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**Department of Education**

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## **Monthly meeting**

Implementing Special Education for Preschoolers in  
Universal Preschool

Paul Foster, Executive Director  
Heidi White, Early Childhood Special Education Director

Exceptional Students Services Unit, Office of Special Education  
November 14, 2023

# Meeting Intentions

- Monthly virtual meeting - Second Tuesday of every month
- Audience: AU and LEA Special Education Directors, District level EC administrators Fiscal representatives
- Facilitated by CDE with field input in agenda planning, content and feedback loop, CDEC UPK staff invited
- Meant to be responsive, proactive, needs based & solution focused
- Meeting scope: Implementing Special Education for Preschoolers within the UPK landscape



# Monthly Meeting Schedule

Second Tuesday of each month from 2 - 3 p.m.

[Zoom link \(register\)](#)

[Submit a request of a meeting topic or question](#)  
prior to each meeting date

Remaining Dates 2023-24 School Year:

Dec 12, 2023

Jan 9, 2024

Feb 13, 2024

Mar 12, 2024

Apr 9, 2024

May 14, 2024

Jun 11, 2024



# Today's Topics

1. Ensuring Regular Classrooms in the Continuum of Placements
  - Local decisions regarding Free and Appropriate Public Education (FAPE)
  - Defining the Regular Class in preschool for Least Restrictive Environment (LRE)
  - Strategies from the Field - Panel of Local Administrators
2. Department of Early Childhood Updates



# Ensuring Regular Classrooms in the Continuum of Placements in Preschool

Marcia Blum, Early Childhood Special Education Specialist

November 14, 2023



# Considerations for FAPE

FAPE means special education and related services that are:

- Provided at *public expense, under public supervision and direction and without charge*
- **Meet the standards** of the State Education Agency and IDEA
- Include *an appropriate preschool, elementary school, or secondary school education*
- Provided in conformity with an IEP

Decisions are made locally, by the Administrative Unit (AU) through IEP teams (including the parent) **for each child individually.**

→ How will the AU fund, supervise, and direct?



# CDE Standards for Placement

## CDE Standards for Placements of Preschoolers with IEPs in Educational Programs

**Standard 2:** Classrooms serving children with IEPs always have fewer than 50% students with IEPs, recognizing that it is best practice for children with IEPs to be represented in classrooms in natural proportions as in the community where they live. The remainder of the classroom is made up of age appropriate non-disabled peers.

- If a child with an IEP is placed in a classroom with more than 50% students with IEPs, the more restrictive placement is documented and explained in the IEP.



# Definition of a Regular Classroom

The term “**regular class**” is defined by the Office of Special Education Programs (OSEP) and includes a preschool setting with typically developing peers. See [OSEP Memo 2017](#)

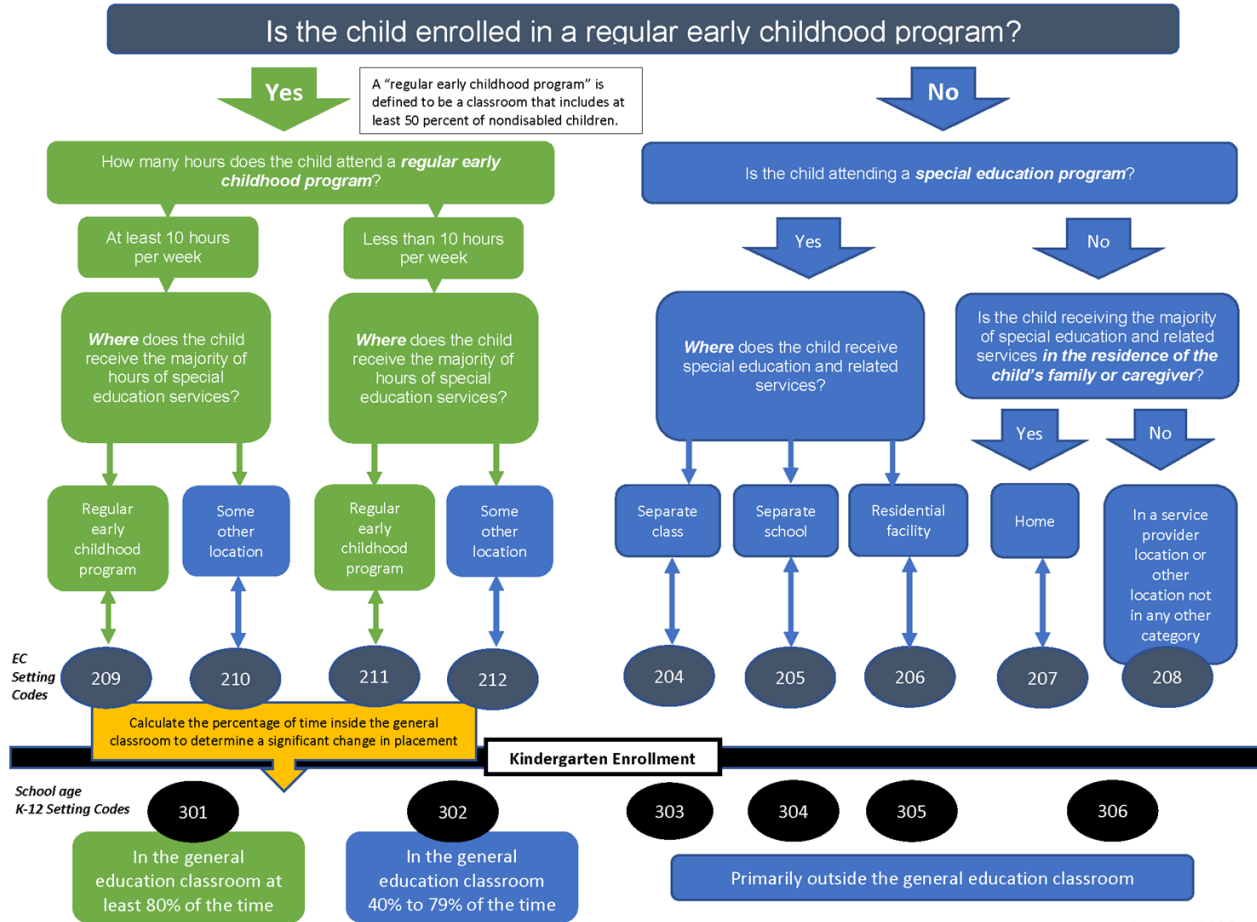
- More than 50% non-disabled peers
- More than 50% of services inside the classroom
- More than 10 hours (code 209) or less than 10 hours (code 211)

