



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES
OFFICE OF SPECIAL EDUCATION PROGRAMS

July 1, 2020

Honorable Pedro Rivera
Secretary of Education
Pennsylvania Department of Education
333 Market Street, 10th Floor
Harrisburg, Pennsylvania 17126

Dear Secretary Rivera:

We have approved Pennsylvania's application for Federal Fiscal Year (FFY) 2020 funds under Part B of the Individuals with Disabilities Education Act (IDEA Part B). Our approval is based on our review of the IDEA Part B application submitted by the Pennsylvania Department of Education to the U.S. Department of Education (Department), Office of Special Education Programs (OSEP), on May 11, 2020, including the assurances provided in Section II and incorporated by reference to this letter as noted in Enclosure A. Our approval is also based on the State's certification in Section II.D of its FFY 2020 application (Enclosure B), signed by you on April 27, 2020, that the State's provisions meet the requirements of IDEA Part B as found in Public Law 108-446, and that the State will operate its Part B program in accordance with all of the required assurances and certifications, consistent with 34 CFR §76.104.

Please note that OSEP Memorandum 20-01, dated January 23, 2020, explained the impact of recent amendments to the Copyright Act, 17 U.S.C. § 121, on certain terms relevant to Assurance 23a or 23b related to accessible instructional materials as reflected in your State's FFY 2020 application for funds under IDEA Part B. As a result, the term "blind and other persons with print disabilities" has been removed from the Copyright Act and replaced with "eligible person," and the term "specialized format" has been removed and replaced with the term "accessible format." Although at this time Congress has not made conforming amendments to section 612(a)(23) of IDEA, the Department construes Assurances 23a and 23b as incorporating the terms "eligible person" and "accessible format."

Please note that as part of your application for FFY 2020, your State has provided a certification, pursuant to 34 CFR §76.104, that its application meets the requirements of IDEA Part B and that the State will operate its Part B program in accordance with all of the required assurances and certifications. Any changes made by the State, after OSEP approval, to information that is a part of a State's application, must meet the public participation requirements in 34 CFR §300.165.

Enclosed are the State's FFY 2020 grant awards for funds currently available under Title III of Division A of the Further Consolidated Appropriations Act, 2020 (Public Law 116-94) for the IDEA Part B Section 611 (Grants to States) and Section 619 (Preschool Grants) programs. These funds are available for obligation by States from July 1, 2020, through September 30, 2022, in accordance with 34 CFR §76.709.

The amount in your award for Section 619 represents the full amount of funds to which you are entitled. However, the amount shown in your award for the Section 611 program is only part of

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the total funds that will be awarded to you for FFY 2020. Of the \$12,764,392,000 appropriated for Section 611 in FFY 2020, \$3,481,009,000 is available for awards on July 1, 2020, and \$9,283,383,000 will be available for awards on October 1, 2020. Under the Section 611 formula, in a year in which the amount available for allocations to States increases from the prior year, subject to certain maximum and minimum funding requirements, State allocations are based on the amount that each State received under Section 611 for FFY 1999, the relative population of children in the age range for which each State ensures the availability of a free appropriate public education (FAPE) to children with disabilities, and the relative population of children living in poverty in the age range for which each State ensures the availability of FAPE to children with disabilities.¹

For FFY 2020, the appropriation for the Preschool Grants program is \$394,120,000. Under the Section 619 formula in a year in which the amount available for allocations to States remains the same or increases from the prior year, State allocations, subject to certain maximum and minimum funding requirements, are based on the amount that each State received under Section 619 for FFY 1997, the relative population of children aged three through five, and the relative population of all children aged three through five living in poverty.

Enclosure C provides a short description of how Section 611 funds were allocated and how those funds can be used. In addition, Table I in Enclosure C shows funding levels for distribution of Section 611 funds and the parameters for within-State allocations.

Enclosure D provides a short description of how Section 619 funds were allocated and how those funds can be used. In addition, Table II in Enclosure D shows State-by-State funding levels for distribution of Section 619 funds.

Section 611(e)(1)(C) of the IDEA provides that “[p]rior to expenditure of funds under this paragraph [Section 611(e)(1) concerning funds for State administration], the State shall certify to the Secretary that the arrangements to establish responsibility for services pursuant to [S]ection 612(a)(12)(A) are current.” We read this provision to mean that if a State does not have interagency agreements or other arrangements in place to establish responsibility for the provision of services, the State may not expend funds available to the State under Section 611(e)(1) [State administration funds] until the State has these agreements or arrangements in place.

Under Section 608(a)(2) of the IDEA, each State that receives funds under IDEA Part B is required to inform, in writing, local educational agencies located in the State of any State-imposed rule, regulation, or policy that is not required by IDEA or Federal regulations. A State may use the same list of State-imposed rules, regulations, and policies that it was required to submit to the Department in Section IV of its IDEA Part B application for this purpose.

¹ The amount that a State’s allocation may increase from one year to the next is capped at the amount the State received in the prior year multiplied by the sum of 1.5 percent and the percentage increase in the total amount appropriated for Part B of IDEA from the prior year. Additionally, the maximum amount that a State may receive in any fiscal year is calculated by multiplying the number of children with disabilities ages 3 through 21 served during the 2004-2005 academic year in that State by 40 percent of the annual per pupil expenditure (APPE), adjusted by the rate of annual change in the sum of 85 percent of the children aged 3 through 21 for whom that State ensures the availability of FAPE and 15 percent of the children living in poverty. Because there are multiple caps, in any year the “effective cap” on a State’s allocation is the lowest cap for that State.

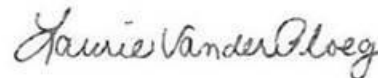
In Section V of its IDEA Part B application, pursuant to the authority in IDEA Section 618(a)(3), the State was required to submit data on the total amount of State financial support made available for special education and related services for children with disabilities in State fiscal year (SFY) 2018 and SFY 2019. If OSEP receives information through audits, fiscal monitoring or other means that raises questions about the data your State has provided in Section V, OSEP will follow-up with your State.

Section 604 of the IDEA provides that “[a] State shall not be immune under the 11th amendment to the Constitution of the United States from suit in Federal court for a violation of this [Act].” Section 606 provides that each recipient of assistance under the IDEA make positive efforts to employ and advance in employment qualified individuals with disabilities in programs assisted under the IDEA. Therefore, by accepting this grant, your State is expressly agreeing as a condition of IDEA funding to a waiver of Eleventh Amendment immunity and to ensuring that positive efforts are made to employ and advance employment of qualified individuals with disabilities in programs assisted under the IDEA.

The enclosed grant awards of FFY 2020 funds are made with the continued understanding that this Office may, from time to time, require clarification of information within your application, if necessary. These inquiries may be necessary to allow us to appropriately carry out our administrative responsibilities related to IDEA Part B.

As a reminder, all prime recipients of IDEA Part B funds must report subaward information as required by the Federal Funding Accountability and Transparency Act of 2006 (FFATA), as amended in 2008. First-tier subaward information must be reported by the end of the following month from when the award was made or obligated. FFATA guidance is found at <https://www.fsr.gov/>. Please contact your State’s Fiscal Accountability Facilitator if you have further questions.

We appreciate your ongoing commitment to the provision of quality educational services to children with disabilities.



Sincerely,

Laurie VanderPloeg
Director
Office of Special Education Programs

Enclosures

Enclosure A (Sections II.A-C. of the State’s application)

Enclosure B (Section II.D. of the State’s application)

Enclosure C

Enclosure D

cc: State Director of Special Education

State Name: Pennsylvania

Enclosure A

Section II

A. Assurances Related to Policies and Procedures

The State makes the following assurances that it has policies and procedures in place as required by Part B of the Individuals with Disabilities Education Act. (20 U.S.C. 1411-1419; 34 CFR §§300.100-300.174)

<p>Yes <i>(Assurance is given.)</i></p>	<p>No <i>(Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)</i> <i>Check and enter date(s) as applicable</i></p>	<p>Assurances Related to Policies and Procedures</p>
<p>X</p>		<p>1. A free appropriate public education is available to all children with disabilities residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled, in accordance with 20 U.S.C. 1412(a)(1); 34 CFR §§300.101-300.108.</p>
<p>X</p>		<p>2. The State has established a goal of providing a full educational opportunity to all children with disabilities and a detailed timetable for accomplishing that goal. (20 U.S.C. 1412(a)(2); 34 CFR §§300.109-300.110)</p>
<p>X</p>		<p>3. All children with disabilities residing in the State, including children with disabilities who are homeless or are wards of the State and children with disabilities attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services in accordance with 20 U.S.C. 1412(a)(3); 34 CFR §300.111.</p>
<p>X</p>		<p>4. An individualized education program, or an individualized family service plan that meets the requirements of section 636(d), is developed, reviewed, and revised for each child with a disability in accordance with 34 CFR §§300.320 through 300.324, except as provided in §§300.300(b)(3) and 300.300(b)(4). (20 U.S.C. 1412(a)(4); 34 CFR §300.112)</p>

X		5. To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes,
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		separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily in accordance with 20 U.S.C. 1412(a)(5)(A)-(B); 34 CFR §§300.114-300.120.
X		6. Children with disabilities and their parents are afforded the procedural safeguards required by 34 CFR §§300.500 through 300.536 and in accordance with 20 U.S.C. 1412(a)(6); 34 CFR §300.121.
X		7. Children with disabilities are evaluated in accordance with 34 CFR §§300.300 through 300.311. (20 U.S.C. 1412(a)(7); 34 CFR §300.122)
X		8. Agencies in the State comply with 34 CFR §§300.610 through 300.626 (relating to the confidentiality of records and information). (20 U.S.C. 1412(a)(8); 34 CFR §300.123)
X		9. Children participating in early intervention programs assisted under Part C, and who will participate in preschool programs assisted under this part, experience a smooth and effective transition to those preschool programs in a manner consistent with section 637(a)(9). By the third birthday of such a child, an individualized education program or, if consistent with 34 CFR §300.323(b) and section 636(d), an individualized family service plan, has been developed and is being implemented for the child. The local educational agency will participate in transition planning conferences arranged by the designated lead agency under section 635(a)(10). (20 U.S.C. 1412(a)(9); 34 CFR §300.124)
X		10. Agencies in the State, and the SEA if applicable, comply with the requirements of 34 CFR §§300.130 through 300.148 (relating to responsibilities for children in private schools), including that to the extent consistent with the number and location of children with disabilities in the State who are enrolled by their parents in private elementary schools and secondary schools in the school district served by a local educational agency, provision is made for the participation of those children in the program assisted or carried out under this part by providing for such children special education and related services in accordance with the requirements found in 34 CFR §§300.130 through 300.148 unless the Secretary has arranged for services to those children under subsection (f) [By pass]. (20 U.S.C. 1412(a)(10); 34 CFR §§300.129-300.148)
X		11. The State educational agency is responsible for ensuring that the requirements of Part B are met including the requirements of 34 CFR §§300.113, 300.149, 300.150 through 300.153, and 300.175 and 300.176 and that the State monitors and enforces the requirements of Part B in accordance with 34 CFR §§300.600-300.602 and 300.606- 300.608. (20 U.S.C. 1412(a)(11); 34 CFR §300.149)

