

TRANSITION
from
EARLY INTERVENTION
to
PRESCHOOL

Lunchtime Teleconference
May 20, 2009

What to say if.....

What to say if parent is told...

- “We’ll let you know whether or not we are going to evaluate your child.”
- *“IDEA & NJ code make me a part of the team that decides whether or not my child will be evaluated. You must hold a meeting within 20 days of my request for us to discuss whether or not my child will be evaluated.”*



What to say if parent is told...

- “If your child just needs speech then they aren’t eligible for special education.”
- *“Before we discuss services, let’s discuss eligibility. Let’s review the criteria for preschool special education services. Once we’ve agreed that my child is eligible, then we can discuss strengths & needs, annual goals & short-term objectives, services, & finally placement.”*



What to say if parent is told...

- “We want to excuse the participation of an IEP team member from the meeting.”
- *“Under NJ Code, you must request my permission to excuse the team member when you send me the notice of the meeting and you must enclose the information they would have shared at the meeting with that notice. Since that didn’t happen, I can’t consent to their excusal.”*



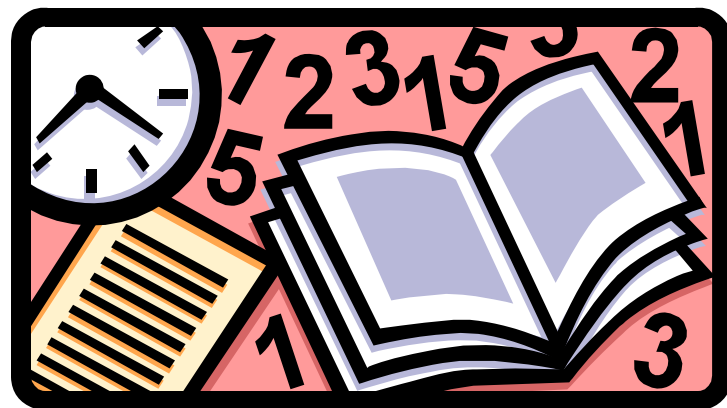
What to say if parent is told...

- “We have to check with the Director of Special Education (or superintendent, or anyone not at the meeting) about that request.”
- *“IDEA & NJ Code require that you have someone at my IEP meeting who can commit the district’s resources. If you like, we can adjourn the meeting and reconvene with additional team members whose presence is required for decision-making. Of course, you still must meet your timelines.”*



What to say if parent is told...

- “We don’t provide that service for our preschoolers.”
- *“IDEA & NJ code require that you provide a free, appropriate public education to my child, and if my child needs a particular service to achieve his/her goals and objectives, then the district must provide it.”*

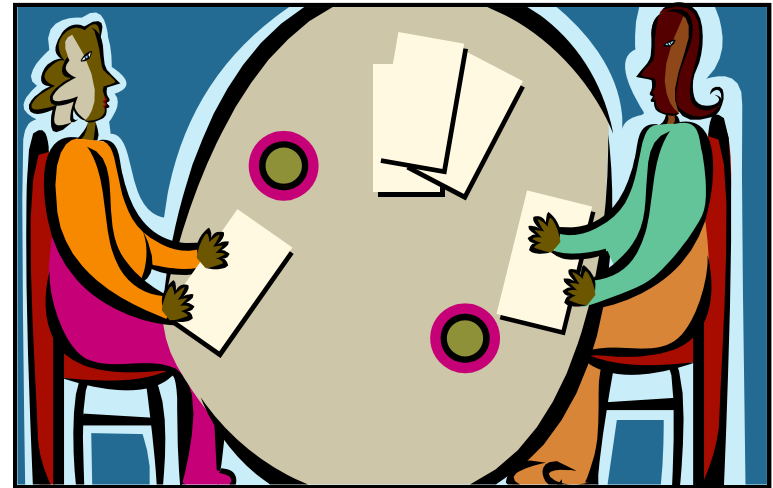


What to say if parent is told...

- “We never provide ESY services for preschoolers because we can’t measure regression & recoupment of knowledge & skills. Your child’s services will start in September.”
- *“You can’t have a policy of not offering ESY services to preschoolers. We need to talk at the IEP meeting about his/her experience in early intervention & what I observe about how quickly my child loses knowledge or skills and how long it takes for her/him to relearn the knowledge or skills. We also have to consider whether children with my child’s disability generally experience regression & difficulty in recoupment, as well as my child’s emerging skills. If my child needs ESY services, then her/his services must start no later than her/his 3rd birthday even if her/his birthday falls in the summer.”*

