify any administrative positions for which less than 100% of the time is spent on Part C and, for each such position, indicate the percentage of time spent on Part C and the total amount of salary and fringe benefits included in the Part C application budget.

Positions Funded	Number of Positions	% of Time Spent on Part C	Amount of Salaries & Fringe Benefits	Description of Duties
100% funded with Part C Funds				
< 100% funded with Part C Funds				
Subtotal of amount under C:				

Section III (Continued)

D. Maintenance and Implementation Activities for the Interagency Coordinating Council (ICC)

When completing this section include:

- A description of the nature and scope of each major activity to be carried out under Part C in maintaining and implementing the Statewide system of early intervention services. Activities could include coordinating child find identification efforts, ensuring the timely provision and payment of early intervention services to eligible children and their families, advising on early childhood transition, support for the ICC (travel), or other implementation and development activities of the SICC;
- The approximate amount of funds to be spent for each activity; and
- A subtotal of the amount.

(Add columns and rows as needed.)

Major Activity	Part C Funds to be Spent	Description of Activities
Subtotal of amount under D:		

Section III (Continued)

E. Direct Services (Funded by Part C Federal Dollars)

When completing this section include:

- A description of any direct early intervention service that the State lead agency expects to provide to eligible children and their families with funds under this part, including a description of any services provided to at-risk infants and toddlers and their families for States that provide services to at-risk children as part of its eligibility criteria. The description must include information about each type of service to be provided, including:
 - A summary of the methods to be used to provide the service (e.g., contracts or other arrangements with specified public or private organizations); and
 - The approximate amount of funds under this part to be used for the direct provision of early intervention services.

Provide subtotals of the amount and for salaries and fringe benefits for direct service employees (discipline). *(Add columns and rows as needed.)*

Direct Service	Part C Funds to be Spent	Summary of Methods to be Used to Provide Service
Subtotal of amount under E:		

Direct Service Employees (Discipline)	Salary and Fringe	% Part C	Description of Duties
Sub Total:			

Section III (Continued)

F. Description of Optional Use of Part C Funds (For States that Do Not Provide Direct Service for At-Risk Infants and Toddlers)

For any State that does not provide direct services for at-risk infants and toddlers under 20 U.S.C. 1437(a)(4), but chooses to use funds under 20 U.S.C. 1438(5), each Application must include a description of how these funds will be used. Specifically, a State may use Part C funds for initiating, expanding, or improving collaborative efforts related to at-risk infants and toddlers, including establishing linkages with appropriate public or private community-based organizations, services, or personnel for the purpose of:

- Identifying and evaluating at-risk infants and toddlers;
- Making referrals of at-risk infants and toddlers who are identified and evaluated; and
- Conducting periodic follow-up on at-risk infants and toddlers to determine if the status of the infant or toddler's eligibility for Part C services has changed.

Provide a subtotal of the amount. *(Add columns and rows as needed.)*

Description of Activity	Amount of Funds
Subtotal of amount under F:	

Section III (Continued)

G. Activities by Other Agencies

If other State or local public agencies are to receive a portion of the Federal funds under Part C, the Application must include:

- The name of each public agency expected to receive funds;
- The approximate amount of funds each public agency will receive; and
- A summary of the purposes for which the funds will be used.

Provide subtotal of amount. *(Add columns and rows as needed.)*

Agency Receiving Funds	Amount of Funds	Purpose
Subtotal of amount under G:		

Section III (Continued)

H. Totals

Enter the subtotal amounts for Sub Sections A-G found in Section III and any indirect costs charged as specified in Section IV.B. The sub total amounts (Rows 1-8) should total the estimated grant application amount. (A State may apply for less than the full estimated allotted amount.)

Enter the subtotal amounts for Sub Sections A-G found in Section III of this application.		
Row No.	Section	Amount
1.	III.A.	\$
2.	III.B.	\$
3.	III.C.	\$
4.	III.D.	\$
5.	III.E. <i>(Direct Service)</i>	\$
	III.E. <i>(Direct Service Employees)</i>	\$
6.	III.F.	\$
7.	III.G.	\$
Enter any Indirect Costs Charged (See Section IV.B of this application.)		
8.	IV.B	\$
Total (Rows 1-8)		\$

Section IV

A. System of Payments / Use of Insurance / Program Income

The State

_____ does (check as applicable)

_____ does not (check as applicable)

have a system of payments for Part C services under 20 U.S.C. 1432(4)(B) which may include use of public and/or private insurance or family fees, such as a sliding scale. Any family fees are treated as 'program income' for purposes of 34 CFR §80.25 and are not included in the State's determination of State and local expenditures for purposes of 20 U.S.C. 1437(b)(5)(B). *Note: If the State has adopted new or has revised its existing policies and procedures regarding its system of payments, it must submit these new and/or revised policies and procedures under Item 7 in Section II.A above.*

B. Restricted Indirect Cost Rate/Cost Allocation Plan Information

(Note: To be completed if Lead Agency is not a State Educational Agency.)

