



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

OFFICE OF VOCATIONAL AND EDUCATIONAL SERVICES FOR INDIVIDUALS WITH DISABILITIES
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To: District Superintendents of Schools
Superintendents of Public Schools
Principals of Schools
Directors of Pupil Personnel Services
Chairpersons, Committee on Special Education
Organizations, Parents and Individuals Concerned with Special Education
Commissioner's Advisory Panel for Special Education Services
SETRC Professional Development Specialists
Regional School Support Centers
School Business Officials

From: James P. DeLorenzo 

Subject: Coordinated Early Intervening Services (CEIS) Under Part B of the Individuals with Disabilities Education Act (IDEA)

The purpose of this memorandum is to provide federal and State guidance relating to coordinated early intervening services (CEIS) under Part B of the Individuals with Disabilities Education Act (IDEA). In July 2008, the Office for Special Education Services of the U.S. Department of Education released the attached guidance document on this subject. All school districts should review this federal guidance along with the information in this memorandum.

CEIS are services that are provided to assist 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/or behavioral assistance to enable them to be successful in a general education environment. In 2004, Congress authorized the use of a limited amount of a school district's federal IDEA funds to be used for the purpose of providing CEIS to reduce academic and behavioral problems in the general education environment, thereby leading to fewer and more appropriate referrals for special education services.

Use of IDEA Funds for CEIS

IDEA permits, and in some instances, requires school districts to use a portion of



funds provided under Part B of the IDEA for the purpose of CEIS. Federal regulations specify how and on whom CEIS funds may be spent; the reporting requirements for school districts providing CEIS; the requirement for using CEIS funds by a school district that is identified as having significant disproportionality based on race/ethnicity; and the relationship of CEIS to maintenance of effort requirements.

Any school district may opt to use up to, but not exceeding, 15 percent of the total amount of its 611 and 619 Part B IDEA funds for CEIS. However, whenever a school district is determined by the State, based on the school district's numerical data, to have significant disproportionality in the over-identification of students by race/ethnicity who are classified as needing special education services, in certain disability categories, in particular special education placements and/or based on the incidence, type and duration of disciplinary actions, including the long-term suspension of students with disabilities, the school district **must** use the maximum amount of 15 percent of its total 611 and 619 Part B funds for CEIS to help address issues of disproportionality. CEIS must be provided to students particularly, but not exclusively, in those race/ethnic groups that were significantly over-identified.

To apply to use IDEA funds for CEIS, the school district must, in the "Application for Individuals with Disabilities Education Act (IDEA) Section 611 and Section 619 Federal Funding for the Education of Students with Disabilities," describe how the proposed expenditures for CEIS will be used. If the district is identified by its data for over-representation by race/ethnicity in the identification, classification and/or placement of students with disabilities and/or in the long-term suspension of students with disabilities in particular race/ethnic groups disproportionality, it must describe how the funds will be used in particular to address the identified area(s) of disproportionality. See pages 16 and 17 of the 2008-09 application at www.vesid.nysed.gov/spedfin.

Allowable CEIS Activities

The OSEP document provides detailed guidance regarding who is eligible for CEIS and what activities are permitted. Permissible CEIS activities include the provision of scientifically-based interventions, services, and supports, as well as professional development for teachers and other school staff who work with general education students who need additional academic or behavioral supports to be successful. Examples of CEIS activities appropriate for use of IDEA funds include, but are not limited to:

- reading or math specialists to work with non-disabled students who have not reached grade-level proficiency in those subjects;
- after-school tutoring for non-disabled students who score below "proficient" on Statewide assessments;
- the provision of academic and behavioral evaluations to help determine what scientifically based interventions, services, and supports an at-risk student might need, (note: CEIS funds may not be used for evaluations that have the purpose of identifying students for special education services);
- school wide or small group behavioral interventions to non-disabled students who receive a certain number of disciplinary office referrals; and

- professional development to develop and implement response-to-intervention approaches (see <http://www.vesid.nysed.gov/specialed/publications/policy/RTI.htm>).

The State Education Department (SED), through its funded Special Education Training and Resource Network (SETRC), has developed *Quality Indicator Review and Resource Guides* in the areas of literacy and behavior that may assist school districts in identifying research-based instructional and behavioral supports. These resources can be accessed at: <http://www.vesid.nysed.gov/specialed/techassist/Qlcover.htm>.

IDEA funds for CEIS can also be used to supplement, but not supplant, funds used for activities under the Elementary and Secondary Education Act of 1965 (ESEA) and other federal, State, and local programs that are being utilized by a school district. CEIS funds can only be used to provide supports to non-disabled students who need additional academic or behavior supports to be successful. When CEIS funds are used for school-wide initiatives, documentation must be provided to show that these funds were used only for students in general education programs who need additional supports to be successful, and that separate funds were used to cover the expenses of all other students who participated.

Data Reporting Requirements for CEIS

School districts that opt and/or are required to use IDEA funds for CEIS must identify the non-disabled students who will receive additional support and who are expected to benefit from CEIS activities (e.g., who will be taught by a teacher who participated in a professional development activity). This is because federal regulations require school districts to report to SED the number of students who participated in CEIS activities, and the number of students who received special education and related services during the two-year period after participating in CEIS activities. At-risk students who received instruction from school personnel that participated in CEIS related professional development programs should be identified and reported. School districts must report a program service code “5753” for every non-disabled student who was provided CEIS or was the intended beneficiary of activities supported with IDEA funds during a particular school year. All Program Services data are provided to SED at the end of each school year. The definition of the Early Intervening Services (code 5753) is provided on page 72 of the 2007-08 Student Information Reporting System (SIRS) Dictionary of Reporting Data Elements <http://www.emsc.nysed.gov/irts/SIRS/documentation/DataDictionary.doc>. Since data provided through SIRS is on an individual student level and linked longitudinally by a State identification number, SED will track the status of students who are identified as benefiting from CEIS funds to determine their special education status in the two years following their participation in this program service.

Please share this memorandum with appropriate staff, including Directors of Special Education, Committee on Special Education (CSE) Chairpersons, Directors of Pupil Personnel Service, and Principals as well as Parent Teacher Associations. If you have general questions regarding CEIS activities, please contact the Office of Vocational and Educational Services for Individuals with Disabilities (VESID), Special

Education Policy Unit at vesidspe@mail.nysed.gov or (518) 473-2878. For questions concerning use of IDEA 611 and 619 funds for CEIS, please contact Robert Waxman at rwaxman@mail.nysed.gov at (518) 473-6108. For questions relating to data reporting, please contact the VESID, Strategic Evaluation Data Collection, Analysis and Reporting (SEDCAR) Unit at vesidcar@mail.nysed.gov or (518) 486-4678.

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