

## ***General Provisions of Mandatory Comprehensive Coordinated Early Intervening Services***

The 2016 IDEA Regulations established requirements for mandatory Comprehensive Coordinated Early Intervening Services (CCEIS).

1. Funds must be used to identify and address the factors contributing to the significant disproportionality, i.e. the LEA must address policies, practices, or procedures it identifies as contributing to the significant disproportionality.
2. LEAs may use funds to serve children from age 3 through grade 12, particularly, but not exclusively, children in those groups that were significantly overidentified, including children who are not identified as needing special education or related services and children with disabilities.
3. An LEA may not limit the provision of CCEIS to children with disabilities

### ***REGULATORY PROVISIONS***

300.646 (d)(1)

In implementing comprehensive coordinated early intervening services an LEA -

- (i) May carry out activities that include professional development and educational and behavioral evaluations, services, and supports.
- (ii) Must identify and address the factors contributing to the significant disproportionality, which may include, among other identified factors, a lack of access to scientifically based instruction; economic, cultural, or linguistic barriers to appropriate identification or placement in particular educational settings; inappropriate use of disciplinary removals; lack of access to appropriate diagnostic screenings; differences in academic achievement levels; and policies, practices, or procedures that contribute to the significant disproportionality.

### ***SPECIFIC EXAMPLES***

Examples 1-6 are included in the comments/discussion section of the regulations: (Section V. Expanding the Scope of Comprehensive Coordinated Early Intervening Services). No additional examples were provided.

1. An LEA may use funds to implement universal screening to better identify and support children with developmental delays before they enter kindergarten.
2. LEAs may improve the supplementary aids and services and positive behavioral interventions provided to children with disabilities.
3. An LEA may use funds for professional development and educational and behavioral evaluations, services, and supports in both the general education and special education populations.

4. An LEA may provide professional development to regular education teachers on the supports they can provide to enable a child with a disability to be educated in the regular class and participate in extracurricular and other nonacademic activities with nondisabled children.
5. An LEA may carry out activities that include professional development, behavioral evaluations, hiring reading or math specialists or providing other supports that will address the factors contributing to the significant disproportionality.
6. Training and professional development on effective functional behavioral assessments and behavioral intervention plans, a review of behavioral intervention and supports included in IEPs, multi-tiered systems of support are permitted.

***Information obtained from the Bureau of Curriculum, Assessment and Instruction, Division of Federal Programs, of the Pennsylvania Department of Education regarding the Use of Funds***

**Section 613(f)(5) of the IDEA** also states that CEIS funds may be used to carry out services aligned with activities funded by and carried out under the *Elementary and Secondary Education Act* of 1965, as amended (ESEA), if *IDEA* funds are used to supplement, and not supplant, funds made available under the ESEA for those activities. Thus, if the *IDEA* funds do not supplant *ESEA* funds, they may be used to supplement school improvement activities conducted under other programs, such as Titles I or III, that are being implemented in an LEA.

**Section 1114 Title I Schoolwide programs (can apply to all students enrolled)**

(iii) address the needs of all children in the school, but particularly the needs of those at risk of not meeting the challenging State academic standards, through activities which may include—

(III) implementation of a schoolwide tiered model to prevent and address problem behavior, and early intervening services, coordinated with similar activities and services carried out under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

**Section 1115 Title I targeted Assistance programs (can only benefit identified Title I children)**

(b) TARGETED ASSISTANCE SCHOOL PROGRAM. —To assist targeted assistance schools and local educational agencies to meet their responsibility to provide for all their students served under this part the opportunity to meet the challenging State academic standards, each targeted assistance program under this section shall—

(1) determine which students will be served;

(2) serve participating students identified as eligible children under subsection (c), including by—

(A) using resources under this part to help eligible children meet the challenging State academic standards, which may include programs, activities, and academic courses necessary to provide a well-rounded education;

(B) using methods and instructional strategies to strengthen the academic program of the school through activities, which may include—

(i) expanded learning time, before- and afterschool programs, and summer programs and opportunities; and

(ii) a schoolwide tiered model to prevent and address behavior problems, and early intervening services, coordinated with similar activities and services carried out under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

***Section 2103 Title II professional development***

(E) providing high-quality, personalized professional development that is evidence-based, to the extent the State (in consultation with local educational agencies in the State) determines that such evidence is reasonably available, for teachers, instructional leadership teams, principals, or other school leaders, that is focused on improving teaching and student learning and achievement, including supporting efforts to train teachers, principals, or other school leaders to—

(iv) help all students develop the skills essential for learning readiness and academic success;

(i) the knowledge base of teachers, principals, or other school leaders on instruction in the early grades and on strategies to measure whether young children are progressing;

