

# AVOIDING PITFALLS IN EARLY CHILDHOOD PART B

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Who

Education Consultant.  
Former SEA Administrator.  
Life-long learner.

What

Pingora provides training,  
professional development,  
consultation and dispute  
resolution services across  
the country.

Why

Improve outcomes for  
students with disabilities.  
It is our obligation &  
commitment.




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## Five Common Pitfalls In Early Childhood Part B



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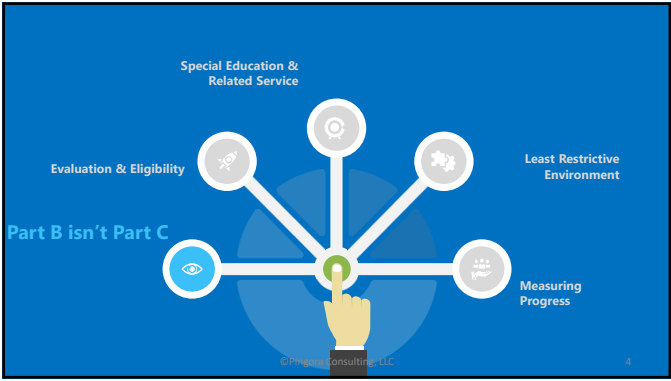
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Preparing for the transition from IDEA Part C to B

**UNDERSTANDING KEY DIFFERENCES**

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Key Differences		
Program Goals	Eligibility	Evaluation
Services	Plan	Service Setting

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## PROGRAM GOALS

- Supports the **FAMILY** to meet the developmental needs of their child with a delay or disability.

**Part C**

- Supports the **CHILD** to access and participate in the general education preschool curriculum.

**Part B**

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## ELIGIBILITY



- Part C
  - Significant delay in development
- Part B
  - Eligibility criteria
  - Need for special education & related services

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## EVALUATION

**Part C**

- Ongoing procedures used by qualified personnel to identify the strengths and needs of the child and the family's priorities and concerns.

**Part B**



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## SERVICES

- Early interventions services to support the family to help their child learn and develop.
- Free Appropriate Public Education (FAPE).
  - Typically provided within a preschool setting in order to ensure access to the general curriculum.

IDEA Part C

IDEA Part B

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## TYPE OF PLAN

Individualized Family Service Plan  
IFSP

Individualized Education Program  
(IEP)

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## SERVICE SETTING

- Natural Environments – such as the child's home, childcare setting or other areas of the community where infants and toddlers without disabilities participate.
- Least Restrictive Environment (LRE) – children with disabilities are educated alongside children who are not disabled to the maximum extent possible.

PART C

PART B

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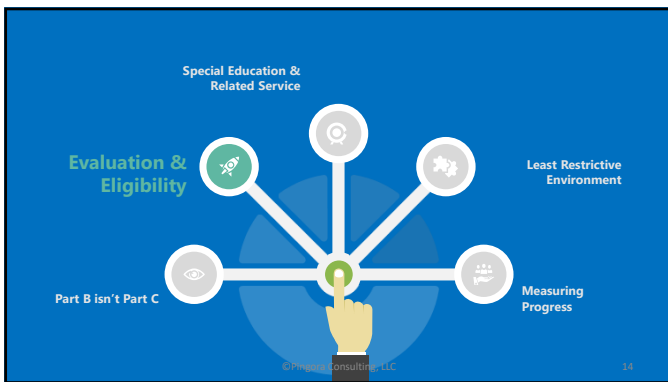
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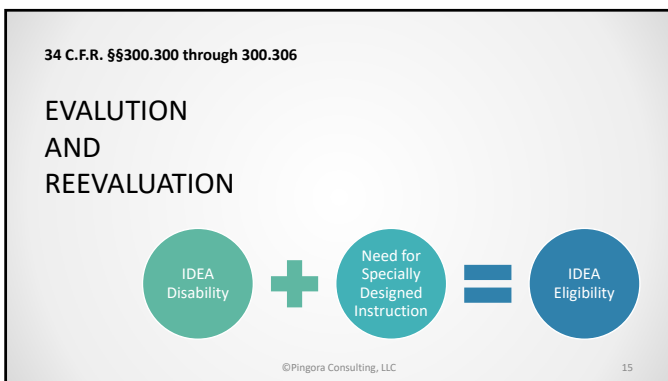
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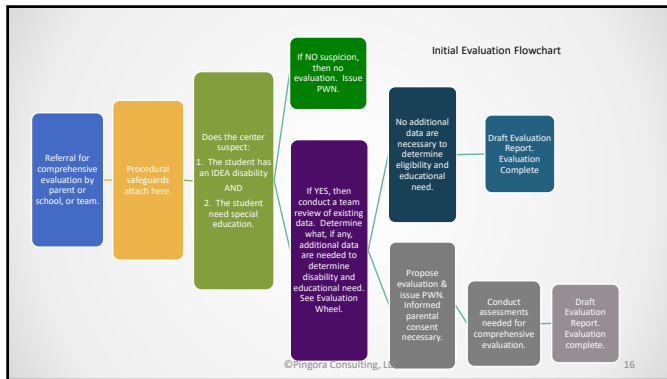
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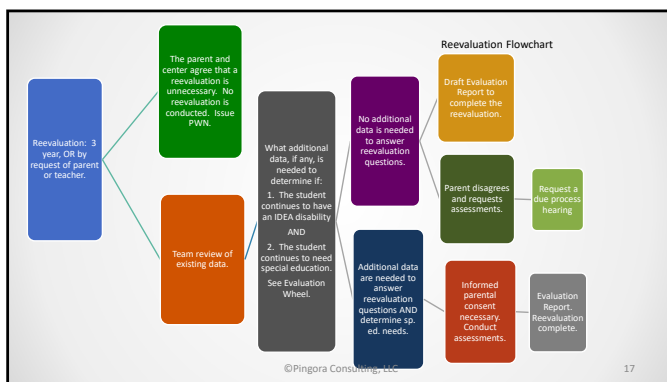
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## Evaluation

