**Section IV: OSEP Policy Letters and Guidance**

OSEP is charged with developing, communicating and disseminating Federal policy on early intervention services to infants and toddlers with disabilities and on the provision of special education and related services for children with disabilities. The attached policy letters provide information and guidance relevant to a State’s preschool services and providing a Child Find system.

**Supplemental Fact Sheet Addressing the Risk of COVID-19 in Preschool, Elementary and Secondary Schools While Serving Children with Disabilities (March 21, 2020)**

This new resource from the Office for Civil Rights (OCR) and the Office of Special Education and Rehabilitative Services (OSERS) explains that as a school district takes necessary steps to address the health, safety, and well-being of all its students and staff, educators can use distance learning opportunities to serve all students.

<https://sites.ed.gov/idea/idea-files/supplemental-fact-sheet-addressing-risk-covid-19-preschool-elementary-secondary-schools-serving-children-disabilities-march-21-2020/>

**OSEP Memo 16-07—Response to Intervention (RTI) and Preschool Services (April 29, 2016)**

This memo provides guidance on how A Response to Intervention Process cannot be used to Delay-Deny an Evaluation for Preschool Special Education Servicesunder the Individuals with Disabilities Education Act

<https://sites.ed.gov/idea/files/idea/policy/speced/guid/idea/memosdcltrs/oseprtipreschoolmemo4-29-16.pdf>

**Letter to Rowland (September 9, 2019)**

This policy letter addresses a series of questions regarding the development of IEPs of children placed in certain preschool programs, including whether a public agency may restrict the provision of a specific related service based solely on the child’s placement in a particular program.

<https://sites.ed.gov/idea/idea-files/policy-letter-sept-9-2019-rowland/>

**Preschool Least Restrictive Environments (Updated January 9, 2017)**

This letter provides updated guidance on preschool least restrictive environments (LRE) and addresses: key statutory and regulatory requirements; preschool placement options; reporting educational environments data for preschool children with disabilities; and the use of IDEA Part B funds for preschool children with disabilities.

<https://sites.ed.gov/idea/files/idea/policy/speced/guid/idea/memosdcltrs/preschool-lre-dcl-1-10-17.pdf>

**FAQ: Frequently Asked Questions about the Rights of Students with Disabilities in Public Charter Schools under the Individuals with Disabilities Education Act (December 27, 2016)**

This guidance provides charter schools, states, state educational agencies (SEAs), local educational agencies (LEAs), other public agencies, parents, and other stakeholders with information regarding the rights of children with disabilities attending charter schools and their parents under the Individuals with Disabilities Education Act.

[**https://sites.ed.gov/idea/idea-files/frequently-asked-questions-about-the-rights-of-students-with-disabilities-in-public-charter-schools-under-the-individuals-with-disabilities-education-act/**](https://sites.ed.gov/idea/idea-files/frequently-asked-questions-about-the-rights-of-students-with-disabilities-in-public-charter-schools-under-the-individuals-with-disabilities-education-act/)

**Inclusion of Children with Disabilities in Early Childhood Programs (September 18, 2015)**

This policy statement, released jointly by the Departments of Education and Health and Human Services, states that all young children with disabilities should have access to inclusive high-quality early childhood programs, where they are provided with individualized and appropriate support in meeting high expectations.

<https://sites.ed.gov/idea/files/joint-statement-full-text.pdf>

**Letter to Lawrence Sigel, Esq. (Aug. 2, 2018)**

<https://sites.ed.gov/idea/files/osep-letter-to-siegel-08-02-2018.pdf>

This letter provides clarification as to whether there is a general notification requirement to all parents regarding special education laws and processes. Specifically, if a local educational agency (LEA) has a duty to notify parents of the Individuals with Disabilities Education Act (IDEA) prior to their child being referred for an evaluation and identified as a child with a disability.