



TO: P-12 Education Committee
FROM: Cosimo Tangorra, Jr. *Cosimo Tangorra Jr.*
SUBJECT: Preschool Special Education Programs and Services
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SUMMARY

Issue for Discussion

To provide the Board of Regents with information on suggested policy changes to improve outcomes for preschool students with disabilities, ages three to five.

Reason(s) for Consideration

For information and discussion.

Proposed Handling

This item will come before the P-12 Education Committee for discussion at the April 2015 meeting of the Board of Regents.

Background Information

A preschool student with a disability means any child between the ages of three and five who is not yet of compulsory school age and who has been identified as having a disability by a Committee on Preschool Special Education (CPSE). In New York State, preschool students can meet eligibility requirements for special education if they exhibit a significant delay or disorder in one or more functional areas related to cognitive, language and communicative, adaptive, socio-emotional or motor development which adversely affects the student's ability to learn or if the child is determined to be a child with autism, deafness, deaf-blindness, hearing impairment, orthopedic impairment, traumatic brain injury or visual impairment.

The continuum of special education programs and services for preschool students with disabilities includes related services only (such as speech and language therapy and physical therapy), special education itinerant services¹ (SEIS), special class and separate school placements. The Office of Special Education approves preschool special education providers.² There are 497 approved providers of special education programs, including multidisciplinary evaluation, SEIS and special class programs.

The preschool years are extremely important for children's social, emotional, physical, cognitive, language and literacy development. Children's development can be affected by high-quality preschool experiences that can improve later academic and social competence (Barnett, 1995; Morrow, 2004; Neuman & Dickinson, 2001).³

For New York's students with disabilities, data show the gap in achievement starts early, with the majority of students with disabilities who received preschool special education services entering Kindergarten functioning behind their same-age peers in one or more of the following areas:

- 56 percent were functioning within age expectations in the area of acquisition and use of knowledge and skills (including early language/communication and early literacy) by the time they turned six years of age or exited preschool special education services;
- 43 percent were functioning within age expectations in the area of socio-emotional development (including social relationships); and
- 48 percent were functioning within age expectations in the area of use of appropriate behaviors to meet their needs.

There is a sound research base that shows the benefits to children with disabilities who receive services in settings with their same-age nondisabled peers. These benefits include, but are not limited to, gains in early learning skills that impact gains throughout their K-12 years, as well as gains in social skills, self-regulation, language development and cognition and social and educational benefits to the general Pre-K population. Yet, we know that, statewide, fewer than half of all preschool students with disabilities receiving special education services receive the majority of those services in a regular early childhood program with nondisabled peers. There are many factors impacting opportunities for preschool students with disabilities to participate in regular early childhood programs. However, challenging behaviors of preschool students are most often identified as the predominant reason why preschool students are served in more restrictive settings.

¹ SEIS means a special education teacher that provides specially designed instruction at a regular early childhood program or another child care site selected by the parent.

² Related services only services are provided by qualified related service providers on a list maintained by the municipality.

³ Barnett, W.S. (2001). Preschool education for economically disadvantaged children: Effects on reading achievement and related outcomes. In S.B. Neuman & D.K. Dickinson (Eds.), *Handbook of early literacy research* (pp. 421–443). New York: Guilford Press.

The Department currently funds a number of technical assistance resources specifically directed toward preschool special education. Attachment 1 provides a summary of these resources.

Recommendation

To improve outcomes for preschool students with disabilities, the Department recommends consideration of policy changes to enhance the quality of preschool special education instruction and behavioral supports, improve efficient use of staff resources, improve effectiveness, coordination and continuity of special education services and support inclusion of preschool students with disabilities in regular early childhood programs and activities and in classes with nondisabled peers.

Curriculum and Instructional Standards

Current regulations for approved special education preschool providers do not establish program quality standards for curriculum and instruction, similar to those required for voluntary nursery schools and universal prekindergarten programs. Absent these standards, the Department finds great variation across the State in the quality of instruction provided in approved preschool programs. It is essential that all public and approved preschool programs serving students with disabilities be required to provide early literacy and emergent reading instruction based on effective, evidence-based practices.

Quality of Behavioral Supports

Based on findings from monitoring reviews of preschool providers, the Department finds a need to establish program standards to ensure that preschool students with disabilities receive instruction to promote positive socio-emotional development. As the data above shows, 52 percent of New York State's preschool students with disabilities are not behaviorally and emotionally ready to succeed in school.

