



Five Year Online Strategic Plan Special Education Component

IDEA Requirements and Plan Instructions

Office of Special Programs

April 2013

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**FY 2014 Instructions for the Special Education Component
of the Five-Year County Online Strategic Plan**

Updates and Reminders -- Five-Year County Online Strategic Plan 2013-2014

The Five-Year County Online Strategic Plan, Special Education Component, will be used to apply for IDEA, Part B and Preschool entitlement allocations and State Aid to Exceptional Children funds.

- ***As of April 2013, the U.S. Dept. of Education had not provided the projected FFY13 (2013-2014) IDEA allocations. Therefore, until West Virginia's updated allocation for IDEA funds is received, local educational agencies (LEAs) are requested to use estimates based on the prior year's total allocation, distributed based on new enrollment numbers and the 5% sequestration cut previously announced by USED.*** Please also note the "Poverty Count" within the allocation table has changed. It will be based on the certified count of students eligible for free lunch multiplied by 1.6 (a factor determined by the U.S. Department of Agriculture) for schools using the Community Eligibility Option for the lunch program. *If the allocations change when notice from the U.S. Dept. of Education is received, that information will be forwarded immediately.*
- **Plans tentatively are due June 1. Since allocations will not be entered into the online system until verified by USED, that date could be adjusted. Regardless of the plan due date, all budgets will be submitted through the WVEIS budget system by the Chief School Business Official (CSBO) by June 1. Additionally, the special education director submits the Excel Budget Spreadsheet for FY14 to the Office of Special Programs (OSP) on the date the special ed plan is due.** Please use the spreadsheet for your budget planning, and submit it to Sandra McQuain by e-mail, smcquain@access.k12.wv.us, when you submit the plan. This will facilitate matching the plan to the WVEIS budget and to the subtasks within the online plan.
- Please be reminded the Education Department General Administrative Regulations (EDGAR) stipulate funds may not be obligated prior to the date a substantially approvable plan is received, or July 1, whichever is the latest date. Therefore, it is essential to submit a plan prior to the earliest date expenditures will be incurred. Plans will be reviewed in the order in which they are received. Districts not submitting timely or failing to respond in a timely manner to OSP requests for corrections to plans and budgets (e.g., in time to receive plan approval prior to the opening of school), may be cited in noncompliance with the requirement to submit timely and accurate data and reports. When necessary, a request for extension of the submission timeline may be submitted to Dr. McQuain.
- A match between items listed in the professional development table and action steps/subtasks and the items included in the budget spreadsheet and WVEIS budget is key to receiving plan approval.
- Data analysis for the Special Education Component must include analysis of WESTEST2 and other outcomes data available after July 1, 2012 (include the year), results of Annual Desk Audit (ADA, April 2013) and monitoring, if applicable. Analysis should include **root cause analysis** of low performance and **priority strategic issues** to be addressed in the plan, as appropriate.
- All district professional development activities are submitted in a specific area of the plan, rather than being attached to a goal. Please indicate the special education PD activities using

the checkbox provided. Required information includes: funding source (IDEA, School Age) and **expenditure that will appear in the WVEIS budget** (e.g., teacher stipends, substitutes for teacher release time, professional services of trainer, materials) in addition to the date, topic, mode of training and audience. **Include PD that is locally funded, in addition to activities funded in the plan budget.**

- Medicaid funding used for special education expenditures is federal funding and **is not to be included as local funds in the maintenance of effort calculation** when determining the county budget for special education on Line 13. Beginning in FY11, districts were required to use **the separate revenue and expenditure codes for Medicaid** provided in the *Chart of Accounts* to enable the maintenance of effort screen to pull the correct expenditures from the WVEIS finance system. Additionally, personnel who bill for Medicaid are not to be paid from IDEA funds for the proportion of their work for which they bill.
- Maintenance of effort requires continual diligence, because failure to maintain state/local **or local only** expenditures for students with disabilities, **either in total or per capita**, in the **projected budget** will result in rejection of the application unless one of the federally mandated allowable circumstances can be documented. **Please note the local calculation is adjusted for properly coded Medicaid (00Y83), OPEB (217) and additional benefits (235). If these items are not coded as required by the Chart of Accounts and Office of School Finance, manual adjustments will be necessary.**
- Expenditures in the MOE screen compare FY12 and FY11 and require the CSBO to provide the FY14 budget total the **Eligibility Screen** for state/local expenditures for students with disabilities. To meet MOE requirements, however, the FY14 budget actually must meet the level of expenditures for FY13, provided FY13 met MOE. Therefore, the CSBO should run a report of FY13 expenditures for planning purposes. **If the FY13 budget does not appear to meet MOE, (i.e., expenditures for FY13) the district will be contacted to adjust the budget or to provide allowable reasons under IDEA for a reduction.**
- An LEA failing to maintain the actual level of expenditures year to year is required to pay the amount of the reduction to the U.S. Dept. of Education from state/local funds. In addition to overall expenditures combining state and local funding, the district may use a comparison of local expenditures only for the two most recent available years. **Only one of the four tests must be met.**
- Be aware changes in OPEB liability can affect MOE, therefore, the expenditures entered year to year must be examined for consistency.
- LEAs are required to spend the per pupil amount calculated in the **Excess Cost** screen for the education of students with disabilities before IDEA funds are spent, i.e., to ensure IDEA funds supplement and do not supplant the amount spent for the education of all students. This includes both general and special education provided to the student, and therefore, it does not compare directly to the MOE calculation.
- Goals and action steps should be supported by the data analysis/needs assessment summary.
- Goals and action steps address activities funded through IDEA “school age”, IDEA preschool and state aid allocations. Subtasks and funding sources must be clearly linked to the specific planned allowable expenditures in the Excel Spreadsheet and WVEIS submitted budget.
- Objectives are required for a separate special education goal to meet overall plan requirements. Objectives should relate to priority strategic issues identified in the data analysis for special education, as appropriate. Include **at least one objective** for improving a focus area related to results for students with disabilities.

The Five-Year Plan – Instructions by Section

Five Year Plan

Plan Committee

Ensure the Special Education Administrator is entered as a committee member.

Data Analysis

The Data Analysis screen provides links to various Web-based data sources, including the Special Education Self-Assessment site. The collection and analysis of internal and external data are a prerequisite for determining Goals, Action Steps and Subtasks/Sequences. For special education funding purposes, data analysis is a review and summary of available data for special education students related to the State Performance Plan Indicators, including dropout, graduation, student achievement, least restrictive environment, discipline, disproportionality, evaluation timelines, secondary transition and post school outcomes and compliance with IDEA requirements, including ADA and onsite monitoring results. Data analysis should include **root cause analysis** of at least one selected area of low performance and should describe factors related to this performance. This provides the foundation for **professional development and priority strategic issues**. At a minimum, this section must **include one focus area for improvement**, needs identified through the ADA and applicable monitoring findings. Identify the sections applicable to the special education plan to facilitate connecting this information to the Action Steps. The focus area may be specific to special education or may be part of a county-wide effort, such as reducing dropouts, increasing graduation rate or improving reading/math achievement. Special education specific data analysis should support goals, objectives, actions and subtasks for which special education funds are requested.

