



Data Notes
Part B Maintenance of Effort Reduction and
Coordinated Early Intervening Services
2009-10 Reporting Year

This document provides information, or data notes, on the ways in which states collected and reported data differently from the Office of Special Education Programs (OSEP) data formats and instructions. In addition, the data notes provide other explanations from states about their data.

Arizona

Some LEAs voluntarily spent Coordinated Early Intervening Services (CEIS) funds in 2009-10 (C3B). Some of these LEAs used the funds for staff professional development, and they did not report any students served yet because of the timing of their training. The districts will report those students in 2010-11.

The reason Arizona reported a “-9” for the Graham County Special Services (GCSS) determination is that GCSS is considered a public consortium, which is defined as the district of attendance (DOA) where services are provided to students enrolled in several districts of residence (DOR) that make up the consortium. This public education agency (PEA) acts as the fiscal agent but does not meet the criteria for a PEA determination given that many data points in the determination do not apply, and the resulting calculation would not be valid.

Bureau of Indian Education

Four BIE schools reported they reserved funds for voluntary CEIS (Column C3A) but did not report 611 or 619 allocations for these schools. Of all the reporting, this was the most difficult because of the tracking requirements and general confusion about reporting. Choctaw Central High School reported reserved funds for CEIS, but it did not need to use any funds for this purpose. The high school reported no students receiving these funds. Hopi Day School does not know how much it spent, but thought the amount was considerable because of the number of students to whom the money was applied. That data point is missing in the report. Hunters Point reported that it spent \$2,250 on 24 students, none of whom eventually needed special education services. San Felipe was confused in reporting as it indicated it did not reserve up to 15% of its funds for CEIS, but did spend \$1,100 on no students. Here are the 611 and 619 funds for these four schools:

Choctaw Central HS: \$720,033
Hopi Day School: \$245,910
Hunters Point: \$121,551
San Felipe: \$473,025

California

The 2009-10 cohort of local educational agencies (LEAs) identified as having significant disproportionality was notified Nov. 25, 2009. LEAs were required to provide the California Department of Education (CDE) with assurances related to setting aside 15% of their regular FY 2009-10 funds and *American Reinvestment and Recovery Act* and *Individuals with Disabilities Education Act (IDEA)* funds in order to continue to receive their 2009-10 grant funds. CDE provided guidance and training regarding use of funds and appropriate implementation plans to the districts in March 2010. The guidance required the districts to complete a review of policies, procedures, and practices; to prepare a plan that would integrate early intervening services (EIS) into existing school improvement and reform plans, and to publicly report any policy changes made as a result of their reviews. LEA EIS Plans were due by June 30, 2009. As a result, no students were served using these funds in SY 2009-10. However, districts will fully expend the 15% of regular *IDEA* grant and *IDEA ARRA* funds by Sept. 30, 2011. As we understand the version of Table 8 for 2010-11, there is no provision for reporting students served using 2009-10 funds in SY 2010-11.

Julian Union High had a significant decrease in the amount of 611 funds it received in 2009. Each Special Education Local Plan Area (SELPA) has a unique allocation model that is approved by a governance board. The governance board is made up of each member district, and the allocation plan is approved by each member district. Thus, CDE does not know why a district agrees to receive a particular allocation of *IDEA* funds from its SELPA for a particular school year.

Connecticut

The state reported one or more LEA/ESA was required to use 15% of funds for CEIS due to significant disproportionality in Sections C2A and C3A, but reported no students in Section D2 for one or more of the LEAs. These LEAs had to set-aside 15% of their *IDEA* funds for SY 2010-11. The LEAs would not have used any *IDEA* funds for CEIS purposes in SY 2009-10. Since the question did not ask about use of CEIS for SY 2010-11, the responses were "0."

Delaware

One LEA reported that it was required to use 15% of funds for CEIS due to significant disproportionality in Section C2A, but no students were reported in Section D2 for one or more the LEAs. The one LEA is a very unique district in that it serves only middle and high school students. Its elementary schools are actually located in and served by the State of Maryland.

The data entered in C2B appears to be 15% of what A5 totals were before FFY 2008 data were adjusted to include the *ARRA* money. There was a typo in the amount for one of the districts.

