

Annual Performance Report (APR) Indicator 6: Preschool Least Restrictive Environment (LRE) Overview

IDEA APR Support Team

Division of Federal Programs and Oversight





BEST FOR ALL

We will set all students on a path to success.

ACADEMICS

ALL TENNESSEE STUDENTS WILL HAVE ACCESS TO A HIGH-QUALITY EDUCATION, NO MATTER WHERE THEY LIVE

STUDENT READINESS

TENNESSEE PUBLIC SCHOOLS WILL BE EQUIPPED TO SERVE THE ACADEMIC AND NON-ACADEMIC NEEDS OF ALL STUDENTS IN THEIR CAREER PATHWAYS

EDUCATORS

TENNESSEE WILL SET A NEW PATH FOR THE EDUCATION PROFESSION AND BE THE TOP STATE IN WHICH TO BECOME AND REMAIN A TEACHER AND LEADER FOR ALL



Agenda

- IDEA Preschool LRE Legal Requirements and Definitions
- Preschool LRE Data and Results-based Monitoring (RBM) Trends
- Indicator 6 Quality Data Collection and Reporting
- Preschool LRE Policy and Procedures
- Prior Written Notice
- Preschool Inclusion Models
- Closing



IDEA Preschool LRE Legal Requirements and Definitions

IDEA Definitions

Individuals with Disabilities Education Act (IDEA) Part B

The Individuals with Disabilities Education Act (IDEA) Part B requires that eligible students and children with disabilities ages 3-21 are provided a free appropriate public education (FAPE) and receive special education and related services in the least restrictive environment (LRE) (20 U.S.C. § 1400 et seq.). Note – TN State Law allows students to remain eligible until the end of the school year following the student's 22nd birthday. [SBE Rule 0520-01-09-.02(3)]

Least Restrictive Environment (LRE)

To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily [20 U.S.C. § 1412, 34 C.F.R. § 300.114(5)(A)].

IDEA Definitions (cont.)

Office of Special Education Programs (OSEP)

- A division of the [U.S. Department of Education](#) (ED)
- OSEP provides oversight and support for entities charged with protecting the educational rights of children with disabilities ages 3-21

TN Planning for Unique Learning and Success (TN PULSE)

- Formerly EdPlan/EasyIEP
- The state-wide software system managed by the department and used to collect, store, and manage data collection for students with disabilities ages 3-21

APR Indicator 6: Educational Environments (Preschool LRE)

- A federal measurement of the provision of FAPE in the LRE for children ages 3-5 (not in kindergarten)

Indicator 6

Measures the percentage of preschool children ages 3–5 (not in kindergarten) with an individualized education program (IEP) who are enrolled in one of the following:

6A

Attending a regular early childhood program and receiving the majority (50% or more) of special education and related services in the regular early childhood program

6B

separate special education class, separate school, or residential facility; or

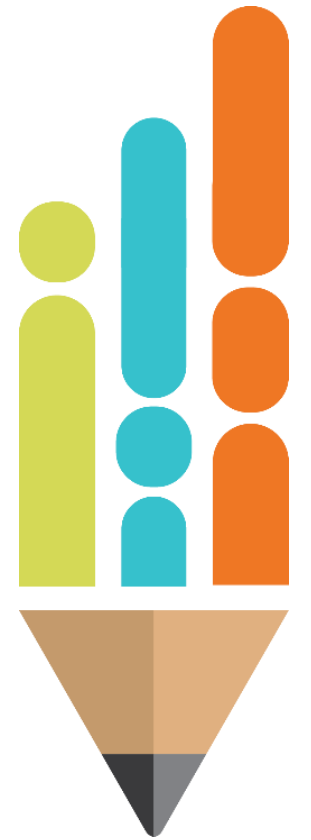
6C

are receiving special education and related services in the home.

OSEP Expectations

- OSEP: *“All young children with disabilities should have access to inclusive high-quality early childhood programs, where they are provided with individualized and appropriate support in meeting high expectations.”*
- However, children with disabilities and their families continue to face significant barriers to accessing inclusive high-quality early childhood programs despite the legal foundation and research base supporting inclusion.
- What can we do to change this?

See U.S. Dep’t of Health and Human Servs. & U.S. Dep’t of Educ., [Policy Statement on Inclusion of Children with Disabilities in Early Childhood Programs](#), (Sept. 14, 2015).



Inclusion is the Expectation

IDEA ... “presumes that the first placement option considered for a preschool child with a disability is the regular public preschool program the child would attend if the child did not have a disability.”

See U.S. Dep’t of Health and Human Servs. & U.S. Dep’t of Educ., [*Policy Statement on Inclusion of Children with Disabilities in Early Childhood Programs*](#), (Sept. 14, 2015).



Preschool LRE Data and RBM Trends

Federal Requirements for APR Reporting

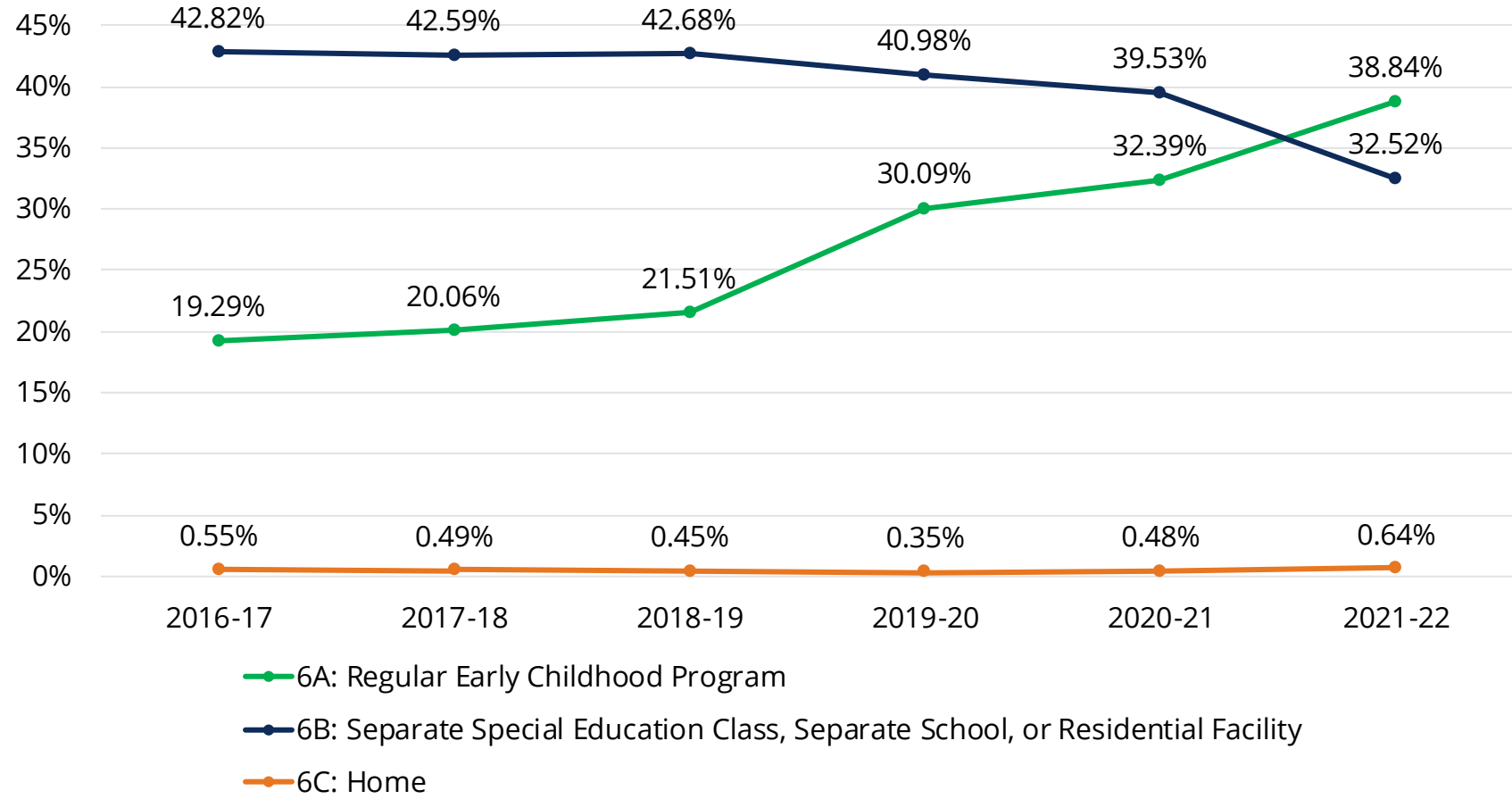
- OSEP requires each state to develop a **State Performance Plan (SPP)** that evaluates the state's efforts to implement the requirements and purposes of IDEA. *See* 20 U.S.C. § 1416(b).
- The plan includes baseline data, measurable and rigorous targets, and a plan for refinement for all **APR data indicators**.
- As Indicator 6 is a **results-based indicator** with defined state targets, OSEP expects all states to **ensure that LEAs follow proper LRE procedures** and work to increase enrollment of preschool children with disabilities into regular early childhood programs.





