

Implementing RTI Using Title I, Title III, and CEIS Funds

Key Issues for Decision-makers



U.S. Department of Education

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As Response to Intervention, or RTI expands across the country, the question we at the U.S. Department of Education are asked more than any other is how Federal funds may be used to support RTI.

We are asked specifically about funds provided under three Federal programs. First, we are asked about funds provided under Title I of the Elementary and Secondary Education Act, or the ESEA. We are also asked about funds provided under Title III of the ESEA. Finally, we are asked about funds for Coordinated Early Intervening Services, or CEIS, available under the Individuals with Disabilities Education Act, or IDEA. These three programs provide services to students who need additional support to meet challenging academic achievement standards. RTI is also about improving student achievement, particularly for the lowest-achieving students.

The Context

This presentation addresses how funds under Title I and Title III of the Elementary and Secondary Education Act (ESEA) and Coordinated Early Intervening Services (CEIS) funds under the Individuals with Disabilities Education Act (IDEA) may be used to support Response to Intervention (RTI) in public schools.

This presentation does not address equitable participation of private school students under Title I and Title III of the ESEA or equitable participation of parentally placed students in private schools under IDEA.

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This presentation will:

- Provide general background information about each of these three Federal programs;
- Define what we mean when we talk about RTI, recognizing that there are multiple RTI frameworks and that different terminology is sometimes used when talking about RTI; and
- Provide specific examples of how Title I, Title III, and CEIS funds may be used to support RTI.

The purpose of this presentation is to illustrate how these Federal funds may be used to support RTI; it is not to define or describe how to implement RTI.

Please note that this presentation does not address equitable participation of private school students under Title I and Title III of the ESEA or equitable participation of parentally placed students in private schools under IDEA.

Purpose of Title I

The purpose of Title I is to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education. Title I provides funds to improve achievement of the lowest-achieving students – those who are failing, or are most at risk of failing, to meet State academic achievement standards – enrolled in high-poverty schools.

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Initially, we thought it would be helpful to briefly describe the purposes of Title I, Title III, and CEIS. It is important to understand that funds under each of these programs may be used only to further the specific purposes of each program.

The purpose of Title I is to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education. Title I provides funds to school districts for use in high-poverty schools to improve the achievement of the lowest-achieving students – those who are failing, or most at risk of failing, to meet a State's academic achievement standards.

Title I is one of a number of programs funded under the ESEA. It has been in existence since 1965. For the 2008-2009 school year, States received approximately 13.9 billion dollars of Title I funds to allocate to local educational agencies, or LEAs, to improve the achievement of low-achieving students in more than 51,000 schools across the country.

Use of Title I Funds

§§ 1114 and 1115 of ESEA
34 CFR §§ 200.25-200.29

- ♦ **Schools with schoolwide programs** use Title I funds to implement comprehensive strategies for improving the educational program of the whole school in schools with 40% or more poverty to increase the achievement of all students, particularly at-risk students.
- ♦ **Schools with targeted assistance programs** use Title I funds to provide supplemental instructional services for specific students who have been identified as failing, or most at risk of failing, to achieve academic proficiency.

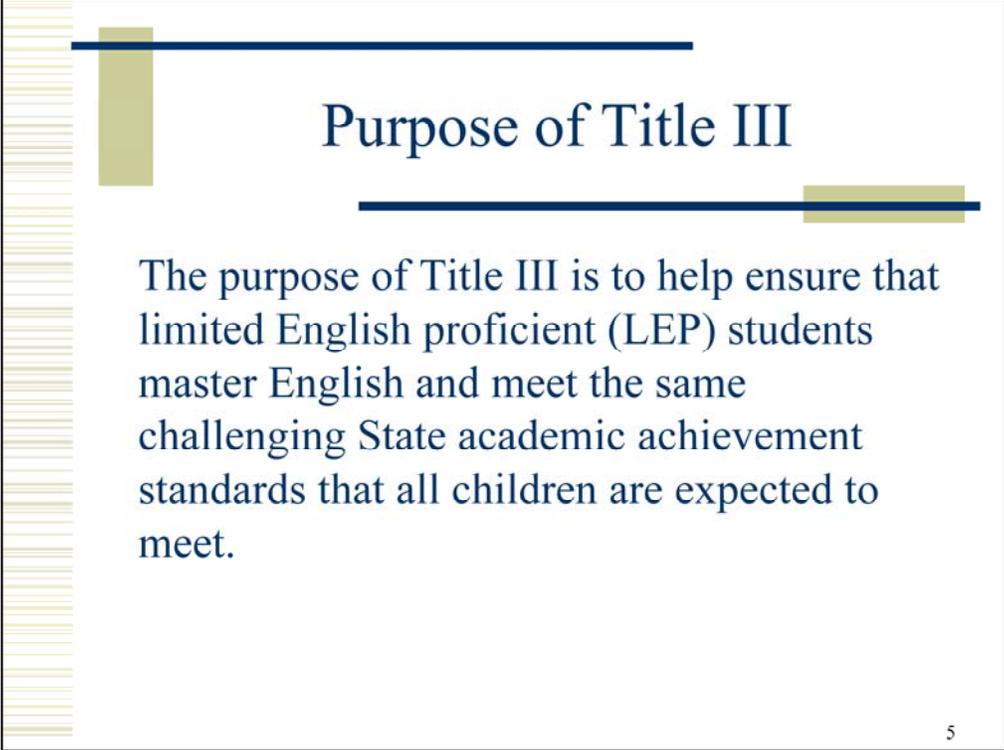
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Schools use Title I funds in one of two ways. First, a school that has a poverty rate of 40 percent or more may use its Title I funds to upgrade the entire educational program in the school with the goal of improving the achievement of all students, but particularly students who are low achieving. A school with a program like this is referred to as a “schoolwide school,” or as a school that operates a “schoolwide program.” A schoolwide school does not need to focus Title I services on specific students.

Second, a school that has a poverty rate below 40 percent, or a school that has a poverty rate of 40 percent or more but that does not choose to operate a schoolwide program, may use Title I funds to operate a targeted assistance program. A targeted assistance program provides additional instruction to specific students who have been identified as failing, or most at risk of failing, to meet a State’s academic achievement standards. In neither type of Title I program do schools focus resources exclusively on students from low-income families.

The majority of Title I schools operate schoolwide programs (approximately 62 percent). Only 38 percent of Title I schools operate targeted assistance programs. Generally, targeted assistance schools receive less Title I funds than schoolwide schools because they have fewer children from low-income families.

It is important to understand the difference between these two types of Title I programs because, as we’ll discuss in a moment, the type of Title I program affects how Federal funds, and particularly Title I funds, may be used to implement RTI.



Purpose of Title III

The purpose of Title III is to help ensure that limited English proficient (LEP) students master English and meet the same challenging State academic achievement standards that all children are expected to meet.

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The purpose of Title III is to help ensure that limited English proficient students, or LEP students, master English and meet the same challenging State academic achievement standards that all children are expected to meet.

Title III does not advocate a particular instructional approach, such as English as a second language or bilingual education, but does require LEAs receiving Title III funds to fund instructional approaches that are scientifically based.

Use of Title III Funds

§§ 3111 and 3115(c) of ESEA

A local educational agency (LEA) must use Title III funds to:

- Provide high-quality language instruction educational programs.
- Provide high-quality professional development for classroom teachers.

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Title III funds are provided to States on an annual basis. States generally must use 95 percent of these funds for grants to LEAs. An LEA's allocation is based on the LEA's share of the number of LEP and immigrant children in the State. States received nearly 650 million dollars in Title III funds for the 2008-2009 school year.

LEAs receiving Title III funds must use these funds for two activities:

- To provide high-quality language instruction educational programs based on scientifically based research; and
- To provide high-quality professional development for classroom teachers.

Purpose of IDEA

The purpose of IDEA is to ensure that students with disabilities have access to a free appropriate public education (FAPE).

FAPE must include special education and related services designed to meet a student's unique needs and prepare him or her for further education, employment, and independent living.

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The purpose of IDEA is to ensure that students with disabilities have access to a free appropriate public education, or FAPE.

FAPE includes special education and related services designed to meet a student's unique needs and to prepare him or her for further education, employment, and independent living. Each eligible student with a disability is entitled to special education and related services.

In Fall 2007, there were about 6 million students aged 6 through 21 who received special education and related services. Of the six million students, students with specific learning disabilities made up 45 percent of the total number of students with disabilities.

Generally, IDEA funds are only allowed to be used for students with disabilities. For the 2008-2009 school year, States received approximately 11.2 billion dollars in IDEA funds to supplement State and local dollars in providing FAPE to all students with disabilities. These funds come in two grants – the school age grant and the preschool grant.

IDEA: Coordinated Early Intervening Services (CEIS)

§ 613(f) of IDEA; 34 CFR § 300.226(a)

CEIS is a set of coordinated services for students in kindergarten through grade 12 (with a particular emphasis on students in K-3) 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.

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When IDEA was last reauthorized in December 2004, Congress included a new provision that allows LEAs to use up to 15 percent of their IDEA funds for Coordinated Early Intervening Services, or CEIS. LEAs may use IDEA funds from their school-age and preschool grants for CEIS for students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade 3). CEIS funds may be used to assist students 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.