District of Columbia

The state reported one or more LEA/ESA was required to use 15% of funds for CEIS due to significant disproportionality in Section C2A, but no students were reported under Section D2. The district did not release its CEIS determinations, using FFY 2009 data, until after the FFY 2010 grant allocations were released. As such, each LEA had the option to take its 15%

reservation from one of the following grant cycles: FFY 2008, FFY 2009, FFY 2010, or FFY 2011. All five of the LEAs identified as having to make a mandatory set-aside chose to take it from the upcoming FFY 2011 grant cycle, which affects SY 2011-12. Therefore, it will be the third Table 8 submission, due May 1, 2013, before student data will be available for submission for these five LEAs in Section D2. It is possible that one or all of these LEAs will have finished providing CEIS services to its students by April 30, 2012, of that school year, but it is unlikely, since most district schools are open until the first week of June.

Georgia

Dublin City had a significant decrease in the amount of 611 funds it received in 2009. It received a grant, and it appears that the \$89,068 was reported in error. The actual allotment should be \$585,558.

Hawaii

Hawaii Department of Education functions as a unitary system, with one Board of Education. As the state educational agency (SEA), Hawaii demonstrates compliance with the Maintenance of Financial Support (MFS) CFR §300.163, rather than Maintenance of Effort (MOE), as authorized by OSEP during the 2010 Verification visit. Under the MFS, both the 611 and 619 funds were used to determine the 50% requirement, CFR §300.230.

For Table 8, the instructions are for states to calculate the MOE requirement, not MFS. Since Hawaii is not required to calculate the MOE, Table 8 does not give an accurate picture for the operation of unitary systems. With that said, in Table 8 in Column B3, Hawaii reported a reduction of \$20,832,413 of the 611 funds per the instructions for the MOE requirement. However, since Hawaii reports on MFS, which includes both 611 and 619 funds, the reduction was increased by \$530,534, totaling \$21,362,947 to include 619 funds, as required under MFS.

Idaho

Several districts were reported as reducing MOE more than 100% of the allowed amount. In the case of Salmon River District #243, the district was notified in December of 2010, and the funds were repaid, from non-federal funds, to the state department of education. In the case of Cambridge District #432, the district was notified in December of 2010, and the excess was repaid. In both of these cases, the funds were returned to the U.S. Department of Education by April of 2011.

For the other two districts with excess reductions, Idaho Falls 091 and Bear Lake 033, the state is unable to determine the reason for excess. Thus, the state cannot revise the amount at this time and will have to do additional research with the districts into whether these excess amounts are due to allowances under 34CFR 300.204 or to determine if the districts may need to revisit the standard used for calculating MOE under 300.203. The state will make every effort to accomplish this as quickly as possible and to notify OSEP when a determination has been made.

Illinois

IL reported one LEA was required to use 15% of funds for CEIS due to significant disproportionality in Section C2A, but the LEA reported no students under Section D2 in SY 2009-10 and did not use funds for this purpose during that year. The SEA is currently implementing enforcement actions with this LEA to ensure the LEA implements this requirement in a future fiscal year, despite the fact that the LEA did not continue to show significant disproportionality beyond SY 2009-10.

IL reported that some LEAs voluntarily used up to 15% of *IDEA* 611 and 619 funds for CEIS in Section C3A, but no students were reported under Section D2 for one LEA that used the funds in SY 2009-10. In this instance, the amount voluntarily reserved for CEIS was from the LEA's *ARRA* allocation. The combined regular and *ARRA* allocations were reported in Column A2B and A3B per Table 8 instructions. In accordance with federal guidance that allows LEAs to obligate *ARRA* funds over the course of 27 months up to the Sept. 30, 2011, deadline and in order to allow for proper planning and fiscal prudence, the timeframe in which the funds were spent did not allow for implementation of CEIS services to serve students without disabilities until SY 2010-11.

IL reported different figures for Column C2B than the auto-calculated figure in Column A5 for one or more LEAs. In one instance (as described above), the LEA was required by the SEA to use 15% of funds for CEIS due to significant disproportionality in SY 2009-10, but the LEA did not use the funds for this purpose during SY 2009-10. The SEA is currently implementing enforcement actions with this LEA to ensure the LEA implements this requirement in a future fiscal year, despite the fact that the LEA did not continue to show significant disproportionality beyond SY 2009-10. In another instance, the LEA was required by the SEA to use 15% of funds for CEIS due to significant disproportionality in SY 2009-10, but the LEA did not use the entire 15% of funds for this purpose during that year. The SEA subsequently ensured that the LEA implemented CEIS in SY 2010-11, despite the fact that the LEA did not continue to show significant disproportionality beyond SY 2009-10. In the remaining instances, the SY 2008-09 final total allocations were used to determine the 15% CEIS set-aside amount. This is because the SY 2009-10 allocations were projected, not final, at the time the set-aside was determined.

