



COLORADO
Department of Education

Exceptional Student Services Unit

Teaching and Learning Unit

Guidance Memorandum

Date: March 15, 2016

To: Superintendents
Special Education Directors
Early Childhood Directors
District Business Managers

From: Melissa Colman, Executive Director, Teaching and Learning Unit
Penny Dell, Supervisor of Preschool Special Education
Cathrine Floyd, Program Director, Colorado Preschool Program and Results Matter Program

RE: Guidance for Colorado Preschool Program Funding for Students Eligible for Special Education Services

This guidance is intended to clarify the Department's interpretation of Colorado's statutes and rules relating to the use of Colorado Preschool Programs funds in relation to students with disabilities. Specifically, this guidance relates to C.R.S. § 22-28-106(a)(1)(IV) and CPP Rule 5.08, which provide that a child qualifying for "similar district services under other programs [i.e., other than CPP] would continue to be eligible only for such services and would be funded under such programs."

Based upon information from the field, the Department understands that as a result of its previous interpretation of this language, students who are eligible for special education and related services under federal law have been precluded from receiving funds from the Colorado Preschool Program. This interpretation and practice has meant that students with disabilities are offered less time in general education than students participating in CPP. In some instances, students with disabilities have been offered only a half day of educational services, whereas students eligible for CPP services have received a full day.

This disparity in the amount of services offered, based upon whether or not a child is identified as a child with a disability, raises concerns that the civil rights of students with disabilities are being violated. Accordingly, the Department is revisiting its interpretation of this provision.

As noted above, Colorado statute and rule provide that students who qualify for "similar district services" under other programs will only be funded under such other programs. The Department submits that special education and related services are not "similar district services" to CPP services. As such, there would be no basis to limit a student with a disability from participating in a full day education program such as that offered to a child eligible for CPP.



Therefore, a child who qualifies under IDEA as a child with a disability and thus eligible for a half day of preschool general education may be funded for an additional half day of programming if they meet the eligibility criteria of CPP. For example, if a child has been found eligible under CPP and has been receiving a full day of preschool general education programming and later in the year is determined to have a disability under IDEA, that child may continue to receive a full day of preschool programming.

Questions regarding allowable use of CPP funds in relation to students with disabilities can be addressed to Cathrine Floyd, CPP/Results Matter Program Director at floyd_c@cde.state.co.us or 303.866.6602 or Penny Dell, Supervisor of Preschool Special Education at dell_p@cde.state.co.us or 303.866.6720.

Sincerely,



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