

IDEA Part B Allocations

Frequently Asked Questions

IDEA Part B State Set Aside

December 2024



OREGON
DEPARTMENT OF
EDUCATION

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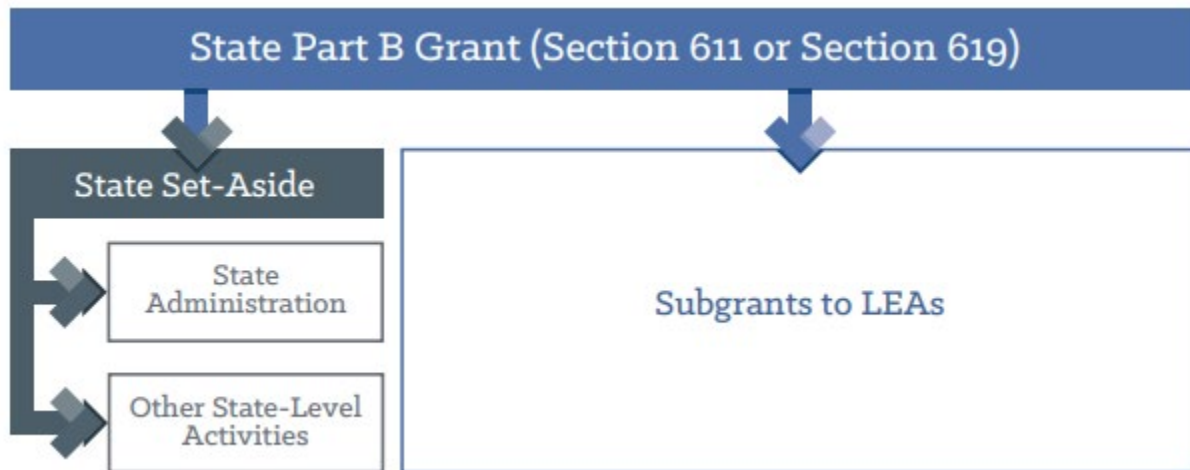
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Disclaimer

This guidance represents ODE’s use of IDEA Part B state level set aside. This guidance does not constitute legal advice, nor should it be considered definitive or legally binding. As ODE continues to work with school districts, educational partners, and all stakeholders regarding IDEA Part B Allocations and state set aside, ODE may amend or clarify this guidance, as needed, to provide the most current and reliable information on interpreting and meeting compliance with IDEA. **For questions about IDEA Part B Allocations or IDEA fiscal requirements, please contact: ode.ideafinance@ode.oregon.gov**

IDEA State Set Aside

Each state may reserve a limited amount of its Section 611 and Section 619 grants for state administration of the IDEA Part B program and for other state-level activities. These are commonly referred to as “state set aside funds.” States must allocate any remaining funds as subgrants to local educational agencies (LEAs).



Frequently Asked Questions

Question A-1: Why are state set aside funds important?

Answer:

States use Part B funds to administer, coordinate, and implement state-level activities, including technical assistance, to support children with disabilities. These funds make it possible for states to fulfill their general supervision responsibilities under 34 CFR §300.149 and achieve the goals of IDEA.

Question A-2: How does Office of Special Education Programs (OSEP) of the United States Department of Education (USDOE) calculate the maximum set aside amounts?

Answer:

Funds set aside for state administration and for other state-level activities are calculated and used differently. OSEP shares the maximum amounts available for each category when notifying states about their Section 611 and Section 619 grant awards through the grant award notice (GAN). The original IDEA funding formula for each state was based solely on the number of children receiving special education services. This formula was updated in 1997 to create the separate population and poverty portions of flow through funds, and guaranteed states a base-year amount. This amendment was set to take effect the year the federal appropriation for the program first exceeded \$4.9 billion. The IDEA appropriation reached this milestone in FFY 2000, thus establishing the benchmark dollar thresholds that are still used today. The reauthorization of IDEA in 2004, with regulations going into effect in 2006, established additional changes in the formula, particularly related to state set aside dollars. This reauthorization, again, established benchmark thresholds that are still used today.