IDEA: Use of CEIS Funds

§ 613(f) of IDEA; 34 CFR § 300.226(b)

CEIS funds may be used for:

- ◆ Professional development for teachers and other school staff to enable personnel to deliver scientifically based academic and behavioral interventions;
- ◆ Direct interventions, such as educational and behavioral evaluations, services, and supports; and
- ◆ Services aligned with activities funded under the ESEA.

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If an LEA chooses to use CEIS funds for services to children who need academic and behavioral support, it must ensure that CEIS funds are used for one or more of the following three purposes:

First, to provide professional development solely to educators who are responsible for students who need additional academic and behavioral support to succeed in a general education environment;

Second, to provide direct interventions, such as the services of a reading teacher or behavior specialist, or materials and supplies directly related to those services or interventions. For example, CEIS funds may be used to provide behavioral interventions to non-disabled students who receive a certain number of office referrals or to provide instructional interventions to students who have not reached grade-level proficiency on Statewide assessments; and

Third, to provide services aligned with activities funded under the ESEA, such as Title I or Title III activities.

This presentation will further discuss how Title I, Title III, and CEIS funds may be used to support RTI.

Response to Intervention (RTI)

- ◆ There are multiple approaches to RTI.
- ◆ The Department does not support one particular approach.
- ◆ Solely for the purpose of this presentation, the following slides establish common terms regarding the components of RTI.

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We have now completed our overview of the three Federal programs that are the subject of this presentation. Let's proceed to the next part of the presentation--specifically, what we mean by RTI.

We want to emphasize that there are multiple approaches to RTI. The U.S. Department of Education does not promote one particular approach. On the following slides, solely for the purpose of our presentation, we explain what we mean by common terms often used to describe components of RTI. Please understand that these components may not necessarily represent all RTI frameworks, nor do the explanations represent the only way to define the components. We include them in order to have a common language to illustrate how Title I, Title III, and CEIS funds may be used for RTI. If you are interested in more information regarding RTI, there is a link to an RTI Technical Assistance Center at the end of this presentation.

Response to Intervention (RTI)

RTI is a multi-level framework to maximize student achievement by providing support to students at risk for poor learning outcomes. The approach* includes:

- ◆ Core instruction for all students;
- ◆ Universal screening;
- ◆ Increasingly intensive instructional interventions for students who need extra help; and,
- ◆ Progress monitoring.

*RTI can be used to improve academic achievement and improve classroom behavior. For the purposes of this presentation, the focus is on academic content.

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For this presentation, we define RTI as a multi-level framework to maximize student achievement by supporting students at risk for poor learning outcomes. The approach includes:

- Core instruction for all students;
- Universal screening;
- Increasingly intensive research-based instructional interventions for students who need extra help; and
- Progress monitoring.

Note that RTI can be used to improve academic achievement in areas such as reading and math as well as to improve behavior. For the purposes of this presentation, however, we will focus on using RTI to improve academic achievement.

Now let's look at the four core components of RTI as we define them for this presentation, and then we'll discuss how Title I, Title III, and CEIS funds can be used to support activities in each component.

Core Instruction for All Students

- ◆ All students receive high-quality, research-based core instruction in their regular classroom.
- ◆ Core instruction includes whole-group and small-group instruction (such as reading groups) provided to all students.
- ◆ Because core instruction is provided to all students, whether in whole-group or small-group settings, it generally may not be funded with Title I, Title III, or CEIS funds.

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For our presentation, the foundation of RTI is high-quality, research-based core instruction for all students, aligned with a State's academic achievement standards. All students, regardless of income level, native language, or disability status, must have access to core instruction and conditions must be in place for all students to be successfully taught. Ensuring that classroom practices and curricula are of high quality is important in order to be confident that a student's need for intervention or a referral for special education and related services is not due to poor instruction.

Core instruction, as we are defining it, includes whole-group instruction and small-group instruction, such as reading groups. With respect to core instruction, we expect that instruction will be differentiated—that is, using data to determine the proper teaching and learning tools to meet the needs of each student. Differentiated instruction ensures that all children have access to the general curriculum but in a manner that responds to their individual needs rather than applying a “one-size-fits-all” approach. Because of this, differentiated instruction is not the same as the interventions discussed later in the presentation.

It is important to note that core instruction is an expectation of all LEAs and schools. As we will discuss in greater detail later in the presentation, Title I, Title III, and CEIS funds may only be used to provide services that supplement, and do not supplant, what LEAs and schools would otherwise provide, including core instruction. Therefore, core instruction generally is not a permissible use of Title I, Title III, or CEIS funds. This is true whether core instruction is provided to the entire class or through small-group instruction. For example, it would be unallowable for one group of students to receive small-group core instruction from the classroom teacher while another group receives core instruction from a teacher paid with Title I, Title III, or CEIS funds. Such an arrangement would be improper because the instruction being provided by the Federally funded teacher replaces the small-group core instruction that would otherwise be provided by the regular classroom teacher. Therefore, the Federally funded small-group instruction is not supplemental.

Universal Screening

- ◆ School staff screen students by assessing the academic performance of all students during the school year. This screening is used to identify students who are struggling and who may need specific interventions.
- ◆ Screening that is conducted for all students generally cannot be funded with Title I, Title III, or CEIS funds.

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The second component of RTI, as defined in this presentation, is universal screening for all students. Universal screening is conducted on a regular basis for an entire school as a means of identifying students who are struggling and may need additional, specific educational supports and interventions.

In our RTI approach, we expect that all students are routinely screened; thus, universal screening is generally not an allowable expense for Title I, Title III, or CEIS funds because those funds must be used to provide services that supplement the services that LEAs and schools would otherwise provide.

Increasingly Intensive Instructional Interventions for Students Who Need Extra Help

- ◆ When results of screening or other data indicate that a student is struggling, an intervention to help with the specific problem is implemented. These research-based interventions are provided for a specific duration and increase the intensity of instruction in order to improve the student's achievement.
- ◆ These interventions may sometimes be funded with Title I, Title III, or CEIS funds.

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When a student is identified through universal screening as struggling academically, suitable, research-based interventions are provided. The interventions are designed to address the specific problems identified and are in addition to core instruction. The interventions are provided for a specific duration and increase in intensity in order to improve a student's achievement. If a student shows little or no progress with a specific intervention, a more intensive intervention is then considered. These increasingly intensive interventions are the third component of the RTI framework we are describing. If more intensive interventions are not successful, the student may be evaluated to determine if he or she has a disability and, because of that disability, needs special education and related services.

These interventions may sometimes be funded with Title I, Title III, or CEIS funds. Later in this presentation, we will provide a framework to help you determine when the use of Title I, Title III, or CEIS funds for instructional interventions is allowable.

Progress Monitoring

- ◆ Progress monitoring is a scientifically based practice that is used to assess students' academic performance and evaluate the effectiveness of instruction and instructional interventions.
- ◆ Generally, Title I, Title III, and CEIS funds may be used to fund progress monitoring if the progress monitoring is used to determine the response to an intervention that is supportable with Title I, Title III, or CEIS funds.

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As defined for this presentation, progress monitoring is the fourth component of RTI and is used to make instructional decisions based on a student's response to research-based interventions. Progress monitoring is a critical component of RTI because it allows a comparison between a student's performance and his or her learning goals. Progress is measured by comparing expected and actual rates of learning. Progress monitoring occurs frequently during the course of an intervention to determine if the student is responding to the intervention.

Progress monitoring is an allowable use of Title I, Title III and CEIS funds when it is used to determine the response to an intervention that is supportable with these funds.

Other Components of RTI

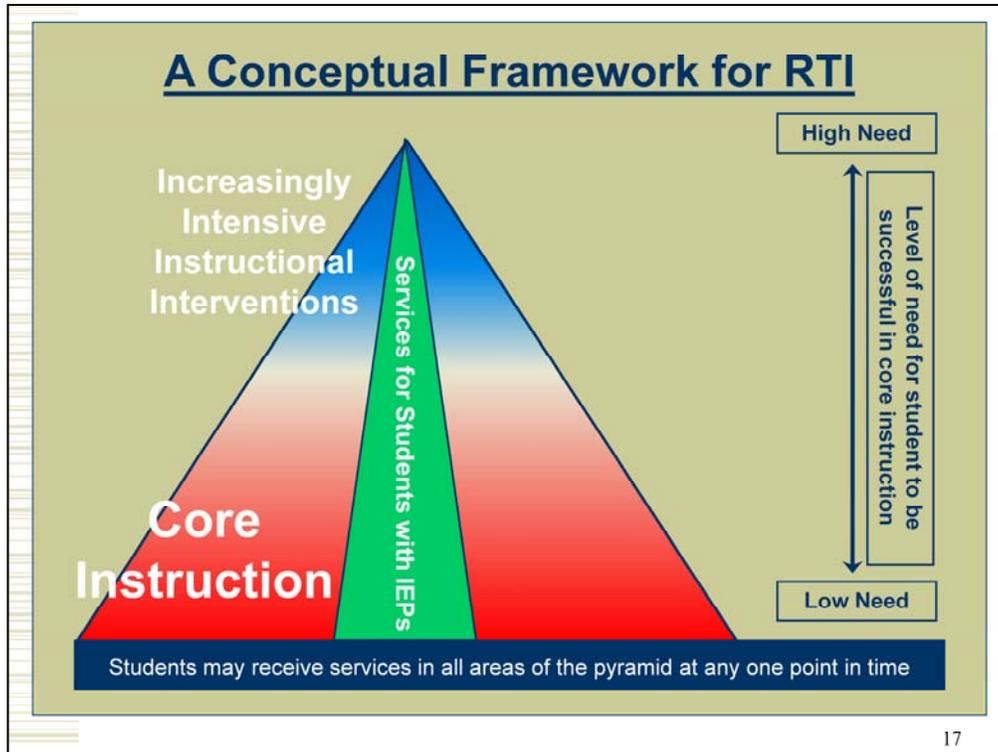
- ◆ Parental involvement
- ◆ Professional development

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Our presentation today focuses primarily on services to students, but when implementing RTI, it is important to consider two other stakeholder groups.