Professional Development

Targeted, sustained professional development (PD) is essential both for program improvement and continued compliance. All PD activities funded through IDEA or state aid AND additional major professional development provided through local funding sources should be included in the plan and should reflect linkage to the Data Analysis for special education. PD should be planned to impact the identified root causes of low student performance, to meet continuing compliance requirements and, as appropriate, to correct identified noncompliances.

For each PD activity, enter:

- Date – if specific date is unknown, provide estimated month and year.
- Topic – enter the topic and purpose of your PD. Both topic and purpose should address a need or concern stated in your **Data Analysis**.
- Audience – include who and the number to receive PD.
- Mode – coaching, learning community, trainer led or describe other method

- Funding Source – IDEA, Part B or IDEA Preschool, IDEA CEIS, state aid for exceptional children; include type of expenditure, e.g. stipends, substitutes, travel.

Goals, Objectives, Actions

Based upon the district's data analysis, the identified needs to be addressed through special education funding typically may be categorized into the following seven areas:

- Professional Development
- Personnel
- Services
- Materials, Supplies, Equipment
- Coordinated Early Intervening Services
- Services to Students Parentally Placed in Private Schools
- Facilities
- Other

Action Steps and **Subtasks/Sequences** must support the use of IDEA, Part B school age (ages 3-21) and IDEA preschool (ages 3-5) funds only for the education of students with disabilities and state aid funds only for students with exceptionalities (including disabilities, gifted and exceptional gifted) with some exceptions, which will be subsequently addressed. All IDEA funds shall be used in accordance with IDEA 2004:

- only to pay for the **excess costs** of providing special education and related services to students with disabilities;
- to **supplement** State, local and other federal funds and **not to supplant** such funds; and
- shall not be used to reduce the level of expenditures for the education of students with disabilities made by the district from local funds below the level of those expenditures for the preceding fiscal year with exceptions as specified in 34 CFR §300.204.

IDEA 2004 also identifies other limited appropriate uses of Part B entitlement funds:

- for the costs of special education and related services and supplementary aids and services provided in a general education class or other education-related setting to a student with a disability in accordance with the student's IEP even if one or more nondisabled students benefit from such services;
- for early intervening services in accordance with IDEA §613(f) and §300.226;
- to establish and implement cost or risk sharing funds, consortia or cooperatives for the district or for other districts working in a consortium of which the district is a part to pay for high cost special education and related services;
- to purchase appropriate technology for record keeping, data collection and related case management activities of teachers and related services personnel providing services in the IEPs of students with disabilities that is needed for the implementation of case management activities.

- to carry out a schoolwide program under section 1114 of the Elementary and Secondary Education Act of 1965, except that the amount used by the district for such programs shall not exceed the number of students with disabilities participating in the schoolwide program multiplied by the amount received by the district under Part B for the fiscal year divided by the number of students with disabilities in the jurisdiction of the district.

Additional allowable cost requirements are found in OMB Circular A-87, Appendix B to Part 225 – Selected Items of Cost.

Goals

For ease of locating the special education Action Steps within the online plan, it is recommended the district use one special education goal.

Example:

All special education students will receive free, appropriate public education to increase achievement and performance and to support transition to desired post school outcomes.

It also is permissible to include special education Action Steps and Subtasks within goals in the Core Plan, provided they are clearly identified.

Action Steps/Subtasks

Both **Action Steps** and **Subtasks/Sequences** justify the use of special education funds. Based upon the district's data analysis of needs and additional information., needs are identified in the aforementioned eight categories and are included as **Action Steps** with **Subtasks** that provide specific, required information. The Action Steps provided may be used, or county-specific Action Steps may be written.

The plan template provides pre-written Suggested Special Education Action Steps for the major budget categories. These steps are:

- 1) Special Education 01- Personnel
- 2) Special Education 02- Services
- 3) Special Education 03- Materials, Supplies, Equipment
- 4) Special Education 04–Professional Development
- 5) Special Education 05-Early Intervening Services
- 6) Special Education 06 - Services for Students with Disabilities Parentally Placed in Private Schools
- 7) Special Education 07 - Special Education- Facilities
- 8) Special Education 08- Other

If steps that are not needed are populated into the plan using this feature, please delete the unused steps.

Content of Action Step Sections

Whether customized action steps are written or the prewritten steps are used, specific information to justify expenditures that will appear in the Special Education Budget is required for plan approval. Specifics needed for each of the eight areas are described below. Although free appropriate public education is a general purpose of most special education activities, and may in some cases be sufficient (e.g. for ongoing maintenance of existing personnel, routine supplies or routinely contracted services) a more specific purpose reflecting data analysis/needs assessment is needed for items such as new positions, professional development for program improvement and Coordinated Early Intervening Services.

PERSONNEL

Only personnel **to implement student's IEPs** and to conduct necessary administration of the special education program may be funded through IDEA and state special education funds. If a portion of the an individual's time is designated to implementing IEPs or conducting other special education related functions, only **that portion only may be funded** using special education funds. Academic/graduation coaches, school nurses and other related personnel serving only students with disabilities may be funded; those serving both students with disabilities and other students may only be funded only for the portion of time devoted to special education. These partially funded personnel must maintain daily/hourly time and effort documentation (Personnel Activities Record).

Personnel Subtasks/Sequences must specify the following information for each position for which special education funds are to be expended

- Number of positions, if more than one (e.g., 2 BD teachers)
- Indicate whether position is continuing, (continue to employ...; employ a new...;)
- Area of exceptionality to be served, if a teaching position (e.g., LD/BD/MI)
- Type of position (teacher, aide, autism mentor)
- F.T.E. for each position (e.g., 1.0)
- Specify age group if needed for clarity (e.g. ages 3-5 if preschool funds are used)

Example

Special Education 01-Personnel:

Employ personnel needed to provide free, appropriate public education to students with exceptionalities.

Subtasks:

1. Continue to employ and provide fixed costs for four autism mentors at 1.0 F.T.E
2. Continue to employ and provide fixed costs for six multicategorical teachers at 1.0 F.T.E each.
3. Employ and provide fixed costs for three new classroom aides for preschool at 1.0 FTE to serve increased number of identified students.

