



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

SEP 29 2008

Honorable Kevin Skenandore  
Director  
Office of Indian Education Programs  
Bureau of Indian Education  
MS-3512, MIB  
Washington, DC 20240

Dear Director Skenandore:

This letter is to inform you that, based upon your September 26, 2008 letter, the Bureau of Indian Education (BIE) has met the criteria for removing the Special Conditions related to public participation that were imposed on BIE's Federal Fiscal Year (FFY) 2008 grant award under Part B of the Individuals with Disabilities Education Act (Part B).

In its July 1, 2008 letter to BIE, the Office of Special Education Programs (OSEP) imposed Special Conditions on BIE's FFY 2008 Part B grant award, related to BIE's failure to meet the public participation requirements set forth in the Part B regulations at 34 CFR §300.709. That regulation provides "in fulfilling the requirements of §300.708, the Secretary of Interior must provide for public participation consistent with §300.165." The public participation requirements at 34 CFR §300.165(b), made applicable to BIE through 34 CFR §§300.709 and 300.716, require that before submitting a State plan under Part B, a State must comply with the public participation requirements in §300.165(a) and those in 20 U.S.C. 1232d(b)(7).

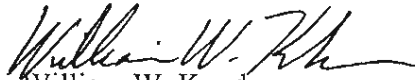
Under section 441(b)(7) of the General Education Provisions Act (GEPA) (20 U.S.C. 1232d(b)(7)(B)), each proposed plan must be published, in a manner that will ensure circulation throughout the State, at least 60 days prior to the date on which the plan is submitted to the Secretary or on which the plan becomes effective, whichever occurs earlier, with an opportunity for public comments on such plan to be accepted for at least 30 days. Part B applications are considered State plans. In our July 1, 2008 letter, notifying BIE of the conditional approval of BIE's grant application, OSEP specified that BIE could meet this requirement by posting its FFY 2008 application on its website for 60 days and accepting public comment for at least 30 days.

As detailed in your letter of September 26, 2008, BIE has fulfilled its public participation requirements. In accordance with our July 1, 2008 letter, the Department will now issue a supplemental grant that includes \$3,550,686 (the 5% of the 80% that may be used by BIE for administration) and \$13,492,607 (the 20% of the 80% that must be allocated to elementary schools and secondary schools for Indian children operated or funded by the Secretary of the Interior). As you are aware, under 34 CFR §300.707(b), the \$13,492,607 must be allocated to BIE operated or funded schools by September 30th.

In addition to the Part B FFY 2008 Special Conditions related to public participation requirements, in a June 17, 2008 letter, the Department informed BIE that it was imposing Special Conditions, based on the Department of Interior's failure to complete all of the corrective actions contained in the revised Program Improvement and Accountability Plan (PIAP). The June 17, 2008 letter was enclosed with the July 1, 2008 Part B grant award letter, as Enclosure C. Those Special Conditions remain in effect.

We appreciate your ongoing commitment to the provision of quality educational services to children with disabilities.

Sincerely,



William W. Knudsen  
Acting Director  
Office of Special Education Programs

cc: Gloria Yepa