



Division of Special Education/Early Intervention Services

Early Intervening Services

The reauthorized Individuals with Disabilities Education Act (IDEA) was signed into law on December 3, 2004, by President George W. Bush. The provisions of the Act take effect July 1, 2005, with the exception of some elements of the definition of “highly qualified teacher” that took effect upon the signing of the Act. This is one in a series of documents, prepared by the Division of Special Education/Early Intervention Services, Maryland State Department of Education (MSDE) that cover a variety of high-interest topics to support local school systems, local Infants and Toddlers Programs, and other public agencies in preparing to implement the new requirements. This document only addresses the changes in the provisions regarding early intervening services that take effect July 1, 2005. It does not address any changes that may be made in the final federal regulations or potential changes to State statutes or regulations.

1. What are “Early Intervening Services?”

This provision is new to the 2004 reauthorized IDEA. The provision allows a local education agency (LSS) to use not more than 15 percent of the amount it receives under IDEA Part B for any fiscal year (less any amount reduced by the agency under Section 613 (a)(2)(C) 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.

[613(f)(1)]

2. What activities can be implemented through Early Intervening Services?

In implementing coordinated, early intervening services, a local school system may carry out activities that include:

- Professional development (which may be provided by entities other than local educational agencies) for teachers and other school staff to enable such personnel to deliver scientifically based academic instruction and behavioral intervention, including scientifically based literacy instruction, and where appropriate, instruction in the use of adaptive and instructional software; and
- Providing educational and behavioral evaluations, services, and supports including scientifically based literacy instruction.

It is important to note that nothing in the subsection of the statute shall be construed to limit or create a right to a free appropriate public education under this part.

[613(f)(2)]

3. What are the reporting requirements regarding early intervening services?

Each LSS that develops and maintains early intervening services or is required to participate due to significant overrepresentation and disproportionality, must annually report the following information to MSDE:

- The number of students served by early intervening services; and
- The number of students served by early intervening services who subsequently receive special education and related services under IDEA during the preceding two-year period.

[613(f)(4)]

4. How will early intervening services coordinate with the Elementary and Secondary Education Act (ESEA) of 1965?

Funds made available to develop and implement coordinated, early intervening services may be used to support activities funded by, and carried out under the ESEA. These funds are to be used to supplement, **not supplant** funds made available under the ESEA.

[613(f)(5)]

5. What are the requirements regarding early intervening services when MSDE identifies significant disproportionality?

IDEA 2004 (618)(d) requires MSDE to collect and examine data to determine if significant disproportionality based on race and ethnicity is occurring in the State and the local education agencies with respect to the:

- Identification of children as children with disabilities, including the identification of children in accordance with a particular impairment as described in Sec. 602(3);
- Placement in particular educational settings of such children; and
- Incidence, duration, and type of disciplinary action, including suspensions and expulsions

If significant disproportionality is identified MSDE must:

- Provide for the review and revision of a local school system's policies, procedures, and practices to ensure they comply with the requirements of IDEA 2004;
- Require any local school system identified under Section 618(d)(1) to reserve the maximum amount of funds (15% of federal Part B allocation) under section 613(f) to provide comprehensive coordinated early intervening services, particularly to serve children who are significantly over identified under Section 618(d)(1);
- Require the LSS to report publicly on the revision of policies, procedures, and practices.

Attached is a table that has calculated the 15% of each local school systems State Fiscal Year (SFY) 2006 Part B federal allocation.

6. How does the disproportionate representation of minority students impact the provision of early intervening services?

If a local school system has been identified by the MSDE as having significant disproportionality based on race and ethnicity with respect to the:

- Identification of minority students;
- Placement of such students in particular educational settings; and
- Incidence, duration, and type of disciplinary action, including suspensions and expulsions

A local school system will be required to reserve the maximum amount of funds (15%) to provide comprehensive, coordinated early intervening services to serve children in the local school system, particularly children identified in those groups where significant disproportionality exists.

[Sec. 613(f); 618(d)(2)(B)]

7. What data is currently collected?

MSDE collects and analyzes data from local school systems for disproportionality based on race and ethnicity relative to:

- Identification of children as children with disabilities, including the identification of children in accordance with a particular impairment as described in Sec. 602(3);
- Placement in particular educational settings of such children; and
- Incidence, duration, and type of disciplinary action, including suspensions and expulsions.

For more information, call 410-767-0858

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