

Coordinated Early Intervening Services (CEIS)

CEIS are services provided to 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 supports to succeed in a general education environment. The Individuals with Disabilities Education Act (IDEA) (U.S.C. §1413 (f) (2)) and its regulations 34 CFR §300.226(b)) identify the activities that a Local Education Agency (LEA) may carry out in implementing coordinated, early intervening services:

- Professional development (which may be provided by entities other than local educational agencies) for teachers and other school staff to enable such personnel to deliver scientifically-based academic instruction 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. For example, a LEA might use CEIS to provide behavioral interventions to nondisabled students who receive a certain number of disciplinary office referrals, perhaps as part of a Positive Behavioral Supports initiative. CEIS might also be used to help fund reading or math specialists to work with nondisabled students who have not reached grade-level proficiency in those subjects, or to fund after-school tutoring for nondisabled students who score below “basic” on statewide assessments.

Students eligible for CEIS

Section 613 (f)(1) of the IDEA permits LEAs to use IDEA funds for CEIS 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 supports to succeed in a general education environment. An LEA determines which students need additional support. For example, an LEA might consider factors such as performance on reading or math assessments, disciplinary referrals, or suspension and expulsions to assess whether or not students need additional supports to succeed in a general education environment.

If an LEA chooses to use CEIS funds to support universal interventions, it must be able to provide documentation that CEIS funds were used to provide services only to students who need additional support and that other funds were used to fund the universal intervention for the special education students and students who do not need additional support. Children who are not yet in kindergarten may not receive CEIS. The preamble to the IDEA Part B regulations

clarifies that students who received special education in the past, but are not currently receiving special education, are eligible to receive CEIS.

Use of IDEA funds for CEIS

An LEA may choose to use up to fifteen (15) percent of IDEA Part B funds for any fiscal year, **less any amount reduced by the agency under adjustments to local fiscal year effort (34 CFR 300.205), if any**, in combination with other amounts (which may include amounts other than education funds), to develop and implement CEIS, which may include interagency financing structures, for students in kindergarten through grade 12 who have not been identified as needing special education or related services but who need additional academic and behavioral support to succeed in a general education environment. Use of IDEA Part B funds for CEIS is voluntary on behalf of the LEA.

LEAs that seek to reduce their local maintenance of effort in accordance with 34 CFR 300.205(d) and use some of their Part B funds for CEIS under 34 CFR 300.226 must do so with caution because the local maintenance of effort reduction provision and the authority to use Part B funds for CEIS are interconnected. The decisions that an LEA makes about the amount of funds that it uses for one purpose affect the amount that it may use for the other.

Funds made available under this section may be used to carry out CEIS aligned with activities funded by and carried out under the Elementary and Secondary Education Act (ESEA) if those funds are used to supplement, and not supplant, funds made available under the ESEA for the activities and services assisted under this section.

Use of CEIS funds for professional development and behavioral and educational evaluations

CEIS funds may be used to provide professional development to all personnel who are responsible for students who need additional academic and behavioral supports to succeed in a general education environment, but who have not been identified as needing special education. Under limited circumstances personnel who are solely responsible for students receiving special education services or students who do not need additional support may participate in professional development funded with CEIS funds. These personnel may participate so long as the cost of the professional development does not increase, the quality of the professional development does not decrease, and including those personnel would not exclude other personnel who are responsible for students who need additional support but have not been identified as needing special education. LEAs may use CEIS funds to provide behavioral and educational evaluations to determine the supports that are needed by students to succeed in a general education environment. However, funds may not be used for

evaluations that are intended for use in determining eligibility for special education and related services.

Use of CEIS funds to implement Response to Intervention (RTI)

CEIS funds may be used to support RTI as long as the CEIS funds are used for services to nondisabled students in need of additional academic or behavioral support and supplement, not supplant, other funds used to implement RTI.

