



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

DEC 14 2006

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OSEP 07 - 01

MEMORANDUM

TO: Chief State School Officers
State Director of Special Education

FROM: Alexa Posny, Ph.D., Director *Alexa Posny*
Office of Special Education Programs (OSEP)

SUBJECT: Procedures for Receiving a Federal Fiscal Year (FFY) 2007 Grant Award Under Part B of the Individuals with Disabilities Education Act (IDEA) as Amended in 2004

ACTION

REQUIRED: Submission of Part B Application Packet by Friday, May 4, 2007

The purpose of this memorandum and enclosed Application is to inform State education agencies (SEAs) of the procedures they are to follow in order to receive a grant under Part B of IDEA as amended in 2004, for FFY 2007 funds that we anticipate will become available to States on July 1, 2007.¹

The enclosed packet contains instructions and forms needed for completion of a Part B State Application. The Application is available on the Internet at <http://www.ed.gov/fund/grant/apply/osep/2007apps.html>. The completed Application, with supporting information, should be submitted on or before May 4, 2007.

¹ As of the date of this memorandum, the Department has only received short term funding for Federal Fiscal Year (FFY) 2007 through a series of 'Continuing Resolutions'. However, we do not anticipate the basic funding structure of this program will change.

Final regulations implementing Part B of the IDEA were issued on August 14, 2006 (71 Fed. Reg. 46540) and became effective on October 13, 2006. States are required to ensure that their State policies, including statutes and regulations, are consistent with the final Part B regulations. Where States are revising State policies to be consistent with the final Part B regulations, States should pay particular attention to the public participation requirements outlined in Section V of this memorandum. States should make every effort to revise State policies consistent with their assurances provided in the FFY 2006 Application for funds and the final regulations issued August 14, 2006. If a State is unable to make any required changes it should explain the circumstances and provide the timeline for completing the needed revisions.

I. Procedures States are to Follow in Order to Receive a Part B Grant Award for FFY 2007

For the FFY 2007 grant period for July 1, 2007 through June 30, 2008, the Department is asking States to: 1) read the Instruction Sheet; 2) carefully review the eligibility requirements found in the *Technical Assistance Checklist* at <http://www.ed.gov/fund/grant/apply/osep/2007apps.html>; 3) determine which assurances, in Section II, the State can and/or cannot make; 4) provide certifications found in Section II; 5) complete the Description of Use of Funds "Excel Interactive Spreadsheet" as instructed in Section III; 6) provide an appropriate submission statement(s) found in Section I; and 7) follow the public participation requirements found in Section V of this letter. States should carefully consider who has the authority to provide the assurances and certifications in light of the changes to the IDEA, as amended in 2004, the final regulations issued August 14, 2006, and the State's laws and regulations.

As noted above, States are expected to make any necessary revisions to State policies to become consistent with the final Part B regulations. However, even if a State cannot provide all assurances found in the Application, the SEA still is responsible for ensuring that all public educational programs for children with disabilities in the State meet the education standards of the State, and for complying with the requirements of Part B (see 20 U.S.C. 1412) and the final regulations issued August 14, 2006.

When a State adopts revised or new policies or procedures to come into compliance with IDEA 2004 or the final regulations issued August 14, 2006, the State must ensure that there are public hearings, adequate notice of the hearings and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities as described in Section V of this memo.

II. Summary of Eligibility Requirements

A summary of the State eligibility requirements for Part B for July 1, 2007 through June 30, 2008 is found in the *Technical Assistance Checklist* at <http://www.ed.gov/fund/grant/apply/osep/2007apps.html>. This document is provided to assist you in your review of State policies and procedures as you determine which Assurances you can and cannot make in Section II.A of the Application, and to provide easy reference to other legal requirements relevant to Sections II.B and C and III.

III. Description of Use of Funds Under Part B

20 U.S.C. 1411(e)(5) (See also 34 CFR §300.171) requires that States must annually, in order to receive a Part B grant, submit to OSEP a description of:

- (A) how amounts retained under section 20 U.S.C. 1411(e) will be used to meet the requirements of Part B;
- (B) how those amounts will be allocated among the activities described in 20 U.S.C. 1411(e)(1) and (2) to meet State priorities based on input from local educational agencies; and
- (C) dollar amounts, if any, that will be distributed to local educational agencies by formula.

States must use the "Excel Interactive Spreadsheet," entitled *Description of Use of Funds Under Part B of the Individuals with Disabilities Education Act – 20 U.S.C. 1411(e)(5)*, to report this information. In completing the spreadsheet, each State must indicate -- for each of the activities listed in 20 U.S.C 1411(e)(1) and (2) of the IDEA – dollar amounts, if any, of the State's total allocation under section 611 for FFY 2006 that will be used for that activity. The Department will provide States with an estimation of the amount and percentage of funds that each State will be permitted to retain under 20 U.S.C. 1411(e)(1) and (2).

When completing Section III, *Description of Use of Funds Under Part B of the Individuals with Disabilities Education Act – 20 U.S.C. 1411(e)(5)*, States should be aware that some minimum and maximum funding requirements are related to the amount that a State actually sets-aside for administration and whether it uses funds for the Risk Pool.

IV. Description Required By Section 427 of the General Education Provisions Act

Each State must also have on file with the Department a description of the steps the State proposes to take to ensure equitable access to, and participation in, activities conducted under Part B, by addressing the special needs of students, teachers, and other program beneficiaries in order to overcome barriers to equitable participation, including barriers based on gender, race, color, national origin, disability, and age, as required by section 427 of the General Education Provisions Act (GEPA). This description must identify barriers and strategies to address the barriers. A notice regarding compliance with section 427 is attached to this memorandum. If OSEP has previously approved a State's description under section 427 and the State has not revised that description, it need not submit the description again.

V. Public Participation Requirements that States Must Meet

The public participation requirements relevant to Part B are set forth in the Part B regulations at 34 CFR §300.165 and in §441(b)(7) of GEPA (20 U.S.C. 1232d(b)(7)(B)). In accordance with the GEPA requirement, the State must assure that it will provide reasonable opportunities for participation by local agencies, representatives of the class of individuals affected by this program and other interested institutions, organizations, and individuals in the planning for the operation of this program.

