

**Guidance for the Use of
Alternate Dispute Resolution
COVID–19 Grant Funds**

California Department of Education
Special Education Division
2020–21

Application Process

As part of receiving the Alternate Dispute Resolution (ADR) COVID–19 Grant, the Special Education Local Plan Area (SELPA) must complete, sign, and submit the following forms to the California Department of Education (CDE) on or before the corresponding due dates listed below:

1. ADR COVID–19 Funding Application: Due October 21, 2020
2. ADR COVID–19 Budget Summary: Due October 21, 2020
3. ADR COVID–19 Enhancement Plan: Due October 21, 2020
4. ADR COVID–19 Grant Award Notification: Return within 10 days after receipt
5. ADR COVID-19 Report to the SSPI: Due April 1, 2021
6. Expenditure Report: Due September 1, 2021
7. Final Expenditure Report: Due September 1, 2022

All forms, reports, and requests, with the exception of the Grant Award Notification and unless otherwise specified, should be submitted by email to the ADR mailbox at: ADR@cde.ca.gov, attention Venetia Davis, Associate Governmental Program Analyst.

California Department of Education Contact Information

The CDE, Special Education Division (SED), staff assigned to the ADR COVID–19 Grant and contact information is provided below:

Venetia Davis, Associate Governmental Program Analyst
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Frequently Asked Questions

The following questions and answers provide additional clarification on the use of the ADR COVID–19 grant funds.

What are the minimum requirements for expenditures?

Funds must be expended as noted in the annual Budget Act which states the funds are to assist local educational agencies (LEAs) with establishing and improving local ADRs, in anticipation of an increased number of local disputes related to the COVID–19 pandemic and special education distance learning implementation. As a condition of receiving these funds, the SELPAs shall do all of the following:

- a. Prior to the receipt of funds, develop and submit a plan (a.k.a. the “ADR COVID–19 Enhancement Plan”) to the superintendent of public instruction (SSPI) describing the ADR process to be enhanced, augmented, or developed, and how the agency will offer and use the ADR process to address special education complaints filed by families related to COVID–19 and distance learning.
- b. Submit a report to the SSPI (a.k.a. the “ADR COVID–19 Report to the SSPI) by April 1, 2021, that includes all of the following information:
 1. The number of cases mediated through ADR services.
 2. The number of cases totally resolved by agreement.
 3. The number of cases refusing ADR services and requesting due process.
 4. A list of the issues that generated the request for dispute resolution services.
 5. Any recommendations for the workgroup developing the statewide Individualized Education Program addendum for the distance learning template to ensure issues resulting from special education and related service delivery during the COVID–19 pandemic and distance learning are considered and addressed in the development of the addendum template.

What direct costs are allowable?

For basic guidelines affecting allowability of costs, please visit the U.S. Office of Management and Budget (OMB) Circular No. A–87 web page at Office of Budget and Management Circulars (<https://bit.ly/2IY3YO9>), which provides 43 sections of selected items of costs and principles to be applied in establishing the allowability or unallowability of these items.

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For more information on cost guidelines, please also visit the Education Department General Administrative Regulation (EDGAR), Section 74.171 (Revised 05/10/04) <http://www2.ed.gov/policy/fund/reg/edgarReg/edgar.html>.

In general, direct costs are those that can be identified specifically with a particular final cost objective. Typical direct costs chargeable to federal awards are:

- a. Compensation of employees for the time devoted and identified specifically to the performance of those awards
- b. Cost of materials acquired, consumed, or expended specifically for the purpose of those awards
- c. Travel expenses incurred specifically to carry out the award
- d. Salaries and benefits
- e. Administrative costs necessary to carry out the award
 - Accounting/budgeting/audits
 - Communication costs
 - Data processing
 - Recruitment costs (i.e., advertising)
- f. Travel on “official business”
- g. Transportation
- h. Materials and other supplies for instructional services in the classroom, home, or other appropriate instructional setting which are “necessary to carry out the grant”
- i. Indirect costs at the rate approved by the CDE (for more information, please contact the Office of Financial Accountability and Information Services by email at sacsinfo@cde.ca.gov)
- j. Printing and duplication costs
- k. Meetings/conferences, including exhibits to disseminate grant information
- l. In-service training/staff development

Can these costs be incurred via contract(s) for purchase of programs or services?

Yes

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What costs are not allowable?

Rental/lease-to-purchase (including but not limited to facilities and equipment) costs are not allowable. Any expenditures pertaining to capital outlay.

What is the funding source for the ADR COVID–19 Grant?

Federal funds allocated by the annual California Budget Act.

How does the SELPA account for the ADR COVID–19 Grant in the standardized account code structure?

Report the **expenditures** as resource code **TK** (IDEA Alternate Dispute Resolution grant), goal **TK** (Special Education, **TK**), with the appropriate function (e.g., function **TK** [Special Education, **TK**]) and the appropriate object (e.g., object **TK** [**TK**]).

If the obligation is for:	The obligation is made:
Personal services by an employee of the grantee or LEA	When the services are performed
Personal services by a contractor who is not an employee of the grantee or LEA	On the date on which the grantee or LEA makes a binding written commitment to obtain the services
Travel, conferences, or conference attended	When the travel is taken

Must separate accounting be kept for each grant award?

Yes. Federal grant programs require that **separate accounting be maintained**. Accounting for one federal grant cannot be comingled with other federal grants or other funds. Separate accounting provides a clear audit trail from the receipt of the funds by the state to the expenditure of the funds for goods and services at the local level.

What are ADR COVID–19 funds intended to provide?

Funds must be expended as noted in the annual Budget Act which states that the funds are to assist LEAs with establishing and improving local ADR, in anticipation of an increased number of local disputes related to the COVID–19 pandemic and special education distance learning implementation. As a condition of receiving these funds, the special education local plan areas shall do all of the following:

- a. Prior to the receipt of funds, develop and submit a plan to the superintendent describing the ADR process to be enhanced, augmented, or developed, and how the agency will offer and use the ADR process to address special

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education complaints filed by families related to COVID–19 and distance learning.

- b. Submit a report to the superintendent (via the Special Education Division) by April 1, 2021, that includes all of the following information:
 1. The number of cases mediated through ADR services.
 2. The number of cases totally resolved by agreement,
 3. The number of cases refusing ADR services and requesting due process.
 4. A list of the issues that generated the request for dispute resolution services.
 5. Any recommendations for the workgroup developing the statewide Individualized Education Program addendum for distance learning template to ensure issues resulting from special education and related service delivery during the COVID–19 pandemic and distance learning are considered and addressed in the development of the addendum template.