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In Depth Policy Analysis

Coordinated Early Intervening Services: Programs in Local Education Agencies that are Required to Reserve IDEA Funds

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December 2010

Project Forum
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1800 Diagonal Road - Suite 320
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Project Forum at National Association of State Directors of Special Education (NASDSE) is a cooperative agreement funded by the Office of Special Education Programs of the U.S. Department of Education. The project carries out a variety of activities that provide information needed for program improvement and promote the utilization of research data and other information for improving outcomes for students with disabilities. The project also provides technical assistance and information on emerging issues and convenes small work groups to gather expert input, obtain feedback and develop conceptual frameworks related to critical topics in special education.

This report was supported by the U.S. Department of Education (Cooperative Agreement No. H326F050001). However, the opinions expressed herein do not necessarily reflect the position of the U.S. Department of Education, and no official endorsement by the Department should be inferred.

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INTRODUCTION

Disproportionate representation of children from diverse racial and ethnic backgrounds in special education has been a longstanding concern that the 2004 reauthorization of the Individuals with Disabilities Education Act (IDEA) sought to address. The IDEA contains new requirements related to the provision of early intervening services designed to assist students who are not identified as having a disability, but “who need additional academic and behavioral support to succeed in a general education environment” [§613(f) of the IDEA]. The purpose of this document is to share information about the status of implementation regarding the related requirement that local education agencies (LEAs) reserve 15% of their IDEA funds to address significant disproportionality [§618(d)(2)(B) of the IDEA].

This document is a report of interviews with state personnel about the implementation of this provision. Project Forum at the National Association of State Directors of Special Education (NASDSE) completed this document as part of its cooperative agreement with the U.S. Education Department Office of Special Education Programs (OSEP). It includes the specific information we received from responding states and no inferences should be made about compliance with IDEA provisions. States interested in specific strategies followed by others should contact OSEP.

BACKGROUND

The regulations that accompany the 2004 reauthorization of IDEA added two new provisions related to early intervening services [34 CFR §300.226] and Significant Disproportionality [§300.646].¹ These sections explain that, when state education agencies (SEAs) determine that an LEA has significant disproportionality based on race and ethnicity, the SEA must require the LEA to reserve 15% of its IDEA funds to provide comprehensive coordinated early intervening services (CEIS).

The IDEA regulations further provide for the collection and examination of data to determine if significant disproportionality is occurring in the state and the LEAs of the state with respect to “identification as children with particular impairments; the placement of children in particular educational settings; and the incidence, duration, and type of disciplinary actions.” [§300.646(a)] The regulations also specify that the LEA must “serve ..., particularly, but not exclusively, children in those groups that were significantly overidentified.” [§300.646(b)(2)]

The allowable activities using CEIS funds are described in §300.226(b):

- (1) Professional development ... for teachers and other school staff to enable such personnel to deliver scientifically based academic and behavioral

¹ A copy of these regulations is available at the following link:
<http://projectforum.org/docs/IDEARegulationsRelatedtoDeterminations.pdf>.

interventions, including ... literacy instruction, and ... instruction on the use of adaptive and instructional software; and
(2) Providing educational and behavioral evaluations, services, and supports.

In order for SEAs to make an annual determination of significant disproportionality for each LEA, including charter schools that are considered to be LEAs for federal funding purposes, SEAs must have developed or adopted formulas and/or criteria for determining significant disproportionality. SEAs are allowed the discretion to define what constitutes significant disproportionality for their LEAs, but the criteria must be "based on an analysis of numerical information and may not include consideration of ... policies, procedures or practices." (OSEP, April 24, 2007)

The Data Accountability Center, an OSEP-funded project, provided guidance with examples of various approaches that SEAs may consider using when calculating significant disproportionality based on numerical information.² The risk ratio and weighted risk ratio formulas are commonly used by states (Burdette, 2007). The risk ratio, when applied to a disability category, answers the question, "What is a specific racial and ethnic group's risk of receiving special education and related services for a particular disability as compared to the risk for all other students?" Risk ratios may not always be comparable across LEAs because the denominator of the risk ratio is influenced by racial and ethnic demographics of the LEAs. The weighted risk ratio adjusts for district variability in the racial and ethnic demographics, which allows comparison of risk ratios across LEAs.

States are required to annually report to OSEP on the provision of CEIS, including the number of students who received CEIS. Specifically, by May 1, 2011, states must report on whether each LEA used CEIS funds (either voluntarily or were required to use 15% of its IDEA 611 and 619 funds due to significant disproportionality); the amount of CEIS funds used by each LEA; the total number of children receiving CEIS during the reporting period; and the total number of children who received CEIS anytime in the past two school years and received special education and related services during the reporting period.

