

REQUEST FOR APPLICATION

Program-Specific
Provisions and Assurances
2021-2022 Special Education
Consolidated Grant
Application (Federal)

Authorized by the Individuals with Disabilities Education Act
(IDEA), as amended by the IDEA Improvement Act of 2004,
Public Law 108-446, Part B

Application Closing Date—5:00 p.m., Central Time
September 3, 2021

TEXAS EDUCATION AGENCY

**Division of Special Education Programs
1701 North Congress Avenue
Austin, Texas 78701**

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I. General Assurances Applicable to All Special Education Fund Sources

- A. Any personnel or consultant travel approved in this grant must be reimbursed according to the applicant agency's policy; however, reimbursement may not exceed State of Texas mileage allowance and per diem rate existing in the current Texas State Appropriations Act.
- B. Any personnel, agencies, or organizations to be subcontracted with by the applicant agency must have the appropriate credentials and skills to perform the services required (19 Texas Administrative Code [TAC] 89.1131).

All special education personnel are certified, endorsed, or licensed in the area of assignment in accordance with provisions in 19 TAC 230 (Professional Educator Preparation and Certification). All special education teachers meet the criteria for special education teachers in accordance with 34 Code of Federal Regulations (CFR) 300.18.

- C. Funds will be used as stipulated in this document, and use of funds other than in the manner authorized may be construed as misuse and may result in the reclamation of these funds.
- D. The applicant represents and assures that, if participating in a Shared Services Arrangement (SSA), it has entered into a written agreement to jointly operate its special education program with the cooperating local education agencies (LEAs) and that such agreements meet all requirements stated in the Financial Accounting and Reporting (FAR) Module of the Financial Accountability System Resource Guide (FASRG).
- E. The applicant represents and assures that, if it has been a party to one or more special education due process hearings that have resulted in a decision under 20 United States Code (USC) 1415 since the date of last application for Individuals with Disabilities Education Act (IDEA)-B funds, the applicant has implemented the decision of the special education hearing officer in accordance with 19 TAC 89.1185 and 34 CFR 300.518 by doing one of the following:
 - 1. If the hearing officer rendered a decision that was, at least in part, adverse to the applicant, the applicant implemented the decision in all respects within ten school days after the date the decision was rendered, unless and until such implementation was excused by order of a reviewing court under 20 USC 1415.
 - 2. If the hearing officer rendered a decision that was, at least in part, adverse to the applicant and the applicant appealed the decision pursuant to 20 USC 1415, the applicant implemented the decision in all respects other than a requirement to pay reimbursement within ten school days after the date the decision was rendered, unless and until such implementation was excused by order of a reviewing court under 20 USC 1415.

In either case, the following is also required:

3. From the date of the hearing officer decision forward, the student's stay-put placement was that which was ordered by the hearing officer decision, unless and until such placement was changed by order of a reviewing court under 20 USC 1415.
- F. The document entitled "Application Guidelines—Part 2: Program Guidelines and Use of Funds," which is located in the eGrants system under the hyperlink entitled Program Guidelines, is hereby incorporated by reference into this grant.
- G. The applicant agency will comply with all reporting requirements (34 CFR 300.645, Program Guidelines, PEIMS Data Standards, and Education Department General Administrative Regulations (EDGAR), as applicable) in a timely manner.
- H. The applicant agency ensures compliance with requirements of the Every Student Succeeds Act (ESSA) of 2015 (PL 114-95) as it relates to students with disabilities under the IDEA.
- I. LEAs participating in SSAs will comply with related procedures developed by TEA.
- J. This application and all related documents, evaluations, and reports will be available to parents and to the general public (34 CFR 76.304, 300.212).
- K. The LEA will account for all funds separately and appropriately according to generally accepted accounting principles, the FASRG, and the Program Guidelines.
- L. All encumbrances shall occur on or between the beginning and ending dates of the contract. The contractor must liquidate (record as an expenditure) all obligations (encumbrances) incurred between begin and end dates of the contract. The term obligations means the amounts of orders placed, contracts and subgrants awarded, goods and services received, and similar transactions during a given period that will require payment by the contractor during the same or a future period. Obligations representing orders placed are reflected in the accounting records as encumbrances. In no manner shall encumbrances be considered or reflected as accounts payable or as expenditures. Obligations that are liquidated and recognized as expenditures must meet the allowable cost principles in EDGAR 2 CFR Part 200 (as applicable) and program rules, regulations, and guidelines contained elsewhere.
- M. The applicant agency has distributed to parents of students with disabilities the document Notice of Procedural Safeguards, Rights of Parents of Students with Disabilities as a means of disseminating notice of their rights. This notice is in the primary language of the parent (34 CFR 300.504).