First are parents. Some parents may have limited or no knowledge of RTI. It is important that each LEA and school develop appropriate ways of keeping parents “in the loop” regarding the interventions provided to address their child’s needs. In addition, LEAs and schools will need to consider any specific parent involvement requirements of Title I, Title III, and IDEA.

Second, staff involved in implementing RTI must be well trained and proficient in delivering core instruction and instructional interventions, as well as conducting universal screening and progress monitoring. These components can only be effective if they are implemented consistently and with fidelity. Therefore, ongoing professional development is critical.



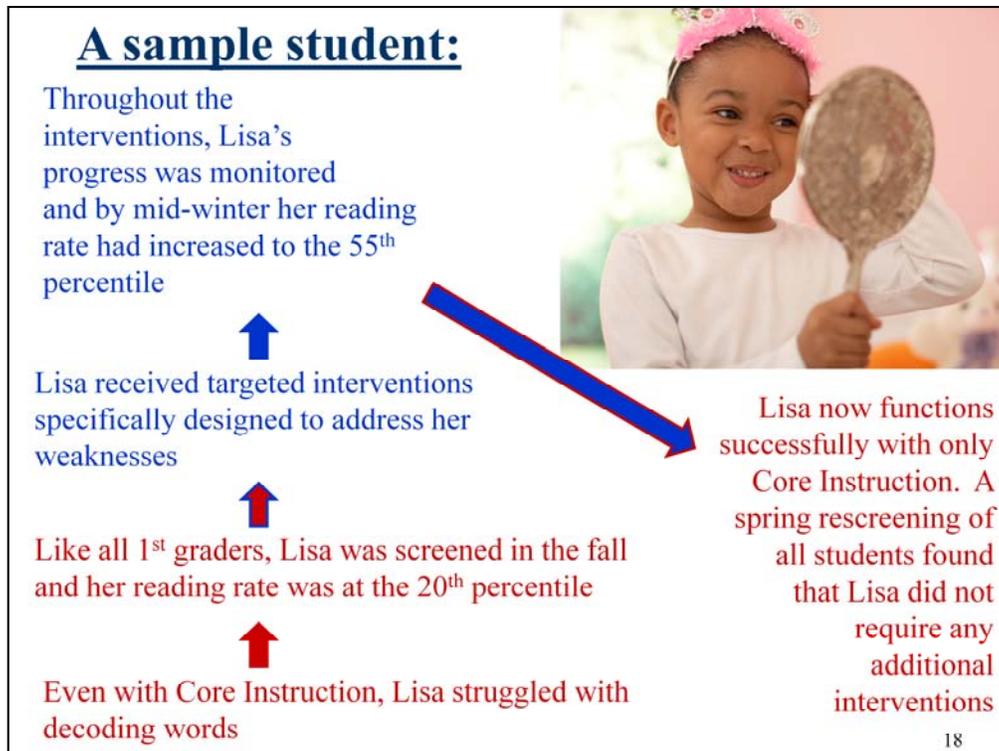
We have reviewed the components of RTI used in this presentation. Now let's look at a visual representation that illustrates a possible RTI framework and focuses on the services provided to students. This illustration is a triangle. The base of the triangle, which is red, comprises the largest section and is labeled "core instruction." The top section is blue and is labeled "increasingly intensive instructional interventions." Within the larger triangle, there is a narrow green triangle that runs from the base of the triangle to the tip and is labeled "Services for Students with IEPs." The arrow to the right of the triangle illustrates the increasing level of student need and intervention.

In this conceptual framework for RTI, the large triangle represents a continuum of services that a student may receive. It is important to note that this framework illustrates the type of instruction and interventions that are provided. One student could receive instruction and interventions in both levels. All students must have access to core instruction, denoted in red at the base of the triangle. As previously noted, core instruction includes whole-group and small-group instruction (such as reading groups). Most students require little more than high-quality core instruction to be academically successful; however, a small number of students will require more supports.

As we move up the triangle, two events are occurring:

- First, the interventions are becoming increasingly intensive.
- Second, as the interventions become increasingly intensive, there is a corresponding decrease in the number of students who need to be served.

In the top of the triangle, denoted in blue, are various interventions that are provided to a subset of students who are identified as needing additional supports in order to meet State academic achievement standards. These interventions may vary in intensity, meaning that they may vary in terms of the teacher-student ratio, length of session, frequency, and duration of the intervention. Children with disabilities may receive services in all areas of the triangle as evidenced by the narrow green triangle. LEP students may also receive services in all areas of the triangle.



To illustrate our conceptual framework of RTI, we have created a sample student, named Lisa. Lisa is a first-grade student who is receiving core instruction from her classroom teacher. During the fall, all first grade students are screened to examine reading levels and to determine weaknesses. As a result of the screening, Lisa was found to be reading at the 20th percentile with a specific weakness in decoding, or letter/sound relationships. As a result, Lisa's teachers talked with her parents and they agreed that Lisa should receive additional interventions to supplement the core instruction provided to improve her decoding skills. While Lisa received her interventions, her teachers monitored her progress through formal assessments that examined Lisa's decoding skills. By mid-winter, Lisa's reading rate had increased to the 55th percentile, and Lisa's teachers and parents agreed to end the interventions. By the end of the first grade, Lisa was successfully accessing the first-grade core curriculum.

A second student

Progress monitoring results indicate that Keith is slowly beginning to understand fractions, but is acquiring skills at a much slower rate than his 3rd grade peers. Keith will receive more intensive interventions for the rest of the year and his progress will be monitored on a regular basis.

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At a parent-teacher conference, Keith's teacher shared the results. Keith's mother and special education teacher proposed interventions coordinated by the district's math specialist in addition to Core Instruction.

↑

Unrelated to his disability, Keith began struggling with the concept of fractions, and screening indicated that Keith was now six months behind.

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Keith is a 3rd grade student and is a child with a disability. Keith is hearing impaired and receives special education, speech, and audiology services.



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To further illustrate our conceptual framework of RTI, we have created another sample student, named Keith. Keith is a 3rd grade student who is hearing impaired, and as a result receives special education services.

Keith has always done well in math, but began falling behind in the third grade, when the core curriculum introduced new concepts beyond whole numbers, including fractions. A 3rd grade screening conducted before Thanksgiving indicated that Keith was six months behind. During a parent-teacher conference, Keith's mother and special education teacher suggested collaborating with the district's math specialist to develop interventions.

Keith has been receiving increasingly intensive interventions, but progress monitoring results indicate that he needs additional interventions to access the math curriculum. The teachers and Keith's mother are in agreement to intensify the interventions and conduct additional progress monitoring.

Before Using Title I, Title III, or CEIS Funds to Support RTI

Define RTI:

- ◆ What is the core instruction?
- ◆ What interventions will be provided?
- ◆ What criteria will be used to determine who receives interventions?
- ◆ What will be the intensity, frequency, and duration of the interventions?
- ◆ What tools will be used for universal screening and progress monitoring and how often will they occur?

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As stated earlier, there are many different RTI approaches. In order to determine how to appropriately use Title I, Title III, or CEIS funds to implement RTI, principals and teachers must be able to articulate:

- First, what core instruction will be provided to all students;
- Second, what interventions will be provided to students who need additional support or assistance;
- Third, what criteria will be used to determine who receives which interventions;
- Fourth, how staff implementing interventions will decide the intensity, frequency, and duration of those various interventions. This includes the method of delivery of the intervention, the length of intervention sessions, the frequency of the intervention, and the duration of the intervention; and
- Fifth, what tools will be used for universal screening and progress monitoring and how frequently they will occur. Principals and teachers must be able to articulate the criteria for determining whether an intervention has been successful, or whether a more intensive intervention is needed.

These questions need to be answered first, in order to determine when and whether Title I, Title III, or CEIS funds may be used to support RTI.

