

OMB NO. 1820-0030

Expires: 01/31/2026

**ANNUAL STATE APPLICATION UNDER PART B OF THE  
INDIVIDUALS WITH DISABILITIES EDUCATION ACT AS AMENDED IN 2004  
FOR FEDERAL FISCAL YEAR 2023**

CFDA No. 84.027A and 84.173A

ED FORM No. 9055

**UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION PROGRAMS**

Washington, DC 20202-2600

**Public Burden Statement**

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a currently valid OMB control number. The valid OMB control number for this collection is 1820-0030. Public reporting burden for this collection of information is estimated to average 14 hours per responses, and an average of 25 additional hours for responses reporting data related to significant disproportionality in a given year, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is required to obtain or retain a benefit under 20 U.S.C. 1411 and 1419. If you have comments or concerns regarding the status of your individual submission of this form, please contact Jennifer Simpson at [Jennifer.Simpson@ed.gov](mailto:Jennifer.Simpson@ed.gov) or at the Office of Special Education and Rehabilitative Services US Department of Education, 400 Maryland Avenue SW, Washington, DC 20202.

Respondents are required to submit information for Sections I-IV of the Annual State Application in order to receive a grant under Section(s) 611 and/or 619 of the Individuals with Disabilities Education Act. Respondents are required to provide the data in Section V pursuant to IDEA section 618(a)(3), which provides the Secretary authority to collect annual data on any information that may be required by the Secretary and 34 CFR §300.647(b)(7), which requires States to report all risk ratio thresholds, minimum cell sizes, minimum n-sizes, standards for measuring reasonable progress if the State uses the "reasonable progress" flexibility in 34 CFR §300.647(d)(2), and the rationales for each, to the Department.

## Section I

### A. Submission Statement for Part B of IDEA

Please select 1 or 2 below. Check 3 if appropriate.

1. The State provides assurances that it has in effect policies and procedures to meet all eligibility requirements of Part B of the Act as found in PL 108-446, the Individuals with Disabilities Education Act and applicable regulations (IDEA). The State is able to meet all assurances found in Section II.A. of this Application.
2. The State cannot provide assurances for all eligibility requirements of Part B of the Act as found in PL 108-446. The State has determined that it is unable to make the assurances that are checked as 'No' in Section II.A. However, the State assures that throughout the period of this grant award the State will operate consistent with all requirements of IDEA in PL 108-446 and applicable regulations. The State will make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of the IDEA, as amended, as soon as possible, and not later than June 30, 2024. The State has included the date by which it expects to complete necessary changes associated with assurances marked 'No'. (Refer to Assurances found in Section II.A.)

Optional:

3. The State is submitting modifications to State policies and procedures previously submitted to the Department. These modifications are: (1) deemed necessary by the State, for example when the State revises applicable State law or regulations; (2) required by the Secretary because there is a new interpretation of the Act or regulations by a Federal court or the State's highest court; and/or (3) because of an official finding of noncompliance with Federal law or regulations.

### B. Conditional Approval for Current Grant Year

If the State received conditional approval for the current grant year, check the appropriate statement(s) below:

#### 1. Conditional Approval Related to Assurances in Section II.A.:

- a. Section II.A. provides documentation of completion of all issues identified in the FFY 2022 conditional approval letter.
- b. As noted in Section II.A., the State has not completed all issues identified in the FFY 2022 conditional approval letter.

#### 2. Conditional Approval Related to Other Issues:

- a. The State previously submitted documentation of completion of all issues identified in the FFY 2022 conditional approval letter.
- b. The State is attaching documentation of completion of all issues identified in the FFY 2022 conditional approval letter. *(Attach documentation showing completion of all issues.)*
- c. The State has not completed all issues identified in the FFY 2022 conditional approval letter. *(Attach documentation showing completion of any issues and a list of items not yet completed.)*

**Section II**

**A. Assurances Related to Policies and Procedures**

The State makes the following assurances that it has policies and procedures in place as required by Part B of the Individuals with Disabilities Education Act. (20 U.S.C. 1411-1419; 34 CFR §§300.100-300.174)