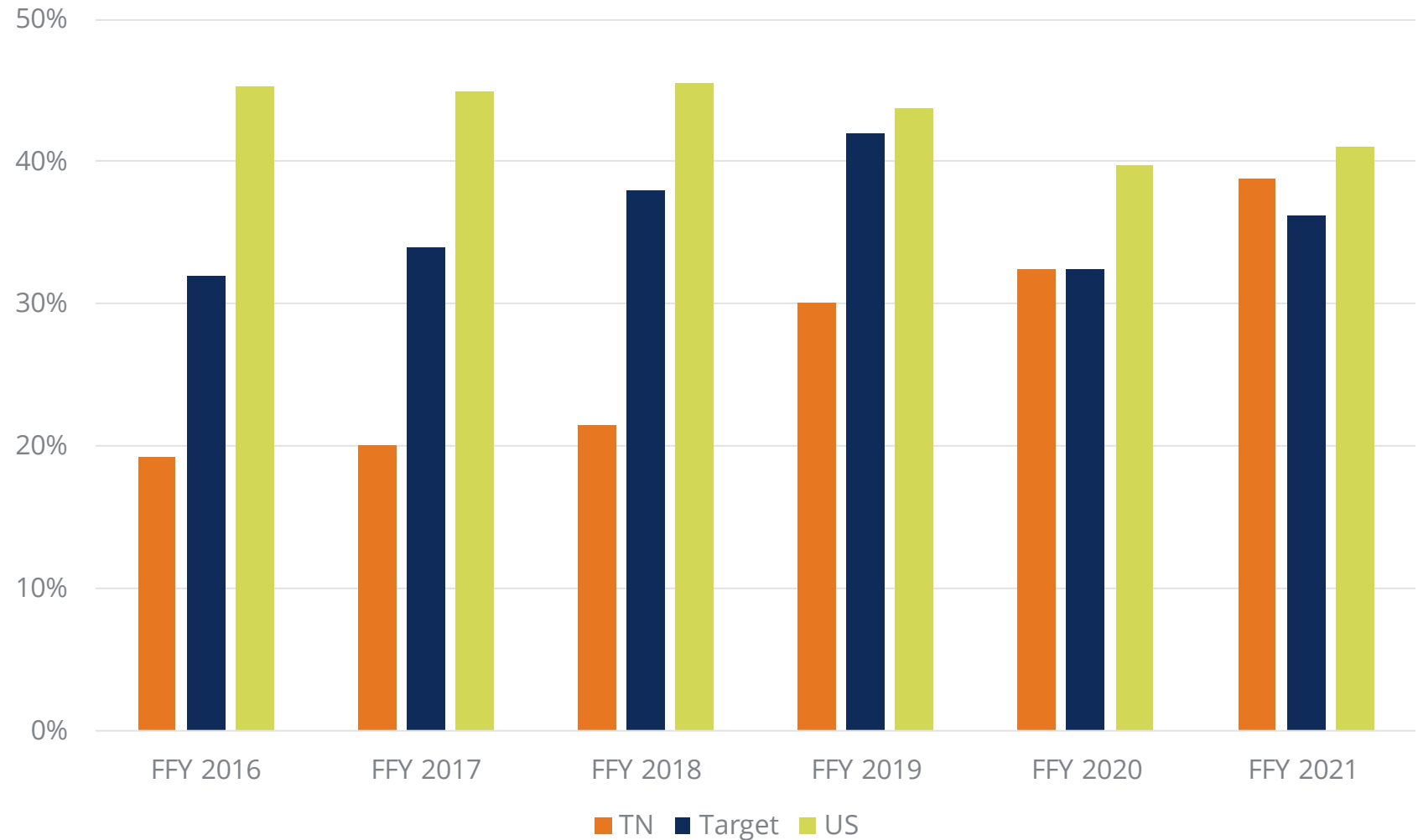
Indicator 6 Statewide Data

Percent of Children with IEPs Ages 3 through 5 (not in Kindergarten) by Education Environment (by APR year)



