

SECTION 613
EARLY INTERVENING SERVICES
(Instructional Support Services)

SECTION	IDEA 2004 LAWS
EARLY INTERVENING SERVICES (Instructional Support Services)	
613(f)(1)	<p>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 style="padding-left: 20px;">(A)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 interventions, including scientifically based literacy instruction, and, where appropriate, instruction on the use of adaptive and instructional software; and</p> <p style="padding-left: 20px;">(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 the State educational agency on-- (A) the number of students served under this subsection; and (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> <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>

SECTION 613
ADJUSTMENT TO LOCAL FISCAL EFFORT

SECTION	IDEA 2004 LAWS
ADJUSTMENT TO LOCAL FISCAL EFFORT	
613(a)(2)(C)	<p>(a)(2)(C) ADJUSTMENT TO LOCAL FISCAL EFFORT IN CERTAIN FISCAL YEARS.--</p> <p>(i) AMOUNTS IN EXCESS.--Notwithstanding clauses (ii) and (iii) of subparagraph (A), for any fiscal year for which the allocation received by a local educational agency under section 611(f) exceeds the amount the local educational agency received for the previous fiscal year, the local educational agency may reduce the level of expenditures otherwise required by subparagraph (A)(iii) by not more than 50 percent of the amount of such excess.</p> <p>(ii) USE OF AMOUNTS TO CARRY OUT ACTIVITIES UNDER ESEA.--If a local educational agency exercises the authority under clause (i), the agency shall use an amount of local funds equal to the reduction in expenditures under clause (i) to carry out activities authorized under the Elementary and Secondary Education Act of 1965.</p> <p>(iii) STATE PROHIBITION.--Notwithstanding clause (i), if a State educational agency determines that a local educational agency is unable to establish and maintain programs of free appropriate public education that meet the requirements of subsection (a) or the State educational agency has taken action against the local educational agency under section 616, the State educational agency shall prohibit the local educational agency from reducing the level of expenditures under clause (i) for that fiscal year.</p> <p>(iv) SPECIAL RULE.--The amount of funds expended by a local educational agency under subsection (f) shall count toward the maximum amount of expenditures such local educational agency may reduce under clause (i).</p>

SECTION 618
DISPROPORTIONALITY

SECTION	IDEA 2004 LAWS	SUMMARY
DISPROPORTIONALITY		
618(d)(1)(2)	<p>(d) DISPROPORTIONALITY.—</p> <p>(1) IN GENERAL.--Each State that receives assistance under this part, and the Secretary of the Interior, shall provide for the collection and examination of data to determine if significant disproportionality based on race and ethnicity is occurring in the State and the local educational agencies of the State with respect to--</p> <p style="padding-left: 20px;">(A) the identification of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment described in section 602(3);</p> <p style="padding-left: 20px;">(B) the placement in particular educational settings of such children; and</p> <p style="padding-left: 20px;">(C) the incidence, duration, and type of disciplinary actions, including suspensions and expulsions.</p> <p>(2) REVIEW AND REVISION OF POLICIES, PRACTICES, AND PROCEDURES.--In the case of a determination of significant disproportionality with respect to the identification of children as children with disabilities, or the placement in particular educational settings of such children, in accordance with paragraph (1), the State or the Secretary of the Interior, as the case may be, shall—</p> <p style="padding-left: 20px;">(A) provide for the review and, if appropriate, revision of the policies, procedures, and practices used in such identification or placement to ensure that such policies, procedures, and practices comply with the requirements of this title;</p> <p style="padding-left: 20px;">(B) require any local educational agency identified under paragraph (1) to reserve the maximum amount of funds under section 613(f) to provide comprehensive coordinated early intervening services to serve children in the local educational agency, particularly children in those groups that were significantly overidentified under paragraph (1); and</p> <p style="padding-left: 20px;">(C) require the local educational agency to publicly report on the revision of policies, practices, and procedures described under subparagraph (A).</p>	<p>Adds “incidence, duration, and type of disciplinary actions, including suspensions and expulsions.”</p> <p>If significant disproportionality based on race and ethnicity is found to be occurring in a district, the state will require the district to reserve the maximum amount of funds to provide comprehensive coordinated instructional supports (early intervening services).</p>

KEY: All **bolded** language is **new** language.