Yes <i>(Assurance is given Place a check as applicable.)</i>	No <i>(Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)</i>  <i>Enter date(s) as applicable</i>	<b>Assurances Related to Policies and Procedures</b>
X		1. A free appropriate public education is available to all children with disabilities residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled, in accordance with 20 U.S.C. 1412(a)(1); 34 CFR §§300.101-300.108.
X		2. The State has established a goal of providing a full educational opportunity to all children with disabilities and a detailed timetable for accomplishing that goal. (20 U.S.C. 1412(a)(2); 34 CFR §§300.109-300.110)
X		3. All children with disabilities residing in the State, including children with disabilities who are homeless or are wards of the State and children with disabilities attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services in accordance with 20 U.S.C. 1412(a)(3); 34 CFR §300.111.
X		4. An individualized education program, or an individualized family service plan that meets the requirements of section 636(d), is developed, reviewed, and revised for each child with a disability in accordance with 34 CFR §§300.320 through 300.324, except as provided in §§300.300(b)(3) and 300.300(b)(4). (20 U.S.C. 1412(a)(4); 34 CFR §300.112)
X		5. To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be

		achieved satisfactorily in accordance with 20 U.S.C. 1412(a)(5)(A)-(B); 34 CFR §§300.114-300.120.
X		6. Children with disabilities and their parents are afforded the procedural safeguards required by 34 CFR §§300.500 through 300.536 and in accordance with 20 U.S.C. 1412(a)(6); 34 CFR §300.121.
X		7. Children with disabilities are evaluated in accordance with 34 CFR §§300.300 through 300.311. (20 U.S.C. 1412(a)(7); 34 CFR §300.122)
X		8. Agencies in the State comply with 34 CFR §§300.610 through 300.626 (relating to the confidentiality of records and information). (20 U.S.C. 1412(a)(8); 34 CFR §300.123)
X		9. Children participating in early intervention programs assisted under Part C, and who will participate in preschool programs assisted under this part, experience a smooth and effective transition to those preschool programs in a manner consistent with section 637(a)(9). By the third birthday of such a child, an individualized education program or, if consistent with 34 CFR §300.323(b) and section 636(d), an individualized family service plan, has been developed and is being implemented for the child. The local educational agency will participate in transition planning conferences arranged by the designated lead agency under section 635(a)(10). (20 U.S.C. 1412(a)(9); 34 CFR §300.124)
X		10. Agencies in the State, and the SEA if applicable, comply with the requirements of 34 CFR §§300.130 through 300.148 (relating to responsibilities for children in private schools), including that to the extent consistent with the number and location of children with disabilities in the State who are enrolled by their parents in private elementary schools and secondary schools in the school district served by a local educational agency, provision is made for the participation of those children in the program assisted or carried out under this part by providing for such children special education and related services in accordance with the requirements found in 34 CFR §§300.130 through 300.148 unless the Secretary has arranged for services to those children under subsection (f) [By pass]. (20 U.S.C. 1412(a)(10); 34 CFR §§300.129-300.148)
X		11. The State educational agency is responsible for ensuring that the requirements of Part B are met including the requirements of 34 CFR §§300.113, 300.149, 300.150 through 300.153, and 300.175 and 300.176 and that the State monitors and enforces the requirements of Part B in accordance with 34 CFR §§300.600-300.602 and 300.606-300.608. (20 U.S.C. 1412(a)(11); 34 CFR §300.149)
X		12. The Chief Executive Officer of a State or designee of the officer shall ensure that an interagency agreement or other mechanism for interagency coordination is in effect between each public agency described in subparagraph (b) of 34 CFR §300.154 and the State educational agency, in order to ensure that all services described in paragraph (b)(1)(i) that are needed to ensure a free appropriate public education are provided, including the provision of such services during

