



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

JUL - 1 2004

Honorable Michael E. Ward
Superintendent of Public Instruction
North Carolina Department of Public Instruction
Education Building
301 North Wilmington Street
Raleigh, North Carolina 27601-2825

Dear Superintendent Ward:

This is to inform you that we have conditionally approved North Carolina's Eligibility Documents for Federal Fiscal Year (FFY) 2004 under Part B 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 following documents submitted by the North Carolina Department of Public Instruction (NCDPI) to the U.S. Department of Education, Office of Special Education Programs (OSEP):

1. The Part B Eligibility Documents for FFY 2004 including the Eligibility Documents submitted January 30, 2002, and subsequent revisions to those Eligibility Documents and the Submission Statement submitted April 6 and June 7, 2004; and
2. The June 10, 2004 letter from North Carolina to OSEP, in which North Carolina assures that as soon as possible, but no later than December 31, 2004, North Carolina will complete all of the changes set forth in OSEP's June 2004 memorandum to the State, including: 34 CFR §§300.125(c), 300.574(a), 300.505(a)(1)(ii), and 300.506(d), and the signed, revised Cooperative Agreement between North Carolina Department of Health and Human Services (NCDHHS) and NCDPI, including the revision necessary to address 34 CFR §300.142(b)(2).

In the June 10, 2004 letter, North Carolina also assures that, it will take steps to ensure that, throughout the period of this grant award, all public agencies in the State that provide special education and related services to children with disabilities will operate their programs in a manner fully consistent with Part B. North Carolina further assures that it will provide OSEP with a copy of a memorandum notifying all public agencies of changes that impact on their provision of special education and related services that are required by OSEP as a result of its review of the State's Eligibility Documents.

Please note that as part of your Eligibility Documents for FFY 2004, 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 periods for which it receives grant funding. Any changes made by the State, after OSEP approval, to information that is a part of a State's eligibility documentation, must meet the public participation requirements of IDEA and must be approved by OSEP before implementation.

Enclosed are grant awards for funds currently available under the Department of Education FFY 2004 Appropriations Act for the Part B Section 611 (Grants to States) and Section 619 (Preschool Grants) programs. These funds are for use primarily in school year 2004-2005 and are available for obligation by States from July 1, 2004 through September 30, 2006.

The amount in your award for Section 619 represents the full amount of funds to which you are entitled. However, the amount shown in your award for the Section 611 program is only part of the total funds that will be awarded to you for FFY 2004. Of the \$10,068,106,452 appropriated for Section 611 in FFY 2004, \$4,655,106,452 is available for awards on July 1, 2004, and \$5,413,000,000 will be available on October 1, 2004.

The funding formula under Section 611 is the same as the formula implemented for FFY 2000. Subject to certain maximum and minimum funding requirements, State allocations are based on the amount that each State received from FFY 1999 funds, the general population in the age range for which each State ensures a free appropriate public education (FAPE) to all children with disabilities, and the number of children living in poverty in the age range for which each State ensures FAPE to all children with disabilities.

Enclosure A provides a short description of how Section 611 funds were allocated and how those funds can be used. In addition, Table I in Enclosure A shows funding levels for distribution of Section 611 funds.

Enclosure B provides a short description of how Section 619 funds were allocated and how those funds can be used. In addition, Table II in Enclosure B shows State-by-State funding levels for distribution of Section 619 funds.

These awards are based on submission of a complete Eligibility Document, a signed assurance statement regarding resolution of issues identified in OSEP's review of the Eligibility Documents, and implementation of the provisions of the Individuals with Disabilities Education Act. The complete Eligibility Document and assurances must be made available for public inspection.

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." Therefore, by accepting this grant a State is expressly agreeing to a waiver of Eleventh Amendment immunity as a condition of IDEA funding.

Page 3 – Honorable Michael E. Ward

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

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Smith Lee".

Stephanie Smith Lee
Director
Office of Special Education Programs

Enclosures

cc: Mary N. Watson, State Director
Exceptional Children Division
North Carolina Department of Public Instruction