

Quick Reference Guide on Coordinated Early Intervening Services

CIFR's quick reference guides are intended to assist states and other stakeholders in better understanding the basics of fiscal reporting requirements set forth in the Individuals with Disabilities Education Act (IDEA). The guides may be developed in collaboration with other national technical assistance centers. This informal guidance does not represent an interpretation of the IDEA by the Office of Special Education Programs (OSEP) or the U.S. Department of Education.

What are Coordinated Early Intervening Services?

Coordinated early intervening services (CEIS) are services provided to children who are not currently identified as needing special education or related services, but who need additional academic or behavioral support to succeed in general education. The 2004 reauthorization of the IDEA allows local educational agencies (LEAs) to use up to 15 percent—and, in some cases, requires LEAs to reserve the maximum 15 percent—of their IDEA Part B Sections 611 and 619 funds to provide scientifically based CEIS to children without a disability in grades K–12 (see textbox for regulatory language).

Why are CEIS important?

CEIS are important for identifying and addressing learning difficulties early. Research indicates that the earlier the intervention, the more effective the support and the less severe the learning difficulties will be. Furthermore, delays in providing support may increase the intensity, and hence the cost, of the services needed to address learning difficulties. CEIS may also help ensure that at-risk students are appropriately referred to special education or related services when necessary.

Is providing CEIS required?

The use of Part B funds for CEIS is required for LEAs that are identified as having significant disproportionality based on race or ethnicity, in being identified as a child with a disability - including being identified as a child with a particular impairment - being placed in particular educational settings, or the incidence, duration, and type of disciplinary actions. These LEAs are required to use the full 15 percent of their Part B funds to provide comprehensive CEIS to children in the LEA, particularly, but not exclusively, to children in those groups that were significantly overidentified. LEAs not identified as having significant disproportionality may voluntarily reserve up to 15 percent of Part B funds for CEIS.

An LEA may not use more than 15 percent of the amount the LEA receives under Part B of the Act for any fiscal year, less any amount reduced by the LEA pursuant to Sec. 300.205, if any, in combination with other amounts (which may include amounts other than education funds), to develop and implement coordinated, early intervening services, which may include interagency financing structures, for students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade three) who are not currently identified as needing special education or related services, but who need additional academic and behavioral support to succeed in a general education environment.

34 CFR §300.226(a)

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The Center for IDEA Fiscal Reporting helps states improve their capacity to report special education fiscal data. The IDEA Data Center provides technical assistance to build capacity within states for collecting, reporting, and analyzing high-quality IDEA data.

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How can Part B funds be used for CEIS?

Permissible CEIS activities that may be funded under Part B include:

- » Providing professional development for teachers and other school staff to enable such personnel to deliver scientifically based academic and behavioral interventions, including scientifically based literacy instruction and, where appropriate, instruction on the use of adaptive and instructional software; and
- » Providing educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction. (See 34 CFR §300.226(b))

What is the relationship between CEIS and LEA maintenance of effort (MOE) reduction?

Under IDEA's MOE requirement, LEAs are required to maintain their level of year-to-year expenditures from local-only funds or state and local funds. However, under 34 CFR §300.205(a), if the IDEA Part B Section 611 allocation received for the current federal fiscal year exceeds the allocation for the previous fiscal year, the LEA may reduce its MOE (i.e., level of expenditures) by up to 50 percent of the increase in the Section 611 allocation. Please see CIFR's guide on LEA MOE for more information on the MOE requirement.

An LEA that is required to use Part B funds to implement CEIS may not reduce its MOE amount in this manner. However, an LEA that voluntarily implements CEIS may reduce the level of its MOE, unless the LEA is determined not to meet the requirements of Part B, is unable to establish and maintain programs of free appropriate public education (FAPE), or the State educational agency (SEA) has taken action against the LEA under IDEA Section 616. In this case, the LEA must keep in mind that voluntary CEIS and MOE reduction are interconnected. That is, the combined amount of the voluntary CEIS set-aside for the current federal fiscal year (i.e., up to 15 percent of the total amount of Sections 611 and 619 funds) and the MOE reduction (i.e., up to 50 percent of the increase in the Section 611 allocation) that an LEA takes may not exceed the lesser of the maximum amount available for CEIS or the maximum amount available for MOE reduction. See Exhibit 1 for an example of the interconnection of voluntary CEIS funds and the MOE reduction amount.

