OMB NO. 1820-0550
Expires: 12/31/2009

ANNUAL STATE APPLICATION UNDER PART C OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT AS AMENDED IN 2004 FEDERAL FISCAL YEAR 2009

CFDA No. 84.181A

ED FORM No. 1 B20--26P

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION PROGRAMS
Washington, DC 20202-2600

Section I

A. Submission Statements for Part C of IDEA

Select 1 or 2 below. Check 3 if appropriate.

1. ☐ The State's policies, procedures, methods, descriptions, and assurances meet all application requirements of Part C of the Act as found in PL 108-446, the Individuals with Disabilities Education Improvement Act of 2004 and applicable regulations (IDEA). The State is able to provide and/or meet all policies, procedures, methods, descriptions, and assurances, found in Sections II.A and II.B of this Application.

   By selecting this submission statement the State has submitted the new and/or revisions to State policies, procedures, methods, and descriptions that meet all requirements found in Section II.A.

2. ☒ The State cannot provide policies, procedures, methods, descriptions, and/or assurances for all application requirements of Part C of the Act as found in PL 108-446, the Individuals with Disabilities Education Improvement Act of 2004. The State has determined that it is unable to provide the policies, procedures, methods, descriptions, and/or assurances that are checked 'No' in Sections II.A and II.B. However, the State assures that throughout the period of this grant award the State will operate consistent with all requirements of IDEA in PL 108-446 and applicable regulations. The State will develop and/or make such changes to existing policies, procedures, methods, descriptions, and assurances as are necessary to bring the policies, procedures, methods, descriptions, and assurances into compliance with the requirements of the IDEA, as amended, as soon as possible, and not later than June 30, 2010. The State has included the date by which it expects to complete necessary changes associated with policies, procedures, methods, descriptions, and assurances marked 'No'. The items checked 'Yes' are enclosed with this application.[1]

Optional:

3. ☐ The State is submitting new or modified State policies and procedures previously submitted to the Department and has checked, under Section II.A, the appropriate 'R' cell(s) found in the 'Yes' column. These modifications are: (1) deemed necessary by the State, for example when the State revises applicable State law or regulations; (2) required by the Secretary because there is a new interpretation of the Act or regulations by a Federal court or the State's highest court; and/or (3) because of an official finding of noncompliance with Federal law or regulation.

B. Conditional Approval for Current Grant Year

If the State received conditional approval for the current grant year, check the appropriate statement(s) below:

1. Conditional Approval Related to Assurances in Section II.A:

- ☐ a. Sections II.A and II.B provide documentation of completion of all issues identified in the FFY 2008 conditional approval letter.
- ☒ b. As noted in Sections II.A and II.B, the State has not completed all issues identified in the FFY 2008 conditional approval letter.

2. Conditional Approval Related to Other Issues:

- ☒ a. The State previously submitted documentation of completion of all issues identified in the FFY 2008 conditional approval letter.
- ☐ b. The State is attaching documentation of completion of all issues identified in the FFY 2008 conditional approval letter. *(Attach documentation showing completion of all issues.)*
- ☐ c. The State has not completed all issues identified in the FFY 2008 conditional approval letter.

[1] If Option 2 is checked, the State is to provide dates in Sections II.A and II.B as to when the required policies, procedures, methods, descriptions, and assurances will be provided, which date can be no later than June 30, 2008. The State will be granted conditional approval until it can provide all policies, procedures, methods, descriptions, and assurances.

Section II

A. State Policies, Procedures, Methods, and Descriptions

As checked below, the State hereby declares that it has or has not filed the following policies, procedures, methods, and descriptions with the U.S. Department of Education, and, as of the date of the signature below, affirms and incorporates by reference those policies, procedures, methods, and descriptions with respect to Part C of PL 108-446.

Check and enter date(s) as applicable. Enclose relevant documents.				*N = New Policy and/or Procedure* *R = Revised Policy and/or Procedure* *OF = Policy and/or Procedure is already 'On File' with the USDE*
Yes (If New or Revised is checked, the State is submitting policies, procedures, methods, and descriptions with this application. If already 'On File with OSEP', check OF.)			**No** (Policies, procedures, methods, and descriptions have not been provided. Provide date by which State will submit to OSEP required documentation, which date shall be no later than June 30, 2010.)	
N	**R**	**OF**		**State Policies, Procedures, Methods, and Descriptions**
				State Policies and Procedures
		✓		1. As required in 20 U.S.C. 1432(5)(A) and 1435(a)(1), the State has provided its policies and/or procedures regarding the State's definition of 'developmental delay' to ensure that a rigorous definition of the term 'developmental delay' will be used by the State in carrying out programs under this Part in order to appropriately identify infants and toddlers with disabilities that are in need of services under this Part.
		✓		2. As required in 20 U.S.C. 1437(a)(9)(B), the State has provided its policies and/or procedures to ensure review of the child's program options for the period from the child's third birthday through the remainder of the school year.
		✓		3. As required in 20 U.S.C. 1437(a)(9)(C), the State has provided its policies and/or procedures to ensure the establishment of a transition plan, including, as appropriate, steps to exit from the program.
		✓		4. As required in 20 U.S.C. 1437(a)(6), the State has provided its policies and procedures that require the referral for early intervention services under this part of a child under the age of 3 who - (A) is involved in a substantiated case of abuse or neglect; or (B) is identified as affected by illegal substance abuse, or withdrawal symptoms resulting from prenatal drug exposure.

