

# Administrative Unit Memorandum of Understandings with Community Based Child Care Programs Considerations for Content Criteria



## Create Strong Partnerships

### **Background**

The AU may provide special education and related services to a preschool child with a disability in a variety of settings, including a public program administered by a school district or AU. Services may also be provided in Head Start programs or in private or community-based programs, **as long as the private or community-based program meets the educational standards of the AU and CDE and the IEP team determines such placement can provide a Free and Appropriate Public Education (FAPE).** If there is a school district preschool program available, the AU may choose, in accordance with the child's IEP, to make FAPE available to a preschool child with a disability in the school district preschool program in which case a formal MOU is not necessary. These same criteria and expectations apply to all programs in which preschoolers receive their IEP services.

When there are no AU administered preschool program options available, or if they otherwise choose to, **the AU may develop agreements with Head Start and other community based child care programs determined to be appropriate educational placements,** to ensure each preschooler with a disability has access to a Colorado Academic Standards aligned preschool curriculum and special education and related services in the least restrictive environment (LRE). The AU is responsible for providing oversight of the delivery of FAPE and is ultimately accountable that each child receives services in conformity with the child's IEP, whether the preschool program is administered by the AU, a member district, or private or community-based providers.

**This document serves as an overview of the CDE established criteria, as well as other considerations, for developing agreements with community-based child care programs (e.g., district administered preschools, community based child care, etc.) in which preschool aged students with IEPs receive their Free and Appropriate Public Education, including special education and related services.** AUs have the legal responsibility for ensuring FAPE. As a result, each AU is responsible for oversight and accountability, including providing appropriate supports, when private and community-based programs are utilized for the provision of FAPE.

### **CDE Standards for Placement of Preschoolers with IEPs in Educational Programs**

1. The program has a child care center license in good standing. (Note: Head Start programs are exempt from Colorado's child care licensing requirements.)
2. Classrooms serving children with IEPs always have fewer than 50% students with IEPs, recognizing that it is best practice for children with IEPs to be represented in classrooms in natural proportions as in the community where they live. The remainder of the classroom is made up of age appropriate non-disabled peers. If a child with an IEP is placed in a classroom with more than 50% students with IEPs, the more restrictive placement is documented and explained in the IEP.
3. All special education and special services personnel are appropriately licensed by the CDE.
4. Culturally inclusive practices are delivered by appropriately qualified professionals.
5. Special education and related services are embedded into classroom routines (unless otherwise specified on the IEP), and in collaboration between the general education teaching team and special educators and special services providers.
6. Supplementary aids and services that are needed and identified in the IEP are provided to enable the child to receive benefit from the program and makes progress in the curriculum.
7. The program collects, uses, and appropriately reports ongoing assessment data and summative reporting for Results Matter, Colorado's process for completing federal Indicator 7/Preschool Outcomes requirements. Personnel completing children's ratings on approved tools are current on their Inter-Rater Reliability.
8. The program implements an evidence-based curriculum aligned to Colorado Academic Standards and the Early Learning and Development Guidelines.
9. When the educational program is not provided directly by the AU or school district, the AU has an MOU in place to ensure expectations of each party are explicit and accountability of these standards is maintained.



## ***Use of Memorandums of Understanding to Ensure Accountability for FAPE and IEP Services***

Serving young children with disabilities who have an Individualized Education Program (IEP) in high quality inclusive community based child care programs can serve as a catalyst to bring public and private programs together to meet communities' needs, and to provide families with an array of preschool options. These partnerships often lead to more effective collaboration across public and private early childhood programs and, as a result, improve the quality of all early childhood programs across the community.

AUs are expected to utilize a Memorandum of Understanding (MOU) to ensure that all guidelines, requirements and any fiscal agreements for preschool special education are maintained by both the AU and the provider.

## ***Considerations for Content and Criteria for MOUs between AUs and Preschool Providers***

How to use this document: CDE developed this document to assist AUs in development and oversight of any MOU with preschool providers ensuring that all components and expectations for serving children with IEPs are in place and that adherence to these policies will be monitored and maintained. Please contact the Early Childhood Special Education Team in the Office of Special Education with questions or to request additional support.

The *CDE Standards for Placement of Preschoolers with IEPs in Educational Programs* communicate the Colorado Department of Education's requirements for educational environments in which Administrative Units place preschoolers with Individualized Educational Programs (IEPs). A well-planned MOU will address each of these nine required standards. This document includes suggestions to address each of these standards.

### ***The program has a child care center license in good standing.***

#### **Child Care Licensing**

The program and the AU have reviewed the program's child care license.

The program must be licensed appropriately to enroll any preschool child with an IEP, including children transitioning to preschool from Early Intervention prior to the child's 3rd birthday, as well as children continuing in preschool who are age eligible for kindergarten. Please contact your licensing specialist to ensure that the child care license accommodates children who are younger than 3 years of age and up to age 7, as necessary.

Any adverse actions and/or reports of inspection or incident reports will be communicated to the AU in a timely manner and could result in a need to revise or rescind the agreement.

#### **Participation in UPK for funding the general education "seat."**

Assisting families to enroll in UPK is a supportive process in consultation with the AU.

***Classrooms serving children with IEPs always have fewer than 50% students with IEPs, recognizing that it is best practice for children with IEPs to be represented in classrooms in natural proportions as in the community where they live. The remainder of the classroom is made up of age appropriate non-disabled peers. If a child with an IEP is placed in a classroom with more than 50% students with IEPs, the more restrictive placement is documented and explained in the IEP.***

#### **Regular Classroom Setting**

IDEA requires that eligible young children are provided services in a natural setting where a child would be educated if they were not identified with a disability. Community programs must ensure enrolled children with disabilities eligible for services under IDEA, and their families, have access to and participate in all program activities (e.g., all learning and social activities).

