



The auditor should not consider the Supplement to be “safe harbor” for identifying audit procedures to apply in a particular engagement, but the auditor should be prepared to justify departures from the suggested procedures. The auditor can consider the supplement a “safe harbor” for identification of compliance requirements to be tested if the auditor performs reasonable procedures to ensure that the requirements in the Supplement are current.

The grantor agency may elect to review audit working papers to determine that audit tests are adequate.

Auditors may request documentation of monitoring visits by the State Agencies.

This compliance supplement must be used in conjunction with the OMB 2024 Compliance Supplement which will be issued in the summer. This includes “Part 3 - Compliance Requirements,” for the types that apply, “Part 6 - Internal Control,” and “Part 4 - Agency Program” requirements if the Agency issued guidance for a specific program. The OMB Compliance Supplement is Section A of the State Compliance Supplement.

## I. PROGRAM OBJECTIVES

In 1975, Congress passed P. L. 94-142, the Education for All Handicapped Children Act, which said that all students with disabilities are entitled to a Free Appropriate Public Education (FAPE). The Education for All Handicapped Children Act has been reauthorized six times since its inception, in 1983, 1986, 1990, 1992, 1997 and most recently 2004. However, the responsibility of states to ensure FAPE by monitoring/auditing the provision of special education and related services in local education agencies has not changed. The Exceptional Children Division of the NC Department of Public Instruction (DPI) believes that monitoring contributes to the development of quality programs for students with disabilities in North Carolina, assures appropriate use of categorical funds, and assists school systems in documenting accountability. Most importantly, monitoring protects the rights of children, parents, and the school system. Since February 2000, the focus of monitoring activities conducted by the Exceptional Children Division has been through the Continuous Improvement and Focused Monitoring System. In the North Carolina monitoring system, local education agencies (LEAs) include city, county school districts, charter schools and state-operated programs.

The purposes of the Individuals with Disabilities Education Act as amended in 2004 (IDEA, Part B) are to: (1) ensure that all children with disabilities have available to them a free appropriate public education which emphasizes special education and related services designed to meet their unique needs; (2) ensure that the rights of children with disabilities and their parents are protected; (3) assist States, localities, educational service agencies and Federal agencies to provide for the education of all children with disabilities; and (4) assess and ensure the effectiveness of efforts to educate children with disabilities (Section 601(d) of P. L. 108-446).

IDEA also includes specific provisions for parentally-placed private school children with disabilities. LEAs are required to the extent consistent with the number and location of children with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district served by the LEA, to make available the provision for participation in the Part B program. A proportionate share of IDEA, Part B funds must be reserved each fiscal year for the provision of services. (34 CFR §300.130-144)

In addition, IDEA was amended to allow and sometimes require LEAs, including charter schools and state-operated programs, to use funds provided under Part B for Coordinated Early Intervening Services (CEIS). This provision, which is found in section 613 (f) of the IDEA (20 U.S.C. §1413(f))

and the regulations in 34 CFR §300.226 permits LEAs to use Part B funds to develop and provide CEIS for students who are currently **NOT** identified as needing special education. The IDEA and its implementing regulations permit LEAs to use not more than 15 percent of the amount the LEA receives under Part B of the IDEA, less any amount reduced by the LEA pursuant to 34 CFR §300.205 (adjustments to local fiscal efforts), to develop and implement CEIS. Under 34 CFR §300.646(a)(1)(2)(3), if a State identifies **Significant Disproportionality** based on race or ethnicity in an LEA, with respect to the identification of children as children with disabilities, the identification of children in specific disability categories, the placement of children with disabilities in particular educational settings, or the taking of disciplinary actions, the LEA **MUST** use the maximum amount (15 percent) of funds allowable for Comprehensive Coordinated Early Intervening Services (CCEIS). (34 CFR §300.205, 208, 226 and 646) Additionally, The regulation also requires the LEA to review and, if appropriate, revise policies, practices, and procedures to ensure compliance with the requirements of the Act and requires the LEA to report to the public on any revisions to the policies, practices, and procedures as described under 34 CFR §300.646(c)(1) of the IDEA regulations.

