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Introduction to IDEA, Part B

IDEA, Part B is a U.S. Department of Education (U.S. ED) grant program that provides supplemental financial support to local educational agencies (LEAs) to help pay the excess cost of providing a free, appropriate public education to children with disabilities. The grant is awarded in two parts:

- Section 611 funds support students ages 3 to 21 who have been identified as “children with disabilities” in accordance with IDEA, Part B 611 requirements.
- Section 619 funds support students ages 3 to 5 who have been identified as “children with disabilities” in accordance with IDEA, Part B 619 requirements.

LEAs are welcome to contact the Delaware Department of Education (DDOE) for more information about this guidance, IDEA in general, or to request individualized technical assistance. Please contact Mary Ann Mieczkowski at 302-735-4210 or maryann.mieczkowski@doe.k12.de.us.

Using IDEA, Part B Funds to Improve Outcomes for Students With Disabilities

Section 611: Uses of Funds and Spending Scenarios

An LEA that meets maintenance of effort and excess cost requirements (see Section B) may spend Section 611 funds on any reasonable cost to deliver special education¹ and related services² to eligible students ages 3 through 21 with disabilities.

- Common Section 611 costs include:
 - Special education teachers and administrators
 - Related services providers (speech therapists, psychologists, assistive technology providers, etc.)

¹ Special education means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability. It includes physical education, speech-language pathology services, assistive technology services, or any other related services considered special education under state standards, travel training, and vocational education.

² Related services means transportation and developmental, corrective, and other supportive services students with disabilities need to benefit from special education. They include speech-language pathology and audiology services, interpreting services, psychological services, assistive technology services, physical and occupational therapy, recreation, including therapeutic recreation, early identification, and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation, and mobility services, and medical services for diagnostic or evaluation purposes. Related services also include school health services and school nurse services, social work services in schools, and parent counseling and training.

- Materials and supplies for use with children with disabilities
- Professional development for special education personnel
- Professional development for regular education teachers who teach children with disabilities
- Assistive technology and assistive technology services to assist children with disabilities
- Section 611 can also support:
 - Quality supports for teachers who work with students with disabilities, including dual certification supports, new teacher induction programs, and teacher mentoring programs
 - Increasing the use of technology to help students with disabilities access the general education curriculum
 - Providing special education and related services to all students as part of a multi-tiered system of support
 - Providing instructional supports for students with disabilities
 - Providing positive behavioral supports for all students with disabilities
 - Providing transition supports for students with disabilities
 - Implementing progress monitoring tools, web-based IEPs, and other relevant data systems for students with disabilities

Following are three scenarios of what Section 611 spending might look like in practice.

Scenario #1: Literacy Interventions for Students With Disabilities

An elementary school has five special education students needing specialized reading instruction, such as additional instruction to strengthen decoding skills, consistent with their IEPs. The LEA can use Section 611 funds to pay a special education teacher to provide the students with this instruction.

The LEA could also use Section 611 funds for:

- Professional development for the special education teacher (as well as the general education teachers that serve the special education students)
- Instructional materials for the special education students

These are only some examples of how IDEA can support literacy interventions for students with disabilities.

Scenario #2: With Nondisabled Participants

In 2013, U.S. ED's Office of Special Education Programs (OSEP) advised that in the above scenario—where a special education teacher provides specialized reading instruction to students with disabilities—nondisabled students could participate in the instruction as long as that does not increase the work the IDEA-funded special education teacher has to do.

Specifically, OSEP said:

The school decides that, although they are not children with disabilities, there are two general education children who would benefit from this instruction. The special education teacher must prepare lesson plans for each of these classes regardless of the number of children in the class. She may do so and conduct the class for all five children because she is only providing special education and related services for the three children with disabilities and the two children without disabilities are benefiting from that work. However, if fully funded by Part B IDEA (non-CEIS) funds, this teacher may not grade papers, spend time on parent teacher conferences, or perform any functions for the children without disabilities not otherwise required as part of the provision of special education and related services to children with disabilities. In other words, 34 CFR §300.208(a) does not permit special education teachers fully funded by Part B (non-CEIS) funds to perform duties other than special education and related services.

The letter is available here: <http://www2.ed.gov/policy/speced/guid/idea/letters/2013-1/couillard03072013useoffunds1q2013.doc>.

Scenario #3: Coordinated Professional Development on Intervention Strategies

An LEA is implementing a response to intervention approach in its elementary schools. The LEA assigns a group of teachers in each school to deliver interventions to struggling students. Recognizing that struggling students with and without disabilities often benefit from the same interventions, the LEA uses a combination of IDEA and Title II funds to train these teachers on implementing effective instructional interventions.

