

Preschool Essential

IEP Part 3: Transportation and Least Restrictive Environment

TRANSCRIPT

~~Text~~ = text removed from previous version; **Text** = text added since previous version

Opening Slide:

This is Part 3 of the Essential Preschool IEP module. This presentation focuses on transportation, least restrictive environment, and meeting participants.

Slide 2: Transportation Section

Section 8 of the IEP addresses transportation as a related service. Transportation is one of the many important services that an LEA may have to provide to allow access to special education and related services required for preschool children with disabilities. If the IEP team determines that transportation is required, then this section of the IEP must be completed. **Please note that the order of the questions discussed below has been changed from the order of the questions in Section 8 of the IEP to address the transportation needs more accurately for a preschool child with a disability.**

Does the child need transportation to and from services? **The question appears as the second question on the IEP form, however, is addressed first for a preschool child with a disability.** This question refers to services the IEP team has determined the child requires as part of his or her IEP. The district must provide access to those services in the location that is required by the IEP. If the child is receiving services at home, answer "no." If the child receives services in any other location and requires transportation, then answer "yes." Even if another agency/entity is providing transportation, the district should answer "yes" on the IEP to this question to indicate the child requires transportation to access a Free Appropriate Public Education (FAPE). The district should list whoever is providing the transportation under the third question, Other box. For example, state "Head Start is transporting the child from home to school and back," or "Parents are transporting the child from home to school and back."

Does the child require special transportation? **This question appears as the first question on the IEP form, however, is addressed second for a preschool child with a disability.** This question refers to specialized equipment, accommodations and/or modifications for transportation. Refer to Operating Standards 3301-51-10(3) for specific information about special transportation. If the IEP team determines the answer to this question is "yes," then the answer to the question, Does the child need accommodations or modifications for transportation? also should be "yes." If the IEP team determines the answer to this question is "no," then this means the child is provided his or her services at home and/or the child does not need any specialized transportation (such as the child exceeds the height/weight requirements for a safety harness).

Does the child need accommodations or modifications for transportation? This question also refers to specialized equipment, accommodations and/or modifications for transportation. Refer to 5501-51-10(A)(3) to determine if the child needs special transportation. If the IEP team determined the answer to the previous question "Does the child require special transportation?" was "yes", then

the answer to this question also should be “yes.” Check the appropriate box(es) to indicate what special transportation is needed. If the IEP team determined the answer to the previous question “Does the child require special transportation?” was “no”, then the answer to this question also should be “no.”

Note: If the IEP team determined the answer to the question “Does the child need transportation to and from services?” was “yes”, then check the Other box and list who is providing the transportation. For example, state "Head Start is transporting the child from home to school and back," or "Parents are transporting the child from home to school and back."

A preschool transportation guidance document is available to assist the IEP team in answering the questions in Section 8 of the IEP. This document is located on the Preschool Special Education webpage titled [A Guide to Transportation for Preschool Students with Disabilities](#).

Slide 3: General Factors Section

In Section 10 of the IEP, the general factors section of the IEP, a third grade reading component was added to the form. This component is for all students in grades K-3. If preschool was selected on the cover page, then the third grade reading question is not applicable.

Slide 4: Least Restrictive Environment (LRE)

Section 11 of the IEP, the LRE section, contains both the school-age and preschool questions. Regardless of age level, the Least Restrictive Environment section requires the IEP team to provide a justification statement as well as a Prior Written Notice (PR-01) if a child receives services, including related services, anywhere other than in the general education setting (the first placement option on the continuum) with nondisabled peers.

Slide 5: Least Restrictive Environment (LRE) Preschool Continuum of LRE Placement Options

It is important to understand each option on the Preschool Continuum of LRE Placement Options to be able to answer the questions in Section 11 of the IEP. The graphic on the slide illustrates the complete preschool LRE continuum of placement options from least restrictive to most restrictive.

Ohio’s Operating Standards for schools say that the least restrictive environment for preschool has the same meaning as that defined in Ohio law. As such, (a) The first placement option considered for each child with a disability shall be the general education setting the child would attend if he or she did not have a disability; (b) All options listed as placements on the continuum(not listed as Best Practice) must be made available; (c) Removing a child from his or her general educational setting (such as regular routines or activities) or removing a child from nondisabled peers to provide specially designed instruction and/or related services requires individualized justification in the child’s IEP. In Ohio, this represents minimal compliance.