Before Using Title I, Title III, or CEIS Funds to Support Implementation of RTI

Three major factors to consider when using
Title I, Title III, or CEIS funds to implement
RTI:

- ◆ Type of school (e.g., Title I status)
- ◆ Eligibility of students
- ◆ Supplement not supplant funding requirements

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In addition to defining RTI and ensuring that you use Title I, Title III, or CEIS funds appropriately to support RTI, it is important to consider three questions:

- First, in what type of school will RTI be implemented? Is it a Title I or a non-Title I school? If it is a Title I school, is it a schoolwide school or a targeted assistance school? If it is a schoolwide school, is it consolidating Federal, State, and local funds?
- Second, are the students who need interventions eligible to receive Title I, Title III, or CEIS services? And,
- Third, how do the requirements that Title I, Title III, and CEIS funds be used to supplement and not supplant certain other funds apply when implementing RTI?

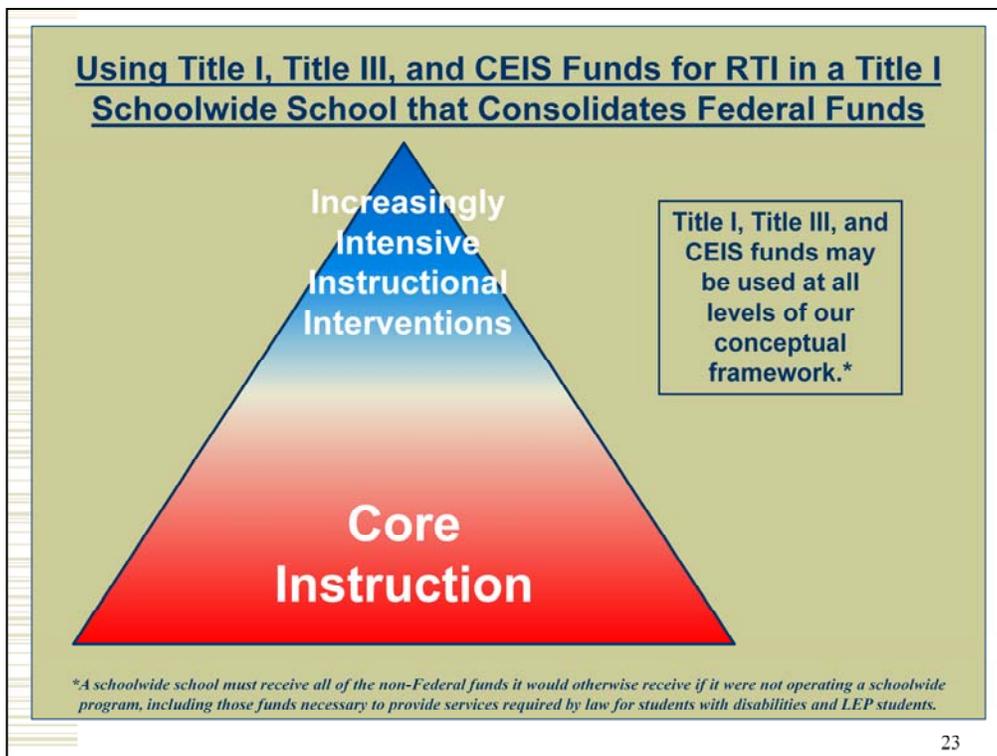


Major Considerations

Type of School

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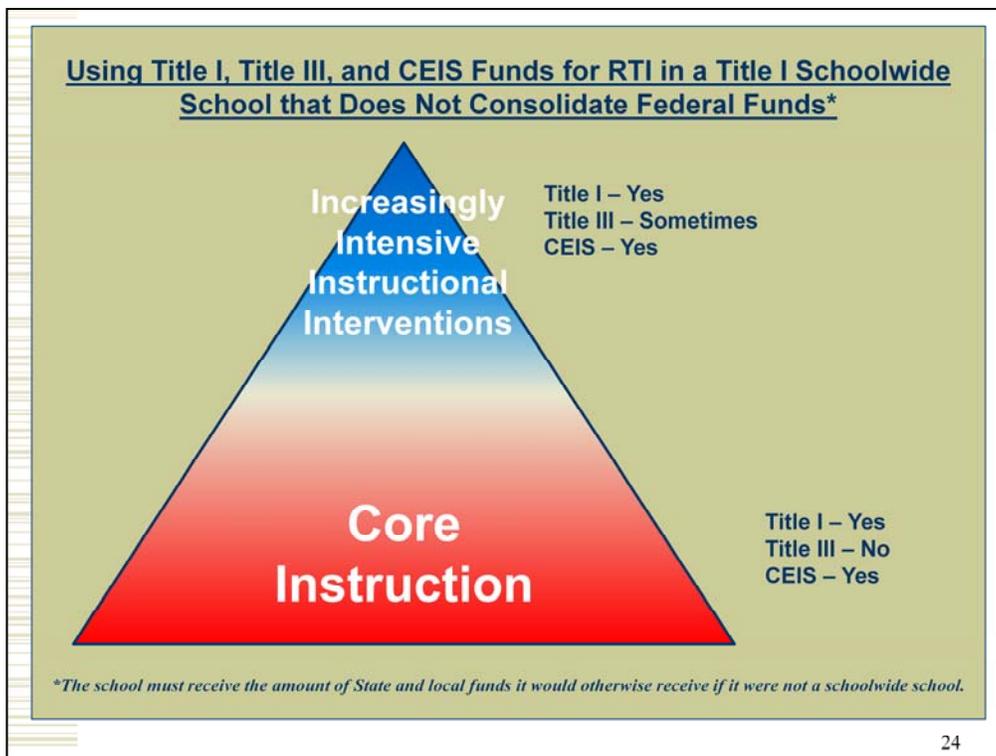
The first of the three major factors to consider before using Title I, Title III, or CEIS funds to implement RTI is the type of school involved. The next four slides provide some general examples of how Title I, Title III, and CEIS funds may be used in various types of schools. The first three slides discuss different types of Title I schools and the fourth slide focuses on a non-Title I school. Please keep in mind that these examples are simplified in order to illustrate a particular concept.



This slide illustrates the use of Title I, Title III, and CEIS funds in a Title I schoolwide school that consolidates all of its Federal, State, and local funds. The slide uses the same triangle as used earlier to depict the components of RTI. If a schoolwide school consolidates all of its funds, it may use those funds for any activity in its schoolwide plan and it no longer needs to account for the Title I, Title III, and CEIS funds separately. The school also does not need to meet most of the statutory and regulatory requirements of each Federal program whose funds are consolidated, as long as the school meets the intent and purposes of each program. Thus, the ability to consolidate funds allows the school to maximize its services based on student needs without regard to which program contributes the funds being used and whether each and every program requirement is met. Note that, even if a schoolwide school consolidates IDEA funds, it must provide FAPE to students with disabilities.

Title I schoolwide schools that consolidate Federal funds with State and local funds have the greatest flexibility in using Title I, Title III, and CEIS funds for RTI purposes. The combined funds may be used for all levels of RTI. In this slide, for example, Title I, Title III, and CEIS funds may all be used to provide core instruction. Similarly, funds from all three programs may be used to provide IEP services to students with disabilities. These exceptions are permissible because, when Federal funds are consolidated with State and local funds, they lose their identity and it is no longer relevant which funds are being used for which activities.

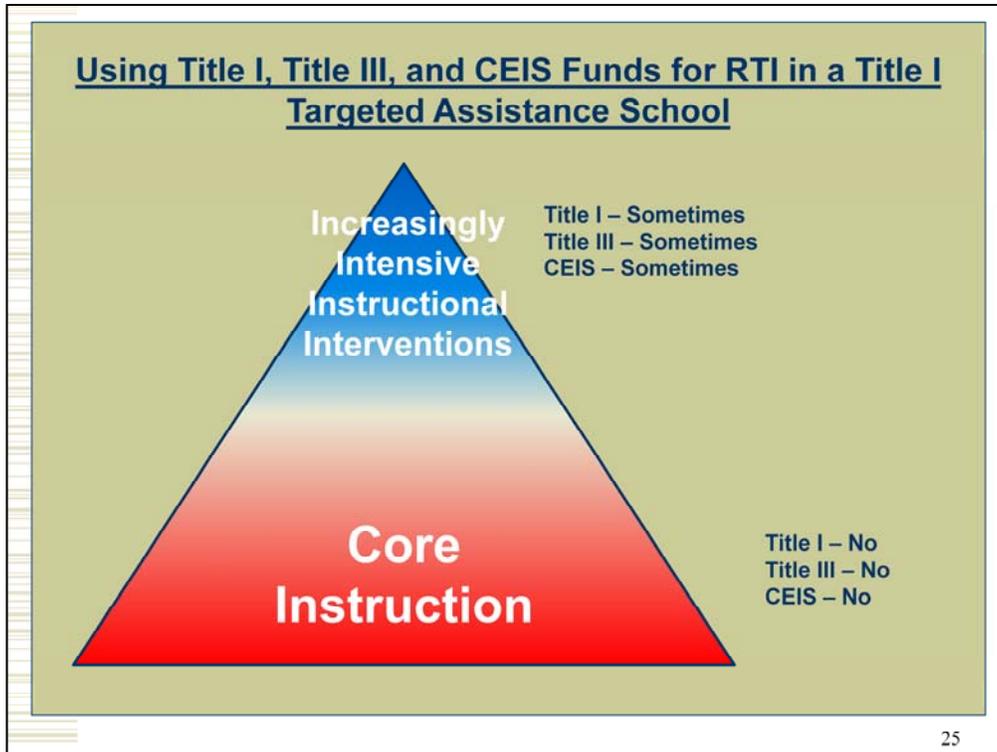
It is important to note, however, that schoolwide schools must receive all of the non-Federal funds that they would otherwise receive if they were not operating a schoolwide program, including those funds necessary to provide services required by law for students with disabilities and LEP students. It is also important to note that the total amount of IDEA funds, including CEIS funds, that may be used in a schoolwide school is limited to the per child amount of the district's IDEA appropriation times the number of children with disabilities in the schoolwide school.