The applicant agency also has disseminated A Guide to the Admission, Review, and Dismissal Process as required by TEC 26.0081 and the October 14, 2002, letter of guidance from TEA.
- N. The LEA will take steps to provide nonacademic and extracurricular services and activities in such manner as is necessary to afford students with disabilities an equal opportunity for participation in those services and activities (34 CFR 300.107).

- O. The LEA will make available physical education services, specially designed if necessary, to every student with disabilities (34 CFR 300.108).
- P. The applicant agency assures that procedural safeguards are in place that meet the requirements of 34 CFR 300.500–520. All due process procedures for parents or legal guardians and individuals with disabilities, 3–21 years of age, are established and implemented as stated in 34 CFR 300.500–520 and 19 TAC 89.1151–1191. Notice of Procedural Safeguards, Rights of Parents of Students with Disabilities is used as a means to disseminate these rights to appropriate individuals (34 CFR 300.504).
- Q. The applicant agency assures that local policies and procedures comply with 34 CFR 300, including the reauthorized IDEA statute of 2004, and the corresponding regulations of August 14, 2006.
- R. Either the Assurance of Compliance (Form HEW 441) previously filed with the U.S. Department of Education (USDE) applies to this application or the activities conducted under this project during the regular school activities will be carried out in accordance with the applicable current court order or desegregation plan filed with the USDE (including modifications filed on Form HEW 441B) and all other activities will be carried out on a nondiscriminatory basis in accordance with the regulations of the USDE.
- S. Services, programs and projects conducted are of sufficient size and scope to effectively meet the needs of children with disabilities (34 CFR 300.223).

II. Statement of Assurances for IDEA-B Formula, Formula Deaf, Preschool, Preschool Deaf, Discretionary, and Discretionary Deaf

- A. Funds will be used to support the goal of providing full educational opportunity to all children with disabilities aged 3 through 21 (34 CFR 300.101, 300.1).
- B. Funds will be used only for those costs that exceed the average amount of LEA and State funds spent for each child receiving an education in the LEA. The applicant agency assures that the excess cost calculation (according to Appendix A in Part 300) will be performed as soon as possible after the agency submits its final expenditure report for IDEA-B Funds (34 CFR 300.202–204, 300.16).
- C. The applicant agency assures that provision has been made for appropriate consultation with representatives of private school students with disabilities and for appropriate participation of students with disabilities enrolled in private schools by their parents according to 19 TAC 89.1096 and 34 CFR 300.129–148.
- D. The applicant agency assures expenses for students needing residential placement will be locally funded if 25% of the tentative IDEA-B Formula base entitlement amount of the single- member program or the special education SSA is not reserved for that purpose (19 TAC 89.61[b][2][B]). Beginning with the 2012–2013 school year, the 25% set-aside for a member district in an SSA will be calculated on the member district's tentative entitlement unless otherwise specified in the SSA agreement.

- E. The contractor assures that funds provided in this contract will be used to supplement state, local, and other Federal funds expended for the education of children with disabilities and not to supplant those funds (34 CFR 300.202).
- F. The contractor further assures that fiscal effort will be maintained in accordance with the requirements found at 34 CFR 300.203–204.
- G. The applicant agency assures compliance with requirements found in 34 CFR 300–399 and assures that funds expended for IDEA-B programs will conform to 34 CFR 300–399 and EDGAR, as applicable.
- H. All children with disabilities ages 3–5 who are participating in programs and projects funded under Part B receive a free appropriate public education, and they and their parents are provided all the rights and procedural safeguards under Part B of the IDEA (34 CFR 300.504, 300.800, 300.804).