If the lead agency is not a State educational agency (as well as any outlying areas that have the Department of Interior as its cognizant Federal agency, even if an SEA) check the applicable status below (more than one check mark may be necessary) and enclose appropriate documentation for this Federal Fiscal Year.

_____ The lead agency has a final restricted indirect cost rate or cost allocation plan that has been approved by the State lead agency's cognizant Federal agency and is in effect for this Federal fiscal year (FFY) (ending on June 30, 2008). (Attach a copy of the approved restricted indirect cost rate agreement or cost allocation plan.)

_____ The lead agency has either a provisional or final restricted indirect cost rate or cost allocation plan that expires or expired on _____ and the State is in the process of negotiating a new restricted indirect cost rate agreement or cost allocation plan that will be in effect for the period _____.² The State lead agency will continue to charge or bill the Part C grant using the provisional or previously approved final restricted indirect cost rate or cost allocation plan until a new rate or plan is negotiated and approved by the State's cognizant Federal agency, at which point the State lead agency must make appropriate adjustments for applicable FFYs. The State acknowledges that a final restricted indirect cost rate may result in an adjustment of the final audited expenditures allowable to be charged to the Part C grant and the Department's approval of this FFY Part C application with an expired or provisional restricted indirect cost rate does not constitute approval of that rate as the final rate for the lead agency for this FFY. When a final restricted indirect cost rate is approved, the lead agency must submit to OSEP: (1) a copy of the "final" restricted indirect cost rate agreement; and (2) details of adjustments made to past GAPS draw downs in light of the "final" rate. (Attach a copy of the previously approved restricted indirect cost rate agreement or cost allocation plan.)

_____ No indirect costs are charged to the Part C grant. The total amount of the Federal Part C grant is used for allowable direct costs.

_____ Other, explanation attached.

² A "provisional" indirect cost rate is a temporary rate established for a future prospective period of time to permit budgeting, obligations, and payment of funds by awarding agencies until such time as the actual indirect costs can be determined and a final rate is established for the applicable period; provisional rates are subject to adjustment by issuance of a "final" rate based on actual indirect costs incurred for the period (usually the organization's fiscal year).

The purpose of this enclosure is to inform you about a new provision in the Department of Education's General Education Provisions Act (GEPA) that applies to applicants for new grant awards under Department programs. This provision is Section 427 of GEPA, enacted as part of the Improving America's Schools Act of 1994 (Public Law (P.L.) 103-382).

To Whom Does This Provision Apply?

Section 427 of GEPA affects applicants for new grant awards under this program. **ALL APPLICANTS FOR NEW AWARDS MUST INCLUDE INFORMATION IN THEIR APPLICATIONS TO ADDRESS THIS NEW PROVISION IN ORDER TO RECEIVE FUNDING UNDER THIS PROGRAM.**

(If this program is a State-formula grant program, a State needs to provide this description only for projects or activities that it carries out with funds reserved for State-level uses. In addition, local school districts or other eligible applicants that apply to the State for funding need to provide this description in their applications to the State for funding. The State would be responsible for ensuring that the school district or other local entity has submitted a sufficient section 427 statement as described below.)

What Does This Provision Require?

Section 427 requires each applicant for funds (other than an individual person) to include in its application a description of the steps the applicant proposes to take to ensure equitable access to, and participation in, its Federally-assisted program for students, teachers, and other program beneficiaries with special needs. This provision allows applicants discretion in developing the required description. The statute highlights six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, or age. Based on local circumstances, you should determine whether these or other barriers may prevent your students, teachers, etc. from such access or participation in, the Federally-funded project or activity. The description in your application of steps to be taken to overcome these barriers need not be lengthy; you may provide a clear and succinct description of how you plan to address those barriers

that are applicable to your circumstances. In addition, the information may be provided in a single narrative, or, if appropriate, may be discussed in connection with related topics in the application.

Section 427 is not intended to duplicate the requirements of civil rights statutes, but rather to ensure that, in designing their projects, applicants for Federal funds address equity concerns that may affect the ability of certain potential beneficiaries to fully participate in the project and to achieve to high standards. Consistent with program requirements and its approved application, an applicant may use the Federal funds awarded to it to eliminate barriers it identifies.

What are Examples of How an Applicant Might Satisfy the Requirement of This Provision?

The following examples may help illustrate how an applicant may comply with Section 427.

