

Preschool Services and Least Restrictive Environment (LRE)/Regular Early Childhood Program (RECP) Documentation

ACHIEVE Professional Learning Facilitation Guide for Trainers

To ensure consistency across the state with the rollout, this content may NOT be modified or altered. AEAs/LEAs may elect to provide additional training or support beyond what is provided in these modules. Training materials are only to be provided to and utilized by those who have received training in the specific content area.

TRAINING OVERVIEW

Purpose

This professional learning will provide participants training on the new and updated features in ACHIEVE around documenting placement decisions for preschool children, including background information on the law and guidance from OSEP regarding the least restrictive environment for preschoolers as well as considerations and guiding questions for IEP teams as they make service and placement decisions for preschool children.

Intended Audience

The intended audience for this training includes participants who write IEPs for preschool learners and staff who serve on IEP teams for preschool learners. This would include preschool teachers, support service providers, LRE representatives, special education building representatives, and others who support preschool learners at the AEA and LEA levels.

It is also suggested that anyone who supervises the participants described above would also benefit from this training.

Prior to Training

There are no required actions for participants prior to this training. All trainers should have attended the train-the-trainer session prior to providing this training and it is

suggested that trainers have practiced the processes outlined in this training before demonstrating them to participants.

Training Objectives

Participants will be able to:

- Describe the importance of inclusion in early childhood and how OSEP currently measures Preschool LRE.
- Define a Regular Early Childhood Program and enter it into the ACHIEVE system accurately for a learner.
- Document Specially Designed Instruction in ACHIEVE, including description and time removed from a regular early childhood program, using the definitions and guidance provided.
- Respond to the various questions under Least Restrictive Environment using the definitions and guiding questions for the team, including reasons for learners being removed from their current program (if applicable).
- <u>Recording from Train the Trainer</u>
- <u>ACHIEVE PL Links for Participants</u> across all focus areas.

Materials

- Slide deck with presenter notes (for presenters only)
 - Presenter Notes in PDF
 - Participant Notes PDF
 - Preschool LRE Handout
- OSEP Dear Colleague Letter on Preschool LRE (linked in slides, it is not required to provide this to participants)

CONTENT

Module 2 - Part 1: Why is inclusion important

Summary of section: To set the stage, we want to remind participants of the importance of inclusion and how we are setting a trajectory for preschool learners for the rest of their school-age years (and beyond) when we make decisions about where preschool children will receive special education services.

Considerations for trainers:

• There is a very quick video and then a few slides highlighting facts, research, and data around inclusion.

• There is an optional activity (Busting the Myths) that could be used if you have more than an hour (It would add about 10 minutes to the training) or it could be used later on as a deeper dive into this topic.

Approximate Time

10 minutes

Module 2 - Part 2: What does the law say about preschool children and the Least Restrictive Environment?

Summary of section: In this section, we want to review the law and what it says regarding Least Restrictive Environment and placement decisions for preschool children. The main takeaways are that the same LRE requirements that apply to K-12 also apply to preschool. The difference is that since preschool is not universally available, the decisions include considerations unique to preschool and the documentation of LRE is different from K-12.

Considerations for trainers:

- On slides 15 and 16, there are two opportunities for discussion activities in response to language from the OSEP Dear Colleague Letter.
- While participants do not need to read the full Dear Colleague Letter, trainers should read it and be familiar with its content as it may provide support for any questions from participants.

Approximate Time

15 minutes

Module 2 - Part 3: Documenting Preschool Services and the Least Restrictive Environment in the ACHIEVE System

Summary of section: In this section, trainers will walk through the three steps outlined for documenting Preschool LRE in ACHIEVE, including special education services. Each step will be discussed and then shown in ACHIEVE. There are a couple of new processes in ACHIEVE that participants will need to be aware of, including the documentation of Regular Early Childhood Programs (RECP) and the consideration of those programs as potential placements.

Considerations for trainers:

• Screenshots are included in the slides however it is best to demonstrate the fields in the ACHIEVE sandbox. Trainers will need to make sure they have a learner set up that has a grade level of PK.

• There is a google form set up at the end of the training that trainers, participants, and others may use to submit additional questions or feedback at any time. We will use the questions and information collected to develop additional resources, as needed.

Approximate Time

35 minutes

Additional Information

Two additional topics that may come up but are not directly addressed in this training:

- Three-year-old placement decisions
 - Question: How can IEP teams make placement decisions for 3-year-olds when the district does not have 3-year-old preschool program options?
 - First, consider any current program the 3-year-old might be attending
 - Second, are there 3-year-old preschool options in the community, and do they meet the preschool program standards requirements?
 - Third, there is research in the early childhood field regarding the benefits of mixed-age classrooms:
 - Mixed-age groupings are more natural and representative of a young child's environment outside of "school" (siblings of different ages, neighborhood playgroups, home daycare, etc.)
 - Iowa Early Learning Standards are represented as Infant/Toddler (birth to 3 years) and Preschool (ages 3-5), not at each individual age level, because of the wide scope of development across ages (zone of proximal development)
 - <u>Continuity of care</u> and peer models of different ages have both been shown to be beneficial to young children
 - Reference: Katz, L. G., J.A. Hartman, and D. Evangelou. <u>The</u> <u>Case for Mixed-Age Grouping in Early Education</u>. Washington, DC: National Association for the Education of Young Children, 1990.
- Part-time vs. full-time
 - Question: How should teams make decisions about the total number of hours a preschool learner should be provided to receive a FAPE? For example, a district may offer a regular early childhood preschool program for 10 hours a week, is that all that has to be provided for preschool learners with IEPs?

- Each district makes local decisions about the types of general education preschool programs they offer, with consideration of space, community needs, funding requirements, etc. While one district may choose to offer a full-day, preschool option for three and four-year-olds, a neighboring district may choose to offer only four-year-old preschool for 10 hours per week. The only general education preschool requirement around the amount of hours offered is that if a district is receiving funding for SWVPP, they must provide at least ten hours per week of instruction. Beyond that, districts have local discretion to offer additional preschool options and hours. Due to this variability across districts, there are no required amount of hours that must or should be provided for preschool learners with IEPs.
- The initial discussion when discussing the amount of hours to provide for a preschool learner with an IEP would be what are the appropriate services, supports, and accommodations to meet the unique needs of the learner, as described in the IEP. The team may consider what is provided for all preschool learners as a starting point, but the decision would not be based upon what the district provides for all preschool learners (example: 10 hours per week) but rather the IEP team would discuss what the child needs in order to be involved and progress in appropriate activities that typically developing children of the same age would be performing. Once the IEP team has decided what services the child needs, decisions would be made about how and where services will be provided while ensuring that the child has the maximum opportunity appropriate to learn with children who do not have disabilities.
- Part-time vs. full-time: All preschool learners with instructional IEPs will generate 1.0 funding and additional supplementary weighted funding based on the weighted funding matrix. If a preschool learner will be receiving less than 20 hours per week (general education and special education combined), then they are considered part-time, 20 hours per week or more is considered full time. Only the weighted funding is affected by the part-time/full-time status, not the 1.0 funding.

Supplemental Materials for Trainers

These materials could be used for further professional learning or coaching/technical assistance on this topic.

- Recording^{*}: <u>Making Sound Placement Decisions for Children with Disabilities</u>, <u>Ages 3-5</u> (1 hour, ECTA, presented to CT State Department of Education, January 2021)
- Slidedeck: Using an Inclusive Process to Make Equitable Placement Decisions (ECTA, presented at DEC January 2021)
- Handout: <u>Making Sound Placement Decisions</u> for Children with Disabilities, Ages <u>3-5</u> (ECTA, January 2021)
- <u>Fact Sheet of Research on Preschool Inclusion</u> (Erin E. Barton & Barbara J. Smith, June 2014)

*It is recommended that trainers watch this recording (Making Sound Placement Decision for Children with Disabilities, Ages 3-5), link above, before facilitating this training; it provides a lot of background information and talking points for trainers in case they receive questions in the field.



Preschool LRE in ACHIEVE

This handout is a resource for those who have completed the one-hour required training on Preschool Services and Least Restrictive Environment (LRE)/Regular Early Childhood Program (RECP) Documentation.

Key Statutory and Regulatory Requirements

- A preschool learner with a disability eligible for special education services and his or her parents are entitled to all the rights and protections guaranteed under Part B of the IDEA, including the right to be educated in the LRE.
- Before a preschool learner with a disability can be placed outside the regular educational environment, the group of persons making the placement decision must consider whether supplementary aids and services could be provided that would enable the education of a preschool learner with a disability in the regular educational setting to be achieved satisfactorily.
- Each learner's placement decision is made by the IEP Team, including the parents, and other persons knowledgeable about the learner according to LRE provisions and must be based on the learner's IEP.
- The IEP must include an explanation of the extent, if any, to which the learner will not participate with nondisabled learners in a regular early childhood program.
- Consideration also must be given to any potential harmful effect on the learner or on the quality of services the learner needs.
- Free appropriate public education (FAPE) must include the availability of the full continuum of alternative services and placements.

ACHIEVE Processes for Documenting Preschool LRE

- Document current Regular Early Childhood Programs (RECP) the learner is already attending before or at the beginning of the IEP team meeting on the Learner Management page, even if the learner might stop attending it after the IEP begins.
 - Do NOT add any programs that the learner is not yet attending until the IEP is written and the team is ready to discuss all of the possibilities for placement options.

