

Serving Prekindergarten Children with Disabilities in School Readiness Public and Community-Based Settings

Background

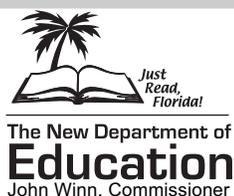
Changes associated with the repeal of Section 230.2305, Florida Statutes (F.S.) (Prekindergarten Early Intervention Program), in 2001 and implementation of Section 411.01, F.S., entitled the “School Readiness Act” continue to generate questions regarding ways to serve children with disabilities in settings with typically developing children served in school readiness programs. The purpose of this paper is to address some of the issues that have been identified.

It is critical that school districts create new opportunities to serve prekindergarten children with disabilities in early childhood settings. In directions provided to states for the reporting of data on children with disabilities served under the Individuals with Disabilities Education Act (IDEA), the U.S. Department of Education, Office of Special Education Programs (OSEP) defines “early childhood setting” as an “educational program designed primarily for children without disabilities [with] no education or related services provided in separate special education settings.” OSEP offers the following examples of such settings to include but not be limited to public or private preschools, Head Start centers, child care facilities, and preschool classes offered to eligible prekindergarten populations served by the public school system. A review of Florida’s data reveals that only 7% of children ages three through five are served in such settings or the home (2004 State Education Agency Profile, Florida Department of Education, Bureau of Instructional Support and Community Services). This percentage is significantly lower than the national average of 36.87% of children served in early childhood settings and 3.08% of children served in the home (Table ABB1, Percentage of Children Ages 3-5 Served in Different Educational Environments under IDEA, Part B, U.S. Department of Education, Office of Special Education Programs, Data Analysis System. Data is based on the December 1, 2001 count, updated as of July 31, 2003).

The obligation of school districts to consider placement in the least restrictive environment (LRE) applies to prekindergarten children with disabilities as well as the school-age population. Section 300.552 of Title 34 of the Code of Federal Regulations, entitled “Placements,” includes a specific reference to preschool children. This section of regulation establishes the requirement that “the placement decision is made in conformity with the LRE provisions of this subpart.”

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BUREAU OF EXCEPTIONAL EDUCATION AND STUDENT SERVICES

Eligibility for School Readiness Programs

Section 411.01(6), F.S., establishes program eligibility for school readiness programs that serve children below kindergarten entry age. Effective July 1, 2003, the law was revised to modify previously established eligibility criteria. Based on these revisions, priority for participation in school readiness programs must be given to children age three years to school entry who are served by the Family Safety Program Office of the Department of Children and Family Services or a community-based lead agency pursuant to Chapter 39 and for whom child care is needed to minimize risk of further abuse, neglect, or abandonment as provided in the Rilya Wilson Act.

Other eligible populations include children under the age of kindergarten who are

- children at risk of welfare dependency, including economically disadvantaged children, children whose parents are in welfare transition programs, children of migrant farm workers, and children of teen parents
- children of working families whose income is below 150% of the federal poverty level
- children for whom the state is paying a relative caregiver payment.

Additionally, school readiness coalitions may establish priority consideration for

- children with disabilities who are not economically disadvantaged but are served in exceptional student education programs
- children who are economically disadvantaged, children with disabilities, and children at-risk of school failure from birth to 4 years of age, who are served at home through home visitor programs and intensive parent education
- children who meet federal and state requirements for eligibility for the migrant preschool program but who do not meet the criteria of economically disadvantaged.

Question/Answers

Establishing Public School-Based Joint School Readiness and Prekindergarten Disabilities Classrooms

- 1. Some districts previously served prekindergarten children with disabilities and school readiness children (formerly prekindergarten early intervention) in the same classroom. Has that model continued?**

Yes. Some districts have sustained the practice of providing services in this model. Typically, a ratio of children with disabilities to school readiness children is established. Because funds to serve the children with disabilities are being generated through the Florida Education Finance Program (FEFP), teachers must be appropriately certified in accordance with the Florida Course Code Directory and Instructional Personnel Assignments. Some districts may use a co-teaching model or may have one teacher and several instructional assistants. The school district establishes a methodology for the sharing of costs between the two programs. The individual educational plans (IEPs) or individualized family support plans (IFSPs) for the children with disabilities must appropriately reflect the services provided. Children with disabilities would not be counted toward meeting any contractual obligation for children served that has been established between the school district and the local school readiness coalition.

- 2. In this model, would the children with disabilities have to meet the eligibility criteria established in the School Readiness Act?**

No. The fund sources used to support such a model for prekindergarten children with disabilities would include the Florida Education Finance Program and Part B Preschool funds through the Individuals with Disabilities Education Act (IDEA), as appropriate. The prekindergarten children with disabilities in such a model are not being served using funds provided to the district by the local school readiness coalition, and consequently, program eligibility requirements established in Section 411.01(6), F.S., would not apply.

- 3. In this model, would parents of children with disabilities be required to pay fees?**

No. Parents of children with disabilities may not be charged any fee for services that are part of the child's free appropriate public education (FAPE).

- 4. Would a local school readiness coalition have to approve the establishment of such a model of service?**

No. However, because services to prekindergarten children with disabilities must be considered within the larger context of an interagency system of service to young children, school districts should keep the local school readiness coalitions informed regarding their models of services. Providing inclusive settings for prekindergarten children with disabilities should be considered a goal for the early childhood community at large.