This slide illustrates the use of Title I, Title III, and CEIS funds in a Title I schoolwide school that does not consolidate its Federal funds. The slide uses the same triangle used earlier to depict the components of RTI. There is less flexibility in this setting regarding the use of Federal funds when they are not consolidated. Although the school may still use Title I and CEIS funds at all levels, there are some restrictions on the use of Title III funds. Because all of the Title III requirements apply to the use of those funds in a Title I schoolwide school that does not consolidate its Federal funds, the school must ensure that Title III funds are used only for allowable activities.

For example, as mentioned earlier, core instruction is an expectation of all LEAs and schools; therefore, core instruction is not a permissible use of Title III funds in a schoolwide school that does not consolidate all of its funds because those funds must be used to provide services that supplement the services LEAs and schools would otherwise provide. Title III funds may be used to provide interventions if they supplement those the school would otherwise provide. We will discuss the supplement not supplant requirement in greater detail later in this presentation and illustrate ways to use these Federal funds to implement RTI.

As noted on the previous slide, schoolwide schools, regardless of whether they consolidate their funds, must receive all of the non-Federal funds that they would otherwise have received if they were not operating a schoolwide program, including those funds necessary to provide services required by law for students with disabilities and LEP students. As also noted on the previous slide, the total amount of IDEA funds, including CEIS funds, that may be used in a schoolwide school is limited to the per child amount of the district's IDEA appropriation times the number of children with disabilities in the schoolwide school.

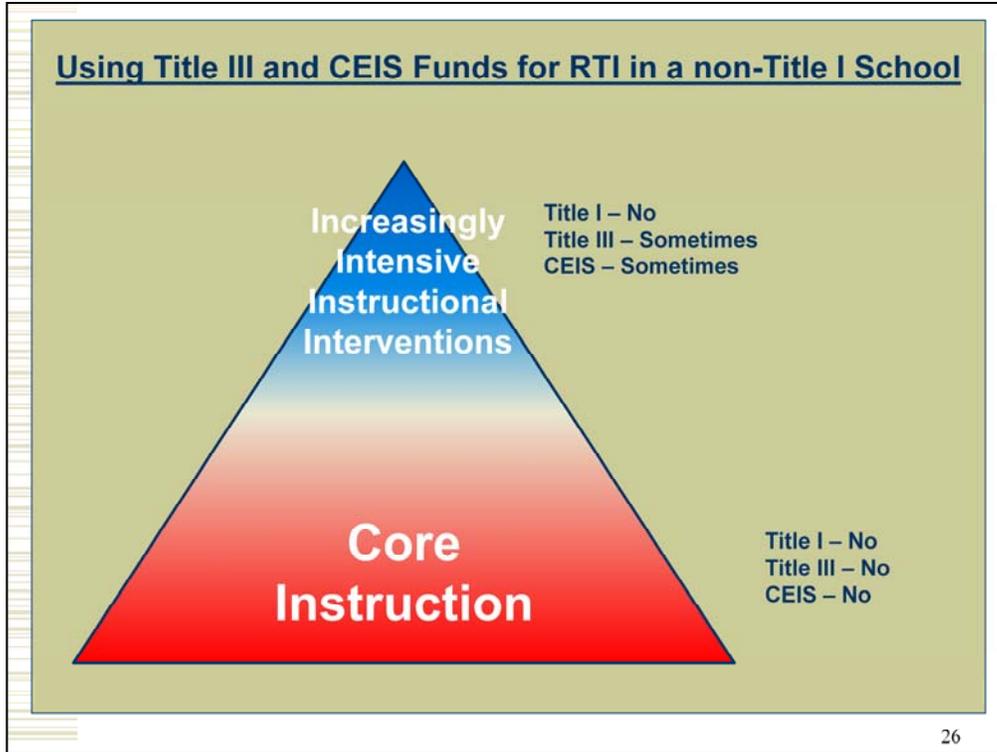


This slide illustrates the use of Title I, Title III, and CEIS funds in a Title I targeted assistance school. The slide uses the same triangle as used earlier to depict the components of RTI. In a targeted assistance school, greater care must be paid to how Title I, Title III, and CEIS funds are used to implement RTI because all program requirements apply.

In a targeted assistance school, neither Title I, Title III, nor CEIS funds may be used to implement core instruction, the level of instruction represented by the red, base section of the triangle. To use these funds for core instruction would violate the supplement not supplant requirement in Title I and Title III and the requirement that CEIS funds provide additional academic and behavioral supports.

The increasingly intensive interventions that are represented by the top, blue section of the triangle may be paid for with Title I or Title III funds if the interventions supplement those the school would otherwise provide. CEIS funds may be used for the interventions if the CEIS funds are used in collaboration with other funds and if the CEIS funds supplement any activities carried out with ESEA funds. Later in this presentation, we'll illustrate ways this can be done.

You may recall from our conceptual framework slide number 17, that students with disabilities may be served at any point in the continuum.



Using the same triangle, this slide illustrates the use of Title III and CEIS funds for RTI in a non-Title I school. As the school does not receive Title I funds, RTI may not be implemented with Title I funds. Further, as already discussed, no Title III or CEIS funds may be used to implement core instruction, denoted at the base of the triangle in red. To do so would violate the supplement not supplant requirement in Title III and the requirement that CEIS funds be used to provide additional academic and behavioral supports.

Title III funds may be used to provide the interventions represented in the top, blue section of the triangle if they supplement those the school would otherwise provide. CEIS funds may be used for these interventions if they are used in combination with other funds and supplement any activities that are carried out with Title III funds. Later in this presentation, we'll illustrate ways this can be done.



Major Considerations

Eligible Students

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Now we'll look at the second major factor to consider before using Title I, Title III, or CEIS funds to implement RTI. That is, who are the eligible students under each of these Federal programs?

Eligible Students Under Title I

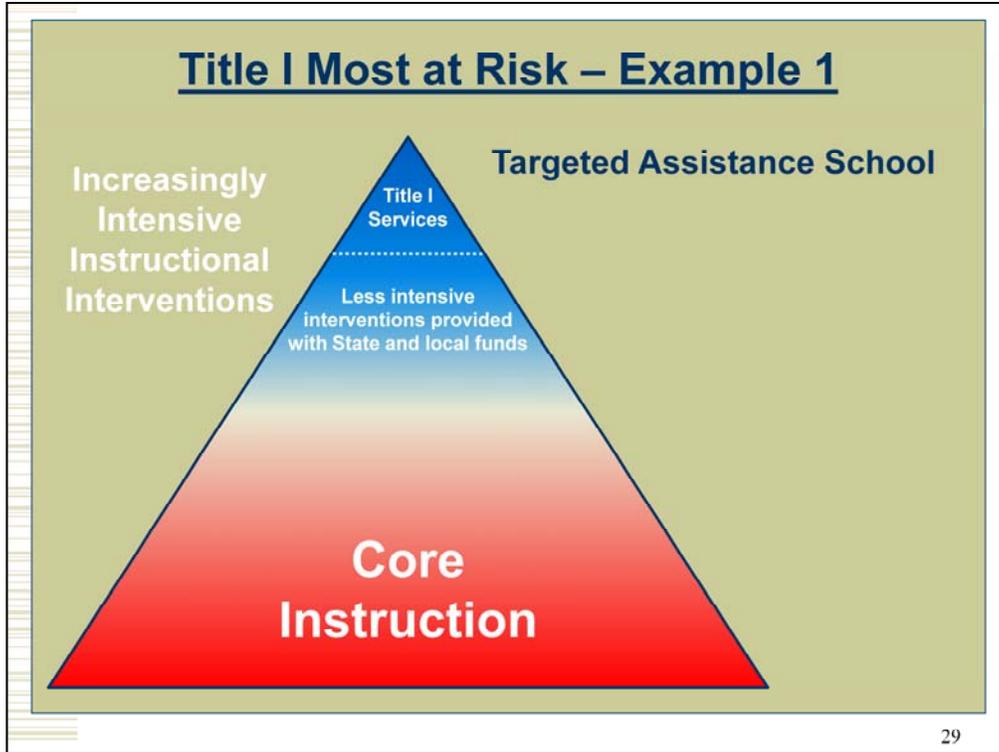
- ◆ In a Title I schoolwide school, Title I funds may be used to provide services to any student.
- ◆ In a Title I targeted assistance school, Title I funds may only be used to provide services to eligible students identified as having the greatest need for special assistance.
 - Eligible students are students who are failing, or most at risk of failing, to meet the State's challenging student academic achievement standards on the basis of multiple, educationally related, objective criteria.

