

QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS
WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE

DEPARTMENT/AGENCY Arkansas Department of Education
DIVISION Accountability
DIVISION DIRECTOR Dr. Charity Smith
CONTACT PERSON Marcia Harding
ADDRESS #4 Capitol Mall, Room 105-C
PHONE NO. 682-4221 FAX NO. 682-5159 E-MAIL mharding@arkedu.k12.ar.us

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire & financial impact statement attached to the front of two (2) copies of your proposed rule and required documents. Mail or deliver to:

Donna K. Davis
Subcommittee on Administrative Rules and Regulations
Arkansas Legislative Council
Bureau of Legislative Research
Room 315, State Capitol
Little Rock, AR 72201

- 1. What is the short title of this rule? **Proposed Amendments to Early Childhood Special Education Rules and Regulations.**
- 2. What is the subject of the proposed rule? **Number of required days of instruction in preschool special education programs and teacher licensure requirements.**
- 3. Is this rule required to comply with federal statute or regulations? Yes ____ No X
If yes, please provide the federal regulation and/or statute citation.
- 4. Was this rule filed under the emergency provisions of the Administrative Procedures Act?
Yes _____ No X
If yes, what is the effective date of the emergency rule?

When does the emergency rule expire?

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes _____ No _____

5. Is this a new rule? Yes _____ No If yes, please provide a brief summary explaining the regulation.
- Does this repeal an existing rule? Yes _____ No If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.
- Is this an amendment to an existing rule? Yes No ____ If yes, please attach a markup showing the changes in the existing rule and a summary of the substantive changes. **NOTE: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**
6. Cite the state law grants the authority for this proposed rule. If codified, please give Arkansas Code citation. **ACA § 6-41-206 & 6-41-207**
7. What is the purpose of this proposed rule? Why is it necessary? **To align the number of required instructional days for preschool special education programs with the K-12 program. To align requirements in these regulations with changes in teacher licensure requirements recently adopted by the State Board of Education.**
8. Will a public hearing be held on this proposed rule? Yes No _____
If yes, please complete the following:
- Date: **September 27, 2001**
Time: **10:00 AM**
Place: **ATRS Board Room**
9. When does the public comment period expire for permanent promulgation? (Must provide a date.)
October 5, 2001
10. What is the proposed effective date of this proposed rule? (Must provide a date.)
May 12, 2002
11. Do you expect this rule to be controversial? Yes _____ No
If yes, please explain.
12. Please give the names of persons, groups, or organizations that you expect to comment on these rules. Please provide their position (for or against) if known.

**Arkansas Education Services Cooperatives
Local Education Agencies (LEAs)
Early Childhood Special Education Coordinators & Teachers
LEA Special Education Supervisors
Parents**

FINANCIAL IMPACT STATEMENT

DEPARTMENT Arkansas Department of Education
DIVISION Special Education
PERSON COMPLETING THIS STATEMENT Ms. Marcia Harding
TELEPHONE NO. _____ FAX NO. _____ EMAIL _____

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

Proposed Amendment to Early Childhood Special Education Rules and Regulations

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes X No _____

The proposed rule has a positive fiscal impact in that it will result in recurring financial savings of state and federal funds.

2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.

Not applicable.

3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program.

Not applicable. The proposed rule does not implement a federal rule or regulation,

Current Fiscal Year

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or regulation? Identify the party subject to the proposed regulation and explain how they are affected.

Current Fiscal Year

Next Fiscal Year

\$ 9,891 estimated average **savings** per each of 14 school districts

\$ 9,891 estimated average **savings** per each of 14 school districts

\$68,325 estimated average **savings** per education co-op

\$68,325 estimated average **savings** per education co-op

Fourteen (14) public school districts, and sixteen (16) education service cooperatives providing early childhood special education services on behalf of the remaining school districts, will experience estimated average savings of \$9,891 and \$68,325 respectively, for a total annual estimated savings of \$1,231,669. It should be noted that the proposed rule results in recurring savings of state and federal funds. Therefore, the “estimated cost” amount shown is in fact the estimated annual savings for the Arkansas school districts and educational cooperatives that will be implementing the rule.

