

LRE for Preschool Children with Disabilities : Requirements and Updates

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for the

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[1]

Presentation Objectives

- Provide an overview of the IDEA requirements for LRE
- Provide an overview of the status of APR indicator B6 for federal reporting of state and local performance
- Provide updates on the revised preschool educational environments reporting categories
- Provide resources and frameworks for assessment, problem-solving, building capacity and program development

[2]

IDEA 2004 Regulatory Requirements

[3]

§ 300.101 (b) FAPE

(b) FAPE for children beginning at age 3.

(1) Each State must ensure that:

- (i) The obligation to make FAPE available to each eligible child residing in the State begins no later than the child's third birthday; and
- (ii) An IEP or an IFSP is in effect for the child by that date, in accordance with §300.323(b).

(2) If a child's third birthday occurs during the summer, the child's IEP Team shall determine the date when services under the IEP or IFSP will begin.

[4]

§300.114 LRE requirements.

Each public agency must ensure that:

- To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and
- Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment **occurs only** if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

(5)

§ 300.42 Supplementary Aids & Services

Means aids, services and other supports that are provided in the regular education classes, other education related settings and in extracurricular and nonacademic settings, to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with §§300.114 and 300.116

(6)

§300.105 Assistive Technology

(a) Each public agency must ensure that assistive technology devices or assistive technology services or both as defined in § 300.5 and 300.6 are made available to a child if required as part of the child's-

- (1) Special Education under §300.36
- (2) Related Services under §300.34 or
- (3) Supplementary aides and services under §§300.38 and 300.114 (a)(2)(ii)

[7]

§300.115 Continuum of Alternative Placements

Each public agency must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.

[8]

§ 300.115 Continued...

(b) The continuum must:

- (1) Include the alternative placements listed in the definition of special education under §300.38 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and
- (2) Make provision for supplementary services such as resource room or itinerant instruction, to be provided in conjunction with regular class placement.

[9]

OSEP Policy Letters

Letter to Hirsh, 44 IDELR 194 (OSEP 2005). OSEP explained that the “full continuum” of placement options must be available to preschoolers with disabilities.

[10]

§300.116 Placements

In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency must ensure that:

(a) The placement decision

- (1) Is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and
- (2) Is made in conformity with the LRE provisions;

[11]

§300.116 Continued...

(b) The child's placement:

- Is determined at least annually;
- Is based on the child's IEP; and
- Is as close as possible to the child's home;

(c) Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled;

[12]

§300.116 Continued...

(d) In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs; and

(e) A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

[13]

Individualization

- Individualization is essential and is the clear intent of this process
- Existing program availability does not determine LRE
- A child's individual needs and IEP goals will influence the placement process in addition to the clear LRE requirements

[14]

Supplementary Comments

“Section 300.116 clearly states that the requirements for determining the educational placement of a child with a disability include preschool children with disabilities and that such decisions must be made in conformity with the LRE provisions in §§300.114 through 300.118. This includes ensuring that a continuum of services is available to meet the needs of children with disabilities for special education and related services.”

[15]

Supplementary Comments

Continued...

“The LRE requirements in §§300.114 through 300.118 apply to all children with disabilities, including preschool children who are entitled to FAPE. Public agencies that do not operate programs for preschool children without disabilities are not required to initiate those programs solely to satisfy the LRE requirements of the Act. Public agencies that do not have an inclusive public preschool that can provide all the appropriate services and supports must explore alternative methods to ensure that the LRE requirements are met. Examples of such alternative methods might include placement options in private preschool programs or other community-based settings.

[16]

Continued...

“Paying for the placement of qualified preschool children with disabilities in a private preschool with children without disabilities is one, but not the only, option available to public agencies to meet the LRE requirements. We believe the regulations should allow public agencies to choose an appropriate option to meet the LRE requirements. However, if a public agency determines that placement in a private preschool program is necessary as a means of providing special education and related services to a child with a disability, the program must be at no cost to the parent of the child.”

[17]

OSEP Policy Letter - 2006 Congressman Christopher Smith

Preschool children and the Definition of a Private School

<http://www2.ed.gov/policy/speced/guid/idea/letters/2006-4/smith120106privschools4q2006.pdf>

The final regulations (§300.130) clarify “parentally placed private school children” as children enrolled by their parents in private, including religious schools or facilities only if they meet the definition of a “elementary school” (§300.13) or “secondary school” (§300.36).

[18]

OSEP Policy Letter - 2006 Congressman Christopher Smith

Continued....

“Thus, children with disabilities ages, 3 through 5 are considered to be parentally placed..... **only if** they are enrolled in private schools and facilities that meet the definition of an elementary school”

[19]

Definition of Private School

Most community-based programs such as preschools, child care and Head Start do not meet the OSEP policy for and definition of a private school placement as they do not meet the definition of an “elementary school” facility.