The LEA could also coordinate IDEA with other funding sources to support initiatives such as:

- Upgraded curricula to serve all students, including students with disabilities, in an inclusive setting
- Behavior interventions
- Student progress monitoring

These are only some examples of initiatives LEAs could support with IDEA in coordination with other funding sources. For more information about coordinating IDEA with other grants, see U.S. ED's Non-Regulatory Guidance here: <https://www2.ed.gov/policy/gen/leg/recovery/guidance/idea-b-reform.pdf>.

Section 619: Uses of Funds and Spending Scenario

An LEA that meets maintenance of effort and excess cost requirements may spend Section 619 funds on any reasonable cost to deliver special education and related services to eligible students ages 3 through 5 with disabilities.

- Common Section 619 costs include:
 - Special education teachers and administrators
 - Related services providers (speech therapists, psychologists, assistive technology providers, etc.)
 - Materials and supplies for use with children with disabilities
 - Professional development for special education personnel
 - Professional development for regular education teachers who teach children with disabilities

- [Assistive technology](#) and [assistive technology services](#) to assist children with disabilities

Because Section 619 grant awards tend to be relatively small, it may make sense to coordinate Section 619 with other funding sources to support an initiative. For example, an LEA could use a combination of Section 611 and 619 to fund a preschool special education teacher.³

Below is a scenario of what Section 619 spending might look like in practice.

Scenario: Promoting the Social and Emotional Development of Young Children

An LEA recognizes that its preschool students with disabilities face challenges in communicating with teachers and peers, following instructions, and using appropriate behaviors to achieve their goals. The LEA can use Section 619 funds to help support high-quality professional development for its early childhood personnel on the skills needed to promote the social and emotional development of young children with disabilities and to prevent and address challenging behaviors.

The LEA could also use Section 619 for:

- Implementing an evidence-based model for promoting social development in eligible students
- Parental outreach and involvement
- Development of behavior support procedures

These are only some examples of how an LEA could use Section 619 funds.

Using IDEA to Support Struggling Students Before They Are Identified

Generally, IDEA funds must be used to support students with disabilities. If a state identifies significant disproportionality, the LEA must use the maximum amount (15%) of the total of IDEA 619 and IDEA 611 funds allowable for Comprehensive Coordinated Early Intervening Services (CCEIS) for children in the LEA, particularly, but not exclusively, for children in those groups that were significantly over identified and/or disproportionality suspended/expelled. LEAs with significant disproportionality must reserve funds for such services.⁴ LEAs without significant disproportionality can choose to set aside funds and may reserve up to 15% of their IDEA, Part B grant to provide CEIS to struggling students who are not yet identified for special education.⁵

LEAs can use these reserved funds to provide CEIS to nondisabled students in kindergarten through grade 12 who need additional academic and behavioral supports to succeed in the general education environment.⁶ LEAs have discretion to determine which students need additional support, and may consider a variety of factors including state assessment results, disciplinary referrals, or suspensions and expulsions.⁷

- CEIS can include:
 - **Professional development** for teachers and other school staff to enable them to deliver scientifically based academic and behavioral interventions, including scientifically based literacy instruction, and where appropriate, instruction on the use of adaptive and instructional software; and
 - Providing **educational and behavioral evaluations, services, and supports**, including scientifically based literacy instruction.⁸

³ In this scenario, because the teacher's salary is fully allowable under both Sections 611 and 619, the teacher would be considered to work on a single cost objective even though she is paid with two different funding sources: <http://www2.ed.gov/policy/fund/guid/gposbul/time-and-effort-reporting-c.doc>.

⁴ 34 CFR §300.646(b)(2)

⁵ IDEA Section 613(f), 34 CFR § 300.226

⁶ IDEA Section 613(f)(1), 34 CFR § 300.226(a)

⁷ OSEP Memo 08-09, Question 2, page 3: <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/osep08-09coordinatedearlyintervening-services.doc>

⁸ IDEA Section 613(f)(2), 34 CFR § 300.226(b)

- For example, LEAs could use CEIS funds for:
 - Behavior interventions to nondisabled students who receive a certain number of disciplinary office referrals; or
 - Reading or math specialists to work with nondisabled students who have not reached grade-level proficiency.

LEAs may use CEIS funds to carry out services aligned with their Elementary and Secondary Education Act (ESEA) activities, but CEIS funds must be used to supplement those activities.⁹ For example, CEIS activities could supplement an LEA's effort to improve low-performing Title I schools.

