

**TULARE COUNTY/DISTRICT SELPA
SPECIAL EDUCATION –
SERVICES – MISC.**

**POLICY # 9650
Adopted: 5/13/2020
Revised:**

Preschool Services (Age Three to Five)

It is the commitment of the Tulare County SELPA to identify, assess, and serve identified preschool children through a meaningful, family-focused, effective service-delivery model. Individual needs of each child are identified and an IEP is written with the parent to include all necessary services. Appropriate community agencies work together to ensure that services are not duplicated. Staff has acquired expertise in working with preschoolers and their parents through staff development, concentrated on-site assistance and an effective interdisciplinary approach to serving preschoolers.

Identification and Referral

Preschool children age three to five with disabilities will be identified through:

- (1) Child find activities listed in previous policies.
- (2) Direct referrals from parents, preschools, physicians, members of the community, and kindergarten teachers.
- (3) Children who are in transition from the Early Start (Bright Start) Program.
- (4) Children who have been participating in the Early Start (Bright Start) Program and are eligible to participate in a preschool program will experience a smooth transition to preschool programs in the District. Representatives of the District will participate in all transition planning conferences to ensure a smooth transition.

Evaluation and Assessment

Assessment procedures, as described in Policy 8030, are applicable to preschool children from three to five years of age.

In addition, the assessments will be conducted by a transdisciplinary team including early childhood specialists, speech and language pathologists, school psychologists, and other professionals, as appropriate.

The team will use a variety of assessment tools and strategies to gather relevant functional and developmental information, including information provided by the parent that may assist in determining whether the child has a disability.

Determining Eligibility

A preschool child, between the ages of three and five years, qualifies as a child who needs early childhood special education services if the child meets the following criteria:

- (1) Is identified as having one of the following disabling conditions:
 - a. Autism,
 - b. Deaf-blindness,
 - c. Deafness,
 - d. Hearing impairment,
 - e. Intellectual disability,
 - f. Multiple disabilities,
 - g. Orthopedic impairment,
 - h. Other health impairment,
 - i. Serious emotional disturbance,
 - j. Specific learning disability,
 - k. Speech or language impairment in one or more of voice, fluency, language and articulation,
 - l. Traumatic brain injury,
 - m. Visual impairment, or
 - n. Established medical disability (defined as a disabling medical condition or congenital syndrome that the IEP Team determines has a high predictability of requiring special education and services).
- (2) Needs specifically designed instruction or services.
- (3) Has one or more needs that cannot be met with modification of a regular environment in the home or school, or both, without ongoing monitoring or support as determined by the IEP Team.
- (4) Meets eligibility criteria set forth in Title 5 California Code of Regulations section 3030.

A child is not eligible for special education and related services if the child does not otherwise meet the eligibility criteria and his or her educational needs are due primarily to:

- (1) Unfamiliarity with the English language;
- (2) Temporary physical disabilities;
- (3) Social maladjustment; or,
- (4) Environmental, cultural, or economic factors.

Additional Federal Eligibility Criteria. A child between ages three through nine (or any subset of that age range, including ages three through five), may be found to have a "disability," subject to the state adopting a definition of "developmental delay," if the child —

- (1) Is experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development; and
- (2) By reason thereof, needs special education and related services.

Individualized Education Program

It is important to include the right IEP team members, to hold the meetings within the required timelines, and to include all of the required components within the IEP document. The IEP team shall determine eligibility, discuss the child's present levels of performance, develop goals (and objectives as appropriate), and determine the appropriate and special education and related services to meet the child's needs.

IEP Team Members

- a. The parent(s)/guardian(s) of the child, a representative selected by a parent, or both.
- b. At least one general education teacher of the child (if the child is or may be participating in the general education setting). If more than one general education teacher is providing instructional services to the child, one general education teacher may be designated by the LEA, Tulare County/District SELPA, or Tulare County Office of Education to represent the others.
- c. At least one of the student's special education teacher or provider of the student.

- d. A representative of the LEA, Tulare County/District SELPA, or Tulare County Office of Education who is qualified to provide, or supervise the provision of specially designed instruction to meet the unique needs of the student, and is knowledgeable about the general curriculum and availability of resources around the LEA.
- e. An individual who can interpret the instructional implications of assessment results, who may be a member of the team as described in this section, or an individual who conducted an assessment of the student or is knowledgeable about the assessment procedures used to assess the student, and is familiar with the assessment results and/or recommendations. The individual shall be qualified to interpret the instructional implications of the assessment results.
- f. At the discretion of the parent, guardian, or the LEA, Tulare County/District SELPA, or Tulare County Office of Education, other individuals who have knowledge or special expertise regarding the student, including related services personnel, as appropriate. The determination that the discretionary member has the requisite knowledge or experience is the determination of the person inviting the discretionary member.
- g. If appropriate, the student.