A child’s individualized education program (IEP) team makes a decision about where the child will receive special education services by determining the least restrictive environment for that child. During the IEP team meeting, the team must consider the child’s placement in a *less* restrictive environment before considering placement in a *more* restrictive environment. The IEP team starts by considering the first option on the continuum that provides all necessary supplemental aids and services. When determining a child’s least restrictive environment, an IEP team must consider all options defined within Ohio’s continuum of services, addressing the following:

- Settings where a child would be if he or she were not identified as a child with a disability with access to typically developing peers
- Child can access, participate, and make progress in the general education curriculum with appropriate aids, services and supports

Slide 6: Best Practice Option

The IEP team must start with a consideration of a general education preschool classroom that provides all necessary supplemental aids and services. As a best practice, the IEP team should consider general education classrooms with natural proportions of children with disabilities. Federal policy says that “The principle of natural proportions means the inclusion of children with disabilities in proportion to their presence in the general population. “ For example, if a district’s total population of children with disabilities is 13 percent, a natural proportion would be when no more than 13 percent of children in a classroom have disabilities.

However, if a preschool child already participates in a general education setting with natural proportions, then the IEP team is **required** to consider this setting as the child’s least restrictive environment. According to rule, the child “shall remain in the program in which the child is enrolled” unless the IEP team determines otherwise. If the IEP team determines that the child needs a more restrictive setting, then a justification must be provided in the child’s IEP.

A school district is not **required** to make this option available. Again, though, if a child is already in such a setting, then the district is required to consider this setting as the child’s LRE. For these reasons, this option is called the Best Practice Option as opposed to the 1st Placement Option.

Slide 7: Optional Form LRE IEP Team Guiding Questions

An Optional form is available to assist the IEP team through the LRE placement process and document their rationale for the IEP team’s final placement decision and location. This form is located on the Preschool Special Education webpage titled Optional Form: Preschool LRE Guiding Questions.

Slide 8 Preschool LRE: Sequence of Questions

For preschool, multiple questions are listed, but not all of the questions need to be answered. Which questions need to be answered depends upon the response to the first question, *Does the child attend a general education setting (the first placement option on the continuum)?*

The following slides will provide information on the sequence of questions as well as provide further explanation of the questions. To do that, we will cover 3 scenarios.

- Scenario 1: what happens if you respond YES to the first question and YES to the 2nd question
- Scenario 2: what happens if you respond YES to the first question and NO to the 2nd question
- Scenario 3: what happens if you respond NO to the first question

Slide 9: LRE Scenario #1

The first question asks, *Does the child attend a general education setting?*

In order to answer this question, it is important to understand what is meant by “a general education setting.”

The term **general education setting** only 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 non-disabled peers. This term aligns with section 11 of the IEP when answering the question “Does the child attend a general education setting?” Again, as long as there are 50% or less children with disabilities, the preschool classrooms that are general education settings are those that align with the Best Practice and 1st Placement Option on the continuum:

- 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
- Head Start preschool program with natural proportions or in which no more than 8 children with disabilities are enrolled.

If you **answer YES that the child will attend a general education setting, then you must answer the next question**, *Does the child receive all of his/her special education and related services embedded within regular classroom routines and activities?*

To answer this question, it is important to consider if the child is receiving services not only *embedded* within regular classroom routines and activities but also *with non-disabled peers*. To answer yes to this question the child must be receiving all of his/her special education and related services embedded **and** with non-disabled peers.

If you **answer YES to this second question, then there are no further questions to respond to in this section.**

Slide 10: LRE Scenario #2

If you answer YES to the first question and NO to the second question, *Does the child receive all of his/her special education and related service embedded within regular classroom routines and activities*, then you must answer a third question:

*What **prevents** the child from receiving special education and/or related services embedded within the regular classroom routines and activities?*

A justification must be provided if the child is removed from instruction with non-disabled peers. The justification should provide evidence as to why the child cannot receive instruction with non-disabled peers and should not simply be a description that the child was removed. The justification must:

- Be based on the individual needs of the child, not the child’s disability, and aligns with SDI or related services location;
- Reflect that the team has given adequate consideration to meeting the student’s needs in the general classroom with supplementary aids and services;
- Document that the nature or severity of the disability is such that education in general education classes, even with the use of supplementary aids and services, cannot be achieved satisfactorily and;
- Describe potential harmful effects to the child or others, if applicable.

Along with the justification, a PR-01 must be completed to indicate why the child cannot receive special education and related services in the 1st placement option.

After answering this 3rd question, there are no further LRE questions to answer.

Slide 11: LRE Scenario #3

Going back to the first question, *Does the child attend a general education setting*, remember that we defined a general education setting on slide 9 to be the first placement option on the continuum. If you answer NO to this first question, then you must answer two additional questions.