- The IDEA addresses two types of evaluations:
  - Initial Evaluation; or
  - Reevaluation.
- NOTE: Once a child has been fully evaluated and has begun receiving special education services, ANY subsequent evaluation is a reevaluation. 71 Federal Register 46640

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## INITIAL EVALUATION

The purpose of the initial evaluation is to determine:

1. If the child has an **IDEA disability**;  
AND
2. The **educational needs** of the child.

34 C.F.R. §300.305 (a)(2).

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Every evaluation is **COMPREHENSIVE**



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It starts with the review of existing data.



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## Review of Existing Data

34 C.F.R. §300.305

- (a) *Review of existing evaluation data.* As part of an initial evaluation (if appropriate) and as part of any reevaluation under this part, the IEP Team and other qualified professionals, as appropriate must – (1) Review existing evaluation data on the child, including -
  - i. Evaluations and information provided by the parents of the child;
  - ii. Current classroom-based, local, or State assessments, and classroom-based observations; and
  - iii. Observations by teachers and related service providers;

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## Why?



Based on the review and input from the child's parents, the team must decide if any additional data are needed to determine:

- ? Whether the child is a child with a disability;
- ? The educational and developmental needs of the child;
- ? The present levels of academic achievement; and
- ? Whether the student needs special education and related services.

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## What Data?

If the team determines data is needed, and it doesn't already exist, then it is the center's responsibility to get it, including the cost.

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The public agency must ensure that the child is assessed in all areas related to the suspected disability, including if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.



34 C.F.R. §300.304(c)(4).

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## Probing Question Model

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Vision or hearing

Cognitive Abilities

Academic Skills

Communication Skills

Social Emotional Skills

Functional Skills

Physical or Motor Skills

Assessment of hearing and vision, using practical and standard of this is necessary for students to have "Access to the core knowledge learning content"

Demonstrates executive function skills (i.e., working memory, cognitive flexibility, inhibition) and sustained attention? Presents as a task. Sensory, functional, communication, or academic skill?

Waiting Early Learning Foundation: Language and Learning and Learning? Can we measure and assess? Mathematics and scientific knowledge and skills? Basic academic knowledge and skills?

Receptive language skills? Expressive language skills? Can language be measured and/or assessed?

Has healthy temperament and characteristics and demonstrates a positive self-concept and beliefs? Presents appropriate language and social responses and demonstrates appropriate emotional and behavioral responses consistent with the child's age, gender, and culture?

Demonstrates collaborative and independent play? Demonstrates appropriate play skills? Demonstrates appropriate play skills? Demonstrates appropriate play skills?

Meets basic health and safety requirements and demonstrates appropriate play skills? Demonstrates appropriate play skills? Demonstrates appropriate play skills?

