

Coordinated Early Intervening Services (CEIS)

Background Information

In 2004, the Individual with Disabilities Education Act (IDEA) was amended to allow local educational agencies (LEAs) to use up to 15 percent – and, in some cases, require LEAs to reserve the maximum 15 percent – of funds they received under Part B of the IDEA for CEIS. Section 613(f) of the IDEA (20 U.S.C. §1413(f)) and the regulations in 34 C.F.R. § 300.226 permit LEAs to use Part B funds to develop and provide CEIS for students who are currently not identified as needing special education or related services but who need additional academic and behavioral support to succeed in a general education environment. An LEA may reserve up to 15 percent of the amount it receives under IDEA Part B for any fiscal year, less any amount reduced by the agency pursuant to IDEA Section 613(a)(2)(C), 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 (with a particular emphasis on students in kindergarten through grade three) 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. [IDEA Section 613(f)(1)]. This reservation is also known as voluntary CEIS.

LEAs identified with significant disproportionality based on race or ethnicity with respect to the identification, placement, or discipline of children with disabilities under IDEA Section 618(d)(1) are required to reserve the maximum amount of funds under Section 613(f) of the IDEA (15 percent of the LEA's Part B allocation) to provide comprehensive CEIS to serve children in the LEA, particularly children in those groups that were significantly overidentified under Section 618(d)(1) [IDEA Section 618(d)(2)(B)]. This reservation is also known as mandatory CEIS. Because the Department is currently considering further modification to regulations pertaining to comprehensive CEIS, this protocol will focus solely on voluntary CEIS.

Monitoring Scope and Timelines

- *Scope:* Monitoring will focus on the policies, procedures and their implementation during Federal fiscal year (FFY) 2019 (July 1, 2019-September 30, 2020). However, as appropriate, OSEP will also examine documentation from the prior two fiscal years.
- *Timelines:* All monitoring activities will be completed by September 30, 2020. If OSEP identifies any findings of noncompliance, required actions, or areas for recommendations, OSEP will issue a report within 90 days of the completion of the monitoring activity. Issuing the report may take additional time based on the complexity of the issues identified and competing priorities within OSEP and other Departmental priorities.

Monitoring Objectives

By monitoring this topic area, OSEP participates in a larger Federal effort to more effectively focus Federal resources in improving performance and outcomes while ensuring the financial integrity of taxpayer dollars in partnership with non-Federal stakeholders. Ensuring that States correctly monitor the implementation of CEIS within their LEAs can help ensure that IDEA Section 611 and Section 619 funds reserved for CEIS are used only for the purposes for which

they were intended. Listed below are some of the targeted outcomes anticipated as a result of this monitoring activity:

- a. Highlight best practices for the field by describing compliant systems that OSEP has identified in States.
- b. Provide technical assistance (TA) to States through the monitoring activity and through State-specific TA plans developed as a result of monitoring, if appropriate.
- c. Determine SEAs' internal capacities to support implementation of CEIS (including Continuity of Operations) and identify deficiencies and/or noncompliance that may require increased attention from OSEP and OSEP-funded TA providers.
- d. Test an SEA's processes for monitoring and reporting LEAs' use of CEIS funds to ensure compliance and require corrective action where needed.
- e. Ensure SEA oversight of the use of CEIS funds for appropriate activities (e.g., activities directed at reducing academic and behavioral problems in the general education environment, or other general education interventions).

Monitoring Protocol

To effectively monitor the topic area, OSEP has developed a protocol addressing specific components of voluntary CEIS.

I. IDEA Part B Monitoring Protocol: Voluntary CEIS

a. Funding Reservation

When LEAs reserve funds for voluntary CEIS, States must ensure that LEAs: 1) do not reserve more than 15% of their Part B (Section 611 and Section 619) subgrant for CEIS in any fiscal year less any amount reduced by the LEA pursuant to 34 C.F.R. § 300.205.

OSEP will examine State policies and procedures to determine whether the State ensures its LEAs meet the requirements relating to the maximum funding reservation available for voluntary CEIS. See 34 C.F.R. § 300.226.

Documents needed:

1. Sample calculations for determining the maximum amount of funds available for voluntary CEIS.
2. Policies and procedures.
3. Sample budget documents that reflect amounts reserved for voluntary CEIS and expenditures (including items for which the LEA expended CEIS funds). Budget documents should be from the most recent fiscal year for which the State has data (likely FFY 19 or FFY 18 funds).