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The type of Title I school determines which students are eligible to be served with Title I funds. In a schoolwide school, Title I funds may be used to provide services to any student. In a targeted assistance school, however, Title I funds may be used to provide services only to those students who are failing, or most at risk of failing, to meet a State's academic achievement standards.

What this means in implementing RTI, therefore, is that a Title I targeted assistance school must identify which students are most at risk, determine what interventions will be used, and then use Title I funds to provide those interventions to the most at-risk students under whatever RTI framework is being used.

In effect, the eligibility criteria for the interventions are the same as the eligibility criteria for Title I services in a targeted assistance school.

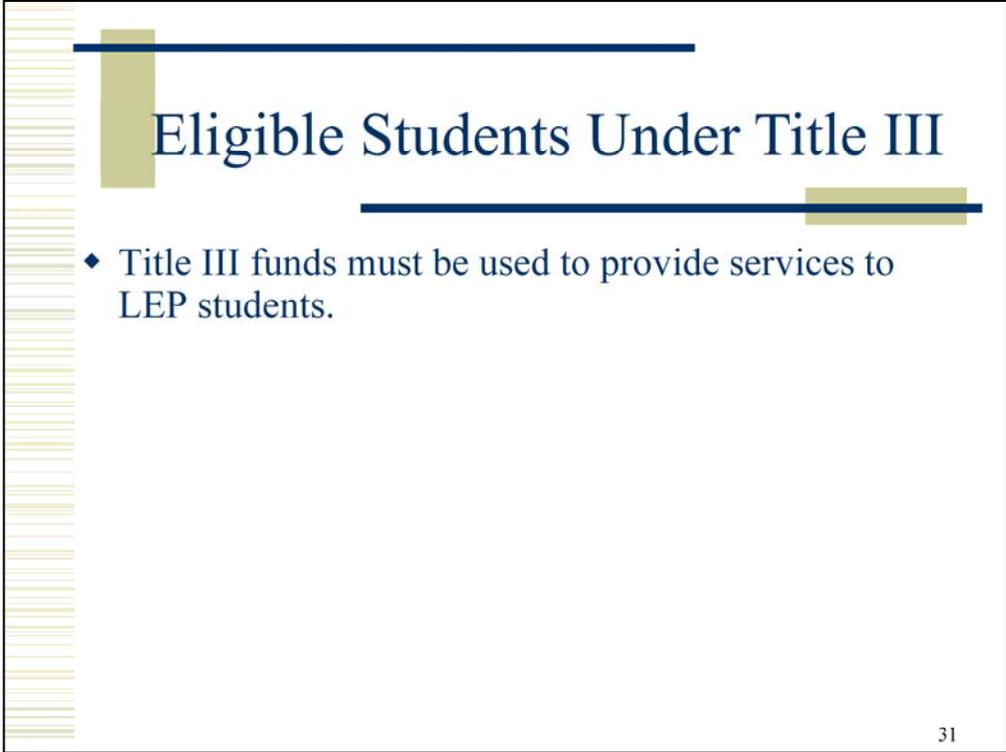


This slide illustrates the simplest way of using Title I funds to meet the most at-risk requirement in a targeted assistance school implementing RTI. The blue section at the top of the triangle, which represents increasingly intensive instructional interventions, is divided with a broken line indicating that Title I funds are being used for the most intensive interventions. State and local funds are being used to provide less intensive interventions.



This slide illustrates another way to meet the most-at-risk requirement in a targeted assistance school implementing RTI.

In this example, the blue section at the top of the triangle is divided into three sections using broken lines. The top section is labeled CEIS, showing that CEIS funds are being used to provide interventions for the students with the greatest need of additional academic support. The section directly below that section, but still in the blue area, is labeled Title I and illustrates that Title I funds are being used to serve the students in need of slightly less academic support—that is, those in greatest need *after* the most needy students, whose needs are being met with CEIS funds. The bottom of the blue section shows that State and local funds are used to fund less intensive interventions.



Eligible Students Under Title III

- ◆ Title III funds must be used to provide services to LEP students.

The only students eligible to be served with Title III funds are LEP students.

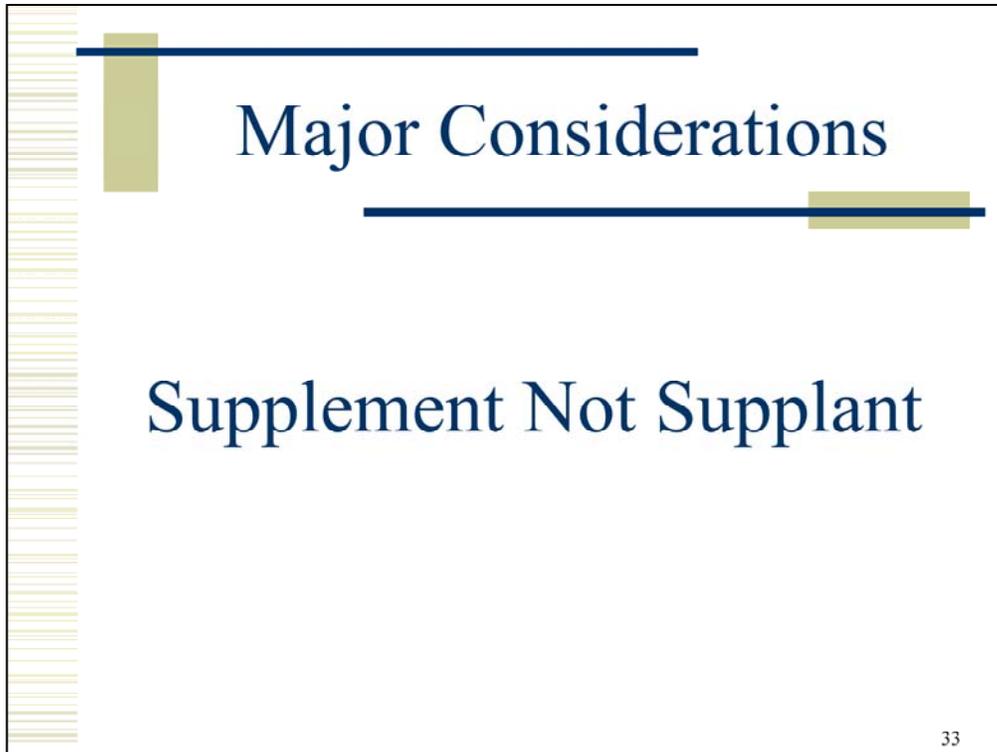
Eligible Students under CEIS

§ 613(f) of IDEA; 34 CFR § 300.226(a)

- ◆ CEIS funds may only be used to provide interventions to students who need academic or behavioral support to succeed in the general education environment.
- ◆ CEIS funds may not be used to provide interventions to students who are currently identified as needing special education and related services.

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Students who are eligible for CEIS are students who are not currently eligible for special education and related services but who need academic and behavioral support to succeed in the regular classroom.



The final major factor to consider before using Title I, Title III, or CEIS funds to implement RTI is what is known as the “supplement not supplant” requirement in each of these programs. We will look at this requirement in the next several slides.

Please keep in mind that determining whether an activity supported with Title I, Title III, or CEIS funds supplants another activity is very fact specific. As a result, it is often difficult to talk about supplement not supplant in general terms, as we’re doing in this presentation. Moreover, this presentation is not meant to be a lecture on supplement not supplant and, accordingly, does not contain sufficient detail to fully explain this important fiscal requirement. Rather, we want to raise it to your attention as a major consideration in planning how federal funds can support RTI.

Supplement Not Supplant

- ◆ Title I, Title III, and CEIS each has a supplement not supplant requirement that affects the use of funds to implement RTI.
- ◆ In general, the supplement not supplant requirement is intended to ensure that services provided with Federal funds are in addition to, and do not replace or supplant, services that students would otherwise receive.

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Usually, determining whether supplanting has occurred is done after-the-fact. In other words, if a State department of education or the U.S. Department of Education suspects supplanting, it must determine what services an LEA would have provided if Title I, Title III, or CEIS funds were not available. In deciding whether to use these funds to implement RTI, however, you should not wait until an after-the-fact analysis is conducted. Rather, you should consider from the outset what an after-the-fact analysis would likely conclude about the funds.

If you are implementing RTI in a Title I school, the supplement not supplant requirement applies differently depending on the type of school. In a schoolwide school, for example, the school must receive all of the non-federal funds it would otherwise have received if it were not operating a schoolwide program, including those funds necessary to provide services required by law for students with disabilities and LEP students. However, the school does not need to demonstrate that Title I or CEIS funds are used only for activities that supplement those the school would otherwise provide with non-federal funds. If the school is consolidating its Federal funds with State and local funds, the school does not need to demonstrate the supplemental use of Title III funds either. If the school is not consolidating its Federal funds, however, the supplement not supplant requirement applies to the use of Title III funds as discussed on the next several slides. The requirement also applies in a Title I targeted assistance school and in a non-Title I school.

To determine if supplanting has occurred, the Department uses three tests or assumptions. The following three slides describe each of these tests.