[20]

§300.320 Definition of Individualized Education Program

- (1) A statement of the child's present levels of academic achievement and functional performance, including
- (ii) How the child's disability affects the child's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled children);

[21]

Importance of General Education Curriculum

Examples in Utah might include

- High Scope
- We Can
- Creative Curriculum
- Read, Play, Learn

Consider the Utah PreK Guidelines

[22]

§300.320 Definition of Individualized Education Program Continued.....

- (ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities

[23]

§300.320 Definition of IEP (cont.)

- (5) An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described;

[24]

§300.321 (f) IEP Team

Initial IEP Team meeting for child under Part C. In the case of a child who was previously served under Part C of the Act, an invitation to the initial IEP Team meeting must, at the request of the parent, be sent to the Part C service coordinator or other representatives of the Part C system to assist with the smooth transition of services.

[25]

§300.322(a)(2)(b)(ii) (f) IEP - Parent Participation

Must inform the parents of the provisions in 300.321(f) regarding the invitation to Part C to attend the IEP meeting

[26]

Considering Part C Data

- ✓ §300.323 The IEP team must consider the IFSP
- ✓ §300.326 Determination of eligibility
- ✓ §300.305 Additional requirements for evaluations and reevaluations (Review of existing data)

[27]

The Relationship of Transition from Part C to Part B to LRE

[28]

§300.124 Transition of Children from the Part C Program to Preschool Programs.

The State must have in effect policies and procedures to ensure that:

- (a) Children participating in early intervention programs assisted under Part C of the Act, and who will participate in preschool programs assisted under Part B of the Act, experience a smooth and effective transition to those preschool programs in a manner consistent with section 637(a)(9) of the Act;

(29)

Part C -Transition from Part C Services

- ✓ Part C Responsibility to develop a Transition Plan

(1) The IFSP must include the steps to be taken to support the transition of the child to:

Preschool services under Part B of the Act, to the extent that those services are appropriate; or

Other services that may be available, if appropriate.

(30)

Part C-Transition

(2) The steps required include:

- Discussions with, and training of, parents regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to, and function in, a new setting; and
- With parental consent, the transmission of information about the child to the local educational agency, to ensure continuity of services, including evaluation and assessment information required, and copies of IFSPs that have been developed and implemented.

[31]

Implications for LRE and Part B

- ✓ Focus on Natural Environments
- ✓ Family experiences in Natural Environments
- ✓ Responsibility to support family and develop a transition plan
- ✓ Part B (LEA) is involved and is part of the plan.

[32]

SPP/APR Updates

Indicator B6

Preschool LRE

[33]

National Status for IDEA Data Requirements

- Preschool Educational Environments Data Reporting Requirements are approved
- States not required to submit APR Indicator B6 since FFY 05-06
- States set performance targets in FFY 04-05 and will need to set new targets
- Establishing a new national baseline for practice due to changes

[34]

Table 3 Educational Environments

<https://www.ideadata.org/docs/EnvironmentPtB7-2010.pdf>

- Regular early childhood program
- Separate class
- Separate school
- Residential facility
- Home
- Service provider location

Note: Definitions are available in the data collection form instructions

[35]

Changes to Regular EC Setting

<u>2009</u>	→	<u>2010</u>
Regular EC program by proportion of time	→ →	unchanged by hrs/week & location for receiving majority of Special Education services
SpecEd Program	→	unchanged
Home	→	unchanged
Service Provider Location	→	unchanged

[36]

What is a Regular Early Childhood Program?

A **Regular Early Childhood Program** is a program that includes a majority (**at least 50 percent**) of nondisabled children (i.e., children not on IEP's).

This category **may include**, but **is not** limited to:

- Head Start
- Preschool classes offered to an eligible pre-kindergarten population by the public school system
- Group child development center, child care or preschools
- Kindergartens; private kindergartens

[37]

What is a Special Education Program?

A **Special Education Program** includes **less than 50 percent nondisabled children** (i.e., children not on IEP's).

Special education programs **include**, but **are not limited to**:

Special education classrooms in

- ✓ Regular school buildings
- ✓ Trailers or portables outside regular school buildings
- ✓ Child care facilities
- ✓ Hospital facilities on an outpatient basis
- ✓ Other community-based settings
- Separate schools
- Residential facilities

[38]

What are Other Locations?

