



VOCATIONAL AND EDUCATIONAL SERVICES FOR INDIVIDUALS WITH DISABILITIES
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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 project funds

On Tuesday, February 17, 2009, President Barack Obama signed into law The American Recovery and Reinvestment Act of 2009 (ARRA). This legislation will provide states, including New York State, with appropriations of funds to be utilized in several sectors of our economy over the next two years, including the field of public education. The United States Education Department (USED) has indicated that the intent of this portion of the legislation is to invest education dollars quickly, productively and transparently in ways that best meet the short-term and long-term educational interests of children.

For ARRA IDEA funds, the New York State budget allocates half of these funds to be available to each school district in the State for the 2009-2010 school year. New York State's receipt of ARRA IDEA Part B funds (ARRA IDEA) will be available in two separate additional allocations, one under Section 611 and the other under Section 619. These will be in addition to the regular IDEA Part B (regular IDEA) section 611 and 619 final allocations allocated to each public school district for the 2009-2010 school year.

ARRA IDEA funds offer school districts a unique opportunity to improve teaching and learning and results for children with disabilities. The USED recommends that these funds be used for non-recurring expenditures that have the potential for long-term benefits, rather than for expenditures a school district may not be able to sustain once ARRA IDEA funds are expended.

Below are some important highlights associated with the IDEA Part B section 611 and section 619 funding process for the upcoming 2009-2010 school year:

- The additional ARRA IDEA funds available to public schools in the State for the 2009-2010 school year, including any unencumbered funds, may be carried over to the 2010-2011 school year. However, given the federal guidance that one of the priorities for these funds is their immediate use, it is recommended that the 2009-2010 ARRA IDEA fund allocation be fully expended.
- ARRA IDEA section 611 and section 619 funds must be tracked and accounted for separately from regular IDEA section 611 and section 619 funds.



- In addition to any ARRA IDEA 2009-2010 carryover funds which remain unexpended, a second ARRA IDEA allocation equal to the allocation received for the 2009-2010 school year will be available for school districts in addition to the regular IDEA allocations for the 2010-2011 school year.
- Separate budget forms (FS-10s) will be required: One for regular IDEA section 611, one for ARRA IDEA section 611, one for regular IDEA section 619, and one for ARRA IDEA section 619.
- ARRA IDEA and regular IDEA budget dates will be from 7/01/09 - 6/30/10. **In accordance with federal law, ARRA IDEA funds must be obligated no later than September 30, 2011.** Districts which do not obligate ARRA IDEA funds by that date will forfeit non-obligated funds and be required to return them to the New York State Education Department (SED).
- School districts will be required to submit quarterly reports associated with the use of ARRA IDEA funds in a timely manner to be prescribed by the State at a later date. Non-compliance with required reporting may result in the withholding or suspension of funds.
- School district personnel are urged to use extreme fiscal prudence in planning each expenditure of ARRA IDEA funds. This would entail careful review by school district personnel and ensure that each expenditure is an allowable use of ARRA. School Districts which fail to demonstrate extreme fiscal prudence by utilizing ARRA IDEA funds for lavish or inappropriate expenditures run the risk of having to return ARRA IDEA funds.
- IDEA funds used for vendor funding for approved preschool and school-age non-district special education school programs funding for parentally-placed students and funding for Charter Schools must be encumbered in the regular IDEA section 611 and section 619 sub-grants. However, school district personnel must add ARRA IDEA section 611 and section 619 allocations to the regular IDEA allocations for each sub-grant when calculating each project's applicable vendor funding amount.
- If a school district maintains (or exceeds) its level of local, or state and local, expenditures for special education and related services from year to year, then the IDEA Part B funds it receives are, in fact, supplementing those local, or state and local, expenditures and the school district LEA has met its maintenance of effort (MOE) and supplement/not supplant requirements.
- A school district which has not been notified by SED that it is a school district in need of assistance, a school district in need of intervention, a school district in significant non-compliance with IDEA or that it has been identified as having significant disproportionality due to the over-representation by race/ethnicity in the identification, classification and/or placement of students with disabilities and/or in the long-term suspension of students with disabilities in particular race/ethnic groups for the 2009-2010 school year may offset a portion of its maintenance of local tax effort for IDEA to carry out activities authorized under the Elementary & Secondary Education Act of 1965 as amended by the No Child Left Behind Act of 2001. These activities would include services for children at risk of school failure without additional support. For the 2009-2010 school year, each eligible school district in the State which receives ARRA IDEA funds can avail itself of this provision of IDEA via the section 611 sub-grant only. Eligible school districts which choose to use IDEA funds to reduce State or local dollars spent on special education services and increase the federally funded proportion of these costs may use either regular IDEA or ARRA IDEA section 611 funds for this purpose and must complete and attach the appropriate worksheet/expenditure reports located in my May 2009 guidance to LEAs memorandum to the section 611 FS-10 sub-grant original and two copies. Please read the examples in the memo carefully as all IDEA funds must still be spent on allowable special

