



#198-21

Commonwealth of Virginia
Virginia Department of Education
Superintendent's Memo #198-21

DATE: July 23, 2021
TO: Division Superintendents
FROM: James F. Lane, Ed.D., Superintendent of Public Instruction
SUBJECT: **IDEA, P.L. 116-260, 2021-2022 Part B Flow-Through Sections 611 and 619 and American Rescue Plan (ARP), P.L. 117-2 Subgrant Awards for Special Education**

Attached are the 2021-2022 *Individuals with Disabilities Education Act* (IDEA) Part B (Sections 611 and 619) Flow-Through and *American Rescue Plan Act* (ARP) federal allocations, through the U.S. Department of Education (USED) for school divisions and state operated programs (SOPs) that qualify based on submission of an approvable 2021-2022 annual plan.

Please note that as part of your application for fiscal year (FY) 2021-2022, your school division or SOP has provided certifications that its application will comply with the IDEA Act of 2004, at 20 USC § 1413(a)(1), and its federal implementing regulations, at 34 CFR Parts 300 and 301, and that the school division or SOP will operate its Part B program in accordance with all of the required assurances and certifications that are consistent with the Virginia Department of Education's (VDOE's) policies and procedures. It further certifies that the application is a material representation of its compliance with the provisions of the *Education Department General Administrative Regulations* ([EDGAR](#)) and [2 CFR, Part 200 Uniform Guidance](#), as applicable.

Virginia's total federal fiscal year (FFY) 2021 grant award is \$312,841,807 with \$83,482,678 currently available for award under the *Department of Education Appropriations Act, 2021*, *The Consolidated Appropriations Act, 2021 (Public Law 116-260)* for the IDEA Part B Section 611. The portion of the Section 611 flow-through allocation available through the

reimbursement process as of July 1, 2021, is approximately 26.69 percent to school divisions and SOPs that have submitted an approvable annual plan. The remaining 73.31 percent is available as of October 1, 2021, through the reimbursement process to school divisions and SOPs that have an approved annual plan. The entire allocations for American Rescue Plan Sections 611 and 619, and Section 619 Flow-Through funds are available as of July 1, 2021, through the reimbursement process to school divisions and SOPs that have submitted an approvable annual plan.

Upon final approval of a school division or SOP application by VDOE, each sub-recipient will need to log on to the Department of Education's Online Management of Education Grant Awards (OMEGA) system to review the grant's status and to distribute the grant award budgets to the appropriate object code level. Questions regarding this process should be sent to [OMEGA SUPPORT](#). You may also call (804) 371-0993 for assistance.

Approval of the annual plan establishes the eligibility of school divisions and SOPs to receive funding under the *Department of Education Appropriations Act, 2021, the Consolidation Appropriations Act, 2021 (Public Law 116-260)* for the IDEA Part B Sections 611 and 619. These funds are available for obligation from July 1, 2021, through September 30, 2023, in accordance with 34 CFR §76.709.

These funds are made available on the condition that sub-recipients operate consistent with all requirements of *P.L. 108-446/117-2* and applicable regulations, and make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance as soon as possible. School divisions are reminded that such changes must be submitted to their local school boards for approval.

2021-2022 Part B (Section 611) Flow-Through Funding

Amounts for each sub-recipient are listed in **Attachment A**. As noted above, the amount shown in your award for the Section 611 program is approximately 26.69 percent of the total federal fiscal year (FFY) 2021 award. Of the \$276,265,786.00 appropriated amount in FFY 2021 for sub-recipient awards, \$73,722,268.42 is available for awards on July 1, 2021, and \$202,543,517.58 will be available for awards on October 1, 2021. No funds may be obligated after September 30, 2023, and final claims for reimbursement must be submitted via the OMEGA system no later than November 15, 2023. Funds are provided to school divisions and

SOPs through an expenditure reimbursement process and funds must be expended in accordance with each sub-recipient's approved application or subsequent amendments as approved by VDOE. Because original grant applications were based on estimated amounts, most sub-recipients will need to submit (via OMEGA) a budget amendment addressing the difference between estimated Section 611 funds and funds actually awarded.

2021-2022 Part B (Section 619) Pre-School Funding

Amounts for each sub-recipient are listed in **Attachment B**. The amount in your award for Section 619 represents the full amount of funds to which you are entitled. No funds may be obligated after September 30, 2023, and final claims for reimbursement must be submitted via OMEGA no later than November 15, 2023. Funds are provided to school divisions and certain SOPs through an expenditure reimbursement process and must be expended in accordance with each sub-recipient's approved application or subsequent amendments as approved by VDOE. Because original grant applications were based on estimated amounts, most sub-recipients will need to submit (via OMEGA) a budget amendment addressing the difference between estimated Section 619 funds and funds actually awarded.