GEPA requires that the State publish each proposed plan, in a manner that will ensure circulation throughout the State, at least 60 days prior to the date on which the plan is submitted to the

Secretary or on which the plan becomes effective, whichever occurs earlier, with an opportunity for public comments on such plan to be accepted for at least 30 days. Further, GEPA requires the State to hold public hearings on the proposed plans if required by the Secretary by regulation. The Education Department General Administrative Regulations (EDGAR) at 34 CFR §76.102 makes clear that the Part B Applications are considered State plans.

34 CFR §300.165 requires that States conduct public hearings, ensure adequate notice of those hearings and provide an opportunity for public comment, including comment from individuals with disabilities and parents of children with disabilities, before adopting policies and procedures needed to comply with Part B.

Therefore, prior to submitting your Part B Application for funds, your State must publish the Application for at least 60 days and accept public comment for at least 30 days. In addition, if your State is adopting new or revised policies and procedures related to Part B, your agency must also conduct public hearings on the new or revised policies and procedures, providing adequate notice of the hearings, and affording an opportunity for comments from the public. The State must review and consider all public comments and make any necessary modifications to the Application or policies and procedures, as appropriate.

VI. Conditional Approval of FFY 2006 Application

A number of States received 'conditional approval' of their FFY 2006 Applications. In most cases the State's conditional approval was based solely on the fact that the State was not able to make all of the assurances required in Section II.A of the Application (*i.e.*, the State could not check 'yes' for all of the assurances in that section). If a State's conditional approval was based on the State not being able to check 'yes' for all of the assurances in Section II of the Application, the State should complete the Section 1.B.1, and update Section II of the Application to reflect changes it has made and changes that it may need to make, including changes needed based on the final regulations.

States that also received conditional approval based on other issues (such as changes to State policies and procedures that OSEP required based on OSEP's review of State policies and procedures from pre-FFY 2006 Applications) should also complete Section 1.B.2 and may need to submit specific documentation to address those conditions. In such cases, it is preferable that documentation to address those issues be sent to OSEP prior to the FFY 2007 Application submission, to ensure timely processing of the Application. However, the documentation must be submitted no later than the FFY 2007 Application submission timeline, or, if a different date is specified in the State's FFY 2006 grant letter, that timeline. If the documentation includes any revisions in the State's policies and procedures needed to comply with Part B, including changes to State laws and regulations, States are reminded that they must comply with the public participation requirements in 34 CFR §300.165 in making those changes. (See Section V of this memo.)

VII. State Administration

When addressing Section IV of the Application, State Administration, States must attach to the Application a list identifying any rules, regulations, or policies that are State-imposed (not

required by IDEA or Federal regulations). In addition, the State is required to inform local education agencies in writing of such State-imposed rules, regulations or policies. 20 U.S.C. 1407(a)

VIII. Submission of Application Packet

States should submit an original of the documents necessary to demonstrate eligibility, which must be received by OSEP on or before May 4, 2007 to:

United States Department of Education
ATTN: Janet Scire, Mail Stop 2600
7100 Old Landover Road
Landover, MD 20785-1506

For your convenience, the Application may be submitted to this Office electronically formatted in Microsoft Word. The Application is available on the Internet at <http://www.ed.gov/fund/grant/apply/osep/2007apps.html>. If you wish to submit the Application by e-mail, please send it to OSERS.bapp@ed.gov. (Copies of the signed documents may be faxed to OSEP, at (202) 245-7614 to the attention of Janet Scire. Documents with original signatures must follow in the mail.)

The Application will not be determined as received by OSEP under the Cash Management Improvement Act (CMIA) and EDGAR, at 34 CFR §76.703, until OSEP receives in the mail the original hard-copy signed Submission Statement and Assurances.

IX. Due Date / Effective Date of Grant

The provisions of EDGAR, at 34 CFR §76.703, apply to grant awards under Part B of the IDEA. Section 76.703 implements the requirements of the CMIA, 31 U.S.C. §6503, and its implementing regulations at 31 CFR Part 205, which provide for the timely transfer of funds between Federal agencies and States, and authorizes payment of interest where transfers are not made in a timely fashion.

Consistent with 34 CFR §76.703(a)(1), the Department has established May 4, 2007, as the submission date for all documents necessary to demonstrate eligibility for FFY 2007 grant awards under 20 U.S.C. 1411 and 1419 of IDEA. As explained below, pre-award costs will only be provided consistent with the provisions of 34 CFR §76.703 (a copy of which is attached to this memorandum). Therefore, the effective date of a grant to a State that does not submit a substantially approvable Application to OSEP by May 4, 2007, may be later than July 1, 2007.

Consistent with the requirements of 34 CFR §76.703, grant award notification forms will indicate the start of the grant award period for Applications received prior to July 1, 2007, as the later date of either: (1) the date that the Secretary determines that the State Application is substantially approvable; or (2) the date that the funds are first available for obligation by the Secretary (i.e., July 1, 2007).

If a State has submitted a substantially approvable Application by the May 4, 2007 deadline, the Federal funding period as noted in block 6 on the grant award notification will begin July 1, 2007. If the Department receives a State's substantially approvable Application after the May 4,

2007 deadline, but before July 1, 2007, the starting date for obligating funds will be July 1, 2007, provided that the Department is able to determine that the Application is substantially approvable prior to July 1, 2007. If the Department is unable to determine that the Application is substantially approvable prior to July 1, 2007, the starting obligation date will be determined in accordance with the procedures in 34 CFR §76.703(e)(2).

If the Department receives a State's Application after July 1, 2007, or the Application that the State submits is not substantially approvable, the grant award notification will indicate, as the start of the Federal funding period, the date when the Department determines that the Application is substantially approvable. For purposes of Part B Applications for FFY 2007, an Application is "substantially approvable" when it meets, to the Department's satisfaction, the requirements in this Application package. An Application will not be "substantially approvable" until OSEP receives any clarifications, amendments or assurances requested by OSEP.

X. Conclusion

As explained in this memorandum, it is important that, before submitting its Application for FFY 2007, each State ensures that it has:

- Provided an appropriate submission statement(s) found in Section I;
- Indicated which assurances, in Section II. A, the State can and/or cannot make;
- Provided certifications found in Section II. B (*Note: States submitted ED Form 80-0013, Certification Regarding Lobbying, with the State's 2005 Application. Therefore the first certification found in Section II. B, Certifications, should be marked 'yes'.*);
- Completed and signed the Statement found in Section II C.;
- Completed the Description of the Use of Funds "Excel Interactive Spreadsheet" as instructed in Section III;
- Completed Section IV as appropriate; and
- Met Part B's public participation requirements as described in this memorandum.

