

FFY 2024 IDEA GRANT APPLICATION PROCESS

OSEP NATIONAL TA CALL

February 8, 2024

Agenda

- ▶ Introduction - Gregg Corr, Director, MSIP
 - Presenters: Jennifer Simpson and Lucille Sleger
- ▶ Application Deadline & Public Participation
- ▶ Critical Content – Application Package
- ▶ Application Template Review

Important Dates & Public Participation

- ▶ **Application deadline** – Part B and Part C - **May 22, 2024**
- ▶ **Public Participation deadline** – **March 22, 2024**
 - If **revised** GEPA Section 427 form – post with application
 - Include *FFY 2023* Section III until FFY 2024 allocations are available
 - Part B: Insert FFY 2023 Interactive Spreadsheet into FFY 2024 application
 - Part C: Insert FFY 2023 Use of Funds into FFY 2024 application
- ▶ Upon receipt of allocation tables:
 - Insert updated Section III with application and repost
 - Resume public participation (clock **does not** restart)

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 Continue

► 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 2, 2024
- OSEP may conduct Signature Verification process

► See Submission section of grant memo for more details

FFY 2024 Grant Packages

► Grant Package will include:

- Grant Memo
 - Due Date, Public Participation, Special Instructions, Submission Process
- Instructions
 - Guidance for completing the application template
- Application Template
- GEPA Section 427 form

FFY 2024 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)

- ▶ 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/activity are produced in U.S.
 - All construction materials are manufactured in the U.S.
- ▶ Applies to all IDEA grants issued since October 1, 2022
- ▶ **New:** BABAA Waiver for Pacific Island Territories
 - Effective January 2, 2024 – See Grant Memo for more details
 - Applies to American Samoa, Commonwealth of Northern Mariana Islands and Guam

GEPA Section 427 Reminders

Background:

- ▶ 2023 - Part B and C programs submitted GEPA Section 427 forms
- ▶ Form had four questions on ensuring equitable access to programs (access barriers/strategies/timelines)

2024 Instructions:

- ▶ If revisions to form for 2024, must post form with application for public participation
- ▶ Submit revised form with application to OSEP

GEPA Section 427 Reminders

Part B (and Part C programs that subgrant)

- GEPA Section 427 also applies to subgrantee applications
- State must review subgrantee applications for GEPA Section 427 requirements
- Subgrantees should populate GEPA Section 427 forms
- See Grant Memo for additional guidance

GEPA Section 427 Reminders

Part C Only: Application Response

- If **revising** GEPA Section 427 form, select “**Revised**” for Section IIA12

Yes: N	Yes: R	Yes: OF	No	State Policies, Procedures, Methods, and Descriptions
				12. 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))

- Post revised form with grant application for public participation
- If **no changes** to 2023 submitted form, select “**On File**” for Section IIA12

Yes: N	Yes: R	Yes: OF	No	State Policies, Procedures, Methods, and Descriptions
				12. 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))

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 22, 2024**, to schedule targeted technical assistance

NIMAC Coordination Reminder

All SEAs are required to adopt the National Instructional Materials Accessibility Standard (NIMAS) for the purposes of providing accessible instructional materials to students who are eligible for these materials under IDEA and Copyright Law, including many students who are blind or visually impaired as well as many students with other disabilities impacting access to printed materials (34 CFR 300.172(a)).

- **If State coordinates with** the National Instructional Materials Accessibility Center (**NIMAC**) (See Section IIA 23 b.1.):
 - Remember to include NIMAS and NIMAC obligations for publishers when ordering “printed textbooks and related printed core materials,” including digital instructional materials, to help ensure accessible materials are available in a timely manner
 - See [NIMAS Q & A](#) and [NIMAS Purchase Order/Contracts](#) for more info

Application Template

Part B

Section IA – Submission Statement

Section I

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, 2025. 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 2023

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 2023 conditional approval letter.
- ☐ b. As noted in Section II.A., the State has not completed all issues identified in the FFY 2023 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 2023 conditional approval letter.
- ☐ b. The State is attaching documentation of completion of all issues identified in the FFY 2023 conditional approval letter. *(Attach documentation showing completion of all issues.)*
- ☐ c. The State has not completed all issues identified in the FFY 2023 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 2023)

Conditional Approval related to
Section IIA Assurances

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, 2025
- ▶ 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
- ▶ Contact your State Lead if you cannot respond "yes" to these items

Section IID: Statement (Signature Page)

State

D. Statement

I certify that the State of _____ can make the assurances checked as 'yes' in Section II.A. and II.B. and the certifications required in Section II.C. of this application. These provisions meet the requirements of Part B of the Individuals with Disabilities Education Act (IDEA) as found in PL 108-446 and the implementing regulations. The State will operate its IDEA Part B program in accordance with all of the required assurances and certifications.