X		12. The Chief Executive Officer of a State or designee of the officer shall ensure that an interagency agreement or other mechanism for interagency coordination is in effect between each public agency
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		described in subparagraph (b) of 34 CFR §300.154 and the State educational agency, in order to ensure that all services described in paragraph (b)(1)(i) that are needed to ensure a free appropriate public education are provided, including the provision of such services during the pendency of any dispute under §300.154(a)(3). Such agreement or mechanism shall meet the requirements found in 20 U.S.C. 1412(a)(12)(A)-(C); 34 CFR §300.154.
X		13. The State educational agency will not make a final determination that a local educational agency is not eligible for assistance under this part without first affording that agency reasonable notice and an opportunity for a hearing. (20 U.S.C. 1412(a)(13); 34 CFR §300.155)
X		14. The State educational agency has established and maintains qualifications to ensure that personnel necessary to carry out this part are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities as noted in 20 U.S.C. 1412(a)(14)(A)-(E); 34 CFR §300.156.
X		15. The State has established goals for the performance of children with disabilities in the State that meet the requirements found in 20 U.S.C. 1412(a)(15)(A)-(C); 34 CFR §300.157.
X		16. All children with disabilities are included in all general State and districtwide assessment programs, including assessments described under section 1111 of the Elementary and Secondary Education Act of 1965, with appropriate accommodations and alternate assessments where necessary and as indicated in their respective individualized education programs as noted in 20 U.S.C. 1412(a)(16)(A)-(E); 34 CFR §300.160.
X		17. Funds paid to a State under this part will be expended in accordance with all the provisions of Part B including 20 U.S.C. 1412(a)(17)(A)-(C); 34 CFR §300.162.
X		18. The State will not reduce the amount of State financial support for special education and related services for children with disabilities, or otherwise made available because of the excess costs of educating those children, below the amount of that support for the preceding fiscal year, unless a waiver is granted, in accordance with 20 U.S.C. 1412(a)(18)(A)-(D); 34 CFR §§300.163 through 300.164.
X		19. Prior to the adoption of any policies and procedures needed to comply with this section (including any amendments to such policies and procedures), the State ensures that there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities. (20 U.S.C. 1412(a)(19); 34 CFR §300.165)
X		20. In complying with 34 CFR §§300.162 and 300.163, a State may not use funds paid to it under this part to satisfy State-law mandated funding obligations to local educational agencies, including funding based on student attendance or enrollment, or inflation. (20 U.S.C. 1412(a)(20); 34 CFR §300.166)

X		21. The State has established and maintains an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State as found in 20 U.S.C. 1412(a)(21)(A)-(D); 34 CFR §§300.167-300.169.
X		22. The State educational agency examines data, including data disaggregated by race and ethnicity, to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities in accordance with 20 U.S.C. 1412(a)(22)(A)-(B); 34 CFR §300.170.
X		23a. The State adopts the National Instructional Materials Accessibility Standard for the purposes of providing instructional materials to blind persons or other persons with print disabilities, in a timely manner after the publication of the National Instructional Materials Accessibility Standard in the Federal Register in accordance with 20 U.S.C. 1412(a)(23)(A) and (D); 34 CFR §300.172.
		23b. <i>(Note: Check either "23b.1" or "23b.2" whichever applies.</i>
X		23b.1 The State educational agency coordinates with the National Instructional Materials Access Center and not later than 12/03/06 the SEA as part of any print instructional materials adoption process, procurement contract, or other practice or instrument used for purchase of print instructional materials enters into a written contract with the publisher of the print instructional materials to: <ul style="list-style-type: none"> • require the publisher to prepare and, on or before delivery of the print instructional materials, provide to the National Instructional Materials Access Center, electronic files containing the contents of the print instructional materials using the National Instructional Materials Accessibility Standard; or • purchase instructional materials from the publisher that are produced in, or may be rendered in, specialized formats. (20 U.S.C. 1412(a)(23)(C); 34 CFR §300.172)
N/A		23b.2 The State educational agency has chosen not to coordinate with the National Instructional Materials Access Center but assures that it will provide instructional materials to blind persons or other persons with print disabilities in a timely manner. (20 U.S.C. 1412(a)(23)(B); 34 CFR §300.172)
X		24. The State has in effect, consistent with the purposes of the IDEA and with section 618(d) of the Act, policies and procedures designed to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment described in 34 CFR §300.8. (20 U.S.C 1412(a)(24); 34 CFR §300.173)
X		25. The State educational agency shall prohibit State and local educational agency personnel from requiring a child to obtain a prescription for a substance covered by the Controlled Substances Act (21 U.S.C.812(c)) as a condition of attending school, receiving an

		34 CFR §§300.300 through 300.311, or receiving services under the IDEA as described in 20 U.S.C. 1412(a)(25)(A)-(B); 34 CFR §300.174.
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B. Other Assurances

The State also makes the following assurances:

Y e s	Other Assurances
X	1. The State shall distribute any funds the State does not reserve under 20 U.S.C. 1411(e) to local educational agencies (including public charter schools that operate as local educational agencies) in the State that have established their eligibility under section 613 for use in accordance with this part as provided for in 20 U.S.C. 1411(f)(1)-(3); 34 CFR §300.705.
X	2. The State shall provide data to the Secretary on any information that may be required by the Secretary. (20 U.S.C. 1418(a)(3); 34 CFR §§300.640-300.645.)
X	3. The State, local educational agencies, and educational service agencies shall use fiscal control and fund accounting procedures that insure proper disbursement of and accounting for Federal funds. (34 CFR §76.702)
X	4. As applicable, the assurance in OMB Standard Form 424B (Assurances for Non-Construction Programs), relating to legal authority to apply for assistance; access to records; conflict of interest; merit systems; nondiscrimination; Hatch Act provisions; labor standards; flood insurance; environmental standards; wild and scenic river systems; historic preservation; protection of human subjects; animal welfare; lead-based paint; Single Audit Act; and general agreement to comply with all Federal laws, executive orders and regulations.

C. Certifications

The State is providing the following certifications:

Y e s	Certifications
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	2. The State certifies that certification in the Education Department General Administrative Regulations (EDGAR) at 34 CFR §76.104 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.

X	3. The State certifies that the arrangements to establish responsibility for services pursuant to 20 U.S.C. 1412(a)(12)(A)-(C); 34 CFR §300.154 (or 20 U.S.C. 1412(a)(12)(A); 34 CFR §300.154(a) are current. This certification must be received prior to the expenditure of any funds reserved by the State under 20 U.S.C. 1411(e)(1); 34 CFR §300.171.
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Enclosure C
IDEA Grants to States Program
(Part B, Section 611)

Explanation of the Federal Fiscal Year (FFY) 2020 Allocation Table

Total Grant Award (Column B)

Column B shows your total grant award for the Grants to States program for FFY 2020 under Title III of Division A of the Further Consolidated Appropriations Act, 2020 (Public Law 116-94).

State total grants are calculated in accordance with several factors. First, each State is allocated an amount equal to the amount that it received for fiscal year 1999. If the total program appropriation increases over the prior year, 85 percent of the remaining funds are allocated based on the relative population of children aged 3 through 21 who are in the age range for which the State ensures the availability of a free appropriate public education (FAPE) to children with disabilities. Fifteen percent of the remaining funds are allocated based on the relative population of children aged 3 through 21 living in poverty who are in the age range for which the State ensures the availability of FAPE to children with disabilities. The statute also includes several maximum and minimum allocation requirements when the amount available for distribution to States increases.

If the amount available for allocation to States remains the same from one year to the next, States receive the same level of funding as in the prior year. If the amount available for allocation to States decreases from the prior year, any amount available for allocation to States above the fiscal year 1999 level is allocated based on the relative increases in funding that the States received between fiscal year 1999 and the prior year. If there is a decrease below the amount allocated for 1999, each State's allocation is ratably reduced from the fiscal year 1999 level.

Section 611 Base Allocation to LEAs (Column C)

Column C is the portion of the local educational agency (LEA) flow-through amount that must be distributed to LEAs based on the amounts that the LEAs would have received from FFY 1999 funds had the State educational agency (SEA) flowed through 75 percent of the State award to LEAs. Note that this amount is less than the minimum amount that States were required to provide to LEAs from FFY 1999 funds. The Part B regulations at 34 CFR §300.705(b)(2) clarify how adjustments to the base payment amounts for LEAs are made.

Maximum Set-Aside for Administration (Column D)

Column D includes the maximum State set-aside amount for administration. A State may reserve for State administration up to the greater of the maximum amount the State could reserve for State administration from fiscal year 2004 funds, or \$800,000, increased by inflation as reflected by the Consumer Price Index for All Urban Consumers (CPIU). The maximum State set-aside amount available for administration for FFY 2020 is a 2.0 percent increase over the maximum amount that was available for FFY 2019. Each outlying area may reserve for each fiscal year not more than 5 percent of the amount the outlying area receives under this program or \$35,000, whichever is greater.

Maximum Set-Aside Available for Other State-Level Activities (Columns E - H)

The maximum level of funding that may be set aside from a State's total allocation for State-level activities, other than administration, is contingent upon the amount that the State actually sets aside for administration and whether the State opts to establish a LEA high-risk pool under IDEA, section 611(e)(3). For FFY 2020:

- (1) If the actual amount a State will set aside for State administration is over \$850,000 and the State will use funds from its award to support a high-risk pool, the maximum amount the State may set aside of its total award for State-level activities (other than administration) is 10.0 percent of its FFY 2006 award as adjusted for inflation based on the CPIU.
- (2) If the actual amount a State will set aside for State administration is over \$850,000 and the State will not use funds from its award to support a high-risk pool, the maximum amount the State may set aside of its total award for State-level activities (other than administration) is 9.0 percent of its FFY 2006 award as adjusted for inflation based on the CPIU.
- (3) If the actual amount a State will set aside for State administration is \$850,000 or less and the State will use funds from its award to support a high-risk pool, the maximum amount the State may set aside of its total award for State-level activities (other than administration) is 10.5 percent of its FFY 2006 award as adjusted for inflation based on the CPIU.
- (4) If the actual amount a State will set aside for State administration is \$850,000 or less and the State will not use funds from its award to support a high-risk pool, the maximum amount the State may set aside of its total award for State-level activities (other than administration) is 9.5 percent of its FFY 2006 award as adjusted for inflation based on the CPIU.

