

# FFY 2023 IDEA GRANT APPLICATION PROCESS

OSEP NATIONAL TA CALL

March 2, 2023

# Agenda

- ▶ Introduction - Gregg Corr, Director, MSIP
  - Presenters: Jennifer Simpson, Travis Bryant, Lucille Sleger, and Gbenimah Slopadoe
- ▶ Application Deadline & Public Participation
- ▶ Grant Memos - New Requirements/Critical Content
- ▶ Application Package Contents/Template Review

# Important Dates & Public Participation

- ▶ **Application deadline** – Part B and Part C - **May 24, 2023**
- ▶ **Public Participation deadline** – **March 24, 2023**
  - Post completed GEPA Section 427 form with application
  - Include *FFY 2022* allocation information
    - Part B: Insert FFY 2022 Interactive Spreadsheet into FFY 2023 application
    - Part C: Insert FFY 2022 Section III into FFY 2023 application
- ▶ Upon receipt of allocation tables:
  - Insert updated info with application and repost
  - Resume public participation (clock **does not** restart)

# FFY 2023 Grant Packages

- ▶ Email- February 24 – Grant Package Documents
- ▶ Main components
  - Grant Memo
    - Due Date, Public Participation, Special Instructions, Submission Process
  - Instructions
    - Guidance for completing the application template
  - Application Template
  - GEPA Section 427 form - **NEW**

# FFY 2023 Grant Packages-Supporting Docs

The following are program-specific grant package documents:

## Part B

- ▶ Year-of-Age Cohort
- ▶ Link for Technical Assistance Checklist

## Part C

- ▶ Indirect Cost
- ▶ Link for Policy Checklists

# Build America Buy America Act (BABAA)

- ▶ Under BABAA, grantees may not use their Federal IDEA grant funds for infrastructure projects or activities (e.g., construction, remodeling, and broadband infrastructure) unless they comply with the following Buy America Sourcing requirements:
  - All iron, steel, and manufactured products used in the project or activity are produced in the U.S. and,
  - All construction materials are manufactured in the U.S.
- ▶ Applies to all IDEA grants issued since October 1, 2022
- ▶ Does not retroactively apply to grants awarded prior to October 1, 2022
- ▶ More guidance and the link to BABAA waiver are included in grant memo

# GEPA – Section 427

## What is it?

Section 427 of the General Education Provisions Act (GEPA) requires that all Department grantees provide a description that includes the steps and strategies the State proposes to take to ensure equitable access to, and participation in, activities conducted under IDEA Part B/Part C by addressing the special needs of infants, toddlers, and students with disabilities in order to overcome barriers to equitable participation, including barriers based on gender, race, color, national origin, disability, and age.

# GEPA Section 427 Form

OMB Control Number 1894-0005  
Expiration 2/28/2026

**NOTICE TO ALL APPLICANTS:  
EQUITY FOR STUDENTS, EDUCATORS, AND OTHER PROGRAM  
BENEFICIARIES**

Section 427 of the General Education Provisions Act (GEPA) ([20 U.S.C. 1228a](#)) applies to applicants for grant awards under this program.

**ALL APPLICANTS FOR NEW GRANT AWARDS MUST INCLUDE THE FOLLOWING INFORMATION IN THEIR APPLICATIONS TO ADDRESS THIS PROVISION IN ORDER TO RECEIVE FUNDING UNDER THIS PROGRAM.**

Please respond to the following requests for information:

1. Describe how your entity's existing mission, policies, or commitments ensure equitable access to, and equitable participation in, the proposed project or activity.

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2. Based on your proposed project or activity, what barriers may impede equitable access and participation of students, educators, or other beneficiaries?

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3. Based on the barriers identified, what steps will you take to address such barriers to equitable access and participation in the proposed project or activity?

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4. What is your timeline, including targeted milestones, for addressing these identified barriers?

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**Notes:**

1. Applicants are not required to have mission statements or policies that align with equity in order to submit an application.
2. Applicants may identify any barriers that may impede equitable access and participation in the proposed project or activity, including, but not limited to, barriers based on economic disadvantage, gender, race, ethnicity, color, national origin, disability, age, language, migrant status, rural status, homeless status or housing insecurity, pregnancy, parenting, or caregiving status, and sexual orientation.

- ▶ **Q1:** Describe how mission/policies ensure equitable access and participation.
- ▶ **Q2:** What barriers impede equitable access and participation?
- ▶ **Q3:** What steps will you take to address barriers?
- ▶ **Q4:** What is timeline and milestones for addressing barriers?