- Definition of a **Regular Early Childhood Program (RECP)**: Session, class, or recurring activity that enrolls less than or equal to 50% of learners on an IEP for instructional, support, and/or related special education services. *Examples could include: Statewide Voluntary Preschool Programs operated by Districts and Community Partners, Head Start Programs, Shared Visions Preschools, Preschool Programs operated by community organizations, Child Care Centers licensed by the Iowa Department of Human Services (DHS)*
- An RECP does not have to meet program standards or have a licensed teacher to be recorded as an RECP on the Learner Management page. Later, when teams are considering placement options for receiving special education services, preschool program standard requirements will be required for the RECP to be considered as a placement option.
- 2. Continue with the meeting and development of the IEP; document special education services, including removal from the regular early childhood program
 - Special education services, including Specially Designed Instruction (SDI), can be provided within the context of preschool general education activities and routines, also referred to as embedded instruction or embedded learning opportunities.
 - If special education services are being embedded, the minutes of the entire routine or activity could be documented as SDI, as long as it has been intentionally planned based on the learner's needs stemming from the disability.
 - Any part of the special education services that are not embedded should be documented as removed from the regular early childhood program. For example, if the learner with an IEP is not able to access and participate in daily activities and routines with peers without disabilities while receiving the service, then it is considered removal.
- 3. Consider and document the Least Restrictive Environment (LRE)
 - Teams will check for accuracy in the RECP hours statement and % of services removed from the RECP in the pie chart displayed.
 - The next question is "Does the Regular Early Childhood Programs (RECP) Summary Table accurately represent all of _____'s previous, current, and/or new attendance in RECPs based upon the IEP Meeting?"
 - At this point, if a team has decided that the learner will start a new RECP as a result of the IEP team meeting, the team will choose "no" and click on "Update Regular Early Childhood Program."
 - A new window will open to the Learner Management Page and a new RECP may be added or updated. If a learner will no longer attend an RECP that s/he was attending prior to the IEP, the team should mark "no" to the question, "*Will attend RECP after IEP meeting*?"

- Once the RECP table is updated and accurate, refresh the Services page and under LRE, click yes to "Does the Regular Early Childhood Programs (RECP) Summary Table accurately represent all of _____'s previous, current, and/or new attendance in RECPs based upon the IEP Meeting?"
- Newly worded question: "*Will*_____'s special education services be provided in the regular early childhood program or school they currently attend?" This question will show if the learner has at least one RECP listed on the Learner Management page with a start date before the IEP team meeting.
 - If the learner is going to stay in the current RECP and receive special education services in that location, answer YES.
 - If the learner will NOT receive special education services in the current RECP and will begin attending a NEW RECP, answer NO and explain why the learner is not able to receive special education services in the current program.

Guiding Questions for Teams Making Placement Decisions

For learners already attending a regular early childhood program:

- > How is the learner doing in the regular early childhood program s/he is attending?
- > Does the family want the learner to remain in the program?
- Does the program follow one of the three required preschool program standards (IQPPS, Head Start Program Performance Standards, or NAEYC Accreditation)?

Guiding questions for all preschool learners:

- Can the IEP be implemented in a regular early childhood program with needed aids and supports?
- > Will the proposed placement allow the family to access child care, if needed?
- > What regular early childhood programs are in the school district and community?
- Will the regular early childhood program support the collaboration and specialized instruction for the learner?
- Will transitions for the learner be reduced or increased in this setting?
- Will time in transport to the setting be similar to transport time for learners without disabilities? How would transit time impact the learner's learning time and the length of his/her day?
- Are there other placements that may be more appropriate for this learner, and why?



UNITED STATES DEPARTMENT OF EDUCATION OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

January 9, 2017

Dear Colleague:

We are writing to reaffirm the position of the U.S. Department of Education (ED or Department) that all young children with disabilities should have access to inclusive high-quality early childhood programs where they are provided with individualized and appropriate supports to enable them to meet high expectations. Over the last few years, States and communities have made progress in expanding early learning opportunities for young children, with all but four States investing in free public preschool programs.¹ The Federal government, while aligning with the movement of States, has led several efforts to increase access to and the quality of early childhood programs, such as the Preschool Development Grants and expansion of Head Start. States have focused on improving the quality of early learning programs, including the development of early learning program standards and incorporating these into Quality Rating and Improvement Systems (QRIS).²

In September 2015, ED and the U.S. Department of Health and Human Services (HHS) issued a policy statement on promoting inclusion in early childhood programs to set a vision on this issue and provide recommendations to States, local educational agencies (LEAs), schools, and public and private early childhood programs.³ Despite the expansion of early childhood programs, there has not yet been a proportionate expansion of inclusive early learning opportunities for young children with disabilities. Given this concern and the ED-HHS policy statement on early childhood inclusion, the Office of Special Education Programs (OSEP) is updating the February 29, 2012, Dear Colleague Letter (DCL) to reaffirm our commitment to inclusive preschool education programs for children with disabilities and to reiterate that the least restrictive environment (LRE) requirements in section 612(a)(5) of the Individuals with Disabilities

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¹ Walter N. Ridley Lecture: Pre-Kindergarten Access and Quality are Essential for Children's Growth and Development (November 2, 2016), available at: <u>http://www.ed.gov/news/speeches/walter-n-ridley-lecture-pre-kindergarten-access-and-quality-are-essential-childrens-growth-and-development.</u> For more detailed but less recent information on State investments in public preschool see: Barnett, W.S., Friedman-Krauss, A., Gomez, R.E., Squires, J.H., Clarke Brown, K., Weisenfeld, G.G., & Horowitz, M. (2016). *The state of preschool 2015: State preschool yearbook.* New Brunswick, NJ: National Institute for Early Education Research.

² QRIS statewide systems are implemented in over half of the States and others are developing such systems. ED and the of Department of Health and Human Services have supported States in further developing such systems under Race to the Top-Early Learning Challenge and the Child Care Development Fund. For more information see: https://qrisguide.acf.hhs.gov/index.cfm?do=qrisabout.

³ See U.S. Departments of Education and Health and Human Services Policy Letter on the Inclusion of Children with Disabilities in Early Childhood Programs (September 14, 2015), available at: http://www2.ed.gov/policy/speced/guid/earlylearning/joint-statement-full-text.pdf.

Education Act (IDEA or Act) are fully applicable to the placement of preschool children with disabilities.⁴ This DCL supersedes the 2012 OSEP DCL and includes additional information on the reporting of educational environments data for preschool children with disabilities and the use of IDEA Part B funds to provide special education and related services to preschool children with disabilities.

The LRE requirements have existed since passage of the Education for all Handicapped Children Act (EHA) in 1975 and are a fundamental element of our nation's policy for educating students with disabilities (the Education of the Handicapped Act was renamed the IDEA in 1990). These requirements reflect the IDEA's strong preference for educating students with disabilities in regular classes with appropriate aids and supports. Under section 612(a)(5) of the IDEA, to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, must be educated with children who are not disabled. Further, special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

The LRE requirements in section 612(a)(5) of the IDEA apply to all children with disabilities who are served under Part B of the IDEA, including preschool children with disabilities aged three through five, and at a State's discretion, to two-year-old children who will turn three during the school year.⁵ IDEA's LRE provision does not distinguish between school-aged and

⁴ Although not discussed here, other Federal laws apply to preschool-aged children with disabilities as well. These laws include section 504 of the Rehabilitation Act of 1973, as amended (Section 504) and Title II of the Americans with Disabilities Act of 1990, as amended (ADA). The Department's Office for Civil Rights (OCR) enforces Section 504 and pursuant to a delegation by the Attorney General of the United States, OCR shares (with the U.S. Department of Justice and HHS) in the enforcement of Title II of the ADA in the education context. HHS has Title II jurisdiction over public preschools. 35 CFR §35.190(b)(3). Section 504 prohibits discrimination on the basis of disability in programs or activities that receive Federal financial assistance from the Department. 29 U.S.C. § 794, 34 CFR §104.4(a). Section 104.38 of the Department's Section 504 regulations specify that recipients of Federal financial assistance from the Department that provide preschool education may not on the basis of disability exclude qualified persons with disabilities, and must take into account the needs of these persons in determining the aid, benefits, or services to be provided. 34 CFR §104.38. Title II prohibits discrimination on the basis of disability by public entities, including public schools, regardless of whether they receive Federal financial assistance. 42 U.S.C. §§ 12131-12134, 28 CFR Part 35 (Title II). Additionally, as applicable, entities providing preschool education must comply with the nondiscrimination requirements set forth in Title III of the ADA that prohibit discrimination on the basis of disability in places of public accommodation, including businesses and nonprofit agencies that serve the public. The U.S. Department of Justice enforces Title III of the ADA. 42 U.S.C. §§ 12181-12189, 28 CFR Part 36 (Title III).

 $^{^{5}}$ Under section 612(a)(1) of the IDEA, a State must make a free appropriate public education (FAPE) available to all children with disabilities residing in the State within the State's mandated age range. All States make FAPE available beginning on a child's third birthday. All requirements in Part B of the IDEA, including the LRE requirements in section 612(a)(5), apply to children with disabilities aged three through five and two-year-old

preschool-aged children and, therefore, applies equally to all preschool children with disabilities. Despite this long-standing LRE requirement and prior policy guidance,⁶ ED continues to receive inquiries asking whether IDEA's LRE requirements apply to preschool children with disabilities.

Key Statutory and Regulatory Requirements

A preschool child with a disability who is eligible to receive special education and related services and his or her parents are entitled to all the rights and protections guaranteed under Part B of the IDEA and its implementing regulations in 34 CFR Part 300. One of these guaranteed rights is the right to be educated in the LRE in accordance with section 612(a)(5) of the IDEA and 34 CFR §§300.114 through 300.118. The LRE requirements under Part B of the IDEA state a strong preference for educating children with disabilities in regular classes alongside their peers without disabilities. The term "regular class" includes a preschool setting with typically developing peers.⁷ Under 34 CFR §300.116(a), in determining the educational placement of a child with a disability, including a preschool child with a disability, the public agency⁸ must ensure that each child's placement decision 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 is made in conformity with the LRE provisions in 34 CFR §§300.114 through 300.118. The child's placement must be based on the child's individualized education program (IEP) and determined at least annually. 34 CFR §300.116(b)(1) and (2). In addition, the IEP must include an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class. 34 CFR §300.320(a)(5).

