

Individuals with Disabilities Education Act: Grant Policies and Guidance

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WISCONSIN DEPARTMENT OF
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Introduction

The Wisconsin Department of Public Instruction (DPI) Special Education (SPED) Team, in the Division for Learning Support (DLS), provides policies and guidance to recipients of Individuals with Disabilities Education Act (IDEA) Part B and Discretionary Grant funds. Applicants electing to accept IDEA Part B discretionary funding must comply with all the applicable requirements set forth in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR); the Education Department General Administration Regulations (EDGAR) requirements; state statutes; and the rules, policies and guidance, and assurances and certifications as prescribed by the DPI.

Federal Investment in Statewide Systems Change (FISSC)

The DPI invests in statewide systems change efforts through a number of IDEA Discretionary Grant projects and other supports. Working together, these projects translate high-priority areas of educational research into actionable strategies and supports to improve outcomes for students with disabilities, particularly those of color.

FISSC Vision: Deconstructing and co-creating systems to support each and every learner.

FISSC Mission: Leverage the intersecting resources of discretionary grant projects to develop and deliver embedded professional learning to change adult behavior in measurable ways.

Federal Grant Financial Management and Administrative Requirements

Below are links to the Uniform Administrative Requirements and the EDGAR Title 34 CFR, Part 76, which governs the administration of IDEA Part B Discretionary funds.

- [The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards](#) establishes uniform grant guidance for federal awards to non-federal entities.
- [EDGAR Title 34 \(Education\), CFR Part 76](#) establishes the regulations for State-administered programs of the Department of Education.

Expectations of Grant Recipients

IDEA discretionary grant recipients agree to:

- serve as ambassadors and points of contact for the IDEA discretionary grant;
- collaborate with other IDEA discretionary grant projects and staff (i.e., work with other grant project staff outside of a specific IDEA grant and serve as a communication liaison on other grant projects to collaborate on effective ideas and practices);
- improve outreach by distributing IDEA discretionary grant information to stakeholders, including grant project flyers, brochures, and other products, when applicable; and
- act as a liaison between the DPI, IDEA discretionary grant staff, local education agencies (LEAs), schools, families, and other relevant stakeholders (not applicable to LEAs receiving grant funds).

Section 1. Roles and Responsibilities

1.1 Fiscal Agents

Fiscal agents are the entities that provide fiscal management, accounting, and reporting services on behalf of the organization receiving funding under an IDEA discretionary grant. The fiscal agent will:

- A. administer grant funds in accordance with the applicable federal grant financial management and administrative requirements, as well as the DPI policies and guidance;
- B. submit application materials as outlined in the Notice of Funding Availability (NOFA) or contract, including certifications and assurances, project work plan, and budgets;
- C. hire, contract, or assign grant project staff with the skills and dispositions to fulfill the activities or deliverables in collaboration with the DPI grant directors;
- D. issue grant-funded sub-contracts;
- E. manage purchasing;
- F. submit quarterly financial claims;
- G. submit required reports by due dates;
- H. understand and oversee the completion of activities and deliverables
- I. submit grant project adjustments to the DPI grant director;
- J. collaborate with the DPI grant director in the revision and resubmission of the NOFA or contract in the event there are significant changes made to the grant project;
- K. participate in and collect data for evaluation purposes as required by the grant agreement; and
- L. verify that all costs charged to the grant provide direct benefit to one or more deliverables within the grant project.

Note: CESAs serving as employers of discretionary grant-funded staff may request grant-funded staff to participate in CESA-based in-service or community building activities for up to 12 hours in a contract year (for full-time grant-funded staff). These hours are to be prorated for part-time grant-funded staff based on the percentage of full-time employment that is discretionary grant-funded.