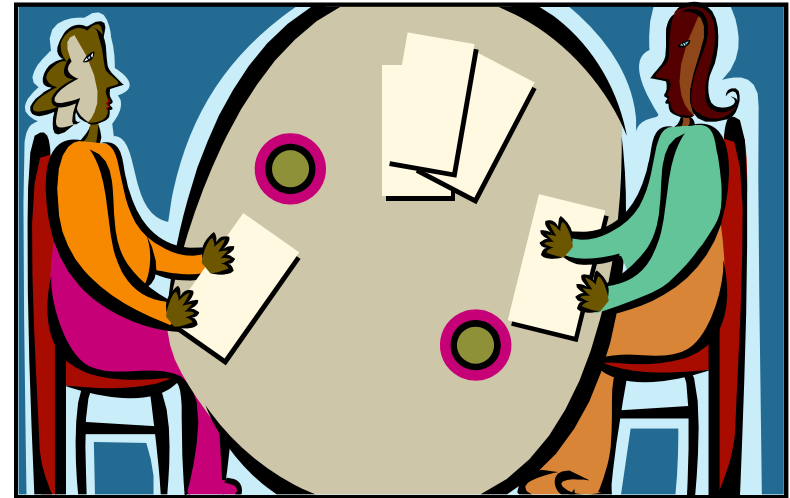
What to say if parent is told...

- “All our children go to our preschool special education program.”
- *“My child has the right to a free, appropriate public education in LRE and the right to be educated in a setting where preschoolers are typically found, such as a child care center or general education preschool program. You can’t remove my child from such a setting unless her/his IEP can’t be implemented in that setting.”*



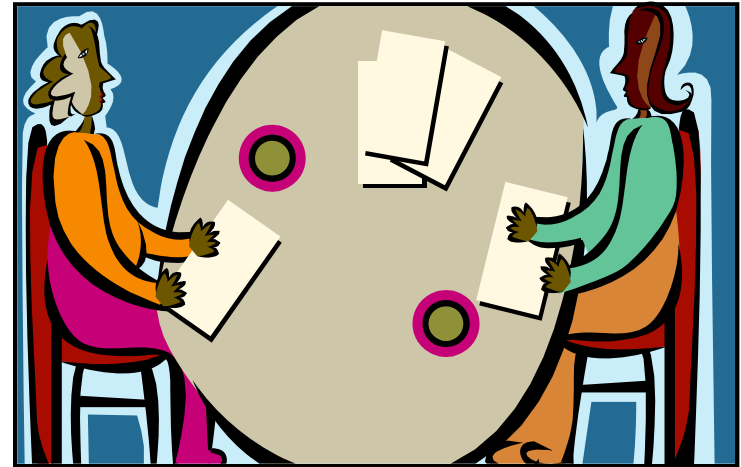
What to say if parent is told...

- “The special services school district is less restrictive than a child care center because it’s a public school program.”
- *“For preschoolers, the LRE is where my child can be included with typical preschoolers. Even a preschool class with 50% children with disabilities & 50% children without disabilities is not the LRE.”*



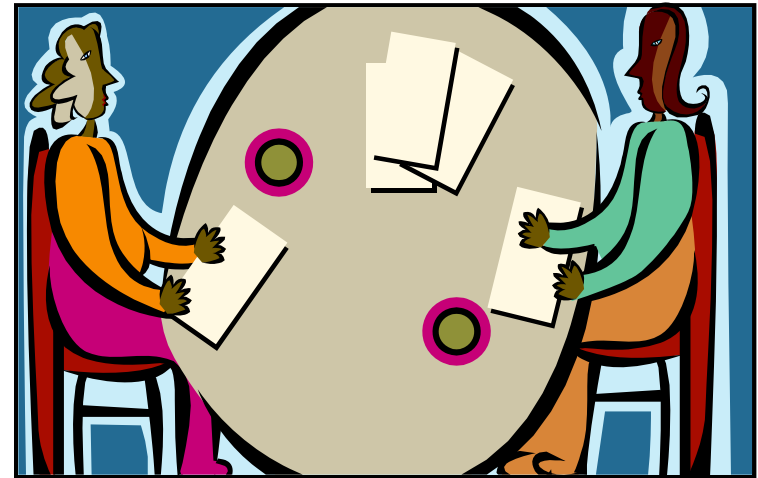
What to say if parent is told...

- “The child care center must be accredited before we can place a child there.”
- *“The law does not require that the child care center be accredited before my child can be placed there. If you disagree with me, please show me the specific place in the law where you have found that requirement.”*



