Making Sound Placement Decisions
For Children with Disabilities, Ages 3-5[1]

Inclusion is a process, not a place.

At the Oregon Department of Education, we believe:

- Disability is to be appreciated as a natural part of the human experience that makes our families and communities stronger.
- Families have the right to enter into relationships with early care and education providers trusting their child will be welcomed, loved, and seen in all of their human dignity, including their culture, race or disability.
- All learning environments for young children and their families should be inclusive, culturally responsive, and identity affirming.
- Every child should learn and thrive together with their peers, friends, and neighbors.
- Children achieve their best self when nurtured by empowered families, providers, and communities.
- The Early Care and Education system is enhanced and strengthened through a network of professionals, parents and community members.

The purpose of this document is to inform and guide teams on the statutory and regulatory practices governing placement decisions in the Least Restrictive Environment (LRE). Placement[2], as used in this document, is used to describe a specific process requirement outlined under the Individuals with Disabilities Education Act (IDEA) and the Oregon Administrative Rules for Special Education.

In September 2015, ED and the U.S. Department of Health and Human Services (HHS) issued a policy statement on promoting inclusion. From this statement, we define Inclusion as:

> *Inclusion in early childhood programs* refers to including children with disabilities in early childhood programs, together with their peers without disabilities; holding high expectations and intentionally promoting participation in all learning and social activities, facilitated by individualized accommodations; and using evidence-based services and supports to foster their development (cognitive, language, communication, physical, behavioral, and social-emotional) , friendships with peers, and sense of belonging. This applies to all young children with

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[1] Adapted from Early Childhood Technical Assistance Center (2020). *Making Sound Placement Decisions for Children with Disabilities, Ages 3-5, Resources: May 2020.*

[2] OARS 581-015-2250 Placement of the Child. Oregon Administrative Rules for Special Education. Retrieved from https://www.oregon.gov/ode/rules-and-policies/Documents/spedoars.pdf on August 17,2021.

disabilities, from those with the mildest disabilities, to those with the most significant disabilities.[3]

The United States Department of Education, Office of Special Education Programs and Rehabilitative Services, [Dear Colleague Letter on preschool LRE](#) further outlines this with the following requirements and recommendations.

Key Statutory and Regulatory Requirements
- A preschool child with a disability eligible for special education and related services and his or her parents are entitled to all the rights and protections guaranteed under Part B of the IDEA
- A guaranteed right is the right to be educated in the LRE
- 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
- "regular class" includes a preschool setting with typically developing peers
- Each child's placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the child according to LRE provisions
- Placement must be based on the child's individualized education program (IEP) or Individualized Family Service Plan (IFSP).[4]
- The IFSP must include an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class
- ***Before a child with a disability can be placed outside the regular educational environment, the group of persons making the placement decision must consider whether supplementary aids and services could be provided that would enable the education of the child, including a preschool child with a disability, in the regular educational setting to be achieved satisfactorily***
- If a determination is made that a particular child cannot be achieved satisfactorily in the regular educational environment, even with the provision of appropriate supplementary aids and services, that child then could be placed in a setting other than the regular educational setting
- Free appropriate public education (FAPE) must include the availability of the full continuum of alternative placements

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[3] Policy Statement on Inclusion of Children with Disabilities in Early Childhood Programs (2015). Retrieved from https://www2.ed.gov/policy/speced/guid/earlylearning/joint-statement-full-text.pdf on August 17, 2021.
[4] In Oregon there is a seamless system of services for birth to 5, and children and families' services are outlined and documented in the IFSP. Protections under IDEA Part B regarding FAPE and LRE still apply for children 3-5.

- Consideration also must be given to any potential harmful effect on the child or on the quality of services that the child needs
- Home may be an appropriate place for young children to receive their services, and is a different educational environments reporting category than reporting homebound for school age children.

