



## **Navigating Coordinated Early Intervening Services (CEIS)**

### **Frequently Asked Questions**

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# Navigating Coordinated Early Intervening Services (CEIS) Frequently Asked Questions

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## Purpose and Intended Audience

This document focuses on helping State Education Agencies (SEAs) and Local Education Agencies (LEAs) understand CEIS and its reporting requirements. **These questions were developed to be used in conjunction with the OSEP Guidance Memo 08-09.**

### 1. What are 'Coordinated Early Intervening Services' (CEIS)?

Established in the 2004 reauthorization of the *Individuals with Disabilities Education Act (IDEA)*, CEIS are services provided to students in grades K through 12 who are not identified as needing special education or related services, but who need additional academic or behavioral support to succeed in general education (**34 CFR §300.226**). To be considered CEIS, these services must be scientifically based and provided through funds awarded under Part B of IDEA. CEIS are restricted to students *without* a disability in grades K-12 as described in **34 CFR §300.226**

### 2. What was the intent in allowing LEAs to use IDEA funds for children who do not have a disability?

The *IDEA* 2004 reauthorization allowed the use of *IDEA* funds to provide services to students without a disability for CEIS. This decision was based on research that shows the earlier a student's learning problems or difficulties can be addressed, the greater the chance the student's problems will be ameliorated or decreased in severity.<sup>1</sup> As a result, allowing the use of *IDEA* funds for this activity was seen as not only benefitting students in general education by reducing academic and behavioral problems, but also benefitting students who receive special education by ensuring students are appropriately referred and

reducing the number of unnecessary referrals by using relatively simple general education interventions.<sup>2</sup>

### 3. If a district provides these same services to students in grades K through 12 who have not been identified for special education under IDEA but does not use IDEA funds to pay for these services, are the services still CEIS?

No, CEIS is not only a description of programs and services provided to a specific population of students without disabilities, it is also the funding used to provide these services.

### 4. Can an LEA use CEIS funds for Elementary and Secondary Education Act (ESEA)-funded activities?

Yes. Section 613(f)(5) of the *IDEA* states that CEIS funds may be used to carry out services aligned with activities funded by and carried out under the *ESEA* of 1965, as amended, 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.

### 5. Are there situations when an LEA must use its IDEA funds to implement CEIS?

When an LEA is found to have *significant disproportionality* based on race and ethnicity with respect to the identification of children as children with disabilities, placement, or disciplinary actions, it will be required to use its *IDEA* funds to provide CEIS to students in grades K through 12 with an emphasis on students in grades K through 3 who have not been identified for special education. These services will be

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<sup>1</sup> OSEP Guidance 08-09; July 28, 2008, William W. Knudsen, Acting Director, OSEP.

<sup>2</sup> Response to Comment: 71 FR 46540, 46626-46627 (Aug. 14, 2006).

provided in particular, but not exclusively, to students in those groups who were significantly overidentified (**34 CFR §300.646(b)(2)**). LEAs required to implement CEIS must set aside and spend 15 percent of the combined total *IDEA* funds received for the identified year from both Sections 611 (School Age) and 619 (Preschool).

## 6. What are States' obligations in determining significant disproportionality?

"States have a separate obligation, under **20 USC 1418(d)** and **34 CFR §300.646**, to collect and examine data to determine whether significant disproportionality based on race or ethnicity is occurring in the State and LEAs of the State with respect to the identification of children as children with disabilities, including identification as children with particular impairments; the placement of children in particular educational settings; and the incidence, duration, and type of disciplinary actions, including suspensions and expulsions. States must make this determination on an annual basis."<sup>3</sup>

The SEA reviews data for all LEAs for significant disproportionality in the following areas as reported in the *EMAPS IDEA Part B Maintenance of Effort (MOE) Reduction and CEIS data submission*:

- a. Whether an LEA is identified as having significant disproportionality due to 'identification as a child with a disability' (C2A.1);
- b. Whether an LEA is identified as having significant disproportionality due to 'identification by disability category' (C2A.2);
- c. Whether an LEA is identified as having significant disproportionality due to 'placement in a particular educational setting' (C2A.3); and
- d. Whether each LEA is identified as having significant disproportionality due to 'disciplinary action' (C2A.4).

If the SEA determines that an LEA has significant disproportionality, then the LEA will be required to implement CEIS. SEAs inform LEAs of findings of significant disproportionality, and these findings are included on the SEA's annual *EMAPS IDEA Part B MOE Reduction and CEIS data submission*. CEIS are typically implemented during the grant year immediately following the year the significant disproportionality is determined.

## 7. What activities are considered CEIS?

*IDEA* identifies two activities that are considered CEIS (**34 CFR §300.226(b)**):

- a. 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
- b. Providing educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction.

