

## Early learning for children with disabilities

Preschool is an exciting time for children. They are learning new skills and developing relationships. Their [brains are rapidly building](#) in response to experiences. Social, emotional, and academic growth in these years help children build a foundation that supports lifelong well-being.



For parents navigating special education services, however, starting preschool can be confusing. You need to evaluate options while [learning new rules and roles](#).

Special education services start at age 3 and are coordinated through school districts. Families work with their special education team to determine where their child will attend preschool and whether they will attend a regular early childhood program or a developmental program. This is all part of creating your child's individualized education program (IEP). It is a team effort, and legally you are part of the team.

In this guide, we review key concepts and terms to help you make decisions about preschool placement. We will also explain the difference between developmental and regular early childhood programs. If you are transitioning from Birth to 3 services, you might find this Informing Families [video](#) helpful.

If you want personal support, please, reach out. Staff at The Arc can support you with education and other issues. We can also help you find a community of parents.

- English: 206-829-7053 OR [Ask@arcokingcounty.org](mailto:Ask@arcokingcounty.org)
- Spanish: 206-829-7030 OR [Preguntas@arcokingcounty.org](mailto:Preguntas@arcokingcounty.org)

### The basics – what parents need to know about preschool

#### Inclusion

Belonging, membership, and participation are important for healthy childhood development. It is a policy position of the U.S. Department of Education and the U.S. Department of Health and Human Services that “all young children with disabilities should have access to inclusive,

high-quality early childhood programs, where they are provided with individualized and appropriate support in meeting high expectations.”

You can read the [full statement here](#). It lays out the science behind inclusion as well as the legal foundation for it.

The departments define inclusive early childhood programs as:

- Including children with disabilities, together with their peers without disabilities
- Holding high expectations and intentionally promoting participation in all learning and social activities, facilitated by individualized accommodations
- Using evidence-based services and supports to foster child development (cognitive, language, communication, physical, behavioral, and social-emotional), friendships with peers, and sense of belonging
- This applies to all young children with disabilities, from those with the mildest disabilities, to those with the most significant disabilities

## Research

Decades of research consistently show superior outcomes from high quality, inclusive settings. Notably, no study looking at social outcomes has found segregated settings to be superior. In fact, non-inclusive environments have been shown to negatively impact learning. Inclusion [beats the alternative](#) by 15 to 1 and benefits all children, from those with significant disabilities to no disabilities. Important factors in inclusion are higher ratios of non-disabled children and frequency of time spent in regular early childhood programs.

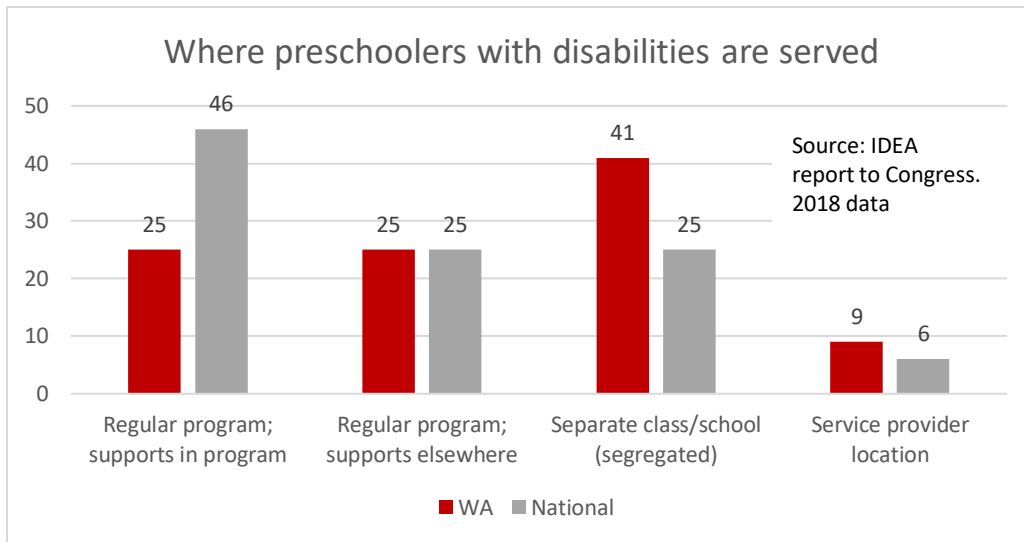
## Least restricted environment

The Individuals with Disabilities Education Act (IDEA) is the federal special education law. The word inclusion is not used in IDEA, but federal law shows a preference for educating students with disabilities in regular classes, alongside peers without disabilities. IDEA uses [least restricted environment](#) (LRE) to guide a child’s education program.