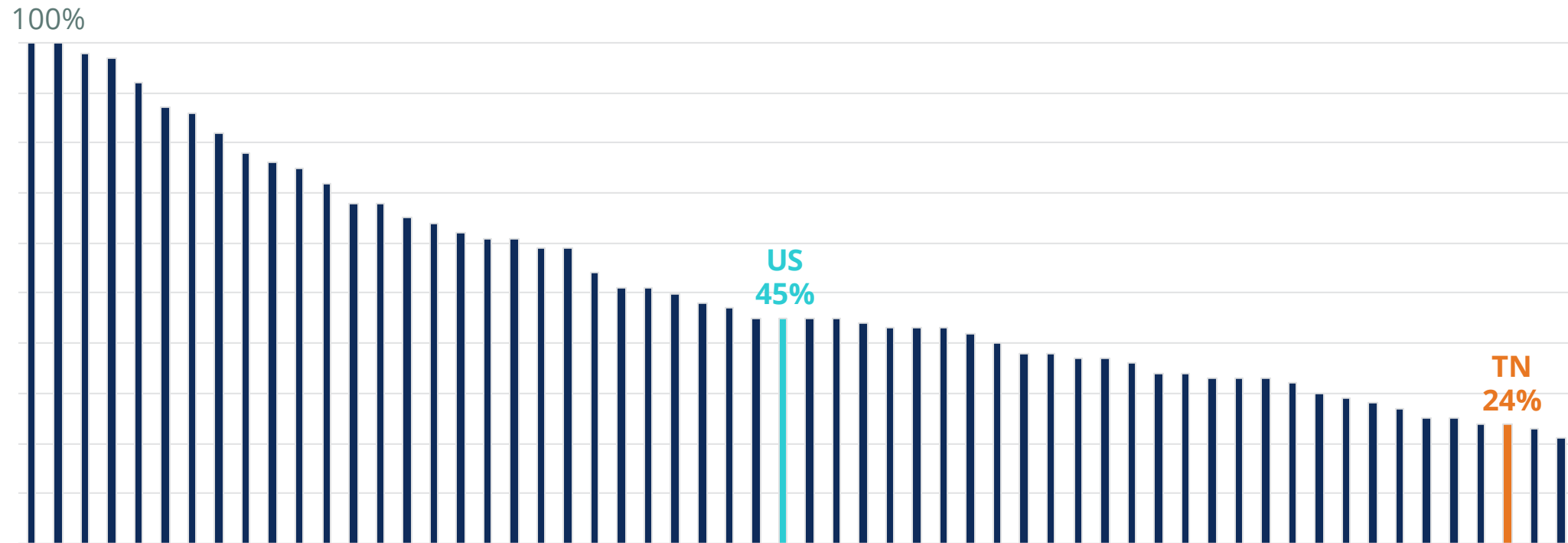
Data Source: Statewide IEP Management System (EDPlan/EasyIEP)

Comparing TN to National 6A Average



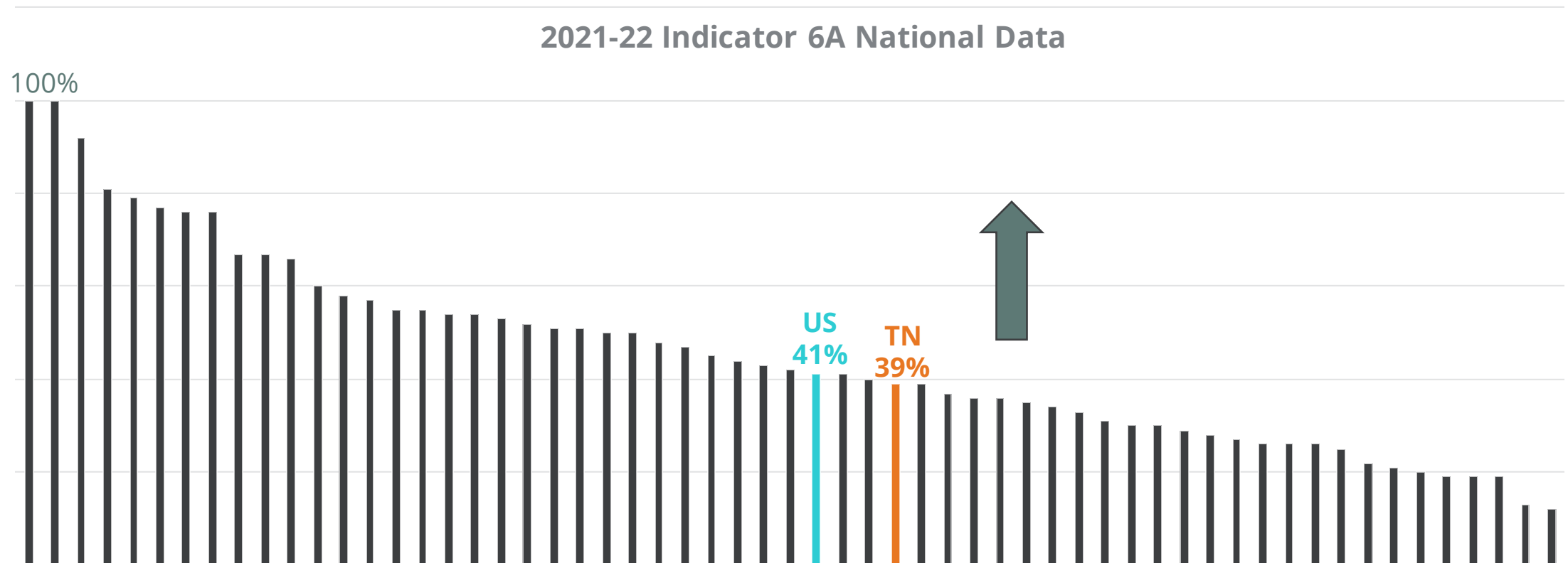
Comparing Tennessee to National 6A Average

2016-17 Indicator 6A National Data



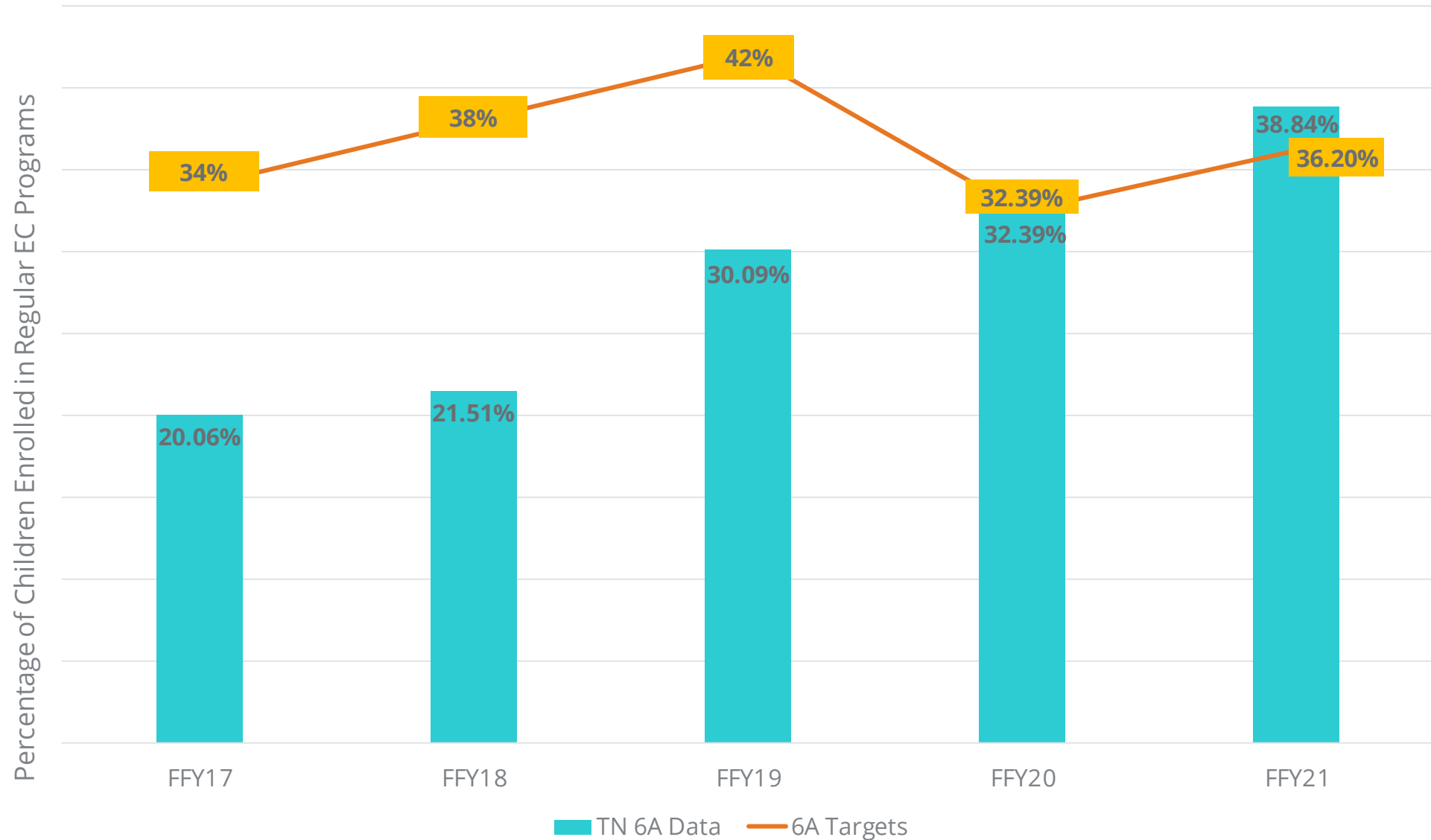
* Source: ECTA - Each bar represents a U.S. state or entity

