

Funding

USE OF IDEA PART B FORMULA AMOUNTS PERMISSIVE

February 1, 2021

Model operating procedures created by



Student Solutions

and

**Thompson
& Horton** LLP
ATTORNEYS | COUNSELORS

Disclaimer: This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

©2021 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

Use of IDEA Part B Formula Amounts Permissive [SIDNEY ISD](#)

Customized by [insert school district logo here]

CONTENTS

Use of IDEA Part B Formula Amounts Permissive 1

 What is Required 1

 Additional Procedures 1

 Early Intervening Services 1

 Evidence of Implementation 2

 Resources 2

CITATIONS 2

Use of IDEA Part B Formula Amounts Permissive

What is Required

The District must comply with all funding guidelines, including general and fiscal, excess costs, and maintenance of effort guidelines. See [GENERAL AND FISCAL GUIDELINES], [EXCESS COSTS], and [MAINTENANCE OF EFFORTS].

When the District has complied with all excess cost and maintenance of effort guidelines, the District may use IDEA-B funds for the following activities:

- For the costs of special education and related services, as well as supplementary aids and services, provided in a regular class or other education-related setting to a student with a disability in accordance with the student's IEP, even if nondisabled students benefit from such services;
- To develop and implement coordinated, early intervening educational services, including early intervening services, which may include interagency financing structures, for students in kindergarten through grade 12, with a particular emphasis on students in kindergarten through grade 3 who are not currently identified as needing special education or related services but who need additional academic and behavioral support to succeed in a general education environment. See [CHILD FIND] and [ADMINISTRATION].
 - The District may not use more than 15 percent of the amount received under IDEA-B for any fiscal year, minus any adjustments by the District to local fiscal effort, if any, in combination with other amounts, which may include amounts other than education funds, to develop and implement coordinated, early intervening services; and
- To establish and implement cost or risk-sharing funds, consortia, or cooperatives for the District itself, or for districts working in consortium of which the District is a part, to pay for high-cost special education and related services.

The District may use IDEA-B funds to purchase appropriate technology for recordkeeping, data collection, and related case management activities of Campus Special Education Personnel providing services described in the IEP that are needed for the implementation of such case management activities.

Additional Procedures

Early Intervening Services

Commented [DC1]: I feel like this section should include information regarding the circumstances under which a district is required to use 15% of funds for these services. Include the difference between CEIS and EIS. Thoughts?

Use of IDEA Part B Formula Amounts Permissive [SIDNEY ISD](#)

Customized by [insert school district logo here]

In implementing early intervening services, the District may carry out activities that include professional development to enable Campus Special Education Personnel to deliver scientifically-based academic and behavioral interventions and, where appropriate, instruction on the use of adaptive and instructional software. The District may also provide educational and behavioral evaluations, services, and supports.

Annually, the District must report to TEA on the number of students who received early intervening services, as well as the number of students who received early intervening services and subsequently receive special education and related services under IDEA-B during the preceding two year period.

[ADD ADDITIONAL DISTRICT PROCEDURES AS APPROPRIATE]

Evidence of Implementation

- Compliance with General and Fiscal Guidelines
- Compliance with Excess Costs Guidelines
- Compliance with Maintenance of Effort Guidelines
- Use of Funds for Early Intervening Services
- [Records of Students Who Received Early Intervening Services](#)
- Annual Reports Sent to TEA
- [DISTRICT FORMS]

Resources

[The Legal Framework for the Child-Centered Special Education Process: Use of IDEA Part B Formula Amounts Permissive - Region 18](#)

[Requirements of Coordinated Early Intervening Services - Texas Education Agency](#)

[Topic Brief on Early Intervening Services - IDEA Partnership](#)

[EDGAR Materials and Resources - Texas Education Agency](#)

[Program Guidelines 2018-2019 Special Education Consolidated Grant Application \(Appendix A. Allowable and Unallowable Expenditures, pgs. 36-69\) - Texas Education Agency](#)

[ADDITIONAL DISTRICT RESOURCES]

CITATIONS

Use of IDEA Part B Formula Amounts Permissive [SIDNEY ISD](#)

Customized by [insert school district logo here]

2 CFR 200.403; 34 CFR 300.208, 300.226