# GEPA Section 427 Form

As you complete the form, consider:

- Existing data
  - SSIP; Family Outcomes/Parent Involvement; Child Find (Part C/Preschool)
  - Post pandemic analysis of program status – Who is missing? What outreach is needed?
- Stakeholder input – past and present – on access and barriers
- Activities already underway to address barriers
- Barriers can include: economic disadvantage, language, housing insecurity, geography (rural vs. urban), etc.


# GEPA Section 427- Local Implications/Subgrants

- Information on GEPA form applies to State-level uses of funds for activities other than program administration.
- **Special Note:** Part B (and Part C programs that subgrant):
  - GEPA Section 427 also applies to subgrantee applications
  - State is responsible for reviewing subgrantee applications for GEPA Section 427
  - **For FFY 2023** – two options for subgrantee applications:
    - Provide new GEPA form to subgrantees for their applications; **or**
    - Continue to implement current GEPA requirement if subgrantee applications can be completed before June 30, 2023, when the current GEPA requirement expires

# GEPA and Application Requirements

All States must:

- Complete GEPA form – can use Word version or fillable PDF
- Include GEPA form with application for public participation
- Submit GEPA form with final application by due dates
  - Revised GEPA form *replaces* information previously on file at OSEP
- Review form and revise as needed each year
- **Part C only:** Select “new” for Section IIA 12 on application

				<b>12.</b> Each application must include, as required by Section 427 of the General Education Provisions Act (GEPA), a description of how 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. (34 CFR §303.212(a))
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# Extended Part C Option and Appropriations

## Department Clarification:

States may offer IDEA Part C services beyond age three **as long as they are** offered under Section IIA 13 consistent with IDEA Section 635(c) and 34 C.F.R. § 303.211. **IDEA Part C extension:**

- May only be provided to children who were previously determined eligible under IDEA Part C **and** are eligible for Part B preschool services under IDEA Section 619
- May be provided to children who meet one of the subset age ranges in 34 C.F.R. § 303.211(a)(2) (i.e., for a child who has turned three until the beginning of the school year following the child's third birthday, as defined by the local educational agency or school district of that child's residence)

# Extended Part C Option – State Incentive Grant

In any fiscal year in which the appropriation for Part C exceeds \$460 million, the statute includes authority for the Department to reserve 15 percent of the amount above \$460 million for a State Incentive Grants (SIG) program:

- **Purpose:** Provide funding to assist States that have elected to extend eligibility for Part C services to children with disabilities aged 3 years until entrance into kindergarten or elementary school, or for a portion of this period
- States can elect to offer the Extended Part C Option without the SIG
- States interested in exploring the Part C Extended Option (and the State Incentive Grant) should contact their OSEP State Lead no later than May 24, 2023, to schedule targeted technical assistance

# Public Participation

## ► Application

- Publish application for at least 60 days prior to submission to OSEP
- Allow public comment for 30 days during the 60 day period

## ► New/revised policies and procedures – Part C

- Consult with State Lead for guidance regarding policy
- Publish for 60 days and accept comments for 30 days prior to submission to OSEP
- Hold hearings

# Grant Flexibilities

## ► Public Participation

- Virtual hearings are permissible again this year; however, consult with State Attorney's office to ensure allowable under State rules
- Guidance in Grant Memo

## ► Application Submission

- Send OSEP an email, from a State Government email address, with a **PDF copy of application with electronic signature** by application due date
- Mail hard copy application no later than August 1, 2023
- OSEP will conduct Signature Verification process

## ► See Submission section of grant memo for more details

# Application Template

## Part B



# Section IA – Submission Statement

## ▲ A. Submission Statement for Part B of IDEA

Please select 1 or 2 below. Check 3 if appropriate.

- \_\_\_\_ 1. The State provides assurances that it has in effect policies and procedures to meet all eligibility requirements of Part B of the Act as found in PL 108-446, the Individuals with Disabilities Education Act and applicable regulations (IDEA). The State is able to meet all assurances found in Section II.A. of this Application.
- \_\_\_\_ 2. The State cannot provide assurances for all eligibility requirements of Part B of the Act as found in PL 108-446. The State has determined that it is unable to make the assurances that are checked as 'No' in Section II.A. 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 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, 2024. The State has included the date by which it expects to complete necessary changes associated with assurances marked 'No'. (Refer to Assurances found in Section II.A.)

Optional:

- \_\_\_\_ 3. The State is submitting modifications to State policies and procedures previously submitted to the Department. 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 regulations.

