

Description of Change

The purpose of this errata notice is to add an additional assurance under Part III of the Program-Specific Provisions and Assurances.

RFA Currently Reads

Program-Specific Provisions and Assurances, page 7-9 of 9:

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).

RFA Is Corrected to Read

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.

Additionally, the LEA assures that it has in place local policies, procedures, and programs that are consistent with IDEA’s child find requirements in 34 C.F.R. § 300.111, evaluation requirements in 34 C.F.R. § 300.122, and FAPE requirements in 34 C.F.R. § 300.101.

- 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:
 - i. Are expended in accordance with the applicable provisions of this part
 - ii. 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
 - iii. Are used to supplement State, local, and other Federal funds and are not used to supplant those funds (34 CFR 300.202)
 - iv. 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:
 - i. Services and aids that also benefit nondisabled children (34 CFR 300.208)

- ii. Early intervention services (34 CFR 300.226)
 - iii. High-cost special education and related services (34 CFR 300.704[c])
 - iv. 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).