Check and enter date(s) as applicable. Enclose relevant documents.				N = New Policy and/or Procedure R = Revised Policy and/or Procedure OF = Policy and/or Procedure is already 'On File' with the USDE
Yes (If New or Revised is checked, the State is submitting policies, procedures, methods, and descriptions with this application: If already 'On File with OSEP', check OF.)			No (Policies, procedures, methods, and descriptions have not been provided. Provide date by which State will submit to OSEP required documentation, which date shall be no later than June 30, 2010.)	
N	**R**	**OF**		**State Policies, Procedures, Methods, and Descriptions**
		✓		5. As required in 20 U.S.C. 1437(a)(9)(A), the State has provided its policies and procedures that ensures a smooth transition for toddlers receiving early intervention services under this part (and children receiving those services under by 20 U.S.C 1435(c)) to preschool, school, other appropriate services, or exiting the program, including a description of how: (i) the families of such toddlers and children will be included in the transition plans required 20 U.S.C. 1437(a)(9)(C); and (ii) the lead agency designated or established under 20 U.S.C. 1435(a)(10) will (I) notify the local educational agency for the area in which such a child resides that the child will shortly reach the age of eligibility for preschool services under Part B, as determined in accordance with State law; (II) in the case of a child who may be eligible for such preschool services, with the approval of the family of the child, convene a conference among the lead agency, the family, and the local educational agency not less than 90 days (and at the discretion of all such parties, not more than 9 months) before the child is eligible for the preschool services, to discuss any such services that the child may receive; and (III) in the case of a child who may not be eligible for such preschool services, with the approval of the family, make reasonable efforts to convene a conference among the lead agency, the family, and providers of other appropriate services for children who are not eligible for preschool services under Part B, to discuss the appropriate services that the child may receive.
				Optional Policies/Methods Type in 'NA' for not applicable under 'No' in the cells to the left if the State has not exercised this option.
			N/A	6. As required in 20 U.S.C. 1437(a)(4), if the State provides services to at-risk infants and toddlers through the statewide system, the State has provided its: 1) description of services to at-risk infants and toddlers, and 2) definition of 'at-risk' under 20 U.S.C. 1432(5)(B)(i).

Check and enter date(s) as applicable. Enclose relevant documents.				*N = 'New' Policy and/or Procedure* *R = 'Revised' Policy and/or Procedure* *OF = Policy and/or Procedure is already 'On File' with the OSDE*
Yes (If New or Revised is checked, the State is submitting policies, procedures, methods, and descriptions with this application. If already 'On File with OSEP', check OF.)			**No** (Policies, procedures, methods, and descriptions have not been provided. Provide date by which State will submit to OSEP required documentation, which date shall be no later than June 30, 2010.)	
N	**R**	**OF**		**State Policies, Procedures, Methods, and Descriptions**
		✓		*Enter 'NA' in the cells to the left if the State does not have a system of payment. (See Section IV.A)* 7. As required in 20 U.S.C. 1432(4)(B) and 1437(a)(3)(A), the State has provided its policies and/or procedures that identify the State's system of payments for Part C services.
			N/A	*Enter 'NA' in the cells to the left if this statement is not applicable; otherwise check the 'N' cell under the 'Yes' column and attach all policies.* 8. As described in 20 U.S.C. 1435(c) the State has provided its policy, developed and implemented jointly by the lead agency and the State educational agency, under which parents of children with disabilities who are eligible for services under 20 U.S.C. 1419 and previously received services under this part, may choose the continuation of early intervention services (which includes an educational component that promotes school readiness and incorporates preliteracy, language, and numeracy skills) for such children under this part until such children enter, or are eligible under State law to enter, kindergarten. The statewide system ensures that-- (A) parents of children with disabilities served pursuant to 20 U.S.C. 1435(c) are provided annual notice that contains-- (i) a description of the rights of such parents to elect to receive services pursuant to 20 U.S.C. 1435(c) or under Part B; and (ii) an explanation of the differences between services provided pursuant to 20 U.S.C. 1435(c) and services provided under Part B, including-- (I) types of services and the locations at which the services are provided; (II) applicable procedural safeguards; and (III) possible costs (including any fees to be charged to families as described in 20 U.S.C. 1432(4)(B)), if any,

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Yes (If New or Revised is checked, the State is submitting policies, procedures, methods, and descriptions with this application. If already 'On File with OSEP', check OF.)			No (Policies, procedures, methods, and descriptions have not been provided. Provide date by which State will submit to OSEP required documentation, which date shall be no later than June 30, 2010.)	
N	**R**	**OF**		**State Policies, Procedures, Methods, and Descriptions**
				to parents of infants or toddlers with disabilities; (B) services provided pursuant to 20 U.S.C. 1435(c) include an educational component that promotes school readiness and incorporates preliteracy, language, and numeracy skills; (C) the State policy will not affect the right of any child served pursuant to 20 U.S.C. 1435(c) to instead receive a free appropriate public education under Part B; (D) all early intervention services outlined in the child's individualized family service plan under 20 U.S.C. 1436 are continued while any eligibility determination is being made for services under 20 U.S.C. 1435(c); (E) the parents of infants or toddlers with disabilities (as defined in 20 U.S.C. 1432(5)(A)) provide informed written consent to the State, before such infants or toddlers reach 3 years of age, as to whether such parents intend to choose the continuation of early intervention services pursuant to 20 U.S.C. 1435(c) for such infants or toddlers; (F) the requirements under 20 U.S.C. 1437(a)(9) shall not apply with respect to a child who is receiving services in accordance with 20 U.S.C. 1435(c) until not less than 90 days (and at the discretion of the parties to the conference, not more than 9 months) before the time the child will no longer receive those services; and (G) there will be a referral for evaluation for early intervention services of a child who experiences a substantiated case of trauma due to exposure to family violence (as defined in section 320 of the Family Violence Prevention and Services Act). The State shall submit to the Secretary, in the State's report under 20 U.S.C. 1437(b)(4)(A), a report on the number and percentage of children with disabilities who are eligible for services under 20 U.S.C. 1419 but whose parents choose for such children to continue to receive early intervention services under this part. The policy shall include a description of the funds (including an