Evaluation Question Bank

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EVALUATION PROCEDURES

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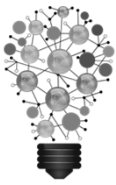
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Evaluation Procedures



- ✓ The evaluation must use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information.
- ✓ The evaluation must not use any single measure or assessment as the sole criterion.
- ✓ The evaluation must use technically sound instruments.

34 C.F.R. §300.304(b)

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### Assessments must be:

34 C.F.R. §300.304(c)(1).

- Selected and administered in a nondiscriminatory manner;
- Provide and administered in a child's native language or other mode of communication and in the form most likely to lead to accurate information;
- Used for the purpose for which the assessments are valid and reliable;
- Administered by trained personnel; and
- Administered in accordance with instructions from the producer of the assessment.

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### Observation requirement



- The child must be observed in his/her learning environment.
- For a preschool age child, the observation must take place in an environment appropriate for a child of that age.

34 C.F.R. §300.310.

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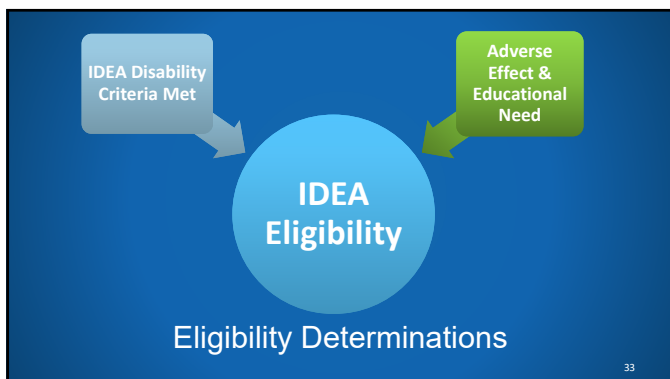
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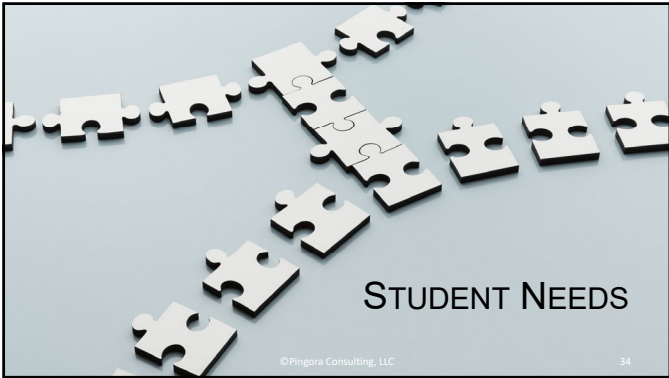
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Sources: EVALUATIONS, progress monitoring, any prior IEPs, teacher and parent reports, etc.

PRESENT LEVELS OF ACADEMIC ACHIEVEMENT AND FUNCTIONAL PERFORMANCE	
	<b>Preschool Students:</b> Describe the academic, developmental and functional needs of the student, and how the disability affects the student's participation in appropriate activities <i>(the same age appropriate activities engaged in by nondisabled students)</i> .
	<b>School Age Students:</b> Describe the academic, developmental and functional needs of the student, and how the disability affects the student's involvement and progress in the general education curriculum <i>(the same curriculum as nondisabled students)</i> .
	Describe the child's present levels of academic achievement and functional performance across services and settings, including special education, regular education, and interventions.

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What does the PLAAFP look like?

-  Specific and individualized
-  Includes the effect of the disability on the child's progress in appropriate activities
-  Describes current performance
-  Identify strengths
-  Identify needs
-  Statements supported by data
-  Set the measurement method

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If a disability exists, how is that disability affecting the child's ability to participate and make progress in **appropriate activities**?

- Emergent literacy and math
- Listening to stories
- Dramatic play
- Participating in small and large groups
- Playing with friends
- Interacting with adults
- Singing songs
- Constructing building with blocks
- Coloring
- Painting

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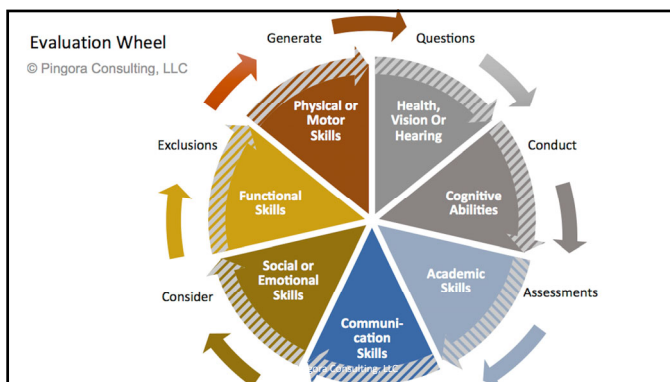
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## Identification of Need

Given the desired outcomes, what we know about the expectations of the general curriculum (foundations in learning), and the PLAAFP, what will keep this student from being able to accomplish the desired outcomes and progress in the general curriculum?