Should you need assistance in implementing the requirements of IDEA and/or meeting the Application requirements for FFY 2007 grants under Part B contact your Part B State Contact and/or Regional Resource Center.

Attachments:

- Annual State Application Under Part B of the Individuals With Disabilities Education Act for Federal Fiscal Year 2007 (CFDA Nos. 84.027A and 84.173A)
- Notice to All Applicants Regarding GEPA section 427
- EDGAR 34 CFR §76.703 – When A State May Begin To Obligate Funds
- Part B State Allocation Table

cc: Regional Resource Centers
Federal Resource Center
National Early Childhood Technical Assistance Center

**Annual State Application under Part B of the Individuals with Disabilities Education Act
As Amended in 2004**

Instruction Sheet

Section I

A. Submission Statement for Part B in IDEA

When completing this section:

- Select and check the appropriate submission statement(s) the State is using for this Federal Fiscal Year (FFY). The third statement is optional and should only be checked if the State chooses to submit policies and procedures to OSEP for review under one or more of the conditions specified in the statement. States are not required to submit policies and procedures to OSEP for review and approval. Possible combinations of 'checked' statements are as follows: 1; 2; 1 and 3; or 2 and 3.

B. Conditional Approval for FFY 2006 Grant Year

Section I.B is to be completed only if the State received **conditional approval** for the FFY 2006 grant year.

When completing this section:

- Check the appropriate statement(s) found in subsection 1 and/or 2.

Section II

A. Assurances Related to Policies and Procedures

When completing this section:

- Read each assurance (1-25).¹
- Enter, in the cells found to the left of the assurance, either a check in the cell found in the 'yes' column or a date in the cell found in the 'no' column. The date in the 'no' column is the date on which the State will complete changes in order to provide the assurance. At least one cell must be completed beside each assurance.

B. Other Assurances

When completing this section:

- Read each assurance and place a check in the cells labeled 'yes'.

C. Certifications

When completing this section:

- Read each certification statement and place a check in the cells labeled 'yes'.

D. Statement

To complete the assurance and certification statement:

- Enter the name of the State and official name of the State Agency in the appropriate blanks.
- Print the name and title of the authorized representative of the State.
- Sign the signature block.
- Enter the date the assurance and certification statement was signed.

Section III

Description of Use of Funds Under Part B of the Individuals with Disabilities Education Act – 20 U.S.C. 1411(e)(5)

States must provide the Description of Use of Funds by completing and submitting the **Excel Interactive Spreadsheet** with the 2007 Application²:

¹ An *Optional Technical Assistance Checklist – Application Requirements found in PL 108-446* is found at <http://www.ed.gov/fund/grant/apply/osep/2007apps.html>. This checklist is provided to assist States in the completion of OMB Information Collection 1820-0030.

² The Excel Interactive Spreadsheet is a State specific worksheet that provides the State immediate feedback as to whether the amounts it intends to set aside for specific activities are in accordance with the limitations of the Individuals with Disabilities

- Enter, in the appropriate cells, the dollar amount that the State is spending for the activity specified in the column to the left.
- The dollar amounts entered in the cells, for administration and for other State activities must be within the dollar amount limitations provided to the State in the spreadsheet.
- Describe, in Section III of the paper copy, the process used to get input from LEAs regarding the distribution of amounts among activities to meet State priorities.
- **The Excel Interactive Spreadsheet must be submitted as part of the State's application.**

Section IV

State Administration

States must attach to this application a list identifying any rule, regulation, or policy that is State-imposed (not required by IDEA or Federal regulations). If there are no such State-imposed rules, regulations, or policies, please so indicate. In addition, the State is required to inform local education agencies in writing of such State-imposed rules, regulation or policy.

Education Act. The 2007 Excel Interactive Spreadsheet will be sent electronically to each State when the 2007 Applications are issued.

OMB NO. 1820-0030
Expires: 08/31/2009

ANNUAL STATE APPLICATION UNDER PART B OF THE
INDIVIDUALS WITH DISABILITIES EDUCATION ACT AS AMENDED IN 2004
FOR FEDERAL FISCAL YEAR 2007

CFDA No. 84.027A and 84.173A

ED FORM No. 9055

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION PROGRAMS
Washington, DC 20202-2600

Section I

A. Submission Statement for Part B of IDEA

Please select 1 or 2 below. Check 3 if appropriate.

1. The State provides assurances that it has in effect policies and procedures to meet all eligibility requirements of Part B of the Act as found in PL 108-446, the Individuals with Disabilities Education Act and applicable regulations (IDEA). The State is able to meet all assurances found in Section II.A of this Application.
2. The State cannot provide assurances for all eligibility requirements of Part B of the Act as found in PL 108-446. The State has determined that it is unable to make the assurances that are checked as 'No' in Section II.A. However, the State assures that throughout the period of this grant award the State will operate consistent with all requirements of IDEA in PL 108-446 and applicable regulations. The State will make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of the IDEA, as amended, as soon as possible, and not later than June 30, 2008 The State has included the date by which it expects to complete necessary changes associated with assurances marked 'No'. (Refer to Assurances found in Section II.A.)

Optional:

3. The State is submitting modifications to State policies and procedures previously submitted to the Department. These modifications are: (1) deemed necessary by the State, for example when the State revises applicable State law or regulations; (2) required by the Secretary because there is a new interpretation of the Act or regulations by a Federal court or the State's highest court; and/or (3) because of an official finding of noncompliance with Federal law or regulations.