December 1 Count LRE data should reflect the setting of the child based on the IEP placement. There should be alignment between the setting identified on the IEP and the setting in which each child is enrolled.





Comparison of LRE Setting Codes for 5 year olds in Preschool who will attend Kindergarten the Following School Year



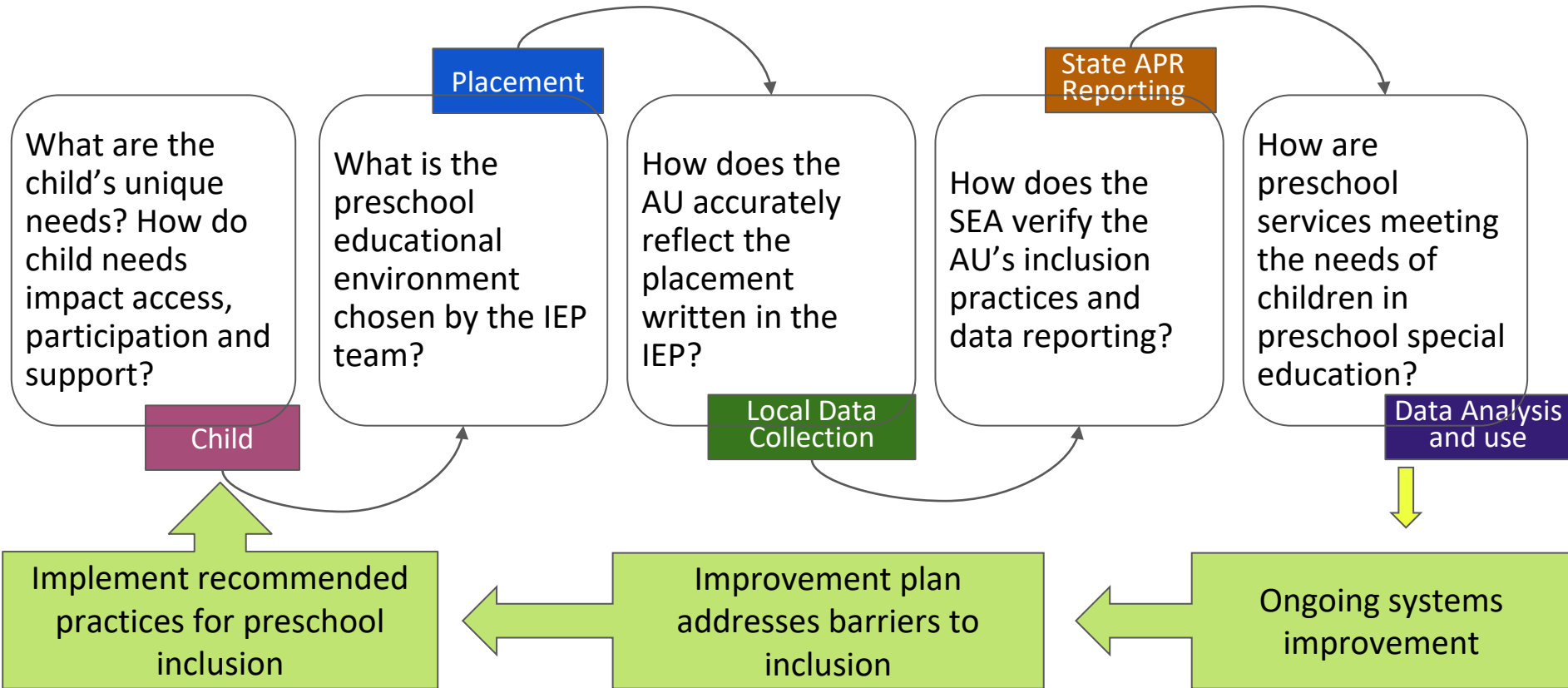
# Full Continuum of Placements

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



# The Relationship Between Placement, Indicator 6 Reporting, and Improving Outcomes



# What Happens When a Program Has Difficulty Enrolling Non- Disabled Peers?



# A Guaranteed Right

A guaranteed right for a child who is eligible to receive special education and related services 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.

This provision does not make a distinction between preschool and school aged children.

# Based on Individual Needs

§300.116 is sufficiently clear that placement decisions must be based on the individual needs of each child with a disability. Public agencies, therefore, must not make placement decisions based on a public agency's needs or available resources, including budgetary considerations and the ability of the public agency to hire and recruit qualified staff.



# Implications for LRE

- When the percentage of students with an IEP surpasses that of non-disabled peers, the classroom is considered a ***special education program***.
- A classroom “changing” to a more restrictive setting due to enrollment and a system capacity issue is never a good thing. This would be considered a significant change in placement.
- When children are making progress in the general curriculum in a regular classroom, the IEP should never be changed to reflect a more restrictive educational environment due to enrollment - the classroom make up needs to be addressed.

# Implications for Staffing

- A regular classroom has primary or lead teachers who meet licensing requirements for a child care center license.
- Any classroom where over 50% of children have an IEP is defined as a special education program where an ECSE teacher is required to be the primary teacher.



# What about Pull-Out Services?

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
- In a small group comprised solely of children with disabilities in another location within the building where the regular early childhood program is located.



# Strategies

- Know your enrollment trends and plan ahead.
- Open new classrooms to ensure smaller numbers of children with IEPs are placed across the preschool program.
- Increase outreach efforts to attract non-disabled peers.
- Increase enrollment in classrooms up to licensing standards with non-disabled children to provide peer models and maintain them as a “regular class”.
