

BATH COUNTY SCHOOL BOARD

AGENDA ITEM: INFORMATION { } ACTION { X } CLOSED MEETING { }

SUBJECT: **SUPERINTENDENT’S REPORT - ACTION**

Approve Special Education Annual Plan

BACKGROUND: **Under the provisions of IDEA (Individuals with Disabilities Education Act of 2004), its implements regulations, and the Regulations Governing Special Education Programs for Children with Disabilities in Virginia (effective January 25, 2010). Local educational agencies (LEAs) are required to submit an Annual Plan/Part B Flow-Through and Early Childhood Special Education Application for providing special education and related services to children with disabilities.**

This application serves as the formal agreement between federal and state laws and regulations governing these services. This application includes the following areas: policy statements, statement of assurances, special education in local and regional jails, the report on the implementation of the plan, maintenance of effort eligibility, early intervention and proportionate set-aside funds and the use of federal funds for sections 611 and 619.

The plan has been approved by the Bath County’s Special Education Advisory Board.

RECOMMENDATION: **Recommend approval of the Special Education Annual Plan/Part B 611 Flow-Through and Early Childhood Section 619 Application for 2018-2019.**

**VIRGINIA DEPARTMENT OF EDUCATION
DIVISION OF SPECIAL EDUCATION AND STUDENT SERVICES**

**Local Special Education Annual Plan/Part B Flow-Through Application and Report
2018-2019**

Division and Contact Information - to be Completed by School Division

Division Applicant Name (Legal Name of Agency)	LEA	Questions regarding this plan should be directed to:	
BATH COUNTY PUBLIC SCHOOLS	Number	009	Mrs. Jane Hall
Mailing Address (Street, City or Town, Zip Code)	DUNS	184354520	
12145 Sam Snead Highway, Warm Springs, Virginia 24484			
Phone (ext):		839-5307	230
		Numbers Only	Ext.
		Fax: 839-3040	
		Numbers Only	
Region:	5	E-mail: janeh@bath.k12.va.us	

SUPERINTENDENT'S CERTIFICATION

For the purpose of implementing the provisions of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA), I certify that throughout the period of the 2018-2020 grant award, this School Division will comply with the requirements outlined in each of the following:

- (1) Part B of IDEA, including the eligibility requirements of Section 613;**
- (2) The IDEA federal implementing regulations, dated October 13, 2006, and revised April 9, 2007, and December 31, 2008, at 34 C.F.R. Part 300 et seq.; and**
- (3) Virginia's "Regulations Governing Special Education Programs for Children with Disabilities in Virginia," at 8 VAC 20-81 et seq., effective January 25, 2010, and any revisions.**

I certify that this school division has developed local policies and procedures for the provision of special education and related services, which are kept current, and which ensure compliance with the requirements of, and any revisions to the IDEA, its federal implementing regulations, and the Virginia Board of Education's regulations.

I certify that all students, including those who may be placed in regional programs by this agency, are afforded all assurances as delineated in this document.

Finally, I certify that this Annual Plan/Flow-Through Application for Part B Funds under the provisions of IDEA, was approved by the School Board on May 1, 2018 **Date**

Division Superintendent (Signature)
 Mrs. Sue Hirsh

Typed Name

May 1, 2018 **Date**

ANNUAL PLAN/PART B FLOW-THROUGH APPLICATION POLICY STATEMENTS
(continued on next page)

This LEA assures that it has in effect policies, procedures, and programs which have been established and administered to comply with the IDEA, and its federal implementing regulations, including 34 CFR §§ 300.201-300.213, and which are consistent with the policies and procedures that VDOE has established in accordance with IDEA, and its federal implementing regulations, including 34 CFR §§ 300.101–300.163, and 300.165–300.174, to ensure each of the following:

