

OMB NO. 1820-0550
Expires: 12/31/2023

**ANNUAL STATE APPLICATION UNDER PART C OF THE
INDIVIDUALS WITH DISABILITIES EDUCATION ACT AS AMENDED IN 2004
FOR FEDERAL FISCAL YEAR (FFY) 2021**

CFDA No. 84.181A

ED FORM No. 1 B20—26P

**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION PROGRAMS**

Washington, DC 20202-2600

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. Public reporting burden for this collection of information is estimated to average 10 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is required to obtain or retain benefits (20 U.S.C. 1433; 20 U.S.C. 1435). Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, 400 Maryland Ave., S.W., Washington, D.C. 20210-4537 or email ICDocketMgr@ed.gov and reference the OMB Control Number 1820-0550. Note: Please do not return the completed Annual State Application form to this address.

Section I

A. Submission Statements for Part C of IDEA

Select 1 or 2 below. Check 3 if appropriate.

1. ☐ The State's policies, procedures, methods, descriptions, certifications, and assurances meet all application requirements of Part C of the Act as found in the Individuals with Disabilities Education Act (IDEA), codified at 20 U.S.C. 1431 through 1443 and the Part C regulations in 34 CFR Part 303. The State is able to provide and/or meet all policies, procedures, methods, descriptions, and assurances, found in Sections II.A and II.B of this Application.
- By selecting this submission statement the State either has on file with the Secretary or has submitted new or revised State policies, procedures, methods, and descriptions that meet all requirements found in Section II.A.
2. ☒ The State cannot provide the policies, procedures, methods, descriptions, and/or assurances for all application requirements of Part C of the Act as found in Part C of the IDEA, 20 U.S.C. 1431 through 1443 and the Part C regulations in 34 CFR Part 303. The State has determined that it is unable to provide the policies, procedures, methods, descriptions, and/or assurances that are checked 'No' in Sections II.A and II.B. However, the State assures that throughout the period of this grant award the State will operate consistently with all requirements of IDEA in 20 U.S.C. 1431 through 1443 and the 2011 Part C regulations in 34 CFR Part 303. The State will develop and/or make such changes to existing policies, procedures, methods, descriptions, and assurances as are necessary to bring the policies, procedures, methods, descriptions, and assurances into compliance with the requirements of the IDEA Part C Act and regulations, as amended, as soon as possible, and not later than June 30, 2022. The State has included the date by which it expects to complete necessary changes associated with policies, procedures, methods, descriptions, and assurances marked 'No'. The items checked 'Yes' in Section II.A are enclosed with this application as revised or new or are identified as "OF" already on file with the Secretary.¹

Optional:

3. ☐ The State is submitting new or modified State policies and procedures previously submitted to the Department and checked in Section II.A, "N", "R" or "OF" cell(s) found in the 'Yes' column. These modifications are a result of: (1) the State revising its applicable State law or regulations; (2) changes required by the Secretary due to new interpretation of the Act or regulations by a Federal court or the State's highest court; and/or (3) because of an official finding of noncompliance with Federal law or regulation.

B. Conditional Approval for Current Grant Year

If the State received conditional approval for the current grant year, check the statement(s) below:

1. Conditional Approval Related to Assurances in Section II.A:

- ☐ a. Sections II.A and II.B reflect completion of all issues identified in the FFY 2020 conditional approval letter (attach any additional documentation required by the FFY 2020 letter).
- ☒ b. As noted in Sections II.A and II.B, the State has not completed all issues identified in the FFY 2020 conditional approval letter.

¹ If Option 2 is checked, the State is to provide dates in Sections II.A and II.B as to when the required policies, procedures, methods, descriptions, and assurances will be provided, which date can be no later than June 30, 2022.

2. Conditional Approval Related to Other Issues:

- ☐ a. The State previously submitted documentation of completion of all issues identified in the FFY 2020 conditional approval letter.
- ☐ b. The State is attaching documentation of completion of all issues identified in the FFY 2020 conditional approval letter. *(Attach documentation showing completion of all issues.)*
- ☐ c. The State has not completed all issues identified in the FFY 2020 conditional approval letter. *(Attach documentation showing completion of any issues and a list of items not yet completed.)*

Section II

A. State Policies, Procedures, Methods, and Descriptions

As checked below, the State hereby declares that it has or has not filed the following policies, procedures, methods, and descriptions with the U.S. Department of Education, and, as of the date of the signature below, affirms and incorporates by reference those policies, procedures, methods, and descriptions with respect to Part C of the Individuals with Disabilities Education Act (IDEA or Act) in 20 U.S.C. 1431–1443 and the Part C regulations in 34 CFR Part 303 (Part C). By submission of this Section II, the State assures that throughout the period of this FFY 2021 grant award, the State will operate consistently with all requirements of Part C of the IDEA in 20 U.S.C. 1431 through 1443 and the Part C regulations in 34 CFR Part 303. The State will develop and/or make such changes to existing policies, procedures, methods, descriptions, and assurances as are necessary to bring the policies, procedures, methods, descriptions, and assurances into compliance with the requirements of the IDEA Part C Act and regulations by the date indicated below and not later than June 30, 2022.

- Check and enter date(s) as applicable.
- Enclose relevant documents.

Yes (If New or Revised is checked, the State is submitting policies, procedures, methods, and descriptions with this application. If already 'On File with OSEP', check OF.)

N = 'New' Policy and/or Procedure

R = 'Revised' Policy and/or Procedure

OF = Policy and/or Procedure is already 'On File' with the USDE

No (Policies, procedures, methods, and descriptions have not been provided. Provide date by which State will submit to OSEP required documentation, which date shall be no later than June 30, 2022.)

Yes: N	Yes: R	Yes: OF	No	State Policies, Procedures, Methods, and Descriptions
				Subpart C—State Policies and Procedures
		X		1. Each application must include the name of the State lead agency, as designated under §303.120, that will be responsible for the administration of funds provided under this part. (34 CFR §303.201)
		X		2. Each application must include a description of services to be provided under Part C to infants and toddlers with disabilities and their families through the State's system. (34 CFR §303.203(a))
				3. Each application must include the State's policies and procedures regarding the identification and coordination of all available resources within the State from Federal, State, local, and private sources as required under subpart F of 34 CFR Part 303. <i>The State must have policies and procedures that meet the requirements listed in 3(a) and the methods identified in 3(b), and must provide responses to those</i>

Yes: N	Yes: R	Yes: OF	No	State Policies, Procedures, Methods, and Descriptions
				<p>entries. If the State has not adopted a system of payments, it may respond "NA" to 3(a).</p>
		X		<p>(a) If the State has adopted a system of payments, each application must include any policies or procedures adopted by the State as its system of payments and those policies and procedures must meet the requirements in §§303.510, 303.520 and 303.521 (regarding the use of public insurance or benefits, private insurance, or family costs or fees).</p> <p>(34 CFR §303.203(b)(1))</p> <p>The policies and procedures listed in 3(a) are optional. Enter 'NA' in the cells to the left if the State has elected not to adopt a system of payments (which includes a system to use public insurance or benefits or private insurance or family fees to pay for Part C services); otherwise check the appropriate response under the 'Yes' column and, if checking 'N' or 'R', attach policies and procedures.</p> <p>The State's response under 3(a) of Section II.A must match the State's response under Section IV.A.</p>
			6/30/2022	<p>(b) Each application must include the methods (State law, regulation, signed interagency or intra-agency agreements or other appropriate written method(s) approved by the Secretary) used by the State to implement the payor of last resort and fiscal responsibility requirements in §303.511(b)(2) and (3).</p> <p>(34 CFR §303.203(b)(2))</p> <p>If the State uses signed interagency agreements or "other appropriate written method(s)" to meet the requirements in 3(b), please check 'N' or 'R' and submit with the application. If the State's method is a State statute or regulation, the State does not need to submit that method (the statute or regulation) with its application.</p>
		X		<p>4. Each application must include the State's rigorous definition of developmental delay as required under §§303.10 and 303.111. Each Statewide system must include the State's rigorous definition of <u>developmental delay</u>, consistent with §§303.10 and 303.203(c), that will be used by the State in carrying out programs under Part C of the Act in order to appropriately identify infants and toddlers with disabilities who are in need of services under Part C of the Act. The definition must—</p> <p>(a) Describe, for each of the areas listed in §303.21(a)(1), the evaluation and assessment</p>

Yes: N	Yes: R	Yes: OF	No	State Policies, Procedures, Methods, and Descriptions
		X		<p>procedures, consistent with §303.321, that will be used to measure a child's development; and</p> <p>(b) Specify the level of developmental delay in functioning or other comparable criteria that constitute a developmental delay in one or more of the developmental areas identified in §303.21(a)(1). (34 CFR §§303.203(c) & 303.111)</p>
		N/A		<p>5. If the State provides services under Part C to at-risk infants and toddlers through the statewide system, the application must include—</p> <p>(a) The State's definition of at-risk infants and toddlers with disabilities who are eligible in the State for services under Part C (consistent with §§303.5 and 303.21(b)); and</p> <p>(b) A description of the early intervention services provided under Part C to at-risk infants and toddlers with disabilities who meet the State's definition described in §303.204(a). (34 CFR §303.204).</p> <p><i>The policies and procedures listed in 5 are <u>optional</u> (i.e., they only apply if the State opts to serve at-risk children). Enter 'NA' in the cells to the left if the State has elected not to provide services under Part C to at-risk infants and toddlers; otherwise check the appropriate response under the 'Yes' column and, if checking 'N' or 'R', attach the definition and description.</i></p>
				<p>6. Each State application must include a description of the State's use of funds under Part C for the fiscal year or years covered by the application. (34 CFR §303.205)</p> <p><i>The State must complete Section III of this application.</i></p>
		X		<p>7. Each application must include the State's policies and procedures that require the referral for early intervention services under Part C of specific children under the age of three, as described in §303.303(b) (which includes children who are the subject of a substantiated case of abuse or neglect, or directly affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure). (34 CFR §303.206)</p>
		X		<p>8. Each application must include a description of the procedure used by the State to ensure that resources are made available under Part C for all geographic areas within the State. (34 CFR §303.207)</p>