B. Conditional Approval for Current Grant Year

If the State received conditional approval for the current grant year, check the appropriate statement(s) below:

1. **Conditional Approval Related to Assurances in Section II.A:**
- a. Section II.A provides documentation of completion of all issues identified in the FFY 2006 conditional approval letter.
- b. As noted in Section II.A, the State has not completed all issues identified in the FFY 2006 conditional approval letter.
2. **Conditional Approval Related to Other Issues:**
- a. The State previously submitted documentation of completion of all issues identified in the FFY 2006 conditional approval letter.
- b. The State is attaching documentation of completion of all issues identified in the FFY 2006 conditional approval letter. *(Attach documentation showing completion of all issues.)*
- c. The State has not completed all issues identified in the FFY 2006 conditional approval letter. *(Attach documentation showing completion of any issues and a list of items not yet completed.)*

Section II

A. Assurances Related to Policies and Procedures

The State makes the following assurances that it has policies and procedures in place as required by Part B of the Individuals with Disabilities Education Act. (20 U.S.C. 1411-1419; 34 CFR §§300.100-300.174)

<i>Check and enter date(s) as applicable</i>		Assurances Related to Policies and Procedures
Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)	
		1. A free appropriate public education is available to all children with disabilities residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled, in accordance with 20 U.S.C. 1412(a)(1); 34 CFR §§300.101-300.108.
		2. The State has established a goal of providing a full educational opportunity to all children with disabilities and a detailed timetable for accomplishing that goal. (20 U.S.C. 1412(a)(2); 34 CFR §§300.109-300.110)
		3. All children with disabilities residing in the State, including children with disabilities who are homeless or are wards of the State and children with disabilities attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services in accordance with 20 U.S.C. 1412(a)(3); 34 CFR §300.111.
		4. An individualized education program, or an individualized family service plan that meets the requirements of section 636(d), is developed, reviewed, and revised for each child with a disability in accordance with 34 CFR §§300.320 through 300.325. (20 U.S.C. 1412(a)(4); 34 CFR §300.112)
		5. To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily in accordance with 20 U.S.C. 1412(a)(5)(A)-(B); 34 CFR

Check and enter date(s) as applicable		
Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)	
		Assurances Related to Policies and Procedures
		§§300.114-300.120.
		6. Children with disabilities and their parents are afforded the procedural safeguards required by 34 CFR §§300.500 through 300.536 and in accordance with 20 U.S.C. 1412(a)(6); 34 CFR §300.121.
		7. Children with disabilities are evaluated in accordance with 34 CFR §§300.300 through 300.311. (20 U.S.C. 1412(a)(7); 34 CFR §300.122)
		8. Agencies in the State comply with 34 CFR §§ 300.610 through 300.626 (relating to the confidentiality of records and information). (20 U.S.C. 1412(a)(8); 34 CFR §300.123)
		9. Children participating in early intervention programs assisted under Part C, and who will participate in preschool programs assisted under this part, experience a smooth and effective transition to those preschool programs in a manner consistent with section 637(a)(9). By the third birthday of such a child, an individualized education program or, if consistent with 34 CFR §300.323(b) and section 636(d), an individualized family service plan, has been developed and is being implemented for the child. The local educational agency will participate in transition planning conferences arranged by the designated lead agency under section 635(a)(10). (20 U.S.C. 1412(a)(9); 34 CFR §300.124)
		10. To the extent consistent with the number and location of children with disabilities in the State who are enrolled by their parents in private elementary schools and secondary schools in the school district served by a local educational agency, provision is made for the participation of those children in the program assisted or carried out under this part by providing for such children special education and related services in accordance with the requirements found in 34 CFR §§300.130 through 300.148 unless the Secretary has arranged for services to those children under subsection (f) [By pass]. (20 U.S.C. 1412(a)(10); 34 CFR §§300.129-300.148)
		11. The State educational agency is responsible for ensuring that the requirements of Part B are met according to 34 CFR §300.149 and that the State monitors and enforces the requirements of Part B in accordance with 34 CFR §§300.600-300.602 and 300.606-300.608.

Check and enter date(s) as applicable		Assurances Related to Policies and Procedures
Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)	
		(20 U.S.C. 1412(a)(11); 34 CFR §300.149)
		12. The Chief Executive Officer of a State or designee of the officer shall ensure that an interagency agreement or other mechanism for interagency coordination is in effect between each public agency described in subparagraph (b) of 34 CFR §300.154 and the State educational agency, in order to ensure that all services described in paragraph (b)(i) that are needed to ensure a free appropriate public education are provided, including the provision of such services during the pendency of any dispute under clause (iii). Such agreement or mechanism shall meet the requirements found in 20 U.S.C. 1412(a)(12)(A)-(C); 34 CFR §300.154.
		13. The State educational agency will not make a final determination that a local educational agency is not eligible for assistance under this part without first affording that agency reasonable notice and an opportunity for a hearing. (20 U.S.C. 1412(a)(13); 34 CFR §300.155)
		14. The State educational agency has established and maintains qualifications to ensure that personnel necessary to carry out this part are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities as noted in 20 U.S.C. 1412(a)(14)(A)-(E); 34 CFR §300.156.
		15. The State has established goals for the performance of children with disabilities in the State that meet the requirements found in 20 U.S.C. 1412(a)(15)(A)-(C); 34 CFR §300.157.
		16. All children with disabilities are included in all general State and districtwide assessment programs, including assessments described under section 1111 of the Elementary and Secondary Education Act of 1965, with appropriate accommodations and alternate assessments where necessary and as indicated in their respective individualized education programs as noted in 20 U.S.C. 1412(a)(16)(A)-(E); 34 CFR §300.160.
		17. Funds paid to a State under this part will be expended in accordance with all the provisions of Part B including 20 U.S.C. 1412(a)(17)(A)-(C); 34 CFR §300.162.

Check and enter date(s) as applicable		Assurances Related to Policies and Procedures
Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)	
		18. The State will not reduce the amount of State financial support for special education and related services for children with disabilities, or otherwise made available because of the excess costs of educating those children, below the amount of that support for the preceding fiscal year in accordance with 20 U.S.C. 1412(a)(18)(A)-(D); 34 CFR §300.163.
		19. Prior to the adoption of any policies and procedures needed to comply with this section (including any amendments to such policies and procedures), the State ensures that there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities. (20 U.S.C. 1412(a)(19); 34 CFR §300.165)
		20. In complying with 34 CFR §§300.162 and 300.163, a State may not use funds paid to it under this part to satisfy State-law mandated funding obligations to local educational agencies, including funding based on student attendance or enrollment, or inflation. (20 U.S.C. 1412(a)(20); 34 CFR §300.166)
		21. The State has established and maintains an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State as found in 20 U.S.C. 1412(a)(21)(A)-(D); 34 CFR §§300.167-300.169.
		22. The State educational agency examines data, including data disaggregated by race and ethnicity, to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities in accordance with 20 U.S.C. 1412(a)(22)(A)-(B); 34 CFR §300.170.
		23a. The State adopts the National Instructional Materials Accessibility Standard for the purposes of providing instructional materials to blind persons or other persons with print disabilities, in a timely manner after the publication of the National Instructional Materials Accessibility Standard in the Federal Register in accordance with 20 U.S.C. 1412(a)(23)(A) and (D); 34 CFR §300.172.
		23b. <i>(Note: Check either "23b.1" or "23b.2" whichever applies.)</i>
		23b.1 The State educational agency coordinates with the National Instructional