## 1. Full Approval

- Select if “yes” responses to all assurances

## 2. Conditional Approval

- Select if “no and date” response to an assurance

## 3. Optional

- Use only if submitting a policy/procedure

# Section IB – Conditional Approval for FFY 2022

## 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. Section II.A. provides documentation of completion of all issues identified in the FFY 2022 conditional approval letter.
- ☐ b. As noted in Section II.A., the State has not completed all issues identified in the FFY 2022 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 2022 conditional approval letter.
- ☐ b. The State is attaching documentation of completion of all issues identified in the FFY 2022 conditional approval letter. *(Attach documentation showing completion of all issues.)*
- ☐ c. The State has not completed all issues identified in the FFY 2022 conditional approval letter. *(Attach documentation showing completion of any issues and a list of items not yet completed.)*

- **Only** use if conditional approval last year (FFY 2022)

1. Conditional Approval related to Section IIA Assurances
2. Conditional Approval related to Other Issues

# Section IIA – Assurances Related to Policies

## Section II

### A. Assurances Related to Policies and Procedures

The State makes the following assurances that it has policies and procedures in place as required by Part B of the Individuals with Disabilities Education Act. (20 U.S.C. 1411-1419; 34 CFR §§300.100-300.174)

Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)  Check and enter date(s) as applicable	Assurances Related to Policies and Procedures
		1. A free appropriate public education is available to all children with disabilities residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled, in accordance with 20 U.S.C. 1412(a)(1); 34 CFR §§300.101-300.108.
		2. The State has established a goal of providing a full educational opportunity to all children with disabilities and a detailed timetable for accomplishing that goal. (20 U.S.C. 1412(a)(2); 34 CFR §§300.109-300.110)

- ▶ Provide a “yes” or “no” response
- ▶ “No” responses require a date by which the State will be able to provide the assurance – no later than June 30, 2024
- ▶ Contact your State Lead if you plan to insert a “no” response in Section IIA

# Section IIB & IIC: Assurances/Certifications

## B. Other Assurances

The State also makes the following assurances:

Yes	Other Assurances
	1. The State shall distribute any funds the State does not reserve under 20 U.S.C. 1411(e) to local educational agencies (including public charter schools that operate as local educational agencies) in the State that have established their eligibility under section 613 for use in accordance with this part as provided for in 20 U.S.C. 1411(f)(1)-(3); 34 CFR §300.705.
	2. The State shall provide data to the Secretary on any information that may be required by the Secretary. (20 U.S.C. 1418(a)(3); 34 CFR §§300.640-300.645.)
	3. The State, local educational agencies, and educational service agencies shall use fiscal control and fund accounting procedures that insure proper disbursement of and accounting for Federal funds. (34 CFR §76.702)
	4. As applicable, the assurance in OMB Standard Form 424B (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.

## C. Certifications

The State is providing the following certifications:

Yes	Certifications
	1. The State certifies that ED Form 80-0013, <i>Certification Regarding Lobbying</i> , is on file with the Secretary of Education.  With respect to the <i>Certification Regarding Lobbying</i> , 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 the arrangements to establish responsibility for services pursuant to 20 U.S.C. 1412(a)(12)(A)(C); 34 CFR §300.154 (or 20 U.S.C. 1412(a)(12)(A)); 34 CFR §300.154(a) are current. This certification must be received prior to the expenditure of any funds reserved by the State under 20 U.S.C. 1411(e)(1); 34 CFR §300.171.

- ▶ Only "yes" responses are permissible
- ▶ **Section IIC only has two items now**
- ▶ Contact your State Lead if you cannot respond "yes" to these items

# Section IID: Statement (Signature Page)

## D. Statement

I certify that the State of \_\_\_\_\_ 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 20 U.S.C. 1431-1443 (as amended) and the 2011 regulations in 34 CFR Part 303 (as amended). The State will operate its IDEA 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 consistently with the requirements of the IDEA as found in 20 U.S.C. 1431-1443 (as amended) and the 2011 regulations in 34 CFR Part 303 (as amended), 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, 2024. (34 CFR §76.104)

I, the undersigned authorized official of the

\_\_\_\_\_,  
(Name of State and official name of State agency)

am designated under Part C by the Governor of this State to submit this application for FFY 2023 funds under Part C of the Individuals with Disabilities Education Act (IDEA).

Printed/Typed Name and Title of Authorized Representative of the State:

Signature:

Date:

- ▶ Insert State name **(two areas)**
- ▶ Name of State agency
- ▶ Name and title of lead agency director or their designee
- ▶ Signature and date
- ▶ Changes to responses in Section II, after submission of grant, require a new signature

# Section III: Description of Use of Funds

State

## Section III

### Description of Use of Funds Under Part B of the Individuals with Disabilities Education Act—20 U.S.C. 1411(e)(5); 34 CFR § 300.171

States must provide the Description of Use of Funds by completing and submitting the Excel Interactive Spreadsheet with the FFY 2023 Application.