METHODOLOGY

Project Forum developed an interview protocol to gather information about the SEA and LEA implementation of CEIS. Project Forum contacted OSEP staff and Regional Resource Center Program directors to assist in the identification of states that have required LEAs to reserve IDEA funds for CEIS. Seventeen states were interviewed during May and June 2010. Respondents ranged from the state director of special education to data managers, consultants, and/or teams of SEA staff.

FINDINGS

The interviewees responded to eight questions around the following areas: the percentage of LEAs required to reserve and use 15% of their IDEA funds to address the issue of significant disproportionality; the types of services LEAs are providing and evaluating; how LEAs are coupling their CEIS/IDEA funds with other funding streams; guidance and training provided to LEAs by the SEA; monitoring plans; and early state outcomes.

² To access the full "Methods for Assessing Racial/Ethnic Disproportionality in Special Education: A Technical Assistance Guide, go to
<http://www.ideadata.org/docs/Disproportionality%20Technical%20Assistance%20Guide.pdf>

Prior to the 2008-09 school year, many of the reporting states had different criteria for identifying LEAs that had significant disproportionality. Some changes resulted in increased numbers of LEAs identified as significantly disproportionate and some resulted in decreased numbers. Most states with fairly stable numbers of identified LEAs did not report a change in their criteria. Seven states reported relatively stable percentages of LEAs that were required to reserve IDEA funds across school years.

Of the four states that reported an increase in the numbers of LEAs found to be significantly disproportionate, three had changed their criteria. One state had previously been comparing individual ethnic subgroups to the ethnic subgroups as the whole instead of to the entire school population. After OSEP required the state to change to comparing each subgroup to the entire school population, including white students, this state found approximately one-quarter of its LEAs to be significantly disproportionate. Similarly, another state found the numbers of LEAs to increase when it included disability subcategories of identification rather than grouping all students with disabilities into one category and also included in-school suspension in the discipline category. Most of these four states changed their criteria based on clarification provided in OSEP guidance. These states may or may not have also changed the numerical calculations of their criteria (i.e., weighted risk ratio/risk ratio).

At the same time three states experienced a decline in the number of LEAs with significant disproportionality. One state indicated a decrease from 2009-10 (33.3%) to the 2010-2011 school year (4.2%). One state had not changed its criteria and reported that the reason the numbers decreased for four years is that LEAs do not want to be associated with significant disproportionality so are proactively addressing the issue. This state moved from approximately 8% of its LEAs in 2006-07 to less than 1% of withholding IDEA funds for CEIS in 2009-10. However, its numbers jumped to 12% for the 2010-11 school year. Other criteria modifications reported by two states included changes to the 'n' size to match the subgroup numbers for the Elementary and Secondary Education Act (e.g., up to 40) and changes to include both a confidence factor³ and a weighted risk ratio factor when looking for significant disproportionality. Some states with decreased numbers of identified LEAs reported that they changed their criteria after an OSEP verification visit based on their understanding of OSEP guidance.

LEA Services Supported with IDEA Funds Reserved for CEIS

States reported that a wide variety of services were provided with the 15% of IDEA funds that were reserved for CEIS. Twelve states reported that LEAs used these funds for professional development. Training focused on progress monitoring, cultural competency, Positive Behavior Intervention and Supports (PBIS), classroom management, peer mediation, differentiated instruction, scientifically-based reading programs and literacy instruction and/or math intervention. Training on collaborative decision making and problem solving was also provided to support Response to Intervention (RTI) models.⁴

Eleven states reported that LEAs used CEIS funds to hire and/or retain staff or consultants. The type of staff hired included behavior specialists, psychology interns, learning specialists, math coaches, reading specialists, counselors, paraprofessionals, CEIS coordinators, social workers, mentors or tutors and substitute teachers, to provide CEIS. For example, one state

³ A confidence factor is usually expressed as a percentage and reflects the level of precision or accuracy you can assume based on your calculations.

⁴ RTI is a multi-tiered intervention to improve results in general education through effective early treatment of identified learning and behavior problems to prevent inappropriate referrals to special education. (Burdette & Etemad, 2009)

reported that substitute teachers were used for coverage in order to hold grade-level meetings to discuss significant disproportionality. Another state reported that LEAs used the CEIS funds to pay for staff time to help with specific interventions, data collection and progress monitoring as part of RTI.

