



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES  
OFFICE OF SPECIAL EDUCATION PROGRAMS

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The Office of Special Education Programs (OSEP), within the U.S. Department of Education's (Department) Office of Special Education and Rehabilitative Services (OSERS), issues this Question and Answer (Q & A) document in response to inquiries concerning implementation of the Individuals with Disabilities Education Act (IDEA) Part C use of funds in the current COVID-19 environment.

This Q & A document does not impose any additional requirements beyond those included in applicable law and regulations. It does not create or confer any rights for or on any person. The responses presented in this document generally constitute informal guidance representing the interpretation of the Department of the applicable statutory or regulatory requirements in the context of the specific facts presented here and are not legally binding and does not establish a policy or rule that would apply in all circumstances.

To review other Q & A documents that OSEP has provided related to COVID-19, please visit <https://sites.ed.gov/idea/topic-areas/#COVID-19>. Additional information specific to the COVID-19 pandemic may be found online at <https://www.ed.gov/coronavirus>.

## IDEA PART C USE OF FUNDS

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### **Q1. What activities can be funded using IDEA Part C to address conditions caused by the COVID-19 pandemic?**

Under [34 C.F.R. § 303.501](#), the State lead agency (State LA) and early intervention service (EIS) provider may use IDEA Part C funds for activities or expenses that are reasonable and necessary to implement the State's early intervention program for infants and toddlers with disabilities including—

- a) For direct early intervention services for infants and toddlers with disabilities and their families under this part that are not otherwise funded through other public or private sources (subject to [34 C.F.R. §§303.510](#) through [303.521](#));
- b) To expand and improve services for infants and toddlers with disabilities and their families under this part that are otherwise available.

Additionally, IDEA Part C funds may be used for activities that directly relate to providing, and ensuring the continuity of, Part C services to eligible children and their families as well as activities that support the Statewide early intervention program including child find, public awareness, referral and evaluation, conducting child and

family assessments through alternative ways, developing and disseminating information on alternative communications and service delivery options, use of videoconferencing specific to communicating and delivering, early intervention services. The State LA and EIS program and provider may also use IDEA Part C funds to disseminate health and COVID-19 information to, and respond to information requests from relevant parties, develop emergency plans to support the provision and continuity of Part C services, or provide other information (e.g., how the State LA staff or EIS programs or providers may provide services in different formats or locations as described in Question B-2 of the document titled [Questions and Answers on Providing Services to Children with Disabilities During the COVID-19 Outbreak](#) (March 12, 2020) to relevant parties who need this information).

Relevant parties may include parents of children referred to or served by IDEA Part C, EIS programs and providers, childcare centers, staff in other locations where early intervention services are provided, early and regular Head Start and preschool programs, hospitals, and primary referral sources such as physicians, shelters, foster care programs, etc. Other activities that relate to service provision, including the provision of service coordination, evaluations, and assessments, may also continue to be funded.

When expending Part C funds, State LAs must follow the same policies and procedures they use when expending and accounting for their non Federal funds, consistent with the Office of Management and Budget (OMB) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) under [2 C.F.R. §§ 200.302\(a\)](#) and [200.317](#).

**Q2. Can State LAs and EIS providers use IDEA Part C funds to ensure the continuity of early intervention services through telecommunications or other methods during the COVID-19 pandemic?**

Yes, in order to ensure the continuity of service coordination and early intervention services to infants and toddlers with disabilities and their families, State LAs and EIS providers may use IDEA Part C funds to provide early intervention services and service coordination services by initiating or expanding the use of telecommunications (e.g. telephone, video conferencing, or other methods).<sup>1</sup> The provision of services by alternate means during the COVID-19 pandemic does not mean that all early intervention services must be provided in this manner once a service can be provided in person when feasible, safe, and appropriate to do so and in-person service delivery is

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<sup>1</sup> Use of telecommunications technology as a mechanism to provide service coordination and early intervention services, including home visits for infants and toddlers with disabilities and their families are sometimes referred to as: telehealth, tele-intervention, tele-therapy, and tele-practice.

acceptable to the child's family. IDEA Part C funds can be used to support activities during the transition to in-person services.

**Q3. What are other ways that State LAs and EIS providers can ensure continuity of services using IDEA Part C funds during the COVID-19 pandemic?**

State LAs may use IDEA Part C funds for interim payments pending reimbursement from the agency or entity that has ultimate responsibility for the payment consistent with IDEA Part C payor of last resort requirements under [34 C.F.R. § 303.510\(b\)](#) to prevent a delay in the timely provision of appropriate early intervention services.

This may be necessary as many States use a variety of funding sources for early intervention services, including public insurance and benefits and private insurance and the authorities (laws, regulations, State Medicaid plans, etc.) and billing systems around these funding sources are being revised to allow for payment for telecommunications as a result of the COVID-19 pandemic.

**Q4. How are State LAs able to use IDEA Part C funds to increase their capacity to provide early intervention services remotely including by purchasing equipment?**

During the COVID-19 pandemic, State LAs and local EIS providers and programs may need to purchase equipment and related assistive technology to continue the provision of appropriate early intervention services (including service coordination) for eligible infants and toddlers with disabilities and their families.

If those related equipment expenditures fall within the scope of the prior approval provided in [OSERS's October 29, 2019, Frequently Asked Questions \(FAQ\) on Prior Approval for OSEP and RSA Formula Grants](#), State LAs are not required to submit prior approval requests for the equipment (defined generally as \$5,000 or more per item of equipment). Under that prior approval FAQ document, grantees no longer need to submit prior approval requests under [34 C.F.R. § 303.104\(a\)](#) to OSEP for equipment that is to be charged to IDEA funds and which is identified on, or directly related to the implementation of, Individualized Family Service Plans (IFSPs) assistive technology devices and other equipment needed to provide services on the IFSP.

However, if a State LA must purchase equipment that is not identified on or needed to implement the IFSP, then the State LA must submit a detailed prior approval request to OSEP and may submit that request electronically.

In reviewing requests for prior approval under [34 C.F.R. § 303.104\(a\)](#), if OSEP determines that an IDEA Part C program will be improved by permitting IDEA Part C funds to be used to acquire the equipment, OSEP is authorized to allow the use of IDEA Part C funds for those purposes.

OSEP has streamlined its current approval process to respond to the anticipated increase in requests. When expending IDEA Part C funds, State LAs must follow the same

policies and procedures they use for procurements from their non-Federal funds, consistent with the OMB Uniform Guidance for procurement under [2 C.F.R. § 200.317](#).<sup>2</sup>

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<sup>2</sup> In addition, State LAs must use, manage, and dispose of equipment in accordance with State laws and procedures, consistent with [2 C.F.R. § 200.313\(b\)](#) and maintain appropriate records and cost documentation as required by [2 C.F.R. § 200.302](#) (financial management), [2 C.F.R. § 200.333](#) (retention requirements for records), and [2 C.F.R. § 200.430\(i\)](#) (standards for documenting personnel expenses). Further, costs incurred that are associated with the COVID-19 pandemic will be allowable only if they are reasonable, necessary, and allocable to the grant, consistent with the Federal cost principles described in the OMB Uniform Guidance ([2 C.F.R. §§ 200.403](#), [200.404](#), and [200.405](#)), adequately documented ([2 C.F.R. § 200.403\(g\)](#)), and are consistent with the IDEA use of funds do not conflict with the applicable statutory and regulatory provisions. For guidance on the use of Federal funds to pay for the compensation of employees and for conference, training and travel related expenses, see [Fact Sheet: Select Questions Related to Use of Department of Education Grant Funds during the Novel Coronavirus Disease 2019](#)