



October 15, 2007

Re: Comments Relative to the Burden and/or the Collection Activity Requirements under IDEA

CEC is the largest professional organization of teachers, administrators, parents, and others concerned with the education of children with disabilities, gifts and talents, or both. We are writing in response to the August 16, 2007 *Federal Register* announcement requesting public comment on the revision of IDEA Part B Implementation of FAPE Requirements.

CEC, in collaboration with its Division on Early Childhood, is submitting comments addressing the OSEP proposed changes to the 618 reporting requirements as they relate to the settings in which preschool children receive their special education and related services. CEC has concerns about the proposed changes and **recommends that the data categories for reporting be revised to reflect data categories originally established in 1998-1999 that OSEP adopted for reporting preschool LRE settings, with modifications suggested in 2003 to enhance the strength of the data to be reported by states (see below)**. This recommendation document has three components. The first section examines the historical and supportive data restructuring process related to Preschool LRE data. Revisiting the history of the revisions to the data categories and the old categories themselves is a critical element of CEC's proposed recommendation. The second section provides a rationale for CEC's recommendation. The third section provides the CEC-recommended data table.

Historical Context

The framework for collecting Preschool LRE data has been in place since 1976. There have been several iterations and modifications in the structure of the data and the categorical criteria used. With each iteration there has been a "fine tuning" to the data collection process. The changes for the most part have resulted in providing states with the ability to collect strong data. The 618 reporting requirements historically have provided states with supportive data they have been able to use with their LEAs and state plans to enhance inclusive opportunities for young children with disabilities. However, changes made in 2005 created an entirely new direction for states that made it difficult for them to track their programmatic activities, to examine their progress and to set programmatic priorities. The proposed changes do not solve that problem and in fact only add to it.

CEC remains very supportive of the collection of data around Preschool LRE and would like to contribute adjustments to the reporting requirements that help states meet OSEP directives so that 1) information can be used to assist in establishing programmatic priorities, and 2) data can be used to measure state and local progress toward meeting state established SPP targets. The current and proposed OSEP data collection frameworks move states substantially away from this process and make it very difficult for them to track the impact of their programmatic activities related to enhancing opportunities for preschoolers to receive special education and related services in inclusive settings. They also do not



adequately address OSEP regulations related to LRE. This next section examines these issues more closely in providing a rationale for the CEC recommendations.

Rationale for Recommendations

CEC's recommendation is strongly rooted in a statutory and regulatory perspective. IDEA language at 616(a)(3) requires states to report on quantifiable indicators in the monitoring priorities specified in the statute. One of these priority areas included in the statute and its implementing regulations is provided at 616(a)(3)(A) - "Provision of a free appropriate public education in the least restrictive environment." Clearly, the intent of the statute is to monitor the settings in which special education and related services are provided to children eligible under IDEA to ensure these decisions are consistent with the least restrictive environment requirements.

CEC does not believe the OSEP proposed changes to the 618 data reporting requirements will enable states to collect data they can use for setting state-level priorities. It is critical that states be able to set priorities based upon data as required by regulation. Currently data are based upon where children spend their day instead of where they receive special education and related services. The OSEP proposed changes to reporting requirements continue to reflect data on the settings in which children spend their day unrelated to the provision of a FAPE supported by the public agency.

CEC's recommendation is also grounded in a philosophical stance. The OSEP proposed changes in settings choices for the indicator seem to reflect a philosophical preference that the "classroom" is a natural setting and the home is not. Home may indeed be a natural setting for many three and four year olds. While the settings are not organized in a hierarchical format the ultimate data collection and reporting process may result in a philosophical presentation that only a "regular early childhood program" is an appropriate setting for 3-5 years olds.

CEC's recommendation is also based on logistical issues. CEC would like to note the burden the OSEP proposed change in the reporting process would place on states. This represents yet another change in how data are to be collected and reported and will require significant additional expense both in time and money to revise state data systems once again.

In addition, there are major privacy concerns about the role parents are being asked to play in reporting whether the children in their child's private early childhood settings have disabilities. There are concerns related to the accuracy and reliability of this parent reported data. In many situations, parents will not know which children are or are not disabled for these reporting purposes. It is difficult to see how states and local school districts will be able to develop procedures to verify these data to ensure accuracy. These concerns about parent reports relate to both the current and OSEP proposed changes.



CEC Recommended Data Table

CEC has developed a data table that we feel addresses the above concerns and one that enables states to provide data that is usable and supportive in providing enhanced opportunities for receiving services in LRE preschool settings. The CEC-proposed data table, which draws heavily from the Table used during 2004-6 data collection, is provided below.

Early childhood setting. Unduplicated total who received all of their special education and related services in educational programs designed primarily for children without disabilities. This may include, but is not limited to:

- regular kindergarten classes;
- public or private preschools;
- Head Start Centers;
- child care facilities;
- preschool classes offered to an eligible pre-kindergarten population by the public school system;
- home/early childhood;
- home/Head Start combinations; and
- other combinations of early childhood settings.

Early childhood special education setting. Unduplicated total who received all of their special education and related services in educational programs designed primarily for and serving children with disabilities housed in regular school buildings or other community settings. This may include, but is not limited to:

- special education classrooms in regular school buildings or trailers;
- special education classrooms in child care facilities, or other community-based settings;
- residential facility; and
- separate schools

Home. Unduplicated total who received all their special education and related services in the principal residence of the child's family or caregivers.

Single Provider Setting. Unduplicated total who received all of their special education and related services at a clinic.

Part-Time early childhood/Part-Time early childhood special education. Unduplicated total who received special education and related services in multiple settings such that: (1) special education and related services are provided at home or in educational programs designed primarily for children without disabilities, and (2) special education and related services are provided in programs designed primarily for children with disabilities. Please check the appropriate box:

- Home and early childhood special education setting
- Early childhood setting and early childhood special education setting
- Home and single provider setting
- Early childhood setting and single provider setting



In summary, across the country, parents, providers, LEA administrators and other providers of early childhood community programs are expressing increasing concern about the current and proposed data requirements related to preschool settings. CEC continues to hear from our members including parents, providers and administrators at the state and local level on this matter.

Establishing data collection and measurement requirements to reliably and accurately portray the provision of special education and related services to preschoolers in the least restrictive setting is very difficult due in large part to the varying opportunities for early care and education in communities across the country and the role families play in securing and paying for these opportunities. CEC realizes that the 618 reporting requirements are only one tool for promoting the availability of high quality preschool inclusive options for young children with disabilities and their families. However, we believe that the tool is a critical one and has been effective in the past in helping states monitor their progress and set priorities for change. CEC is committed to making the tool as meaningful and effective as possible now and in the future.

CEC is committed to the provision of comprehensive quality services for preschoolers with disabilities and their families in the least restrictive environment. We appreciate this opportunity to comment. We recommend the settings tables be revised in accordance with these recommendations but we would also be in support of OSEP convening a stakeholder group to finalize these settings tables to ensure the tables will not need revision again at least during this SPP cycle.

If you need additional information please contact Deborah Ziegler, Associate Executive Director for Policy and Advocacy Services at debz@cec.sped.org or 703-264-9406, or Dan Blair, Senior Director for Policy and Advocacy Services at danb@cec.sped.org or 703-264-9403.

Sincerely,

A handwritten signature in cursive script that reads "Deborah A. Ziegler".

Deborah A. Ziegler, Ed.D
Associate Executive Director
Policy and Advocacy Services