Check and enter date(s) as applicable. Enclose relevant documents.				*N = 'New' Policy and/or Procedure* *R = 'Revised' Policy and/or Procedure* *OF = Policy and/or Procedure is already 'On File' with the USDOE*
Yes (If New or Revised is checked, the State is submitting policies, procedures, methods, and descriptions with this application. If already 'On File with OSEP', check OF.)			**No** (Policies, procedures, methods, and descriptions have not been provided. Provide date by which State will submit to OSEP required documentation, which date shall be no later than June 30, 2010.)	
N	**R**	**OF**		**State Policies, Procedures, Methods, and Descriptions**
				identification as Federal, State, or local funds) that will be used to ensure that the option described 20 U.S.C. 1435(c)(1) is available to eligible children and families who provide the consent described in 20 U.S.C. 1435(c)(2)(E), including fees (if any) to be charged to families as described in 20 U.S.C. 1432(4)(B). In accordance with 20 U.S.C. 1435(c)(5)(A), when providing services to a child with a disability who is eligible for services under 20 U.S.C. 1419 the State is not required to provide the child with a free appropriate public education under Part B for the period of time in which the child is receiving services under Part C.
			N/A	*Enter 'NA' in the cells to the left if this statement is not applicable; otherwise check either the 'N' or 'R' cell under the 'Yes' column and attach appropriate written methods. See the Optional Technical Assistance Checklist for the full provisions of 20 U.S.C. 1440.* 9. The State has chosen to meet the requirement to establish financial responsibility for early intervention services under 20 U.S.C. 1440(b)(1) through 'appropriate written methods' under 20 U.S.C. 1440(b)(3)(C) other than State statute or regulation or signed interagency agreements.
				Descriptions
		✓		10. As required by Section 427 of the General Education Provisions Act (GEPA), the State has identified barriers and developed strategies to address the barriers and has provided a description of the steps the State is taking to ensure equitable access to, and participation in Part C.
		✓		11. As required in 20 U.S.C. 1437(a)(3)(B), the State has provided a description of early intervention services to be provided to infants and toddlers with disabilities and their families through the statewide system.
		✓		12. As required in 20 U.S.C. 1437(a)(5), the State has provided a description of the uses for which funds will be expended in accordance with this part. (*See Section III. If the State is*

Check and enter date(s) as applicable. Enclose relevant documents.				*N = New Policy and/or Procedure* *R = Revised Policy and/or Procedure* *OF = Policy and/or Procedure is already 'On File' with the USDE*
Yes (If New or Revised is checked, the State is submitting policies, procedures, methods, and descriptions with this application. If already 'On File with OSEP', check OF.)			**No** (Policies, procedures, methods, and descriptions have not been provided. Provide date by which State will submit to OSEP required documentation, which date shall be no later than June 30, 2010.)	
N	**R**	**OF**		**State Policies, Procedures, Methods, and Descriptions**
				submitting a completed Section III, check 'N' under the 'Yes' column to the left.)
		✓		13. As required in 20 U.S.C. 1437(a)(7) the State has provided a description of the procedures used to ensure that resources are made available under this part for all geographic areas within the State.
		✓		14. As required in 20 U.S.C. 1437(a)(8) the State has provided a description of the policies and procedures used to ensure that, prior to the adoption by the State of any other policy or procedure necessary to meet the requirements of this part, there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of infants and toddlers with disabilities.
			06/30/10	15. As required in 20 U.S.C. 1437(a)(10) the State has provided a description of State efforts to promote collaboration among Early Head Start programs under section 645A of the Head Start Act, early education and child care programs, and services under Part C.

B. Assurances and Optional Assurance

The State makes the following assurances and provisions as required by Part C of the Individuals with Disabilities Education Act. (20 U.S.C. 1431 et.seq.)

Check and enter date(s) as applicable		**Assurances** (20 U.S.C. 1434;1435; and 1437(b))
Yes *(Assurance is hereby provided.)*	**No** *(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)*	
✓		1. As applicable, the assurance found in OMB Standard Form 424(B) (Assurances for Non-Construction Programs), relating to legal authority to apply for assistance; access to records; conflict of interest; merit systems; nondiscrimination; Hatch Act provisions; labor standards; flood insurance; environmental standards; wild and scenic river systems; historic preservation; protection of human subjects; animal welfare; lead-based paint; Single Audit Act; and general agreement to comply with all Federal laws, executive orders and regulations is in place.
✓		2. The State has adopted a policy that appropriate early intervention services are available to all infants and toddlers with disabilities in the State and their families, including Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State, infants and toddlers with disabilities who are homeless children and their families, and infants and toddlers with disabilities who are wards of the State; and has in effect a statewide comprehensive, coordinated, multidisciplinary, interagency system to provide early intervention services, for infants and toddlers with disabilities and their families, that meet the requirements of 20 U.S.C 1401, and 1431-1443. *See the Optional Technical Assistance Checklist for the full provisions of 1401 and 1432.*
✓		3. The State has in effect a policy that ensures that appropriate early intervention services based on scientifically based research, to the extent practicable, are available to all infants and toddlers with disabilities and their families, including Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State and infants and toddlers with disabilities who are homeless children and their families in accordance with 20 U.S.C. 1435(a)(2).
✓		4. The State has in effect a timely, comprehensive, multidisciplinary evaluation of the functioning of each infant or toddler with a disability in the State, and a family-directed identification of the needs of each family of such an infant or toddler, to assist appropriately in the