- (1) An applicant that proposes to carry out an adult literacy project serving, among others, adults with limited English proficiency, might describe in its application how it intends to distribute a brochure about the proposed project to such potential participants in their native language.
- (2) An applicant that proposes to develop instructional materials for classroom use might describe how it will make the materials available on audio tape or in braille for students who are blind.
- (3) An applicant that proposes to carry out a model science program for secondary students and is concerned that girls may be less likely than boys to enroll in the course, might indicate how it intends to conduct "outreach" efforts to girls, to encourage their enrollment.

We recognize that many applicants may already be implementing effective steps to ensure equity of access and participation in their grant programs, and we appreciate your cooperation in responding to the requirements of this provision.

Estimated Burden Statement for GEPA Requirements

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1890-0007. The time required to complete this information collection is estimated to average 1.5 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** Director, Grants Policy and Oversight Staff, U.S. Department of Education, 400 Maryland Avenue, SW (Room 7065, Potomac Center Plaza, 7th Floor). Washington, DC 20202-4250.

34 CFR §76.703 – When a State may begin to obligate funds.

- (a)(1) The Secretary may establish, for a program subject to this part, a date by which a State must submit for review by the Department a State plan and any other documents required to be submitted under guidance provided by the Department under paragraph (b)(3) of this section.
- (2) If the Secretary does not establish a date for the submission of State plans and any other documents required under guidance provided by the Department, the date for submission is three months before the date the Secretary may begin to obligate funds under the program.
- (b)(1) This paragraph (b) describes the circumstances under which the submission date for a State plan may be deferred.
- (2) If a State asks the Secretary in writing to defer the submission date for a State plan because of a Presidentially declared disaster that has occurred in that State, the Secretary may defer the submission date for the State plan and any other document required under guidance provided by the Department if the Secretary determines that the disaster significantly impairs the ability of the State to submit a timely State plan or other document required under guidance provided by the Department.
- (3)(i) The Secretary establishes, for a program subject to this part, a date by which the program office must deliver guidance to the States regarding the contents of the State plan under that program.
- (ii) The Secretary may only establish a date for the delivery of guidance to the States so that there are at least as many days between that date and the date that State plans must be submitted to the Department as there are days between the date that State plans must be submitted to the Department and the date that funds are available for obligation by the Secretary on July 1, or October 1, as appropriate.
- (iii) If a State does not receive the guidance by the date established under paragraph (b)(3)(i) of this section, the submission date for the State plan under the program is deferred one day for each day that the guidance is late in being received by the State.

Note: The following examples describe how the regulations in Sec. 76.703(b)(3) would act to defer the date that a State would have to submit its State plan.

Example 1. The Secretary decides that State plans under a forward-funded program must be submitted to the Department by May first. The Secretary must provide guidance to the States under this program by March first, so that the States have at least as many days between the guidance date and the submission date (60) as the Department has between the submission date and the date that funds are available for obligation (60). If the program transmits guidance to the States on February 15, specifying that State plans must be submitted by May first, States generally would have to submit State plans by that date. However, if, for example, a State did not receive the guidance until March third, that State would have until May third to submit its State plan because the submission date of its State plan would be deferred one day for each day that the guidance to the State was late.

Example 2. If a program publishes the guidance in the Federal Register on March third, the States would be considered to have received the guidance on that day. Thus, the guidance could not specify a date for the submission of State plans before May second, giving the States 59 days between the date the guidance is published and the submission date and giving the Department 58 days between the submission date and the date that funds are available for obligation.

- (c)(1) For the purposes of this section, the submission date of a State plan or other document is the date that the Secretary receives the plan or document.
- (2) The Secretary does not determine whether a State plan is substantially approvable until the plan and any documents required under guidance provided by the Department have been submitted.
- (3) The Secretary notifies a State when the Department has received the State plan and all documents required under guidance provided by the Department.
- (d) If a State submits a State plan in substantially approvable form (or an amendment to the State plan that makes it substantially approvable), and submits any other document required under guidance provided by the Department, on or before the date the State plan must be submitted to the Department, the State may begin to obligate funds on the date that the funds are first available for obligation by the Secretary.
- (e) If a State submits a State plan in substantially approvable form (or an amendment to the State plan that makes it substantially approvable) or any other documents required under guidance provided by the Department after the date the State plan must be submitted to the Department, and—
 - (1) The Department determines that the State plan is substantially approvable on or before the date that the funds are first available for obligation by the Secretary, the State may begin to obligate funds on the date that the funds are first available for obligation by the Secretary; or
 - (2) The Department determines that the State plan is substantially approvable after the date that the funds are first available for obligation by the Secretary, the State may begin to obligate funds on the earlier of the two following dates:
 - (i) The date that the Secretary determines that the State plan is substantially approvable.
 - (ii) The date that is determined by adding to the date that funds are first available for obligation by the Secretary—
 - (A) The number of days after the date the State plan must be submitted to the Department that the State plan or other document required under guidance provided by the Department is submitted; and
 - (B) If applicable, the number of days after the State receives notice that the State plan is not substantially approvable that the State submits additional information that makes the plan substantially approvable.
- (f) Additional information submitted under paragraph (e)(2)(ii)(B) of this section must be signed by the person who submitted the original State plan (or an authorized delegate of that officer).
- (g)(1) If the Department does not complete its review of a State plan during the period established for that review, the Secretary will grant pre-award costs for the period after funds become available for obligation by the Secretary and before the State plan is found substantially approvable.
- (2) The period established for the Department's review of a plan does not include any day after the State has received notice that its plan is not substantially approvable.

