



# CEIS and Monitoring Use of Funds

April 25 and 26, 2018



# Presenters

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# Session Overview

# Learning Objectives: Fiscal Focus



- Participants will describe how funds for Coordinated Early Intervening Services (CEIS) may be reserved.
- Participants will describe potential ways to encourage local educational agencies' (LEAs) timely use of CEIS funds.
- Participants will identify areas to improve state educational agency (SEA) procedures for monitoring the use of CEIS funds.

# Disclaimer (what we won't be talking about today)



- IDEA's significant disproportionality requirements
- Root cause and contributing factor analyses
- Tracking students who receive CEIS
- Programmatic decision making

# Session Outline



- What do we know about monitoring CEIS funds?
  - Requirements and guidance
  - Recent changes
- State experiences with monitoring CEIS funds: Washington and Michigan
- Questions
- Brainstorming session – CEIS Fiscal Procedures
- Review of available resources

# Related IFF 2018 Presentations



**Deconstructing Federal Fiscal Data Collection Requirements: LEA MOE Reduction and CEIS Data, April 25, 9:45 – 11.15 am**

**Tracking Comprehensive and Voluntary CEIS Data: Understanding the Complexities, April 25, 1:00 – 2:30 pm**

**Facilitated State Networking and Discussion Session, April 25, 3:00 – 4:00 pm**

**Using the CEIS Step by Step to Understand Coordinated Early Intervening Services, April 26, 7:30 – 8:15 am**

**This session will be repeated on April 26, 8:30 – 10:00 am**

# What do we know?



# Regulations: Voluntary CEIS



## 34 CFR §300.226 Early Intervening Services

- An LEA may use up to 15% of its IDEA Part B subgrant to develop and implement CEIS
- Students in grades K-12 (emphasis on K-3) who are not currently identified but need additional support
- Activities include professional development and educational and behavioral interventions
- Must supplement, not supplant, Elementary and Secondary Education Act (ESEA) funds

# Regulations: Comprehensive CEIS



## 34 CFR §300.646(d) Comprehensive CEIS (December 2016)

- LEA with significant disproportionality **must** use maximum amount (15% of its IDEA Part B subgrant) to provide comprehensive CEIS
- Activities include professional development and educational and behavioral evaluations, services, and supports
- May use for age 3 through grade 12, particularly but not exclusively for children not identified

# Federal and TA Center Resources



Resources can be found at:

- CIFR's resource library (<https://cifr.wested.org/resources/ceis/>)
- CIFR's CEIS Resources Step-by-Step web page (<https://cifr.wested.org/resources/ceis/ceis-step-by-step/> )
- In particular, see OSEP Memorandum 08-09: Coordinated Early Intervening Services

Has your LEA been identified as having **significant disproportionality**?

Do you have children who need additional academic and behavioral support to succeed in a general education environment?

### STEPS FOR MANDATORY COMPREHENSIVE CEIS

### STEPS FOR VOLUNTARY CEIS

#### STATE EDUCATIONAL AGENCY

determine whether each LEA has **significant disproportionality** based on race or ethnicity with respect to identification, placement, and disciplinary removals

#### LOCAL EDUCATIONAL AGENCY

identify the **factors** contributing to the significant disproportionality

#### LOCAL EDUCATIONAL AGENCY

determine a **need** for CEIS to improve results for children without disabilities

