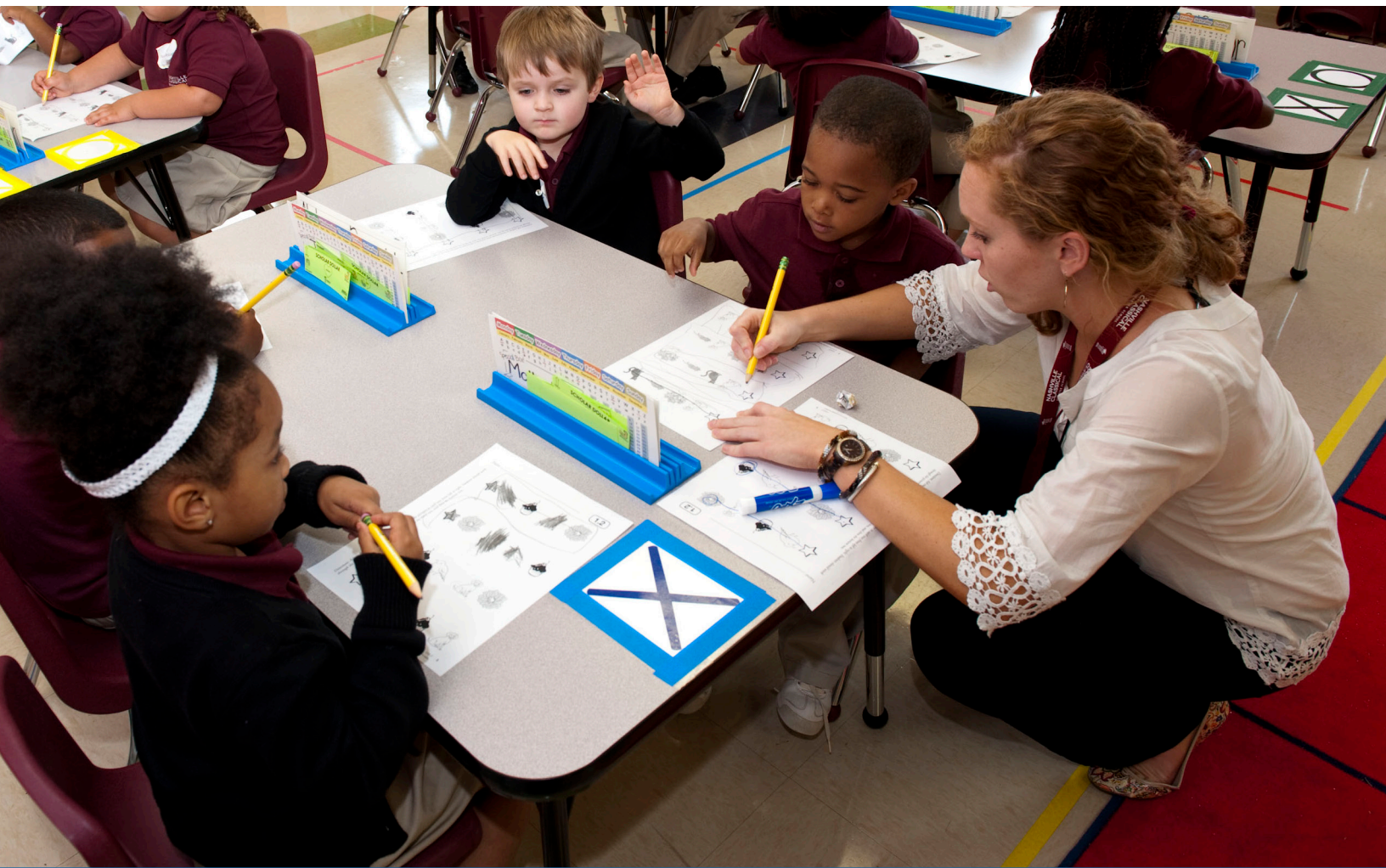


RESPONSE TO INSTRUCTION AND INTERVENTION

Guidance for Federal Funds



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Introduction

The Tennessee Department of Education (TDOE) has endorsed Response to Instruction and Intervention (RTI²) as an effective framework for addressing student needs. In accordance with that, the Tennessee State Board of Education recently approved policies related to RTI², which has generated many questions from districts about how federal funds can support this work. This guidance document provides broad information about using U.S. Department of Education (ED) grants such as Title I, Title II, Title III and IDEA, Part B, to support RTI² related activities. TDOE is available to assist districts with more specific questions on RTI².