		the pendency of any dispute under §300.154(a)(3). Such agreement or mechanism shall meet the requirements found in 20 U.S.C. 1412(a)(12)(A)-(C); 34 CFR §300.154.
X		13. The State educational agency will not make a final determination that a local educational agency is not eligible for assistance under this part without first affording that agency reasonable notice and an opportunity for a hearing. (20 U.S.C. 1412(a)(13); 34 CFR §300.155)
X		14. The State educational agency has established and maintains qualifications to ensure that personnel necessary to carry out this part are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities as noted in 20 U.S.C. 1412(a)(14)(A)-(E), as amended by the Every Student Succeeds Act; 34 CFR §300.156.
X		15. The State has established goals for the performance of children with disabilities in the State that meet the requirements found in 20 U.S.C. 1412(a)(15)(A)-(C), as amended by the Every Student Succeeds Act; 34 CFR §300.157.
X		16. All children with disabilities are included in all general State and districtwide assessment programs, including assessments described under section 1111 of the Elementary and Secondary Education Act of 1965, with appropriate accommodations and alternate assessments where necessary and as indicated in their respective individualized education programs as noted in 20 U.S.C. 1412(a)(16)(A)-(E); as amended by the Every Student Succeeds Act; 34 CFR §300.160.
X		17. Funds paid to a State under this part will be expended in accordance with all the provisions of Part B including 20 U.S.C. 1412(a)(17)(A)-(C); 34 CFR §300.162.
X		18. The State will not reduce the amount of State financial support for special education and related services for children with disabilities, or otherwise made available because of the excess costs of educating those children, below the amount of that support for the preceding fiscal year, unless a waiver is granted, in accordance with 20 U.S.C. 1412(a)(18)(A)-(D); 34 CFR §§300.163 through 300.164.
X		19. Prior to the adoption of any policies and procedures needed to comply with this section (including any amendments to such policies and procedures), the State ensures that there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities. (20 U.S.C. 1412(a)(19); 34 CFR §300.165)
X		20. In complying with 34 CFR §§300.162 and 300.163, a State may not use funds paid to it under this part to satisfy State-law mandated funding obligations to local educational agencies, including funding based on student attendance or enrollment, or inflation. (20 U.S.C. 1412(a)(20); 34 CFR §300.166)
X		21. The State has established and maintains an advisory panel for the purpose of providing policy guidance with respect to special education

		and related services for children with disabilities in the State as found in 20 U.S.C. 1412(a)(21)(A)-(D); 34 CFR §§300.167-300.169.
X		22. The State educational agency examines data, including data disaggregated by race and ethnicity, to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities in accordance with 20 U.S.C. 1412(a)(22)(A)-(B); 34 CFR §300.170.
X		23a. The State adopts the National Instructional Materials Accessibility Standard for the purposes of providing instructional materials to blind persons or other persons with print disabilities, in a timely manner after the publication of the National Instructional Materials Accessibility Standard in the Federal Register in accordance with 20 U.S.C. 1412(a)(23)(A) and (D); 34 CFR §300.172.
		23b. <i>(Note: Check either "23b.1" or "23b.2" whichever applies.)</i>
X		23b.1 The State educational agency coordinates with the National Instructional Materials Access Center and not later than 12/03/06 the SEA as part of any print instructional materials adoption process, procurement contract, or other practice or instrument used for purchase of print instructional materials enters into a written contract with the publisher of the print instructional materials to: <ul style="list-style-type: none"> <li>• require the publisher to prepare and, on or before delivery of the print instructional materials, provide to the National Instructional Materials Access Center, electronic files containing the contents of the print instructional materials using the National Instructional Materials Accessibility Standard; or</li> <li>• purchase instructional materials from the publisher that are produced in, or may be rendered in, specialized formats. (20 U.S.C. 1412(a)(23)(C); 34 CFR §300.172)</li> </ul>
N/A		23b.2 The State educational agency has chosen not to coordinate with the National Instructional Materials Access Center but assures that it will provide instructional materials to blind persons or other persons with print disabilities in a timely manner. (20 U.S.C. 1412(a)(23)(B); 34 CFR §300.172)
X		24. The State has in effect, consistent with the purposes of the IDEA and with section 618(d) of the Act, policies and procedures designed to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment described in 34 CFR §300.8. (20 U.S.C 1412(a)(24); 34 CFR §300.173)
X		25. The State educational agency shall prohibit State and local educational agency personnel from requiring a child to obtain a prescription for a substance covered by the Controlled Substances Act (21 U.S.C. 812(c)) as a condition of attending school, receiving an evaluation under 34 CFR §§300.300 through 300.311, or receiving services under the IDEA as described in 20 U.S.C. 1412(a)(25)(A)-(B); 34 CFR §300.174.