- A free appropriate public education will be available for each child with disabilities, ages two to 21, inclusive.
- All children, ages two to 21, inclusive, residing in the LEA who have disabilities and need special education and related services, who have not been parentally-placed in a private or home school, are identified, located, evaluated, and placed in an appropriate educational program.
- An individualized education program (IEP) will be maintained for each child with a disability, as required.
- To the maximum extent appropriate, children with disabilities will be educated with children who are nondisabled in the Least Restrictive Environment.
- Children with disabilities and their parents or guardians are guaranteed procedural safeguards in the process of identification, evaluation, educational placement, or the provision of a free appropriate public education, including the right to access dispute resolution options.
- Surrogate parents will be appointed, when appropriate, to act as advocates to serve the education interest of children, ages two to 21, inclusive, who are suspected of being or are determined to be disabled.
- Testing and evaluative materials used for the purpose of classifying and placing children with disabilities are selected and administered so as not to be racially or culturally discriminatory.
- The confidentiality of personally identifiable information, that is collected, maintained, or used under IDEA, shall be protected.
- Children with disabilities, who are participating in Part C early intervention programs, and who will be participating in Part B preschool programs, will experience a smooth and effective transition between the programs.
- All children, ages two to 21, inclusive, who have disabilities and need special education and related services, and who are parentally-placed in a private school or home school, that is located within the geographic boundaries of the LEA, are identified, located, evaluated and provided services, in accordance with the results of a timely and meaningful consultation process.
- Homeless children with disabilities will be served in accordance with the requirements of the McKinney-Vento Homeless Assistance Act.
- Special education and related service personnel, including paraprofessionals, are appropriately and adequately prepared and trained, and measurable steps will be taken to recruit, hire, train, and retain highly qualified personnel to provide special education and related services to children with disabilities.
- Valid and reliable data is submitted to the VDOE, as requested, including data regarding the performance goals and indicators established by the VDOE to determine the progress of children with disabilities, and the performance of the LEA toward targets outlined in Virginia's State Performance Plan.
- Policies and procedures will be in effect that are designed to prevent the inappropriate overidentification, underidentification, or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment.

ANNUAL PLAN/FLOW-THROUGH APPLICATION POLICY STATEMENTS
(continued on next page)

- Children with disabilities are not required to obtain prescription medication as a condition of attending school, receiving an evaluation, or receiving special education and related services.
- Children with disabilities are given the right to participate in the state assessment system.
- There will be ongoing parent consultation.
- Funding will be used to develop and implement coordinated early intervening educational services, as required.
- Children with disabilities who attend charter schools are provided services in the same manner as other children with disabilities who attend public schools.
- Instructional materials will be provided to children with a visual impairment or other print disabilities in a timely manner.
- Efforts will be made to cooperate with the United States Department of Education (USED) to ensure the linkage of records pertaining to migratory children with disabilities.
- All documents relating to the LEA's eligibility under IDEA will be made available to the public.

SUBMISSION STATEMENT (continued on next page)

Under the provisions of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA), and its federal implementing regulations, at 34 C.F.R. Part 300 et seq., a local educational agency, that desires to receive funds under the Act, must provide the following assurances:

1. The local educational agency shall be responsible for (1) the control of funds provided under Part B of the Act; (2) title to property acquired with those funds; and (3) the local educational agency will administer such funds and property.
2. The local educational agency shall maintain records that show that where Part B funds are used to supplement existing services or to provide additional services to meet special needs, those services shall be at least comparable to services provided to other children with disabilities in the local educational agency with state and local funds.
3. The local educational agency application and all pertinent documents related to such application, including all evaluations and reports relative to the application, shall be made available for public inspection.
4. The local educational agency shall maintain records showing that Part B funds are used to supplement and, to the extent practicable, increase the level of state and local funds expended for the education of children with disabilities. Part B funds shall, in no case, be used to supplant local and state funds.
5. The funds provided under Part B of the Act shall be used to employ only those professional personnel who meet appropriate State standards. In addition, all other professional personnel employed, such as therapists, etc., shall be properly licensed.
6. The Virginia Department of Education assumes rights to all materials and/or products developed in this project, including equipment purchased with Part B funds.
7. No person shall, on the grounds of race, color, national origin, sex, disabling condition or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant received financial assistance under the provisions of the Act.
8. The local educational agency shall provide students enrolled in private schools an opportunity to participate in programs funded through Part B of IDEA.
9. The local educational agency will ensure that projects involving construction, are consistent with overall State plans for the construction of school facilities. In developing plans for construction, due consideration will be given to excellence of architecture and design and to compliance with standards prescribed under Section 504 of the Rehabilitation Act of 1973 and subsequent amendments in order to ensure that facilities constructed with the use of Federal funds are accessible to, and usable by, individuals with disabilities.
10. The local educational agency has adopted effective procedures for acquiring and disseminating to teachers and administrators participating in Part B programs significant information from educational research, demonstrations, and similar projects, and for adopting, where appropriate, promising educational practices developed through such projects.
11. The local educational agency will ensure that none of the funds expended under Part B programs will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity or its employees or any affiliate of such an organization.
12. Except when used to provide Comprehensive Coordinated Early Intervening Services or Coordinated Early Intervening Services, the local educational agency will ensure that funds expended under Part B of IDEA will only be used for the costs which are directly attributable to the education of children with disabilities, and which exceed the average annual per student expenditure during the preceding year as computed in accordance with 34 C.F.R. § 300.202, Appendix A of the IDEA federal implementing regulations, and as documented using the Web-based application.