- Partner with community sites to serve children with disabilities in those sites with appropriate supervision and oversight.



# Sharing from the Field

1. What routines or procedures you have built into your system so that classrooms don't exceed 50% students with disabilities?
2. How do you determine how many spots to save for students identified across the year or transitioning from Part C?
3. What new challenges have you encountered in maintaining LRE requirements with the advent of Universal Preschool?  
How did you address them?



Next up:  
CDEC



# Universal Preschool Updates

## CDE Special Education Meeting

November 14, 2023



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## IEP as a Qualifying Factor

- IEP can only be marked as a qualifying factor in Universal Preschool if the IEP is active (the child is enrolled at a provider who can provide the IEP services)
- If a family is attending a community-based provider that does not provide IEP services, the IEP is no longer valid
- In this case, the IEP no longer counts as a qualifying factor
  - CDEC staff can update the child's application accordingly





# AU Reports

- Review your reports in the application portal regularly
- No alert when new children are added
- Working on longer-term plan to identify new children
  - e.g. - application date or highlighting new
- Best practices you've implemented now to identify new children on the report?
- What would you ideally like to see on the report to identify new children?





## Payments for three-year-olds

- For school districts that completed the historical allowance attestation by October 31, the historical allowance payment will be distributed in November
- Please contact CDEC if your school district has not completed the attestation so we can provide support
- Three-year-olds with IEPs will be paid monthly based on enrollment.
  - That process is being finalized now and we will communicate when the process is finalized.



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## Q&A Process

- Questions will be added to the applicable provider guidance document if not already incorporated
  - [Provider guidance](#)
- CDEC and CDE review before finalizing



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A woman with long blonde hair, wearing a purple shirt and a necklace, is sitting at a table and reading a large, colorful book to a group of young children. The children are sitting around the table, looking at the book. The background shows a classroom setting with shelves, a clock, and various educational materials. The text "THANK YOU. Questions?" is overlaid on the image in a white and yellow font, enclosed in a white L-shaped graphic.

THANK YOU.  
Questions?



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