Check and enter date(s) as applicable		Assurances (20 U.S.C. 1434;1435; and 1437(b))
Yes *(Assurance is hereby provided.)*	**No** *(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)*	
		development of the infant or toddler in accordance with 20 U.S.C. 1435(a)(3).
✓		5. For each infant or toddler with a disability in the State, the State has an individualized family service plan in accordance with 20 U.S.C. 1436, including service coordination services in accordance with such service plan. (20 U.S.C. 1435(a)(4)) *See Optional Technical Assistance Checklist for the full provisions of 20 U.S.C. 1436.*
✓		6. The State has a comprehensive child find system, consistent with Part B, including a system for making referrals to service providers that includes timelines and provides for participation by primary referral sources and that ensures rigorous standards for appropriately identifying infants and toddlers with disabilities for services under this part that will reduce the need for future services. (20 U.S.C. 1435(a)(5))
✓		7. The State has a public awareness program focusing on early identification of infants and toddlers with disabilities, including the preparation and dissemination by the lead agency designated or established under 20 U.S.C. 1435(a)(10) to all primary referral sources, especially hospitals and physicians, of information to be given to parents, especially to inform parents with premature infants, or infants with other physical risk factors associated with learning or developmental complications, on the availability of early intervention services under this part and of services under 20 U.S.C. 1419, and procedures for assisting such sources in disseminating such information to parents of infants and toddlers with disabilities. (20 U.S.C. 1435(a)(6))
✓		8. The State has a central directory that includes information on early intervention services, resources, and experts available in the State and research and demonstration projects being conducted in the State. (20 U.S.C. 1435(a)(7))
✓		9. The State has a comprehensive system of personnel development, including the training of paraprofessionals and the training of primary referral sources with respect to the basic components of early intervention services available in the State that (A) includes-- (i) implementing innovative strategies and activities for the recruitment and retention of early education service

Check and enter date(s) as applicable		Assurances (20 U.S.C. 1434;1435; and 1437(b))
Yes *(Assurance is hereby provided.)*	**No** *(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)*	
		providers; (ii) promoting the preparation of early intervention providers who are fully and appropriately qualified to provide early intervention services under this part; and (iii) training personnel to coordinate transition services for infants and toddlers served under this part from a program providing early intervention services under this part and under Part B (other than 20 U.S.C. 1419), to a preschool program receiving funds under 20 U.S.C. 1419, or another appropriate program; and (B) may include-- (i) training personnel to work in rural and inner-city areas; and (ii) training personnel in the emotional and social development of young children. (20 U.S.C. 1435(a)(8)(A) and (B))
✓		10. The State has policies and procedures relating to the establishment and maintenance of qualifications to ensure that personnel necessary to carry out this part are appropriately and adequately prepared and trained, including the establishment and maintenance of qualifications that are consistent with any State-approved or recognized certification, licensing, registration, or other comparable requirements that apply to the area in which such personnel are providing early intervention services, except that nothing in this part (including this paragraph) shall be construed to prohibit the use of paraprofessionals and assistants who are appropriately trained and supervised in accordance with State law, regulation, or written policy, to assist in the provision of early intervention services under this part to infants and toddlers with disabilities. (20 U.S.C. 1432 and 1435(a)(9))
✓		11. The State has a single line of responsibility in a lead agency designated or established by the Governor for carrying out - (A) the general administration and supervision of programs and activities receiving assistance under 20 U.S.C. 1433, and the monitoring of programs and activities used by the State to carry out this part, whether or not such programs or activities are receiving assistance made available under 20 U.S.C. 1433, to ensure that the State complies with this part; (B) the identification and coordination of all available resources within

Check and enter date(s) as applicable		Assurances (20 U.S.C. 1434;1435; and 1437(b))
Yes *(Assurance is hereby provided.)*	**No** *(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)*	
		the State from Federal, State, local, and private sources; (C) the assignment of financial responsibility in accordance with 20 U.S.C. 1437(a)(2) to the appropriate agencies; (D) the development of procedures to ensure that services are provided to infants and toddlers with disabilities and their families under this part in a timely manner pending the resolution of any disputes among public agencies or service providers; (E) the resolution of intra- and interagency disputes; and (F) the entry into formal interagency agreements that define the financial responsibility of each agency for paying for early intervention services (consistent with State law) and procedures for resolving disputes and that include all additional components necessary to ensure meaningful cooperation and coordination. *See Optional Technical Assistance Checklist for the full provisions of 20 U.S.C. 1440.* (20 U.S.C. 1435(a)(10)(A)-(F) and 1440)
✓		12. The State has a policy pertaining to the contracting or making of other arrangements with service providers to provide early intervention services in the State, consistent with the provisions of Part C, including the contents of the application used and the conditions of the contract or other arrangements. (20 U.S.C. 1435(a)(11))
✓		13. The State has a procedure for securing timely reimbursements of funds used under this part in accordance with 20 U.S.C. 1440(a). *See Optional Technical Assistance Checklist for the full provisions of 20 U.S.C. 1440.* (20 U.S.C. 1435(a)(12) and 1440)
✓		14. The State has procedural safeguards with respect to programs under this part, as required by 20 U.S.C. 1439. (20 U.S.C. 1435(a)(13)) *See Optional Technical Assistance Checklist for applicable provisions of 20 U.S.C. 1415 and 1439.*
✓		15. The State has a system for compiling data requested by the Secretary under section 618 that relates to this part. (20 U.S.C. 1418, 1435(a)(14) and 1442)
✓		16. The State has a State interagency coordinating council that meets the