SUBMISSION STATEMENT (continued from previous page)

13. The local educational agency will ensure that funds expended under Part B of IDEA will not be used to reduce the level of expenditures made from local funds below the amount expended for the education of children with disabilities from state or local funds during the preceding fiscal year, in accordance with 34 C.F.R. §§ 300.203 to 300.205 of the IDEA federal implementing regulations, and as documented using the web-based application.
14. The school division will ensure that, in accordance with 34 C.F.R. § 300.133, and Appendix B of the IDEA federal implementing regulations, during the grant award period, a proportionate share of the school division's Section 611 subgrant will be set aside to be expended for children with disabilities, ages 3 through 21, who are parentally-placed in a private school within the school division, and a proportionate share of its Section 619 subgrant will be set aside to be expended for children with disabilities, ages 3 through 5, who are parentally-placed in a private school within the school division. This school division further assures that if it has not expended for equitable services all of its set-aside funds by the end of the fiscal year for which it was appropriated, the school division will obligate any remaining funds for one additional year to provide special education and related services to children with disabilities who are parentally placed in a private school within the school division. Actual proportionate set-aside amounts will be submitted using the web-based application.
15. The local educational agency shall maintain records demonstrating compliance with the provisions of IDEA and its federal implementing regulations, including each of the assurances outlined above, and afford the Virginia Department of Education access to those records that it may find necessary to ensure the correctness and verification of the information required under this Act.
16. The local educational agency certifies this application as a material representation of its compliance with the following provisions of Education Department General Administrative Regulations (EDGAR), as applicable: 34 CFR Part 82 § 82.110—New Restrictions on Lobbying; 34 CFR Part 85 § 85.105 and § 85.110—Governmentwide Debarment and Suspension (Nonprocurement); and 34 CFR Part 84 §§ 84.200 through 84.230, and 84.300 – “Governmentwide Requirements for Drug-Free Workplace” (Grants).

**IDENTIFICATION OF BARRIERS AND DESCRIPTIONS OF
STEPS TO OVERCOME THEM IN ACCORDANCE
WITH PROVISIONS IN SECTION 427 OF
THE GENERAL EDUCATION PROVISIONS ACT**

Applicants for federal assistance are required under Section 427 of Title II, the *General Education Provisions Act* (GEPA), enacted as a part of the *No Child Left Behind Act of 2001* amendments to the *Elementary and Secondary Education Act of 1965*, to address equity concerns that may affect full participation of potential program beneficiaries (teachers, students or parents) in designing their federally-assisted projects. Section 427 requires identification of barriers to full participation, if any, and a description of steps taken, or that will be taken to overcome them. The legislation highlights six characteristics that describe broad categories of persons or groups that may more frequently encounter barriers to participation. The characteristics are: Gender, Race, National Origin, Color, Disability, and Age.

Choose One:

Division has no barriers

Division has barriers (Please provide explanation in the space provided)

<p>OTHER FACTORS THAT MIGHT LIMIT PARTICIPATION</p>	
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2018-2019 SPECIAL EDUCATION IN LOCAL AND REGIONAL JAILS

Each local school division with a regional or local jail in its jurisdiction shall establish an interagency agreement with the sheriff or jail administrator responsible for the operation of the jail. The interagency agreement shall address staffing and security issues associated with the provision of special education and related services in the jail. It is suggested that you review your agreement annually.