***Section 4108 Title IV***

(5) may include, among other programs and activities—

(ii) professional development and training for school and specialized instructional support personnel and interested community members in prevention, education, early identification, intervention mentoring, recovery support services and, where appropriate, rehabilitation referral, as related to drug and violence prevention;

(bb) coordinated (where appropriate) with early intervening services provided under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

(i) school-based mental health services, including early identification of mental health symptoms, drug use, and violence, and appropriate referrals to direct individual or group counseling services, which may be provided by school-based mental health services providers;

# 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 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 to help children who need additional academic or behavioral support to be successful in school. They can include professional development and educational and behavioral evaluations, services, and supports (see 34 CFR §300.226(b); 34 CFR §300.646(d)(1)(i)). Under IDEA, the provision of CEIS can be voluntary or mandatory.

Voluntary CEIS is defined by regulations at 34 CFR §300.226. These regulations allow local educational agencies (LEAs) to use up to 15 percent of their IDEA Part B Section 611 and Section 619 funds to implement voluntary CEIS.

IDEA regulations guiding the mandatory provision of CEIS — referred to as comprehensive CEIS — were revised in 2016. These regulations require LEAs identified by their states as having significant disproportionality based on race or ethnicity to reserve 15 percent of IDEA Part B Section 611 and Section 619 funds to implement comprehensive CEIS. States must identify disproportionality with respect to identification, placement, and/or disciplinary removals. Comprehensive CEIS is defined by regulations at 34 CFR §300.646(d).

## Why are CEIS important?

Voluntary and comprehensive CEIS are important for identifying and addressing learning and behavior difficulties early. Delays in providing support could result in a need for increased services at a greater cost to address a child's learning difficulties. Both types of CEIS may also help ensure that at-risk students are referred for special education or related services only when necessary. This can help, for example, prevent the inappropriate overidentification of particular subgroups of children with disabilities.

## Who can benefit from CEIS?

Voluntary CEIS may be provided to children without a disability in grades K–12, with a particular emphasis on students in kindergarten through grade three.

Comprehensive CEIS may be provided to children with or without disabilities age 3 through grade 12, particularly, but not exclusively, children in those groups who were significantly overidentified (see 34 CFR §300.646(d)(2)). Comprehensive CEIS activities cannot be limited to only children with disabilities.

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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, analyzing, and using high-quality IDEA data.

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## How can Part B funds be used for CEIS?

Voluntary CEIS activities that may be funded under Part B by LEAs 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)).

Comprehensive CEIS activities that may be funded under Part B by LEAs include:

- » Providing professional development and educational and behavioral evaluations, services, and supports (see 34 CFR §300.646 (d)(1)(i)).

In addition, these LEAs must also:

- » Address the factors contributing to the significant disproportionality (34 CFR §300.646 (d)(1)(ii)); and
- » Address a policy, practice, or procedure identified by the LEA as contributing to the significant disproportionality (34 CFR §300.646 (d)(1)(iii)).

## What is the relationship between CEIS and LEA maintenance of effort reduction?

Under IDEA's LEA maintenance of effort (MOE) requirement, LEAs are required to maintain their level of year-to-year expenditures on special education and related services, using 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 the Quick Reference Guide on IDEA LEA MOE, developed by CIFR and IDC, for more information on the MOE requirement.

An LEA that is required to use Part B funds to implement comprehensive CEIS may not reduce its MOE amount in this manner because they have been identified as having significant disproportionality. However, an LEA that is implementing voluntary CEIS may potentially be able to 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.

LEAs must keep in mind that voluntary CEIS and the LEA MOE reduction requirements are interconnected. The regulations regarding the interrelationship are designed to minimize a decrease in funding for children with disabilities. 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 Section 611 and Section 619 funds) and the LEA 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 the LEA MOE reduction. See Exhibit 1 for an example of the interconnection of voluntary CEIS funds and the LEA MOE reduction amount.

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

Funds received and amounts available for voluntary CEIS and LEA 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 voluntary CEIS (current 611 funds + current 619 funds) x 15 percent	\$225,000
Maximum amount available for LEA MOE reduction (current 611 funds – prior 611 funds) x 50 percent	\$200,000
Maximum combined amount available for voluntary CEIS set-aside funds and LEA MOE reduction (lesser of the maximum amount available for CEIS or the maximum amount available for LEA 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 set aside \$50,000 for voluntary CEIS and reduce its MOE by \$150,000; or it could set aside \$200,000 for voluntary 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 LEA MOE, which are combined in a single data collection form in the ED Facts Metadata and Process System (EMAPS). For CEIS, states must report the amount of Part B Section 611 and Section 619 funds that each LEA set aside for CEIS, whether voluntary or mandatory, 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 and use funds for comprehensive CEIS, the reason for which the LEA was identified with significant disproportionality. For LEA 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 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. Additionally, 34 CFR §300.646(c)(2) requires LEAs identified with significant disproportionality to publicly report on the revision of policies, practices, and procedures.

