



# CIFR 2023 Fiscal Webinar Series: The Annual Part B State Application

February 14, 2023



# Presenters



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# 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.”

# Sample Description

“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

Sections	Section Content
Section I	<ul style="list-style-type: none"> <li>A. Submission Statement for Part B of IDEA</li> <li>B. Conditional Approval for Current Grant Year</li> </ul>
Section II	<ul style="list-style-type: none"> <li>A. Assurances Related to Policies and Procedures</li> <li>B. Other Assurances</li> <li>C. Certifications</li> <li>D. Statement</li> </ul>
Section III	Description of Use of Funds Under Part B of IDEA
Section IV	State Administration
Section V	<ul style="list-style-type: none"> <li>A. Maintenance of State Financial Support</li> <li>B. Significant Disproportionality</li> </ul>

# 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)

# Maintenance of State Financial Support

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

<b>Total Amount of State Financial Support Made Available for Special Education and Related Services for Children with Disabilities</b>	
<b>SFY 2020</b>	
<b>SFY 2021</b>	

<b>Per capita amount of State Financial Support Made Available for Special Education and Related Services for Children with Disabilities</b>	
<b>SFY 2020</b>	
<b>SFY 2021</b>	

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

# 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.

**FISCAL YEAR 2015 ALLOCATIONS FOR GRANTS TO STATES  
INDIVIDUALS WITH DISABILITIES EDUCATION ACT - PART B, SECTION 611 - TABLE I**

Total Award	LEA Base Allocation	Maximum Available for Administration	Maximum Other Set-Aside If ACTUAL Administration is Greater than \$850,000 With Risk Pool	Maximum Other Set-Aside If ACTUAL Administration is Greater than \$850,000 Without Risk Pool	Maximum Other Set-Aside If ACTUAL Administration is Less than or Equal to \$850,000 With Risk Pool	Maximum Other Set-Aside If ACTUAL Administration is Less than or Equal to \$850,000 Without Risk Pool	July 1 to September 30 Regular Awards	Regular Awards After October 1	
A	B	C	D	E	F	G	H	I	J
<b>TOTAL</b>	\$11,497,848,000	\$3,165,587,906	\$238,511,059	\$1,247,937,890	\$1,123,144,104	\$1,310,334,784	\$1,185,540,996	2,214,465,000	\$9,283,383,000
Alabama	179,553,881	51,763,442	3,868,649	20,017,511	18,015,760	21,018,387	19,016,636	33,174,358	146,379,523
Alaska	36,204,517	9,185,518	1,028,618	3,875,096	3,487,586	4,068,850	3,681,341	6,689,143	29,515,374
Arizona	188,511,333	45,947,295	3,141,744	19,383,792	17,445,413	20,352,982	18,414,602	34,829,336	153,681,997
Arkansas	110,593,411	30,654,695	2,195,757	12,347,212	11,112,490	12,964,572	11,729,851	20,433,228	90,160,183
California	1,208,132,681	323,428,031	23,123,865	135,047,400	121,542,660	141,799,770	128,295,030	223,214,478	984,918,203
Colorado	154,794,322	38,914,504	2,829,451	16,416,868	14,775,181	17,237,711	15,596,024	28,599,784	126,194,538
Connecticut	131,525,104	39,795,094	3,027,590	14,635,917	13,172,325	15,367,713	13,904,121	24,300,566	107,224,538
Delaware	35,063,788	8,418,502	1,028,618	3,551,514	3,196,363	3,729,090	3,373,939	6,478,382	28,585,406
Florida	635,778,154	179,007,131	12,781,984	69,313,283	62,381,955	72,778,947	65,847,619	117,466,311	518,311,843
Georgia	329,031,471	80,774,679	5,587,946	34,076,426	30,668,783	35,780,247	32,372,604	60,791,823	268,239,648
Hawaii	39,324,741	10,617,384	1,028,618	4,394,498	3,955,049	4,614,223	4,174,774	7,265,635	32,059,106
Idaho	55,463,721	14,289,101	1,028,618	5,974,933	5,377,440	6,273,680	5,676,186	10,247,472	45,216,249
Illinois	500,249,065	145,798,830	10,473,420	55,747,264	50,172,538	58,534,627	52,959,901	92,425,969	407,823,096
Indiana	255,746,667	76,006,114	5,475,652	28,150,094	25,335,085	29,557,599	26,742,590	47,251,730	208,494,937
Iowa	120,799,424	36,799,117	2,693,558	13,438,779	12,094,901	14,110,718	12,766,840	22,318,890	98,480,534
Kansas	105,498,917	30,299,450	2,191,757	11,763,173	10,586,855	12,351,331	11,175,014	19,491,970	86,006,947
Kentucky	156,212,650	45,623,168	3,367,166	17,375,026	15,637,523	18,243,777	16,506,274	28,861,834	127,350,816
Louisiana	186,353,136	49,394,457	3,673,401	20,838,047	18,754,242	21,879,949	19,796,145	34,430,588	151,922,548
Maine	54,143,366	16,493,688	1,289,325	6,023,379	5,421,041	6,324,548	5,722,210	10,003,523	44,139,843
Maryland	197,813,261	57,921,866	4,142,930	22,040,235	19,836,211	23,142,246	20,938,223	36,547,959	161,265,302
Massachusetts	280,881,904	85,565,027	6,296,674	31,247,748	28,122,973	32,810,135	29,685,360	51,895,714	228,986,190
Michigan	394,755,681	107,923,610	7,663,846	44,094,143	39,684,729	46,298,850	41,889,436	72,935,022	321,820,659
Minnesota	187,554,869	55,057,097	4,008,066	20,895,243	18,805,719	21,940,005	19,850,481	34,652,620	152,902,249
Mississippi	118,398,168	32,007,733	2,591,645	13,099,758	11,789,782	13,754,746	12,444,770	21,875,234	96,522,934
Missouri	224,734,475	68,230,162	4,974,683	25,004,751	22,504,276	26,254,988	23,754,513	41,521,920	183,212,555
Montana	36,954,764	9,748,203	1,028,618	4,045,551	3,640,996	4,247,828	3,843,273	6,827,759	30,127,005
Nebraska	73,884,483	22,507,423	1,579,048	8,219,553	7,397,598	8,630,531	7,808,575	13,650,890	60,233,593
Nevada	70,895,574	17,279,374	1,186,771	7,289,652	6,560,687	7,654,135	6,925,169	13,098,659	57,796,915
New Hampshire	46,952,343	14,262,653	1,046,127	5,223,971	4,701,574	5,485,170	4,962,773	8,674,910	38,277,433
New Jersey	357,655,373	108,952,520	8,014,072	39,788,696	35,809,827	41,778,131	37,799,262	66,080,372	291,575,001
New Mexico	90,124,566	27,026,021	1,945,114	10,032,431	9,029,188	10,534,053	9,530,810	16,651,406	73,473,160
New York	750,547,107	224,098,730	16,343,565	83,562,966	75,206,670	87,741,115	79,384,818	138,671,011	611,876,096
North Carolina	327,670,085	85,734,091	6,083,332	34,442,018	30,997,816	36,164,118	32,719,917	60,540,293	267,129,792
North Dakota	28,471,374	6,835,722	1,028,618	2,883,787	2,595,408	3,027,976	2,739,598	5,260,368	23,211,006
Ohio	431,520,529	119,359,351	8,946,994	48,180,775	43,362,698	50,589,814	45,771,737	79,727,691	351,792,838
Oklahoma	146,736,103	41,638,213	2,921,393	16,281,813	14,653,632	17,095,904	15,467,723	27,110,948	119,625,155
Oregon	127,282,058	36,242,655	2,524,087	14,196,521	12,776,869	14,906,347	13,486,695	23,516,621	103,765,437



