

INDICATOR 6

EARLY CHILDHOOD EDUCATIONAL ENVIRONMENTS

Information from: [Dear Colleague Letter January 9, 2017](#)

The public agency responsible for providing Free Appropriate Public Education (FAPE) to a preschool child with a disability must ensure that FAPE is provided in the Least Restrictive Environment (LRE) where the child's unique needs as described in the child's Individualized Education Plan (IEP) can be met, regardless of whether or not the Local Educating Agency (LEA) operates public preschool programs for children without disabilities. An LEA may provide special education and related services to a preschool child with a disability in a variety of settings, including a regular kindergarten class, public or private preschool program, community-based child care facility, or in the child's home.

The US Department of Education Office of Special Education Programs (OSEP) requires states to report on educational environments for preschool children with disabilities. This data collection requires states to report on the number of preschool children with disabilities who attend a Regular Early Childhood Program and whether they receive the majority of hours of special education and related services in the Regular Early Childhood Program or another location. **For data collection purposes, OSEP defines a Regular Early Childhood Program as a program that includes a majority (at least 50 percent) of nondisabled children (i.e., children who do not have IEPs).** Special education and related services delivered in the child's classroom in the course of daily activities and routines in which all children in the classroom participate would be considered as being received in the Regular Early Childhood Program. However, services delivered in other locations that remove the child from the opportunity to interact with children without disabilities would not be considered as being received in the Regular Early Childhood Program. These include, but are not limited to, services delivered in a 1:1 therapeutic setting, or in a small group comprised solely of children with disabilities in another location within the building where the regular early childhood program is located. [See updated Decision Tree.](#)

The following requirements apply when determining placement options for a child with a disability who already participates in a regular public preschool program, including a community-based regular public preschool program operated by a public agency other than the LEA. Under 34 CFR §300.116(c), unless the child's IEP requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled. In addition, under 34 CFR §300.116(d), 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. Consistent with these requirements, Individuals with Disabilities Education Act (IDEA) presumes that the first placement option considered for a preschool child with a disability is the regular public preschool program the child would attend if the child did not have a disability. Therefore, in determining the placement for a child with a disability who already participates in a regular public preschool program, the placement team must consider whether the LEA, in collaboration with the regular public preschool program, can ensure that the child receives all of the special education and related services and supplementary aids and services included in the child's IEP in order to meet the needs of the particular child with a disability.

Additional Guidance

LRE decisions must be based on the student's individual needs as stated in the IEP, not on:

- ⇒ the child's eligibility category (such as placement in a special class for students with intellectual disabilities just because a child has a cognitive impairment);
- ⇒ the "only" program the school has to offer;
- ⇒ the location of staff;
- ⇒ the funds that are available; or the convenience of the school district

Should child care and other programs that families have chosen for their child be considered when reporting these data?

Yes, Districts should take into consideration child care and other programs that families have chosen for their child when determining the appropriate educational environment report category. Many different options could be considered a regular early childhood program.

Example: If the childcare has a schedule of activities, addresses developmental skills, etc, it could be considered a Regular Early Childhood Program.

When considering if a child is attending a regular early childhood program, does the child need to be enrolled in the program, vs. attending as a 'visitor' for a portion of time?

States should report these data based on children with disabilities being enrolled in these types of programs.

Example: If a student is attending for only 2 days of a 5 day program per the IEP, the student could be reported as attending a Regular Early Childhood Program.

What are regular early childhood programs?

A regular early childhood program is a program that includes a majority (at least 50 percent) of nondisabled children (i.e., children not on IEPs). This may include, but is not limited to the following:

- Head Start
- Kindergarten
- Preschool classes offered to an eligible pre-kindergarten population by the public school system
- Private kindergartens or preschools
- Community based preschools
- Group child development center or child care

WHAT DOES EARLY CHILDHOOD EDUCATION LOOK LIKE IN YOUR DISTRICT?

