



**COLORADO**  
Department of Education

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May 14, 2024

# **Implementing Special Education for Preschoolers in Universal Preschool**

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# Meeting Intentions



- Monthly virtual meeting - Second Tuesday of every month
- Meeting scope: Intersection of Special Education and Universal Preschool
- Audience: AU and LEA Special Education Directors, District level EC administrators Fiscal representatives
- Hosted 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



# Monthly Meeting Schedule for 23-24 School Year

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

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

**Remaining Date:**

June 11, 2024

Requested topic: Update on MOE  
Hold Harmless

**[Request for topics](#)**



# Today's Agenda

## CDE Overview: *Preschool Children* with Disabilities Placed by Their Parents in Private Schools

- Proportionate Share, Equitable Services, & Child Find

## CDEC Universal Preschool:

- Direct Placement Demonstration
- Additional/Supplemental Hours
- Payments: Process, Timing, Rates, Reconciliation
- Rules Updates



# Children enrolled in private school by their parents

- States must make FAPE available to all eligible children with disabilities, ***ages 3 to 21***.
- When children with disabilities are *enrolled by their parents in private, including religious, schools or facilities* that meet IDEA definitions of elementary or secondary school, and **FAPE is not at issue:**
  - the **private school must be included** in the **proportionate share** calculation, and
  - the **student is entitled to equitable services**.



# Proportionate Share



A portion of a district's IDEA Part B entitlement grants (*including Preschool/Section 619*) must be allocated to provide equitable services to eligible parentally-placed students who are privately educated in a district's geographic boundaries, regardless of where the students live.



# To ensure equitable services, each AU:

- Must **count and report the number of eligible children** with disabilities enrolled by parents in private schools within the AU's jurisdiction regardless of refusal of services,
- **Calculate a Proportionate Share** amount of IDEA Part B (school-age *and preschool funds*); and
- After consultation, **expend the Proportionate Share** of its IDEA Part B federal funds to *provide equitable services to parentally placed children with disabilities*.

# Which Schools and Students are included?

## Eligible Schools

- Are located within the AU's geographical area
- Are non-profit educational institutions
- Follow a standards-based, assessable curriculum,
- If serving preschool students, the school must offer one or more subsequent grades (K-12th) to be included

## Eligible Students

- *Have been placed by a parent* in a private school
- Are between 3 and 21 years of age
- Meets qualified disability criteria under IDEA





# Child Find and Private School Students

- *The AU in which each private school is located is responsible for child find (must locate, identify and evaluate all children with disabilities enrolled by their parents in private schools);*
  - However, if the parent requests an evaluation from the AU of residence, *for the purposes of making FAPE available to that child, it must be conducted (see [OSEP Q/A 2022](#) #A-4).*
- Each AU must reach out to all private schools located within their boundaries to determine the private schools that will participate in consultation on child find under 34 C.F.R. § 300.134(a).

# Parental Placement in Private School, *Distinguished from Placement by the AU*

- In some instances, *an AU may make FAPE available* to a preschool aged child with a disability through placement in a private preschool program.
- If the group of persons making the placement decision (as specified in 34 C.F.R. § 300.116(a)(1)), places the child in a public or a private preschool program other than the one selected by the parents and the parents decline the public agency's offer of FAPE because they want their child to remain in the private preschool program they have selected, the LEA is not required to provide FAPE to that child.

See [OSEP Q/A J4](#) p. 36



# Additional Resources

- Kathryn Hunt, Fiscal Monitoring Specialist, Office of Special Education, [Hunt\\_k@cde.state.co.us](mailto:Hunt_k@cde.state.co.us)
- OSEP Guidance: [IDEA Provisions Related to Children with Disabilities Enrolled by Their Parents in Private Schools \(2022\)](#), *see especially section J. Preschool Children, p 35*
- The requirements for providing equitable services to children with disabilities enrolled by their parents in private schools are found in 20 U.S.C. § 1412(a)(10)(A) and 34 C.F.R. §§ 300.130 through 300.144.