



Preschool Children Eligible for Special Education Frequently Asked Questions

To better support districts and preschool program providers, the Ohio Department of Education's Office of Early Learning and School Readiness is providing answers to the following frequently asked questions pertaining to [Ohio Administrative Code 3301-51-11](#). This document is divided into sections aligning with each section of the rule. This document will continue to be updated based on additional questions and concerns from the field. Red text indicates revisions since previous version.

(A) Definitions

1. Do the new classroom definitions change how the Least Restrictive Environment is coded in EMIS?

Least Restrictive Environment codes will not change. Refer to the [Decision Tree for Reporting Educational Environments for Children Ages 3-5 with Individualized Education Programs \(IEPs\)](#) for appropriate EMIS codes.

2. Are the terms regular early childhood setting and general education setting synonymous? If not, when would each of these terms be used and in what context?

No. The terms regular early childhood setting, and general education setting are not synonymous.

The term “**regular early childhood setting**” is defined in rule (Ohio Administrative Code 3301-51-11 (A)(1)(g)) “as an educational setting in which 50% or less of the students are children with disabilities.” This term aligns with the federal reporting requirements for Indicator 6: [Preschool Least Restrictive Environment](#).

Preschool classrooms that meet the criteria of a regular early childhood setting as long as they have 50% or less children with disabilities are:

- Public school preschool general education class, including a co-taught class
- Non-public school preschool program class
- Head Start preschool program class, and
- Public school preschool integrated class

The term “**general education setting**” includes those settings that align with the Best Practice and 1st Placement Option on the preschool LRE continuum of options. These are settings in which the child will be receiving instruction in a general education curriculum taught by a general education teacher with nondisabled peers. This term aligns with section 11 of the IEP when answering the question “Does the child attend a general education setting?”

Preschool classrooms that are general education settings are those that align with the Best Practice and 1st Placement Option on the continuum and have 50% or less children with disabilities are:

- Public school preschool general education class, including a co-taught class with natural proportions or 8 or less children with disabilities
- Non-public school preschool program class with natural proportions or in which no more than 8 children with disabilities are enrolled, and
- Head Start preschool program with natural proportions or in which no more than 8 children with disabilities are enrolled
- The other classroom types that align with the 2nd and 3rd Placement Options are:
 - Non-public school and Head Start preschool programs in which more than 8 children with disabilities are enrolled and
 - Public school preschool integrated class



These classroom types are considered regular early childhood settings and could be coded as such for EMIS reporting. However, they cannot be considered a general education setting when responding to the first question in section 11 of the IEP.

Regular Early Childhood Setting (Federal Reporting)						
General Education Setting (IEP Section 11)				2 nd Placement Option		3 rd Placement Option
Best Practice	1 st Placement Option			2 nd Placement Option		3 rd Placement Option
Public school preschool general education, nonpublic school preschool class, Head Start preschool class, natural proportions	Public school preschool general education class, 8 or less children with disabilities	Non-public school preschool class, 8 or less children with disabilities	Head Start preschool class, 8 or less children with disabilities	Non-public school preschool class, more than 8 children with disabilities	Head Start preschool class, more than 8 children with disabilities	Public school preschool integrated class

For further guidance on Section 11 of the IEP, refer to [Preschool Universal Supports](#) IEP Part 3.

3. Can the teacher of a public school preschool general education class who is dual certified serve as both the general education teacher and the intervention specialist for children on IEPs in that classroom?

No, the lead teacher of a public school preschool general education class shall not serve as the intervention specialist of record or IEP case manager for any children with disabilities (i.e., children with IEPs), even if the individual holds appropriate licensure for those roles (3301-51-11(A)(1)(g)(i)(d)). An itinerant service provider (early childhood intervention specialist and/or related service provider) would be listed as the intervention specialist of record or IEP case manager. Special education services are provided by the itinerant service provider through direct and/or indirect services.

4. In a public school preschool integrated classroom, are teachers that have been previously teaching and will continue to be teaching considered "grandfathered in" if they do not have a general education license?