IEP Meetings

The IEP team shall meet whenever any of the following occurs:

- (a) A pupil has received an initial formal assessment. The team shall meet when a pupil receives any subsequent formal assessment.
- (b) The pupil demonstrates a lack of anticipated progress.
- (c) The parent or teacher requests a meeting to develop, review, or revise the IEP.
- (d) At least annually, to review the pupil's progress, the IEP, and the appropriateness of placement, and to make any necessary revisions.

An IEP required as a result of an assessment of a pupil shall be developed within a total time not to exceed 60 days, not counting days between the pupil's regular school sessions, terms or days of school vacation in excess of five schooldays, from the date of receipt of the parent's written consent for assessment, unless the parent agrees, in writing to an extension. However, an IEP required as a result of an assessment of a pupil shall be developed within 30 days after the commencement of the subsequent regular school year as determined by each district's school calendar for each pupil for whom a referral has been made 20 days or less prior to the end of the regular school year. In the case of pupil school vacations, the 60-day timeline shall recommence on the date that pupil schooldays reconvene. (Please be aware, if a parent requests an extension to the timeline

and the LEA grants the request; the State will still consider the LEA “Out-Of-Compliance” on the time-line and the parent can file for Due Process.)

A meeting of the IEP team requested by a parent to review an IEP shall be held within 30 days, not counting days between the pupil’s regular school sessions, terms, or days of school vacation in excess of five schooldays, from the date of receipt of the parent’s written request. If a parent makes an oral request, the school district shall notify the parent of the need for a written request and the procedure for filing a written request.

IEP Content and Process

The IEP is a written statement for each individual with exceptional needs that is developed, reviewed, and revised and that includes the following:

- (1) A statement of the individual's present levels of academic achievement and functional performance.
- (2) The manner in which the disability affects his or her participation in appropriate activities.
- (3) A statement of measurable annual goals, including academic and functional goals, designed to meet the needs of the individual that result from the disability of the individual to enable the pupil to be involved in and make progress in the general education curriculum.
- (4) Meet each of the other educational needs of the pupil that result from the disability of the individual.
- (5) A description of the manner in which the progress of the pupil toward meeting the annual goals and when periodic reports toward meeting the annual goals, such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards, will be provided.
- (6) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the pupil, or on behalf of the pupil.
- (7) A statement of the program modifications or supports for school personnel that will be provided to enable the pupil to do the following:
 - (a) To advance appropriately toward attaining the annual goals.
 - (b) To be involved in and make progress in the general education curriculum and to participate in extracurricular and other nonacademic activities.

- (c) To be educated and participate with other individuals with exceptional needs and nondisabled pupils in the activities described.
- (8) An explanation of the extent, if any, to which the pupil will not participate with nondisabled pupils in the regular class and in the activities described.
- (9) The projected date for the beginning of the services and modifications described, and the anticipated frequency, location, and duration of those services and modifications.
- (10) Appropriate objective criteria, evaluation procedures, and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being achieved.
- (11) A statement of how the pupil's parents or guardian will be regularly informed, at least as often as parents and guardian of non-disabled students, on their progress toward annual goals.
- (12) For pupils whose primary language is other than English, linguistically appropriate goals, objectives, programs and services.
- (13) Extended school year services when needed, as determined by the IEP team.
- (14) Provision for the transition into the regular class program if the pupil is to be transferred from a special class or center, or nonpublic, nonsectarian school into a regular class in a public school for any part of the school day
- (15) For pupils with low-incidence disabilities, specialized services, materials, and equipment, consistent with guidelines.

After the IEP team reviews the assessment results, determines eligibility, determines the content of the IEP, considers local transportation policies and criteria, it is time to make program placement recommendations. The IEP shall show a direct relationship between the present levels of performance, the goals and objectives, and the specific educational services to be provided. Specific educational placement means that unique combination of facilities, personnel, location or equipment necessary to provide instructional services to an individual with exceptional needs, as specified in the IEP.

The IEP team must document its rationale for providing special education serves in a location (placement) other than the school and classroom the child would otherwise attend if he or she did not have a disability. The documentation shall indicate why the child's disability prevents his or her needs from being met in a less restrictive environment even with the use of supplementary aids and services. When a school site IEP team determines that the nature and/or severity of a child's disability is such that his or her needs cannot be met within a district operated program, they should discuss how the LEA will meet the obligation of FAPE. It is important that the parent/guardian be informed

through the IEP meeting notice that an appropriate special education administrator or designee from another agency may be invited to the IEP team meeting.

No pupil shall be required to participate in all or part of any special education program unless the parent is first informed, in writing, of the facts that make participation in the program necessary or desirable, and of the contents of the IEP, and after this notice, consents, in writing, to all or part of the IEP. If the parent does not consent to all the components of the IEP, then those components of the program to which the parent has consented shall be implemented so as not to delay providing instruction and services to the pupil.

