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Bureau of Special Education FY'10 Memo #19

Date: December 4, 2009

To: Superintendents of Schools  
 Special Education Directors

From: Office of the Commissioner of Education  
 Division of Instruction

Bureau of Special Education

Re: Preschool Learning Environments: Special Education Program Approval

The New Hampshire Department of Education (NHDOE), Bureau of Special Education is providing the following guidance regarding the approval of special education programs in preschool learning environments. Special education programs require approval from the NHDOE, Bureau of Special Education before a child can be placed in a program. While the Bureau does not approve regular education programs, the Bureau monitors special education for all children with disabilities.

A free appropriate public education must be provided for children with disabilities in the least restrictive environment at public expense. Each district must ensure that a continuum of alternative learning environments is available to meet the needs of preschool-aged children with disabilities. This continuum includes early childhood, home, service provider location, special education programs, separate schools, and residential facilities. The least restrictive environment requirements necessitate that, to the maximum extent appropriate, children with disabilities are educated with children without disabilities and that removal from the regular educational learning environment occurs only if the nature and the severity of the disability is such that an education within the regular class with the use of supplementary aids and services cannot be achieved satisfactorily.

<i>Preschool-aged child</i>	<i>School-aged child</i>
<p>A preschool-aged child is generally a child who is 3 through 5 years of age. However, an IEP may be in effect for a child who is 2 years of age and who will turn three during the school year. That child would also be considered a preschool-aged child. For reporting purposes for federal Child Count and Educational Environment, the NHDOE considers the age of the child on the date of federal reporting (currently December 1<sup>st</sup> each year).</p>	<p>A child is considered to be a school-aged child when the child reaches the sixth birthday after September 30th (RSA 193:1:II). School-aged children with disabilities are served in programs on the Continuum of Alternative Learning Environments for Children Ages 6-21. <b><i>School-aged children do not receive special education and related services in preschool learning environments.</i></b></p>

### ***Regular Education Learning Environments***

When a preschool-aged child with a disability receives special education and/or related services in a **regular education learning environment (an *early childhood* or *home* environment), a special education program approval is not required.** Instead, *early childhood programs* must meet regulations and licensing requirements for that particular setting (i.e. Health & Human Services Child Care licensing for group child care settings and private kindergarten/preschools, Head Start approval based on federal Head Start requirements, public education standards for public preschool or kindergarten, etc). An *early childhood program* includes at least 50 percent children without disabilities.

Because not all early childhood programs are part of the public school system, the *preschool community outreach program* provides a framework for the district to ensure that the implementation of special education in the community-based early childhood program meets the New Hampshire Rules for the Education of Children with Disabilities. **Preschool community outreach programs do not require special education program approval as they are implemented in an early childhood program.**

The IEP team may determine that a preschool-aged child with a disability should receive some or all special education and/or related services in the *home* (the principal residence of the child's family or caregivers. The term caregiver includes babysitter). The team may decide that *home* is the least restrictive environment for a few months, or for the entire IEP period.

### ***Special Education Learning Environments***

The IEP team may determine that a preschool-aged child with disabilities will receive special education and related services in a *service provider location*. For example, speech instruction provided in a private clinician's office, clinician's offices located in a public school building, hospital facilities on an outpatient basis, libraries and other public locations. This is not considered a regular education learning environment as the child is removed from the home or an early childhood setting to receive these services but *is considered to be a special education environment/setting*. Even though this is a special education environment/setting, it is not considered a special education program, as it consists solely of the provision of services and is not a program. **Special education program approval is not required when special education and/or related services are being provided in a service provider location.**

When a preschool-aged child receives special education and/or related services in a ***public school special education program, a separate school (private special education and non-LEA program) or a residential facility, the program must be approved through the NHDOE, Bureau of Special Education.***

### ***NHSEIS/Easy IEP Data Entry for Preschool Learning Environments***

- 1) Select Special Education Services (and/or Related Services)
  - a. Add each special education service (and/or related service) to be provided with the associated information (# of sessions, session length, etc).
  - b. Select the setting where the special education and/or related service will be provided. For a preschool-aged child with a disability this will begin with "3-5" (such as "3-5 Early Childhood Pgn" or "3-5 Special Education Classroom").
- 2) Select Program Placement **to add Special Education Programs** for the student. Programs are *only* required when the student is removed from the regular educational environment *and placed in a special education program*. For a preschool-aged child with a disability, this means you do not have to enter the Program Placement when the child is receiving special education and/or related services in the child's home, in an early childhood program or in a service provider location.
- 3) Student Information Page: Be sure and include the length of school day.

*Summary of Learning Environments and Requirements  
For Preschool-Aged Children with Disabilities*

	<b>Learning Environments</b>	<b>NHDOE Special Education program approval required</b>	<b>Enter Special Education, Related Services and Length of School Day in NHSEIS</b>	<b>Enter program placement in NHSEIS</b>	<b>NHDOE Monitoring of Special Education</b>
<b>Regular Education</b>					
	<ul style="list-style-type: none"> <li>• Early childhood program</li> </ul>		✓		✓
	<ul style="list-style-type: none"> <li>• Home</li> </ul>		✓		✓
<b>Special Education</b>					
	<ul style="list-style-type: none"> <li>• Service provider location</li> </ul>		✓		✓
	<ul style="list-style-type: none"> <li>• Special ed program/class room</li> </ul>	✓	✓	✓	✓
	<ul style="list-style-type: none"> <li>• Separate school</li> </ul>	✓	✓	✓	✓
	<ul style="list-style-type: none"> <li>• Residential facility</li> </ul>	✓	✓	✓	✓