

DOCUMENT RESUME

ED 360 799

EC 302 371

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 TITLE The Education of Preschool Exceptional Children. A Guide for School Administrative Units and Child Development Services Coordination Sites.  
 INSTITUTION Maine State Dept. of Education, Augusta. Div. of Special Education.  
 PUB DATE 90  
 NOTE 29p.  
 PUB TYPE Reports - Descriptive (141)

EDRS PRICE MF01/PC02 Plus Postage.  
 DESCRIPTORS \*Agency Cooperation; \*At Risk Persons; \*Delivery Systems; \*Disabilities; Financial Support; Handicap Identification; Networks; \*Preschool Children; Preschool Education; State Agencies; \*State Programs; Statewide Planning; Student Evaluation  
 IDENTIFIERS \*Maine

ABSTRACT

This paper describes service delivery to Maine's preschool exceptional children (ages 3 to 5) in the context of a public school setting, and examines the relationship among Maine's Department of Education, Department of Human Services, Department of Mental Health/Mental Retardation, School Administrative Units, Child Development Services (CDS), and CDS Coordination Sites. Child Development Services is described as a statewide interdepartmental coordination network of services for children who have handicaps or are at risk for developmental delay, and for their families. The role of Child Development Services in coordinating services to ensure a free and appropriate education to the target population is emphasized. The paper introduces the history of service to and the education of preschool children in Maine and its interagency, collaborative focus. Issues related to Childfind and preschool screening, the Pupil Evaluation Team process, Child Count, program options, and state and federal funding are addressed. Appendixes offer a list of CDS Coordination Sites and an organizational chart. (Contains 20 references.) (JDD)

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ED 360 799

# THE EDUCATION OF PRESCHOOL EXCEPTIONAL CHILDREN

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A Guide for School Administrative Units  
and Child Development Services Coordination Sites

Department of Education  
Division of Special Education  
Child Development Services  
Augusta, Maine

1990

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Printed under appropriation number  
013 05A 3017 122

## I. INTRODUCTION

It is the intent of this publication to examine issues affecting preschool exceptional students (three to not yet school-aged five year olds) and the relationship between school administrative units (SAU's) and the Child Development Services (CDS) coordination sites.

P.L. 94-142 (The Education of the Handicapped Act or EHA-B) requires that states identify all children, birth through age 21, who are handicapped. P.L. 99-457, enacted on October 8, 1986 amended this law and revised Section 619 of Part B by replacing Incentive Grants with Preschool Grants for Handicapped Children (age three through five). It also requires states to "make a free appropriate public education (FAPE) available to all children with handicaps aged three through five years by July 1991 in order to continue to be eligible for funding under the Preschool Grants program" (34 CFR Part 301, Fed. Regis., 1642). Eligibility for EHA-B funds for children three through five and Parts C through G of the EHA for projects relating exclusively to these children, and funding for them under P.L. 100-297 (Chapter 1) is contingent upon eligibility for a Preschool Grant.

The Interdepartmental Coordinating Committee for Preschool Handicapped Children (ICCPHC) through the Child Development Services (CDS) system in Maine coordinates services and ensure FAPE to children, birth through five, who are handicapped or at-risk for developmental delay. This is accomplished through 16 coordination sites located throughout the state (Appendix A). CDS is responsible for implementing the Preschool Grants program (Section 1419 of EHA, known as Section 619 for the purpose of this document) for children three through five, and Part H of EHA-B for children birth through two in a continuous birth through five system. (For the purpose of this document, we will be examining the CDS sites' roles with only children three through five (Preschool Grants program - Sec. 619 funds). Services for these children are provided in a variety of settings including home based programs, public (i.e., Head Start) and private preschool programs, and preschool programs in school administrative units. Children aged three to not yet school aged five are covered under the Procedural Safeguards of Subpart E - EHA-B (Sec. 1415 EHA CFR 300.501 et. seq.).

Presently approximately 32 school administrative units (SAU) are serving exceptional children, age three to not yet school aged five. Various program models and funding sources are being utilized.

To aid in the following discussion, it is helpful to use common terminology. A glossary defining terms used in this document follows. Throughout the document, school administrative units will be identified as "SAU" or "SAU's" and Child Development Services coordination sites will be known as "CDS site/sites".

Also, CDS describes the population it serves as "children, ages birth to five, who are handicapped or at-risk for developmental delay", while the Maine Special Education Regulations, Chapter 101 describes the population as "exceptional students". For the purpose of this document, children will be referred to as "preschool exceptional children". We have chosen a question and answer format to address these issues. Program intent will be examined in the overview section introducing the topics to be reviewed.

The document is intended to assist parents of preschool exceptional children, school administration units, CDS sites, and other human services and community agencies to understand service delivery to preschool exceptional children in the context of a public school setting and the relationship between the Department of Education (DOE), the Department of Human Services (DHS), the Department of Mental Health/Mental Retardation (DMH/MR), School Administrative Units, Child Development Services, and CDS Coordination Sites.

You will be introduced to the history of service to and the education of preschool children in Maine and its interagency, collaborative focus. Issues related to Childfind and preschool screening, the PET process, Child Count, programs options, and state and federal funding will also be addressed.

## II. GLOSSARY OF TERMS

**Child Development Services (CDS)** - A statewide interdepartmental coordination network of services for children, birth through five, who are handicapped or at-risk for developmental delay and their families and consists of the ICCPHC, Local Coordinating Committees (LCC's), and local site, state and CDS employees.

**Division of Special Education** - The division within the Bureau of Instruction of the Maine Department of Education responsible for carrying out the provisions of MRSA-20A related to special education.

**Early Childhood Team (ECT)** - A group of three or more individuals, including parents, convened for the purposes of identification/evaluation, program planning, and program review/evaluation. The ECT is similar to a Pupil Evaluation Team (PET) in the public school system.

**Education of the Handicapped Act (EHA-B)** - Enacted in 1975, P.L. 94-142 (EHA-B) mandated that children, birth through 21, who are handicapped are identified and provided the same educational benefits and opportunities as their nonhandicapped peers. It is this law upon which the term "special education" is based. P.L. 99-457 (Education of the Handicapped Act Amendments of 1986) is an amendment to P.L. 94-142 and extends the provisions in Part B of P.L. 94-142 for Free, Appropriate, Public Education (FAPE) to 3 to 5 year old children (EHA - Sec. 1419, known as Section 619) who are handicapped.

**Free, Appropriate, Public Education (FAPE)** - Special education and related services which: (a) Are provided at public expense, under public supervision and direction, and without charge to the parents; (b) Meet the standards of the State educational agency; (c) Include preschool, elementary school, or secondary school education in the State involved; and (d) Are provided in conformity with an individualized education program which meets the requirements under Regs. 300.340-300.349 of Subpart C (34 CFR - 300.4).

