



To: **Preschool Special Education Supervisors
Early Childhood Coordinators/SST**

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Subjects:

- **Transition**
- **Preschool LRE**
- **Kindergarten Reevaluation- Updated clarification**

This memo is to clarify decisions related to preschool LRE (least restrictive environment), EMIS and funding, and a follow-up to kindergarten reevaluation.

TRANSITION

The Office of Special Education Programs invoked special conditions on Ohio's federal funding four years ago. A major factor was noncompliance with the transition requirement of an IEP by the third birthday for children previously served in Part C. We have shown increases each year and have recently reported a 96% compliance rate in the number of children who had an IEP by the third birthday. As such, special conditions have been eliminated for the federal fiscal year 2009 (school year 2009-2010). Congratulations to all who have shown due diligence and are compliant with the compliance measure. We will all continue to show due diligence to maintain and continually improve this percentage. Remember that any district out of compliance has one year to demonstrate corrective action. ODE checks data from the October and Year end EMIS reporting periods.

PRESCHOOL LRE

Updates are not yet available regarding any changes. ODE will keep you informed.

PRESCHOOL AND KINDERGARTEN IEPs-CORRECTION TO FINAL SENTENCE

The following is offered for consideration regarding local policy and procedures when a child transitions from preschool to kindergarten.

IEPs are required to be reviewed within twelve months of the previous IEP. A current IEP must be in place to ensure a free, appropriate public education (FAPE).

If a reevaluation is conducted and the child is eligible, an IEP is developed and reported as an annual review of the IEP (RIEP). If a reevaluation is conducted and the child is no longer eligible, a PR01 form is required. Once the child is determined ineligible for services, the child no longer has an IEP in effect. Consideration should be given to the timing of a reevaluation for preschool children eligible under developmental delay as they may not be eligible under a disability category for kindergarten yet still qualify for preschool with a developmental delay. Discontinuing preschool services because of a change in disability category for kindergarten could be questioned by families.

If the IEP annual review is required before the end of the preschool year and the child continues to be eligible as a child with a disability, the district must have a preschool IEP in effect for the remainder of the school year

A Preschool and A Kindergarten IEP

The preschool IEP review date (RIEP) is reported on the special education record in EMIS at yearend. A kindergarten RIEP will need to be reported in the October K reporting period the next year. The October K reporting period reflects activities from June 1. If the kindergarten IEP is written before June 1, it would need submitted in the yearend EMIS report; a child cannot have two IEPs in effect in EMIS (preschool and kindergarten).

If the district held two different reviews during the spring, it could report both of them at yearend along with the pertinent outcomes and the effective dates for those outcomes. The district could report an annual IEP review or RIEP “due” in February and the necessary kindergarten reevaluation that occurred in May as in the example below. Note that the IEP dates are not the same and that the start and end dates do not overlap.

School year	Reporting period	Event type	Date	Outcome	Non compliance reason	Out come start date	Outcome End date
2009	Year-end	RIEP	Feb 12, 2009	Early childhood setting	** (NA)	2.12.09	6.30.09
2009	Year-end	RIEP	May 19, 2009	regular classroom >80%	** (NA)	8.25.09	5.18.09

If a district has two IEPs signed and dated on one date with different implementation dates, a concern may be raised if there are differences in services and LRE- in other words, which one truly reflects FAPE? Even with different implementation dates but the same signature date, the questions can be:

- How can the same information be reviewed for progress and determining goals but the goals be different?
- If appropriate in kindergarten next year, why is this not appropriate at the current time in preschool?

- Which LRE applies?

Kindergarten Review of the IEP

The preschool IEP can be dated for review at the one year anniversary or an earlier date, such as kindergarten entrance, and be reviewed for appropriateness. The IEP need not be rewritten if the goals and objectives/benchmarks are still appropriate. Any minor changes to services can be noted on the IEP with updated signatures/initials and date. This review date (reflecting appropriateness for kindergarten) will be reported in the October EMIS submission. The next review date will be governed by the latest date reported in EMIS. Under IDEA, attendance at the IEP meeting may vary from the initial placement meeting; excusal from the meeting is possible so long as information has been provided. (Refer to the new IEP Manual.)

Kindergarten IEP Written While A Current Preschool IEP in Effect

It is also possible that if the preschool IEP does not end until the close of the preschool year, it remains in effect while a kindergarten IEP is written in the spring of the preschool year and the kindergarten IEP is effective beginning in September for kindergarten. In this case, the IEP will still need to be reviewed by the following April to meet the twelve month requirement. IF the preschool IEP must be reviewed before the end of the preschool year, it expires a new preschool IEP must be in place for the remainder of the year.

One IEP for Preschool and Kindergarten

There is nothing in law that prohibits a district from writing one IEP that spans both preschool and kindergarten. However, one could question how an appropriate kindergarten IEP can be written so far in advance, given that young children's development changes a great deal in a matter of a few months.

It is critical to remember that even if an IEP is written in March that spans both preschool and kindergarten, the annual review of the IEP must occur WITHIN one year from the March date. An IEP cannot be written to complete the preschool year and then cover the entire kindergarten school year; it must be reviewed within twelve months.

EMIS EVENTS ACROSS SCHOOL YEARS

Depending upon when a child is referred, event timelines may overlap EMIS reporting years. Districts may report a preschool transition conference, consent and ETR for one year and the next year report the IEP. Districts submit data through May in the yearend report; events that occur June 1 or later are in the following October EMIS reporting period.

The only preschool event prior to June 1 that can be entered in the October EMIS reporting period is related to three-year-old children transitioning from early intervention into preschool. Contact your EMIS coordinator for further information.

EMIS and Reevaluation in the Spring

If the reevaluation is done in the spring, it must be reported in the EMIS yearend reporting period; it cannot be reported in October of the next school year.

Disability Code If, during the reevaluation process, the disability changes (an outcome reported on the special education record for the ETR), change the disability code for yearend reporting. For example:

- If the child was eligible under developmental delay (code 16) and is now eligible under speech/language (code 05), report the 05 code at yearend.
- If the child is not eligible for services as a school-age child, the child will be reported at yearend without a disability. This does not mean the child is dismissed from the preschool program. This has no impact on funding for the year.

The disability condition is reported according to the date of the ETR. The old record of the disability is closed out with an end date and a new record with the new disability code is recorded in EMIS.

LRE The LRE code is an outcome of the IEP and is effective as of the date of the IEP implementation. This is submitted on the special education record during the October and yearend reporting periods in EMIS.

One IEP that Spans Preschool and Kindergarten If one IEP is developed in the spring and both preschool and kindergarten services are addressed, EMIS will need to be updated in the kindergarten year for data collection. The LRE outcome is reported for an IEP on the special education EMIS record and only one outcome can be associated with an IEP event in EMIS. Therefore, the preschool LRE will be reported in the yearend reporting period; when the child is in kindergarten, next year EMIS will introduce a new code that updates the LRE code for the December EMIS reporting period (EMIS update for next year).

KEY POINTS TO REMEMBER

- The *event date* for IEPs is the date the team met.
- The *begin date* for outcomes is the first day the IEP is effective. This may or may not be the same date as the *event date*.
- There is no prohibition to delaying the start date (except in the case of transition from Part C).
- When the start date is later than the date of the IEP meeting, the district is at risk for dealing with issues around FAPE. If the team has determined a

different setting or set of services to begin at a later date, parents could question the current setting or set of services.

- Two IEPs cannot be in effect at the same time.
- ~~The *end date* for the outcomes cannot be later than one year minus a day from the *event date*.~~ The *end date* for the outcomes cannot be later than one year minus a day from the *begin date*