Check and enter date(s) as applicable		Assurances (20 U.S.C. 1434;1435; and 1437(b))
Yes *(Assurance is hereby provided.)*	**No** *(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)*	
		requirements of 20 U.S.C. 1441. (20 U.S.C. 1435(a)(15)) *See Optional Technical Assistance Checklist for the full provisions of 20 U.S.C. 1441.*
✓		17. The State has policies and procedures to ensure that, consistent with 20 U.S.C 1436(d)(5): A) to the maximum extent appropriate, early intervention services are provided in natural environments; and B) the provision of early intervention services for any infant or toddler with a disability occurs in a setting other than a natural environment that is most appropriate, as determined by the parent and the individualized family service plan team, only when early intervention cannot be achieved satisfactorily for the infant or toddler in a natural environment. (20 U.S.C. 1435(a)(16))
✓		18. The State ensures that Federal funds made available under 20 U.S.C. 1443 will be expended in accordance with this part. (20 U.S.C. 1437(b)(1) and 1438)
✓		19. The State ensures that it has methods in place to comply with the requirements of 20 U.S.C. 1440. (20 U.S.C. 1437(b)(2)) *State's response should be consistent with Certification #3 below.*
✓		20. The State ensures that the control of funds provided under 20 U.S.C. 1443, and title to property derived from those funds, will be in a public agency for the uses and purposes provided in this part and that a public agency will administer such funds and property. (20 U.S.C. 1437(b)(3))
✓		21. The State ensures that provisions shall be made for-- (A) making such reports in such form and containing such information as the Secretary may require to carry out the Secretary's functions under this part; and (B) keeping such reports and affording such access to the reports as the Secretary may find necessary to ensure the correctness and verification of those reports and proper disbursement of Federal funds under this part. (20 U.S.C. 1437(b)(4))
✓		22. The State ensures that the Federal funds made available under 20 U.S.C. 1443 to the State-- (A) will not be commingled with State funds; and

Check and enter date(s) as applicable		Assurances (20 U.S.C. 1434;1435; and 1437(b))
Yes *(Assurance is hereby provided.)*	**No** *(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)*	
		(B) will be used so as to supplement the level of State and local funds expended for infants and toddlers with disabilities and their families and in no case to supplant those State and local funds. (20 U.S.C. 1437(b)(5))
✓		23. The State ensures that fiscal control and fund accounting procedures will be adopted as may be necessary to ensure proper disbursement of, and accounting for, Federal funds paid under 20 U.S.C. 1443 to the State. (20 U.S.C. 1437(b)(6))
✓		24. The State ensures that policies and procedures have been adopted to ensure meaningful involvement of underserved groups, including minority, low-income, homeless, and rural families and children with disabilities who are wards of the State, in the planning and implementation of all the requirements of Part C. (20 U.S.C. 1437(b)(7))
✓		25. The State assures that it shall provide other information and assurances as the Secretary may reasonably require by regulation. (20 U.S.C. 1437(b)(8).
		Optional Assurance
✓		*Enter 'NA' in the cells to the left if this assurance is not applicable.* 26. The State has adopted a policy that includes making ongoing good-faith efforts to recruit and hire appropriately and adequately trained personnel to provide early intervention services to infants and toddlers with disabilities, including, in a geographic area of the State where there is a shortage of such personnel, the most qualified individuals available who are making satisfactory progress toward completing applicable course work necessary to meet the standards described in 20 U.S.C. 1435(a)(9). (20 U.S.C. 1435(b))

C. Certifications

The State Lead Agency is providing the following certifications:

Yes	
✓	1. The State certifies that ED Form 80-0013, *Certification Regarding Lobbying*, is on file with the Secretary of Education. With respect to the *Certification Regarding Lobbying* the State recertifies that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making or renewal of Federal grants under this program; that the State shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," when required (34 CFR Part 82, Appendix B); and that the State Agency shall require the full certification, as set forth in 34 CFR Part 82, Appendix A, in the award documents for all sub awards at all tiers.
✓	2. The State certifies that it has met the certifications in the Education Department General Administrative Regulations (EDGAR) at 34 CFR §80.11 relating to State eligibility, authority and approval to submit and carry out the provisions of its State application, and consistency of that application with State law are in place within the State.
✓	3. The State certifies that the methods or arrangements to establish financial responsibility for early intervention services provided under Part C pursuant to 20 U.S.C. 1440(b) are current as of the date of this Application certification. (20 U.S.C. 1437(a)(2) and 1440). *See Item 9 in Section II.A above regarding including, with this Application for the Secretary's review, 'other appropriate written methods' to meet the requirements of 20 U.S.C. 1440(b). State's response under Assurance #19 above should be consistent with its response to this Certification.*

D. Statement

I certify that the State of **South Carolina** has provided the policies, procedures, methods, descriptions, and assurances checked as 'yes' in Sections II.A and II.B and the certifications required in Section II.C of this application. These provisions meet the requirements of Part C of the Individuals with Disabilities Education Act as found in PL 108-446. The State will operate its Part C program in accordance with all of the required policies, procedures, methods, descriptions, assurances and certifications.

If any policies, procedures, methods, descriptions, and assurances have been checked 'no', I certify that the State will operate throughout the period of this grant award consistent with the requirements of the IDEA as found in PL 108-446 and any applicable regulations, and will make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of the IDEA, as amended, as soon as possible, and not later than June 30, 2009. (34 CFR §76.104)

I, the undersigned authorized official of the

South Carolina Department of Health and Environmental Control
(Name of State and official name of State lead agency)

am designated under Part C by the Governor of this State to submit this application for FFY 2009 (July 1, 2008 – June 30, 2009) funds under Part C of the Individuals with Disabilities Education Act (IDEA).

Printed/Typed Name and Title of Authorized Representative of the State: **Lisa F. Waddell, MD, MPH** **Deputy Commissioner for Health Services**	
Signature: Lisa F. Waddell	Date: 03/16/09

Section III

A. Description of Use of Part C Funds for the Lead Agency

When completing this section include:

- Totals for the number of lead agency administrative positions, salaries and fringe benefits funded either 100 percent and/or less than 100 percent with Part C funds;
- A general description of the duties which the positions entail; and
- A subtotal of the amount.

Identify any administrative positions for which less than 100% of the time is spent on Part C and, for each such position, indicate the percentage of time spent on Part C and the total amount of salary and fringe benefits included in the Part C application budget.