Key Considerations in the IFSP Process (for children 3-5)

✓ Involve families meaningfully, and with permission the child's teacher **see IDEA regulations: 300.322,**

✓ Respect and reflect the child's individual strengths and needs, along with the family's culture, priorities, and preferences **see IDEA regulations: 300.321/f**

✓ Ensure children participating in Part C early intervention programs experience a smooth and effective transition **see IDEA regulations: 300.321/f**

✓ Follow the IFSP/IEP process sequentially

✓ Assess the child in all areas of suspected disability, in real-life contexts, **see IDEA regulations: 300.304**

✓ Document present levels functional development across all domains in the context of daily activities and routines **see IDEA regulations: 300.320/a/1**

✓ Develop goals that are developmentally appropriate and functional that could be implemented and met across settings, including inclusive settings **see IDEA regulations: 300.320/a/2**

✓ Discuss placement as a team including the parents **see IDEA regulations: 300.114/a/2, 300.115/a, 300.116**

✓ Begin by discussing supplementary aids and services needed in the regular program, before considering other placements **see IDEA regulations: 300.320/a/4**

✓ Document the extent the child will participate with peers in the regular class **see IDEA regulations: 300.320/a/5**

✓ Consider a regular early childhood placement a child may be attending

✓ Consider transportation as a related service, if needed, **see IDEA regulations: 300.34/a**

✓ Consider benefits and any possible negative of effects of placements discussed, **see IDEA regulations 300.116**

✓ Complete the prior written notice, **see IDEA regulations: 300.503**

Making Sound Placement Decisions for Children 3-5

Resources

- ECTA website: https://ectacenter.org/
  - Once there, use the search bar to find:
  - Inclusion Indicators: https://ectacenter.org/topics/inclusion/indicators.asp
    - State
    - Community
    - Program
    - Environment/Class
  - Inclusion: https://ectacenter.org/topics/inclusion/
    - Laws and Guidance
    - Tools
    - State Examples
    - Finance
    - Professional Development
  - Brief Summary: Fact Sheet of Research on Early Childhood Inclusion: https://ectacenter.org/~pdfs/topics/inclusion/research/Brief_Inclusion_Fact_Sheet_R.pdf
  - Inclusion for Preschool Children with Disabilities: What we know and what we should be doing: https://ectacenter.org/~pdfs/meetings/data2014/STRAIN_what_we_know_.pdf
  - Key Principles and Practices in the IEP (IFSP in OREGON) Process: https://ectacenter.org/sec619/keyprinciples.asp
  - Rules, Regs, Memos, General: https://ectacenter.org/sec619/300regs.asp
  - DEC Recommended Practices: https://www.dec-sped.org/dec-recommended-practices
  - ECTA Recommended Practice Tools: https://ectacenter.org/decrp/
    - On line modules
- U.S. Department of Education website, Individuals with Disabilities Education Act: https://sites.ed.gov/idea/
  - Statute and Regulations: https://sites.ed.gov/idea/statuteregulations/
- OSEP Dear Colleague Letter – Preschool LRE: https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/preschool-lre-dcl-1-10-17.pdf
- HHS and ED Policy Statement on Inclusion of Children with Disabilities in Early Childhood Programs: https://www2.ed.gov/policy/speced/guid/earlylearning/joint-statement-full-text.pdf
- U.S. Department of Education website, EdFacts File Specifications, 089: https://www2.ed.gov/about/inits/ed/edfacts/eden/non-xml/fs089-16-1.docx

Resources for Supporting Early Care and Education Providers

Modules:
CONNECT Modules
Head Start Center for Inclusion (see training materials)
Pyramid Model Module Training (in person through CCR&R or virtually)

Books:
Cara's Kit (There is also one for infant/toddler environments)
Preschool Inclusion Toolbox
The ABCs of the ADA
Unpacking the Pyramid Model

Websites:
Head Start Center for Inclusion
National Center for Pyramid Model Innovations
Early Childhood Technical Assistance Center
ChildCareAware
FACT
Inclusive Partners

Tools/Inventories that already exist:
ACCESS to SERVICES
HS Center for Inclusion: Educator Resources (see membership and individualizing)
All About My Child (English) and (Spanish)