

Questions and Answers about Early Childhood Educational Settings

1. **Question:** What is the continuum of alternative placements for preschool children?

- **Answer:** School system representatives should describe the full continuum of placement possibilities and explain that the child's needs and goals on the IEP will lead the IEP team in determining the most appropriate placement. The continuum includes:
 - Regular early childhood program (a preschool or kindergarten class where no more than 50% of the children have an IEP),
 - Special education program provided in a separate class, separate school, residential facility;
 - Service provider location,
 - Home instruction

NC 1501-3.2(c)

2. **Question:** What considerations should be made when IEP teams are determining LRE for preschool children?

- **Answer:** IEP teams should consider factors based on the child, the family, the curriculum and the amount of support needed to provide FAPE.
 - Child considerations may include, but are not limited to:
 - Where is the child now?
 - Has the child experienced success in his/her current or previous placements?
 - Has the child experienced challenges?
 - What are the child's developmental strengths and abilities?
 - Does the child have any specific behavioral concerns?
 - Is the child in a location with children his/her or her age (typically developing peers?)
 - What behaviors/skills are considered developmentally appropriate for this child?
 - Family considerations may include, but are not limited to:
 - Does the family have IEP goal areas that they want to include?
 - Which home routines and activities require assistance and can be worked on in the early care and education setting?
 - Are there areas in which the family might need technical assistance or training that is available in the community or through the schools?
 - What opportunities has the child had to interact with typically developing peers that the family felt was important (e.g., church programs, community classes, etc.)?
 - Curricular considerations may include, but are not limited to:
 - Can the child experience success in the same activities as his/her peers?
 - Can the child participate in the same activities with modifications?
 - What are the identified IEP goals and objectives for this child; and
 - Can IEP goals and objectives be embedded in classroom activities?
 - Support considerations may include, but are not limited to:
 - What activities can the child participate in without extra support?
 - In what activities does the child require extra support? and
 - What extra supports would be required for the child to participate with typically developing peers?

3. Question: What is the definition of a Regular Early Childhood Program or classroom?

- **Answer:** A Regular Early Childhood Program (RECP) class is one in which at least 50% of the children enrolled in the class are nondisabled and do not have an IEP.

4. Question: Do we count children with Speech Only IEPs count in the total of disabled children when determining if a class qualifies as RECP?

- **Answer:** Yes. Children who qualify for special education under the category of Speech Impaired are counted as a child with a disability in a classroom makeup.

5. Question: When determining the setting on the IEP we have to identify if services are provided in the RECP setting or in another location. What is the distinction between these two settings?

- **Answer:** Services that are considered to be in the regular early childhood program are those that occur in the class the majority of the time. While occasional pull-out sessions may be necessary, the majority of specialized instruction is conducted in a collaborative manner with the teaching staff. In the event that a child receives some of the specialized services in the RECP class and some in another location, IEP teams must determine where the majority of special education and related services are provided.

6. Question: How do IEP teams determine the LRE placement for a preschool child who is not enrolled in a preschool or childcare program?

- **Answer:** In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency must ensure that-
 - (a) The placement decision-
 - (1) Is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and
 - (2) Is made in conformity with the LRE provisions under §300.114 through 300.118.
 - (b) The child placement-
 - (1) is determined at least annually;
 - (2) Is based on the child's IEP; and
 - (3) Is as close as possible to the child's home;
 - (c) Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled;
 - (d) In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs; and
 - (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.

Authority: 20 U.S.C 1412(z)(5)); 34 CFR §300.116

7. **Question:** What are some possible programming options in North Carolina within the continuum of alternative placements in which the child could receive preschool services that may be considered by the IEP team? NC 1501-3.2(c)

- **Answer:** Some regular early childhood programming options include:
 - Kindergarten
 - State-funded NC PreK program
 - Head Start
 - Child care
 - Community preschool program
 - Blended classrooms

8. **Question:** What if the school district says there is no room in the program for the child?

- **Answer:** State and federal regulations require school districts to serve children who are eligible for preschool services when they are deemed eligible for special education and related services. Placement decisions must be based on the needs of the child, not availability. NC 1501-4.4(b)

9. **Question:** When would the LEA be responsible for paying tuition in a community program?

- **Answer:** If an LEA cannot provide the services necessary for a free appropriate public education (FAPE) in its program, it is required to provide another appropriate setting that will. This can be at a private school, child care or facility, or in another LEA, but the LEA of residence is responsible for the cost. NC 1501-2.1

10. **Question:** If we serve a child in a small play group setting for short periods of time is that considered to be a class or a service provider location setting?

- **Answer:** If a child does not attend any other regular early childhood program and is transported to a specific location for short periods of time to receive his/her special education and related services in a small group that does not have a general education curriculum in place, then the setting would fit the description of a service provider location (in which special education services are provided).

