



VOCATIONAL AND EDUCATIONAL SERVICES FOR INDIVIDUALS WITH DISABILITIES
Fiscal and Administrative Services
Coordinator, Central Office Administrative Support Services Team (COASST)
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June 2009

To: Local Educational Agencies (LEAs)

From: Michael C. Plotzker

Subject: Important Information Regarding 2009-2010 Individuals with Disabilities Education Act (IDEA) Part B Section 611 and Section 619 ARRA project funds

We recently learned that there are terms and conditions, beyond standard practice, that must be included in formula and competitive grant agreements under The American Recovery and Reinvestment Act of 2009 (Recovery Act, A.K.A. ARRA) According to Section 5.9 of the Office of Management and Budget (OMB) Guidance (2/18/09), this section is available below. To view this document in its entirety, visit <http://www.recovery.gov/?q=content/omb-releases-detailed-recovery-act-guidance-agencies>.

5.9 Are there terms and conditions, beyond standard practice, that must be included in competitive and formula grant agreements under Recovery Act?

Agencies must:

- Use the agency's standard award terms and conditions on award notices, where applicable, unless they conflict with the requirements of the Recovery Act.
- Agencies must ensure receipt of funds is made contingent on recipients meeting the reporting requirements in Section 1512 of the Act.
- Ensure that there is an award term or condition requiring first tier subawardees to begin planning activities, including obtaining a DUNS number (or updating the existing DUNS record), and registering with the Central Contractor Registration (CCR). Prime recipients and Federal agencies must establish mechanisms to meet Recovery Act data collection requirements. Agencies should work with prime recipients to ensure that DUNS and CCR requirements for first tier subawardees are met no later than the first time Recovery Act data requirements are due.
- In the case where the Recovery Act requirement conflicts with an agency's standard award term or condition, the agency's award term or condition should be modified, as necessary, to ensure compliance with the Recovery Act requirement. A modification may not be necessary if the award term and condition is sufficiently rigorous to meet Recovery Act requirements.
- Make clear that any funding provided through the Recovery Act that is supplemental to an existing grant is one-time funding.
- Include the requirement that each grantee or sub-grantee awarded funds made available under the Recovery Act shall promptly refer to an appropriate inspector general any credible evidence that a principal, employee, agent, contractor, sub-grantee, subcontractor, or other person has submitted a false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving those funds.

It is necessary for districts to certify that they will adhere to these terms and conditions to be eligible for the 2009-2010 IDEA Part B Section 611 and Section 619 ARRA allocations. Please complete and return the enclosed certification.



I hereby certify that I am the applicant's chief school/administrative officer and that any ensuing program and activity will be conducted in accordance with all applicable Federal and State laws and regulations, application guidelines and instructions, Assurances, Certifications [including the terms outlined in Section 5.9 of OMB Guidance (2/18/09)], and that the requested budget amounts are necessary for the implementation of this project. It is understood by the applicant that this application constitutes an offer and, if accepted by the NYS Education Department or renegotiated to acceptance, will form a binding agreement. It is also understood by the applicant that immediate written notice will be provided to the grant program office if at any time the applicant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

Agency Name:	Address:
Authorized Signature of Chief Administrator (in blue ink)	Typed/Printed Name:
Section 611 ARRA Project Number: 5032-10- _ _ _ _	Section 619 ARRA Project Number: 5033-10- _ _ _ _

Retain a copy of this certification for your records and submit the original with the 2009-2010 Individuals with Disabilities Education Act (IDEA) Part B Section 611 and Section 619 ARRA application and FS-10s to:

Mr. Michael C. Plotzker
New York State Education Department
Office of Vocational and Educational Services for Individuals with Disabilities
Central Office Administrative Support Services Team (COASST)
One Commerce Plaza – Room 1609
Albany, New York 12234

Programmatic review of the proposed IDEA ARRA sub-grant projects cannot be completed until such time as we receive the above certification. If you have any questions, please feel free to contact the Central Office Administrative Support Services Team (COASST) at (518) 486-4734.