

American Recovery and Reinvestment Act

Special Education/ Early Intervention Services

Part B and Part C of the Individuals
with Disabilities Education Act (IDEA)

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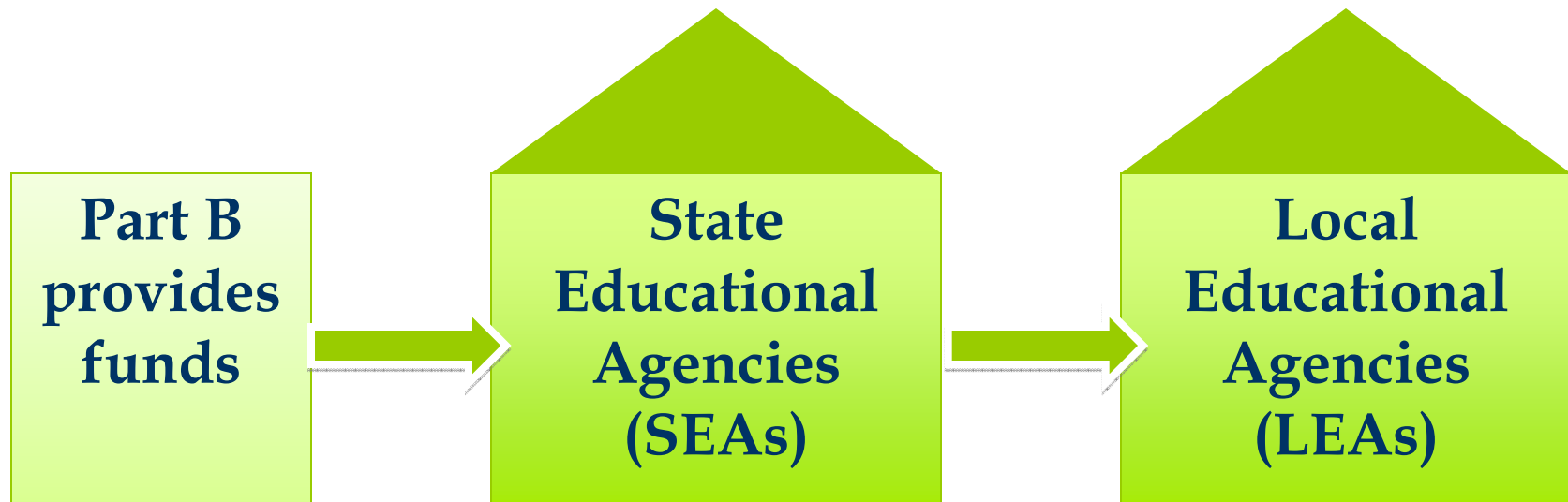


ARRA (Public Law 111-5)

Appropriates significant new funding for programs under Part B, Section 619 and Part C of the Individuals with Disabilities Education Act (IDEA).



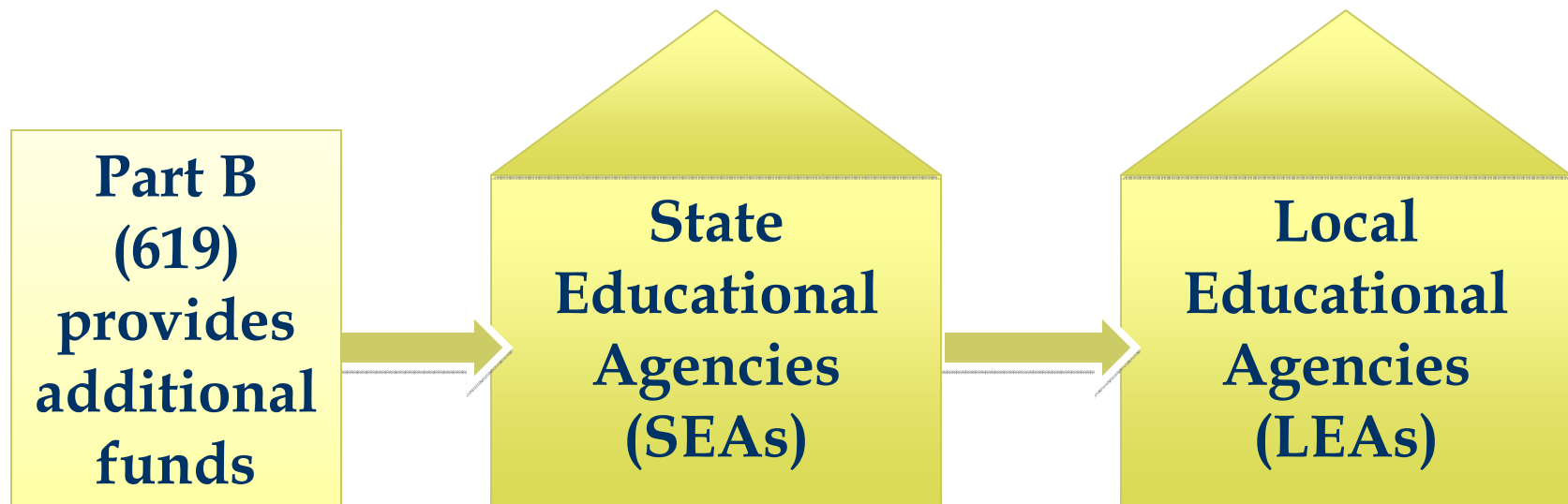
Part B of the IDEA



To ensure that children with disabilities have access to FAPE - a free appropriate public education.