Before a child with a disability can be placed outside the regular educational environment, the group of persons making the placement decision must consider whether supplementary aids and services could be provided that would enable the education of the child, including a preschool child with a disability, in the regular educational setting to be achieved satisfactorily. 34 CFR §300.114(a)(2). If a determination is made that the education of a particular child with a

children who will turn three during the school year, if they are included in the State's mandated age range. See also 20 U.S.C. 1413(a)(1) (applying these LRE requirements to LEAs).

⁶ See OSEP Memorandum 87-17, OSEP – Division of Assistance to States Policy Regarding Educating Preschool Aged Children with Handicaps in the Least Restrictive Environment (June 2, 1987); Letter to Neveldine, 16 LRP 842 (March 23, 1990); Letter to Wessels, 19 LRP 2074 (November 27, 1992); Letter to Neveldine, 20 LRP 2355 (May 28, 1993); Letter to Neveldine, 22 LRP 3101 (January 25, 1995); Letter to Neveldine, 24 LRP 3821 (April 17, 1996); Letter to Hirsh, 105 LRP 57671 (August 9, 2005); Letter to Anonymous, 108 LRP 33626 (March 17, 2008).
⁷ See <u>Assistance to States for the Education of Children with Disabilities and Preschool Grants for Children with Disabilities, Final Rule, Analysis of Comments and Changes, 71 Fed. Reg. 46540, 46666 (August 14, 2006).</u>

⁸ The term "public agency" includes the State educational agency, LEAs, educational service agencies (ESAs), nonprofit public charter schools that are not otherwise included as LEAs or ESAs and are not a school of an LEA or ESA, and any other political subdivisions of the State that are responsible for providing education to children with disabilities. See 34 CFR §300.33.

disability cannot be achieved satisfactorily in the regular educational environment, even with the provision of appropriate supplementary aids and services, that child then could be placed in a setting other than the regular educational setting. The public agency responsible for providing a free appropriate public education (FAPE) to a preschool child with a disability must make available the full continuum of alternative placements, including instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions, to meet the needs of all preschool children with disabilities for special education and related services. 34 CFR §300.115. In selecting the LRE, consideration also must be given to any potential harmful effect on the child or on the quality of services that the child needs. 34 CFR §300.116(d).

Preschool Placement Options

The public agency responsible for providing FAPE to a preschool child with a disability must ensure that FAPE is provided in the LRE where the child's unique needs (as described in the child's IEP) can be met, regardless of whether the LEA operates public preschool programs for children without disabilities. An LEA may provide special education and related services to a preschool child with a disability in a variety of settings, including a regular kindergarten class, public or private preschool program, community-based child care facility, or in the child's home.

If there is an LEA public preschool program available, the LEA may choose to make FAPE available to a preschool child with a disability in the LEA's public preschool program. While the number of public pre-kindergarten programs has increased, many LEAs do not offer, or offer only a limited range of, public preschool programs, particularly for three-year-olds. In these situations, the LEA must explore alternative methods to ensure that the LRE requirements are met for each preschool child with a disability. These methods may include: (1) providing opportunities for the participation of preschool children with disabilities in preschool programs operated by public agencies other than LEAs (such as Head Start or community-based child care); (2) enrolling preschool children with disabilities in private preschool programs for nondisabled preschool children; (3) locating classes for preschool children with disabilities in regular public elementary schools; or (4) providing home-based services. If a public agency determines that placement in a private preschool program is necessary for a child to receive FAPE, the public agency must make that program available at no cost to the parent.⁹

Additionally, preschool children with disabilities are often identified as children with disabilities while participating in regular public preschool programs, such as Head Start or a regular public

⁹ See Assistance to States for the Education of Children with Disabilities and Preschool Grants for Children with Disabilities, Final Rule, Analysis of Comments and Changes, 71 Fed. Reg. 46540, 46589 (August 14, 2006); and OESP Letter to Anonymous (March 17, 2008), available at

http://www2.ed.gov/policy/speced/guid/idea/letters/2008-1/redacted031708privschool1a2008.doc.

pre-kindergarten program. The following requirements apply when determining placement options for a child with a disability who already participates in a regular public preschool program, including a community-based regular public preschool program operated by a public agency other than the LEA. Under 34 CFR §300.116(c), unless the child's IEP requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled. In addition, under 34 CFR §300.116(d), the placement team, which includes the child's parent and may include the child's current teacher, must consider any potential harmful effect on the child and on the quality of services that he or she needs before removing the child from the current regular public preschool setting to another more restrictive setting. Consistent with these requirements, IDEA presumes that the first placement option considered for a preschool child with a disability is the regular public preschool program the child would attend if the child did not have a disability. Therefore, in determining the placement for a child with a disability who already participates in a regular public preschool program, the placement team must consider whether the LEA, in collaboration with the regular public preschool program, can ensure that the child receives all of the special education and related services and supplementary aids and services included in the child's IEP in order to meet the needs of the particular child with a disability.

Reporting Educational Environments Data for Preschool Children with Disabilities

In accordance with the data collection requirements in section 618(a) of the Act, the Department requires States to report on educational environments for preschool children with disabilities. This data collection requires States to report on the number of preschool children with disabilities who attend a Regular Early Childhood Program and whether they receive the majority of hours of special education and related services in the Regular Early Childhood Program or another location.¹⁰ For data collection purposes, the Department defines a Regular Early Childhood Program as a program that includes a majority (at least 50 percent) of nondisabled children (i.e., children who do not have IEPs) and that may include, but is not limited to:

- Head Start;
- Kindergartens;
- Preschool classes offered to an eligible pre-kindergarten population by the public school system;
- Private kindergartens or preschools; and

¹⁰ For additional information on the data collection requirements under section 618 of the Act, see the Child Count and Educational Environment information available at: <u>http://www2.ed.gov/programs/osepidea/618-data/collection-documentation/index.html</u>

• Group child development centers or child care.¹¹

We have received questions regarding whether more informal settings, such as weekly schoolbased or neighborhood playgroups, or home settings may be considered a Regular Early Childhood Program. For the purpose of the Department's annual data collection under section 618 of the Act, we do not consider these informal settings as Regular Early Childhood Programs because they are generally not required to comply with a State's early learning programs standards or curricula.

As noted above, States are required to report whether children attending a Regular Early Childhood Program receive the majority of hours of special education and related services in the Regular Early Childhood Program or in some other location.¹² It has come to our attention that additional clarification is needed regarding when special education and related services can be considered as being received in the Regular Early Childhood Program. Specifically, stakeholders have asked whether "in the Regular Early Childhood Program" means a child must receive the majority of special education and related services in the child's classroom, or whether some other location within the building would also be considered "in the Regular Early Childhood Program." Special education and related services delivered in the child's classroom in the course of daily activities and routines in which all children in the classroom participate (e.g., "circle time", "learning centers"), would be considered as being received in the Regular Early Childhood Program. However, services delivered in other locations that remove the child from the opportunity to interact with nondisabled children would not be considered as being received in the Regular Early Childhood Program. These include, but are not limited to, services delivered in a 1:1 therapeutic setting, or in a small group comprised solely of children with disabilities in another location within the building where the regular early childhood program is located.

To further address these questions, the reporting instructions in the ED*Facts* C089 file specifications for IDEA Section 618 Part B Child Count and Educational Environment will be updated for School Year 2017-2018. The updated file specifications will address informal settings as a Regular Early Childhood Program and will clarify when special education and related services are considered as being provided in the Regular Early Childhood Program.

¹¹ This is the definition that the Department uses in its annual data collection under section 618 of the IDEA on the number of children with disabilities aged three through five served under the IDEA Part B program according to their educational environments.

¹² See the Child Count and Educational Environment information available at: <u>http://www2.ed.gov/programs/osepidea/618-data/collection-documentation/index.html</u>

Use of IDEA Part B Funds for Preschool Children with Disabilities

We have received questions regarding the use of IDEA Part B (section 611 and section 619) funds to provide special education and related services to preschool children with disabilities. LEAs must ensure that Part B funds are used in conformity with IDEA Part B requirements, including the requirements in 34 CFR §300.202. In general, LEAs must use IDEA Part B section 619 funds, and as applicable IDEA Part B section 611 funds, only to pay the excess costs of providing special education and related services to children with disabilities ages three through five and, at a State's discretion, to two-year-old children with disabilities who will reach age three during the school year, such as costs for special education teachers and administrators; related services providers; materials and supplies for use with preschool children with disabilities; professional development for special education personnel; professional development for general education teachers who teach preschool children with disabilities; and specialized equipment or devices to assist preschool children with disabilities.¹³ 34 CFR §§300.202 and 300.800.

Because the availability of regular public preschool programs varies across States, we understand that the use of State and local funds will also differ across States and LEAs. Consequently, how States and LEAs use IDEA Part B funds to provide special education and related services to preschool children with disabilities also will differ based on the specific circumstances in each State and LEA. For example, if an LEA provides universal preschool to all children ages three, four, and five, using State and local funds, the LEA must use IDEA Part B funds only to pay the excess costs of providing special education and related services to children with disabilities in those preschool programs.