# IDEA Part B Annual State Application: Interactive Spreadsheet (Use of Funds)

- 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.

**Select Area** FFY 2015

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REGULAR AWARD AMOUNT Est. #N/A

TOTAL AWARD AMOUNT #N/A

**ADMINISTRATION**

Maximum Available for Administration. Sec. III #N/A

How much do you want to set aside for Administration in dollars?

You must distribute, in whole dollars, the amount you want to set aside for Administration among the following activities:

For the purpose of administering IDEA Part B including Preschool Grants under 20 U.S.C. 1415, a High Cost Fund, and the coordination of activities under Part B with, and providing technical assistance to, other programs that provide services to children with disabilities. (Note: These funds may be used for Administering but not Financing a High Cost Fund)

a.

For the administration of Part C of IDEA, if the SEA is the Lead Agency for the State under Part C.

b.

You may set aside a portion of your Administration funds resulting from inflation for the following 4 Other State-Level Activities. Additional funds for these purposes may also be set aside under Other State-Level Activities. Based on the amount that you propose to set aside for Administration, the maximum amount of Administration funds that you may use for these 4 activities is:

#N/A

For support and direct services, including technical assistance, personnel preparation, and professional development and training. c.

To assist local educational agencies in providing positive behavioral interventions and supports and appropriate mental health services for children with disabilities. d.

To assist local educational agencies in meeting personnel shortages. e.

To support capacity building activities and improve the delivery of services by local educational agencies to improve results for children with disabilities. f.

Subtotal, Administration funds used for Other State-Level Activities 50 #N/A

If you receive a Preschool Grant under 20 U.S.C. 1415, you may use Administration funds, along with other funds, to develop and implement a State policy jointly with the lead agency under Part C and the SEA to provide early intervention services (which must include an educational component that promotes school readiness and incorporates preliteracy, language, and numeracy skills) in accordance with Part C to children with disabilities who are eligible for services under the Preschool Grant program and who previously received services under Part C until such children enter, or are eligible under State law to enter, kindergarten, or elementary school as appropriate.

g.

The total of details for your Administration set-aside is 50 OK

# 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.

# LEA Input Requirement in Section III

## 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).<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)

# 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

- IDEA Part B Fiscal Timeline: <https://cifr.wested.org/wp-content/uploads/2021/04/IDEA-Part-B-Fiscal-Timeline.zip>
- 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/>
- Public Participation Topic Brief: <https://sites.ed.gov/idea/files/Public-Participation-Part-B-Topic-Brief-04-24-2020.pdf>
- 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.

# Contact CIFR



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