Part B (619) of the IDEA



To support special instruction and related services to children with disabilities, ages 3 through 5, to meet their learning needs and provide a foundation for school readiness.



Timing/Eligibility for Part B Funds

Funds from the U.S. Department of Education (USDE):

- ❑ On April 1, 2009: 50% of IDEA Part B and Part B (619) *ARRA funds* to SEAs
- ❑ On July 1, 2009: Regular *Grants to States* and *Preschool Grants* for FY 2009
- ❑ On Oct. 1, 2009: Remainder of regular *Grants to States* for FY 2009
- ❑ By Sept. 30, 2009: Remainder of *AARA funds*
- ❑ By Sept. 30, 2011: All *AARA funds* must be spent/encumbered



Use of Part B Funds

- ❑ All ARRA recovery funds must be used consistently with the current IDEA, Part B statutory and regulatory requirements and applicable requirements
- ❑ Uses of these limited-term ARRA funds are allowable under IDEA and aligned with the core reform goals for which states must provide assurances under the State Fiscal Stabilization Fund (SFSF)

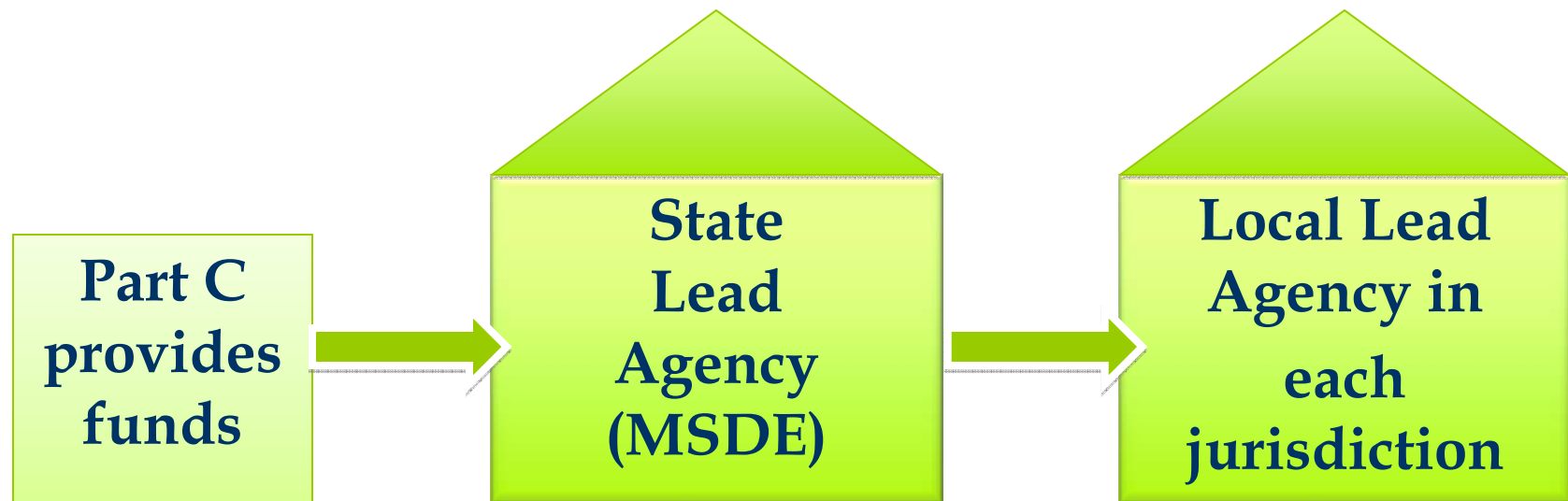


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Part C of the IDEA



Part C of the IDEA



To implement statewide system of early intervention services for infants and toddlers with disabilities, ages birth to 3, and their families.



Timing/Eligibility for Part C Funds

Funds from the U.S. Department of Education (USDE):

- ❑ On April 1, 2009: 50% of IDEA Part C ARRA funds to MSDE
- ❑ On July 1, 2009: Regular FFY 2009 *Part C Grant Appropriations* (SFY 2010)
- ❑ On Sept. 30, 2009: Remaining 50% of IDEA Part C ARRA funds to MSDE/Local Lead Agency (based on USDE/MSDE approval)
- ❑ By Sept. 30, 2011: All IDEA Part C funds must be obligated; all ARRA funds must be spent/encumbered



Use of Part C Funds

- ❑ All ARRA recovery funds must be used consistently with the current IDEA, Part C statutory and regulatory requirements and applicable requirements in General Education Provisions Act (GEPA) and the Education Department General Administrative Regulations (EDGAR)
- ❑ Approximately \$71 million of Part C ARRA is reserved for State Incentive Grants to provide flexibility to serve children 3 years of age until elementary school. Maryland will apply for a State Incentive Grant.



