

Policy #45

**USE OF PART B FUNDS; EXCESS COSTS;
NON-SUPPLANTING; PERMISSIVE USE OF FUNDS;
TREATMENT OF CHARTER SCHOOLS
34 CFR 300.184-185, 300.153, 300.230, 300.234-235, 300.241**

Sections 612(a)(18) and (19) and Section 613(a)(1) require that the school district have in place policies and procedures that ensure that funds paid to the district under the Individuals with Disabilities Education Act Amendments of 1997 will be expended in accordance with all provisions of the Act.

Section I. Application and Use of Part B Flow-Through Funds

The Henry-Stark Counties Special Education District in its application for Part B Flow-Through Funds submits documentation insuring compliance with the following requirements. Prescribed formulas and financial records specified in these regulations are compiled and maintained by the school district annually and are available for audit review.

A. 34 CFR 300.184 and 300.185- Excess Cost Requirement

The Henry-Stark Counties Special Education District assures the Illinois State Board of Education that it uses funds provided under Part B of the Individuals with Disabilities Education Act (IDEA) only for costs which exceed the amount computed under CFR 300.184 and 300.185 and which are directly attributable to the education of children with disabilities.

B. 34 CFR 300.153 and 300.230 – Non-Supplanting

The Henry-Stark Counties Special Education District assures the Illinois State Board of Education that it uses funds provided under Part B of IDEA to supplement and in no case to supplant those state and local funds. The school district complies with the following nonsupplanting requirements:

1. (300.154) The total amount or average per capita amount of state and local school funds budgeted by the school district for expenditures in the current fiscal year for the education of children with disabilities must be at least equal to the total amount or average per capita amount of State and local school funds actually expended for the education of children with disabilities in the most recent preceding fiscal year for which the information is available. Allowance may be made for:
 - a) Decreases in enrollment of children with disabilities;

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- b) Unusually large amounts of funds expended for such long-term purposes as the acquisition of equipment and the construction of school facilities; and
- c) The termination of the obligation of the agency, consistent with this Part, to provide a program of special education to a particular child with a disability that is an exceptionally costly program, as determined by the Illinois State Board of Education, because the child:
 - (1) has left the jurisdiction of the district;
 - (2) has reached the age at which the obligation of the district to provide FAPE to the child has terminated; or
 - (3) no longer needs the program of special education; or
 - (4) the termination of costly expenditures for long-term purchases such as the acquisition of equipment or the construction of school facilities.

2. The Henry-Stark Counties Special Education District shall not use Part B funds to displace state and local funds for any particular cost.

C. 34 CFR 300.230 - Use of Amounts

The Henry-Stark Counties Special Education District shall have on file with the Illinois State Board of Education an application for Part B funds that demonstrates that the amounts provided to the district under Part B of the Act will be expended in accordance with the applicable provisions of this Part; will be used only to pay the excess cost of providing special education and related services to children with disabilities, consistent with 300.184 and 300.185; and will be used to supplement state, local, and other federal funds and not to supplant those funds.

D. 34 CFR 300.234 - School wide Programs under Title I of the Elementary and Secondary Education Act of 1965 (ESEA).

The Henry-Stark Counties Special Education District may use funds received under Part B of the Act for any fiscal year to carryout a school wide program under Section 1114 of the Elementary and Secondary Education Act of 1965 in accordance with the requirements set forth at 34 CFR 300.234.

E. 34 CFR 300.235 - Permissive Use of Funds

The Henry-Stark Counties Special Education District may use funds provided under Part B of the Act for services and aids that also benefit nondisabled children.

F. 34 CFR 300.241 – Treatment of Charter Schools and Their Students

The Henry-Stark Counties Special Education District ensures that charter schools are public schools of LEA that serve children with disabilities attending those schools in the same manner as it serves children with disabilities in other schools; and provides funds under Part B of IDEA to those schools in the same manner as it provides those funds to its other schools.

Section II. The Use of Part B Funds for the Benefit of Students with Disabilities Placed in Private Schools

- A. (300.458) The Henry-Stark Counties Special Education District may not use funds available under section 611 or 619 of IDEA 97 for classes that are organized separately on the basis of school enrollment or religion of the students.
- B. (300.459) The Henry-Stark Counties Special Education District may not use funds provided under section 611 or 619 of IDEA 97 to finance the existing level of instruction in a private school or to otherwise benefit the private schools.
- C. (300.460) The Henry-Stark Counties Special Education District may use funds available under section 611 and 619 of IDEA 97 to make public school personnel available in other than public facilities to the extent necessary to provide services for private school children with disabilities; if those services are not normally provided by the private school.
- D. (300.461) The Henry-Stark Counties Special Education District may use funds available under section 611 or 619 of the IDEA 97 to pay for the services of an employee of a private school to provide services under IDEA 97 if the employee performs the services outside of his or her regular hours of duty; and the employee performs the services under public supervision and control.
- E. (300.462) The Henry-Stark Counties Special Education District must keep title to and exercise continuing administrative control of all property, equipment, and supplies the public agency acquires with funds under IDEA 97 for the benefit of private school children with disabilities.
 - 1. The Henry-Stark Counties Special Education District shall ensure that the equipment and supplies placed in a private school are used only for Part B purposes; and can be removed from the private school without remodeling the private school facility.
 - 2. The Henry-Stark Counties Special Education District shall remove equipment and supplies from a private school if the equipment and supplies are no longer needed for Part B purposes; or removal is necessary to avoid unauthorized use of the equipment and supplies for other than Part B purposes.

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3. No funds under Part B may be used for repairs, minor remodeling, or construction of private school facilities.

Section III. Hearings Related to District Eligibility for Part B Funds

(300.144) The Henry-Stark Counties Special Education District, upon receipt of notice that Part B funds are being reduced or denied, may request a hearing from the State Board of Education regarding the State's decision to reduce or deny the district's application for Part B Funds.