



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

Honorable Kate Jesberg
Interim Director
Department of Human Services
64 New York Avenue, N.E., Sixth Floor
Washington, DC 20002

JUL 3 2006

Dear Interim Director Jesberg:

This is to inform you that we have conditionally approved the District'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 District of Columbia Department of Human Services to the U.S. Department of Education, Office of Special Education Programs (OSEP), on April 3, 2006 and amended on May 1, 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 in the District of Columbia 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 District in Section II of its application or June 30, 2007. Section II of the District's application (which is incorporated by reference and enclosed with this grant letter) identifies the IDEA statutory sections for which the District needs to amend policies, procedures, methods and descriptions and the timelines by which the District will amend any policies, procedures, methods and descriptions in order to comply with Part C of the IDEA. Within Section II, the District 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 notations made by the District of Columbia in the right hand column of Section II are not incorporated into the grant letter).

Enclosed is the District'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.

OSEP's March 15, 2006 letter regarding the District's State Performance Plan (SPP), in Table B, under Indicator 7, indicated that the District was required to submit, by June 1, 2006, updated data regarding compliance with the requirement for conducting evaluations within 45 days of referral of a child to Part C. The District's May 31, 2006 submission provided OSEP with updated information regarding the District's efforts to ensure compliance with the Part C 45-day timeline requirement for evaluations and included compliance data that indicate continued improvement in this area. OSEP appreciates the District's efforts to address this issue, and looks forward to reviewing the District's updated data in the FFY 2005 APR, due February 1, 2007.

Please note that as part of its Application for FFY 2006, the District 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. Any changes made by the District to its FFY 2006 Application or to 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 not charging indirect costs to the Part C program. By accepting Part C grant funds, your agency (as lead agency designated under Part C) is agreeing not to charge indirect costs to Part C FFY 2006 grant 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." Therefore, by accepting this grant the District of Columbia is expressly agreeing to a waiver of Eleventh Amendment immunity as a condition of IDEA funding.

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

Sincerely,



Alexa Posny, Ph.D.

Director

Office of Special Education Programs

Enclosure

Enclosure A

cc: Ellen M. Yung-Fatah
Acting Part C Coordinator