

Parent Advocacy Brief

Preschool Services Under IDEA



We don't usually think of Specific Learning Disabilities in connection with children below school age. When we think about children age birth to six, we think first of their learning *abilities* in the achievement of developmental milestones – walking, running, climbing, talking in sentences, acquiring vocabulary concepts, learning to read and learning to play alone and with others. While the preschool years are a time of triumphs for most children and families, approximately 8% of all young children are identified as having disabilities that may prevent their reaching these important milestones as expected. It was with these children and their families in mind that Congress created the Part C Infant/Toddler Program and the Preschool Special Education Program in 1986 when it reauthorized the Individuals with Disabilities Education Act (IDEA). Some children with diagnosed conditions such as Down's syndrome or Cerebral Palsy identified at birth or shortly thereafter receive services through the Part C Infant/Toddler Program. They may make the transition to the preschool special education program at age three. Other children do not raise concerns until after the third birthday and, if eligible, may be enrolled in what is commonly referred to as the Section 619 Preschool Program.

You can read about and become familiar with the features of IDEA in NCLD's *IDEA Parent Guide*. Download the Guide at www.ld.org/ideaguide.

I'm not sure my preschool child is developing normally. What should I do?

You and/or others who know your child may have questions or concerns about his or her development. Your pediatrician, well-child clinic staff, or preschool teacher can help to answer your questions and suggest next steps. It may be that no next steps are necessary as your child is developing within the normal range. However, if there is concern, you can contact your local school system's director of Special Education programs for a diagnostic screening at no cost to you through the IDEA process called Child Find. This screening will help you confirm whether or not a disability or delay exists. (Local public school systems are required to conduct Child Find to locate and identify children and students from birth – 21.) The Superintendent of Schools' office can tell you how to reach this individual. Your local school system may also have a staff member whose job is exclusively to coordinate preschool special education referrals.

No two children grow and develop at the same pace or in the same way. Some children who are not identified at birth as having a disability may have more subtle issues that can cause parents and/or professionals to suspect that there is a problem around the ages of three -five. They may have speech and language delays or disorders, put shoes or mittens on the wrong feet or hands, have difficulty remembering directions, be uninterested in playing early learning games or listening to stories, or seem generally mildly uncoordinated. If this is your child, you may be saying "Something's going on. I don't know what it is." On one hand, preschool special education may be needed to ensure that your young child will make progress in later school years. On the other hand, emphasis on failures and problems and prescriptive teaching can damage a child's self image. NCLD offers a parent-friendly check-list (http://www.nclد.org/images/stories/downloads/parent_center/ldchecklist.pdf) that may help you determine whether your observations and feelings may be valid. If you decide to seek preschool screening that may lead to special education services for your child at home or at school, IDEA offers two eligibility categories that may reflect what is happening with your child.

You can download the "Next Steps" document at www.getreadytoread.org/transition_nextsteps

What is a "Developmental Delay"?

What is a "Specific Learning Disability"?

Developmental Delay means that a young child has a delay or disorder in sensory, physical, mental, or social/emotional development or has multiple delays in comparison to his or her peers, as documented by diagnostic testing. IDEA allows states to use this eligibility category up to age 9 and to establish their own criteria such as developmental inventories and/or informed clinical opinion. (IDEA- Section 1402) (*Young children who may later be identified as Learning Disabled are frequently included in this category.*)

Specific Learning Disability (SLD) means that a child has a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written. These difficulties may manifest themselves in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. It does not include mental retardation, cultural difference or environmental disadvantage. (IDEA – Section 1402 (30)) In making the decision to identify a young child as learning disabled, professionals have to rule out other factors such as speech/language delays, "late blooming," environmental factors and emotional issues. The IDEA Amendments of 2004 did away with the absolute requirement for a severe discrepancy between age and achievement to be needed in the determination of an SLD, although severe discrepancy is still in use by some states.

The decision can now also be based on criteria established by each state based on a child's response to scientific research-based interventions (Response to Intervention, (RTI)) and on a pattern of strengths and weaknesses in performance in light of age, grade level standards or intellectual development. (IDEA 2004 Final Regulations Update, www.nclد.org).

In 2005-2006, 260,692 children age 3-5 were identified as having Developmental Delays.

During the same period 12,065 children age 3-5 were identified with Specific Learning Disabilities.

(Source: www.ideadata.org)



The Recognition & Response Web site, www.recognitionandresponse.org, offers information and resources to help early educators address the needs of young children (3 to 5 year-olds) who show signs that they may not be learning in an expected manner, even before they begin kindergarten.