General Overview

- RTI² is a framework for addressing student needs, not a specific service or activity.
- Although state guidelines require LEAs to use an RTI² process to determine whether a student has a Specific Learning Disability under IDEA, this is only one facet of RTI². LEAs are not limited or prohibited from using ED grants to support RTI² related activities to provide instructional opportunities for struggling students.
- Subject to certain rules, ED grant funds can support Tier II and Tier III activities such as interventionists, intervention tools, or progress monitoring.
- It is more challenging to use ED grant funds to support Tier I activities, such as universal screening, but some Tier I costs may be permissible in limited instances.

Q1. What is RTI²?

RTI² is a problem-solving framework that addresses individual student needs. There is no single, absolute definition of RTI², but in general it is a process where “schools use data to identify students at risk for poor learning outcomes, monitor student progress, provide evidence-based interventions and adjust the intensity and nature of those interventions depending on a student’s responsiveness.” If a student does not respond to the interventions, schools may identify a student with a Specific Learning Disability.¹

As the above definition suggests, school districts and schools will use an RTI² approach to accomplish many different objectives including

- Improving academic achievement by ensuring all students have access to high-quality instruction responsive to their needs,
- Early identification of struggling students through the use of data so that districts and schools can provide early interventions tailored to individual student need, and
- Determining whether a student has a Specific Learning Disability (SLD) under the Individuals with Disabilities Education Act (IDEA).

In Tennessee RTI² consists of three tiers:

- **Tier I:** All students receive high-quality instruction that incorporates universal screening.
- **Tier II:** Interventions are provided to students who fall below the 25th percentile on universal screening (or the appropriate percentile for your school), and who struggle academically and/or behaviorally. The progress of these students is monitored weekly or every other week using a nationally-normed, skills-based tool.
- **Tier III:** More explicit and intensive interventions are provided to students who have not made sufficient progress in Tier II, are 1.5 – 2 grade levels behind, or are below the 10th percentile. The progress of these students is monitored weekly or every other week using a nationally-normed, skills-based tool.

Federal ED grant funds generally support Tier II and III services for students. The most common Tier II and Tier III activities include the following:

- Interventionists
- Intervention tools
- Progress monitoring

Supporting these activities with ED grant funds is discussed in Q5-Q7 below.

For more information about Tennessee’s guiding principles for an RTI² framework please see Tennessee’s RTI² 2013 Manual, available at: http://www.tncore.org/math/rti_manual.aspx.

Q2. What Does Tennessee Law Require Regarding RTI²?

At the outset, it’s important to note that RTI² is a general education framework used to provide early intervention to *any* student struggling to succeed. As a byproduct of RTI², some students may not respond to the intervention at Tier II and Tier III and may be referred to special education to determine if the student has a Specific Learning Disability. All data collected and intervention information previously provided will become a part of the students SLD evaluation. The Tennessee State Board of Education approved Special Education Guidelines and Standards regarding Evaluations for Specific

Learning Disabilities that require all districts and schools to use RTI² to determine the eligibility of students to receive special education services in the category of SLD.² These Guidelines became effective July 1, 2014. They were developed consistent with federal rules that require states to adopt criteria for determining whether a child has an SLD under IDEA.³ This does not mean RTI² should be viewed solely as a path for determining special education eligibility. The new Board-approved Guidelines address **one facet** of an RTI² framework: determining a student’s eligibility for special education services based on an SLD under IDEA.

Q3. How Do the New State Guidelines Impact the Use of ED Grant Funds for RTI²?

The fact that an RTI² process is required by State Board policies has raised questions across the state about federal “supplement not supplant” rules because they limit the ways ED grants can support state-law requirements.

This is not to say “supplement not supplant” is never a concern when spending ED funds on RTI² activities. The supplement not supplant rule does limit the kinds of activities ED funds can support, as discussed throughout this guidance. But, these limits do not stem from the new Guidelines, nor are the Guidelines an automatic bar to the use of ED funds.