Comparing Tennessee to National 6A Average

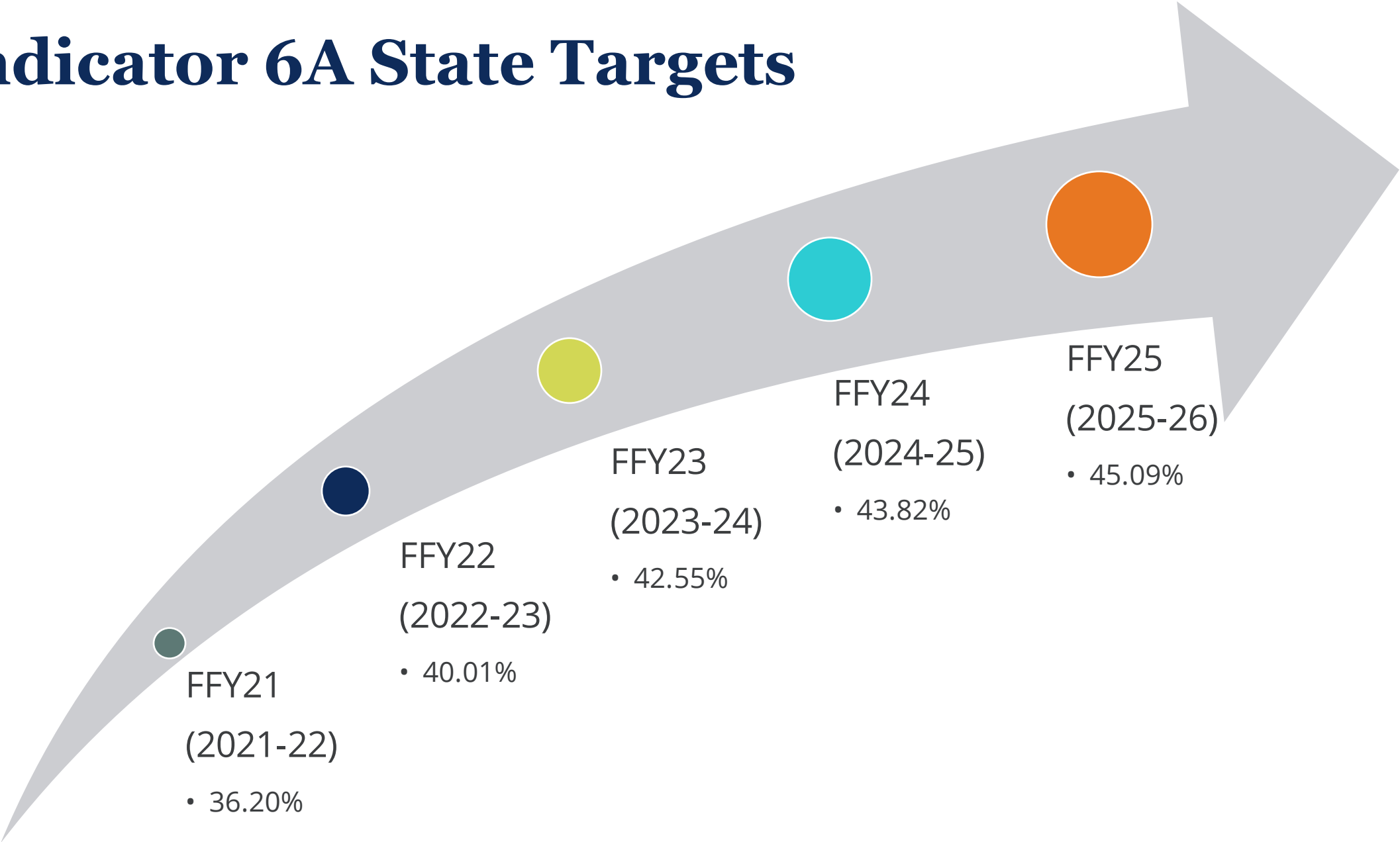


* Source: ECTA – Each bar represents a U.S. state or entity

Comparing TN 6A Data to State Targets



Indicator 6A State Targets



Note: Federal Fiscal Year (FFY)

