

Early Childhood Special Education Services for Children ages 3 through 5 Residing on a Reservation



August 2014 Meeting

- Clarify and generate shared understanding about the provision of early intervention and special education services for infants, toddlers and preschoolers who live on reservations
- Clarify roles and responsibilities related to child find, service delivery and reporting between tribal programs, early intervention providers and local education agencies
- Generate a clear picture of current practices and identify gaps or concerns
- Identify strategies, including the development of MOUs, for ensuring all children with disabilities have access to needed services, there is a smooth transition between early intervention and preschool, and there is accurate data collection



August 2014 Meeting Outcomes

- Beneficial discussions and ideas
- Development of MOUs
- Clearly defined referral and service delivery process
- Improved data collection
- NDDPI guidance document and future regional planning meetings



NDDPI Guidance Document

- To provide consistent and clear guidance to professionals who are providing special education services for children ages 3 through 5 who reside on a reservation in ND
- 13 questions and answers in areas such as:
 - Responsibilities of the state, local education agency, and BIE
 - Referral process
 - Reporting special education data
 - Part C to Part B transition process
 - Appropriate educational environments
 - FACE program
 - MOUs
- It is based on similar documents developed through the the Regional Resource Center Program (RRCP), the Early Childhood Technical Assistance Center (ECTA), and the Bureau of Indian Education (BIE) and from valuable input from ND professionals.



Under the Individuals with Disabilities Education Act (IDEA), who is responsible for the provision of special education services for children ages 3 through 5 residing on reservations?

- Ultimate responsibility for service provision under IDEA Part B for children ages 3 through 5 residing on reservations lies with the State Education Agency, SEA, and LEA in which that child resides.
- In North Dakota, the LEA is responsible for conducting child find and providing early childhood special education and related services for children with ages 3 through 5 who reside on a reservation with the LEA's jurisdiction.



Local Education Agency

As defined in ND Administrative Code, an LEA is the school district that the child will be attending when he/she begins elementary school. In ND, a single or multidistrict special education unit, SEU, works with the school district(s) within the SEUs jurisdiction to assure the provision of IDEA B services.

ND Administrative Code

Chapter 67-23-01

“Local education agency” means a school district, multidistrict special education unit organized under North Dakota Century Code chapter 15.1-33, or legally constituted public authority for administrative control or direction of, or to perform a service function for, public elementary or secondary schools.



How are the IDEA B funds provided to the Secretary of the Interior used?

Reservations are provided funding to assist States with screening, identification, and coordination of special education services, and to refer children when appropriate.

34 CFR § 300.712 Payments for education and services for Indian children with disabilities aged three through five

(d) Use of funds.

- 1) *The funds received by a tribe or tribal organization must be used to assist in child find, screening, and other procedures for the early identification of children aged three through five, parent training, and the provision of direct services. These activities may be carried out directly or through contractors or cooperative agreements with the BIA, LEAs, and other public or private nonprofit organizations. The tribe or tribal organization is encouraged to involve Indian parents in the development and implementation of these activities.*
- 2) *The tribe or tribal organization, as appropriate, must make referrals to local, State, or Federal entities for the provision of services or further diagnosis.*



How is the child's public school district determined when making a referral?

- The child's public school district is the school the child will be attending when he/she begins elementary school.
- The professionals referring a child to determine eligibility under IDEA B, must determine the child's public school district and then determine the LEA and Special Education Unit, SEU, that is responsible for the provision of IDEA B services for that district.



Public School District Map

For assistance in determining a child's public school district and the serving SEU for that district, go to:

<http://ndgov.maps.arcgis.com/home/webmap/viewer.html?webmap=6c85084ddf134078a15789f3a44617dd>

To use this tool, enter the child's address. Once the map locates the address, click on the map for the child's school district name and special education unit.

REASTATEID	45-371
REANAME	Roughrider Ed Services Program
NCES_STRONGID_1	3,810,270.00
NCESNAME	KILLDEER 16
NCESID	3,810,270.00
GRADELOW	1.00
GRADEHIGH	14.00
EDUCATIONALENTITYTYPE	Public LEA
AME	
COUNTYNUMBER	13.00
COUNTYNAME	DUNN
COUNTYSEAT	Manning
LEATYPE	High School LEA
SPECEDUNITSTATEID	45-701
SPECEDUNITNAME	West River Student Services Unit
CTESTATEISSUEDID	215.00
CTECONSORTIUMNAME	Killdeer Consortium

When a child transfers from early childhood special education services into an elementary school, who is responsible for the provision of special education services?

If a child is enrolled in a public school district, the LEA responsible for that district would provide special education and related services.

The BIE provides special education and related services for five-year old children with disabilities enrolled in elementary schools operated or funded by the BIE.

34 CFR 300.707.

(b) Provision of amounts for assistance. The Secretary provides amounts to the Secretary of Interior to meet the need for assistance for the education of children with disabilities on reservations aged 5 to 21, inclusive, enrolled in elementary schools and secondary schools for Indian children operated or funded by the Secretary of the Interior...

(c) Additional Requirements. With respect to all other children aged 3 to 21, inclusive, on reservations, the SEA of the State in which the reservation is located must ensure that all requirements of Part B are implemented.

Under IDEA B, who is responsible for reporting special education data for children ages 3 through 5 residing on reservations?

- NDDPI submits an annual report of the number of students receiving special education and related services
- LEAs include children in their child count, reporting data under section 618 of IDEA, reporting in the State Automated Reporting System (STARS), completing evaluations, determining eligibility and if a child is found eligible, the development of an individualized education program



Are there additional steps in completing the STARS report for children ages 3 through 5 residing on a reservation?