SEAs are required to use some portion of these State set-aside funds on monitoring, enforcement, and complaint investigation and to establish and implement the mediation process required by section 615(e), including providing for the costs of mediators and support personnel. In addition, States setting aside funds for a high-risk pool, as provided for under section 611(e)(3), must reserve at least 10 percent of the amount the State reserved for State-level activities for the high-risk pool.

SEAs also may use State set-aside funds: (1) for support and direct services, including technical assistance, personnel preparation, and professional development and training; (2) to support paperwork reduction activities, including expanding the use of technology in the individualized education program process; (3) to assist LEAs in providing positive behavioral interventions and supports and mental health services to children with disabilities; (4) to improve the use of technology in the classroom by children with disabilities to enhance learning; (5) to support the use of technology, including technology with universal design principles and assistive technology devices, to maximize accessibility to the general education curriculum for children with disabilities; (6) for development and implementation of transition programs, including coordination of services with agencies involved in supporting the transition of students with disabilities to postsecondary activities; (7) to assist LEAs in meeting personnel shortages; (8) to support capacity building activities and improve the delivery of services by LEAs to improve results for children with disabilities; (9) for alternative programming for children with disabilities who have been expelled from school, and services for children with disabilities in correctional facilities, children enrolled in State-operated or State-supported schools, and children with disabilities in charter schools; (10) to support the development and provision of appropriate accommodations for children with disabilities, or the development and provision of alternate assessments that are valid and reliable for assessing the performance of children with disabilities,

in accordance with sections 1111(b) and 1201 of the Elementary and Secondary Education Act of 1965 (ESEA); and (11) to provide technical assistance to schools and LEAs, and direct services, including direct student services described in section 1003A(c)(3) of the ESEA to children with disabilities, in schools or LEAs implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d) of the ESEA on the basis of consistent underperformance of the disaggregated subgroup of children with disabilities, including providing professional development to special and regular education teachers, who teach children with disabilities, based on scientifically based research to improve educational instruction, in order to improve academic achievement based on the challenging academic standards described in section 1111(b)(1) of the ESEA.

Section 611 Population/Poverty

The minimum amount that a State must flow through to LEAs based on population/poverty equals the total award (Column B) minus the LEA base allocation (Column C), the maximum amount available for administration (Column D), and the maximum amount available for other State-level activities (Column E, F, G, or H). Of this amount, 85 percent must be distributed on a pro-rata basis to LEAs according to public and private elementary and secondary school enrollment, and 15 percent on a pro-rata basis to LEAs according to the number of children in LEAs living in poverty, as determined by the State.

Enclosure D
IDEA Preschool Grants Program
(Part B, Section 619)

Explanation of the Federal Fiscal Year (FFY) 2020 Allocation Table

Total Grant Award (Column B)

Column B shows your total grant award for the Preschool Grants program for FFY 2020 under the Title III of Division A of the Further Consolidated Appropriations Act, 2020 (Public Law 116-94).

State total grants are calculated in accordance with several factors. First, each State is allocated an amount equal to its fiscal year 1997 allocation. For any year in which the appropriation is greater than the prior year level, 85 percent of the funds above the fiscal year 1997 level are distributed based on each State's relative population of children aged 3 through 5. The other 15 percent is distributed based on each State's relative population of children aged 3 through 5 who are living in poverty. The formula provides several minimums and maximums regarding the amount a State can receive in any year.

If the amount available for allocation to States remains the same from one year to the next, States receive the same level of funding as in the prior year. If the amount available for allocation to States decreases from the prior year, any amount available for allocation to States above the fiscal year 1997 level is allocated based on the relative increases in funding that the States received between fiscal year 1997 and the prior year. If there is a decrease below the amount allocated for fiscal year 1997, each State's allocation is ratably reduced from the fiscal year 1997 level.

Maximum State Set-Aside (Column C)

States may reserve funds for State-level activities up to an amount equal to 25 percent of the amount they received for fiscal year 1997 under the Preschool Grants program, adjusted upward each year by the lesser of either the rate of increase in the State's allocation or the rate of inflation as reflected by the Consumer Price Index for All Urban Consumers (CPIU). If a State chooses to set-aside the maximum amount of FFY 2020 section 619 funds for State-level activities, the amount available for making local educational agency (LEA) base payments in Column E may be below 75 percent of the State's FFY 1997 section 619 grant.

State educational agencies (SEAs) may use State set-aside funds: (1) for administration (limited to no more than 20 percent of the maximum State set-aside – Column C); (2) for support services (including establishing and implementing the mediation process required under section 615(e) of the IDEA and 34 CFR §300.506), which may benefit children with disabilities younger than 3 or older than 5, as long as those services also benefit children with disabilities aged 3 through 5; (3) for direct services for children with disabilities who are eligible for services under section 619; (4) for activities at the State and local levels to meet the performance goals established by the State under section 612(a)(15) of the IDEA; (5) to supplement other funds used to develop and implement a statewide coordinated services system designed to improve results for children and families, including children with disabilities and their families (but not more than up to 1 percent of the amount received under this program); (6) to provide early intervention services (which shall include an educational component that promotes school readiness and incorporates preliteracy, language, and numeracy skills) in accordance with Part C to children with disabilities who are eligible for services under section 619 and who previously received services under Part

C until such children enter, or are eligible under State law to enter, kindergarten; or (7) at the State's discretion, to continue service coordination or case management for families who receive services under Part C, consistent with number 6.

Maximum Set-Aside Available for Administration (Column D)

Column D indicates the maximum portion of the total State set-aside amount (Column C) that may be used to administer this program. The amount that may be used for administration is limited to 20 percent of the maximum amount available to a State for State-level activities. These funds may also be used, at the State's discretion, for the administration of the Grants for Infants and Families program (Part C).

Section 619 Base Payment for LEAs (Column E)

Column E is the portion of the LEA flow-through amount that must be distributed to LEAs based on the amounts that the LEAs would have received from the FFY 1997 funds had the SEA flowed through 75 percent of the State award to LEAs. Note that this amount is less than the minimum amount that States were required to provide LEAs from the FFY 1997 funds. The Part B regulations at 34 CFR §300.816(b) clarify how adjustments to the base payment amounts for LEAs are made. If after the State set-aside is subtracted from the total award, the State determines that the amount available for base payments is less than 75 percent of the State's FFY 1997 section 619 grant, the State must ratably reduce each LEA's base payment by the percentage of the reduction in the total amount actually available for making base payments in FFY 2017. For example, if the total amount in the "Base Payment for LEAs" column is \$100 and the total amount available for making base payments in FFY 2019 is \$90, the reduction in the total base payment amount is 10 percent, and each LEA's base payment for FFY 2020 must be reduced by 10 percent. The State, if necessary, must make base payment adjustments in accordance with 34 CFR §300.816(b) based on the ratably reduced base payments.

Section 619 Population/Poverty Factors (Column F)

Column F shows the minimum amount a State must allocate to LEAs based on population and poverty factors if a State chooses to set aside the maximum amount of FFY 2020 section 619 funds for State-level activities. As noted above, if a State chooses to set aside the maximum amount of FFY 2020 section 619 funds for State-level activities, the amount available for LEA subgrants could be below the base payment amount in Column E, and the State will not have any remaining section 619 funds available after making base payments. Therefore, the State would be unable to make a population or poverty payment. If States with no funds in Column F reserve the maximum amount of FFY 2020 section 619 funds for State-level activities, they would be unable to make a population or poverty payment.

However, if a State does not set aside the maximum amount for State-level activities and additional funds are available after making base payments, 85 percent of the remaining amount must be distributed on a pro-rata basis to LEAs according to public and private elementary and secondary school enrollment, and 15 percent on a pro-rata basis to LEAs according to the number of children in LEAs living in poverty, as determined by the State.

Total State Minimum Flow-Through to LEAs (Column G)

The minimum flow-through to LEAs (Column G) is the difference between the Total Grant Award (Column B) and the Maximum State Set-Aside (Column C). If States do not choose to retain the maximum amount available under the State set-aside (Column C), the remaining funds flow through to LEAs in addition to the funds in Column G.



May 14, 2020

United States Department of Education
Potomac Center Plaza
Mail Stop 2600, Room 5031-A
550 12th Street, SW
Washington, DC 20202

To Whom It May Concern:

On behalf of the Commonwealth of Pennsylvania, Department of Education, please find enclosed the grant application under Part B of the Individuals with Disabilities Education Act (IDEA) as Amended in 2004. This submission is for the Federal Fiscal Year 2020 and consistent with the procedures in the Office of Special Education Programs (OSEP) Memorandum 20-01.

To ensure Pennsylvania's compliance with IDEA, please find enclosed documents that are consistent with OSEP Memorandum 20-01: (1) Section I-Submission Statement and Assurances; (2) Section II-Assurances; (3) Section III-Description of Use of Funds in the Excel Interactive Spreadsheet and a description of the process used to get input from the Local Education Agencies (LEAs); and (4) Section IV-State Administration. Additionally, please note that the Excel Interactive Spreadsheet has been attached to this application package. Regarding Section IV, notice (copy attached within the application) was issued March 10, 2020, to local education agencies of the State-imposed requirements not required by the IDEA statute or regulation.

The public participation requirements under §441 of the General Education Provisions Act (GEPA) at 20 USC 1232d (b)(7)(B) and IDEA were met including the provision of making the grant application including the assurances, use of funds (excel interactive spreadsheet), and Pennsylvania Policies and Procedures available for sixty days and subsequently accepting public comment for thirty days. Pennsylvania met public notice of participation requirement by:

- Notice Publication in the Pennsylvania Bulletin on February 29, 2020, PA Bulletin Volume 50, Number 9.
- To ensure circulation throughout the Commonwealth, publication in numerous newspapers statewide were completed.
- Public availability began on March 2, 2020.
- Availability of the grant application including the assurances, use of funds, and the IDEA-B policies and procedures were accessible through the PaTTAN website: www.pattan.net, PDE website: www.education.pa.gov, or by contacting the Bureau of Special Education for copies and alternate formats.
- The public comment period ended on April 30, 2020.

With regard to §427 GEPA requirement, OSEP has previously approved the PDE's description currently on file with OSEP, and Pennsylvania has not revised its description. Therefore, a copy is not enclosed.

