

# Administration

## FACILITIES CONSTRUCTION AND ALTERATION

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# Facilities Construction and Alteration

## What is Required

If the Secretary of Education determines that a program authorized under the IDEA will be improved by allowing program funds to be used to acquire appropriate equipment, or to construct new facilities or alter existing facilities, the Secretary of Education may allow the use of those funds for those purposes.

## **Compliance with Other Laws**

Any construction of new facilities or alteration of existing facilities with authorized IDEA program funds must comply with Appendix A of Part 36 of Title 28 (commonly known as the “Americans with Disabilities Accessibility Standards for Buildings and Facilities”) or Appendix A of Subpart 101-19.6 of Title 41, Code of Federal Regulations (commonly known as the “Uniform Federal Accessibility Standards”).

## **Definitions**

A “facility” is all or any portion of buildings, structures, and equipment, roads, walks, passageways, parking lots, or other real or personal property (including the site where the building, structure, property, or equipment is located).

## Additional Procedures

### **Approval of Costs**

For approval of costs under the IDEA, the expenditures must relate to the provision of special education and related services. Further, to be allowable under Federal awards, costs must meet the general principles for determining allowable costs set forth by the Executive Office of the President, Office of Management and Budget (“OMB”). According to the OMB, costs must meet the following general criteria to be allowable under Federal awards:

- Be necessary and reasonable for proper and efficient performance and administration of Federal awards;
- Be allocable to Federal awards under the provisions of OMB Circular Number A-87;
- Be authorized or not prohibited under State or local laws or regulations;
- Conform to any limitations or exclusions set forth in these principles, Federal laws,

terms and conditions of the Federal award, or other governing regulations as to types or amount of cost items;

- Be consistent with policies, regulations, and procedures that apply uniformly to both Federal awards and other activities of the governmental unit;
- Be accorded consistent treatment. A cost may not be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the Federal award as an indirect cost;
- Except as otherwise provided for in OMB Circular Number A-87, be determined in accordance with generally accepted accounting principles;
- Not be included as a cost or used to meet cost sharing or matching requirements of any other Federal award in either the current or a prior period, except as specifically provided by Federal law or regulation;
- Be the net of all applicable credits; and
- Be adequately documented.

### **Access to Facilities**

The District must ensure that no qualified individual with a disability is excluded from participation in or denied the benefits of the services, programs, and activities of the District or is subject to discrimination because the District's facilities are inaccessible to or unusable by the student. However, the District is not required to make each existing facility or every part of the facility accessible to and usable by individuals with disabilities.

The District may comply with these requirements by:

- Redesigning or acquisitioning equipment;
- Reassigning classes or other services to accessible buildings;
- Assigning aides to qualified individuals with disabilities;
- Home visits;
- Delivery of services at alternate accessible sites;
- Alteration of existing facilities;
- Constructing new facilities that comply with federal laws relating to new construction and alterations; and

- Any other methods that result in making services, programs, and activities accessible to individuals with disabilities.

## **Evidence of Implementation**

- Facility blueprints
- Vendor contracts

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Facilities Construction and Alteration - Region 18](#)

[Information and Technical Assistance on the Americans with Disabilities Act - U.S. Department of Justice](#)

[OSEP Letter to Stevens \(March 26, 2004\) - U.S. Department of Education](#)

[OSEP Letter to Inos \(Oct. 25, 2004\) - U.S. Department of Education](#)

[About the Architectural Barriers Act Accessibility Standards - U.S. Access Board](#)

[ADA Checklist for Existing Facilities - ADA National Network](#)

[Appendix A of Part 36 of Title 28](#)

[Appendix A of Subpart 101-19.6 of Title 41](#)

[2010 ADA Standards for Accessible Design](#)

[Uniform Federal Accessibility Standards \(UFAS\) Checklist](#)

## **CITATIONS**

Board Policy CS; 34 CFR 300.718(a)-(b); 28 CFR Part 36, Appendix A - Americans with Disabilities Accessibility Guidelines for Building and Facilities; Appendix A to Subpart 101-19.6 of Title 41 CFR - Uniform Federal Accessibility Standards