The objectives of the IDEA, Part B Special Education Grants to States are as follows:

- Section 611: To provide grants to States, and through the state education agency (SEA) to LEAs, to assist in - (1) providing a free appropriate public education to all children with disabilities through the provision of special education and related services for children ages three through 21 (IDEA, Part B, Section 611(a)(1))
- Section 619: To provide grants to States to assist in making available special education and related services for children with disabilities ages three through five. (IDEA, Part B, Section 619(a))
- Risk Pool: To assist LEAs in addressing the needs of high need children with disabilities ages three through 21. (IDEA, Part B, Section 611(e)(3))
- Coordinated Early Intervening Services: To assist LEAs in developing services to - (a) reduce academic and behavioral problems for students in kindergarten through grade 12 at risk of placement in special education; (b) ensure students are appropriately referred to special education; and (c) comprehensively serve children, particularly, but not exclusively, in those significantly over identified racial or ethnic groups. (IDEA, Part B, Section 613(f); 71 FR 46626-46627)
- Special Needs Targeted Assistance: To assist LEAs in specific areas of local need including the establishment and coordination of reading/writing coordinators and training; math coordinators and training; early literacy activities; Academic & Behavior Intervention and Support coordinators and training; Responsiveness to Instruction coordinators and training; related services support; autism and low incidence support and training; and transition training. (IDEA, Part B, Section 611(C))
- Preschool Targeted Assistance: To assist LEAs in specific areas of need including professional development and support around activities to improve Child Find programs, early childhood transitions, early childhood outcomes, **positive social-emotional development** and improving preschool least restrictive environment (LRE) opportunities for children with disabilities ages three through five. (IDEA, Part B, Section 619(e)(f))

## II. PROGRAM PROCEDURES

In North Carolina, IDEA, Part B (611) Grant funds are used by LEAs to initiate, expand and continue provisions of special education and related services to children with disabilities ages three through 21. Children with disabilities who reach the age of 22 during the school year can complete that school year. Children with a developmental delay disability are children ages through seven or prior to entering third grade, whichever comes first. Each LEA/charter school/state operated program must establish their eligibility under section 613 of the IDEA. A grant application must be submitted in the NC Comprehensive Continuous Improvement Plan (CIPP) system that provides assurances that the LEA/charter school/state-operated program meets each of the conditions in section 613(a) of the IDEA. Funds are available to provide services for eligible children with disabilities currently served and who subsequently enroll or are identified during the year, or to conduct child find activities if no children with disabilities are currently served by the LEA/charter school/state-operated program Grant application with established eligibility must be approved prior to the LEA/charter school/state-operated program receiving the allotment.

IDEA, Part B (611) Grant funds are also used by LEAs to provide services for eligible parentally-placed private school children with disabilities. The formula for calculating the LEA proportionate share amount is included in the local grant. LEAs must ensure the required amount is reserved and is available as needed for services to eligible children. The proportionate share is calculated each fiscal year and has a carryover period of one additional year.

Additionally, IDEA, Part B (611) Grant funds are used by LEAs to provide CEIS for students in kindergarten through grade 12 currently not identified as needing special education. Annually, data is analyzed by the State Education Agency for all LEAs, including charter schools and state-operated programs, to determine if they have **Significant Disproportionality**. The regulation requires local educational agencies (LEAs) determined to have significant disproportionality as described under 34 CFR §300.646(b)(2)(d) to reserve the maximum amount of federal funds (15 percent) under section 613(f) of the Act to provide comprehensive coordinated early intervening services. The LEA may use funds reserved to serve children age 3 through grade 12, particularly, but not exclusively, children in those groups who were significantly overidentified, who are not currently identified as needing special education and related services, and children with disabilities. The provision of CCEIS may not be limited to children with disabilities. The LEA must identify and address the factors contributing to the significant disproportionality in its CCEIS plan within its VI-B Grant application. LEAs that do not have Significant Disproportionality may choose (permissive users) to use up to and including 15 percent of their IDEA allocation (PRC 049 and 060) for CEIS. For LEAs mandated to provide CEIS, 15 percent of their IDEA allocation is calculated and transferred from PRC 060 to PRC 070. Funds must remain (27 months) in PRC 070 for CEIS. LEAs that are “permissive users”, submit a form designating the amount of funds (not to exceed 15 percent of their IDEA allocation) to be transferred from PRC 060 to PRC 070. Prior to January 14 during that fiscal year, an LEA can request in writing that all or a portion of available funds be transferred back to PRC 060 from PRC 070. —A plan must be submitted in the NC Comprehensive Continuous Improvement Plan (CIPP) system

IDEA, Part B (619) Grant funds are used to initiate or expand special education and related services to children with disabilities who are 3, 4, and those 5-year-old who are not yet 6 prior to December 1 child count.