100% funded with Part C Funds	Number of Positions	% Time Spent on Part C	Salaries & Fringe Benefits	Description of Duties
Provider relations coordinator	1	100%		Recruitment and retention of private providers of Part C services, development of policies and procedures related to payment for Part C services through BabyNet fiscal agent.
Provider relations consultant	1	100%		Development and upkeep of private provider contracts. Assistance to Provider Relations Coordinator.
Data Manager	1	100%		Administration of contract for development, upgrades and maintenance of data system used for collecting service and performance data.
Regional Consultant	3	100%		Training, consultation and TA to BabyNet staff in state agencies and their contractors in assigned geographic areas (DHEC public health regions) on issues related to implementation of BabyNet policies and procedures.

< 100% funded with Part C Funds	Number of Positions	% Time Spent on Part C	Salaries & Fringe Benefits	Description of Duties
Division Director	1	20%		Oversight of organization unit (DHEC Division of Children with Special Health Care Needs) housing and supporting DHEC BabyNet program operations
Bureau Director	1	10%		Oversight of organization unit (DHEC Bureau of Maternal and Child Health) housing and supporting DHEC BabyNet program operations
CARELINE hourly employees	2	*		Operation of statewide toll free information and assistance telephone line for BabyNet referrals and other program information (*Hours and % time spent on BabyNet calls varies week to week.)
Subtotal of amount under A:			**$473,489**	

Section III (Continued)

B. Maintenance and Implementation Activities for the Lead Agency

When completing this section include:

- A description of the nature and scope of each major activity to be carried out under Part C in maintaining and implementing the Statewide system of early intervention services. Activities could include enhancing the Comprehensive System of Personnel Development (CSPD), implementing child find strategies, or ensuring a timely, comprehensive, multidisciplinary evaluation for each child;
- The approximate amount of funds to be spent for each activity; and
- A subtotal of the amount.

(Add columns and rows as needed.)

Major Activity	Part C Funds to be Spent	Description of Activities
General supervision	Included in Section III A	Activities related to DHEC management, oversight and general supervision of Part C (BabyNet) services. Lead agency personnel listed in Section III A above complete these duties.
Subtotal of amount under B:	N/A	

Section III (Continued)

C. Description of Use of Part C Funds for the Interagency Coordinating Council (ICC)

When completing this section include:

- Totals for the number of ICC administrative positions, salaries and fringe benefits funded either 100 percent and/or less than 100 percent with Part C funds;
- A general description of the duties which the positions entail; and
- A subtotal of the amount.

Identify any administrative positions for which less than 100% of the time is spent on Part C and, for each such position, indicate the percentage of time spent on Part C and the total amount of salary and fringe benefits included in the Part C application budget.

Positions Funded	Number of Positions	% of Time Spent on Part C	Amount of Salaries & Fringe Benefits	Description of Duties
100% funded with Part C Funds	1	100%	Included in Section III A	Activities related to DHEC management, oversight and general supervision of Part C (BabyNet) services. Lead agency personnel listed in Section III A above complete these duties.
< 100% funded with Part C Funds	0			
Subtotal of amount under C:			N/A	

Section III (Continued)

D. Maintenance and Implementation Activities for the Interagency Coordinating Council (ICC)

When completing this section include:

- A description of the nature and scope of each major activity to be carried out under Part C in maintaining and implementing the Statewide system of early intervention services. Activities could include coordinating child find identification efforts, ensuring the timely provision and payment of early intervention services to eligible children and their families, advising on early childhood transition, support for the ICC (travel), or other implementation and development activities of the SICC;
- The approximate amount of funds to be spent for each activity; and
- A subtotal of the amount.

(Add columns and rows as needed.)

Major Activity	Part C Funds to be Spent	Description of Activities
Advisory to lead agency	None	SICC provides input through public meetings and participation on ad hoc workgroups. Funds support travel for non-state employees to attend SICC meetings.
Subtotal of amount under D:	N/A	

Section III (Continued)

E. Direct Services (Funded by Part C Federal Dollars)

When completing this section include:

- A description of any direct early intervention service that the State lead agency expects to provide to eligible children and their families with funds under this part, including a description of any services provided to at-risk infants and toddlers and their families for States that provide services to at-risk children as part of its eligibility criteria. The description must include information about each type of service to be provided, including:
  - A summary of the methods to be used to provide the service (e.g., contracts or other arrangements with specified public or private organizations); and
  - The approximate amount of funds under this part to be used for the direct provision of early intervention services.

Provide subtotals of the amount and for salaries and fringe benefits for direct service employees (discipline). *(Add columns and rows as needed.)*

Direct Service	Part C Funds to be Spent	Summary of Methods to be Used to Provide Service
Assistive Technology	$41,306	DHEC contractors
Audiological Services	$18,587	Contracted providers
Interpreter Services	$413,070	SC School for the Deaf and Blind
Occupational Therapy Services	$165,285	Contracted providers
Physical Therapy Services	$227,183	Contracted providers
Speech/Language Services	$1,084,228	Contracted providers
Transportation	$1,860	As required to meet child's needs
Vision Services	$103,266	SC School for the Deaf and Blind
Other	$389,924	Contracted providers, state agency
Subtotal for direct services:	**$2,444,709**	

Direct Service Employees (Discipline)	Salary and Fringe	% Part C	Part C Funds to be Spent	Description of Duties
Service coordination by **DHEC** (lead agency) hired and supervised in one of eight public health regions.	Individual salaries vary by DHEC public health region	Varies by DHEC public health region	$1,154,638	Processing referrals for Part C services and service coordination per IDEA Part C and BabyNet program policies and procedures.
Subtotal for direct service employees:			**$1,154,638**	

Subtotal of amount under E:	**$3,599,347**	

Section III (Continued)

F. Description of Optional Use of Part C Funds (For States that Do Not Provide Direct Service for At-Risk Infants and Toddlers)

For any State that does not provide direct services for at-risk infants and toddlers under 20 U.S.C. 1437(a)(4), but chooses to use funds under 20 U.S.C. 1438(5), each Application must include a description of how these funds will be used. Specifically, a State may use Part C funds for initiating, expanding, or improving collaborative efforts related to at-risk infants and toddlers, including establishing linkages with appropriate public or private community-based organizations, services, or personnel for the purpose of:

- Identifying and evaluating at-risk infants and toddlers;
- Making referrals of at-risk infants and toddlers who are identified and evaluated; and
- Conducting periodic follow-up on at-risk infants and toddlers to determine if the status of the infant or toddler's eligibility for Part C services has changed.

