

Frequently Asked Questions and Answers from the September 8, 2010 Presentation on ARRA Reporting Requirements for Section 4410 Preschool Special Education

Question 1. Who is the county Director of Special Education?

Answer 1. The ‘Director of Special Education’ title is used to identify the county official who signed the ARRA application. In many cases, it is the county Chief Executive Officer but it also can be the county chief fiscal officer, treasurer, administrator or manager. Because counties were not consistent in the official they used to sign the ARRA application, SED created this catch-all title to refer to the official who signed the ARRA application. This county official must also certify and submit the necessary reporting information. This responsibility cannot be delegated but the Director of Special Education can delegate the preparation of the information. The list of county Directors of Special Education is available on the STAC, Special Aids and Medicaid website at: <http://www.oms.nysed.gov/stac>.

Question 2. Which claims is ARRA reimbursing counties for?

Answer 2.) ARRA is reimbursing counties for the non-Medicaid claims of AVLs #1 and #2 of the 2009-10 school year. AVL #1 covers claims with service dates of July 1, 2009 through February 28, 2010 and AVL #2 covers claims with services dates of July 1, 2009 through June 30, 2010. There wasn’t sufficient ARRA funding to pay every county for its AVL #2 non-Medicaid claims. The General Fund will pay the remainder of these claims.

Question 3. How many quarters of ARRA reporting are necessary?

Answer 3. Counties will report payments to vendors, which are cumulative, this quarter which ends on September 30, 2010 and covers cumulative expenditures from July 1, 2009 through September 30, 2010. They will not report any jobs saved this quarter because jobs are not reported cumulatively and are only reported in the quarter in which they are worked (the four quarters of the 2009-10 school year in the case of preschool special education).

We have been advised by our U.S. Department of Education contact that the federal reporting system is expected to be modified to allow for reporting in prior quarters. SED will also have to modify its reporting system to allow for reporting in prior quarters. We will notify counties when the federal and SED reporting systems have been modified so counties can report jobs saved. In the meantime, we urge you to document your calculations of jobs saved by ARRA funding and retain such documentation. See the chart below for a summary of quarterly reporting requirements.

Quarter	Data to be Reported	Reporting Deadline	Comments
Jul – Sep 2010	Payments to Vendors	September 30, 2010	Expenditures are cumulative from July 1, 2009.
Jul – Sep 2009, Oct – Dec 2009, Jan – Mar 2010 and Apr – June 2010	Jobs saved by counties and their vendors.	To be determined.	Only counties which received a second ARRA payment will report jobs in the Apr – Jun 2010 quarter.
Oct – Dec 2010 and thereafter	None.	NA.	The ARRA preschool special education grant will be closed by this quarter.

Question 4. Most audits are already completed by now. Do they need to be amended to include ARRA preschool special education funding received in calendar year 2009?

Answer 4. Although the counties did not receive the funding in calendar year 2009, they must include calendar year 2009 expenditures which were subsequently reimbursed by ARRA on the SEFA. This will require an amended A-133. Please consult with your auditors for specific guidance.

Question 5. To clarify, the payment we received from SED in August of 2010 should be included on the 2009 single audit?

Answer 5. The August 2010 ARRA payment reimbursed counties for non-Medicaid claims with service dates from July 1, 2009 through February 28, 2010. Reimbursement for non-Medicaid claims with service dates of July 1, 2009 through December 31, 2009 should be included on the 2009 single audit.

Question 6. If the SFSF CFDA 84.397 program is audited for 2009, will it need to be audited as a major program again in 2010?

Answer 6. Please consult with your auditors for the determination.

Question 7. Our auditors will be conducting the single audit for 2009. They will be auditing the county as a sub-recipient and the preschool providers as vendors. What is the purpose then of the SED audit of the preschool providers?

Answer 7. The purpose of the SED audit of preschool providers is to assess programmatic compliance.

Question 8. If preschool special education is mandated and counties have already paid for the services, then how can we assume counties used ARRA funding to either save or create jobs?

Answer 8. As permitted under ARRA, the State is using ARRA funds to reimburse counties for preschool special education services provided by county and vendor staff. The jobs of these staff are considered retained jobs under ARRA.

Question 9. Is it possible that some counties may report zero jobs saved (or created)?

Answer 9. No. Although there are two methodologies for calculating jobs saved and created and counties may not chose the same methodology to calculate jobs saved and/or created, every county must report jobs saved and/or created.

Question 10. Can you review again how to determine independent contractor jobs saved?

Answer 10. As discussed during the September 8, 2010 presentation, a county using the hours worked method for calculating jobs saved for an independent contractor would calculate the total hours in a full-time work schedule for the quarter by multiplying the hours in a full-time work week for the county by the 13 weeks in a quarter. To calculate the FTE for the independent contractor, the actual number of hours worked in the quarter by the contractor would be divided by the total number of hours in a full-time work schedule for the quarter.

If the full-time work week for a county is 35 hours, then the total number of hours in the quarter for a full-time work schedule is 35 hours per week times 13 weeks per quarter or 455 hours per quarter. If the county has an independent contract with a physical therapist who worked 227.5 hours for the quarter, then the physical therapist counts as .5 FTE (227.5 hours worked in the quarter/455 hours in a full-time schedule for the quarter).

Question 11. When will all of the ARRA money be paid?

Answer 11. The second and last ARRA payment will be made within the next several business days.

Question 12. What about the fact that we are not able to bill for Medicaid for the 2009-10 school year because of unknown regulation changes at the time the service was provided and the inability to get a professional to change documents. Wouldn't and shouldn't all these children have been ARRA eligible?

Answer 12. Because there is not sufficient ARRA funding to fully pay the State's share of preschool special education for the 2009-10 school year, the decision was made to use ARRA to pay non-Medicaid claims to leave open the possibility of billing Medicaid for eligible 2009-10 school year claims.

Question 13. How will you let us know if you find that some claims for children who are Medicaid-eligible were paid for with ARRA funding?

Answer 13. SED's STAC Unit has sent files containing this information to applicable counties. It will also share this information with the Central New York Regional Information Center (RIC) and instruct it to prohibit the processing of Medicaid claims for these children. Note that counties should still report that these claims were paid for with ARRA funding when reporting ARRA payments to vendors this quarter.