

Early Intervening Services – Sec. 613(f)

Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004)

STATUTORY COMPARISON

IDEA 1997 P.L. 105 – 17	IDEA 2004 P.L. 108 – 446	GUIDANCE
	<p>613(f) - EARLY INTERVENING SERVICES</p> <p>(1) IN GENERAL- A local educational agency may not use more than 15 percent of the amount such agency receives under this part for any fiscal year, less any amount reduced by the agency pursuant to subsection (a)(2)(C), 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 3) who have not been identified as needing special education or related services but who need additional academic and behavioral support to succeed in a general education environment.</p> <p>(2) ACTIVITIES- In implementing coordinated, early intervening services under this subsection, a local educational agency may carry out activities that include</p> <p>(A) Professional development (which may be provided by entities other than local educational agencies for teachers and other</p>	<p>Informational Update 4 <i>“Early Intervening Services”</i> Developed May 2005</p> <p><u>See also:</u> Informational Update 3 <i>“Discipline of Students with Disabilities;”</i> and Informational Update 8 <i>“Overidentification and Disproportionality”</i></p>

Bold = New statutory language
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	<p>school staff to enable such personnel to deliver scientifically based academic instructions and behavioral interventions, including scientifically based literacy instruction, and, where appropriate, instruction on the use of adaptive and instructional software; and</p> <p>(B) Providing educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction</p> <p>(3) CONSTRUCTION-Nothing in this subsection shall be construed to limit or create a right to a free appropriate public education under this part.</p> <p>(4) REPORTING- Each local educational agency that develops and maintains coordinated, early intervening services under this subsection shall annually report to this state educational agency on—</p> <p>(A) The number of students served under this subsection; and</p> <p>(B) The number of students served under this subsection who subsequently receive special education and related services under this title during the preceding 2-year period.</p>	

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	<p>(5) COORDINATION WITH ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965- Funds made available to carry out this subsection may be used to carry out coordinated, early intervening services aligned with activities funded by, and carried out under, the Elementary and Secondary Education Act of 1965 if such funds are used to supplement, and not supplant, funds made available under the Elementary and Secondary Education Act of 1965 for the activities and services assisted under this subsection.</p>	

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