With regard to “Year of Age Cohort for Which Free Appropriate Public Education (FAPE) is Ensured” chart, Pennsylvania’s description is current, and no changes are necessary.

In closing, thank you for your assistance and we look forward to the receipt of our federal fiscal year (FFY) 2020 Federal Grant under Part B of the Individuals with Disabilities Education Act as Amended in 2004. If you have any questions on this information, please feel free to contact Lisa Irgang at lirgang@pa.gov or 215.379.1023.

Sincerely,

Carole L. Clancy, Director

Enclosures: Pennsylvania Annual State Application for FFY 2020
Excel Interactive Spreadsheet for FFY 2020
Year of Age Cohort (for years of age 3 through 21) for Which FAPE is Ensured

cc: Curtis Kinnard, OSEP (electronic submission)
File (w/enclosures)

OMB NO. 1820-0030

Expires: 1/31/2023

**ANNUAL STATE APPLICATION UNDER PART B OF THE
INDIVIDUALS WITH DISABILITIES EDUCATION ACT AS AMENDED IN 2004
FOR FEDERAL FISCAL YEAR 2020**

CFDA No. 84.027A and 84.173A

ED FORM No. 9055

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

Washington, DC 20202-2600

Public 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 currently valid OMB control number. The valid OMB control number for this collection is 1820-0030. Public reporting burden for this collection of information is estimated to average 14 hours per responses, and an average of 25 additional hours for responses reporting data related to significant disproportionality in a given year, including the 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 a benefit under 20 U.S.C. 1411 and 1419. If you have comments or concerns regarding the status of your individual submission of this form, please contact Jennifer Simpson at Jennifer.Simpson@ed.gov or at the Office of Special Education and Rehabilitative Services US Department of Education, 400 Maryland Avenue SW, Washington, DC 20202.

Respondents are required to submit information for Sections I-IV of the Annual State Application in order to receive a grant under Section(s) 611 and/or 619 of the Individuals with Disabilities Education Act. Respondents are required to provide the data in Section V pursuant to IDEA section 618(a)(3), which provides the Secretary authority to collect annual data on any information that may be required by the Secretary and 34 CFR §300.647(b)(7), which requires States to report all risk ratio thresholds, minimum cell sizes, minimum n-sizes, standards for measuring reasonable progress if the State uses the “reasonable progress” flexibility in 34 CFR §300.647(d)(2), and the rationales for each, to the Department.

A. Submission Statement for Part B of IDEA

Please select 1 or 2 below. Check 3 if appropriate.

1. The State provides assurances that it has in effect policies and procedures to meet all eligibility requirements of Part B of the Act as found in PL 108-446, the Individuals with Disabilities Education Act and applicable regulations (IDEA). The State is able to meet all assurances found in Section II.A of this Application.
2. The State cannot provide assurances for all eligibility requirements of Part B of the Act as found in PL 108-446. The State has determined that it is unable to make the assurances that are checked as 'No' in Section II.A. However, the State assures that throughout the period of this grant award the State will operate consistent with all requirements of IDEA in PL 108-446 and applicable regulations. The State 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, 2021. The State has included the date by which it expects to complete necessary changes associated with assurances marked 'No'. (Refer to Assurances found in Section II.A.)

Optional:

3. The State is submitting modifications to State policies and procedures previously submitted to the Department. These modifications are: (1) deemed necessary by the State, for example when the State revises applicable State law or regulations; (2) required by the Secretary because there is a 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 regulations.

B. Conditional Approval for Current Grant Year

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

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

- a. Section II.A provides documentation of completion of all issues identified in the FFY 2019 conditional approval letter.
- b. As noted in Section II.A, the State has not completed all issues identified in the FFY 2019 conditional approval letter.

2. Conditional Approval Related to Other Issues:

- a. The State previously submitted documentation of completion of all issues identified in the FFY 2019 conditional approval letter.
- b. The State is attaching documentation of completion of all issues identified in the FFY 2019 conditional approval letter. *(Attach documentation showing completion of all issues.)*
- c. The State has not completed all issues identified in the FFY 2019 conditional approval letter. *(Attach documentation showing completion of any issues and a list of items not yet completed.)*

Section II

A. Assurances Related to Policies and Procedures

The State makes the following assurances that it has policies and procedures in place as required by Part B of the Individuals with Disabilities Education Act. (20 U.S.C. 1411-1419; 34 CFR §§300.100-300.174)

<p>Yes <i>(Assurance is given.)</i></p>	<p>No <i>(Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)</i> <i>Check and enter date(s) as applicable</i></p>	<p>Assurances Related to Policies and Procedures</p>
<p>X</p>		<p>1. A free appropriate public education is available to all children with disabilities residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled, in accordance with 20 U.S.C. 1412(a)(1); 34 CFR §§300.101-300.108.</p>
<p>X</p>		<p>2. The State has established a goal of providing a full educational opportunity to all children with disabilities and a detailed timetable for accomplishing that goal. (20 U.S.C. 1412(a)(2); 34 CFR §§300.109-300.110)</p>
<p>X</p>		<p>3. All children with disabilities residing in the State, including children with disabilities who are homeless or are wards of the State and children with disabilities attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services in accordance with 20 U.S.C. 1412(a)(3); 34 CFR §300.111.</p>
<p>X</p>		<p>4. An individualized education program, or an individualized family service plan that meets the requirements of section 636(d), is developed, reviewed, and revised for each child with a disability in accordance with 34 CFR §§300.320 through 300.324, except as provided in §§300.300(b)(3) and 300.300(b)(4). (20 U.S.C. 1412(a)(4); 34 CFR §300.112)</p>

X		5. To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be
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<p>Yes (Assurance is given.)</p>	<p>No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.) Check and enter date(s) as applicable</p>	<p>Assurances Related to Policies and Procedures</p>
		<p>achieved satisfactorily in accordance with 20 U.S.C. 1412(a)(5)(A)-(B); 34 CFR §§300.114-300.120.</p>
<p>X</p>		<p>6. Children with disabilities and their parents are afforded the procedural safeguards required by 34 CFR §§300.500 through 300.536 and in accordance with 20 U.S.C. 1412(a)(6); 34 CFR §300.121.</p>
<p>X</p>		<p>7. Children with disabilities are evaluated in accordance with 34 CFR §§300.300 through 300.311. (20 U.S.C. 1412(a)(7); 34 CFR §300.122)</p>
<p>X</p>		<p>8. Agencies in the State comply with 34 CFR §§300.610 through 300.626 (relating to the confidentiality of records and information). (20 U.S.C. 1412(a)(8); 34 CFR §300.123)</p>
<p>X</p>		<p>9. Children participating in early intervention programs assisted under Part C, and who will participate in preschool programs assisted under this part, experience a smooth and effective transition to those preschool programs in a manner consistent with section 637(a)(9). By the third birthday of such a child, an individualized education program or, if consistent with 34 CFR §300.323(b) and section 636(d), an individualized family service plan, has been developed and is being implemented for the child. The local educational agency will participate in transition planning conferences arranged by the designated lead agency under section 635(a)(10). (20 U.S.C. 1412(a)(9); 34 CFR §300.124)</p>

X		<p>10. Agencies in the State, and the SEA if applicable, comply with the requirements of 34 CFR §§300.130 through 300.148 (relating to responsibilities for children in private schools), including that to the extent consistent with the number and location of children with disabilities in the State who are enrolled by their parents in private elementary schools and secondary schools in the school district served by a local educational agency, provision is made for the participation of those children in the program assisted or carried out under this part by providing for such children special education and related services in accordance with the requirements found in 34 CFR §§300.130 through 300.148 unless the Secretary has arranged for services to those children under subsection (f) [By pass]. (20 U.S.C. 1412(a)(10); 34 CFR §§300.129-300.148)</p>
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<p>Yes (Assurance is given.)</p>	<p>No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.) Check and enter date(s) as applicable</p>	<p>Assurances Related to Policies and Procedures</p>
<p>X</p>		<p>11. The State educational agency is responsible for ensuring that the requirements of Part B are met including the requirements of 34 CFR §§300.113, 300.149, 300.150 through 300.153, and 300.175 and 300.176 and that the State monitors and enforces the requirements of Part B in accordance with 34 CFR §§300.600-300.602 and 300.606- 300.608. (20 U.S.C. 1412(a)(11); 34 CFR §300.149)</p>
<p>X</p>		<p>12. The Chief Executive Officer of a State or designee of the officer shall ensure that an interagency agreement or other mechanism for interagency coordination is in effect between each public agency described in subparagraph (b) of 34 CFR §300.154 and the State educational agency, in order to ensure that all services described in paragraph (b)(1)(i) that are needed to ensure a free appropriate public education are provided, including the provision of such services during the pendency of any dispute under §300.154(a)(3). Such agreement or mechanism shall meet the requirements found in 20 U.S.C. 1412(a)(12)(A)-(C); 34 CFR §300.154.</p>
<p>X</p>		<p>13. The State educational agency will not make a final determination that a local educational agency is not eligible for assistance under this part without first affording that agency reasonable notice and an opportunity for a hearing. (20 U.S.C. 1412(a)(13); 34 CFR §300.155)</p>
<p>X</p>		<p>14. The State educational agency has established and maintains qualifications to ensure that personnel necessary to carry out this part are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities as noted in 20 U.S.C. 1412(a)(14)(A)-(E), as amended by the Every Student Succeeds Act; 34 CFR §300.156.</p>
<p>X</p>		<p>15. The State has established goals for the performance of children with disabilities in the State that meet the requirements found in 20 U.S.C. 1412(a)(15)(A)-(C), as amended by the Every Student Succeeds Act; 34 CFR §300.157.</p>
<p>X</p>		<p>16. All children with disabilities are included in all general State and districtwide assessment programs, including assessments described under section 1111 of the Elementary and Secondary Education Act of 1965, with appropriate accommodations and alternate assessments where necessary and as indicated in their respective</p>

