

Grants

Making Sense of New Requirements for 2023



2023 OSEP LEADERSHIP AND PROJECT DIRECTORS' CONFERENCE





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DISCLAIMER:

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(Authority: 20 U.S.C. 1221e-3 and 3474)

New Requirements for 2023

- OSEP conducted National TA call on March 2 to discuss 2023 grant packages and new requirements which included:
 - GEPA Section 427
 - Build America Buy America
- Part C Only:
 - Clarification of Extended Part C Option
 - Disaggregation of Data in Section III (Use of Funds)



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.

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

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?

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

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.

GEPA Form Response Items

- Describe how mission/policies ensure equitable access and participation.
- What barriers impede equitable access and participation?
- What steps will you take to address barriers?
- What is timeline and milestones for addressing barriers?



GEPA 427 and Subgranting

SEAs (and LAs that subgrant) must ensure that subgrantees are complying with GEPA section 427 when subgrantees submit a **new** application after February 24, 2023.

- Three Options:
 - Require subgrantees to use and submit the new updated GEPA section 427 form that the State grantee is required to submit to the Department;
 - Require subgrantees to use and submit their previously approved GEPA section 427 description; or
 - Allow the subgrantee to submit its own description or a form that is sufficient to meet the requirements of GEPA section 427.



Feedback/Questions regarding GEPA?

- Do you have any feedback regarding the GEPA Section 427 form response items?
- Any remaining questions?



Build America Buy America Act (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 Build 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.



Clarification - BABAA

- Applies to all IDEA grants awarded since October 1, 2022.
- Does not retroactively apply to grants awarded prior to October 1, 2022.
 - If a State contracted with a vendor prior to October 1, 2022, and the work extended beyond October 1, 2022, BABAA does not apply.
- More guidance and link to waiver included in grant memo.



Feedback/Questions regarding BABAA?

- Do you have any feedback regarding the BABAA requirement?
- Any remaining questions?



Clarification of Part C Option

States may offer IDEA Part C Extension Option under Section IIA13 as long as consistent with IDEA Section 635(c) and 34 C.F.R. § 303.211 :

- 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).
- States with IDEA Part C Extension Option: CO, CT, DC, IL, MD, MO, and TN



Part C Use of Funds/Section III Instructions

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 |
|---|--|
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| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| Subtotal of amount under C: | |

Some States report the entire amount of IDEA Part C funds provided via contract to an EIS provider and include costs for direct services and other expenses.

- If contracts cannot be easily disaggregated, report entire amount in Section III C and use footnote to denote that the amount includes expenses for non-direct services or non-service expenses.
- Report amount for direct services in III C and amounts for non-service expenses in III B (Maintenance and Implementation Activities)



Questions

- Do you have any questions related to grant requirements?



Resource Spotlight

- Individuals with Disabilities Education Act (IDEA) website
 - Brings together IDEA information and resources from the Department and its grantees.
 - <https://sites.ed.gov/idea/>
- IDEAS That Work
 - For information from research to practice initiatives funded by OSEP that address the provisions of IDEA and ESSA. This website includes resources, links, and other important information relevant to OSEP's research to practice efforts.
 - <https://osepideasthatwork.org/>





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