Least restricted environment includes where learning will take place and what services will be provided. If a child is not in a regular early learning program, their individualized education program (IEP) must explain why. In preschool, LRE can be provided in a variety of settings, including a public or private preschool program, transitional or regular kindergarten, community-based childcare, or in the child's home.

## Placement

This refers to how much time your child will spend in the general education environment, alongside children without disabilities. Some preschool programs are fully inclusive; others are segregated. The IEP team (which includes you) will decide placement.



## Continuum

IDEA requires school districts to offer a continuum of alternative placements. The least restricted (or most integrated) is a regular early childhood program, with most supports provided in that program. In a regular program, at least half the class does not have an IEP.

The alternative placements include:

- Regular early childhood program with majority services provided elsewhere
- Separate class or school
- Home instruction
- Residential facility
- Other service provider location

Under IDEA, the presumed placement is the setting children would be in if they did not have disabilities. Under IDEA school districts must ensure that all children with disabilities are educated with children without disabilities to the maximum extent appropriate (34 CFR §300.114).

The removal of children from the regular education setting can be done only if the regular education placement is not satisfactory even with the provision of supplementary aids and services (34 CFR §300.114) and training and technical assistance for administrators and teachers (34 CFR §300.119).

Federal rule defines “regular early childhood program” as one with at least 50% of students without disabilities.

### What if the school district does not offer a regular early childhood program?

Your child has a right to the least restricted environment. School districts must ensure that a free, appropriate public education is provided in the least restricted environment regardless of whether they operate preschools for children without disabilities. This may include

providing special education services in public or private regular early childhood programs, including [Head Start](#) or [ECEAP](#), or community-based child care.

### **A note on Washington practices**

Our state is an outlier. More than most, Washington school districts separate out children with disabilities. In the [2020 report to Congress on implementing IDEA](#), Washington ranked 49 out of 53 for inclusive preschool placement. We had the 4<sup>th</sup> highest rate for separate settings and 4<sup>th</sup> lowest rate for placement in a regular early childhood program, with supports pushed in. This continues into K-12 years, especially for children with intellectual disabilities. The report includes the 50 states, Puerto Rico, the District of Columbia (D.C.), and the Bureau of Indian Education. The state has [launched efforts](#) to improve and expand inclusionary practices, but implementation is uneven at the local level.

### **Anti-discrimination protection**

Your child has a right to equal access to education, in the most integrated setting appropriate, with supports to make that setting accessible. Vetted practices and research come into play when deciding what is appropriate. The law assumes first placement consideration is in a regular early childhood program, alongside children without disabilities, with supports pushed in.

### **Parent takeaways**

If the IEP team is talking about placement in a program where all or most of the children have disabilities, then they are not talking about an inclusive setting and program practices may go against vetted research. You will want to learn more and understand why the IEP team considers that program appropriate for your child, particularly in terms of social development. The research strongly supports inclusion and federal law presumes first placement consideration in a regular early childhood program, with supports.

If the school district doesn't have a regular early childhood program, or doesn't have space in an available program, the IEP team can explore placement in a community program. As for community programs, anti-discrimination law covers them, as well. Public programs – whether they are run by city, state, or school district, cannot deny children access because of their disability and private programs need to offer reasonable accommodations.

- Children do not have to earn the right to inclusion; it is assumed under federal anti-discrimination law.
- Children do not need to demonstrate that they can thrive without supports. Least restricted environment assumes supports are in place to make the placement accessible.
- There needs to be a reason, based on research and student data, for IEP teams to consider an alternative placement to a regular early childhood program. Lack of a

district-run program, or lack of space in existing program, does not supersede a child's right to least restricted environment.

## Program options

Preschool choices vary among school districts and local communities. We define options you might come across.

