



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

JUN 30 2008

Honorable Terrell I. Murphy  
Commissioner  
Texas Department of Assistive and Rehabilitative Services  
4800 Lamar Boulevard  
Austin, Texas 78756

Dear Commissioner Murphy:

We have determined that your State's application for Federal Fiscal Year (FFY) 2008 funds, under Part C of the Individuals with Disabilities Education Act (IDEA), can be approved. The approval is based upon our review of the application, submitted by the Texas Department of Assistive and Rehabilitative Services to the U.S. Department of Education, Office of Special Education Programs (OSEP), on May 5, 2008 (and amended on June 24, 2008), including the policies, procedures, methods, descriptions, assurances, certifications and submission statement provided in Section II which are incorporated by reference to this letter as noted in Enclosure A. This includes the assurance from the Texas Department of Assistive and Rehabilitative Services that the statewide system of early intervention services required by Part C under 20 U.S.C. 1431 through 1444 and applicable regulations in 34 CFR Part 303 is, and will remain, in effect throughout the FFY 2008 grant period. The approval is also based upon our review and acceptance of the State's fiscal policies, administrative policies specific to financial management, and program policies specific to child find and intake, which policies the State submitted on April 18, 2008.

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 this grant award (no earlier than July 1, 2008) 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 in 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, the Office of Special Education Programs prior to the State's implementation of its new or revised application, policies and procedures.

Section IV.E of the FFY 2008 application for Part C funds requested updated information about each State's restricted indirect cost rate. Our records indicate that your agency is not charging

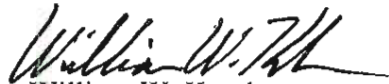
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indirect costs to the Part C program. By accepting Part C grant funds, your agency (as the lead agency designated under Part C) is agreeing not to charge indirect costs to the Part C program for FFY 2008 Part C grant funds.

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

Enclosure

Enclosure A

cc: Part C Coordinator