Note: The following examples describe how the regulations in Sec. 76.703 would be applied in certain circumstances. For the purpose of these examples, assume that the grant program

established an April 1 due date for the submission of the State plan and that funds are first available for obligation by the Secretary on July 1.

Example 1. Paragraph (d): A State submits a plan in substantially approvable form by April 1. The State may begin to obligate funds on July 1.

Example 2. Paragraph (e)(1): A State submits a plan in substantially approvable form on May 15, and the Department notifies the State that the plan is substantially approvable on June 20. The State may begin to obligate funds on July 1.

Example 3. Paragraph (e)(2)(i): A State submits a plan in substantially approvable form on May 15, and the Department notifies the State that the plan is substantially approvable on July 15. The State may begin to obligate funds on July 15.

Example 4. Paragraph (e)(2)(ii)(A): A State submits a plan in substantially approvable form on May 15, and the Department notifies the State that the plan is substantially approvable on August 21. The State may begin to obligate funds on August 14. (In this example, the plan is 45 days late. By adding 45 days to July 1, we reach August 14, which is earlier than the date, August 21, that the Department notifies the State that the plan is substantially approvable. Therefore, if the State chose to begin drawing funds from the Department on August 14, obligations made on or after that date would generally be allowable.)

Example 5. Paragraph (e)(2)(i): A State submits a plan on May 15, and the Department notifies the State that the plan is not substantially approvable on July 10. The State submits changes that make the plan substantially approvable on July 20 and the Department notifies the State that the plan is substantially approvable on July 25. The State may begin to obligate funds on July 25. (In this example, the original submission is 45 days late. In addition, the Department notifies the State that the plan is not substantially approvable and the time from that notification until the State submits changes that make the plan substantially approvable is an additional 10 days. By adding 55 days to July 1, we reach August 24. However, since the Department notified the State that the plan was substantially approvable on July 25, that is the date that the State may begin to obligate funds.)

Example 6. Paragraph (e)(2)(ii)(B): A State submits a plan on May 15, and the Department notifies the State that the plan is not substantially approvable on August 1. The State submits changes that make the plan substantially approvable on August 20, and the Department notifies the State that the plan is substantially approvable on September 5. The State may choose to begin drawing funds from the Department on September 2, and obligations made on or after that date would generally be allowable. (In this example, the original submission is 45 days late. In addition, the Department notifies the State that the plan is not substantially approvable and the time from that notification until the State submits changes that make the plan substantially approvable is an additional 19 days. By adding 64 days to July 1, we reach September 2, which is earlier than September 5, the date that the Department notifies the State that the plan is substantially approvable.)

Example 7. Paragraph (g): A State submits a plan on April 15 and the Department notifies the State that the plan is not substantially approvable on July 16. The State makes changes to the plan and submits a substantially approvable plan on July 30. The Department had until July 15 to decide whether the plan was substantially approvable because the State was 15 days late in submitting the plan. The date the State may begin to obligate funds under the regulatory deferral is July 29 (based on the 15 day deferral for late submission plus a 14 day deferral for the time it took to submit a substantially approvable plan after having received notice). However, because the Department was one day late in completing its review of the plan, the State would get pre-award costs to cover the period of July 1 through July 29.

- (h) After determining that a State plan is in substantially approvable form, the Secretary informs the State of the date on which it could begin to obligate funds. Reimbursement for those obligations is subject to final approval of the State plan.

(Authority: 20 U.S.C. 1221e-3, 3474, 6511(a) and 31 U.S.C. 6503)

[45 FR 22517, Apr. 3, 1980. Redesignated at 45 FR 77368, Nov. 21, 1980, as amended at 60 FR 41294, Aug. 11, 1995; 61 FR 14484, Apr. 2, 1996]