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Considerations....

What are the expectations of the general curriculum?

How does this compare with the description of student's current academic and functional performance?

What are the similarities, approximations, differences, and gaps?

What will it take for the student to access and be successful in the general curriculum?

What does this tell us about the most critical instructional needs for the student?

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**EVALUATIONS**  
Must be comprehensive.



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What services does the child require?

**NEED FOR SPECIAL EDUCATION AND RELATED SERVICES**

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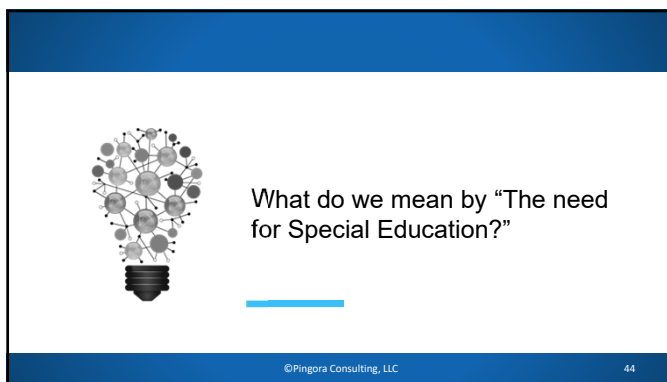
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What is it?	
Special Education	Related Service
<ul style="list-style-type: none"> <li>Means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including instruction conducted in the classroom, in the home, in hospitals and institutions, and other settings. <i>34 C.F.R. §300.39.</i></li> </ul>	<ul style="list-style-type: none"> <li>Means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education. <i>34 C.F.R. §300.34.</i></li> </ul>

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## What is Specially Designed Instruction?

Specially designed instruction means adapting, as appropriate to the needs of an eligible child, the content, methodology, or delivery of **INSTRUCTION** to address the unique needs of the child that result from the child's disability and ensure access to the general curriculum.

34 C.F.R. §300.39(a).



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## Focus on NEEDS



“ A student needs special education services when the student requires those services in order to receive an educational benefit from the educational program. ”

*Marshall Joint Sch. Dist. No. 2 v. C.D., 54 IDELR 307 (7th Cir. 2010); Mr. I. v. Maine Sch. Admin. Dist. No. 55, 47 IDELR 121 (1st Cir. 2007); and Sebastian M. v. King Philip Reg'l Sch. Dist., 59 IDELR 61 (1st Cir. 2012).*

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## Special Education & Related Services



*General Curriculum*

*Special Education supports the general curriculum*

*Related Services wrap around special education*

*Supplementary aids and services are provided to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate.*

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## What are examples of opportunities to connect to general curriculum?



- Analysis and Reasoning
- Creating
- Integration
- Connections to the Real World

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## Instructional Practices

Adapted from the DEC's recommended Practices with Examples

- ✓ Practitioners embed instruction within and across routines, activities to provide contextually relevant learning opportunities.

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## What does that mean?

- ✓ If a child only needs a related service, like counseling, OT, PT, etc., then the student is NOT eligible under the IDEA.
- ✓ EXCEPTION: S/L service can be the special education when the student is ONLY S/L eligible, but it automatically changes to a related service if eligible in any other category.

