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Bureau of Special Education FY'13 Memo #9

Date: October 15, 2012

To: Superintendents
Special Education Directors

From: Office of the Commissioner
Bureau of Special Education

Re: Preschool LRE Requirements and Data Reporting ~ FY'10 Memo #19 Update

The NH Department of Education (NHDOE) is pleased to share the letter from OSEP (attached) dated February 29, 2012 that "reiterates that the least restrictive environment (LRE) requirements in section 612(a) (5) of the Individuals with Disabilities Education Act (IDEA) apply to the placement of preschool children with disabilities." The letter confirms that, for all children with disabilities, including children aged 3-5, "...separate classes, separate schooling, or other removal of children with disabilities from the regular educational environment may occur only when the nature or severity of the disability of a child is such that education in the regular classes with the use of supplementary aids and services cannot be achieved satisfactorily." The OSEP letter provides a wealth of information about preschool special education and defines regular early childhood programs.

The NHDOE, Bureau of Special Education is providing the following guidance to support districts including: differentiating between preschool-aged versus school-aged children, information about the OSEP requirements to measure educational environments for children aged 3-5, NHSEIS data entry to meet these requirements, a summary of definitions, examples of preschool educational settings, and updated information on program approval, program placement and monitoring.

Preschool-aged versus school-aged children

<i>Preschool-aged child</i>	<i>School-aged child</i>
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 October 1 st each year). Preschool aged children receive special education and related services in educational settings for children aged 3-5.	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. School-aged children do not receive special education and related services in educational settings for children aged 3-5.

OSEP requirements to measure educational environments for children aged 3-5

OSEP requires a new measurement for reporting data on educational environments for children aged 3-5 with IEPs. Data on the educational environments must be reported by districts and will be collected and analyzed by the NHDOE. Statewide data results based on this new measurement will be reported in the NH State Performance Plan (SPP) (submission date 2/1/13) and in future Annual Performance Reports (APR). District level results will be publically reported in the District Data Profiles the year after the SPP submission.

According to OSEP there are three types of educational settings for children aged 3-5:

- 1) Regular Early Childhood Setting (listed in NHSEIS as *3-5 Early Childhood Pgn*);
- 2) Special Education Programs (listed in NHSEIS as *3-5 Year Old Special Education Classrooms, 3-5 Separate School, and 3-5 Residential Facility*); and
- 3) Other (neither a regular early childhood program nor a special education program) (listed in NHSEIS as *Home or Service Provider Location*).

The measurement required by OSEP is:

- A. Percent = [(# of children aged 3 through 5 with IEPs attending a regular early childhood program and receiving the majority of special education and related services in the regular early childhood program) divided by the (total # of children aged 3 through 5 with IEPs)] times 100.
- B. Percent = [(# of children aged 3 through 5 with IEPs attending a separate special education class, separate school or residential facility) divided by the (total # of children aged 3 through 5 with IEPs)] times 100.

NHSEIS data entry: Educational settings for children aged 3-5

Terms in this section that are taken directly from NHSEIS are in *italics*. For a child aged 3-5 who has been referred and evaluated for special education, follow the process to "Add new Student to" NHSEIS. At this point in the process there is *no assigned school*; select *Temporary Pre-school Transition School*. Be sure the case manager that has been assigned to the student has access to the *Temporary Pre-school Transition School*. Once the decisions about *program placement* have been made, complete the fields for *School* and *Length of School Day/Week* in the IEP Process Wizard instead of in the "Add new student to" section. The *Grade* selected should be *Pre-school* unless the child is in *Kindergarten*. Other information (referral, assessment, etc.) should be entered into the IEP Process Wizard the same way it is entered for school-aged children.

In order for the NHDOE to calculate the measurement, district need to use the following protocol in the *IEP Process Wizard*. The measurement of educational environments for children aged 3-5 with IEPs includes information about *special education and related services, settings, Program Placement, and length of week*.

