

# Understanding and Implementing LRE in the World of Preschool

Tri-State Regional Special Law Conference  
November 2, 2017



# Learning Objectives



- Participants will
  - better understand LRE regulation requirements.
  - better understand implementation of the LRE requirements for preschoolers.
  - Identify potential funding sources and partners for implementation.
  - Generate Ideas for local implementation needs



Something this is still going around in your head



Something pointed that stood out in your mind



Something that “squared” or agreed with your thinking



# LRE Requirements



# LRE Requirements - § 300.114

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- Each public agency must ensure that—
- 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
- 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



## *Additional requirement—State funding mechanism*

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- A State funding mechanism must not result in placements that violate the requirements (previous slide); and
- A State must not use a funding mechanism by which the State distributes funds on the basis of the type of setting in which a child is served that will result in the failure to provide a child with a disability FAPE according to the unique needs of the child, as described in the child's IEP.



## § 300.115 Continuum of alternative placements.

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- Each public agency must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.
- The continuum required must include instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions; and
- Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.



# § 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 the placement decision—
- 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
- Is made in conformity with the LRE provisions of this subpart, including §§ 300.114 through 300.118;
- The child's placement is
  - determined at least annually;
  - Is based on the child's IEP; and
  - Is as close as possible to the child's home;





# Placement continued

- 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;
- 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
- 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.



## § 300.117 Nonacademic settings.

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- In providing or arranging for the provision of nonacademic and extracurricular services and activities, **including meals, recess periods, transportation, health services, recreational activities**, each public agency must ensure that each child with a disability **participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate** to the needs of that child. The public agency must ensure that each child with a disability has the supplementary aids and services determined by the child's IEP Team to be appropriate and necessary for the child to participate in nonacademic settings.



# Explanation for non-participation §300.320(a)(5)

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- The IEP must include an explanation of the extent, if any, to which the child will not participate with non-disabled children in the regular class



## § 300.118 Children in public or private institutions.

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- An SEA must ensure that § 300.114 is effectively implemented, including, if necessary, making arrangements with public and private institutions (such as a memorandum of agreement or special implementation procedures).



## § 300.119 Technical assistance and training activities.

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- Each SEA must carry out activities to ensure that teachers and administrators in all public agencies—
- Are fully informed about their responsibilities for implementing § 300.114; and
- Are provided with technical assistance and training necessary to assist them in this effort.



# § 300.120 Monitoring activities.

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- The SEA must carry out activities to ensure that § 300.114 is implemented by each public agency.
- If there is evidence that a public agency makes placements that are inconsistent with § 300.114, the SEA must—
  - Review the public agency’s justification for its actions; and
  - Assist in planning and implementing any necessary corrective action.



## § 300.208 Permissive use of funds.

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- Funds provided to an LEA under Part B of the Act may be used for the following activities:
- ***Services and aids that also benefit nondisabled children.*** For the costs of special education and related services, and supplementary aids and services, **provided in a regular class** or other education-related setting to a child with a disability in accordance with the IEP of the child, even if one or more nondisabled children benefit from these services.



# What Are Your Biggest Challenges?

- Pair Compare  
with your elbow partner(s) discuss and compare your school/district/state **biggest challenges to preschool LRE**
- Share out





# Challenges Identified by HHS & DOE

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- Joint policy statement 9/14/15
  - Attitudes and beliefs
  - Interpretation and perceived barriers
  - Lack of expertise of the ECH workforce
  - Lack of comprehensive services
  - Limited time and commitment to build partnerships



# State Recommendations

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- State level interagency task force and plan for inclusion
- State policies that support high quality inclusion
- Set goals – track results
- Review and modify resource allocations
- Quality rating frameworks must be inclusive



# State Recommendations Cont.

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- Build incentive structures
- Build a coordinated ECH PD system
- Statewide supports for social-emotional & behavioral health
- Raise public awareness



# Local Recommendations

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- Partner with families
- Adhere to legal provisions of supports and services in inclusive settings with IFSPs/IEPs
- Assess and improve quality of inclusion in your programs
- Review and modify resource allocations



# Local Recommendations Cont.

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- Enhance PD for LEA administrators, special educators and related service providers
- Establish appropriate staffing structure and strengthen staff collaboration
- Ensure access to specialized supports
- Develop formal collaboration and community partner agreements



