

## **What Are Early Intervening Services?**

Early Intervening Services—in this module, EIS for short—are not the same thing as early intervention. These are two very different initiatives, although, to be fair, both are about intervening early. Early intervention is for babies and toddlers with disabilities; EIS are about catching problems early in school-aged children. EIS are aimed at grades K-12, with an emphasis on grades K-3. EIS are about identifying children who are struggling to learn—especially apparent in the early grades and in core tasks like reading and math—and quickly intervening to provide support. Under IDEA 2004, school districts may use up to 15% of their Part B funds to develop and provide early intervening services to children who are not currently identified as “children with disabilities,” but who need academic or behavioral support to succeed in a general education environment. EIS are not services designated for children with disabilities—in fact, if a child has been determined eligible for special education and related services, that child would not be eligible for EIS.

The rationale behind using IDEA funds to pay for EIS is that the earlier that school staff can identify children’ learning problems or difficulties, the quicker and less expensive will be the task of helping those children catch up. The longer a child goes without assistance, the longer the remediation time and the more intense those services will have to be. From the child, administrative, fiscal, and instructional perspectives, providing EIS makes very good sense.

## **How Much Can a Local Educational Agency (LEA) Spend and How Does a LEA Access the Funding?**

An LEA is allowed to use not more than 15% of their IDEA Part B funds to develop and implement EIS. In North Dakota, IDEA Part B funds go to the special education units. If you are interested in utilizing IDEA Part B funds to provide EIS you should contact your local special education unit director. EIS is part of the IDEA Part B application that unit directors complete.

## **Uses of EIS Funds**

1. Providing educational and behavioral evaluations, services, and supports — including scientifically-based literacy instruction.
2. Providing professional development for teachers and other school staff may also be a part of implementing EIS.
3. The funds are intended to build the school staff’s capacity for delivering scientifically-based academic and behavioral interventions, including, among other skills:
  - scientifically based literacy instruction,
  - instruction on the use of adaptive and instructional software (where appropriate).

## **May LEAs Use EIS Funds to Purchase Supplementary Instructional Materials?**

Yes, the terms “services” and “supports” in §300.226(b)(2) are broad enough to include the use of supplemental instructional materials. (71 Fed. Reg. at 46628)

## **What Does “Scientifically Based” Mean?**

‘Scientifically based’ is a term of significance in NCLB that has now been integrated into IDEA as part of the purposeful aligning of the two acts. The term is defined in NCLB—referred to in IDEA as ESEA, the Elementary and Secondary Education Act—and adopted in IDEA 2004’s regulation at §300.35, Means research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs; and includes research that—

1. Employs systematic, empirical methods that draw on observation or experiment;
2. Involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;
3. Relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;
4. Is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs, or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls;
5. Ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings; and
6. Has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

## **Which Children are EIS Intended to Be Used For?**

EIS funds are to be used for those children who are not currently receiving special education and related services under IDEA. This could include students who were previously eligible for special education, but who are not receiving it now, who may need additional support, academically or behaviorally.

## **Reporting Requirements on EIS**

LEAs choosing to use EIS funds must report:

- Number of students served by early intervening services
- Number of students who subsequently receive special education and related services under IDEA in preceding 2-year period

Note: More information on EIS can be found at: [www.nichcy.org/training/6-discussion.doc](http://www.nichcy.org/training/6-discussion.doc)