



COLORADO

Department of Education

Monthly Meeting

Implementing Special Education for Preschoolers in Universal Preschool

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Meeting Intentions



- Monthly virtual meeting - Second Tuesday of every month
- Audience: AU and LEA Special Education Directors, District level EC administrators Fiscal representatives
- Facilitated by CDE with field input in agenda planning, content and feedback loop, CDEC UPK staff invited
- Meant to be responsive, proactive, needs based & solution focused
- Meeting scope: Implementing Special Education for Preschoolers within the UPK landscape



Today's Topics



1. CDE Updates
 - Reminder on preschool pupil count
 - Monthly series dates and Zoom access
2. Preschool FAPE Guidance
3. CDEC Resources & Updates



Monthly Meeting Schedule for 23-24 School Year

Second Tuesday of each month from 2 - 3 p.m.

[Zoom link \(register\)](#)

**[Submit a request of a meeting topic or question](#)
prior to each meeting date**

Remaining Dates:

Oct 10, 2023

Nov 14, 2023

Dec 12, 2023

Jan 9, 2024

Feb 13, 2024

Mar 12, 2024

Apr 9, 2024

May 14, 2024

Jun 11, 2024



Student Pupil Count for Preschool

- Pipeline collections adjusted due to universal preschool
- LEAs will report all preschool students receiving services from the LEA
- All preschool students should be coded 86 or 96 (not eligible for School Finance funds)
- LEAs will not report any students not served directly
- No November 1st Preschool Alternate Count Date

For more information visit the [School Auditing Office website](#).



FAPE for Preschool Special Education Students

Refreshed CDE Guidance Defined FAPE

- Defines FAPE
- Addresses changes in the broader system related to Universal Preschool
- Provides historical context on public funding to meet the obligation of FAPE
- Describes changes to state preschool funding effective 2023-24
- Addresses local program offerings in the context of the offer of FAPE



Refreshed CDE Guidance

- Includes information about supplementing FAPE when CDEC allocates funding beyond what is needed to achieve FAPE
- Discusses how FAPE relates to least restrictive environment
- Describes who is responsible for assigning a location consistent with ECEA requirements
- Addresses the responsibility of the public school system when the parent selects a private provider

Addresses context of Universal Preschool

- Reaffirms CDE's long-standing policy related to FAPE for preschool aged students
- Addresses changes enacted by the Colorado Universal Preschool Program Act (UPK) for the 2023-24 school year
- Replaces all prior CDE-issued guidance on this topic
- Makes clear that access to FAPE is not contingent on available funding

Defining FAPE



- Special education and related services provided to a child with a disability
- Provided at public expense and under public supervision and direction
- Provided through an IEP developed consistent with the requirements of the IDEA, ECEA and CDE
- Provided at no cost to parents

34 C.F.R. § 300.17



Historical Public Funding for Preschool

- .5 PPR through School Finance Act for preschool students ended June 2023
- Public School Finance funds reappropriated to CDEC by the General Assembly
- Funds in the Universal Preschool Program Cash Fund support the Universal Preschool per child rates
- IDEA and ECEA funds will continue to be distributed by CDE



Changes to Preschool Funding for 23-24

- CDEC administers cash fund to support the new Universal Preschool program
- Universal Preschool Act and CDEC Regulations set funding standards for instructional hours (360 per year)
- FAPE must be determined by each child's IEP team, not the amount or availability of funding provided by CDEC
- The Universal Preschool Act requires that every eligible preschool child with a disability be offered preschool services in accordance with their IEP



Program offerings and the offer of FAPE

- Program offered to preschoolers with disabilities should be commensurate to offerings of nondisabled peers
- Most students with IEPs will attend a regular classroom for the same amount of time as nondisabled peers
- IEPs teams determine the amount of regular and specialized instruction needed across the year
- FAPE must be individually determined; some children may require more or less than the standard
- Rationale for departing from standard should be documented on the IEP



May FAPE be supplemented?

- Some children may be allocated “additional preschool hours” by CDEC - apart from the IEP team’s determination of FAPE - these are a supplement to FAPE
- May be offered in addition to FAPE, when available, in a location where FAPE is provided
- Children are entitled to all IEP accommodations and supplementary aids and services across their school day
- AUs are responsible to document on the IEP the services required for the provision of FAPE **and** services provided as a supplement to FAPE.



FAPE and Least Restrictive Environment

- Preschoolers with disabilities must be educated, to the maximum extent appropriate, with children who are not disabled
- The LRE for many preschool students with disabilities is a *regular preschool classroom* with their nondisabled peers
- The placement identifies the educational setting (regular preschool classroom, separate class, special school, etc.)
- IDEA does not require a placement decision to specify the specific location (provider, building, classroom, or teacher) in which a child's IEP must be implemented.



Assigning a location for IEP implementation

- The AU may assign IDEA-eligible children to publicly operated preschool programs with the appropriate educational setting.
- The assignment of a child to a specific location (provider, building, classroom, or teacher) may be an administrative determination of the AU as long as it is consistent with ECEA requirements
- If there are no appropriate public school options, the AU must identify another program, such as a Head Start or other community based childcare program, in which to implement the IEP, provided that the AU has determined FAPE can be achieved there



Assigning a location, continued

- When selecting a nonpublic preschool option, the AU must have a written agreement in place with the program to provide supervision and oversight of the preschool's regular and special education program
- The AU is responsible for ensuring that the assigned program meets the CDE state preschool standards for children with disabilities. In both situations, the AU is ultimately responsible for ensuring the provision of FAPE, to include the delivery of services in conformity with the child's IEP.

When the parent chooses a private provider

- If there are no publicly administered preschool options available that meet the requirements of the child's IEP, the AU must consider a suitable private preschool provider where FAPE can be provided.
- When there is a public preschool program available where the IEP can be implemented, the AU does not have to determine if the IEP can be implemented by the private provider chosen by the parents.
- The AU may choose to offer and provide FAPE in its public preschool program. When there are no suitable public options available the AU must consider nonpublic options.



Summary

- Each IEP team must determine what is appropriate based on each child's unique strengths and needs, not on available funding or the needs or convenience of the administrative unit or local preschool program.
- Establishing a set number of hours for all special education preschool students without regard for the unique needs of each child does not meet the requirements of federal and state special education laws.
- Treating students with disabilities differently than their nondisabled peers raises serious equity concerns, including compliance with federal and state nondiscrimination laws.



Questions?



CDEC Resources & Updates



Thank you