If any 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, 2025. (34 CFR § 76.104)

I, the undersigned authorized official of the

(Name of State and official name of State agency)

am designated by the Governor of this State to submit this application for FFY 2024 funds under Part B of the IDEA.

Printed/Typed Name of Authorized Representative of the State:
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 2024 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).¹ 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 2023 interactive spreadsheet until 2024 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 2022 and 2023. 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 2022 and 2023.

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

SFY 2022	
SFY 2023	

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

SFY 2022	
SFY 2023	

State Budget Officer or Authorized Representative (Printed Name)

Signature of State Budget Officer or Authorized Representative

Date

- ▶ Must provide in whole dollars the total amount of State financial support made available for special education and related services during SFYs 2022 and 2023
- ▶ 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 2022 and 2023
- ▶ 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) and 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
--	--

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
--	--

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

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, 2025. 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.¹

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 2023

State

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 2023 conditional approval letter (attach any additional documentation required by the FFY 2023 letter).
- ____ b. As noted in Sections II.A and II.B, the State has not completed all issues identified in the FFY 2023 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 2023 conditional approval letter.
- ____ b. The State is attaching documentation of completion of all issues identified in the FFY 2023 conditional approval letter. *(Attach documentation showing completion of all issues.)*
- ____ c. The State has not completed all issues identified in the FFY 2023 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 2023)

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

Section II A: Policies/Procedures/Methods

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, 2025.

- 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, 2025.)

Yes: N	Yes: R	Yes: OF	No	State Policies, Procedures, Methods, and Descriptions
				Subpart C—State Policies and Procedures
				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 disabilities and their families through the State's system. (34 CFR §303.203(a))
				3. Each application must include the State's policies and procedures regarding the identification and coordination of all available resources within the State from Federal, State, local, and private sources as required under subpart F of 34 CFR Part 303. <i>The State must have policies and procedures that meet the requirements listed in 3(a) and the methods identified in 3(b), and must provide responses to those entries. If the State has not adopted a system of payments, it may respond "NA" to 3(a).</i>

Part C Annual State Application: FFY 2024

Section II-1

► 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 6/30/2025 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">(a) Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the <u>State</u>;(b) Infants and toddlers with disabilities who are homeless children and their families; and(c) Infants and toddlers with disabilities who are wards of the State. <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

angul

State

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, 2025. (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 2024 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)²

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

State

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.³ States may find helpful [OSEP's Guidance for Common Prior Approval Requests under IDEA Parts B and C](#) issued on January 3, 2023. It provides a summary of the guidance and approval process for the most common prior approval cost categories. The October 2019 [Frequently Asked Questions \(2019 FAQs\) Prior Approval – OSEP and RSA Formula Grants](#)⁴ details 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.

For any activity or expense listed under Section III of this application that is not covered by the 2023 guidance and 2019 FAQs and requires OSEP prior approval, mark an "X" in the chart below and submit supporting documentation.

Approval of the State's FFY 2024 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 ICC)	Prior Approval Needed
Subtotal of amount under B:			

³ IDEA and the Uniform Guidance require prior approval for the following expenses: (1) equipment (tangible personal property (including information technology systems) having a useful life of more than one year and a per unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the nonfederal entity for financial statement purposes, or \$5,000 (see 2 CFR §200.33)); (2) participant support costs (direct costs for items such as stipends or subsistence allowances, travel allowances, and registration fees paid to or on behalf of participants or trainees (but not employees), in connection with conferences or training projects 2CFR §200.75; (3) construction/renovation (see 2 CFR §200.12(b)); and (4) rent (see 2 CFR §200.465)).

⁴ Under the 2019 FAQs, OSERS granted prior approval for participant support costs under IDEA that: (1) are associated with required meetings for the SICC; (2) incurred as part of providing services identified on an IFSP under IDEA; (3) do not exceed \$5000 per individual participant per training/conference. In addition, the 2019 FAQs provide prior approval for equipment that is identified on or directly related to the implementation of the IFSP.