Interagency Agreement

Name of Local or Regional Jail:

1. Is there a local or regional jail located within the geographic boundaries of your school division?

No

You have completed the special education in jails section of the annual plan.

2. Has the interagency agreement between your school division and the jail been revised since the submission of your most recent annual plan?

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[Instructions for Using drop box](#)

**REPORT ON IMPLEMENTATION
OF THE 2016-2017 ANNUAL PLAN**

Submit a report indicating the extent to which the annual plan for the 2016-2017 school year has been implemented (*Code of Virginia*, Section 22.1-215). (Maximum capacity of each text box is 975 characters.)

During the 2016-2017 school year, the Special Education Annual Plan at Bath County Public Schools was fully implemented. Funds received from the Flow Through Grant-611B and 619B were used exclusively for teacher salaries. The Special Education Advisory Committee met quarterly during the 2016-2017 school year. There were no new suggestions for program improvements from the Special Education Advisory Committee. The committee agreed to continue supporting 100% of the salaries of two Special Education Teachers and 74% of the salary for one Special Education Teacher. We also support 8% of the salary for one Early Childhood Special Education Teacher.

Maintenance of Effort

The Virginia Department of Education (VDOE) is required by federal regulation to ensure all school divisions in Virginia comply with §300.203 of the Individuals with Disabilities Education Act (IDEA), which mandates that school divisions meet a maintenance of effort (MOE) obligation. This regulation requires school divisions to spend at least the same amount from at least one of the following sources: (i) local funds; (ii) state plus local funds; (iii) local per capita; or (iv) state plus local per capita for a current school year on the delivery of special education and related services, as were spent for the most recent fiscal year (i.e.g, 2016 - 2017) for which the information is available, subject to the Subsequent Years rule.

34 CFR §300.203(a) requires that in order for an LEA to be eligible for an IDEA Part B subgrant for the upcoming fiscal year, the LEA must budget, in each subsequent year, at least the same amount that it actually spent for the education of children with disabilities in the most recent fiscal year for which information is available, subject to the Subsequent Years rule. When establishing eligibility, an LEA is **not** required to use the same method it used to meet compliance standard in the most recent fiscal year for which the information is available. An LEA can change methods to establish eligibility from one year to the next, as long as the division uses the same method for calculating the amount it spent in the comparison year for which it is establishing eligibility.

Provide the total local and the total state plus local expenditure budget and per capita amount for the school division's total special education program for the years designated below. The projected/estimated expenditure budget amounts provided must be reviewed and confirmed by the division's fiscal's office.

Local		Local plus State	
	School Year 2018-2019 (estimated/projected)		School Year 2018-2019 (estimated/projected)
Dollar \$	970,902.96	Dollar \$	1,058,590.54
	School Year 2018-2019 (estimated/projected)		School Year 2018-2019 (estimated/projected)
Per Capita	10,113.57	Per Capita	11,026.98

If an LEA determines that the budget above did not meet the eligibility standard in any of the four methods for which the information is available, an LEA is allowed to consider Exceptions under §300.204 and Adjustments to MOE under §300.205 to the extent the information is available. These exceptions and adjustments must also be taken in the intervening year (i.e., SY2017-2018) and that the LEA reasonably expect to take these exceptions and adjustments in the year it is budgeting (i.e., SY2017-2018). Please describe which allowable exceptions will be used and provide the corresponding dollar amount. For additional guidance, refer to:

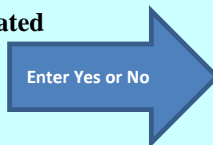
http://www.doe.virginia.gov/special_ed/grants_funding/index.shtml

NOTE: The Dec. 1, 2017 Child Count totals should be used to compute the per capita amounts. The Child Count should be adjusted to exclude students funded through CSA. Also, the budgeted amount must be based on the divisions's preliminary budget and must be within the same level or effort of higher to meet the MOE eligibility requirements by using either dollar or per capita amounts. Division's budgeting the same exact amount it spent in the comparable year (i.e., the year it met its MOE requirement) may be requested to provide additional documentation.

