



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

JUL 3 2006

Honorable Michael J. Willden  
Director  
Department of Human Resources  
505 East King Street, Room 600  
Carson City, Nevada 89701-3708

Dear Director Willden:

This is to inform you that we have conditionally approved Nevada'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 Nevada Department of Human Resources (NDHR) to the U.S. Department of Education, Office of Special Education Programs (OSEP), on April 6, 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 Nevada FFY 2006 IDEA Part C grant award is being released subject to FFY 2006 Special Conditions, as set forth in Enclosure B, that are being imposed pursuant to the Department's authority in 34 CFR §80.12. Specifically, OSEP determined that Nevada is not ensuring that: 1) all infants and toddlers referred to Part C have evaluations and assessments and an initial

Individualized Family Service Plan (IFSP) meeting within 45 days of referral to the early intervention program (45-day timeline), see 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a); and 2) all eligible children receiving Part C services and potentially eligible for Part B have transition planning conferences at least 90 days prior to the child's third birthday (timely transition conferences) as required by 34 CFR §303.148(b)(2)(i).

Nevada's failure to correct noncompliance regarding the 45-day timeline and ensure timely transition planning conferences resulted in the Department imposing the FFY 2005 Special Conditions contained in Enclosure B of that letter. Because Nevada did not meet those Special Conditions, the Department is imposing Special Conditions on the State's FFY 2006 grant awards under Part C. The reasons for doing so and the specific conditions are detailed in Enclosure B of this letter. Nevada must administer the award both in keeping with the applicable provisions of Federal law and regulations and the Special Conditions attached to the grant award document. Acceptance by Nevada of this grant award constitutes an agreement by the State to comply with the Special Conditions.

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.

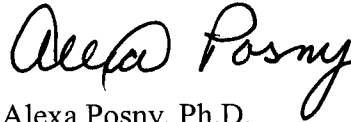
NDHR has a provisional restricted indirect cost rate of 10.8% that expires on June 30, 2006 and the agency is in the process of negotiating a new restricted indirect cost rate that will be in effect for the period: July 1, 2006 through June 30, 2008. In Section IV.B of the Application, the State lead agency indicated it will continue to bill the Part C FFY 2006 grant based on this provisional or previously approved restricted indirect cost rate until a final restricted indirect cost rate is approved for FFY 2006, which may result in an adjustment of the final audited expenditures allowed to the Part C FFY 2006 grant funds. When a final restricted rate indirect cost rate is approved for FFY 2006, please forward to our Indirect Cost Unit: (1) a copy of the final rate agreement and (2) details of adjustments made to GAPS liquidations from the provisional or prior billing rate after approval of the final rate.

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.

Page 3 – Honorable Michael J. Willden

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 style with a large, prominent initial "A".

Alexa Posny, Ph.D.

Director

Office of Special Education Programs

Enclosures

Enclosure A

Enclosure B

cc: Wendy Whipple  
Part C Coordinator