Check and enter date(s) as applicable		Assurances Related to Policies and Procedures
Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)	
		<p>Materials Access Center and not later than 12/03/06 the SEA as part of any print instructional materials adoption process, procurement contract, or other practice or instrument used for purchase of print instructional materials enters into a written contract with the publisher of the print instructional materials to:</p> <ul style="list-style-type: none"> require the publisher to prepare and, on or before delivery of the print instructional materials, provide to the National Instructional Materials Access Center, electronic files containing the contents of the print instructional materials using the National Instructional Materials Accessibility Standard; or purchase instructional materials from the publisher that are produced in, or may be rendered in, specialized formats. (20 U.S.C. 1412(a)(23)(C); 34 CFR §300.172)
		<p>23b.2 The State Educational Agency has chosen not to coordinate with the National Instructional Materials Access Center but assures that it will provide instructional materials to blind persons or other persons with print disabilities in a timely manner. (20 U.S.C. 1412(a)(23)(B); 34 CFR §300.172)</p>
		<p>24. The State has in effect, consistent with the purposes of the IDEA and with section 618(d) of the Act, policies and procedures designed to prevent the inappropriate over identification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment described in 34 CFR §300.8. (20 U.S.C 1412(a)(24); 34 CFR §300.173)</p>
		<p>25. The State educational agency shall prohibit State and local educational agency personnel from requiring a child to obtain a prescription for a substance covered by the Controlled Substances Act (21 U.S.C. 812(c)) as a condition of attending school, receiving an evaluation under 34 CFR §§300.300 through 300.311, or receiving services under the IDEA as described in 20 U.S.C. 1412(a)(25)(A)-(B); 34 CFR §300.174.</p>

B. Other Assurances

The State also makes the following assurances:

Yes	Other Assurances
	1. The State shall distribute any funds the State does not reserve under 20 U.S.C. 1411(e) to local educational agencies (including public charter schools that operate as local educational agencies) in the State that have established their eligibility under section 613 for use in accordance with this part as provided for in 20 U.S.C. 1411(f)(1)-(3); 34 CFR §300.705.
	2. The State shall provide data to the Secretary on any information that may be required by the Secretary. (20 U.S.C. 1418(a)(3); 34 CFR §§300.640-300.645.)
	3. The State, local educational agencies, and educational service agencies shall use fiscal control and fund accounting procedures that insure proper disbursement of and accounting for Federal funds. (34 CFR §76.702)
	4. As applicable, the assurance in OMB Standard Form 424B (Assurances for Non-Construction Programs), relating to legal authority to apply for assistance; access to records; conflict of interest; merit systems; nondiscrimination; Hatch Act provisions; labor standards; flood insurance; environmental standards; wild and scenic river systems; historic preservation; protection of human subjects; animal welfare; lead-based paint; Single Audit Act; and general agreement to comply with all Federal laws, executive orders and regulations.

C. Certifications

The State Educational Agency is providing the following certifications:

Yes	
	1. The State certifies that ED Form 80-0013, <i>Certification Regarding Lobbying</i> , is on file with the Secretary of Education. With respect to the <i>Certification Regarding Lobbying</i> , the State recertifies that no 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 the making or renewal of Federal grants under this program; that the State shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," when required (34 CFR Part 82, Appendix B); and that the State Agency shall require the full certification, as set forth in 34 CFR Part 82, Appendix A, in the award documents for all sub awards at all tiers.
	2. The State certifies that certifications in the Education Department General Administrative Regulations (EDGAR) at 34 CFR §80.11 relating to State eligibility, authority and approval to submit and carry out the provisions of its State application, and consistency of that application with State law are in place within the State.
	3. The State certifies that the arrangements to establish responsibility for services pursuant to 20 U.S.C. 1412(a)(12)(A); 34 CFR §300.154 are current. This certification must be received prior to the expenditure of any funds reserved by the State under 20 U.S.C. 1411(e)(1); 34 CFR §300.171.

D. Statement

I certify that the State of _____ can make the assurances checked as 'yes' in Section II.A and II.B and the certifications required in Section II.C of this application. These provisions meet the requirements of the Part B of the Individuals with Disabilities Education Act as found in PL 108-446. The State will operate its Part B program in accordance with all of the required assurances and certifications.

If any assurances have been checked 'no', I certify that the State will operate throughout the period of this grant award consistent with the requirements of the IDEA as found in PL 108-446 and any applicable regulations, and will make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of the IDEA, as amended, as soon as possible, and not later than June 30, 2008. (34 CFR §76.104)

I, the undersigned authorized official of the

(Name of State and official name of State agency)

am designated by the Governor of this State to submit this application for FFY 2007 funds under Part B of the Individuals with Disabilities Education Act (IDEA).

Printed/Typed Name and Title of Authorized Representative of the State:	
Signature:	Date:

Section III

Description of Use of Funds Under Part B of the Individuals with Disabilities Education Act - 20 U.S.C. 1411(e)(5); 34 CFR §300.171

Describe how the amount retained by the State educational agency under 20 U.S.C. 1411(e)(1) will be used to meet the following activities under Part B. (20 U.S.C. 1411(e)(1)-(3), (6) and (7)) The Department annually identifies for States the maximum amounts that a State may retain under Section 1411(e)(1) and (2).¹ The dollar amounts listed in the **Excel Interactive Spreadsheet** by the State for administration and for other State activities should add up to less or equal to the dollar amount provided to the State by the Department for each of these activities.

Enter whole dollar amounts (do not enter cents) in appropriate cells on the State's Excel Interactive Worksheet. The Excel Interactive Spreadsheet must be submitted as part of the State's application.