Ohio Revised Code Section 3323.10 Licensure qualifications for teaching public school preschool integrated class that came into effect June 19, 2020 states "...a teacher who is licensed to teach special education and is employed to teach a public school preschool integrated class on the initial effective date of any rule change prescribing such licensure qualifications may continue to teach a public school preschool integrated class until the teacher retires, resigns, or is reassigned by the employing school, educational service center, or county board of developmental disabilities. Following the retirement, resignation, or reassignment of the teacher, the teacher must meet the licensure qualifications prescribed by administrative rule to teach a public school preschool integrated class. Upon retirement, resignation, or reassignment of the teacher, the school, service center, or county board of developmental disabilities shall employ only a teacher who meets the licensure qualifications prescribed by the rule to teach a public school preschool integrated class."

For additional support please refer to [Preschool Teacher Qualification chart](#) and [Overview of Preschool Special Education Rule 3301-51-11 Presentation](#).



5. What happens if the classroom type changes for a preschool child with a disability?

The district should be aware of the implications that are involved with changing the classroom type. Each child's IEP must be reviewed when a classroom type is changed to determine if it is also a change of placement. If it is a change in placement, an IEP team (includes the parent) meeting must occur to determine if the class type remains each child's LRE. If the IEP team agrees that the new classroom type meets the individual needs of the child, the child's IEP will need to be amended to reflect the new placement and report the corresponding LRE code. If the IEP team agrees that the new classroom type does not meet the individual needs of the child, the IEP team will need to provide the child's LRE placement as listed in the IEP. If there is a disagreement, the [Dispute Resolution Process](#) outlined in the [Procedural Safeguards](#) should be followed.

(C) Free Appropriate Public Education

6. If the IEP team determines a general education setting is the child's Least Restrictive Environment, is the school district obligated to pay for that program?

The district of residence is required to make a free appropriate public education (FAPE) in the Least Restrictive Environment available for every eligible child age three to twenty-one. For additional information, see the [Preschool Special Education FAQs for Programs](#).

7. How will community providers become prepared to support children with disabilities (accommodations, curriculum supports, modifications)?

The community provider is not responsible for FAPE. The district of residence remains responsible for FAPE and may coordinate with the community providers to ensure appropriate supports can be provided.

(D) Child Find

8. The Preschool Transition Conference date was previously reported as the Part C referral date. Will this be changed to reflect the meeting invitation date instead?

The Preschool Transition Conference date will continue to be reported and remains to be the identifier that the child is transitioning from Part C to B and requires the IEP to be in effect and implemented by the child's third birthday. For the date of the Part C referral, according to rule (Ohio Administrative Code 3301- 51-11 (D)(3)(b)), the date of referral to the school district shall be the earliest of the following:

- One-hundred fifty days prior to the child's third birthday, if the transition planning conference or notification form Part C occurs more than 150 days prior to the child's third birthday; or
- The date the Part C representative first notifies the school district about the child, if this date is within 150 days prior to the child's third birthday; or
- The date of the transition planning conference, if the transition planning conference occurs within 150 days prior to the child's third birthday.

(G) Evaluations

9. During evaluation planning, when selecting the suspected disability category of Developmental Delay, must the IEP team first consider all of the other 13 disability categories and determine that they are not applicable to the child?

No, the IEP team does not have to first consider all of the other 13 disability categories before selecting Developmental Delay. "Developmental delay" means a child who is experiencing a delay as determined by an evaluation team, IEP team, and other qualified professionals in one or more of the following areas of development: Physical development; Cognitive development; Communication development; Social or emotional development; or Adaptive development. The evaluation requirements for preschool remain the same. Each developmental area must be assessed using at least one of the 5 assessment methods/data sources, and each assessment method/data source must be used at least once.

Remember that the evaluation must be sufficiently comprehensive to identify all the child's special education and related service needs, whether or not commonly linked to the disability category in which the child has been classified.