Indiana

After careful review of the corporations that were noted as overreducing their MOE on the May 2011 data submission, several explanations are needed. In Indiana, MOE is calculated using a combination of 611 and 619 expenditures. It is our understanding that Table 8 uses only 611 expenditures. Due to this discrepancy between formulas, some of the calculations referenced in Table 8 do not match the calculations Indiana has previously submitted.

For the above-mentioned reasons, three of the corporations that were noted to have overreduced their MOE were not found to be out of compliance with Indiana's calculations. These corporations are: Huntington County Community School Corporation, South Knox School Corporation, and Lebanon Community School Corporation.

Indiana is in agreement that four of the districts noted have overreduced their MOE. Those districts are: Southeast Dubois County School Corporation, Perry Central Community Schools, Western Wayne Schools, and Tell City-Troy Township School Corporation. Indiana does have a system in place for any LEA that misses MOE and will follow the procedure accordingly. The SEA will work with districts to ensure all reported calculations are accurate. Indiana is aware that the SEA will be responsible for repayment of any funds to the U.S. Department of Education, and, in turn, the LEA will be responsible for repayment to Indiana.

Iowa

The two LEAs that reported they voluntarily used up to 15% of *IDEA* 611 and 619 funds for CEIS in C3A did not report students are in their area education agencies, and they used their funds to serve students in other LEAs in their region. These other LEAs then reported those students.

The state reported different figures for Column C2B (amount reserved for required CEIS in the LEA/ESA in 2009-10) and Column A5 (15% of the total LEA/ESA allocation for Sections 611 and 619 of *IDEA* for FFY 2009) in one or more LEAs. The “General Instructions” state in item #2 to report whole-dollar amounts. That is what the state entered in both C2A and in C3B. Those LEAs reported in C2A must reserve (and expend) the 15% maximum; those in C3A (Voluntary user) may use up to the 15% but may use less than the 15% maximum. The federal calculation does not round to the nearest whole dollar; Iowa’s figures do round to the nearest whole dollar.

Louisiana

The following charter organizations did not provide information for Table 8:

- 343 – Community School for Apprenticeship Learning
- 371-RSD – Shreveport Charter School, Inc. (School closed at the end of 2009-10; no information available)
- 372-RSD – Crestworth Learning Academy, Inc.
- 373-RSD – Arise Academy
- 374-RSD – Success Preparatory Academy, Inc.
- 375-RSD – Benjamin E. Mays Preparatory School
- 376-RSD – Pride College Preparatory Academy
- 378 – 100 Black Men Charter Initiative (School closed; no information available)
- 380-RSD – Intercultural School Board, Inc.
- 381-RSD – Akili Academy of New Orleans
- 382-RSD – Advocacy for Science and Math
- 386– Esperanza Charter School (School closed and reopened by a new charter organization; no information available)
- 390-RSD – Dryades YMCA
- 394-RSD – Treme Charter Schools Association

Maine

Two LEAs (Boothbay-Boothbay Harbor CSD and Lewiston School Department) had significant decreases in the amount of 611 funds they received in 2009. The state has received revised

numbers that would correct the MOE concerns in both districts and changes in 2009 values for additional districts. The original source data for 2009 data apparently did not include the latest *ARRA* numbers. The revised number also includes small adjustments to nine districts' 2008 values.

Maryland

Section C3A reports that Baltimore City voluntarily set aside 15% of funds for CEIS in *ARRA* SFY 2009-10, but the city will not have data to report in Section D2 until SY 2010-11.

Michigan

The state reported different figures for Column C2B and Column A5 in one or more LEAs. Based upon guidance provided by OSEP, the answer to question 16 states that an LEA required to reserve 15% of its allocations for CEIS may either use funds from the award following the date on which significant disproportionality was determined, or from funds awarded from the appropriation for a prior federal fiscal year. In fact, of the LEAs shown on Table 8, four LEAs chose to use 2009-10 allocations and seven LEAs chose to use 2008-09 allocations to carry out their required CEIS activities. Therefore, Table 8 incorrectly assumes that all LEAs identified must use 2009-10 funds to meet the CEIS requirement. Data reported in Section C2B were reported correctly.