FOR ADMINISTRATIVE ACTIVITIES UNDER PART B		ENTER DOLLAR AMOUNTS
For the purpose of administering this part, including 20 U.S.C. 1411(e)(3), 20 U.S.C. 1419, and the coordination of activities under this part with, and providing technical assistance to, other programs that provide services to children with disabilities. (20 U.S.C. 1411(e)(1)(A); 34 CFR §300.704)	a.	\$0
The administration of Part C of IDEA, if the SEA is the Lead Agency for the State under Part C. (20 U.S.C. 1411 (e)(1)(D); 34 CFR §300.704))	b.	\$0
A State may use funds the State reserves for administration that are the result of inflationary increases described in 20 U.S.C. 1411(e)(1)(B) for the following activities: (20 U.S.C. 1411(e)(6); 34 CFR §300.704)		
For support and direct services, including technical assistance, personnel preparation, and professional development and training.	c.	\$0
To assist local educational agencies in providing positive behavioral interventions and supports and appropriate mental health services for children with disabilities.	d.	\$0
To assist local educational agencies in meeting personnel shortages.	e.	\$0
To support capacity building activities and improve the delivery of services by local educational agencies to improve results for children with disabilities.	f.	\$0
Flexibility in Using Funds for Part C (20 U.S.C. 1411(e)(7); 34 CFR §300.704)		

¹ Each State may reserve for each fiscal year not more than the maximum amount the State was eligible to reserve for State administration under this section for fiscal year 2004 or \$800,000 (adjusted in accordance with 20 U.S.C. 1411(e)(1)(B)), whichever is greater; and each outlying area may reserve for each fiscal year not more than 5 percent of the amount the outlying area receives under 20 U.S.C. 1411(b)(1) for the fiscal year or \$35,000, whichever is greater.

For each fiscal year beginning with fiscal year 2005, the Secretary shall cumulatively adjust: 1) the maximum amount the State was eligible to reserve for State administration under this part for fiscal year 2004; and 2) \$800,000, by the rate of inflation as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

FOR ADMINISTRATIVE ACTIVITIES UNDER PART B	ENTER DOLLAR AMOUNTS	
Any State eligible to receive a grant under 20 U.S.C. 1419 may use funds made available under 20 U.S.C. 1411(e)(1)(A); 34 CFR §300.704, 20 U.S.C. 1411(f)(3), or 20 U.S.C. 1419(f)(5); 34 CFR §300.705 to develop and implement a State policy jointly with the lead agency under Part C and the State educational agency to provide early intervention services (which shall include an educational component that promotes school readiness and incorporates preliteracy, language, and numeracy skills) in accordance with Part C to children with disabilities who are eligible for services under 20 U.S.C. 1419 and who previously received services under Part C until such children enter, or are eligible under State law to enter, kindergarten, or elementary school as appropriate.	g.	\$0
Establishment of High Cost Fund (20 U.S.C. 1411(e)(3)(B)(i); 34 CFR §300.704)		

FOR OTHER STATE-LEVEL ACTIVITIES	ENTER DOLLAR AMOUNTS	
Required Activities Funds reserved under 20 U.S.C. 1411(e)(2)(A); 34 CFR §300.704 shall be used to carry out the following activities:		
For monitoring, enforcement, and complaint investigation.	h.	\$0
To establish and implement the mediation process required by 20 U.S.C. 1415(e); 34 CFR §300.704, including providing for the cost of mediators and support personnel.	i.	\$0
Authorized Activities Funds reserved under 20 U.S.C. 1411(e)(2)(A); 34 CFR §300.704 may be used to carry out the following activities:		
For support and direct services, including technical assistance, personnel preparation, and professional development and training.	j.	\$0
To assist local educational agencies in providing positive behavioral interventions and supports and appropriate mental health services for children with disabilities.	k.	\$0
To assist local educational agencies in meeting personnel shortages.	l.	\$0
To support capacity building activities and improve the delivery of services by local educational agencies to improve results for children with disabilities.	m.	\$0
To support paperwork reduction activities, including expanding the use of technology in the IEP process.	n.	\$0
To improve the use of technology in the classroom by children with disabilities to enhance learning.	o.	\$0
To support the use of technology, including technology with universal design principles and assistive technology devices, to	p.	\$0

FOR OTHER STATE-LEVEL ACTIVITIES		ENTER DOLLAR AMOUNTS
maximize accessibility to the general education curriculum for children with disabilities.		
Development and implementation of transition programs, including coordination of services with agencies involved in supporting the transition of children with disabilities to postsecondary activities.	q.	\$0
Alternative programming for children with disabilities who have been expelled from school, and services for children with disabilities in correctional facilities, children enrolled in State-operated or State-supported schools, and children with disabilities in charter schools.	r.	\$0
To support the development and provision of appropriate accommodations for children with disabilities, or the development and provision of alternate assessments that are valid and reliable for assessing the performance of children with disabilities, in accordance with Sections 1111(b) and 6111 of the Elementary and Secondary Education Act of 1965.	s.	\$0
To provide technical assistance to schools and local educational agencies, and direct services, including supplemental educational services as defined in Section 1116(e) of the Elementary and Secondary Education Act of 1965 to children with disabilities, in schools or local educational agencies identified for improvement under Section 1116 of the Elementary and Secondary Education Act of 1965 on the sole basis of the assessment results of the disaggregated subgroup of children with disabilities, including providing professional development to special and regular education teachers, who teach children with disabilities, based on scientifically based research to improve educational instruction, in order to improve academic achievement to meet or exceed the objectives established by the State under Section 1111(b)(2)(G) the Elementary and Secondary Education Act of 1965.	t.	\$0
<p>Local Educational Agency Risk Pool (20 U.S.C. 1411(e)(3)(A)): For the purpose of assisting local educational agencies (including a charter school that is a local educational agency or a consortium of local educational agencies) in addressing the needs of high need children with disabilities, each State shall have the option to reserve for each fiscal year 10 percent of the amount of funds the State reserves for State-level activities under 20 U.S.C. 1411(e)(2)(A); 34 CFR §300.704.</p>		
To establish and make disbursements from the high cost fund to local educational agencies in accordance with 20 U.S.C. 1411(e)(3) during the first and succeeding fiscal years of the high cost fund; and	u.	\$0
To support innovative and effective ways of cost sharing by the State, by a local educational agency, or among a consortium of local educational agencies, as determined by the State in coordination with representatives from local educational agencies, subject to 20 U.S.C. 1411(e)(3)(B)(ii) [Amount may not be more than 5% of the amount reserved for the LEA Risk Pool].	v.	\$0