Describe how the amount retained by the State educational agency under 20 U.S.C. 1411(e)(1) will be used to meet the following activities under Part B. (20 U.S.C. 1411(e)(1)-(3), (6) and (7).) The Department annually identifies for States the maximum amounts that a State may retain under Section 1411(e)(1) and (2).<sup>1</sup> The dollar amounts **listed in the Excel Interactive Spreadsheet** by the State for administration and for other State activities should add up to less or equal to the dollar amount provided to the State by the Department for each of these activities.

**Enter whole dollar amounts (do not enter cents) in appropriate cells on the State's Excel Interactive Worksheet. The Excel Interactive Spreadsheet must be submitted as part of the State's application.**

Describe the process used to get input from LEAs regarding the distribution of amounts among activities described in the Excel Interactive Spreadsheet to meet State priorities. (20 U.S.C. 1411(e)(5)(B); 34 CFR § 300.704)

- ▶ Attach your Interactive Spreadsheet to the grant application

\*For public participation, include your State's 2022 interactive spreadsheet until 2023 allocations are released

- ▶ Include, in the application template, how you solicit LEA input on your Interactive Spreadsheet



# Section IV: State Administration

State

## Section IV

### State Administration

Section 608(a) of the IDEA requires each State that receives funds under this title to:

- (1) ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title;
- (2) identify in writing to local educational agencies located in the State and the Secretary any such rule, regulation, or policy as a State-imposed requirement that is not required by this title and Federal regulations; and
- (3) minimize the number of rules, regulations, and policies to which the local educational agencies and schools located in the State are subject under this title.

States must attach to this application a list identifying any rule, regulation, or policy that is State-imposed (not required by IDEA or Federal regulations). If there are no such State-imposed rules, regulations, or policies, please so indicate. In addition, the State is required to inform local educational agencies in writing of such State-imposed rules, regulations or policies. (20 U.S.C. 1407(a); 34 CFR § 300.199)

- ▶ Attach any State imposed rules not required by IDEA or Federal regulations
- ▶ If you do not have State imposed rules, please indicate this on the application template

# Section VA: Maintenance of State Financial Support

## Section V

### A. Maintenance of State Financial Support

Pursuant to the authority established in IDEA section 618(a)(3), each applicant for funds under section 611 must provide the following State fiscal data with a certification of its accuracy by the State budget office or an authorized representative thereof. Amounts should be shown in whole dollars and are for the State fiscal year (SFY). States may meet the maintenance of State financial support (MFS) requirement in IDEA section 612(a)(18) and 34 CFR § 300.163 on either a total or per capita basis. In order to complete Section V.A. of the Application, States must provide in whole dollars the total amount of State financial support made available for special education and related services for children with disabilities during SFYs 2021 and 2022. However, if a State met the MFS requirement on a per capita basis, it **must** complete the first chart and then may also complete the second chart by providing, in whole dollars, the amount of State financial support made available for special education and related services per child with a disability during SFYs 2021 and 2022.

Total Amount of State Financial Support Made Available for Special Education and Related Services for Children with Disabilities

SFY 2021	
SFY 2022	

Per capita amount of State Financial Support Made Available for Special Education and Related Services for Children with Disabilities

SFY 2021	
SFY 2022	

- ▶ Must provide in whole dollars the total amount of State financial support made available for special education and related services during SFYs 2021 and 2022
- ▶ If MFS met on a per capita basis, must complete 1st chart and 2nd chart by providing, in whole dollars, the amount of State financial support made available for special education and related services, per child with a disability, during SFYs 2021 and 2022
- ▶ Document must be completed, signed, and dated by State Budget Officer or their authorized representative



# Section VB: Significant Disproportionality

## SECTION V.B.

### SIGNIFICANT DISPROPORTIONALITY REPORTING FORM

Select State/Entity

#### Introduction:

In accordance with 34 CFR § 300.647 (b)(7), States are required to report to the Secretary risk ratio thresholds, minimum cell sizes, minimum n-sizes, standards for measuring reasonable progress, if appropriate, and rationales for each. In general, these rationales must contain justifications for the choices made, including all relevant data and research relied upon to make an informed choice and how the State included stakeholders in that process. Additionally, pursuant to the authority established in Section 618(a)(3) of the IDEA, the Secretary is also requiring States to report the number of years of data used by your State in making annual determinations of significant disproportionality.

#### Section A: Minimum N-Sizes

1. Has the State: a. established a minimum n-size of 30 or less in each of the 14 categories of analysis described in § 300.647(b)(3) and (4) <b>and</b> b. verified that the State does not expect to have a comparison group in any of the categories of analysis that meets the minimum n-size?	<input type="radio"/> Yes <input type="radio"/> No
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If you answered **YES** to question 1, stop. Go to Page 14, enter the name, title and click "Submit".