# OSEP Identified Concerns and Expectations

Dear Colleague Letter – Preschool LRE  
January 9, 2017



# OSEP Identified Concerns

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- Preschool expansion nationally has not produced proportionate expansion of inclusive early learning opportunities.
- All young children with disabilities should have access to inclusive high-quality early childhood programs.
- Despite long-standing requirement, & policy guidance – there are continued inquiries asking if the requirements apply to preschool



# Clarifying Language & Expectations

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- Reaffirms commitment to inclusive preschool programs
- Reiterates LRE requirements apply to all children – including preschool children.
- The LRE provision does not distinguish between school-aged and preschool aged, therefore applies equally to all





# Preschool – the same but different from school age

- Less access to age mate non-disabled peers - State/District preschools are limited
  - 4s only
  - Programs for At Risk only
  - Fewer classes – not a natural distribution of children with disabilities
  - Community norms
  - non-compulsory



# More clarification

- The public agency must make available to preschool children, the full continuum of alternative placements including:
  - Regular classes
  - Special classes
  - Special schools
  - Home instruction
  - Instruction in hospitals & institutions



# What is a “Regular Class” in PreK

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- The Department of Ed defines a Regular Early Childhood Program as a program that includes a majority (at least 50%) of non-disabled children (i.e., children who do not have an IEP)
- This definition does not include informal settings such as school or neighborhood playgroups or home settings



# More clarification

- The IEP must include an explanation of the extent, if any, to which the child will not participate with non-disabled children in the regular class.



# Potential Placement Options

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- FAPE must be provided in the LRE regardless of whether the LEA operates public preschool programs for children without disabilities
- May be served in:
  - Public or private preschool program
  - Community-based child care facility
  - Child's home
  - Kindergarten (for 5 year olds)



- 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.



# ”must consider”

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- If a child is already attending a regular preschool program – the LEA, in collaboration with the regular preschool, must consider if the child can receive special education and related services and supplementary aids and services included in the IEP in the setting the child was attending before eligibility was determined...maintaining the child in their current education setting



# Alternative methods

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- If the LEA does not offer preschool, or has limited access, the LEA must explore alternative methods to ensure that LRE requirements are met for each preschool child with a disability
  - Other public agency programs (Head Start, community-based child care)
  - Private preschool programs (must be at no cost to the parent)





# How Can We Fund LRE?



# The Easily Identifiable Sources

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- State Preschool Funds (general ed)
- Title I – ESEA
- State Special Education Funding – Preschool
- Federal Special Education Funding (619 and 611 dollars)



# Funding Resources

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- Community partners
  - Public/ private partnerships
  - Head Start
- Local District Funds
  - Discretionary local funds
  - Bonds
  - Education Foundation



# Exploring Pay For Success

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- Brief overview of what PFS is
- Utah Preschool PFS Project – 1<sup>st</sup> in the Nation
- Preventative in nature – to change the trajectory of costly social impact



# A Successful Preschool LRE Model

- Granite School District – Salt Lake City, UT
  - Local Public School District
  - Full implementation since 2004
  - Multiple funding sources
    - Title I
    - Special Ed – state, federal 619 + federal 611
    - Tuition
    - PFS
    - Grants
    - State Pre-K funds



- 80 General Ed preschool classrooms
  - Lead teacher is a gen ed teacher
  - Each classroom has 1 teacher, 1 assistant (additional assistants added as student need dictates)
  - Each class is supported by special education and related service providers as indicated in children's IEPs
- 8 self-contained preschool classrooms
  - Located in schools where gen ed prek is



- Parents are active members of the IEP/placement team, and within the classrooms
  - Education/training opportunities provided
- Staff receive PD monthly, and support throughout the week (coach, coordinator, SpEd staff, SW, PSY, Behavior team, nurse etc) to ensure implementation with fidelity...and to trouble shoot



- Children with disabilities are assessed using our district CBAs along with their gen ed peers (looking at access and progress in the gen curriculum)
- Data is reviewed in bi-monthly team meetings (gen ed & sped meeting together for review, analysis, planning)
- Established partnerships with Head Start, Private preschools/child care for additional inclusive settings





- Ratios (gen ed: sped) are reviewed and all attempts are made to ensure a 70%:30%
- Once eligibility is established
  - IEP developed
  - Placement is determined...gen ed is always the first place we look
    - What accommodations/modifications would be needed?
    - What additional supports may be needed?
    - What training do staff need to be successful?



# Additional Questions about the Granite Model?



# Resources

A two page resource document is part of this session materials

Live links to all documents



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