What is the federal special education program for children age 3-5?

Section 619 of Part B of IDEA, defines the preschool program which guarantees a free appropriate public education (FAPE) to children with disabilities age three through five. Under this program preschool children who have disabilities are entitled to Special Education and Related Services in the Least Restrictive Environment (LRE). Young children, who have been identified as having any of the conditions named in Part B of IDEA including Developmental Delays, are eligible to receive services under Section 619 of IDEA.

In each state department of education there is a staff member, the Preschool Grant Coordinator, who is responsible for administering the state's Section 619 Preschool Grant monies for developing, maintaining and providing information about the program in the state. The "shorthand" title for these individuals is "619 Coordinator." The National Early Childhood Technical Assistance Center provides contact information for the 619 Coordinators at www.NECTAC.org. In addition to contacting your local director of special education or early childhood special education coordinator, you may want to speak with your state's 619 Coordinator. He or she can provide you with helpful information about your rights, about local programs and services and in some cases be present at meetings to assist with the process.

Doesn't universal public education begin at Age 5-6?

Yes. However, across the country, many children are enrolled in some type of preschool program. In implementing IDEA Section 619, the states have made it possible for 500,000 children with disabilities to receive their Special Education preschool services either totally in a general preschool school, child care, or Head Start setting or in a combination of these settings with special education. (www.ideadata.org) As much as possible, preschool children with disabilities need to spend time in early childhood settings in order to learn the "give and take" of play, to hear normal spoken language and to learn pre-reading and other cognitive learning skills presented in the regular preschool curriculum. Preschool-age children with disabilities are first and foremost children and need to be with their same age peers. Each child's team must take the individual child's needs into account when deciding on the best educational environment.

Sometimes children will learn best in settings other than the general preschool classroom. NCLD's IDEA Parent Guide provides information about the continuum of placements that moves from the mainstream to self-contained settings.

- **In the fall of 2005, 704,087 children age 3-5 were being served through Section 619 or approximately 8% of this age group in the general US population.** (Source: www.ideadata.org)
- **\$380 million dollars was awarded to the states and territories to help with the cost of the program in 2005-2006.**

How do the public schools provide general education classroom learning environments for young children with disabilities?

Public schools in 23 states work with Head Start, public and private childcare and preschool providers to offer integrated learning environments for young children, including those with disabilities. This collaboration may be supported by written interagency agreements or memorandums of understanding at the state and/or local levels. In some cases, the schools look within their own programs to offer settings such as a Vocational Education Lab Preschool setting or a "Reverse Mainstream" classroom. Examples of these types of programs can be found in the District of Columbia, Kansas, Louisiana, Maine, New York and Pennsylvania. (National Association for the Education of Young Children, www.naeyc.org) In these settings, preschool special education staff works side by side with early childhood classroom teachers to provide services for all children within the classroom setting.

Who decides if my child is eligible for preschool special education?

A team, which includes you the parent and professionals specializing in evaluating the needs of young children, will assess and review test results, reports and all other pertinent information. This team must carefully consider all information about the child's development and medical history before making a decision. As you can imagine, eligibility decisions for young children are complicated and depend on consideration of environmental, language and socio-economic factors in addition to any testing results. For more information about team membership and eligibility determination, see the IDEA Parents' Guide at www.ld.org/ideaguide.

What happens after my child is found eligible for preschool special education?

Once eligibility is determined, the same team, including parents, develops an Individualized Education Plan (IEP). The IEP is a "blueprint" for teaching the child and is based on the information about the child gained from the screening and diagnostic testing. It includes goals and services for the child, and is implemented by preschool classroom teachers with the help of special educators and related service professionals. In some states, home-based services are provided for young children who do not require additional preschool services.

The team that develops the IEP determines what educationally related services are needed. These may include speech therapy, occupational therapy and physical therapy, to name a few. Preschool-specific services may include social activities with typically developing young children in the community. The IEP will include goals in all areas identified during assessment and evaluation as needing attention. Typically, these include cognitive, speech and language, gross and fine motor and social and emotional development.

Where would my child receive preschool special education services?

Your child may already be attending preschool. Your local public school system may agree to have your child continue in that setting and pay for the portion of the time that the IEP is implemented in that setting. Or, your child may receive specialized services at home by a specialist (e.g. speech language or occupational therapy). If your child needs some services that can only be implemented in a special setting, the school system must pay for the child's transportation to and from that setting. If your child is not enrolled in a preschool, childcare, or Head Start program, the school system must work with you in determining the right setting for your child. Although there is no universal pre-kindergarten program in this country, many states have public pre-k programs for specific age groups and populations.