The First Test of Supplanting

The Department assumes supplanting exists if –

- ◆ An LEA uses Federal funds to provide services that the LEA is required to make available under State or local law, or other Federal law.

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The first test for supplanting is based on the Department's assumption that an LEA would use State or local funds to provide services that it is required to provide by State or local law or other Federal law. Therefore, it would violate the supplement not supplant requirement if an LEA uses Title I or Title III funds for services it is required by law to provide. For example, if a State law requires an LEA to provide any student who scores 'below basic' on the State's reading assessment with five additional hours a week of intensive reading interventions, it would be supplanting to use Title I or Title III funds for these interventions. For CEIS funds, it would be supplanting if the CEIS funds were used to provide services that are required by the ESEA, such as services required by Title I or Title III.

The Second Test of Supplanting

The Department assumes supplanting exists if –

- ◆ An LEA uses Title I funds to provide services that it provided in the prior year with non-Federal funds;
- ◆ An LEA uses Title III funds to provide services that it provided in the prior year with State, local, or other Federal funds; or
- ◆ An LEA uses CEIS funds to provide services that it provided in the prior year with funds available under the ESEA.

This assumption may be rebutted.

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The second test of supplanting examines how funds are expended from year to year. The test is slightly different for each program. The differences are that Title I funds are not allowed to supplant non-federal funds, Title III funds are not allowed to supplant either non-federal or other Federal funds; and CEIS funds are not allowed to supplant ESEA funds.

For Title I, the Department assumes supplanting exists if an LEA uses Title I funds to provide services that it provided in the prior year with non-federal funds. For example, last year an LEA received State funds to provide after-school tutoring in math to students who were not proficient on the State's math assessment. If the LEA uses Title I funds this year to provide the same after-school tutoring program, we would assume supplanting has occurred.

For Title III, the Department assumes supplanting exists if an LEA uses Title III funds to provide services that it provided in the prior year with State, local or other Federal funds. For example, last year an LEA used Title I funds to provide after-school tutoring in math to students who were not proficient on the State's math assessment. If the LEA uses Title III funds this year to provide the same after-school tutoring program, we would assume supplanting has occurred.

For CEIS funds, the Department assumes supplanting exists if an LEA uses CEIS funds to provide services that it provided in the prior year with ESEA funds, such as in the Title III example above.

This second test or assumption may be rebutted. If an LEA can demonstrate that it would not have continued to provide the services that it provided last year, perhaps because of a budget shortfall or changing educational needs, the LEA may be able to use Title I, Title III, or CEIS funds for those services this year, assuming of course that the services are allowable under the respective program. The LEA must document contemporaneously that it is making the decision to discontinue funding the services it provided last year without regard to the fact that it has Title I, Title III or CEIS funds available. One way to document its intent would be through school board minutes.

To rebut the prior example, assume that, due to a budget shortfall, no State funds are appropriated this year for after-school math tutoring programs. In that case, the LEA may use Title I, Title III or CEIS funds for this purpose without supplanting.

The Third Test of Supplanting (Title I funds only)

The Department assumes supplanting exists if –

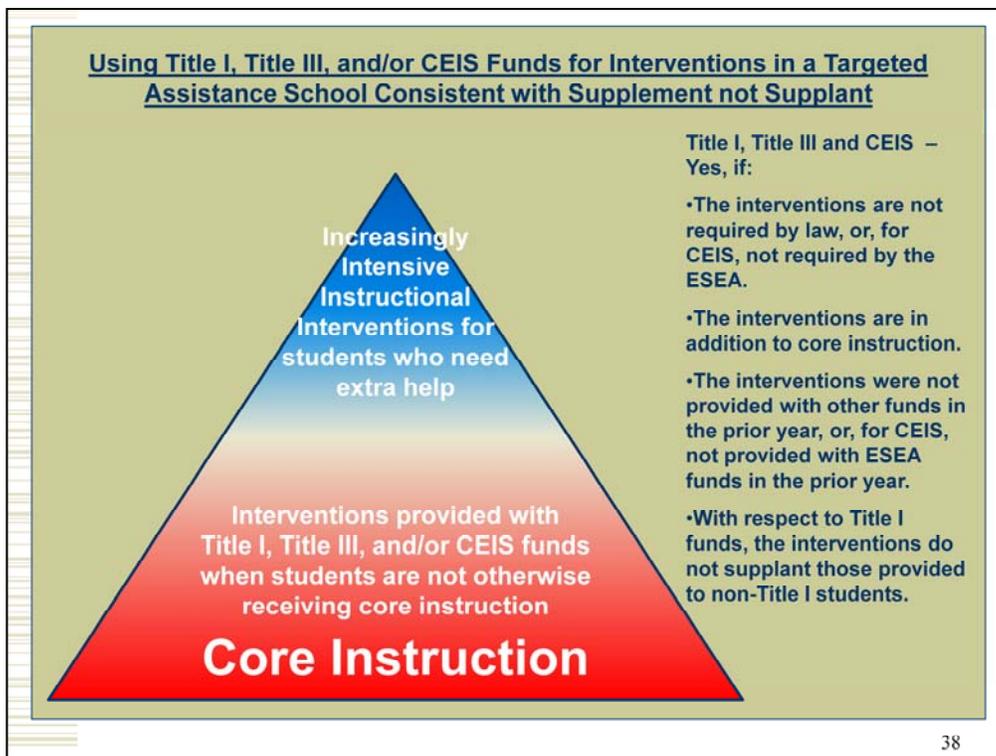
- ◆ An LEA uses Title I funds to provide services for children participating in a Title I program that it provides with non-Federal funds to non-participating children or to children in non-Title I schools.

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The third test of supplanting applies only to the use of Title I funds. We assume that, if an LEA is providing services with non-federal funds to non-Title I students either in a targeted assistance school or in a non-Title I school, it would provide those same services with non-federal funds to Title I students if Title I funds were not available. Therefore, if an LEA uses Title I funds to provide services to Title I students that the LEA provides with non-federal funds to other students, we assume that supplanting has occurred.

For example, if an LEA that provides pre-k for all students uses local funds for non-Title I students and Title I funds for Title I students, this would be supplanting.

In a few slides, we will talk about a statutory provision in Title I, known as the “exclusion provision” that permits an LEA, under certain circumstances, to provide Title I-like services with non-federal funds to non-Title I students while providing the same services with Title I funds to Title I students. This exclusion provision may be very helpful in supporting RTI implementation across schools and LEAs.



This slide contains an illustration that is similar to the triangles used in other slides. However, this triangle has a pink area inserted between the red “core instruction” section and the blue “increasingly intensive instructional interventions” section of the triangle. This is intended to illustrate how Title I, Title III, or CEIS funds may be used during the core instructional block in a Title I targeted assistance school to implement RTI without violating the supplement not supplant requirement of each program.

As noted on earlier slides, neither Title I, Title III, nor CEIS funds may be used to support core instruction. This is because all students are entitled and expected to receive core instruction from non-Federal funds. The pink area in the middle of the triangle, however, illustrates that Title I, Title III, and CEIS funds may be used to provide interventions during the core instructional block—for example, during independent seat time when students are not directly engaged with the teacher. Title I, Title III, and CEIS funds are not replacing core instruction as we’ve defined it and, therefore, supplanting does not occur. This is commonly referred to as a “push-in” model in Title I.

It is important to note again that we assume core instruction includes differentiated instruction in small groups. Therefore, it would not be allowable for Title I, Title III, or CEIS funds to be used for interventions that replace small-group core instruction. For example, some schools may provide core instruction to one group from a classroom teacher while another group receives interventions from a Title I teacher, and another group receives interventions funded with Title III or CEIS funds. If the students receiving interventions supported with Title I, Title III, or CEIS funds never receive small-group core instruction from the regular classroom teacher, this use of the Federal funds is supplanting the small-group core instruction that would otherwise be provided by the classroom teacher and, therefore, is unallowable.

This slide also illustrates that the interventions represented by the solid blue area at the top of the triangle may be funded with Title I, Title III, and CEIS funds if:

1. The interventions are not required by law, or, in the case of CEIS funds, were not required by the ESEA;
2. The interventions are in addition to core instruction;
3. The interventions were not provided with other funds in the prior year, or, in the case of CEIS funds, were not provided with ESEA funds in the prior year; and
4. With respect to Title I funds, the interventions do not supplant those provided to non-Title I students.

Title I: Exclusion from Supplement Not Supplant

- ◆ An LEA may exclude, for purposes of complying with the Title I supplement not supplant requirement, State or local funds spent in any school for programs that meet the intent and purposes of Title I, Part A.
- ◆ Title I regulations govern what constitutes a program that meets the intent and purposes of Title I, Part A.

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On slide 37, which explained the third test of supplanting--that is, using Title I funds to provide services to Title I students that an LEA provides with non-Federal funds to non-Title I students – we mentioned the Title I “exclusion provision.” Under the exclusion provision, an LEA may provide targeted assistance-like services with non-Federal funds to similarly situated non-Title I students under certain circumstances. This provision is described in the next series of slides.