The first question being:

*What **prevents** the child from being able to attend a general education setting?*

To answer this question, you need to justify why the child is not attending a general education setting. The justification must:

- Be based on the individual needs of the child, not the child's disability, and aligns with SDI or related services location;
- Reflect that the team has given adequate consideration to meeting the student's needs in the general classroom with supplementary aids and services;
- Document that the nature or severity of the disability is such that education in general education classes, even with the use of supplementary aids and services, cannot be achieved satisfactorily and;
- Describe potential harmful effects to the child or others, if applicable.

Along with the justification, a PR-01 must be completed to indicate why the child cannot receive special education and related services in the first placement option.

The second question, *Who provides the child instruction in the general education curriculum?* must also be answered.

The intent of this question is to make sure that the child is actually receiving general education instruction, not just special education services.

~~Two~~ **Three** areas must be covered in the response to this question:

1. The role of the person(s) providing instruction in the general education curriculum,
2. How that person is providing access to the general education curriculum in the child's area of need as identified in the IEP.
3. **The amount of time and frequency of the general education instruction.**

The role of the person providing instruction in the general education curriculum: If the person providing the general education instruction is qualified to be the lead teacher of a public school preschool general education class or a public school preschool special education class, then simply list that person's role. For example, if an itinerant Early Childhood Intervention Specialist is providing the preschool general education to a child at home, then the role "Early Childhood Intervention Specialist" would be listed in response to part 1 of this question.

If the person providing the general education instruction is NOT qualified to be the lead teacher of a public school preschool general education class or a public school preschool special education

class, then a qualified staff member will need to consult with that other person. The roles of both individuals would need to be listed. For example:

- An IEP team decides that the SLP will provide itinerant services to a child at home. The SLP is not qualified to teach preschool general education, so the IEP team has a preschool general education teacher consult with the SLP on a regular basis to determine how to embed the special education services within the general education curriculum.
- In the IEP section 7 Specially Designed Instruction, the SLP is listed as the provider
- In the IEP Section 7 Support for School Personnel, the general education teacher is listed as consulting with the SLP.
- In the IEP Section 11, the SLP with consultation from the preschool general education teacher would be listed in response to part 1 of the question.

How that person is providing access to the general education curriculum: In addition to identifying the role of the provider, you must also describe *HOW* that person is providing the child with access to the general education curriculum.

For a child being served in the home or service provider location, it is important to identify if the special education services will be embedded within the general education curriculum and provided together at the same time or if the special education services will be provided separately from the general education instruction. This description should also identify which part of the general education curriculum and/or which Early Learning and Development Standards are being addressed ~~For example, the ECIS will provide the general education curriculum through activities that align with the Ohio Early Learning Development Standards in~~ the child's area of need as identified in the IEP.

The amount of time and frequency of the general education instruction: Finally, you must list the amount of time that the child will be receiving instruction in the general education curriculum.

According to rule, a child 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." To document that this requirement has been met, the IEP should clearly identify the number of hours per year that the child will be in a program receiving general education instruction.

If a child is served in the home or service provider location, then the rule states that the child "must be provided a minimum of one hour of instruction per week in the general education curriculum that includes specially designed instruction." To document that this requirement has been met, the IEP should clearly identify how many minutes per week the child will be receiving specially designed instruction/related services and how much time the child will be receiving instruction in the general education curriculum. If special education services will be embedded within the general education curriculum and provided together, then a total amount of time will meet the requirement. If the special education services will be provided separately from the general education instruction, then there must be a separate statement of the number of minutes per week for the special education and a separate statement of the number of minutes for the general education instruction.

Slide 12: Do Not Complete for Preschool

As a reminder, section 12 (statewide and districtwide testing) and section 13 (test exemptions) do not need to be completed for preschool.

Slide 13: Meeting Participants

Section 14 documents meeting participation. The form has a dropdown menu which allows you to select your position title. The parent must be afforded the opportunity to participate. The school district is responsible to ensure that meetings are scheduled early enough so that all parties have the opportunity to attend at a mutually agreed upon place and time. In an attempt to ensure parental participation, the parents and school district may agree to some alternate means of participating such as video conferencing or phone conferences. If alternate means are chosen, they must be documented as such. This is documented at the top left-hand side of the meeting participation page of the IEP.

In some cases, members of the IEP team may be excused from attending the IEP meeting, in whole or in part, provided the school district and parent agree in writing prior to the meeting. The required members include: Parent, General Education Teacher, Special Education Teacher/Provider and a District Representative. For school-age, if the child does not have a general education teacher during the school day, a general education teacher is not a required team member. However, for preschool, a general education teacher is always a required IEP team member. This should be noted on the IEP signature page. Teachers who attend the IEP should have working knowledge of the students individual learning needs.

