

June 27, 2005

My name is Bonnie Keilty, Assistant Professor of Education in the Early Childhood Education/Early Childhood Special Education programs at Teachers College, Columbia University. I also serve on the Government Relations Committee of the Division for Early Childhood, Council for Exceptional Children (DEC). I am here today to offer comments on the proposed IDEA regulations on behalf of DEC. Thank you for this opportunity and I hope that there will be another opportunity for public comment when the Part C regulations become available.

The Part C and Section 619 programs have provided families of young children with disabilities vital supports and services to facilitate their children's learning, development and participation in everyday home and community life. As someone with a family member with disabilities who grew up in the era prior to PL 94-142, and a professional working with families since its passage, it is clear that these federal programs provide the structure for creating early intervention and early childhood special education programs that consider the rights and equity of young children with disabilities, promote family competence and confidence in parenting their child, and align with the educational and developmental evidence base of early childhood. As one family I recently interviewed in a research study stated, "The focus of early intervention is the child, but it's really about helping the family."

While an extensive review of the proposed regulations will require many weeks, please consider the following recommendations:

***DEC recommends that the language in regulation be clear that IDEA personnel qualifications include preschool special education teachers.*** Highly qualified personnel are vital to the provision of high quality supports and services for all children with disabilities. Preschool special education teachers require specific knowledge and skills in many critical areas. These necessary competencies, to mention a few, include: understanding and teaching to the unique developmental and learning needs of children under five years, collaborating with professionals in least restrictive environments such as early care and education settings and other community-based programs, seamlessly transitioning children from early intervention to preschool supports and from preschool supports to kindergarten, and preparing children for the next learning environment in elementary school. While the statutory language specifies that special education teachers at the elementary, middle, and secondary level be appropriately and adequately trained, it does not refer to preschool special education teachers. Therefore, we respectfully recommend that regulatory language also specify that States must establish and maintain qualifications to ensure preschool special education teachers are appropriately and adequately prepared and trained.

***DEC recommends that the regulatory language at 300.226(a) be revised to specify that the provision for early intervening services be applied to the entire age range under Part B of 3 to 21 years.*** The evidence for early intervening services beginning at age 3 years is consistent with what appears to be the statutory intention of emphasizing early intervening services from Kindergarten to grade 3 – school success can best be enhanced the earlier needs are identified and supported. Since general education preschool teachers are not usually housed in buildings

where special education and related service personnel are, as opposed to k-12 general education teachers who are, creating structures for collaboration among preschool general and special education personnel can provide supports not necessarily available or accessed. General education preschool teachers are not necessarily trained to address some unique learning needs of children who may not be eligible for special education services, but who could benefit from additional support. In fact, a recent study funded by the Foundation for Child Development found that preschool children were expelled from general education programs at a rate three times more than children in grades kindergarten through 12<sup>th</sup> grade; with the rate of preschool expulsion reported to be 6.7 per 1,000 enrolled preschoolers. Having the expertise available to address some of the needs that resulted in expulsion could reduce this rate and retain children in preschool classrooms. This is just one example of the supports that could be provided to preschool children to promote school success.

***DEC requests clarification that states be allowed to take a portion of the birth through Kindergarten option of providing Part C services to children from three years to kindergarten.*** With various early childhood initiatives advancing in multiple states that start and end at different ages, providing this option could facilitate a truly comprehensive early childhood system that includes children with disabilities, provides more seamless supports and potentially reduces the number of transitions during the early childhood years. In order to support the latter point of reducing transitions, DEC also requests that clarification include language that a child cannot return to Part C after transitioning to Part B preschool services.

With regard to the pending Part C regulations:

***DEC strongly recommends that current regulations related to natural environments be retained and any additional regulatory language reinforce that: (a) the IFSP team determines the appropriate setting; (b) no member of the IFSP team can unilaterally select the setting; (c) services can only be provided in a setting other than a natural environment if the child's outcomes cannot be achieved in a natural environment and the team's justification is documented; and (d) the home is not the only natural environment.*** The everyday social and physical experiences of infants and toddlers are important to setting the stage for a positive course of development. These repetitive experiences occur with family members, peers and other caregivers in the child's daily life. The purpose of this mandate in current regulations was to support caregivers in creating those experiences that promote the development of their child based on his/her unique developmental needs. The evidence base still supports the current regulatory language. It is recommended that the regulations for IDEA retain that position.

***Finally, it is recommended that Part C regulations include a definition of "rigorous" with regard to eligibility criteria for developmental delay.*** As currently defined in regulations, evaluations for eligibility must include informed clinical opinion; a review of pertinent records related to the child's current health status and medical history; an evaluation of the child's level of functioning and an assessment of the unique needs of the child. In addition, Sec. 303.323 (c) of Nondiscriminatory procedures states that no single procedure is used as the sole criterion for determining a child's eligibility. These regulations are aligned with current best practices in assessing young children, namely, multiple methods, including clinical judgment, that are synthesized into a holistic picture of functioning, identifying functional development versus

decontextualized skill attainment, and understanding individual characteristics and quality of behaviors. Even with these current regulations, many early interventionists misinterpret or misperceive eligibility criteria to be solely determined by the quantitative results of a norm-referenced instrument. It is recommended that the new regulations define rigorous in such a way to continue to align with the best practices reflected in current regulation.

In closing, I would like to thank you for the opportunity to provide comment on the proposed regulations for the Individuals with Disabilities Education Improvement Act of 2004. The Part C and Section 619 programs provide a framework for states and local jurisdictions to create programs around quality, accountable service provision to all eligible families in order to maximize the learning, development and participation of young children with disabilities in home and community life.

Bonnie Keilty, Ed.D.  
keilty@tc.columbia.edu  
(212) 678-4131