Pennsylvania
State

		individualized
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<p>Yes (Assurance is given.)</p>	<p>No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.) Check and enter date(s) as applicable</p>	<p>Assurances Related to Policies and Procedures</p>
		<p>education programs as noted in 20 U.S.C. 1412(a)(16)(A)-(E); as amended by the Every Student Succeeds Act; 34 CFR §300.160.</p>
<p>X</p>		<p>17. Funds paid to a State under this part will be expended in accordance with all the provisions of Part B including 20 U.S.C. 1412(a)(17)(A)-(C); 34 CFR §300.162.</p>
<p>X</p>		<p>18. The State will not reduce the amount of State financial support for special education and related services for children with disabilities, or otherwise made available because of the excess costs of educating those children, below the amount of that support for the preceding fiscal year, unless a waiver is granted, in accordance with 20 U.S.C. 1412(a)(18)(A)-(D); 34 CFR §§300.163 through 300.164.</p>
<p>X</p>		<p>19. Prior to the adoption of any policies and procedures needed to comply with this section (including any amendments to such policies and procedures), the State ensures that there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities. (20 U.S.C. 1412(a)(19); 34 CFR §300.165)</p>
<p>X</p>		<p>20. In complying with 34 CFR §§300.162 and 300.163, a State may not use funds paid to it under this part to satisfy State-law mandated funding obligations to local educational agencies, including funding based on student attendance or enrollment, or inflation. (20 U.S.C. 1412(a)(20); 34 CFR §300.166)</p>
<p>X</p>		<p>21. The State has established and maintains an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State as found in 20 U.S.C. 1412(a)(21)(A)-(D); 34 CFR §§300.167-300.169.</p>
<p>X</p>		<p>22. The State educational agency examines data, including data disaggregated by race and ethnicity, to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities in accordance with 20 U.S.C. 1412(a)(22)(A)-(B); 34 CFR §300.170.</p>

X		23a. The State adopts the National Instructional Materials Accessibility Standard for the purposes of providing instructional materials to blind persons or other persons with print disabilities, in a timely manner after the publication of the National Instructional Materials Accessibility
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<p>Yes (Assurance is given.)</p>	<p>No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.) Check and enter date(s) as applicable</p>	<p>Assurances Related to Policies and Procedures</p>
		<p>Standard in the Federal Register in accordance with 20 U.S.C. 1412(a)(23)(A) and (D); 34 CFR §300.172.</p>
		<p>23b. (Note: Check either "23b.1" or "23b.2" whichever applies.</p>
<p>X</p>		<p>23b.1 The State educational agency coordinates with the National Instructional Materials Access Center and not later than 12/03/06 the SEA as part of any print instructional materials adoption process, procurement contract, or other practice or instrument used for purchase of print instructional materials enters into a written contract with the publisher of the print instructional materials to:</p> <ul style="list-style-type: none"> • require the publisher to prepare and, on or before delivery of the print instructional materials, provide to the National Instructional Materials Access Center, electronic files containing the contents of the print instructional materials using the National Instructional Materials Accessibility Standard; or • purchase instructional materials from the publisher that are produced in, or may be rendered in, specialized formats. (20 U.S.C. 1412(a)(23)(C); 34 CFR §300.172)
<p>N / A</p>		<p>23b.2 The State educational agency has chosen not to coordinate with the National Instructional Materials Access Center but assures that it will provide instructional materials to blind persons or other persons with print disabilities in a timely manner. (20 U.S.C. 1412(a)(23)(B); 34 CFR §300.172)</p>
<p>X</p>		<p>24. The State has in effect, consistent with the purposes of the IDEA and with section 618(d) of the Act, policies and procedures designed to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment described in 34 CFR §300.8. (20 U.S.C 1412(a)(24); 34 CFR §300.173)</p>

X		25. The State educational agency shall prohibit State and local educational agency personnel from requiring a child to obtain a prescription for a substance covered by the Controlled Substances Act (21 U.S.C. 812(c)) as a condition of attending school, receiving an evaluation under 34 CFR §§300.300 through 300.311, or receiving services under the IDEA as described in 20 U.S.C. 1412(a)(25)(A)-(B); 34 CFR §300.174.
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B. Other Assurances

The State also makes the following assurances:

Y e s	Other Assurances
X	1. The State shall distribute any funds the State does not reserve under 20 U.S.C. 1411(e) to local educational agencies (including public charter schools that operate as local educational agencies) in the State that have established their eligibility under section 613 for use in accordance with this part as provided for in 20 U.S.C. 1411(f)(1)-(3); 34 CFR §300.705.
X	2. The State shall provide data to the Secretary on any information that may be required by the Secretary. (20 U.S.C. 1418(a)(3); 34 CFR §§300.640-300.645.)
X	3. The State, local educational agencies, and educational service agencies shall use fiscal control and fund accounting procedures that insure proper disbursement of and accounting for Federal funds. (34 CFR §76.702)
X	4. As applicable, the assurance in OMB Standard Form 424B (Assurances for Non-Construction Programs), relating to legal authority to apply for assistance; access to records; conflict of interest; merit systems; nondiscrimination; Hatch Act provisions; labor standards; flood insurance; environmental standards; wild and scenic river systems; historic preservation; protection of human subjects; animal welfare; lead-based paint; Single Audit Act; and general agreement to comply with all Federal laws, executive orders and regulations.

C. Certifications

The State is providing the following certifications:

Y e s	
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	2. The State certifies that certification in the Education Department General Administrative Regulations (EDGAR) at 34 CFR §76.104 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.
X	3. The State certifies that the arrangements to establish responsibility for services pursuant to 20 U.S.C. 1412(a)(12)(A)-(C); 34 CFR §300.154 (or 20 U.S.C. 1412(a)(12)(A)); 34 CFR §300.154(a) are current. This certification must be received prior to the expenditure of any funds reserved by the State under 20 U.S.C. 1411(e)(1); 34 CFR §300.171.

D. Statement

I certify that the State of Pennsylvania can make the assurances checked as 'yes' in Section II.A and II.B and the certifications required in Section II.C of this application. These provisions meet the requirements of the Part B of the Individuals with Disabilities Education Act as found in PL 108-446. The State will operate its Part B program in accordance with all of the required assurances and certifications.

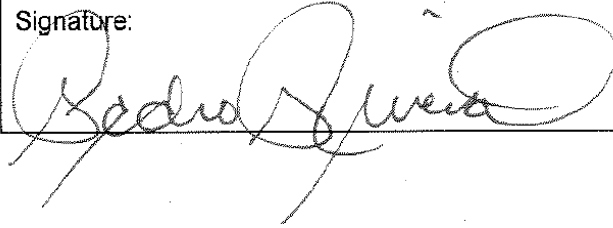
If any assurances have been checked 'no', I certify that the State will operate throughout the period of this grant award consistent with the requirements of the IDEA as found in PL 108-446 and any applicable regulations, and will make such changes to existing policies and procedures as are necessary 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, 2021. (34 CFR § 76.104)

I, the undersigned authorized official of the

Pennsylvania, Pennsylvania Department of Education,

(Name of State and official name of State agency)

Signature:



Signature:

I am designated by the Governor of this State to submit this application for FFY 2020 funds under Part B of the Individuals with Disabilities Education Act (IDEA).

Printed/Typed Name and Title of Authorized Representative of the State:
Pedro A. Rivera, Secretary of Education, Pennsylvania Department of Education

Date:

4/27/2020

**Description of Use of Funds Under Part B of the
Individuals with Disabilities Education Act—20 U.S.C. 1411(e)(5); 34 CFR § 300.171**

States must provide the Description of Use of Funds by completing and submitting the Excel Interactive Spreadsheet with the FFY 2020 Application.

Describe how the amount retained by the State educational agency under 20 U.S.C. 1411(e)(1) will be used to meet the following activities under Part B. (20 U.S.C. 1411(e)(1)-(3), (6) and (7)) The Department annually identifies for States the maximum amounts that a State may retain under Section 1411(e)(1) and (2).¹ The dollar amounts **listed in the Excel Interactive Spreadsheet** by the State for administration and for other State activities should add up to less or equal to the dollar amount provided to the State by the Department for each of these activities.

Enter whole dollar amounts (do not enter cents) in appropriate cells on the State's Excel

Describe the process used to get input from LEAs regarding the distribution of amounts among activities described in the Excel Interactive Spreadsheet to meet State priorities. (20 U.S.C. 1411(e)(5)(B); 34 CFR § 300.704)

The State Bureau Director meets monthly with the Executive Directors and the Directors of the state's LEAs (29 Intermediate Units). During the monthly meeting, the Bureau Director disseminates information to the LEAs. In addition to the dissemination of information, the Bureau Director collects information and data regarding their needs and plans for the implementation of the initiatives. The LEAs also have an opportunity to provide input.

Interactive Worksheet. The Excel Interactive Spreadsheet must be submitted as part of the State's application.

¹Each State may reserve for each fiscal year not more than the maximum amount the State was eligible to reserve for State administration under this section for fiscal year 2004 or \$800,000 (adjusted in accordance with 20 U.S.C. 1411(e)(1)(B)), whichever is greater; and each outlying area may reserve for each fiscal year not more than 5 percent of the amount the outlying area receives under 20 U.S.C. 1411(b)(1) for the fiscal year or \$35,000, whichever is greater.

For each fiscal year beginning with fiscal year 2005, the Secretary shall cumulatively adjust: 1) the maximum amount the State was eligible to reserve for State administration under this part for fiscal year 2004; and 2) \$800,000, by the rate of inflation as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

Section IV

State Administration

Section 608(a) of the IDEA requires each State that receives funds under this title to:

- (1) ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title;
- (2) identify in writing to local educational agencies located in the State and the Secretary any such rule, regulation, or policy as a State-imposed requirement that is not required by this title and Federal regulations; and
- (3) minimize the number of rules, regulations, and policies to which the local educational agencies and schools located in the State are subject under this title.

States must attach to this application a list identifying any rule, regulation, or policy that is State-imposed (not required by IDEA or Federal regulations). If there are no such State-imposed rules, regulations, or policies, please so indicate. In addition, the State is required to inform local education agencies in writing of such State-imposed rules, regulation or policy. (20 U.S.C. 1407(a); 34 CFR § 300.199)

PENNSYLVANIA DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

March 10, 2020

PENN*LINK

To: School District Superintendents
School District Special Education Directors
Intermediate Unit Executive Directors
Intermediate Unit Special Education Directors
Charter School Chief Executive Officers
Charter School Special Education Directors

From: Carole L. Clancy, Director
Bureau of Special Education

Subject: Individuals with Disabilities Education Act: State Regulations that Exceed Federal Requirements

The Individuals with Disabilities Education Act (IDEA), as amended, requires the Pennsylvania Department of Education to identify to school entities and local educational agencies regulations, rules, and policies that are state-imposed requirements and not required by the federal special education statute and regulation (20 USC §1407 (a) (2)). This notice fulfills the requirement to distribute an updated list of state-imposed requirements that exceed IDEA.

