



RIGHTS AND PROTECTIONS FOR PRESCHOOLERS WITH DISABILITIES AND DEVELOPMENTAL DELAYS AND THEIR FAMILIES

DOES YOUR CHILD HAVE AN INDIVIDUALIZED EDUCATION PLAN (IEP)?

ARE YOU IN THE PROCESS OF AN EVALUATION OR A REFERRAL FOR AN EVALUATION FOR IEP ELIGIBILITY?

DOES YOUR CHILD HAVE AN INDIVIDUALIZED FAMILY SERVICE PLAN (IFSP), AND ARE THEY TURNING THREE SOON?

If you answered YES to either question, read below to learn about how your child can receive the special education and related services and supports that they are legally entitled to while also still participating in the early childhood program that best fits your family's needs.

KEY TAKEAWAYS FOR FAMILIES

- **IEP services should come to your child - not the other way around. Traditionally, schools have served children with IEPs who are enrolled in community-based settings by having them leave their regular classroom midday to receive services, but this can be disruptive to children and families.**
- Federal law says that your child can be enrolled in child care, Head Start, other publicly-funded early childhood settings (Preschool for All) and private early childhood settings and still receive their preschool special education and related services in that setting – depending on what makes the most sense for your family and your child's individual needs.
- If your child is transitioning out of Early Intervention services, you do not need to wait until your child's first IEP meeting to start planning for their preschool enrollment.
 - You can start your search for a preschool program through the [Illinois Cares for Kids portal](#) and/or by contacting your local [Child Care Resources & Referral agency \(CCR&R\)](#).
- Your child is not required to attend a particular early childhood program - including the school district preschool program, if one exists in your community. If your child has a slot at a Head Start or other child care program, they can enroll there.
- There are many reasons why a family may want their child to be enrolled in a particular child care program. These are all important reasons to discuss in your child's IEP meeting:
 - Full-day, full-year services
 - Proximity to work or home
 - Another sibling is enrolled in the same program
- If your child is enrolled in Head Start, your program is required to support you throughout the IEP process, with your permission. The district must include them in your IEP meeting if you choose.
- The school district must also include Early Intervention providers or other professionals that are supporting your family in your IEP meetings if you choose to include them.

In November 2023, the federal Departments of Education and Health and Human Services released a policy statement that sets expectations for states, school districts, early childhood education programs, other early childhood personnel, and families to support young children with disabilities and developmental disabilities to thrive across a range of early childhood settings. At a high-level, federal law reaffirms that **young children with disabilities are entitled to receive support to fully participate and thrive in the early learning program that they would attend if non-disabled, including child care, Head Start, other publicly-funded early childhood settings. (Preschool for All) and private early childhood settings.**

KEY TERMS TO REMEMBER

- **IDEA Part B 619:** authorizes additional preschool formula grants to states if they make Free Appropriate Public Education (FAPE) available to all children ages 3–5 with disabilities
- **Least Restrictive Environment (LRE)** is the language in the law (Part B of the Individuals with Disabilities Education Act (IDEA)) that makes it so children with IEPs must receive their special education and related services with typically developing peers to the greatest extent possible, across a continuum of settings
- **Inclusion** means the values, policies, and practices that support a child having full membership in their classroom and community, regardless of ability
- **Special education and related services:** services, with dates, times and duration, provided to the child or on behalf of the child; includes any needed supplementary aids and services, adaptations, or supports for the child and training necessary for school personnel.

<u>Federal guidance</u>	What this means for families
"IDEA's FAPE and LRE requirements should not be interpreted as prioritizing or allowing IDEA preschool special education and related services to be delivered only in preschool programs operated in a public-school building; child care, Head Start, other publicly-funded, and private early childhood settings can be used to provide FAPE"	Your child can be enrolled in child care, Head Start, other publicly-funded early childhood settings (Preschool for All) and private early childhood settings and still receive their preschool special education and related services in that setting– depending on what makes the most sense for your family and your child's individual needs.
"In determining placement options for a child with a disability who already participates in a regular public early childhood program, including publicly funded community-based programs operated by a public agency or private entity other than an LEA, Part B of the IDEA presumes that the first placement option considered is the current public early childhood setting the child is attending, even if the LEA operates an equally inclusive early childhood program."	At your child's first IEP meeting, the IEP team will discuss appropriate services, including goals, services, location of services. If your child is already enrolled in an early childhood program – including Head Start, or other child care program – the IEP team must first explore if this setting can meet your child's needs, along with any needed aids and support. Your input is an important and necessary part of this conversation about where your preschooler will receive their IEP services. Staff from your child's preschool, whether they are in Head Start or another community child care program, can join your child's IEP meeting if you would like. This might include the classroom teacher or a family engagement specialist. They can help talk about how your child is doing in their classroom and what supports they may need.
"if a child in Head Start is identified with a disability and found eligible under the IDEA as a child with a disability the IDEA requires that the first consideration should be that their special education services will be provided in their Head Start program. Policies and procedures should be clear that families should not be given an "either/or" option, such that they must choose between Head Start or special education services."	A family should never have to choose between attending the early learning program of their choice and receiving special education services. If your child is already enrolled in a Head Start or other child care program, federal law requires that the IEP team first consider whether your child can be supported, with aids and other supports, to remain in this program and receive their IEP services in their regular classroom.

GUIDING QUESTIONS FOR THE IEP MEETING: DISCUSSING SERVICES IN THE LEAST RESTRICTIVE ENVIRONMENT (LRE)

Adapted from the [*Early Childhood Technical Assistance Center guide for Making Sound Preschool LRE Decisions*](#)

Once the IEP team has documented a child's strengths, needs, developed goals for the child, and considered special factors, the team may begin to discuss placement. **The discussion begins with the supplementary aids and services a child would need to have their IEP successfully implemented in the early childhood program they attend (if any) or in a regular early childhood program including Head Start and community child care/preschool programs.** It is critical that the needs of the family are considered. Many families need to access child care to be able to work. **A family should never have to choose between attending the child care of their choice and receiving special education services.** You can review these questions beforehand and think about your child's needs, your family's preference, as well as any questions for the IEP team. These questions are designed to guide the placement discussion; you don't have to ask or consider each question at every meeting, but these are examples of what the IEP team should consider. The IEP team should supplement these questions as needed.

For children attending a regular early childhood program like Head Start, community-based child care:

Current Enrollment

- Is the child currently enrolled in a regular early childhood program?
- How is the child doing in the early childhood program they are attending?
- What supports are already being offered in this environment?

Continue the discussion with these questions, or begin here for children who do not attend a regular early childhood program:

Family Preference

- Does the family want the child to remain in the current program?
- What are the preferences of the family regarding placement and location?
- Will the family be able to visit setting options before agreeing to the proposed placement?
- Does the family require full day care?

Transportation/Transition

- Will transitions for the child be reduced or increased in this setting?
- Will time in transport to the setting be similar to transport time for children without disabilities?
- How would transit time impact the child's learning time and the length of their day?
- Will the parents have children in different elementary schools?

IEP Placement

- What supports would the child need to be successful?
- Can the IEP be implemented in the regular early childhood program with needed supports?
- Will the proposed placement allow the family to access child care, if needed?
- Will the regular early childhood program support the collaboration and specialized instruction for the child?
- What are the benefits for the child and family?
- Are there other placements that may be best for this child, and why?
- Does the team agree that the early childhood placement is the appropriate option?