LEAs must annually report to DDOE:

- The number of children who received CCEIS/CEIS; and
- The number of those children who subsequently received special education and related services under Part B during the preceding two-year period (i.e., the two years after the child has received CCEIS/CEIS).¹⁰
- LEA's must report the above information regardless whether the LEA was required to use IDEA funds for CCEIS or voluntarily used IDEA funds for CEIS.

IDEA, Part B Financial

Supplement Not Supplant and IDEA

IDEA has a supplement not supplant requirement, but compliance is tested differently in IDEA than in other federal programs.

Typically, supplement not supplant compliance is tested through three presumptions to determine whether federal funds were used to support (1) activities required by law, (2) activities supported with state or local funds last year, or (3) in the case of Title I or the Migrant Education Program, activities for eligible students when the same activities are provided to other students with state or local funds.

These presumptions do not apply to IDEA, Part B funds. Instead, LEAs that comply with IDEA's maintenance of effort requirement meet supplement not supplant requirements as well.¹¹

Establishing Eligibility for Part B Funds

An LEA is eligible for IDEA, Part B funds if it satisfies two criteria:

- Submits a "plan of assurances" verifying the LEA will comply with certain IDEA requirements.¹² In Delaware, this is done by completing the Consolidated Grant Application.
- Budgets at least as much "non-federal money" this year as the LEA spent last year.¹³ "Non-federal money" means local funds, or a combination of state and local funds, and is measured either on a per-student basis or in total. This is part of IDEA's "maintenance of effort" requirement.

⁹ Section 613(f)(5), 34 CFR § 300.226(e)

¹⁰ Section 613(f)(4), 34 CFR § 300.226(d)

¹¹ U.S. Department of Education guidance, *Funds for Part B of the Individuals with Disabilities Education Act Made Available under the American Recovery and Reinvestment Act of 2009*, Q&A C-6 Footnote 1, available at: <http://www2.ed.gov/policy/gen/leg/recovery/guidance/idea-b-revised-910.pdf>. See also OMB Circular A-133 Compliance Supplement, p. 4-84.027-5 (March 2014), available at: https://www.whitehouse.gov/sites/default/files/omb/assets/OMB/circulars/a133_compliance/2014/ed.pdf (noting that supplement not supplant is "not applicable" to IDEA).

¹² IDEA Section 613(a), 34 CFR § 300.200

¹³ IDEA Section 613(a)(2)(A), 34 CFR § 300.203(b). Please note, "last year" means the last year for which the LEA has expenditure data.

Determining Part B Allocations

Each of the two grants under IDEA, Part B—Section 611 and Section 619—is allocated to LEAs through a formula established by statute. These formulas have three parts:

- A base payment;
- A population payment; and
- A poverty payment.

The base payment is the minimum amount of money the LEA is entitled to receive, and reflects allocations from a prior year.¹⁴ In general, an LEA's base payment should remain consistent from year to year, unless the district experiences certain boundary changes.¹⁵

If there is money left over after the base payments have been calculated, then LEAs will receive additional money. Of the remaining funds, 85% is distributed based on the relative number of students each LEA serves (population payment).¹⁶ The final 15% of the remaining funds is distributed to LEAs based on the relative number of low-income students each LEA serves (poverty payment).¹⁷

IDEA, Part B Resources

- IDEA statute: <http://www.gpo.gov/fdsys/pkg/PLAW-108publ446/pdf/PLAW-108publ446.pdf>
- IDEA, Part B regulations: http://www.ecfr.gov/cgi-bin/text-idx?SID=7ee5a65e43d9f0612cdccfcb7c8603f&tpl=/ecfrbrowse/Title34/34cfr300_main_02.tpl
- U.S. Department of Education IDEA, Part B website: <http://idea.ed.gov/explore/home>
- U.S. Department of Education IDEA, Part B guidance letters and memoranda: <http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/index.html>
- U.S. Department of Education IDEA, Part B fiscal resources: <https://osep.grads360.org/#program/fiscal-resources>

¹⁴ IDEA Section 611(f)(2)(A), 34 CFR § 300.705(b) and IDEA Section 619(g)(1)(A), 34 CFR § 300.816. Section 611 base payments reflect an LEA's allocation from fiscal year 1999, and Section 619 base payments reflect an LEA's allocation from fiscal year 1997. There are special procedures for calculating base payments for LEAs created after those dates.

¹⁵ 34 CFR § 300.705(b)(2) and 34 CFR § 300.816(b)

¹⁶ IDEA Section 611(g)(2)(B), 34 CFR § 300.705(b)(3) and IDEA Section 619(g)(1)(B), 34 CFR § 300.816(c)

¹⁷ IDEA Section 611(g)(2)(B), 34 CFR § 300.705(b)(3) and IDEA Section 619(g)(1)(B), 34 CFR § 300.816(c)