Chapter 14 (22 Pa. Code Chapter 14)

§14.101 Developmental Delay (Relating to Definitions)
§14.105 (Relating to Personnel Qualifications and Caseload)
§14.106 (Relating to Access to Instructional Materials)
§14.108 (Relating to Access to Classrooms)
§14.121 (Relating to Child Find)

- §14.123 (Relating to Evaluation)
- §14.124 (Relating to Reevaluation)
- §14.125 (Relating to Criteria for Specific Learning Disability)
- §14.131 (Relating to Individualized Education Program)
- §14.132 (Relating to Extended School Year)
- §14.133 (Relating to Behavior Support)
- §14.143 (Relating to Disciplinary Placements)
- §14.144 (Relating to Facilities)
- §14.145 (Relating to Least Restrictive Environment)
- §14.146 (Relating to Age Range)
- §14.152 (Relating to Child Find, Public Awareness and Screening)
- §14.153 (Relating to Evaluation)
- §14.154 (Relating to Individualized Education Program)
- §14.155 (Relating to Range of Services)
- §14.157 (Relating to Exit Criteria)
- §14.158 (Relating to Data Collection)
- §14.162(a) (Relating to Impartial Due Process Hearing and Expedited Due Process Hearing)

Chapter 711 (22 Pa. Code Chapter 711)

- §711.5 (Relating to Personnel)
- §711.6 (Relating to Annual Report)
- §711.8 (Relating to Education Records)
- §711.21 (Relating to Child Find)
- §711.22 (Relating to Reevaluation)
- §711.24 (Relating to Evaluation)
- §711.44 (Relating to Extended School Year)
- §711.45 (Relating to Access to Instructional Materials)
- §711.46 (Relating to Positive Behavior Support)
- §711.61 (Relating to Suspension and Expulsion)
- §711.62 (Relating to Due Process)

If you have any questions regarding this information, please contact Lisa Irgang at lirgang@pa.gov or 215.379.1023.

Section V

A. Maintenance of State Financial Support

Pursuant to the authority established in IDEA section 618(a)(3), each applicant for funds under section 611 must provide the following State fiscal data with a certification of its accuracy by the State budget office or an authorized representative thereof. Amounts should be shown in whole dollars and are for the State fiscal year (SFY). States may establish compliance with the maintenance of State financial support (MFS) requirement in IDEA section 612(a)(18) and 34 CFR § 300.163 on either a total or per capita basis. In order to complete Section V.A of the Application, States must provide in whole dollars the total amount of State financial support made available for special education and related services for children with disabilities during SFYs 2018 and 2019. However, if a State met the MFS requirement on a per capita basis, it **must** complete the first chart and then may also complete the second chart by providing, in whole dollars, the amount of State financial support made available for special education and related services per child with a disability during SFYs 2018 and 2019.

Total Amount of State Financial Support Made Available for Special Education and Related Services for Children with Disabilities

SFY 2018	1, 567,968,655
SFY 2019	1,662,321,46 5

Per capita amount of State Financial Support Made Available for Special Education and Related Services for Children with Disabilities

SFY 2018	
SFY 2019	

Deborah A. Reeves

State Budget Officer or Authorized Representative (Printed Name)



4/16/2020

Signature of State Budget Officer or Authorized Representative

Date

B. Significant Disproportionality²

In accordance with 34 CFR § 300.647(b)(7), each State must report all risk ratio thresholds, minimum cell sizes, minimum n-sizes, standards for measuring reasonable progress if the State uses the “reasonable progress” flexibility in 34 CFR § 300.647(d)(2), and the rationales for each, to the Department. Under § 300.647(b)(7), rationales for minimum cell sizes that exceed 10 and minimum n-sizes that exceed 30 must include a detailed explanation of why the numbers chosen are reasonable and how they ensure that the State is appropriately analyzing and identifying LEAs with significant disproportionality based on race and ethnicity, in the identification, placement, or discipline of children with disabilities. Additionally, pursuant to the authority established in IDEA section 618(a)(3), each applicant must also provide the number of years of data it uses in making annual determinations of significant disproportionality. Each applicant must provide this information by completing and submitting the Significant Disproportionality Reporting Form.

Each State must complete and submit the **Significant Disproportionality Reporting** Form with its FFY 2020 IDEA Part B application. After the initial submission of the Form, a State will only be required to submit the Form with any future annual IDEA Part B State applications if the State modifies its risk ratio thresholds, minimum cell sizes, minimum n-sizes, standards for measuring reasonable progress, and rationales for each, or the number of years of data used in making annual determinations of significant disproportionality.

The form is included with the FFY 2020 IDEA Part B Grant Application package and can be found at <https://osep.grads360.org/#program/grants>. Please submit the form by following the instructions with the document.

² This collection is not intended to replace or duplicate the information collected through the Significant Disproportionality State Survey (Docket No. ED-2019-ICCD-0065; 1820-NEW). That survey will collect information that the Department will use to support States and LEAs in their efforts to comply with the statutory requirement at section 618(d) of the IDEA.

Year of Age Cohort (for years of age 3 through 21) for Which FAPE is Ensured (01-01-2020)

State	Years of Age Cohort	Description of Upper Age Limit
AK	3 through 21	At least 3 but less than 22 years of age. If a student turns 22 during school year (July 1-June 30) they can complete that school year.
AL	3 through 20	If you turn 21 on or after August 1, you can begin and complete the school year.
AR	3 to 21	3 to end of the school year in which a student turns 21.
A Sam	N/A	
AZ	3 through 21	At least 3 but less than 22. Note: If a student with a disability turns 22 during the school year, the entitlement to FAPE extends to the end of the school year.
BIE	N/A	
CA	3 through 18	<ul style="list-style-type: none"> • Between 19 & 21 if enrolled in special ed PRIOR to age 19. • Turns 22 Jan-June inclusive can continue for remainder of fiscal year including ESY. • If turns 22 during Oct, Nov, or Dec can go until Dec 31. • If 22 during July, Aug or Sept not allowed to begin a new fiscal year unless in a year round program; can complete the term that crosses the fiscal year.
CNMI	N/A	
CO	3 through 20	Between ages of 3 and 21. If turn 21 during school year can complete that semester.
CT	3 through 20	3 to end of school year when turns 21.
DC	3 through 21	End of semester in which turns 22.
DE	3 through 20	DB, HI, VI and autistic: 0 through end of school year when turn 21 after August 31st. Other categories 3 through end of school year when turns 21 after August 31st.
FL	3 through 21	<p>Between the ages of 3 and 21, inclusive.</p> <p>For students with disabilities who have not graduated with a standard diploma, the district will:</p> <ul style="list-style-type: none"> • Provide services until the day the student turns twenty-two (22) • Provide services until the end of the semester in which the student turns twenty-two (22) • Provide services through the last instructional day of the school year for all students in the district in which the student turns twenty-two (22), provided that the student was twenty-one (21) years old on the first instructional day of school for all students in the district
GA	3 through 21	If student turns 22 after September 1, services cease at birth date, end of semester or end of school year dependent upon LEA policy. If the student is receiving services upon reaching 22, the LEA shall have a written procedure that identifies a process for completing services. The LEA shall state whether the services will cease on the 22nd birthday, or will continue until the end of the semester or until the end of the current school year.

Pennsylvania
State

Guam	N/A	
HI	3 through 21	Age 3 to the student's twenty-second birthday.
IA	3 through 20	Under 21 years of age. Student allowed to complete school year in which age 21 is reached. LEAs can request to serve to 24.

State	Years of Age Cohort	Description of Upper Age Limit
ID	3 through 20	3 through semester turns 21.
IL	3 through 20	Between the ages of 3 and 21. If turns 21 after beginning of school year can complete year and following summer if specified in the IEP.
IN	3 to 22	At least 3 but less than 22. Note: If a student with a disability turns 22 during the school year, the entitlement to FAPE extends to the end of the school year.
KS	3 through 20	Through the school year (ending June 30) in which the student reaches 21.
KY	3 through 20	Age 3 to 21
LA	3 through 21	3 to not more than 21 years, inclusive. If a student turns 22 after the first day of school, the student can complete the school year.
MA	3 through 21	3 through 21.
MD	3 through 20	Birth through the end of the school year in which the student turns 21 years old.
ME	3 through 20	Has not reached 20 at the start of the school year.
MI	3 through 21	Birth to 22. State law covers individuals who are determined eligible for special education until the age of 26.
MN	3 through 21	Birth until July 1 after child with a disability becomes 21 years old but shall not extend beyond secondary school or its equivalent, except as provided in state statute (see section 124D.68, subdivision 2).
MO	3 through 20	Between 3 and 21 years.
MS	3 through 20	Not yet reached 21 years by September 1. If turns 21 during school year, finishes the year.
MT	3 through 18	Between ages of 3 and 18, inclusive. Districts may serve through school year child turns 21.
NC	3 through 21	A student who reaches the age of twenty-two during the school year can complete that school year.
ND	3 through 20	Has not reached 21 by midnight of July 31st. Can complete school year in which turn 21 unless received a high school diploma.
NE	3 through 20	0 through school year reaches 21.
NH	3 through 20	3 years of age or older, but less than 21 years of age.
NJ	3 through 21	3 through 21. If turns 21 during the school year, finishes the year.
NM	3 through 21	Serves 3 year olds will serve if turns 22 after the school year begins.
NV	3 through 21	Under the age of 22.

Pennsylvania
State

NY	3 through 20	A student under 21 years of age who has not received a high school diploma is entitled to attend public school without payment of tuition. A student with a disability who reaches age 21 during the period commencing: <ul style="list-style-type: none">• with July 1 and ending on August 31 is entitled to continue in a July and August program.• on September 1 and ending on June 30 is entitled to continue in such program until the end of the school year. (May 2009)
OH	3 through 21	Below age 22. Local school district policy determines whether students who turn 22 during the school year may finish the school year.

State	Years of Age Cohort	Description of Upper Age Limit
OK	3 through 21	Ages 3 through 21. If turns 22 during school year (after Sept. 1st) can complete that school year.
OR	3 through 20	Not yet reached 21 years by Sept. 1. If turns 21 during school year finishes year.
PA	3 through 20	Age 3 to 21. If turns 21 during school year finishes year.
PR	3 through 21	3 through 21 years.
RI	3 through 20	If turns 21 during last semester of school year can finish the balance of the school year; however, LEAs are able to terminate services as soon as 21 is attained.
SC	3 through 20	If the student turns age 21 after September 1 of the school year, the LEA must permit the student to enroll and complete the school year. If a student turns age 21 on or prior to September 1, the LEA is not required to permit the student to enroll.
SD	3 through 20	A student who is enrolled in school and becomes twenty-one during the fiscal school year shall have free school privileges until the end of the fiscal year. Fiscal year ends June 30th.
TN	3 through 21	3 through 21. If turns 22 during school year can complete that school year.
TX	3 through 21	3 through 21 (birth for VI and AI).
UT	3 through 21	(b) if a student with a disability turns 22 during the school year, the entitlement extends to the: (i) beginning of the school's winter holiday for those who turn 22 on or after the beginning of the school year and before December 31; and (ii) end of the school year for those who turn 22 after December 31 and before the end of the school year.
VA	3 through 21	Children whose second birthday falls on or before Sept 30 and who have not reached their 22nd birthday on or before Sept 30.
VI	N/A	
VT	3 through 21	3 up to 22nd birthday. If a student on an IEP turns 22 within 3 months of graduation, local education agencies may apply for a waiver to the Secretary of Education that allows the entitlement of FAPE to be extended to the graduation date.
WA	3 through 20	Between 3 and 21. If turns 21 after August 31 eligible for remainder of school year.
WI	3 through 20	3 to 21 unless turns 21 during school term (i.e., school year) then can finish the term. If 21 in Oct remains until June.
WV	3 through 20	Between 3 and 21 years of age prior to Sept. 1 of the school year.
WY	3 through 20	3 through the school year in which the child turns 21.



