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1.4 Handout # 3

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**California Department of Education
Official Letter**

March 18, 2019

Dear County and District Superintendents, Special Education Local Plan Area Directors, Special Education Administrators at County Offices, Charter School Administrators, Principals, and Nonpublic School Directors:

Access to Inclusive Early Learning and Care Programs for Students with Disabilities

This letter reaffirms expectations for access to inclusive early learning and care programs for students with disabilities in California. As California continues to pursue a system of education that adequately addresses the needs of each and every student in the least restrictive environment (LRE), providing access to inclusive early learning opportunities for students with disabilities is fundamental.

On September 14, 2015, the U.S. Department of Health and Human Services (DHHS) and the U.S. Department of Education (ED) issued a joint policy statement to provide recommendations to states and local educational agencies (LEAs) to improve access to inclusive, high-quality early learning and care programs for students with disabilities. The joint policy statement can be found at: <https://www2.ed.gov/policy/speced/guid/earlylearning/joint-statement-full-text.pdf> (PDF).

Additionally, the ED's Office of Special Education and Rehabilitation Services released a Dear Colleague Letter (DCL) on January 9, 2017, to reaffirm the policy statement issued jointly with the DHHS and provide additional clarification on the requirements and strategies to provide for inclusive, high-quality early learning and care opportunities for students with disabilities. The DCL can be found at: <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/preschool-lre-dcl-1-10-17.pdf> (PDF). The joint policy statement and DCL highlight a growing body of research indicating that all students benefit from an inclusive, high-quality early learning and care program. The joint policy statement describes "inclusion" in this context as:

Inclusion in early childhood education programs refers to including children with disabilities in early childhood programs, together with their peers without disabilities; holding high expectations and intentionally promoting participation in all learning and social activities, facilitated by individualized accommodations; and using evidence-based services and supports to foster their development (cognitive, language, communication, physical, behavioral, and social-emotional), friendships with peers, and sense of belonging. (p. 3)

Additionally, the joint policy statement and DCL both outline a strong legal basis for facilitating access to inclusive early learning and care programs for students with disabilities. Part B of the Individuals with Disabilities Education Act requires special education supports and services be provided to all eligible children, ages 3 through 21, while emphasizing equal opportunities for educational benefit in the LRE (*Code of Federal Regulations*, Title 34, Sections 300.101 & 300.114). LRE requirements are fully applicable to the placement of preschool students with disabilities. Preschool students with disabilities should be educated in regular classes with appropriate aids and supports unless the nature or severity of the disability precludes this from being achieved satisfactorily. The joint policy statement explains:

LRE further requires a continuum of placement options be available to best meet the diverse needs of children with disabilities, and 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 can be 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. Each LEA must ensure that a free appropriate public education (FAPE) is provided in the LRE to every child with a disability in its jurisdiction regardless of whether the LEA operates public general early childhood programs. (p. 5)

Finally, the joint policy statement and DCL outline specific actions to take at the state and local level to increase the number of students with disabilities participating in high-quality, inclusive early learning and care programs. These actions include educating families on the benefits of inclusion, maximizing community partnerships and available funding, and ensuring that local culture and practice reflect a commitment to providing supports and services in inclusive settings.

LEAs are encouraged to thoroughly review both the joint policy statement and DCL. For more information, tools, and resources related to inclusive practices, visit the Early Childhood Technical Assistance Center's web page on inclusion in least restrictive environments at:

<http://ectacenter.org/topics/inclusion/> and the Supporting Inclusive Practices web page at: <https://www.sipinclusion.org/>.

For questions regarding this subject, please contact Sheila Self, Education Programs Consultant, Special Education Division, by phone at 916-327-3538 or by email at SSelf@cde.ca.gov.

Sincerely,

Original signed by Kristin Wright and Sarah Neville-Morgan. A hard copy of the signed document is available by contacting the Special Education Division's Director's Office at 916-445-4602.

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Last Reviewed: Tuesday, March 19, 2019