Supplement not Supplant Overview

ED’s largest grant programs – including Title I, Title II, Title III and IDEA – are governed by supplement not supplant provisions. In general, this means ED grant funds must be used for services *in addition to* what a district or school would be expected to provide with state or local funds as part of a basic educational program.

Supplanting is typically presumed in three situations:

1. A school or district uses federal funds to provide services it is required to make available under other federal, state, or local laws. In this instance, an auditor may raise questions about supplanting in the case of RTI², i.e. using federal funds to support something required by state law. The new State Board-approved guidelines are not the kind of state requirements that would trigger a presumption of supplanting because the guidelines do not require districts or schools to use any specific instructional tool or intervention. The guidelines only require districts and schools to use an RTI² *approach* to determining a student’s eligibility for special education services based on SLD.
2. A school or district uses federal funds to provide services it provided with state or local funds in the prior year.
3. A school or district uses Title I, Part A funds to provide the same services to Title I students that it provides with state or local funds to non-title students. Similarly, RTI costs charged to grants such as Title I, Title II, Title III and IDEA still must be *supplemental*. This would prohibit a district from using Title I funds to provide a service to its Title I students while using state or local funds to provide the same service to its non-Title I students.

Please note there are exceptions to these presumptions with regard to IDEA part B Maintenance of Effort and some school-level situations. TDOE can provide specific guidance in these instances.

Q4. Generally, How Can ED Grant Funds Support RTI²?

There are many considerations that affect whether ED funds can support a particular RTI²-related activity. In limited circumstances, ED grant funds could support Tier I services for students. (*Universal screening is discussed in Q8, and other Tier I activities are discussed in Q9.*) Tier II and III services for students are the easiest to support with ED grant funds for two reasons:

1. They tend to be targeted to specific students, making it easier to meet student eligibility rules, and
2. They tend to be supplemental activities, making it easier to meet supplement not supplant requirements.
3. Each ED grant has its own eligibility rules and purpose. All activities paid for with ED funds must be consistent with the purpose of the grant program and benefit only eligible populations.

Q5. Specifically, How Can ED Grant Funds Support an Interventionist?

An interventionist is an educator trained to deliver a prescribed intervention with fidelity. This may include a general education teacher, special education teacher, trained educational assistant, or intervention specialist.

The following ED funds could support an interventionist:

Funding Source	Activity
<p>District-level Title I, Part A⁴</p> <p><i>Note: the district could not use Title I to pay for these costs in Title I schools and then use state or local funds to pay for the same costs in non-Title I schools (see Q3)</i></p>	<ul style="list-style-type: none"> • Hire specialists to deliver interventions in Title I schools.⁵ • Provide professional development, including job-embedded supports, to interventionists working with eligible students in Title I schools. Such professional development could include: <ul style="list-style-type: none"> ○ Hiring coaches to work with interventionists to improve their content knowledge or instructional delivery, ○ Supporting mentor teachers that work with interventionists to improve their skills, or ○ Supporting the cost of an interventionist to attend relevant training courses. This may include the cost of the training, stipends to the participating interventionist, or substitute teachers to provide release time. • Provide professional development, including job-embedded supports, to staff in Title I schools to enable them to serve as interventionists.⁶ As above, professional development costs could include coaching, mentoring, or training.
<p>School-level Title I, Part A Schoolwide Program Schools⁷</p> <p><i>Note: in a schoolwide program school, all costs must be consistent with the school's needs assessment and schoolwide plan.</i></p>	<ul style="list-style-type: none"> • Hire specialists to deliver interventions to students. • Pay stipends or other compensation to existing staff to deliver interventions. • Hire specialists, or compensate existing staff, to deliver positive behavioral supports or other behavior interventions. • Provide professional development, including job-embedded supports, to interventionists or existing staff to enable them to serve as interventionists. As above, professional development costs could include coaching, mentoring, or training. • Restructure the school schedule to allow interventionists time to deliver interventions during the school day.
<p>Title II, Part A⁸</p>	<ul style="list-style-type: none"> • Provide professional development to interventionists on: <ul style="list-style-type: none"> ○ Identifying appropriate interventions, ○ The core academic subjects they teach, or ○ Effective instructional methods, including managing student behavior

