CIFR 2023 Fiscal Webinar Series:
The Annual Part B State Application
February 14, 2023
Presenters

Danielle Crain
TA Liaison, CIFR

Teri Williams-Valentine
TA Liaison, CIFR
Agenda

• Annual State Application Under IDEA Part B
• Maintenance of State Financial Support (MFS)
• State Set-Aside
• Public Participation
IDEA Part B Grants to States

- IDEA Section 611: eligible states, outlying areas, and freely associated states for children ages 3 through 21
- IDEA Section 619: eligible states (as well as the District of Columbia and Puerto Rico) for children ages 3 through 5
Steps to Receiving an IDEA Part B Grant

OSEP provides estimated grant amounts (Dec–Feb)
OSEP provides the Part B grant application package (Jan)
OSEP provides final grant amounts (varies)
States submit Part B grant applications to OSEP (early May)
A portion of the total grant amount is provided to states (July 1)
The remainder of the grant is provided to states (Oct 1)
Annual IDEA Part B Application

• Annually, the Federal Fiscal Year (FFY) 2023 Part B application is due in May.

• To meet the deadline to be eligible for a grant beginning on July 1, states must follow the following requirements based on the application due date:
  • 60-day public posting period
  • 30-day public comment period
State Eligibility

• Section 611 eligibility defined in 34 CFR §300.100.
  • Must submit a plan that provides assurances that the state has policies and procedures to ensure it meets the conditions in §§300.101 through 300.176.

• Section 619 eligibility defined in 34 CFR §300.804.
  • Makes FAPE available to all children with disabilities, ages 3 through 5, residing in the state.
IDEA Part B Annual State Application Materials

• Available with the Application Cover Memo to Chief State School Officers.

• Use the Grants to States Summary Table to anticipate amounts for the Interactive Spreadsheet.

• Interactive Spreadsheet shows whether the Section 611 set-aside amounts are budgeted in accordance with IDEA.
New Reporting Requirement

Section 427 of the General Education Provisions Act (GEPA) for FFY 2023 requires Federal grantees to demonstrate how they provide equitable access to Federally-funded programs and how they identify and address barriers to access.
Overview of Section 427 of GEPA

• “Section 427 of the General Education Provisions Act (GEPA) requires U.S. Department of Education (Department) grantees...to describe...

• “the steps the grantee will take to ensure equitable access to, and participation in, the Federally-assisted program by addressing the special needs of students, teachers, and other program beneficiaries.

• “This provision allows applicants discretion in developing the required description....”
Section 427 of GEPA Barriers

• “The statute highlights six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, or age.

• “Based on local circumstances, a local educational agency (LEA) should determine whether these or other barriers may prevent students, teachers, or other program beneficiaries from such access or participation in the Federally-funded project or activity.”
“Funds will be used for the salary for our district technology coordinator who provides tech support for our teaching staff and students. This includes servers, networking, personal computers, tablets, software and other technology for all students, including who may not have access to this type of equipment at home. We are committed to ensuring all students and teachers have all technology available to them; regardless of gender, race, national origin, disability or age.”

Source: GEPA (Office of Elementary and Secondary Education).
## Application Sections

<table>
<thead>
<tr>
<th>Sections</th>
<th>Section Content</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section I</td>
<td>A. Submission Statement for Part B of IDEA</td>
</tr>
<tr>
<td></td>
<td>B. Conditional Approval for Current Grant Year</td>
</tr>
<tr>
<td>Section II</td>
<td>A. Assurances Related to Policies and Procedures</td>
</tr>
<tr>
<td></td>
<td>B. Other Assurances</td>
</tr>
<tr>
<td></td>
<td>C. Certifications</td>
</tr>
<tr>
<td></td>
<td>D. Statement</td>
</tr>
<tr>
<td>Section III</td>
<td>Description of Use of Funds Under Part B of IDEA</td>
</tr>
<tr>
<td>Section IV</td>
<td>State Administration</td>
</tr>
<tr>
<td>Section V</td>
<td>A. Maintenance of State Financial Support</td>
</tr>
<tr>
<td></td>
<td>B. Significant Disproportionality</td>
</tr>
</tbody>
</table>
Ongoing Work in January and February

• Develop a plan and timeline for submission
• Determine the state set-aside amount
• Plan and budget state-level activities
• Decide whether to use IDEA High Cost Fund
• Gather information for Section V (MFS) from SEA and other state agency sources
• Plan timeline for 60-day public notice and 30-day public comment periods
Maintenance of State Financial Support (MFS)
34 CFR §300.163(a):

A State must not reduce the amount of State financial support for special education and related services for children with disabilities, or otherwise made available because of the excess costs of educating those children, below the amount of the that support for the preceding year.
What Is and Is Not State Financial Support?