SIGNIFICANT DISPROPORTIONALITY REPORTING FORM

Introduction:

In accordance with 34 CFR § 300.647 (b)(7), States are required to report to the Secretary risk ratio thresholds, minimum cell sizes, minimum n-sizes, standards for measuring reasonable progress, if appropriate, and rationales for each. In general, these rationales must contain justifications for the choices made, including all relevant data and research relied upon to make an informed choice and how the State included stakeholders in that process. Additionally, pursuant to the authority established in Section 618(a)(3) of the IDEA, the Secretary is also requiring States to report the number of years of data used by your State in making annual determinations of significant disproportionality.

Section A: Minimum N-Sizes

<p>1. Has the State:</p> <p>a. established a minimum n-size of 30 or less in each of the 14 categories of analysis described in § 300.647(b)(3) and (4) and</p> <p>b. verified that the State does not expect to have a comparison group in any of the categories of analysis that meets the minimum n-size?</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------

<p>2. Does your State use a presumptively reasonable minimum n-size of 30 or less for each of the 14 categories of analysis described in § 300.647(b)(3) and (4)?</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>
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If you answered **YES** to question 1, stop. Go to Page 14, enter the name, title and click "Submit".

If you answered **YES** to question 2 please answer question 2a:

<p>2a. Does your State use the same minimum n-size for all categories of analysis?</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>
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If you answered **YES** to question 2a:

- Fill in *Table 1* below by providing the minimum n-size and rationale.

If you answered **NO** to question 2a:

- Fill in *Table 2* below by providing the minimum n-sizes and rationales for each category of analysis.

If you answered **NO** to question 2 please read below and answer question 2b:

Minimum N-Size Detailed Rationale(s) Required

<p>2b. Does your State use the same minimum n-size for all categories of analysis?</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>
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In addition to the justification described in the Introduction, the rationale(s) must include a detailed explanation of why the numbers chosen are reasonable and how they ensure that the State is appropriately analyzing and identifying LEAs with significant disparities based on race and ethnicity in the identification, placement, or discipline of children with disabilities, as required by § 300.647(b)(7).

If you answered **YES** to question 2b:

- Fill in *Table 1* below by providing the minimum n-size and *detailed* rationale.

If you answered **NO** to question 2b:

- Fill in *Table 2* below by providing the minimum n-sizes and *detailed* rationales for each category of analysis over 30.

Table 1: Minimum N-Size — Same Minimum N-Size for all Categories of Analysis

Category of Analysis	Minimum N-Size	Rationale <i>(detailed rationale required if minimum n-size is more than 30)</i>
All categories of analysis	30	N size 30 determined using stakeholder input. Pennsylvania used a blended approach to collect stakeholder input. Stakeholder input was secured through three regional meetings with LEAs, IUs, Advocacy Community Representatives facilitated by our TA Partners, special sessions with our Advisory Panels, and public input collected via the website. Input was consolidated and reviewed by the SEA planning team. The recommendations were presented to our SEA Leadership team for the final decision and development of the implementation plan.

Table 2: Minimum N-Size — Multiple Minimum N-Sizes

Category of Analysis	Minimum N-Size	Rationale <i>(detailed rationale required if minimum n-size is more than 30)</i>
All disabilities		
Autism		
Emotional disturbance		
Intellectual disability		

Category of Analysis	Minimum N-Size	Rationale <i>(detailed rationale required if minimum n-size is more than 30)</i>
Other health impairments		
Specific learning disability		
Speech and language impairments		
Inside a regular classroom less than 40% of day		
Inside separate schools and residential facilities		
Total disciplinary removals		
Out of school suspensions <10 days		

Category of Analysis	Minimum N-Size	Rationale <i>(detailed rationale required if minimum n-size is more than 30)</i>
Out of school suspensions >10 days		
In school suspensions <10 days		
In school suspensions >10 days		

Section B: Minimum Cell Sizes

3. Does your State use a presumptively reasonable minimum cell size of 10 or less for each of the 14 categories of analysis described in § 300.647(b)(3) and (4)?	<input checked="" type="radio"/> Yes <input type="radio"/> No
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3a. Does your State only use one minimum cell size of 10 or less for all categories of analysis?	<input checked="" type="radio"/> Yes <input type="radio"/> No
--------------------------------------------------------------------------------------------------	---------------------------------------------------------------

If you answered **YES** to question 3 please answer

question 3a:

If you answered **YES** to question 3a:

- Fill in *Table 3* below by providing the minimum cell size and rationale.

If you answered **NO** to question 3a:

- Fill in *Table 4* below by providing the minimum cell sizes and rationales for each category of analysis.

If you answered **NO** to question 3 please read below and answer question 3b:

Minimum Cell Size Detailed Rationale(s) Required

In addition to the justification described in the Introduction, the rationales must include a detailed explanation of why the numbers chosen are reasonable and how they ensure that the State is appropriately analyzing and identifying LEAs with significant disparities, based on race and ethnicity, in the identification, placement, or discipline of children with disabilities, as required by § 300.647(b)(7).

3b. Does your State use the same minimum cell size for all categories of analysis?	<input type="radio"/> Yes <input type="radio"/> No
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If you answered **YES** to question 3b:

- Fill in *Table 3* below by providing the minimum cell size and *detailed* rationale.

If you answered **NO** to question 3b:

- Fill in *Table 4* below by providing the minimum cell size and *detailed* rationales for each category of analysis over 10.

Table 3: Minimum Cell Size — Same Minimum Cell Size for all Categories of Analysis

Category of Analysis	Minimum Cell Size	Rationale <i>(detailed rationale required if minimum cell size is more than 10)</i>
All categories of analysis	10	Cell size 10 determined using stakeholder input (see Table 1, Box 1).

Table 4: Minimum Cell Size — Multiple Minimum Cell Sizes

Category of Analysis	Minimum Cell Size	Rationale <i>(detailed rationale required if minimum cell size is more than 10)</i>
All disabilities		

Autism		
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Category of Analysis	Minimum Cell Size	Rationale <i>(detailed rationale required if minimum cell size is more than 10)</i>
Emotional disturbance		
Intellectual disability		
Other health impairments		
Specific learning disability		
Speech and language impairments		
Inside a regular classroom less than 40% of day		
Inside separate schools and residential facilities		

Category of Analysis	Minimum Cell Size	Rationale <i>(detailed rationale required if minimum cell size is more than 10)</i>
Total disciplinary removals		
Out of school suspensions <10 days		
Out of school suspensions >10 days		
In school suspensions <10 days		
In school suspensions >10 days		

Section C: Risk Ratio Thresholds

4. Does your State use one risk ratio threshold for each of the 14 categories of analysis described in § 300.647(b)(3) and (4)?	<input type="radio"/> Yes <input checked="" type="radio"/> No
---------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------

If you answered **YES** to question 4:

- Fill in *Table 5* below by providing the risk ratio threshold and rationale.

If you answered **NO** to question 4:

- Fill in *Table 6* below by providing the risk ratio thresholds and rationales for each category of analysis.

Table 5: Risk Ratios — Same Risk Ratio Threshold for all Categories of Analysis

Category of Analysis	Risk Ratio Threshold	Rationale
All categories of analysis		

Table 6: Risk Ratios — Multiple Risk Ratio Thresholds

Category of Analysis	Risk Ratio Threshold	Rationale
All disabilities	3.0	Based on stakeholder input (see Table 1, Box 1), PA determined that a risk ratio of greater than 3 for Identification and Placement categories would be considered significantly disproportionate.
Autism	3.0	Based on stakeholder input (see Table 1, Box 1), PA determined that a risk ratio of greater than 3 for Identification and Placement categories would be considered significantly disproportionate.
Emotional disturbance	3.0	Based on stakeholder input (see Table 1, Box 1), PA determined that a risk ratio of greater than 3 for Identification and Placement categories would be considered significantly disproportionate.
Intellectual disability	3.0	Based on stakeholder input (see Table 1, Box 1), PA determined that a risk ratio of greater than 3 for Identification and Placement categories would be considered significantly disproportionate.

Category of Analysis	Risk Ratio Threshold	Rationale
Other health impairments	3.0	Based on stakeholder input (see Table 1, Box 1), PA determined that a risk ratio of greater than 3 for Identification and Placement categories would be considered significantly disproportionate.
Specific learning disability	3.0	Based on stakeholder input (see Table 1, Box 1), PA determined that a risk ratio of greater than 3 for Identification and Placement categories would be considered significantly disproportionate.
Speech and language impairments	3.0	Based on stakeholder input (see Table 1, Box 1), PA determined that a risk ratio of greater than 3 for Identification and Placement categories would be considered significantly disproportionate.
Inside a regular classroom less than 40% of day	3.0	Based on stakeholder input (see Table 1, Box 1), PA determined that a risk ratio of greater than 3 for Identification and Placement categories would be considered significantly disproportionate.
Inside separate schools and residential facilities	3.0	Based on stakeholder input (see Table 1, Box 1), PA determined that a risk ratio of greater than 3 for Identification and Placement categories would be considered significantly disproportionate.
Total disciplinary removals	2.5	Based on stakeholder input (see Table 1, Box 1), PA determined that a risk ratio of greater than 2.5 for Discipline categories would be considered significantly disproportionate,. A lower threshold was set for Discipline because it was thought that LEAs have greater control over how they handle disciplinary events.
Out of school suspensions <10 days	2.5	Based on stakeholder input (see Table 1, Box 1), PA determined that a risk ratio of greater than 2.5 for Discipline categories would be considered significantly disproportionate,. A lower threshold was set for Discipline because it was thought that LEAs have greater control over how they handle disciplinary events.

