



COLORADO
Department of Education

Bi-monthly Meeting

Implementing Special Education for Preschoolers within UPK

Paul Foster, Executive Director of the Exceptional Students Services Unit
June 6, 2023

Meeting Intentions



- Bi-monthly virtual meeting - First and Third Tuesdays through June
- Audience: AU and LEA Special Education Directors, EC administrators, Fiscal representatives
- Facilitated by CDE with Consortium 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



Today's Topics

1. Ensuring Alignment between UPK Program and IEP
2. ECEA Rules - Overview
3. Resources and Upcoming Meetings



Simplified Process to Ensure Alignment between UPK Program and IEP

Ensure Alignment between UPK Program and IEP

Starting now, until further notice, and while longer-term solutions are being developed, follow these steps

For Students with Active IEPs, Districts, and AUs may:

1. For AUs that are not registered UPK providers, **consider entering a short-term DSA with CDEC**. CDEC will work to have a Data Sharing Agreement template available for AUs to sign as soon as possible.
2. **AU's send a list to CDEC of all preschool children who are not currently matched in alignment with the student's IEP** or students whose families have not yet applied for services through the BridgeCare system through a secured data sharing platform of their choice. *Be sure to include: the first and last name of the student, the student's date of birth, the full name of the school where the child should be placed, and the program type (part-time, half-day, full-day).*
3. **CDEC will directly place the student in the correct program in alignment with the child's IEP outside of the deferred acceptance algorithm (DAA).**
4. When the parent-requested placement is different than the IEP team placement, the **AU will communicate directly with the family** about the need to place the child in accordance with the IEP team's decision.
5. **AUs should send an updated list to CDEC on an ongoing basis.**



Ensure Alignment between UPK Program and IEP

For students identified for special education services and placed during summer months:

- 1. IEP teams identify children for eligibility and, when appropriate, place the child.**
- 2. Support families to apply for services through BridgeCare, in alignment with the student's IEP.**
- 3. AUs should include these newly identified students on the list that need direct placement by CDEC.**
(See number 2 on prior slide).
- 4. CDEC will directly place the student in the program in alignment with the child's IEP outside of the deferred acceptance algorithm (DAA).**



Direct Placement Contacts for UPK

For direct placement of students with IEPs (outside the UPK BridgeCare deferred acceptance algorithm), please contact:

Michael Cooke, Early Childhood Transition Director *through June 30, 2023*
303-906-7636 and m.michael.cooke@state.co.us

Or

Dawn Odean, Director Universal Preschool
Colorado Department of Early Childhood
Cell Phone 720.483.5505 and dawn.odean@state.co.us

General questions about preschool special education or this process, reach out to Heidi White at white_h@cde.state.co.us and 303-501-0837.



Status of ECEA Rulemaking *Related to CDEC and UPK*



ECEA Proposed Rules Approved by State Board of Education

State Board Approves [ECEA Rules](#) in May Meeting

- The board approved amendments to the proposed revisions following public comment from stakeholders.

Dispute Resolution Process

For Special Education-Related Disputes Between Administrative Units and Department of Early Childhood Programs

3.02(3)(b) Dispute Resolution Process for Special Education-Related Disputes Between Administrative Units and Department of Early Childhood Programs

The following dispute resolution process applies to special education-related disputes between administrative units and Department of Early Childhood Programs. **This process does not apply to disputes between an administrative unit and the state Department of Early Childhood. Disputes between parents/guardians and education providers are governed by Section 6 of these rules.**

3.02(3)(b)(i) The Department of Early Childhood (CDEC) program and the administrative unit will arrange to discuss issues and work to resolve the dispute at the local level.



Dispute Resolution Process, continued

3.02(3)(b)(ii) If the parties are unable to resolve issues at the local level, the administrative unit may implement this dispute resolution process by notifying the Colorado Department of Education (CDE) or may seek other legal or equitable remedies that may be available to the administrative unit.

3.02(3)(b)(iii) The dispute resolution process is initiated by the administrative unit providing written notice to the CDE and the other parties to the dispute, describing the dispute with specificity and identifying the relief requested. The other parties to the dispute shall have fifteen calendar days to provide a written response. The parties to the dispute shall provide CDE with all documents and information requested by CDE, including, without limitation, any agreements between the parties, that are relevant in resolving the dispute.