III. Program Plan for All IDEA-B Programs

An LEA must provide assurances to TEA that the LEA meets each of the conditions in 34 CFR 300.201–300.213. These provisions are required for all IDEA-B programs, including Formula, Formula Deaf, Preschool, Preschool Deaf, and Discretionary.

- A. The applicant agency assures that, in providing for the education of children with disabilities within its jurisdiction, it has in effect policies, procedures, and programs that are consistent with the State policies and procedures under 34 CFR 300.101–300.163 and 300.174 and 300.165–300.174 (34 CFR 300.201).
- B. The applicant agency assures that amounts provided under Part B of the act meet the following:
 - 1. Are expended in accordance with the applicable provisions of this part
 - 2. Are used only to pay the excess costs of providing special education and related services to children with disabilities consistent with 34 CFR 300.202 and 300.16
 - 3. Are used to supplement State, local, and other Federal funds and are not used to supplant those funds (34 CFR 300.202)
 - 4. In accordance with 34 CFR 300.203, are not used to reduce the level of expenditures for the education of children with disabilities made by the LEA from local funds below the level of those expenditures for the preceding fiscal year, except as provided in 34 CFR 300.204 Exception to Maintenance of Effort and 300.205 Adjustment to Local Fiscal Efforts in Certain Fiscal Years (34 CFR 300.202–300.205)
- C. The applicant agency, if participating in a schoolwide program, assures that requirements of Part B of the act are met by the LEA and that children with disabilities in schoolwide program schools receive services in accordance with a properly developed individual education plan and are afforded all of the rights and services guaranteed to children with disabilities under the act (34 CFR 300.206).

- D. The applicant agency assures that all personnel necessary to carry out Part B of the act are appropriately and adequately prepared, subject to the requirements of 34 CFR 300.156 and section 2122 of the Elementary and Secondary Education Act (ESEA) (34 CFR 300.207).
- E. The applicant agency acknowledges that, notwithstanding the provisions and requirements of 34 CFR 300.202, 300.203(a), and 300.162(b), funds provided to the LEA under Part B of the act may also be used for the following:
 - 1. Services and aids that also benefit nondisabled children (34 CFR 300.208)
 - 2. Early intervention services (34 CFR 300.226)
 - 3. High-cost special education and related services (34 CFR 300.704[c])
 - 4. Technology for administrative case management activities (34 CFR 300.208)
- F. The applicant agency assures that children with disabilities who attend public charter schools and their parents retain all rights under IDEA-B as illustrated in 34 CFR 300.209. With respect to charter schools that are public schools of the LEA, the LEA must serve children with disabilities attending those charter schools in the same manner as the LEA serves children with disabilities in its other schools, including providing supplementary and related services on site at the charter school to the same extent to which the LEA has a policy or practice of providing such services on the site to its other public schools. The LEA assures that it will provide funds under IDEA-B to those charter schools on the same basis and at the same time as the LEA distributes other Federal funds to the LEA's other public schools, consistent with TEA's charter school law.
- G. If a public charter school is an LEA and is receiving funding under 34 CFR 300.705, that charter school assures that it is responsible for ensuring that the requirements of IDEA-B are met (34 CFR 300.209).
- H. If the applicant agency chooses not to coordinate with the National Instructional Materials Access Center (NIMAC) when purchasing print instructional materials, the applicant agency assures that it will provide instructional materials to blind persons or other persons with print disabilities in a timely manner. The applicant agency acknowledges its responsibility to ensure that children with disabilities who need instructional materials in accessible formats but who are not included under the definition of blind or other persons with print disabilities or who need materials that cannot be produced from NIMAC files receive those instructional materials in a timely manner (34 CFR 300.210).
- I. The applicant agency assures that it will provide TEA with information necessary to enable TEA to carry out its duties under Part B of the act, including information related to the performance of children with disabilities participating in programs carried out under Part B of the act (34 CFR 300.211 and 300.157).
- J. The applicant agency assures that it will make available to parents of children with disabilities and to the general public all documents relating to the eligibility of the agency under Part B of the act (34 CFR 300.212).

- K. The applicant agency assures that it will cooperate in the secretary of education's efforts under section 1308 of the ESEA to ensure the linkage of records pertaining to migratory children with disabilities for the purpose of electronically exchanging health and educational information regarding those children among the states (34 CFR 300.213).