1.2 DPI Grant Directors

The DPI grant directors plan, direct, and administer grant projects under the direction of the SPED team administration to:

- A. provide direction, leadership, guidance, and oversight of grant project planning, implementation, and evaluation throughout the grant year;
- B. work with SPED administrators, grant specialists, and data consultants to develop:
 - a. project goals, activities, deliverables, benchmarks, and data collection requirements;
 - b. funding levels, grant staff structure, and an evaluation plan for the grant project; and
 - c. align grant activities with Annual Performance Report (APR) requirements;
- C. review applications submissions;

- D. review grant products for quality and consistency of messaging aligned with the DPI branding and accessibility guidelines;
- E. oversee grant project evaluation(s);
- F. review and approve grant budgets and revisions;
- G. work with local, regional, statewide, and national organizations, agencies, and individuals to assess needs and improve services through collaboration; and
- H. ensure those supervising grant funded staff are aware of progress toward meeting grant activities or deliverables at the mid-year and end of the year for the grants they oversee.

1.3 Contracted Agencies

Agencies contracted by the fiscal agent to implement discretionary grant activities will:

1. submit financial claims to the fiscal agent as outlined in the time schedule;
2. assign, hire, or contract for grant project staff with the skills and dispositions to fulfill the activities or deliverables; and
3. submit reports by their due date as required in the discretionary grant project and by the fiscal agent.

Section 2. Funding Requirements and Limitations

2.1 Application Approval

Approval of an application for one fiscal year does not guarantee approval in subsequent years unless specified within the grant project.

2.2 Sub-Granting Funds

Sub-granting funds to any agency or organization is not permitted under any circumstances.

2.3 Subcontracting Funds

Subcontracting funds to other agencies or organizations is allowed upon Wisconsin DPI approval as outlined in the NOFA or contract.

Section 3. Hiring and Assigning Grant Staff

The DPI funds are awarded to CESAs with the expectation that they have the capacity, skills, and dispositions necessary to fulfill the activities or deliverables as articulated. The DPI may provide the minimum qualifications necessary for deliverables within an award. For CESAs with a history of hiring grant-funded staff with the skills and dispositions needed to fulfill grant deliverables, there is little or no involvement by the DPI except as requested by the CESA. The CESA is responsible for the hiring, assigning, supervision, and evaluation of staff within their agencies to fulfill the deliverables of an award. The involvement of the DPI in the hiring or assigning of CESA staff to positions associated with an award is provided only when there is:

- interest by the CESA receiving the award to collaborate with the DPI in hiring/assigning decisions, and
- guidance accompanying awards that specifies the role of the DPI in the hiring or assigning of staff.

Section 4. Administrative Cost Under Contract

Administrative costs allowed for CESA contracts are determined by the agency fiscal rate, which will be released by the DPI and fixed for the term of the contract. Fiscal agents that do not complete the agency fiscal rate calculation will be assigned the DPI default rate. (2 CFR 200.414)

Section 5. Time and Effort Reporting

For costs to be allowable, compensation for personal services must adhere to the Standards for Documentation of Personnel Expenses as identified in 2 CFR § 200.430(i)(1). The sub-recipient must retain records that accurately reflect the work performed and be supported by a system of internal controls which provide reasonable assurance that the charges are accurate, allowable, and properly allocated.

Section 6. Indirect and Direct Costs

6.1 Indirect Costs

Indirect costs are those that have been incurred for common or joint purposes. These costs benefit more than one cost objective and cannot be readily identified with a single cost objective or project. If the fiscal agent intends to claim indirect cost, the following conditions must be met:

- A. The total amount budgeted for indirect costs do not exceed the negotiated, restricted indirect rate established with the DPI;
- B. indirect costs are not charged against capital objects;
- C. an agency has a negotiated indirect rate with the DPI in order to budget and claim indirect cost; and
- D. indirect costs are only charged against the first \$25,000 of a contract. The indirect rate is not to exceed the grant recipient's Wisconsin DPI-negotiated restricted indirect rate at the time the NOFA or contract is released and fixed for the term of the contract.

6.2 Direct Costs

A cost may not be allocated to a federal grant as an indirect cost if, in like circumstances, any other cost incurred for the same purpose has been assigned to a federal grant as a direct cost. For IDEA discretionary grants, the DPI allows costs such as rent/occupancy, phone, copies/printing, postage/shipping, workmen's compensation and liability insurance, single audit costs, clerical, bookkeeping, and IT personnel support be allocated as direct costs. However, if these are allocated to the grant as direct costs, they must be based on a written, consistently applied formula.