2. Does your State use a presumptively reasonable minimum n-size of 30 or less for each of the 14 categories of analysis described in § 300.647(b)(3) and (4)?	<input type="radio"/> Yes <input type="radio"/> No
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If you answered **YES** to question 2 please answer question 2a:

2a. Does your State use the same minimum n-size for all categories of analysis?	<input type="radio"/> Yes <input type="radio"/> No
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- ▶ States submitted forms with FFY 2020 applications
- ▶ An updated form is needed **only** if you changed your methodology, risk ratios, or other aspects of your calculation since the original Significant Disproportionality Form submission
- ▶ Contact your State Lead for instructions on submitting an updated form

# Application Template

## Part C

# Section IA: Submission Statement

State

## 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, certifications, and assurances meet all application requirements of Part C of the Act as found in the Individuals with Disabilities Education Act (IDEA), codified at 20 U.S.C. 1431 through 1443 and the Part C regulations in 34 CFR Part 303. 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 either has on file with the Secretary or has submitted new or revised State policies, procedures, methods, and descriptions that meet all requirements found in Section II.A.
2. ☐ The State cannot provide the policies, procedures, methods, descriptions, and/or assurances for all application requirements of Part C of the Act as found in Part C of the IDEA, 20 U.S.C. 1431 through 1443 and the Part C regulations in 34 CFR Part 303. 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 consistently with all requirements of IDEA in 20 U.S.C. 1431 through 1443 and the 2011 Part C regulations in 34 CFR Part 303. 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 Part C Act and regulations, as amended, as soon as possible, and not later than June 30, 2024. 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' in Section II.A are enclosed with this application as revised or new or are identified as "OF" already on file with the Secretary.<sup>1</sup>
- Optional:  
3. ☐ The State is submitting new or modified State policies and procedures previously submitted to the Department and checked in Section II.A, "N", "R" or "OF" cell(s) found in the 'Yes' column. These modifications are a result of: (1) the State revising its applicable State law or regulations; (2) changes required by the Secretary due to 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.

## 1. Full Approval

- Select if “yes” responses to all assurances

## 2. Conditional Approval

- Select if “no and date” response to an assurance

## 3. Optional

- Use only if submitting a policy/procedure

# Section IB: Conditional Approval for FFY 2022

## B. Conditional Approval for Current Grant Year

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

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

- ☐ a. Sections II.A and II.B reflect completion of all issues identified in the FFY 2022 conditional approval letter (attach any additional documentation required by the FFY 2022 letter).
- ☐ b. As noted in Sections II.A and II.B, the State has not completed all issues identified in the FFY 2022 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 2022 conditional approval letter.
- ☐ b. The State is attaching documentation of completion of all issues identified in the FFY 2022 conditional approval letter. *(Attach documentation showing completion of all issues.)*
- ☐ c. The State has not completed all issues identified in the FFY 2022 conditional approval letter. *(Attach documentation showing completion of any issues and a list of items not yet completed.)*

- **Only** use if conditional approval last year (FFY 2022)

1. Conditional Approval related to Section II.A Assurances
2. Conditional Approval related to Other Issues

# Section II A: Policies/Procedures/Methods

State

## 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 the Individuals with Disabilities Education Act (IDEA or Act) in 20 U.S.C. 1431–1443 and the Part C regulations in 34 CFR Part 303 (Part C). By submission of this Section II, the State assures that throughout the period of this FFY 2023 grant award, the State will operate consistently with all requirements of Part C of the IDEA in 20 U.S.C. 1431 through 1443 and the Part C regulations in 34 CFR Part 303. 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 Part C Act and regulations by the date indicated below and not later than June 30, 2024.

- Check and enter date(s) as applicable.
- Enclose relevant documents.

**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.)

**N** = 'New' Policy and/or Procedure

**R** = 'Revised' Policy and/or Procedure

**OF** = Policy and/or Procedure is already 'On File' with the USDE

**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, 2024.)

Yes: N	Yes: R	Yes: OF	No	State Policies, Procedures, Methods, and Descriptions
				<b>Subpart C—State Policies and Procedures</b>
				1. Each application must include the name of the State lead agency, as designated under §303.120, that will be responsible for the administration of funds provided under this part. (34 CFR §303.201)
				2. Each application must include a description of services to be provided under Part C to infants and toddlers with

## ► Three response options in “yes” column:

- N – New: Providing a policy for first time
- R – Revised: Providing a revision to a previously approved policy
- OF – On file: Policy is “on file” with OSEP

