



#272-22

Commonwealth of Virginia
Virginia Department of Education
Superintendent's Memo #272-22

DATE: December 2, 2022
TO: Division Superintendents
FROM: Jillian Balow, Superintendent of Public Instruction
SUBJECT: **2023-2024 Special Education Annual Plan/Part B Flow-Through Application**

Under provisions of the 2004 *Individuals with Disabilities Education Act* (IDEA 2004), its implementing regulations, and the *Regulations Governing Special Education Programs for Children with Disabilities in Virginia* (effective January 25, 2010), local educational agencies (LEAs) are required to submit an Annual Plan/Part B Flow-Through Application for providing special education and related services to children with disabilities. The 2023-2024 Special Education Annual Plan/Part B Flow-Through Application serves as the formal agreement between a local school board and the Virginia Department of Education (VDOE) for implementing federal and state laws and regulations governing these services. Accordingly, the disbursement of state and federal funds appropriated for the education of children with disabilities is contingent upon the approval of this plan and each of its components.

Each school division, state-operated program (SOP), and the Virginia School for the Deaf and the Blind (VSDB) shall maintain current policies and procedures and supporting documentation to demonstrate compliance with federal and state regulations governing the provision of special education and related services, licensure, and accreditation. Completion of the required certifications and assurances sections of the Annual Plan/Part B Flow-Through Application will verify adherence to the requirements of IDEA, its implementing regulations, and the Virginia special education regulations.

The application includes the following required components:

- The Superintendent's Certification
- Policy Statements
- Statement of Assurances
- Special Education in Local and Regional Jails
- The Report on the Implementation of the 2021-2022 Plan
- Maintenance of Effort Eligibility
- Coordinated Early Intervening Services and Proportionate Set-Aside
- The Application for Use of Federal Funds for Sections 611 and 619

Prior to submission to VDOE, each school division shall review its Annual Plan/Part B Flow-Through Application with its local special education advisory committee and submit it to its local school board for approval. The SOPs are required to submit their Annual Plans/Part B Flow-Through Applications to the State Special Education Advisory Committee (SSEAC) for review prior to submitting the plans to VDOE for approval. The VSDB is required to submit its Annual Plan/Part B Flow-Through Application to its board of visitors for approval and then to the SSEAC for review prior to submitting it to VDOE for approval. The SSEAC meeting is scheduled for March 2, 2023. The VSDB and SOP's should submit copies of their annual plans for review by the SSEAC by February 3, 2023, to sped-finance@doe.virginia.gov.

The Annual Plan/Part B Flow-Through Application must be completed and submitted electronically. School divisions, SOPs, and the VSDB are required to submit their Annual Plan/Part B Flow-Through Application using the Excel document via the Online Management of Education Grant Awards (OMEGA) System. The LEAs may already have approved access for all users in their approval queue. For those with new directors or others who would be new to the approval queue, an "OMEGA User Permission Form OP1" (OP1 form) must be on file with the VDOE's Office of Finance to establish user access. Instructions for completing the OP1 form and online training opportunities are available at [OMEGA Training and Instructions](#). Unless previously completed, please email a completed OP1 form for each individual in the LEA's approval queue to the following email address no later than Monday, April 3, 2023: OMEGA.Support@doe.virginia.gov.

School divisions, SOPs, and the VSDB must complete and successfully submit the Annual Plan/Part B Flow-Through Application electronically via OMEGA using the Excel workbook by

Friday, May 12, 2023. The [Excel workbook](#) is located on the VDOE website. Official approval through OMEGA by school division superintendents, SOP directors, and the VSDB superintendent will serve as the confirmation that school divisions, SOPs, and VSDB have met all requirements, certifications, and assurances. Hard copies of these signed and dated documents must be maintained locally.

To clarify provision of requirements for children with disabilities who are two years old and receive services under Part B Section 619, the *Code of Virginia* stipulates that the VDOE assures a free appropriate public education (FAPE) to eligible children with disabilities from age 2 (by September 30 of the school year) to 21, inclusive. Federal clarification has indicated that IDEA Part C (Early Intervention for Infants and Toddlers with Disabilities) regulations do not apply to any child with a disability who is receiving FAPE under Part B Section 619. This provision applies whether the services are fully or partially funded under Section 619.

IDEA Part B Flow-Through Contact Directory

The following individuals provide assistance for specific sections of the IDEA Part B Flow-Through Application.

- Submission Statement, GEPA Statement, Section 611 Application and Report on the Implementation of the 2021-2022 Plan: Teresa Eckhout, Special Education Financial Data Specialist, at Teresa.Eckhout@doe.virginia.gov; telephone (804) 225-3161;
- Special education in local and regional jail programs: Ellen Harrison, Special Education Coordinator, at Ellen.Harrison@doe.virginia.gov; telephone (804) 225-2709;
- State-operated programs: Hank Millward, Director of the Office of Facilities and Family Engagement, at Hank.Millward@doe.virginia.gov; telephone (804) 371-0525;
- Maintenance of Effort (MOE) Eligibility and Proportionate Set-Aside (PSA): Shalonda Lewis, Special Education Financial Data Specialist, at Shalonda.Lewis@doe.virginia.gov; telephone (804) 225-2701;
- Section 619 (Early Childhood) Application: Samantha Tansey, Grants & Financial Analyst, at Samantha.Tansey@doe.virginia.gov; telephone (804) 225-2910 and Dawn Hendricks, Early Childhood Special Education Specialist, at Dawn.Hendricks@doe.virginia.gov; telephone (804) 225-2675

- Comprehensive Coordinated Early Intervening Services Plans: Joseph Wharff, Virginia Tiered Systems of Supports (VTSS) Coordinator, at Joseph.Wharff@doe.virginia.gov; telephone (804) 225-3370;
- Coordinated Early Intervening Services Determination: Jeffrey Phenicie, Director of Special Education School Improvement, at Jeffrey.Phenicie@doe.virginia.gov; telephone (804) 786-0308;
- Online Management of Education Grant Awards (OMEGA), uploading or entering data: Omega Support at OMEGA.Support@doe.virginia.gov; telephone (804)-371-0993.

For more information

Please direct any other questions regarding the Annual Plan/Part B Flow-Through Application to the Office Special Education Finance and Grants at SPED-Finance@doe.virginia.gov.

JB/SMH/tlc

Resource

- [Special Education Annual Plan / Part B Flow-Through Application for Federal Funding workbook](#) (XLS)