Provide a subtotal of the amount. *(Add columns and rows as needed.)*

Description of Activity	Amount of Funds
Subtotal of amount under F:	N/A

Section III (Continued)

G. Activities by Other Agencies

If other State or local public agencies are to receive a portion of the Federal funds under Part C, the Application must include:

- The name of each public agency expected to receive funds;
- The approximate amount of funds each public agency will receive; and
- A summary of the purposes for which the funds will be used.

Provide subtotal of amount. *(Add columns and rows as needed.)*

Agency Receiving Funds	Part C Funds to be Spent (contractual)	Purpose
University of South Carolina, Center for Disabilities, Teaming for Early Childhood Solutions (**TECS**)	$485,000	Contract for development and maintenance of Comprehensive System of Personnel Development, planning and coordination for collection, analysis and dissemination of data related to the child and family outcome performance measures, general consultation and technical assistance related to best practices in Part C and early childhood services.
SC School for the Deaf and Blind (**SDB**)	$244,040	Contract to support service coordination and/or Special Instruction to children with sensory impairment per IDEA Part C and BabyNet program policies and procedures manual, and sign language interpretation as needed for any child referred for Part C services.
SC Department of Disabilities and Special Needs (**DDSN**)	$400,000	Contract to support service coordination and/or Special Instruction to children potentially eligible for lifetime DDSN services not covered by Medicaid per IDEA Part C and BabyNet program policies and procedures.
Family Connections of South Carolina	$320,100	Contract to support child find activities and family support services to children eligible for Part C services.
SC Budget and Control Board	$300,000	Contract for development, maintenance and upgrades of data system (BabyTrac) used for client management and preparation of required OSEP and BabyNet program reports.
Subtotal of amount under G:	**$1,749,140**	

Section III (Continued)

H. Totals

Enter the subtotal amounts for Sub Sections A-G found in Section III and any indirect costs charged as specified in Section IV.B. The sub total amounts (Rows 1-8) should total the estimated grant application amount. (A State may apply for less than the full estimated allotted amount.)

Enter the subtotal amounts for Sub Sections A-G found in Section III of this application.			
Row No.	**Section**	**Description**	**Amount**
1.	III.A.	Part C funds for the lead agency (personnel).	$ 473,489
2.	III.B.	Maintenance and implementation activities for the lead agency.	N/A
3.	III.C.	Use of Part C funds for the Interagency Coordinating Council (ICC).	N/A
4.	III.D.	Maintenance and implementation activities for the State ICC.	N/A
5.	III.E. *(Direct Service)*	Use of Part C funds for payment of direct services (payments through fiscal agent).	$2,444,709
	III.E. *(Direct Service Employees)*	Use of Part C funds for employees providing direct services (DHEC regional allocation).	$1,154,638
6.	III.F.	Optional use of Part C funds.	N/A
7.	III.G.	Activities by other agencies.	$1,749,140
Enter any Indirect Costs Charged (See Section IV.B of this application.)			
8.	IV.B	Indirect costs @ 5.6% TDC.	$57,427
Total (Rows 1-8)			**$5,879,403**

Section IV

A. System of Payments / Use of Insurance / Program Income

The State (check as applicable)

☒ does

☐ does not

have a system of payments for Part C services under 20 U.S.C. 1432(4)(B) which may include use of public and/or private insurance or family fees, such as a sliding scale. Any family fees are treated as 'program income' for purposes of 34 CFR §80.25 and are not included in the State's determination of State and local expenditures for purposes of 20 U.S.C. 1437(b)(5)(B). *Note: If the State has adopted new or has revised its existing policies and procedures regarding its system of payments, it must submit these new and/or revised policies and procedures under Item 7 in Section II.A above.*

B. Restricted Indirect Cost Rate/Cost Allocation Plan Information

(Note: To be completed if Lead Agency is not a State Educational Agency.)

If the lead agency is not a State educational agency (as well as any outlying areas that have the Department of Interior as its cognizant Federal agency, even if an SEA) check the applicable status below (more than one check mark may be necessary) and enclose appropriate documentation for this Federal Fiscal Year.

☒ The lead agency has a final restricted indirect cost rate or cost allocation plan that has been approved by the State lead agency's cognizant Federal agency and is in effect for this Federal fiscal year (FFY) (ending on June 30, 2010). (Attach a copy of the approved restricted indirect cost rate agreement or cost allocation plan.)

☐ The lead agency has either a provisional or final restricted indirect cost rate or cost allocation plan that expires or expired on _____ and the State is in the process of negotiating a new restricted indirect cost rate agreement or cost allocation plan that will be in effect _____[2] The State lead agency will continue to charge or bill the Part C grant using the provisional or previously approved final restricted indirect cost rate or cost allocation plan until a new rate or plan is negotiated and approved by the State's cognizant Federal agency, at which point the State lead agency must make appropriate adjustments for applicable FFYs. The State acknowledges that a final restricted indirect cost rate may result in an adjustment of the final audited expenditures allowable to be charged to the Part C grant and the Department's approval of this FFY Part C application with an expired or provisional restricted indirect cost rate does not constitute approval of that rate as the final rate for the lead agency for this FFY. When a final restricted indirect cost rate is approved, the lead agency must submit to OSEP: (1) a copy of the "final" restricted indirect cost rate agreement; and (2) details of adjustments made to past GAPS draw downs in light of the "final" rate. (Attach a copy of the previously approved restricted indirect cost rate agreement or cost allocation plan.)