IDEA, Part B Coordinated Early Intervening Services (CEIS)^{9,10}	<ul style="list-style-type: none"> • Hire interventionists, including specialists, to work with nondisabled students who have not reached grade-level proficiency. • Hire staff to provide after-school tutoring for nondisabled students who are not proficient on state assessments. • Hire staff to provide behavior interventions to nondisabled students who need behavior supports.
IDEA, Part B, Section 611¹¹	<ul style="list-style-type: none"> • Hire specialists to deliver interventions to students with disabilities, or pay stipends or other compensation to existing staff to deliver interventions to such students. (Please note IDEA-funded interventionists may deliver interventions to nondisabled students in cases where it does not expand the work they are already doing for students with disabilities.¹² For example, a nondisabled student could participate in specialized reading instruction being delivered to a student with disabilities, but an interventionist fully funded with IDEA, Part B funds could not provide additional services to the nondisabled student, such as grading papers or participating in parent-teacher conferences.) • Provide professional development, including job-embedded supports, to interventionists working with students with disabilities. Such professional development could include: <ul style="list-style-type: none"> ○ Hiring coaches to work with interventionists to improve their content knowledge or instructional delivery, ○ Supporting mentor teachers that work with interventionists to improve their skills, or ○ Supporting the cost of an interventionist to attend relevant training courses. This may include the cost of the training, stipends to the participating interventionist, or substitute teachers to provide release time. • Provide professional development, including job-embedded supports, to existing staff to enable them to serve as interventionists for students with disabilities. As above, professional development costs could include coaching, mentoring, and training.

Q6. Specifically, How Can ED Grant Funds Support Intervention Tools?

Intervention tools are the materials and supplies needed to implement a chosen intervention at either the district or school level. These materials and supplies could be funded using the following ED grant funds:

Funding Source	Activity
District-level Title I, Part A¹³ <i>Note: the district could not use Title I to pay for these costs in Title I schools and then use state or local funds to pay for the same costs in non-Title I schools (see Q3)</i>	<ul style="list-style-type: none"> • Provide supplemental professional development to staff in Title I schools to support their use of high-quality intervention materials.
School-level Title I, Part A Schoolwide Program School¹⁴ <i>Note: in a schoolwide program school, all costs must be consistent with the school's needs assessment and schoolwide plan.</i>	<ul style="list-style-type: none"> • Purchase materials and supplies needed to deliver high-quality research-based interventions to struggling students. • Provide professional development to educators delivering interventions to support their use of high-quality intervention materials.

Title II, Part A ¹⁵	<ul style="list-style-type: none"> • Provide professional development to assist teachers and leaders in identifying interventions to help students with different learning styles learn, particularly students with disabilities, students with special learning needs, and students with limited English proficiency. • Provide professional development to teachers, principals and paraprofessionals to support their use of high-quality intervention materials.
IDEA, Part B Coordinated Early Intervening Services (CEIS) ^{16,17}	<ul style="list-style-type: none"> • Purchase supplemental materials and supplies needed to deliver high-quality research-based interventions to eligible nondisabled students. • Provide supplemental professional development to educators delivering interventions to eligible nondisabled students to support their use of high-quality intervention materials.
IDEA, Part B, Section 611 ¹⁸	<ul style="list-style-type: none"> • Purchase materials and supplies to deliver high-quality research-based interventions to students with disabilities. • Provide professional development to educators delivering interventions to students with disabilities to support their use of high-quality intervention materials.

Q7. Specifically, How Can ED Grant Funds Support Progress Monitoring?

Progress monitoring is used in Tiers II and III to help gauge the effectiveness of an intervention provided to a student to ensure the intervention is helping the student reach a goal. Progress monitoring is done through valid and reliable assessments used to quantify a student’s rate of improvement in response to an intervention. Progress monitoring tools are designed to be easy, quick, repeatable, and highly sensitive to change in student performance, and can include Curriculum Based Measurement (CBM) probes, assessments from intervention materials/kits, and computer-based assessments. Progress monitoring can be implemented districtwide, or for individual students or an entire class - which will affect how ED funds can support the cost.

Progress Monitoring: District-level

If a district wishes to implement progress monitoring for *all students across all schools*, it would be difficult to support with ED grants because of the eligibility and supplement not supplant concerns addressed in Q4.

