



# Bi-monthly Meeting

## Implementing Special Education for Preschoolers within UPK

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# 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



# Expectations



- We're going to do our best to answer the questions.
- We know our answers probably won't be totally satisfactory.
- We're going to strive to be honest & open and not sugar coat our responses.



# Focus for Today

(generated by Consortium priorities)

## Top Issues:

1. 30 hours of preschool for SWD – “parents believe 30 hours is guaranteed”
2. “Parent choice” in determination of educational program
3. Funding for “general education” and “special education”
  - Slots and allocations for full funding regardless of when child is identified and enrolled
4. CDEC and CDE MOU - ensuring compliance with IDEA and ECEA
  - Training for LCOs and community based providers
5. Access for 3 year olds - “active IEP” is required for eligibility
6. Troubleshooting challenges and violations of federal or state special education laws
7. Use of special education advisory group/s to support improvements



# Concerns about messaging how many hours of Preschool Children with IEPs may receive

- Will students get 10 hours- (part time), 15 hours (half day), or 30 hours (full day)? Who decides?

*The minimum number of contact hours of instructional service established must not be less than 360 hours per school year. [26.5-4-205 (2) (a)]*

*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. [26.5-4-204 (3)(a)(II)]*

- How many hours is the “gen ed” part of FAPE? (Previously defined by CDE as alignment with CPP, which is also 360 hours for part day)
- What are the interactions between the role of IEP team, selected preschool programs, and parents in decision making about number of hours?

What is needed to resolve concerns and questions?



# “Parent Choice” in UPK and special education

Parents indicate their top “choices” when enrolling/applying for UPK

- How does “parent choice” interact with IEP team decisions related to placement?
- Where may children be served?
- What happens when parents make unilateral decisions about where they enroll their child?
- How is continuity of care honored when a the child is already served in a public school program?

# “Parent Choice” in UPK and special education

## Parent Choice is established in UPK statute, as indicated in CDEC FAQs:

- Families can choose any participating licensed provider in the state. (DEC FAQ, Q 1 page 1)
- UPK Colorado will be delivered through a mixed delivery model, meaning that families can choose to send their child to any licensed preschool, whether school-based, community-based, or home-based, that is participating in UPK Colorado. (CDEC Q/A 3rd Q on page 2)
- (Q: Is UPK Colorado funding a voucher?)... families can choose a participating and approved provider and sign up for a part-time, half-day or full day slot (for qualifying families). (CDEC FAQ Q 4 on page 5)
- Families can search, apply, and be matched to a provider of their choosing. (CDEC FAQ bottom of page 7)
- Q: What is mixed delivery? A: CDEC is committed to supporting families in choosing the most appropriate preschool setting for their children. (CDEC FAQ Q2 on page 8)

**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 as designated by the AU.** (CDE FAQ Q 6)



# Concerns Expressed Related to Funding

Will there be dedicated funding in CDEC's Preschool Cash Fund to serve preschoolers with disabilities?

- Will there be more or less funding than the PPR generated in our current system?
- Special ed is an entitlement so we cannot deny enrollment for a student with an IEP...what happens if the public school system is unable to access UPK funds
- What if there are inadequate funds for preschoolers with IEPs?
- How will the hold harmless funding provision work in 23-24?

How will transfer of PPR out of the School Finance Act for children with disabilities impact local and state MOE requirements in IDEA?





# Present and Future Preschool Funding

Funding Type	Present	<u>2023-24 &amp; Beyond</u>
<b>Per Pupil Funds</b>	<b>State and local education funds generated through the School Finance Act</b>	<p><b>\$ Transferred to CDEC = “Gen Ed Seat”</b> Goes to matched UPK provider</p>
<b>State Exceptional Children’s Educational Act funds</b>	<b>Distributed to AUs by CDE based on K-12 enrollment in the prior year (Tier A and B)</b>	<p><b>Special Education Funds Paid to AUs by CDE</b></p>
<b>Federal IDEA funding, sections 611 and 619</b>	<b>Distributed to AUs by CDE based on K-12 enrollment</b>	

# MOU Roles and Responsibilities

## CDE

- All spec ed reporting to and communications with OSEP
- With AU - establish procedures and monitor to ensure UPK providers are accountable for and comply with all spec ed laws, rules, regs
- Enforce all special education rules applicable to preschool (Child Find, IDEA, ECEA for all UPK participants)
- Training for CDEC, LCOs, and Providers
- TA and guidance on special education
- Distribute Spec Ed (ECEA and IDEA) funding to Administrative Units
- Establish informal spec ed dispute resolution process applicable to AUs, preschool providers, and LCOs (establish in Rule and require AU participation)
- Implement remedies and sanctions, including agreements, training and TA to effectively resolve issues presented



# MOU Roles and Responsibilities

## CDEC

- Enforce compliance with CDEC licensing requirements
- Ensure LCOs and UPK providers complete all required spec ed training
- Cooperate with CDE and AUs to ensure proper implementation of spec ed for children in UPK
- Pays for gen ed curriculum for children with IEPs in the Universal Preschool Program
- Establish in contract or rule - requirements for preschool providers to participate in CDE dispute resolution for spec ed
- Implement remedies and sanctions, including agreements, training and TA to effectively resolve issues presented



# Identification and service to 3 year olds

- How will 3 year olds get access when they must have an active IEP to qualify?
- 3 year olds may only be served by districts or their contractors for part-time hours (10 hours)
- Will enrollment occur through Bridgecare or local systems?
- Will children transitioning from Part C be able to enroll prior to age 3?
- What strategies may public schools use to manage their UPK allocations to ensure capacity and access for all 3 year olds with IEPs?

# Sources, Resources and Links



- Find [LCO Contacts](#)
- [CDEC-CDE Memorandum of Understanding \(2/1/2023\)](#)
- [CDE Special Education and UPK FAQ](#)
- [CDEC UPK and Special Education FAQ \(pp 13-14\)](#)
- [CDE Standards for Placement of Preschoolers with IEPs in Educational Programs](#)
- Handout for LCOs and Parents: [Referral for Special Education Evaluation in Colorado For 3 through 5-year olds with a Suspected Disability or Delay \(PDF\)](#)