**Making Sound Placement Decisions**

**for Children with Disabilities, Ages 3-5**

**January 20th, 2021**

**Resources**

**Inclusion is a process, not a place**

**The United States Department of Education, Office of Special Education Programs and Rehabilitative Services,** [Dear Colleague Letter on preschool LRE](https://sites.ed.gov/idea/files/policy_speced_guid_idea_memosdcltrs_preschool-lre-dcl-1-10-17.pdf)

**Key Statutory and Regulatory Requirements**

* A preschool child with a disability eligible for special education and related services and his or her parents are entitled to all the rights and protections guaranteed under Part B of the IDEA
* A guaranteed right is the right to be educated in the LRE
* LRE requirements under Part B of the IDEA state a strong preference for educating children with disabilities in regular classes alongside their peers without disabilities
* “regular class” includes a preschool setting with typically developing peers
* Each child’s placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the child according to LRE provisions
* Placement must be based on the child’s individualized education program (IEP)
* The IEP must include an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class
* ***Before a child with a disability can be placed outside the regular educational environment, the group of persons making the placement decision must consider whether supplementary aids and services could be provided that would enable the education of the child, including a preschool child with a disability, in the regular educational setting to be achieved satisfactorily***
* If a determination is made that a particular child cannot be achieved satisfactorily in the regular educational environment, even with the provision of appropriate supplementary aids and services, that child then could be placed in a setting other than the regular educational setting
* Free appropriate public education (FAPE) must include the availability of the full continuum of alternative placements
* Consideration also must be given to any potential harmful effect on the child or on the quality of services that the child needs
* Home may be an appropriate place for young children to receive their services, and is a different educational environments reporting category than reporting homebound for school age children

**Key Considerations in the IEP Process**

* Involve families meaningfully, and with permission the child’s teacher **see IDEA regulations:** [**300.322**](https://sites.ed.gov/idea/regs/b/d/300.322)**,**
* Respect and reflect the child’s individual strengths and needs, along with the family’s culture, priorities, and preferences **see IDEA regulations:** [**300.321/f**](https://sites.ed.gov/idea/regs/b/d/300.321/f)
* Ensure children participating in Part C early intervention programs experience a smooth and effective transition **see IDEA regulations:** [**300.321/f**](https://sites.ed.gov/idea/regs/b/d/300.321/f)
* Follow the IEP process sequentially
* Assess the child in all areas of suspected disability, in real-life contexts, **see IDEA regulations:** [**300.304**](https://sites.ed.gov/idea/regs/b/d/300.304)
* Document present levels functional development across all domains in the context of daily activities and routines **see IDEA regulations:** [**300.320/a/1**](https://sites.ed.gov/idea/regs/b/d/300.320/a/1)
* Develop goals that are developmentally appropriate and functional that could be implemented and met across settings, including inclusive settings **see IDEA regulations:** [**300.320/a/2**](https://sites.ed.gov/idea/regs/b/d/300.320/a/2)
* Discuss placement as a team including the parents **see IDEA regulations:** [**300.114/a/2**](https://sites.ed.gov/idea/regs/b/b/300.114/a/2)**,** [**300.115/a**](https://sites.ed.gov/idea/regs/b/b/300.115/a)**,** [**300.116**](https://sites.ed.gov/idea/regs/b/b/300.116)
* Begin by discussing supplementary aids and services needed in the regular program, before considering other placements **see IDEA regulations**: [**300.320/a/4**](https://sites.ed.gov/idea/regs/b/d/300.320/a/4)
* Document the extent the child will participate with peers in the regular class **see IDEA regulations:** [**300.320/a/5**](https://sites.ed.gov/idea/regs/b/d/300.320/a/5)
* Consider a regular early childhood placement a child may be attending
* Consider transportation as a related service, if needed, **see IDEA regulations**: [**300.34/a**](https://sites.ed.gov/idea/regs/b/a/300.34/a)
* Consider benefits and any possible negative of effects of placements discussed, **see IDEA regulations** [**300.116**](https://sites.ed.gov/idea/regs/b/b/300.116)
* Complete the prior written notice, **see IDEA regulations:** [**300.503**](https://sites.ed.gov/idea/regs/b/e/300.503)

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**Resources**

* ECTA website: <https://ectacenter.org/>
  + Once there, use the search bar to find:
  + Inclusion Indicators: <https://ectacenter.org/topics/inclusion/indicators.asp>
    - State
    - Program
    - Environment/Class
  + Inclusion: <https://ectacenter.org/topics/inclusion/>
    - Laws and Guidance
    - Tools
    - State Examples
    - Finance
    - Professional Development
  + Key Principles and Practices in the IEP Process: <https://ectacenter.org/sec619/keyprinciples.asp>
  + Rules, Regs, Memos, General: <https://ectacenter.org/sec619/300regs.asp>
  + DEC Recommended Practices: <https://www.dec-sped.org/dec-recommended-practices>
  + ECTA Recommended Practice Tools: <https://ectacenter.org/decrp/>
    - On line modules
* U.S. Department of Education website, Individuals with Disabilities Education Act: <https://sites.ed.gov/idea/>
  + Statute and Regulations: <https://sites.ed.gov/idea/statuteregulations/>
* [OSEP Dear Colleague Letter – Preschool LRE](https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/preschool-lre-dcl-1-10-17.pdf):<https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/preschool-lre-dcl-1-10-17.pdf>
* [HHS and ED Policy Statement on Inclusion of Children with Disabilities in Early Childhood Programs](https://www2.ed.gov/policy/speced/guid/earlylearning/joint-statement-full-text.pdf)**:** <https://www2.ed.gov/policy/speced/guid/earlylearning/joint-statement-full-text.pdf>