**Individualized Education Plan (IEP)** - A plan developed by the Pupil Evaluation Team (PET) to assure provision of appropriate educational and supportive services to children who are handicapped.

**Individualized Family Service Plan (IFSP)** - A plan developed by the Early Childhood Team (ECT) to assure the provision of appropriate service to children, birth through five, who are handicapped or at-risk for developmental delay and their families. In the CDS system, the IFSP contains all the components of an IEP.

**Interdepartmental Coordinating Committee for Preschool Handicapped Children (ICCPHC)** - The body responsible, through Child Development Services, for overseeing the statewide, interdepartmental coordination network of services for Maine children, birth through five, who are handicapped or at-risk for developmental delay and their families. ICCPHC has been designated an Intermediate Educational Unit by state law MRSA 20-A Chapter 499.

**Interdepartmental Standards for Family Focused Early Intervention** - Standards developed by CDS to assure consistency and high quality in programs and services to children, birth through five, who are handicapped or at-risk and their families. They apply to those programs and services provided by public (e.g. local, state and/or federal) funds.

**Intermediate Educational Unit (IEU)** - Any public authority, other than a local educational agency, which is under the general supervision of the State educational agency, which is established by State law for the purpose of providing FAPE on a regional basis, and provides special education and related services to handicapped children within that State.

**Least Restrictive Environment (LRE)** - 34 CFR - 300.550 (Least Restrictive Environment) states, "Each public agency shall insure: (1) That to the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped, and (2) That special classes, separate schooling or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily."

**Local Entitlement Funds** - Seventy-five percent of the funds received under the EHA-B program shall be distributed to School Administrative Units (SAU) within the State. These funds are referred to as Local Entitlement Funds.

**Chapter 499 (MRSA 20-A)** - This section of Title 20-A addresses the coordinated delivery system and assurance of services to infants and children, ages 0 through 5, who are handicapped or at-risk for developmental delay. This statute amends Maine's Chapter 487.

**Maine Department of Education (MDOE)** - Responsible for carrying out provisions of MRSA Title 20A education laws and regulations.

**Preschool Exceptional Children** - Children aged three to not yet school aged five who can be served in a program. A three year old becomes eligible on the day he/she becomes three. A child "not yet school aged five" is one who has not reached his/her 5th birthday by October 15 of the current school year.

**Pupil Evaluation Team (PET)** - Responsible for identifying the special education needs of children, developing an appropriate individualized education plan (IEP) for these children, and determining LRE alternatives.

**School Administrative Unit (SAU)** - The state-approved unit of school administration. This includes a municipal school unit, school administrative district, community school district or any other municipal or quasi-municipal corporation responsible for operating or constructing public schools. This does not include a vocational region.

**State Subsidy** - The total of the state share of foundation allocation, and the state share of the debt service allocation, if any.

**School Year** - Defined in Maine Special Education regulations (2.12) "as the period from July 1 through June 30 of the next calendar year.

**Section 619 Funds** - Federal assistance funds provided under Part B, Section 619 of P.L. 99-457 (Preschool Grants for Handicapped Children program - EHA Sec. 1419).

**Special Education** - The program, setting, and supportive services designed to provide a free appropriate public education to exceptional students.

### III. INTERAGENCY COORDINATION

#### OVERVIEW

Maine's history of service to preschool exceptional children has evolved from multidisciplinary, interagency collaboration. In 1978, Maine legislation laid the foundation for the formation of the Interdepartmental Coordinating Committee for Preschool Handicapped Children (ICCPHC), a committee consisting of representatives from DOE, DHS, and DMH/MR, parent associations, public and private agencies and service providers serving children birth through five who are handicapped or at risk for developmental delay and their families (Appendix B). Initially three sites were funded. Sixteen regional sites now exist to coordinate services to these children. These sites are part of the early intervention network known as the Child Development Services, responsible for implementing the mandates of P.L. 99-457 in the state of Maine. ICCPHC has been named as an intermediate educational unit (IEU) in order that it may receive, expend, allocate and transfer funds within the system. Although SAU's may have specific responsibilities in relation to EHA-B and state permissive legislation, the intent is that efforts be interagency in nature. MRSA 20-A (Chapter 499), Subsection 7722.6 states, "School administrative units shall coordinate their program and service activities (for these children) with their local site to avoid duplication, maximize the use of available funds and resources, and to ensure compliance with rules as promulgated by the Interdepartmental Coordinating Committee for Preschool Handicapped Children."

#### 1. WHAT IS THE ROLE OF THE CDS SITE SYSTEM?

- a) CDS sites identify previously unidentified children and conduct screenings for children who require but have not already been screened.
- b) CDS sites are responsible for the coordination of referrals and existing services to children, birth through five, who are handicapped or at risk for developmental delay, and their families.
- c) CDS sites provide coordinated planning to meet unmet needs in their respective geographic areas.
- d) CDS sites work with SAU's in the transition process for these children from the early intervention system to the public school system.

#### 2. WHAT IS THE ROLE OF SAU'S IN RELATION TO THIS INTERAGENCY COORDINATION SYSTEM?

- a) SAU's should be represented on the governing bodies (Local Coordinating Committees - LCC's) of CDS sites.
- b) SAU's may currently act as the fiscal agent for a CDS site, however this will no longer be the case once the central CDS fiscal office is established.
- c) SAU personnel should work with staff of the CDS sites in identifying previously unidentified preschool exceptional children in their districts.

- d) SAU personnel should work with staff of the CDS sites and preschool programs in facilitating the process of the transition of these children from preschool programs outside the SAU to preschool or kindergarten programs within the SAU.
- e) If an SAU is planning to develop and operate its own preschool program, personnel should work with CDS site staff in determining the needs of the area and the integration of services and programs within the entire service delivery system for preschool children. The Interdepartmental Standards for Family Focused Early Intervention should be used to develop this program.
- f) If an SAU already has a preschool program, they should work with the CDS site in both the coordination of services for individual children who require additional services outside of the program and the coordination and planning for the range of service needs for their particular area.

**3. WHAT IS THE ROLE OF THE CDS SITE IN RELATION TO THE SAU WHICH DOES NOT PROVIDE DIRECT SERVICES TO PRESCHOOL EXCEPTIONAL CHILDREN?**

In this case, the CDS site:

- a) Works with the SAU to identify preschool exceptional children;
- b) Helps transition children from preschool programs and services to programs and service offered by the SAU's;
- c) Cooperatively plans the development and continuation of appropriate services for young exceptional children residing within that school unit.