American Rescue Plan (ARP) Act of 2021 and 2021-2022 Part B (Section 611 and 619) Funding

Part B of the *Individuals with Disabilities Education Act* (IDEA) authorize assistance to States to support the provision of special education and related services to children with disabilities and the provision and coordination of early intervention services for infants and toddlers with disabilities and their families, respectively. Section 2014(a) of the *American Rescue Plan Act of 2021* (ARP) provided supplemental funding for Fiscal Year 2021 for the IDEA formula grant programs. Additional flow-through allocations made available for Virginia's Local Educational Agencies (LEAs) are \$67,450,511 (**Attachment C**) under Section 611 and \$4,931,537 under Section 619 (**Attachment D**). The supplemental funding made available by the ARP is subject to the same requirements as regular Federal FFY2021 made available under P.L. 116-260. As such, LEAs that have established eligibility under section 613 of IDEA through submission of an approvable grant application and using funds to only pay the excess costs of providing special education and related services in accordance with part B of IDEA will not need to submit a separate annual plan for ARP funding. All IDEA Part B ARP funds must be used consistently

with current IDEA Part B statutory and regulatory requirements. A unique project code has been created to separately monitor and track ARP funding. A budget amendment *must* be submitted and approved in OMEGA prior to expending ARP funds. Any budget amendments submitted after funds are expended may be denied for noncompliance.

Reimbursement

Reimbursement for expenditures pursuant to these awards may not be honored if program or budget modifications are made without prior approval by VDOE. Equipment purchases exceeding \$5,000 (per item) and all out-of-state travel must be approved in advance by the VDOE. Please be reminded that as sub-recipients, you must consider the following factors when considering the use of funds for conferences or meetings:

- Ensure that attending or hosting a conference or meeting is consistent with the division's approved application and is reasonable and necessary to achieve the goals and objectives of the grant;
- Ensure that the primary purpose of the conference or meeting is to disseminate technical information (e.g., provide information on specific programmatic requirements, best practices in a particular field, or theoretical, empirical, or methodological advances made in a particular field; conduct training or professional development; plan/coordinate the work being done under the grant); and
- Consider whether there are more effective or efficient alternatives that can accomplish the desired results at a lower cost, for example, using webinars or video conferencing.

Reimbursement for travel related conferences or meetings, including food, must follow all applicable statutory and regulatory requirements in determining whether costs are reasonable and necessary, especially the Cost Principles for federal grants set out at 2 CFR Part 200 Subpart E of the "Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards." It must also be limited to amounts stipulated by state travel regulations. Please also remember that alcoholic beverages and entertainment costs which include costs for amusement, diversion, and social activities are non-allowable costs. Foods for the conference or meeting can only be reimbursed if it is necessary to accomplish legitimate meeting or conference business (e.g., working lunch might be allowable if attendance at lunch is needed to ensure full participation by attendees in essential

discussions and speeches concerning the purpose of the conference and to achieve the goals and objectives of the project).

Funds available under the provisions of IDEA may be used to support only the excess costs of educating individuals with disabilities as outlined in your approved application or subsequent amendments approved by the VDOE. Reimbursement requests must be submitted electronically via OMEGA.

Participant Support Costs Requirements (PSCs)

As part of the Uniform Guidance enacted on July 1, 2015, school divisions must submit a request and obtain prior approval from the VDOE to use Part B funds for participant support costs. "Participant support costs" are defined as "stipends or subsistent allowances, travel allowances and registration fees paid to or on behalf of participants or trainees (but not employees) in connection with conferences, or training projects."

Requests for prior written approval must be submitted at least 30 days prior to the event and the documentation should: (1) Identify the total amount of participant support costs to be charged to the IDEA Part B grant; (2) Provide a statement confirming that the Participant Support Costs (PSCs) will improve the IDEA Part B program and are reasonable, necessary, and allocable to the IDEA Part B grant; and (3) Provide a description that includes: the activities for which the costs will be used, elements of the costs (i.e., travel, registration, and individual participant costs), the specific timeframe of the activities, and the role of participants or trainees related to the IDEA Part B program.

Requests for participant support costs related to the statutorily mandated duties of the Local Advisory Committee (LAC), as required under CFR §300.714, do not require prior approval from VDOE.