#### LOCAL EDUCATIONAL AGENCY

conduct **fiscal planning** for comprehensive or voluntary CEIS

#### LOCAL EDUCATIONAL AGENCY

**plan and implement** comprehensive or voluntary CEIS

based on race or ethnicity with respect to identification, placement, and disciplinary removals

contributing to the significant disproportionality



to improve results for children without disabilities

LOCAL EDUCATIONAL AGENCY

conduct **fiscal planning** for comprehensive or voluntary CEIS

LOCAL EDUCATIONAL AGENCY

**plan and implement** comprehensive or voluntary CEIS

LOCAL EDUCATIONAL AGENCY

**track comprehensive or voluntary CEIS funds and children** who receive CEIS

STATE EDUCATIONAL AGENCY

**report** comprehensive or voluntary CEIS funding and child data to OSEP

STATE EDUCATIONAL AGENCY

**report** comprehensive or voluntary CEIS data to the public

## Conduct **fiscal planning** for comprehensive or voluntary CEIS

LEAs identified with significant disproportionality are required to reserve 15 percent of IDEA Part B Section 611 and 619 funds to be used for comprehensive CEIS. Comprehensive CEIS must address the factors contributing to the significant disproportionality and can be used for children with and without disabilities age 3 through grade 12. They may be used for children with and without disabilities. Their use cannot be limited to children with disabilities.

LEAs not identified with significant disproportionality can voluntarily reserve up to 15 percent of IDEA 611 and 619 funds for CEIS, but funds must be reserved for children in kindergarten through grade 12 (with a particular emphasis on children in kindergarten through grade 3) who are not currently identified as needing special education or related services, but who need additional academic or behavioral support to succeed in general

### Relevant Regulations

- ⚡ **34 CFR §300.646**
- ⚡ **34 CFR §300.205(a)**
- ⚡ **34 CFR §300.226**
- ⚡ **IDEA Regulations: Early Intervening Services**
- ⚡ **Significant Disproportionality Final Regulations**

### TA centers that help with CEIS requirements

#### U.S. DEPARTMENT OF EDUCATION-FUNDED TA CENTERS

- ⚡ **Center for IDEA Fiscal Reporting (CIFR)**  
CIFR provides technical assistance to states to help staff better understand IDEA fiscal requirements and to build state capacity to calculate, collect, and report accurate special education fiscal data, including those for CEIS.
- ⚡ **IDEA Data Center (IDC)**  
IDC provides technical assistance to SEAs and LEAs to help them address challenges encountered in collecting and reporting IDEA fiscal data, including the MOE and CEIS data, as part of its mission of building state capacity to collect, report, analyze, and use high-quality IDEA data.

### Resources to help understand CEIS requirements, including their relationship with MOE reduction

#### U.S. DEPARTMENT OF EDUCATION RESOURCES

# What do we know?

## OSEP and CIFR Responses to Common CEIS Fiscal Questions

# What to Look for: Before, During, and After



## LEAs should be looking at fiscal requirements:

- Before LEAs use funds
  - What funds are available/required for CEIS? How long are those funds available? What approvals are required? What type of plan and reporting is required?
- During the use of CEIS funds
  - How are you tracking the use of CEIS funds? Ensuring they are used and used appropriately? Returning to IDEA uses if not used (voluntary)?
- After the use of CEIS funds
  - What amounts are reported? Is any follow-up needed?



# Before: Are CEIS funds from Section 611 or Section 619?



**Question:** Is the 15% calculated by taking 15% of the IDEA Section 611 grant award, IDEA Section 619 grant award, or both?

**Response:** The 15% must be calculated from both. However, funds can be taken from either.

# Before: What funds are available for CEIS?



**Question:** From what year's IDEA subgrant may/must CEIS funds be reserved and for how long are they available?

**Response:** Funds may be reserved from either funds awarded following the date significant disproportionality is identified OR from funds awarded from a prior fiscal year.

# Availability of Funds

- Funds are available through the availability of the subgrant.
- IDEA subgrants are typically available for 27 months covering three school years.
- Voluntary CEIS funds may be reallocated for other IDEA purposes at any time, comprehensive CEIS funds may not.

# Availability of Funds (cont.)

FFY 2016

(available July 1, 2016 to September 30, 2018)

FFY 2017

(available July 1, 2017 to September 30, 2019)

FFY 2018

(available July 1, 2018 to September 30, 2020)

# Before: Should the 15% be calculated prior to other amounts?



**Question:** Can we deduct proportionate share before calculating 15%?

**Response:** An LEA may not reduce the amount it uses for this calculation by any other amount required by the IDEA. For example, an LEA may not deduct funds for equitable services for students parentally-placed in private schools before calculating the 15 percent.