**4. WHAT IS THE ROLE OF THE CDS SITE IN RELATION TO THE SAU WHICH PROVIDES DIRECT SERVICES TO PRESCHOOL EXCEPTIONAL CHILDREN?**

The CDS site:

- a) Works with the unit to identify preschool children with handicapping conditions;
- b) Refers appropriate children to the unit's program;
- c) Helps coordinate services for preschool exceptional children who reside within the unit but may require additional services not supplied by the unit;
- d) Assist in the transition of children from preschool programs outside the SAU program to preschool programs within the SAU.
- e) Cooperatively plans the development and continuation of appropriate services for young exceptional children residing within that school unit.
- f) Provides technical assistance to ensure compliance with the Standards, FAPE, LRE, etc.

#### **IV. CHILDFIND (CHILD IDENTIFICATION) AND PRESCHOOL SCREENING**

##### **OVERVIEW**

EHA-B requires both state educational agencies and SAU's to identify, locate, and evaluate all children within their jurisdictions. The ChildFind provision of the EHA-B mandates states "to insure that all children who are handicapped, regardless of the severity of their handicap, and who are in need of special education and related services are identified, located, and evaluated;..." (Reg. 300.128). It requires States to ensure that this is done for children birth through 21. Maine Special Education Regulations, Chapter 101, (7.10) also requires this. This "ChildFind" responsibility is carried out by the 16 coordination sites for the entire birth to five population and in cooperation with the SAU's for those children three through not yet school-aged five. Children identified by service providers are, with parental permission, referred to the sites for coordination of services. Screening of entering Kindergarten children, while a responsibility of the SAU's, may be done as preschool screening in conjunction with local CDS sites.

##### **CHILDFIND**

###### **ARE SAU'S RESPONSIBLE FOR CHILDFIND ACTIVITIES FOR CHILDREN THREE TO NOT YET SCHOOL-AGED FIVE?**

Yes.

Currently, Maine Special Education Regulations, Chapter 101 (7.10) states "each school administrative unit shall maintain procedures to ensure that all students between the ages of 3 and 20 years including state wards, state agency clients and institutional residents who reside within its geographical jurisdiction and who are in need of special education and supportive assistance are identified, located and evaluated."

This mandate for ChildFind is clarified in Reg. 300.128 of EHA-B and extends this to public and private agency. CDS sites may be used to meet this requirement for 3 to 5 year old preschool exceptional children and are cited in the Maine State Plan for Special Education for doing so.

##### **PRESCHOOL SCREENING**

###### **1. DO SAU'S HAVE TO SCREEN ALL THREE TO NOT YET SCHOOL-AGED FIVE PRESCHOOL CHILDREN?**

No.

Maine Special Education Regulations, Chapter 101 (7.3) states "each school unit shall screen all students entering public school for the first time during the first 30 days of the school year or during the first 30 days of enrollment of transfer students. This duty shall include all entering kindergarten students..." "School year" is defined in Maine Regulations (2.12) and MRSA 20-A (15.003) "as the period from July 1 through June 30 of the next calendar year."

## **2. ARE SAU'S RESPONSIBLE FOR KINDERGARTEN SCREENING?**

Yes.

SAU's are responsible for ensuring screening. Maine Special Education Regulations, Chapter 101 (7.2) states that "each administrative unit shall ensure that all resident and other eligible students are screened or offered the opportunity for screening." SAU's may ensure that kindergarten screening is accomplished by coordinating the screening with CDS sites.

## **3. WHEN MUST SAU'S SCREEN CHILDREN ENTERING KINDERGARTNERS?**

Maine Special Education Regulations, Chapter 101 (7.3) states, "each school unit shall screen all students entering public school for the first time during the first 30 days of the school year (July 1 through June 30).... This duty shall include all entering kindergarten students.... If evidence of prior screening and a statement of the results can be found in the student's cumulative record, or the unit has reason to believe that the student has previously been identified as an exceptional student, screening may be waived. NOTE: A unit may schedule screening in the spring prior to kindergarten enrollment to assist in planning for necessary special education and supportive services at the start of the school year." Many CDS sites are working with local SAU's to conduct joint screenings in the spring prior to entrance into Kindergarten in the fall. Children who are in the CDS system already have been identified and may have current evaluations which can be used by the SAU's in the development of IEP's.

## **4. WHAT AREAS MUST BE COVERED IN PRESCHOOL SCREENING?**

Maine Special Education Regulation, Chapter 101 (7.4) specifies: "The screening process in each school unit shall include obtaining data on each student through direct assessment or by indirect means of the student's gross and fine motor skills, receptive and expressive language skills, vision, hearing, and cognitive skills. If appropriate, other areas of screening may include: self-help, self-concept, social-emotional development, and personal histories."

## **5. IS A CHILD, IDENTIFIED AS AN EXCEPTIONAL CHILD BY THE CDS SITE AND AGE ELIGIBLE FOR PUBLIC SCHOOL IN SEPTEMBER, ENTITLED TO SPECIAL EDUCATION SERVICES DURING THE SUMMER MONTHS PRECEDING ENROLLMENT IN KINDERGARTEN?**

Yes.

If a recommendation of the PET is that those special education services be available during the summer months. This is an area in which coordination and collaboration between the CDS and SAU's is crucial. Ideally, a PET could be held in the spring prior to kindergarten entrance and if summer programming is recommended, the CDS site and the SAU work cooperatively to provide the service.

## **6. WHO WOULD BE RESPONSIBLE FOR THE COST OF THESE SERVICES?**

The CDS system will assume the fiscal responsibility for special education services as recommended by the PET during the summer months, prior to entrance into kindergarten in the fall.

## **V. IDENTIFICATION AND EVALUATION OF PRESCHOOL EXCEPTIONAL CHILDREN**

### **OVERVIEW**

Both EHA-B Regulation 300.342 and Maine's Chapter 101, 9.8 state an Individualized Educational Plan (IEP) must be in place for every (exceptional) child at the beginning of the school year. It must be in effect before special education programs and services are provided to a child and must be implemented as soon as possible following the meeting held to develop the IEP. In Maine this meeting is known as a Pupil Evaluation Team meeting or PET. Children in the CDS system have been evaluated and with their families as members of a multidisciplinary team, have had an Individualized Family Service Plan (IFSP) developed. This plan contains all the components of an IEP and is developed at an Early Childhood Team (ECT) meeting. A component of this plan is provision for transition into the public school system. CDS and local SAU's will work together to facilitate this transition. If it is determined that a child identified by the CDS system and eligible for public school in September is in need of special education services during the summer months, both the site and SAU will work together to assure those services are provided.