- 1) *Special Education Services, Related Services and Settings*: When developing the IEP, the IEP team must determine what *special education and related services* the child will receive (*number of sessions and length of sessions*) as well as the *setting* in which those services will be provided.
 - a. It is recommended that teams enter the *number of sessions per week* (rather than per day) since the number of days per week varies for preschool children.
 - b. The *setting* selected from the NHSEIS dropdown list should begin with "3-5" (i.e. *3-5 Early Childhood Pgn*). The *settings* are defined in the attached table. The name of the *setting* as it appears in the NHSEIS dropdown list is in parenthesis in the table.

- 2) *Select Program Placement*: Once the IEP team has determined the type of *settings* in which the *special education* and *related services* will be provided, the team needs to make decisions about the actual program(s) in which the child will be placed. Children who receive special education or related services in the *setting Home* or *Service Provider Location* do not have a *Program Placement*.
- a. If a *special education* or *related services* identified in the IEP is provided in a *3-5 Early Childhood Pgn setting*:
 - i. Select *Add State-Approved Program*
 - ii. Enter the *Program Begin* and *End Dates*.
 - iii. In the box next to *Program Name*, enter *Regular Early Childhood Program* and select the *Find Program(s)* button. *Regular Early Childhood Program* is an option available to all districts for children aged 3-5 with an IEP. This is NOT an approved special education program but is required information to document when the regular early childhood program is the program placement identified by to document when the regular early childhood program is the program placement identified by the IEP team. The amount of time in the *program placement* represents the time that the district is responsible for in the *program placement* in order for the child to receive a free appropriate public education in the least restrictive environment (FAPE in the LRE). Because this is not an approved special education program, the actual name of the specific program is not entered into NHSEIS. It is important that the team record the actual program name (for example Tri-County Head Start or Bedford Early Education Program) in the Written Prior Notice. Remember, whatever is entered as a *Program Placement* in the IEP must be provided at no cost to the family.
 - b. If a *special education* or *related services* identified in the IEP is provided in a *3-5 Year Old Special Education Classrooms setting*:
 - i. Select *Add State-Approved Program*
 - ii. Enter the *Program Begin* and *End Dates*.
 - iii. In the box next to *Program Name*, enter the actual name of the approved special education program and select the *Find Program(s)* button.
 - c. If a *special education* or *related services* identified in the IEP is provided in a *3-5 Separate School setting*:
 - i. Select *Add State-Approved Program*
 - ii. Enter the *Program Begin* and *End Dates*.
 - iii. In the box next to *Program Name*, enter the actual name of the approved private special education day program and select the *Find Program(s)* button.
 - d. If a *special education* or *related services* identified in the IEP is provided in a *3-5 Residential Facility setting*:
 - i. Select *Add State-Approved Program*
 - ii. Enter the *Program Begin* and *End Dates*.
 - iii. In the box next to *Program Name*, enter the actual name of the approved private special education residential program and select the *Find Program(s)* button.

- 3) *Student Information Page*: Once the *Program Placement* section has been completed, finalize the *Student Information* section:
- 1) Select the *School* the child will be attending. The selected school will appear on the front page of the child's IEP. This must be changed from the *Temporary Pre-school Transition School* to the school the child will be attending.
 - a. For the child who is placed by the IEP team in a *regular early childhood program* that is **not** operated by a public school or agency, select *Pre-school Community Outreach Site* as the school.
 - b. For the child who is placed by the IEP team in a *regular early childhood program* (such as a preschool or kindergarten program) operated by the public school or agency, select the local elementary school where the preschool or kindergarten program is located. If the public preschool or kindergarten program is not in a public school, the district should determine if there is one elementary school associated with the program or if the school selected will be based on the elementary school the child will attend at school-age.
 - c. For a child who attends more than one school the district should decide which school to use. Consider factors such as which, if any, schools are public and where the child spends the majority of time.
 - 2) *Length of Week*: The *Length of Day* field was changed to *Length of Week* for children aged 3-5 because children this age are not consistently in school 5 days a week. This information is critical to comply with federal reporting requirements. *Length of week* does not appear on the IEP and represent the total time that the child is in a regular early childhood program (as determined by the IEP as well as when enrolled in the program by the parent) and/or in special education. It is not limited to the time the district is responsible for providing in order for the child to receive a FAPE in the LRE.
 - a. **NEW**: OSEP now requires states to report on the total time a child with a disability aged 3-5 is in a regular early childhood program (see definition in attached Table). This includes BOTH the hours per week the child is in a regular early childhood program placement (as determined by the IEP team) AND the hours per week that the parent has placed the child in a regular early childhood program.
 - b. In order to calculate the amount of time to be entered into the *Length of Week* for children aged 3-5 who attend a regular early childhood program and/or a special education program, add the following:

Length of Week = (A) # hours per week in a Regular Early Childhood Program + (B) # total hours per week in a Special Education Program.

 - c. If the child is in the *Home* or *Service provider location* only (is not enrolled by the parent or placed by the IEP in any regular early childhood program and has no time in a program placement in a special education class, separate school of residential facility), then the *Length of Week* should be zero.

The SSECT project is funded by the NHDOE Bureau of Special Education and is available to provide technical assistance to districts around Preschool LRE issues. Contact Michelle Lewis at 224-7005 to request support. The Preschool Technical Assistance Network (PTAN) is also designed to facilitate work specific to this priority area. Contact Ruth Littlefield at the NHDOE Bureau of Special Education at ruth.littlefield@doe.nh.gov or 271-2178 with additional questions or concerns.

Summary Information for Settings for Preschool Special Education: Updated October 2012

Setting (NHSEIS Dropdown)	Explanation	Examples (Not an exhaustive list)	Special Education &/or Related Services are provided in this setting	Setting is in an NHDOE Special Education program (requires approval)	Program Placement must be entered into NHSEIS (based on setting)	NHDOE Monitoring of Special Education
Regular Early Childhood Program (3-5 Early Childhood Pgn)	At least 50% of the children in the class must be children who are not eligible for special education. Districts are required to report on time the child is in a regular early childhood program <i>regardless of whether the child receives special education and related services in this setting.</i> This does not include dance, library story hour, horseback riding or other things that are activity based.	<ul style="list-style-type: none"> • Public preschools & kindergartens • Private preschools & kindergartens • Head Start • Child Care centers • Family Child Care 	✓		✓ This is not an approved special education program.	✓
Home (3-5 year Old Homebased /Child's Home)	This setting is selected <i>if the child receives special education and related services</i> in the principal residence of the child's family or caregivers. The term caregiver includes babysitters.	The child's: <ul style="list-style-type: none"> • Residence • Grandparent's house • Babysitter's house 	✓			✓
Service Provider Location (3-5 year old Service Provider Location)	This category is selected when a child receives special education and related services in a service provider location, such as a speech therapist's office.	<ul style="list-style-type: none"> • Therapist or clinician's office in a public school • Private therapist or clinician's office • Hospital facilities on outpatient basis 	✓			✓

Setting (NHSEIS Dropdown)	Explanation	Examples (Not an exhaustive list)	Special Education &/or Related Services are provided in this setting	Setting is in an NHDOE Special Education program (requires approval)	Program Placement must be entered into NHSEIS (based on setting)	NHDOE Monitoring of Special Education
Special Education Programs (3-5 Year Old Special Education Classroom)	These are public school programs that have less than 50% children without disabilities.	Special education classrooms in: <ul style="list-style-type: none"> • Regular school buildings • Trailers or portables outside of regular school buildings • Child care facilities • Hospital facilities on an outpatient basis • Other community-based settings 	✓	✓	✓	✓
(3-5 Separate School)	These are approved private special education day programs.	http://www.education.nh.gov/instruction/special_ed/documents/private_approved_schools.pdf	✓	✓	✓	✓
(3-5 Residential Facility)	These are approved private residential special education programs.		✓	✓	✓	✓