**Ensure that the AU's Legal Counsel is consulted/utilized prior to formalizing any MOU. This checklist is meant to guide programs and is not intended to circumvent legal counsel or AU and member district policy.**



### **Classroom Composition of Children**

When a child with an IEP is placed in a classroom with more than 50% students with IEPs, the more restrictive placement is the decision of the IEP team and documented and explained in the IEP, rather than the result of administrative decisions or convenience.

### ***All special education and special services personnel are appropriately licensed by the CDE.***

#### **AU provides the special education services, utilizing CDE licensed personnel as outlined in the IEP.**

IDEA and ECEA require special education service providers to be licensed in their respective areas of expertise. The AU would either a) provide the CDE licensed personnel, or b) contract with the provider to employ those CDE licensed individuals.

#### **Delivery of Special Education Services promote inclusive practices.**

The AU and community provider is expected to promote practices that include coaching and the implementation of cross-disciplinary team support that improves service delivery of early childhood special education. The MOU must clearly identify the services each agency provides and develop a plan to address any gaps in services identified in the IEP. Consideration should be made to provide services within the classroom setting during appropriate routines and activities.

### ***Culturally inclusive practices are delivered by appropriately qualified professionals.***

#### **Equity**

Create an equitable and coordinated way to provide services that meet the unique needs of each child with a disability.

#### **Family Partnering**

Expectations for the early childhood program on partnering with families include:

- Ongoing communication
- Communication in the family's home language(s)
- Involving families in educational activities and decision-making

### ***Special education and related services are embedded into classroom routines (unless otherwise specified on the IEP), and in collaboration between the general education teaching team and special educators and special services providers.***

#### **Teacher Planning Time - Collaboration and Teaming**

Staff members require an understanding of each other's work to support young children who have a disability and their families. Identifying strategies to bring staff together and ensuring time where they can work together can help them build their collaboration skills.

### ***Supplementary aids and services that are needed and identified in the IEP are provided to enable the child to receive benefit from the program and makes progress in the curriculum.***

#### **Special Education Services are Provided by the AU or School District.**

IEP services are planned with teachers and provided within the classroom routines and activities. [IEP services must be provided in the least restrictive environment to the maximum extent appropriate (34 CFR 300.114(a).]

**Meet the requirements of IDEA when implementing the IEP for each child.**

Roles and responsibilities are clearly defined for each team member's participation in the implementation of the IEP.

- IEP process - (e.g., the teacher of the child is part of the IEP meetings)
- Progress monitoring of the IEP goals (goals are agreed upon and data is collected by all classroom staff)
- Placement (educational environments that are identified on the IEP are provided in FAPE)
- Service delivery (classroom staff and itinerant special educators agree on scheduling of service times)
- Ensure that children with an IEP who are turning three can enroll on or before their third birthday.
- Work with families to ensure a smooth transition to kindergarten.

***The program collects, uses, and appropriately reports ongoing assessment data and summative reporting for Results Matter, Colorado's process for completing federal Indicator 7/Preschool Outcomes requirements. Personnel completing children's ratings on approved tools are current on their Inter-Rater Reliability.***

**Results Matter (RM)**

Teams use information from all sources, including teacher observations, IEP reports, and family input to inform child outcomes ratings in approved RM online tools:

- Complete introductory training and IRR by first checkpoint
- Include data sharing agreement
- Define who owns the subscription and pays for the portfolios
- Complete OSEP entries and exits
- Describe how checkpoints will be monitored

***The program implements an evidence-based curriculum aligned to Colorado Academic Standards and the Early Learning and Development Guidelines.***

**Increase cross-sector professional development opportunities.**

The MOU should indicate the professional development and technical assistance that AUs and community programs provide that staff from both agencies can access. Establish areas for joint professional development and training that can support the mission and shared values of the MOU.

**Quality Programs**

**Evidence-based Curricula**

Programs are expected to align curricula to Colorado Academic Standards and the ELDGs.

**Quality Monitoring**

How will quality be monitored? For example - Colorado Shines Level expectation, NAEYC Accreditation, use of ECERS/CLASS or other approved tool.

**Linguistically Responsive Practices**

Linguistically responsive practices, including home language support and professional development, are implemented.



***When the educational program is not provided directly by the AU or school district, the AU has an MOU in place to ensure expectations of each party are explicit and accountability of these standards is maintained.***

### **Leadership**

Identify members of a leadership team across programs to work on the written MOU document and have the authority to oversee its implementation.

### **Individuals with Disabilities Education Act (IDEA)**

#### **Define roles and responsibilities across programs for Child Find processes.**

Ensure that all staff understand referral responsibilities when a concern is identified about a child's development who may not yet be identified for special education.

#### **Oversight and Accountability**

There is a description on how the district will provide oversight and accountability for children with an IEP. There is a description of how often the MOU will be reviewed. There is a description as to how the district will resolve disputes and develop procedures for disagreements.

### **Records**

Description of what community partner needs to keep on hand for district review and for how long (i.e., attendance records, correspondence logs).

### **Two way Communication**

There is a description of how the AU will communicate, how often, and when the program should communicate, as well as with whom (e.g., when there are child or families concerns, child moves, staff turnover, transition plan for kindergarten).

### **Expulsion and suspension policy and data reporting expectations.**

There is a description of the school district's expectations regarding the community provider's positive guidance policy for their program and the requirement to provide the district with information regarding any suspensions and/or expulsions of children. There are steps included on how the community partner will communicate concerns to the district and seek support for the classroom, children and families, where challenging behaviors may be present that could lead to suspension or expulsion from the program.

Data collection requirements are met.

## **WHERE CAN I LEARN MORE?**

Contact Us for resources related to MOUs

[Early Childhood Special Education](#)

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