The excess cost requirement, however, does not prevent an LEA from using Part B funds to pay for all of the costs directly attributable to the education of a child with a disability in any of the ages three, four, or five if no local or State funds are available for nondisabled children of these ages. For example, if an LEA offers no regular public preschool programs for children without disabilities, and a preschool child with a disability is already participating in a private preschool program that is being paid for by the child's parents, the child's placement team may determine that, based on the child's IEP and the LRE provisions, placement in a private preschool program is necessary for the child must pay for all of the costs associated with the provision of special education and related services in the LRE, as stated in the child's IEP. See 34 CFR §§300.145 through 300.147. Specifically, if the placement team determines, based on the child's IEP, that placement in an inclusive private preschool program is necessary to provide FAPE to a

¹³ See OSEP Letter to Couillard (March 7, 2013) available at: <u>http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/12-011637r-wi-couillard-rti3-8-13.doc</u>

child who needs interaction with nondisabled peers, the LEA is responsible for making available an appropriate program in the LRE and ensuring that tuition costs associated with that placement for the period of time necessary to implement the IEP are at no cost to the parents.¹⁴

Conclusion

Placement decisions regarding a preschool child with a disability who is served under Part B of the IDEA must be individually determined based on the child's abilities and needs as described in the child's IEP. 34 CFR §300.116(b)(2). State educational agencies and LEAs should engage in ongoing short- and long-term planning to ensure that a full continuum of placements is available for preschool children with disabilities. To achieve this goal, a variety of strategies, including staffing configurations, community collaboration models, and professional development activities, that promote expanded preschool options are available. For additional information regarding the IDEA and services for preschool children with disabilities, see the Early Childhood Technical Assistance Center at http://ectacenter.org/ and the Department's Early Learning Inclusion webpage at:

http://www2.ed.gov/about/inits/ed/earlylearning/inclusion/index.html.

We hope this information is helpful in clarifying the applicability of LRE requirements to preschool children with disabilities who receive special education and related services under Part B of the IDEA. Thank you for your continued interest in the importance of providing inclusive early learning opportunities for young children with disabilities.

Sincerely,

/s/

Ruth E. Ryder Acting Director Office of Special Education Programs

¹⁴ See OSEP Letter to Neveldine, 22 IDELR 630 (January 25, 1995). We also note that there may be circumstances where a placement team determines that a specific service needed by a child could be provided in a variety of settings and would not require interaction with nondisabled peers, assuming all other Part B requirements, including the LRE requirements, are met. In those instances where the placement team has determined that provision of that service is all that is required to provide FAPE to the child, the public agency is only responsible for providing the required service and that service could be provided in a variety of settings.



Preschool Services and Least Restrictive Environment (LRE)/ Regular Early Childhood Program (RECP) Documentation

Why ACHIEVE?

Legacy system was cutting edge when launched in 2005

ACHIEVE was designed with intent to:

- Assist teams in **design**ing services and supports for the INDIVIDUAL
- Maximize system functions to support practices (and minimize time on paperwork)
- Increase opportunities for team collaboration and communication
- Increase use of the system to collect procedural compliance through system functionality and less need for people to worry about documentation
- Have one system birth to 21

With the hope of increasing time for providing services and supports

ACHIEVE | Iowa IDEA 2

Presenters should skip this slide if this information has already been shared. We're excited to have the opportunity to speak about our new online system called ACHIEVE. As you are aware, the ACHIEVE system will be replacing the Legacy system also known as webIFSP and webIEP.

So why the change? The Legacy system was cutting-edge technology when it was released in 2005. So as you can imagine, it was time to upgrade the system to allow for new and improved features and functionality.

This new system was designed with the intent to mirror the language in the SDI framework.

Additionally, it was designed to support practice and minimize time on paperwork, and to increase opportunities for team collaboration and communication. This communication and collaboration includes families who will now have access to the family portal through the ACHIEVE system. In this family portal, we will be able to communicate and share information and documents with parents in a timely manner. ACHIEVE Was also designed in a way that will help to ensure procedural compliance through the documentation.

Lastly, this one system will be utilized for learners Birth to 21.

Ultimately, ACHIEVE was designed for ease of use and minimize time on paperwork so teams can increase time in providing service and supports to learners

What's New in ACHIEVE to Support: Preschool Least Restrictive Environment

- Collecting information about a preschool learner's regular early childhood environments, both before and at the end of the IEP team meeting
- Document decisions for a preschool learner's placement for special education services
- Visual representation of the preschool learner's least restrictive environment

ACHIEVE | Iowa IDEA 3

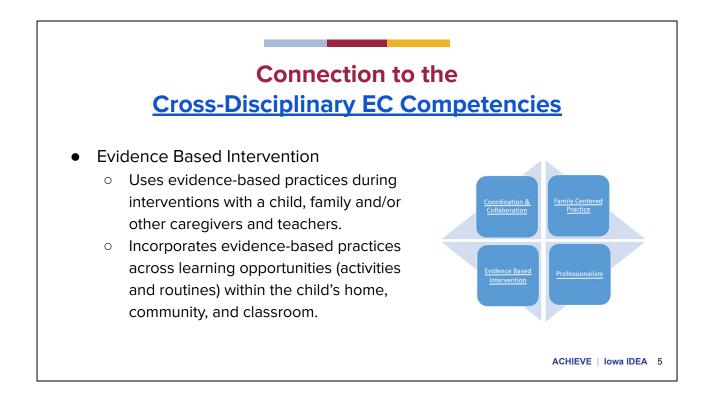
Learning Objectives

Participants will be able to ...

- Describe the importance of inclusion in early childhood and how OSEP currently measures Preschool LRE
- Define a Regular Early Childhood Program and enter it into the ACHIEVE system accurately for a child
- Document Specially Designed Instruction in ACHIEVE, including description and time removed from a regular early childhood program, using the definitions and guidance provided
- Respond to the various questions under Least Restrictive Environment using the definitions and guiding questions for the team, including reasons for children being removed from their current program (if applicable)

ACHIEVE | Iowa IDEA 4

Go through each objective for this training



If this is their first early childhood training share this background: In 2019, Iowa adopted the Cross Disciplinary Early Childhood Competencies for professionals from multiple disciplines within early intervention and early childhood special education. Since then, multiple learning opportunities have been offered to faculty in higher education preparation programs from early childhood special education, occupational therapy, physical therapy, and speech-language pathology. In-service professional development trainers and coaches have also been offered learning opportunities.

This presentation connects to the following Cross-Disciplinary Competency Indicators:

From the Evidence Based Intervention Area: (read on slide)

Click the link in the slides to view the Cross-Disciplinary Early Childhood Competencies:

https://ecpcta.org/wp-content/uploads/sites/2810/2021/01/Cross-Discipli nary-Competency-Areas-and-Indicators_Table.pdf

lowa SDI Framework		
DIAGNOSE FOR INSTRUCTIONAL DESIGN	DESIGN FOR INSTRUCTIONAL DELIVERY	DELIVER FOR LEARNER ENGAGEMENT
Use RIOT & SCIL in order to:	With a team who has relevant and specialized knowledge, develop a plan which:	Use evidence-based, high-leverage practices in order to:
 Define areas of concern and verify potential reasons for the concern Identify strengths, interests and 	 Incorporates evidence-based practices aligned to learner needs Aligns to the Iowa Core and is 	 Deliver the instruction as designed and monitor instructional fidelity Monitor learner progress
preferences that sustain learner engagement	age appropriate	
3. Determine critical supports needed for learner success	Maximizes opportunities for access and engagement	 Adjust instruction as necessary based on learner progress and instructional fidelity
SUPPORT ENGAGEMENT FOR LEARNING THROUGH FAMILY SCHOOL PARTNERSHIPS		
ACHIEVE Iowa IDEA 6		

As we are discussing preschool LRE and special education supports and services in this training, we are focusing on the component area of Design for Instructional Delivery of the Iowa SDI Framework. We want to make sure we are using evidence-based practices that are going to support the learner in accessing instruction that is aligned to the Iowa Early Learning Standards, is age appropriate, and maximizes their engagement in the general education curriculum and instruction

Why is inclusion important?

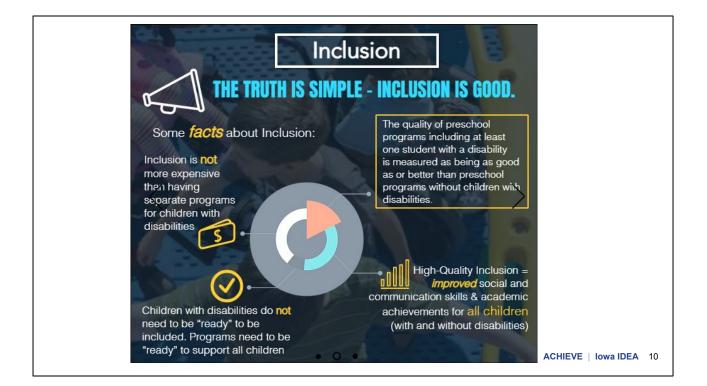
Preschool learners and their families are often beginning their first experiences with formal education when they enter the Part B special education "world" and so we have a big responsibility to start that child on a path that will set them up for success in kindergarten and beyond. We know, and research has shown us over and over, that inclusive environments are not only the most effective settings for ALL children to learn and thrive, but it is also every human's basic right to belong and be part of the experiences that everybody gets to experience. As we dive into this training, we want to remember these fundamental rights for all children and make sure IEP teams are making decisions based on the needs of the learner and their family.



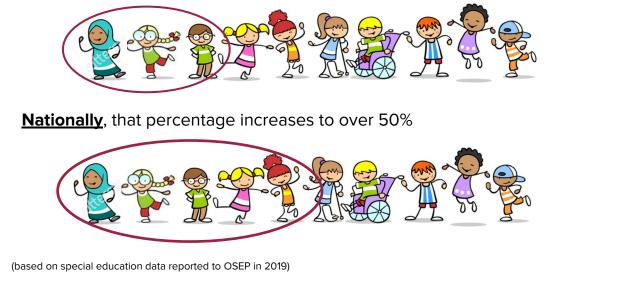
This is a short one minute video from DEC (Division for Early Childhood-a subdivision of CEC, Council for Exceptional Children) that was part of a recent campaign around promoting inclusion. (if the embedded video doesn't work, the website where this video is located is linked in the title)



The next two graphics come from DEC's Because it Matters campaign and highlights some facts about Inclusion. It's important to remind participants that according to the joint Inclusion policy statement from U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES and the U.S. DEPARTMENT OF EDUCATION, we in early childhood are setting up a trajectory for children and if we cannot promote and provide inclusive settings in preschool, then it is highly unlikely that children will move into inclusive settings in kindergarten and beyond



In lowa, only about $\frac{1}{3}$ of preschool children who are receiving special education services receive the majority of those services in an inclusive setting



This shows how lowa is doing in providing inclusive environments for preschool children. This data is based on information entered into the IEP system, specifically whether or not children are attending a regular early childhood program AND getting the majority of their services in that program.