Current regulations do not establish curriculum and instructional standards, such as a requirement that providers incorporate social-emotional development into their curriculum, and ensure that teachers receive training on how to improve and enhance children's social-emotional skills through evidence-based practices such as direct instruction and skill modeling, numerous opportunities for children to practice using their social-emotional skills, opportunities to generalize these skills to naturalistic settings, and feedback. Absent such instruction, behavioral challenges are often addressed by assignment of a one-to-one aide, suspensions or other removals of students, or placement in separate classes and schools.

Special Education Itinerant Services (SEIS)

Currently, State regulations define SEIS to mean services provided by a certified special education teacher of an approved program on an itinerant basis for the purpose of providing specialized instruction or group instruction and/or indirect services to preschool students with disabilities enrolled in a regular early childhood program, such as a Head Start or an approved or licensed prekindergarten program or a hospital, State facility or child care location. Where there are documented medical or special needs, the preschool student is entitled to receive SEIS in the preschool student's home. Essentially, this service is primarily intended to support students with disabilities to participate in settings with nondisabled peers.

SEIS is a frequently recommended special education service for preschool students with disabilities, yet State data show that only 43.7 percent of preschool students with disabilities receive the majority of their special education services in regular early childhood settings. Based on monitoring reviews, we found a number of approved providers that were inappropriately delivering SEIS at the work site of the provider, inconsistent with the intent and purpose of this special education service. Further regulatory clarification on the provision of SEIS could help to address this concern and further promote inclusion of preschool students in regular early childhood programs.

Regulations allow SEIS to be provided on an individual or group basis. However, information from stakeholders and findings from monitoring reviews show that most preschool students receive SEIS on an individual basis, even when there are multiple students recommended for SEIS attending the same regular early childhood program, and grouping for instruction could be appropriate. As a result, many providers report concerns about too many adult staff in regular early childhood classrooms, resulting in programmatic challenges for teachers and inefficiencies in the use of SEIS resources. Required consultation with regular early childhood programs prior to recommending SEIS on an individual basis may result in more students appropriately receiving SEIS through group instruction.

Consultation to the regular early childhood teacher for each student receiving SEIS is important to ensure that the learning environment and instructional methods meet the individual needs of a preschool student with a disability who attends an early childhood program. However, as a special education service, preschool students need direct specially designed instruction to address their disabilities and should not be receiving only indirect SEIS. Therefore, the Department recommends amending regulations to repeal 'indirect services' from the definition of SEIS and to add that consultation with regular early childhood providers is expected and therefore is explicitly added as an allowable indirect cost in the rate.⁴

⁴ An amendment to State regulations is currently proposed that would expressly add indirect consultation services to a child's regular early childhood teacher as a nondirect service built into the SEIS provider's rate.

Related Services

Current regulations which require that special class programs implement all service recommendations in a student's individualized education program (IEP) need to be clarified to explicitly state that special class programs must provide all related services needed by the students. Program monitoring reviews and STACs show that many students recommended for special class are receiving related services from separate providers on the municipality's list, resulting in a lack of continuity of services for preschool students.

Integrated Special Class Programs

A special class in an integrated setting (SCIS) means a class of students with and without disabilities or a special class of not more than 12 students housed in the same physical space as a preschool class of students without disabilities. SCIS is an important program on the State's continuum of special education programs and services, as it allows CPSEs to group students for purposes of receiving specially-designed instruction at the same time as it provides them with the opportunity to participate in age-appropriate activities with their nondisabled peers. However, there are challenges in ensuring this program model is fiscally viable for many providers and ensuring that the class is truly inclusive such that the numbers of preschool students with disabilities in these classes do not exceed the number of students without disabilities. One concern raised by stakeholders concerns the offset costs to the rate to serve students without disabilities. Currently, regulations require that reported expenditures of preschool programs be reduced by the greater of actual revenues received for students without disabilities or a calculation based on the regional day care rate. As a result, many providers report having more costs offset than received to serve students without disabilities. Department staff recommends further exploration of alternative reimbursement methodologies for SCIS in order to ensure availability of this important least restrictive environment placement option.