Yes: N	Yes: R	Yes: OF	No	State Policies, Procedures, Methods, and Descriptions
		X		<p>9. Each application must include a description of the policies and procedures used by the State to ensure that, before adopting any new policy or procedure (including any revision to an existing policy or procedure) needed to comply with Part C of the Act and 34 CFR Part 303, the lead agency—</p> <ul style="list-style-type: none"> (1) Holds public hearings on the new policy or procedure (including any revision to an existing policy or procedure); (2) Provides notice of the hearings held in accordance with §303.208(b)(1) at least 30 days before the hearings are conducted to enable public participation; and (3) Provides an opportunity for the general public, including individuals with disabilities, parents of infants and toddlers with disabilities, EIS providers, and the members of the Council, to comment for at least 30 days on the new policy or procedure (including any revision to an existing policy or procedure) needed to comply with Part C of the Act and 34 CFR Part 303. <p>(34 CFR §303.208(b))</p>
			<p>6/30/2021</p> <p>(agreement with Department of Education is with OSEP for review)</p>	<p>10. (a) <u>Application Requirements</u>: Each State must include the following in its application:</p> <ul style="list-style-type: none"> (1) A description of the policies and procedures it will use to ensure a smooth transition for infants and toddlers with disabilities under the age of three and their families from receiving early intervention services under Part C to preschool or other appropriate services (for toddlers with disabilities) or exiting the program for infants and toddlers with disabilities. (2) A description of how the State will meet each requirement in §303.209(b) through (f). (3) (i) (A) If the lead agency is not the SEA, an interagency agreement between the lead agency and the SEA; or (B) If the lead agency is the SEA, an intra-agency agreement between the program within that agency that administers Part C of the Act and the program within the agency that administers section 619 of the Act (ii) To ensure a seamless transition between services under Part C and under Part B of the Act, an interagency agreement under paragraph (a)(3)(i)(A) of this section or an intra-agency agreement under paragraph (a)(3)(i)(B) of this section must address how

Yes: N	Yes: R	Yes: OF	No	State Policies, Procedures, Methods, and Descriptions
				<p>the lead agency and the SEA will meet the requirements of paragraphs (b) through (f) of this section (including any policies adopted by the lead agency under §303.401(d) and (e)), §303.344(h), and 34 CFR 300.101(b), 300.124, 300.321(f) and 300.323(b).</p> <p>(4) Any policy the lead agency has adopted under §303.401(d) and (e).</p> <p>(b) <u>Notification to the SEA and appropriate LEA.</u> The State must ensure that—</p> <p>(1) Subject to paragraph (b)(4) of this section, not fewer than 90 days before the third birthday of the toddler with a disability if that toddler may be eligible for preschool services under Part B of the Act, the lead agency notifies the SEA and the LEA for the area in which the toddler resides that the toddler on his or her third birthday will reach the age of eligibility for services under Part B of the Act, as determined in accordance with State law; or</p> <p>(2) Subject to paragraph (b)(4) of this section, if the lead agency determines that the toddler is eligible for early intervention services under Part C of the Act more than 45 but less than 90 days before that toddler's third birthday and if that toddler may be eligible for preschool services under Part B of the Act, the lead agency, as soon as possible after determining the child's eligibility, notifies the SEA and the LEA for the area in which the toddler with a disability resides that the toddler on his or her third birthday will reach the age of eligibility for services under Part B of the Act, as determined in accordance with State law; or</p> <p>(3) Subject to paragraph (b)(4) of this section, if a toddler is referred to the lead agency fewer than 45 days before that toddler's third birthday and that toddler may be eligible for preschool services under Part B of the Act, the lead agency, with parental consent required under §303.414, refers the toddler to the SEA and the LEA for the area in which the toddler resides; but, the lead agency is not required to conduct an evaluation, assessment, or an initial IFSP meeting under these circumstances;</p> <p>(4) The notification required under paragraphs (b)(1), (2), and (3) of this section is consistent with any policy that the State has adopted, under §303.401(e), permitting a parent to object to disclosure of personally identifiable information.</p>

Yes: N	Yes: R	Yes: OF	No	State Policies, Procedures, Methods, and Descriptions
				<p>(c) <u>Conference to discuss services</u>. The State must ensure that—</p> <p>(1) If a toddler with a disability may be eligible for preschool services under Part B of the Act, the lead agency, with the approval of the family of the toddler, convenes a conference, among the lead agency, the family, and the LEA not fewer than 90 days—and, at the discretion of all of the parties, not more than 9 months—before the toddler's third birthday to discuss any services the toddler may receive under Part B of the Act.</p> <p>(2) If a toddler with a disability is determined to not be potentially eligible for preschool services under Part B of the Act, the lead agency, with the approval of the family of that toddler, makes reasonable efforts to convene a conference among the lead agency, the family, and providers of other appropriate services for the toddler to discuss appropriate services that the toddler may receive.</p> <p>(d) <u>Transition plan</u>. The State must ensure that for all toddlers with disabilities –</p> <p>(1)(i) It reviews the program options for the toddler with a disability for the period from the toddler's third birthday through the remainder of the school year; and</p> <p>(ii) Each family of a toddler with a disability who is served under Part C is included in the development of the transition plan required under this section and §303.344(h);</p> <p>(2) It establishes a transition plan in the IFSP not fewer than 90 days—and, at the discretion of all of the parties, not more than 9 months—before the toddler's third birthday; and</p> <p>(3) The transition plan in the IFSP includes, consistent with §303.344(h), as appropriate—</p> <p>(i) Steps for the toddler with a disability and his or her family to exit from the Part C program; and</p> <p>(ii) Any transition services that the IFSP Team identifies as needed by that toddler and his or her family.</p> <p>(e) <u>Transition conference and plan meeting requirements</u>. Any conference conducted under paragraph (c) of this section or meeting to develop the transition plan under paragraph (d) of this section (which conference and meeting may be combined into one meeting) must meet the requirements in §§303.342(d) and (e) and 303.343(a).</p>

Yes: N	Yes: R	Yes: OF	No	State Policies, Procedures, Methods, and Descriptions
				<p>(f) <u>Applicability of transition requirements.</u></p> <p>(1) The transition requirements in paragraphs (b)(1) and (2), (c)(1), and (d) of this section apply to all toddlers with disabilities receiving services under this part before those toddlers turn age three, including any toddler with a disability under the age of three who is served by a State that offers services under §303.211.</p> <p>(2) In a State that offers services under §303.211, for toddlers with disabilities identified in paragraph (b)(1) of this section, the parent must be provided at the transition conference conducted under paragraph (c)(1) of this section: (i) An explanation, consistent with §303.211(b)(1)(ii), of the toddler's options to continue to receive early intervention services under this part or preschool services under section 619 of the Act; (ii) The initial annual notice referenced in §303.211(b)(1). (3) For children with disabilities age three and older who receive services pursuant to §303.211, the State must ensure that it satisfies the separate transition requirements in §303.211(b)(6)(ii).</p> <p>(34 CFR §303.209)</p>
		X		<p>11. Each application must contain a description of State efforts to promote collaboration among Head Start and Early Head Start programs under the Head Start Act (42 U.S.C. 9801, <u>et seq.</u>, as amended), early education and child care programs, and services under Part C.</p> <p>(34 CFR §303.210)</p>
		X		<p>12. Each application must include, as required by Section 427 of the General Education Provisions Act (GEPA), a description of how the State has identified barriers and developed strategies to address the barriers and has provided a description of the steps the State is taking to ensure equitable access to, and participation in, Part C.</p> <p>(34 CFR §303.212(a))</p>
		N/A		<p>13. (a) General. (1) Subject to paragraphs (a)(2) and (b) of this section, a State may elect to include in its application for a grant under Part C a State policy, developed and implemented jointly by the lead agency and the SEA, under which a parent of a child with a disability who is eligible for preschool services under section 619 of the Act and who previously received early intervention services under Part C, may choose the continuation of early intervention services under Part C for his or her child after the child turns three until the child enters, or is eligible under State law to enter, kindergarten or elementary school.</p>

Yes: N	Yes: R	Yes: OF	No	State Policies, Procedures, Methods, and Descriptions
				<p>(2) A State that adopts the policy described in paragraph (a)(1) of this section may determine whether it applies to children with disabilities—</p> <ul style="list-style-type: none"> (i) From age three until the beginning of the school year following the child's third birthday; (ii) From age three until the beginning of the school year following the child's fourth birthday; or (iii) From age three until the beginning of the school year following the child's fifth birthday. <p>(3) However, in no case may a State provide services under this section beyond the age at which the child actually enrolls in, or is eligible under State law to enter, kindergarten or elementary school in the State.</p> <p>(b) <u>Requirements</u>. If a State's application for a grant under Part C includes the State policy described in paragraph (a) of this section, the system must ensure the following:</p> <ul style="list-style-type: none"> (1) Parents of children with disabilities who are eligible for services under section 619 of the Act and who previously received early intervention services under Part C will be provided annual notice (the initial annual notice must be provided as set forth in §303.209(f)(2)(ii)) that contains— <ul style="list-style-type: none"> (i) A description of the rights of the parents to elect to receive services pursuant to §303.211 or under Part B of the Act; and (ii) An explanation of the differences between services provided pursuant to §303.211 and services provided under Part B of the Act, including— <ul style="list-style-type: none"> (A) The types of services and the locations at which the services are provided; (B) The procedural safeguards that apply; and (C) Possible costs (including the costs or fees to be charged to families as described in §§303.520 and 303.521), if any, to parents; and (2) Consistent with §303.344(d), services provided pursuant to §303.211 will include an educational component that promotes school readiness and incorporates preliteracy, language, and numeracy skills. (3) The State policy ensures that any child served pursuant to this section has the right, at any time, to receive FAPE (as that term is defined at §303.15) under Part B of the Act instead of

Yes: N	Yes: R	Yes: OF	No	State Policies, Procedures, Methods, and Descriptions
				<p>early intervention services under Part C of the Act under §303.211.</p> <p>(4) The lead agency must continue to provide all early intervention services identified in the toddler with a disability's IFSP under §303.344 (and consented to by the parent under §303.342(e)) beyond age three until that toddler's initial eligibility determination under Part B of the Act is made under 34 CFR §300.306. This provision does not apply if the LEA has requested parental consent for the initial evaluation under §300.300(a) and the parent has not provided that consent.</p> <p>(5) The lead agency must obtain informed consent from the parent of any child with a disability for the continuation of early intervention services pursuant to this section for that child. Consent must be obtained before the child reaches three years of age, where practicable.</p> <p>(6)(i) For toddlers with disabilities under the age of three in a State that offers services under this section, the lead agency ensures that the transition requirements in §303.209(b)(1) and (2), (c)(1) and (d) are met.</p> <p>(ii) For toddlers with disabilities age three and older in a State that offers services under this section, the lead agency ensures a smooth transition from services under this section to preschool, kindergarten or elementary school by: (A) Providing the SEA and LEA where the child resides, consistent with any State policy adopted under §303.401(e), the information listed in §303.401(d)(1) not fewer than 90 days before the child will no longer be eligible under subsection (a)(2) of this section to receive early intervention services under this section; (B) With the approval of the parents of the child, convening a transition conference, among the lead agency, the parents, and the LEA, not fewer than 90 days—and, at the discretion of all parties, not more than 9 months—before the child will no longer be eligible under subsection (a)(2) of this section to receive, or will no longer receive, early intervention services under this section, to discuss any services that the child may receive under Part B of the Act; and (C) Establishing a transition plan in the IFSP not fewer than 90 days—and, at the discretion of all parties, not more than 9 months—before the child will no longer be eligible under subsection (a)(2) of this section to receive, or no longer receives, early intervention services under this section.</p>