There are, however, ways a district could use certain ED grants to support parts of a progress monitoring initiative:

Funding Source	Activity
Title II, Part A ¹⁹	<ul style="list-style-type: none"> • Provide training to teachers, principals and paraprofessionals on how to understand and use progress monitoring results to improve classroom practice and student learning.
IDEA, Part B Coordinated Early Intervening Services (CEIS) ^{20,21}	<ul style="list-style-type: none"> • Purchase progress monitoring tools for eligible nondisabled students. • Provide professional development to staff on how to conduct monitoring.

IDEA, Part B, Section 611²²	<ul style="list-style-type: none"> • Purchase progress monitoring tools for use with students with disabilities. If progress monitoring is implemented for all students in a classroom, then it may be permissible to split the cost between IDEA and another funding source. Compensate staff delivering the progress monitoring to students with disabilities. • Provide professional development to staff delivering progress monitoring to students with disabilities on how to conduct the monitoring. • Support the use of progress monitoring data to improve services for students with disabilities, including paying for extended time for teachers to review data and identify interventions to better meet the needs of students with disabilities, or developing a data dashboard to help teachers track and analyze progress results.
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Progress Monitoring: School-level

If progress monitoring is the responsibility of the individual schools, and the district is **not** carrying out a district-wide progress monitoring approach, an individual *school operating a schoolwide program* has more spending options:

Funding Source	Activity
Title I, Part A	<ul style="list-style-type: none"> • Purchase progress monitoring tools for use with individual students, or an entire class, depending on the school’s needs and plan. • Compensate staff delivering the progress monitoring. • Provide professional development to staff on how to conduct monitoring. • Support the use of progress monitoring data to improve services for students, including paying for extended time for teachers to review data and identify interventions to better meet the needs of students, or developing a data dashboard to help teachers track and analyze progress results.²³

Q8. Can ED Grant Funds Support Universal Screeners?

In general, a universal screener is a brief screening assessment of academic skills (e.g. basic reading skills, reading fluency, reading comprehension, math calculation, math problem solving, and written expression) administered to all students to determine whether students demonstrate the skills necessary to achieve grade-level standards. Because a universal screener is administered to **all students** it is difficult to support the cost with ED funds for the following two reasons:

Eligibility rules: Title I, for example, can only support activities in Title I eligible schools for Title eligible students. Title I eligible students include all students in a Title I school operating a schoolwide program,²⁴ and specifically identified at-risk students in a Title I school operating a targeted assistance program.²⁵ Similarly, Title III can only support eligible English language learners, and IDEA, Part B can only support eligible students with disabilities (with certain exceptions).

Supplement not supplant provision: The third presumption of supplanting (Q3 above) poses unique challenges for Title I, making it difficult to use Title I to support the cost of a universal screener in Title I schools if the district is also screening in its non-Title I schools. This is because ED presumes a cost constitutes supplanting if a district uses Title I funds to provide a service to Title I students when the district provides the same service to non-Title I students with state or local funds.²⁶

Supplement not supplant also poses a challenge for Title III. In general, Title III is governed by a more restrictive supplement not supplant provision than other programs, making it hard to use Title III to support a universal service.²⁷

While this is ED’s general position, there are certain scenarios where ED grant funds could support screening activities. These examples are provided to illustrate potentially permissible costs, but ultimately what is permissible will depend on the particular facts and circumstances in a given case.

Universal Screener: Schoolwide Programs (SWP)

To be allowable, this scenario presumes each of a district’s schools is responsible for purchasing its own universal screener (i.e. the purchase is *not* made at the district level on behalf of all schools).

Individual Title I schools operating SWPs could use Title I to purchase the universal screener if:

- It were part of the school’s comprehensive Title I SW plan for improving its educational program consistent with its needs, and
- The district could demonstrate it provided the school with all of the state and local resources it would have received if it did not participate in the Title I program.

Title I could support the cost of a universal screener in an SWP because all children in the school may participate in Title I-funded activities, and the traditional three presumptions of supplanting discussed in Q3 do not apply. Instead, a “supplemental funds” test applies. To meet the “supplemental funds” requirement, the district must ensure each SWP receives all the state and local funds it would receive were it not a Title I school. In other words, an LEA may not reduce its allocation of state and local funds and resources to an SWP because the school receives Title I funds to operate a schoolwide program. The Title I funds are still “extra” funding, in addition to the standard state and local funds allocation.