Comprehensive Coordinated Early Intervening Services (CCEIS) and CEIS

School divisions who were identified to have significant disproportionality are required to set-aside exactly 15 percent of its IDEA Total Part B funds to provide Comprehensive Coordinated Early Intervening Services (CCEIS). School divisions not required to set-aside funds for Comprehensive Coordinated Early Intervening Services (CEIS) may voluntarily set-aside up to a maximum of 15 percent of their total Part B funds. A unique project code has been created

for monitoring CCEIS and CEIS related activities and the amounts loaded in OMEGA reflects the required 15 percent set-aside amount or the voluntary set-aside amount. If the division later chooses not to voluntarily set-aside Part B funds for CEIS, a written amendment must be submitted via email to sped-finance@doe.virginia.gov. Unspent CCEIS funds at the conclusion of the grant award period will revert back to the U.S. Department of Education (USED) for school divisions that are required to set-aside funds for CCEIS. A budget amendment must be submitted via OMEGA if a school division is required or chooses to voluntarily set-aside Part B funds for CEIS. The planned CCEIS and CEIS activities must be pre-approved by VDOE and funds must be used accordingly and for that purpose only.

When requesting reimbursements, use the designated CCEIS/CEIS project code in OMEGA to identify CCEIS/CEIS related expenditures.

Equitable Services/Proportionate Set Aside Requirements (PSA)

The proportionate share set-aside amount for each required school division must be expended during the grant period on the provision of special education and related services for the parentally-placed private school students with disabilities enrolled in private schools and home-schooled children located in the LEA. Funds not obligated or spent at the end of the first fiscal year of the grant must be carried forward for one additional year. Any unspent funds after the one year carry over period can be spent for other special education and related services activities.

When requesting reimbursements, use the drop down button in OMEGA to identify Proportionate Set Aside (PSA) related expenditures. Please note that the actual PSA amount for the grant is established based on data submitted during the PSA data collection in the Fall and not preliminary amounts included in the annual plan.

Special Terms and Conditions

The Additional Required Special Terms and Conditions for Grant Awards or Cooperative Agreements consist provisions for the following:

- Intellectual Property that must be applied for all grants or cooperative agreements regardless of funding source (General, Special, Federal);
- Suspension and Debarment Compliance - Non-Procurement Covered Transactions;

- Federal Funding in Public Announcements;
- Prohibition of Text Messaging and Emailing While Driving During Official Federal Grant Business; and
- Monitoring and Reporting.

Amendments to the Annual Plan/Funding Applications

Amendments to the 2021-2022 annual plan and application for federal funds must be submitted to VDOE for approval as they are adopted by each school division.

Any funding application amendment requests must be submitted via OMEGA.

Additional Information

The VDOE and auditors shall have access to sub-recipient records and financial statements as necessary to meet monitoring requirements in 2 CFR 200. This federal award is not for research and development. School divisions shall adhere to their approved negotiated indirect cost (IDC) rate that can be accessed at [Local Education Agency Indirect Cost Rates for Indirect Cost Recovery on Federal Grants](#). If a rate has not been negotiated or approved, the school division or SOP may be eligible to use the de minimis rate of ten (10) percent as stated in §200.414 indirect (F&A) costs.

For more information

Questions pertaining to subgrant awards, including questions regarding annual plans, should be directed to the contact person listed in each attachment or to sped-finance@doe.virginia.gov. A technical assistance webinar will be scheduled at a later date and communications with the time and date will be disseminated via Special Education and Student Services (SESS) Assistant Superintendent's Email.

Questions about allowable CEIS activities should be directed to Michael Gregory, at Michael.Gregory@doe.virginia.gov; telephone (804) 225-4543.

Questions about identification of school divisions required to provide CEIS due to disproportionality should be directed to Jeff Phenicie, at Jeff.Phenicie@doe.virginia.gov; telephone (804) 786-0308.

Questions pertaining to OMEGA should be directed to OMEGA Support, at OMEGA.support@doe.virginia.gov; telephone (804) 371-0993.

JFL/epb

- A. Attachment: [Section 611, Flow-through Funds](#) (XLSX)
- B. Attachment: [Section 619, Pre-school Funds](#) (XLSX)
- C. Attachment: [Section 611, ARP Flow-through](#) (XLSX)
- D. Attachment: [Section 619, ARP Pre-school Funds](#) (XLSX)
- E. Attachment: [Special Terms and Conditions](#) (DOCX)