SERVICES - Action Step

Contracted Services needed to provide special education and/or related services to students with exceptionalities, ages 3 through 21, may include but are not limited to the following:

Assessment	Psychological Services
Instructional Program	School Social Work Services
Physical Education	Occupational Therapy
Vocational Education	Physical Therapy
Program Evaluation	Speech/Language Therapy
Transition Services	Audiological Services
Recreation Services	Transportation Services
Assistive Technology Services	School Health Services
Parent Counseling/Training	Counseling Services
Rehabilitative Counseling	Orientation and Mobility Services
Diagnostic Medical Services	Nursing Services

Example

Special Education 02-Contracted Services:

Obtain services needed to provide free appropriate public education to students with exceptionalities.

1. Provide physical therapy services to implement IEPs.
2. Provide the services of a school psychologist to conduct evaluations for eligibility.
3. Provide extended school year (ESY) services to implement IEPs.

MATERIALS, SUPPLIES AND EQUIPMENT- Action Step

Action Steps and **Subtasks** will include the materials, supplies and equipment needed to provide special education and related services to students with exceptionalities, ages 3 through 21. The term “equipment” includes: 1) machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them and 2) all other items necessary for the functioning of a particular facility for the provision of educational services, including items such as instructional equipment and necessary furniture; printed, published, and audiovisual instructional materials; telecommunications; sensory and other technological aids and devices; and books, periodicals, documents, and other related materials. All assistive technology devices including computers and software should be compatible with the district’s technology system and purchased through state contracts, if available.

Example

Special Education 03-Materials, Supplies and Equipment:

Purchase materials, supplies, and equipment to support free appropriate public education for students with exceptionalities.

Subtasks

1. Purchase evaluation instruments and related items required to identify students with disabilities.
2. Purchase classroom materials and supplies for classrooms for identified gifted students.
3. Purchase computer equipment for students with disabilities.
4. Purchase computer software for preschool special education classroom.

The budget information for the **Materials, Supplies and Equipment Action Step** is entered in the Special Education Budget spreadsheet. Funding must be coded within the budget corresponding to the allowable use of the funds (e.g. IDEA Part B funds for students with disabilities (primarily 21210, or various specific codes), preschool IDEA for students with disabilities ages 3-5 only [21282 or specific codes available for ages 3-5; state aid specifically for gifted (21271); state aid for students with disabilities (various codes)]).

NOTE: If the county school district plans to use any **IDEA, Part B** funds for materials, supplies and/or equipment in the **Action Steps** or **Subtasks** that has a useful life of more than one year and an acquisition cost of **\$5,000** or more per unit, the **Itemization of Equipment** worksheet must be completed in the **Compliances Special Education** section.

STUDENTS WITH DISABILITIES PARENTALLY PLACED IN PRIVATE (NONPUBLIC) SCHOOLS

IDEA, Part B regulations at 34 CFR §300.133 require districts with identified eligible students with disabilities parentally placed in private schools located within the district to calculate a proportionate amount of funds **and to spend these funds on private school students**. The proportionate share may be calculated using the Special Education Compliances – Private School screen provided in the online plan. Details are found in the Special Education Compliances section below.

Services for Students Parentally Placed in Private Schools

Consultation with representatives of private schools and representatives of parents of private school students must be conducted annually to address the use of IDEA funding. A form is available on the OSP website for this purpose.

For **Private School Services**, an **Action Step** is available. Subtasks describe the specific services.

Example

Special Education 06-Services for Students with Disabilities Parentally Placed in Private Schools: Based on a plan developed in consultation with representatives of students with disabilities parentally placed in private schools, expend the required proportionate amount of IDEA funds to provide services to eligible private school students.

Subtasks

1. Provide speech therapy services to students with disabilities in ABC private/parochial school.
2. Provide transportation to and from speech therapy services to students with disabilities in ABC private/parochial school.

FACILITIES

Action Step and Subtasks for all construction and/or renovations of facilities for eligible students with disabilities must include a general description of the proposed construction (e.g., two (2) additional classrooms or modifications for accessibility). Districts that include an **Action Step and Subtasks** pertaining to **Facilities** must complete the **Construction and Remodeling** worksheet found in the Compliances Special Education section under LEA-Facilities.

Example

Special Education 07 -Facilities:

Complete construction or remodeling needed to provide free appropriate public education to students with exceptionalities.

Subtasks:

1. Construct a wheelchair accessible classroom restroom.
2. Create additional instructional space (equivalent to the specifications of a regular classroom) at ABC Elementary by expanding the dimensions of a current classroom.

The Special Education Compliances – Construction section also must be completed and additional assurances apply.

OTHER

Other Action Steps and Subtasks are for other activities beyond the scope of the previously described categories and must include a general description of the activity and how the funds will be spent. Indirect costs are listed in this section. The Office of Special Programs will provide the maximum allowable amount for indirect costs when this information is available.

Example:

Special Education-Other:

Provide other activities to ensure provision of free appropriate public education for eligible students with disabilities and exceptionalities.

Subtasks:

1. Conduct meetings for the district CIFMS steering committee in the annual review and revision, if appropriate, of the District Self-Assessment (stipends and travel reimbursement)
2. Ensure that IEPs are implemented by providing substitute teachers for teachers who are attending IEP team meetings
3. Provide FAPE for students by reimbursing parent for travel reimbursement in lieu of transportation.
4. Provide indirect costs.

The budget information for the **Other Action Step** is entered in the Special Education Budget spreadsheet.

Special Education Compliances

Special Education Compliances include required information to be completed by each county school district requesting IDEA Part B and state aid special education funds. Forms and calculations have been updated to reflect the information needed for the FY13 plan.

In the navigation pane, click on Compliances Special Ed to display a list of compliance sections of the plan. These sections provide: 1) the FY 14 allocations, 2) calculator for private school expenditures, 3) excess cost calculation, 4) maintenance of effort (MOE 2014), including state/local and local only calculations and district entry of the FY14 budget total (Eligibility), 5) Coordinated Early Intervening Services plan and report and 6) section to be completed if equipment \$5000 or more; and 7) construction plan, if any.

Requirements:

- Allocations – **required** to select allocations for the appropriate fiscal year
- Calculation of Required Expenditures for Students with Disabilities Who are Enrolled by Their Parents in Private Schools - **Required of all districts**. Enter the child count information for the 2012-2013 school year in the boxes provided. These numbers are not automatically provided by the system. If none, check NO.
- Excess Costs – **required to review and provide assurance**.
- Maintenance of Effort (MOE) – **required**.
- Coordinated Early Intervening Services Report – **As applicable**; If any funds were expended for CEIS in the 2012-2013 or the two prior years, numbers served and number subsequently identified for special education are entered for all three years (FY 11, FY12 or FY13). If FY 2014 funds are being budgeted for CEIS, a complete plan is required. It may be necessary to add boxes or adjust the year headers.
- Itemization of Equipment – **if any items \$5,000 or more**
- Construction and Remodeling – **if any**