Six states reported use of these funds to focus on RTI models, and four states reported a focus on PBIS. Eight states reported that CEIS funds were used for specific interventions related to reading, math or behavior and six states reported that LEAs purchased instructional materials such as those specifically designed to be used with populations at risk for failure with these funds.

Three states reported that reserved CEIS funds were used for tutoring and parent education programs and one state used these funds for transportation.ⁱ Another state reported that funds were used to support statute requirements of educational behavioral evaluations and working with programs on the identification process.ⁱ

Other Funding Sources

Five states reported that LEAs are not coupling their CEIS funds with other funds, and three states do not know if they are or do not require this information. In some states, LEAs are using other funds to support CEIS efforts. These funds come from other state funds (5 states), local funds (5 states), Title I funds (5 states), Title II professional development funds (1 state), or American Recovery and Reinvestment Act (ARRA) funds (1 state). One state reported that if LEAs already had an intervention model in place, they might strengthen it by adding CEIS funds. Another state has been providing 5% of its budget for a "Flex" program since 1997 that has been providing the same services as the CEIS program.ⁱ A third state reported that its funds are braided but still must be accounted for in separate streams.

Guidance and Training Provided

Some states offer training or guidance on appropriate programs and services and allowable (or encouraged) ways of coupling funding streams with the LEAs' CEIS funds. Eight states provide regional or local technical assistance meetings or conference calls, six states post guidance on their website,⁵ four states distribute guidance documents with LEA applications, and two states provide one-on-one responses to questions through phone calls or letters since they have few LEAs that are required to implement CEIS and reserve 15% of their IDEA funds. Another state reported it has informal local meetings with LEAs to provide guidance. Generally, states reported holding informational meetings to support LEAs in completing grant applications. One state does not offer specific guidance or training.

One state shared an example of its guidance reporting that LEAs are encouraged to have school-level RTI coaches. Staff time spent with Tier 2 and Tier 3 interventions, but not core school-wide activities, were supported in part by the CEIS funds.ⁱ Another state integrated CEIS with its Javits research grant, a program for nurturing young minds and increasing numbers of minority students identified as gifted and provided extensive professional development on higher order thinking skills and questioning techniques.ⁱ

⁵ Examples of information provided are available at <http://dpi.wi.gov/sped/ceis.html> and <http://dpi.wi.gov/sped/lpp-budgets.html>.

Monitoring

Although states are required under IDEA section 613(f)(4) to collect data related to CEIS from LEAs, some reported that CEIS strategies and CEIS-specific data are relatively new. States are engaged in various levels of monitoring and some are planning additional analysis of data to identify trends by grade levels, performance levels in math and reading, test scores, discipline issues and educational settings.

Thirteen states reported that students who are supported with the CEIS funds are tracked through the LEA's individual student data system. Generally, states track which students are receiving CEIS, but some states track the date the service begins, and most reported that, consistent with IDEA, they track the number of students receiving services funded with the CEIS funds who are later referred to and/or identified as eligible for special education services under IDEA. States are looking at the data longitudinally to determine if the provision of CEIS contributes to fewer referrals to and/or eligibility for special education services.

At least 13 states compare LEAs' CEIS narratives and grant application budget descriptions of how the CEIS funds will be used to their expenditures to monitor if the LEAs are spending these funds in the manner intended. Most states review annual reports of expenditures but one state requires quarterly reports of expenditures using these funds and another requires a mid-year report as well. Three states explained they have a separate 'CEIS' fund code and they can track this reserved IDEA money in their data system based on several codes (e.g. CEIS, objective, project, location, job, materials).

One state reported that it requires LEAs to participate in professional development and technical assistance based on a needs assessment and improvement planning process. These services are provided through a statewide technical assistance center on disproportionality.

Another state also tracks expenditures based on requests for reimbursements since LEAs cannot request reimbursement for unauthorized expenditures. This is another avenue for monitoring how the CEIS funds are utilized. Three states indicated they also monitor the spending of these funds during on-site monitoring visits.

Local and State Outcomes

In some states there are very few LEAs using the CEIS funds (either voluntarily or required) so it is difficult to generalize local outcomes as state-level outcomes. Additionally, a few states reported that it is difficult to attribute outcomes solely to CEIS initiatives since the amount of funds available for CEIS is relatively small compared to other LEA programs and they either have broader strategies to address significant disproportionality or other programs implemented concurrently that may contribute to outcomes.

