

Section III

Description of Use of Funds Under Part B of the Individuals with Disabilities Education Act—20 U.S.C. 1411(e)(5); 34 CFR § 300.171

States must provide the Description of Use of Funds by completing and submitting the Excel Interactive Spreadsheet with the FFY 2020 Application.

Describe how the amount retained by the State educational agency under 20 U.S.C. 1411(e)(1) will be used to meet the following activities under Part B. (20 U.S.C. 1411(e)(1)-(3), (6) and (7)) The Department annually identifies for States the maximum amounts that a State may retain under Section 1411(e)(1) and (2).¹ The dollar amounts **listed in the Excel Interactive Spreadsheet** by the State for administration and for other State activities should add up to less or equal to the dollar amount provided to the State by the Department for each of these activities.

Enter whole dollar amounts (do not enter cents) in appropriate cells on the State's Excel Interactive Worksheet. The Excel Interactive Spreadsheet must be submitted as part of the State's application.

Describe the process used to get input from LEAs regarding the distribution of amounts among activities described in the Excel Interactive Spreadsheet to meet State priorities. (20 U.S.C. 1411(e)(5)(B); 34 CFR § 300.704)

On April 3, 2020, The State Director of Special Services Birth-20 met with the regional representatives of the Maine Administrators of Services for Children with Disabilities (MADSEC) The twelve members of the group represent regions throughout the State of Maine. Members provided suggestions for the use of IDEA funds in the coming fiscal year.

A notice was published on the Maine Department of Education's webpage asking for public comment regarding the Part B application.

The interactive spreadsheet was also presented during the Part B State Advisory Panel meeting prior to submission.

¹Each State may reserve for each fiscal year not more than the maximum amount the State was eligible to reserve for State administration under this section for fiscal year 2004 or \$800,000 (adjusted in accordance with 20 U.S.C. 1411(e)(1)(B)), whichever is greater; and each outlying area may reserve for each fiscal year not more than 5 percent of the amount the outlying area receives under 20 U.S.C. 1411(b)(1) for the fiscal year or \$35,000, whichever is greater.

For each fiscal year beginning with fiscal year 2005, the Secretary shall cumulatively adjust: 1) the maximum amount the State was eligible to reserve for State administration under this part for fiscal year 2004; and 2) \$800,000, by the rate of inflation as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

Section IV

State Administration

Section 608(a) of the IDEA requires each State that receives funds under this title to:

- (1) ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title;
- (2) identify in writing to local educational agencies located in the State and the Secretary any such rule, regulation, or policy as a State-imposed requirement that is not required by this title and Federal regulations; and
- (3) minimize the number of rules, regulations, and policies to which the local educational agencies and schools located in the State are subject under this title.

States must attach to this application a list identifying any rule, regulation, or policy that is State-imposed (not required by IDEA or Federal regulations). If there are no such State-imposed rules, regulations, or policies, please so indicate. In addition, the State is required to inform local education agencies in writing of such State-imposed rules, regulation or policy. (20 U.S.C. 1407(a); 34 CFR § 300.199)

- Maine Department of Education Regulation Chapter 101, Section VIII, Eligibility for FAPE for Five Year Olds by IEP Team Determination. This provision allows children who have neem served by Child Development Services (CDS) and have a birth date between July 1 and October 15 to stay in the CDS system another year. A proposed change to this provision was not approved by the State legislature.
- Federal law allows a child to “stay put” in the preferred placement when a due process complaint has gone to a hearing; Maine law allows stay-put during the mediation and the state complaint process, as well as the hearing process- a longer period of time. Maine Department of Education Regulation Chapter 101, Section XVI.20.A. A proposed change to this provision was not approved by the State Legislature.
- Federal law imposes a one-year statute of limitations for complaint investigations; in Maine, the statute of limitations is one year unless the parent requests a remedy of compensatory services, in which case the statute of limitations is two years. Maine Department of Education Regulation Chapter 101, Section XVI.4.b (3). This provision was identified by staff involvement with due process activities, when asked to review the regulations in 2013 for any that are not required under federal law. It is a compromise position reached by the Legislature in 2010, in response to the Department’s proposal to adopt the federal one-year limit.

NOTE: The Department’s regulations use different text fonts to distinguish between State and federal requirements. The convention is stated at the beginning of the document so any reader will be aware of the source of a given requirement.