



IDEA Part B, American Rescue Plan Act Technical Assistance Training

Bureau of Exceptional Student Education

November 18, 2021



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Agenda

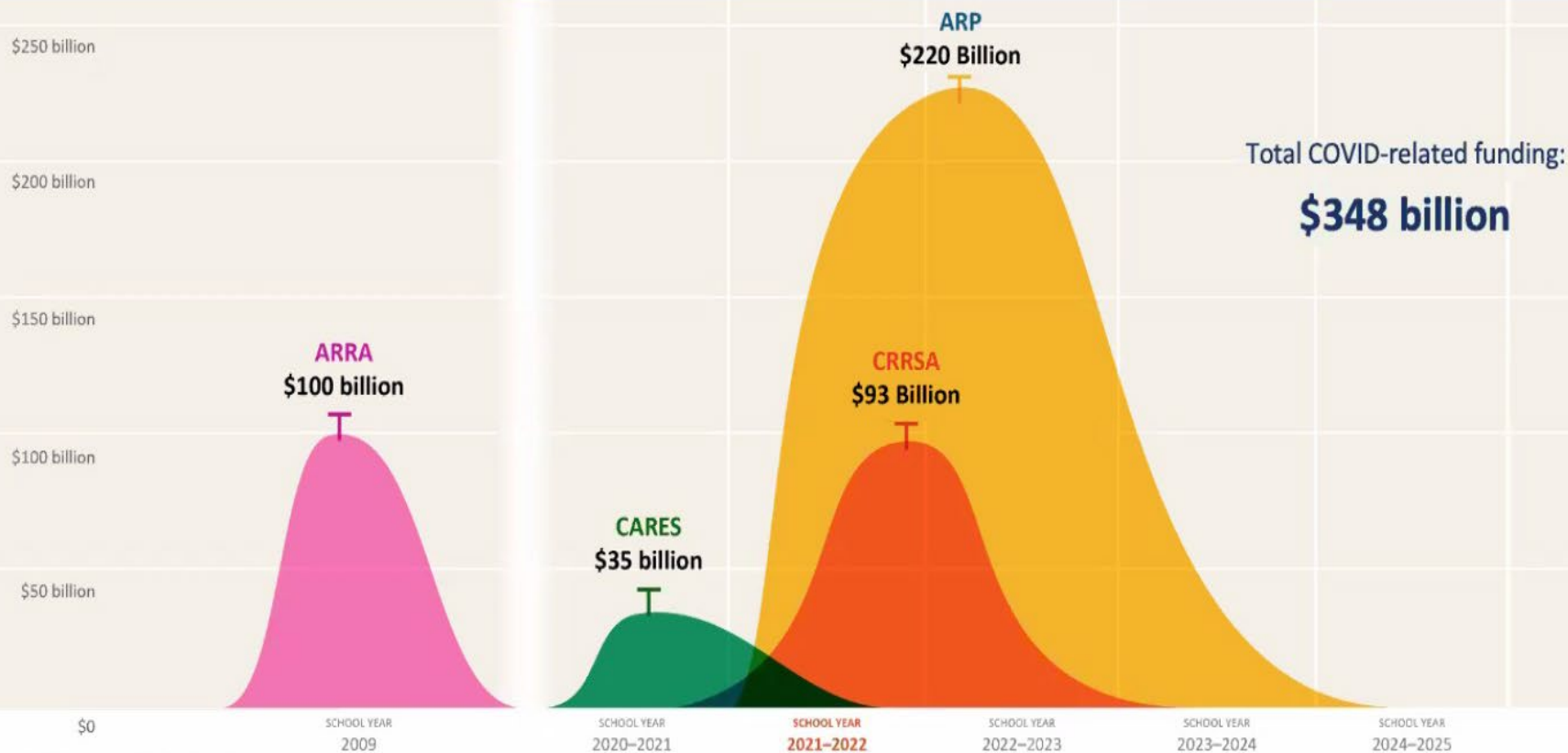
- IDEA American Rescue Plan (ARP) Funding
- IDEA ARP Opportunities
- Use of IDEA ARP Funds
- Maintenance of Effort (MOE)
- MOE Exceptions
- Comprehensive Coordinated Early Intervening Services CEIS/CCEIS
- Proportionate Share Calculations
- Tracking and Reporting Process



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IDEA ARP Act Overview

An Unparalleled Investment in Education and Child Care



IDEA ARP Funding Overview

- On June 29, 2021, the U.S. Department of Education (ED) announced a series of actions to build from the American Rescue Plan's (ARP) equity-building initiatives. USED's intentions are to advance equity in education while addressing the disparities exacerbated by the pandemic, reimagining the way schools deliver resources to students.
- It is important to note that the American Rescue Plan Act of 2021 Elementary And Secondary School Emergency Relief Funds (ARP ESSER funds) are separate and apart from IDEA ARP funds.

