

OSEP Responses to OMB Questions on 1820-0517 (Part B, Table 3)

OSEP is providing their responses to OMB's questions on the preschool educational environments data collected through Part B, Table 3 (#1820-0517), as well as the data collection form Part B, Table 3 (#1820-0517) for OMB's review and approval. As you know, OSEP has been working on this collection for some time. The collection was first published for the 60-day comment period on August 16, 2007 and after considerable internal discussion the revised collection was published for the 30-day comment period on March 24, 2009. In a call on May 28, 2009, OMB suggested that we consider putting this information collection out for an additional 30-day public comment period. We are concerned that putting this data collection form out for a second 30-day public comment period would be a problem due to: (1) the States' need to start collecting these data as soon as possible; and (2) the likelihood that the public comments received during a second 30-day comment period would not result in any new information, comments from groups we have not already heard from, or substantive concerns being raised.

- (1) The majority of the States will utilize the children's IEP meetings, which take place in the Spring, to collect the necessary data to complete and submit Part B, Table 3 to ED; if this data collection form was to go into a second 30-day public comment period, it would not be approved by OMB until after the majority of the children's IEP meetings were held and the opportune time to collect these data had passed. Delaying the States' ability to provide training to LEA staff to collect the needed data for Table 3 will impact the quality of data OSEP receives from the States.
- (2) It is unlikely that an additional 30-day comment period will result in new or different public comments from those OSEP has already received. The public comments received during the 60-day public comment period were very similar to the comments received during the 30-day public comment period.

For these reasons, we request that OMB reviews the responses below and the accompanying data collection form for approval without engaging in a second 30-day public comment period.

1. *Why was 10 hours per week chosen as the cutoff point for hours/week/child in a regular preschool? It seems low, and potentially like a new federal standard since there is nothing similar that we can find in the Head Start language.*

The metric that is used in the existing version of this data collection for assessing time spent in a Regular Early Childhood Program is percentage of time spent in a Regular Early Childhood Program out of all of the time that a child spent in an early childhood program and in any environment in which the child was receiving special education and related services. This approach is problematic in that it does not provide any measure of how much time a child is actually spending in inclusive environments. OSEP determined that an absolute measure in terms of hours per week in a Regular Early Childhood Program is preferable. Furthermore, OSEP identified a need for standardizing this metric in order to facilitate the comparison of data across states. Ten hours per week was determined to be a reasonable point of reference. The 10 hours metric would require attendance equivalent to a minimum of two mornings per week and account for the variability in the number of hours a morning session would represent among preschool programs for children ages 3 and 4 and kindergarten programs for children age 5. OSEP determined that 10 hours per week represented a reasonable threshold at which a child

with a disability would be expected to have opportunities for adequate socialization and to benefit from the exposure to typically-developing peers. Note that the 10 hours per week cut point is only meant to delineate between children with disabilities who are spending more versus less time in environments with typically-developing children. It is not meant to establish a federal standard of the amount of time per week a preschool child with a disability should be in a regular early childhood setting. These are decisions that would be made by the parents and IEP team. These data provide a picture of the general extent to which preschoolers with disabilities attend inclusive community-based programs designed for typically-developing children, such as child care and education programs, Head Start, or public or private preschool programs, and can be used to inform States where they might expand opportunities to provide special education and related services in regular community-based settings.

- 2. Why was the question on proportion of time spent in regular education setting removed? The summary of contents says that it was to reduce burden, but the comments (as summarized by ED) don't seem to be concerned with the burden as much as with the lack of focus on location of special education service provision. If the point is to collect information about how the IDEA Part B money is being spent, this seems to be important information.*

OSEP determined that approaching the question of the amount of time that a child spends in a Regular Early Childhood Program in terms of percentage of time, rather than absolute hours spent, did not provide the full information that OSEP needed in order to assess how much of an inclusion experience these children were experiencing. In addition, OSEP received feedback from the early childhood community indicating that the existing data collection failed to provide adequate information regarding whether children in Regular Early Childhood Programs were continuing to receive special education and related services in those Regular Early Childhood settings. The current proposed form is revised to capture information on whether the majority of special education and related services are provided in the Regular Early Childhood Program or in some other location. The revised approach for capturing the amount of time spent in a Regular Early Childhood Program is a more efficient approach, reducing the response burden overall, while allowing for the introduction of these new data elements. The purpose of this collection is to determine the extent to which children with disabilities are educated with their typically-developing peers and not to track how the IDEA Part B money is being spent. As such, the new form collects information on both attendance at regular early childhood programs and the location where special education and related services are provided.

- 3. Why aren't children with IFSP's who are eligible for services under section 619 and continuing to receive early intervention services included as a student with a disability? OMB realizes that no States have exercised the Part C 3 to 5 option, but this might change given the availability of Part C incentive funds.*

This collection is authorized under IDEA only to collect information regarding children who are receiving services under IDEA, Part B. Two States have exercised the option under 20 U.S.C. 1435(c) that allows parents of children with disabilities who are eligible for services under section 619 and previously received services under Part C to choose the continuation of early intervention services until such children enter, or are eligible under State law to enter,

kindergarten. States that have elected this option will report where those children are receiving services on the Part C Settings data collection form (Table 2), formally titled, *Report of Program Settings Where Early Intervention Services are Provided to Children with Disabilities and Their Families in Accordance with Part C*. These children would not be reported on the Part B, Table 3 data collection form until they've fully transitioned to the Part B program.

4. *Why doesn't the instrument collect any information on the number of hours students spend in special education classes/schools?*

OSEP's interest in the amount of time spent in Regular Early Childhood Programs is driven by a desire to understand the extent to which children with disabilities are engaged in experiences aside from their special education and related services as well as the extent to which children with disabilities are being educated with their typically-developing peers. Time spent in special education classes and schools would not reflect such experiences, as this would be time spent in a segregated environment. Row sets A and B of the proposed form gather information on children who attend a Regular Early Childhood Program and who receive the majority of their IEP services in the regular early childhood setting or in another location. Row set C of the proposed form addresses children receiving all of their special education and related services in a segregated setting and who don't attend any Regular Early Childhood Program.