**B. Other Assurances**

The State also makes the following assurances:

Yes	Other Assurances
X	1. The State shall distribute any funds the State does not reserve under 20 U.S.C. 1411(e) to local educational agencies (including public charter schools that operate as local educational agencies) in the State that have established their eligibility under section 613 for use in accordance with this part as provided for in 20 U.S.C. 1411(f)(1)-(3); 34 CFR §300.705.
X	2. The State shall provide data to the Secretary on any information that may be required by the Secretary. (20 U.S.C. 1418(a)(3); 34 CFR §§300.640-300.645.)
X	3. The State, local educational agencies, and educational service agencies shall use fiscal control and fund accounting procedures that insure proper disbursement of and accounting for Federal funds. (34 CFR §76.702)
X	4. As applicable, the assurance in OMB Standard Form 424B (Assurances for Non-Construction Programs), relating to legal authority to apply for assistance; access to records; conflict of interest; merit systems; nondiscrimination; Hatch Act provisions; labor standards; flood insurance; environmental standards; wild and scenic river systems; historic preservation; protection of human subjects; animal welfare; lead-based paint; Single Audit Act; and general agreement to comply with all Federal laws, executive orders and regulations.

**C. Certifications**

The State is providing the following certifications:

Yes	Certifications
X	1. The State certifies that ED Form 80-0013, <i>Certification Regarding Lobbying</i> , is on file with the Secretary of Education.  With respect to the <i>Certification Regarding Lobbying</i> , the State recertifies that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making or renewal of Federal grants under this program; that the State shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," when required (34 CFR Part 82, Appendix B); and that the State Agency shall require the full certification, as set forth in 34 CFR Part 82, Appendix A, in the award documents for all sub awards at all tiers.
X	2. The State certifies that the arrangements to establish responsibility for services pursuant to 20 U.S.C. 1412(a)(12)(A)-(C); 34 CFR §300.154 (or 20 U.S.C. 1412(a)(12)(A)); 34 CFR §300.154(a) are current. This certification must be received prior to the expenditure of any funds reserved by the State under 20 U.S.C. 1411(e)(1); 34 CFR §300.171.

**D. Statement**

I certify that the State of Pennsylvania can make the assurances checked as 'yes' in Section II.A. and II.B. and the certifications required in Section II.C. of this application. These provisions meet the requirements of Part B of the Individuals with Disabilities Education Act (IDEA) as found in PL 108-446 and the implementing regulations. The State will operate its IDEA Part B program in accordance with all of the required assurances and certifications.

If any assurances have been checked 'no', I certify that the State will operate throughout the period of this grant award consistent with the requirements of the IDEA, as found in PL 108-446 and any applicable regulations, and will make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of the IDEA, as amended, as soon as possible, and not later than June 30, 2024. (34 CFR § 76.104)

I, the undersigned authorized official of the

Pennsylvania Department of Education  
*(Name of State and official name of State agency)*

am designated by the Governor of this State to submit this application for FFY 2023 funds under Part B of the IDEA.

Printed/Typed Name of Authorized Representative of the State:  Dr. Khalid N. Mumin
Title of Authorized Representative of the State:  Acting Secretary of Education
Signature:
Date:



### 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 2023 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).<sup>1</sup> 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)

The State Bureau Director meets monthly with the Executive Directors and the Directors of the state's LEAs (29 Intermediate Units). During the monthly meeting, the Bureau Director disseminates information to LEAs. In addition to the dissemination of information, the Bureau Director collects information and data regarding their needs and plans for the implementation of initiatives. The LEAs also have an opportunity to provide input.

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<sup>1</sup>Each 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 educational agencies in writing of such State-imposed rules, regulations or policies. (20 U.S.C. 1407(a); 34 CFR § 300.199)

**Section V**

**A. Maintenance of State Financial Support**

Pursuant to the authority established in IDEA section 618(a)(3), each applicant for funds under section 611 must provide the following State fiscal data with a certification of its accuracy by the State budget office or an authorized representative thereof. Amounts should be shown in whole dollars and are for the State fiscal year (SFY). States may meet the maintenance of State financial support (MFS) requirement in IDEA section 612(a)(18) and 34 CFR § 300.163 on either a total or per capita basis. In order to complete Section V.A. of the Application, States must provide in whole dollars the total amount of State financial support made available for special education and related services for children with disabilities during SFYs 2021 and 2022. However, if a State met the MFS requirement on a per capita basis, it **must** complete the first chart and then may also complete the second chart by providing, in whole dollars, the amount of State financial support made available for special education and related services per child with a disability during SFYs 2021 and 2022.

**Total Amount of State Financial Support Made Available for Special Education and Related Services for Children with Disabilities**

<b>SFY 2021</b>	\$1,738, 681, 929
<b>SFY 2022</b>	\$1,869,452,707

**Per capita amount of State Financial Support Made Available for Special Education and Related Services for Children with Disabilities**

<b>SFY 2021</b>	
<b>SFY 2022</b>	

Debora Carrera  
State Budget Officer or Authorized Representative (Printed Name)

\_\_\_\_\_  
Signature of State Budget Officer or Authorized Representative

\_\_\_\_\_  
Date

## B. Significant Disproportionality

In accordance with 34 CFR § 300.647(b)(7), each State must report all risk ratio thresholds, minimum cell sizes, minimum n-sizes, standards for measuring reasonable progress if the State uses the “reasonable progress” flexibility in 34 CFR § 300.647(d)(2), and the rationales for each, to the Department. Under § 300.647(b)(7), rationales for minimum cell sizes that exceed 10 and minimum n-sizes that exceed 30 must include a detailed explanation of why the numbers chosen are reasonable and how they ensure that the State is appropriately analyzing and identifying LEAs with significant disproportionality based on race and ethnicity, in the identification, placement, or discipline of children with disabilities. Additionally, pursuant to the authority established in IDEA section 618(a)(3), each applicant must also provide the number of years of data it uses in making annual determinations of significant disproportionality. Each applicant must provide this information by completing and submitting the Significant Disproportionality Reporting Form.

All States completed and submitted the **Significant Disproportionality Reporting Form** with their FFY 2020 IDEA Part B application. After the initial submission of the Form, a State will only be required to submit the Form with any future annual IDEA Part B State applications if the State modifies its risk ratio thresholds, minimum cell sizes, minimum n-sizes, standards for measuring reasonable progress, and rationales for each, or the number of years of data used in making annual determinations of significant disproportionality.

If your State has revised its Significant Disproportionality procedures or has any questions regarding Section V.B. of the grant application, please contact your OSEP State Lead before the Application due date.

PENNSYLVANIA DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

February 23, 2023

PENN\*LINK

TO: School District Superintendents  
School District Special Education Directors  
Intermediate Unit Executive Directors  
Intermediate Unit Special Education Directors  
Charter School Chief Executive Officers  
Charter School Special Education Directors

FROM: Carole L. Clancy, Director  
Bureau of Special Education

SUBJECT: Individuals with Disabilities Education Act: State Regulations that Exceed Federal Requirements

The Individuals with Disabilities Education Act (IDEA), as amended, requires the Pennsylvania Department of Education to identify in writing to local educational agencies regulations, rules, and policies that are state-imposed requirements and not required by IDEA and its regulations (20 USC §1407 (a) (2)). This notice fulfills the requirement to distribute an updated list of state-imposed requirements that exceed IDEA and its regulations.

Chapter 14 (22 Pa. Code Chapter 14)

§14.101 (Relating to Definitions)  
§14.104 (Relating to Special Education Plans)  
§14.105 (Relating to Personnel)  
§14.106 (Relating to Access to Instructional Materials)  
§14.108 (Relating to Access to Classrooms)  
§14.121 (Relating to Child Find)  
§14.123 (Relating to Evaluation)  
§14.122 (Relating to Screening)  
§14.124 (Relating to Reevaluation)  
§14.125 (Relating to Criteria for Specific Learning Disability)  
§14.131 (Relating to Individualized Education Program)  
§14.132 (Relating to Extended School Year)  
§14.133 (Relating to Positive Behavior Support)  
§14.143 (Relating to Disciplinary Placements)  
§14.144 (Relating to Facilities)  
§14.145 (Relating to Least Restrictive Environment Requirements)  
§14.146 (Relating to Age Range Restrictions)  
§14.152 (Relating to Child Find, Public Awareness and Screening)  
§14.153 (Relating to Evaluation)  
§14.154 (Relating to Individualized Education Program)  
§14.155 (Relating to Range of Services)  
§14.156 (Relating to System of Quality Assurance)  
§14.157 (Relating to Exit Criteria)