## ► “No” column: one response option

- Insert a date no later than 6/30/2024 for completion of the policy

## ► Changes to responses in Section II, after submission of grant, require a new signature



# Section IIB: Assurances & Optional Assurance

## 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.; 34 CFR §§303.101-126; 303.220; 303.227)

Yes (Assurance is hereby provided.)	No (Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.) Check and enter date(s) as applicable	Subpart B—Assurances (20 U.S.C. 1434; 1435; and 1437(b); 34 CFR §§303.101-126; 303.220; 303.227)
		<p>1. The State has adopted a policy that appropriate early intervention services, as defined in 34 CFR §303.13, are available to all infants and toddlers with disabilities in the State and their families, including—</p> <ul style="list-style-type: none"><li>(a) Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the <u>State</u>;</li><li>(b) Infants and toddlers with disabilities who are homeless children and their families; and</li><li>(c) Infants and toddlers with disabilities who are wards of the State.</li></ul> <p>(34 CFR §303.101(a))</p>

- ▶ Provide a “yes” or “no” response
- ▶ “No” responses require a date by which the State will be able to provide the assurance
- ▶ Contact your State Lead if you plan to insert a “no” response in Section IIB

# Section IIC: Certifications

## C. Certifications

The State Lead Agency is providing the following certifications:

Yes	
	<p>1. The State certifies that ED Form 80-0013, <i>Certification Regarding Lobbying</i>, is on file with the Secretary of Education.</p> <p>With respect to the <i>Certification Regarding Lobbying</i> 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.</p>
	<p>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 <u>State</u> application, and consistency of that application with State law are in place within the State.</p>
	<p>3. The State certifies that the arrangements to establish financial responsibility for the provision of Part C services among appropriate public agencies under §303.511 and the lead agency's contracts with EIS providers regarding financial responsibility for the provision of Part C services meet the requirements in §§303.500 through 303.521 and are current as of the date of submission of the certification. (34 CFR §303.202)</p>

## IIC : Certifications

- ▶ States certify that they do not use IDEA funds for lobbying and confirm that the State has the authority to implement the provisions of the application and adheres to Federal regulations for establishing financial responsibility of the program
- ▶ Only "yes" responses are permitted
- ▶ Contact OSEP State Lead if unable to respond to any items

# Section II D: Statement

## D. Statement

I certify that the State of \_\_\_\_\_ 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 20 U.S.C. 1431-1443 (as amended) and the 2011 regulations in 34 CFR Part 303 (as amended). The State will operate its IDEA 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 consistently with the requirements of the IDEA as found in 20 U.S.C. 1431-1443 (as amended) and the 2011 regulations in 34 CFR Part 303 (as amended), 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, 2024. (34 CFR §76.104)

I, the undersigned authorized official of the

\_\_\_\_\_,  
(Name of State and official name of State agency)

am designated under Part C by the Governor of this State to submit this application for FFY 2023 funds under Part C of the Individuals with Disabilities Education Act (IDEA).

Printed/Typed Name and Title of Authorized Representative of the State:	
Signature:	Date:

## IID : Statement (Signature Page)

- ▶ Insert State name **(two areas)**
- ▶ Name of State agency
- ▶ Name and title of lead agency director or their designee
- ▶ Signature and date
- ▶ Changes to responses in Section II, after submission of grant, require a new signature



# Section IIIA: Use of Funds – Positions

## SECTION III

### A. Description of Use of Federal IDEA Part C Funds for the State Lead Agency (LA) and the Interagency Coordinating Council (ICC)<sup>2</sup>

**Please Note:** Completion of Section IIIA is required for all States, regardless of lead agency.

When completing this section include:

- Totals for the number of lead agency and ICC administrative positions, salaries and fringe benefits funded either 100 percent and/or less than 100 percent with Federal IDEA Part C funds;
- A general description of the duties which the positions entail;
- A distinction between lead agency and ICC roles: insert (LA) or (ICC) in the "Description of Duties;" after each position; 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	Salaries & Fringe Benefits	Description of Duties
100% funded with Part C Funds				
< 100% funded with Part C Funds				
Subtotal of amount under A:				

## IDEA Funds for State LA and ICC

- ▶ Label positions as "LA" or "ICC"
- ▶ Specify:
  - # of positions funded 100% or <100% with Federal IDEA Part C funds
  - % of time spent on Part C
  - Amount of salaries & fringe benefits
  - Description of duties
- ▶ All Part C programs must complete Section IIIA

# Section IIIB: Use of Funds-LA & ICC Activities

## B. Maintenance and Implementation Activities for the Lead Agency and the 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:
  - Lead Agency Activities could include enhancing the Comprehensive System of Personnel Development, implementing child find strategies, or ensuring a timely, comprehensive, multidisciplinary evaluation for each child;
  - ICC 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 ICC
- The approximate amount of Federal IDEA Part C funds to be spent for each activity; and
- A subtotal of the amount.