Seven states reported that there are fewer LEAs with significant disproportionality since implementing CEIS. One state explained that the number of LEAs with significant disproportionality is not decreasing, but individual LEAs are decreasing the number of areas of disability categories and racial groups found to be significantly disproportionate. Six states reported reduced referrals to and/or identification of students eligible for special education. Three states noted changes in staff behavior in that they are more accountable, more culturally sensitive, more focused on at-risk students, and differentiate instruction

more. One state reported less grade-level retention of students and improved test scores, and one state reported improved policies and procedures.

Other Findings

Three states reported that many LEAs initially did not like the CEIS requirement, but learned how best to use the funding for the targeted population and became more comfortable with it. One state reported its LEAs would like more flexibility to use the money for students with disabilities, especially since it is likely there will always be LEAs with significant disproportionality simply due to the statistical formula used by the state. Another state also reported LEAs would prefer more flexibility beyond issues associated with students at risk for failure since most LEAs have ample funding to address issues associated with these students using Title I funds and the state funding formula that is weighted toward the education of populations that are at risk of failure.

Three states reported that LEAs that voluntarily implement CEIS have a stronger sense of the needs and find the flexibility to support at-risk students in an appropriate manner such as implementing portions of RTI and PBIS or using a specific curriculum for students at risk of failure. Two states described contrasting opinions—one state reported the external motivation from the state does not work, whereas the other state reported that once the CEIS funding was placed into a CEIS budget line, the LEAs became more motivated to implement CEIS.

One state reported that LEAs with significant disproportionality must conduct a self-assessment and report on the status of their policies, procedures and practices. These LEAs must also address their identified deficiencies, intervention strategies and actions and evaluate the outcomes through their comprehensive school improvement plans.

SUMMARY AND DISCUSSION

The percentage of LEAs required to reserve CEIS funds has varied across years among the states, with some stability, decreases or increases in percentages within states. Changes in criteria used by states to identify significant disproportionality may have contributed to some of the variation.

States report that LEAs are beginning to learn strategies to take full advantage of CEIS, but some were resistant to CEIS at first. The predominant focus for the use of CEIS funds by LEAs is professional development and hiring additional staff to support interventions. Some LEAs implement RTI models, PBIS models or other specific interventions and use the CEIS funds to add onto those models through staff training and the purchase of materials. Some LEAs couple the CEIS funds with Title I, state or local funds, but there is rarely any specific and clear reporting or monitoring of how funds are coupled.

The main method for monitoring use of the CEIS funds is to match the activities identified in LEAs' CEIS narratives with expenditures. Additionally, LEAs, as required, track the number of students receiving CEIS services funded in part or in whole with the CEIS funds and those who later are found eligible to receive special education services under IDEA.

States provide some guidance to LEAs regarding CEIS, but there is great variation among the states on how it is provided. Information is shared through regional or local meetings, on the website, through technical assistance or individual phone calls. The way guidance is

provided depends on the percentage of LEAs in each state that are required to reserve 15% of IDEA funds for CEIS.

While LEAs are implementing CEIS, some would prefer greater flexibility in using the CEIS funds; however, this varies by state since some states reported their LEAs find the use of reserved IDEA funds to be flexible.

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ACKNOWLEDGEMENT

Project Forum at NASDSE wishes to express our appreciation to the following state department of education staff for giving their time to respond to our questions and provide information regarding their CEIS systems:

Alabama: Mabrey Whetstone, State Director of Special Education; Ken Vassar, Educational Specialist

Arizona: Roberta Brown, Director of State and Federal Initiatives

Arkansas: Marcia Harding, State Director of Special Education

Colorado: Mary Greenwood, Supervisor for General Supervision, Exceptional Student Leadership

Florida: Karen Denbroeder, Administrator

Iowa: Cheryl Mercial, Consultant

Kentucky: Chris Thacker, Systems Consultant

Maryland: Carol Ann Heath, State Director of Special Education; Kalisha Miller, Section Chief; Nancy Fitzgerald, Monitoring Specialist; Marcella Franczkowski, Branch Chief

Montana: Tim Harris, State Director of Special Education

Nebraska: Pete Biaggio, Finance Consultant

New Mexico: Denise Koscielniak, State Director of Special Education; Joey Martin, Accountability Data Manager; Tom Potter; Monitor for CEIS

North Carolina: Laura Snyder, Assistant Director

Rhode Island: Emily Klein, Education Specialist

South Carolina: Michele Bishop, Coordinator; Vanessa Reed, Education Associate for Fiscal Administration

Texas: Kathy Clayton, State Director of Special Education

Virginia: Susan Clare, Specialist in Special Education Data and Finance

Wisconsin: Courtney Jenkins, School Administration Consultant