OSEP Monthly Technical Assistance Call

August 11, 2022
Agenda

▶ Welcome and Announcements

▶ Preschool Inclusion
  ▶ Requirements, Data, and Collaborations
  ▶ TA Resources and Support

▶ Questions
Welcome and Announcement

- **2022 Agency Equity Plan related to Executive Order 13985**

- **OSEP and the Office for Civil Rights (OCR) comprehensive guidance package** to help schools and early childhood programs in supporting children with disabilities and to avoid discriminatory use of discipline practices
Preschool Inclusion

Data, Collaborations, Resources
Preschool LRE

- Part B: Least Restrictive Environments

34 CFR §§300.114-120

- Dear Colleague Letter
Preschool Environments Reporting Requirements

- Indicator 6: Percent of children with IEPs aged 3, 4, and aged 5* who are enrolled in a preschool program attending a:
  
  A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and
  
  B. Separate special education class, separate school or residential facility.
  
  C. Receiving special education and related services in the home.
     
     • Universal TA Document updates

*5 year olds in Kindergarten reported in Indicator 5
SPP/APR Indicator 6a: Children attending a regular early childhood program (RECP) and receiving the majority of special education services in the program

SPP/APR Indicator 6b: Children who do not attend an RECP, who receive their special education services in a separate class, separate school or residential facility
SEA Responsibilities

- General Supervision
- Equity
- Disproportionality
- Discipline
OSEP’s Discipline & Behavior Guidance Package

www.idea.ed.gov>>resources>>Topic Areas>>Discipline/Behavior Supports
Preschool Discipline

- Preschool students served under IDEA accounted for
  - 22.7 percent of total preschool enrollment
  - 56.9 percent of preschool students who were expelled.

IDEA’s discipline provisions generally apply to preschool aged children with disabilities. (J-1)

Defines and describes:

- Exclusionary Discipline (A-6, C-3, L-1, glossary)
- Informal Removal (C-3, C-6, glossary)
Positive, Proactive Approaches to Supporting Children with Disabilities: A Guide for Stakeholders

- Using an Evidence-Based Approach to Support and Respond to Student Needs
- Investing in School and Educator Capacity
- Federal Funding Available to Address Disparities in, and to Reduce the Use of, Exclusionary Discipline
- Federal Resources to Support State and Local Efforts to Address Disparities in, and Reduce the Use of, Exclusionary Discipline
Coordination and Collaboration
1302.14 (b) Children eligible for services under IDEA. (1) A program must ensure at least 10 percent of its total funded enrollment is filled by children eligible for services under IDEA, unless the responsible HHS official grants a waiver.

(2) If the requirement in paragraph (b)(1) of this section has been met, children eligible for services under IDEA should be prioritized for the available slots in accordance with the program’s selection criteria described in paragraph (a) of this section.

(c) Waiting lists. A program must develop at the beginning of each enrollment year and maintain during the year a waiting list that ranks children according to the program’s selection criteria.
Challenges

► Ongoing Issues
  • Shortages
  • Delays in referrals and evaluations
  • Low enrollment
  • Districts requiring services to be provided in public school district classroom

► OSEP/HS Response
  • Joint letter ensuring IDEA services in HS classrooms
  • MOU Guidance
ECTA Inclusion Efforts

EXECUTIVE ORDER

Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

By authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered—

Section 1. Policy. Equal opportunity is the bedrock of American Democracy, and our diversity is one of our country’s greatest strengths. But for too many, the American Dream remains out of reach. Disparities in our laws and public policies, and in our public and private institutions, have often denied that equal opportunity to individuals and communities. Our country faces converging economic, health, and climate crises that have exposed and exacerbated inequities, while a historic movement for justice has highlighted the unreasonably high costs of systemic racism. Our Nation deserves an ambitious whole-of-government equity agenda that matches the scale of the opportunities and challenges that we face.