2018-2019 SPECIAL EDUCATION CEIS AND PROPORTIONATE SET ASIDE

Each local school division shall ensure Comprehensive Coordinated Early Intervening Services and Coordinated Early Intervening Services and Proportionate Set-aside requirements have been addressed.

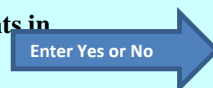
Is your school division required to set aside 15% for Comprehensive Coordinated Early Intervening Services or voluntarily setting aside upto 15% of Part B funds for Coordinated Early Intervening Services?



No

If yes, provide a brief narrative of how funds will be used. An information packet requesting additional information will be sent at a later time.

Is your school division required to set aside funds for parentally-placed students in private schools or students identified during child find?



NO

If no, explain why the division is not required and if yes, explain how funds will be used. The actual budget will be determined when the division submits its data in the Proportionate Set-Aside (speced-PSA) application.

EXPENDITURE ACCOUNTS	OBJECT CODE	Section 611		Section 619	
		(D) CEIS	(E) Proportionate Set-Aside	(D) CEIS	(E) Proportionate Set-Aside
Personal Services	1000				
Employee Benefits	2000				
Purchased Services	3000				
Internal Services	4000				
Other Services	5000				
Materials / Supplies	6000				
Capital Outlay	8000				
TOTAL PROPOSED BUDGET		0.00	0.00	0.00	0.00

For additional instructions for completing this section of the Annual Plan/Part B Flow-Through Application, please review Section F of the "LEA Instructions" tab.

**VIRGINIA DEPARTMENT OF EDUCATION
PART B, SECTION 611 (Flow-Through Funds)
GRANT PERIOD: JULY 1, 2018 – SEPTEMBER 30, 2020
*Joint Applications Only!***

For joint applications, please select the Fiscal Agent below, and provide the requested contact information.

If this is not a joint application move directly to the next section below.

Fiscal Agent:		LEA Code:
Joint Application Project Director:		
Mailing Address of Project Director:		
Phone:		
E-mail:		

If this is a joint application and allocations are to be combined into a single award issued to the fiscal agent designated above, list participating LEAs and the amounts to be combined into a single award. Note: All participating agencies must still complete the remainder of this tab.

Participating Agency Name	Code Number	Amount Released
Total Amount to be issued to Fiscal Agent:		\$0.00

PROPOSED USE OF PART B, SECTION 611 FUNDS
GRANT PERIOD: JULY 1, 2018 – SEPTEMBER 30, 2020

In narrative format, please provide a description and budget outline of all personnel (i.e., teachers, instructional assistants, administrators, clerical, support personnel, and others) to be supported in whole or in part with IDEA, Part B, Section 611 grant funds (with proposed amounts and FTEs).

We will support 100% of the salaries of two Special Education Teachers and 74% of the salary for one Special Education Teacher with this funding.

In narrative format, please provide a detailed description and budget outline of all additional activities, goods and services to be supported with IDEA, Part B, Section 611 grant funds.

**Virginia Department of Education
SPECIAL EDUCATION FEDERAL PROGRAM
PROPOSED GRANT BUDGET**

Part B, Section 611, Flow-Through Funds (July 1, 2018-September 30, 2020)

Complete column C, by allocating PROPOSED grant funds to object code categories 1000 through 8000. A description of the object code categories is available on the VDOE's Web site. See the instruction tab for the Web address. In determining appropriate assignment of items to object codes, applicants are strongly encouraged to consult with the individual(s) within the LEA who have responsibility for completing the Annual School Report – Financial Section.

List all equipment items costing five thousand dollars (\$5,000) or more and also list inventory items costing less than \$5,000 that will be tracked, including I-pads, computers, cameras, etc., to be purchased with grant funds, and provide information on proposed out-of-state/country travel to be supported with grant funds.

