



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

JUL - 6 2005

Honorable Brian W. Amy  
State Health Officer  
Mississippi State Department of Health  
570 East Woodrow Wilson Boulevard  
P.O. Box 1700  
Jackson, Mississippi 39215-1700

Dear Dr. Amy:

This is to inform you that we have conditionally approved Mississippi'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) and with special conditions, under the regulations governing "high risk" grantees in 34 CFR §80.12. Enclosed is an attachment detailing the special conditions and the reasons for considering the Mississippi State Department of Health (MSDH) a high-risk grantee.

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 April 28, 2005 and amended on June 15, 2005 by MSDH 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.

Our determination that you are eligible for a conditional approval is also based on our receipt of the June 30, 2005 assurance from MSDH to OSEP (received by facsimile transmission), in which MSDH assures that it will:

1. Complete the following additional actions: (a) as soon as possible, but no later than May 31, 2006, submit to the Office of Special Education Programs the final revised and signed interagency agreement between MSDH and the Mississippi Department of Education that meets the requirements of 20 USC 1433 and 1434 and 34 CFR

§303.340(c); and (b) submit documentation that MSDH has met all of the public participation requirements of 34 CFR §§303.110 through 303.113 with regard to the interagency agreement; and

2. Ensure compliance, in the interim, with the following Part C requirements: 20 USC 1433 and 1434 and 34 CFR §303.340(c), including sending a memorandum to all agencies and providers that are part of the State's Part C early intervention system to inform them of changes that impact on the provision of early intervention services in the State; and
3. Ensure that the State-wide system of early intervention required by Part C of IDEA found at 20 U.S.C. 1431-1443 and its applicable regulations in 34 CFR Part 303 are in effect throughout the FFY 2005 grant period.

Under the authority of the Education Department General Administrative Regulations (EDGAR), 34 CFR §80.12, the Department has determined that MSDH is a "high risk" grantee for purposes of Part C of IDEA for FFY 2005. OSEP is releasing Mississippi's FFY 2005 IDEA Part C grant award subject to the FFY 2005 special conditions, as set forth in Enclosure B. The special conditions are imposed to ensure that the funds are expended for the timely identification and evaluation of, and provision of early intervention services to, infants and toddlers with disabilities and their families in Mississippi.

MSDH must administer this grant award both in keeping with applicable Federal laws and regulations and the Special Conditions attached to the award. Mississippi's acceptance of its award constitutes an agreement to meet the Special Conditions.

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 State's FFY 2005 application requested information about each State's restricted indirect cost allocation. Your agency has a cost allocation plan that has been approved by your cognizant Federal agency, is effective until June 30, 2006 and contains an indirect cost rate of 11.8%. Section IV.B of your State's Part C Application indicates that your agency will continue to apply the currently approved rate and plan throughout the FFY 2005 grant year until a new restricted indirect cost rate or plan is approved by your agency's cognizant Federal agency. Please forward to us any revisions to your restricted indirect cost rate or cost allocation plan once it is approved by your cognizant Federal agency.

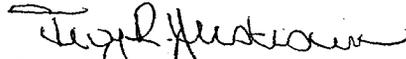
In addition to the special conditions, the enclosed grant award for FFY 2005 is made with the continued understanding that this Office may, from time to time, require clarification of information within your application and appendices, if necessary. These inquiries are needed to allow us to appropriately 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.

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OSEP staff is ready to provide helpful technical assistance should you request it. We look forward to working with MSDH on these matters to ensure the success of the program and 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

Enclosures

cc: Danita Munday  
Part C Coordinator