If the **child attends neither** a Regular Early Childhood Program nor a Special Education Program as defined, then determine if receiving special education and related services at

- Home
- Service provider location or some other location

[39]

Factors for Determining Setting

- 1.) **Determine the type of program the child attends, if any**
- 2.) **Determine the number of hours per week in attendance**
- 3.) **Identify the setting in which the child receives the majority of special education and related services**

[40]

Decision-making Process

Identify the type of program the child attends

Identify the number of hours per week in attendance

Identify the setting in which the child receives the majority of special education and related services

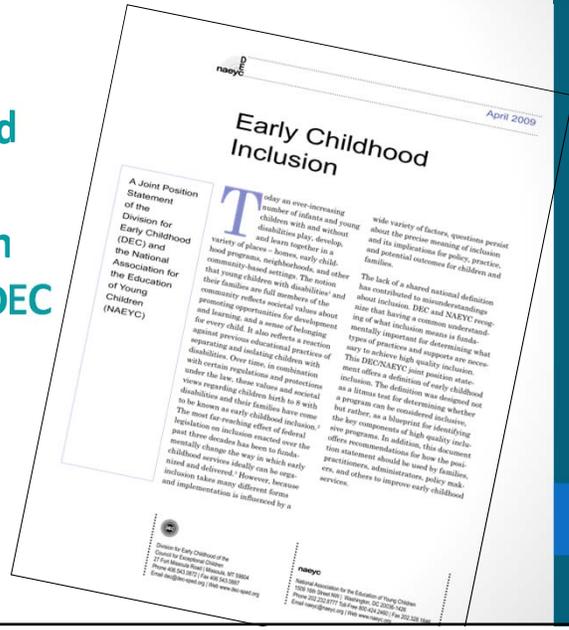
[41]

Frameworks, Tools and Resources for Preschool LRE and Inclusion

[42]

Defining Inclusion

Early Childhood Inclusion: A Joint Position Statement of DEC and NAEYC



Agreement for Conceptual Framework for Inclusion

- Access
- Participation
- Support

DEC/NAEYC Defining Features of Inclusion

Access



Participation

Supports

Participation means using a range of instructional approaches to promote engagement in play and learning activities, and a sense of belonging for every child.

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DEC/NAEYC Defining Features of Inclusion



Access

Participation

Supports

Access means providing a wide range of activities and environments for every child by removing physical barriers and offering multiple ways to promote learning and development.

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DEC NAEYC Defining Features of Inclusion

**Access
Participation**



Supports

Supports refer to broader aspects of the system such as professional development, incentives for inclusion, and opportunities for communication and collaboration among families and professionals to assure high quality inclusion.

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**LRE and Inclusion
Building Program Capacity**

- Administrative Support and Structures
- Community Partners
- Vision
- Agreements
- Settings
- Funding Streams and Program Variables

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NECTAC Web page Financing Strategies and Collaborative Funding

nectac
The National Early Childhood
Technical Assistance Center

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NEW

FINANCING STRATEGIES AND COLLABORATIVE FUNDING

Print-friendly Page

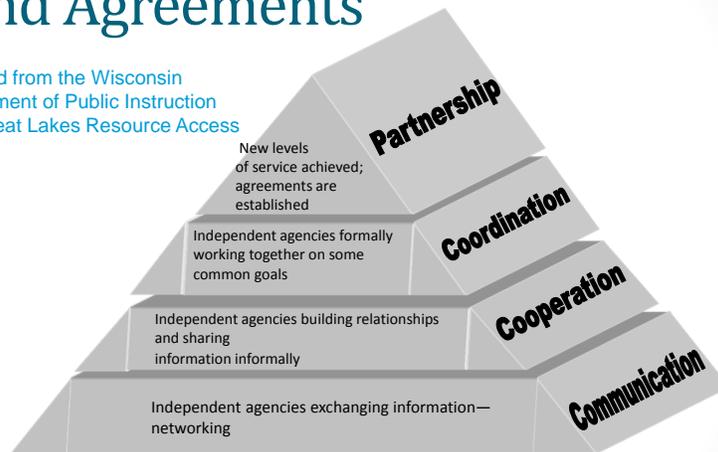
Financing strategies, sample interagency agreements, planning tools, and funding sources exist to assist states and communities in providing preschool special education services. Additional information related to financing IDEA Part C and Section 619 services can be found on the NECTAC topic page on [Finance](#).

Overview
[Collaborative Strategies](#)
[Interagency Agreements - State Examples](#)
[Interagency Agreements - Local Examples](#)
[Planning Tools and Self-Assessments](#)
[State Examples](#)
[Funding Sources and Requirements](#)
[State Examples](#)
[National Centers and Organizations](#)

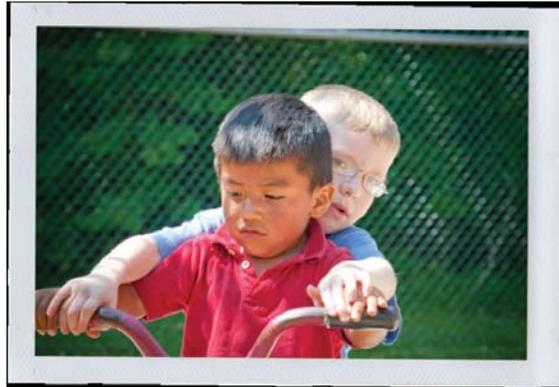
TOPIC: Inclusion
NAV TAB: Funding

Developing Partnerships and Agreements

Adapted from the Wisconsin
Department of Public Instruction
and Great Lakes Resource Access
Project