Section 7. Rental

Space rented at the fiscal agency's facility may be an allowable direct cost to a grant. If the fiscal agency charges space rental as a direct cost, it must have a formula to determine how much to charge to the grant based on the number of grant staff, number of days on the grant, and other relevant factors. The fiscal agency may also charge for the space rental costs of meeting rooms for grant-funded training and events. The fiscal agency may incorporate these charges for meeting space rental as part of the formula for determining the total direct cost amount charged to the grant, as long as costs are reasonable. As an indicator of reasonableness, the fiscal agency must be consistent with how it approaches the meeting space rental costs on federal grants compared to other

non-grant projects. Fiscal agencies may only charge for those additional meeting room rental costs if they are also charging those costs to other, non-federal projects.

Section 8. Procurement (2 CFR §§ 200.318-200.326)

8.1 Procurement Procedures

As recipients of federal IDEA discretionary grant funds, grantees will use their own procurement procedures that reflect applicable state and local laws and regulations, provided the procurements conform to applicable federal law and the standards in 2 CFR §§ 200.318-200.326. Grantees shall ensure contracts are in place for goods and services that are purchased with IDEA funds. Items purchased with IDEA funds will be returned to the DPI upon request at the completion of the project or change in fiscal agent.

8.2 Competitive Bid or Proposal Process

Contracts for projects or services which will cost \$250,000 or greater must perform a cost analysis and determine an estimate *before* being put out for a competitive bid or proposal process, unless the awarding agency authorizes noncompetitive proposals (2 CFR § 200.88; § 200.320[c][d]).

If the CESA's procurement to bid threshold is lower, then CESA must follow their own policies and procedures.

Section 9. Grant Project Evaluation

Grant project evaluation is guided by the activities, outputs, and outcomes outlined in the project's logic model. The logic model is in turn informed by the project's theory of action. The aim is to focus evaluation efforts on those aspects of the project that research has suggested are causal links in meaningful system improvement. Most project evaluations will include both process evaluation, which shows the extent to which a program is executed with fidelity and how outcomes were achieved, and outcome evaluation, which assesses the effectiveness of the program in producing change.

The type and maturity of a program will dictate the relative emphasis on process and outcome evaluation. For example, established interventions which have been implemented successfully before would have a greater emphasis on outcomes than newer and more innovative programs.

The grant project evaluation process is intended to facilitate an ongoing assessment and support of grant activities throughout the grant year. Findings from project evaluations will be used to assess the efficacy of the project, suggest how to improve the project, and whether the project continues to be a good investment of discretionary funds. Project evaluation plans will be developed with the involvement of the DPI grant directors and the DPI evaluation consultants.

All IDEA grant-funded staff will administer data collection tools as requested by the DPI for all grant-funded group professional learning (training, networking, etc.). Data collected will be available to grant-funded staff upon request.

Section 10. Grant Product Review Policy

10.1 Large-Scale, Long-Standing Products

In regards to developing large-scale, long-standing, grant-funded products including books, guides, reports, films, webinar modules, presentations, and websites:

- A. The project grant recipient will participate in an initial consultation with the DPI grant director. The product development plan will include, but is not limited to, needs assessment, budget, timeline, identifying participating outside stakeholders, and evidence of aligning with existing Wisconsin DPI messaging.
- B. The DPI grant director will then approve the product development plan.
- C. Before the product is finalized and disseminated to the public, the grant recipient will present it to the DPI grant director for review and approval within the agreed-upon timeline. The DPI grant director will review the product content and may refer questions to the DPI special education administrative team. The DPI grant director will also ensure the appropriate acknowledgment statements are included within the product and that messaging is consistent with the DPI materials (see Sections 11, 14, and 15 below).
- D. The DPI grant directors may require the product to be piloted with a sample of stakeholders before its final release. Major revisions to grant-funded products are to receive the approval of the DPI grant director prior to development and distribution.

10.2 Other Products

Grant-funded documents such as brochures, flyers, meeting and conference agendas, and other web-based technical assistance resources will not be subject to this formal process unless required by the NOFA or contract. However, they may be submitted to the DPI grant director for review to provide feedback and ensure the DPI branding and communication guidelines are met.