## Questions for states to consider:

### ***How could SEAs encourage more LEAs to voluntarily reserve and use Part B funds for CEIS?***

To encourage more LEAs to provide voluntary CEIS as appropriate, SEAs could identify potential barriers, and implement solutions, to using Part B Section 611 and Section 619 funds for voluntary CEIS and provide LEA-level training and supports. For example, states could use the IDC- and CIFR-developed CEIS Fiscal and Student Tracker to help their LEAs with the challenging task of tracking CEIS funds and students.

### ***What are the SEA's procedures for collecting and documenting voluntary and comprehensive CEIS information?***

Establishing a clear process and standardized documentation will enable both LEA and state staff to track and report both types of CEIS data. For instance, developing standard data-collection forms and tools may facilitate more consistent and reliable data reporting.

### ***How does the SEA's accounting system track Part B funds used for voluntary and comprehensive CEIS?***

Establishing a separate program reporting code for both types of CEIS expenditures will allow easier and more consistent tracking of these funds at the LEA level.

## Resources

- Coordinated Early Intervening Services (CEIS) Resources Step by Step  
<https://cifr.wested.org/resources/ceis/ceis-step-by-step/>
- A Comparison of Mandatory Comprehensive Coordinated Early Intervening Services (CCEIS) and Voluntary Coordinated Early Intervening Services (CEIS)  
[https://ideadata.org/sites/default/files/media/documents/2017-09/idc\\_ceis\\_chart.pdf](https://ideadata.org/sites/default/files/media/documents/2017-09/idc_ceis_chart.pdf)
- OSEP Significant Disproportionality (Equity in IDEA) Essential Questions and Answers (pp. 21–25)  
<https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/significant-disproportionality-qa-03-08-17.pdf>
- OSEP Memo 08-09: Coordinated Early Intervening Services Under Part B of the IDEA  
<https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/osep08-09coordinatedearlyinterveningervices.pdf>
- For additional resources and information, we invite you to visit the CIFR and IDC websites:  
<http://cifr.wested.org>  
<https://ideadata.org>

## **A Comparison of Mandatory Comprehensive Coordinated Early Intervening Services (CCEIS) and Voluntary Coordinated Early Intervening Services (CEIS)**

In December 2016, the Office of Special Education Programs (OSEP) finalized new regulations on significant disproportionality (34 CFR §300.646). These regulations enforce the use of Individuals with Disabilities Education Act (IDEA) funds for mandatory Comprehensive Coordinated Early Intervening Services (CCEIS), which local education agencies (LEAs) provide upon identification of significant disproportionality, and distinguish use of funds for CCEIS from the use of IDEA funds for voluntary Coordinated Early Intervening Services (CEIS). The following chart outlines the differences between CCEIS and CEIS on key elements.



Element	Coordinated Early Intervening Services	Comprehensive Coordinated Early Intervening Services
<b>Abbreviation</b>	CEIS	CCEIS
<b>Regulation</b>	34 CFR §300.226	34 CFR §300.646
<b>Type</b>	Voluntary – LEAs can choose to use a portion of their IDEA Part B funds for services to a defined group of at-risk students.	Mandatory – LEAs identified as having significant disproportionality in identification, placement, and/or disciplinary removals must use IDEA Part B funds for CCEIS.
<b>Grade level/ ages served</b>	Kindergarten through grade 12	Age 3 through grade 12
<b>Groups served</b>	Only children who are not currently identified as needing special education or related services.	Children 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.  Children currently identified as needing special education or related services (funds can be used primarily, but not exclusively, for this group).
<b>Funds</b>	Up to 15 percent of IDEA Part B funds (611 and 619)	Exactly 15 percent of Part B funds (611 and 619)
<b>Permitted activities</b>	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.  Educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction.	Professional development and educational and behavioral evaluations, services, and supports.  The activities must address factors and policy, practice, or procedure contributing to significant disproportionality.
<b>Reporting requirements</b>	An LEA is required to report to the state and the state is required to report to the U.S. Department of Education the following:  the number of children served under this section who received early intervening services; and  the number of children served under this section who received early intervening services and subsequently received special education and related services under Part B of IDEA during the preceding 2-year period.	An LEA is required to publicly report on the revision of policies, practices, and procedures.  Additional reporting requirements to be determined by OSEP at a future date.