Expanding Opportunities: An Interagency Inclusion Initiative



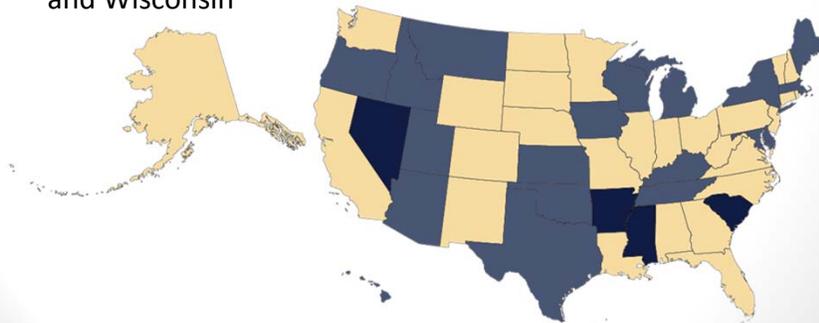
<http://www.nectac.org/expopps/default.asp>

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Status

24 States since 2005!

Arizona, **Arkansas**, Delaware, Florida, Hawaii, Idaho, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, **Mississippi**, Montana, **Nevada**, New York, Oklahoma, Oregon, **South Carolina**, Tennessee, Texas, Utah and Wisconsin



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QUILT: Quality In Linking Together

Partnership Checklist: Shaping A Partnership

<http://nccic.acf.hhs.gov/quilt/partnership-checklist.pdf>

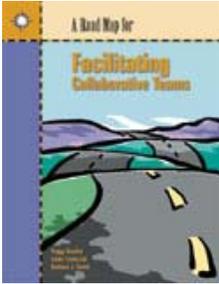
A Checklist for Developing a Partnership Agreement/Contract

<http://nccic.acf.hhs.gov/quilt/checklist.pdf>

A Fiscal Management Checklist for Partnerships

<http://nccic.acf.hhs.gov/quilt/fiscal.pdf>

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A Road Map for Facilitating Collaborative Teams

Hayden, Frederick, Smith, 2002

Focus: essential topics for educators, including facilitator role, stakeholder relationships, action planning, and evaluating results.

Audience: Administrators, Technical Assistance Staff, Interagency Coordinating Councils (ICCs)

Tasks, Tips and Tools for Promoting Collaborative Community Teams, The Collaborative Planning Project, 2001

<http://www.nectac.org/~pdfs/topics/inclusion/TasksTipsTools.pdf>

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New Hampshire
Preschool Technical Assistance Network
(PTAN, 2009)

PARTNERSHIPS FOR PRESCHOOL INCLUSION: SELF-EVALUATION TOOL

Focus: Promoting partnerships among local team members to benefit the development and learning young children with special needs and their families.

- Accessing services
- Acquiring and sharing information
- Planning and providing services
- Administrative support

http://www.nectac.org/~pdfs/calls/2009/sec619/nh_self_eval_tool.pdf

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Quality Indicators of Inclusive Early Childhood Programs/Practices

A Compilation of Selected Resources
September 2010

<http://www.nectac.org/~pdfs/pubs/qualityindicatorsinclusion.pdf>



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Resources for Early Childhood Inclusion and Preschool LRE

- ✓ **NECTAC: Keys to Inclusion and Natural Environments**
<http://www.nectac.org/inclusion/default.asp>
- ✓ **National Inclusion Institutes Presentation & Materials (2004 –2011)**
<http://www.nectac.org/inclusion/meetings/meetings.asp>
- ✓ **National Professional Development Center on Inclusion**
<http://www.fpg.unc.edu/~npdci/>

[57]

Resources for Early Childhood Inclusion and Preschool LRE

- ✓ **Maine Early Childhood Settings Inclusion Tool Kit – Universal Design**
http://www.umaine.edu/ExpandInclusiveOpp/inclusion_toolkit/universal_design.htm
- ✓ **Delaware MAPS – Meaningful Access, Participation and Supports**
http://www.dhss.delaware.gov/dhss/dms/epqc/birt/h3/files/de_maps_inclusion.pdf

[58]

Resources for Early Childhood Inclusion and Preschool LRE

- ✓ **FPG Child Development Institute – CONNECT Modules and Early Childhood Community**
<http://community.fpg.unc.edu/connect>
- ✓ **OSEP – Building the Legacy – Training Modules**
<http://nichcy.org/laws/idea/legacy>