

## MUSER Child Development Services (CDS) 3-5 year olds

**Intermediate Educational Unit (IEU) (page 7)** – Intermediate educational unit means an entity that meets the definition of intermediate educational unit in the federal Individuals with Disabilities Education Act (IDEA), 20 U.S.C, 1402, (23) as in effect prior to June 4, 1997, and that is a public authority, other than a local educational agency, under the general supervision of a State educational agency, that is established for the purpose of providing free public education on a regional basis and that provides special education and related services to children with disabilities within the State. [34 CFR 300.12©]. Intermediate educational units and school administrative units are both considered local educational agencies (LEAs) under IDEA.

**Child Development Services (CDS) State Intermediate Educational Unit (IEU)** is organized as an IEU. For purposes of this chapter all references to SAUs in this rule include the State IEU, where appropriate.

### **MUSER V.1.A(3)(a)(i)(ii)-Evaluation and Reevaluations for Children 3-22 (page 40)**

- The initial evaluation must be conducted within 60 calendar days of receiving parental consent for the evaluation for children in the CDS System, and must consist of procedures to determine if the child is a child with a disability and to determine the educational needs of the child; and
- Following the completion of the initial evaluation, and within the above timeframe, the agency or SAU shall proceed to determine if the child is a child with a disability under 34 CFR 300.8 [Section VII].

### **MUSER V.4.-Standardized Reports of Evaluation for Children 3-22 (pages 50-51)**

- **Referral for Evaluation:** The SAU representative shall indicate to the evaluator when making a referral for evaluation:
  - The suspected disability of concern;
  - How the suspected disability is demonstrated within the educational setting;
  - The information the IEP Team desires from the evaluator in order to plan an appropriate program for the child; and
  - Any other information deemed relevant by the IEP Team.
- **Evaluation Report.** The IEP Team shall require each person or agency completing an evaluation or diagnostic service recommended by the IEP Team to submit a written evaluation report no later than 50 days for children in the CDS system, from the receipt of parental consent to evaluate, recognizing the requirement that the parents receive the evaluation report at least 3 days prior to the IEP Team Meeting at which the evaluation will be discussed.
- Each report shall include:
  - Evaluation date(s)
  - Report date
  - Birth date and age at date of evaluation
  - Referral question and by whom
  - Relevant background information
  - Observation in the learning environment (which could be completed by another evaluator or an IEP team member and be considered in the preparation of the report)
  - Clinical observation, if appropriate
  - Results of informal assessment procedures
  - Summary of the evaluation procedures employed
  - Specification of the results of each evaluation with testing interpretation (including standard deviation scores)
  - Summary of the evaluation results and diagnostic impressions;

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- Specification of the educational recommendations necessary to meet the child's educational needs
- If intervention is recommended, the needs that could be addressed in regular education or in special education, if the child is identified by the IEP Team as a child with a disability
- Evaluation reports shall not make either eligibility or placement determinations. These determinations are the responsibility of the IEP Team, pursuant to federal and State law and regulation.
- The evaluation report shall be placed in the child's education record file.
- The IEP Team shall only accept evaluation reports which the responsible SAU has ordered that conform with the description above. Other applicable reports provided may also be considered.
- A copy of the evaluation report must be provided to the parent at least 3 days prior to the IEP Team Meeting at which the evaluation will be discussed.

### **MUSER VIII-Eligibility for FAPE for Five Year Olds by the IEP Team Determination (page 91)**

The Child Development Services System shall provide free, appropriate public education to a preschool child with disabilities who reaches 5 years of age between July 1st and October 15th if that child is already receiving free, appropriate public education through the Child Development Services System and the child's individualized education program team determines, in accordance with rules adopted by the commissioner in subsections 1 and 2 below, that it is in the best interest of the child not to enroll that child in kindergarten until the start of the following school year. A child is considered to have been already receiving FAPE services through CDS if they were counted in the prior year's December 1st Child Count. [20-A MRSA §7001 (2-A)]