This data has been stagnant over the last 6 years; we know that one of the issues with this data is around data cleanliness and the field understanding how to document this correctly in the system. We believe that with improvements in ACHIEVE and this training, we will be able to get a better picture of how many children are truly receiving special education services in inclusive settings. But we also know that there is some truth to this data and that there are still many preschoolers who are not receiving their services in inclusive settings.

Background information if anyone inquires:

This data represents about 7000 children served on an IEP in Iowa, ages 3-5 (this data includes children in kindergarten; in future years, we will report this data without kindergarteners, they will be included in the K-12 reporting instead)



Let's do a quick review of what the law says, both IDEA and Iowa's Administrative Rules of Special Education, around LRE

Did you know...

The LRE requirements in IDEA apply to all children with disabilities who are served under Part B of the IDEA, including preschool children with disabilities aged three through five, and at a State's discretion, to two-year-old children who will turn three during the school year.

IDEA's LRE provision does not distinguish between school-aged and preschool-aged children and, therefore, applies equally to all preschool children with disabilities.

ACHIEVE | Iowa IDEA 13

These are two quick reminders that IDEA Part B applies to learners 3-21 so those same provisions about LRE apply to 3 and 4 year olds too. The difference is that since the US does not have universal preschool, the definition and measurement of LRE looks different for preschool, which is what we will be focusing on today.

Reminder about what the law says when making placement decisions

(Do not need to read this but it is here as a resource for presenters as needed)

281-41.116(256B,34CFR300) Placements.

41.116(1) General. In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency must ensure the following:

a. The placement decision shall be made:

(1) 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) In conformity with the LRE provisions of this chapter, including rules 281—41.114(256B,34CFR300) to

281-41.118(256B,34CFR300);

b. The child's placement shall be:

(1) Determined at least annually;

(2) Based on the child's IEP; and

(3) Located 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 shall be educated in the school that he or she would attend if nondisabled;

d. In selecting the LRE, the agency shall consider 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 shall not be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

OSEP Dear Colleague Letter

Before a child with a disability can be placed outside the regular educational environment, the group of persons making the placement decision must consider whether supplementary aids and services could be provided that would enable the education of the child, including a preschool child with a disability, in the regular educational setting to be achieved satisfactorily. If a determination is made that the education of a particular child with a disability cannot be achieved satisfactorily in the regular educational environment, even with the provision of appropriate supplementary aids and services, that child then could be placed in a setting other than the regular educational setting.

ACHIEVE | Iowa IDEA 14

In 2017, OSEP released a Dear Colleague Letter to address questions that were coming from the field regarding preschool and least restrictive environments.

This paragraph is from that letter.

Give participants a few minutes to read this statement.

Ask them what they think the essential message is here

Highlight, circle, write down, shout out, etc. words or phrases that pop out to you

Possible responses: group of persons (making the decision, not one person), supplementary aids and services, regular education setting (we will defined what this means in preschool in a few minutes)

Participants do not need to read the full Dear Colleague Letter for this training, but it is a good resource to make sure they have (linked in title of the slide)

Requirements apply when determining placement options for a child with a disability who already participates in a regular public preschool program, including a community-based regular public preschool program operated by a public agency other than the LEA.

Unless the child's IEP requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled (34 CFR §300.116(c))

The placement team, which includes the child's parent and may include the child's current teacher, must consider any potential harmful effect on the child and on the quality of services that he or she needs before removing the child from the current regular public preschool setting to another more restrictive setting. (34 CFR §300.116(d))

Additional points from the OSEP Dear Colleague Letter on Preschool LRE

ACHIEVE Iowa IDEA 15

Think about the last IEP team meeting you attended...how were decisions made about placement? Talk to elbow partner (3 min)

Comments to listen for-Did the team go into the meeting already knowing where the child would go to preschool and for how long? Are decisions made based on "this is what we have" or because of teacher licensure (ex. Teacher only has an endorsement to teach self-contained so that is what we offer)? Was the decision made based on the child's age (ex. In our district, 3 year olds come for 3 hours per week so that's what your child will attend) and not need?

If trainers are hearing some of the comments above, just remind participants that they may learn some new information today and that we do not expect them to rewrite IEPs right now, but rather use this information moving forward.



Now we will take a look at the changes in ACHIEVE that will help us more accurately capture LRE for preschoolers in the ACHIEVE system

ACHIEVE Iowa IDEA 16

In Preschool, there are TWO topics to address:



Attendance in a Regular Early Childhood Program

Does the child attend <u>any</u> Regular Early Childhood Programs (RECP) and for how long? (less than or more than 10 hours per week)?

 This data point's purpose is to collect information about how many preschool children with disabilities have opportunities to interact with children without disabilities.



Once the IEP is written, where will the special education services be provided?

If the child will not attend an RECP, then teams choose from other settings (special education classroom, special school, service provider location, etc.).

 This data point's purpose is to collect information about where children are getting their special education services (i.e. are they being provided in an RECP or are they being pulled out?).

ACHIEVE | Iowa IDEA 18

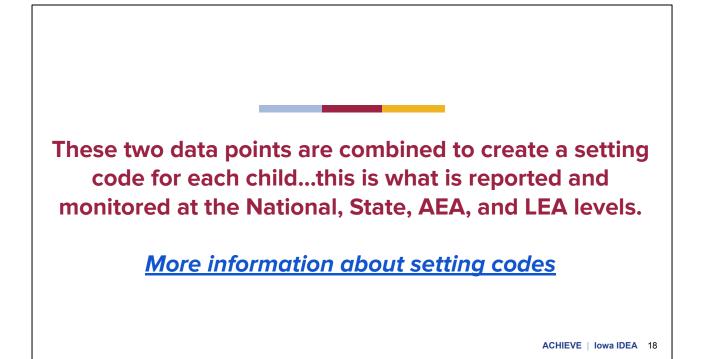
As we talk about LRE documentation in ACHIEVE, we want to make sure that we understand the data that is required to collect and how it differs from K-12. These are the two data points we must collect and report to OSEP, they are combined into what are referred to as Early Childhood Setting Codes.

First data point-we want to know if the child attends any RECP (we will define that in a bit)-this data point is really just about opportunities for children with disabilities to interact with their peers. This data point has nothing to do with special education services, that is data point number 2. The reason OSEP collects this is because we don't have universal access to preschool in our country so by asking this question, we are getting a picture of how many preschool aged children are attending a "general education" environment and for how long. Once users have put this information in, ACHIEVE will use that to figure out part of the EC setting code by determining if the hours that were entered are more or less than 10 hours, users do not have to worry about this part, the system is calculating it on the back end.

The second topic, or data point, is the location of special education

services. This data point is now about where the special education services that are in the IEP will be provided? In the RECP or somewhere else? This contributes to the other part of the EC Setting Codes that get reported to OSEP, again, being calculated on the back end by ACHIEVE.

Now we will go through each of these two topics in more depth



Setting codes are no longer displayed or chosen in the ACHIEVE system-setting codes are being calculated in the background using the information entered for RECP and special education services If participants want more information about setting codes, they can click on the link but it's not necessary to review the setting codes in this training

ACHIEVE Preschool-Specific Processes

Step 1: Document <u>current</u> Regular Early Childhood Programs (RECP) the learner is already attending before the IEP team meeting

Step 2: Continue with the meeting and development of the IEP; document special education services, including removal from the regular early childhood program

Step 3: Consider and document the Least Restrictive Environment (LRE)

ACHIEVE | Iowa IDEA 19

There are three specific steps we are going to review today that take place in ACHIEVE

Regular Early Childhood Program (RECP)

The first thing we would like to know is if the child has opportunities to interact with typically developing peers? Regular Early Childhood Program (RECP): Session, class, or recurring activity that enrolls less than or equal to 50% of children on an IEP for instructional, support, and/or related special education services.

Examples could include:

- Statewide Voluntary Preschool Programs operated by Districts and Community Partners
- Head Start Programs
- Shared Visions Preschools
- Preschool Programs operated by community organizations
- Child Care Centers licensed by the Iowa Department of Human Services (DHS)

ACHIEVE | Iowa IDEA 22

The purpose of the RECP is to determine if the child has opportunities to interact with typically developing peers. This is asked before we even start writing the IEP because it is NOT about special education services, it is only about access to peers. (read through definition)

OSEP also calls out non-examples: an RECP does NOT include child development home (registered or licensed) or home daycare, weekly library times, 3rd shift child care, etc.

An RECP does not have to meet program standards or have a licensed teacher to be considered an RECP. This is a common misconception because later, when teams are considering placement options for receiving special education services, program standard requirements will be required for the RECP to be considered as a placement option. But for right now, we just want to know, does the child have opportunities to "hang out" with typically developing peers and for how long?

In the legacy system, this information was collected through the EC Worksheet on Tab F. The RECP is not a new concept, rather, it is being collected in ACHIEVE within the context of the Learner Management page and IEP, not through a separate worksheet or form. Again, the EC Code will not be displayed or chosen by the users, but the system will calculate that code based on the information entered for the RECP and the Services section in ACHIEVE (amount removed).

Step 1: Document <u>current</u> Regular Early Childhood Programs (RECP) the learner is already attending before the IEP team meeting

Is the learner currently attending a Regular Early Childhood Program (RECP)? This would include any and all RECPs the learner is attending before IEP team meeting.