3.02(3)(b)(iv) CDE, in consultation with CDEC as CDE deems appropriate, may implement, and apply remedies and sanctions, as reasonably necessary, including requirements of local agreements, training and technical assistance from state staff, or other appropriate remedies to effectively resolve the issues presented to CDE. Any decision issued by CDE is binding and must be implemented by the administrative unit and the CDEC program. **Nothing in this Section 3.02(b) shall be interpreted to confer authority on CDEC to issue orders, relief, or remedies.**



Child Find Obligations

3.02(3)(a) Minimum Standards for Department of Early Childhood Programs.

The Colorado Department of Education is the state educational agency responsible for compliance with IDEA, Part B, and the ECEA, including compliance within Department of Early Childhood programs. **The local administrative unit is the local education agency responsible for identification, placement, re-evaluation, of special education and related services for students with disabilities.** Accordingly, Department of Early Childhood Programs shall satisfy the following minimum standards related to IDEA Part B and the ECEA.

3.02(3)(a)(i) Complete all training and certification requirements established by the Department of Education for identifying children suspected of having a disability and referring such children to the appropriate administrative unit for evaluation. Preschool Providers that have provided services to children with disabilities in prior Colorado public preschool programs are exempt from this requirement.



Child Find Obligations

4.02(1)(c) Department of Early Childhood Programs – Part B Child Identification.

The Colorado Department of Education is the state educational agency responsible for compliance with IDEA Part B and ECEA. Administrative Units are the local educational agencies pursuant to IDEA Part B and ECEA and are responsible for Child Find evaluations. **However, Department of Early Childhood programs may receive information about preschool children that triggers Child Find identification and referral obligations. Each Department of Early Childhood program shall comply with the Child Find identification and referral procedures established by the Department of Education.** The administrative unit of residence shall remain responsible for all Child Find evaluation requirements.



Duties and Responsibilities of Administrative Units

8.01(1)(i) Reporting of any Department of Early Childhood Program noncompliance with state and federal special education laws, regulations, and requirements to the Department of Education and Department of Early Childhood. Such reports shall be made in writing to the Commissioner of Education and the Executive Director of the Department of Early Childhood or their designees no later than five business days after discovery of the acts or omissions giving rise to the noncompliance.



Next Steps - Rules Implementation



- Draft Training Plan to Provide Support to Programs to Meet CDE Minimum Standards - Stakeholder input being sought prior to finalization
 - ◆ Training structure expected to be in place for Fall 2024
 - ◆ Preschool Providers that have provided services to children with disabilities in prior Colorado public preschool programs are exempt from this requirement.

Prior Meeting Recordings, Materials & Upcoming Meetings



Bi-Monthly Meeting Materials

Next Meeting - **last scheduled meeting**

Tuesday, June 20th, 2 p.m.: [Zoom link](#)

All Bi-monthly meeting presentations may be found on the CDE website at:

~~Special Education and Universal Preschool in Colorado – Bi Monthly Meetings:~~

- [February 7, 2023](#)
- [February 21, 2023](#)
- [March 7, 2023](#)
- [March 21, 2023](#)
- [April 4, 2023](#)
- [April 18, 2023](#)
- [May 2, 2023](#)
- [May 16th, 2023](#)



Joint Messaging & Periodic Updates

Colorado Universal Preschool Update



**UNIVERSAL
PRESCHOOL**



UPDATE



COLORADO
Department of Early Childhood



COLORADO
Department of Education

This joint message from CDEC and CDE will provide periodic updates on issues related to the implementation of Universal Preschool Colorado and serving students with disabilities within the new preschool system.

Field Service Contacts

Key Contacts at CDE

Communications Tools

CDE Fact Sheets

Colorado Department of Early Childhood

Colorado Law Book

Resources for Early Teachers

Universal Preschool Updates

Archive of Universal Preschool Updates

Universal Preschool Website

CDE Calendar

CDEC-CDE Updates



Upcoming Meetings

UPK Town Hall Meeting Schedule (CDEC and CDE)

Upcoming Meeting Dates: Look for meeting invitations in your email with the Zoom meeting links (or contact Contact Jeannie.Lira@state.co.us to be added to the invitation list):

- 1 to 2 p.m. on Friday, June 9



Questions