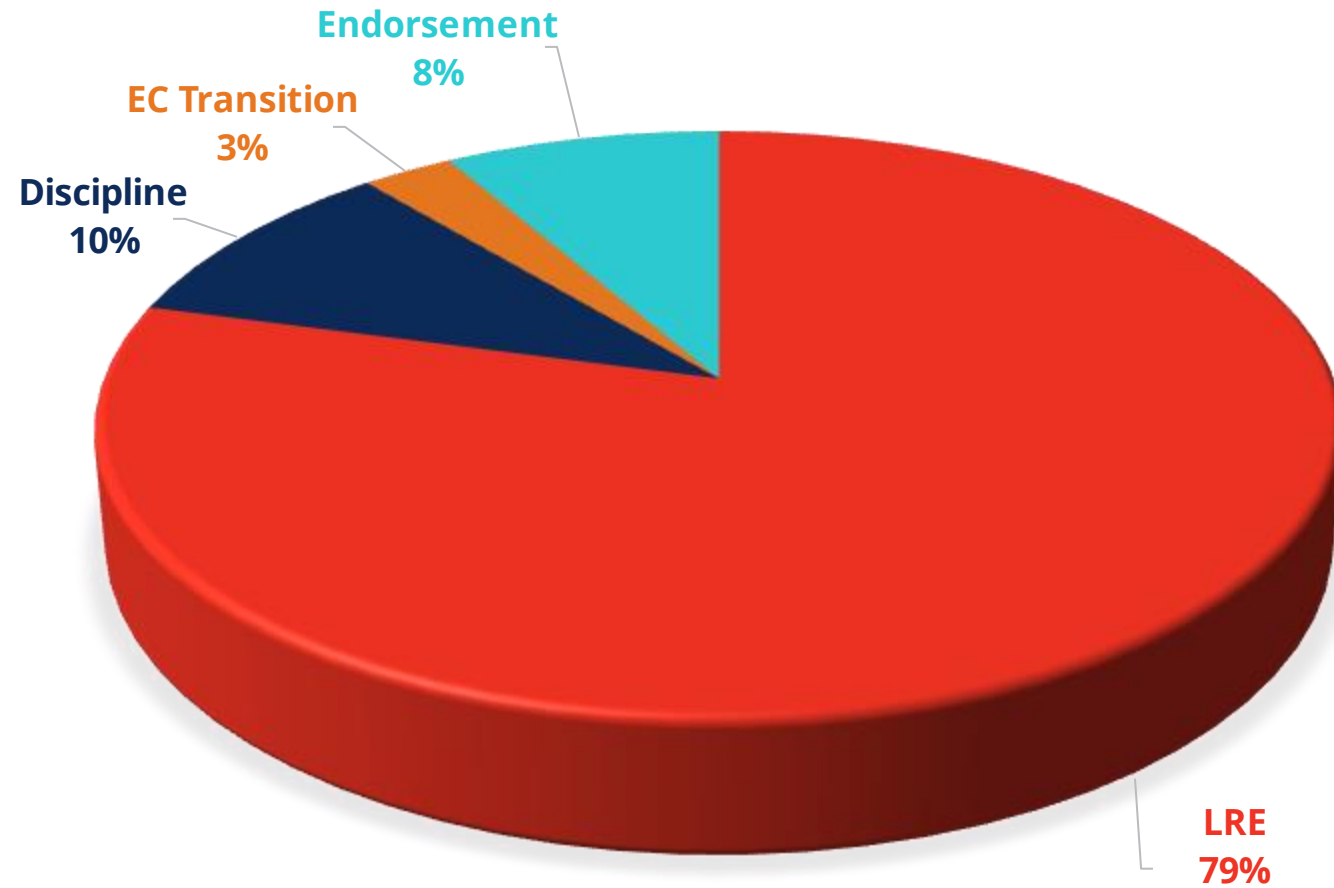


RBM Preschool Trends in 2022-23

Preschool LRE is the top finding across all tiers for preschool areas.

- 66 LEAs with preschool noncompliance determinations
 - 65 findings of noncompliance
 - 7 corrections needed
 - 149 total action steps

Reasons for Preschool Noncompliance



Indicator 6 Quality Data Collection and Reporting

Decision Tree for Coding Educational Environments for Preschool SPED Services

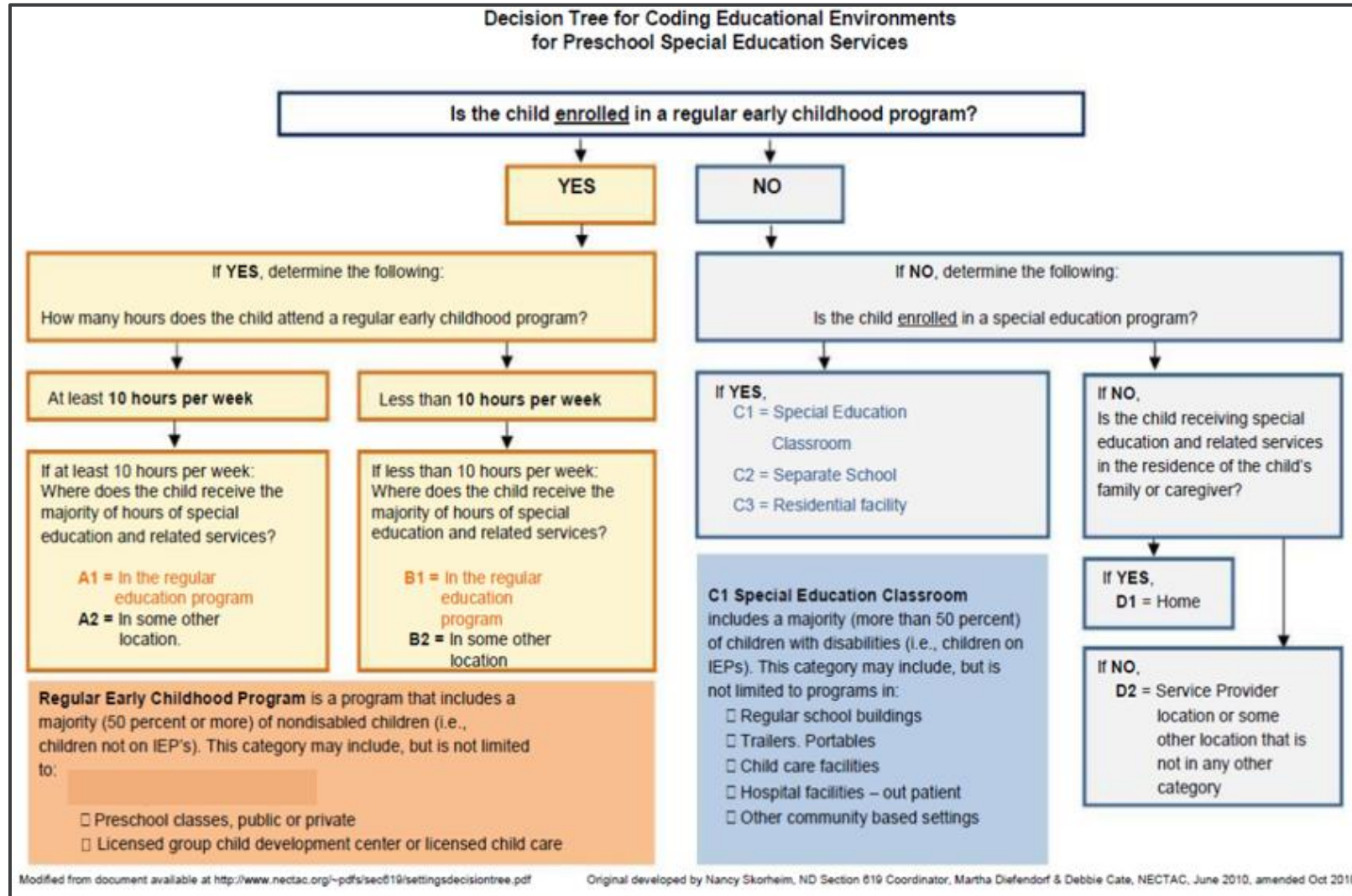


Table 3 Section A: ages 3-5 (not in K)