**Special Note: Prior Approval**

Some direct costs require prior approval. These items include using Federal IDEA Part C funds to pay for: (1) equipment; (2) participant support costs (such as training or travel costs); (3) construction or renovation of facilities; and (4) rent, occupancy or space maintenance costs.<sup>3</sup> The October 2019 *Frequently Asked Questions (2019 FAQs) Prior Approval – OSEP and RSA Formula Grants*<sup>4</sup> which provides prior approval for certain **equipment and participant support costs**. Please review this FAQ at <https://www2.ed.gov/policy/speced/guid/faq-prior-approval-10-29-2019.pdf> prior to completing Section III. B. For any activity or expense listed under Section III of this application that is not covered by the scope of the 2019 FAQs and requires OSEP prior approval, mark an “X” in the chart below. The State must submit supporting documentation for any direct costs that require OSEP prior approval.

**Approval of the State’s FFY 2023 application does not constitute OSEP’s approval of these expenses unless specifically referenced.** (Add rows as needed)

Major Activity/ Expense	Part C Funds to be Spent	Description of Activities/Expenses (include whether it is for the Lead Agency or SICC)	Prior Approval Needed
Subtotal of amount			

## Maintenance & Implementation Activities-LA & ICC

- ▶ Label positions as “LA” or “ICC”
- ▶ Provide:
  - Name of activity (e.g., Child Find; CSPD; etc.)
  - Approximate amount of Federal IDEA Part C funds used
  - Description of activity
  - Mark in last column if OSEP prior approval is needed. See link in template to FAQ for prior approval



# Section II C: Use of Funds – Direct Services

**C. Direct Services (Funded by Federal IDEA Part C Funds)**

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 Federal IDEA Part C funds;
- The approximate amount for each direct service (States must disaggregate by service the approximate amount of Federal IDEA Part C funds expected to be expended for each direct service); and
- A subtotal of the amount.

*(Add rows as needed.)*

Description of Each Direct Early Intervention Service	Approximate Amount of Federal IDEA Part C Funds to be Spent on Each Direct Service
Subtotal of amount under C:	

## Direct Services- Funded by Federal IDEA Part C

► Provide:

- Description of EI Service (OT, PT, Speech, etc.)
- Approximate Amount of Federal IDEA Part C funds to be used for service



# Clarification – Section IIIC

Some States report entire amount of IDEA Part C funds provided via contract to an early intervention service (EIS) provider and include *both* costs for direct services and other expenses

- If contracts include costs other than direct services, report amount and type of non-service expenses in Section III.B (Maintenance and Implementation Activities for LA and ICC)
- If contracts cannot be easily disaggregated, report entire amount in Section IIIC and use footnote to denote that amount includes expenses for non-direct services

**Example:** State contracts with an EIS provider for physical therapy (PT) services and training

- Amount for training goes under Section III.B and the amount for PT services goes under Section IIIC **or**
- Entire amount goes under Section III.C with a footnote to indicate estimated amount also includes training expenses.

# Section IID: Use of Funds-Other State Agencies

## Activities by Other State Agencies

**D. Activities by Other State Agencies**

If State agencies (other than the State lead agency) are to receive a portion of the Federal IDEA Part C funds and that amount is not already identified in Section III.C above, the State must include in this section:

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

Provide subtotal of amount. (Add rows as needed.)

State Agency Receiving Funds	Amount of Funds	Purpose
Subtotal of amount under D:		

► Only complete if program provides Federal IDEA Part C funds to other State agencies:

► Provide:

- Name of Agency
- Approximate amount of Federal IDEA Part C funds
- Purpose of funds



# Section IIIE: Use of Funds-Optional Use

## E. Description of Optional Use of IDEA Part C Funds<sup>5</sup>

In addition to using Federal IDEA Part C funds to maintain and implement the statewide system of early intervention, States may use funds for:

- expanding and improving on services for infants and toddlers and their families that are otherwise available; and
- initiating, expanding, or improving collaborative efforts related to at-risk infants and toddlers in any State that does not provide services for at-risk infants and toddlers. The application must include:
  - The name of the major activity;
  - The approximate amount of funds to be spent; and
  - A description of the activities.

Provide subtotal of amount. (Add rows as needed.)