The Office of Special Education Programs (OSEP) calculates the maximum amounts a state can set aside for certain activities under Section 611 based on specific rules:

1. **State Administration:** States can set aside the larger of these two amounts:
 - a. The amount they could reserve in 2004, adjusted for inflation, or
 - b. \$800,000, also adjusted for inflation.

For outlying areas, the limit is the greater of 5% of their current award or \$35,000.

2. **Other State-Level Activities:** The maximum is based on a percentage of the state's 2006 grant, adjusted for inflation. The percentage depends on:
 - a. How much the state sets aside for administration, and
 - b. Whether the state uses Part B funds to support a high-cost fund for local educational agencies (LEAs).

This ensures the amounts are fair and keep up with inflation.

OSEP calculates the maximum amounts states can set aside under Section 619 (for preschool special education) using different rules:

1. **Overall Limit:** States can set aside up to 25% of what they received in 1997, adjusted each year by either:
 - a. The smaller percentage increase in their grant from the previous year, or
 - b. The inflation rate for the prior year.
2. **State Administration:** Out of this set aside, only up to 20% can be used for state administration.

3. **Other State Activities:** The rest of the set aside must go toward other state-level activities.
4. **Flexibility:** States can choose to set aside less than the maximum, which makes more money available to local educational agencies (LEAs) as grants.

This ensures the funds are used in a balanced way to support state and local programs.

Question A-3: What are the allowable uses of *state administration* set aside funds?

Answer:

States can use Section 611 funds set aside for administration in several ways:

- To manage both Section 611 (school-age children) and Section 619 (preschool children) programs.
- To coordinate with and provide support to other programs that serve children with disabilities.
- To run a high-cost fund that helps LEAs pay for expensive services for children with disabilities.

When the administrative funding limit is adjusted for inflation, states can use the extra funds for specific activities, such as:

- Providing support and direct services to LEAs.
- Helping LEAs with behavioral support, mental health services, and addressing staff shortages.
- Building capacity and improving services provided by LEAs.

States can also use Section 611 funds for **early intervention services (EIS)** for preschool-aged children with disabilities transitioning from IDEA Part C (infant and toddler services). These EIS programs must be planned with the agency managing Part C and include activities that promote school readiness, like early literacy, language, and math skills. These services can continue until the children start school.

The use of Section 619 funds for state administration is more limited. States can use these funds to:

- Administer Section 619 (preschool programs) and Part C (early intervention for infants and toddlers).
- Coordinate with and provide technical assistance to other programs that provide services to children with disabilities.

Question A- 4: What are the allowable uses of set aside funds for *other state-level activities*?

Answer:

IDEA allows states to use Section 611/619 funds for various state-level activities (See [Table 1](#)). However, if a state sets aside these funds for other activities, it must use part of the money for: Monitoring, enforcement, and investigating complaints as well as setting up and running a mediation process, including paying for mediators and support staff.

Table 1: IDEA Permissible State Level Activities

<u>IDEA Part B 611 Permissible State Level Activities</u>	<u>IDEA Part B 619 Permissible State Level Activities</u>
<ul style="list-style-type: none"> • Monitoring, enforcement, and complaint investigation* • Establish and implement the mediation process, including costs of mediators and support personnel* • Support and direct services • Technical assistance • Personnel preparation • Professional development and training • Paperwork-reduction activities • Help LEAs provide positive behavioral interventions and support and mental health services for children with disabilities • Support and improve the use of technology for children with disabilities • Develop and implement transition programs • Help LEAs meet personnel shortages <ul style="list-style-type: none"> • Support capacity-building activities and improve the delivery of services by LEAs • Alternative programming for children with disabilities who have been expelled from school • Services in correctional facilities, state-operated or state-supported schools, and charter schools • Support developing and providing accommodations or alternate assessments <p>34 CFR §300.704(b)(4)</p>	<ul style="list-style-type: none"> • Support services (including the mediation process) that may benefit children with disabilities younger than 3 or older than 5 as long as the services benefit children with disabilities ages 3–5 • Direct services for children with disabilities ages 3–5 • Activities at the state and local levels to meet the state’s performance goals <ul style="list-style-type: none"> • Supplement other funds used to develop and implement a statewide coordinated services system • Provide Early Intervention Services (EIS) (must include an educational component) to children with disabilities eligible under Section 619 who previously received Part C services until the children enter, or are eligible to enter, kindergarten • Continue service coordination or case management for families who receive services under Part C <p>34 CFR §300.814</p>