Yes: N	Yes: R	Yes: OF	No	State Policies, Procedures, Methods, and Descriptions
				<p>(7) In States that adopt the option to make services under Part C available to children ages three and older pursuant to §303.211, there will be a referral to the Part C system, dependent upon parental consent, of a child under the age of three who directly experiences a substantiated case of trauma due to exposure to family violence, as defined in section 320 of the Family Violence Prevention and Services Act, 42 U.S.C. 10401, et seq.</p> <p>(c) <u>Reporting requirement.</u> If a State includes in its application a State policy described in §303.211(a), the State must submit to the Secretary, in the State's report under §303.124, the number and percentage of children with disabilities who are eligible for services under section 619 of the Act but whose parents choose for their children to continue to receive early intervention services under §303.211.</p> <p>(d) <u>Available funds.</u> The State policy described in §303.211(a) must describe the funds—including an identification as Federal, State, or local funds—that will be used to ensure that the option described in §303.211(a) is available to eligible children and families who provide the consent described in §303.211(b)(5), including fees, if any, to be charged to families as described in §§303.520 and 303.521.</p> <p>(e) <u>Rules of construction.</u></p> <p>(1) If a statewide system includes a State policy described in §303.211(a), a State that provides services in accordance with this section to a child with a disability who is eligible for services under section 619 of the Act will not be required to provide the child FAPE under Part B of the Act for the period of time in which the child is receiving services under §303.211.</p> <p>(2) Nothing in this section may be construed to require a provider of services under Part C to provide a child served under Part C with FAPE.</p> <p>(34 CFR §303.211)</p> <p><i>The policies and procedures listed in 13 are optional. Enter 'NA' in the cells to the left if the State has elected not to develop and implement a policy under 34 CFR §303.211 to make Part C services to children beyond age three; otherwise check the appropriate response under the 'Yes' column and, if checking 'N' or 'R', attach policies and procedures.</i></p>

B. Assurances and Optional Assurance

The State makes the following assurances and provisions as required by Part C of the Individuals with Disabilities Education Act. (20 U.S.C. 1431 et. seq.; 34 CFR §§303.101-126; 303.220; 303.227)

Yes <i>(Assurance is hereby provided.)</i>	No <i>(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)</i> <i>Check and enter date(s) as applicable</i>	Subpart B—Assurances (20 U.S.C. 1434; 1435; and 1437(b); 34 CFR §§303.101-126; 303.220; 303.227)
X		1. The State has adopted a policy that appropriate early intervention services, as defined in 34 CFR §303.13, are available to all infants and toddlers with disabilities in the State and their families, including— (a) Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State; (b) Infants and toddlers with disabilities who are homeless children and their families; and (c) Infants and toddlers with disabilities who are wards of the State. (34 CFR §303.101(a))
X		2. The State has in effect a statewide system of early intervention services that meets the requirements of section 635 of the Act, including policies and procedures that address, at a minimum, the components required in 34 CFR §§303.111 through 303.126. (34 CFR §303.101(a))
X		3. The State ensures that any State rules, regulations, policies and procedures relating to 34 CFR Part 303 conform to the purposes and requirements of 34 CFR Part 303. (34 CFR §303.102)
		4. Each statewide system (system) must include, at a minimum, the components described in §§303.111 through 303.126. (34 CFR §303.110)
X		5. The State has a policy in effect that ensures that appropriate early intervention services are based on scientifically based research, to the extent practicable, and are available to all infants and toddlers with disabilities and their families, including— (a) Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State; and

Yes <i>(Assurance is hereby provided.)</i>	No <i>(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.) Check and enter date(s) as applicable</i>	Subpart B—Assurances (20 U.S.C. 1434; 1435; and 1437(b); 34 CFR §§303.101-126; 303.220; 303.227)
		(b) Infants and toddlers with disabilities who are homeless children and their families. (34 CFR §303.112)
X		6. (a) The Statewide system ensures the performance of— (1) A timely, comprehensive, multidisciplinary evaluation of the functioning of each infant or toddler with a disability in the State; and (2) A family-directed identification of the needs of the family of the infant or toddler to assist appropriately in the development of the infant or toddler. (b) The evaluation and family-directed identification required in paragraph (a) of this section must meet the requirements of 34 CFR §303.321. (34 CFR §303.113)
X		7. The Statewide system ensures that, for each infant or toddler with a disability and his or her family in the State, an IFSP, as defined in 34 CFR §303.20, is developed and implemented that meets the requirements of 34 CFR §§303.340 through 303.345 and that includes service coordination services, as defined in 34 CFR §303.34. (34 CFR §303.114)
X		8. The Statewide system includes a comprehensive child find system that meets the requirements in 34 CFR §§303.302 and 303.303. (34 CFR §303.115)
X		9. The Statewide system includes a public awareness program that— (a) Focuses on the early identification of infants and toddlers with disabilities; and (b) Provides information to parents of infants and toddlers through primary referral sources in accordance with 34 CFR §303.301. (34 CFR §303.116)
X		10. The Statewide system includes a central directory that is accessible to the general public (i.e., through the lead agency's Web site and other appropriate means) and includes accurate, up-to-date information about: (a) Public and private early intervention services, resources, and experts available in the State;

Yes <i>(Assurance is hereby provided.)</i>	No <i>(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)</i> <i>Check and enter date(s) as applicable</i>	Subpart B—Assurances (20 U.S.C. 1434; 1435; and 1437(b); 34 CFR §303.101-126; 303.220; 303.227)
		(b) Professional and other groups (including parent support and training and information centers, such as those funded under the Act) that provide assistance to infants and toddlers with disabilities eligible under Part C of the Act and their families; and (c) Research and demonstration projects being conducted in the State relating to infants and toddlers with disabilities. (34 CFR §303.117)
X		11. The Statewide system includes a comprehensive system of personnel development, including the training of paraprofessionals and the training of primary referral sources with respect to the basic components of early intervention services available in the State. The State's comprehensive system of personnel development— (a) Includes— (1) Training personnel to implement innovative strategies and activities for the recruitment and retention of EIS providers; (2) Promoting the preparation of EIS providers who are fully and appropriately qualified to provide early intervention services under Part C; and (3) Training personnel to coordinate transition services for infants and toddlers with disabilities who are transitioning from an early intervention services program under Part C of the Act to a preschool program under section 619 of the Act, Head Start, Early Head Start, an elementary school program under Part B of the Act, or another appropriate program. (b) May include— (1) Training personnel to work in rural and inner-city areas; (2) Training personnel in the emotional and social development of young children; (3) Training personnel to support families in participating fully in the development and implementation of the child's IFSP; and (4) Training personnel who provide services under this part using standards that are consistent with early learning personnel development standards funded under the State Advisory Council on Early Childhood Education and Care established under the Head Start

Yes <i>(Assurance is hereby provided.)</i>	No <i>(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.) Check and enter date(s) as applicable</i>	Subpart B—Assurances (20 U.S.C. 1434; 1435; and 1437(b); 34 CFR §§303.101-126; 303.220; 303.227)
		Act, if applicable. (34 CFR §303.118)
X		12. The Statewide system includes policies and procedures relating to the establishment and maintenance of qualification standards to ensure that personnel necessary to carry out the purposes of Part C are appropriately and adequately prepared and trained. These policies and procedures provide for the establishment and maintenance of qualification standards that are consistent with any State-approved or State-recognized certification, licensing, registration, or other comparable requirements that apply to the profession, discipline, or area in which personnel are providing early intervention services. Nothing in Part C of the Act may be construed to prohibit the use of paraprofessionals and assistants who are appropriately trained and supervised in accordance with State law, regulation, or written policy, to assist in the provision of early intervention services under Part C of the Act to infants and toddlers with disabilities. (34 CFR §303.119(a)–(c))
X		13. The Statewide system includes a single line of responsibility in a lead agency designated or established by the Governor that is responsible for the following— (a) (1) The general administration and supervision of programs and activities administered by agencies, institutions, organizations, and EIS providers receiving assistance under Part C of the Act; and (2) The monitoring of programs and activities used by the State to carry out Part C of the Act (whether or not the programs or activities are administered by agencies, institutions, organizations, and EIS providers that are receiving assistance under Part C of the Act), to ensure that the State complies with Part C of the Act, including— (i) Monitoring agencies, institutions, organizations, and EIS providers used by the State to carry out Part C of the Act; (ii) Enforcing any obligations imposed on those agencies, institutions, organizations, and EIS providers under Part C of the Act and 34 CFR Part 303; (iii) Providing technical assistance, if necessary, to those agencies, institutions, organizations and EIS providers; (iv) Correcting any noncompliance identified through monitoring as soon as possible and in no case later than one year after the lead agency's identification of

<p>Yes</p> <p><i>(Assurance is hereby provided.)</i></p>	<p>No</p> <p><i>(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)</i></p> <p><i>Check and enter date(s) as applicable</i></p>	<p>Subpart B—Assurances</p> <p>(20 U.S.C. 1434; 1435; and 1437(b); 34 CFR §§303.101-126; 303.220; 303.227)</p>
		<p>the noncompliance; and</p> <p>(v) Conducting the activities in paragraphs (a)(2)(i) through (a)(2)(iv) of this section, consistent with 34 CFR §§303.700 through 303.707, and any other activities required by the State under those sections.</p> <p>(b) The identification and coordination of all available resources for early intervention services within the State, including those from Federal, State, local, and private sources, consistent with subpart F of 34 CFR Part 303.</p> <p>(c) The assignment of financial responsibility in accordance with subpart F of 34 CFR Part 303.</p> <p>(d) The development of procedures in accordance with subpart F of 34 CFR Part 303 to ensure that early intervention services are provided to infants and toddlers with disabilities and their families under Part C of the Act in a timely manner, pending the resolution of any disputes among public agencies or EIS providers.</p> <p>(e) The resolution of intra- and interagency disputes in accordance with subpart F of 34 CFR Part 303.</p> <p>(f) The entry into formal interagency agreements or other written methods of establishing financial responsibility, consistent with 34 CFR §303.511, that define the financial responsibility of each agency for paying for early intervention services (consistent with State law) and procedures for resolving disputes and that include all additional components necessary to ensure meaningful cooperation and coordination as set forth in subpart F of 34 CFR Part 303.</p> <p>(34 CFR §303.120)</p>
<p>X</p>		<p>14. The Statewide system includes a policy pertaining to the contracting or making of other arrangements with public or private individuals or agency service providers to provide early intervention services in the State, consistent with the provisions of Part C of the Act and 34 CFR Part 303, including the contents of the application, and the conditions of the contract or other arrangements. The policy —</p> <p>(a) Includes a requirement that all early intervention services must meet State standards and be consistent with the provisions of Part C; and</p> <p>(b) Is consistent with the Education Department General Administrative Regulations in 34 CFR Part 80.</p> <p>(34 CFR §303.121)</p>