Allocations

Under this section **SELECT THE ALLOCATIONS TO WHICH THIS APPLICATION APPLIES**. Once the appropriate year's allocation is selected, the updated IDEA and state allocations appear in the box at the top of the screen. If allocations have not been received from OSEP at the time the plan is completed, the allocations may not be available in this screen. Specifically, the funds that may be requested using this plan are as follows:

APPROPRIATE USE OF FUNDING SOURCES

Funding Source	Project Code	Ages /Grade Levels	Students
IDEA Part B, School Age Entitlement	43-X-1	3-21	Students with Disabilities (not gifted) Except 15% or less for Coordinated Early Intervening Services for unidentified students
IDEA Part B, Preschool	43-X-2	3-5	Students with disabilities
State Aid, Special Education	02-X-1	3-21	Students with Exceptionalities (disabilities and gifted, exceptional gifted)

Choose **only** those amounts for the fiscal year for which the district is making application. **Click Update**. Please note that the majority of districts will only be applying for FY-14 funds. Allocations must match the amounts displayed in the columns of Table 1 (federal school age entitlement and Early Intervening), Table 3 (federal preschool entitlement) and Table 4 (state aid) and must be entered in the space(s) provided. For those districts that allocate funding for early intervening services, the amount allocated cannot exceed the amount listed under the column, Early Intervening, on Table 1.

Private Schools

Proportionate Share for Students Parentally Placed in Private Schools

Calculate the proportionate amount by going to the navigation pane, clicking Compliances Special Education and then clicking LEA-Private Schools. This worksheet will assist in calculating the amount of IDEA, Part B and IDEA, Section 619 (preschool) funds that must be spent for students with disabilities

parentally placed in private schools. (See also Appendix C). The district is responsible for maintaining a count as of December 1 of the eligible students with disabilities placed in private schools (whether or not they are receiving services). This count and the total number of eligible students (public and private) are entered into this screen by the district each year. The proportionate amount is calculated based on the district's IDEA funding allocations. This amount must be budgeted and expended.

34 CFR §300.133 requires districts to **spend**:

*(1) for students aged 3-21, the same proportion of the local education agency's total subgrant under section 611(f) of the Act as the number of private school children with disabilities aged 3-21 who are enrolled by their parents in private, including religious, **elementary** schools and **secondary** schools located in the school district served by the LEA, is to the total number of students with disabilities in its jurisdiction aged 3-21, and (2) for students aged 3-5, an amount that is the same proportion of the local education agency's total subgrant under section 619(g) of the Act as the number of private school students with disabilities aged 3-5 who are enrolled by their parents in a private, including religious, elementary school located in the school district served by the LEA, is to the total number of students with disabilities in its jurisdiction aged 3 through 5.*

***Note:** *Students are considered to be parentally-placed private school students with disabilities enrolled by their parents in private, including religious, elementary or secondary schools, if they are enrolled in a private school that meets the definition of elementary school or secondary school as defined below:*

- Elementary School means a nonprofit institutional day or residential school **that provides elementary education as determined under State law.**
- Secondary school means a nonprofit institutional day or residential school that provides secondary education as determined under State law, except that it does not include any education beyond grade 12.

Excess Cost

The excess cost screen populates with data from the WVEIS financial system. The information is reviewed and information provided as applicable on each of the screens. Except as otherwise provided, amounts provided to an LEA under Part B of the Act may be used only to pay the excess costs of providing special education and related services to children with disabilities. An LEA must spend at least the average annual per student expenditure on the education of an elementary school or secondary school child with a disability before funds under Part B of the Act are used to pay the excess costs of providing special education and related services. Section 602(8) of IDEA and §300.16 require the LEA to compute the minimum average amount separately for children with disabilities in its elementary schools and for children with disabilities in its secondary schools.

Basis for Calculation

To provide the needed data for both secondary and elementary costs, the following procedures were developed to enable the pro-ration of the financial data already submitted through WVEIS. A table was

established using the salary expense of teachers by location within the general ledger. Pre-kindergarten through grade six was defined as elementary and grades seven through 12 were defined as secondary. Using this definition to segregate total salary expense, a prorated percentage to total expenses was assigned to each elementary and secondary. The total expense pulled from WVEIS in each of the fund categories was multiplied by the resulting factor to produce the expenditure amount to be used in each of the calculations for elementary or secondary results. In addition, the child counts used in the calculations were divided based on the assumption of ages 3-12 as elementary and 13-21 as secondary. Title I funding is disaggregated based on school.

Districts are required to review information as reported on the form and assure that your county meets the excess cost requirement as defined. The amount calculated in the plan indicates what must be spent in FY14. In addition, please review the numbers for reasonableness and contact Janice Hay, Coordinator, at jehay@access.k12.wv.us should you have questions about the information as presented.

Maintenance of Effort (MOE)

IDEA 2004 implementing regulations at 34 CFR §300.203 require LEAs to assure IDEA funds provided to the LEA are not used to reduce the level of expenditures for the education of students with disabilities made by the LEA from state and local funds below the level of those expenditures for the preceding fiscal year, except in certain circumstances described in §300.204 and §300.205. WVDE is required to determine: 1) whether the LEA is in compliance for MOE as verified by comparing actual expenditures for two prior consecutive years, and 2) whether the LEA is eligible to receive IDEA funds based on assurances it has a budget meeting MOE requirements for the coming year

Medicaid funds spent for students with disabilities are considered federal funds and both IDEA regulations at 34 CFR §300.154(g)(2), and Policy 2419: *Regulations for the Education of Students with Exceptionalities* provides Medicaid funds may not be counted as local funds. Therefore, Medicaid funds expended for students with disabilities must be excluded from maintenance of effort calculations. Beginning with FY 11, LEAs were required to code such Medicaid expenditures in WVEIS in accordance with the *Chart of Accounts* to establish documentation for MOE calculations. For prior years, the LEA must provide the amount of Medicaid expended for students with disabilities and maintain documentation for auditing purposes.

Compliance with Maintenance of Effort

The LEA must maintain compliance year to year by spending the same amount of state/local or local only funds on students with disabilities as it spent in the prior year. Failure to comply with MOE requirements may result in audit findings and repayment of funds from non-Federal sources. MOE expenditures and calculations are provided for school districts using the WVEIS finance system in the MOE 2013 screens, including State/Local and Local Only screens. Expenditures for the two most recent prior years for which information is available are examined for MOE using the four tests below:

1. At least the same **total combined local and state funds was expended** as the LEA expended on the education students with disabilities the previous fiscal year.

2. At least the same amount of **local funds was expended** as the LEA expended on the education students with disabilities the previous fiscal year.
3. At least the same student **per capita amount from combined state and local funds** was expended as the LEA expended on the education students with disabilities the previous fiscal year.
4. At least the same **student per capita amount from local funds** was expended as the LEA expended on the education students with disabilities the previous fiscal year.

If none of the four calculations (tests) demonstrates compliance, the LEA will be asked to provide documentation of allowable reasons for the reduction, if any, based on the following exceptions.