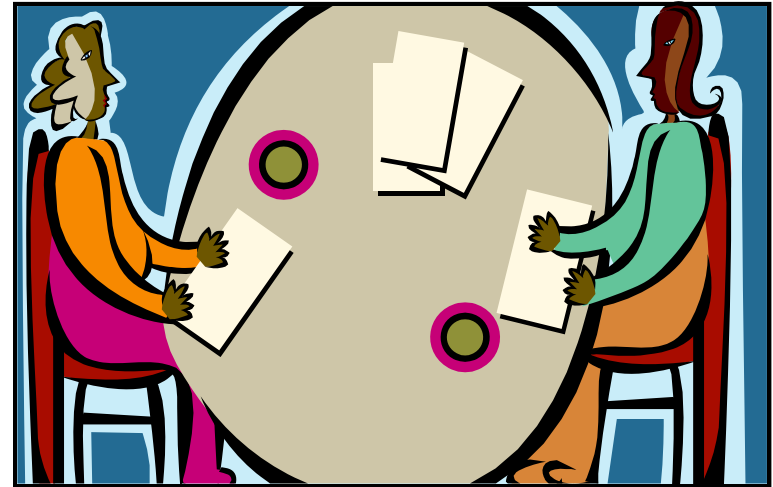
What to say if parent is told...

- “You must visit our preschool special education program before you reject it.”
- *“There is no legal requirement for me to visit the preschool special education setting before I reject it. We shouldn’t even be discussing this setting unless we have already seriously considered a typical setting & determined that such a setting can’t meet my child’s needs even with additional supports, aids, accommodations, & services.”*



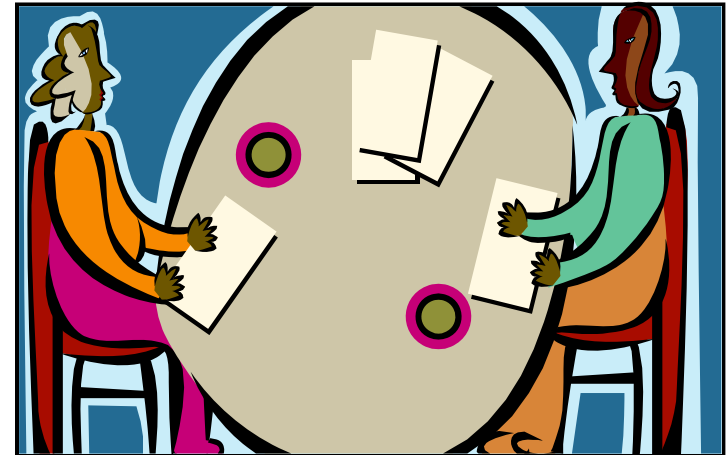
What to say if parent is told...

- “Let’s talk about placement first.”
- *“Instead, let’s follow the law and develop the IEP first. We should start off with my child’s eligibility, then discuss strengths & needs, goals & objectives, & services. Placement should be the last thing we talk about. And when we talk about placement, the issue is: Is there any reason why this IEP can’t be implemented in an inclusive setting with non-disabled peers?”*



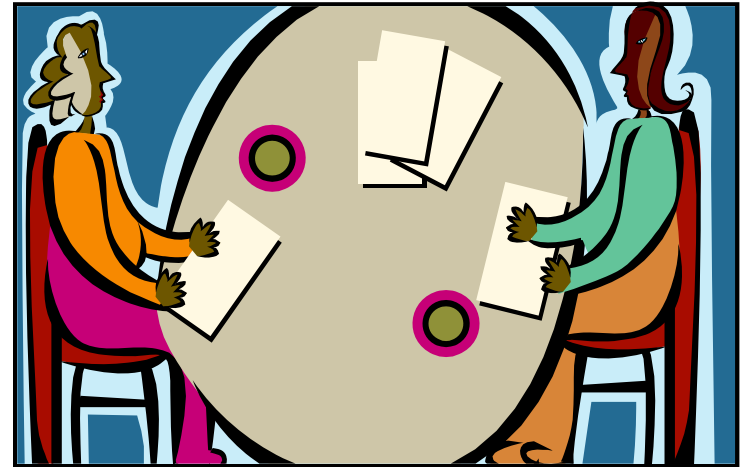
What to say if parent is told...

- “We might provide related services in a typical preschool but we won’t help pay for the tuition for that program.”
- *“The law requires that you pay for the tuition for the amount of time it takes to implement my child’s IEP.”*



What to say if parent is told...

- “Our special ed preschool program is better for your child because they will receive more intensive instruction in a smaller class size.”
- *“Research shows that most preschoolers do better both academically and socially/behaviorally in a setting with typically developing peers. Under IDEA, my child’s IEP must incorporate research-based practices, so unless you can show me research to the contrary, my child’s IEP should reflect inclusion.”*



What to say if parent is told...

- “If you don’t agree with our recommendation for services or placement, the pendency placement is our recommendation. If you refuse to accept that recommendation, your child will not receive any services until we resolve the disagreement.”
- *“There is a 3rd Circuit Court of Appeals decision that says that, if we don’t agree, and I request mediation or a hearing, the pendency placement is the set of services s/he was receiving in the IFSP. So if we can’t reach agreement, be prepared to pay for the continuation of the services in my child’s IFSP while we work through our differences.”*



Thank You

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