The excused member must provide input into the development of the IEP in writing to the district and to the parent prior to the meeting. They are also required to sign the completed IEP form under "People Not In Attendance Who Provided Information And Recommendations" on the meeting participants page.

SLIDE 14: Signatures Section Initial IEP

In section 15 of the IEP, the signature section, the parent must complete the appropriate area depending on if the IEP is an initial IEP or an annual IEP.

If it is an initial IEP, the parent must check off 1 of the 3 statements listed and provide a signature and date. The district must provide the Procedural Safeguards Notice and prior written notice to the parents summarizing the outcome of the IEP meeting. Prior written notice must be provided:

- Before implementing the IEP, or
- Before implementing the specific services parental consent was given, or
- When consent is not given for special education and related services.

If the 2nd box "I give consent to initiate special education and related services specified in this IEP except for ***" is checked:

- A school district may not use a parent's refusal to consent to one service or activity to deny the parent or child any other service, benefit, or activity of the school district, except as required by this rule.
- The details of the services that the parents do not give consent for are documented in the "Area" field.

SLIDE 15: Placement Documentation

- For an initial IEP, the district is required to provide prior written notice to the parents before the district proposes to initiate the educational placement of the child. A prior written notice must provide enough detail in a language that is understandable to the general public, and it also must be written in the parent's native language or other mode of communication to allow the parents to participate in their child's educational services decisions in an informed way. The district must clearly communicate the child's placement, as agreed upon by the IEP team, in one of the following: Public School Preschool General Education Class, Head Start Preschool Program or Nonpublic School Preschool Program, Public School Preschool Integrated Class, Public School preschool Special Education Class, Special School, Home or Service Provider Location.
- In addition to placement, the PR-01 must indicate the IEP team final decision for the specific LRE location.

That prior written notice must be provided to parents after the IEP meeting but before the implementation of the IEP. The district must receive written informed consent from parents before the initial placement of a child in special education. Written informed consent is provided through the parents' signature on the IEP (PR07).

In addition to the Information regarding the educational placement and specific LRE location on the PR01, information must be included to address the IEP team's (including the parent's) decision based on the child's individual needs if:

- The child is receiving instruction less than at the level required in rule which is a minimum of 360 hours of programming per year for any educational setting other than home or service provider location 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.
- A child served in the home or service provider location is provided less than the required minimum of one hour of instruction per week in the general education curriculum that includes specially designed instruction.

The district must clearly communicate the placement, LRE location and number of hours to the parents as part of making sure that parents are fully informed and able to provide informed consent. If applicable, the district must also include:

- A description of how remaining instructional hours will be provided and or
- A justification for why the child is not receiving the amount of programming and/or special education required in rule.

For example, if a child attends a community-based program for 300 hours that does not satisfy the 360-hour requirement, the district must provide within the PR-01 a description of how the remaining 60 instructional hours will be provided or a justification for why the IEP team determined the child is not receiving the additional 60 hours.

SLIDE 16: Signatures Section IEP Annual Review (Not a Change of Placement)

For IEP reviews that do not result in a change of placement, the parent must complete the appropriate area in Section 15. This area does NOT require a parents' signature to implement the IEP. Again, prior written notice must be provided to parents after the IEP meeting but before implementation of the IEP.

Just like with initial IEP's, for other IEP reviews the district must clearly communicate the placement, specific LRE location and number of hours to the parents as part of making sure that parents are fully informed and able to provide informed consent. If applicable, the district must also include a justification for why the child is not receiving the amount of programming and/or special education required in rule.

Slide 17: IEP Revisions, Change of Placement

Districts need to remember that while an IEP is in effect for 364 days from the date signed, it is a living document and can and should be revised as necessary. Any member of the team may request a meeting to revise the IEP. This can be done through the amendment process which can be accomplished through a variety of methods. This process does not necessarily need to be a face-to-face meeting, but the parent does need to be involved. Remember amendments need to be noted on the IEP cover page as well as in any relevant IEP sections.

If the district proposes a change of placement for a child, the IEP team is required to meet to discuss the change. According to Operating Standards a "change of placement" means a change from one option on the continuum of alternative placements to another. The team needs to determine if this is in fact a change in the continuum of services for the child. If the change in the student's services proposed does in fact change the student's placement on the continuum of services, the parent must give consent, in writing, for that placement to happen.

Slide 18: For more information, please visit: education.ohio.gov

Search keywords: *Preschool Special Education* or *Federal and State Requirements*

Contact your State Support Team

education.ohio.gov

Search keywords: *State Support Teams*