Yes <i>(Assurance is hereby provided.)</i>	No <i>(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.) Check and enter date(s) as applicable</i>	Subpart B—Assurances (20 U.S.C. 1434; 1435; and 1437(b); 34 CFR §§303.101-126; 303.220; 303.227)
X		15. The Statewide system includes procedures for securing the timely reimbursement of funds used under Part C of the Act, in accordance with subpart F of 34 CFR Part 303. (34 CFR §303.122)
X		16. The Statewide system includes procedural safeguards that meet the requirements of subpart E of 34 CFR Part 303. (34 CFR §303.123)
X		17. The Statewide system includes a system for compiling and reporting timely and accurate data that meets the requirements of 34 CFR §§303.700 through 303.702 and 303.720 through 303.724 and the following requirements. The data system includes a description of the process that the State uses, or will use, to compile data on infants or toddlers with disabilities receiving early intervention services under Part C, including a description of the State's sampling methods, if sampling is used, for reporting the data required by the Secretary under sections 616 and 618 of the IDEA and 34 CFR §§303.700 through 303.707 and 303.720 through 303.724. (34 CFR §303.124)
X		18. The Statewide system includes a State Interagency Coordinating Council (Council) that meets the requirements of subpart G of 34 CFR Part 303. (34 CFR §303.125)
X		19. The Statewide system includes policies and procedures to ensure, consistent with 34 CFR §§303.13(a)(8) (early intervention services), 303.26 (natural environments), and 303.344(d)(1)(ii) (content of an IFSP), that early intervention services for infants and toddlers with disabilities are provided— (a) To the maximum extent appropriate, in natural environments; and (b) In settings other than the natural environment that are most appropriate, as determined by the parent and the IFSP Team, only when early intervention services cannot be achieved satisfactorily in a natural environment. (34 CFR §303.126)
X		20. The Statewide system ensures that Federal funds made available to the State under section 643 of the Act will be expended in accordance with the provisions of 34 CFR Part 303, including §§303.500 and 303.501. (34 CFR §303.221)

Yes <i>(Assurance is hereby provided.)</i>	No <i>(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.) Check and enter date(s) as applicable</i>	Subpart B—Assurances (20 U.S.C. 1434; 1435; and 1437(b); 34 CFR §§303.101-126; 303.220; 303.227)
X		21. The Statewide system will comply with the requirements in §§303.510 and 303.511 in subpart F of this part. (34 CFR §303.222)
X		22. The Statewide system ensures that— (a) The control of funds provided under 34 CFR Part 303, and title to property acquired with those funds, will be in a public agency for the uses and purposes provided in 34 CFR Part 303; and (b) A public agency will administer the funds and property. (34 CFR §303.223)
X		23. The Statewide system ensures that it will— (a) Make reports in the form and containing the information that the Secretary may require; and (b) Keep records and afford access to those records as the Secretary may find necessary to ensure compliance with the requirements of 34 CFR Part 303, the correctness and verification of reports, and the proper disbursement of funds provided under 34 CFR Part 303. (34 CFR §303.224)
X		24. The Statewide system ensures that – (a) Federal funds made available under section 643 of the Act to the State – (1) Will not be commingled with State funds; and (2) Will be used so as to supplement the level of State and local funds expended for infants and toddlers with disabilities and their families and in no case to supplant those State and local funds. (b) To meet the requirement in paragraph (a) of this section, the total amount of State and local funds budgeted for expenditures in the current fiscal year for early intervention services for children eligible under this part and their families must be at least equal to the total amount of State and local funds actually expended for early intervention services for these children and their families in the most recent preceding fiscal year for which the information is available. Allowance may be made for—

<p>Yes</p> <p><i>(Assurance is hereby provided.)</i></p>	<p>No</p> <p><i>(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)</i></p> <p><i>Check and enter date(s) as applicable</i></p>	<p>Subpart B—Assurances</p> <p>(20 U.S.C. 1434; 1435; and 1437(b); 34 CFR §§303.101-126; 303.220; 303.227)</p>
		<p>(1) A decrease in the number of infants and toddlers who are eligible to receive early intervention services under this part; and</p> <p>(2) Unusually large amounts of funds expended for such long-term purposes as the acquisition of equipment and the construction of facilities.</p> <p>(c) Requirement regarding indirect costs.</p> <p>(1) Except as provided in paragraph (c)(2) of this section, a lead agency under this part may not charge indirect costs to its Part C grant.</p> <p>(2) If approved by the lead agency's cognizant Federal agency or by the Secretary, the lead agency must charge indirect costs through either—</p> <p>(i) A restricted indirect cost rate that meets the requirements in 34 CFR 76.560 through 76.569; or</p> <p>(ii) A cost allocation plan that meets the non-supplanting requirements in paragraph (b) of this section and 34 CFR Part 76 of EDGAR.</p> <p>(3) In charging indirect costs under paragraph (c)(2)(i) and (c)(2)(ii) of this section, the lead agency may not charge rent, occupancy, or space maintenance costs directly to the Part C grant, unless those costs are specifically approved in advance by the Secretary.</p> <p>(34 CFR §303.225)</p>
<p>X</p>		<p>25. The Statewide system ensures that fiscal control and fund accounting procedures will be adopted as necessary to ensure proper disbursement of, and accounting for, Federal funds paid under 34 CFR Part 303.</p> <p>(34 CFR §303.226)</p>
<p>X</p>		<p>26. The State ensures that policies and practices have been adopted to ensure that—</p> <p>(a) Traditionally underserved groups, including minority, low-income, homeless, and rural families and children with disabilities who are wards of the State, are meaningfully involved in the planning and implementation of all the requirements of Part C; and</p> <p>(b) These families have access to culturally competent services within their local geographical areas.</p> <p>(34 CFR §303.227)</p>

Yes <i>(Assurance is hereby provided.)</i>	No <i>(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)</i> <i>Check and enter date(s) as applicable</i>	Subpart B—Assurances (20 U.S.C. 1434; 1435; and 1437(b); 34 CFR §§303.101-126; 303.220; 303.227)
		Assurance Regarding Optional Policy
X		<p><i>Enter 'NA' in the cell to the left if this assurance is not applicable to your State.</i></p> <p>27. A State may adopt and has adopted a policy that includes making ongoing good-faith efforts to recruit and hire appropriately and adequately trained personnel to provide early intervention services to infants and toddlers with disabilities, including, in a geographic area of the State where there is a shortage of such personnel, the most qualified individuals available who are making satisfactory progress toward completing applicable course work necessary to meet the standards described in paragraphs (a) and (b) of this section. (34 CFR §303.119(d))</p>

C. Certifications

The State Lead Agency is providing the following certifications:

Yes	
X	<p>1. The State certifies that ED Form 80-0013, <i>Certification Regarding Lobbying</i>, is on file with the Secretary of Education.</p> <p>With respect to the <i>Certification Regarding Lobbying</i> the State recertifies that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making or renewal of Federal grants under this program; that the State shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," when required (34 CFR Part 82, Appendix B); and that the State Agency shall require the full certification, as set forth in 34 CFR Part 82, Appendix A, in the award documents for all sub awards at all tiers.</p>
X	<p>2. The State certifies that it has met the certifications in the Education Department General Administrative Regulations (EDGAR) at 34 CFR §80.11 relating to State eligibility, authority and approval to submit and carry out the provisions of its State application, and consistency of that application with State law are in place within the State.</p>
X	<p>3. The State certifies that the arrangements to establish financial responsibility for the provision of Part C services among appropriate public agencies under §303.511 and the lead agency's contracts with EIS providers regarding financial responsibility for the provision of Part C services meet the requirements in §§303.500 through 303.521 and are current as of the date of submission of the certification. (34 CFR §303.202)</p>

D. Statement

I certify that the State of Georgia has provided the policies, procedures, methods, descriptions, and assurances checked as 'yes' in Sections II.A and II.B and the certifications required in Section II.C of this application. These provisions meet the requirements of Part C of the Individuals with Disabilities Education Act as found in 20 U.S.C. 1431-1443 (as amended) and the 2011 regulations in 34 CFR Part 303 (as amended). The State will operate its IDEA Part C program in accordance with all of the required policies, procedures, methods, descriptions, assurances and certifications.


If any policies, procedures, methods, descriptions, and assurances have been checked 'no', I certify that the State will operate throughout the period of this grant award consistently with the requirements of the IDEA as found in 20 U.S.C. 1431-1443 (as amended) and the 2011 regulations in 34 CFR Part 303 (as amended), and will make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of the IDEA, as amended, as soon as possible, and not later than June 30, 2022. (34 CFR §76.104)

I, the undersigned authorized official of the

Georgia Department of Public Health,

(Name of State and official name of State agency)

am designated under Part C by the Governor of this State to submit this application for FFY 2021 funds under Part C of the Individuals with Disabilities Education Act (IDEA).

Printed/Typed Name and Title of Authorized Representative of the State: Kathleen E. Toomey, M.D., M.P.H.	
Signature: 	Date: 02/24/2020

Section III

A. Description of Use of Federal IDEA Part C Funds for the State Lead Agency (LA) and the Interagency Coordinating Council (ICC)²

Please Note: Completion of Section IIIA is required for all States, regardless of lead agency.

When completing this section include:

- Totals for the number of lead agency and ICC administrative positions, salaries and fringe benefits funded either 100 percent and/or less than 100 percent with Federal IDEA Part C funds;
- A general description of the duties which the positions entail;
- A distinction between lead agency and ICC roles: insert (LA) or (ICC) in the "Description of Duties;" after each position; and
- A subtotal of the amount.

Identify any administrative positions for which less than 100% of the time is spent on Part C and, for each such position, indicate the percentage of time spent on Part C and the total amount of salary and fringe benefits included in the Part C application budget.

Positions Funded	Number of Positions	% of Time Spent on Part C	Salaries & Fringe Benefits	Description of Duties
100% funded with Part C Funds	7	100%	730,351	<p><u>Early Intervention Deputy Director/Part C Coordinator (LA):</u></p> <ul style="list-style-type: none"> • Oversee EI programmatic goals, strategies, resources, and implementation • Ensure compliance with federal and state regulations and program requirements • Program liaison and point of contact for the local health districts Part C personnel and executive leadership • Provide administrative and technical support to EI program • Coordinate program features and services at the local health districts to ensure proper implementation <p><u>BCW Manager/Regional Coordinator Lead (LA):</u></p> <ul style="list-style-type: none"> • Provide general supervision of the district Early Intervention programs • Assists in developing and implementing EI programmatic goals & strategies • Participates in program review and policy revisions and implementation

² Federal IDEA Part C funds used to support the SICC must meet the requirements of 34 CFR §303.603.