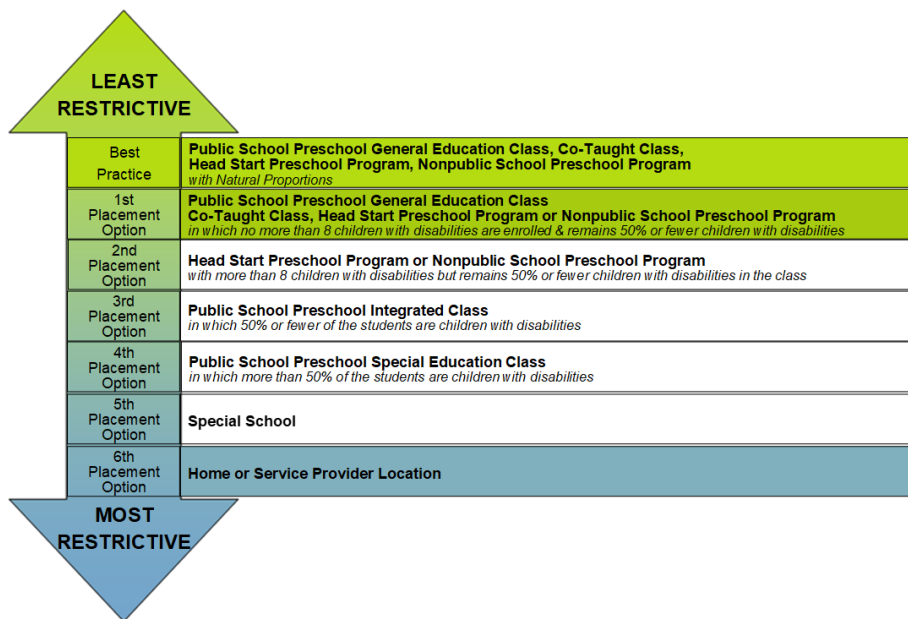
10. Which evaluation planning form is to be used for re-evaluating children with disabilities who may be transitioning to kindergarten?

Preschool children who are transitioning to kindergarten are only required to have a re- evaluation if their 3-year evaluation is due. In that case, it is a district decision as to which evaluation process (and planning form) to use. However, if there’s any chance that the child may not go to kindergarten, then the preschool evaluation process should be used. (Sometimes the team agrees that a child will go to kindergarten, but then the parent and/or team change their mind and the child remains in preschool.) It is a requirement for preschool special education eligibility to have all developmental areas assessed using the required assessment types (as reflected on the preschool planning form). If the IEP team is confident that the child is going to kindergarten, then the school-age planning form would be appropriate (A child can go on to kindergarten with a preschool planning form).

(J) Delivery of services/Least Restrictive Environment

11. Does the district have to operate all the continuum options?

No, the district does not need to operate all continuum options. However, all placement options on the continuum **from the 1st placement option through the 6th placement option** must be made available to meet the needs of each child with a disability. According to rule (Ohio Administrative Code 3301-51-09(C)(1)), “each school district must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.”



12. Does the district have to operate a co-taught class?

No, co-taught is a type of general education classroom. **The district does not have to operate all options on the continuum** but is required to make the full continuum available, which includes a general education setting.

13. Is a parent able to choose the least restrictive environment for a preschool child with disabilities? For example, can parents choose a special education setting over their current community preschool settings even if the IEP team disagrees?

The district is required to provide a free and appropriate public education (FAPE) in the least restrictive environment (LRE). The placement decision is an IEP team decision with the parent as part of that team. If there is a disagreement, the [Dispute Resolution Process](#) outlined in the [Procedural Safeguards](#) should be followed.



14. Should every preschool child's IEP have an Intervention Specialist (IS) attached to it, even if the IS is **not** providing services (directly or indirectly) to the child to support a specific IEP goal?

The IEP team is responsible for deciding who will provide special education/related services and access to the general education curriculum to a child on an IEP, according to the individual child's needs. For example, an IEP team could decide that a Speech Language Pathologist is the only service provider necessary to support a child's communication needs.

A service provider (for example, Intervention Specialist, Related Service Personnel, etc.) should be listed on the IEP in Section 7 only if that person is supporting one of the child's IEP goals, either directly or indirectly. A service provider who is not addressing an IEP goal and is only assessing the child (such as administering the Early Learning Assessment (ELA) or the Child Outcome Summary (COS) process) should not be listed on the IEP.