education services, with an amount equal to the MOE reduction of State and local special education funds to be used to support services authorized under ESEA titles.

- A school district which has been notified of disproportionality due to the over-representation by race/ethnicity in the identification, classification and/or placement of students with disabilities and/or in the long-term suspension of students with disabilities in particular race/ethnic groups for the 2009-2010 school year must reserve and expend 15% of the total allocations for regular IDEA and ARRA IDEA allocations for the purpose of planning and implementing comprehensive early intervening services (CEIS) activities to academically or behaviorally at-risk students not yet eligible to receive special education programs and services. School districts which are directed by the New York State Education Department to reserve and expend funds for this purpose may use either regular IDEA or ARRA IDEA funds for this purpose and must complete and attach the appropriate worksheet/expenditures as located in the May 2009 memorandum to the FS-10 sub-grant forms for each proposed project.
- A school district which has not been notified of disproportionality as indicated above for the 2009-2010 school year may avail itself of the permissive use of up to 15% of the school district's regular IDEA Part B and ARRA sub-grant allocations for section 611 and section 619 for the purpose of planning and implementing CEIS activities to academically or behaviorally at-risk students in the general education population. School districts which avail themselves of this permissive use of IDEA funds for this purpose may calculate the 15% maximum amount for the section 611 and section 619 sub-grants separately and obligate funds not to exceed each amount from the regular IDEA Part B or ARRA section 619 and/or section 611 sub-grants. However, please note that school district personnel may, as an option, calculate the total amount of IDEA regular Part B and ARRA allocations for the section 611 and section 619 sub-grants and encumber up to 15% of the total calculated amount of funds for this purpose using either the regular Part B or ARRA section 611 sub-grant projects. Again, the appropriate worksheet/expenditures located within the May 2009 memorandum are required to be completed and attached to each applicable FS-10 sub-grant from whichever funding stream the school district chooses to use for this purpose.
- Given the strict reporting and accountability requirements for all ARRA expenditures, districts should consider whether they wish to use regular IDEA funds for their entire CEIS expenditures.
- The American Recovery and Reinvestment Act of 2009 (ARRA) requires that all primary grantees and their subgrantees create and/or validate existing Central Contractor Registration (CCR) and Data Universal Numbering System (DUNS) registration data to be eligible for ARRA funds. New York State and the New York State Education Department are primary grantees and LEAs receiving grants from the Department are subgrantees. LEAs anticipating the receipt of ARRA grant funds must take immediate steps to comply with this requirement. You can find additional information pertaining to CCR and DUNS at the following web address: http://www.grants.gov/applicants/applicant_faqs.jsp. On-line registration can be done at: <http://www.ccr.gov/>

If you have any questions, please feel free to contact the Central Office Administrative Support Services Team (COASST) at (518) 486-4734. If you prefer, you may e-mail us at vesidbnf@mail.nysed.gov. We urge you to refer to our web site and to read carefully the appropriate information regarding the use of both IDEA regular and ARRA funding located at www.vesid.nysed.gov/spedfin/.

We appreciate your anticipated cooperation in this important endeavor.