#### **1. WHO HAS THE RESPONSIBILITY FOR IDENTIFYING AND EVALUATING PRESCHOOL EXCEPTIONAL CHILDREN ENTERING AN SAU PROGRAM FOR PRESCHOOL EXCEPTIONAL CHILDREN?**

Children entering an SAU preschool program and not already identified and evaluated by the CDS site (with an IFSP in place) will be evaluated as part of the ECT process upon referral from the SAU. Preschool exceptional children will receive an IFSP, even if the program or service is provided by the SAU. The IFSP will become the IEP when the child becomes school-aged five (five on or before October 15).

#### **2. WHO HAS THE RESPONSIBILITY FOR IDENTIFYING AND EVALUATING PRESCHOOL EXCEPTIONAL CHILDREN ENTERING A KINDERGARTEN OPERATED BY AN SAU?**

The Pupil Evaluation Team is responsible for determining if a preschool exceptional child who will be entering kindergarten is eligible for special education programs and services. If the child is determined eligible, the PET must develop the IEP and determine the least restrictive educational alternative in which the IEP is to be implemented. If a child has an IFSP, the recommendations and evaluative data of the ECT will be considered at the PET meeting. ECT members may be participants at the PET meeting.

If an SAU determines that further evaluations, in addition to those provided by the ECT, are required to determine eligibility of the child for special education services, it is the responsibility of the SAU to provide those evaluations.

#### **3. WHAT ARE THE RELATIONSHIPS BETWEEN IEP/IFSP AND PET/ECT?**

The IEP is a written document which defines the education deemed appropriate for the child. It is the basis for educational programming and placement and is developed at Pupil Evaluation Team (PET) meeting. The PET includes the parent as an integral part, recommends necessary evaluations; determines a child's eligibility for special education programs and services; develops the IEP; and determines the least restrictive alternative in which the IEP may be implemented.

The IFSP is also a written plan and specifies services to a preschool exceptional child and the child's family. It is developed jointly with parents (if they choose) and

appropriate qualified personnel at an Early Childhood Team (ECT) meeting. The IFSP is based on a multidisciplinary evaluation and assessment of the child and the child's family and would include in the plan services necessary to enhance the development of the child and the capacity of the family to meet the special needs of the child and provisions for transition of the child. In Maine, the IFSP document contains all the components of an IEP may be accepted as such.

#### **4. HOW SHOULD THE TRANSITION OF THE CHILD FROM A PRESCHOOL SETTING TO THE SAU BEST BE FACILITATED?**

SAU's should work closely with CDS sites to assure the smooth transition of the child to the SAU's program for preschool exceptional children. CDS sites can aid the process by working closely with parents and school staff. Planning for transition should be done well in advance with adequate time allowed to prepare the child, parents and school staff. The guidelines in the state transition plan process should be followed (Transition Planning from the Early Intervention System to Kindergarten).

#### **5. WHAT CRITERIA SHOULD BE USED FOR IDENTIFYING PRESCHOOL EXCEPTIONAL CHILDREN TO SERVE IN SAU PRESCHOOL PROGRAMS?**

The Criteria for Eligibility - Comprehensive Service Delivery System for Birth - 5 Handicapped and At-Risk Infants and Children and Their Families should be used when identifying children to serve in preschool programs. These criteria have been developed using EHA-B and Maine Special Education Regulations, Chapter 101 definitions of "handicapped children" and "exceptional student". In addition, category 12, "Developmental Delay", may be used with preschool exceptional children.

#### **6. IS THE BASIS FOR IDENTIFYING PRESCHOOL EXCEPTIONAL CHILDREN THE SAME AS SCHOOL AGED EXCEPTIONAL CHILDREN?**

While criteria are similar, children transitioning into a kindergarten program will be eligible for special education services if they meet the eligibility criteria found in Maine Special Education Regulations, Chapter 101. In evaluating these children SAU's must consider evaluative data from at least two persons qualified to administer the assessment, one of whom must be a teacher or specialist with knowledge in the area of the suspected exceptionality. Classroom observation and the results must also be considered in making a determination of eligibility for special education.

#### **7. ARE THERE ALTERNATIVES FOR CHILDREN WHO ARE ELIGIBLE UNDER THE CDS CRITERIA BUT NOT ELIGIBLE UNDER THE MAINE SPECIAL EDUCATION REGULATIONS?**

Yes.

Children not meeting the criteria for special education services under Maine Special Education Regulations may be eligible for services under Section 504 of the Rehabilitation Act of 1973 (as amended). "Handicapped under Section 504 is defined as a physical or mental impairment which substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment. Further clarification of each of these items are provided in Subpart A 104.3 of the Rehabilitation Act of 1973 (as amended).

**8. IF AN SAU HAS ANY QUESTION ABOUT THE EXCEPTIONALITY AND IFSP OF A STUDENT TRANSITIONING FROM A CDS PROGRAM OR SERVICE CAN THEY PLACE THE STUDENT IN THE REGULAR CLASS AND MONITOR THE STUDENT'S PROGRESS?**

Yes.

Maine Special Education Regulations, Chapter 101, 5.2 allow for the provision of monitoring services "to exceptional students who have been transitioned from a special education program into a regular education program. The purpose of monitoring services is to assist the student to effectively transition into a less restrictive educational alternative."

**9. ARE THERE SPECIFIC REQUIREMENTS THAT MUST BE FOLLOWED IF AN SAU UTILIZES THE MONITORING PROVISION UNDER CHAPTER 101, 5.2?**

Yes.

Regular observations and meetings by special education personnel and the child's teacher to discuss the student's program and progress must occur. The frequency of meetings shall be established by the PET, but held no less than quarterly. The monitor services shall be included in the child's IEP and shall be limited to no more than one year.

**10. WHAT EVALUATIONS WOULD BE ACCEPTED BY A PET FROM A CDS SITE?**

Maine Chapter 101, 8.10 states, "The focus of evaluations shall be upon observable and measurable performance rather than causality or etiology. The assessment of functional skills and the development of chronologically age appropriate skills in a normalized, integrated setting shall be the basis for evaluation recommendations." However, it is important to consider, in addition to standardized testing, observations and informed clinical judgment from licensed professionals.

**11. WHAT QUALIFICATIONS SHOULD THE EVALUATOR HAVE SO THAT THE EVALUATIONS WILL BE ACCEPTED BY THE PET?**

Individuals, whose assessments or evaluations are to be considered by the PET must meet the professional qualifications of the publishers of the assessment or evaluation instruments and meet the appropriate state certification standards and/or licensure.

