



IDEA B Program Detail Early Intervening Services

Click on the appropriate hyperlink to go directly to the desired section.

[IDEA B Regulations Governing the use of Part B Funds for Early Intervening Services](#)

[300.205 Adjustment to local fiscal efforts in certain fiscal years.](#)

[300.208 Permissive use of funds.](#)

[300.226 Early intervening services.](#)

[300.227 Direct services by the SEA.](#)

This page identifies each of the districts participating in the IDEA Consolidated application and whether they have been identified by the OPI as having significant disproportionality of students with disabilities based on race/ethnicity in the following: Suspensions/Expulsions, Identification, or placements.

If a **Y** (yes) appears under the column "Case of Significant Disproportionality" for a district, then 15 percent of the district's total of its base payment and poverty/enrollment portion of its allocation must be used for the purpose of providing Early Intervening Services.

If an **N** (No) appears under the column "Case of Significant Disproportionality" for a district, then the district is not required to use any of its Part B funds for Early Intervening Services.

If a district is participating in a consortium or in a system, and it wishes to use some Part B funds to support Early Intervening Services, it needs to discuss this with the fiscal agent for the application. The amount may not exceed 15 percent of the district's total base payment and poverty/enrollment portion of its allocation.

If the fiscal agent and the participating district agree that a portion of the district's allocation will be used for Early Intervening Services, the fiscal agent will enter the amount of funds to be used by the district(s), click "Calculate totals" and then "Save the page."

When an LEA is using Part B funds to support, in whole or part, Early Intervening Services in its district, a checkmark must be made to show which EIS (or EIS services) will be provided with the use of IDEA Part B funds.

Member District	Case of Significant Disproportionality	District Allocation	Amount to be used for EIS. (15% required for Districts with Case of Disproportionality)
Polson HS	N	\$96,009	\$10,000
Polson Elem (Fiscal Agent)	N	\$242,360	\$36,355
SYSTEM Total			\$46,355

Buttons: Calculate Totals, Save Page

IDEA B Regulations Governing the use of Part B Funds for Early Intervening Services

It is important to be aware of the requirements under IDEA related to the use of Part B funds for Early Intervening Services.

300.205 Adjustment to local fiscal efforts in certain fiscal years.

a) Amounts in excess. Notwithstanding 300.202(a)(2) and (b) and 300.203(a), and except as provided in paragraph (d) of this section and 300.230(e)(2), for any fiscal year for which the allocation received by an LEA under 300.705 exceeds the amount the LEA received for the previous fiscal year, the LEA may reduce the level of expenditures otherwise required by 300.203(a) by not more than 50 percent of the amount of that excess.

(b) Use of amounts to carry out activities under ESEA. If an LEA exercises the authority under paragraph (a) of this section, the LEA must use an amount of local funds equal to the reduction in expenditures under paragraph (a) of this section to carry out activities that could be supported with funds under the ESEA regardless of whether the LEA is using funds under the ESEA for those activities.

(c) State prohibition. Notwithstanding paragraph (a) of this section, if an SEA determines that an LEA is unable to establish and maintain programs of FAPE that meet the requirements of section 613(a) of the Act and this part or the SEA has taken action against the LEA under section 616 of the Act and subpart F of these regulations, the SEA must prohibit the LEA from reducing the level of expenditures under paragraph (a) of this section for that fiscal year.

(d) Special rule. The amount of funds expended by an LEA for early intervening services under 300.226 shall count toward the maximum amount of expenditures that the LEA may reduce under paragraph (a) of this section.

300.208 Permissive use of funds.

(a) Uses. Notwithstanding 300.202, 300.203(a), and 300.162(b), funds provided to an LEA under Part B of the Act may be used for the following activities:

(1) Services and aids that also benefit nondisabled children. For the costs of special education and related services, and supplementary aids and services, provided in a regular class or other education-related setting to a child with a disability in accordance with the IEP of the child, even if one or more nondisabled children benefit from these services.

(2) Early intervening services. To develop and implement coordinated, early intervening educational services in accordance with 300.226.

(3) High cost special education and related services. To establish and implement cost or risk sharing funds, consortia, or cooperatives for the LEA itself, or for LEAs working in a consortium of which the LEA is a part, to pay for high cost special education and related services.

(b) Administrative case management. An LEA may use funds received under Part B of the Act to purchase appropriate technology for recordkeeping, data collection, and related case management activities of teachers and related services personnel providing services described in the IEP of children with disabilities, that is needed for the implementation of those case management activities.

300.226 Early intervening services.

(a) General. An LEA may not use more than 15 percent of the amount the LEA receives under Part B of the Act for any fiscal year, less any amount reduced by the LEA pursuant to 300.205, if any, in combination with other amounts (which may include amounts other than education funds), to develop and implement coordinated, early intervening services, which may include interagency financing structures, for 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 behavioral support to succeed in a general education environment. (See Appendix D for examples of how 300.205(d), regarding local maintenance of effort, and 300.226(a) affect one another.)

(b) Activities. In implementing coordinated, early intervening services under this section, an LEA may carry out activities that include--

(1) Professional development (which may be provided by entities other than LEAs) 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

(2) Providing educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction.

(c) Construction. Nothing in this section shall be construed to either limit or create a right to FAPE under Part B of the Act or to delay appropriate evaluation of a child suspected of having a disability.

(d) Reporting. Each LEA that develops and maintains coordinated, early intervening services under this section must annually report to the SEA on--

(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.

(e) Coordination with ESEA. Funds made available to carry out this section may be used to carry out coordinated, early intervening services aligned with activities funded by, and carried out under the ESEA if those funds are used to supplement, and not supplant, funds made available under the ESEA for the activities and services assisted under this section.

300.227 Direct services by the SEA.

(a) General.

(1) An SEA must use the payments that would otherwise have been available to an LEA or to a State agency to provide special education and related services directly to children with disabilities residing in the area served by that LEA, or for whom that State agency is responsible, if the SEA determines that the LEA or State agency--

(i) Has not provided the information needed to establish the eligibility of the LEA or State agency, or elected not to apply for its Part B allotment, under Part B of the Act;

(ii) Is unable to establish and maintain programs of FAPE that meet the requirements of this part;

(iii) Is unable or unwilling to be consolidated with one or more LEAs in order to establish and maintain the programs; or

(iv) Has one or more children with disabilities who can best be served by a regional or State program or service delivery system designed to meet the needs of these children.

(2) SEA administrative procedures.

(i) In meeting the requirements in paragraph (a)(1) of this section, the SEA may provide special education and related services directly, by contract, or through other arrangements.

(ii) The excess cost requirements of 300.202(b) do not apply to the SEA.

(b) Manner and location of education and services. The SEA may provide special education and related services under paragraph (a) of this section in the manner and at the locations (including regional or State centers) as the SEA considers appropriate. The education and services must be provided in accordance with this part.

[\(return to top\)](#)