Positions Funded	Number of Positions	% of Time Spent on Part C	Salaries & Fringe Benefits	Description of Duties
				<ul style="list-style-type: none"> • Program liaison for community partners and other outside stakeholders <p><u>Regional Coordinator (2 Positions) (LA):</u></p> <ul style="list-style-type: none"> • Conduct quality assurance & monitoring of local EI programs • Provide professional training and development for Early Intervention Coordinators • Monitor and report on local EI program process development, implementations, and improvements • Provide general supervision of the district Early Intervention programs that fall within the Southern and the Northern region of Georgia. <p><u>BCW Coordinator (LA):</u></p> <ul style="list-style-type: none"> • Manage Part C provider contracts, recruitment and retention • Maintain constant communication with service providers to address updates, changes, and concerns • Oversee provider claim payments and settlements <p><u>BCW Training Coordinator (LA):</u></p> <ul style="list-style-type: none"> • Develops & delivers trainings based on state/district need • Develops & delivers orientation programs for BCW staff/contractors • Assigns security training log-in <p><u>Epidemiologist (LA):</u></p> <ul style="list-style-type: none"> • Provide data support for Part C program to oversee data collection and reporting

Positions Funded	Number of Positions	% of Time Spent on Part C	Salaries & Fringe Benefits	Description of Duties
< 100% funded with Part C Funds	0	0	0	None
Subtotal of amount under A:			730,351	

Section III (Continued)**B. Maintenance and Implementation Activities for the Lead Agency and the ICC**

When completing this section include:

- A description of the nature and scope of each major activity to be carried out under Part C in maintaining and implementing the statewide system of early intervention services:
 - Lead Agency Activities could include enhancing the Comprehensive System of Personnel Development, implementing child find strategies, or ensuring a timely, comprehensive, multidisciplinary evaluation for each child;
 - ICC Activities could include coordinating child find identification efforts, ensuring the timely provision and payment of early intervention services to eligible children and their families, advising on early childhood transition, support for the ICC (travel), or other implementation and development activities of the ICC
- The approximate amount of Federal IDEA Part C funds to be spent for each activity; and
- A subtotal of the amount.

Special Note: Prior Approval

Some direct costs require prior approval. These items include using Federal IDEA Part C funds to pay for: (1) equipment; (2) participant support costs (such as training or travel costs); (3) construction or renovation of facilities; and (4) rent, occupancy or space maintenance costs.³ The October 2019 *Frequently Asked Questions (2019 FAQs) Prior Approval – OSEP and RSA Formula Grants*⁴ which provides prior approval for certain **equipment and participant support costs**. Please review this FAQ at <https://www2.ed.gov/policy/speced/guid/faq-prior-approval-10-29-2019.pdf> prior to completing Section III. B. For any activity or expense listed under Section III of this application that is not covered by the scope of the 2019 FAQs and requires OSEP prior approval, mark an "X" in the chart below. The State must submit supporting documentation for any direct costs that require OSEP prior approval.

Approval of the State's FFY 2021 application does not constitute OSEP's approval of these expenses unless specifically referenced.

(Add rows as needed)

Major Activity/ Expense	Part C Funds to be Spent	Description of Activities/Expenses (include whether it is for the Lead Agency or SICC)	Prior Approval Needed
General Operating Expenses (LA)	\$6,000	General office supplies and items used daily to carryout administrative tasks (\$250 / month x 12 months) Printing of transitional guides and resources (\$250 / month x 12 months)	
Programmatic Travel (LA)	\$10,000	Personnel travel for meetings, site visits, trainings and other program related trips. Expenses include lodging, car rental, mileage, airfare, and meals.	

³ IDEA and the Uniform Guidance require prior approval for the following expenses: (1) equipment (tangible personal property (including information technology systems) having a useful life of more than one year and a per unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the nonfederal entity for financial statement purposes, or \$5,000 (see 2 CFR §200.33)); (2) participant support costs (direct costs for items such as stipends or subsistence 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 2CFR §200.75; (3) construction/renovation (see 2 CFR §200.12(b)); and (4) rent (see 2 CFR §200.465)).

⁴ Under the 2019 FAQs, OSERS granted prior approval for participant support costs under IDEA that: (1) are associated with required meetings for the SICC; (2) incurred as part of providing services identified on an IFSP under IDEA; (3) do not exceed \$5000 per individual participant per training/conference. In addition, the 2019 FAQs provide prior approval for equipment that is identified on or directly related to the implementation of the IFSP.

Major Activity/ Expense	Part C Funds to be Spent	Description of Activities/Expenses (include whether it is for the Lead Agency or SICC)	Prior Approval Needed
ICC Support (participant support costs)	\$10,000	SICC council members travel reimbursement for attending meetings, conferences, and other program related trips. Expenses include lodging, car rental, mileage, airfare, meals, and allowable childcare costs.	
Contract: Mediation Services (LA)	\$4,000	Provides mediation services in accordance with procedural safeguard requirements. In addition, mediation assistance to all 18 local programs in the event of a case requiring due process hearing.	
Contract: Third Party Administrator (LA)	\$847,000	Contractor serves as third party administrator to ensure payor of last resort for all 18-health district Part C programs.	
Contract: Central Directory (LA)	\$148,000	Ensure the provision of a central directory and referral point for public and private early intervention services, resources, and experts available in GA.	
Contract: Comprehensive System of Personnel Development (LA)	\$103,000	Contract ensures the provision of personnel training, parent education, recruitment, higher education, and evaluation activities to ensure that staff and service providers are trained and educated to provide early intervention services to children with special needs and their families in GA. This contract assists in meeting federally mandated requirements of Part C of IDEA (Babies Can't Wait) for the provision of a comprehensive system of personnel development (CSPD) throughout the state.	
Contract: Early Hearing Orientation Visits (LA)	\$21,000	Provides 400-450 Early Hearing Orientation visits to children and families eligible for the Babies Can't Wait program by Orientation Specialists.	
Contract: Early Intervention Services (LA)	\$1,276,002	To provide early learning intervention services in Gwinnett Counties with current and any future revisions related to the BCW standards and implementation manual.	
Subtotal of amount under B:	\$2,425,002		

Section III (Continued)**C. Direct Services (Funded by Federal IDEA Part C Funds)**

When completing this section include:

- A description of any direct early intervention service that the State lead agency expects to provide to eligible children and their families with Federal IDEA Part C funds;
- The approximate amount for each direct service (States must disaggregate by service the approximate amount of Federal IDEA Part C funds expected to be expended for each direct service); and
- A subtotal of the amount.

(Add rows as needed.)

Description of Each Direct Early Intervention Service	Approximate Amount of Federal IDEA Part C Funds to be Spent on Each Direct Service
<u>Evaluation & Assessment</u> : Providers contracting with Lead Agency or Local Lead Agency or staff to Local Lead Agency to provide this service. Contract providers meet personnel and licensure requirements and carry specified professional liability insurance. Each child undergoes an evaluation and assessment to determine eligibility into the program.	\$1,027,851
<u>Service Coordination</u> : Providers contracting with Lead Agency or Local Lead Agency or staff to Local Lead Agency to coordinate Part C services for children and families enrolled in the program. Each child receives four SC visits a year unless prior approval is given for additional visits.	\$3,344,319
<u>Autism Services</u> : Providers contracting with Lead Agency or Local Lead Agency or staff to Local Lead Agency to screen, diagnose, and service Part C children and families diagnosed with autism spectrum disorder.	\$253,548
<u>ISFP Meetings</u> : To support the function of team meetings to provide ongoing collaboration for professional disciplines and learning to support the families on each caseload. Multidisciplinary teams are composed of professional disciplines such as OT, PT, and SLP. Each team meets on a regular basis as determined by the districts to discuss every child's case.	\$364,335
<u>Social Work & Counseling</u> : Providers contract with Lead Agency or Local Lead Agency or staff to Local Lead Agency to provide direct service of family counseling.	\$140,848
<u>Occupational Therapy</u> : Providers contract with Lead Agency or Local Lead Agency or staff to Local Lead Agency to provide direct service of occupational therapy.	\$1,416,582

Description of Each Direct Early Intervention Service	Approximate Amount of Federal IDEA Part C Funds to be Spent on Each Direct Service
<u>Physical Therapy</u> : Providers contract with Lead Agency or Local Lead Agency or staff to Local Lead Agency to provide direct service of physical therapy.	\$1,027,954
<u>Speech-Language Pathology</u> : Providers contract with Lead Agency or Local Lead Agency or staff to Local Lead Agency to provide direct service of speech and language pathology.	\$1,291,082
<u>Special Instruction</u> : Providers contract with Lead Agency or Local Lead Agency or staff to Local Lead Agency to provide direct service special instructions and coaching.	\$2,734,898
<u>Translation Services</u> : Providers contract with Lead Agency or Local Lead Agency or staff to Local Lead Agency to provide translation services.	\$175,398
Subtotal of amount under C:	\$11,776,815

Section III (Continued)

D. Activities by Other State Agencies

If State agencies (other than the State lead agency) are to receive a portion of the Federal IDEA Part C funds and that amount is not already identified in Section III.C above, the State must include in this section:

- The name of each State public agency expected to receive funds;
- The approximate amount of funds each State public agency will receive; and
- A summary of the purposes for which the funds will be used.

Provide subtotal of amount. (Add rows as needed.)

State Agency Receiving Funds	Amount of Funds	Purpose
Subtotal of amount under D:		

Section III (Continued)

E. Description of Optional Use of IDEA Part C Funds⁵

In addition to using Federal IDEA Part C funds to maintain and implement the statewide system of early intervention, States may use funds for:

- expanding and improving on services for infants and toddlers and their families that are otherwise available; and
- initiating, expanding, or improving collaborative efforts related to at-risk infants and toddlers in any State that does not provide services for at-risk infants and toddlers. The application must include:
 - The name of the major activity;
 - The approximate amount of funds to be spent; and
 - A description of the activities.

Provide subtotal of amount. (Add rows as needed.)

Major Activity	Part C Funds to be Spent	Description of Activities
Subtotal of amount under E:		

⁵ See IDEA section 638.

Section III (Continued)**F. Totals**

Enter the subtotal amounts for Sub Sections A-E found in Section III and any indirect costs charged as specified in Section IV.B. The subtotal amounts (Rows 1-6) should total the estimated grant application amount. (A State may apply for less than the full estimated allotted amount.)

Row No.	Section	Amount
Enter the subtotal amounts for Sub Sections A-E found in Section III of this application.		
1.	III.A.	\$730,351
2.	III.B.	\$2,425,002
3.	III.C.	\$11,776,815
4.	III.D.	\$0
5.	III.E.	\$0
Enter any Indirect Costs to be Charged (See Section IV.B of this application.)		
6.	IV.B	\$
Total (Rows 1-6)		\$14,932,168

Section IV

A. System of Payments / Use of Insurance / Program Income

The State

X does (check as applicable)

_____ does not (check as applicable)

have a system of payments for Part C services under 34 CFR §§303.203(b)(1), 303.500(b), 303.520, and 303.521 which may include the use of public benefits or insurance, private insurance or family fees, such as a sliding scale. Any family fees collected are treated as "program income" for purposes of 2 CFR §200.307(e) and 34 CFR §303.520(e) and are not included in the State's determination of State and local expenditures for maintenance of effort and non-supplanting purposes of 20 U.S.C. 1437(b)(5)(B) and 34 CFR §303.225(a) and (b).

Note: If the State has adopted new or has revised its existing policies and procedures regarding its system of payments, it must submit these new and/or revised policies and procedures under Item 3.a in Section II.A above.

