



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

Honorable Lana C. Seivers
Commissioner of Education
Tennessee Department of Education
Andrew Johnson Tower- 6th Floor
710 James Robertson Parkway
Nashville, Tennessee 37243-0375

JUL 3 2006

Dear Commissioner Seivers:

This is to inform you that we have conditionally approved Tennessee'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 Tennessee Department of Education (TDE) to the U.S. Department of Education, Office of Special Education Programs (OSEP), on April 12, 2006 and amended on May 26, 2006 and June 5, 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.

OSEP's determination that TDE is eligible for conditional approval is also based on our receipt of the May 17, 2006 specific assurance from TDE to OSEP (hand delivered on May 22, 2006) related to TDE's system of payments. In this specific assurance TDE assures that it will:

1. Submit new policies to OSEP, by December 1, 2006, that meet Federal requirements and clarify that all families under Part C are not charged fees for any Part C services, and how and when TDE will disclose personally identifiable information and access a family's public or private insurance consistent with 20 U.S.C. §§1432(4) and 1435(a)(10) and 34 CFR §§303.173(a), 303.401, 303.404, 303.460 and 300.571, 303.501(a)(2) and (b), 303.520(b) and 303.521(a);
2. Ensure compliance, in the interim, with the following Part C requirements: 20 U.S.C. §§1432(4) and 1435(a)(10) and 34 CFR §§303.173(a), 303.501(a)(2) and (b), 303.520(b), 303.521(a), 303.404, 303.460 and 300.571 including sending a memorandum to all agencies and providers that are part of the TDE's Part C early intervention system to inform them of changes that impact on the provision of early intervention services in Tennessee (including clarifying that families are not charged for early intervention services under Part C); and
3. Ensure that the statewide system of early intervention required by Part C of IDEA and its implementing regulations at 20 U.S.C. §§1431-1444 and all applicable regulations 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.

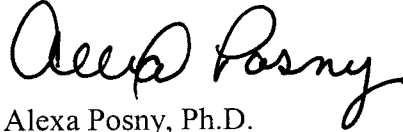
Please note that as part of your State's Application for FFY 2006, your State has made an assurance, under 34 CFR §80.11(c), that it will comply with all applicable Federal statutes and regulations in effect with respect to the FFY 2006 grant period. Any changes made by the State to its FFY 2006 Application 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.

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 Lana C. Seivers

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, appearing to read "Alexa Posny". The signature is fluid and cursive, with the first name "Alexa" written in a larger, more prominent script than the last name "Posny".

Alexa Posny, Ph.D.

Director

Office of Special Education Programs

Enclosures

Enclosure A

cc: James Kilpatrick
Part C Coordinator