## 8. What are allowable costs for CEIS funds?

Costs associated with the activities described in the answer above for professional development for teachers to enable such personnel to deliver academic and behavioral interventions and costs to provide educational and behavioral evaluation services and supports are allowable. CEIS funds cannot be used for professional development that is generally provided to all personnel. Rather, it is specifically restricted to professional development for personnel who will deliver interventions and instruction that directly support the implementation of CEIS activities. In addition to professional development, examples of other allowable costs would include the portion of salaries of CEIS providers that is equivalent to the

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<sup>3</sup> OSEP Memo 07-09. <http://www2.ed.gov/policy/speced/guid/idea/letters/2007-2/osep0709disproportionality2q2007.pdf>

amount of time spent providing services, instructional materials, software, and travel so long as these activities are directly related to providing CEIS.

**9. What costs are not allowable for CEIS funds?**

Specifically, services to students with disabilities are not allowable costs for *IDEA* funds set aside for CEIS. Services to students who are not yet in kindergarten (even though preschool *IDEA* funds under Section 619 are part of the CEIS calculation) or who have completed the 12th grade are prohibited. Costs that are not directly attributed to CEIS activities are not allowed. Other costs that are typically prohibited are costs for construction, debt service, legal fees or fines, costs to provide core curriculum, universal screenings, and costs associated with providing special education and related services. There is not a specific exhaustive list of costs that are not allowable. However to be allowed, the cost must be directly attributable to providing CEIS.

**10. Are the allowable costs different for an LEA that is required to implement CEIS compared to an LEA that voluntarily implements CEIS?**

Yes. An LEA with significant disproportionality is required to provide CEIS to serve children, particularly, but not exclusively, children in those groups who were significantly overidentified under **34 CFR §300.646(a)**. An LEA that voluntarily decides to spend a portion (up to 15 percent) of its *IDEA* funds to implement CEIS does not have this requirement under **(34 CFR §300.646(b)(2))** as there were no children in any of the groups who were significantly overidentified.

**11. What other financial impacts occur when a district uses *IDEA* funds to implement CEIS?**

When setting aside *IDEA* funds for CEIS, whether this is done voluntarily or because the LEA is required to do so due to significant disproportionality, an LEA must be able to identify and report expenditures of *IDEA* funds that are specific to CEIS activities. An LEA must be able to demonstrate through reporting and accounting documentation of all expenditures associated with the implementation of CEIS, including, where necessary, documentation of time for employees paid in whole or part to provide CEIS. CEIS is a cost objective that must be documented in time and effort. The LEA must be able to demonstrate it has fully and appropriately expended the funds on activities that are reasonable and necessary.

There may be financial implications with respect to the amount of MOE reductions allowed in **34 CFR §300.205**. When there is an increase in the LEA's Section 611 allocation from one year to the next, LEAs that meet special education requirements from the SEA through its annual determinations *may* be able to reduce effort for that year by **50 percent** of the *IDEA* Section 611 allocation increase. If an LEA voluntarily sets aside *IDEA* funds for CEIS and there is MOE reduction available, the amount set aside for CEIS will reduce the amount of MOE reduction the LEA may take.

## Crunching the Numbers

In this example, the maximum amount an LEA may voluntarily reserve for CEIS is greater than the maximum amount it may use for MOE reduction. The maximum amount available for MOE reduction is the lesser amount. If the LEA chooses to voluntarily set aside funds for CEIS and reduce MOE, the combined CEIS set aside and MOE reduction amount must not exceed the maximum amount available for MOE reduction.

### MOE Calculation

Prior FFY 611 <i>IDEA</i> Funds Received	Current FFY 611 <i>IDEA</i> Funds Received	Increase in 611 <i>IDEA</i> Funds	LEA may reduce its level of expenditure by up to 50 percent of any increase from the prior year to the current year's <i>IDEA</i> 611 funds	Maximum Amount Available for MOE Reduction
1,000,000	1,400,000	400,000	Current FFY 611 <i>IDEA</i> Funds - Prior FFY 611 <i>IDEA</i> Funds × 50 percent 1,400,000 - 1,000,000 = 400,000 × 50 percent	200,000

### CEIS Calculation

FFY 611 <i>IDEA</i> Funds Received	FFY 619 <i>IDEA</i> Funds Received	Combined FFY 611 and 619 Funds	LEA may voluntarily set aside up to 15 percent of combined 611 and 619 funds	Maximum Amount Available for CEIS
1,400,000	1,000,000	2,400,000	FFY 611 <i>IDEA</i> Funds + FFY 619 <i>IDEA</i> Funds × 15 percent 1,400,000 + 1,000,000 = 2,400,000 × 15 percent	360,000