Upon completion of the IEP, it shall be implemented as soon as possible following the team meeting. A copy of the IEP shall be provided to the parents at no cost, and a copy of the IEP shall be provided in the primary language at the request of the parent. Prior to the placement of the child with special needs, the district (staff members) shall ensure that the regular teacher(s), the special education teacher(s), and other persons who provide special education, related services, or both to the child are knowledgeable of the content of the IEP.

Services for Preschool Children with Disabilities

Services for preschool children with disabilities and their families shall be provided in coordination with other state and local agencies.

Services will be provided at public expense, under public supervision, and without cost to the parents.

Early special education services for preschool children may be provided to individuals or small groups and shall include:

- (1) Observing and monitoring the child's behavior and development in his or her environment.
- (2) Presenting activities that are developmentally appropriate for the preschool child and are specially designed, based on the child's exceptional needs, to enhance the child's development. Those activities shall be developed to conform to the child's IEP and shall be developed so that they do not conflict with his or her medical needs.
- (3) Interacting and consulting with the family members, regular preschool teachers, and other service providers, as needed, to demonstrate developmentally appropriate activities necessary to implement the child's IEP in the appropriate setting, and necessary to reinforce the expansion of his or her skills in order to promote the child's educational development.

These interactions and consultations may include family involvement activities.

- (4) Assisting parents to seek and coordinate other services in their community that may be provided to their child by various agencies.
- (5) Providing opportunities for young children to participate in play and exploration activities, to develop self-esteem, and to develop pre-academic skills.
- (6) Providing access to various developmentally appropriate equipment and specialized materials.
- (7) Providing related services that include parent counseling and training to help parents understand the special needs of their children and their children's development.

The duration of group services shall not exceed four hours per day unless the IEP determines otherwise.

Appropriate Settings for the Services

Appropriate settings may include any of the following:

- (1) The regular public or private nonsectarian preschool program;
- (2) The child development center or family day-care home;
- (3) The child's regular environment, that may include the home;
- (4) A special site where preschool programs for both children with disabilities and children who are not disabled, are located close to each other and have an opportunity to share resources and program;
- (5) A special education preschool program with children who are not disabled attending and participating for all or part of the program; or,
- (6) A public school setting which provides an age-appropriate environment, materials, and services.

Instructional Adult-to-Child Ratios

Appropriate instructional adult-to-child ratios for the group services shall be dependent on the needs of the child.

Appropriate instructional adult-to-child ratios for group services shall be dependent on the needs of the child. However, because of the unique needs of individuals with exceptional needs between the ages of three and five years, inclusive, who require special education and related services, the number of children per instructional adult shall be less than ratios set forth in subsection (b) of section 18204 of title 5 of the California Code of Regulations, as it read on May 1, 1987, for young children in a regular preschool program.

Group services provided to individuals with exceptional needs between the ages of three and five years, inclusive, identified as severely disabled pursuant to Education Code section 56030.5 shall not exceed an instructional adult-to-child ratio of one to five.

Parent Involvement: The preschool program is both child and parent centered. Parent participation is a vital component. Parents are encouraged to participate in the preschool program by attending sessions with their child, participating in the parent education component, working on home assignments and taking an active part in planning and developing the curriculum. Ongoing parent input is encouraged. Developing meaningful relationships and establishing communication between school and community is a priority.

Integration: Opportunities to integrate with non-disabled children are encouraged to create a rich, healthy atmosphere for learning and growth. In Special Education preschool programs children are learning effectively from other children in a language-rich atmosphere that is promoting opportunities for preschoolers to interact with children of diverse cultures and children with a wide range of abilities.

Transition from Preschool to Kindergarten

As the preschool age child approaches the age to enter the elementary school environment, the child's preparation is geared toward readiness for kindergarten and later school success.

Prior to transitioning a child with disabilities from a preschool program to Kindergarten or first grade, as the case may be, an appropriate reassessment of the child shall be conducted to determine if the child is still in need of special education and services.

As part of the transitioning process, the IEP Team shall identify a means of monitoring continued success of children of kindergarten or first grade equivalency who are determined to be eligible for less intensive special education programs.

As part of the exit process from special education, the IEP Team shall note the child's present levels of performance and learning style. This information shall be made available to the assigned regular education teacher upon the child's enrollment in kindergarten or first grade, as the case may be.

References:

EC 56343
EC 56343.5
EC 56344 - 53346
EC 56440-56449
EC 56205

Title 5 C.C.R. 3040,

Title 5 C.C.R. 3042

Title 34 C.F.R. 300.8

Title 34 C.F.R. 300.122