Contracting for a Placement in a Public School-Based School Readiness Classroom

- 5. If a district did not have an inclusive model in place as described above, could an arrangement be made to place a child with a disability in a public school-based school readiness classroom for specially designed instruction?**

Yes. However, the fiscal arrangements established to support such placements will vary from district to district. Potentially, a district could establish internal methods of sharing costs so that the placement for the child with a disability would be supported with funds generated through the FEFP and federal dollars as appropriate. Additionally, the district could establish a contract or agreement with the local school readiness coalition to purchase this service.

- 6. In the example described in question 5, what would the district need to consider?**

The following considerations must be made:

- *Would the child's needs be appropriately met in such a setting?*
- *Does the IEP describe placement in this setting with appropriate supports and services?*
- *Can the child's IEP be appropriately implemented in this setting?*
- *Is the teacher qualified in accordance with the requirements established in the Course Code Directory, or has the district used the flexibility available through Rule 6A-1.0502, Florida Administrative Code (FAC), entitled "Noncertificated Instructional Personnel"?*

- 7. Given the requirements of the "No Child Left Behind Act," can a school district continue to elect to use Rule 6A-1.0502, FAC, entitled "Noncertificated Instructional Personnel" so that a public school-based school readiness program staffed by noncertificated staff could be used as a placement for a prekindergarten child with a disability?**

Yes, on the provision that the program is not supported by Title I, Part A funds and the school readiness program is not part of the Title I schoolwide program plan for the school. For additional information on this issue please refer to technical assistance paper FY 2004-8, entitled, "Highly Qualified Teacher Requirements for Special Programs under the No Child Left Behind Act."

The Florida Course Code Directory and Instructional Personnel Assignments makes provisions for use of noncertificated personnel for the prekindergarten program for children with disabilities (course number 7650130) by referencing Rule 6A-1.0502, FAC, entitled "Noncertificated Instructional Personnel." Therefore, the provisions of this rule must be followed if the special education placement for a child with a disability is in a school readiness class staffed by an individual with a child development associate credential or the equivalent.

*Serving Prekindergarten Children with Disabilities Who Require
a Limited Amount of Specially Designed Instruction and Related Services*

- 8. Would a child who requires a limited amount of specially designed instruction and related services (e.g. speech therapy twice per week for a total of 90 minutes) be eligible for placement in a public school-based school readiness program?**

Potentially. Section 411.01(6), F.S., establishes priority areas for eligibility. However, to some extent, local school readiness coalitions exercise discretion in determining priorities for their communities. Therefore, for the example given above, it is up to the local coalition to determine if this child with a disability who is not economically disadvantaged could be served in a school readiness program. Since these children fall into one of the potential priority areas, the coalition would need to make a policy decision on whether this is a priority area of eligibility that will be served.

- 9. In the example above, would the parent be charged a fee for the school readiness services?**

Yes. Parent fee participation in accordance with the mandatory sliding fee scale would be required.

- 10. How would receipt of specially designed instruction during part of the week impact the parent's fee for school readiness?**

Impact on the parent's fee would ultimately depend on the parent's income and on the amount of school readiness hours of service being provided. The fee scale is structured on a part-time and full-time basis dependent on the number of hours of school readiness services that are provided. In the example cited in question #7, for a child served ten hours per day in a school readiness program, two hours of specially designed instruction would not move the child into the part-time fee schedule. Therefore, although the parent cannot be charged for the specially designed instruction received, there may be no impact on the fee paid given the current structure of the mandatory sliding fee scale.

*Establishing More Public School and Community-Based Placements
in Early Childhood Settings for Prekindergarten Children with Disabilities*

- 11. Can districts continue to seek out community-based placements in early childhood settings in order to serve more children in natural environments?**

Yes. School districts should actively pursue creative strategies to increase service options for prekindergarten children with disabilities. Such strategies include

- *inclusion models established with public school-based Title I, Head Start, or fee for service child care programs*
- *assignment of school district staff in community early childhood settings through cooperative agreements (Rule 6A-6.0311(1)(h), FAC)*

- *provision of itinerant services and supplementary aids and services in community early childhood settings*
- *contractual arrangements with nonpublic schools and Head Start agencies for the provision of specially designed instruction and related services.*

12. What fund sources may be used to support serving children with disabilities in community-based settings?

Districts would have available those funds generated through the Florida Education Finance Program (FEFP) for eligible children served in these settings and federal entitlement dollars through IDEA. Communities may find ways to bring other local resources to the table to support such opportunities.

13. What role should local school readiness coalitions play in the strategies described above?

Again, service delivery for prekindergarten children with disabilities must be viewed in the broader context of an interagency system of service. Local school readiness coalitions can support such efforts through raising the awareness level of this need in the early childhood community at large and through providing training and support to encourage such models of service.

14. Could community-based service providers be included in training opportunities conducted by the school district?

Yes. School districts should include community-based providers in training that is offered to school district staff who provide services to prekindergarten children with disabilities. School districts are reminded of the requirement that the IEP team consider the supports for personnel that are needed. Such supports can include special training for a teacher in order to meet the unique and specific needs of the child (page 12593, Attachment 1, Analysis of Comments and Change, § 300.347, Code of Federal Regulations).