Exceptions. LEAs may reduce their level of local, or state and local expenditures below amounts expended in the prior year under 34 CFR §300.204 if such a reduction is attributable to any of the following:

- 1) The voluntary departure, by retirement or otherwise, or departure for just cause, of special education or related services personnel;
- 2) A decrease in the enrollment of children with disabilities;
- 3) The termination of the obligation of the agency, consistent with Part B, to provide a program of special education to a particular child with a disability that is an exceptionally costly program, as determined by the SEA, because the child: (a) has left the jurisdiction of the agency; (b) has reached the age at which the obligation of the agency to provide FAPE to the child has termination; or (c) no longer needs the program of special education;
- 4) The termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities; and/or
- 5) The assumption of cost by the high cost fund operated by the SEA under 34 CFR §300.704(c).

Additionally, §300.205 provides that in any fiscal year district's IDEA, Part B, Section 611 (school age) allocation exceeds the amount received in the previous fiscal year, the district may reduce the level of state and local expenditures otherwise required by the maintenance of effort requirement by up to 50 percent of the increase in federal funding. The reduction would be reflected in the amount of state and local funds to be budgeted for expenditures for students with disabilities. Districts may take advantage of this flexibility provided they received a determination of "Meets Requirements" under IDEA, Section 616 and are not required to reserve 15 percent of their funds for Coordinated Early Intervening Services (CEIS) under 34 CFR §300.646. West Virginia districts with a determination of "Needs Assistance" may not use this flexibility.

Eligibility to Receive a Grant Award

To establish its **eligibility** to receive IDEA entitlement grant awards for fiscal year 2014, and subsequent years, the LEA must budget, for the education of students with disabilities, at least the **same total or per capita amount** from either of the following sources as the LEA spent for that purpose from the same source for the most recent prior year for which information is available:

- (i) Local funds only.
- (ii) The combination of State and local funds.

This results in four possible ways an LEA may demonstrate MOE:

1. At least the same **total combined amount of state and local funds** is budgeted as the LEA expended on the education of students with disabilities the previous fiscal year.
2. At least the same **total amount of local funds only** is budgeted as the LEA expended on the education students with disabilities the previous fiscal year.
3. At least the same student **per capita amount from state and local funds** is budgeted as the LEA expended on the education students with disabilities the previous fiscal year.
4. At least the same student **per capita amount from local funds only** is budgeted as the LEA expended on the education students with disabilities the previous fiscal year.

The LEA needs to only meet one of the four tests to ensure eligibility and receive approval for its Special Education Plan. However, the state/local calculations are the primary guide for determining eligibility, since the local only expenditures are difficult to project.

Because FY12 expenditures are not available when the LEA's Five-Year Online Strategic Plan – Special Education Component and budget for FY13 are reviewed, the online plan system extracts expenditures from WVEIS and calculates the four MOE tests for the most recent years for which data are available at the time the application is submitted (June 1). This is used as a guide for determining whether the projected budget appears sufficient to meet MOE. After the close of the fiscal year (September 30), the prior fiscal year's expenditures will be examined and compared to budget to ensure it meets requirements. If not, the LEA will be requested to analyze and submit documentation to establish eligibility or to adjust the budget as necessary.

The district must determine the amount of state and local funds to be budgeted for students with disabilities for FY 2014, and this amount must be reported in the MOE 2014 – Eligibility Screen within the special education component of the online plan. If this amount does not equal the amount expended in the most recent prior year available, an acceptable reason and documentation for reducing MOE must be provided. If the district did not meet MOE in the compliance calculations described above, the amount to be budgeted is the amount the district should have spent for MOE in the most recent prior year for which data are available. Do not include Medicaid funds budgeted for special education in the budgeted amount.

LEAs that seek to reduce their local maintenance of effort in accordance with §300.205 (d) and use some of their Part B funds for early intervening services under §300.226 must do so with caution because the local maintenance of effort reduction provision and the authority to use Part B funds for early intervening services are interconnected. The decisions that an LEA makes about the amount of funds that it uses for one purpose affect the amount that it may use for the other. A district seeking to use both CEIS and reduction in MOE should contact the OSP Assistant Director for Administration for assistance.

Coordinated Early Intervening Services

The IDEA 2004 regulations at 34 C.F.R. §300.646 require that, in the case of a determination of *significant disproportionality* by race or ethnicity in the identification of students as students with disabilities, the placement in particular educational settings of such students, or the incidence, duration and type of disciplinary actions, including suspensions and expulsions, the State must require the district to reserve fifteen percent (15%) of its federal Part B school age entitlement funds for comprehensive, coordinated *early intervening services* (CEIS) to serve general education students in the district, particularly, but not exclusively, students in those racial or ethnic groups that are vulnerable to being significantly overidentified.

Districts also may elect to use up to 15 % of their IDEA, Part B funds for Coordinated Early Intervening Services, subject to limitations encountered if a reduction in Maintenance of Effort also is taken.

Coordinated Early Intervening Services are coordinated services designed to assist general education students **not yet identified** for special education and related services, but who require additional academic and behavioral support to succeed in the general education environment, grades K-12 (with an emphasis on students grades K-3, **not** preschool). The purposes of early intervening services are:

- to prevent inappropriate labeling of children as disabled;
- to reduce the severity of a potential disability; and/or
- the early identification of students with significant learning challenges.

Funds used to implement CEIS may be aligned with activities funded and carried out under the Elementary and Secondary Education Act (ESEA) of 1975, if such funds are used to supplement and, and not supplant the ESEA funds for the activities and services provided under this subsection. That is, CEIS funds may not be used for activities that previously were funded by Title I. This is a rebuttable presumption.

Coordinated Early Intervening Services include:

- offering professional development (which may be provided by entities other than the districts) for teachers and other school staff to enable them to deliver scientifically-based academic instruction and behavioral interventions, including scientifically-based literacy instruction, and when appropriate, instruction on the use of adaptive and instructional software, and providing educational and behavioral evaluations, services, and supports, including scientifically-based literacy instruction.

Districts may choose to:

- **initiate a coordinated** early intervening services program, which consists of a **variety** of newly developed activities to address the academic and/or behavioral needs of students without disabilities; and/or

- **expand** the implementation of current efforts to meet the academic and/or behavioral needs of nondisabled students as described in the County/School Strategic Plan(s).

