

# Disabilities Q&A

## **How are children with disabilities served?**

Four-year-old children with disabilities are expected to be in the same program as the rest of the four-year-old children in the district, unless the child's individual education program (IEP) requires otherwise. In addition to inclusion in the mainstream setting, options for three- and four-year-old children with disabilities include: settings where the majority of the children have disabilities, home settings (parent-child programs), and itinerant services in the place where the child is already receiving other services (e.g. day care, hospital, private placement).

When children with disabilities are included in the mainstream setting, the IEP team is to review the group sites and the adult-child ratio to assure that the needs of the child are met.

## **What is the role of the local school district in IFSP transition conference for a child two years old who is turning three from an Early Intervention program?**

According to state exceptional child regulations, the district is expected to participate in the transition conference in order to discuss how to make a referral for preschool (for services to begin at age three). The school district also needs to discuss the process and possible services. The First Steps Primary Service Coordinator and the school district should work closely to schedule the transition conference at a time that allows representatives and families to attend. In a unique or extraordinary circumstance, the district or representatives from other programs might participate in the transition conference by conference call, or other means. However, this should not be standard operating procedure. First Steps and local school districts should develop policies and procedures for scheduling transition conferences.

## **How does an IEP team decide if a child transitioning from First Steps should receive Extended School Year Services?**

In general preschoolers with disabilities receive a standard school year program the same as their school district's school calendar for all children. However, if the school Individual Education Plan (IEP) team, of which parents are members, determines on an individual child basis that a child needs more than the standard school year to maintain critical skills over the summer, the IEP could include summer programming, which is frequently called extended school year (ESY).

As with other preschoolers, children transitioning from First Steps and turning three over the summer, the IEP services would start in the fall. However, for some children, whose IEP team determines the individual need, the IEP could start over the summer.

All children, with and without disabilities learn year round and could benefit from summer programs. Districts should help parents to understand that extended school year services are not required for children with disabilities in order to promote the kind of ongoing learning and development all children would benefit from.

- Extended school year services are required only when the IEP team has determined that:  
The child will regress or lose current skills over the summer, which are critical for self-sufficiency and independence.
- And that the child will not recoup or return to the current level of IEP skills after a reasonable time period in the fall. This is called the "regression/recoupment" standard.

In the case of a child transitioning from First Steps the IEP team will look at the child's current level of skills on the IEP, carried over from the IFSP. If the IEP team believes the child will lose critical skills over the summer and will not regain them in a reasonable period in the fall, then it should consider extended school year services to help maintain those skills over the summer and prevent the anticipated regression.

School districts should have extended school year policies which guide them to identify the skills critical to a child's self-sufficiency and independence. These skills usually include such things as:

- Basic communications
- Feeding

- Impulse control
- Physical mobility
- Toileting
- Muscle control

School teachers and school staff have ongoing records on the child's progress, which can be used to determine whether a child is having trouble maintaining skills over breaks and vacations. Likewise, if a child is transitioning from First Steps the service provider or infant-toddler program the child is coming from will have records of the child's progress on IFSP skills, which can provide the same kind of information. If records are not available and the IEP team has reason to believe that the child will regress and recoup critical skills in a reasonable time in the fall, then the team would need to use its best professional judgment in determining the need for ESY services.

Since ESY services are focused on maintaining current levels of skills on the child's IEP, not general development, it is not necessarily required that they be delivered in a summer preschool class. Depending on the skills and the need, summer ESY services could be provided in the home, childcare center or any other arrangement, which could help maintain the skills.

**If a district has a four-year old child with disabilities who will be turning five by October 1 whose parents don't think is ready for primary school, can this child remain in the preschool program next year?**

This is possible only under certain circumstances. The Admissions and Release Committee (ARC) needs to meet to discuss the child's IEP (Individual Education Program) and placement. Under federal requirements, the committee is to first look at where the child would be if he did not have disability: that is, the regular classroom, or first-year primary program for this child. If the child's IEP can be carried out in this setting with aids and supplemental services, then the committee should plan for the transition of the child to primary. However, if the committee determines that the regular education setting is not appropriate to carry out this child's IEP, then the committee should consider alternatives. One of those alternative settings can be a preschool class. In considering preschool as an alternative instructional setting, the committee must consider and address these issues:

The child will be enrolled as a primary student placed in preschool, not a preschooler, this will be year 1 of the primary school for the child.

The child will not be reported on the State Preschool enrollment count or on Head Start enrollment for funding purposes. This child will be counted for funding purposes in average daily attendance as an entry-level primary ("E-1") student. The funds generated through SEEK would then be used to support the cost of the child's program internally or by contract if an outside agency is involved.

The child will be eligible for the same length of day as available to all other five-year old students in the school district, for five days a week. If the preschool class does not provide this amount of time, then the committee needs to provide services in addition to the preschool class, or request a shortened school day to the Division of Exceptional Children Services. Additional services might include a home visit or placement with a group including other five-year olds on the fifth day.

The preschool class must have space for the child. Even though the child is not on State Preschool or Head Start enrollment, he/she will be a member of the class in terms of maximum class size.

The parents and the primary school staff need technical assistance and support in preparing to transition the child to primary at whatever point is determined appropriate by the ARC.