Violations of supplanting could still happen in the context of schoolwide schools. For example, the supplemental funds test would be violated if the district used local funds to purchase universal screeners for its non-Title I schools and then expected its Title I SWPs to purchase screeners with its Title I SWP funds. This is because the non-Title I schools would receive a locally-funded resource not made available to the Title I SWPs.

Universal Screener: High Poverty Districts (Coordinating Title I and Supplemental State or Local Funds)

There is an exclusion to the Title I supplement not supplant rules that could potentially help a high poverty district with a mix of Title I and non-Title I schools fund universal screening. Under the exclusion, the district could potentially use Title I to support universal screening in its Title I schools and *supplemental* state or local funds to support universal screening in its non-Title I schools notwithstanding the third presumption of supplanting discussed in Q3. This is because federal law excludes *supplemental* state and local funds spent on “Title I-like” activities from the supplement not supplant analysis.²⁸ Supplemental state and local funds are excluded from a supplanting analysis because they broaden the reach of the Title I program.

In the context of a universal screener, the Title I-like exclusion is most relevant where:

- All of the district’s Title I schools are SWPs, and
- All of the district’s non-Title I schools have at least 40% poverty.

If *supplemental* state or local funds (not the standard local allocation) are given to the non-Title I schools for the universal screener, and Title I funds are used to purchase the screener in Title I schools, the third presumption of supplanting would not be triggered because the supplemental local funds are “Title I-like” (i.e. *extra* state and local funds)²⁹. Under federal rules supplemental local funds are considered “Title I-like” and excluded from a supplanting analysis if they are:

- Designed to promote schoolwide reform and upgrade the entire educational operation of the school to support students in their achievement toward meeting the state’s challenging academic achievement standards that all students are expected to meet,
- Designed to meet the educational needs of all students in the school, particularly the needs of students who are failing, or most at risk of failing, to meet the state’s challenging student academic achievement standards, and
- Uses the state’s assessment system to review the effectiveness of the activities.

Q9. Can ED Grant Funds Support Tier I Activities Other Than Universal Screeners?

The following ED funds could support Tier I activities:

Funding Source	Activity
<p>School-level Title I, Part A, Schoolwide Program School³⁰</p> <p><i>Note: in a schoolwide program school, all costs must be consistent with the school’s needs assessment and schoolwide plan.</i></p>	<ul style="list-style-type: none"> • Improve curriculum to ensure high-quality instruction aligned to college- and career-ready standards. For example, if universal screening reveals that most of a school’s third grade students struggle with reading, the school may wish to replace its current third grade reading curriculum with one that delivers explicit reading instruction to all 3rd grade students rather than targeting individual students for reading interventions. • Reorganize class schedules to increase teacher planning time. • Reorganize classes to promote personalized learning. • Hire additional teachers to provide small group instruction. • Support additional blocks of instructional time in core content areas.
<p>Title II, Part A³¹</p>	<ul style="list-style-type: none"> • Support all teachers and leaders in learning core content and new instructional strategies to implement high quality curricula aligned to college- and career-ready standards. • Assist teachers in improving classroom behavior. • Assist teachers in using data to improve instruction.
<p>IDEA, Part B Section 611^{32,33}</p>	<ul style="list-style-type: none"> • Develop and implement new learning environments supportive of all learners based on universal design for learning principles. (Whether IDEA could support all or part of the cost will depend on the specific activity and how it is implemented.) • Provide professional development to both regular education and special education teachers on meeting the needs of students with disabilities in the regular education environment.

**Please note the activities listed above are examples only. Just because an activity is not listed does not mean it cannot be supported with federal funds. Similarly, just because an activity is listed does not mean it is permissible in all situations.*

Q10. Can the LEA or school split the cost of the same RTI² activity between one or more funding source(s)?

When using multiple funding sources for the same RTI activities, the LEAs should consider the following:

Eligibility: ED grants can only pay for the part of an activity that benefits eligible participants. For example, IDEA, Part B funds can only be used for special education students (with the exception of Coordinated Early Intervening Services (CEIS) funds). Therefore, IDEA-B could not fund the **entire** cost of an activity that benefits both special education and non-special education students. IDEA-B might, however, be able to support **part of the activity** to the extent it benefits eligible students and is consistent with IDEA fiscal rules (such as excess cost).