Duties such as completing the ELA, the COS process and/or necessary paperwork for preschool IEPs are defined as part of an individual's **workload** but not caseload (as defined in the [Service Provider Ratio and Workload Clarification](#) memorandum).

As IEP teams consider the management of preschool IEPs for students who are not receiving IEP services from an Intervention Specialist, the following reminders may be helpful:

- Related service personnel are welcomed and encouraged to become trained and familiar with the COS process and the ELA to assess preschoolers that they are serving.
- Paraprofessionals, related staff, general education teachers and families that are familiar with and regularly interacting with preschoolers on IEPs are encouraged to share their observations and information with trained staff. Trained staff may use these observations and information to make rating decisions on the COS and/or ELA.

15. What is meant by the one hour of general education instruction provided to children who are not in a program that includes instruction in the general education curriculum?

According to rule (Ohio Administrative Code 3301-51-11 (J)(5)(b)), hours of instruction are to be considered as follows:

Unless otherwise specified by the IEP team, services shall be provided for all preschool children eligible for special education services in accordance with the following:

- (i) A child served in the home or service provider location must be provided a minimum of one hour of instruction per week in the general education curriculum that includes specially designed instruction; or
- (ii) From the effective date of this rule children served in any setting other than home or service provider location must be provided a minimum of three hundred sixty hours of programming per year, which must include instruction in the general education curriculum, and a minimum of one hour of specially designed instruction or related services per week, or a combination of specially designed instruction and related services; and
- (iii) For all preschool children receiving special education services "support for school personnel services" must be considered during each IEP meeting. The district would follow their approved preschool curriculum that connects to the child's identified areas of need.

16. What are the hourly requirements if a child is receiving itinerant services?

According to the new rule, hourly requirements are based on the *location* of services and not *how* services will be provided. For example, if a child is receiving itinerant services in the *home*, then refer to (i) above which states "a minimum of one hour of instruction per week in the general education curriculum that includes specially designed instruction." If a child is receiving itinerant services in a general education classroom, then refer to (ii) above which states "a minimum of three hundred sixty hours of programming per year, which must include instruction in the general education curriculum, and a minimum of one hour of specially designed instruction or related services per week, or a combination of specially designed instruction and related services."



17. If a preschool child with a disability receives related services at the district location on Friday but attends a community preschool program the rest of week, are we still required to teach one-hour general education curriculum weekly?

How the district reports the LRE environment will determine the hourly requirements that must be met. For example, if the district reports the child's LRE in EMIS IE72 (In service provider location or other location not in any other category), then the district would be responsible for meeting the requirement of a minimum of one hour of instruction per week in the general education curriculum that includes specially designed instruction and related services ((3301-51-11(J)(5)(b)(i))). If the district reports the child's LRE in EMIS IE55 (at least 10 hours/week of regular EC but majority of special education and related services in some other location), then the district would be responsible for meeting the requirement of a minimum of 360 hours of programming per year in the general education curriculum and a minimum of one hour of specially designed instruction or related services per week, or a combination of specially designed instruction and related services ((3301-51-11(J)(5)(b)(ii))).

18. What service delivery options are available to meet the minimum one hour per week of Specially Designed Instruction (SDI)/related services (RS) when a preschool child with a disability attends a public school preschool general education classroom?

A child eligible for preschool special education is provided SDI/Related services to access, participate, and make progress in the general education curriculum. Questions for the IEP team (includes parent) to consider are:

- o What is the educational impact?
- o In what settings is the child impacted?
- o What other adults should be involved?

Services provided directly to the child as well as indirectly through another adult may be used to address a child's needs. As one example, a child receives direct instruction from the classroom general education teacher, receives direct instruction from the speech language pathologist in the classroom embedded in the regular routines and activities, receives direct instruction from the speech language pathologist in a therapy room, and the classroom general education teacher receives support for school personnel from the speech language pathologist that adds up to 1 hour of SDI/RS.