Use of One-to-One Aides

Data and program monitoring reviews show a high number of preschool students with disabilities receiving support from a one-to-one aide in their preschool programs, leading to a Department concern about the over-reliance on one-to-one aides in preschool programs. While some students may temporarily need the support of a one-to-one aide to receive a free appropriate public education, for other students, the assignment of a one-to-one aide may be unnecessarily and inappropriately restrictive. One-to-one aides should not be used as a substitute for certified, qualified teachers for an individual student or as a substitute for an appropriately developed and implemented behavioral intervention plan or as the primary staff member responsible for implementation of a behavioral intervention plan. In 2012, the Department issued *Guidelines for Determining a Student with a Disability's Need for a One-to-One Aide*. Staff recommends these guidelines be incorporated into State regulations.

Data Reporting and Progress Monitoring

Based on monitoring reviews, the Department finds that many preschool providers do not have a quality process to ensure regular progress monitoring of attainment of knowledge and skills and progress toward IEP goals for preschool children with disabilities. Program standards relating to progress monitoring are needed to ensure preschool providers are regularly reviewing and adjusting their instruction, providing parents with regular progress reports and keeping CPSEs informed.

In summary, Department staff recommends consideration of the following policy changes.

1. Add explicit requirements that approved preschool special education providers ensure preschool students with disabilities receive instruction to achieve the Prekindergarten Foundation for the Common Core Learning Standards, including incorporation of socio-emotional development curriculum.
2. Add requirements for positive behavioral supports in preschool special education programs with a goal of limiting or prohibiting expulsion, suspension and other exclusionary discipline practices, including removals or discharges from programs to address a preschool student's challenging behavior(s).
3. Revise the definition of SEIS relating to indirect services; add specific considerations a CPSE must make in determining whether a preschool student could benefit from SEIS provided through group instruction; and further ensure SEIS is provided on an itinerant basis as intended, and not at the work site of the SEIS provider.
4. Establish criteria that must CPSEs must consider in determining if a student needs a one-to-one aide.
5. Establish program standards relating to monitoring of student progress toward the State's learning standards and IEP goals.
6. Further explore alternative reimbursement methodologies for SCIS in order to ensure availability of this least restrictive environment placement option for students with disabilities.
7. Establish other program and governance quality standards to ensure high quality programs and positive child development outcomes.
8. Review technical assistance and professional development resources to determine how they could be enhanced to effectively, efficiently and consistently support quality inclusive programs, provide needed professional development on effective supports and services for preschool students with disabilities to

teachers in both special education and regular early childhood programs, provide support and technical assistance for CPSEs, and have available a network of supports for parents and families of preschool students with disabilities.

Next Steps

At the direction of the Board of Regents, the Department will seek stakeholder input on these suggested policy changes and, as appropriate, propose regulations for discussion at an upcoming Board of Regents meeting.

Attachment 1

Improving Quality through Professional Development and Technical Assistance

The Office of Special Education supports the following special education preschool technical assistance resources for families, school districts and approved preschool providers:

- **Early Childhood Direction Centers (ECDC)** that provide information about programs and services for young children, ages birth through five, who have physical, mental, or emotional disabilities and help families obtain services for their children.
- **Special Education Parent Centers** that provide parents of children with disabilities with information, resources, and strategies to communicate effectively and work collaboratively with schools and stakeholders to advocate and actively participate in their children's education program.
- **Regional Professional Development Teams** that provide information to preschool providers on systems of Recognition and Response, which is a program similar to Response to Intervention, but developed for preschool programs.
- **Regional Preschool Behavior Specialists** in the Regional Special Education Technical Assistance Support Centers (RSE-TASC) dedicated to providing technical assistance and professional development support to programs serving preschool children with disabilities.
- **New York City Preschool Bilingual/ESL Technical Assistance Center** designed to increase the capacity of approved preschool providers located in New York City to serve preschool students with disabilities with a primary or home language other than English.
- **Special Education Training Specialists** from the RSE-TASC who provide professional development to Chairpersons of Committees on Preschool Special Education (CPSE).
- **Preschool LRE Regional Planning Meetings** which are coordinated by the Office of Special Education with ECDCs to engage broad stakeholder groups to discuss and develop plans to address the reasons why high percentages of preschool students with disabilities are being served in separate schools or settings. These meetings are being conducted in regions where the data shows high percentages of preschool students in separate schools and separate settings.