Funds are distributed according to the cash request procedures discussed in the DPI Cross-Cutting Requirements, DPI-0.

**III. COMPLIANCE REQUIREMENTS**

Noted below in the following matrix are the types of compliance requirements that are applicable to the federal program. These Types are determined by the federal agency, noted as “Y,” on the “Matrix of Compliance Requirements” located in Part 2 of the OMB 2024 Compliance Supplement; however, the State Agency may have added the Type and this is noted by “Y.” If the State determines that the federal requirement does not apply at the local level or if the State modifies the federal requirements, this is noted in the supplement under the type of compliance requirement. If the federal and/or State agencies have determined that the type is not applicable, it is noted by “N.”

If the Matrix indicates “Y,” the auditor must determine if a particular type of compliance requirement has a direct and material effect on the federal program for the auditee. For each such compliance requirement subject to the audit, the auditor must use the OMB 2024 Compliance Supplement, Part 3 (which includes generic details about each compliance requirement other than Special Tests and Provisions) and Part 4 (which includes any program-specific requirements) to perform the audit.

If there is no program listed on the “Matrix” in Part 2 or Part 4, the State has determined the Type that is applicable. If a Type is determined direct and material, the auditor should refer to the requirements found in Part 3 and listed in this supplement.

CC	A	B	C	E	F	G	H	I	J	L	M	N
Cross Cutting Requirements	Activities Allowed or Unallowed	Allowable Costs/ Cost Principles	Cash Management	Eligibility	Equipment/ Real Property Management	Matching, Level of Effort, Earmarking	Period of Performance	Procurement Suspension & Debarment	Program Income	Reporting	Subrecipient Monitoring	Special Tests and Provisions
Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y

**A. Activities Allowed or Unallowed**

**Compliance Requirement** – Funds may be used by an LEA only in accordance with State and Federal laws, regulations and policies, and only for those services or activities included in its project application for grant funds. (34 CFR 300.200)

**Audit Objective** – To determine that expenditures are allowable and are properly recorded.

**Suggested Audit Procedures:**

- Obtain a copy of the Budget Balance Reconciliation Report (305/705) from the finance officer and compare to local accounting records for conformity.
- Obtain a copy of the 611 and 619 project plans from the local program coordinator and review expenditures to determine that expenditures are in accordance with the project plans.

- Review the 611 and 619 Project/Budget Narrative Section, “Use of Funds”/” Use of Project Funds & Budget”. Compare this section with actual budget to determine funds are used as indicated in approved grant.
- Review salary expenditures to determine that personnel paid from these funds do not exceed budgeted personnel in approved program budget, and CEIS plan budget for services restricted to non-identified students.
- Obtain a copy of the approved Risk Pool application(s) (student name removed) and review expenditures to determine that expenditures are in accordance with the approved application(s).
- Obtain a copy of the approved CEIS plan in the 611 grant application from the local program coordinator to determine if CEIS is addressed. Review expenditures to determine that expenditures are in accordance with the CEIS plan.
- Review expenditures for Targeted Assistance (PRC 118, 119) and related documents to determine that expenditures are recorded for initiatives administered by the Exceptional Children Division.
- Obtain a list of student records, list of professional personnel (i.e. teachers, related service provider) and December 1 child count roster from the Central Office, Exceptional Children Program. Conduct record review test to determine that funds are used in accordance with state policies and federal regulations.
- Review the following records: Parental Permission (Consent) to Place; most recent Individualized Education Program (IEP); and IEP that was in effect on December 1 of the child count year being audited.
- Compare student records to December 1 child count roster. Audit exception (return of funds) occurs if:
  - IEP not in effect on child count date.
  - Missing documentation on child count date: (a) IEP and/or (b) Parental Permission (Consent) for Placement.
  - Inability to document appropriate committee participation at time of initial or reevaluation eligibility/placement determination.
  - Misclassification – incorrect identification of the child count roster (this roster does not match the placement decision and/or the IEP).
  - LEA is unable to locate student record/folder.
- Compare personnel list to teacher/service provider of student record and related payroll expenditure reports to determine if funds expended are used for personnel found to have expired licenses or are teaching out of field.