1. LEA follows district procedures to submit the child's demographic information into STARS.
2. For each child who is referred to an LEA to determine eligibility for special education and related services, STARS data must be sent to TIENet.
3. For a child who is ages 3 through 5 and residing on a reservation, the BIE checkbox must be marked when completing the child's demographic information in STARS. This will allow the child's information to flow from STARS to TIENet.



Guidance on the process for entering a child into STARS and TIENet is available at:

http://www.dpi.state.nd.us/speced1/TIENET/entering_exiting_flowchart.pdf

What process should the LEA complete when the child exits early childhood special education services and enters an elementary school operated or funded by the BIE?

1. When a child is transferring from early childhood special education services into an elementary school operated or funded by the BIE, the LEA does need to complete an exit form in TIEnet.
2. The reason on the exit form should be identified as, "Moved-known to be continuing".
3. The LEA must enter the end date and exit code in the district enrollment in STARS.



The State Performance Plan requires reporting on three early childhood Indicators. Who is responsible for data collection and reporting for the Indicators?

The LEA is responsible for data collection and reporting for all children ages 3 through 5 receiving early childhood special education services. This includes data regarding the three early childhood Indicators in the state performance plan and annual performance report. Copies of these reports can be found at:

<http://www.dpi.state.nd.us/speced1/data/data.shtm>

Indicator 6 - On December 1st of each year, the NDDPI collects least restrictive environment (LRE) data through the STARS for children ages 3 through 5 receiving special education services. The data for this LRE report is gathered from each child's IEP.

Indicator 7 – As part of the ND Early Childhood Outcomes Process, the LEA is responsible to complete entry ratings on the Child Outcome Summary Form, COSF, for each child with an IEP when they begin receiving early childhood special education services. Exit information must be completed when the child exits early childhood special education services. Guidance regarding the ND Early Childhood Outcomes Process can be found at:

<http://www.dpi.state.nd.us/speced1/childhood/childhood.shtm>

Indicator 12 – All children who have been served by Part C and referred to Part B and turn 3 during the current data year must be documented in TIEnet or the NDDPI Indicator 12 spreadsheet. The LEA should report only those children who are defined as potentially eligible and the LEA has received an official notification for Indicator 12. NDDPI has developed a Question and Answer document, *Early Childhood Transition from Part C to Part B Indicator 12 LEA Documentation Process*, to assist early childhood special education professionals in determining when and how to document children who have been officially referred from Part C to Part B for eligibility determination. Contact 701-328-2277 to receive a copy of this document.



Is the BIE or State Agencies responsible for the transition process from Part C to the Part B services?

Initial team leadership in the transition process is generally provided by the ND Department of Human Services, Early Intervention Services.

Joint conferences with early intervention services staff, LEA staff, and parents occur when the child is 2 years, 7 months old and 2 years, 9 months old. Once the LEA initiates services, such as the evaluation process to determine Part B eligibility and the development of an IEP, they will facilitate the planning process.

Additional information relating to the Early Childhood Transition process can be found in the guidance document: *Understanding Early Childhood Transition: A Guide for Professionals and Families*

<http://www.dpi.state.nd.us/speced1/childhood/transition-guide.pdf>

Understanding Early Childhood Transition:
A Guide for Families and Professionals



What educational environments should be considered when determining the least restrictive environment for children ages 3 through 5 who reside on reservations?

- All children ages 3 through 5 with disabilities are entitled to receive a free appropriate public education
- IEP team must discuss the continuum of educational environments in which the child will receive most of his/her special education and related services
- The LRE continuum for preschool-aged children with disabilities includes those early childhood settings designed primarily for children without disabilities
- Children ages 3 through 5 residing on reservations are entitled to a continuum of environmental settings

Additional guidance regarding Part B Educational Environments for Children Ages 3 through 5 can be found at http://www.dpi.state.nd.us/speced1/childhood/LRE_ppt.pdf

What is the FACE program? Does this program provide special education services under Part B for children ages 3 through 5 residing on a reservation?

- Initiated in 1990 with a focus on providing support to American Indian families in the areas of early childhood development
- Provides center-based early childhood services to children aged 3 through 5
- Promotes early identification and services to children with special needs
- Assists and supports with child find, screening, and service provision, but they are not ultimately responsible for the provision of special education services under the IDEA

www.faceresources.org



If a child receives services in a FACE program, would this setting be considered the environmental setting for data reporting purposes?

- FACE is an option for all children and thus may be considered an LRE setting in which a child is served alongside typically developing peers
- FACE is a center-based program that could meet the current definitions of a “regular early childhood program” used by OSEP in its annual data collection on educational environments for preschool children

Additional guidance regarding Part B Educational Environments for Children Ages 3 through 5 can be found at

http://www.dpi.state.nd.us/speced1/childhood/LRE_ppt.pdf



How can States and the BIE work together to ensure that children ages 3 through 5 residing on a reservation receive the IDEA services to which they are entitled?

MOUs should:

- define which services will be provided by each entity;
- identify what early identification and child find strategies will be used by each entity;
- ensure that children eligible for special education or related services under Part B receive those services at no cost to the parent, as required by law, and to the maximum extent appropriate, in the least restrictive environment for those preschoolers;
- ensure that each party cooperatively maintains communication and shares leadership responsibilities at the local level to ensure available resources are used in the most effective manner; and
- ensure that cooperative arrangements between LEAs and FACE are developed, implemented, and maintained specific to all applicable aspects of systems and services.



For further information or additional questions please contact:

Gerry Teevens, Director of Special Education gteevens@nd.gov
701-328-2277

Valerie Bakken, Special Education Early Childhood Coordinator
vbakken@nd.gov

<http://www.dpi.state.nd.us>





Thank You