- See previous slide for the definition of a Regular Early Childhood Program (RECP)
- Document all RECPs on the Learner Management page, even if you think they might stop attending it after the IEP begin
- Do NOT add any programs that the child is <u>not yet attending</u> until the IEP is written and the team is ready to discuss all of the possibilities for placement options

Watch out that you are not predetermining a placement decision before the IEP is written!

ACHIEVE | Iowa IDEA 24

The first step is to document any RECPs the child is already attending BEFORE or at the BEGINNING of the IEP team meeting on the Learner Management page so that the team can consider these current programs once they are ready to discuss placement options. These can even be entered during the evaluation process if the evaluation team is aware of RECPs that the learner is already attending while they are being evaluated.

Do not add an RECP the child is not yet attending until the end of the IEP when the team makes a decision about placement and location of services.

RECPs are entered on the Learner Management page, NOT in the IEP. The reason for this is so that they can be added and updated at any time (for example, the child find team could enter these as they are doing the evaluation). Any changes to the RECP during an active IEP will not affect the active IEP, but they should be considered when the next IEP review is conducted.

Step 1								
							NEW	-
Regular Early Childho	ood Programs							
List all the Regular Early	y Childhood Programs (R	ECP) the child is currently attending.						
Program*			*	Program Name				
Start Date*								
Contact Name	(Contact Email		Invite to IEP Meet	(E-)			
Frequency *	Increments*	▼ per week						
							Cancel	
Program		Frequency	Sta	rt Date	Will attend RECP	after IEP Meeting		
O / Child Ca	are Center	30 hours weekly	05	/18/2020	O Yes O M	No)	
the r	neeting when te	uestion until the end of ams are ready to discuss eams will get a prompt)				A	CHIEVE low	a IDEA

Walk through each part of the RECP entry (demonstrate this in the sandbox if possible)

The drop down has several options for program type, if the program is a blended program (ex. Head Start and SWVPP), users can choose the type of program that applies to the classroom/setting the child attends or funding source for that child

Start date does not have to be exact, especially if it's been several years since they started the program

It is optional, but highly recommended, to enter in a contact name and email and choose to invite that person to the IEP team meeting (if they click yes, the person will be added to the meeting invite and that person will get an email with a meeting invite). The IEP facilitator should let the family know that they would like the contact (teacher or provider) from the RECP to attend the meeting but it is not required to get formal consent from the family to invite them. If parents do not want them invited to the meeting, the IEP facilitator may consider other ways to gather information from the RECP (ex. survey, interview, etc.) and have parents sign a consent to exchange written information.

When entering the frequency, think about the hours between 8am-4pm as a typical day.

Any RECP that is entered will be added to a table below. Teams will see an additional question in the table: Will attend RECP after IEP meeting? Yes/No?

Teams should not answer this question until after the IEP team decides where the learner will receive their services. There will be a prompt later in the system on the LRE page to go back and answer this question for all REPs entered.

Step 2: Continue with the meeting and development of the IEP; document special education services, including removal from the regular early childhood program

Designing and Documenting **Specially Designed Instruction**

Provide a description of "adapting, as appropriate to the needs of an eligible child under this chapter, the content, methodology, or delivery of instruction: (1) To address the unique needs of the child that result from the child's disability; and

(2) To ensure access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children."

ACHIEVE | Iowa IDEA 23

Step 2

We are going to review the process for entering SDI in ACHIEVE Review the legal definition of SDI and point out that it includes ways of adapting content, methodology, or delivery of instruction

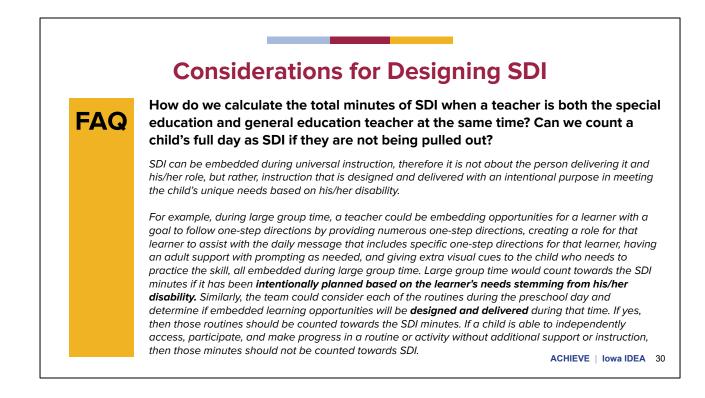
Step 2				
Services				^
setting where <u>services</u> a	oseful, ongoing set of actions delivered to or or re provided, and the persons responsible.	on behalf of a student over	time. Provide a description of the service in	ncluding the number of minutes and frequency, the
Service Specially Designed Instruc	tion	v	Description*	
Frequency *	Increments increments indication hours	How Often*	•	
	neral Education and/or from Regular Early Ch	ildhood Program	minutes	—
Start Date 12/14/2021	4	đ	End Date 12/13/2022	Ċ
Providers*		•		
Provider is outside of A	ACHIEVE			
Tag for Prior Witten No	otice		View Summary Delete	Save Complete and Add Goal Complete
				NEW!
whether or not this environment (aka r	s are not thinking about a spe service could be provided w egular early childhood progra	ithin the context c am). The actual loc	of any general education cation (specific building or pl	
where the IEP WIII I	be implemented is determine	u later as part of t	THE LRE DECISION.	

This is the SDI entry screen in ACHIEVE (other special education services are in the dropdown and have the same entry fields so we are only going to look at SDI entry)

Go through entry field (demonstrate in sandbox if possible); most of these fields are similar to the legacy system

"Amount Removed from General Education and/or Regular Early Childhood Program"-this is not about a specific location, teams are considering the service and if that service could be provided in the context of a gen ed environment. If not, then they should put how many minutes of that service must be removed. For example, if the service is SDI for 90 min. a day and the team feels that 10 minutes of that needs to be one-on-one direct instruction outside of a general education environment, then they would put 90 minutes as the frequency and 10 minutes of it will be removed. Again, this has nothing to do with what current program the child might be attending, it's about the service itself and if it's a service that could be provided within the context of any regular early childhood program (gen ed environment). The specific location of where the IEP will be implemented will be discussed later. DIFFERENT IN ACHIEVE: Instead of assigning the number of minutes to spec. ed and gen. ed, as was done in the legacy system, now users will enter the total amount of minutes for the service and the "amount removed from the RECP." This is how the system will calculate the second part of the setting code using the amount removed (more or less than 50%)

NEW IN ACHIEVE: start date and end date for the service-this has been added so that there is no longer a need for future services and an amendment process for services that will be started in the future (helpful for transitions between grade levels or buildings) If the IEP is being written during the transition meeting from PK to K, this page will look slightly different and there is a different training on that topic (PK to K transitions)



We will review a couple of frequently asked questions that come up when thinking about SDI documentation in preschool

For this FAQ, have participants read the second long paragraph and see if they have any questions or comments about thinking about SDI in the way described

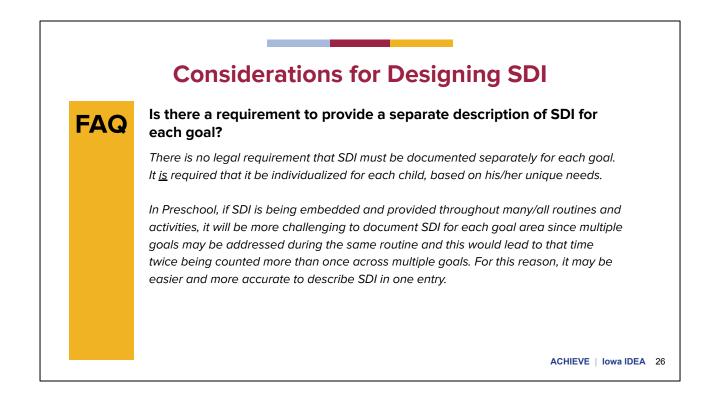
The main takeaway from this slide is that SDI is not required to be delivered through direct instruction by the teacher one-on-one or even in small group in order to be "counted" as SDI; there are many ways that adapting the "content, methodology, or delivery of instruction" can be embedded in existing routines and activities as long as it's intentionally planned and with the learner's needs and disability in mind

Another question that may come up: "But if I'm providing a support for all learners or that strategy is used universally, then how can I count it as SDI? For example, if I have added additional visual supports in my classroom to support all learners, I cannot put that in the IEP."

Response: the strategy or evidence-based practice is not about WHO is getting it, it's about why this specific learner NEEDS it based on their

disability. So if a teacher, for example, added play scripts to their interest areas for all learners to use but a learner with an IEP NEEDS those in order to access and participate in those interest areas because of their disability, then it should be documented in their IEP (could be part of the SDI description, but could also be described in accommodations or assistive technology) because we want to make sure that when that learner moves on to kindergarten, or if the learner were to move to another district or state, that the support is documented and will be provided. There are many evidence-based practices in special education that are also beneficial for all learners and could also be considered as tier 2 or 3 interventions (ex. Visual supports, video modeling, peer mediated intervention, etc.), that does not mean they are not also part of SDI for an individual learner

For more information about how to design and deliver SDI in this way, participants should reach out to their AEA Preschool SDI trainers for training and support



For some audiences (AEA staff)-may want to have a larger discussion about how this plays into determining full-time or part-time status: In order to determine if a preschool child is considered as a full-time versus a part-time learner, it is based upon the total amount of time the child receives instructional services within the RECP and outside RECP. The total hours of participation in special education and general education may be combined to determine if a child is a full-time versus a part-time student. (there is more information about part-time vs. full-time in the facilitation guide)

Considerations for Designing SDI

FAQ

How do we determine what is considered "removal" from the general education environment/RECP?