The proposed rule changes the required number of early childhood special education instructional days from 200 to 178. The State Board of Education is proposing this change to align the required number of student contact (instructional) days for early childhood special education with the current requirement for K-12 special education.

Following implementation of the proposed rule, Arkansas school districts and educational cooperatives will realize recurring program cost savings in areas such as instructional supplies and staff. However, it must be noted that this “savings” will be applied to the operation of the programs during the regular school year, as program costs, including maintenance and operation have increased in these programs, resulting in some programs being dangerously close to deficit spending. State and federal appropriations for early childhood special education were not increased during the last biennium period, nor are they projected to increase in the next federal biennium budget period, although the number of eligible children continues to steadily increase driving up costs.

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

Current Fiscal Year

Next Fiscal Year

\$ _____(0)_____

\$ _____(0)_____

The agency does not assume any cost nor experience any cost savings in implementing this regulation.

DEPARTMENT OF EDUCATION
FISCAL IMPACT STATEMENT
OF PROPOSED REGULATION
(In compliance with Acts 884 and 1253 of 1995)

Regulation Title: Proposed Amendment to Early Childhood Special Education Rules and Regulations

Summary Description of Regulatory Proposal: The proposed rule changes the number of early childhood special education instructional days from 200 to 178. The State Board of Education is proposing this change to align early childhood special education with the current requirement for K-12 special education.

Cite Statutory Authority for this Regulatory Proposal: ARC 6-41-201 et seq.

I. Fiscal Impact on the Department: (include whether impacts are non-recurring or recurring)

A. Resources Required - Personnel, equipment, office space.

None

B. Time Required for Implementation.

The proposed rule is designed to take effect by May 12, 2002.

C. Procedural Changes.

The State Board of Education will adopt this change for the current school year.

D. Other.

II. Fiscal Impact on Local School District or Others? (Include whether impacts are non-recurring or recurring)

A. Resources Required - Personnel, equipment, office space.

Affected school districts and educational cooperatives will be required to provide fewer class days of early childhood programming which will result in recurring cost savings related primarily to lower personnel costs.

B. Time Required for Implementation.

The proposed rule is designed to take effect by May 12, 2002.

C. Procedural Changes.

Affected school districts and educational cooperatives will implement the proposed rule in the current school year, thereby offering 178 instructional days rather than the current 200 instructional days.

D. Other.

III. Additional Comments.

This proposed rule will result in financial cost savings, not in additional costs.

Prepared by: Ms. Marcia Harding
Special Education Director
March 11, 2002

**Arkansas Department of Education
Rules and Regulations
Early Childhood Special Education (3-5)
May 13, 2002**

30.01 Authority and Applicability

30.01.1 Statutory Authority

30.01.1.1 Ark. Code Ann. 6-41-203 defines "a child with disabilities" as an individual between the ages of three (3) and twenty-one (21) years who, because of mental, physical, emotional, or learning disabilities, requires special education services as defined by the federal Individuals with Disabilities Education Act.

30.01.1.2 The federal Individuals with Disabilities Education Act (IDEA) requires that states, as a condition of eligibility to receive federal funds under Part B of the Act, provide special education and related services to eligible children with disabilities beginning at age three (3). The requirements are addressed in Part B, Section 619 of the IDEA (20 U.S.C. 1400, et seq.).

30.01.2 Applicability

30.01.2.1 These regulations are applicable to all public agencies providing special education and related services to eligible children with disabilities, ages three (3) to five (5).

30.01.2.2 Regulations applicable to students 3-21, as set out in other sections of this document, must be followed by all public agencies providing special education and related services to children with disabilities ages three (3) to five (5), unless indicated as applicable only to students from 5 to 21 years of age.

30.02 Early Childhood Special Education (ECSE) Qualified Providers

30.02.1 Definitions

30.02.1.1 ADE - Arkansas Department of Education

30.02.1.2 Direct Supervision - For the purposes of these regulations, Direct Supervision means on-site observation and guidance provided by a Supervising Early Childhood Special Education Teacher while an assigned instructional activity is performed by an assistant or aide.

30.02.1.3 Early Childhood Special Education Aide - An Early Childhood Special Education Aide is an individual with a high school diploma/equivalent (GED) and on-the-job

training who performs tasks as prescribed, directed and supervised by the Supervising Early Childhood Special Education Teacher certified/licensed by the ADE.