B. Restricted Indirect Cost Rate/Cost Allocation Plan Information

Under IDEA's non-supplanting provisions in 20 U.S.C. 1437(b)(5)(B) and Part C regulation in 34 CFR §303.225(c), a lead agency may not charge indirect costs to its Part C grant unless the lead agency charges indirect costs through either— (i) A restricted⁶ indirect cost rate that meets the requirements in 34 CFR §§76.560 through 76.569; or (ii) A cost allocation plan that meets the non-supplanting requirements in paragraph (b) of this section and 34 CFR part 76 of EDGAR.

Check the applicable status below (more than one check mark may be necessary) and enclose appropriate documentation for this Federal Fiscal Year.

X No indirect costs are charged to the Part C grant. The total amount of the Federal Part C grant is used for allowable direct costs.

_____ The lead agency is an State educational agency (SEA) and works directly with the U.S. Department of Education's Indirect Cost Unit to ensure that indirect costs are only charged on a restricted basis to the State's IDEA Part C grant. The State has a final restricted indirect cost rate agreement that is approved for the period _____ through _____. (Please attach a copy of the most recently approved restricted indirect cost rate agreement or cost allocation plan or other applicable indirect cost documentation.)

_____ The lead agency is not an SEA and has a final restricted indirect cost rate that has been approved by the State lead agency's cognizant Federal agency and is in effect for this FFY (ending on June 30, 2022) The period of approval for the restricted indirect cost rate agreement is _____ through _____. (The State must attach a copy of the approved restricted indirect cost rate agreement.)

_____ The lead agency is not an SEA and has either a provisional or final restricted indirect cost rate that expires or expired on _____ and the State is in the process of negotiating a new restricted indirect cost rate agreement that will be in effect for the period _____. [please attach proposal].⁷ The State lead agency will continue to charge or bill the Part C grant using the provisional or previously approved final restricted indirect cost rate until a new rate is

⁶ Charging indirect costs on a "restricted" basis is a key part of implementing the IDEA Part C requirement in IDEA section 637(b)(5)(B), which requires that federal funds be used to supplement (and not supplant) "State and local funds expended for infants and toddlers with disabilities and their families. The restricted indirect cost rate formula is described at 34 CFR §§75.564 and 76.565. The formula limits the general administrative costs that can be included in the indirect cost pool (numerator) and requires adjustments to the modified total direct cost (MTDC) base (denominator).

⁷ A "provisional" indirect cost rate is a temporary rate established for a future prospective period of time to permit budgeting, obligations, and payment of funds by awarding agencies until such time as the actual indirect costs can be determined and a final rate is established for the applicable period; provisional rates are subject to adjustment by issuance of a "final" rate based on actual indirect costs incurred for the period (usually the organization's fiscal year).

negotiated and approved by the State's cognizant Federal agency, at which point the State lead agency must make appropriate adjustments for applicable FFYs. The State acknowledges that a final restricted indirect cost rate may result in an adjustment of the final audited expenditures allowable to be charged to the Part C grant and the Department's approval of this FFY Part C application with an expired or provisional restricted indirect cost rate does not constitute approval of that rate as the final rate for the lead agency for this FFY. When a final restricted indirect cost rate is approved, the lead agency must submit to OSEP: (1) a copy of the "final" restricted indirect cost rate agreement; and (2) details of adjustments made to past GAPS draw downs in light of the "final" rate. (The State must attach a copy of the previously approved restricted indirect cost rate agreement.)

_____ The lead agency is not an SEA and has a final cost allocation plan that has been approved by the State lead agency's cognizant Federal agency, which is _____. The cost allocation plan charges costs only on a restricted basis and has also been approved by ED's Indirect Cost Unit. It is in effect until _____ [insert date or note until amended] for this Federal fiscal year (FFY) (ending on June 30, 2022). (The State must attach a copy of the approved cost allocation plan and approval documentation from both the lead agency's cognizant Federal agency and ED's Indirect Cost Unit.)



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

Contact Person

Name: Gregg Corr
Telephone: (202) 245-7309

January 21, 2021

OSEP 21-02

MEMORANDUM

TO: Lead Agency Directors
State Part C Coordinators

FROM: David Cantrell
Acting Director
Office of Special Education Programs (OSEP) *David Cantrell*

SUBJECT: Procedures for Applying for a Federal Fiscal Year (FFY) 2021 Grant Award Under Part C of the Individuals with Disabilities Education Act (IDEA)

ACTION REQUIRED: Submission of the IDEA Part C Application Packet by May 7, 2021

The purpose of this memorandum is to inform State lead agencies of the procedures they must follow to receive a grant award under Part C of the IDEA for FFY 2021 funds, which will become available to States on July 1, 2021.

The enclosed packet contains instructions and forms needed for completion of the IDEA Part C State Application. The Application is also available on the Internet at <https://sites.ed.gov/idea/grantees/#Grants>. The completed Application, with supporting information, must be **submitted on or before May 7, 2021**, to ensure that your State's FFY 2021 IDEA Part C grant funds are available for obligation on July 1, 2021.

The IDEA Part C application requires each State to submit or have on file with OSEP specific State policies, procedures, agreements, descriptions, and methods. States are required to ensure that their State policies, procedures, descriptions and methods, including statutes and regulations used to meet these requirements, are consistent with the IDEA Part C requirements in 20 U.S.C. 1401 *et seq.*, and the IDEA Part C regulations in 34 CFR Part 303. Although the majority of States have received full approval of their FFY 2020 grant applications, some States need to adopt in some limited areas either new or revised policies, procedures, agreements, descriptions and methods to meet the IDEA Part C application requirements for the FFY 2021 IDEA Part C Application. We expect States to make every effort to complete the process and revise State policies, procedures, agreements, descriptions and methods to meet all IDEA Part C requirements with the FFY 2021 application.

As part of adopting a new or revised policy under IDEA Part C, States must comply with the IDEA Part C public participation requirements. Please carefully review the public participation requirements in Section 7 of this memorandum to ensure compliance with those requirements. Upon receipt and approval of the certifications and all other information required by the FFY 2021 IDEA Part C Application by May 7, 2021, the State lead agency will be eligible to receive its FFY 2021 IDEA Part C funds by July 1, 2021.

1. Procedures States Must Follow to Receive an IDEA Part C Grant Award for FFY 2021

For the FFY 2021 grant period, the U.S. Department of Education (Department) is asking each State lead agency to:

- 1) Read the Instruction Sheet.
- 2) Complete Section I and indicate in Section I.A. whether the State is requesting a full or conditional approval of its FFY 2021 IDEA Part C grant award, and, if appropriate, complete Section I.B. of the Application.
- 3) Indicate, in Section II.A. of the Application, those policies, procedures, methods, agreements, or descriptions the State can or cannot provide and, in Section II.B. of the Application, those assurances the State can or cannot provide. If your State does not have fully approved Part C policies, procedures, methods, agreements, or descriptions in Section II.A. or has not completed all assurances in Section II.B., carefully review the eligibility requirements found in the *IDEA Part C Grant Application Technical Assistance Checklists* found at: <https://sites.ed.gov/idea/grantees/#Grants> to determine whether the State can provide the requisite policies, procedures, methods, agreements, descriptions, and assurances.¹ (See memo page 3 - *Section I - Conditional Approval of FFY 2021*- for additional information.) If the State cannot provide one of these required elements, the State must indicate in the “No” column a date of not later than June 30, 2022 (unless directed otherwise by OSEP).
- 4) Provide the certifications found in Section II.C. of the application and complete the certification statement in Section II.D. (For Certification 3 under Section II.C., please review OSEP’s IDEA Part C Grant Application Technical Assistance Checklist for the Fiscal Certification Required Under 34 CFR §303.202 - this Fiscal Certification relates to having in place methods and contracts that meet the applicable requirements).
- 5) Complete Section III – Use of Funds. (See memo page 4 - *Section III - Description of Use of Funds Under Part C* - for additional information.)
- 6) Complete Section IV.A. regarding system of payments and Section IV.B. regarding indirect costs. If the State lead agency proposes to charge indirect costs to its FFY 2021 IDEA Part C funds, the State must indicate the total amount to be charged in Section III.F.6 and also attach a copy of all appropriate indirect cost documents, such as a cost

¹ There are four Checklists that will assist your State in determining whether its policies and procedures, methods, descriptions, and assurances meet the requirements in Sections II.A and II.B of the Application. The checklists also provide references to applicable regulatory requirements relevant to Sections II.A. and II.B. of the Application. The checklists are OSEP’s annotated checklists for reviewing: (1) Section II.A. of the IDEA Part C Grant Application; (2) System of Payments Policies under Section II.A.3.a of the IDEA Part C Grant Application; (3) Methods under Section II.A.3.b of the IDEA Part C Grant Application; and (4) Transition Documents under Section II.A.10 of the IDEA Part C Grant Application. These four Checklists are available at <https://sites.ed.gov/idea/grantees/#Grants>.

allocation plan that applies costs on a restricted basis for the IDEA Part C program, or a restricted indirect cost rate agreement (RICR), and any other relevant documentation (such as correspondence between the State lead agency and its cognizant Federal agency regarding approval of charging indirect costs on a restricted basis for the IDEA Part C grant funds). (See memo page 6 - *Section IV- System of Payments/Use of Insurance/Program Income; Restricted Indirect Cost Rate/Cost Allocation Plan Information* - for additional information.)

- 7) Comply with the public participation requirements. (See memo page 7 - *Public Participation Requirements* – for additional information.)

States should carefully consider who has the authority to sign the Application to provide the requisite assurances and certifications, consistent with the Federal IDEA Part C requirements, and the State's policies, procedures, descriptions and methods, including statutes and regulations. Even if the State cannot provide all policies, procedures, methods, descriptions, and assurances found in the Application, the State is responsible for ensuring that early intervention services are available to all infants and toddlers with disabilities in the State as required by IDEA Part C (see 20 U.S.C. 1435 and 34 CFR Part 303).

By accepting a grant under Part C of the IDEA, each State expressly agrees to waive Eleventh Amendment immunity for violations of the IDEA under 20 U.S.C. 1404 and 34 CFR §303.103.

2. Section I - Conditional Approval of FFY 2020 Application

Although most States received a “full approval” of their FFY 2020 applications, some States received “conditional approval.” In almost all cases, the State's conditional approval was based on the fact that the State was not able to provide some policies, procedures, methods, agreements, and/or descriptions required in a few of the subsections in Section II.A. of the Application or one of the assurances required in Section II.B. of the Application. If a State's conditional approval was based on the State not being able to check ‘yes’ for all of the items in Section II.A. or II.B. of the Application, the State must complete Section I.B.1 of the Application, and update Section II.A. and II.B. of the Application to reflect the changes it has made and changes that it may need to make.

States that received a conditional approval based on other issues should complete Section I.B.2. of the Application and may need to submit specific documentation to address those conditions. (Thus, some States may need to complete both Sections I.B.1. and I.B.2. of the Application.) It is preferable that the required documentation to address such other issues be sent to OSEP prior to the FFY 2021 Application submission deadline, to ensure timely processing of your State's Application. However, the documentation must be submitted no later than when the State submits its FFY 2021 Application, or earlier, if a different and earlier date is specified in the State's FFY 2020 grant letter (and Enclosure A to that grant letter). States are reminded that they must comply with applicable public participation requirements identified on page 7 of this memorandum prior to adopting new or revised policies that are to be submitted with the FFY 2021 IDEA Part C Application.