## **VI. SERVICE DELIVERY FOR PRESCHOOL EXCEPTIONAL CHILDREN**

### **OVERVIEW**

Free, appropriate public education (FAPE) in the least restrictive environment (LRE) are two basic tenets of EHA-B. Preschool exceptional children are guaranteed these rights also. EHA-B Regulation 300.550 states, "that to the maximum extent appropriate, handicapped children....are educated with children who are not handicapped". Only "when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily" can alternatives be explored. Comments to the regulation state that placement decisions must be made on an individual basis. The requirement for LRE extends to preschool exceptional children also (Comments, Reg. 300.552 - EHA-B). Public agencies providing preschool programs for nonhandicapped children must ensure that the preschool exceptional child is educated in the school he or she would attend if not handicapped. This does not require SAU's to provide preschool programs for all 3-5 years olds, but does allow them to use alternative methods for meeting the requirement under LRE. The Interdepartmental Standards for Family Focused Early Intervention should be used to develop SAU preschool programs.

#### **1. WHAT ARE APPROPRIATE PROGRAMS FOR PRESCHOOL EXCEPTIONAL CHILDREN ENTERING SAU PRESCHOOL PROGRAMS?**

Ideally, SAU's choosing to provide services for preschool exceptional children would do so in a setting in which these children are integrated into a preschool program with nonhandicapped peers. However SAU's are not required to establish programs for nonhandicapped preschool children in order to meet the least restrictive requirements of the federal law. When an SAU does provide a preschool program for non-handicapped children, it should ensure that handicapped children are integrated into that program when the IFSP calls for an integrated program.

#### **2. WHAT ALTERNATIVE MAY AN SAU USE TO ASSURE LRE?**

SAU's should work with the CDS sites to make a continuum of appropriate placements available to preschool exceptional children. Provisions can be made to place children in other preschool programs operated by public agencies (i.e., Head Start), in private programs for nonhandicapped preschool children or private programs that integrate handicapped and nonhandicapped children. (Comments, Reg. 300.552 - EHA-B).

#### **3. WHAT SERVICES SHOULD BE PROVIDED FOR THESE CHILDREN?**

MRSA 20-A Section 7702.16 defines special education for preschool exceptional children as, "classroom, home, hospital, institutional or other instruction; educational diagnosis and evaluation; transportation and other supportive assistance, services, activities or programs. This reflects the language in the Maine Special Education Regulations, Chapter 101, 2.19.

**4. ARE PRESCHOOL EXCEPTIONAL CHILDREN (3-5) PROTECTED UNDER THE DUE PROCESS REQUIREMENTS AND DUE PROCESS HEARINGS AS OUTLINED IN THE MAINE SPECIAL EDUCATION REGULATIONS, CHAPTER 101 (10.1-12) AND (11.1-11.3)?**

Yes.

All the provisions of Due Process in Chapter 101 apply to preschool exceptional children.

**5. DOES THIS INCLUDE THE PROGRAM UNDER CHAPTER 101 FOR SURROGATE PARENTS (10.6)?**

Yes.

All the provisions for surrogate parents in Chapter 101 apply to preschool exceptional children.

**6. WHO WILL BE RESPONSIBLE FOR ADMINISTERING THESE PROVISIONS?**

The MDOE, Division of Special Education will be responsible for administering both the Due Process and Surrogate Parent provisions of Chapter 101 for preschool exceptional children.

**7. DO THE PROVISIONS OF FREE APPROPRIATE PUBLIC EDUCATION (FAPE) - CHAPTER 101 (1.2), AND LEAST RESTRICTIVE ALTERNATIVE (LRE) - CHAPTER 101 (9.2), APPLY TO PRESCHOOL EXCEPTIONAL CHILDREN?**

Yes.

Furthermore, the federal definition of FAPE [CFR 300.4(c)] states, "Includes preschool, elementary school, or secondary school education in the State involved...".

Comment to Reg. 300.522 (LRE Placements) states, "The requirements of Reg. 300.552, as well as other requirements of Regs. 300.550-300.556, apply to all preschool handicapped children who are entitled to receive a free appropriate public education. Public agencies that provide preschool programs for nonhandicapped children must ensure that the requirements of Reg. 300.552(c) are met." If a public agency does not operate a preschool program for nonhandicapped children, alternative methods for meeting the requirements of Regs. 300.550 - 300.556 can be provided, including those addressed in question 2 of this section.

## **VII. CHILD COUNT FOR PRESCHOOL EXCEPTIONAL CHILDREN AND RELATIONSHIP TO LOCAL ENTITLEMENT FUNDING OVERVIEW**

Under the provisions of EHA-B, SAU's receive federal funds. This represents 75% of the state's total grant award under EHA-B and these funds are referred to as "local entitlement funds". The amount of local entitlement funds each SAU receives is based upon the December 1 count of children who are receiving special education services (Child Count). In order to receive these funds, each unit must submit an Application for Local Entitlement Funds for Approval (EF-S-08) to the Division of Special Education. Child Count fulfills the requirement of EHA-B Regulations 300.750 - 300.754 - Annual Report of Children Served. This report and the requirements which relate to it are for allocation purposes only and reflects the number of children, aged three through 21, who are handicapped and receiving special education and related services. The numbers are limited to 12% of the general school population. If a state has more than 12% of its general school population who are handicapped, it must still make a free, appropriate public education available to all of those handicapped children. In Maine, Child Count for these children is conducted through the 16 CDS sites. The EF-S-05 form is used for this count.

### **1. WHEN ARE PRESCHOOL EXCEPTIONAL CHILDREN (3-5) COUNTED FOR THE PURPOSE OF GENERATING EHA-B FUNDS?**

Preschool exceptional children are counted on December 1st of each year, at the same time as the five through twenty-one count, for the purpose of generating these funds.

### **2. WHO IS RESPONSIBLE FOR COUNTING PRESCHOOL EXCEPTIONAL CHILDREN THREE TO NOT YET SCHOOL-AGED FIVE?**

CDS sites are responsible for counting all preschool exceptional children three to not yet school-aged five served either by them, SAU's or other service providers.

### **3. HOW DO THE CDS SITES COLLECT THE COUNT FROM SAU'S AND OTHERS PROVIDING SERVICES TO PRESCHOOL EXCEPTIONAL CHILDREN?**

SAU's and others providing services to preschool exceptional children are required to report these children to the CDS site on forms provided by the site. These forms require the same information as reported on the EF-S-05 for all exceptional students, ages 3-21.

### **4. HOW DO SAU'S GET CREDIT FOR PRESCHOOL EXCEPTIONAL CHILDREN IF THESE CHILDREN ARE REPORTED TO THE CDS SITES?**

The CDS sites report their count to the State CDS office. This count is merged with the 5-20 Child Count reported to the Division of Special Education on the EF-S-05 by SAU's and a 3-20 count is generated for each SAU. Currently, local entitlement funds for SAU's is based on the 3-20 Child Count.

**5. ARE THERE ANY EXCEPTIONS TO THIS CHILD COUNT PROCEDURE?**

Yes.

If a state supported private special purpose school (one that serves exceptional children exclusively, (i.e. Portland C.P. Center, Sweetser, Spurwink, etc.); or a state operated program such as Governor Baxter School for the Deaf, serves preschool exceptional children, they provide the count directly to MDOE on December 1st on the EF-S-204A Child Count Form.