Supplement not Supplant in Title I: Supplement not supplant limits the ways in which districts and schools can use Title I to support an activity in which all students, both Title I and non-Title I, participate. For example, a district typically cannot use Title I funds to purchase screeners for Title I schools and then use state or local funds to purchase screeners for non-Title I schools. This issue is discussed in more detail in Q8. Supplement not supplant makes it difficult to use Title I funds to support any part of a *district-wide* activity.

Supplement not Supplant in Schoolwide Schools: Spending within an individual Title I school is easier, particularly within a schoolwide program school. Schoolwide program schools are subject to an alternate supplanting test: all students in the school may participate in Title I-supported activities, and the school may spend Title I funds on a broad array of costs that are consistent with its needs and schoolwide plans. Please see Q8 for more information about the schoolwide model.

Additional Questions?

The information in this document provides guidance in answering the most frequently asked questions regarding the implementation of RTI. If you have specific questions regarding RTI, please feel free to contact TDOE directly for support.

For general RTI questions, please contact Tie Hodack, Director of Instructional Programming, Special Populations, at Tie.Hodack@tn.gov

For program-specific questions (i.e. use of Title I or IDEA part B funds), please contact the appropriate grants program manager. For a list of all program managers, visit:

<http://tn.gov/education/districts/cpm/monitoring.shtml>

Notes

¹ National Center on Response to Intervention (2010):

http://www.rti4success.org/sites/default/files/rtiessentialcomponents_042710.pdf.

² Previously, it was common for a student struggling with the general curriculum not be identified with a SLD until the third grade, and then the primary option made available to that student was special education placement. This approach to SLD identification delayed intensive early interventions which research demonstrates has the greatest likelihood of ensuring student success. Rather than waiting for students to fail, an RTI² approach to SLD determinations aims to identify struggling students earlier. When implemented with fidelity, RTI² could: (1) reduce the number of students referred to special education by providing appropriate instructional interventions that address the student's academic needs; and (2) identify students with Specific Learning Disabilities earlier than under the State's previous determination guidelines.

³ See Section 614(b)(6) of the Individuals with Disabilities Education Act. See also 34 CFR § 300.307.

⁴ 34 CFR § 200.77(g). See also U.S. Department of Education Non-Regulatory Guidance on Using Title I, Part A ARRA Funds for Grants to Local Educational Agencies to Strengthen Education, Drive Reform, and Improve Results for Students (2009): <http://www2.ed.gov/policy/gen/leg/recovery/guidance/titlei-reform.pdf>.

⁵ Most of Tennessee's Title I schools operate schoolwide programs, meaning interventionists may serve any student in the school. In targeted assistance schools interventionists may only serve students identified as failing, or most at risk of failing, to meet state standards (which would likely include students receiving Tier II and Tier III interventions).

⁶ Most of Tennessee's Title I schools operate schoolwide programs, meaning any staff member can receive Title I-funded professional development. In targeted assistance schools only staff that work with eligible students may participate.

⁷ Section 1114 of the Elementary and Secondary Education Act. See also U.S. Department of Education Non-Regulatory Guidance on Using Title I, Part A ARRA Funds for Grants to Local Educational Agencies to Strengthen Education, Drive Reform, and Improve Results for Students (2009): <http://www2.ed.gov/policy/gen/leg/recovery/guidance/titlei-reform.pdf>.

⁸ Section 2123 of the Elementary and Secondary Education Act.

⁹ CEIS funds may be used in coordination with ESEA funds, but must supplement and not supplant ESEA funds for those activities. Additionally, special reporting requirements apply to CEIS funds.

¹⁰ Office of Special Education Programs Memorandum on Coordinated Early Intervening Services, p. 3, available at: <http://www2.ed.gov/policy/speced/guid/idea/ceis-guidance.doc>.

¹¹ See U.S. Department of Education Non-Regulatory Guidance on Using ARRA Funds Provided Through Part B of the Individuals with Disabilities Education Act (IDEA) to Drive School Reform and Improvement (2009), available at: <http://www2.ed.gov/policy/gen/leg/recovery/guidance/idea-b-reform.pdf>

¹² See Office of Special Education Programs Letter, Mar. 7, 2013, available at: <http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/12-011637r-wi-couillard-rti3-8-13.doc>.