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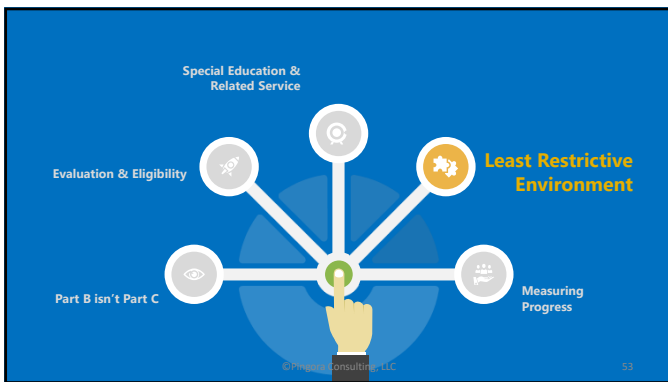
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Least Restrictive Environment	Maximum	To the maximum extent appropriate, children with disabilities are provided supplementary aids and services to enable them to be educated with children who are nondisabled. 34 C.F.R. §300.42.
	Maximum	To the maximum extent appropriate, children with disabilities are educated with children who are nondisabled. 34 C.F.R. §300.114.
	Maximum	To the maximum extent appropriate, children with disabilities are able to participate in extracurricular activities with children who are nondisabled. 34 C.F.R. §300.117.

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## Focus on NEEDS



“ The LRE requirements under Part B of the IDEA state a strong preference for educating children with disabilities in regular classes alongside their peers without disabilities. The term “regular class” includes a preschool setting with typically developing peers. ”

71 Federal Register 46560 & 46666

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## Regular Early Childhood Program

### Definition:

*A program that includes a majority (at least 50 percent) of nondisabled children (i.e., children who do not have IEPs).*

### • Examples:

- Head Start;
- Kindergartens;
- Preschool classes offered to an eligible pre-kindergarten population by the public school system;
- Private kindergartens or preschools; and
- Group child development centers or childcare.

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## Continuum of Alternative Placements

- Each public agency must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services. *34 C.F.R. §300.115.*
- The *continuum* refers to the entire spectrum of placements where a student's special education program can be implemented.

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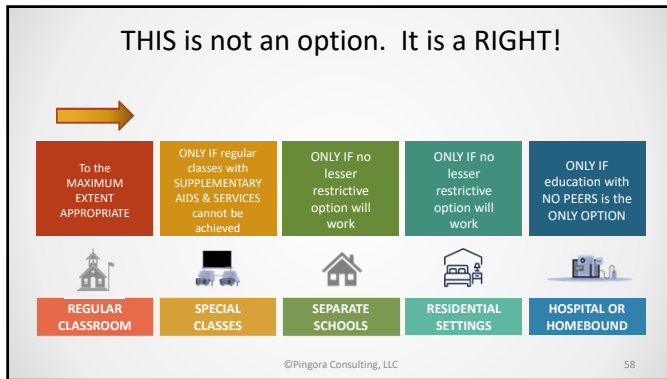
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**Preschool Inclusion**

In 27 years, the practice of providing special education and related services in regular early childhood settings to preschoolers with disabilities has increased only 5.7% and many young children with disabilities continue to be educated in separated settings.

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**Explore alternatives**

- Preschools operated by public agencies other than Centers.
- Private preschools with nondisabled preschool children
- Regular public elementary schools
- Providing home based services.
- If a public agency determines that a placement in a private preschool is necessary for a child to receive FAPE, the public agency must make that program available at not cost to the parent. *Dear Colleague: Preschool LRE, OSERS (2017).*

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### What if the child already participates in a preschool program?



Unless the child's IEP requires some other arrangement, the child is educated in the school he or she would attend if nondisabled.



Placement team, which includes the parents and may include the child's current preschool teacher must consider any potential harmful effects on a child and quality of services before removing the child from the current regular public preschool setting.

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### Eight categories of adaptations and supports for successful preschool inclusion

Environmental support	Materials adaptation	Activity simplification	Child preferences
Special equipment	Adult support	Peer supports	Invisible support

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### Least Restrictive Environment



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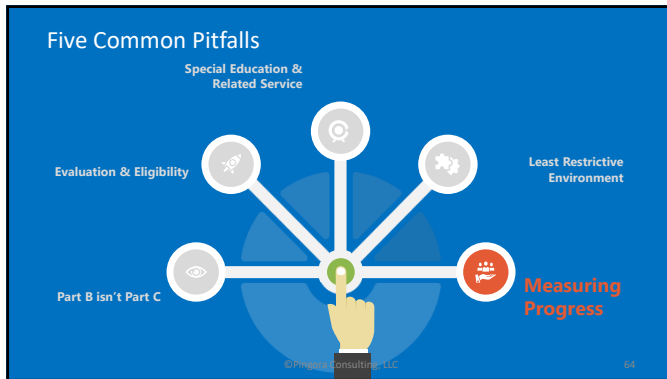
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*Endrew F. v. Douglas County Sch. Dist.*,  
69 IDELR 174 (2017).