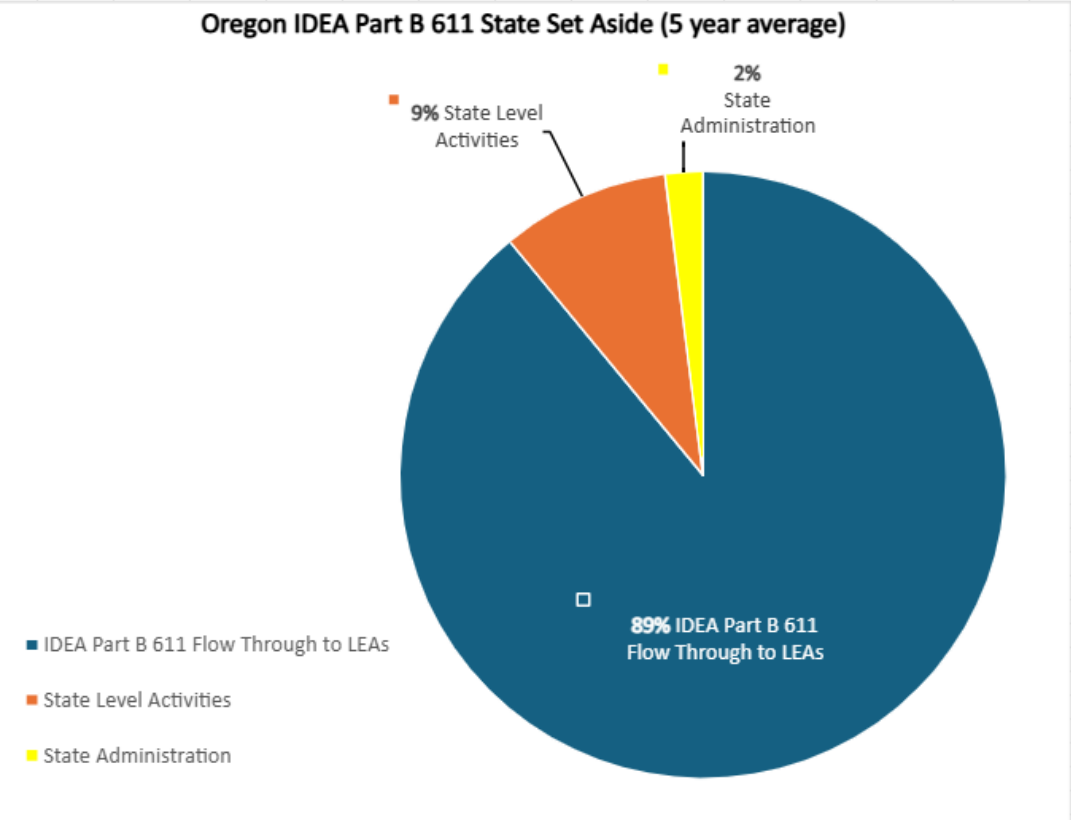
***Required by state or federal law**

Question A-5: What are the details of Oregon’s State Set Aside?

Answer:

See [Chart 1](#) which displays the distribution of IDEA funds in Oregon. Over 5 years, ODE utilized an average of 9% of the annual IDEA state award for State Level Activities and 2% for State Administration. This means that 89% of the annual IDEA state award is awarded to LEAs.