- §14.158 (Relating to Data Collection)
- §14.162 (Relating to Impartial Due Process Hearing and Expedited Due Process Hearing)
- §14.163 (Relating to Resolution Session)

Chapter 711 (22 Pa. Code Chapter 711)

- §711.1 (Relating to Definitions)
- §711.5 (Relating to Personnel)
- §711.6 (Relating to Annual Report)
- §711.7 (Relating to Enrollment)
- §711.8 (Relating to Education Records)
- §711.9 (Relating to Payments)
- §711.21 (Relating to Child Find)
- §711.22 (Relating to Reevaluation)
- §711.23 (Relating to Screening)
- §711.24 (Relating to Evaluation)
- §711.25 (Relating to Criteria for the Determination of Specific Learning Disability)
- §711.41 (Relating to IEP)
- §711.42 (Relating to Transportation)
- §711.43 (Relating to Educational Placement)
- §711.44 (Relating to Extended School Year)
- §711.45 (Relating to Access to Instructional Materials)
- §711.46 (Relating to Positive Behavior Support)
- §711.61 (Relating to Suspension and Expulsion)
- §711.62 (Relating to Procedural Safeguards)

If you have any questions regarding this information, please contact Jeanette Alexander at [jealexand@pa.gov](mailto:jealexand@pa.gov) or 717-783-6882.

**Year of Age Cohort (for years of age 3 through 21) for Which FAPE is Ensured (02/23/2023)**

<b>State</b>	<b>Years of Age Cohort</b>	<b>Description of Upper Age Limit</b>
<b>AK</b>	3 through 21	At least 3 but less than 22 years of age. If a student turns 22 during school year (July 1-June 30) they can complete that school year.
<b>AL</b>	3 through 20	If you turn 21 on or after August 1, you can begin and complete the school year.
<b>AR</b>	3 to 21	3 to end of the school year in which a student turns 21.
<b>A Sam</b>	N/A	
<b>AZ</b>	3 through 21	At least 3 but less than 22. Note: If a student with a disability turns 22 during the school year, the entitlement to FAPE extends to the end of the school year.
<b>BIE</b>	N/A	
<b>CA</b>	3 through 18	<ul style="list-style-type: none"> <li>• Between 19 &amp; 21 if enrolled in special ed PRIOR to age 19.</li> <li>• Turns 22 Jan-June inclusive can continue for remainder of fiscal year including ESY.</li> <li>• If turns 22 during Oct, Nov, or Dec can go until Dec 31.</li> <li>• If 22 during July, Aug or Sept not allowed to begin a new fiscal year unless in a year round program; can complete the term that crosses the fiscal year.</li> </ul>
<b>CNMI</b>	N/A	
<b>CO</b>	3 through 20	Between ages of 3 and 21. If turn 21 during school year can complete that semester.
<b>CT</b>	3 through 21	3 up to the 22 <sup>nd</sup> birthday.
<b>DC</b>	3 through 21	End of semester in which turns 22.
<b>DE</b>	3 through 20	DB, HI, VI and autistic: 0 through end of school year when turn 21 after August 31st. Other categories 3 through end of school year when turns 21 after August 31st.
<b>FL</b>	3 through 21	<p>Between the ages of 3 and 21, inclusive.</p> <p>For students with disabilities who have not graduated with a standard diploma, the district will:</p> <ul style="list-style-type: none"> <li>• Provide services until the day the student turns twenty-two (22)</li> <li>• Provide services until the end of the semester in which the student turns twenty-two (22)</li> <li>• Provide services through the last instructional day of the school year for all students in the district in which the student turns twenty-two (22), provided that the student was twenty-one (21) years old on the first instructional day of school for all students in the district</li> </ul>
<b>GA</b>	3 through 21	If student turns 22 after September 1, services cease at birth date, end of semester or end of school year dependent upon LEA policy. If the student is receiving services upon reaching 22, the LEA shall have a written procedure that identifies a process for completing services. The LEA shall state whether the services will cease on the 22 <sup>nd</sup> birthday, or will continue until the end of the semester or until the end of the current school year.
<b>Guam</b>	N/A	
<b>HI</b>	3 through 21	Age 3 to the student's twenty-second birthday.

