



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

Honorable Ronald A. Lebel, Esq.
Director of Human Services
Rhode Island Department of Human Services
Louis Pasteur Building
600 New London Avenue
Cranston, Rhode Island 02920

JUL 3 2006

Dear Director Lebel:

This is to inform you that the amendments to your State's application for Federal Fiscal Year (FFY) 2006 funds, under Part C of the Individuals with Disabilities Education Act (Part C), can be approved. The approval is based upon our review and acceptance of the amendments to your State's existing application under Part C and the receipt of required policies, procedures, methods, descriptions, assurances, certifications and submission statement for FFY 2006. This includes the assurance from the Rhode Island Department of Human Services (RIDHS) that the Statewide system of early intervention services required by Part C under PL 108-446 and its implementing regulations in 34 CFR Part 303 is, and will remain, 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 State has resolved the FFY 2005 Part C grant award issues related to the State's June 26, 2005 specific assurance.

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 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 periods for which it receives grant funding. 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.


Our records indicate that you have a cost allocation plan approved by your cognizant agency as of December 23, 2004. RIDHS also submitted an assurance on April 24, 2006 that RIDHS would operate consistently with this cost allocation plan but not charge to its FFY 2006 Part C grant specific costs identified in OSEP's April 24, 2006 memo to your agency and ensure compliance with 34 CFR §§76.560 through 76.569 (applicable to Part C through 34 CFR §303.5(a)(1)(i)). Section IV.B of your State's FFY 2006 Part C Application indicates that your agency will continue to apply the currently approved cost allocation plan with the April 24, 2006 amendment throughout the FFY 2006 grant year until a new restricted rate or cost allocation plan

reflecting restricted indirect costs is negotiated and approved by the State’s cognizant Federal 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 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: Deborah Florio
Part C Coordinator