Category of Analysis	Risk Ratio Threshold	Rationale
Out of school suspensions >10 days	2.5	Based on stakeholder input (see Table 1, Box 1), PA determined that a risk ratio of greater than 2.5 for Discipline categories would be considered significantly disproportionate,. A lower threshold was set for Discipline because it was thought that LEAs have greater control over how they handle disciplinary events.
In school suspensions <10 days	2.5	Based on stakeholder input (see Table 1, Box 1), PA determined that a risk ratio of greater than 2.5 for Discipline categories would be considered significantly disproportionate,. A lower threshold was set for Discipline because it was thought that LEAs have greater control over how they handle disciplinary events.
In school suspensions >10 days	2.5	Based on stakeholder input (see Table 1, Box 1), PA determined that a risk ratio of greater than 2.5 for Discipline categories would be considered significantly disproportionate,. A lower threshold was set for Discipline because it was thought that LEAs have greater control over how they handle disciplinary events.

Section D: Reasonable Progress

5. Does your state utilize the reasonable progress flexibility?	<input checked="" type="radio"/> Yes <input type="radio"/> No
-----------------------------------------------------------------	---------------------------------------------------------------

5a. Does your state utilize the same reasonable progress flexibility for each of the 14 categories of analysis described in § 300.647(b)(3) and (4)?	<input checked="" type="radio"/> Yes <input type="radio"/> No
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If you answered **NO** to question 5, proceed to question 6.

If you answered **YES** to question 5a:

- Fill in *Table 7* below by providing the State’s standard for measuring reasonable progress and rationale.

If you answered **NO** to question 5a:

- Fill in *Table 8* below by providing the State’s standards for reasonable progress and the rationale for each category of analysis.

Table 7: Reasonable Progress — Same Standard for all Categories of Analysis

Category of Analysis	Standard	Rationale
All categories of analysis	0.25 reduction in risk ratio per year	Based on stakeholder input (see Table 1, Box 1), PA decided that a reduction of an LEA's risk ratio by at least 0.25 per year for two consecutive years would indicate that the LEA was on a trajectory of progress.

Table 8: Reasonable Progress — Multiple Standards

Category of Analysis	Standard	Rationale
All disabilities		
Autism		
Emotional disturbance		
Intellectual disability		

Other health impairme nts		
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Category of Analysis	Standard	Rationale
Specific learning disability		
Speech and language impairments		
Inside a regular classroom less than 40% of day		
Inside separate schools and residential facilities		
Total disciplinary removals		
Out of school suspensions <10 days		
Out of school suspensions >10 days		

Category of Analysis	Standard	Rationale
In school suspensions <10 days		
In school suspensions >10 days		

Section E: Number of Years of Data

6. Does your state use the same number of years of data in making annual determinations of significant disproportionality for each of the 14 categories of analysis described in § 300.647(b)(3) and (4)?	<input checked="" type="radio"/> Yes <input type="radio"/> No
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If you answered **YES** to question 6:

- Fill in *Table 9* below by providing the number of years of data the State uses in making annual determinations of significant disproportionality.

If you answered **NO** to question 6:

- Fill in *Table 10* below by providing the number of years of data the State uses in making annual determinations of significant disproportionality for each category of analysis.

Table 9: Years of Data — Same Number of Years Used for all Categories of Analysis

Category of Analysis	Number of Years of Data Used
All categories of analysis	3

Table 10: Years of Data — Multiple Number of Years of Data Used

Category of Analysis	Number of Years of Data Used
All disabilities	
Autism	
Emotional disturbance	
Intellectual disability	
Other health impairments	
Specific learning disability	
Speech and language impairments	
Inside a regular classroom less than 40% of day	
Inside separate schools and residential facilities	
Total disciplinary removals	
Out of school suspensions <10 days	
Out of school suspensions >10 days	
In school suspensions <10 days	
In school suspensions >10 days	

Name of Individual Preparing the Form:

Title of Individual Preparing the Form:

Date:

SUBMIT

REGULAR AWARD AMOUNT Est. \$462,947,596

TOTAL AWARD AMOUNT \$462,947,596

ADMINISTRATION

Maximum Available for Administration.

Sec.

III

\$9,228,451

\$9,228,451

How much do you want to set aside for Administration in dollars?

You must distribute, in whole dollars, the amount you want to set aside for Administration among the following activities:

For the purpose of administering IDEA Part B including Preschool Grants under 20 U.S.C. 1419, a High Cost Fund, and the coordination of activities under Part B with, and providing technical assistance to, other programs that provide services to children with disabilities. (Note: These funds may be used for Administering but not Financing a High Cost Fund)

\$7,494,155

a.

N/A

For the administration of Part C of IDEA, if the SEA is the Lead Agency for the State under Part C.

b.

You may set aside a portion of your Administration funds resulting from inflation for the following 4 Other State-Level Activities. Additional funds for these purposes may also be set aside under Other State-Level Activities. Based on the amount that you propose to set aside for Administration, the maximum amount of Administration funds that you may use for these 4 activities is:

\$2,593,624

\$1,004,209

For support and direct services, including technical assistance, personnel preparation, and professional development and training.

c.

\$300,387

To assist local educational agencies in providing positive behavioral interventions and supports and appropriate mental health services for children with

disabilities.

d.

To assist local educational agencies in meeting personnel shortages. e.

To support capacity building activities and improve the delivery of services by local educational agencies to improve results for children with disabilities. f.

Subtotal, Administration funds used for Other State-Level Activities \$1,734,296

If you receive a Preschool Grant under 20 U.S.C. 1419, you may use Administration funds, along with other funds, to develop and implement a State policy jointly with the lead agency under Part C and the SEA to provide early intervention services (which must include an educational component that promotes school readiness and incorporates preliteracy, language, and numeracy skills) in accordance with Part C to children with disabilities who are eligible for services under the Preschool Grant program and who previously received services under Part C until such children enter, or are eligible under State law to enter, kindergarten, or elementary school as appropriate.

g.

The total of details for your Administration set-aside is \$9,228,451

OTHER STATE-LEVEL ACTIVITIES

If you propose to set aside more than \$850,000 for Administration and you DO wish to use funds for a High Cost Fund, the maximum amount that you may use for Other State-Level Activities is:

\$50,863,434

Of the amount you set aside for Other State-Level Activities at least 10% must be used for the High Cost Fund.

If you propose to set aside more than \$850,000 for Administration and you DO NOT wish to use funds for a High Cost Fund, the maximum amount that you may use for Other State-Level Activities is:

\$45,777,091

If you propose to set aside \$850,000 or less for Administration and you DO wish to use funds for a High Cost Fund, the maximum amount that you may use for Other State-Level Activities is:

\$53,406,606

Of the amount you set aside for Other State-Level Activities at least 10% must be used for the High Cost Fund.

If you propose to set aside \$850,000 or less for Administration and you DO NOT wish to use funds for a High Cost Fund, the maximum amount that you may use for Other State-Level Activities is:

\$48,320,263

Do you wish to use funds for a High Cost Fund? (Yes or No)

Based on the amount that you intend to set aside for Administration, the size of your total award, and your decision

NOT TO use set aside funds to support a High Cost Fund, the maximum that you may use for Other State-Level Activities is:

\$45,777,091

How much do you want to set aside for Other State-Level Activities?

You must distribute the amount you want to set aside for Other State-Level Activities the following activities. You can distribute amounts in any order you wish. The total balance remaining to be distributed at any time appears in red.

Required Activities:

For monitoring, enforcement, and complaint investigation. (You must use at least \$1 for this purpose)

h.

	To establish and implement the mediation process required by 20 U.S.C. 1415(e), including providing for the cost of mediators and support personnel. (You must use at least \$1 for this purpose)	i	\$1,567,304
Optional Authorized Activities:			
	For support and direct services, including technical assistance, personnel preparation,		
	and professional development and training	j	\$8,339,210
	To assist local educational agencies in providing positive behavioral interventions and supports and appropriate mental health services for children with disabilities.		
		k	\$4,829,325
	To assist local educational agencies in meeting personnel shortages.	l	\$706,018
	To support capacity building activities and improve the delivery of services by local educational agencies to improve results for children with disabilities.	m	\$5,878,230
	To support paperwork reduction activities, including expanding the use of technology in the IEP process.	n	\$258,469
	To improve the use of technology in the classroom by children with disabilities to enhance learning.	o	\$2,925,111
	To support the use of technology, including technology with universal design principles and assistive technology devices, to maximize accessibility to the general education curriculum for children with disabilities.	p	\$567,597
	Development and implementation of transition programs, including coordination of services with agencies involved in supporting the transition of children with disabilities to postsecondary activities.	q	\$4,740,170

that are valid and reliable for assessing the performance of children with disabilities, in

		.	
	Alternative programming for children with disabilities who have been expelled from school, and services for children with disabilities in correctional facilities, children enrolled in State-operated or State-supported schools, and children with disabilities in		
	charter schools.	r	\$1,232,407
	To support the development and provision of appropriate accommodations for children with disabilities, or the development and provision of alternate assessments	.	

that are valid and reliable for assessing the performance of children with disabilities, in

accordance with Sections 1111(b) and 1201 of the Elementary and Secondary Education Act of 1965. s.

To provide technical assistance to schools and LEAs, and direct services, including direct student services described in section 1003A(c)(3) of the ESEA to children with disabilities, to schools or LEAs implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d) of the ESEA on the basis of consistent underperformance of the disaggregated subgroup of children with disabilities, including providing professional development to special and regular education teachers, who teach children with disabilities, based on scientifically based research to improve educational instruction, in order to improve academic achievement based on the challenging academic standards described in section 1111(b)(1) of the ESEA.

t.

The total of details for your Other State-Level Activities set-aside is

\$45,777,091

You are almost done.

If you are using money for a High Cost Fund. You must report how much you will use for each of the following two activities. You reported that you would use

\$0

To establish and make disbursements from the high cost fund to local educational agencies in accordance with 20 U.S.C. 1411(e)(3) during the first and succeeding fiscal years of the high cost fund. u.

To support innovative and effective ways of cost sharing by the State, by an LEA, or among a consortium of LEAs, as determined by the State in coordination with representatives from LEAs, subject to 20 U.S.C. 1411(e)(3)(B)(ii) (Amount may not be more than 5% of the amount reserved for the LEA Risk Pool.) v.

Establishment of High Cost Fund (20 U.S.C. 1411(e)(3)(B)(i) - A State shall not use any of

the funds the State reserves pursuant to 20 U.S.C. 1411(e)(3)(A)(i), but may use the funds the State reserves under 20 U.S.C. 1411(e)(1), to establish and support the high cost fund.

Subtotal, High Cost Fund

\$0