NOTE: In both cases cited above, the CDS site would not submit a count of these preschool exceptional children.

**6. CAN PRESCHOOL EXCEPTIONAL CHILDREN BE COUNTED FOR GENERAL PURPOSE AID (GPA) ON OCTOBER 1 AND APRIL 1 THEREBY GENERATING THE AVERAGE ELEMENTARY PER PUPIL COST FOR THE SAU?**

No.

**7. MUST PRESCHOOL EXCEPTIONAL CHILDREN IN PROGRAMS SUPPORTED WITH LOCAL ENTITLEMENT FUNDS HAVE INDIVIDUAL EDUCATION PLANS?**

Yes.

Provisions for IEP's must be adhered to. State regulations governing special education procedures relate only to children aged five to twenty. Until the Interdepartmental Standards for Family Focused Early Intervention are promulgated, SAU's should use these as a guide while adhering as closely as possible to present State special education regulations.

**8. MUST PERSONNEL EMPLOYED IN THE OPERATION OF SAU PRESCHOOL PROGRAMS SUPPORTED WITH LOCAL ENTITLEMENT FUNDS MEET STATE STANDARDS?**

Plans are being developed to create an early intervention specialty credential. However, until such a credential exists, SAU's are encouraged to employ certified personnel with training and experience in early childhood education or certified special education teachers.

Educational technicians (aides, assistants, associates, etc.) must be registered and approved by the MDOE, Division of Certification.

Special education services personnel such as speech pathologists, psychologists, physical and occupational therapists must be licensed or certified by authorized State agencies or boards as required by Maine Regulation 16.3.

**9. MUST AN SAU EXPEND A PORTION OF THE FUNDS GENERATED THROUGH CHILD COUNT ON PRESCHOOL EXCEPTIONAL CHILDREN?**

No.

Currently, there is no requirement that local entitlement funds generated on the December 1 count be expended on preschool exceptional children even though they have generated the funds.

**10. CAN AN SAU CHOOSE TO EXPEND A PORTION OF THE FUNDS GENERATED THROUGH P.L. 94-142 (LOCAL ENTITLEMENT FUNDS) CHILD COUNT ON PRESCHOOL EXCEPTIONAL CHILDREN?**

Yes.

If SAU's have no "first priority" students (identified but not being served) or "second priority" students (identified but underserved), they may expend Local Entitlement funds on the education of preschool exceptional children. This must be reflected in the Local Entitlement Application (EF-S-08) and approved by MDOE.

However, if after a Program Review by MDOE, violations are found in the special education program for 5 through 20 year olds, resources must be redirected to meet compliance violations.

**11. MAY SAU'S FLOW THESE FUNDS THROUGH CDS SITES IN ORDER TO PROVIDE SERVICES TO PRESCHOOL EXCEPTIONAL CHILDREN WITH HANDICAPS?**

Yes.

In instances where the CDS site may be able to provide services for preschool exceptional children, SAU's may choose to flow funds through the CDS site. In these cases:

- a) the plan for the use of the funds should be represented in the SAU's Local Entitlement Application; and
- b) a written agreement between the SAU and the CDS site should exist specifying the amount of funds involved and the services which the site will obtain for that SAU's children. A copy of this agreement should be on file in the Division of Special Education, and;
- c) their first and second priority children (5-20 years of age) are served and there are no compliance violations identified through MDOE Program Review.

The distribution of these funds are subject to all contractual procedures (EF-S-03) of the MDOE.



## **VIII. PRESCHOOL PROGRAMS OPERATED BY SCHOOL ADMINISTRATIVE UNITS AND INCLUDED FOR STATE SUBSIDY**

### **OVERVIEW**

Chapter 499 "An Act to Amend and Clarify the Laws Relating to Services to Infants and Young Children, Ages 0 through 5, Who are Handicapped or At-Risk for Developmental Delay", amended MRSA 20A. Section 11 sub-section 7722 and allows authorized expenditures to SAU's for services to infants and children who are handicapped or at-risk for developmental delay.

#### **1. WHAT ARE THE GOVERNANCE AND FISCAL RESPONSIBILITIES IF AN SAU DECIDES TO PARTICIPATE UNDER THE PROVISIONS CITED IN MRSA 20 SECTION 11, SUBSECTION 7722?**

The School Board responsible for operating the preschool service shall assume the financial responsibility for the program. It shall receive the state subsidy for the program and may charge tuition for costs which exceed expenditures made for those programs in the base year.

#### **2. WHEN AND HOW ARE PRESCHOOL EXCEPTIONAL CHILDREN COUNTED FOR THE PURPOSE OF GENERATING STATE FUNDS?**

Preschool exceptional children are counted by July 15 on Program 11 (Preschool Handicapped) of the EF-S-02, Special Education Program Report. SAU's report the operating cost of these programs on the EF-S-02 to generate subsidy on preschool exceptional programs and services they provide.

#### **3. WHAT DOES PROGRAM APPROVAL CONSIST OF?**

At present, only programs initiated with state or federal grant monies are considered to have program approval. Future program approval will be based upon the Interdepartmental Standards for Family Focused Early Intervention.

#### **4. MUST CHILDREN IN THESE PROGRAMS HAVE INDIVIDUAL EDUCATION PLANS OR INDIVIDUAL FAMILY SERVICE PLANS?**

Yes, remembering that children may also be served if there is an IFSP, since the components of an IEP are incorporated in the IFSP.

#### **5. WHAT ARE ALLOWABLE EXPENDITURES TO BE REPORTED ON PROGRAM 11 OF THE EF-S-02?**

SAU's may report the salaries of personnel employed in the program, specifically special education teachers and educational technicians (formerly teacher aides, assistants, and associates).

They may also report any contracts with supportive service personnel (speech therapists, OT's, PT's, etc.) necessary for the operation of the program.

#### **6. MUST PERSONNEL EMPLOYED IN THE OPERATION OF AN SAU'S PRESCHOOL PROGRAM MEET STATE STANDARDS?**

Plans are being developed to create an early intervention specialty credential.

However, until such a credential exists, SAU's are encouraged to employ certified personnel with training and experience in early childhood education or certified special education teachers.

Educational technicians (aides, assistants, associates) must be registered and approved by MDOE, Division of Certification.

Supportive service personnel, employed or contracted to provide services to the preschool program (speech pathologists, psychologists, physical and occupational therapists, etc.) must be licensed or certified by authorized State agencies or boards as required by Maine Regulation 16.3.