11. **Question:** How should the LEA interpret excess cost requirements (34 CRF § 300.202) for IDEA Part B section 619 and 611 funds when considering the cost of placement for a preschool child with a disability in a regular early childhood program?

- **Answer:** In general, LEAs must use IDEA Part B section 619 and 611 funds to pay the excess costs of providing special education and related services to children with disabilities ages three through five. Such costs may include salaries for the appropriately licensed teacher and administrators; related service providers; materials and supplies for use with preschool children with disabilities; professional development for special education and general education teachers who teach preschool children with disabilities, and specialized equipment or devices to assist preschool children with disabilities (34 CFR §§300.202 and 300.800). However, because North Carolina does

not have universal preschool for 3, 4, and 5 year olds and because the existing preschool programs for nondisabled children are based on eligibility criteria defined on the risk status of the child and family, and because these programs cannot provide services for all “at-risk” children in North Carolina, the use of local, state and IDEA section 619 and 611 funds may be used to ensure FAPE for eligible preschool children with disabilities. An LEA may use available local and state funds (e.g., PRC 032, PRC 063) and then IDEA part B 619 and 611 funds to pay for the cost of placement for a child with a disability in the state or federally funded preschool program.. LEAs are encouraged to develop agreements with the Title I, NC Pre-K, and Head Start programs that outline how classroom slots may be funded and saved for newly identified children so that the LEA may offer the full continuum of services throughout the year.

12. Question: A child is made eligible for a regular early childhood class placement in the Head Start, Title I Preschool, or NC Pre-K program because the child and family meet the eligibility criteria for that program and there was availability in the program. The child is then referred for an evaluation and is determined to be eligible for special education and related services. The IEP team decides that the child will continue to make adequate progress in the current regular early childhood program and potentially close the gap in his/her development given special education and related services provided in that program. Therefore, the current placement constitutes the least restrictive environment. What is the local education agencies fiscal responsibility for the cost of the child’s attendance in the program?

- **Answer:** Unless the child’s IEP requires some other arrangement, the child is educated in the school/class that he/she would attend if nondisabled. In addition, the placement team, which includes the child’s parent and may include the child’s current teacher, must consider any potential harmful effect on the child and on the quality of services that he or she needs before removing the child from the current regular public preschool setting to another more restrictive setting (34 CFR §300.116(d). The LEA must pay for all of the costs associated with the provision of special education and related service in the LRE, as stated in the child’s IEP (34 CFR §§300.145 through 300.147). If the classroom BK teacher, who is funded by the state of federal preschool program, also provides the special education services, then the LEA should develop a plan for paying portion of that teacher’s salary.

13. Question: A child is parentally placed in a tuition based private child care program due to the parent’s need for child care. The class is not a NC Pre-K class. The child is then referred for an evaluation and is determined to be eligible for special education and related services. The child is making adequate progress in the current setting. The IEP team identifies that the current child care program instructional practices and curriculum comply with North Carolina’s Foundations for Early Learning and Development (standards). Therefore, the IEP team decides that the child will continue to make adequate progress in the current regular early childhood program and potentially close the gap in his/her development given itinerant special education and related services provided in that program. Therefore, the current placement constitutes the least restrictive environment. What is the LEA’s financial responsibility for the cost of the child’s attendance in the program?

- **Answer:** The LEA responsible for providing a Free and Appropriate Public Education to the child must pay for all of the costs associated with the provision of special education and related service in the LRE, as stated in the child’s IEP (34 CFR §§300.145 through 300.147).

14. Question: A child is not enrolled in a regular early childhood program setting. The child resides at home. The child is referred for an evaluation and is determined eligible for special education and related services. The IEP team identifies the need for the child to be served with non-disabled peers in a class with instructional practices and curriculum that comply with North Carolina's Foundations for Early Learning and Development (standards). The IEP team decides that the LRE would be in a regular early childhood program. The LEA does not have a regular early childhood program or class slot available, what is the LEAs financial responsibility?

- **Answer:** If the placement team determines, based on the child's IEP, that placement in an inclusive private preschool program is necessary to provide FAPE, the LEA is responsible for ensuring that tuition costs associated with that placement for the period of time necessary to implement the IEP are at no cost to the parents.

15. Question: A child is enrolled in a private child care center. The child is referred for an evaluation and is determined eligible for special education under the category of Speech Impaired. The placement team determines that the service can be provided in the home, service provider location, or in the child care center. If the service is provided in the child care center due to the parent's work schedule, what is the fiscal responsibility of the LEA for the child's tuition in the child care center?

- **Answer:** The LEA is only responsible for providing the required service and that service could be provided in a variety of settings.