

IEP Guidance for Preschool Students Eligible for Special Education Services

Please see the information below for guidance on questions/scenarios that were received. More scenarios along with guidance will be provided in future newsletters. Please contact Kristy Wright at kwright@doe.in.gov with questions.

Definitions

Public preschool: A preschool program that is under the guidance of a local education agency (LEA).

Nonpublic preschool: A preschool program attached to and regulated by a nonpublic school including a religious school or facility providing elementary or secondary education as determined under Indiana law.

Community based preschool: A preschool program regulated by the Office of Child Development and Out of School Learning within Family and Social Services Administration (FSSA) which could be in a: child care center, child care home, child care ministry, Class I child care home, or Class II child care home.

1. An evaluation was completed and the case conference committee (CCC) determined that the student is eligible for Special Education Services.

ALL students age 3-5 (preschool age) are offered a free appropriate public education (FAPE) through an individualized education program (IEP). The school corporation of legal settlement must convene the CCC to develop an IEP. The school corporation may provide preschool services in a variety of ways, including placement in its own preschool program or placement in a preschool program operated by another entity including a community-based preschool, or a nonpublic preschool.

2. If the CCC determines that a preschool program operated by another entity is the appropriate placement ...

Then, the public school is required to ensure that tuition costs associated with that placement for the period of time necessary to implement the IEP are at no cost to the parent.

For example, if the child already attends a community based or non-public preschool 5 days per week and the CCC determines that the student requires a 2 day per

week program to meet his/her needs, the LEA would be responsible for the tuition 2 days of the 5. ¹

If the student only requires speech/language services to receive a FAPE, the school corporation may offer those services at the public school or could elect to offer those services at another location.

3. Parentally-placed nonpublic school student eligible for preschool services.

If the offer of a FAPE by the school corporation of legal settlement is rejected by the parent, then the school corporation where the nonpublic school is located must convene the CCC and offer services under a Service Plan (SP). **NOTE: This situation (parents have enrolled their child in a nonpublic school and reject a FAPE) is the only time a SP is created.**

¹ <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/preschool-lre-dcl-1-10-17.pdf>