**7. CAN STATE OR FEDERAL GRANTS AWARDED TO THE SAU FOR THE OPERATION OF A PRESCHOOL PROGRAM BE CONSIDERED AS LOCAL EXPENDITURES WHEN REPORTING ON PROGRAM 11 OF THE EF-S-02?**

Yes.

SAU's may consider these grants as local expenditures when reporting total program expenditures on Program 11 of the EF-S-02.

**7A. MUST AN SAU EXPEND FUNDS GENERATED THROUGH THE STATE SUBSIDY TO PRESCHOOL EXCEPTIONAL CHILDREN?**

Yes.

Currently, MRSA 20-A, Section 7722.5 requires that, "Funds generated under the state subsidy through expenditures for programs for infants and children, ages 0 through 5, who are handicapped or at-risk for developmental delay shall be committed to continue to fund programs and services for the target population at the local level."

**8. CAN SAU'S REPORT THE RECEIPTS OF THIRD PARTY PAYMENTS FOR SERVICES RENDERED BY THE PROGRAM AS A LOCAL EXPENDITURE ON THE EF-S-02?**

Yes.

However, only 20% of the third party payment may be considered as local expenditure when reporting on the EF-S-02.

**9. WHEN WILL THE SAU RECEIVE FUNDING FROM MDOE FOR PRESCHOOL PROGRAMS WHICH IT OPERATES?**

Subsidy to SAU's are received by the unit approximately 2 years after it has operated the program and filed the EF-S-02, Program 11 report.

**10. WHAT HAPPENS IF THE PRESCHOOL PROGRAM OPERATED BY AN SAU CEASES TO OPERATES?**

Expenditures incurred to June 30 will be reported on the Program 11 of the EF-S-02. No reports for preschool programs will be filed on the Program 11 of the EF-S-02 after June 30.

**11. CAN SAU'S TUITION PRESCHOOL EXCEPTIONAL CHILDREN TO APPROVED PROGRAMS OPERATED BY ANOTHER SAU AND CLAIM SUBSIDY ON THESE EXPENDITURES?**

Yes. These tuition expenditures must be reported on the EF-S-07 "Request for Subsidy Allocation of Tuition and Board for Exceptional Students."

**12. MUST AN EF-S-01 BE FILED ON PRESCHOOL EXCEPTIONAL CHILDREN TUITIONED TO APPROVED PROGRAMS OPERATED BY ANOTHER SAU?**

No.

**13. CAN SAU'S TUITION PRESCHOOL EXCEPTIONAL CHILDREN TO PRIVATE SCHOOLS OR AGENCIES AND CLAIM SUBSIDY ON THESE COSTS?**

No.

**14. DO SAU'S HAVE TO OPERATE THE PROGRAM TO RECEIVE STATE SUBSIDY UNDER THIS PROGRAM?**

Yes.

**15. CAN SAU'S HAVE OTHER AGENCIES OPERATE A PROGRAM FOR THEIR PRESCHOOL EXCEPTIONAL CHILDREN AND STILL RECEIVE STATE SUBSIDY UNDER THIS PROGRAM?**

No.

**16. DO SAU'S THAT OPERATE PROGRAMS FOR PRESCHOOL EXCEPTIONAL CHILDREN RECEIVE ADDITIONAL FEDERAL FUNDS OTHER THAN LOCAL ENTITLEMENT FUNDS FOR THESE CHILDREN?**

Yes.

SAU's who claim subsidy on the EF-S-02, Special Education Program Report, Program 11 (Preschool Handicapped) must identify the number of preschool exceptional children served through June 30th. This count generates P.L. 99-457, Section 619 funds.

**17. WHAT ARE P.L. 99-457, SECTION 619 FUNDS?**

Section 619 funds provide federal financial assistance to States under the revised Section 619 of Part B of the EHA-B (EHA Sec. 1419) to provide special education and related services to children, 3 through 5, who are handicapped. This replaces the Incentive Grants program with a new Preschool Grants for Handicapped Children program (Preschool Grants). The purpose of the grants is to assist in the provision of rights and protections already established under EHA-B and include the right to a free, appropriate, public education, in the least restrictive environment and with the availability of due process procedures.

**18. CAN SECTION 619 FUNDS BE REDIRECTED TO CDS SITES TO SUPPORT SERVICES FOR PRESCHOOL EXCEPTIONAL CHILDREN FROM THE SAU CATCHMENT AREA?**

Yes.

In instances where the CDS site may be able to provide services for preschool exceptional children, SAU's may choose to flow funds through the CDS site. In these cases:

- a) the plan for the use of the funds should be represented in the SAU's Distribution Plan and accompanying budget; and
- b) a written agreement between the SAU and the CDS site should exist specifying the amount of funds involved and the services which the site will obtain for that SAU's children. A copy of this agreement should be on file with CDS. CDS has the authority to approve or disapprove the agreement.

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**CDS - Lincoln County Preschool Project**  
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563-1411

