

1 Special Education Consolidated Grant (Federal)



[Program Guidelines 2022-2023 Special Education Consolidated Grant Application \(Federal\)](#)

Authorized by the Individuals with Disabilities Education Act (IDEA), as amended by the IDEA Improvement Act of 2004, Public Law 108-446, Part B

Allowable/Non-allowable Expenditures – Class/Object Code 6400 (pgs. 45-46)

Stipends for nonemployees require specific approval.

Student employment: The cost of employment of students with disabilities by the LEA (34 CFR 300.107(b)) is allowable with IDEA-B funds only if the employment is related to or in addition to the student's course of study and in conjunction with the student's transition plan. The general supplement, not supplant requirement for IDEA funds in 34 CFR 300.202(a)(3) states that funds provided to LEAs under Part B of the IDEA must be used to supplement State, local, and other Federal funds and not to supplant those funds.

If an LEA chooses to use IDEA-B funds to employ students with disabilities for instructional purposes, it must comply with the non-supplant requirement. If the LEA benefits from the services provided by the students with disabilities, IDEA-B funds cannot be used. Instead, the LEA must use the same fund sources used to employ students who are not disabled.

Factors that would indicate that the LEA benefited from the services include but are not limited to the following:

Regular employees have been displaced.

Vacant positions have been filled with the participants rather than with regular employees.

Regular employees have been relieved of assigned duties.

Participants are performing services that, although not ordinarily performed by employees, are clearly of benefit to the LEA.

Placements of participants are made to accommodate the labor needs of the LEA rather than according to the requirements of the student's IEP.



Detailed guidelines have been developed by the Federal government to help employers determine employment vs. educational relationships, child labor requirements of the Fair Labor Standards Act, as well as Internal Revenue Service reporting requirements. It is the responsibility of the LEA to consult and follow Federal and State laws and regulations.

If you ever have a question, concern, comment, or suggestion, or find a broken link within this document, please email the TEA Division of Special Education Programs at sped@tea.texas.gov

Potential On-the-Job Funding continued