- In accordance with 20-A MRSA §7001(2-A), when the individualized education program team is considering the choice of whether the child should receive "free and appropriate public education" services through the Child Development Services System or in kindergarten, the team must determine whether it "best meets the individual needs of the child" to remain in the Child Development Services System and not enroll in kindergarten until the start of the following school year;
- The "best meets the individual needs of the child" standard may not be equivalent to the "free and appropriate public education" standards and that the individualized education program team may determine that remaining in the Child Development Services System may "best meet the individual needs of the child" even if the kindergarten program that is available to the child could provide the child with a "free and appropriate public education"; and
- In the event that the parent disagrees with the decision of the individualized education program team and decides to use dispute resolution procedures, the standard for the review must be whether the individualized education program team decision "best meets the individual needs of the child".

### **MUSER X.2.A(2)(a)(b)-Early Intervention/Special Education Services and Settings: Special Education in the Least Restrictive Environment for Children Three to Twenty-Two (pages 111-113)**

**Specially Designed Instruction.** Specially designed instruction means adapting, as appropriate to the needs of an eligible child under Part B of IDEA, the content, methodology, or delivery of instruction to address the unique needs of the child that results from the child's disability, and to ensure access to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the SAU that apply to all children [34 CFR 300.39(b)(3)]. Specially designed instruction is instruction provided to children ages three to twenty-two by an appropriately qualified special education professional or an appropriately authorized and supervised educational technician consistent with a child's IEP. The design and delivery of services is uniquely designed to assist children to meet the goals of the child's IEP.

- **This includes (for children 3-5):**

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- Embedding a child's goals into developmentally appropriate activities or into the general education curriculum.
- Designing learning environments and activities that promote the child's acquisition of skills in a variety of developmental areas, as well as generalization of those skills across a variety of environments, and:
- Planning curriculum/treatment, including the planned interaction of personnel, materials, and time and space, that leads to achieving the goals in the child's IEP, and the ongoing assessment of progress through the recording of the child's measured performance over time (data collection).
- **Frequency and Intensity (For Children 3-5)**
  - For purposes of compliance with this rule, the appropriate frequency and intensity of center-based specially designed instruction for any child 3-5 eligible for such instruction is presumed to be as follows:
    - No more than six (6) hours per week for children two (2) years prior to kindergarten; and no more than nine (9) hours per week for children one (1) year prior to kindergarten. In addition, the appropriate duration of center-based specially designed instruction for children age 3-5 is presumed to be no longer than the duration of the public school year.
    - For purposes of compliance with this rule, the appropriate frequency and intensity of home-based specially designed instruction for any eligible child is presumed to be no more than five (5) hours per week for children 3-5.
    - In making recommendations for specially designed instruction the IEP Team must consider the amount of time recommended for other services for the child, and the goals relative to those other services, in order to avoid duplication.
    - The presumption of the appropriate frequency, intensity or duration of specially designed instruction may be rebutted, in the case of any individual child, by an IEP Team decision based on consideration of the following:
      - An evaluation by an SAU's qualified evaluator who is not the child's provider of specially designed instruction that includes a recommendation of a greater frequency, intensity or duration of special instruction; and
      - Documentation, in the child's IEP, of the modifications and supports that have been tried or considered in the specially designed instruction program of the frequency, intensity or duration considered typical for the age of the child and rejected as inappropriate, and why. The required documentation will include consideration of the child's progress toward the successful completion of goals based on the child's present level of educational performance, and included in the child's IEP.
  - Program Teacher: Child Ratio
    - Ages 3-5    1:1 to 1:4        Self Contained
    - 1:1 to 1:12       Inclusive Placement

### **MUSER X.2.A(7)-Extended School Year Services: Extended school year (ESY) (page 120)**

The Individualized Educational Program Team makes a determination about extended school year services at every Individualized Educational Program Team meeting for young children 3-5 in the Child Development Services System.