



Tips for Special Education Directors from OSCAS

OSCAS “Tips” are offered to support local education agencies in their efforts to ensure special education compliance. Tips serve as easy-to-reference reminders of existing regulatory requirements and are not intended as supplementary guidance.

Topic: Least Restrictive Environment for Preschool Children with Disabilities

Because determining the placement for preschool children with disabilities or developmental delays can be challenging, the following information is provided to assist IEP teams in identifying the least restrictive environment. Special education and related services for each eligible preschool child aged three through five must be provided in that setting in which the child would normally be placed if he or she did not have a disability, unless the individualized education program (IEP) requires otherwise. In determining how services will be delivered, IEP teams must ensure that children with disabilities are removed from the regular early childhood environment only in the instance that education in that environment, with the use of supplementary aids and services, cannot be achieved satisfactorily.

Determining the regular early childhood environment for an identified preschool child means consideration of the child’s existing, pending, or most likely early care and education environment at the time of referral and evaluation. IEP teams must first consider the provision of all special education and related services on-site in these general education settings. Only in an instance where the nature or severity of the preschool child’s disability is such that education in the regular education settings, with the use of supplementary aids and services, cannot be achieved satisfactorily, may the IEP team consider the next option on the continuum. Although integrated preschool classes located within public schools are not a mandatory component of public education for preschool children, this may be a program option necessary for some children. IEP teams may consider placement in an integrated preschool class designed primarily for preschool children with disabilities and including children without disabilities when it has been determined that, for a preschool child with a disability, education in regular early childhood environments, with the use of supplementary aids and services, cannot be satisfactorily achieved.

As opposed to the integrated preschool model, general or regular early childhood environments are designed primarily for children without disabilities and typically include community-based early care and education centers and preschools, Head Start programs, family child care and the increasing number of state funded PreK programs. These classes are taught by general early childhood educators and include on-site instruction and consultation by early childhood special educators and or providers of related services. When considering placements for preschool children with developmental delays or disabilities, it is important to consider community based programs as the LRE. Please see the continuum of special education placements and services for children aged three (3) through five (5) on pg. 2 of this document.

300.114 LRE Requirements.

. . . Each public agency must ensure that —

- (1) To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and
- (2) Special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

300.115(B) Continuum of special education placements and services for children aged three (3) through five (5).

. . . *Each public agency must* make available to each child with a disability, aged three (3) through (5) years old, a program which represents the least restrictive environment (LRE) and the appropriate placement given the student's individualized education program (IEP) or individualized family service plan (IFSP). Unless the individualized education program (IEP) or individualized family service plan (IFSP) requires otherwise, special education and related services shall be provided in that setting in which the child would normally be placed if he or she did not have a disability. The SEA has guidelines to assist IEP teams in determining delivery of services decisions. The array of educational settings shall include the following placement opportunities:

- (1) Temporary placement in any educational setting as described in this Section, for a period of no more than thirty (30) days, when necessary to aid in determining educational objectives and the appropriate placement for an eligible child with a disability. Prior to such placement, an interim individualized education program (IEP) or individualized family service plan (IFSP) shall be developed which specifies the conditions and timelines for the temporary placement. Upon the close of the interim period, an individualized education program (IEP) or individualized family service plan (IFSP) meeting shall be conducted to finalize the child's individualized education program (IEP) or individualized family service plan (IFSP).
- (2) Placement in a general early childhood setting with on-site consultation by an early childhood special educator and/or provider(s) of related services to the general education teacher and/or to the family and, when indicated by the IEP or IFSP, direct intervention with the child. Early childhood settings include, but are not limited to: general kindergarten classes, public and non-public preschools, Head Start programs, early care and education centers, home/early childhood combinations, home/Head Start combinations, or home based child care, which meet federal or state requirements. In these settings, children receive all of their special education and related services in programs designed primarily for children without disabilities.
- (3) Placement in an integrated preschool class designed primarily for preschool children with disabilities and including children without disabilities that is located in a public school building. The maximum class size shall be no more than fifteen (15) children with less than fifty percent (50%) being children with disabilities. The staff shall include at a minimum, an early childhood special educator and teacher assistant with the provision of additional staff as indicated by the needs of the children and their IEPs or IFSPs.
- (4) Home-based special education and, where appropriate, related services provided to the child together with his or her parent(s) or primary care provider. Home visits shall include instruction for the parent or primary care provider, demonstration of specific tasks and provision of developmental toys and materials for the parents or primary care provider to use with the child. A home-based program may supplement placement in another program option or, for pre-kindergarten-aged students be available as the primary placement, unless the child's needs, as determined by the evaluation process, can more appropriately be met in a group setting. When implemented as the primary placement, home visits shall be scheduled at least weekly and in accordance with the IEP or IFSP.
- (5) Placement at home or in a general early childhood setting with supplementary placement in an early childhood special education setting for a portion of the school day or week.
- (6) Full-time placement in an early childhood special education setting which is located in a public school building or other community based early childhood facility.
- (7) Placement in a special education day school.
- (8) Placement in a residential special education school.

300.116 Placements.

In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency must ensure that —

. . . (e) A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum . . .