Extent and Duration of Early Intervention Programs for Preschoolers with Disabilities, Including Services during Breaks in Program

DATE OF ISSUE: September 8, 2009

The Basic Education Circular was replaced by the following memorandum from the Office of Child Development and Early Learning.
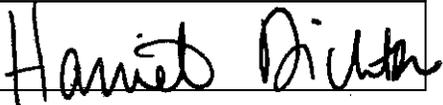
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ANNOUNCEMENT EI-08 #03
OFFICE OF CHILD DEVELOPMENT AND EARLY LEARNING
BUREAU OF EARLY INTERVENTION SERVICES

ISSUE DATE: April 16, 2008
EFFECTIVE DATE: April 16, 2008
EXPIRATION DATE: On-Going

SUBJECT:	**Extent and Duration of Early Intervention Programs for Preschoolers, Including Services During Scheduled Breaks in Their Program**
TO:	**Early Intervention Preschool Programs**
FROM:	**Harriet Dichter** **Deputy Secretary, Office of Child Development and Early Learning**

PURPOSE:

This Announcement revises BEC 11 P.S. § 875-304 dated December 19, 2006. The Announcement clarifies the Office of Child Development and Early Learning's (OCDEL) policy concerning the extent and duration of the program provided to preschoolers in Early Intervention programs, including the provision of services to preschoolers in Early Intervention during scheduled breaks in their education program.

BACKGROUND:

OCDEL assures the provision of appropriate Early Intervention programs and services to preschoolers in accordance with Act 212 of 1990, the Early Intervention Services System Act, IDEA 2004 and applicable state regulations. Both state and federal law require these programs and services to be provided consistent with an Individualized Education Program (IEP). Further, State Board of Education regulations 22 Pa. Code Chapter 14 §14.155(d) require that "The duration of Early Intervention services, in terms of program days and years, shall accommodate the individual needs of eligible young children." Thus, both the type and the extent of programming provided to preschoolers in Early Intervention must be determined on an individual basis.

DISCUSSION:

The traditional 180-day or "regular" school year that applies to school-aged students does not apply to programs for preschoolers. In Pennsylvania, the agencies who are the contractors with the Department and provide Early Intervention services under Mutually Agreed Upon Written Arrangements (MAWA's) determine the number of days and the length of days in the preschool calendar which extends over the entire 12-month program year. For preschoolers, this "stretch calendar" is the equivalent of the regular school year for students of school age. When using a stretch calendar, it is the position of the Department that breaks in the provision of programs and services generally should not exceed three weeks. However, other children may need additional days, fewer and/or no breaks to maintain their skills. Some children may lose skills during breaks and have difficulty regaining these skills as evidenced through child performance data. In such cases, the IEP team must consider all available data in order to determine whether some level of service should be provided during the break period for the maintenance of skills. Most eligible young children can receive FAPE within the parameters of the stretch calendar. When deciding if the preschooler needs additional services during breaks, the IEP team must consider all available data and observations of the child. MAWAs may use as a guide the criteria set forth in section 14.132(3) of the State Board special education regulations and also the information regarding eligibility determinations.

REFERENCES:

Purdon's Statutes
11 P.S. §875-304

State Board of Education Regulations
22 Pa. Code §14.132(3)

Federal Statute
20 U.S.C. §1400, et seq. (The Individuals with Disabilities Education Improvement Act)

Federal Regulations
34 CFR Part 300

NEXT STEPS:
Local early intervention programs should review their current practices and revise any local procedures to ensure the guidance in this announcement is implemented.