



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

AUG 28 2008

Honorable Deborah Gist
Superintendent
Office of the State Superintendent of Education
Government of the District of Columbia
441 4th Street, N.W.
Suite 350 N
Washington, D.C. 20001

Dear Superintendent Gist:

This is to inform you that we have conditionally approved the District of Columbia's Application for Federal Fiscal Year (FFY) 2008 under Part C of the Individuals with Disabilities Education Act (IDEA). Our conditional approval is based on review of the application submitted by the District of Columbia Office of the State Superintendent of Education (DC OSSE) to the U.S. Department of Education, Office of Special Education Programs (OSEP), on July 23, 2008, including policies, procedures, methods, descriptions, assurances, certifications, and submission statement provided in Section II of the application, and which section is incorporated by reference to this letter as Enclosure A. In addition, the State provided the following specific assurances that it will:

1. Operate consistent with the Part C requirements in 20 U.S.C. 1431 through 1444 and 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 2008 grant period; and
3. Make such changes to, and submit, as necessary, for OSEP's approval, the State's 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, 2009. Section II of the State's application identifies the IDEA statutory sections for which the State needs to amend any policies, procedures, methods and descriptions and the timelines by which the State will amend its 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.

Under the authority of the Education Department General Administrative Regulations (EDGAR), 34 CFR §80.12, the Department has determined that DC OSSE is a "high risk" grantee for purposes of Part C of IDEA for FFY 2008.

OSEP is releasing the District of Columbia's FFY 2008 IDEA Part C grant award subject to two sets of special conditions, the bases and nature of which are set forth in detail in Enclosures B and C to this grant award letter. The first set of FFY 2008 special conditions are contained in the Department's June 16, 2008 letter, which is Enclosure B to this grant award letter. These special conditions are imposed to help ensure that Department funds granted to DC OSSE are expended in accordance with applicable legal requirements and the appropriate fiscal accountability measures.

The second set of special conditions is contained in Enclosure C to this grant award letter. These special conditions are imposed to ensure that DC OSSE identifies and corrects, as soon as possible but in no case later than one year from identification, noncompliance with Part C requirements as required by 34 CFR §303.501(b).

DC OSSE must administer this grant award both in keeping with applicable Federal laws and regulations and both sets of the special conditions attached to this grant award. The District's acceptance of its award constitutes an agreement to meet the special conditions.

Enclosed is the State's grant award for funds currently available under the Department of Education Appropriations Act for FFY 2008 for the Part C program. These funds are available for obligation by States from the effective date of the grant award through September 30, 2010.

The enclosed grant award for FFY 2008 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 2008, 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 2008 grant period. Any changes made by the State to its FFY 2008 application or Part C policies or procedures that are application requirements, after issuance of this grant award, must meet the applicable public participation requirements under Part C of the IDEA in 34 CFR §§303.110 through 303.113, and if they are requirements under Section II.A, must be submitted to, and approved by, OSEP prior to the State's implementation of its new or revised application, policies and procedures.

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 in programs assisted under the IDEA. 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 in programs assisted under the IDEA.

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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 "William W. Knudsen".

William W. Knudsen

Acting Director

Office of Special Education Programs

Enclosures:

Enclosure A

Enclosure B

Enclosure C

cc: Part C Coordinator