State financial support includes:

• funds appropriated through the state budget process, or otherwise made available by the state, for special education and related services to children with disabilities

• funds used by other state agencies to provide services designated in IEPs

State financial support is not:

• federal funds from any source

• local funds from any source

• state funds not available for special education and related services
Reporting Requirements

MFS is reported in Section V of the annual state application for federal Part B funds

- Must be equal or show increase
- Must be reported in total
- May be reported per capita
- Auditable data
- Replicable calculation

<table>
<thead>
<tr>
<th>Total Amount of State Financial Support Made Available for Special Education and Related Services for Children with Disabilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>SFY 2020</td>
</tr>
<tr>
<td>----------</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Per capita amount of State Financial Support Made Available for Special Education and Related Services for Children with Disabilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>SFY 2020</td>
</tr>
<tr>
<td>----------</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>
Common MFS Challenges

- SEA capacity and staff turnover
- Communication with other state agencies
- Data validation (auditable, stable, and replicable)
- Disaggregating local and state funding for special education
Questions and Considerations

What steps can be taken to improve the state’s capacity to meet the MFS requirement?

Do the State Director, Chief Financial Officer, other fiscal staff, or legislative liaisons understand the MFS requirement and the consequence of failing to meet it?

What should advisory councils, the advocacy community, other state agencies, or legislators know about the need to avoid potential shortfalls?
IDEA Part B State Set-Aside Funds
State Set-Aside for State-Level Activities

• 34 CFR §§300.704 and 300.812–814
• Section 611 and Section 619 funds may be used for administrative and other state-level activities.
• Some portion of Section 611 funds reserved must be used for specific state-level activities
Where to Find Allocation Spreadsheets

• OSEP sends a state allocation spreadsheet and an interactive spreadsheet annually to SEAs as part of the state Part B application.

• The maximum amount of funds that can be reserved for administration and other state-level activities can be found in the state allocation spreadsheet and OSEP interactive spreadsheet.
<table>
<thead>
<tr>
<th></th>
<th>LEA Base Allocation</th>
<th>Maximum Available for Administration</th>
<th>Maximum Other Set-Aside If Actual Administration is Greater than $850,000 With Risk Pool</th>
<th>Maximum Other Set-Aside If Actual Administration is Greater than $850,000 Without Risk Pool</th>
<th>Maximum Other Set-Aside If Actual Administration in Less than or Equal to $419,406 With Risk Pool</th>
<th>July in September 2015 Regular Awards</th>
<th>Regular Awards After October 1</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>C</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>D</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>E</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>F</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>G</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>H</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>I</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>J</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>K</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>L</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>M</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>N</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>O</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>P</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Q</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>R</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>S</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>T</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>U</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>V</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>W</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>X</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Y</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Z</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Total Award:** $1,147,892,900