Major Activity	Part C Funds to be Spent	Description of Activities
Subtotal of amount under E:		

## Description of Optional Use-IDEA Part C Funds

- ▶ Only complete if program provides Federal IDEA funds for purposes such as services to at-risk infants and toddlers:
- ▶ Provide:
  - Name of Activity
  - Approximate amount of Federal IDEA Part C funds
  - Description of Activity



# Section IIIF: Use of Funds - Totals

## F. Totals

Enter the subtotal amounts for Sub Sections A-E found in Section III and any indirect costs charged as specified in Section IV.B. The subtotal amounts (Rows 1-6) should total the estimated grant application amount. (A State may apply for less than the full estimated allotted amount.)

Row No.	Section	Amount
Enter the subtotal amounts for Sub Sections A-E found in Section III of this application.		
1.	III.A.	\$
2.	III.B.	\$
3.	III.C.	\$
4.	III.D.	\$
5.	III.E.	\$
Enter any Indirect Costs to be Charged (See Section IV.B of this application.)		
6.	IV.B	\$
<b>Total</b> (Rows 1-6)		\$

- ▶ Include subtotals from each area of Section III
- ▶ If applicable, include subtotal from Section IVB: Indirect Costs
- ▶ Final total should equal your FFY 2023 allocation



# Section IV: System of Payments/Indirect Costs

## SECTION IV

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

The State

\_\_\_\_\_ does (check as applicable)

\_\_\_\_\_ does not (check as applicable)

have a system of payments for Part C services under 34 CFR §§303.203(b)(1), 303.500(b), 303.520, and 303.521 which may include the use of public benefits or insurance, private insurance or family fees, such as a sliding scale. Any family fees collected are treated as "program income" for purposes of 2 CFR §200.307(e) and 34 CFR §303.520(e) and are not included in the State's determination of State and local expenditures for maintenance of effort and non-supplanting purposes of 20 U.S.C. 1437(b)(5)(B) and 34 CFR §303.225(a) and (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 3.a in Section II.A above.*

### B. Restricted Indirect Cost Rate/Cost Allocation Plan Information

Under IDEA's non-supplanting provisions in 20 U.S.C. 1437(b)(5)(B) and Part C regulation in 34 CFR §303.225(c), a lead agency may not charge indirect costs to its Part C grant unless the lead agency charges indirect costs through either— (i) A restricted<sup>6</sup> indirect cost rate that meets the requirements in 34 CFR §§76.560 through 76.569; or (ii) A cost allocation plan that meets the non-supplanting requirements in paragraph (b) of this section and 34 CFR part 76 of EDGAR.

Check the applicable status below (more than one check mark may be necessary) and enclose appropriate documentation for this Federal Fiscal Year.

\_\_\_\_\_ 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.

\_\_\_\_\_ The lead agency is an State educational agency (SEA) and works directly with the U.S. Department of Education's Indirect Cost Unit to ensure that indirect costs are only charged on a restricted basis to the State's IDEA Part C grant. The State has a final restricted indirect cost rate agreement that is approved for the period \_\_\_\_\_ through \_\_\_\_\_. (Please attach a copy of the most recently approved restricted indirect cost rate agreement or cost allocation plan or other applicable indirect cost documentation.)

\_\_\_\_\_ The lead agency is not an SEA and has a final restricted indirect cost rate that has been approved by the State lead agency's cognizant Federal agency and is in effect for this FFY (ending on June 30, 2024) The period of approval for the restricted indirect cost rate agreement is \_\_\_\_\_ through \_\_\_\_\_. (The State must attach a copy of the approved restricted indirect cost rate agreement.)

## IVA: System of Payments (SOP)

- ▶ Select "yes" if State has SOP policy or bills insurance

## IVB: Indirect Costs (two pages)

- ▶ All States must complete
- ▶ If not charging, select "no"
- ▶ Select response based on instrument used for indirect costs – RICR or Cost Allocation Plan
- ▶ Consult with your Fiscal staff if unsure
- ▶ Provide documentation



# Fiscal Guidance Documents

## OSERS Prior Approval FAQ (released 10/29/2019)

- Summarizes guidance and approval process for equipment, participant support costs, and revision of cost items within budget and program plans

## OSEP's Guidance for Common Prior Approval Requests under IDEA Parts B and C (released 1/3/2023)

- Describes prior approval flexibilities for equipment and participant support costs and describes the parameters under which OSEP has provided prior approval for a subset of these costs

# Reminders

- ▶ Contact State Lead and OSEP Funded TA resources for assistance with application and GEPA form
- ▶ Inform OSEP of recent/upcoming changes in State leadership
  - Part C Coordinator/State Director
  - Lead Agency Director/Chief State School Officer
  - Part C programs: Lead Agency Changes
- ▶ Part B and Part C grant memos contain more details regarding information presented today

# Questions?

Contact:

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