Funds will be required to be reimbursed to the appropriate program report code (PRC) if the funds were expended in a manner in conflict with federal and/or state laws, regulations, policies and procedures.

**Compliance Requirement** - An LEA may use Federal funds only for the excess costs of providing special education and related services to children with disabilities. Special education includes specially designed instruction, at no cost to the parent, to meet the unique needs of children with disabilities, including classroom instruction, instruction in hospitals and institutions, instruction in physical education (special physical education, adapted physical education, movement education, and motor development), home instruction, and instruction in other settings. Special education includes speech-language pathology services, travel training and vocational education if the services otherwise meet the requirements above. Related services include transportation and such other supportive, developmental and corrective services as are required to assist a child with a disability to benefit from special education, including speech-language pathology and audiology services; orientation and mobility services; psychological services; physical and occupational therapy; recreation including therapeutic recreation; school

social work services; interpreting services; early identification and assessment of disabilities in children; medical services for diagnostic or evaluation purposes; school health and school nurse services; parent counseling and training; and counseling services, including rehabilitation counseling (34 CFR 300.202(a)(2), 300.39)

In general, an LEA meets the excess cost requirement if it has spent at least the minimum average amount of funds spent on all children for the education of its children with disabilities before funds under IDEA, Part B are used. This amount must be calculated annually to prove that the minimum average amount of funds spent on all children was expended for the fiscal year. (34 CFR 300.202(b)(2), 300.16)

**Audit Objective** – To determine that Special Education Federal funds are used only for the excess costs of providing special education and related services to children with disabilities.

**Suggested Audit Procedures:**

- Test expenditures and related records to determine if funds were used for special education costs and related services, as listed above.
- Review the sub-recipient’s calculation of the minimum average amount of funds spent on all children and the amount of funds spent on children with disabilities on the Excess Cost Computation Form. Verify that at least the minimum average amount of funds spent on all children was spent on children with disabilities before IDEA, Part B funds were expended.

**Compliance Requirement** - LEAs must reserve a required proportionate share amount for parentally-placed private school children and account for expenditures. (34 CFR 300.130-144)

**Audit Objective** – To determine that required IDEA, Part B (611) federal funds are reserved and expenditures are allowable and recorded.

**Suggested Audit Procedures:**

- Test expenditures and related records to determine if funds were used for parentally-placed private school children.
- Review and evaluate procedures for recording expenditure of proportionate share funds.
- Obtain copy of IDEA, Part B (611) project plan – Project Participant Chart/Nonprofit Parentally-Placed Private School Children and Project Narrative/Private School Participation/Parentally-Placed. Compare the calculated proportionate share amount with expenditures and the narrative plan to determine funds were used for allowable activities.

**B. Allowable Costs/Cost Principles**

Addressed in the NC Department of Public Instruction Cross-Cutting Requirements.

**C. Cash Management**

Addressed in the NC Department of Public Instruction Cross-Cutting Requirements.

**E. Eligibility**

**Compliance Requirement** - Only students who have been evaluated and determined as having autism, intellectual disability, hearing impairment, speech or language impairment, visual

impairment (including blindness), serious emotional disability, deafness, orthopedic impairment, other health impairment, specific learning disability, deaf-blind, developmental delay (ages three through seven), traumatic brain injury or multiple disabilities, and who, by reason of the disability, need special education and related services are eligible for participation in this program. (34 CFR 300.8, 300.133-134, 300.301, 300.306, 300.311, 300.641, 300.645, 300.646)

**Audit Objective** – To determine that IDEA, Part B funds were used only for the education of children with disabilities.

**Suggested Audit Procedures:**

- Review and evaluate procedures for providing an accurate count of eligible participants, including parentally-placed private school children.
- Review records on the number of disabled children served to determine if the number of disabled children reported by the LEA is adequately supported.
- Determine whether IDEA, Part B funds were used to pay for services to children who are ineligible to participate in the program. If IDEA, Part B funds were used for such children, ascertain the amount of those funds so used.
- Review procedures for determining participant eligibility and ascertain if they conform to the preceding criteria.
- Review records and procedures to determine that Preschool Targeted Assistance expenditures are only for students with disabilities ages three - five.

**Eligibility for Subrecipients** – The Department of Public Instruction program administrators determine if the eligibility requirements are met when the project and budget are approved.

