

# American Rescue Plan (ARP) Funds Supplemental Grant for Individuals with Disabilities Education Act (IDEA) Frequently Asked Questions

Part B and Part C of the Individuals with Disabilities Education Act (IDEA) authorize assistance to State Education Agencies (SEAs) to support the provision of special education and related services to children with disabilities and the provision and coordination of early intervention services for infants and toddlers with disabilities and their families, respectively. Section 2014(a) of the American Rescue Plan (ARP) Act of 2021 provided more than \$3 billion in supplemental funding for state Fiscal Year 2022 for the two IDEA formula grant programs. This document contains questions and answers regarding the ARP as it relates to IDEA requirements and additional funds.

## **1. What are these funds considered?**

The additional IDEA funds that have been appropriated through ARP are considered IDEA federal grants. When budgeting these funds, LEAs must apply all the same requirements that are required when budgeting traditional IDEA funds.

## **2. How will these allocations impact other awards to LEAs?**

The ARP IDEA funds do not affect LEAs' base payment amounts under section 611 and section 619 of IDEA. After making base payments, the department must allocate the remaining ARP IDEA funds based on population and poverty to LEAs.

## **3. Where can I find my allocation and explanation of how these allocations were derived?**

LEAs will receive their allocations on July 15, 2021. Allocation details can be found [here](#). The allocations were figured using the same methodology as the regular IDEA Part B and Preschool funds.

## **4. How will LEAs apply for ARP IDEA funds?**

LEAs will submit a separate funding application in ePlan for the additional ARP IDEA funds. LEAs will operate separate but parallel budgets that have the same reporting and accountability requirements for both the traditional and ARP IDEA allocations. Each LEA must ensure that it can account for and track the use of ARP IDEA funds.

## **5. What is the Indirect costs rate for the ARP IDEA?**

The ARP IDEA indirect cost are restricted. Under 34 C.F.R § 76.563 of EDGAR, 34 C.F.R. §§ 76.564 through 76.569 apply LEAs that are grantees under programs with a statutory requirement prohibiting the use of Federal funds to supplant non-Federal funds, and to their subgrantees under these programs.

## **6. With the additional ARP IDEA funds, what are the requirements?**

LEAs that receive the additional funds must set aside 15 percent for Comprehensive Coordinated Early Intervening Services and funds for the Private School Proportionate Share. LEAs that have been determined to be significantly disproportionate must set aside the required 15 percent from the overall allocation to address the area(s) in which they are significantly disproportionate. In addition, private school proportionate share must be reserved to serve parentally-placed private school students.

**7. *Should we calculate LEA amounts for proportionate share and CCEIS from the total amount including the ARP supplemental funds?***

Yes, CCEIS and proportionate share amounts must be calculated using the total, aggregate amount of IDEA FY22 and ARP supplemental IDEA funds. The 15 percent is calculated based on the aggregate of the LEA's section 611 and section 619 amounts for both the regular formula IDEA awards and the supplemental IDEA awards made available by the ARP.

**8. *Is there any carryover limitation for IDEA B or IDEA preschool if we do not have immediate plans for this money?***

No, there are not carryover limitations in IDEA B or IDEA preschool like there are in Title I, Part A. However, carrying over more than 50 percent of your LEA's allocation could result in a "red flag" and make it harder to be approved for any competitive grants the following fiscal year.

**9. *What is the period of performance for the ARP IDEA funds?***

The last day for LEAs to obligate is **June 30, 2023**. LEAs with unobligated funds on June 30, 2023, must submit a plan to the department on how they plan to obligate prior to **Sept. 30, 2023**. All grant funds must be liquidated no later than **Dec. 30, 2023**.

**10. *How do the additional funds impact an LEA's Maintenance of Effort (MOE)?***

Under section 613(a)(2)(A)(iii) of the IDEA, an LEA may not reduce the level of expenditures for the education of children with disabilities made by the LEA from local funds below the level of those expenditures for the preceding fiscal year. LEAs will be required to demonstrate they meet MOE in the FY22 Consolidated Funding Application (CFA) prior to the ARP IDEA funding application being approved.

Under section 613(a)(2)(B) of the IDEA and 34 C.F.R. § 300.204, there are five instances where an LEA may reduce the level of expenditures for the education of children with disabilities made by the LEA below the level of those expenditures for the preceding fiscal year (for the compliance standard), and below the level of those expenditures for the most recent fiscal year for which information is available (for the eligibility standard).

- (1) The voluntary departure, by retirement or otherwise, or departure for just cause, of special education or related services personnel (e.g., special education teachers, speech pathologists, paraprofessionals assigned to work with children with disabilities);
- (2) The decrease in the enrollment of children with disabilities;
- (3) The termination of the obligation of the agency, consistent with IDEA 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— N/A Topic IDEA Part B, Sections 611 and 619 IDEA Part C (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 terminated; 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
- (5) The assumption of cost by the high cost fund operated by the SEA under 34 C.F.R. § 300.704(c).

### **11. How can ARP IDEA funds be used to support students with disabilities (SWD)?**

Funds may be used for all allowable purposes under Part B of IDEA and are subject to all requirements and provisions that apply to IDEA funds, including requirements and provisions under IDEA, EDGAR, and the OMB Uniform Guidance. The funds can be used for all expenses allowed under IDEA, including and emphasizing:

- Providing compensatory services based on IEP team decisions
- Providing support and direct services for Students with Disabilities (SWDs),
- Implementing child find policies and procedures
- Alleviating evaluation backlogs
- Providing Extend School Year (ESY) services as determined on an individual basis by a child's IEP Team to be necessary to provide FAPE
- Providing PBIS supports and mental health services for SWDs
- Improving the use of technology in the classroom and/or in a remote setting for SWDs to enhance learning
- Supporting the use of technology, including technology with universal design principles and assistive technology devices, to maximize accessibility to the general education curriculum
- Implementing transition programs, including coordination of services with agencies involved in supporting the transition of SWDs to postsecondary activities
- Assisting LEAs in meeting personnel shortages including by hiring additional personnel to provide special education and related services and reducing caseloads in key areas
- Supporting capacity-building activities and improving the delivery of services by LEAs to improve results for SWDs
- Developing programming for SWDs who have been expelled from school, in correctional facilities, enrolled in State-operated or State supported schools, and SWDs in charter schools

### **12. What are some considerations LEAs should use for initial planning?**

These are one-time funds; LEAs should plan to utilize these funds for non-recurring expenditures or activities to avoid issues with sustainability when funds expire. In the required ESSER 3.0 plans, LEAs should align the sections for Students with Disabilities to the budget in the ARP IDEA funding application.