Exhibit 1. Example of interaction of an LEA's voluntary use of Part B funds for CEIS and the MOE reduction amount

Description of funds and amounts available for CEIS and MOE reduction	Dollar amount
Prior Federal fiscal year IDEA Section 611 funds received	\$1,000,000
Current Federal fiscal year IDEA Section 611 funds received	\$1,400,000
Current Federal fiscal year IDEA Section 619 funds received	\$100,000
Maximum amount available for CEIS (Current 611 funds + current 619 funds) x 15 percent	\$225,000
Maximum amount available for MOE reduction (Current 611 funds – prior 611 funds) x 50 percent	\$200,000
Maximum combined amount available for CEIS set-aside funds and MOE reduction (Lesser of the maximum amount available for CEIS or the maximum amount available for MOE reduction)	\$200,000

In the scenario presented in Exhibit 1, the LEA could allocate any combination of funds that adds up to \$200,000 or less. For instance, the LEA could choose to reserve \$50,000 for CEIS and reduce its MOE by \$150,000; or it could reserve \$200,000 for CEIS and reduce its MOE by \$0.

What are the Part B reporting obligations for CEIS?

States have annual reporting requirements for both CEIS and MOE, which are combined in a single data collection form in the EDFacts Metadata and Process System (EMAPS). For CEIS, states must report on the amount of Part B funds that each LEA set aside for CEIS, whether voluntary or required, and the number of children who received those services. LEAs are responsible for tracking and reporting this information to the SEA. States must also report, for each LEA that was required to reserve funds for CEIS, the reason for which the LEA was identified with significant disproportionality. For MOE, states must report the amount, if any, by which each LEA reduced its MOE obligation under 34 CFR §300.205(a), as well as the state's determination of whether the LEA has met the requirements of Part B of the IDEA. Please see the EMAPS IDEA Part B MOE Reduction and CEIS User Guide (<http://www2.ed.gov/about/inits/ed/edfacts/emaps-idea-part-b-moe-reduction-ceis-user-guide.pdf>) for more information.

Questions for states to consider:

How could states encourage more LEAs to voluntarily reserve Part B funds for CEIS?

States could identify and address potential solutions to barriers to using Part B funds for CEIS and provide LEA-level training and supports to encourage more LEAs to provide CEIS as appropriate.

What are the state's procedures for collecting and documenting CEIS information?

Establishing a clear process and standardized documentation will enable both LEA and state staff to track and report CEIS

data. For instance, developing standard data-collection forms and tools may facilitate more consistent and reliable data reporting.

How does your state accounting system track Part B funds used for CEIS?

Establishing a separate Program Reporting Code for CEIS expenditures will allow easier and more consistent tracking of these funds at the LEA level.

Resources

- 2009 ARRA guidance issued by Office of Special Education and Rehabilitative Services (OSERS)
<http://www2.ed.gov/policy/gen/leg/recovery/guidance/idea-b.pdf>
- OSERS's 1/1/07 Question and Answer on Response to Intervention (RTI) and EIS
[http://idea.ed.gov/explore/view/p/root,dynamic,QaCorner,8,](http://idea.ed.gov/explore/view/p/root,dynamic,QaCorner,8)
- OSEP Memo 07-09: Disproportionality of Racial and Ethnic Groups in Special Education
<http://www2.ed.gov/policy/speced/guid/idea/letters/2007-2/osep0709disproportionality2q2007.pdf>
- OSEP Memo 08-09: Coordinated Early Intervening Services under Part B of the IDEA
<http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/osep08-09coordinatedearlyinterveningervices.pdf>
- Additional OSEP memos and letters can be found here
<http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/index.html>
- OSEP Letter to Minnesota Department of Education (responding to request for clarification of provisions related to CEIS and MOE)
<http://www2.ed.gov/policy/speced/guid/idea/letters/2013-1/hokenson01302013leamoe1q2013.pdf>
- For additional resources and information, we invite you to visit the CIFR and IDC websites:
<http://cifr.wested.org>
<https://ideadata.org>