



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

JUL - 6 2005

Honorable Kurt Knickrehm  
Director  
Department of Human Services  
Donaghey Plaza West, Slot 329  
P.O. Box 1437  
Little Rock, AR 72203-1437

Dear Director Knickrehm:

This is to inform you that we have conditionally approved Arkansas's Application, including policies, procedures, methods, descriptions, assurances and certifications for Federal Fiscal Year (FFY) 2005 under Part C 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 Part C Application for FFY 2005, including the policies, procedures, methods, descriptions, assurances, certifications, and submission statement submitted on May 2, 2005, and amended on May 13, 2005 by AHS to the U.S. Department of Education, Office of Special Education Programs (OSEP), in which it assures that it will:

1. Operate consistent with the Part C requirements of PL 108-446 and its applicable regulations;
2. Ensure that the Statewide system of early intervention services required by Part C and its implementing regulations is in effect throughout the FFY 2005 grant period; and
3. Make such changes to, and submit for OSEP's approval, existing 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 July 1, 2006. Section II of the State's application (which is incorporated by reference and enclosed with this grant letter) identifies the IDEA statutory sections for which the State needs to amend 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.

The conditional approval for the State's FFY 2005 Part C grant is also based on the assurance dated June 29, 2005 from the Arkansas Department of Human Services in which it assures that the State will:

1. Make all changes necessary to the State's application as specified in OSEP's June 29, 2005 Memorandum to the State. This includes (a) revision of AHS's June 18, 2004 Policy Directive to: (i) specify that parent consent is required under 34 CFR §303.402 and 34 CFR §300.571 prior to disclosing information to the referral source, and (ii) include the requirement in IDEA 20 U.S.C. 1437(a)(6)(B) regarding children under age of 3, not just at birth, who are identified as affected by illegal substance abuse; and (b) add to the State's procedural safeguards document the provisions of IDEA 20 U.S.C. 1415(c)(2)(F)(i) and (ii). These changes will be made and submitted to OSEP no later than June 30, 2006;

2. Ensure compliance in the interim with the requirements of Part C of the IDEA including 34 CFR §303.402 and 34 CFR §300.571, and as amended by Public Law 108-446, IDEA 20 U.S.C. 1437(a)(6)(B) and 1439(a)(8) which incorporates the amended provisions in Section 1415(e). A memorandum will be sent to all agencies and providers that are part of the State's Part C early intervention system to inform them of the changes that impact on the provision of early intervention services in the State with respect to the above-identified Part C requirements; and
3. Ensure that the statewide system of early intervention required by Part C of the IDEA (as amended by P.L. 108-446) and its implementing regulations at 34 CFR Part 303 will be in effect throughout the FFY 2005 grant period.

Please note that as part of your State's Application for FFY 2005, 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 2005 grant period. Any changes made by the State, after OSEP approval, to the State's Part C application (including policies, procedures, descriptions and methods), must meet the public participation requirements of IDEA, including those in 20 U.S.C. 1232d(b)(7).

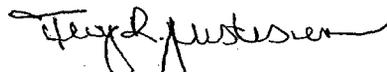
Section IV.B of the FFY 2005 application for Part C funds requested updated information about each State's restricted indirect costs allocation. Our records indicate that your agency is not charging indirect costs to the Part C program. By accepting Part C grant funds, your agency (as the lead agency designated under Part C) is agreeing not to charge indirect costs to the Part C program throughout the FFY 2005 grant year.

The enclosed grant award for FFY 2005 is made with the continued understanding that this Office may, from time to time, require clarification of information within your application and appendices, if necessary. These inquiries are needed to allow us to appropriately carry out our administrative responsibilities related to Part C.

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.

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

Sincerely,



Troy R. Justesen  
Acting Director  
Office of Special Education  
Programs

Enclosure

cc: Sharon Mitchell  
Part C Coordinator