19. How does the district document the hourly requirements for a preschool child served in the home or service provider location? Can the general education time be combined with the specially designed instruction/related service time?

For specially designed instruction/related service, the district would document the time within Section 7 of the IEP. General education and specially designed instruction/related service times can be combined if the specific requirements for each are met. Information also needs to be included in IEP Section 11 and the PR-01. For further guidance on Section 11 and the PR-01, refer to [Preschool Universal Supports IEP Part 3](#).

20. Is there any flexibility for the requirement of 360 hours of programming per year? For example, a child is in a community preschool program that only runs four days per week. Do the other hours need to be made up? What constitutes programming? Are other events such as parent conferences and special events included in the 360 hours?

Unless otherwise specified in the IEP, the district is required to provide 360 hours of programming per year and to document that within the PR-01. If a child attends a community-based program that does not satisfy the 360 hours, the district must provide the remaining instructional hours to meet the 360-hour requirement and document within the PR-01 how the remaining instructional hours will be provided. Otherwise, the district is required to provide a justification in Section 11 of the IEP for why the child is not receiving the amount of programming and/or special education required in rule and document that decision within the PR-01. For further guidance on Section 11, refer to [Preschool Universal Supports IEP Part 3](#).



This table applies to all preschool children reported to EMIS regardless of funding source:

Activity	Can count as instruction time *
Nap time	No
Breakfast	Yes
Lunch	Yes
Recess	Yes
Parent Teacher Conference Time	2.5 hours can be included twice per year
Professional Development Time	2.5 hours can be included twice per year if the program is closed for professional development for teachers

21. If a child attends a program that is not Step Up To Quality rated or is not highly rated (3-5 stars), does the child have to leave the program?

As stated in rule (Ohio Administrative Code 3301-51-11 (J)(4)), nothing in this rule shall restrict an IEP team from placing a child in a nonpublic preschool environment that does not have a 3-, 4- or 5-star rating in the Step Up To Quality program if the IEP team, which must include the parent, determines the placement is in the best interest of the child.

22. Under the “Regular Early Childhood Setting,” the definition for “Public school preschool general education class” includes a requirement for instruction in a general education curriculum aligned to Ohio’s Early Learning and Development Standards. Since this language is not repeated in any of the other classroom definitions, is this a requirement for those other classroom types?

Although directly stated in the definition of public school preschool general education class, the language provided in rule (Ohio Administrative Code 3301-51-11 (J)(5)(b)) addresses the requirement for instruction in the general education curriculum for all classroom types. As a reminder, the requirement to provide children ages 3-21 access to the general education curriculum is written in IDEA.

23. If our public school preschool integrated classroom operating 8 half-day sessions (Monday through Thursday) is not full and has 4 children with disabilities and 4 children without disabilities, and 2 of those children are only on the SLP’s caseload, can the lead teacher that is an Early Intervention Specialist add an additional itinerant caseload on Fridays?

No. The Intervention Specialist is responsible for teaching a total of 8 half-day sessions (8 Monday-Thursday am and pm sessions); therefore, the intervention specialist would not be able to carry an additional itinerant caseload. Caseload is based on the number of classes the ECIS is responsible for teaching and not the number of children with disabilities enrolled in the class. As outlined in rule (Ohio Administrative Code 3301-51-11 (J)(9)(b)), “An intervention specialist classroom teacher responsible for eight or more half-day class sessions (e.g., four morning and four afternoon sessions per week), or four full-day class sessions shall not carry an additional itinerant caseload”.

24. If the IEP team determines the child's placement is a general education class and chooses the specific location of that general education class to be in a specific community preschool, is the district required to provide transportation?

According to Ohio Administrative Code 3301-83-17(A)(6), “resident preschool special needs children are to be transported to school district preschool special education programs within the district and outside the district if assigned by the school district of residence. If transportation is necessary for preschool special needs children to access and receive a free and appropriate education, it must be provided at no cost to the parent or guardian.” For additional information, please review [A Guide to Transportation for Preschool Students with Disabilities](#).