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Allocation and Accountability



ARRA Funding Allocation

Program	Type	National Appropriation	Estimated Maryland Allocation	April	September
IDEA Part B to States	Passthrough	\$11.3 Billion	\$200,241,802	50% - \$5,650,000	50% - \$5,650,000
IDEA Part B, Section 619 Grants to States	Passthrough	\$400 Million	\$6,922,121	50% - \$3,461,061	50% - \$3,461,061
IDEA Part C for Infants and Families	Passthrough	\$500 Million	\$7,505,513	50% - \$3,752,757	50% - \$3,752,757

All stimulus funds must be spent/encumbered by September 30, 2011



Transparency & Reporting

- ❑ MSDE and local agencies are responsible for ensuring prudent and lawful use of funds.
- ❑ Separate accounting required for expenditures and results, including estimated number of jobs created
- ❑ MSDE is required to submit additional information to USDE on how Maryland will meet accountability and reporting requirements
- ❑ USDE to issue recordkeeping and reporting guidance in the coming weeks



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Part B and Part B (619) Maintenance of Effort Issues & Requirements



Maintenance of Effort

- In any fiscal year that a Local Education Agency's (LEA) IDEA allocation exceeds the amount the LEA received in the previous year, under certain circumstances, the LEA may reduce the level of state and local expenditures by up to 50 percent of the amount of the increase, as long as the LEA uses those freed-up local funds for activities that could be supported under the ESEA, such as services for children at risk of school failure without additional support.



Maintenance of Effort, cont'd.

- ❑ If an LEA meets the criteria of this provision, the required MOE for future years is reduced consistent with the reduction it took, unless the LEA increases the amount of its state and local expenditures on its own.
- ❑ There are specific provisions of the IDEA that limit whether an LEA may reduce local effort under Part B.
- ❑ LEA-level MOE may not be waived under Part B of the IDEA if:
 - Required CEIS set aside
 - Did Not Meet State requirements



Maintenance of Effort, cont'd.

- ❑ The LEA may (or in some cases must) use up to 15 percent of its total IDEA, Part B Grants to States and Preschool Grants for early intervening services for children in grades K through 12 who are not currently identified as children with disabilities, but who need additional academic and behavioral support to succeed in a general education environment
- ❑ State OSEP SPP requirements must be met by any LEA choosing to exercise the flexibility in Local MOE.



Maintenance of Effort, cont'd.

- ❑ With prior approval from the Secretary of Education, a state or LEA may count SFSF (but not IDEA ARRA funds) under the ARRA that are used for special education and related services as non-federal funds for purposes of determining whether the state or LEA has met the IDEA, Part B MOE requirements.
- ❑ Waiver request must be submitted to the federal Secretary of Education.



CEIS Overview

- ❑ **CEIS is required if a State identifies significant disproportionality based on race or ethnicity, the LEA must use the maximum amount (15%) of funds allowable for CEIS for children in the LEA**
- ❑ **States must determine if significant disproportionality is occurring with respect to the following:**
 - **Identification of children as children with disabilities**
 - **Identification of children as children with a particular disability**
 - **Placement of children with disabilities in particular educational settings**
 - **Incidence, duration, and type of disciplinary actions, including suspensions and expulsions**



Use of ARRA Funds for CEIS

- ❑ LEAs with significant disproportionality based on race and ethnicity will be required to set aside 15% of the IDEA Part B ARRA funds plus the IDEA regular allocation
- ❑ 15% is calculated based on the aggregate of the Grants to States and Preschool Grants amounts for both the regular IDEA awards and IDEA ARRA awards
- ❑ LEAs that are required to use the full 15% for CEIS will not be eligible for the flexibility for local MOE reduction



State/Local Determinations

- ❑ IDEA focuses on each state's accountability on the Office of Special Education Program's (OSEP) 20 Part B and 14 Part C indicators as defined in the State Performance Plan (SPP).
- ❑ Based on annual performance on each indicator, OSEP assigns MSDE to one of four levels of determination.
 - Meets Requirements
 - Needs Assistance
 - Needs Intervention:
 - Needs Substantial Intervention



State/Local Determinations, cont'd.

- ❑ MSDE uses a results-based rubric on selected performance and compliance indicators to rate each public agency's results in meeting the State's targets based on a number of factors
- ❑ MSDE considers several factors for each local school system
- ❑ LEAs that do not meet requirements are not eligible for a local MOE reduction

