

Making Least Restrictive Environment Placement Decisions for Preschoolers

This guidance document is to assist Individual Education Program (IEP) teams in meaningful Least Restrictive Environment (LRE) decisions for preschoolers with disabilities.

When determining a preschooler's LRE the first factor to consider is whether, or not, the student is attending a regular early childhood program. A "regular early childhood program" is defined by the Office of Special Education Programs (OSEP) to be a classroom that includes at least 50 percent of nondisabled children. This includes but is not limited to Head Start, kindergartens, preschool classes offered by the public system, private kindergartens or preschools and group child development center or child care. If the child is not currently in a regular early childhood program and the Lead Education Agency (LEA) determines placement in a private preschool program is necessary for a child to receive FAPE, the public agency must make that program available at no cost to the parent.

Please refer to [OSEP's Dear Colleague Letter Feb 2012](#)

The following questions can be used to guide IEP team discussions, as appropriate, when determining the LRE for a preschool age student.

Where does the child spend the majority of the week now? Consider:

- Whether or not the child is currently attending a regular early childhood program such as defined by OSEP and if so, the number of hours per week.

If the child is in a regular early childhood program what are the successes/advantages of the current setting? Consider:

- How the child is able to access the environment and how he/she engages with peers, adults, and activities/routines.
- Whether or not the child has friends in the current setting and if the family has made connections with other family members.

What are any challenges of the current setting? Consider:

- Any limitations to the child's ability to access the environment and/or to engage with others and materials/activities which can include communication barriers and the ability to make friends.
- Whether the adults in the current setting are uncertain of how to meet the child's needs.

If the child is already attending a regular early childhood program, can the IEP be implemented in that setting? Consider:

- Whether or not the child's needs can be met which includes if/how the specialized instruction and related services would be provided or not.
- Whether there is an opportunity to support effective teaming between general and special educators.
- Whether the child will be transitioning between 2 separate early childhood programs within a day.
- Transportation needs.

LRE and FAPE

Least Restrictive Environment is defined as:

To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and Special classes, separate schooling, or other removal of children from the general educational environment occurs only if the nature or severity of the disability is such that education in general educational classes with the use of supplementary aids and services cannot be achieved satisfactorily {300.114 (a) (2) (i) (ii)}

Free and Appropriate Public Education is defined in 300.17 as:

Special education and related services that are provided at public expense, under public supervision and direction, and without charge; meet the standards of the SEA, including the requirements of this part; include an appropriate preschool, elementary school, or secondary school education in the State involved; and are provided in conformity with an IEP that meets the requirements of 300.320 through 300.324."



Making Least Restrictive Environment Placement Decisions for Preschoolers

How does the IEP team determine the number of hours of general education needed (at least 10 hours or less than 10 hours)? Consider:

- The number of hours that are being offered by the district to the child's typical age peers.
- What appropriate placements are available given a child may just be turning three and the IEP is developed in January or later.
- Whether or not, based on the child's needs, including his/her age, at least 10 hours per week is appropriate, and, if less hours is appropriate, consider how the transition to 10 hours will occur.

[CDE Memo Preschool Educational Environments and Least Restrictive Environment](#) (May: 2013):

How does the IEP team determine that services provided outside of the regular early childhood program is the appropriate LRE? Consider:

- If modifications and accommodations have been provided in the regular early childhood program and have been documented to be unsuccessful.
- If decisions are being made based on the child's needs versus a provider's preference.
- The routines within the classroom where specific skills and goals can be addressed.
- How well the child can/will generalize skills into classroom routines.
- The importance of peer modeling.
- If services will be provided outside the regular early childhood program, what the plan will be to move toward a less restrictive environment.

In Summary: Because Colorado does not have universal preschool, locating available and appropriate regular early childhood programs all year long is challenging. It is also understood that some AUs have more regular early childhood program options than other AUs. In addition, a program for a child who is 3 in the beginning of the year may or may not be appropriate for a child who turns 3 in late winter or early spring. LRE options being considered must be made based on the individual needs of the child. A consideration for AUs and the LRE for students they serve is to assess their ability to provide supports and/or collaborate with other programs other than the district administered preschool programs (i.e. Head Start, community programs, and child care).

For more information contact Marcia Blum at blum_m@cde.state.co.us

This CDE guidance document is meant for clarification, is not legally binding, and is not to be confused with legal advice. This guidance reflects CDE's recommendations, but Administrative Units (AUs) may have developed their own policies or procedures that differ from those described herein. Be sure to refer to your local AU's policies and procedures through the Director of Special Education. If you are seeking legal advice, please contact your legal counsel.

The contents of this handout were developed under a grant from the U.S. Department of Education. However, the content does not necessarily represent the policy of the U.S. Department of Education, and you should not assume endorsement by the federal government.

Colorado Department of Education, Exceptional Student Services Unit

(303) 866-6694 / <http://www.cde.state.co.us/cdesped>