FOR OTHER STATE-LEVEL ACTIVITIES	ENTER DOLLAR AMOUNTS
<p>Establishment of High Cost Fund (20 U.S.C. 1411(e)(3)(B)(i); 34 CFR §300.704)</p>	
<p>A State shall not use any of the funds the State reserves pursuant to 20 U.S.C. 1411(e)(3)(A)(i); 34 CFR §300.704, <u>but may use the funds the State reserves under 20 U.S.C. 1411(e)(1); 34 CFR §300.704, to establish and support the high cost fund.</u></p>	
<p>Describe the process used to get input from LEAs regarding the distribution of amounts among activities described in the above charts to meet State priorities. (20 U.S.C. 1411(e)(5)(B); 34 CFR §300.704)</p>	

Section IV

State Administration

Section 608(a) of the IDEA requires each State that receives funds under this title to:

- (1) ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title;
- (2) identify in writing to local educational agencies located in the State and the Secretary any such rule, regulation, or policy as a State-imposed requirement that is not required by this title and Federal regulations; and
- (3) minimize the number of rules, regulations, and policies to which the local educational agencies and schools located in the State are subject under this title.

States must attach to this application a list identifying any rule, regulation, or policy that is State-imposed (not required by IDEA or Federal regulations). If there are no such State-imposed rules, regulations, or policies, please so indicate. In addition, the State is required to inform local education agencies in writing of such State-imposed rules, regulation or policy. (20 U.S.C. 1407(a); 34 CFR §300.199)

34 CFR §76.703 – When a State may begin to obligate funds.

- (a)(1) The Secretary may establish, for a program subject to this part, a date by which a State must submit for review by the Department a State plan and any other documents required to be submitted under guidance provided by the Department under paragraph (b)(3) of this section.
- (2) If the Secretary does not establish a date for the submission of State plans and any other documents required under guidance provided by the Department, the date for submission is three months before the date the Secretary may begin to obligate funds under the program.
- (b)(1) This paragraph (b) describes the circumstances under which the submission date for a State plan may be deferred.
- (2) If a State asks the Secretary in writing to defer the submission date for a State plan because of a Presidentially declared disaster that has occurred in that State, the Secretary may defer the submission date for the State plan and any other document required under guidance provided by the Department if the Secretary determines that the disaster significantly impairs the ability of the State to submit a timely State plan or other document required under guidance provided by the Department.
- (3)(i) The Secretary establishes, for a program subject to this part, a date by which the program office must deliver guidance to the States regarding the contents of the State plan under that program.
- (ii) The Secretary may only establish a date for the delivery of guidance to the States so that there are at least as many days between that date and the date that State plans must be submitted to the Department as there are days between the date that State plans must be submitted to the Department and the date that funds are available for obligation by the Secretary on July 1, or October 1, as appropriate.
- (iii) If a State does not receive the guidance by the date established under paragraph (b)(3)(i) of this section, the submission date for the State plan under the program is deferred one day for each day that the guidance is late in being received by the State.

Note: The following examples describe how the regulations in Sec. 76.703(b)(3) would act to defer the date that a State would have to submit its State plan.

Example 1. The Secretary decides that State plans under a forward-funded program must be submitted to the Department by May first. The Secretary must provide guidance to the States under this program by March first, so that the States have at least as many days between the guidance date and the submission date (60) as the Department has between the submission date and the date that funds are available for obligation (60). If the program transmits guidance to the States on February 15, specifying that State plans must be submitted by May first, States generally would have to submit State plans by that date. However, if, for example, a State did not receive the guidance until March third, that State would have until May third to submit its State plan because the submission date of its State plan would be deferred one day for each day that the guidance to the State was late.

Example 2. If a program publishes the guidance in the Federal Register on March third, the States would be considered to have received the guidance on that day. Thus, the guidance could not specify a date for the submission of State plans before May second, giving the States 59 days between the date the guidance is published and the submission date and giving the Department 58 days between the submission date and the date that funds are available for obligation.

- (c)(1) For the purposes of this section, the submission date of a State plan or other document is the date that the Secretary receives the plan or document.
- (2) The Secretary does not determine whether a State plan is substantially approvable until the plan and any documents required under guidance provided by the Department have been submitted.
- (3) The Secretary notifies a State when the Department has received the State plan and all documents required under guidance provided by the Department.
- (d) If a State submits a State plan in substantially approvable form (or an amendment to the State plan that makes it substantially approvable), and submits any other document required under guidance provided by the Department, on or before the date the State plan must be submitted to the Department, the State may begin to obligate funds on the date that the funds are first available for obligation by the Secretary.
- (e) If a State submits a State plan in substantially approvable form (or an amendment to the State plan that makes it substantially approvable) or any other documents required under guidance provided by the Department after the date the State plan must be submitted to the Department, and—
 - (1) The Department determines that the State plan is substantially approvable on or before the date that the funds are first available for obligation by the Secretary, the State may begin to obligate funds on the date that the funds are first available for obligation by the Secretary; or
 - (2) The Department determines that the State plan is substantially approvable after the date that the funds are first available for obligation by the Secretary, the State may begin to obligate funds on the earlier of the two following dates:
 - (i) The date that the Secretary determines that the State plan is substantially approvable.
 - (ii) The date that is determined by adding to the date that funds are first available for obligation by the Secretary—
 - (A) The number of days after the date the State plan must be submitted to the Department that the State plan or other document required under guidance provided by the Department is submitted; and
 - (B) If applicable, the number of days after the State receives notice that the State plan is not substantially approvable that the State submits additional information that makes the plan substantially approvable.
- (f) Additional information submitted under paragraph (e)(2)(ii)(B) of this section must be signed by the person who submitted the original State plan (or an authorized delegate of that officer).
- (g)(1) If the Department does not complete its review of a State plan during the period established for that review, the Secretary will grant pre-award costs for the period after funds become available for obligation by the Secretary and before the State plan is found substantially approvable.
- (2) The period established for the Department's review of a plan does not include any day after the State has received notice that its plan is not substantially approvable.

Note: The following examples describe how the regulations in Sec. 76.703 would be applied in certain circumstances. For the purpose of these examples, assume that the grant program

established an April 1 due date for the submission of the State plan and that funds are first available for obligation by the Secretary on July 1.

Example 1. Paragraph (d): A State submits a plan in substantially approvable form by April 1. The State may begin to obligate funds on July 1.

Example 2. Paragraph (e)(1): A State submits a plan in substantially approvable form on May 15, and the Department notifies the State that the plan is substantially approvable on June 20. The State may begin to obligate funds on July 1.

