

REQUEST FOR APPLICATION

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# Application Guidelines

## Program-Specific Provisions and Assurances

2014–2015 ESC

IDEA-B Preschool

TEXAS EDUCATION AGENCY

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**Division of Federal and State Education Policy**  
**1701 North Congress Avenue**  
**Austin, Texas 78701**

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## I. General Assurances Applicable to All Special Education Fund Sources

- A. Any personnel or consultant travel approved in this grant must be reimbursed according to the applicant agency's policy; however, reimbursement may not exceed State of Texas mileage allowance and per diem rate existing in the current Texas State Appropriations Act.
- B. Any personnel, agencies, or organizations to be subcontracted with by the applicant agency must have the appropriate credentials and skills to perform the services required (19 Texas Administrative Code [TAC] §89.1131).

All special education personnel are certified, endorsed, or licensed in the area of assignment in accordance with provisions in Title 19, TAC, Chapter 230 (Professional Educator Preparation and Certification). All special education teachers meet the criteria for highly qualified special education teachers in accordance with 34 Code of Federal Regulations (CFR) 300.18.

- C. Funds will be used as stipulated in this document, and use of funds other than in the manner authorized may be construed as misuse and may result in the reclamation of these funds.
- D. The applicant represents and assures that, if jointly establishing eligibility under Texas Education Code (TEC) 29.007, it has entered into a written contract to jointly operate its special education program with the cooperating local education agencies (LEAs) and that such contract meets all requirements stated in the Financial Accounting and Reporting (FAR) Module of the Financial Accountability System Resource Guide and with the Shared Services Arrangement (SSA) Procedures disseminated by the Division of Federal Fiscal Compliance and Reporting, Texas Education Agency (TEA).
- E. The applicant represents and assures that, if it has been a party to one or more special education due process hearings that have resulted in a decision under 20 United States Code (USC) §1415 since the date of last application for Individuals with Disabilities Education Act (IDEA)-B funds, the applicant has implemented the decision of the special education hearing officer in accordance with 19 TAC §89.1185 and 34 CFR §300.518 by doing one of the following:
  - 1. If the hearing officer rendered a decision that was, at least in part, adverse to the applicant, the applicant implemented the decision in all respects within ten school days after the date the decision was rendered, unless and until such implementation was excused by order of a reviewing court under 20 USC §1415.
  - 2. If the hearing officer rendered a decision that was, at least in part, adverse to the applicant and the applicant appealed the decision pursuant to 20 USC §1415, the applicant implemented the decision in all respects other than a requirement to pay reimbursement within ten school days after the date the decision was rendered, unless and until such implementation was excused by order of a reviewing court under 20 USC §1415.

In either case, the following is also required:

3. From the date of the hearing officer decision forward, the student's stay-put placement was that which was ordered by the hearing officer decision, unless and until such placement was changed by order of a reviewing court under 20 USC §1415.
- F. The document entitled Application Guidelines—Part 2: Program Guidelines and Use of Funds, which is located in the eGrants system under the hyperlink entitled Program Guidelines, is hereby incorporated by reference into this grant.
- G. The applicant agency will comply with all reporting requirements (34 CFR 300.645, Program Guidelines, PEIMS Data Standards, and Education Department General Administrative Regulations (EDGAR), as applicable) in a timely manner.
- H. The applicant agency ensures compliance with requirements of the No Child Left Behind Act (NCLB) of 2001 (P.L. 107–110) as it relates to students with disabilities under the IDEA.
- I. ESCs participating in SSAs will comply with Title 19, TAC, §89.1075(e) and with related procedures developed by TEA (Reference item D).
- J. This application and all related documents, evaluations, and reports will be available to parents and to the general public (34 CFR 76.304, 300.212).
- K. The ESC will account for all funds separately and appropriately according to generally accepted accounting principles, the Financial Accountability System Resource Guide, and the Program Guidelines.
- L. All encumbrances shall occur on or between the beginning and ending dates of the contract. The contractor must liquidate (record as an expenditure) all obligations (encumbrances) incurred between begin and end dates of the contract. The term obligations means the amounts of orders placed, contracts and subgrants awarded, goods and services received, and similar transactions during a given period that will require payment by the contractor during the same or a future period. Obligations representing orders placed are reflected in the accounting records as encumbrances. In no manner shall encumbrances be considered or reflected as accounts payable or as expenditures. Obligations that are liquidated and recognized as expenditures must meet the allowable cost principles in Office of Management and Budget A-87, A-21, or A-22 (as applicable) and program rules, regulations, and guidelines contained elsewhere.
- M. The applicant agency has distributed the document Notice of Procedural Safeguards, Rights of Parents of Students with Disabilities to LEAs when requested. This notice is in the primary language of the parent (34 CFR 300.504).  
  