# During: What are the supplement, not supplant, requirements for CEIS?



**Question:** Do the general supplement, not supplant, requirements apply to CEIS funds?

**Response:** Yes.

In addition, 34 CFR §300.226(e) states that CEIS funds may be used to supplement, not supplant ESEA funds.

See OSEP Letter to Kennedy (2008).

# After: How does an LEA's use of CEIS funds affect LEA MOE?



**Question:** If an LEA uses additional local funds, or state and local funds, for special education and related services for children with disabilities in place of the Part B funds that are being used to provide CEIS, what happens to LEA maintenance of effort (MOE)?

**Response:** The higher level of local, or state and local, expenditures becomes the LEA's MOE base for the subsequent year.

# Washington's First Experience with Mandatory CEIS



# The Greeting (May 22, 2014)



The purpose of this letter is to notify you that Your School District has been designated as having significant disproportionality in the special education program based on the data provided by the district over the past three school years.

A designation of significant disproportionality means that Your School District will be required to reserve the maximum amount of fifteen percent (15%) of its federal funds under the 2015-16 IDEA allocation to provide coordinated early intervening services (CEIS).

# Areas of Disproportionality



CEIS funds may be used to serve particularly, but not exclusively, those students in the areas of American Indian/Intellectual Disability, Hispanic/Intellectual Disability, and American Indian/LRE Code 3 (0-39% of time in the general educating setting).

# Additional Required Actions



- Review and, if appropriate, revise the district's policies, procedures, and practices related to the significantly disproportionate areas (identification, discipline, and/or placement of students).
- Report on this review and any subsequent revisions in the IDEA Part B federal fund application.
- Publicly report on any revisions made to the district's policies, procedures, and practices as a result of this designation.

# LEA Demographics

Race or Ethnic Group	N	%
Hispanic	2,424	70.5%
American Indian/Alaskan Native	741	21.5%
Asian	47	1.40%
Black	3	0.10%
Native Hawaiian	3	0.10%
White	117	3.40%
Two or More Races	105	3.1%

# Student Characteristics: Special Programs, Absence and Graduation Rates



Characteristic	N	%
Free or Reduced	n/a	>95%
Special Education	388	11.6%
Transitional Bilingual	981	29.3%
Migrant	855	25.5%
Section 504	17	0.5%
Unexcused Absence Rate	9,101	2.4%
Adjusted 4 Year Cohort Graduation	n/a	75.8%
Adjusted 5 Year Cohort Graduation	n/a	74.6%

# Next Steps



A new LEA Special Education Director was named for the 2014-15 school year.

LEA was allowed to develop their CEIS plan in the 2014-15 school year.

Monitoring visit by Program Review team in March 2015 as Office of Superintendent of Public Instruction (OSPI) had seen limited progress on CEIS plan.

# First Plan



After school program, providing reading instruction to K-2.

Program will serve 180 students, require 18 teachers and cost \$104,087.

1. Transportation costs will be paid with CEIS funds, \$20,000.
2. Staffing and instructional materials will be paid with CEIS funds, \$74,367
3. Snacks will be paid with CEIS funds, \$9,720

# Trial by Fire



**2<sup>nd</sup> plan submitted May 15, 2015**

**3<sup>rd</sup> plan submitted July 24, 2015**

**4<sup>th</sup> plan submitted July 30, 2015**

**5<sup>th</sup> plan submitted Aug 31, 2015**



# Finally!

- After 53 emails
- 3 letters from OSPI's Special Education Director
- 2 letters from the LEA's Superintendent
- Conference calls with OSPI's Transportation Director
- Numerous calls with the LEA's Business Manager
- CEIS plan accepted by OSPI on Nov 9, 2015
- LEA's new Special Education Director will implement the plan

# Follow Up



- OSPI Program Fiscal Coordinator and LEA liaison monitored draws of IDEA funds.
- When there was no activity recorded, LEA was contacted initially on Feb 9, 2016; and again on March 29, 2016; and May 16, 2016.
- In June 2016, OSPI became aware that LEA's current Special Education Director was leaving the district and that the CEIS activities, although in progress, had not been completed.
- LEA Special Education Director and Business Manager questioned if funds could be carried over.