Example 3. Paragraph (e)(2)(i): A State submits a plan in substantially approvable form on May 15, and the Department notifies the State that the plan is substantially approvable on July 15. The State may begin to obligate funds on July 15.

Example 4. Paragraph (e)(2)(ii)(A): A State submits a plan in substantially approvable form on May 15, and the Department notifies the State that the plan is substantially approvable on August 21. The State may begin to obligate funds on August 14. (In this example, the plan is 45 days late. By adding 45 days to July 1, we reach August 14, which is earlier than the date, August 21, that the Department notifies the State that the plan is substantially approvable. Therefore, if the State chose to begin drawing funds from the Department on August 14, obligations made on or after that date would generally be allowable.)

Example 5. Paragraph (e)(2)(i): A State submits a plan on May 15, and the Department notifies the State that the plan is not substantially approvable on July 10. The State submits changes that make the plan substantially approvable on July 20 and the Department notifies the State that the plan is substantially approvable on July 25. The State may begin to obligate funds on July 25. (In this example, the original submission is 45 days late. In addition, the Department notifies the State that the plan is not substantially approvable and the time from that notification until the State submits changes that make the plan substantially approvable is an additional 10 days. By adding 55 days to July 1, we reach August 24. However, since the Department notified the State that the plan was substantially approvable on July 25, that is the date that the State may begin to obligate funds.)

Example 6. Paragraph (e)(2)(ii)(B): A State submits a plan on May 15, and the Department notifies the State that the plan is not substantially approvable on August 1. The State submits changes that make the plan substantially approvable on August 20, and the Department notifies the State that the plan is substantially approvable on September 5. The State may choose to begin drawing funds from the Department on September 2, and obligations made on or after that date would generally be allowable. (In this example, the original submission is 45 days late. In addition, the Department notifies the State that the plan is not substantially approvable and the time from that notification until the State submits changes that make the plan substantially approvable is an additional 19 days. By adding 64 days to July 1, we reach September 2, which is earlier than September 5, the date that the Department notifies the State that the plan is substantially approvable.)

Example 7. Paragraph (g): A State submits a plan on April 15 and the Department notifies the State that the plan is not substantially approvable on July 16. The State makes changes to the plan and submits a substantially approvable plan on July 30. The Department had until July 15 to decide whether the plan was substantially approvable because the State was 15 days late in submitting the plan. The date the State may begin to obligate funds under the regulatory deferral is July 29 (based on the 15 day deferral for late submission plus a 14 day deferral for the time it took to submit a substantially approvable plan after having received notice). However, because the Department was one day late in completing its review of the plan, the State would get pre-award costs to cover the period of July 1 through July 29.

- (h) After determining that a State plan is in substantially approvable form, the Secretary informs the State of the date on which it could begin to obligate funds. Reimbursement for those obligations is subject to final approval of the State plan.

(Authority: 20 U.S.C. 1221e-3, 3474, 6511(a) and 31 U.S.C. 6503)

[45 FR 22517, Apr. 3, 1980. Redesignated at 45 FR 77368, Nov. 21, 1980, as amended at 60 FR 41294, Aug. 11, 1995; 61 FR 14484, Apr. 2, 1996]

The purpose of this enclosure is to inform you about a new provision in the Department of Education's General Education Provisions Act (GEPA) that applies to applicants for new grant awards under Department programs. This provision is Section 427 of GEPA, enacted as part of the Improving America's Schools Act of 1994 (Public Law (P.L.) 103-382).

To Whom Does This Provision Apply?

Section 427 of GEPA affects applicants for new grant awards under this program. **ALL APPLICANTS FOR NEW AWARDS MUST INCLUDE INFORMATION IN THEIR APPLICATIONS TO ADDRESS THIS NEW PROVISION IN ORDER TO RECEIVE FUNDING UNDER THIS PROGRAM.**

(If this program is a State-formula grant program, a State needs to provide this description only for projects or activities that it carries out with funds reserved for State-level uses. In addition, local school districts or other eligible applicants that apply to the State for funding need to provide this description in their applications to the State for funding. The State would be responsible for ensuring that the school district or other local entity has submitted a sufficient section 427 statement as described below.)

What Does This Provision Require?

Section 427 requires each applicant for funds (other than an individual person) to include in its application a description of the steps the applicant proposes to take to ensure equitable access to, and participation in, its Federally-assisted program for students, teachers, and other program beneficiaries with special needs. This provision allows applicants discretion in developing the required description. The statute highlights six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, or age. Based on local circumstances, you should determine whether these or other barriers may prevent your students, teachers, etc. from such access or participation in, the Federally-funded project or activity. The description in your application of steps to be taken to overcome these barriers need not be lengthy; you may provide a clear and succinct description of how you plan to address those barriers

that are applicable to your circumstances. In addition, the information may be provided in a single narrative, or, if appropriate, may be discussed in connection with related topics in the application.

Section 427 is not intended to duplicate the requirements of civil rights statutes, but rather to ensure that, in designing their projects, applicants for Federal funds address equity concerns that may affect the ability of certain potential beneficiaries to fully participate in the project and to achieve to high standards. Consistent with program requirements and its approved application, an applicant may use the Federal funds awarded to it to eliminate barriers it identifies.

What are Examples of How an Applicant Might Satisfy the Requirement of This Provision?

The following examples may help illustrate how an applicant may comply with Section 427.

(1) An applicant that proposes to carry out an adult literacy project serving, among others, adults with limited English proficiency, might describe in its application how it intends to distribute a brochure about the proposed project to such potential participants in their native language.

(2) An applicant that proposes to develop instructional materials for classroom use might describe how it will make the materials available on audio tape or in braille for students who are blind.

(3) An applicant that proposes to carry out a model science program for secondary students and is concerned that girls may be less likely than boys to enroll in the course, might indicate how it intends to conduct "outreach" efforts to girls, to encourage their enrollment.

We recognize that many applicants may already be implementing effective steps to ensure equity of access and participation in their grant programs, and we appreciate your cooperation in responding to the requirements of this provision.

Estimated Burden Statement for GEPA Requirements

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1890-0007. The time required to complete this information collection is estimated to average 1.5 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** Director, Grants Policy and Oversight Staff, U.S. Department of Education, 400 Maryland Avenue, SW (Room 7065, Potomac Center Plaza, 7th Floor). Washington, DC 20202-4250.