System Date: 12/01/2022

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Report Date: 12/01/2022

Table 3 Section A: ages 3-5 (Not K)

Educational Environment		Age			
		3	4	5 (Not K)	Total
(A) CHILDREN ATTENDING A REGULAR EARLY CHILDHOOD PROGRAM AT LEAST 10 HRS PER WEEK, ...	(A1) ... and RECEIVING the majority of hours of SPECIAL EDUCATION and related SERVICES in the REGULAR EARLY CHILDHOOD PROGRAM	7	10	10	27
	(A2) ... and RECEIVING the majority of hours of SPECIAL EDUCATION and related SERVICES in some OTHER LOCATION	2	4	1	7
(B) CHILDREN ATTENDING A REGULAR EARLY CHILDHOOD PROGRAM LESS THAN 10 HRS PER WEEK, ...	(B1) ... and RECEIVING the majority of hours of SPECIAL EDUCATION and related SERVICES in the REGULAR EARLY CHILDHOOD PROGRAM	4	6	1	11
	(B2) ... and RECEIVING the majority of hours of SPECIAL EDUCATION and related SERVICES in some OTHER LOCATION	0	0	0	0
(C) CHILDREN ATTENDING A SPECIAL EDUCATION PROGRAM (NOT in any regular early childhood program), ...	(C1) ... specifically, a SEPARATE SPECIAL EDUCATION CLASS	3	2	3	8
	(C2) ... specifically, a SEPARATE SCHOOL	0	0	0	0
	(C3) ... specifically, a RESIDENTIAL FACILITY	0	0	0	0
(D) CHILDREN ATTENDING NEITHER A REGULAR EARLY CHILDHOOD PROGRAM NOR A SPECIAL EDUCATION PROGRAM (NOT INCLUDED IN ROW SETS A, B, OR C)	(D1) ... and RECEIVING the majority of hours of SPECIAL EDUCATION and related SERVICES at HOME	0	0	0	0
	(D2) ... and RECEIVING the majority of hours of SPECIAL EDUCATION and related SERVICES at the SERVICE PROVIDER LOCATION or some OTHER LOCATION not in any other category	1	3	1	5
Totals		17	25	16	58

Indicator 6 Data and Reporting

- Ensure that the LEA is regularly running a draft Table 3 report that provides current Preschool LRE data.
 - To monitor the health of the special education system
 - To ensure data-driven planning
- Use the Decision Tree (located in TN PULSE) for Coding Educational Environments
 - Ensure fidelity and quality in data reporting

Preschool LRE Policy and Procedures

LRE Policy

- Begin with an assumption that each child can be enrolled in and receive services in a regular preschool classroom (34 C.F.R. § 300.114).
- Consider supplementary aids and services needed in the regular preschool classroom before considering a more restrictive placement option.
- Ensure placement decisions are not based on a child's disability category/severity of the disability, preschool program structure, funding issues, or administrative convenience.
- Discuss a full continuum of placement options when determining a child's LRE.



Start with a Regular Education Assumption

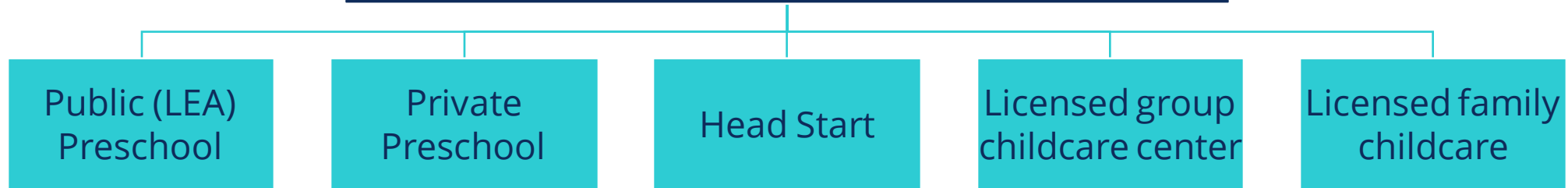
- Ensure that IEP teams will begin the discussion with an assumption of each child being enrolled in and receiving services in a regular preschool program (34 C.F.R. § 300.114)



What are Regular Early Childhood Programs?



OSEP defines regular early childhood program as a program that enrolls a majority (**at least 50 percent**) of non-disabled children (i.e., children without IEPs). This may include but is not limited to the following:



What are Special Education Preschool Programs?



OSEP defines a special education program as a program that enrolls **less than 50 percent** non-disabled children (i.e., children without IEPs). This may include but is not limited to the following:

Separate
classrooms

Separate schools

Residential
facilities

Hospital facilities
(outpatient
basis)

Inclusive Thinking



What we sometimes hear:

"We focus on providing more intensive intervention to get preschool children ready to go to a regular kindergarten class."

What we know:

Children do not have to "be ready" for a regular classroom.



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How do we get there?

- Maintain inclusive preschool enrollment capacity **throughout the school year**.
- Equip all IEP team members (especially parents) with an understanding of **IDEA LRE legal requirements and benefits** of preschool inclusion.
- Develop an **inclusive** culture and mindset.
- Provide training and support to **all** preschool staff.
- Ensure **properly endorsed** teachers.

Consider Supplementary Aids and Services

Ensure that all IEP teams begin each placement discussion by considering supplementary aids and services needed in the regular program before considering a more restrictive placement [34 C.F.R. § 300.42, 34 C.F.R. § 300.320(a)(4)].



Examples of Supplementary Aids and Services

- Use of visuals/schedules across all settings
- Varied seating options
- Implementation of behavior plans and First/Then prompting
- Buddy System support
- Assistive Technology
 - Frequency modulated (FM) systems
 - Communication devices
- Large-print materials
- Extended time



Inclusive Thinking



What we sometimes hear:

"She has no verbal language and is unable to communicate with other children and adults."

What we know:

Pre-verbal children need to participate in language rich activities and routines with adults and their peers.

When therapy is provided in the classroom, teachers and specialists consult with each other four times as much as they do when therapy is provided outside of class.*

* Scott, McWilliam, R. A., & Mayhew, L. (1999). Integrating Therapies into the Classroom. *Young Exceptional Children*, 2(3), 15-24.

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How do we get there?

- Prioritize **integrated** special education and related services.
 - embed PT/OT/SLP services in the classroom (centers, playground, circle time).
- Offer a range of services and supports (low to high tech) **across a variety** of inclusive placements.
 - use visual cues and schedules across all settings
 - use visual instructions at each station
 - adapted/accessible materials
- Promote flexibility and problem-solving to **overcome perceived barriers** to a child's inclusion.
 - Is the IEP team having open conversations to identify and solve any barriers?



How do we get there?

- Allocate time and resources to **support collaboration** among early childhood professionals.
 - schedule regular collaboration meetings with stakeholders
- Provide professional development to **support embedding intervention into daily routines and activities.**
 - regular training of staff directly related to overcoming the barriers identified within your collaborations
 - visit and collaborate with other LEAs who are doing this well

Require Individualized Decision-Making

Ensure placement decisions are not based on a child's disability category/severity of the disability, preschool program structure, funding issues, or administrative convenience [34 C.F.R. § 300.114, 34 C.F.R. § 300.116, 71 Fed. Reg. 46,588 (Aug. 14, 2006)].



