



Bi-monthly Meeting

Implementing Special Education for Preschoolers within UPK

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February 21, 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 Issues



1. UPK Statue Pertinent to Current Issues
2. Hours of Preschool for Students with Disabilities
3. Parent Choice in Selection of Provider
4. Financial Policies and Procedures meeting
5. LCO Training update
6. ECEA Rules changes to conform with MOU



UPK Statue Pertinent to Current Issues

26.5-4-202 (4) The General Assembly recognizes ***the requirement of the federal "Individuals with Disabilities Education Act", ... as amended, to provide educational services to every three- or four-year-old child with a disability, in accordance with the child's individualized education program.***

The General Assembly declares that, for purposes of Section 17 of Article IX of the state constitution, ***meeting the obligation of serving all three- and four-year-old children with disabilities*** through the Colorado Universal Preschool Program is an important element of expanding the availability of preschool programs and may therefore receive funding from the state education fund created in section 17 (4) of Article IX of the state constitution.



UPK Statue Pertinent to Current Issues

26.5-4-204 (2) ... in identifying and recruiting preschool providers, the department and Local Coordinating Organizations shall, ***to the extent practicable***, establish a mixed delivery system in communities throughout the state that enables parents to select preschool providers from ***as broad a range as possible*** within their respective communities.



UPK Statute Pertinent to Current Issues

26.5-4-204 (3)(a) For the 2023-24 school year and for each school year thereafter: (II) ***Pursuant to IDEA and ECEA every child who is three or four years of age and is a child with disabilities must be offered preschool services in accordance with the child's individualized education program.***



Hours of Preschool for Students with Disabilities

Issue Communicated to CDEC:

- Parents of students with disabilities, when registering/enrolling a 4-year-old in UPK, have stated that they are being told their child is eligible for 30 hours/week (or 10 hours for 3-year-olds).
- This sets programs and families up with differing understandings.
- Misalignment between parent and public school programs on these points may result in IDEA violations and a breach of the CDEC-CDE MOU.

Hours of Preschool for Students with Disabilities

CDE's Request to CDEC to Address the Issue:

1. Refine messaging in Bridgecare, on the UPK website, in FAQs, and in promotional materials to parents, LCOs and public school partners to specifically state “the hours of service in UPK are determined through the IEP process, in accordance with the offer of FAPE, and special education services are offered under the purview of the public school system”.
2. Remove references to specified hours of preschool for children with IEPs. This will help parents understand that program hours are determined by the IEP team and process, which includes parental input.

Parent Choice in Selection of Provider

Issue Communicated to CDEC:

- UPK statute requires that, to the extent practicable, parents should be enabled to select preschool providers from as broad a range as possible. UPK statute also requires that “Pursuant to IDEA and ECEA every child who is three or four years of age and is a child with disabilities must be offered preschool services in accordance with the child’s individualized education program.”
- CDE believes these two requirements may conflict in some situation when ensuring FAPE and has resulted in confusion and misunderstandings between AUs and parents.
- While parental choice is may be a priority under UPK, this cannot conflict with state and federal legal requirements for serving students with disabilities.
- As a result, the requirements that preschool services ***be provided in accordance with the child’s individualized education program takes priority over parental choice.***



Parent Choice in Selection of Provider

CDE's Request to CDEC to Address the Issue:

Parents of students with disabilities ***must be clearly informed*** by CDEC that unilateral selection of a provider ***does not conform with IDEA and ECEA***. Colorado special education statute requires that the final determination for the ***placement in a special education program of any eligible child with a disability be made by the child's IEP team.***



Parent Choice in Selection of Provider

CDE's Request to CDEC to Address the Issue:

Update messaging throughout the UPK enrollment application, CDEC materials and websites, to accurately inform parents of children with special educational needs that enroll in UPK that “provider selection, hours of service, and funds will follow the IEP process and align with the public school offer of FAPE”.



FPP Committee Meeting February 23, 2023

Financial Policies and Procedures Advisory Committee Meeting
Thursday, February 23rd at 9:30 AM

[February 23, 2023 Link to Meeting ZOOM](#)

Topics:

- Funding Transfer Calculation
- FY 2022-2023 Funding Breakdown - General Ed
- FY 2022-2023 Funding Breakdown - Special Education
- Hold Harmless Amount
- State Funding for 3-Year-Olds
- Preschool Impact on Total Program Averaging
- Holding Special Education Seats
- Holding Late Enrollment Seats



LCO Training Update

[LCO Training Folder with Materials](#)

- Part 1 Training completed on February 17th
- [Contact list](#) LCO and AU partners
- Consistent messaging



LCO Learning Outcomes

Participants will:

- Understand roles and responsibilities of CDE, CDEC and LCOs related to UPK and special education, per the state level Memorandum of Understanding
- Learn what federal and state laws govern special education for children ages 3 to 21 years old
- Understand the special education administrative structure in Colorado
- Have a working knowledge of the Special Education Administrative Unit contacts each LCO must coordinate with
- Understand legal entitlements for IDEA-eligible children, including the Individualized Education Program process in determining each child's educational program
- Utilize existing structures and resources to inform alignment and problem resolution between special education and UPK, as needed



CDE Commitments

LCO's are NOT expected to:

- Have expertise on special education
- Answer questions or provide information about special education to parents, community members, or others
- To be a point of contact for special education information

CDE will:

- Provide information, guidance and direction about special education
- Provide support to AUs, LCOs, and providers responsible for delivering special education
- Work hard to be responsive to LCO needs and the needs of families
- Strive to work in alignment and coordination on behalf of families and their children



What Should Families Know?

Messages to families in UPK about special education

- Special education is under the purview of the public school system
- The IEP documents legal decisions made about the educational program each child is entitled to receive, based on their individualized needs
- If there is an active IEP then the child is already enrolled in an educational program in which IEP services will be provided
- ***The IEP must drive the selection and enrollment decision in UPK***
- The IEP team will need to re-convene if there is a desire to discuss changes to the program, hours, or services



ECEA Rules

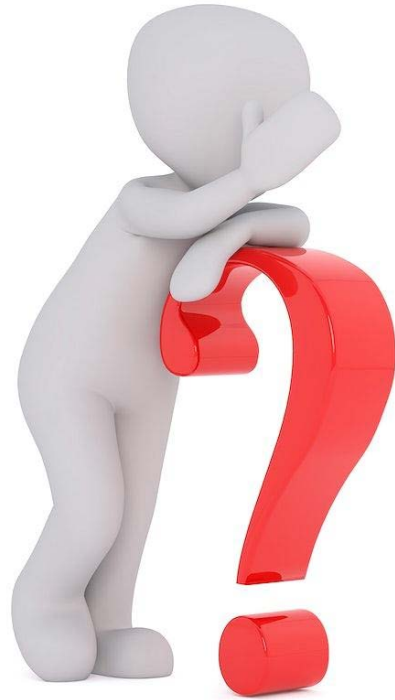
Communication going out tomorrow regarding Rules changes that will be heard at the March State Board of Education meeting. Related to MOU.

- Informal dispute resolution
- Training and certification

Information will be in the [Director's Corner on the ESSU](#).



Questions



Next Bi-Monthly Meeting

Next Meeting: March 7th, 2:00 PM