Section 11. Publications and Products

The content of any grant-funded publications or products may be reprinted in whole or in part with credit to the U.S. Department of Education and the DPI. However, reproduction of products in whole or in part for resale must be authorized by the DPI. When issuing statements, press releases, and other documents describing projects funded in whole or in part with IDEA funds, all grantees receiving IDEA funds shall clearly acknowledge the receipt of IDEA funds (see Section 15).

Section 12. Accessibility Standards for Resource Materials

Fiscal agents producing resource materials must adhere to accessibility standards. It is a grant expectation for all IDEA-funded projects to make every effort to maximize accessibility for all stakeholders. Accessibility includes, but is not limited to, closed captioning for videos, webinars, and audio portions of modules, applications, accessibility checkers, and resources; designating grant funds for translation of products; and formatting websites and other documents to be easily read by screen-reader applications. IDEA-funded grant staff and coordinators should contact the DPI grant director for any assistance needed or questions regarding resources available for maximizing accessibility.

Section 13. Data Use Agreement (34 CFR Part 99)

13.1 Data Use Agreements Regarding Student-Level Data

All Federal discretionary grants that utilize student-level data, either through direct access to a database or through downloads provided by the DPI staff, are required to have an executed Data Use Agreement (DUA) signed by the CESA Administrator on file with the DPI.

- A. The DUA application is an online process.
- B. The DUA expires after five years and will remain in effect for that time while grant activities are funded through an IDEA discretionary grant and required by the DPI grant director. After five years, a renewal will be required.
- C. The DUA is specific to special education data and a fully executed DUA will be required before allowing access to student-level data.
- D. Grant funded staff who will access student-level data will be required to complete the annual Data Security Learning Plan.

13.2 Terms and Conditions

By signing a DUA, the recipient agrees to the terms and conditions in the United States Department of Education Regulations 20 U.S.C § 1232(g). Recipients agree to the following responsibilities, including but not limited to:

- A. data used only for its intended purpose as outlined in the NOFA or contract;
- B. data is used only by the recipient listed on the DUA and cannot be shared or transferred to another individual or organization; and
- C. upon termination of employment under an IDEA-funded grant, all data received is destroyed or returned to the DPI.

Section 14. Copyright (2 CFR §200.315[b])

The U.S. Department of Education and the DPI reserve royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use and authorize others to use, for their purposes:

- A. the copyright in any work developed or contracted under an IDEA grant; and
- B. any rights of copyright to which the grantee or contractor purchases ownership with grant support.

Section 15. Acknowledgment Statement in Publications and Products (34 CFR §75.620)

Grant recipients must include a statement that acknowledges the DPI and the federal source of funding in all publications and products developed with grant funding. Grant recipients must check their specific grant award notifications for the correct CFDA number to include in the acknowledgment statement.

- A. For grant-funded products such as flyers, brochures, pamphlets, PowerPoint presentations, webinar presentations, formal conference agendas, guides, reports, books, booklets, videos, films, websites, and any other document or product distributed to the public, the following statement must be included:

“The [grant project name] (CFDA #xx.xxx) acknowledges the support of the Wisconsin Department of Public Instruction in the development of this [product] and for the continued support of this federally-funded grant project. There are no copyright restrictions on this document; however, please credit the Wisconsin DPI and support of federal funds when copying all or part of this material.”

- B. For larger, more extensive publications such as guides, reports, books, and videos which are long-standing, or to be used for more than one year, an alternative acknowledgment statement must be used. This statement should not be included on any publication primarily focusing on IDEA compliance; however, it should be included on publications with recommended guidance and best practices for special education. The following is an example of an acknowledgement statement:

“The contents of this [product] were developed under a grant from the U.S. Department of Education. The [grant project name] (CFDA #xx.xxx) acknowledges the support of the Wisconsin Department of Public Instruction (WDPI) in the development of this [product] and for the continued support of this federally funded grant project. The content does not necessarily represent the policy of the WDPI, and you should not assume endorsement by the WDPI or the U.S. Department of Education. There are no copyright restrictions on this document; however, please credit the WDPI and support of federal funds when copying all or part of this material.”