



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

NOV 15 2006

Honorable J. Nick Baird, MD
Director
Ohio Department of Health
246 North High Street
P.O. Box 118
Columbus, Ohio 43266-0188

Dear Director Baird:

This is to inform you that we have conditionally approved Ohio'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). The effective grant date for Ohio's FFY 2006 Part C grant award is October 18, 2006. 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 Ohio Department of Health (ODH) to the U.S. Department of Education, Office of Special Education Programs (OSEP), on August 4, 2006 and October 18, 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 Ohio's FFY 2006 Part C grant is also based on the assurance dated August 4, 2006 from ODH in which it assures that, by June 30, 2007, it will:

1. Revise the interagency agreement between the Ohio Department of Education and the Ohio Department of Health, and the State's policies titled, "Transition at Age Three," "Developmental Evaluation to Determine Eligibility for Part C Services," "Individualized Family Service Plan," "Screenings," and "Family Assessment" to address the issues raised in OSEP's June 22, 2006 memo, regarding the following Part C requirements: 20 U.S.C. §§1437(a)(9), 1414(d)(1)(D), 1414(d)(2)(B), 1436(d)(3) and 34 CFR §§303.148(b)(1), 303.148(b)(4), 303.321(e)(2), 303.322(e)(1), 303.342(a) and (e), 303.344(h), 303.343(a)(2), 303.300, 303.322(c), 303.322(d), and 303.403;
2. Ensure compliance in the interim with the Part C requirements identified above, including sending a memorandum to all agencies and providers that are part of Ohio's Part C early intervention system to inform them of the changes that impact on the provision of early intervention services with respect to the above-identified Part C requirements; and
3. Ensure that the statewide system of early intervention required by Part C of the IDEA as amended by P.L. 108-446 and Part C regulations at 34 CFR Part 303 will be in effect throughout the FFY 2006 grant period.

Finally, the conditional approval for Ohio's FFY 2006 grant is based on the assurance that Ohio will operate consistently with the enclosed November 8, 2006 IDEA Part C Compliance Agreement between Ohio and the U.S. Department of Education (Department), in which ODH, on behalf of Ohio, has agreed to:

1. Implement all activities identified in the Compliance Agreement;
2. Provide OSEP with all verification required under the Compliance Agreement, including quarterly progress updates due on March 31, June 30, September 30, and December 31, of each year during which the Compliance Agreement is in effect; and
3. Demonstrate that, within three years of the date of the Agreement, ODH is in compliance with Part C, including specifically those Part C requirements that are the subject of the Compliance Agreement.

Enclosed is the Ohio grant award for funds currently available under the Department's FFY 2006 Appropriations Act for the Part C program. These funds are available for obligation by Ohio from October 18, 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 Ohio's Application for FFY 2006, ODH has made an assurance, under

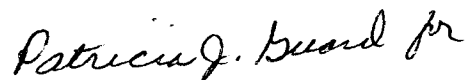
34 CFR §80.11(c), that it will comply with all applicable Federal statutes and regulations in effect with respect to the FFY 2006 grant period. Any changes made by the State to its FFY 2006 Application or its Part C policies after OSEP's approval must meet the applicable public participation requirements in Part C of the IDEA and may also need to be submitted to OSEP for approval prior to implementation.

Section IV.B of the FFY 2006 application for Part C funds requested updated information about each State's restricted indirect cost rate. ODH indicated that it has an approved restricted indirect cost rate that expires on June 30, 2007. 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 approved restricted indirect cost for FFY 2006.

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,



Alexa Posny, Ph.D.

Director

Office of Special Education Programs

Enclosure:

Enclosure A

Enclosure B (Compliance Agreement)

cc: Debbie Cheatham
Part C Coordinator