

Kentucky Department of Education

Division of Learning Services

Use of Individuals with Disabilities Education Act (IDEA) Funds

The following guidance is to be used for general information only and does not constitute legal advice. Federal laws governing the use of IDEA funds are found in the 2004 IDEA Reauthorization at 20 USC § 1400, et seq. and its implementing regulations (34 CFR Part 300); with relevant state law at 707 KAR Chapter 1 et seq.

Funds available under Part B of the Individuals with Disabilities Education Act (IDEA-B) are typically used to pay the excess costs of providing special education and related services to students with disabilities.

A guidance document dated September 13, 2013, from the United States Department of Education (USED) provides assistance to school districts in recognizing areas in which there is flexibility in the use of IDEA-B and Title I funds. For example, IDEA –B funds may be consolidated with other funds, such as Title I, to turn around low-performing schools. They may also be used to develop Coordinated Early Intervening Services (CEIS) for students who do not have Individual Education Programs (IEPs), but which have a need for additional academic or behavioral support.

For additional examples on the flexible use of federal funds, see the September 13, 2013 USED guidance at <http://www2.ed.gov/programs/titleiparta/flexswp091313.pdf>.

In general, IDEA-B funds may be used to pay for:

- Personnel employed by the district who have responsibilities that are specific to programs for students with disabilities. Salaries paid from IDEA-B funds must follow the salary schedule of the district. When an employee works with other programs not related to students with disabilities, IDEA-B funds may pay only the pro-rated portion of the employee’s salary equal to the amount of time devoted to the special education program.
- Contract services when the service is specific to programs involving students with disabilities. Contract services paid with IDEA-B funds may only be made with service providers who are qualified to provide the specific service. “Qualified” means the service provider has the appropriate State required certification, licensure or other endorsements necessary to perform the service.

Contract services paid with IDEA-B funds must meet the same conditions and criteria as contract services paid from other fund sources. All contracts are written, signed, dated and specify the service and amount to be paid.

- Supplies and materials needed to implement IEPs or to administer and operate programs for students with disabilities.
- Equipment needed to implement IEPs or to administer and operate programs for students with disabilities. **Equipment costing more than \$5,000 requires approval from the Kentucky Department of Education (KDE) prior to purchase.**

Use of Individuals with Disabilities Education Act (IDEA) Funds

IDEA-B funds may NOT be used to:

- Supplant (replace) State, local and other Federal funds. IDEA-B funds are intended to supplement (add to) these funds.
- Pay for an activity or service for a student with a disability that the child is otherwise entitled to as a student in the district. For example, IDEA-B funds may not pay for the services of a guidance counselor for a student with a disability if the services are normally provided to all students in the district. However, if the guidance counselor is providing a service that is specific to the special education program, such as full and individual evaluation for possible identification of a disability, then that service is considered an excess cost of providing special education and may be paid with IDEA-B funds.
- Pay for the prorated portion of costs for children with disabilities who participate in programs and activities provided to all students in a school or district. For example, if a school is providing an intervention to all students in the school, IDEA-B funds may not be used to pay the pro-rated portion of costs for children with disabilities who participate in the program.
- However, specialized materials or equipment needed for a student with a disability to participate in such a program, such as Braille materials for a student who is blind, may be paid with IDEA-B funds.

Allowable Costs (Not an all-inclusive list)

The following activities **may** be supported with IDEA-B funds:

Child Identification, Location and Evaluation Activities for Children Ages 0-21

- Media and publicity materials to conduct annual awareness campaigns of local child identification efforts (Child Find)
- Public information pamphlets or brochures explaining a district's special programs and services
- Data collection and maintenance of records in the identification, evaluation and placement process under IDEA
- Materials and software needed for IDEA data collection and maintenance
- Personnel to coordinate, develop and distribute needs assessments; assist in preschool and school-age screening and planning – however, funds may not be used to pay the cost of required screening for the general school population; direct efforts to identify out-of-school and in-school children in need of IDEA services; and data collection and maintenance

Procedural Safeguards

- Due process hearings but not attorney fees resulting from the hearing
- Materials on the rights and protections extended to parents and children under the IDEA
- On-site consultation for district needs assessment, due process and IDEA confidentiality procedures including forms and record keeping

Use of Individuals with Disabilities Education Act (IDEA) Funds

- Publishing the district's policy and procedures manual related to the education of students with disabilities
- Personnel to develop or revise policy and procedures manual
- Interpreters for parents who are deaf /hard of hearing or translators for non-English speaking parents
- Translation of IDEA-required forms and notices, such as parental consent forms, into languages other than English (including Braille for parents who are blind)

Child Evaluation

- Evaluation personnel not otherwise provided by state, local, or other federal funds
- Translation of tests to native language of child
- Test administration in the mode of communication of a child
- Conducting assessments including evaluators' release time, to prepare reports and attend meetings
- Contractual services with other qualified public or private agencies or individuals
- Evaluation instruments, equipment or both, that is not ordinarily available or used for all students
- Diagnosis and evaluation related to Admissions and Release Committee (ARC) requirements for identification. This includes medical or neurological evaluations