## 12. Are there any reporting requirements related to CEIS?

Yes. *IDEA* requires the SEA to annually submit data on 'EMAPS *IDEA* Part B Maintenance of Effort (MOE) Reduction and Coordinated Early Intervening Services (CEIS)'. The SEA must submit data for each LEA in the State, whether the LEA implements CEIS or not. Below are the data that the SEA must report for each LEA:

- *Section 611 IDEA Allocation* from the previous school year (A2A);
- *Section 611 IDEA Allocation* from the subsequent school year (A2B);
- *Section 619 IDEA Preschool Allocation* from the previous school year (A3A);
- *Section 619 IDEA Preschool Allocation* from the subsequent school year (A3B);
- Identify the *school year* the SEA used to make its annual LEA determinations (B2YEAR);
- The *Annual Determination* the SEA made for each LEA (B2);

- Potential *MOE Reduction* pursuant to Section 613(a)(2)(C) for each LEA (B3);
- *Indicator* whether each LEA must implement CEIS due to significant disproportionality (C2A);
- *Indicator* whether each LEA is identified as having significant disproportionality due to ‘identification as a child with a disability’(C2A.1);
- *Indicator* whether each LEA is identified as having significant disproportionality due to ‘identification by disability category’ (C2A.2);
- *Indicator* whether each LEA is identified as having significant disproportionality due to ‘placement in a particular educational setting’ (C2A.3);
- *Indicator* whether each LEA is identified as having significant disproportionality due to ‘disciplinary action’ (C2A.4);
- *Amount* LEAs that are required to implement CEIS must set aside (C2B);
- *Indicator* whether each LEA not required to implement CEIS did so voluntarily (C3A);
- *Amount* LEAs voluntarily implementing CEIS set aside (C3B);
- *Number of students* in the LEA who received CEIS during the school year (D2); and
- *Number of students* who received CEIS during the past two school years and who received special education during the current school year (D3).

Much of the data above, such as the allocations and determinations, is computed by the SEA for their LEAs and is likely readily available for use in the MOE and CEIS report. Each SEA will determine whether data reported will come from the SEA or if they will be requested from the LEA.

### 13. How long does an LEA have to spend funds set aside for CEIS?

Funds made available on July 1 to the LEA have a period of obligation of 27 months. When an LEA is required to use 15 percent of its *IDEA* funds for CEIS, these funds may not be used for any other purpose. If, after the period of availability, the entire amount of these funds set aside for CEIS has not been properly spent or obligated, funds must be returned to the U.S. Department of Education (ED). Expired *IDEA* funds that were not spent or obligated during their period of availability are typically returned by the LEA to the SEA to be returned to ED.

LEAs that voluntarily choose to set aside *IDEA* funds for this purpose may elect to reduce the amount they originally determined to set aside for this purpose and transfer these funds back to the *IDEA* program. These funds are subject to the restrictions and requirement of *IDEA* for flow-through funds.

While an LEA may be required to or voluntarily set aside 15 percent of its *IDEA* allocations (Section 611 and 619), the LEA may set aside this entire amount from its Section 611 *IDEA* funds and not use any Section 619 funds for this purpose. However, an LEA may not use more than 15 percent of its Section 619 funds for this purpose. This means that while an LEA may use Section 611 funds to pay the Section 619 share, it may not use the Section 619 funds to pay any part of the Section 611 share.

## Recommended Resources

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1. IDEA Data Center (IDC): Navigating Coordinated Early Intervening Services (CEIS) White Paper. <https://ideadata.org/resource-library/55354d14140ba0253f8b45b0/>
2. OSEP Memorandum 07-09, "Disproportionality of Racial and Ethnic Groups in Special Education"; April 24, 2007. <http://www2.ed.gov/policy/speced/guid/idea/letters/2007-2/osep0709disproportionality2q2007.pdf>
3. OSEP Guidance and Memorandum 08-09, "CEIS Under Part B of the IDEA"; July 28, 2008. <http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/osep08-09coordinatedearlyinterveningervices.pdf>
4. NASDSE Policy Forum, "Coordinated Early Intervening Services (CEIS)"; Prepared by Paula Burdette, Ph.D.; September 2008. [http://nasdse.org/DesktopModules/DNNspot-Store/ProductFiles/107\\_4b743149-1cf9-4b6c-8d84-4de53a05f356.pdf](http://nasdse.org/DesktopModules/DNNspot-Store/ProductFiles/107_4b743149-1cf9-4b6c-8d84-4de53a05f356.pdf)
5. Education Department General Administrative Regulations (EDGAR). <http://www2.ed.gov/policy/fund/reg/edgarReg/edgar.html>
6. *Methods for Assessing Racial/Ethnic Disproportionality in Special Education—A Technical Assistance Guide* (Revised). <https://ideadata.org/resource-library/54480c2b140ba0665d8b4569/>