



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

Honorable Marva Livingston Hammons
Executive Director
Colorado Department of Human Services
Division for Developmental Disabilities
3824 West Princeton Circle
Denver, Colorado 80238

JUL 3 2006

Dear Director Hammons:

This is to inform you that we have conditionally approved Colorado's Application, including policies, procedures, methods, descriptions, and assurances, for Federal Fiscal Year (FFY) 2006 under Part C of the Individuals with Disabilities Education Act (IDEA). Our determination that you are eligible for a conditional approval is based on our receipt of the Part C Application for FFY 2006, including the policies, procedures, methods, descriptions, assurances, certifications, and submission statement submitted by the Colorado Department of Human Services to the U.S. Department of Education, Office of Special Education Programs (OSEP), on April 7, 2006 in which it assures that it will:

1. Operate consistent with the Part C requirements of PL 108-446 and its applicable regulations in 34 CFR Part 303;
2. Ensure that the Statewide system of early intervention services required by Part C and its implementing regulations is in effect throughout the FFY 2006 grant period; and
3. Make such changes to, and submit for OSEP's approval, existing policies, procedures, methods, and descriptions as are necessary to bring those policies, procedures, methods and descriptions into compliance with the requirements of Part C of the IDEA, as amended, as soon as possible, and not later than the earlier of the date indicated by the State in Section II of its application or June 30, 2007. Section II of the State's application (which is incorporated by reference and enclosed with this grant letter) identifies the IDEA statutory sections for which the State needs to amend policies, procedures, methods and descriptions and the timelines by which the State will amend any policies, procedures, methods and descriptions in order to comply with Part C of the IDEA. Within Section II, the State has included the date by which it expects to complete necessary changes associated with any policies, procedures, methods and descriptions that are not yet in compliance with the requirements of Part C of the IDEA, as amended.

The conditional approval is also based on the State's April 7, 2006 assurance that the Colorado Department of Human Services (CDHS) will continue to implement the current Colorado State Plan under Part C of IDEA 2004 that is on file with OSEP with the following adjustments that are necessary due to the change in lead agency:

1. Where reference is made to lead agency (which was the Colorado Department of Education until June 30, 2006), this will now apply to the Colorado Department of Human Services.
2. Allocation of Part C funds to local communities will be done through a contract with a

Community Centered Board (CCB) that is designated pursuant to state statute or, based on a review by the lead agency of local community needs, through a modified allocation process for a designated service area. This process is similar to that described in the current Colorado State Plan and CDHS assures that resources will continue to be distributed equitably throughout all geographical areas of the state.

3. CDHS assures that public awareness and child identification will continue as required by Part C.

Enclosed is the State's grant award for funds currently available under the Department of Education FFY 2006 Appropriations Act for the Part C program. These funds are for use primarily in the fiscal year 2006-2007 and are available for obligation by States from July 1, 2006 through September 30, 2008.

The enclosed grant award for FFY 2006 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 are needed to allow us to appropriately carry out our administrative responsibilities related to Part C.

Please note that as part of your State's Application for FFY 2006, your State has made an assurance, under 34 CFR §80.11(c), that it will comply with all applicable Federal statutes and regulations in effect with respect to the FFY 2006 grant period. In addition, in Director Livingston Hammons' cover letter to OSEP dated April 7, 2006, the Colorado Department of Human Services as the new Lead Agency for Part C has made specific assurances that the State will continue to implement (with minor adjustments as specified in the April 7, 2006 letter) the current Colorado State Plan under IDEA 2004 that is on file with OSEP and includes the FFY 1999 and 2002 applications. Any changes made by the State to its FFY 2006 Application or its Part C policies, after OSEP's approval, must meet the applicable public participation requirements in Part C of the IDEA and may also need to be submitted to OSEP for approval prior to implementation.

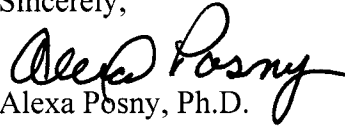
Section IV.B of the FFY 2006 application for Part C funds requested updated information about each State's restricted indirect cost rate. Our records indicate that your agency is currently not charging indirect costs to the Part C program. Under Section IV.B of your State's Part C Application, your agency (as the lead agency designated under Part C) indicated it will not charge indirect costs to FFY 2006 Part C grant funds until a restricted indirect cost rate or cost allocation plan is negotiated and approved by the State lead agency's cognizant Federal agency. By accepting Part C FFY 2006 funds, your agency is agreeing to not charge indirect costs to FFY 2006 Part C program funds.

Section 604 of the IDEA provides that "[a] State shall not be immune under the eleventh 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. Therefore, by accepting this grant a State is expressly agreeing as a condition of IDEA funding to a waiver of Eleventh Amendment immunity and to ensuring that positive efforts are made to employ and advance employment of qualified individuals with disabilities.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Alexa Posny". The signature is fluid and cursive, with a long horizontal stroke at the end.

Alexa Posny, Ph.D.

Director

Office of Special Education Programs

Enclosure

Enclosure A

cc: John Miles
Program Manager