



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

Ms. Susan Ord, Part C Coordinator
Baby Watch Early Intervention
Utah State Department of Health
P.O. Box 144720
Salt Lake City, UT 84114-4720

SEP 24 2009

Dear Ms. Ord:

This responds to your August 27, 2009 request under the Individuals with Disabilities Education Act (IDEA) section 605 to use \$50,000 of Utah's IDEA Part C funds under the American Recovery and Reinvestment Act of 2009 (ARRA) for the alteration of a facility, specifically a playground, to be used by infants and toddlers with disabilities. One of Utah's Part C contracted early intervention service (EIS) programs, the Up to 3 Program under the Center for Persons with Disabilities at Utah State University (EIS program herein), proposes to use its IDEA Part C ARRA funds to remodel the playground at Utah State University that is used for children served in the Part C program.

Under IDEA section 605, the Secretary of Education is authorized to allow the use of IDEA funds to alter existing facilities if the Secretary determines that a program authorized under IDEA will be improved by permitting a program to expend funds for such a purpose. Such alteration must comply with appendix A of part 36 of title 28, Code of Federal Regulations (commonly known as the "Americans with Disabilities Accessibility Guidelines for Buildings and Facilities" or with appendix A of subpart 101-19.6 of title 41, Code of Federal Regulations (commonly known as the "Uniform Federal Accessibility Standards." In addition, the grant recipient must complete and post a certification under ARRA section 1511 and comply with the requirements of ARRA section 1605.

You indicated in your August 27, 2009 request that it had informed the EIS program of the specific additional requirements under IDEA section 605 and ARRA 1605, had included these requirements in the contract with the EIS program, and had obtained additional information from the EIS program to support how it will be able to comply with these requirements as well as the requirement to maintain records. You also confirmed that the \$50,000 in IDEA Part C ARRA funds will be used to supplement the State and local funds and not supplant those funds and that additional public and non-profit funding is being sought to support the playground renovations. Finally, you assured the Office of Special Education Programs (OSEP) that you will comply with the ARRA section 1512 reporting requirements regarding this expenditure.

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Based on this information, OSEP approves the use of \$50,000 of Utah's IDEA Part C ARRA funds for the alteration of a facility under section 605 of the IDEA, specifically a playground to be used by infants and toddlers with disabilities.

Sincerely,

A handwritten signature in black ink, appearing to read "Ruth E. Ryder", with a long horizontal flourish extending to the right.

Ruth E. Ryder, Director
Monitoring and State Improvement
Planning Division
Office of Special Education
Programs