¹³ 34 CFR § 200.77(g). See also U.S. Department of Education Non-Regulatory Guidance on Using Title I, Part A ARRA Funds for Grants to Local Educational Agencies to Strengthen Education, Drive Reform, and Improve Results for Students (2009): <http://www2.ed.gov/policy/gen/leg/recovery/guidance/titlei-reform.pdf>.

¹⁴ See generally U.S. Department of Education Non-Regulatory Guidance on Using Title I, Part A ARRA Funds for Grants to Local Educational Agencies to Strengthen Education, Drive Reform, and Improve Results for Students (2009): <http://www2.ed.gov/policy/gen/leg/recovery/guidance/titlei-reform.pdf>.

¹⁵ Section 2123 of the Elementary and Secondary Education Act.

¹⁶ CEIS funds may be used in coordination with ESEA funds, but must supplement and not supplant ESEA funds for those activities. Additionally, special reporting requirements apply to CEIS funds.

¹⁷ See generally Office of Special Education Programs Memorandum on Coordinated Early Intervening Services, available at: <http://www2.ed.gov/policy/speced/guid/idea/ceis-guidance.doc>.

¹⁸ See U.S. Department of Education Non-Regulatory Guidance on Using ARRA Funds Provided Through Part B of the Individuals with Disabilities Education Act (IDEA) to Drive School Reform and Improvement (2009), available at: <http://www2.ed.gov/policy/gen/leg/recovery/guidance/idea-b-reform.pdf>.

¹⁹ Section 2123 of the Elementary and Secondary Education Act.

²⁰ CEIS funds may be used in coordination with ESEA funds, but must supplement and not supplant ESEA funds for those activities. Additionally, special reporting requirements apply to CEIS funds.

²¹ See U.S. Department of Education Guidance on Implementing RTI Using Title I, Title III, and CEIS Funds, slide 15, available at: <http://www2.ed.gov/programs/titleiparta/rtifiles/rti.ppt>

²² See U.S. Department of Education Non-Regulatory Guidance on Using ARRA Funds Provided Through Part B of the Individuals with Disabilities Education Act (IDEA) to Drive School Reform and Improvement (2009), available at: <http://www2.ed.gov/policy/gen/leg/recovery/guidance/idea-b-reform.pdf>.

²³ See generally U.S. Department of Education Non-Regulatory Guidance on Using Title I, Part A ARRA Funds for Grants to Local Educational Agencies to Strengthen Education, Drive Reform, and Improve Results for Students (2009): <http://www2.ed.gov/policy/gen/leg/recovery/guidance/titlei-reform.pdf>.

²⁴ Section 1114(a)(2) of the Elementary and Secondary Education Act.

²⁵ Section 1115(b) of the Elementary and Secondary Education Act.

²⁶ See for example ED's guidance on Title I Fiscal Issues at: <http://www2.ed.gov/programs/titleiparta/fiscalguid.doc>

²⁷ See *Implementing RTI Using Title I, Title III, and CEIS Funds*: <http://www2.ed.gov/programs/titleiparta/rti.html>

²⁸ See 1120A(d) and 34 CFR § 200.79(b).

²⁹ While the "Title I like" exclusion also applies to Title I targeted assistance schools, and to non-Title I schools below 40% poverty, but it is harder to cover a universal service like a screener in such schools with the exclusion.

³⁰ See generally U.S. Department of Education Letter to State Directors, p. 4 (2013), available at: <http://www2.ed.gov/programs/titleiparta/flexswp091313.pdf>.

³¹ Section 2123 of the Elementary and Secondary Education Act.

³² Special considerations for the use of Section 611 funds: LEAs must meet excess cost and maintenance of effort requirements. Further, the amount charged to IDEA, Part B should be proportional to the benefit to the IDEA program.

³³ U.S. Department of Education Non-Regulatory Guidance on Using ARRA Funds Provided Through Part B of the Individuals with Disabilities Education Act (IDEA) to Drive School Reform and Improvement (2009), available at: <http://www2.ed.gov/policy/gen/leg/recovery/guidance/idea-b-reform.pdf>.



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