State	Years of Age Cohort	Description of Upper Age Limit
IA	3 through 20	Under 21 years of age. Student allowed to complete school year in which age 21 is reached. LEAs can request to serve to 24.
ID	3 through 20	3 through semester turns 21.
IL	3 through 21	3 through 21 up to the 22 <sup>nd</sup> birthday.
IN	3 to 22	At least 3 but less than 22. Note: If a student with a disability turns 22 during the school year, the entitlement to FAPE extends to the end of the school year.
KS	3 through 20	Through the school year (ending June 30) in which the student reaches 21.
KY	3 through 20	Age 3 to 21
LA	3 through 21	3 to not more than 21 years, inclusive. If a student turns 22 after the first day of school, the student can complete the school year.
MA	3 through 21	3 through 21.
MD	3 through 20	Birth through the end of the school year in which the student turns 21 years old.
ME	3 through 20	Has not reached 20 at the start of the school year.
MI	3 through 21	Birth to 22. State law covers individuals who are determined eligible for special education until the age of 26.
MN	3 through 21	Birth until July 1 after child with a disability becomes 21 years old but shall not extend beyond secondary school or its equivalent, except as provided in state statute (see section 124D.68, subdivision 2).
MO	3 through 20	Between 3 and 21 years.
MS	3 through 20	Not yet reached 21 years by September 1. If turns 21 during school year, finishes the year.
MT	3 through 18	Between ages of 3 and 18, inclusive. Districts may serve through school year child turns 21.
NC	3 through 21	A student who reaches the age of twenty-two during the school year can complete that school year.
ND	3 through 20	Has not reached 21 by midnight of July 31st. Can complete school year in which turn 21 unless received a high school diploma.
NE	3 through 20	0 through school year reaches 21.
NH	3 through 20	3 years of age or older, but less than 21 years of age.
NJ	3 through 21	3 through 21. If turns 21 during the school year, finishes the year.
NM	3 through 21	Serves 3 year olds. Will serve if turns 22 after the school year begins.
NV	3 through 21	Under the age of 22.
NY	3 through 20	A student under 21 years of age who has not received a high school diploma is entitled to attend public school without payment of tuition. A student with a disability who reaches age 21 during the period commencing: <ul style="list-style-type: none"> <li>• with July 1 and ending on August 31 is entitled to continue in a July and August program.</li> <li>• on September 1 and ending on June 30 is entitled to continue in such program until the end of the school year. (May 2009)</li> </ul>



State	Years of Age Cohort	Description of Upper Age Limit
OH	3 through 21	Below age 22. Local school district policy determines whether students who turn 22 during the school year may finish the school year.
OK	3 through 21	Ages 3 through 21. If turns 22 during school year (after Sept. 1st) can complete that school year.
OR	3 through 20	Not yet reached 21 years by Sept. 1. If turns 21 during school year finishes year.
PA	3 through 20	Age 3 to 21. If turns 21 during school year finishes year.
PR	3 through 21	3 through 21 years.
RI	3 to 22	3 to 22.
SC	3 through 20	If the student turns age 21 after September 1 of the school year, the LEA must permit the student to enroll and complete the school year. If a student turns age 21 on or prior to September 1, the LEA is not required to permit the student to enroll.
SD	3 through 20	A student who is enrolled in school and becomes twenty-one during the fiscal school year shall have free school privileges until the end of the fiscal year. Fiscal year ends June 30th.
TN	3 through 21	3 through 21. If turns 22 during school year can complete that school year.
TX	3 through 21	3 through 21 (birth for VI and AI).
UT	3 through 21	(b) if a student with a disability turns 22 during the school year, the entitlement extends to the:  (i) beginning of the school's winter holiday for those who turn 22 on or after the beginning of the school year and before December 31; and  (ii) end of the school year for those who turn 22 after December 31 and before the end of the school year.
VA	3 through 21	Children whose second birthday falls on or before Sept 30 and who have not reached their 22nd birthday on or before Sept 30.
VI	N/A	
VT	3 through 21	3 up to 22nd birthday. If a student on an IEP turns 22 within 3 months of graduation, local education agencies may apply for a waiver to the Secretary of Education that allows the entitlement of FAPE to be extended to the graduation date.
WA	3 through 20	Between 3 and 21. If turns 21 after August 31 eligible for remainder of school year.
WI	3 through 20	3 to 21 unless turns 21 during school term (i.e., school year) then can finish the term. If 21 in Oct remains until June.
WV	3 through 20	Between 3 and 21 years of age prior to Sept. 1 of the school year.
WY	3 through 20	3 through the school year in which the child turns 21.