The Coordinated Early Intervening Plan must be completed in addition to linking the plan to an appropriate plan goal and creating an action step. Under Special Education Compliances a screen is provided with prompts for information that must be completed for each type of program or service planned. The following information is required:

Provide a narrative description for each program, including the following:

- The **need for the program**, including the data analysis supporting the need. May reference or expand upon sections of the Strategic Plan Data Analysis.
- A **definition and entrance criteria** for the students not yet identified as students with disabilities needing academic and/or behavioral support to succeed in the general education environment who will receive the CEIS and the method of identifying the students.
- A brief description of the Coordinated Early Intervening Services (CEIS) including a description of the targeted subjects or areas (e.g., reading, mathematics, behavior) the program and intervention(s) to be implemented, professional development, curriculum materials and staffing. If CEIS professional development is outlined in the Strategic Plan Professional Development section, reference this section.
- Targeted Schools and Grade Levels and estimated number of students to be served.
- The method(s) of monitoring student progress and how student progress will be recorded and tracked, including tagging and tracking within WVEIS student records for two years following receipt of CEIS to determine whether the students subsequently are identified as students with disabilities.
- Exit criteria for students no longer receiving CEIS.
- A description of how CEIS funds will be spent.

The plan must be linked to Data Analysis, a Goal and Action Step. The budget information for the **CEIS Action Plan** is entered in the Special Education Budget spreadsheet in the CEIS section.

CEIS REPORT

Reporting Requirements. Each district that develops and maintains Coordinated Early Intervening Services must annually report to the OSP on:

- The number of students served by Coordinated Early Intervening Services, and
- The number of students served by Coordinated Early Intervening Services who subsequently receive special education and related services under IDEA 2004 within two years (§300.226).

Each student is identified according to the criteria established for the CEIS program must be tagged in the WVEIS Basic Student Record. This will enable a report to be generated through WVEIS annually to maintain the required count of students and to track and report students subsequently identified with a disability.

Refer to previous plans as needed. The table below requests the **minimum required data**. **Open the content box and adjust the years or insert a column as needed.**

Coordinated Early Intervening Services Report in the Plan

	2010-2011	2011-2012	2012-2013	
Number of students without disabilities who received coordinated EIS				
Number of students without disabilities reported above who were Initially referred and found eligible as students with disabilities.				

Itemization of Equipment

Complete this worksheet for equipment having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit for equipment identified in any action step using Special Education funding. List each type of equipment (e.g., Liberator, Dynavox) and description, the number of units to be purchased and the action step where the purchase of each equipment item is specified. Also, indicate with an “X” the funding source for each item. **Information on this page must accurately match information in the Action Steps** that include the equipment purchase. **If purchases meeting the \$5,000 threshold are needed during the fiscal year, the district should request written approval from the OSP Assistant Director for Administration by e-mail (smcquain@access.k.12.wv.us).**

Construction

A screen with specific information required for approval of construction projects provides the information to be completed in detail. LEAs submitting construction projects should contact the OSP Assistant Director for Administration for assistance.

Budget

The special education budget will be submitted with the county budget by the county’s chief financial officer no later than June 1. Collaboration between the special education director and the Chief School Business Official will be needed to ensure the WVEIS budget meets requirements, including maintenance of effort. To coincide with the due date for the WVEIS budget, Special Education plans are due June 1, 2013.

The Excel spreadsheet submitted with the special education plan is a helpful planning tool. Please continue to submit the spreadsheet by e-mail to assist in the review of the budget. The WVEIS budget must match the Action Steps/Subtasks in the Five-Year plan. Budgeted amounts will be matched through review of the project, program/function and object codes, and the explanation provided in the spreadsheet, therefore, specific codes from the *Chart of Accounts* (<http://wvde.state.wv.us/finance/manuals/charts.pdf>) are required. Because county budgets must go to the local Board of Education for approval and must be available to the public for review, the special education director in collaboration with the CSBO will need to complete the budget no later than mid-May.

The special education budget, as submitted through WVEIS, will be populated into the online plan system, when it is available. It will not be reflected in the plan pdf submitted on June 1. **Please be as accurate as possible with coding and amounts in this original submission.** Once the WVEIS budget is submitted, changes can only be made through the budget revision process submitted after July 1. If the OSP's review indicates a budget revision is required before the plan can be approved, the budget revision process could delay release of the grant award. In this situation, the online plan may be approved pending submission of the required budget revision.

It will be necessary to consult the *Chart of Accounts* for applicable budget codes to specify how funds are being budgeted.

- Specific program/function codes indicating the type of teacher or related service personnel or other expenditure will be used to differentiate personnel within the WVEIS budget. For example, the 21210 code indicates a multicategorical teacher. It is not a catch-all for special education.
- In some cases 21210 may also be used for general expenditures for which a specific code is not provided. **Materials and supplies and travel may be categorized as multicategorical (21210) for disability areas, preschool (21282) if funds are preschool-specific or 21271 for gifted.** More detailed program/function codes may be used at LEA discretion, for example, 22150 for speech.
- Professional development for special education is 22213.
- Specific related services, such as speech therapy 22150, physical therapy/occupational therapy (22160) have designated codes.
- The private school proportionate share expenditures are designated with a program/function code beginning with 5xxxx, so these funds may be tracked.
- Coordinated Early Intervening Services (CEIS) program/function code begins with 1xxxx, indicating a general education expenditure.

Additional codes are available in the *Chart of Accounts*. All special education expenditures have program/function codes beginning with 2xxxx. Expenditures are further specified by the object codes. For example, professional development expenditures would be further specified with object codes for stipends, substitutes or services of the trainer. Bear in mind plan reviewers are matching the subtasks to the WVEIS budget, so please provide subtasks and budget coding that can easily be matched.

The budget must link the Action Steps and Subtasks to allowable expenditures in the eight categories as applicable. The WVEIS budget will not appear grouped in these categories, however.

Personnel:

- The amount to be expended from IDEA, Part B funds (ages 3-21), 43-X-1, by **program/function code** for type of position (e.g., autism, speech, multicategorical) for personnel. Each type of position will require its own line item for the salary and additional line items for various fixed costs. The program/function code and the FTE in the spreadsheet and budget system must match the information in the subtasks within the online plan.
- In the column for IDEA Preschool (Ages 3-5), 43-X-2, enter the amount to be expended from this project code for personnel as described above. Only personnel providing special education and related services to students with disabilities ages 3-5 are allowable under this project code (e.g. developmental delay, speech therapy).
- In the column for State Aid, enter the amount to be expended from this project code for personnel as described above. Personnel providing special education and related services to any student with an exceptionality, including disabilities, gifted and exceptional gifted, may be funded through this project code.

This same process is repeated for the additional expenditure categories, as applicable to the Action Steps and Subtasks created in the plan and to the special education activities in the Professional Development Plan. Repeat the process above for:

- Services
- Materials, Supplies and Equipment
- Professional Development
- Coordinated Early Intervening Services – Amount must be listed separate from other sections to verify amount spent is not greater than 15% of IDEA school age funds
- Services to Students Parentally Placed in Private Schools

APPENDIX A

INDIRECT COSTS

Indirect costs must be within the rates established for the fiscal year in which funds are expended and may only be charged to federal grants and not state aid funds. For budgeting purposes, the initial indirect cost budgeted amount is calculated on the full federal grant award, even though actual indirect charged at the end of the fiscal year likely will be less. Indirect is not the full grant amount multiplied by the percentage rate, because indirect is charged only on the expenditures, which do not include the indirect charge. When indirect rates are made available, the OSP calculates the maximum allowable indirect and forwards a table to the LEAs. The maximum allowable indirect is calculated as follows:

Example (Indirect Costs Calculation)- Two methods of calculation are provided.