# Enter LEA Special Education Director #4



- July 29, 2016: another letter from OSPI Special Education Director.
- Plan submitted by new LEA Special Education Director for professional development activities at beginning of 2016-17 school year that would meet the requirements of CEIS.
- The revised plan was approved.

# 2016-17



- August 31, 2016 - LEA submitted IDEA application for funding for 2016-17.
- The required CEIS report was not included!!
- September 7, 2016 – Conference call with OSPI Special Ed Director, LEA liaison, Program Fiscal Coordinator and LEA Superintendent, Special Ed Director, and Business Manager.
- October 2016 – Site visit to assure completion of activities, accurate expenditure and data reporting.
- 2016-17 funding was not released until CEIS activities were completed and required reports filed.

# In Retrospect



- Due to the late date of notification of disproportionality (May 2014), the LEA was allowed a full year to plan CEIS activities (2014-15 school year).
- In retrospect, that was too long. In the future, OSPI would meet with the LEA(s) sooner and be more specific about required activities and plan development.
- The negative reaction and responses from the LEA administrative team were unanticipated.
- The continual change in the LEA's program director position was unexpected.

# Availability of funds



- The 2015-16 funds reserved were available for the 2015-16 school year.
- OSPI allowed the LEA to carryover the unspent 2015-16 funding and complete activities in the Fall of 2016.
- The LEA was required to use unique funding code for expenditures and send detailed expenditure reports to OSPI before funds were drawn.

# To those in a similar situation



- What you can learn from our experience.

# Michigan's Experience with Monitoring CEIS Funds



# Significant Disproportionality: Before



## Number of LEAs identified annually

- Meeting in May
- Implementation year next fiscal year July 1
- Available funds/ How long available

## Encourage to fully implement in 1<sup>st</sup> year

- Carryover year
  - CEIS plan amendment
  - Another year of data tracking
  - At risk of lapsing funds/recapture

# Significant Disproportionality: During



## Application Approval

- Reserved Amounts
- Team Review
  - Allowable Costs/Use
  - Challenges
    - CEIS Program – new/supplemental vs shift
    - Plan description vs monitoring visit
      - Describe how LEA is implementing

## Table 8 – MOE and CEIS

# Significant Disproportionality: During and After



## Monitoring

- Initial limited monitoring
- Improved monitoring

## Tracking expenditures

- Voluntary
- Required
  - Initial Tracking
  - Improved Tracking
  - Recapture unspent CEIS

# Questions?

It's your turn.

# Brainstorming Session

CEIS Fiscal Procedures – what should be in them?

# Before, During, and After



- Before LEAs use funds.
- During the use of CEIS funds.
- After the use of CEIS funds.

# Potential Procedures Components



- What questions do you have that need to be answered in a written procedure?
- What questions do LEAs ask you that should be answered in a written procedure?
- What would OSEP expect to see in a written procedure?

# Brainstorming Session



## Task: Create an outline of a written procedure for CEIS Fiscal Monitoring

- Small groups (15 min)
- Large group report-out
  - Please save to a thumb drive or email to us. We can share this and other resources on the CIFR website and app for this session.



# Wrap Up

# Wrap Up and Next Steps



- **Summary**
- **Next Steps**
  - What are OSEP, CIFR, and other TA providers working on?
  - What do states need?

Please complete a session evaluation form before leaving.

Your input is important in helping us develop meaningful content for states.

Thank you!

# Contact Us



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