3. Section II.A. - Submission of Policies, Procedures, Methods & Descriptions

Each State must have on file with OSEP, or submit with its Application, policies, procedures, methods and descriptions as well as assurances and a certification. These policies, procedures,

methods and descriptions must be consistent with the IDEA Part C requirements in 20 U.S.C. 1431 *et seq.* and 34 Part 303. Some States, however, have not submitted certain policies, procedures, methods and descriptions that were required to be revised, beginning with their FFY 2012 application for IDEA Part C funds, to be consistent with the Part C regulations in 34 Part 303 that went into effect with the FFY 2012 grant period. If a State, under these circumstances, is unable to submit the necessary documents with its FFY 2021 application, it should describe the situation and indicate a date no later than June 30, 2022 by which the required policies and procedures will be finalized. States should carefully do the following:

- 1) New: Indicate in Section II.A. those policies, procedures, methods, and descriptions that the State is providing for the first time by checking “N” column for “new” in Section II.A. for those policies, procedures, methods, agreements, or descriptions that have not been previously reviewed and approved by OSEP and which must be part of the State’s Application in Section II.A.;
- 2) Revised: If OSEP previously approved a policy, procedure, method, agreement, or description, and the State is now revising it, the State must check the “R” column for “revised” in Section II.A.;
- 3) On File: If a policy, procedure, method, agreement, or description has been previously approved by OSEP and the State is not revising it, the State must check the “OF” column of Section II.A. and the State does not need to submit any additional documentation to OSEP for that requirement; and
- 4) No and a Date ASAP: If the State is unable to submit a particular policy, procedure, method, agreement or description, the State must check the “No” column and provide a date by which the State will submit that document using its best efforts as soon as possible but not later than June 30, 2022.

4. Section III - Description of Use of Funds Under Part C

Each State’s Application must include a description of how the State lead agency and State Interagency Coordinating Council (SICC) propose to use the State’s allotment of FFY 2021 grant funds under IDEA Part C. States should follow the instructions found in Section III (Use of Funds) of the enclosed Instruction Sheet, including indicating whether an expenditure is for the lead agency or SICC. States must include computations showing that the amounts on each page equal the total for that page, and that the totals from each section add up to the total estimated grant amount. **Please note:** Lead Agencies that are State educational agencies (SEAs) are required to provide detailed information regarding the use of IDEA Part C funds for the State administration in Section III.A.

Each State must also specifically identify in Section III. B. any direct costs for activities or expenses² that require prior approval from OSEP under IDEA section 605; 2 CFR Part 200 and

² Each State must obtain prior approval from the Department under the IDEA and the Office of Management and Budget Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) for certain expenses. These expenses include: (1) equipment (tangible personal property (including information technology systems) having a useful life of more than one year and a per unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the nonfederal entity for financial statement purposes, or \$5,000); (2) participant support costs (direct costs for items such as stipends or subsistence 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 ; (3) construction/renovation of capital assets (see 2

34 CFR §303.225. These items include using Federal IDEA Part C funds for: (1) **equipment** (with per unit costs of \$5,000 or more); (2) **participant support costs** (such as training or travel costs for non-employees); (3) **construction** or renovation of facilities; or (4) **rent**,³ occupancy, or space maintenance costs. On October 29, 2019, OSERS released *Frequently Asked Questions (FAQs) Prior Approval – OSEP and RSA Formula Grants* which details prior approval flexibilities for **equipment and participant support costs**, and describes the parameters under which OSEP has provided prior approval for a subset of these costs. Please review this FAQ at <https://www2.ed.gov/policy/speced/guid/faq-prior-approval-10-29-2019.pdf> prior to completing Section III. B.

For any direct cost for an activity or expense listed under Section III of this application that falls outside the scope of the FAQ and requires OSEP prior approval, please include it in Section III.B. and mark an “X” in the right hand column. The State must submit with its FFY 2021 Application any additional information and documentation for any expenses that require prior approval by OSEP.

Please note that once your State receives its FFY 2021 grant award, if your State wishes to revise the amounts it has budgeted under Section III - Use of Funds at any time throughout the FFY 2021 grant award obligation period (July 1, 2021 through September 30, 2021), **the State must submit a revised Section III/budget and obtain OSEP’s prior approval** for the following two sets of changes to its Section III/budget.

First, under 2 CFR §200.308(f), after OSEP approves the initial Section III/budget in the FFY 2021 grant letter, the State lead agency must submit a revised Section III/budget to obtain OSEP’s prior approval if the State proposes to transfer among direct cost categories a cumulative amount that exceeds ten percent (10%) of the total Section III/budget as last approved by OSEP. This would include a transfer of funds among direct cost categories or programs, functions and activities that in the aggregate would exceed 10% of the total approved grant award in Section III, provided that the Federal share in the grant exceeds the Simplified Acquisition Threshold (currently set at \$250,000).

CFR §200.12(b)) referred to as “additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations or alterations to capital assets;” and (4) rent (see 2 CFR §200.465). OMB revised 2 CFR Part 200 to include the definitions for “capital assets,” “equipment,” “participant support costs” and “construction and renovation” in 2 CFR § 200.1. See, 85 Fed. Reg. 49506 (Aug. 13, 2020) (effective November 12, 2020).

³ If a State proposes to use FFY 2021 IDEA Part C funds to pay for as a direct cost: (1) construction or renovation of facilities which is referred to in the OMB Uniform Guidance as “additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations or alterations to capital assets”; or (2) rent or space occupancy, the State must obtain prior approval from OSEP under IDEA section 605 and 34 CFR §303.225(c)(3) respectively. These direct costs are not typically charged to the IDEA Part C grant. The State must indicate in Section III. B. if the State is proposing to use any of its IDEA Part C FFY 2021 funds to pay for these costs. Given the nonsupplanting requirements in IDEA section 637(b)(5)(B) and 34 CFR §303.225, there are extremely limited circumstances in which a State may even include the cost of “rent” as a direct cost. The State must also ensure that the State does not both request to charge rent as a direct cost to its IDEA Part C FFY 2021 funds and include rent or space occupancy as an indirect cost if the State is charging indirect costs on a restricted basis to its IDEA Part C FFY 2021 funds through its restricted indirect cost rate agreement or cost allocation plan. If the State is considering this request, it must also contact the State’s OSEP State Lead, as soon as possible, but prior to the submission of the Part C FFY 2021 application to OSEP, to determine whether the cost of “rent” is allowable and consistent with IDEA section 637(b)(5)(B) and 34 CFR §303.225(c)(3) as the State will need to provide additional documentation and information.

Second, the State must obtain OSEP's prior approval for any changes to its Section III/budget that meet the applicable conditions under 2 CFR §200.308(c). The one category of costs in 2 CFR §200.308(c) for which the State lead agency does not need to submit a revised Section III/budget for OSEP approval is "participant support costs" as defined in 2 CFR §200.1. This is because OSEP is exercising its authority under 2 CFR §200.308(d) to waive prior written approval for the costs under 2 CFR §200.308(c)(5) for the transfers of Federal IDEA Part C FFY 2021 funds allotted in the approved Section III budget for "participant support costs" to other categories of expenses. The Department is not waiving its authority to require State lead agencies to request prior written approval when the State revises its Section III/budget for the other circumstances identified in 2 CFR §200.308(c). Nor is the Department waiving the initial approval of "participant support costs" that are outside the scope of the *FAQs* when OSEP approves the Section III/budget submitted with the FFY 2021 grant application. Please contact your OSEP State Lead if you have further questions.

5. Section IV- System of Payments/Use of Insurance/Program Income; Restricted Indirect Cost Rate/Cost Allocation Plan Information

Section IV.A. – System of Payments & Program Income

When completing Section IV.A. regarding system of payments, States are asked to place a check in one of the two blanks provided. By entering a check in the appropriate blank, the State is indicating whether the State is required to have a written policy that applies a system of payments for IDEA Part C services under 20 U.S.C. 1432(4)(B) and 34 CFR §§303.520 and 303.521. The IDEA Part C regulations specify in 34 CFR §§303.520 and 303.521 that a State must adopt a written system of payments policy if the State uses any of the following funding sources to pay for IDEA Part C services: (1) public insurance or benefits, (2) private insurance, or (3) family fees, such as a sliding scale. If the State uses one of these funding sources, it does have a system of payments for IDEA Part C services and must check "Yes" under Section IV.A. The State must also submit its system of payments policies and procedures under Section II.A.3.a. of the Application after subjecting such policies to the appropriate public participation requirements identified in Section 7 of this memorandum.

Additionally, the State should note that any family fees received under a State's system of payments are treated as "program income" for purposes of 2 CFR §200.307(e) and 34 CFR §303.520(e) and are not included in the State's determination of State and local expenditures for purposes of 20 U.S.C. 1437(b)(5)(B) and 34 CFR §303.225(a) and (b).

Section IV. B. – Restricted Indirect Costs

When completing Section IV.B. (regarding restricted indirect costs), all lead agencies, including SEAs, as well as any outlying area that has the Department of Interior as its cognizant Federal agency, must check the appropriate box in Section IV.B. of the Application. The State lead agency does not need to charge indirect costs to its IDEA Part C FFY 2021 grant funds and if such costs are not charged, the State lead agency only has to check the appropriate box (which is the first option identified in Section IV.B.). However, if the State lead agency proposes to charge indirect costs to its IDEA Part C FFY 2021 grant funds, it must check either that the State lead agency:

- (1) is an SEA and works directly with the U.S. Department of Education’s Indirect Cost Unit to ensure that indirect costs are only charged on a restricted basis to the State’s IDEA Part C grant; or
- (2) is not an SEA and has a final restricted indirect cost rate agreement (RICR) that has been approved by the State lead agency's cognizant Federal agency and is in effect for this Federal fiscal year (FFY) (ending on June 30, 2022); or
- (3) is not an SEA and has either a provisional or final RICR that expires on a date before June 30, 2022 and the State is in the process of negotiating a new RICR; or
- (4) is not an SEA and has a final cost allocation plan (CAP), approved by the State’s cognizant Federal agency, that applies costs on a restricted basis (and is approved through a date prior to June 30, 2022).

If the State lead agency proposes to charge indirect costs to its IDEA Part C FFY 2021 grant, the lead agency must also submit, with the State’s Part C Application, any indirect cost documentation including a copy of either: (1) its final RICR agreement with its cognizant federal agency (and if not approved through the end of this FFY, the most recently approved RICR and applicable dates), or (2) its CAP that applies costs on a restricted basis to the IDEA Part C program that is applicable for FFY 2021 (effective July 1, 2021 through June 30, 2022). This indirect cost documentation must be submitted with a copy of correspondence from the lead agency’s cognizant Federal agency confirming approval of the RICR agreement or CAP. The State lead agency must ensure that any restricted indirect costs charged to IDEA Part C grant funds comply with the requirements in 34 CFR §303.225(c). OSEP Memorandum 99-2 regarding Restricted Indirect Cost Rate for Part C of the IDEA may be referenced at the following location on the Internet: <https://sites.ed.gov/idea/grantees/#Grants>.