The applicant agency also has disseminated A Guide to the Admission, Review, and Dismissal Process to LEAs when requested, as required by TEC Chapter 26.0081 and the October 14, 2002, letter of guidance from TEA.
- N. The applicant agency assures that procedural safeguards are in place that meet the requirements of 34 CFR 300.500–520. All due process procedures for parents or legal guardians and individuals with disabilities, 3–21 years of age, are established and implemented as stated in 34 CFR 300.500–520 and Title 19, TAC, §§89.1151–1191. Notice of Procedural Safeguards, Rights of Parents of Students with Disabilities is used as a means to disseminate these rights to appropriate individuals (34 CFR 300.504).

- O. The applicant agency assures that local policies and procedures comply with 34 CFR 300, including the reauthorized IDEA statute of 2004, and the corresponding regulations of August 14, 2006.
- P. Services, programs and projects conducted are of sufficient size and scope to effectively meet the needs of children with disabilities (34 CFR 300.223).

## **II. Statement of Assurances for ESC IDEA-B Preschool**

- A. Funds will be used to support the goal of providing full educational opportunity to all children with disabilities aged 3 through 5 (34 CFR 300.101, 300.1).
- B. CFR 300.129–148.
- C. The applicant agency assures that funds provided in this contract will be used to supplement state, local, and other Federal funds expended for the education of children with disabilities and not to supplant those funds (34 CFR 300.202).
- D. The applicant agency further assures that fiscal effort will be maintained in accordance with the requirements found at 34 CFR 300.203–204.
- E. The applicant agency assures compliance with requirements found in 34 CFR 300–399 and assures that funds expended for IDEA-B programs will conform to 34 CFR 300–399 and EDGAR, as applicable.

## **III. Program Plan for All IDEA-B Programs**

The applicant agency further assures that the Agency meets each of the conditions in 34 CFR §§300.201–300.213. These provisions are required for all IDEA-B programs, including Formula, Formula Deaf, Preschool, Preschool Deaf, and Discretionary.

- A. The applicant agency assures that, in providing for the education of children with disabilities within its jurisdiction, it has in effect policies, procedures, and programs that are consistent with the State policies and procedures under 34 CFR §§300.101–300.163 and 300.174 and 300.165–300.174 (34 CFR 300.201).
- B. The applicant agency assures that amounts provided under Part B of the act meet the following:
  - 1. Are expended in accordance with the applicable provisions of this part.
  - 2. Are used only to pay the excess costs of providing special education and related services to children with disabilities consistent with 34 CFR §300.202 and 300.16.
  - 3. Are used to supplement State, local, and other Federal funds and are not used to supplant those funds (34 CFR §300.202).
- C. The applicant agency assures that all personnel necessary to carry out Part B of the act are appropriately and adequately prepared, subject to the requirements of 34 CFR 300.156 and section 2122 of the Elementary and Secondary Education Act (ESEA) (34 CFR 300.207).
- D. The applicant agency assures that it will provide TEA with information necessary to enable TEA to carry out its duties under Part B of the act, including information related to the

- performance of children with disabilities participating in programs carried out under Part B of the act (34 CFR §§300.211 and 300.157).
- E. The applicant agency assures that it will cooperate in the secretary of education's efforts under section 1308 of the ESEA to ensure the linkage of records pertaining to migratory children with disabilities for the purpose of electronically exchanging health and educational information regarding those children among the states (34 CFR §300.213).
  - F. In accordance with all components in this section, each ESC will develop a regional plan for the provision of training, support, and technical assistance to meet the identified State, regional, and district needs.
  - G. The regional plan will include activities, resources, and staff necessary to accomplish coordinated efforts to ensure that students with visual impairments have access to and progress in the general educational curriculum. Submission of these activities are to be reported to TEA in the Special Education Continuous Improvement Plan (SECIP) by July 1<sup>st</sup> or the first working day in July in the eGrants system.
  - H. The SECIP must be submitted in eGrants by July 1<sup>st</sup> or the first working day in July.

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The submission of an electronic application by the applicant via the TEA eGrants system indicates acceptance of and compliance with all requirements described on this document.

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