**LEA Base Allocation:** $1,056,872,406

**Maximum Available for Administration:** $238,511,099

**Maximum Other Set-Aside If Actual Administration is Greater than $850,000 With Risk Pool:** $1,247,287,890

**Maximum Other Set-Aside If Actual Administration is Greater than $850,000 Without Risk Pool:** $1,123,345,040

**Maximum Other Set-Aside If Actual Administration in Less than or Equal to $419,406 With Risk Pool:** $3,103,135,784

**Maximum Other Set-Aside If Actual Administration in Less than or Equal to $419,406 Without Risk Pool:** $1,835,540,996

**July 1 in September 2015 Regular Awards:** $2,214,455,938

**Regular Awards After October 1:** $2,283,383,000

**Alabama:** 172,153,881

**Alaska:** 96,367,571

**Arizona:** 318,213,117

**Arkansas:** 103,993,411

**California:** 1,208,132,641

**Colorado:** 385,902,352

**Connecticut:** 131,135,184

**Delaware:** 35,667,798

**Florida:** 625,781,134

**Georgia:** 392,101,317

**Hawaii:** 32,174,751

**Idaho:** 36,565,212

**Illinois:** 502,209,065

**Indiana:** 235,748,667

**Iowa:** 120,799,412

**Kansas:** 105,290,977

**Kentucky:** 512,671,078

**Louisiana:** 180,335,116

**Maine:** 54,143,366

**Maryland:** 179,813,231

**Massachusetts:** 260,864,001

**Michigan:** 394,155,681

**Minnesota:** 187,356,349

**Mississippi:** 181,998,168

**Missouri:** 373,714,475

**Montana:** 36,954,764

**Nebraska:** 76,864,443

**New Hampshire:** 46,952,343

**New Jersey:** 385,473,575

**New Mexico:** 90,262,560

**New York:** 750,147,197

**North Carolina:** 327,805,006

**North Dakota:** 28,676,023

**Ohio:** 431,126,529

**Oklahoma:** 145,783,193

**Oregon:** 127,802,080

**TOTAL:** 1,147,892,900

**Alabama:** 172,153,881

**Alaska:** 96,367,571

**Arizona:** 318,213,117

**Arkansas:** 103,993,411

**California:** 1,208,132,641

**Colorado:** 385,902,352

**Connecticut:** 131,135,184

**Delaware:** 35,667,798

**Florida:** 625,781,134

**Georgia:** 392,101,317

**Hawaii:** 32,174,751

**Idaho:** 36,565,212

**Illinois:** 502,209,065

**Indiana:** 235,748,667

**Iowa:** 120,799,412

**Kansas:** 105,290,977

**Kentucky:** 512,671,078

**Louisiana:** 180,335,116

**Maine:** 54,143,366

**Maryland:** 179,813,231

**Massachusetts:** 260,864,001

**Michigan:** 394,155,681

**Minnesota:** 187,356,349

**Mississippi:** 181,998,168

**Missouri:** 373,714,475

**Montana:** 36,954,764

**Nebraska:** 76,864,443

**New Hampshire:** 46,952,343

**New Jersey:** 385,473,575

**New Mexico:** 90,262,560

**New York:** 750,147,197

**North Carolina:** 327,805,006

**North Dakota:** 28,676,023

**Ohio:** 431,126,529

**Oklahoma:** 145,783,193

**Oregon:** 127,802,080

**TOTAL:** 1,147,892,900
Use the Grants to States Summary Table to budget set-aside amounts across various activities in the Interactive Spreadsheet.

The spreadsheet shows whether amounts reserved for specific activities are within the budget parameters.

The spreadsheet is used for Section 611 funds only.

See 34 CFR §300.171 (Description of use of funds)
Completing the IDEA Part B Annual State Application

• Still waiting on FFY 2023 appropriation

• Prepare and submit the FFY 2023 application with the FFY 2022 allocation information

• Upon receipt of allocation tables: insert updated info with application and repost

• Resume public participation
IDEA Part B Application Budgeting

• SEAs do not report actual expenditures to OSEP

• SEAs are responsible for monitoring budget and getting preapproval for changes across budget categories that, in total, exceed 10% of the set-aside budget total

  • SEAs should monitor expenditures for timely obligation, evidence of effectiveness, etc.

  • Section 619 is not reported but it must still be budgeted and tracked—could be audited, etc.

See 2 CFR §200.308(f)
LEA Input on Distribution of Funds

• Under 34 CFR § 300.171(a)(2), states are required to describe how Section 611 set-aside amounts will be used to meet the requirements of IDEA Part B and be allocated to meet state priorities based on input from LEAs.

• How is input from LEAs gathered, considered, and documented when making decisions about the use of state-level set-aside funds?
  • Be prepared to submit a description of that process for Section 611 state set-aside funds as required by Section III of the application.
  • States may want to ensure that written procedures include this process.
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 2021 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). 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)
Group Discussion (1)

What are your state’s challenges related to state set-aside?

• How does your SEA define LEA input?

• What challenges does your SEA have related to obtaining LEA input?
Public Participation
Public Participation

States must conduct public meetings, ensure adequate notice of those hearings and provide an opportunity for public comment, including comment from individuals with disabilities and parents of children with disabilities, before adopting policies and procedures needed to comply with Part B (including any amendments to those policies and procedures).

34 CFR §300.165
What Is Public Participation in IDEA?

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

• New and revised policies and procedures
  • Consult with State Lead for guidance regarding policy
  • Public posting for 60 days and accept comments for 30 days before submission to OSEP
  • Hold hearings
Reporting Requirements for Public Participation

• Assurance #19: SEAs ensure public hearings; adequate notice of hearings; and an opportunity for comment from the public.

• SEA would need to provide evidence of written procedures for the public comment period requirement as part of the application and evidence that it followed those procedures when asked as part of an audit or OSEP monitoring.

• SEAs are not required to publicly post Section V.
Group Discussion (2)

What challenges does your SEA have related to public participation?
Questions?
Resources


• Understanding the IDEA Part B State Grant Funding Cycle and Different Fiscal Years: https://cifr.wested.org/wp-content/uploads/2021/04/CIFR-Understanding-Different-Fiscal-Years.pdf

• CIFR MFS Toolkit: https://cifr.wested.org/archive/mfs-toolkit/


• OSEP Resources for Grantees: https://sites.ed.gov/idea/grantees/#Grants
CIFR 2023 Part B Fiscal Webinar Series

Webinars run from 1:00 to 2:00 p.m. ET:

• April 11, 2023
• July 11, 2023
• October 10, 2023

Register to get the link to the webinar.