"In all cases, placement decisions must be individually determined on the basis of each child's abilities and needs and each child's IEP, and not solely on factors such as category of disability, severity of disability, availability of special education and related services, configuration of the service delivery system, availability of space, or administrative convenience."

71 Fed. Reg. 46,588 (Aug. 14, 2006)



Inclusive Thinking



What we sometimes hear:

"Three-year-olds can attend half days, three times a week."

What we know:

IDEA requires IEP teams to make individualized decisions based on each child's unique educational needs and circumstances.



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Individualized Decision-Making

- **Disability Category/Severity of Disability**

- Before determining placement, the IEP team must first gain a comprehensive picture of the student and develop his/her program (e.g., goals, services, and supports). Subsequently, each child's educational placement must be determined on an individual case-by-case basis depending on each child's unique educational needs and circumstances, rather than by the child's category of disability [34 C.F.R. § 300.116(b)].

- **Preschool Program Structure**

- Even though IDEA does not mandate that a child with a disability be educated in the school he or she would normally attend if not disabled, it presumes that the first placement option considered for each child with a disability is the regular classroom in the school that the child would attend if not disabled. See 20 U.S.C. § 1412(a)(5)(A).



Individualized Decision-Making (cont.)

▪ Funding Issues

- IDEA regulations require that a state's funding mechanism "must not result in placements that violate" LRE requirements or fail to provide FAPE for each child with a disability [34 C.F.R. § 300.114(b)].

▪ Administrative Convenience

- IDEA states that placement decisions are individually determined by each child's IEP and not solely based on factors such as administrative convenience [20 U.S.C. § 1412(a)(5)(A)].





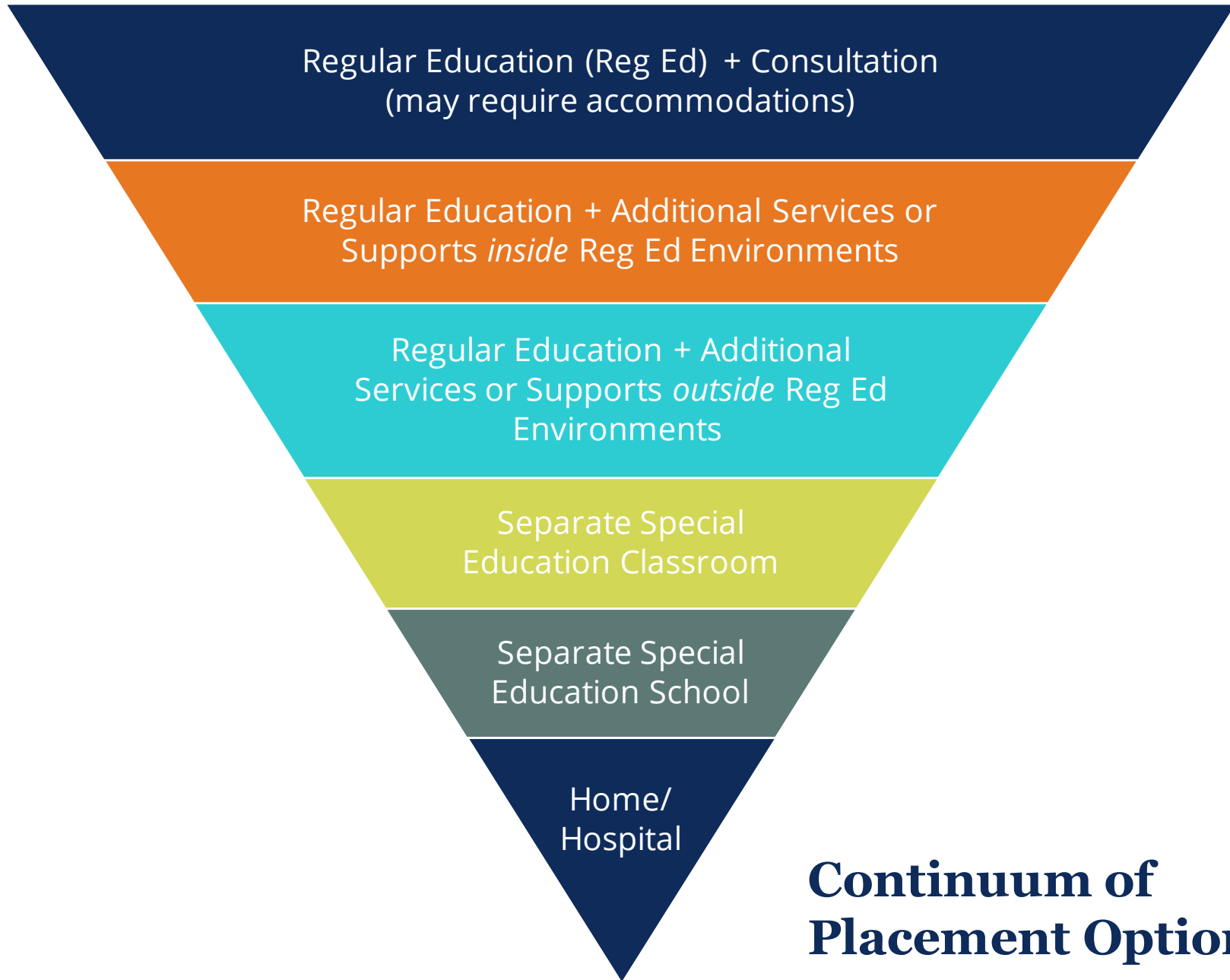
How do we get there?

- Create high quality classrooms to support **all** children, so that a child's **disability does not dictate** the placement decision.
- Determine days, hours of attendance, and services **based on the child's needs**.
- Examine funding use and physical resources to ensure preschool LRE. **Be open to change** in appropriation of funds.
- Ensure that **all IDEA requirements** (e.g., special transportation, assistive technology) are met.
- Maintain inclusive preschool enrollment capacity **throughout the school year**.

Discuss a Full Continuum of Placement Options when Determining a Child's LRE

- The LEA has an obligation to make available a full continuum of alternative placement options that maximize opportunities for children with disabilities to be educated with nondisabled peers to the extent appropriate. [34 C.F.R. § 300.115(b)(1)].
- This continuum represents a range of educational placements in which an IEP can be implemented to meet the individual needs of students with disabilities.
- IDEA regulations list alternative placements that each public agency must make available to children with disabilities, including:
"...instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions."





Continuum of Placement Options



How do we get there?

- Have a **regular preschool classroom option available** at every IEP meeting for three-year-olds, four-year-olds, and five-year-olds (not in kindergarten).
- Plan to be able to provide more restrictive placement options if/when needed.
- Develop formal agreements with **community partners** to assist in aligning and delivering services.

