



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

Honorable Cynthia D. LaWare  
Secretary  
Agency of Human Services  
103 South Main Street  
Waterbury, Vermont 05671-0204

JUL 3 2006

Dear Secretary LaWare:

This is to inform you that we have conditionally approved Vermont'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 Agency of Human Services to the U.S. Department of Education, Office of Special Education Programs (OSEP), on April 5, 2006 and amendments received on April 24, 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 the State's FFY 2006 Part C grant is also based on the assurance dated May 24, 2006 from the Vermont Department for Children and Families in which it assures that the State will take the following actions:

1. Submit a signed interagency agreement by June 30, 2007 to OSEP with the following provisions:
  - A provision that includes transition planning consistent with all of the requirements of 34 CFR §303.148(b)(2)(i) and adding the words "at

- the discretion of all parties” before the term “nine months”;
- Provisions that describe the actual process that the lead agency will follow in achieving resolution of intra-agency and interagency disputes as required by 34 CFR §303.523(c); and
  - Parent consent under 34 CFR §§303.402, 303.460, 303.521(b) and 300.571;
2. Comply in the interim with the Part C requirements identified above, including sending a memorandum to all agencies and providers that are a part of the Vermont 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. Throughout the FFY 2006 grant period the Statewide system of early intervention required by Part C of IDEA as amended by P.L. 108-446 and all applicable Part C regulations at 34 CFR Part 303, including §§303.148(b)(2)(i), 303.523 through 303.525, 303.402, 303.460, 303.521(b) and 300.571 will be in effect.

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.

OSEP’s March 15, 2006 letter regarding the State’s Performance Plan (SPP), in Table B, under Indicator 7, indicated that Vermont was required to submit, by June 1, 2006, updated data regarding compliance with the requirement for conducting evaluations, assessments and the initial IFSP meeting within 45 days of referral of a child to Part C. Vermont’s May 26, 2006 submission provided OSEP with updated information regarding the State’s efforts to ensure compliance with the Part C 45-day timeline requirements in 34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a) and included compliance data and improvement strategies that indicate continued improvement in this area. OSEP appreciates Vermont’s efforts to address this issue, and looks forward to reviewing Vermont’s updated data under Indicator 7 in Vermont’s Part C Annual Performance Report for FFY 2005, due February 1, 2007.

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 IV.B of the FFY 2006 application for Part C funds requested updated information about

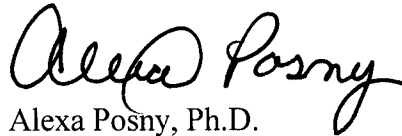
each State's restricted indirect cost rate. Our records indicate that: your agency has a cost allocation plan that has been approved by your agency's cognizant Federal agency and is in effect.

Section IV.B of your State's Part C Application indicates that your agency will continue to apply the currently approved cost allocation plan 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 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 style with a large, looped initial "A".

Alexa Posny, Ph.D.

Director

Office of Special Education Programs

Enclosure

Enclosure A

cc: Helen Keith  
Part C Coordinator