

ATTACHMENT

Provision of Coordinated Early Intervening Services (CEIS)

Optional use of CEIS provision

In accordance with IDEA-B Section 613(f), LEAs may choose to use up to 15 percent of the total of the LEA's IDEA awards and ARRA IDEA awards to implement CEIS to students in **kindergarten through grade 12** who have not been identified as needing special education and related services, but who need additional academic and behavioral support to succeed in a general education environment.

Required use of CEIS provision

States are required to collect and examine data to determine if LEAs have significant disproportionality based on race and ethnicity in the identification of children as children with disabilities, the identification of children with specific impairments, the placement in particular education settings, and the incidence, duration, and type of disciplinary actions. **States must require an LEA with significant disproportionality to utilize 15 percent of the LEA's total amount of IDEA Part B funds for comprehensive CEIS.** The 15 percent is calculated based on the aggregate of the Grants to States and Preschool Grants amounts for both the regular IDEA awards and the IDEA ARRA awards.

Please Note:

In accordance with 34 CFR 300.226, LEAS who elect or are required to use the CEIS provision will be required to report annually –

- (1) The number of children served under this section who received early intervening services; and
- (2) The number of children served under this section who received early intervening services and subsequently receive special education and related services under Part B of the Act during the preceding two year period.

LEAs that are required to use the full 15 percent for CEIS will not be able to take advantage of any of the flexibility for local MOE reduction that would otherwise be available under IDEA section 613(a)(2)(C).

Guidance regarding the optional and required use of Coordinated Early Intervening Services can be located on the New Jersey Department of Education Website at <http://www.nj.gov/education/specialed/memos/072808ceis.pdf>

Flexible authority available under IDEA, section 613(a)(2)(C) (34 CFR §300.205) to reduce local, or state and local, expenditures for special education and related services

Under certain circumstances, in accordance with IDEA section 613(a)(2)(C), in any fiscal year that an LEA's subgrant allocation exceeds the amount that the LEA received in the previous fiscal year, that LEA may reduce the level of local, or state and local, expenditures **[for special education]** otherwise required by the LEA MOE requirements (in IDEA, section 613(a)(2)) by up to 50 percent of the increase in the LEA's subgrant allocation. The LEA must spend the 'freed-up' local or, state and local funds on activities that are authorized under the Elementary and Secondary Education Act (ESEA) of 1965. LEAs "will be expected to collect and report information on the use of the freed-up funds" in the ARRA-IDEA application using the **Maintenance of Effort -Funds Budgeted and Local Fund Detail Tabs.**

If an LEA chooses to utilize the flexibility available under IDEA section 613(a)(2)(C) to reduce the level of local or state and local expenditures, otherwise required in the current fiscal year, in subsequent fiscal years the LEA would be required to maintain effort at the reduced level -- except to the extent that an LEA increases the level of expenditures for the education of children with disabilities made by that LEA above the level of expenditures in FY 2009, using local or state and local funds. In other words, an LEA choosing to take advantage of this flexibility may reduce the required MOE level in subsequent years, until that LEA increases the level of special education expenditures, using state or local funds, on its own.

The LEA, however, must spend the full amount by which it reduces its local or state and local effort for special education and related services, under this provision, on activities that could be supported with funds under the ESEA - regardless of whether the LEA is currently using funds for those activities or they are new activities. This includes any activities allowed under Title I, Impact Aid, and other ESEA programs. For example, if the LEA expended \$2,000,000 of local and state funds on special education and related services in FY 2008 and lowered that amount by \$350,000 in FY 2009, the LEA must expend at least \$1,650,000 in state and local funds on special education and related services in FY 2010 to meet the MOE requirement in 34 CFR §300.203. In FY 2009, the year the LEA took the MOE reduction; it also must ensure that \$350,000 is expended on activities allowable under the ESEA. In FY 2010 and subsequent years, the LEA does not have to continue to separately "track" the \$350,000 expended for ESEA activities.