To calculate an indirect cost rate for a federal allocation at the rate of 2.23%:

Total Amount of Grant	\$20,000
Indirect Cost Rate	2.23%

Project Direct Costs \$20,000 / (2.23% + 100%) = \$196

Project's Indirect Costs	\$19,574 X 2.23%	= \$	437
Total			\$20,000

OR

[Expenditure Amount / (Indirect rate/1) + 1] x Indirect Rate

2.23/1+1 = 1.0223

(20,000/1.0223) x 2.23 = \$437

APPENDIX B

CALCULATION FOR EQUITABLE SERVICES FOR PARENTALLY PLACED STUDENTS IN PRIVATE SCHOOLS

EXAMPLE

EXPENDITURES FOR PARENTALLY PLACED STUDENTS IN PRIVATE SCHOOLS

A district has the following numbers of eligible students with disabilities on December 1.

Eligible Private School Students with Disabilities Aged 3-21

Receiving special education and/or related services	8
Not receiving special education and/or related service	2
<i>Subtotal</i> of all eligible private school students with disabilities	10

Eligible Public School Students with Disabilities Aged 3-21

Receiving special education and/or related services	186
Not receiving special education and/or related services	4
<i>Subtotal</i> of all eligible students with disabilities	190

• **All IDEA eligible students in the district** **200**

The minimum required expenditure for students aged 3-21 is:

$$\begin{array}{l} \text{(a.) } 10 \\ \text{(b.) } 200 \end{array} \times \text{(c.) } \$100,000 = \text{(d.) } \$5,000$$

This calculation is repeated to determine a separate amount for the IDEA Preschool Entitlement, using numbers for children ages 3-5 parentally placed in a private elementary school for preschool.

APPENDIX C
DOCUMENTATION OF CONSULTATION WITH
PRIVATE SCHOOL AND PARENT REPRESENTATIVES

Components of Consultation: Document the specific strategies for each of the following components as a result of consultation with representatives of private schools located within the county and representatives of parents of parentally-placed private school students.

1. Child Find:

a. Students will be identified and referred by:

- ☐ Private school teacher or administrator referrals ☐ Parent referrals ☐ Other _____
☐ Developmental Screenings ☐ Physician referrals

b. Parents, teachers and private school officials will be informed of the child-find process through:

- ☐ Brochure dissemination ☐ Public announcements ☐ Other _____

2. Proportionate Share of Funds: *For purposes of calculating the proportionate share, a count of parentally-placed private school children with disabilities attending private schools located in the local educational agency (LEA) must be conducted December 1 of each year.*

- ☐ Review of calculation of IDEA, Part B proportionate amount and IDEA Preschool proportionate amount (if any).

3. Consultation Process:

Identify the method(s) for conducting the consultation process, including how the process will operate throughout the school year to ensure parentally placed private school students with disabilities identified through child find can meaningfully participate in special education and related services.

- ☐ Meeting ☐ Focus Group
☐ Survey ☐ Phone Conference
☐ Correspondence ☐ Other _____

4. Provision of Special Education and Related Services:

Identify **how, where, and by whom** special education and related services will be provided

☐ Type(s) of Services (Direct and alternate service delivery mechanisms)

☐ Evaluation of Services Provided _____

☐ How services will be apportioned if funds are insufficient to serve all parentally-placed private school students ____

☐ How and when decisions will be made _____

Written Affirmation of Participation in the Consultation Process:

District Representative(s) _____	Date _____
Parent Representative(s) _____	Date _____
Private Schools Representative _____	Date _____
Private Schools Representative _____	Date _____
Private Schools Representative _____	Date _____

NOTE: If the LEA disagrees with private school officials on the provision of services or types of services, the LEA will provide to the private school officials a written explanation of the reasons why the LEA chose not to provide services directly or through a contract.

APPENDIX D
FY 14 ASSURANCES

West Virginia Department of Education
Individuals with Disabilities Education Act LEA Assurances

As a condition of eligibility for assistance under IDEA Part B for the fiscal year, the local educational agency (LEA) hereby submits a plan that provides assurances the LEA meets each of the conditions and requirements cited below.

Compliance with Statutes, Regulations, State Plan and Applications. The LEA will comply with the State Application for Federal Funds under the Individuals with Disabilities Education Act and applicable statutes, regulations and approved applications and will use IDEA Part B funds in accordance with the LEA's approved plan, including all grant award stipulations and assurances, approved project amendments and budget revisions.

Full Educational Opportunity. The LEA hereby assures full educational opportunity to all students with disabilities ages birth to 21 residing within its jurisdiction by the 2014 school year as required by 34 C.F.R. §300.109.

Equitable Services for Students Parentally Placed in Private Schools. To the extent consistent with the number and location of students with disabilities enrolled by their parents in private, including religious, elementary and secondary schools located in the district, provision will be made for their participation in programs assisted or carried out under IDEA Part B in accordance with 34 CFR §300.130 through §300.144 and Policy 2419.

Public Control of Funds. The LEA assures control of funds provided to the LEA and title to property acquired with those funds will be in the LEA, and that it will administer such property and funds and apply them only for the purposes for which they are granted. Public control includes ensuring equipment and supplies for programs serving students parentally placed in a private school are used only for Part B purposes and are removed from the school when no longer needed to implement services plans. The LEA will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, funds paid to the agency. The LEA assures adherence to IDEA and WV Board Policy 8100, 8200 and the Chart of Accounts regarding fund accounting, procurement, equipment and inventory control.

The LEA provides assurance it meets the requirements for eligibility in 34 C.F.R. §§300.201 through 300.213 as follows.

Policies and procedures. The LEA has in effect policies, procedures and programs consistent with the State policies and procedures established under §§ 300.101 through 300.163, and §§ 300.165 through 300.174 as set forth in WV Board Policy 2419: *Regulations for the Education of Students with Exceptionalities*, which the LEA has adopted as local policy and procedures, and Policy 4350: *Procedures for the Collection, Maintenance and Disclosure of Student Data*.

Excess Cost and Nonsupplanting. The LEA will use funds provided under IDEA Part B, in accordance with the approved plan, only to provide for the excess cost of special education and related services for students with disabilities as described in §300.202. IDEA funds will be used to supplement state, local, and other federal funds and not to supplant those funds.

