



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

Honorable Joseph Chiaro  
Deputy Secretary  
Florida Department of Health  
4052 Bald Cypress Way  
Tallahassee, Florida 32399-1707

JUL 3 2006

Dear Deputy Secretary Chiaro:

This is to inform you that we have conditionally approved Florida'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 Florida Department of Health (FDOH) to the U.S. Department of Education, Office of Special Education Programs (OSEP), on April 3, May 17 and 22, and June 26, 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 for Florida's FFY 2006 Part C grant is also based on the State's assurances dated May 22, and June 26, 2006 from the Florida Department of Health in which it assures that the State will take the following actions:

1. Submit a revised Cooperative Agreement with the Florida Department of Education (FDOE) to OSEP by June 30, 2007, that incorporates the revisions in OSEP's May 18, 2006 Memorandum to FDOH and be consistent with 20 U.S.C. §§1401(1)(B),

1414(d)(1)(D) and 1414(d)(2)(B), and 34 CFR §§303.12(b), 303.18, 303.148(b)(2)(i), 303.148(b)(2)(ii), 303.343, 303.344(b), 303.344(d)(1)(ii) and 303.523(c)(1);

2. Ensure compliance, in the interim, with the following Part C requirements: 20 U.S.C. §§1401(1)(B), 1414(d)(1)(D) and 1414(d)(2)(B), and 34 CFR §§303.12(b), 303.18, 303.148(b)(2)(i), 303.148(b)(2)(ii), 303.343, 303.344(b) and 303.344(d)(1)(ii) and 303.523(c)(1), including sending a memorandum to all agencies and providers that are part of the Florida Part C early intervention system to inform them of changes that impact the provision of early intervention services in Florida and providing OSEP with a copy of that memorandum as soon as possible but no later than December 1, 2006; and
3. Ensure that the statewide system of early intervention required by Part C of IDEA at 20 U.S.C. §§1431-1444 and applicable regulations in 34 CFR Part 303 will be in effect throughout the FFY 2006 grant period.

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.

OSEP's March 23, 2006 letter responding to the State's Performance Plan (SPP) required Florida to submit, by June 1, 2006, updated data under SPP Priority Indicators 2 (natural environments), 7 (Part C's 45-day timeline) and 8C (timely transition conferences) to demonstrate compliance with the requirements of these indicators. FDOH's submission dated May 17, 2006 provided updated data demonstrating full correction of noncompliance regarding Indicators 2 and 8C. The May 17, 2006 submission also indicated full correction regarding Indicator 7 for two of the remaining three counties and FDOH indicated it has initiated enforcement regarding the third county. OSEP appreciates the State's efforts to correct noncompliance with the natural environments requirement in Indicator 2 and timely transition conference requirement in Indicator 8C, and looks forward to reviewing the State's updated data under Indicator 7 in the FFY 2005 APR, due February 1, 2007.

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. Any changes made by the State, to its FFY 2006 Application or its Part C policies, after OSEP 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.

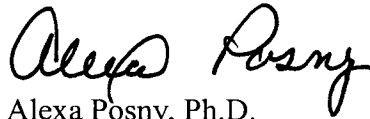
Section IV.B of the FFY 2006 application for Part C funds requested updated information about each State's restricted indirect cost rate. Our records indicate your agency is not charging indirect

costs to the Part C program. By accepting Part C grant funds, your agency (as the 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.” 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.

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 that reads "Alexa Posny". The signature is written in a cursive, flowing style.

Alexa Posny, Ph.D.

Director

Office of Special Education Programs

Enclosures

Enclosure A

cc: Janice Kane

Part C Coordinator