



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

JUL 1 2008

Honorable Rosa Perez
Secretary
Puerto Rico Department of Public Health
P.O. Box 70184
San Juan, Puerto Rico 00936-8184

Dear Secretary Perez:

This is to inform you that we have conditionally approved Puerto Rico'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 Puerto Rico Department of Public Health (PRDH) to the U.S. Department of Education, Office of Special Education Programs (OSEP) on April 25, and June 27, 2008, including policies, procedures, methods, descriptions, assurances, certifications and submission statement provided in Section II, and incorporated by reference to this letter as noted in Enclosure A. The Commonwealth 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 Puerto Rico 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 Commonwealth'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 Commonwealth in Section II of its application or June 30, 2009. Section II of the Commonwealth's application identifies the IDEA statutory sections for which the Commonwealth needs to amend any policies, procedures, methods and descriptions and the timelines by which the Commonwealth will amend its policies, procedures, methods and descriptions in order to comply with Part C of the IDEA. Within Section II, the Commonwealth 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.

Our approval of PRDH's Part C FFY 2008 grant is also based on the revised opt-out policy that PRDH submitted to OSEP on June 27, 2008. OSEP has reviewed this policy and determined it is consistent with Part C requirements in IDEA section 637(a)(9)(A)(ii)(II), 34 CFR §303.128(b)(1) and OSEP's *Letter to Elder*.

Enclosed is the Commonwealth'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 July 1, 2008 through September 30, 2010.

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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 the Commonwealth's application for FFY 2008, the Commonwealth 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 Commonwealth 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 Commonwealth's implementation of its new or revised application, policies and procedures.

Section IV.B of the FFY 2008 application for Part C funds requested updated information about each lead agency's restricted indirect cost rate. Our records indicate that PRDH has a final restricted indirect cost rate of 7.8% that was approved by PRDH's cognizant Federal agency and is effective until amended. Section IV.B of the Commonwealth's Part C Application indicates that PRDH will continue to apply the currently approved restricted indirect cost rate throughout the FFY 2008 grant year until a new restricted indirect cost rate is negotiated and approved by PRDH's cognizant Federal agency. Please forward to us any revisions to PRDH's restricted indirect cost rate 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 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.

We appreciate your ongoing commitment to the provision of quality early intervention services to infants and toddlers with disabilities and their families.

Sincerely,



William W. Knudsen

Acting Director

Office of Special Education Programs

Enclosures

Enclosure A

cc: Part C Coordinator