PA Department of Education's Proposed Grant Application  
under Part B of the Individuals with Disabilities Education Act for FFY 2023

Public comment is invited regarding the Pennsylvania Department of Education's (PDE) proposed grant application under Part B of the Individuals with Disabilities Education Act (IDEA-B) for FFY 2023. The annual grant application provides, in part, assurances that the State's policies and procedures in effect are consistent with the federal requirements to ensure that a free appropriate public education is made available to all children with a disability from age 3 to 21, including children who have been suspended or expelled from school.

PDE is also seeking public comment on its revisions to the Prior Written Notice for a Reevaluation and Request for Consent form and corresponding Cyclical Monitoring for Continuous Improvement (CMCI) file review documents. The form is being separated into two forms, the Prior Written Notice for a Reevaluation form and the Request for Consent for a Reevaluation form, to ensure local educational agencies (LEAs) provide parents with prior written notice and obtain parent consent at proper times during the reevaluation process. PDE changed the corresponding CMCI file review documents to incorporate both forms so that during its monitoring, PDE can ensure LEAs are properly using both forms.

The public participation requirements relevant to Part B are set forth in the Part B regulations at 34 CFR § 300.165 and in section 441(b)(7) of GEPA at 20 U.S.C. § 1232d(b)(7). In accordance with these requirements, and prior to submitting a State plan and/or adopting any policies and procedures needed to comply with Part B, the State must ensure reasonable opportunities for participation by local agencies, representatives of the class of individuals affected by this program and other interested institutions, organizations, and individuals in the planning for and operation of the IDEA-B program. The Education Department General Administrative Regulations (EDGAR) at 34 CFR § 76.102 indicate that the IDEA-B grant application is considered a State plan.

Copies of the proposed 2023 IDEA-B grant application, Prior Written Notice for a Reevaluation and Request for Consent for a Reevaluation forms, and the corresponding CMCI file review documents are available by viewing the documents on <https://www.education.pa.gov/K-12/Special%20Education/IDEA/Pages/default.aspx>.

The current IDEA-B policies and procedures are available for viewing at <https://www.education.pa.gov/K-12/Special%20Education/IDEA/Pages/default.aspx>. Alternative formats of the documents (e.g., Braille, large print, CD) can be made available to members of the public upon request.

PDE will accept written public comment beginning March 18, 2023, until May 17, 2023. The written comments should be directed to Jeanette Alexander, Special Education Adviser, Bureau of Special Education, PA Department of Education, 333 Market Street, 7<sup>th</sup> Floor, Harrisburg, PA 17126-0333 or emailed to [jeaalexand@pa.gov](mailto:jeaalexand@pa.gov).

Public comment is also welcomed in alternative formats such as Braille, recorded comments, and telephone comments for individuals with disabilities. If you are a person with a disability and wish to submit comments by telephone, please contact Aaron Ios at 717.772.3500.

Additionally, PDE will provide individuals wishing to present verbal testimony an opportunity to do so. One written copy of verbal testimony prior to the time of presentation would be appreciated. Presentations should be limited to 15 minutes.

Verbal testimony must be provided virtually on:

**March 29, 2023**  
**(3 p.m. - 6 p.m.)**

To schedule an opportunity to present verbal testimony, or if you are a person with a disability and require an accommodation to participate in the proceedings, please call Aaron Ios at 717.772.3500 or email [aioos@pa.gov](mailto:aioos@pa.gov) no later than March 23, 2023. You will be provided with a link in order to participate.

Following receipt of all written and verbal comments, PDE will consider all comments. PDE will make any necessary modifications to the proposed 2023 IDEA-B grant application and the revised forms and corresponding CMCI file

review documents before submission of its FFY 2023 IDEA-B grant application to the Secretary of the U.S. Department of Education and implementation of the revised forms and corresponding CMCI file review documents.