From the OSEP Dear Colleague Letter: "Special education and related services delivered in the child's classroom in the course of daily activities and routines in which all children in the classroom participate (e.g., "circle time", "learning centers"), would be considered as being received in the Regular Early Childhood Program. However, services delivered in other locations that **remove the child from the opportunity to interact with nondisabled children would not be considered as being received in the Regular Early Childhood Program**. These include, but are not limited to, services delivered in a 1:1 therapeutic setting, or in a small group comprised solely of children with disabilities in another location within the building where the regular early childhood program is located."

Teams must consider whether or not the SDI is going to remove the child from participating with his/her peers in order to receive SDI; if it is, then it is considered removal. This would be regular, ongoing opportunities, not isolated incidents where one-on-one support might be needed.

ACHIEVE | Iowa IDEA 27

The takeaway here is that we want them to consider if the delivery of SDI is going to require removing the child from naturally occurring routines and activities with their peers in the classroom; if yes, then it's removal, even if it still occurs in the classroom The next slide will help clarify this with a few scenarios

Is it Removal (SDI)? Teacher schedules a time each Wednesday to work one-on-one with a learner with an IEP for 10 minutes during centers time on 1. the learner's IEP goal to follow directions. Yes, it is removal because the learner is being removed from activities with his/her peers on an ongoing, regular basis to receive SDI. If the teacher embedded that instruction during centers time with his/her peers, then it would no longer be considered removal. Teacher sees that a learner with an IEP is struggling during circle time and knows the learner had a rough morning according to 2. the family, so she asks the para to take the learner aside and provide some one-on-one support. No, this would be providing support in the moment as needed, just as would be occurring for all learners. If removal from circle time was an ongoing, scheduled occurrence and part of the IEP, then it would be considered removal. З. Teacher uses GOLD data to determine that a small group of learners need some extra support around a specific skill, so the teacher provides extra practice for a couple of weeks embedded during small group time and it ends up that the group is only learners with IEPs. No, this would be considered differentiation within an MTSS model since it's based on core instructional data and is temporary; if the small group is being designed to meet the needs of learners based on their disabilities and will be ongoing and documented in their IEP, it would be considered removal. SLP schedules a play-based speech group with a group of learners with IEPs once a week to work on IEP goals in a corner of the 4. classroom during small groups. Yes, it is removal because the purpose of the group is to provide SDI and learners are being removed from access to universal instruction and interaction with typically-developing peers. If the SLP embedded the instruction during a naturally occurring small group that included typically-developing peers, it would not be considered removal. ACHIEVE | Iowa IDEA 34

These scenarios will show one at a time and you will have to click/advance to see each response. Participants should read the scenario and then think about if it's removal or not (they could write down a response or talk with an elbow partner)

Also, remind them that the research indicates that skill acquisition AND generalization is more likely to occur, and at a faster rate, when SDI is provided in inclusive settings as part of the natural activities and routines

Remind them that a continuum must always be available (removal does not always equal bad), it should be determined on an individual basis, and removal may be required in some situations. The emphasis is on the design of instruction and supports in using research-based practices, not about how to code it.

One example of another question that might come up is teletherapy or virtual services-the same considerations should be applied-is the service removing the child from the opportunity to participate in the same activities and routines their typically developing peers are involved in? If yes, then most likely it is removal.

Step 3: Consider and document the Least Restrictive Environment (LRE)

Documenting Least Restrictive Environment

The ACHIEVE system will display a pie chart representing the number of minutes of special education services being provided within the regular early childhood program and those that are removed from the regular early childhood program.

Teams will check for accuracy in the RECP hours statement and % of services removed from the RECP in the pie chart.

ACHIEVE | Iowa IDEA 29

Once all special education services and supports have been documented, the last step will be to determine LRE and the location of those services

Step	3
------	---

Step 3	
Least Restrictive Environment	^
Delivery of Specia	l Education Services
Within a Regular Early Childhood Program	Outside a Regular Early Childhood Program
75%	25%
	Outside a Regular Early Childhood Program
Benny attends regular early childhood program(s) for a total of (10.00) hours per week. Benny receives 75% of services in the <u>regular early childhood</u> program, and 25% of services re	moved from the regular early childhood program.
	ACHIEVE Iowa IDEA 30

This screenshot shows an example of the pie chart and the two statements below that state how many hours the learner currently attends an RECP (based on what was entered on the Learner Management page before the IEP team meeting) and the amount of services in and out of the RECP.

Step 3

The next question is "Does the Regular Early Childhood Programs (RECP) Summary Table accurately represent all of _____'s previous, current, and/or new attendance in RECPs based upon the IEP Meeting?"

At this point, if a team has decided that the learner will start a new RECP as a result of the IEP team meeting, the team will choose "no" and click on "Update Regular Early Childhood Program."

A new window will open to the Learner Management Page and a new RECP may be added or updated. If a learner will no longer attend an RECP that s/he was attending prior to the IEP, the team should mark "no" to the question, "Will attend RECP after IEP meeting?"

Once the RECP table is updated and accurate, refresh the Services page and under LRE, click yes to "Does the Regular Early Childhood Programs (RECP) Summary Table accurately represent all of ______'s previous, current, and/or new attendance in RECPs based upon the IEP Meeting?"

ACHIEVE | Iowa IDEA 31

This is the point where teams will be directed back to the Learner Management page to update the RECP table, as needed.

Teams are not able to delete any RECPs; if the learner will no longer attend an RECP once the IEP begins, then the team will choose "no" in the table

Teams should also now add any new RECPs that the learner will start as a result of the IEP team decisions

Yes 💽 No 🖒			
Update Regular EC Program			
Start Date Regular EC Program		Frequency	Will attend RECP after IEP Meeting
08/27/2021 Head Start		6 hours weekly	ā
Regular Early Childhood Programs			^
List all the Regular Early Childhood Programs (RECP) the child is currently a	ttending.		
Program*	▼ Program Name		
Start Date*	۲		
Contact Name Contact Email	Invite to IEP Meeting		
contact mine	O Yes O No 5		
Frequency Increments*			
		Cancel	Complete
Program	Frequency Start Date	Will attend RECP after IEP Meetin	ng
🗿 🇪 Head Start	6 hours weekly 08/27/202	21 O Yes O No	
 Statewide Voluntary Preschool (District operated) 	10 hours weekly 11/09/202	21 💿 Yes 🔿 No	

The first screenshot shows where there is a button to go update the RECPs; users may see an error message if the services entered indicate that some are being provided in an RECP but no RECP has been entered yet-it will be taken care of when the team updates the RECP table

The second screenshot shows the RECP entry page again on the Learner Management page and where they should now indicate which programs the learner will attend once the IEP begins

Additional LRE Questions

What are the reasons _____ cannot be provided all special education services in a regular early childhood program?

This question will show if the child has any services listed as being removed from the Regular Early Childhood Program (ex. SDI is 60 minutes but 10 minutes of SDI is removed from the regular early childhood program).

Teams will explain why **all** services, such as SDI or support services, are not able to be provided in a regular early childhood program.



Once the RECP table is correct, the next several slides are some questions that the team may see, depending on where the learner is getting their services (the scenario about when they will see this question is described under each question)

This question is not new but take a minute to review it; they will see this question if there are any minutes removed from the RECP (green in the pie chart)

Additional LRE Questions

Will _____'s special education services be provided in the regular early childhood program or school they <u>currently</u> attend?

This question will show if the learner has at least one Regular Early Childhood Program listed on the Learner Management page with a start date before the IEP team meeting.

If the learner is <u>going to stay</u> in his/her current RECP <u>and</u> receive special education services in that location, answer **YES**.

If the learner <u>will NOT receive special education services</u> in the current RECP and will begin attending a NEW RECP, answer **NO** and **Explain Why** the learner is not able to receive special education services in the current program.

ACHIEVE | Iowa IDEA 34

This question is about identifying if the IEP will be provided in the RECP a learner is currently attending

*if the learner will still attend their current RECP but not receive their services there, the answer is still no (example: Learner will continue to attend child care in the morning but will begin attending SWVPP in the afternoon and receive their services during SWVPP)

Provide some examples for explanations for why they may not be able to provide special education services in their current program (ex. Child care center does not follow any of the three required program standards, family is choosing not to continue to have their child attend the child care program, current preschool program the child is attending is not located in resident district and family is not interested in open enrolling, current RECP is not able to meet the learner's needs with supplementary services and supports as identified in the IEP)

What are the reasons Benny cannot be provided all special education services in a regular early childhood program? *	
	e e
View Summary	11
If a child is going to stop attending his/her current regular early childhood program and star new one in order to receive special education services, teams will need to explain why the learner could not be provided special education services in his/her current regular early childhood program.	ta
One reason may be the child's current RECP does not meet one of the approved preschool program standards (IQPPS, Head Start, or NAEYC), which is required in order for the RECP to a placement option for special education services.	o be
ACHIEVE Iowa II	DEA 42

This is the screenshot for the question on the previous slide. Team will answer the question if the learner will receive their special education service in their CURRENT RECP and if the answer is no, then they will explain why. The purpose is to ensure teams are considering the learner's current program as a location for services before removing them to a different location in order to receive their special education services

Example: Learner was attending a licensed child care before the IEP team meeting. The IEP team has determined that the services CAN be provided in a general education environment but the learner's current RECP (the child care center) does not meet one of the three program standards as required by Iowa Iaw (IQPPS, Head Start, or NAEYC), so the learner will begin attending the district's SWVPP classroom where he will receive his special education services.

Additionally, if a child is going to continue to attend a current RECP for part of the day and start attending a new RECP for the other part of the day to receive special education services, then teams will want to explain that here as well. For example, child is attending child care in the morning. Team decides they cannot provide the IEP in the child care setting because the child care does not follow program standards. The child will continue to attend the child care in the morning and now also start attending the district's SWVPP in the afternoon to receive IEP services. Teams will want to keep the child care hours in the RECP table and add the SWVPP hours so that all of those hours are being accounted for and will be included in the total amount of hours the child is attending an RECP in the statement under the pie chart. In this text box, the team will explain that while the family chooses to continue to send the child to the child care in the morning, due to the child care not following program standards, the child will also begin attending the district's preschool program in the afternoon where the IEP will be implemented.