**CDS - CO-STEP**  
237 Oxford Street  
Portland, ME 04103  
874-8082

**CSD - Opportunities for Preschool Children**  
P.O. Box 272, Main Street  
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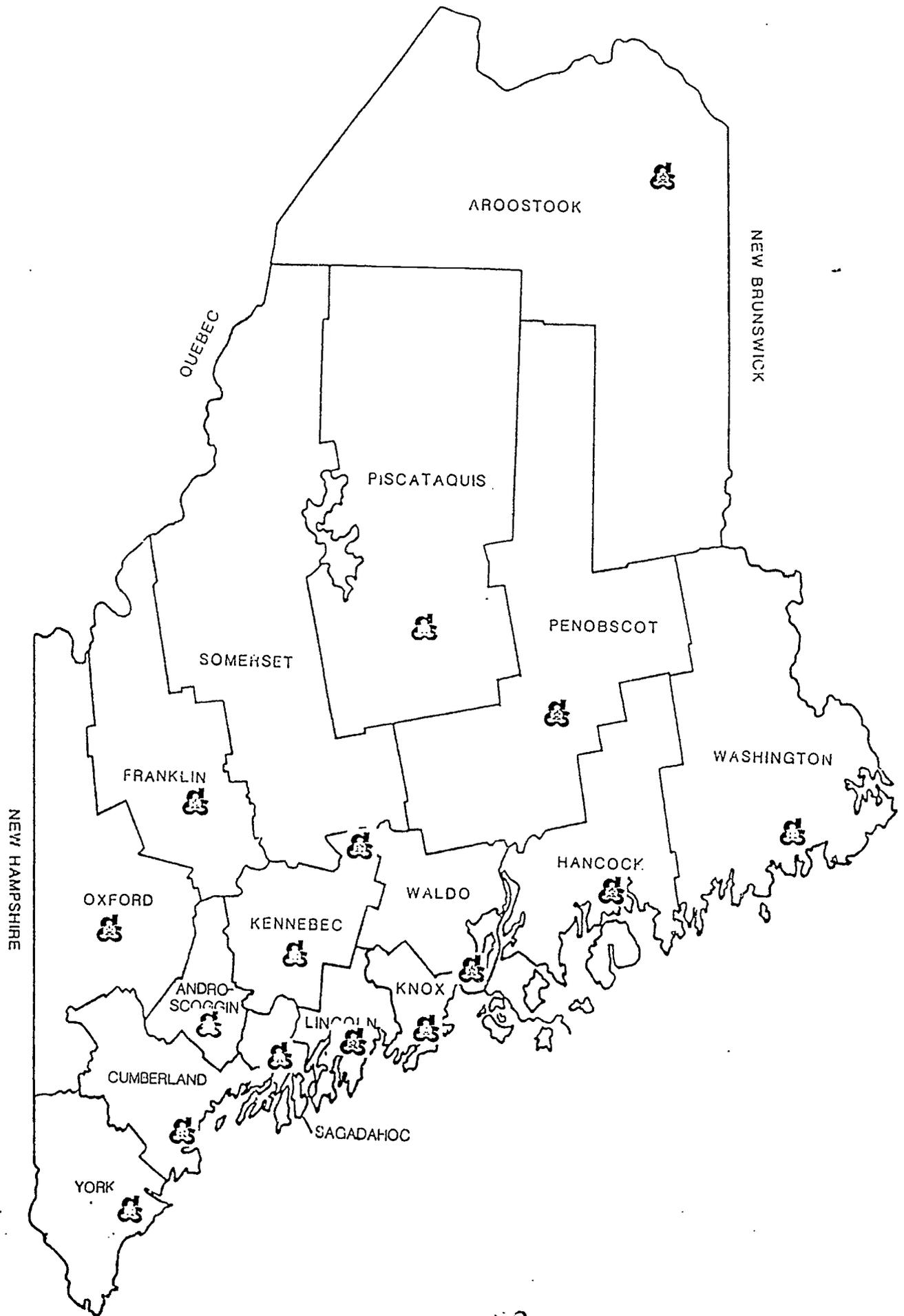
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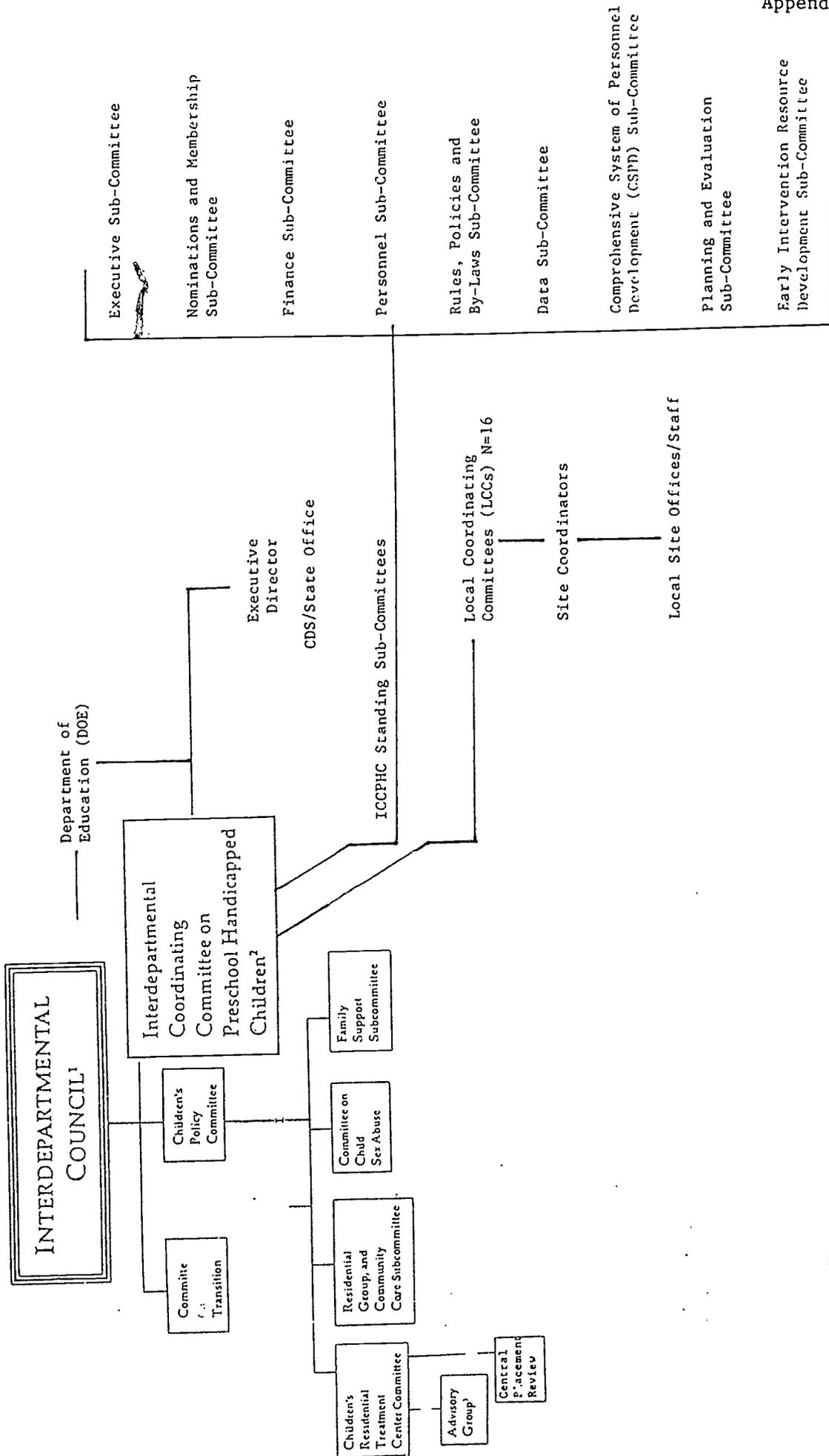
**CDS - Franklin County**  
Mt. Blue Health Center  
RR #4, Box 5122A  
Farmington, ME 04938  
778-6262

**CDS - A.P.P.L.E. - Aroostook County**  
One Vaughn Place, Suite 340  
Caribou, ME 04736  
493-6687 or 498-3749

**CDS - So. Kennebec Preschool Program**  
RR #5, Box 1920  
Augusta, ME 04330  
623-4989



# COMMITTEE STRUCTURE



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EF-S-03 - Request for Special Education Contract Approval

EF-S-05 - Enrollment of Exceptional Students

EF-S-07 - Request for Subsidy Allocation of Tuition and Board for Exceptional Children

EF-S-08 - Application for Expenditure of Local Entitlement Funds

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