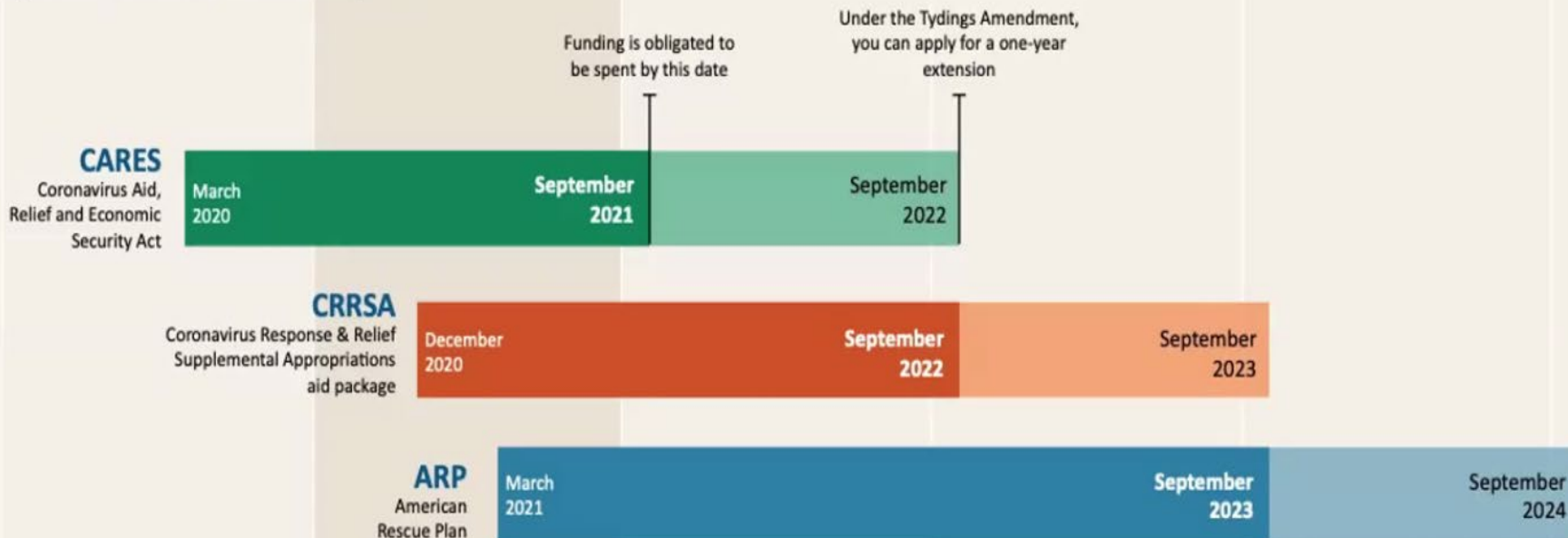
IDEA ARP Funding Overview

Section 2014(a) of the American Rescue Plan Act of 2021 (ARP) provided more than \$3 billion in supplemental funding for Fiscal Year 2021 for the three Individuals with Disabilities Education Act (IDEA) formula grant programs described below:

- \$2.58 million for IDEA Part B Grants to States (Section 611)
- \$200 million for IDEA Part B Preschool Grants (Section 619)
- \$250 million for IDEA Part C Grants for Infants and Families



When do you need to spend the money?





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IDEA ARP Opportunities

IDEA ARP Opportunities

- Promoting accountability, transparency and effective use of funds
- Addressing the educational inequities that were exacerbated by the pandemic (learning loss)
- Supporting students' mental health and academic needs
- Providing more safe, in person learning opportunities for students quickly
- Addressing concerns related to critical ESE related teacher shortages including key staff in fields like school psychology



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Use of IDEA ARP Funds

Approaches for Segmented Fund Use

Infrastructure

- Hardware & Software
- Adaptive furniture and room/building accessibility upgrades

Learning Acceleration

- Extended learning that builds from the regular school day
- ESY, Intensive tutoring opportunities