Maintenance & Implementation Activities- Lead Agency & 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 IIIC: Use of Funds – Direct Services

State

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.

Special Note: Amounts for Costs Other Than Direct Services

If contracts with EIS providers include amounts for costs other than direct services, the State should:

- report the amount and type of non-service expenses in Section III.B (along with all other maintenance and implementation activities for IDEA Part C incurred by the State lead agency and/or the SICC) or
- report the entire amount in Section III.C and insert a footnote in Section III.C to indicate the estimated amounts listed in that section that includes expenses for non-direct services. (Example: State contracts with EIS provider for occupational therapy (OT) services and training. Training amounts would be listed under Section III.B. and OT services under Section III.C or the entire amount would be placed in Section III.C and a footnote would specify that the estimated amount also includes training expenses. (This option may be helpful if the contractual amounts cannot be easily disaggregated.)

(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 - Federal IDEA Part C Funds

► Provide:

- Description of EI Service (OT, PT, etc.)
- Approximate Amount of Federal IDEA Part C funds to be used for service
- Follow instructions to account for amounts for expenses other than direct services (use footnote or add to Section III B)



Section IID: Use of Funds-Other State Agencies

Activities by Other State Agencies

_____ State

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

Description of Optional Use-IDEA Part C Funds

State _____

E. Description of Optional Use of IDEA Part C Funds⁵

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:		

- ▶ 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

State

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	\$
Total (Rows 1-6)		\$

Will your lead agency use FFY 2024 federal IDEA Part C funds for subgrants? Yes: _____ No: _____

- ▶ Include subtotals from each area of Section III
- ▶ If applicable, include subtotal from Section IVB: Indirect Costs
- ▶ Final total should equal your FFY 2024 allocation
- ▶ **New:** Respond to question regarding subgranting

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 restricted⁶ 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, 2025). 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.)

_____ The lead agency is not an SEA and has either a provisional or final restricted indirect cost rate that expires or expired on _____ and the State is in the process of negotiating a new restricted indirect cost rate agreement that will be in effect for the period _____. [please attach proposal].⁷ 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 until a new rate is negotiated and approved by the State's cognizant Federal agency, at which point the State lead

⁶ Charging indirect costs on a "restricted" basis is a key part of implementing the IDEA Part C requirement in IDEA section 637(b)(5)(B), which requires that federal funds be used to supplement (and not supplant) "State and local funds expended for infants and toddlers with disabilities and their families. The restricted indirect cost rate formula is described at 34 CFR §§75.564 and 76.565. The formula limits the general administrative costs that can be included in the indirect cost pool (numerator) and requires adjustments to the modified total direct cost (MTDC) base (denominator).

⁷ 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).

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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Facilitator, Program Implementation Team, OSEP

Jennifer.Simpson@ed.gov

(202) 245-6348



MYTHS AND FACTS SURROUNDING ASSISTIVE TECHNOLOGY DEVICES AND SERVICES

DANIEL SCHREIER

SPECIAL ASSISTANT TO THE OSEP DIRECTOR

Purpose of the AT Guidance Document

Collaborative Document with OET and OSEP

- sites.ed.gov/idea/
- Designed to:
 - Increase understanding of the IDEA AT requirements;
 - Dispel common misconceptions; and
 - Provide examples of the use of AT devices and services.



Reauthorization of the AT Act

In December 2022, the AT Act was reauthorized and increased the amount of funding and collaboration ...

... to **support State efforts** to improve the provision of assistive technology to individuals with **disabilities of all ages**, including underrepresented populations, through comprehensive statewide programs of technology-related assistance....

Read the AT Act here (many similarities to IDEA)



Guidance Document Audiences

It is intended for a wide range of individuals including:

- Parents
- Early intervention service providers
- Special educators
- General educators
- Related services personnel
- School and district administrators
- Technology specialists and directors
- Employees at State lead agencies and educational agencies

IDEA Definition of AT Device and Service

- ▶ **Assistive technology device** means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability. The term does not include a medical device that is surgically implanted, or the replacement of such device.
- ▶ **Assistive technology service** means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device.