**Developmental preschools.** This is a term used by many Washington school districts to describe separate classes or schools for preschoolers with disabilities. They are led by special education staff. Often, they do not meet the definition for a regular early childhood program – either because they only include children with disabilities or only include a few peers without disabilities. Some do have a 50-50 mix, however, and are inclusive of children with and without disabilities. To meet the threshold of a regular early childhood program, at least half the class must not have disabilities.

**A regular early childhood program.** These programs are designed for all children and include at least 50% of students without disabilities. Usually, general education staff lead, with special education staff coordinating specialized services. There are also co-teaching models. Regular early childhood programs can be school- or community-based programs.

**ECEAP.** The Early Childhood Education and Assistance Program (ECEAP) focuses on the well-being of the whole child by providing comprehensive services, including family support. It is a regular early childhood program; about 12% of its students have IEPs, similar to public K-12 schools. All children who qualify for preschool special education services are eligible for ECEAP, though space is not guaranteed. The state is in the process of building out ECEAP to meet demand. ECEAP programs are community-based and often coordinate with local school districts.

**Head Start.** Head Start programs promote school readiness of infants, toddlers, and preschool-aged children from low-income families. Services are provided in a variety of settings. It is a federal program, and at least 10% of Head Start slots need to be filled by students using special education services.

**Community-based early childhood programs.** These include public and private programs that serve young children. They include ECEAP and Head Start, as well as options such as the Seattle Preschool Program and the Experimental Educational Unit at the Haring Center at the University of Washington.

**Mixed programs.** Sometimes schools house regular early childhood programs that braid funds and include children from a mix of programs.

## Federal disability law

In addition to the IDEA, there are two other federal anti-discrimination laws parents should become familiar with. Together the laws make a legal case for inclusion, remove barriers, and protect children with disabilities from discrimination.

**Section 504 of the Rehabilitation Act of 1973.** [Section 504](#) removes barriers and protects individuals with disabilities from discrimination.

- Section 504 forbids organizations receiving federal funds from excluding or denying individuals with disabilities an equal opportunity to receive program benefits and services.
- It defines the rights of individuals with disabilities to participate in, and have access to, program benefits and services.
- It requires school districts to provide a free appropriate public education (FAPE) to students with disabilities, regardless of the nature or severity of the disability.

**The Individuals with Disabilities Education Act:** [IDEA](#) is a grant bill. It funds services for a specific group of students; in return public schools must follow its rules. It was originally signed into law in 1975 as the Education for all Handicapped Children Act. IDEA establishes:

- [Child Find](#) – school districts must find and evaluate students who may have disabilities, and provide special education services to those who qualify
- [Parental rights](#) to be part of IEP teams and decision-making
- [Individualized Education Programs](#) (IEPs)
- [Least restricted environment](#) (LRE)
- [Procedural safeguards](#) (or the ground rules for schools and families to work together)

IDEA, like Section 504, also requires a [free and appropriate public education](#), in the most integrated setting appropriate.

**The Americans with Disabilities Act.** [The ADA](#) makes it illegal to discriminate against people with disabilities in most places.

- Title II – Prohibits state and local government, including school districts, from discriminating based on disability
- Title III – Prohibits discrimination based on disability in places of public accommodations (public or private). This includes child-care providers and community-based preschools not run by religious institutions
- The ADA does not apply to most schools or programs run by religious organizations but would apply to programs housed in religious buildings but otherwise not affiliated.

**ADA [guidance](#) from the Washington State Department of Health:**

- Under ADA, private child-care homes and centers must make **reasonable modifications** to their policies and practices to integrate children with disabilities into their program unless doing so would constitute a fundamental alteration of the program.
  - **Reasonable modifications** mean changes that can be carried out without much difficulty or expense. Examples include a change in policy or procedures, removing physical barriers, training staff, and providing adaptive equipment.
- Centers must provide appropriate **auxiliary aids and services** needed for effective communication with children with disabilities, when doing so would not constitute an undue burden.
  - **Auxiliary aids and services** include a range of devices or services that help people communicate. Examples are using sign language, interpreters, large print books, or other communication equipment. Hearing aids are excluded.
- Centers cannot exclude children with disabilities from their programs unless their presence would pose a direct threat to the health or safety of others or require a fundamental alteration of the program.

Did you get all that? Like we said, there is a lot that comes with preschool special education services, including diving into disability law. If you have questions, we're here.

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