**Compliance Requirement** - Only students in kindergarten through grade 12 (with a particular emphasis in kindergarten through grade 3) who are **NOT currently identified as needing special education or related services**, but who need additional academic and behavioral support to succeed in a general education environment are permitted to use IDEA, Part B funds for CEIS. Funds for CEIS may be used for professional development activities for the deliverance of scientifically based academic and behavioral interventions, including scientifically based literacy instruction, and where application, instruction on use of adaptive and instructional software; and activities that provide educational and behavioral evaluations, services, and supports. Also, CEIS funds may be used to carryout services aligned with activities funded by and carried out under the ESEA, but are to supplement, not supplant funds made available under the ESEA for those activities. (34 CFR 300.208, 300.226, 300.646; Section 613(f)(5))

**Audit Objective** – To determine that IDEA, Part B CEIS (PRC 070) funds were used only for the education of children **not identified as having a disability and enrolled in grades kindergarten through grade 12**.

**Suggested Audit Procedures:**

- Review CEIS plan (within 611 project application) and evaluate procedures for providing services only for eligible participants (K-12 students' **NOT** currently receiving special education/related services).
- Review documentation of the number of non-disabled children receiving CEIS to determine if the number of children reported by the LEA in the CEIS section of their 611 project application is adequately supported.

- Determine whether IDEA, Part B CEIS (PRC 070) funds were used to pay for services to children who are identified as needing special education/related services. If IDEA, Part B CEIS (PRC 070) funds were used for such children, ascertain the amount of those funds so used.

**Eligibility for Subrecipients** – The Department of Public Instruction program administrators determine if the eligibility requirements are met when the project and budget are approved.

#### **F. Equipment and Real Property Management**

Addressed in the NC Department of Public Instruction Cross-Cutting Requirements.

#### **G. Matching, Level of Effort, Earmarking**

1. **Matching** - This compliance requirement does not apply at the local level. No testing is required.
2. **Level of Effort** - Addressed in the Federal Compliance Supplement.

**Compliance Requirement** – LEAs must not reduce the level of expenditures for the education of children with disabilities made from local or state and local funds below the level of those expenditures for the preceding fiscal year. (34 CFR 300.203) The DPI Maintenance of Fiscal Effort (MOE) Calculation Form must be completed annually and the expenditures reported in the IDEA, Part B (611) Grant by September 30 to document state and local expenditures. If the First Preceding Fiscal Year MOE is less than the Second Preceding Fiscal Year MOE, the LEA must complete the DPI Justification Form for documentation of reduction due to allowable exception (34 CFR §300.204) or adjustment (34 CFR §300.205; Appendix D).

**Audit Objective** – To determine that the LEA MOE is accurate and that the calculation of state and local funds expended for the education of children with disabilities for both the first and second preceding years are correct.

#### **Suggested Audit Procedures:**

- Review the DPI MOE Calculation worksheet and determine accuracy of reported state and local expenditures for appropriate FYs.
  - For the designated MOE figure, if the First Preceding Fiscal Year amount is less than the Second Preceding Fiscal Year amount as documented on the Calculation worksheet, review the Justification Form (that should accompany the worksheet) and related documents to verify the reduction.
  - If “adjustment” to local MOE was used and MOE was reduced, determine if the amount of funds expended by the LEA for CEIS (PRC 070) counted toward the maximum amount of expenditures that the LEA could reduce the local MOE.
3. **Earmarking** - This compliance requirement does not apply at the local level. No testing is required.

#### **H. Period of Availability of Federal Funds**

Addressed in the US Department of Education Cross-Cutting Section.

**Compliance Requirement** - Expenditures may not be incurred before the project/plan begins on July 1 of each fiscal year. Any expenditure prior to the beginning date is considered unallowable and must be refunded to DPI.

**Audit Objective** – To determine that no expenditures were incurred prior to the date the project began.

**Suggested Audit Procedure:**

- Review transactions to verify that no expenditures were incurred prior to the approved application beginning date.

**I. Procurement and Suspension and Debarment**

Addressed in the NC Department of Public Instruction Cross-Cutting Requirements.

**J. Program Income**

Does not generate any income.

**L. Reporting**

This compliance requirement does not apply at the local level. No testing is required.

**M. Subrecipient Monitoring**

This compliance requirement does not apply at the local level. No testing is required.

**N. Special Tests and Provisions**

Addressed in the NC Department of Public Instruction Cross-Cutting Requirements.