MEMORANDUM

DATE: September 20, 2019

TO: Directors/Coordinators, Exceptional Children Programs

FROM: Sherry H. Thomas, Director *SHT*

                   Carol Ann M. Hudgens, Section Chief *Cah*
                   Policy, Monitoring and Audit

ECATS: PRESCHOOL COORDINATION/USER TYPES AND PRESCHOOL SETTINGS

I.   ECATS Preschool Coordination/ User Types

The EC Division has received a number of requests, comments and concerns regarding the administrative file management and responsibilities of preschool/BK staff and the ability to manage preschool caseloads effectively in ECATS. Specifically, questions have occurred regarding (1) the ability of preschool/BK staff to serve in general education <u>or</u> special education roles for the purposes of IEP Team Meetings and (2) losing caseloads when preschool/BK staff are assigned a user type to reflect the role (general education teacher <u>or</u> special education teacher) that is being served in a particular student's IEP Team meeting.

Please be reminded of the following:
- The federal regulations from the re-authorization of the IDEA in 2004 describe the IEP Team as:
    §300.321 IEP Team.
    (a) General. The public agency must ensure that the IEP Team for each child with a disability includes—
        (1) The parents of the child;
        (2) Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);
        (3) Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child;
        (4) A representative of the public agency who—
            (i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
            (ii) Is knowledgeable about the general education curriculum; and
            (iii) Is knowledgeable about the availability of resources of the public agency.
        (5) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in paragraphs (a)(2) through (a)(6) of this section;
        (6) At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
        (7) Whenever appropriate, the child with a disability.
    (d) Designating a public agency representative. A public agency may designate a public agency member of the IEP Team to also serve as the agency representative, if the criteria in paragraph (a)(4) of this section are satisfied.
- In February 2009, the *Guiding Practices in Early Childhood Transition In North Carolina,* was issued.
    o Question #13: Can the Birth-Kindergarten (BK) or preschool add-on licensed teacher serve as the LEA Representative, the regular education teacher, and the special education teacher at an IEP meeting?
        ▪ *No. When the BK or preschool add-on licensed teacher is designated as the LEA Representative, he/she can only serve in one other role; either the regular or special education teacher. The LEA Representative must meet all three (3) requirements in the Federal Regulations…*

In response to Issue #1:
- ECATS user types were designed to maintain the integrity of the specific roles of general education and special education staff in EC Processes and to ensure the confidentiality of students identified with a disability.

In response to Issue #2:
- The EC Division is aware that *current* preschool case management practices have created a need for preschool/BK teachers to change their IEP Team member roles from special education to general education teachers for the purposes of an IEP Team meeting on a case by case basis. Because this is a need related to case management, the EC Division is providing a time-limited option for EC user types to have the general education team member role added while logic in ECATS is developed to exclude the ability for one user to serve as both the general education teacher and special education teacher on a single IEP Team. This update will preserve caseloads while allowing IEP Team member roles to change on case by case basis. The time-limited option is being provided under the following conditions:
  - The general education and special education permission will be accessible to preschool/BK users beginning September 20, 2019. This will be reviewed by February 1, 2020 and remain in place until additional logic development can be completed in the system.
  - Between September 20, 2019, and February 1, 2020, PSUs should examine its local practices and begin its own corrections, if warranted, for ensuring appropriate membership at all IEP Team meetings.
  - The User Types that will now include the time-limited general education permission are:
    - LEA Administrator 2
    - LEA Administrator 4
    - School Administrator 2
    - EC Administrator
    - EC Teacher 1
    - EC Teacher 2

II. Preschool Settings

The preschool settings will be updated in ECATS to reflect Regular Early Childhood Programs (RECP) also known as RECP1, RECP2, RECP3, and RECP4. Users will select the appropriate RECP by documenting on the "Services" page of the IEP process. Specifically, users will answer the following question under "Additional Service Information" – *For students age less than 6 years, please indicate where services for the student will be rendered?* Users will answer this question by selecting the appropriate RECP code from the dropdown menu.

We anticipate the update of Preschool settings to the system very soon and will communicate through a Monday Message and/or a GovDelivery communication when this is complete.

Additional questions or concerns regarding these items may be directed to the Sherry Thomas, sherry.thomas@dpi.nc.gov, Carol Ann M. Hudgens, carolann.hudgens@dpi.nc.gov or the assigned regional monitoring consultant.

SHT/CAH/cah

C   EC Division Staff