An LEA meets the excess cost requirement if it has spent at least a minimum average amount for the education of its children with disabilities before IDEA Part B funds are used. The average amounts are calculated in accordance with 34 CFR §300.16, separately for elementary and secondary education, exclusive of federal IDEA, Title I and Title III funds, capital outlays and debt service expenditures for the prior year, multiplied by the December 1 child count of students with disabilities in the current year. The district will maintain records to verify excess cost compliance.

Maintenance of Effort. Except in allowable circumstances as provided in §§ 300.204 and 300.205 and approved by the WVDE, funds provided to an LEA under IDEA Part B will not be used to reduce the level of expenditures for the education of students with disabilities made by the LEA from state and local or local only funds below the level of those expenditures for the preceding fiscal year, either in total or on a per pupil basis. To receive its IDEA grant award, the LEA ensures it has budgeted for the education of students with disabilities at least the same total or per capita amount from local or combined state/local funds as it spent in the most recent prior year for which data are available. The LEA will review immediate prior year expenditures for students with disabilities when data are available and ensure the budget meets maintenance of effort requirements.

Schoolwide Programs under Title I of ESEA. If the LEA uses grant funds to carry out a schoolwide program under section 1114 of ESEA, the amount used will not exceed the amount received by the LEA divided by the number of students with disabilities in the district's jurisdiction multiplied by the number of students with disabilities participating in the schoolwide program, and conditions of §300.206 will be met.

Additional Use of Funds. IDEA Part B will be used in accordance with the above requirements, and may be used by the LEA for the following activities in accordance with §300.208: Individualized Education Program services and aids provided for students with disabilities that also benefit one or more students without disabilities, coordinated early intervening services in an approved plan, high cost special education consortia and administrative case management.

Personnel Development. The LEA ensures all personnel necessary to carry out IDEA Part B, including teachers, related services personnel and paraprofessionals, are appropriately and adequately prepared, subject to the requirements of § 300.156 (related to personnel qualifications) and section 2122 of the ESEA, and that the LEA will take measurable steps to recruit, hire, train and retain highly qualified personnel to provide special education and related services.

Purchase of Instructional Materials. When purchasing print instructional materials, the LEA will take reasonable steps to ensure students with disabilities who need instructional materials in accessible formats are provided those materials at the same time as other children receive instructional materials in accordance with 34 C.F.R. §300. 172. WVDE coordinates with the National Instructional Materials Access Center (NIMAC) to provide accessible instructional materials to students who are blind or have print disabilities in a timely manner, and currently, all LEAs have opted to provide assurances they will coordinate with NIMAC for this group. At such time the LEA chooses not to coordinate with NIMAC, as is its right, the LEA will notify WVDE and provide an assurance that it will provide accessible instructional materials in a timely manner by other means.

Reports. The LEA will make reports to WVDE and to the U.S. Secretary of Education as may be necessary to enable WVDE to perform required duties, including provision of data and information under IDEA Part B, relevant to the State Performance Plan and Annual Performance Report under §300.157, assessment reporting under §300.160 and Annual Data Reports under Section 618 of IDEA. Additionally, the LEA will provide upon request reports necessary to carry out WVDE's general supervisory responsibilities, including participation in the Continuous Improvement Focused Monitoring process, District Self-Assessment and dispute resolution processes, and cooperation with program evaluations, as applicable.

Public information. The LEA makes available to parents of children with disabilities and to the general public all documents relating to the eligibility of the agency under Part B of the Act.

Records regarding migratory children with disabilities. The LEA assures cooperation in the Secretary of Education's efforts under section 1308 of the ESEA to ensure the linkage of records pertaining to migratory children with disabilities for the purpose of electronically exchanging, among the states, health and educational information regarding those children.

Additional Requirements – Federal Grants and Awards:

- **Nondiscrimination:**

The grantee will comply Title VI of the Civil Rights Act of 1964(45 U.S.C. 2000D—4), Title IX of the Education Amendments of 1972 (20 U.S.C. 1681—1683); Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and The Age Discrimination Act (42 U.S.C. 6101 *et seq.*)

- **Funding source:**

The grant recipient shall acknowledge the funding source used for all materials developed or purchased, training delivered, and/or equipment purchased with federal grant funds.

- **Special Conditions for Disclosing Federal Funding in Public Announcements:**

When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state:

- 1) The percentage of the total costs of the program or project which will be financed with Federal money;
- 2) The dollar amount of Federal funds for the project or program; and
- 3) Percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

- **Requirements Regarding the Use of Grant Funds for Conferences and Meetings:**

Grantees must take into account the following factors when considering the use of grant funds for conferences and meetings:

- 1) Ensure that attending or hosting a conference or meeting is consistent with its approved application and is reasonable and necessary to achieve the goals and objectives of the grant;
- 2) Ensure that the primary purpose of the meeting or conference is to disseminate technical information (e.g. provide information on specific programmatic requirements, best practices in a particular field, or theoretical, empirical, or methodological advances made in a particular field; conduct training or professional development; plan/coordinate the work being done under the grant); and
- 3) Consider whether there are more effective or efficient alternatives that can accomplish the desired results at a lower cost, for example, using webinars or video conferencing.

Grantees must follow all applicable statutory and regulatory requirements in determining whether costs are reasonable and necessary, especially the Cost Principles for Federal grants set out at 2 CFR Part 225 (OMB Circular A-87, State, Local, and Indian Tribal Governments), (<http://www.gpo.gov/fdsys/pkg/CFR-2011-title2-vol1/xml/CFR-2011-title2-vol1-part225.xml>); 2 CFR Part 220 (OMB Circular A-21, Educational Institutions), (<http://www.gpo.gov/fdsys/pkg/CFR-2011-title2-vol1/xml/CFR-2011-title2-vol1-part220.xml>); and 2 CFR 230 (OMB Circular A-122, Non-Profit Organizations) (<http://www.gpo.gov/fdsys/pkg/CFR-2011-title2-vol1/xml/CFR-2011-title2-vol1-part230.xml>).

- **Prohibition of Text Messaging and Emailing While Driving During Official Federal Grant Business:**

Federal grant recipients, subrecipients and their grant personnel are prohibited from text messaging while driving a government owned vehicle, or while driving their own privately owned vehicle during official grant business, or from using government supplied electronic equipment to text message or email when driving.

ASSURANCES LOBBYING; DEBARMENT, SUSPENSION AND OTHER

RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, 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 of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than 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 this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110--

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (2)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 -

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:
- (1) Abide by the terms of the statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency in writing within 10 calendar days after receiving actual notice of such a conviction. Employees of convicted employees must provide notice, including position title to: Director, Grants Policy and Oversight Staff, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:
- (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance is the district's headquarters.

DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610-

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants Policy and Oversight Staff, Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant.

PR/AWARD NUMBER AND / OR PROJECT NAME

CFDA 84.027 and 84.173

ED 80-0013

Additional assurances for construction/facilities projects also are required.