LEAs that have received a determination by the state as "Needs assistance," "Needs intervention" or "Need substantial intervention" under the New Jersey Office of Special Education Programs (NJOSPEP) system of general supervision cannot reduce their maintenance of effort, even if their federal allotments rise. Section 613(a)(2)(C)(iii).

Impact of the Provision of Coordinated Early Intervening Services on the Maintenance of Effort Reduction Provision [for those LEAs that are permitted to use both options]

IDEA allows LEAs, who meet requirements, to reduce their special education spending by 50 percent of any increase in their IDEA allotments, **less** any IDEA funds used for Coordinated Early Intervening Services.

LEAs that seek to reduce their local maintenance of effort in accordance with Sec. 300.205(d) and use some of their Part B funds for early intervening services under Sec. 300.226 must do so with caution because the local maintenance of effort reduction provision and the authority to use Part B funds for early intervening services are interconnected. The decisions that an LEA makes about the amount of funds that it uses for one purpose affect the amount that it may use for the other. Below are examples that illustrate how Sees. 300.205(d) and 300.226(a) affect one another.

Example 1: In this example, the amount that is 15 percent of the LEA's total grant (see Sec. 300.226(a)), which is the maximum amount that the LEA may use for early intervening services (EIS), is greater than the amount that may be used for local maintenance of effort (MOE) reduction (50 percent of the increase in the LEA's grant from the prior year's grant) (see Sec. 300.205(a)).

Prior Year's Allocation:	\$900,000.
Current Year's Allocation:	\$1,000,000.
Increase:	\$100,000.
Maximum Available for MOE Reduction:	\$50,000.
Maximum Available for EIS:	\$150,000.

If the LEA chooses to set aside \$150,000 for EIS, it may not reduce its MOE (MOE maximum \$50,000 less \$150,000 for EIS means \$0 can be used for MOE).

If the LEA chooses to set aside \$100,000 for EIS, it may not reduce its MOE (MOE maximum \$50,000 less \$100,000 for EIS means \$0 can be used for MOE).

If the LEA chooses to set aside \$50,000 for EIS, it may not reduce its MOE (MOE maximum \$50,000 less \$50,000 for EIS means \$0 can be used for MOE).

If the LEA chooses to set aside \$30,000 for EIS, it may reduce its MOE by \$20,000 (MOE maximum \$50,000 less \$30,000 for EIS means \$20,000 can be used for MOE).

If the LEA chooses to set aside \$0 for EIS, it may reduce its MOE by \$50,000 (MOE maximum \$50,000 less \$0 for EIS means \$50,000 can be used for MOE).

Example 2: In this example, the amount that is 15 percent of the LEA's total grant (see Sec. 300.226(a)), which is the maximum amount that the LEA may use for EIS, is less than the amount that may be used for MOE reduction (50 percent of the increase in the LEA's grant from the prior year's grant) (see Sec. 300.205(a)).

Prior Year's Allocation:	\$1,000,000.
Current Year's Allocation:	\$2,000,000.
Increase:	\$1,000,000.
Maximum Available for MOE Reduction:	\$500,000.
Maximum Available for EIS:	\$300,000.

If the LEA chooses to use no funds for MOE, it may set aside \$300,000 for EIS (EIS maximum \$300,000 less \$0 means \$300,000 for EIS).

If the LEA chooses to use \$100,000 for MOE, it may set aside \$200,000 for EIS (EIS maximum \$300,000 less \$100,000 for MOE means \$200,000 for EIS).

If the LEA chooses to use \$150,000 for MOE, it may set aside \$150,000 for EIS (EIS maximum \$300,000 less \$150,000 for MOE means \$150,000 can be used for EIS).

If the LEA chooses to use \$300,000 for MOE, it may not set aside anything for EIS (EIS maximum \$300,000 less \$300,000 for MOE means \$0 for EIS).

If the LEA chooses to use \$500,000 for MOE, it may not set aside anything for EIS (EIS maximum \$300,000 less \$500,000 for MOE means \$0 can be used for EIS).