_____ No indirect costs are charged to the Part C grant. The total amount of the Federal Part C grant is used for allowable direct costs.

_____ Other, explanation attached.

[2] A "provisional" indirect cost rate is a temporary rate established for a future prospective period of time to permit budgeting, obligations, and payment of funds by awarding agencies until such time as the actual indirect costs can be determined and a final rate is established for the applicable period; provisional rates are subject to adjustment by issuance of a "final" rate based on actual indirect costs incurred for the period (usually the organization's fiscal year).

STATE AND LOCAL RATE AGREEMENT

EIN #: 1576000286A8

DATE: September 25, 2008

DEPARTMENT/AGENCY:
South Carolina Department of Health and Environmental Control
1201 Main Street, Suite 870
Columbia SC 29201-

FILING REF.: The preceding Agreement was dated June 27, 2008

The rates approved in this agreement are for use on grants, contracts and other agreements with the Federal Government, subject to the conditions in Section III.

SECTION I: INDIRECT COST RATES*

RATE TYPES: FIXED FINAL PROV.(PROVISIONAL) PRED.(PREDETERMINED)

TYPE	EFFECTIVE PERIOD FROM	TO	RATE(%)	LOCATIONS	APPLICABLE TO
FIXED	07/01/08	06/30/09	16.9	All	All Programs (1)
FIXED	07/01/08	06/30/09	5.6	All	All Programs (2)
PROV.	07/01/09	UNTIL AMENDED	Use same rates and conditions as those cited for fiscal year ending June 30, 2009.		

(1)All Federal programs which do not require the use of a restricted rate as defined by 34 CFR 75.563 and 34 CFR 76.563.

Base:
Direct salaries and wages including vacation, holiday, sick pay and other paid absences but excluding all other fringe benefits.

(2)All Federal programs which require the use of a restricted rate as defined by 34 CFR 75.563 and 34 CFR 76.563.

Base:
Total direct costs less items of equipment, alterations and renovations, flow through funds and the portion of each sub-award in excess of $25,000 regardless of the period covered by that sub-award.

*BASE:
Direct salaries and wages including vacation, holiday, sick pay and other paid absences but excluding all other fringe benefits.

DEPARTMENT/AGENCY:
South Carolina Department of Health and Environmental Control

AGREEMENT DATE: September 25, 2008

SECTION II: SPECIAL REMARKS

TREATMENT OF FRINGE BENEFITS:
Fringe benefits are specifically identified to each employee and are charged individually as direct costs. The directly claimed fringe benefits are listed below.

TREATMENT OF PAID ABSENCES:
Vacation, holiday, sick leave pay and other paid absences are included in salaries and wages and are claimed on grants, contracts and other agreements as part of the normal cost for salaries and wages. Separate claims are not made for the costs of these paid absences.

Fringe benefits include: FICA, retirement, workers' compensation, unemployment insurance and health insurance.

This agreement is being amended to include the approved restricted rate of 5.6% as recommended by the Dept. of Education on 8/18/08 and accepted by the Division of Cost Allocation.

DEPARTMENT/AGENCY:
South Carolina Department of Health and Environmental Control

AGREEMENT DATE: September 25, 2008

SECTION III: GENERAL

A. LIMITATIONS:
The rates in this Agreement are subject to any statutory or administrative limitations and apply to a given grant, contract or other agreement only to the extent that funds are available. Acceptance of the rates is subject to the following conditions: (1) Only costs incurred by the organization were included in its indirect cost pool as finally accepted; such costs are legal obligations of the organization and are allowable under the governing cost principles; (2) The same costs that have been treated as indirect costs are not claimed as direct costs; (3) Similar types of costs have been accorded consistent accounting treatment; and (4) The information provided by the organization which was used to establish the rates is not later found to be materially incomplete or inaccurate by the Federal Government. In such situations the rate(s) would be subject to renegotiation at the discretion of the Federal Government.

B. ACCOUNTING CHANGES:
This Agreement is based on the accounting system purported by the organization to be in effect during the Agreement period. Changes to the method of accounting for costs which affect the amount of reimbursement resulting from the use of this Agreement require prior approval of the authorized representative of the cognizant agency. Such changes include, but are not limited to, changes in the charging of a particular type of cost from indirect to direct. Failure to obtain approval may result in cost disallowances.

C. FIXED RATES:
If a fixed rate is in this Agreement, it is based on an estimate of the costs for the period covered by the rate. When the actual costs for this period are determined, an adjustment will be made to a rate of a future year(s) to compensate for the difference between the costs used to establish the fixed rate and actual costs.

D. USE BY OTHER FEDERAL AGENCIES:
The rates in this Agreement were approved in accordance with the authority in Office of Management and Budget Circular A-87 Circular, and should be applied to grants, contracts and other agreements covered by this Circular, subject to any limitations in A above. The organization may provide copies of the Agreement to other Federal Agencies to give them early notification of the Agreement.

E. OTHER:
If any Federal contract, grant or other agreement is reimbursing indirect costs by a means other than the approved rate(s) in this Agreement, the organization should (1) credit such costs to the affected programs, and (2) apply the approved rate(s) to the appropriate base to identify the proper amount of indirect costs allocable to these programs.

BY THE DEPARTMENT/AGENCY:	ON BEHALF OF THE FEDERAL GOVERNMENT:
South Carolina Department of Health and Environmental Control	Department of Health and Human Services
(DEPARTMENT/AGENCY)	(AGENCY)
(SIGNATURE)	(SIGNATURE)
Mary I. Fuhrman	Darryl Mayes
(NAME)	(NAME)
Director, Bureau of Financial Management	Director, Division of Cost Allocation
(TITLE)	(TITLE)
10/7/08	September 25, 2008
(DATE)	(DATE) 0251

HHS REPRESENTATIVE: Angela Baldwin
Telephone: (202) 401-2808