- Every child should have the chance to meet challenging objectives.
- When all is said and done, a student offered an educational program providing "merely more than de minimis" progress from year to year can hardly be said to have been offered an education at all.

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### The Supreme Court . . .

The IEP must aim to enable the child to make progress. After all, the essential function of an IEP is to set out a plan for pursuing **academic and functional advancement**.

That the progress contemplated by the IEP must be appropriate in light of the child's circumstances.



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## EDUCATIONAL BENEFIT

Children with disabilities are required to make some educational progress and benefit from supports and services provided to them in order to show FAPE is being provided.



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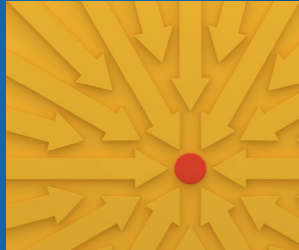
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## IEP Goals

Teams must determine and articulate IEP goals that will demonstrate meaningful progress.



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## The Message . . .

Focus on the student's needs.



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### How will IEP teams know?

- PROGRESS!
- Appropriately ambitious progress!
- It will be appropriately ambitious if the team:
  - Comprehensively evaluates;
  - Identifies PLAAFP;
  - Designs measurable annual goals;
  - Provides services in the LRE;
  - **AND**
  - Documents growth or progress.

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### *M.C. v. Antelope Valley Union High Sch. Dist.*, 69 IDELR 203 (9<sup>th</sup> Cir. 2017).

In other words, the school must implement an IEP that is reasonably calculated to remediate and, if appropriate, accommodate the child's disabilities so that the child can **"make progress in the general education curriculum,"** commensurate with his non-disabled peers, taking into account the child's potential.



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PROGRESS is tied to  
the general  
curriculum.

The Message . . .

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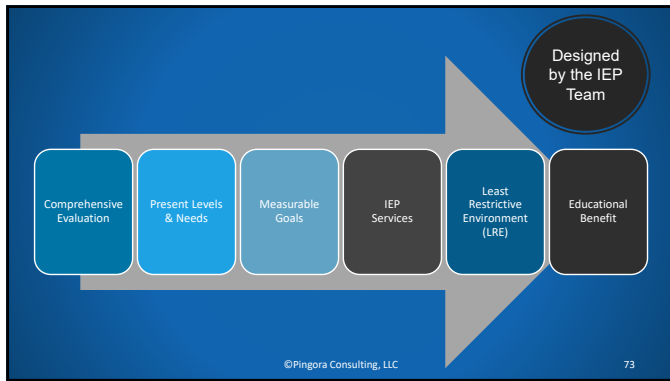
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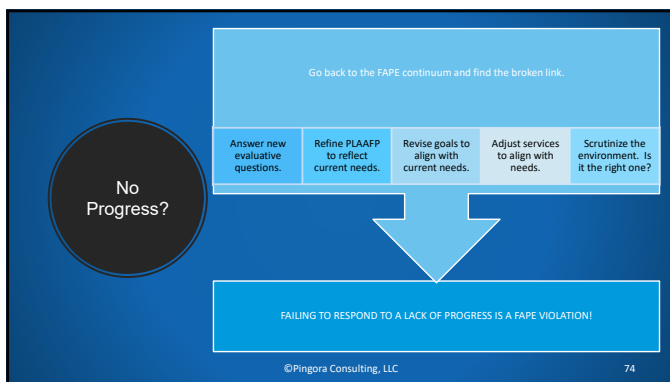
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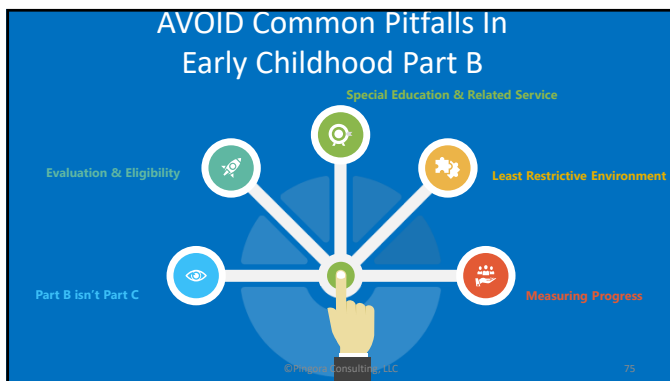
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# QUESTIONS?

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# Thank you

StephanieW@PingoraConsulting.com

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