



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

JUL 3 2006

Honorable Frederick P. Cerise
Secretary
Department of Health and Hospitals
P.O. Box 629
1201 Capitol Access Road
Baton Rouge, Louisiana 70821-0629

Dear Secretary Cerise:

This is to inform you that we have conditionally approved Louisiana'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 Louisiana Department of Health and Hospitals to the U.S. Department of Education, Office of Special Education Programs (OSEP), on May 5, 2006 and amended on May 30, 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.

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. 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.

The State's FFY 2005 Part C grant award included special conditions relating to four noncompliance areas: (1) the 45-day timeline under 34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a); (2) individualized family service plan (IFSP) meetings and parent consent under 34 CFR §303.342; (3) identifying all needed early intervention (EI) services on the IFSP under 34 CFR §303.344(d); and (4) providing all EI services on the IFSP to an eligible child under 34 CFR §303.342(e). Louisiana's May 1, 2006 final progress report under the special conditions provided data demonstrating that Louisiana has made significant progress in all four areas. OSEP recognizes the substantial efforts made by the State in addressing all four special conditions, especially in light of Hurricane Katrina and its devastating impact on both the families of Louisiana and the State lead agency, which had its principal office in New Orleans.

The May 1, 2006 final progress report provided data demonstrating compliance with the requirements under special conditions two and three above relating to IFSP meetings/parent consent and identification of all needed early intervention services on the IFSP. OSEP appreciates the State's efforts to ensure compliance with those requirements.

The final progress report also provided data indicating the State's significant progress with the requirements that were subject to special conditions one and four above; these requirements are subject to continued reporting by the State in its FFY 2005 Annual Performance Report (APR) due on February 2, 2007, under Indicators #1 and #7. OSEP also looks forward to reviewing data, under Indicators 1 and 7 in the State's APR due by February 1, 2007, regarding the State's continued efforts to ensure compliance with the requirements to ensure that timely evaluation, assessment and initial IFSP meetings are conducted and Part C services timely provided to infants and toddlers with disabilities and their families under Part C of IDEA.

Section IV.B of the FFY 2006 application for Part C funds requested updated information about each State's restricted indirect costs. Our records indicate that your agency has a cost allocation plan that has been approved by your agency's cognizant Federal agency and is modified by the Department's April 2004 correspondence and the DHHS June 3, 2005 assurance in which DHHS confirmed that it would exclude certain unallowable costs to ensure that the indirect costs charged to the Part C grant are restricted. Section IV.B of your State's Part C Application indicates that your agency will continue to apply the currently approved cost allocation plan (subject to the June 3, 2005 amendment) throughout the FFY 2006 grant year until a new cost allocation plan is negotiated and approved by the State lead agency's cognizant Federal agency. Please forward to us any revisions to your agency's cost allocation plan once it is approved by your cognizant agency.

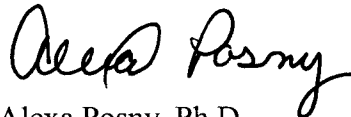
Section 604 of the IDEA provides that "[a] State shall not be immune under the eleventh amendment to the Constitution of the United States from suit in Federal court for a violation of

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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: Nichole Dupree
Part C Coordinator