

The American Rescue Plan (ARP) was signed into law on March 11, 2021, offering the first COVID-19 related targeted IDEA resources to address the challenges faced in ensuring services for children with disabilities. These ARP supplemental funds are intended to support early intervention and special education services for infants, toddlers, children and youth with disabilities and their families. The guidelines and requirements for the ARP funds are subject to the same requirements under IDEA and Uniform and Grant Guidance (UGG) as all IDEA funds.

To ensure the State and the LEAs can account for and track the use of IDEA ARP Act funds, OSDE-SES has chosen to separate the IDEA B and ARP funds applications. LEAs will operate separate budgets for both traditional and ARP allocations, with separate reporting requirements. OSDE-SES encourages LEAs to budget these supplemental funds for non-recurring activities. ARP IDEA is a one-time funding opportunity that will not be available to sustain ongoing activities such as permanent employees.

ARP funds will be allocated to LEAs following traditional procedures used for IDEA Part B allocations. All ARP IDEA funds must be obligated by September 30, 2023 and expended by January 28, 2024. Funds may be used for all allowable purposes under IDEA Part B and must be necessary and reasonable.

LEAs should consider and focus on challenges from the Pandemic such as:

- › School re-entry,
- › Disruption in the education of children with disabilities
- › Mental health services
- › Equity in special education and early intervention services

Some IDEA Part B requirements, which require calculations, are based upon the total IDEA sub award. These calculations would include the aggregate amount of IDEA FFY2021 funds and ARP funds. This includes:

- › Comprehensive Coordinated Early Intervening Services (CCEIS)
- › Proportionate Share

LEAs not meeting CCEIS and found to be Significantly Disproportionate will be required to reserve the maximum amount of funds (15%) of their total aggregated allocation. This includes Flow-Through, Pre-School, and ARP allocations combined. Districts have the option of choosing which program(s) the funds will be withheld from.

LEAs are required to hold a consultation (34 CFR §300.134 and 135) with the private school representative and parent/families of children with disabilities enrolled in the private school to determine what services will be provided. The Proportionate Share set aside must include both, IDEA and ARP funds, in accordance with 34 CDR §300.132. LEAs must hold an additional consultation if the original consultation did not include ARP funding.

Maintenance of Effort requirements have not been waived and no exceptions are available for ARP funds. LEAs must maintain and not supplant their State and local expenditures with these funds. ARP funds may aid in allowing an adjustment regarding the 50% rule (34 C.F.R. § 300.205) if a LEA Meets Requirements on their annual district determination. LEAs that do not meet requirements will not qualify for the 50% rule.