

AEA Special Education Funded Staff Involvement in General Education Interventions

AEA staff paid for with special education funds should be used for special education purposes. According to 20 U.S.C. § 1413(a)(2); Iowa Code § 256B.9(1); id. § 256B.11(e), special education funds are to be used for special education purposes and to be a service chargeable to special education funds, the service provided must be necessary because of a child’s disability. Special education funds should be used to find and evaluate children who may be children with disabilities. Special education funds should also be used to provide “specially designed instruction” (special education) and support and related services to children who are identified as children with disabilities. Typically, Part B and state special education funds should be used in the same way. The exception is that Part B funds may be used to support positive behavior interventions and supports (PBIS) and to provide coordinating early intervening services (CEIS).

In order to determine if an activity is allowable for an AEA staff member who is 100% funded with special education funds to complete, one must always ask, “Is the purpose and intent of the activity, regardless of the MTSS tier or location in which it is performed, an appropriate use of special education funds? Is there a connection to the needs of students with disabilities? Is there a nexus to meeting the needs of a child with a disability?”

The following table provides some examples of activities that are and are not allowable for an AEA staff member to complete when the AEA staff member is solely funded by special education funds. Details in the table were taken from Use of Special Education Funds: Questions and Answers [Program Considerations] (2014, May 14).

Expected and Potential Activities for Special Education Funded Staff

Activity Category	Expected AEA Supports in Special Education (allowable uses of special education funds)	Potential AEA Supports beyond Special Education (unallowable uses of special education funds)
Universal tier support	<p>Support work in the universal tier that specifically targets students with disabilities.</p> <p>Coaching special education teachers to support students in a MTSS.</p> <p>Professional development and coaching to apply the current interventions to students in special education.</p>	<p>Support work in the universal tier of MTSS for all students.</p> <p>Coaching teachers to implement MTSS.</p> <p>General professional development on MTSS, the tiers of MTSS, and interventions that may be used as part of a MTSS.</p>
Universal tier support	<p>Professional development on ways to modify the Iowa Core to meet the needs of learners in special education.</p> <p>Develop strategies, etc., for students with disabilities to have access to and participate in the Iowa Core Curriculum and in the universal tier.</p>	<p>Professional development on the Iowa Core standards.</p> <p>Develop strategies for all students to access the Iowa Core Curriculum. Develop strategies to implement Universal Design for Learning for all learners.</p>
Universal tier support	<p>School improvement activities specifically directed at improving the services to and performance of the “students with disabilities” subgroup are an appropriate use of special education funds.</p>	<p>General school improvement activities are to be supported with general education resources.</p>

Activity Category	Expected AEA Supports in Special Education (allowable uses of special education funds)	Potential AEA Supports beyond Special Education (unallowable uses of special education funds)
Data-based decision making	Attend a portion of the “data day” to use data from a statewide data system on universal screening and progress monitoring for all elementary school children to make decisions about which children to consider referring to special education and about improving specially designed instruction for eligible individuals.	Attend a portion of the “data day” to use data from a statewide data system on universal screening and progress monitoring for all elementary school children to assist the school in determining the instruction needed and provide problem solving for all teachers to improve instruction for all children and for intervention groups.
Data-based decision making	Attend a building assistance team meeting for the purpose of “child find,” determining if a disability is suspected for that child, for gathering information to determine a child’s eligibility after consent if signed, or as part of improving services or outcomes for a child with an IEP.	Attend all building assistance team meetings as a regular team member, for all students, regardless of concern or stage of problem solving and with no connection to special education (e.g., child find).
Intervention support	Provide secondary support for general education interventions, with particular attention to selecting and designing interventions, supporting data-based decision making, and assisting in determining whether a disability is suspected.	Conduct general education interventions. General educators are primarily responsible for identifying students for GEI; selecting areas of concern; collecting data and monitoring; and making decisions based on GEI data.
Intervention support	Provide brief assistance to a student and/or provide strategies to the student’s teacher under the “occasional and incidental” safe harbor.	Provide regular and on-going assistance to the student/teacher as an intervention prior to child find.
Intervention support	Assist with the development of general education interventions for common difficulties in related service areas (e.g., communication and physical development). This would apply to other support service areas too.	Many common difficulties in related service areas (e.g., communication and physical development) may be addressed with short-term intervention delivered by general education staff instead of related service providers. To the extent that general educators are capable of implementing these interventions, they are the responsibility of general education to implement.
504 support	Provide services for students who are eligible under Section 504 that are also part of the student’s evaluation for special education.	Provide services for students who are solely eligible under Section 504.
Child Find	If the AEA suspects the learner may have a disability, the agency must seek parental consent for an evaluation.	Suspecting a disability and not engaging in the child find process, but instead continuing the general education intervention.
Child Find	Complete an evaluation as part of Child Find. An evaluation is a collection of activities conducted with parental consent, to determine whether a child has a disability and the degree of the child’s need for special education. The evaluation must address all areas of suspected disability.	N/A

Activity Category	Expected AEA Supports in Special Education (allowable uses of special education funds)	Potential AEA Supports beyond Special Education (unallowable uses of special education funds)
Special education	Provide support services as defined in rules. Iowa Admin. Code rr. 281—41.34, 41.409. Common support services include speech-language therapy, occupational therapy, school psychology services, school social work services, and physical therapy.	Provide instructional services, the specially designed instruction and accommodations provided by special education personnel to eligible individuals for children with disabilities, which is typically provided by LEAs. Iowa Admin. Code rr. 281—41.408(1).
Special education	Provide related services, as defined in Iowa Admin. Code rr. 281—41.34, 41.411, that are also support services and are required to assist a child with a disability to benefit from special education.	Provide related services, as defined in Iowa Admin. Code rr. 281—41.34, 41.411, that are not support services (such as transportation, see id. r. 281—41.412) and are required to assist a child with a disability to benefit from special education. These services are provided by LEAs.
Professional learning	Provide professional development, which means training needed by education professionals that enables them to meet the needs to eligible individuals.	Provide professional development, which means training needed by education professionals that enables them to meet the needs of all learners or learners without disabilities.

Reference

Use of Special Education Funds: Questions and Answers [Program Considerations]. (2014, May 14). Retrieved from <https://educate.iowa.gov/media/1289/download?inline>.