For example, one RTI framework includes a three-level continuum of instructional support. In this framework, tier one applies to all students in a general education setting. It would not be appropriate to use CEIS funds for tier one activities that support these students because these activities are designed to provide high-quality instruction to the entire class or school and not principally intended to address the needs of students who are struggling. Tier two activities provide specialized small group instruction for students determined to be at risk for academic and behavioral problems. It would be appropriate to use CEIS funds to support these tier two activities for at-risk, general education students. If students who are receiving special education and related services participate in the small group instruction, it would not be appropriate for CEIS funds to be used for these students as CEIS may not be provided to students that are currently identified as needing special education or related services. Tier three includes specialized individualized instructional or behavioral support for students with intensive needs. As in the case of tier two activities, CEIS funds could be used for activities that support general education students at risk for academic and behavioral problems, but could not be used for students who are receiving special education or related services.

CEIS reporting

Districts using IDEA Part B funds for CEIS must submit expenditure and student data information to the Department of Elementary and Secondary Education (DESE) through the CEIS Reporting Verification form on the Part B Final Expenditure Report (FER) in ePeGs.

Reporting on the FER

Districts that provided CEIS using Part B IDEA funds must report the following on the FER:

- Professional development provided to teachers and other school staff
- Detail of what educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction was provided
- Number of students who received CEIS using IDEA Part B funds who were not eligible for IDEA services at the time they received these services from your district during the school year

- Of the students who had IEPs during this school year, the number that had received CEIS using IDEA funds anytime in the past two school years

Regarding counting students who received CEIS when funds are used for *professional development*, it would be appropriate for an LEA to count, and subsequently track for two years, the number of students in need of additional support who received instruction from personnel who participated in the professional development program. It would not be appropriate to count every student who was taught by these personnel if some of the students were not in need of additional support or were receiving special education services. An LEA should only count the students who benefited from the professional development program in the year(s) of or the year(s) immediately after the training, rather than counting the students each year after the training.

Regarding counting students who received CEIS when funds are used for a *universal intervention initiative*, students who meet the LEA's criteria of being in need of additional support and participate in the initiative should be counted as receiving CEIS in the year(s) of or the year(s) immediately following the initiative and tracked for the following two years. Students who participate in an initiative for more than one year should be counted each year they participate.

Regarding counting students who received CEIS when funds are used to *provide behavioral and educational evaluations*, students who are evaluated to determine the supports necessary for success in a general education environment should be counted as receiving CEIS in the year of or the year immediately following the evaluation and tracked for the following two years.

IDEA Part B funds used for CEIS expenditures must be reported under function code 1223, source code 4, project code 44100.

Reporting on the CEIS Reporting Verification Form

Districts that provided CEIS using Part B IDEA funds must report the following:

- Date the CEIS activity occurred
- Description of the CEIS activity that occurred
- Cost of the CEIS activity
- Titles of all participants that attended the activity (i.e. 4th Grade Reading Teacher, students in need of additional supports in grades K-3)
- Number of special education students served by the CEIS activity (this number should be zero as CEIS is for students without an IEP)
- Funding source to verify that districts aren't supplanting CEIS funds
- Group(s) benefiting from the CEIS activity

Monitoring process for LEAs that report CEIS

The Special Education Finance Section in the Division of Financial and Administrative Services reviews the information submitted on the Part B FER in ePeGS. The information is evaluated for the following requirements:

- The professional development provided to teachers and other school staff that 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 was appropriate under CEIS.
- Educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction being provided was appropriate under CEIS.
- Students receiving CEIS were not identified as special education students
- Funds for CEIS supplemented and not supplanted ESEA activities.

If findings conclude misuse of funds, the district will be required to return these funds to the Office of Special Education (OSE) from the district's state and local funds.

Comprehensive Coordinated Early Intervening Services (CCEIS)

In the case of a determination of significant disproportionality from the OSE, an LEA identified as having significant disproportionality must use exactly 15 percent of IDEA Part B funds for comprehensive CEIS (CCEIS). LEAs required to use IDEA Part B funds for CCEIS may provide supports and services to students age three through grade twelve, and may serve students currently identified as needing special education or related services, as long as the funds are not used exclusively for students with disabilities. The activities under CCEIS must address factors and policy, practice, or procedure contributing to significant disproportionality.