Inclusive Thinking



What we sometimes hear:

"Our preschool classrooms are full. We will provide drop-in services for the remainder of the year. Next year the child will have a classroom placement."

What we know:

The LEA must provide FAPE.

Per IDEA, the LEA has an obligation to make available a full continuum of alternative placement options.

34 C.F.R. § 300.115



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Written Preschool LRE Procedures

- Detailed action steps to ensure the **implementation of the policy** (i.e., how, when, who, and what steps should be taken)
- **Training** for staff to be able to implement the LRE policy and procedures and ensure the proper use of PWNs
- Adequate (appropriately **endorsed**) staff
- **Annual review** of LRE procedures

Prior Written Notice

Prior Written Notice (PWN)

- The school district must give the parent a written notice whenever the school district proposes or refuses to begin or change the child's:
 - Identification
 - Evaluation
 - Educational placement
 - Provision of FAPE(34 C.F.R. § 300.503; SBE Rule 0520-01-09-.15(4))



After the IEP Team Placement Decision

- Include DETAILS of the placement discussion in the PWN.
 - LEAs must ensure IEP teams build out the PWN LRE sections.
 - Per IDEA, the LEA has a legal obligation to make available a full continuum of alternative placement options. This continuum discussion must be clearly stated on each PWN for each child.
- The PWN **is the LEA's evidence** that LRE was properly discussed and that the team decisions regarding the child's placement and services were decided **in accordance with federal law.**





PWN Form Components

1. Description of the action proposed or refused by the school district
2. Explanation of why the school district proposes/refuses to take this action
3. Description of any options the school district considered prior to this proposal
4. Reason the above listed options were rejected
5. Description of evaluation procedures, tests, records, or reports the school district used as a basis for the proposal or refusal
6. Other factors relevant to the action proposed

Exemplar PWN Components

1. Description of the actions proposed or refused by the school system

“George will be enrolled in a regular preschool classroom with special education services provided in that setting.”

Exemplar PWN Components

2. Explanation of why the school system proposes or refuses to take this action

“George has goals which may be achieved when he is included with typically developing peers to model age-appropriate communication and personal-social skills.”

Exemplar PWN Components

3. Description of any options the school district considered prior to this proposal

“The team discussed George attending a special education preschool classroom with opportunities to interact with VPK at lunch and recess when his parents asked about a program option described at the transition meeting.”

Exemplar PWN Components

4. Reasons the above listed options were rejected

“A special education classroom was rejected because it did not provide enough peer interactions for George to meet his goals for communication and social-emotional skills.”

Exemplar PWN Components

5. Description of evaluation procedures, tests, records, or reports the school district used as a basis for the proposal or refusal

“The team considered all components of a comprehensive evaluation, including tests, observations, parent input, and skill sampling for initial eligibility with tests showing delays in expressive language and social skills. Also, early intervention providers informed the team that George is very motivated by his peers and will often imitate them.”

Exemplar PWN Components

6. Other factors relevant to the action proposed

“George’s family feels strongly that he should be with his nondisabled peers.”

Preschool Inclusion Models

Preschool LRE: Inclusive Classroom Models

- LEAs must ensure IEP teams consider access to and participation in high-quality inclusive settings in determining the individualized placement decisions for all preschool children with disabilities.
 - LEA established regular education classrooms with a variety of funding sources (Title funds, local funds, tuition fee based, LEA funds, Part B 619 funds, etc...)
 - Income qualifying based classrooms options (VPK, First 8, and Head Start)



Closing

Indicator 6 Resources

- [U.S. Dep't of Educ., *Dear Colleague Letter* \(Jan. 9, 2017\)](#)
- [Tennessee's Technical Assistance Network \(TN-TAN\)](#)
- [Indicator 6: Preschool LRE Data Collection User Guide](#)
- [Indicator 6: Preschool LRE Data Collection Worksheet](#)
- [Early Childhood Special Education webpage](#)
- [Early Childhood Technical Assistance Center -- Inclusion](#)
- [APR Local Determinations Quick Reference Guide](#)
- [Executive Summary - Inclusion \(decdocs.org\)](#)
- [Federal Spending Handbook](#)
- [Integrating Therapy Into the Classroom](#)
- [Policy Statement on Inclusion of Children with Disabilities in Early Childhood Programs](#)



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Thank You!

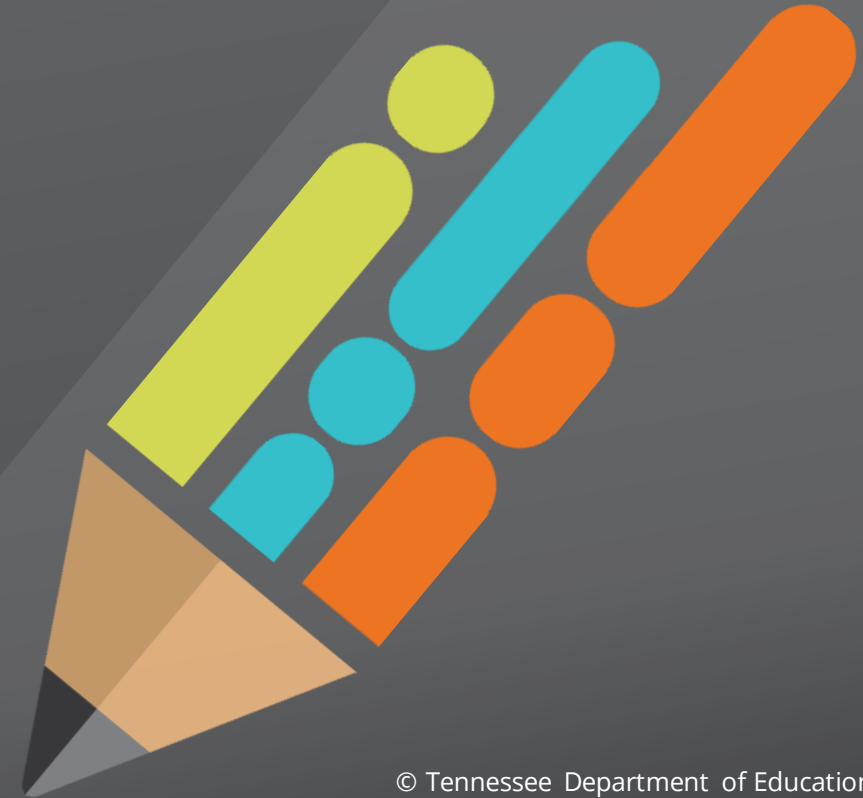
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Tuesday-Thursday

Please Share Your Feedback:

You may access the PD by navigating here:

https://stateofennessee.formstack.com/forms/2023fpi_pd_survey



Fraud, Waste or Abuse

Citizens and agencies are encouraged to report fraud, waste, or abuse in State and Local government.

NOTICE: This agency is a recipient of taxpayer funding. If you observe an agency director or employee engaging in any activity which you consider to be illegal, improper or wasteful, please call the state Comptroller's toll-free Hotline:

1-800-232-5454

Notifications can also be submitted electronically at:

<http://www.comptroller.tn.gov/hotline>