Sample Questions (actual questions will be developed based on documentation reviewed):

1. Does the State calculate the maximum amount of funds an LEA has available for voluntary CEIS after accounting for any allowable reduction pursuant to 34 C.F.R. § 300.205?
2. Does the State ensure that an LEA does not deduct funds for equitable services for students parentally-placed in private schools before calculating the maximum amount of funds an LEA may reserve for voluntary CEIS in a given year?
3. Does the State ensure that funds awarded to an LEA under both Section 611 and Section 619 are included when calculating the maximum amount of funds an LEA may reserve for voluntary CEIS in a given year?
4. Who does the calculations? When?
5. Are there written policies and procedures that describe what is done, when, and by whom?
6. What sources of data/information systems does the State rely on for calculating the maximum amount of funds an LEA may reserve for voluntary CEIS in a given year?
7. How does the State identify LEAs that have reserved funds for voluntary CEIS in a given year?
8. How does the State align the amount reserved for voluntary CEIS with LEA MOE data to ensure LEAs do not exceed the maximum 15% reservation in a given year?

b. Authorized use of funds for CEIS

In implementing voluntary CEIS, an LEA may carry out activities that include:

1. Professional development (which may be provided by entities other than LEAs) 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
2. Providing educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction.

LEAs may reserve Part B funds 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 (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.

OSEP will examine State policies and procedures to determine whether the State ensures its LEAs meet the requirements relating to allowable uses of funds for voluntary CEIS. See 34 C.F.R. § 300.226(a) and (b).

Documents needed:

1. Sample documents that demonstrate internal funds control for authorized uses of voluntary CEIS funds by an LEA (for example, documentation that shows LEAs are reserving and drawing down funds for authorized activities). If no LEAs are reserving and expending funds for voluntary CEIS, then a sample is not required.
2. Policies and procedures

Sample Questions (actual questions will be developed based on documentation reviewed):

1. Does the State have a system for monitoring LEAs' use of Part B funds for voluntary CEIS?
2. Does the State provide guidance on allowable uses of, and/or best practices regarding, funds for voluntary CEIS?
3. How do LEAs track and report information on their use of Part B funds for voluntary CEIS to the State? When?
4. Are there written policies and procedures that describe what is done, when, and by whom?
5. What sources of data/information systems does the State rely on for ensuring LEAs' appropriate use of funds for voluntary CEIS?
6. If it does so, how does the State identify promising CEIS practices?

c. Tracking and Reporting

IDEA Section 613(f)(4) and 34 C.F.R. § 300.226(d) require each LEA that implements CEIS to report annually to the State on the number of children who received CEIS and the number of those children who received CEIS and subsequently received special education and related services under Part B during the preceding two-year period (i.e., the two years after the child has received CEIS). See 71 FR 46540, 46628 (Aug. 14, 2006). States and LEAs must maintain these records for audit and monitoring purposes. States are required to report these data to the Department in the IDEA Part B MOE Reduction and CEIS data collection. See 34 C.F.R. § 300.226(d).

Documents needed:

1. Sample worksheet for tracking the number of students who received CEIS in the reporting year and the number who received CEIS in the past two school years and subsequently received special education and related services in the reporting year.
2. Policies and procedures.

Sample Questions (actual questions will be developed based on documentation reviewed):

1. Does the State have a system in place to track the number of children who received CEIS in the reporting year? Does the State have a system in place to track the number of children who received CEIS in the past 2 school years and subsequently received special education and related services in the reporting year?

2. How do LEAs track and report the information to the State? When?
3. Are there written policies and procedures that describe what is done, when, and by whom?
4. What sources of data/information systems does the State rely on for ensuring appropriate reporting by LEAs?

Resource Information

In developing and implementing monitoring protocols, all available regulatory, technical assistance, informational, and related resources, including those listed below, that apply to the specific protocol may be utilized. Resource materials are available in the relevant Fiscal section of GRADS360.

- Regulations
- Comments & Discussion Sections from Federal Register
- ED Guidance: Dear Colleague Letters, Q&As, resource packages, etc.
- OSEP Guidance: Policy letters, Q&As, etc.
- Checklists: OSEP/OGC-developed