Additional LRE Questions

Will _____ attend the regular early childhood program or school they would attend if nondisabled?

This question will show if the learner was not attending a Regular Early Childhood Program before the IEP but will begin attending one as a result of the IEP. It will also show for learners who will begin attending other settings as well (self-contained classroom, special school, etc.)

If the child is <u>going to attend a</u> program or location to receive special education services that is a location that he/she would attend if nondisabled, answer **YES**.

If the child is <u>not going to attend</u> a program or location that he/she would attend if nondisabled, answer **NO and Explain Why.**

ACHIEVE | Iowa IDEA 36

This is not a new question in ACHIEVE, teams have always had to answer whether or not services are provided in a location where learner would attend if nondisabled (PK-12)

Examples for when they may need to answer NO: -Learner needs a specialized classroom or program that is not offered in their neighborhood school (ex. Classroom specific for learners with autism spectrum disorder or for Deaf/Hard of Hearing) -Neighborhood school has an appropriate program but there is no space so learner must attend another building/program

See facilitator's guide for more FAQs that may come up (3 year olds, for example)

Additional LRE Questions

Where does _____ receive special education services?

This question will show if the child will not attend a regular early childhood program once the IEP is implemented.

Teams will choose from a dropdown list:

- **Special Education**: Session, class, or recurring activity that enrolls more than 50% of children on an IEP for instructional, support, and/or related special education services.
- Special School*: Special education services provided within a separate school
- Residential Facility: Special education services provided within a residential facility
- Home: Special education services provided in the child's home
- Service Provider Location: Special education services are provided within a service provider location or other location such as an AEA office or a designated room for AEA Support Services in an elementary school/building (includes support services such as OT, PT, or Speech, etc.).

*additional questions regarding a **special school** placement will need to be answered

ACHIEVE | Iowa IDEA 37

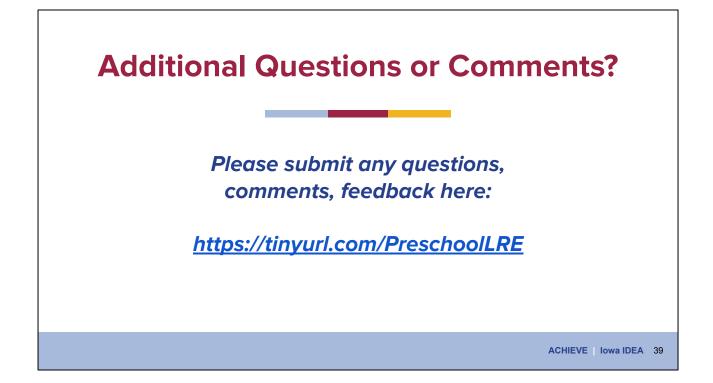
These options have not changed and the special school questions are the same as the K-12 questions

Common question regarding "Service Provider Location: If a learner has a support-only IEP and will receive their support services in a service provider location BUT also attends an RECP like child care or Head Start, is the Service Provider Location the correct choice? No, since the learner attends an RECP, this drop down will never show up; the service will be considered 100% removed from the RECP



This <u>quick video</u> (4:30 min) provides an example of a district in Iowa that provides special education services not only in their own district classrooms but also in community partner programs If there is time, debrief the video as a large group or with a partner: What did you hear that might be helpful moving forward?

Participants can reach out to Kristin Rourk at the <u>West Des Moines CSD</u> for more information (rourkk@wdmcs.org)

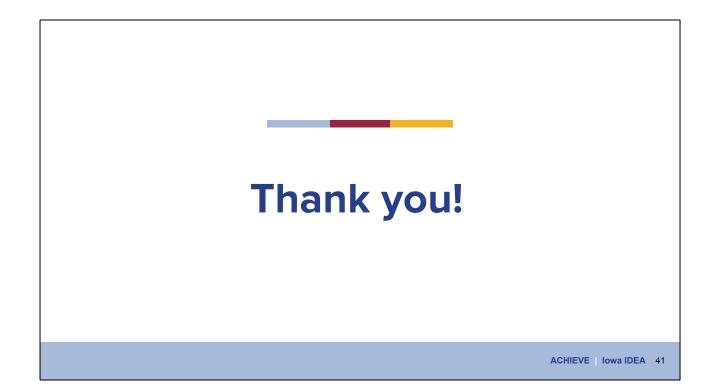


As trainers and participants start to use the system, questions and comments can be submitted using the linked form and we will try to answer those as they come in and/or add to future resources

Resources

- Dear Colleague Letter on Preschool LRE (2017, OSEP)
- Policy Statement on Inclusion of Children with Disabilities in Early Childhood Programs (2015, HHS/DOE)
- Joint Position Statement on Inclusion (2009, DEC/NAEYC)
- Making Sound Preschool LRE Decisions (ECTA)
- <u>Determining Least Restrictive Environment (LRE) Placements for Preschool Children with</u>
 <u>Disabilities: Reference Points and Discussion Prompts (ECTA, 2014)</u>
- <u>Team Decisions for Preschool Special Education Services: Guiding Questions (ECTA,</u> 2014)
- <u>Early Childhood Collaboration Field Guide</u>

ACHIEVE | Iowa IDEA 40





The following slides are an activity and some SDI examples that can be used if there is extra time

True or False?

- 1. Children with disabilities need to be "ready" to be included a. False
- 2. Inclusion is more expensive a. False
- 3. Only the families of children with disabilities report benefits to inclusion a. False
- 4. Children with disabilities take away from the education of their peers a. False
- Children with disabilities "learn best" when they are in their "own" classroom with the specialized supports and instruction they need with peers who have similar needs

 a. False
- Inclusion requires intentional and effective collaboration and teaming between teachers, administrators, service providers, and families

 a. True
- 7. Segregating children in preschool creates a trajectory of that child likely never, or for a decreasing amount of time, being included with their peers in the future a. True

Resource: Research Fact Sheet on Preschool Inclusion

Optional for teams that have longer than an hour

The intent of this activity is to go through some of the myths that are often quoted when people push back on inclusion. All of these myths are discussed and backed by research in the linked resource. When you present this slide each myth will be shown and participants can indicate if they think this myth is true or false and then presenter will show the answer.

Additional talking points for each myth:

- The requirements to attend SWVPP, for example, is a child must be 4 and live in Iowa. When we start talking about "readiness" for preschool, we start to go down a slippery slope making decisions about what skills or behaviors are needed to attend a program that should be free and accessible to any child who qualifies. Children do not need to be ready for preschool, the preschool needs to be ready to support any child who they serve
- 2. Studies have shown that providing inclusive settings is not more expensive than self-contained setting and in many cases, the self-contained classroom are more expensive
- 3. Families of typically developing peers report positive effects of



- 1. inclusion, including staff with knowledge of how to support all abilities as well as their children learning appreciation of all children's differences
- 2. When staff learn how to support all children in the classroom, the quality rises and the outcomes of all children have been shown to be higher
- 3. Children learn best when they are able to participate in the same activities as their typically developing peers and the strategies that can help them access, participate, and make progress can be embedded in those activities. On the contrary, research shows that quality and outcomes actually decrease when children are segregated from their peers
- 4. Inclusion does not just happen when children are sharing the same space, intentional planning with the entire team is needed for true inclusion in high quality program to happen
- 5. Inclusion in early childhood programs can set a trajectory for inclusion across the life course, making it critical that we include individuals with disabilities in all facets of society from birth. (from inclusion policy statement)

Bree will receive specially designed instruction embedded throughout the general education preschool classroom routines and activities. Targeted areas for special instruction, accommodations, and modifications include communication, social skills, academics, and self-help. Instruction will be designed and monitored by the EC/ECSE teacher and delivered by the teacher and paraprofessionals. Strategies and practices will include modifying tasks for instructional level (i.e. reducing the number of steps in an activity and teaching skills that are developmentally earlier than the general education curriculum), frequent embedded learning opportunities with an antecedent, behavior, and feedback teaching loop that includes immediate feedback, instruction and support in using individual visual supports for routines that she is not able to complete independently, use of the prompting hierarchy to promote errorless learning, integration of preferred items and activities to increase engagement and reinforce learned skills, first/then schedules during less preferred activities, and use of peer mediated intervention to support learning and generalization of social skills.

Frequency: 3 hours per day. Amount removed from the Regular Early Childhood Program: 0 minutes

SDI Description Examples

ACHIEVE | Iowa IDEA 44

These are extra supports for groups that may have more than one hour

Gabriel will receive specially designed instruction within the Head Start classroom. The ECSE teacher will design the instruction and work with the Head Start teacher and paraprofessionals to deliver the instruction and collect progress monitoring data. The areas of social communication, social emotional behavior, and language development will be targeted in collaboration with the SLP. The following evidence-based practices will be used to embed the instruction throughout the daily activities:

- Visual supports-Gabriel will be instructed and supported on using an individual daily visual schedule designed to his needs to support transitions and engagement throughout his day
- Communication system using pictures-Peers and adults will be taught how to instruct and support Gabriel's use of his system to communicate
- Video modeling-specific skills identified in each goal will be taught to Gabriel through video modeling
- Peer Mediated Intervention-all children will be taught the social skills and peers will be taught to use those skills with Gabriel in order to model and teach him how to use the social skills; adults will use the prompting hierarchy as needed to ensure Gabriel's success
- Social Narratives-social stories will be created and used as an extra support targeting Gabriel's goal areas
- Embedded Learning Opportunities-short, engaging teaching loops will be used throughout the daily activities to provide instruction and reinforcement using Gabriel's preferred materials and activities

Frequency: 4 hours per day. Amount removed from the Regular Early Childhood Program: 0 minutes

SDI Description Examples

ACHIEVE | Iowa IDEA 45

These are extra supports for groups that may have more than one hour