It is therefore the policy of my Administration that the Federal Government should pursue a comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality. Affirmatively advancing equity, civil rights, racial justice, and equal opportunity is the responsibility of the whole of our Government. Because advancing equity requires a systematic approach to embedding fairness in decision-making processes, all executive departments and agencies must recognize and work to redress inequities in their policies and programs that serve as barriers to equal opportunity.

By advancing equity across the Federal Government, we can create opportunities for the improvement of communities that have been historically underserved, which benefits everyone. For example, an analysis shows that closing racial gaps in wages, housing credit, lending opportunities, and access to higher education would amount to an additional $2 trillion in gross domestic product in the American economy over the next 5 years. The Federal government’s goal in advancing equity is to provide everyone with the opportunity to reach their full potential. Consistent with these aims, each agency must assess whether, and to what

OSEP FAST FACTS

Percent of Students with Disabilities, Ages 3 through 5, by Educational Environment, Served Under IDEA, Part B, in the US, Outlying Areas, and Freely Associated States: SY 2018-19

- Age 3: 24.6%
- Age 4: 45.5%
- Age 5: 21.7%
- Home: 6.3%

Indicators of High-Quality Inclusion

1) Focused State Leadership Team
2) Network of Implementation Coaches
3) Implementation and Demonstration Sites
4) Data and Evaluation
Indicators of High-Quality Inclusion: A Union of Implementation and Improvement Science

Implementation Science

“Methods or techniques used to enhance the adoption, implementation, and sustainability” of a practice (Proctor et al., 2013).

- Systems are central focus of support for effective use of practices
- Uses bi-directional feedback loops
- Practices selected based on local need and fit
- Aligns initiative and leverages resources to meet coherent goals
- Iterative cycles of data guide improvement
- Follows a stage-based approach to change

Improvement Science

A methodology that uses cycles of inquiry to learn what is needed to improve practice (Bryk et al., 2015).

- Problem specific and user focused
- Address variation in performance
- Cannot improve what cannot be measured
- Anchors improvement in disciplined inquiry
- Sees the system
- Accelerates improvement through networked communities

The goal is not to answer factual questions about what is, but rather to determine what is required.”

National Implementation Research Network, 2015 Implementation Science

They knew what they wanted to happen but were now trying to figure out how to get it to happen.”

Bryk et al., 2015 Improvement Science
GOAL: To Increase Access to High Quality Programs that Include and Actively Support the Participation of Children with Disabilities

State Indicators
- Key infrastructure elements
- Evaluate and enhance state supports

Community Indicators
- Community-wide vision for early childhood inclusion
- Support to community level programs

Local Program Indicators
- Support program staff in providing high quality inclusive practices with children and families

Early Care and Education Environment Indicators
- Evidence-based practices
- Improve classroom teaching practices and environments
- Maximize access, meaningful participation, and developmental outcomes

https://ectacenter.org/topics/inclusion/indicators.asp
Important Early Data from TA Recipients

**STATE #1**

**Action Plan Examples:**
- Build public awareness: #elevateinclusion
- Incentivizing providers who provide inclusive placements
- Professional development and coaching support through the CCR&R
- Increased collaboration for cross-sector Professional Development (Coaching and training)

**Actual Community Results:**
LRE went from 18% to 28% in one year

**STATE #2**

**Preschool Educational Environments (ages 3-5 Summary)***

<table>
<thead>
<tr>
<th>SPP Indicator</th>
<th>Indicator Description</th>
<th>2021-22 District Data</th>
<th>2021-22 State Target</th>
<th>District Met State Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>6a</td>
<td>Children ages 3-5 in regular early childhood program and receiving the majority of special education and related services in the regular early childhood program</td>
<td>78.57</td>
<td>46.50</td>
<td>Yes</td>
</tr>
</tbody>
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*The desired direction of change for these data would be represented by a percentage increase.*

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Re-Centering Equity: Co-Creation and Review

Next Steps:
- Review of data gathered from pilot state, communities and programs and environments.
- Equity Review of State Indicators is complete.
- Beginning equity review of Early Childhood Education and Environment Indicators and Pivotal Practices Training
- Review with National Partners
Making Sound Preschool LRE Decisions

A Training tool for IEP teams, practitioners, families

• Key Actions within an effective IEP process

8. Begin the placement discussion by considering supplementary aids and services needed in the regular program before considering other placements.