Chart 1: Oregon’s Distribution of IDEA Funds



Questions A-6: How does Oregon spend their IDEA State Set Aside dollars for *State Level Activities*?

Answer:

Table 2 provides examples of the primary State Level Activities contracts in place for 2023-2024 school year in Oregon.

Table 2: Oregon’s State Level Activities

<u>IDEA Part B 611 State Level Activities for ODE</u>	<u>IDEA Part B 619 State Level Activities for ODE</u>
<ul style="list-style-type: none"> • Mediation, Complaints, IEP Facilitators Training • Oregon Employment Dept-IA (Office of Admin Hearings) • Regional Special Education Support Networks (RTAP) • IDEA Data Manager System (for data collections) • System Performance Review and Improvement (SPRI) • West-Ed IDEA SPR and I Replacement Project • Oregon Commission on Autism (Interagency Agreement) • Special Education Connection (publication) • Technical Assistance for Excellence in Special Education (TAESE) <ul style="list-style-type: none"> ○ Parent Survey ○ State Advisory Committee for Special Education (SACSE) ○ State Interagency Coordinating Council (SICC) ○ Jobs Alike Workgroups (JAW) ○ Task 12 Sign Language Interpreter • Extended Assessment Development (U of O) • Extended Assessment District Grants (ending 24-25) 	<ul style="list-style-type: none"> • Ages and Stages Questionnaire (ASQ) Oregon Screening Project • EcWeb • Oregon Early Childhood Inclusion PD • EI/ECSE State Improvement Performance Plan (SIPP) Activities • Early Learning Systems Initiative (ELSI)

<u>IDEA Part B 611 State Level Activities for ODE</u>	<u>IDEA Part B 619 State Level Activities for ODE</u>
<ul style="list-style-type: none">• Family And Community Together (FACT) Parent Training and Information Center• Post School Outcomes (PSO) District Grants• Secondary Special Education and Transition PSO• Ages and Stages Questionnaire (ASQ) Oregon Screening Project• Oregon Regional Project Autism Training Sites (OrPATS)• Oregon Regional Project Autism Training Sites (OrPATS) Star Autism Support• Center for Brain Injury Research and Training (CBIRT)• Oregon Technology Access Program (OTAP)• Oregon Textbook and Media Center (OTMC) – Braille Textbooks• Regional and Statewide Services for Students with Orthopedic Impairments (RSOI)• Regional Inclusive Services (RIS)<ul style="list-style-type: none">○ Supplemental Funds for Statewide RIS program○ Traumatic Brain Injury (TBI) liaison○ Audiology	

Question A-7: How does Oregon spend their IDEA State Set Aside dollars for State Administration?

Answer:

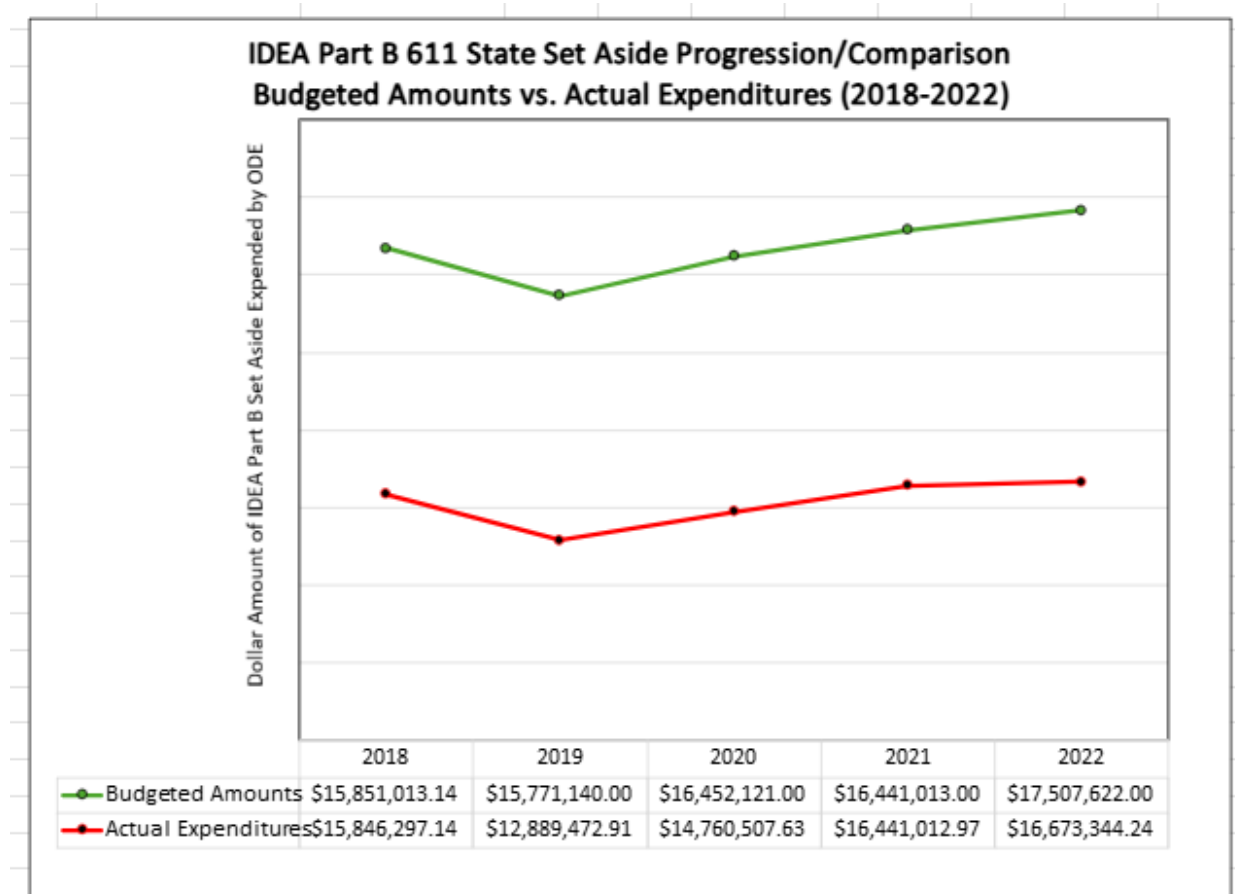
Oregon Department of Education (ODE) spends 2% of their IDEA Part B 611/619 State Set Aside dollars for State Administration to directly provide support to LEAs in day-to-day operations of implementation of IDEA, FAPE, and general supervision. Examples of these positions include District Support Specialists, OESO IDEA Fiscal Team staff and OESO Data Team staff.

Question A-8: What is the state’s progression in IDEA State Set Aside amounts over the past 5 years?

Answer:

See Chart 2 which shows the IDEA Set Aside expenditures at the state level across 5 years (2018-2022) for Part B 611 as compared to the IDEA Set Aside budgeted amounts for state set aside.

Chart 2: Oregon’s State Set Aside Progression



IDEA Part B Allocations and State Set Aside Resources

Center for IDEA Fiscal Reporting Resources

- [CIFR Quick Reference Guide to LEA Allocations](#)
- [At a Glance Flow Chart of Allocation Process](#)
- [CIFR Quick Reference Guide on IDEA Part B State Set aside Funds](#)

Congressional Research Service –IDEA Funding: A Primer

- [IDEA Funding: A Primer](#)

ODE Websites

- IDEA Allocation Tables: <https://www.oregon.gov/ode/schools-and-districts/grants/spedfunding/pages/idea-allocation-tables.aspx>
- IDEA Annual State Applications/ State Set Aside Interactive Spreadsheet: <https://www.oregon.gov/ode/schools-and-districts/grants/SPEDFunding/Pages/IDEA-Annual-State-Applications.aspx>