IEP Development and Implementation

- Consultation or coordination regarding development of IEPs, for example, using a physical therapist to assist in development of IEP for a child with physical disabilities
- Payments to personnel for extra duty after school hours or during the summer for ARC meetings
- Substitute teachers to release teachers all or part of a school day for ARC meetings
- Classroom aides (paraprofessionals) to assist teachers in implementation of IEPs
- Teaching supplies and materials unique to a child with a disability and not ordinarily available to all students
- Supplies and materials needed to implement IEPs
- Special equipment (to remain school district property) required to provide access to school building by children with disabilities. Examples include wheelchairs, portable toilets, and temporary ramps
- Education equipment, such as Braille machines, amplification equipment, communication devices, and computers
- Adaptation or modification of equipment or hardware required for students to receive a Free Appropriate Public Education (FAPE), such as modifying a computer keyboard for a student with physical disabilities

Use of Individuals with Disabilities Education Act (IDEA) Funds

- Speech, hearing or vision therapy, or mobility training not otherwise available using state, local or other federal funds and not specifically medically related
- Instruction for students with hearing impairments. This includes instruction for their parents and teachers in alternate modes of communication
- Bus aides to accompany drivers on district vehicles transporting children who require transportation as a related service
- Daily transportation of students with disabilities where state and local transportation funds are not adequate
- Training for district personnel responsible for transporting students with disabilities
- Modifications of new or existing vehicles, such as wheelchair lifts, safety devices used to transport students with disabilities
- Services based on physical or occupational therapy evaluations that are not solely for medical purposes

Program Services

- Contracting with public agencies, private agencies, or both for special education services on students' IEPs
- On-site consultation to assist districts with needs assessments and planning to ensure FAPE and to establish full educational opportunity goals
- On-site consultation to develop research projects related to special education which are relevant to the district
- Third-party evaluation of specific aspects of special programs or services
- Supervision of district arranged work placements

Parental Involvement

- Parent related costs in the ARC process, such as costs for printing an IEP
- Duplicating student records to insure parent access
- Handouts to assist parents
- Provision of interpreters and translation of materials into the parents' native language
- Parent training activities related to the education of children with disabilities
- Formation and operation of district special education advisory councils and parent groups at either the building or district level
- Awareness materials regarding parental involvement under the IDEA

Personnel Development

- Needs assessment for personnel in regular and special education to inform ongoing professional learning needs in the implementation of IEPs
- Payment to personnel providing continuing education to staff, related to students with disabilities

Use of Individuals with Disabilities Education Act (IDEA) Funds

- Incentives, such as release time, reimbursement of staff expenses for training activities. (*not if staff are receiving credit to meet state requirements for professional development*)
- Adopting promising educational practices in special education derived from educational research, demonstration and other such projects
- Disseminating information to district staff related to promising educational practices from educational research, demonstration and other such projects and program requirements

Disallowed Costs (Not an all-inclusive list)

The following costs may NOT be paid with IDEA-B funds:

- Attorney fees
- Bad debts, such as losses arising from uncollectible accounts and other claims, and related costs
- Contributions to a contingency reserve or any similar provision for unforeseen events
- Contributions and donations
- Day care
- Costs associated with entertainment. For example, amusement costs, social activities and related incidental costs, such as meals, beverages, lodgings, rentals, transportation and gratuities are not allowed. This should not be taken to prohibit allowable use of funds for educational purposes, such as community-based instruction.
- Fines, penalties, damages and other settlements costs resulting from violations of, or failure to comply with, federal, state, and local laws and regulations, or penalties incurred for delays in payments
- Fund raising and investment management costs
- Interest on borrowing, bond discounts, cost of financing and refinancing operations, and legal and professional fees paid
- Lobbying activities associated with obtaining grants, contracts, cooperative agreements or loans
- Memberships in civic, community and social organizations, or organizations substantially engaged in lobbying activities
- Preservice training received by an individual in a full- time program which leads to a degree
- Real property
- Religious activities, such as religious worship, instruction or proselytization

Use of Individuals with Disabilities Education Act (IDEA) Funds

Obligations

Obligations are the amounts of purchase orders, contracts and subgrants awarded, services received, and similar transactions for which the district is required to make payment. An obligation is an intent to pay an actual cost. It is not an estimated cost.

All obligations are made by the end of the grant period. Outstanding obligations are those invoices, bills and contracts which have not been paid. Obligations are paid within 90 calendar days after the last day funds are eligible for obligation.

The expenditure report which covers the end of the grant period where there are outstanding obligations reflects those obligations as encumbrances. Otherwise, documentation must be submitted with the report that verifies the obligations and that the obligations occurred prior to the end of the grant period.

The following table shows when obligations are made:

<i>If the obligation is for:</i>	<i>The obligation is made:</i>
Acquisition of personal property including purchase of equipment such as computers, special desks or assistive devices	On the date the district makes a binding written commitment to acquire the property, such as a purchase order transmitted to the supplier
Personal services by an employee including evaluations, provision of direct services, or in-service training	When the services are performed. This will be the date the evaluation is conducted, the date the service is provided or the date in-service is conducted
Personal services such as contracted transportation, contracted speech/language services, contracted OT/PT, by a contractor who is not an employee of the district	On the date on which the district makes a binding written commitment to obtain the services, such as the date that a formal contract is signed between the district and a hospital to provide OT/PT services for a given number of children for a given number of hours/sessions at an established cost per hour/session
Performance of work other than personal services, such as maintenance of equipment	On the date when the recipient makes a binding written commitment to obtain the work.
Public utility services. This may include electricity, gas, water, or telephone	When the district receives the services
Travel costs, including meals, lodging, air fare and mileage	When the travel is taken
Rental of real or personal property, such as the rental of instructional equipment such as audiometers	When the district uses the property, for example, the dates when the audiometer is used to test hearing
A pre-agreement cost that is properly approved by the district prior to the effective date of the grant or contract. An example of this includes audits)	On the first day of the grant period