Title I: Exclusion from Supplement Not Supplant “Targeted Assistance-like” Programs

A “targeted assistance-like” program meets the intent and purposes of Title I if the program:

- Serves only children who are failing, or most at risk of failing, to meet the State’s academic achievement standards;
- Uses supplemental state and local funds to provide supplementary services designed to meet the specific educational needs of the children who are participating in the program; and
- Uses the State's assessment system to review the effectiveness of the program. 34 CFR §200.79(b)(2)

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To qualify for the exclusion, targeted assistance-like services provided with non-federal funds to non-Title I students must meet three criteria:

First, the services must serve only children who are failing, or most at risk of failing, to meet the State’s academic achievement standards;

Second, the services must be supplementary services that are designed to meet the specific educational needs of the children who are served and the services must be paid for using supplemental State or local funds; and

Third, the State’s assessment system must be used to evaluate the effectiveness of the services.

To take an example we used earlier, imagine that an LEA wishes to use Title I and supplemental local funds to provide a supplementary after-school tutoring program in each of its schools for students who are not proficient in math. Such a program would qualify for the exclusion because each of the three criteria is met:

First, all students receiving the after-school tutoring, by definition, are failing to meet State standards because they have not achieved proficiency on the State’s math assessment;

Second, the local funds that would be used are supplemental to those that support core instruction and the services are supplementary and designed to meet the specific needs of the students being served; and

Third, the LEA administers the State’s math assessment to all students.

In this scenario, the LEA may use local funds to support after-school tutoring for non-proficient students in non-Title I schools while using Title I funds for similar after-school tutoring in Title I schools.

If you have questions about how the exclusion provision works in your specific circumstances, please contact your State Title I director.

Title I Exclusion for Supplement not Supplant in an LEA:
Implementing RTI with non-Federal funds in a non-Title I school & with Title I funds in a Title I school

- Only serving at-risk students
- Students selected using same criteria
- Services are supplementary and supported with **supplemental** State or local funds
- Evaluated with State assessment

Title I – Yes
State and Local - Yes

Increasingly Intensive Instructional Interventions for students who need extra help
Increasingly Intensive Instructional Interventions for students who need extra help

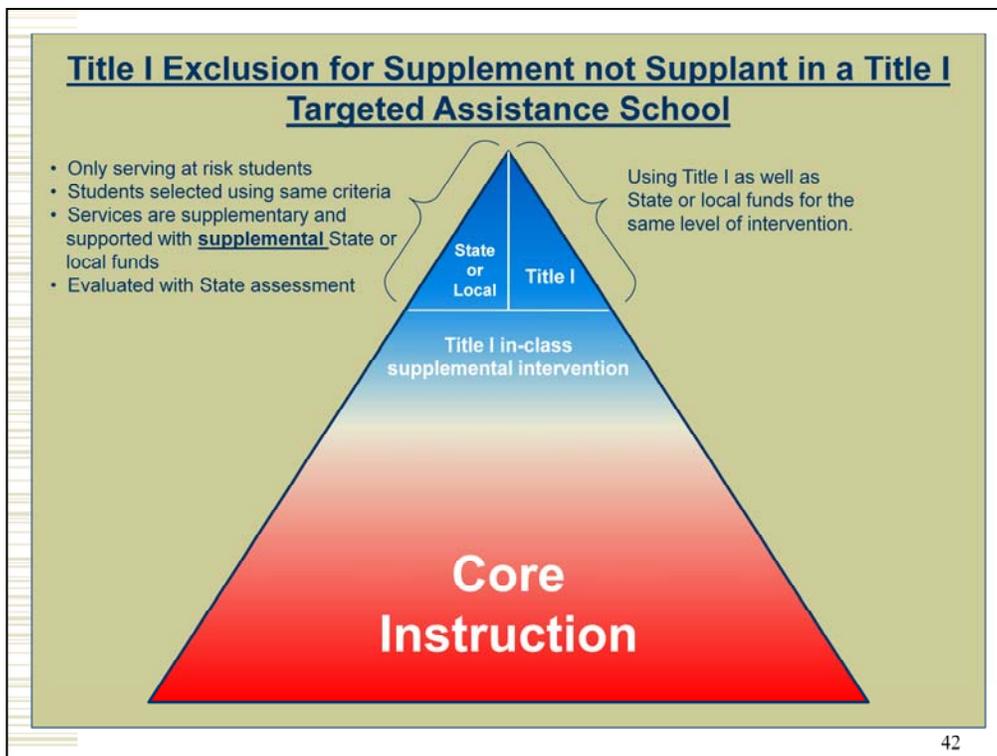
Core Instruction
Core Instruction

Title I Targeted Assistance School
Non-Title I School

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This slide illustrates how the Title I exclusion might help an LEA to implement RTI with non-federal funds in a non-Title I school and with Title I funds in a Title I school. Let's say, for example, that the LEA decides to provide an intervention consisting of one hour, five days a week, to any student who scores below proficient on the State's reading assessment. The LEA may use supplemental non-Federal funds to provide those interventions in its non-Title I schools and Title I funds to provide the same interventions in its Title I schools because:

- First, the LEA is using the same criteria in each school to determine which students receive the intervention and those students, by definition, are failing to meet the State's academic achievement standards in reading;
- Second, the non-federal funds are supplemental to those used to provide core instruction in reading and the instruction is supplementary; and
- Third, the students take the State's reading assessment.



This slide illustrates how the Title I exclusion might help an LEA to provide RTI with both Title I and non-federal funds in a Title I targeted assistance school. Using the example from the previous slide, the LEA decides to provide interventions consisting of one hour, five days a week, to any student who scores below proficient on the State’s reading assessment. The LEA may use supplemental non-federal funds to provide those interventions to some students (that is, the “non-Title I students”) and Title I funds to provide the same interventions to other students (that is, the “Title I students”) because:

- First, the LEA is using the same criteria to determine which students receive the intervention and those students, by definition, are failing to meet the State’s content standards in reading;
- Second, the non-federal funds are supplemental to those used to provide the core instruction in reading and the interventions are also supplementary; and
- Third, the students take the State’s reading assessment.

In this example, Title I funds may also be used to provide supplemental in-class interventions during the core instructional block at a time when Title I students are not receiving core instruction.

IDEA: CEIS Reporting Requirement

34 CFR § 300.226(d)(2)

- ◆ Each LEA that implements CEIS must report to the State on the number of children who received CEIS and the number who subsequently receive special education and related services under Part B of IDEA within two years after receiving CEIS.

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A couple of last notes about CEIS. First, when an LEA utilizes a portion of its IDEA, Part B funds for CEIS, it must report to the State Educational Agency, the SEA, the number of children who received services through CEIS and the number of those children who subsequently received special education and related services within two years after receiving CEIS.

IDEA: Required Use of CEIS Funds

34 CFR § 300.646(b)(2)

- ◆ In the case of a determination of significant disproportionality based on race or ethnicity with respect to the identification, placement, or discipline of students with disabilities in an LEA, the LEA is required to reserve the maximum amount of funds to be used for CEIS for children in the LEA, particularly, but not exclusively, children in the overidentified group.

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And, finally, some LEAs may be required by the SEA to reserve the full 15 percent of available IDEA funds for CEIS. This occurs when the SEA determines through data analysis that there is significant disproportionality for certain racial or ethnic groups in the rates of identification for special education services or specific disability categories, in placements in service delivery settings, or in the number of disciplinary actions. When this occurs, the SEA must require the LEA to reserve the full 15 percent of its IDEA, Part B funds for CEIS to be provided particularly, but not exclusively, to children in the overidentified group.

We encourage you to contact your State's special education director if you are considering using CEIS funds to support RTI.

In Summary

- ◆ Before using Title I, Title III, or CEIS funds to support RTI
 - Define RTI (including core instruction, screening, interventions, and progress monitoring);
 - Consider the type of school;
 - Consider eligible students for each program; and,
 - Consider the supplement not supplant requirement for each program.

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In summary, before school, LEA, or State decision-makers decide to use Title I, Title III, or CEIS funds to support RTI, there are several steps they must take.

First, they must define RTI for their entity. They must define the core instruction that all students will receive; determine processes for universal screening; determine which interventions will be used, with what intensity, frequency, and duration and what criteria will determine which students receive interventions; and, select tools and procedures for progress monitoring including determining how often it will occur.

In addition, prior to using Title I, Title III, or CEIS funds to support RTI, it is essential to keep in mind the three major considerations that were discussed in this presentation with regard to each type of funds: the type of school; eligible students for each program; and the supplement not supplant requirements. When adhered to, these considerations can provide invaluable assistance in helping a school, LEA, or State determine how best to use its Federal funds to support RTI consistent with program requirements.

Resources

- ◆ Department of Education
 - www.ed.gov
- ◆ RTI Center
 - www.rti4success.org

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Thank you for your time. If you have questions regarding RTI, please visit our technical assistance center's website at www.rti4success.org. This website is funded by a grant from the U.S. Department of Education and provides a wide range of resource materials on RTI.

Additionally, the U.S. Department of Education routinely posts guidance related to Title I, Title III, and IDEA on its website: www.ed.gov.

We recognize that these are complicated provisions and you need to consider your unique circumstances as you plan for the use of Title I, Title III, and CEIS funds to support RTI. We encourage you to contact your State's Title I, Title III or special education director if you have any questions.