IDEA Regulations: 34 CFR §300.42, 34 CFR §300.320(g)(4)

• Guiding Questions for families & IEP other team members for discussing services in the LRE
Making Sound LRE Decisions Personnel Development Tools

Effective IEP Process Action Review

This document can help document evidence of actions within an effective IEP process for an individual child. It does not represent all required steps in the process.

For more information, guidance, and resources, see Making Sound Preschool LRE Decisions on the ECTA Center website.

<table>
<thead>
<tr>
<th>Action</th>
<th>Description and IDEA Regulations</th>
<th>Yes/No Evidence</th>
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<tbody>
<tr>
<td>1.</td>
<td>Involving families meaningfully as critical members of the team in all aspects of the IEP process, beginning with the referral, and through authentic assessment and evaluation. Throughout the preschool special education process, ensure that the child’s individual strengths and needs, along with the family’s culture, priorities, and preferences, are respected and reflected. Ensure children participating in Part C early intervention programs experience a smooth and effective transition to Part B preschool services.</td>
<td>IDEA Regulations: 34 CFR §300.322</td>
</tr>
</tbody>
</table>
LRE Reference Points and Discussion Prompts

• For practitioner, district, community and state use
• Provides references and guidance
• Organized in Sections with key reference statements and questions
  • The IDEA Mandate
  • LRE Requirements
  • Regular Early Childhood Programs
  • Funding IDEA Preschool Services
  • Accountability
Looking Closer: Regular Early Childhood Programs

Regular Early Childhood Settings

• U.S. DOE, Office of Special Education and Rehabilitative Services (2017). *Dear Colleague Letter on Preschool Least Restrictive Environment*

Reporting Educational Environments

• U.S. DOE. *File Specifications—EDFacts*

Children Already Attending a Public Program

• U.S. DOE, Office of Special Education and Rehabilitative Services (2017). *Dear Colleague Letter on Preschool Least Restrictive Environment*

Transportation

Referring a Preschool Child with a Suspected Disability or Delay for Evaluation for Special Education

Collaboratively developed customizable flyer for Families and Early Childhood Partners

Contains information & references on:

- How to refer a child 3-5
- Consent for evaluation
- Timelines
- Support for families
Welcome to the World of IDEA, Orientation Process

**PROCESS INCLUDES**

- A welcome letter and introduction to TA partners
- Orientation conference calls
- Website materials
- Video overview

**DEVELOPMENT PARTNERS**

- OSEP
- Early Childhood TA Centers
- Infant Toddlers Coordinators Association & National Association of State Directors 619 Affinity Group
- Parent Centers
- Seasoned and new Part C and 619 Coordinators
Improving Data Improving Outcomes Conference
Washington DC, August 21-26
Sessions on Inclusion

• Indicators of High Quality Inclusion (Preconference Workshop)
• Equitable IEP Placement Decisions for Each and Every Child: Requirements and Considerations
• Preschool Child Count & Least Restrictive Environment Data in Flux: the Impact of Removing Children
• Intersectionality, Quality, Inclusion and Race in Early Childhood Systems and Programs
• Working Toward Inclusion for ALL Children When Educators are Stressed to the Max
• State Leadership Panel: Promoting and Implementing Inclusion (with state partners from Oregon, Illinois and Arkansas)
• Meaningful Data Use for State Leadership Teams When Leveraging Multiple State Initiatives (Joint with National Center on Pyramid Model Innovations (NCPMI))
Questions

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Resources

Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government

Executive Order on White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity for Black Americans

OSEP Fast Facts

Indicators of High-Quality Inclusion

Indicators of High-Quality Inclusion National Partners
Resources Continued

Children’s Equity Project Start with Equity Report

Centering Equity in Collective Impact

Making Sound Preschool LRE Decisions

LRE Reference Points and Discussion Prompts

Referring a Preschool Child with a Suspected Disability or Delay for Evaluation for Special Education