System Innovation to Sustainable Practice

- Building capacity of core staff (PD)
- Blended Intervention supports

Use of Funds

- Funds may be used for all allowable purposes under Part B of IDEA and are subject to all requirements and provisions that apply to IDEA funds.
- Note that SEAs will continue to have the authority, as the pass-through entity, to review and approve LEA requests to use IDEA Part B funds for the purchase of equipment, including the alteration of existing facilities. 2 C.F.R. § 200.439(b) (1)–(3)

Uses of Funds

Common Allowable Uses

- Personnel providing direct services to SWD
- Personnel providing support to IDEA program
- Materials, furniture, technology, software and adaptive devices used by and for SWD
- IDEA-related professional development
- CCEIS/CEIS set aside
- Proportionate Share set aside

Unallowable Uses

- School or local educational agency (LEA) level administration
- Use of funds for school-wide or LEA initiatives or functions
- Attorney fees and any other legal expenses in defense and prosecution of criminal and civil proceedings

IDEA ARP Funding Availability

- Funds are available for obligation by SEAs and LEAs between July 1, 2021, and September 30, 2023, and must be liquidated by January 28, 2024.



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Reasonable, Allowable, Necessary and Allocable (RANA)

Reasonable

- A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost. The reasonableness of a given cost is determined by applying the considerations in 2 C.F.R. § 200.404, including whether the cost is of a type generally recognized as ordinary and necessary for the operation of the non-Federal entity or the proper and efficient performance of the Federal award.

<https://sites.ed.gov/idea/idea-files/policy-letter-june-8-2020-to-anonymous/>

Allowable and Necessary

IDEA Purpose

- To ensure all students with disabilities, ages 3 through 21, have the right to a free appropriate public education (FAPE) designed to meet their individual needs and prepare them for employment and independent living. Funds shall be used to supplement the excess costs of providing special education and related services to students with disabilities.
- Subpart E of 2 C.F.R Part 200, Cost Principles of the Uniform Guidance, sets out general criteria that must be met for costs to be allowable under Federal awards. In order to charge a cost to a Federal award, among other factors, it must be necessary and reasonable for the performance of the Federal award and be allocable to the Federal grant. 2 C.F.R. § 200.403

<https://sites.ed.gov/idea/idea-files/policy-letter-june-8-2020-to-anonymous/>

Excess Cost

- Guiding Questions

- In the absence of special education needs, would this cost exist? If the answer is:
 - NO—then the cost is an excess cost and may be eligible.
 - YES—then the cost is NOT an excess cost and is NOT allowed.
- Is this cost also generated by non-disabled students? If the answer is:
 - NO—then the cost is an excess cost and may be eligible.
 - YES—then the cost is NOT an excess cost and is NOT allowed.
- If it is a child-specific service, is the service documented in the student's IEP? If the answer is:
 - YES—then the cost is an excess cost and may be eligible.
 - NO—then the cost is NOT an excess cost and is not allowed.

Allocable

- A cost is allocable to a particular Federal award or other cost objective if the goods or services involved are chargeable or assignable to the Federal award or cost objective in accordance with the relative benefits received. The requirements for meeting this standard are set forth in 2 C.F.R. § 200.405.
- An expense is allocable if it is incurred solely to advance the work under the agreement or if it benefits both the sponsored agreement and other work of the institution, in proportions that can be approximated through use of reasonable method.
- The cost benefits the program in proportion to the amount paid by the program.
- The cost is distributed in accordance with the relative benefits received.



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Maintenance of Effort

LEA Maintenance of Effort

- Under section 613(a)(2)(A)(iii) of the IDEA, an LEA may not reduce the level of expenditures for the education of children with disabilities made by the LEA from local funds below the level of those expenditures for the preceding fiscal year.

LEA MOE Exceptions

LEA MOE Exceptions

- 1) Voluntary departure, by retirement or otherwise, departure for just cause, of special education or related services personnel;
- 2) A decrease in the enrollment of children with disabilities;
- 3) The termination of the obligation of the agency, because the child:
 - Has left the jurisdiction of the agency;
 - Has reached the age at which the obligation of the agency to provide FAPE to the child has terminated; or
 - No longer needs the program of special education;
- 4) The termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities; and
- 5) The assumption of cost by the high cost fund operated by the SEA under 34 C.F.R. § 300.704(c).



