MEMORANDUM

TO: County and City Superintendents of Education

FROM: Thomas R. Bice
Superintendent of Education

RE: Amendments to Local Education Agency (LEA) Special Education Plan

In order to comply with the requirements of the Education Department General Administrative Regulations as well as some of the fiscal requirements of the Individuals with Disabilities Education Act, each LEA will need to submit amendments to its Special Education Plan for Students with Disabilities.

The required amendments are assurance statements for Chapter 9 (Financial Requirements) and Chapter 10 (Administration). The required documents are attached along with a blank signature form. Please insert the name of your LEA in the italicized area on each of the chapter areas and complete the blank signature page. The signature page must have original signatures. The completed documents should be mailed to the Alabama State Department of Education, Office of Learning Support, Special Education Services Section, to the attention of Ms. Cynthia C. Lester. The deadline for submitting the documentation is August 23, 2013. Once approved, you will receive an approval letter and a copy of the approved documents for your file.

If you have questions concerning this request, please contact Ms. Lester at (334) 242-8114.

TRB/CCL/SH

Attachments

cc: County and City Special Education Coordinators
   Mrs. Sherrill W. Parris
   Dr. Linda Felton-Smith
   Ms. Crystal Richardson
   Ms. Cynthia C. Lester

FY13-2077
SPECIAL EDUCATION PLAN
FOR CHILDREN WITH DISABILITIES

EDUCATION AGENCY NAME: ________________________________

By submitting this plan, the signatures of the education officials signed below ensure that special education services will be provided in accordance with federal and state laws and regulations and will be consistent with the individualized needs of children with disabilities. This document is subject to the Freedom of Information Act.

______________________________  ________________________________
Special Education Coordinator    Superintendent/Director

___________________________  _____________________________
Date                        Date

APPROVED:

______________________________  _____________________________
State Superintendent of Education Date
CHAPTER 9
FINANCIAL REQUIREMENTS

Education Agency: (Insert public agency name)

IDEA Flow-Through Funds

I. The public agency will submit an LEA Plan and meet the requirements of federal statutes and regulations [LEA Application and Assurances – 34 CFR §300.200; EDGAR 34 CFR §76.400-401].

Fund Obligation

II. The public agency will describe how it will use IDEA Part B and Preschool funds by completing the annual budget application data requirement and submitting it to the Alabama State Department of Education for approval prior to the receipt of funds [EDGAR 34 CFR §76.703; 76.707-710; and 34 CFR §80.23].

Fund Obligation during Carryover Period

III. The public agency will obligate remaining funds during a carryover period of one additional fiscal year if funds have not been obligated by the end of the fiscal year that funds were appropriated. Obligations made during the carryover period are subject to current statutes, regulations, and applications [EDGAR 34 CFR §76.709].

Allowable Activities

IV. The public agency will ensure its use of Part B IDEA funds to pay for allowable activities of providing special education and related services [34 CFR §300.16 & 300.202; OMB Circular A-87 &A-133].

Allowable Costs/Cost Principles

V. The public agency will ensure its use of Part B IDEA funds to pay excess cost of providing special education and related services [34 CFR §300.16 & 300.202; OMB Circular A-133] and ensure that costs are necessary, reasonable, and allocable [OMB Circular A-87; EDGAR 34 CFR §80.22].

Excess Cost

VI. The public agency will use funds provided under Part B of the IDEA only for costs which exceed the amount computed under Appendix A to Part 300 – Excess Cost Calculation and that are directly attributable to the education of children with disabilities [34 CFR §300.16 & 300.202; Appendix A to Part 300; EDGAR 34 CFR §80.26 & OMB Circular A-133].
Supplement not Supplant

VII. The public agency will use funds provided under Part B of the IDEA to supplement and, to the extent practicable, increase the level of state and local funds expended for the education of children with disabilities, but in no case to supplant those state and local funds [34 CFR §300.162(c) & 300.202(a)(3)].

VIII. The public agency will ensure that it does not commingle IDEA funds with state funds and expend funds appropriately [34 CFR §300.162(b)].

Fiscal Control and Fund Accounting

IX. The public agency will use fiscal control and fund accounting procedures that insure proper disbursement of and accounting for Federal and state funds [EDGAR 34 CFR §76.702]

Maintenance of Effort (MOE)

X. The public agency will ensure to maintain effort, including exceptions and adjustments to MOE [34 CFR §300.203-205].

Coordinate Early Intervening Services (CEIS)

XI. The public agency will ensure that, if significant disproportionality is identified, the LEA will use 15% of its IDEA Part B and Preschool allocations for CEIS [34 CFR 300.646(b)(2)] and will track and report the number of children served and, subsequently, the number of children who will receive special education and related services under Part B of IDEA during the preceding two year period for CEIS [34 CFR 300.226].

Equitable Services (Proportionate Share for Eligible Private School Students with Disabilities)

XII. The public agency will spend its proportionate share of IDEA funds on equitable services for parentally-placed private school children with disabilities [34 CFR 300.132-300.137].

XIII. The public agency will ensure that the proportionate share funds do not benefit a private school, the appropriate use of public and private school personnel to provide equitable services and the proportionate share funds remain in control of the LEA [34 CFR §300.141-300.142 & §300.144(a)]
CHAPTER 10
ADMINISTRATION

Education Agency: *(Insert public education agency name)*

Implementation of State and Federal Laws and Regulations

I. The public agency ensures that it will implement the Alabama State Plan for Special Education, the Alabama Administrative Code, and all state and federal laws and regulations applicable to children with disabilities [34 CFR §300.200].

Information for SEA

II. The public agency ensures that it will provide information necessary to enable the ALSDE to carry out its duties under Part B of the IDEA, including, with respect to 34 CFR §300.157, information relating to the performance of children with disabilities participating in programs carried out under Part B of the Act [34 CFR §300.211].

Policies, Procedures and Programs

III. The public agency ensures that it will have in effect policies, procedures and programs that are consistent with state policies and procedures, including the use of any required state forms [34 CFR §300.201].

Reports and Records

IV. The public agency ensures that it will maintain records and afford the ALSDE access to records which verify the correctness of information submitted [EDGAR 34 CFR §76.722; 76.730; 76.731 & 76.740].

School-wide Programs

V. The public agency will use funds under Part B of the IDEA to carry out school-wide programs under Section 1114 of the ESEA, not to exceed the amount received by the LEA under Part B of this Act for that fiscal year [34 CFR §300.206].

Accessible Instructional Material

VI. The public agency ensures that it will provide instructional materials in accessible format to blind persons or other persons with print disabilities [34 CFR §300.210(2)-210(3)].
Public Availability of Eligibility Documents

VII. The public agency ensures that it will make available to parents of children with disabilities and to the general public all documents related to the eligibility of this agency under Part B of the IDEA [34 CFR §300.212].

Records Regarding Migratory Children with Disabilities

VIII. The public agency ensures that it will implement Section 1308 of the ESEA to ensure linkage of records pertaining to migratory children with disabilities for the purpose of electronically exchanging, among the states, health and education information regarding those children [34 CFR §300.213].

Local Charter Schools Treated as a Public School

IX. The public agency ensures that children with disabilities attending charter schools are served in the same manner as the public school children including providing supplementary and related services on site at the charter schools to the same extent as other public schools [34 CFR §300.209(b)(i)].