Examples of AT

High Tech	Mid Tech	Low Tech
Tablet Screen Reader Voice Recognition Software	Calculator Audio Book Digital Recorder	Sticky Note Pencil Grip Page Holder Modified Scissors Visual Schedule

Why is AT Important

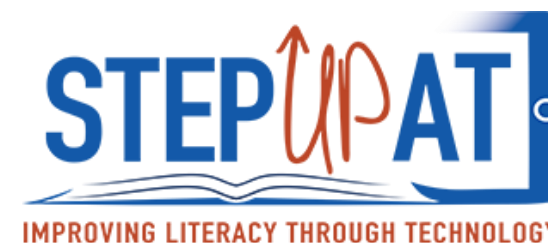
- ▶ AT has been proven to be **effective** for children with a variety of disabilities.
- ▶ Research demonstrates that use of AT devices and services **improves child outcomes in all settings**.
- ▶ AT devices and services can and often **do support** infants, toddlers, and their families in meeting the **developmental needs** of an infant or toddler with a disability and the needs of the family to assist appropriately in the infant's or toddler's development.

AT Requirements

- ▶ AT **must be considered** for all children with IEPs and can play an important role in the provision of FAPE, regardless of the type of disability.
- ▶ AT **must be considered** when a toddler is transitioning from early intervention services to preschool, regardless of whether the child currently receives AT services through an IFSP.
- ▶ AT devices and services are within the definition of early intervention services in **Part C of IDEA**
- ▶ AT **must be considered** when a toddler is transitioning from early intervention services to preschool, regardless of whether the child currently receives AT services through an IFSP.

STEP Up AT Center

- ▶ Mission to support **teachers and parents** in effectively using evidence-based assistive technology (AT) to increase early literacy and learning outcomes for **preschool children** with disabilities.
- ▶ Also supports Transition to K
- ▶ Online resources for a variety of caregivers
- ▶ Model of collaboration with the Florida Alliance for Assistive Services and Technology (FAAST) program.



Evaluation and Selection of AT Devices and Services

- ▶ The people or process to select, purchase, and provide AT devices and services varies by the child's unique needs **as determined** by the IEP Team.
- ▶ An AT evaluation may be included as part of an initial evaluation or reevaluation, or it may be a stand-alone evaluation.
- ▶ If IEP Team members **lack knowledge** about AT options to support the child's needs, they **must engage other individuals** who are knowledgeable about AT options in the decision-making process.

LEA Requirements: Using an AT Device

- ▶ MYTH: Children can learn to use an AT device on their own; educators have no obligation to provide training to a child or to their family.
- ▶ FACT: It is the responsibility of the LEA to ensure that the child with a disability, parents, and educators know how the AT device works through the provision of AT services.
 - These are all AT services

Using a Personal Device for AT

The Department developed some considerations for when a child is using a personal device as AT:

- ▶ Acknowledging that the use of the child's own AT device is voluntary, and the parent may choose an LEA-supplied AT device at any time;
- ▶ Determining when an AT device may be used as part of the child's special education, related services and supplementary aids and services, and when the device should not be used;
- ▶ Providing professional development, training or technical assistance of LEA staff on how to support the child using the AT device;
- ▶ Factoring additional costs associated with the AT device including subscriptions, software/app costs, data usage, maintenance, repair and replacement costs;
- ▶ Installing and updating security software if the AT device connects to the LEA's network; and
- ▶ Ensuring that the LEA will not discipline the child for using their own device as an AT device.

State Support For Funding AT

- ▶ 43 States Reserved IDEA Section 611 State-Level Funds in 2023 to:
- ▶ Support the use of technology, including technology with universal design principles and assistive technology devices, to maximize accessibility to the general education curriculum for children with disabilities
- ▶ **\$24,959,928.00**
- ▶ Average Amount Reserved by State \$580,463
- ▶ Total amount reserved for State-level activities under 34 CFR 300.704(b)(4)
- ▶ **\$1,334,287,136.61 (equals 1.8%)**



AT Act TA Centers

- ▶ Our guidance shares information on AT Act Programs administered through the U.S. Department of Health and Human Services Administration for Community Living
- ▶ IFSP and IEP Team members (including parents) can receive support in your state or territory from a specialist to:
 - Discuss and learn about various devices that may work for a specific child;
 - Request a demonstration of any device;
 - Borrow a device for a short time period; and
 - Learn about how to purchase the device through the school.



Resources to Support AT Implementation

- ▶ AT Act Programs - AT3 Center
- ▶ Center on Inclusive Technology & Education Systems (CITES)
- ▶ Step Up AT
- ▶ Deaf-Blind Equipment Distribution Program
- ▶ Center for Parent Information & Resources
- ▶ The Placemat OSEPideasthatWork.org