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Comprehensive Coordinated Early Intervening Services CEIS/CCEIS

CEIS/CCEIS

- Voluntary coordinated early intervening services (CEIS)
§ 300.226
 - **Voluntary** for students not currently identified K-12 through grade.
 - Districts can use up to 15% of IDEA allocation.
- Comprehensive coordinated early intervening services (CCEIS)
 - **Mandatory** if identified as having significant disproportionality.
 - Districts must use 15% of IDEA allocation.
 - Services provided to non-identified students, as well as students with disabilities, who need additional academic and behavioral supports to succeed in the general education environment. The activities should address the factors that contributed to the significant disproportionality.
 - May include professional development, educational and behavioral evaluations, additional services, and supports.

CEIS (Voluntary)

- The aggregate of the LEA's section 611 and section 619 amounts for both the regular formula IDEA awards and the supplemental IDEA ARP awards should not exceed more than 15% of the total Part B amount an LEA receives for the fiscal year.

Total of IDEA Pre-K & IDEA K-12

+

Total of IDEA ARP Pre-K & IDEA ARP K-12

15% of the total Part B award amounts

CCEIS (Mandatory)

- 15 percent of the amount the LEA receives under Part B for any fiscal year) to provide CCEIS to address factors contributing to the significant disproportionality.

Supplement Not Supplant

- The general non-supplant requirement for IDEA funds in 34 CFR §300.202(a)(3) states that funds provided to LEAs under Part B of the IDEA must be used to supplement State, local, and other Federal funds and not to supplant those funds.

Proportionate Share

Proportionate Share Calculations

- IDEA section 612(a)(10)(A)(i)(I), states an LEA must first aggregate the FFY 2021 funds received under the section 611 (Grants to States) regular and IDEA ARP awards and apply the formula outlined in 34 C.F.R. § 300.133 for calculating the proportionate share to the aggregated amount.
- Similarly, for children aged 3-5, the proportionate share is based on the total FFY 2021 funds received under the section 619 (Preschool Grants) regular and IDEA ARP awards.



Eligible Private School Students ages 3-21

Data	Count	Possible Data Source
Total number of eligible parentally-placed private school students ages 3-21 with disabilities		District data collection during fall 2020 via consultation process, paper survey, and/or other methods. For students to be considered in this count, private schools must meet the state's statutory definition, as an elementary or secondary school with kindergarten or higher grades AND be registered with the FDOE as a "not-for-profit" private school.

Eligible Public School Students ages 3-21 with disabilities

Total number of eligible public school students ages 3-21		October 2020 survey 2, child count of students with disabilities reported to FDOE through automated student data system
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Eligible Public School and Private School Students Ages 3-21

Total number of eligible students ages 3-21 attending schools (public and private) in the district		Calculated Total
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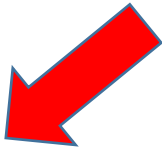
Proportion of eligible private school Students to total eligible population		Calculated Percentage
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IDEA, Part B, Allocation

Federal Funds		Federally-mandated formula
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IDEA, Part B, Proportionate Share

Part B Proportionate Share		Calculated Proportionate Share
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Tracking and Reporting Process


Reporting

- The supplemental IDEA ARP awards will be assigned separate Catalog of Federal Domestic Assistance (CFDA) numbers, allowing the funds to be tracked separately from the regular IDEA awards.

IDEA ARP Application Submission Process

- Applications will be emailed to all LEAs and submitted via a paper-based method using the OGM ShareFile Folder.
- Four project numbers for the 2021-22 SY (IDEA K-12, IDEA Pre-K, IDEA ARP K-12, IDEA ARP Pre-K)
- IDEA ARP funds will be tracked separately from the regular IDEA funds utilizing the excel document provided by the bureau.
- LEAs will submit 1 supplemental IDEA ARP application via the OGM ShareFile.
- LEAs will submit two DOE-100A forms (IDEA ARP K-12, IDEA ARP Pre-K)

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Resources:

- IDEA American Rescue Plan Funds
<https://www2.ed.gov/policy/speced/leg/arp/index.html>
- IDEA- ARP Facts Sheet
<https://www2.ed.gov/policy/speced/leg/arp/arp-idea-fact-sheet.pdf>
- Dear OSERS Grantee Letter: Prior approval applies to State formula grant programs
<https://www2.ed.gov/policy/speced/guid/faq-prior-approval-10-29-2019.pdf>
- U.S. Department of Education Emergency Education Relief Programs FAQs
https://oese.ed.gov/files/2021/05/ESSER.GEER_FAQs_5.26.21_745AM_FINALb0cd6833f6f46e03ba2d97d30aff953260028045f9ef3b18ea602db4b32b1d99.pdf
- WestEd Webinars <https://www.wested.org/webinars-home/>



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