

Tips from the Special Education Division: PreK Service Delivery

November 2023

Question: If a school district does not have a regular early childhood preschool program for children without disabilities, is the district required to serve preschool students with disabilities?

Answer:

Yes. Each school district shall provide every student who is eligible for special education services **between the age of three and twenty-one years**, a free appropriate public education program (FAPE) in the least restrictive environment (LRE), which may include access to a regular early childhood preschool program (RECP) with accommodations and modifications as determined by the IEP team.

PreK Service Delivery

[WAC 392-172A-02050](#) states that the school district responsible for providing a FAPE to a preschool child with a disability must ensure that FAPE is provided in the least restrictive environment where the child's unique needs (as described in the child's IEP) can be met, regardless of whether the school district operates public preschool programs for children without disabilities.

This means, that for a preschool student eligible for special education, the school district and student's IEP team should explore both how special education services will be delivered and the student's placement. Therefore, teams should consider a variety of service delivery models:

- Itinerant services where providers push into preschool programs operated by public agencies other than school districts, such as head start or community-based childcare.
- Itinerant services where providers push into private preschool programs.
- Itinerant services provided in the student's home.
- Services provided in a district run preschool program including RECP and developmental preschool, including both push-in or pull-out services.
- Half day participation in a community program and then also receiving special education services in a district preschool program.
- Push in service delivery to a childcare center or license home based childcare setting.
- Drop in service delivery (OT, SLP, PT services).



- Special education services provided in a transitional to kindergarten (TK) program.¹

Teams should also discuss and consider *who* is providing the students' special education services. Specially designed instruction (SDI) should be provided by all trained staff within the student's LRE setting. Teams should consider that:

- Specially designed instruction can be provided by general education teachers and paraeducators as long as it is **designed** in collaboration with and monitored by a special education teacher.
- When a child is dual enrolled, trained general education and special education staff should collaborate to be a part of the IEP team developing goals, delivering instruction, and collecting data for IEP goals.

Creating a Continuum of Alternative Placements in PreK

[WAC 392-172A-01175](#) states that *special education services* mean specially designed instruction, at no cost to the parents, to meet the unique needs of students eligible for special education services, including instruction conducted in the classroom, in the home, in hospitals and institutions, in other settings, and instruction in physical education.

[WAC 392-172A-02055](#) states that each school district shall ensure that a continuum of alternative placements is available to meet the special education and related services needs of students eligible for special education services **between the ages of three and twenty-one years old**.

Special education and related services to a preschool child with a disability may include, but is not limited to, the following:

- Providing opportunities for the participation of preschool children with disabilities in preschool programs *operated by public agencies other than school districts* (such as head start or community-based childcare);
- Enrolling preschool children with disabilities in private preschool programs for nondisabled preschool children;
- Locating classes for preschool children with disabilities in regular public elementary schools; and
- Providing services and instruction in the home.

If a public agency determines that placement in a private preschool program is necessary for a child with a disability to receive FAPE, the public agency must make that program available at no cost to the parent.

¹ Transition to Kindergarten (TK) is a legislatively established and authorized program for children who are at least 4 years old by August 31 and have been identified through a screening process to be in need of additional preparation to be successful kindergarten students in the following school year. See OSPI's [Transition to Kindergarten](#) webpage for more information.

Additionally, [WAC 392-172A-02050](#) reminds us that the public agency responsible for providing FAPE to a preschool child with a disability must ensure that FAPE *is provided in the LRE where the child's unique needs (as described in the child's IEP) can be met, regardless of whether the local education agency operates public preschool programs for children without disabilities.* **The LRE must be determined based on each individual child's needs and should not automatically be developmental preschool.**

Coming Soon

Keep an eye out for future tips on:

- Early Childhood LRE Data Coding;
- Considerations for students eligible for special education in a TK program; and,
- Considerations for students eligible for special education in an inclusive preschool program.

If you have questions about those specific topics, let us know by contacting [Ryan Guzman](#) or [OSPI Special Education](#) .

Resources

- Chapter 392-172A- WAC [Provision of Special Education](#)
- [Dear Colleague Letter \(DCL\) related to Preschool Least Restrictive Environments \(LRE\) \(PDF\)](#)
- [ECTA Center: Practice Improvement Tools: Using the DEC Recommended Practices](#)
- [ECTA Center: Making Sound Preschool LRE Decisions](#)
- [ECTA Center: Preschool LRE Reference Points and Discussion Prompts](#)
- [Multi-Tiered System of Supports \(MTSS\) / Response to Intervention \(RTI\) Process Cannot Be Used to Delay/Deny an Initial Evaluation - Individuals with Disabilities Education Act](#)