Minnesota

Since CEIS funds may be spent on many different projects, expenditures do not directly affect students in the year the funds are expended. In other words, CEIS is a funding stream and not a specific program. Some examples of why Minnesota districts used 611 and 619 funds for CEIS in 2009-10 but did not report students as receiving CEIS in the same school year include the funded program was a summer school activity, and students are not reported until the following school year, and October 1 enrollment, a teacher mentoring program designed to improve instruction to students or a professional development program.

Mississippi

The state reported LEAs were required to use and voluntarily used 15% of funds in Section C2A and C3A, but no students were reported Section D2. The state will be moving from an aggregate count of students that are included in the LEA's annual application to a data collection within the Student State Database, MSIS, which will require a CEIS indicator to be set for all students. This collection will allow the tracking of all students through the state database and will provide clearer results.

The state reported different figures for Column C2B and Column A5. One district that was required to set aside 15% had only set aside 8%, thus causing a discrepancy in the total state numbers. Mississippi will be moving to an online application for SY 2011-12 that will include edits and mathematical calculations, thereby removing human mistakes.

New Hampshire

The Concord School District was not required to reserve 15% of CEIS because of disproportionality. A yes was accidentally reported under Column C2A. The necessary changes have been made and resubmitted to OSEP.

New Mexico

New Mexico reported a “-9” for the determination for the New Mexico School for the Deaf. According to 34 CFR § 300.600(d), the state must monitor the LEAs located in the state, using quantifiable indicators in each of the following indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas. 34 CFR § 300.600(a) (2) requires the state to make determinations annually about the performance of each LEA in the state using categories in 34 CFR § 300.6-3(b) (1), which includes information from the state’s annual performance report. Not all of the indicators apply to the New Mexico School for the Deaf such as disproportionate representation, least restrictive environment, 60-day timeline, etc. The school is monitored on the indicators that apply and are publically reported. However, the determination criteria do not apply to the school.

New York

The NYS Executive Budget directed the state education department to distribute one-half of the 2009-10 *ARRA* funds in the 2009-10 school year and the other half in the 2010-11 school year. Reporting the full amount of *ARRA* funds in 2009-10 affected the automatic calculation of 15% that school districts were required to reserve for CEIS and also for districts that voluntarily reserved up to 15%. The data reported for the actual amounts that school districts reserved for CEIS are the amounts that school districts budgeted in their federal aid applications. They will be less than 15% for the required districts. When the state reports 2010-11 data in Table 8, it will not report any *ARRA* funds as part of the 2010-11 *IDEA* allocation since it was required to report the full amount of *ARRA* in 2009-10. This will mean that in 2010-11, the amounts that school districts reserve for CEIS will calculate to more than 15%.

Ohio

The districts that reported yes for Section C3A, but reported no students in Section D2 used the funds for personal development to teachers and did not understand how to quantify how many students were “impacted.”

Oklahoma

Seven school districts that set aside money for CEIS did not report information on students who received CEIS. The information collected for Table 8 comes from multiple data sources. With the first year of data collection, the state did not compare districts that voluntarily set aside money with their data on the number of students that received CEIS. The state will be making comparisons and discussing with the districts an appropriate way to collect those data in the upcoming data collection.

The state drew down the *ARRA* money early. It was allocated one-half in FFY 2008 and one-half in FFY 2009. That is how the allocations were sent to the districts. The state received an audit finding because it drew down the money early. The MOE was determined as if all of the money was in FFY 2009. After the audit finding, the state had to return money that was not spent. Therefore, since some districts had already spent the money and some had not, the MOE was determined on 100% of the *ARRA* money being in the FFY 2009. The state is looking at making a determination on whether the MOE should be recalculated since the allocations were one-half and one-half.

Eleven school districts were mistakenly reported as both being required and voluntarily reserving CEIS funds. These 11 school districts all voluntarily reserved CEIS funds. The data will be resubmitted at a later date.

Oregon

The Maintenance of Effort reduction data (columns B3 & B4) for four districts was incorrectly reported. The correct information for those four districts is presented in the table below, and can be located on the Oregon Department of Education website at this link:

<http://www.ode.state.or.us/search/page/?=2902>.

B1A. LEA/ESA Name	B1B. LEA/ESA NCES ID#	B2. For each LEA/ ESA, specify the determination under 34 CFR § 300.600(a)(2) that controls whether the LEA may be able to reduce MOE during SY 2009-2010.	B3. Reduction of local and/or State funds taken pursuant to Section 613(a)(2)(C) by the LEA/ESA during SY 2009-10 (dollar \$ amount)	B4. Percent of the available reduction taken by LEA /ESA during SY 2009-10 (PERCENT)
Centennial SD 28J	4102800	Meets the requirements and purposes of Part B	765138.59	100
Gaston SD 511J	4105430	Meets the requirements and purposes of Part B	50104.49	100
Harney County SD 3	4102490	Meets the requirements and purposes of Part B	115466.14	100
Knappa SD 4	4100040	Meets the requirements and purposes of Part B	-9	-9

Pennsylvania

Since the Mutually Agreed Upon Written Agreements Agencies (MAWAs) do not receive 619 funds as districts, but rather as MAWAs, and because MAWAs do not serve children K-12 and therefore cannot be required to use or voluntarily use CEIS funds, those LEAs would report \$0 under A3A and A3B.

Rhode Island

The Rhode Island Department of Education provided technical assistance to LEAs as needed. Despite intense technical assistance provided to one LEA, it continued to struggle with expending EIS funds and thus tracking students. One of the LEAs budgeted to hire a specific type of professional personnel for delivery of EIS. The LEA did not spend the money for EIS as the personnel position was never filled. Therefore, there were no services provided or children to

report related to that personnel position. In many cases, expenses expected for training did not come to fruition or come to as high of a cost as expected. The unexpended funds were applied to EIS in FFY 2010.

Three districts in Rhode Island were reported as reserving more than 15% of funds. The state calculates the 15% reserve based on the total funds budgeted.

Texas

Some LEAs did not receive a determination rating in FFY 2009 (B2) because the LEA was not operational during the year information was collected. Some LEAs that were eligible to reduce their Maintenance of Effort (MOE) exceeded 50% (B3). The state identified those LEAs and took appropriate action. Some LEAs that were not eligible to reduce their MOE reduced it. The state has identified those LEAs and has taken appropriate action.

Some LEAs voluntarily spent CEIS funds in 2009-10 (C3B) from their *IDEA-B ARRA* fund source, but will not serve students until 2010-11. Therefore, they reported zero students served in 2009-10 (D2).

Vermont

Two educational services agencies (ESAs) voluntarily reserved funds for CEIS in 2009-10 but did not report any children served by CEIS during that year. The reasons are as follows: The ESA Franklin Northwest Supervisory Union (NCES ID 5099920) originally budgeted \$10,000 for CEIS, but no funds were actually used for CEIS. Therefore, the ESA did not report any students served by CEIS. The ESA Orange East Supervisory Union (NCES ID 5099927) used \$15,942 of the \$27,168 budgeted for CEIS; however, the supervisory union did not spend CEIS monies until late in the 2009-10 school year. It purchased assessment materials and related equipment that it began using in 2010-11. Since it did not use the assessments in 2009-10, it reported that no children were served by CEIS funds for the 2009-10 school year. The Orange East Supervisory Union is now implementing the assessments and is tracking students benefiting from the purchased materials and equipment.

Virginia

The state reported different figures for Column C2B and Column A5 for one LEA. The LEA was required to set aside the 15%, but did not do so until the next grant award. The reporting format for Table 8 did not allow for this to be reported.

Wyoming

The state reported that some LEAs voluntarily used 15% of funds in Section C3A, but no students were reported in Section D2 for one or more of the LEAs. One district initially indicated it would be using CEIS funds (volunteer); however, the district never used the funds so no student-level data were necessary. The district completed an amendment to its grant application and spent the grant funds on other allowable costs.

The state reported different figures for Column C2B and Column A5 in one or more LEAs. These data were initially reported incorrectly, but when the state reviewed its accounting file, these data were updated and corrected.

The state reported a “-9” in the determination for Wyoming Department of Health in 2008-09. This was an oversight that occurred during the reporting of the data. The determination should have been entered as Needs Assistance, and this datum has been corrected.