(A) EXPENDITURE ACCOUNTS	(B) OBJECT CODE	(C) Budget	(D) CEIS	(E) Proportionate Set-aside	(F) Total Budget
Personal Services	1000	141,590.00	0.00	0.00	141,590.00
Employee Benefits	2000		0.00	0.00	0.00
Purchased Services	3000		0.00	0.00	0.00
Internal Services	4000		0.00	0.00	0.00
Other Services	5000		0.00	0.00	0.00
Materials / Supplies	6000		0.00	0.00	0.00
Capital Outlay	8000		0.00	0.00	0.00
TOTAL PROPOSED BUDGET		141,590.00	0.00	0.00	141,590.00

Proposed Equipment: List items costing \$5,000 or more. Also list inventory items costing less than \$5,000 that will be tracked, including I-pads, computers, cameras, etc.

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Proposed Out-of State/Country Travel (destination, purpose, estimated cost, number of people):

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For additional instructions for completing this section of the Annual Plan/Part B Flow-Through Application, please review Section F of the "LEA Instructions" tab.

**VIRGINIA DEPARTMENT OF EDUCATION
PROPOSAL SUMMARY
PART B, SECTION 619 (EARLY CHILDHOOD SPECIAL EDUCATION GRANT)
GRANT PERIOD: JULY 1, 2018 – SEPTEMBER 30, 2020**

ECSE Contact Person:	
Title:	
Mailing Address:	
Phone:	
E-mail:	

Joint Applications Only!

For joint applications, please select the Fiscal Agent below, and provide the requested contact information.

If this is not a joint application move directly to the next section below.

Fiscal Agent:		LEA Code:
Joint Application Project Director:		
Mailing Address of Project Director:		
Phone:		
E-mail:		

If this is a joint application and allocations are to be combined into a single award issued to the fiscal agent designated above, list participating LEAs and the amounts to be combined into a single award. Note: All participating agencies must still complete the remainder of this tab.

Participating Agency Name	Code Number	Amount Released
Total Amount to be issued to Fiscal Agent:		\$0.00

**PART B, SECTION 619 (EARLY CHILDHOOD SPECIAL EDUCATION GRANT)
GRANT PERIOD: JULY 1, 2018 – SEPTEMBER 30, 2020**

In narrative format, please provide a description and budget outline of all personnel (i.e., teachers, instructional assistants, administrators, clerical, support personnel, and others) to be supported in whole or in part with IDEA, Part B, Section 619 grant funds (with proposed budget amounts and FTEs).

We will support 8% of an Early Childhood Special Education Teacher with this funding.

In narrative format, please provide a detailed description and budget outline of all additional activities, goods and services to be supported with IDEA, Part B, Section 619 grant funds.

**Virginia Department of Education
PART B, SECTION 619 (EARLY CHILDHOOD SPECIAL EDUCATION GRANT) APPLICATION
PROPOSED GRANT BUDGET**

Part B, Section 619, Preschool Funds (July 1, 2018-September 30, 2020)

Complete column C, by allocating PROPOSED grant funds to object code categories 1000 through 8000. A description of the object code categories is available on the VDOE's Web site. See the instruction tab for the Web address. In determining appropriate assignment of items to object codes, applicants are strongly encouraged to consult with the individual(s) within the LEA who have responsibility for completing the Annual School Report – Financial Section.

List all equipment items costing five thousand dollars (\$5,000) or more, and also list inventory items costing less than \$5,000 that will be tracked, including I-pads, computers, cameras, etc., to be purchased with grant funds, and provide information on proposed out-of-state/country travel to be supported with grant funds.

(A) EXPENDITURE ACCOUNTS	(B) OBJECT CODE	(C) Budget	(D) CEIS	(E) Proportionate Set-aside	(F) Total Budget
Personal Services	1000	3,882.00	0.00	0.00	3,882.00
Employee Benefits	2000		0.00	0.00	0.00
Purchased Services	3000		0.00	0.00	0.00
Internal Services	4000		0.00	0.00	0.00
Other Services	5000		0.00	0.00	0.00
Materials / Supplies	6000		0.00	0.00	0.00
Capital Outlay	8000		0.00	0.00	0.00
TOTAL PROPOSED BUDGET		3,882.00	0.00	0.00	3,882.00

Proposed Equipment: List items costing \$5,000 or more. Also list inventory items costing less than \$5,000 that will be tracked, including I-pads, computers, cameras, etc.

Proposed Out-of State/Country Travel (destination, purpose, estimated cost, number of people):