What if I disagree with my child's education team about eligibility or any part of the IEP and services?

If test results or other information lead you or members of your child's team to disagree about your child's disability or desired learning environment, or on the way the process has been implemented, you can do several things.

You can:

- Refuse to sign the IEP
- Request an independent educational evaluation
- Request an informal due process hearing (maybe named a different term, i.e., administrative hearing) to share your concerns with a district representative
- File a formal due process request to present your case to an officer appointed by the state department of education
- File a formal complaint if you think that the procedural safeguards have not been followed
- Request that any disputes be mediated by a trained professional

A successful mediation will result in an agreement that reflects the consensus of all parties. A formal complaint will be investigated by someone appointed by your state department of education, who will review the information and make a report of findings and recommend a solution. A Due Process Hearing is the most formal of these steps. It is led by a Hearing Officer who hears the arguments of both sides, which are usually presented by attorneys. The Hearing Officer makes a decision based on the facts presented.

Any of the steps in dispute resolution might seem challenging to parents of young children, especially to those who speak a language other than English. For this reason, IDEA supports a network of Parent Training and Information Centers. Each state has one or more of these centers. NCLD's IDEA Guide (www.ld.org/ideaguide) provides a full explanation of the options listed as well as additional resources.

What is the Part C Option?

Is my preschool child eligible for enrollment in my state's Part C program?

Part C of IDEA regulates the process by which infants and toddlers (from birth to age 3) receive services. The 2004 amendments to the IDEA created an option for children identified before age three and enrolled in the Part C program to continue in that program up to age six. If a child was not enrolled in the Part C program prior to December 2004, this option is not open. The purpose of the option is to allow flexibility, if wanted, for states to make Part C services available to children from age 3 until eligible to enter kindergarten or elementary school. This allows for a smoother transition for children who have received services from a very young age while promoting school readiness, early literacy, language and numeracy skills in the services offered. For children who are newly identified at age three through pre-kindergarten, services must be provided under Part B Section 619 of IDEA. The final regulations for Part C including this option are expected to be published in the fall of 2007.

Where can I learn more about learning disabilities and young children, the law, and my child's and my rights?

Many information resources are available to you if you are the parent of a young child who may have a learning disability.

- **IDEA Parent Guide**
NCLD offers an IDEA Parent Guide at www.ncl.org as well as a parent center and guidance on early literacy and early childhood education at www.getreadytoread.org.
- **The US Department of Education**
The US Department of Education, Office of Special Education Programs has created a Web site, www.ed.gov/, that contains IDEA 2004 resources.
- **The National Early Childhood Technical Assistance Center**
The National Early Childhood Technical Assistance Center (NECTAC) (www.nectac.org) includes information on the Section 619 Preschool Program and state contacts' mailing addresses.
- **Parent Training and Information Centers**
In every state there is at least one parent center. To locate the parent center or centers in your state you can contact the National Technical Assistance Center at its nationwide toll-free number 888/248-0822 or locate a center near you at www.taalliance.org. Parent Centers serve families of children and young adults from birth to age 22 with all disabilities. Their purpose is to help families obtain appropriate education results for all children.

In Conclusion

The IDEA Preschool Program (Section 619) supports education services for young children with disabilities who are identified after their third birthday. It offers early learning experiences in language, reading and writing skills, play, and other social emotional areas. Preschool special education is available through your public school system.

Activities and studies being conducted in different states and by the US Department of Education are starting to provide information that show that the program does help children to succeed in their later school years. You can look at evaluation activities in the different states at the Early Childhood Outcomes Center Web Site to learn how states are working to become accountable for children's learning. www.fpg.unc.edu/~eco/index.cfm

Becoming informed about the Section 619 program, whether or not you choose to pursue enrollment for your child, can help you with present and future decisions about your child's school years.

About the Author: Luzanne Pierce, MAT, is a former Section 619 Coordinator for the state of New Hampshire. From 1992 to 2003 she directed the NECTAC (National Early Childhood Technical Assistance Center) sub-contract at NASDSE (National Association of State Directors of Special Education). She is the co-author of early childhood documents on Autism, Preschool Inclusion, transitions and other topics for NECTAC and NASDSE and a contributor to the 20th Annual Report to Congress on the IDEA implementation. The discovery of her daughter's learning disability led her to become a preschool special education teacher.