

**MEMORANDUM**

**TO:** Superintendents and Charter School Administrators

**FROM:** Brad C. Smith  
State Superintendent of Public Instruction

**DATE:** September 1, 2015

**RE:** Public Education Preschool

The Utah State Office of Education (USOE) is committed to providing leadership and support to local education agencies (LEAs) and schools to ensure that all public school preschool students have opportunities to improve educational outcomes, regardless of disability. The Individuals with Disabilities Education Act (IDEA) requires that all students with disabilities be placed in the Least Restrictive Environment (LRE), including those children ages 3-5.

Implementing regulations provide:

- (2) Each public agency must ensure that
    - (i) 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
    - (ii) Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and supports cannot be achieved satisfactorily.
- §300.114(a)(2)(i-ii)

In May 2015, the 'Draft Policy Statement On Inclusion of Children with Disabilities in Early Childhood Programs' was issued jointly by the U.S. Departments of Education and Health and Human Services. This policy statement confirms the requirements of IDEA on inclusion, and will "set a vision and provide recommendations ...for increasing the inclusion of infants, toddlers, and preschool children with disabilities in high-quality early childhood programs." The statement defines inclusion, provides research-based support, and the legal foundation for early childhood inclusion.

ADA Compliant: March 22, 2018

While early childhood inclusion is the focus of the policy statement, it also notes that LRE refers to a continuum of placement options made available by the LEA that would meet the diverse needs of children with disabilities. However, under LRE requirements,

“The IDEA presumes that the first placement option considered for each child with a disability is the regular classroom the child would attend if he or she did not have a disability. Thus, before a child with a disability is placed outside of the regular educational environment, the full range of supplementary aids and services that could be provided to facilitate the child’s placement in the regular classroom setting must be considered by the IEP team. Each LEA must ensure that a free appropriate public education is provided in the LRE (regardless of whether the LEA operates public general early childhood programs).” [The policy statement may be accessed through <http://fpg.unc.edu/news/federal-officials-debut-draft-policy-statement-fpgs-inclusion-institute>].

Additional research supports an inclusive environment for preschoolers with disabilities. According to Dr. Phillip S. Strain, (University of Colorado, Denver, 2014) “The developmental importance of inclusive services for young children with disabilities is clear. Over the last 30 years, the evidence regarding inclusive service delivery for young children with disabilities has accumulated rapidly.” Inclusive services benefit both students with and without disabilities by raising expectations, increasing opportunities for staff collaboration, fostering respect for differences, and maximizing resource use. Schools receiving Title I funds are strongly encouraged to combine those resources with other funding sources to provide an inclusive and welcoming environment for all preschool students.

The USOE reports that 33.02% of preschool children with disabilities received special education services in regular education programs, while 43.76% were reported as attending a special education self-contained program. This low rate indicates a need for immediate attention and resources dedicated to the improvement of numbers of preschool students receiving special education services in an inclusive environment. Support for providing more regular preschool programs is available through the USOE Special Education Services section. Please contact Glenna Gallo, USOE Special Education Director, at [Glenna.gallo@schools.utah.gov](mailto:Glenna.gallo@schools.utah.gov) for additional information and assistance.

I appreciate your assistance in discussing this matter with your Special Education Director, Title I Director, and Preschool staff, and helping to ensure that Utah’s preschool students have access to a continuum of placement options that include inclusive regular education environments for children with disabilities.