6. Description Required By Section 427 of the General Education Provisions Act

Each State must also have on file with the Department a description of the steps the State proposes to take to ensure equitable access to, and participation in, activities conducted under Part C by addressing the special needs of children with disabilities and their families and other program beneficiaries in order to overcome barriers to equitable participation, including barriers based on gender, race, color, national origin, disability, and age, as required by section 427 of the General Education Provisions Act (GEPA). This description must identify barriers and strategies to address the barriers. A notice regarding compliance with GEPA section 427 is attached to this memorandum. If OSEP has previously approved a State’s description under GEPA section 427 and the State has not revised that description, it need not submit the description again.

7. Public Participation Requirements

Application Requirement: Before submitting its FFY 2021 IDEA Part C application to the Secretary, the State must publish its entire Part C application (including any policies, procedures, descriptions, methods, certifications, assurances, Sections III and IV, and other information required in, and that will be submitted as part of, the application) in a manner that will ensure circulation throughout the State at least 60 days prior to the date on which the State application is submitted to the Secretary with an opportunity for public comment on the application for at least 30 days during that 60-day publication period. States do not need to submit copies of the notices that provide confirmation of the public comment process, but your State will want to maintain this documentation for compliance with the requirements in 34 CFR §303.208(a).

Policies/Procedures Requirement: In addition, before a State adopts a new or revised policy needed to comply with IDEA Part C statute and regulations, the State must subject the policy to the public participation requirements in 34 CFR §303.208(b). Please note that the public participation requirement applies to all new or revised policies and not just those required to be submitted under Section II.A. of the IDEA Part C application. Specifically, the State lead agency must: (1) provide an opportunity for the general public, including individuals with disabilities, parents of infants and toddlers with disabilities, early intervention service providers, and members of the State Interagency Coordinating Council, to comment on the new or revised policy for at least 30 days; and (2) hold public hearings on the new or revised policy (with a 30-day notice of the hearings to enable public participation).

Finally, please note that under 34 CFR §303.101(c), the State must also obtain approval by the Secretary before implementing the following policies that are required to be submitted as part of Section II.A. of the State's IDEA Part C application in 34 CFR §§303.203(a) (Definition of early intervention services), 303.203(b) (System of payments policy and methods), 303.203(c) (Definition of developmental delay/Evaluation and assessment procedures), 303.204 (At-risk definition and services), 303.206 (Referral of specific children including CAPTA), 303.207 (Geographic equity), 303.208 (Public participation), 303.209 (Transition), and 303.211 (Part C extension option beyond age three).

In light of the COVID-19 pandemic, OSEP is providing States with the same flexibilities for conducting public participation for the FFY 2021 IDEA Part C application as it did for the FFY 2020 IDEA Part C applications. Specifically, due to the exigent circumstances surrounding the COVID-19 pandemic that have resulted in State restrictions on public gatherings, the Department recognizes the continued need for flexibility in conducting public hearings to meet IDEA's public participation requirements under 34 CFR §303.208(a) and (b) for the FFY 2021 IDEA Part C application. OSEP is confirming that States may use virtual hearings for the limited purpose of conducting public hearings under 34 CFR §303.208(a) and (b) for the FFY 2021 application and any amendments to the FFY 2021 application. States should consult with their attorneys prior to conducting virtual hearings for this purpose to ensure that this practice is not prohibited under State law.

Virtual hearings must be accessible consistent with applicable federal civil rights laws, to ensure that individuals with disabilities have ample opportunities to participate. After the COVID-19 emergency has ended and it is again possible to hold in-person hearings, we recommend holding hearings in person (in addition to any virtual hearings) to ensure participation by individuals with limited access to technology.

8. Submission of Application Packet/Due Date

In light of the COVID-19 pandemic, OSEP is providing States with same flexibilities for submission of the FFY 2021 IDEA Part C application as it did for the FFY 2020 IDEA Part C applications. Specifically, OSEP is providing for the FFY 2021 IDEA Part C Application, the ability of each State lead agency to submit a pdf copy of your State's FFY 2021 IDEA grant application, with an electronic signature and date, by the application due date. This "e signature" can be a two-factor authenticated signature or an image file of the signature of the State lead agency director or his or her designee who has the authority to provide the certifications and assurances required by the application and sent from the email .gov address of the individual signing the application.

As with the FFY 2020 IDEA Part C application, OSEP will review the application and conduct a signature verification process. The State Lead Agency director or their designee should be prepared to provide a timely response to OSEP staff when contacted regarding any additional steps needed to authenticate and verify the signature on the State's IDEA Part C FFY 2021 grant application.

The pdf copy of your State's FFY 2021 grant application and supporting documents must be emailed to OSERS.capp@ed.gov by May 7, 2021. The documents must be sent from an official State Lead Agency government email address.

After submission of the pdf documents, the State Lead Agency must submit a hard copy of the application and supporting materials to OSEP by mail. However, the due date for submission of the hard copy application and supporting documents is no later than August 2, 2021. Please mail the hard copy documents to the following address:

United States Department of Education
Office of Special Education Programs
Potomac Center Plaza
Mail Stop 2600, Room 5031-A
550 12th Street, S.W.
Washington, D.C. 20202

If corrections are needed to the Assurances or other information in Section II of the Application, we will require that the revised version be appropriately signed and dated (i.e., after the revisions were made) and that we receive the revised version, including a new signature page, prior to making the grant. If your State is required to submit a revised version with a new signature, the submission date of your Application will be the date OSEP receives this revised version.

As discussed more fully in Section 9 of this memorandum, the submission date may affect the date on which OSEP determines under 34 CFR §76.703 whether a State's application is substantially approvable and, therefore, may affect the date that funds are first available for obligation. Therefore, it is very important that States submit all documents, including any revised documents necessary to demonstrate eligibility in the format described in this Section, no later than May 7, 2021.

9. Effective Date of Grant

The provisions of EDGAR, in 34 CFR §76.703, apply to grant awards under Part C of the IDEA. Section 76.703 implements the requirements of the Cash Management Improvement Act (CMIA), 31 U.S.C. 6503, and its implementing regulations in 31 CFR Part 205, which together provide for the timely transfer of funds between Federal agencies and States, and authorize payment of interest where transfers are not made in a timely fashion.

Consistent with 34 CFR §76.703(a)(1), the Department has established May 7, 2021, as the submission date for all documents necessary to demonstrate eligibility for FFY 2021 grant awards under 20 U.S.C. 1444 of IDEA and the IDEA Part C regulations. As provided for in 34 CFR §76.703(c)(1), the submission date is the date by which OSEP must receive all documents necessary to demonstrate eligibility.

As explained below, CMIA pre-award costs will only be available consistent with the provisions of 34 CFR §76.703 (a copy of which is attached to this memorandum). Therefore,

the effective date of a grant to a State that does not submit a substantially approvable Application to OSEP by May 7, 2021, may be later than July 1, 2021.

Consistent with the requirements of 34 CFR §76.703, grant award notification forms will indicate the start of the grant award period for Applications received prior to July 1, 2021 as the later date of either: (1) the date that the Secretary determines that the State Application is substantially approvable; or (2) the date that the funds are first available for obligation by the Secretary (i.e., July 1, 2021).

If a State has submitted a substantially approvable Application by the May 7, 2021 deadline, the Federal funding period as noted in block 6 on the grant award notification will begin July 1, 2021. If the Department receives a State's substantially approvable Application after the May 7, 2021 deadline, but before July 1, 2021, the starting date for obligating funds will be July 1, 2021, provided that the Department is able to determine that the Application is substantially approvable prior to July 1, 2021. If the Department is unable to determine that the Application is substantially approvable prior to July 1, 2021, the starting obligation date will be determined in accordance with the procedures in 34 CFR §76.703(e)(2).

If the Department receives a State's Application after July 1, 2021, or the Application that the State submits is not substantially approvable, the grant award notification will indicate, as the start of the Federal funding period, the date when the Department determines that the Application is substantially approvable. For purposes of Part C Applications for FFY 2021, an Application is "substantially approvable" when it meets, to the Department's satisfaction, the requirements in this Application package. An Application will not be "substantially approvable" until OSEP receives any clarifications, amendments, assurances, or other information requested by OSEP.

10. Conclusion

As explained in this memorandum, it is important that, before submitting its Application for FFY 2021, each State ensures that it has:

- Provided an appropriate submission statement(s) found in Section I.A., and, if appropriate, I.B. of the Application;
- Indicated which assurances, policies, procedures, methods, agreements and/or descriptions in Section II.A. of the Application, the State can or cannot make/provide;
- Provided the assurances in Section II.B. of the Application;
- Provided the certifications found in Section II.C. of the Application. For the third certification found in Section II.C., please review OSEP's IDEA Part C Grant Application Technical Assistance Checklist for the Fiscal Certification Required Under 34 CFR §303.202. *(Note: States submitted ED Form 80-0013, Certification Regarding Lobbying, with the State's FFY 2005 Application. Therefore, the first certification found in Section II.C of the Application, Certifications, should be marked 'yes.');*
- Completed and signed the Statement found in Section II.D. of the Application;
- Completed Section III of the Application regarding the State's Use of Funds;
- Completed Section IV of the Application regarding the State's system of payments and indirect costs;
- Submitted with the Part C FFY 2021 application a copy of the State lead agency's Restricted Indirect Cost Rate (RICR) agreement or cost allocation plan (CAP) most

recently approved by the State lead agency's Federal cognizant agency and if a rate or plan is not approved for the period of FFY 2021, the most recently approved rate and documentations regarding the proposed rate for FFY 2021;

- Met IDEA Part C's public participation requirements for both the application and for any new or revised policies as described in this memorandum (including any flexibilities provided for the FFY 2021 IDEA Part C Application); and
- Prepared and submit a pdf copy of the completed Application, with an electronic signature, to be submitted to OSEP by email from the State lead agency's .gov email address by May 7, 2021;
- Prepared and submit a hard copy of the fully and correctly completed FFY 2021 IDEA Part C Application, **with an original signature by August 2, 2021.**

Should you need assistance in implementing the requirements of Part C of the IDEA and/or meeting the Application requirements for FFY 2021 grants under IDEA Part C, contact your OSEP Part C State Lead, and/or the Early Childhood Technical Assistance Center.

Attachments:

- Annual State Application Under Part C of the Individuals with Disabilities Education Act for Federal Fiscal Year 2021 (CFDA No. 84.181A; OMB No. 1820-0550)
- Instruction Sheet for Part C Annual State Application: FFY 2021
- Notice to All Applicants Regarding GEPA section 427
- EDGAR 34 CFR §76.703 – When A State May Begin To Obligate Funds