30.02.1.4 Early Childhood Special Education Assistant - An Early Childhood Special Education Assistant is an individual with a bachelor's degree who, following academic and on-the-job training, performs tasks prescribed, directed and supervised by the Supervising Early Childhood Special Education Teacher certified/licensed by the ADE.

30.02.1.5 Indirect Supervision - For the purposes of these regulations, Indirect Supervision means those activities other than direct observation and guidance conducted by a Supervising Early Childhood Special Education Teacher that may include consultation, demonstration, record review, review and evaluation of audio- or video-taped sessions, and/or interactive television sessions.

30.02.1.6 Paraprofessional - The term paraprofessional has the meaning given in § 2.37 of these regulations, which includes early childhood special education assistants and aides.

30.02.1.7 Qualified Evaluator - See § 2.43 of these regulations.

30.02.1.8 Related Services Providers - Individuals providing related services must be appropriately licensed/certified by either the ADE or other licensure board governing the scope of practice of the individual.

30.02.1.9 Supervising Early Childhood Special Education Teacher - A Supervising Early Childhood Special Education Teacher is an individual who holds a valid teaching certificate/license in Early Childhood Special Education issued by the ADE, or an individual who holds a valid teaching certificate/license issued by the ADE and is actively pursuing an alternative certification/licensure plan approved by the ADE to obtain certification/licensure in Early Childhood Special Education and who has responsibility for the supervision of Assistants/Aides.

30.02.2 Scope Of Responsibilities Of Early Childhood Special Education Providers

30.02.2.1 Supervising Early Childhood Special Education Teacher

A. The Supervising Early Childhood Special Education Teacher may delegate specific tasks to the assistant and/or aide; however, responsibility to the child for all services provided or omitted cannot be delegated. It remains the full responsibility of the Supervising Early Childhood

Special Education Teacher to ensure that the child's IEP is implemented.

- B. Scope of responsibilities includes -
1. Institute and document a training program for each assistant/aide, encompassing all the procedures to be performed;
 2. Inform the parent or legal guardian about the use of an assistant/aide;
 3. Provide and document appropriate supervision of the assistant/aide in accordance with established guidelines;
 4. Perform evaluation;
 5. Complete due process;
 6. Attend all conferences for children for whom the teacher is responsible;
 7. Write and modify Individualized Education Programs developed in accordance with Sections VIII and IX of these regulations;
 8. Develop lesson plans with the input of the assistant/aide;
 9. Review and sign progress notes;
 10. Have direct contact with child and family;
 11. Delegate appropriate tasks;
 12. Discuss and/or refer to other professionals, agencies and/or services;
 13. Provide ongoing training for the assistant/aide; and
 14. Develop schedules with the assistant/aide.

30.02.2.2 Early Childhood Special Education Assistant/Aide

- A. Although the general duties of the assistant and aide are the same, the aide will require a higher level of supervision.
- B. Provided that the training, supervision, documentation and planning are appropriate, the

following tasks may be delegated to an Early Childhood Special Education Assistant/Aide -

1. Conduct screening following specified screening protocols;
2. Provide direct follow-up instruction following approved lesson plans developed by the Supervising Early Childhood Special Education Teacher;
3. Document the provision of service and results;
4. Attend conferences as necessary;
5. Assist in the programming assessment (i.e., conduct programming assessments specified by protocols);
6. Prepare materials and perform other support services as directed;
7. Work with the Supervising Early Childhood Special Education Teacher to develop lesson plans;
8. Communicate with parent/primary care giver, Head Start staff, private preschool/day care staff and/or other service providers regarding activities;
9. Make referral or recommendations for additional services, or programming, to the supervising teacher; and
10. Perform other duties as assigned.

C. An Early Childhood Special Education Assistant/Aide -

1. May not perform standardized or non-standardized diagnostic tests, formal or informal evaluation for eligibility or interpret test results;
2. May not conduct parent conferences;
3. May not write, develop or modify a child's IEP;
4. May not assist with students without following the IEP as prepared by the IEP team;

5. May not select a child for services;
6. May not dismiss a child from services;
7. May not disclose confidential information either orally or in writing to anyone without being designated to do so by a supervisor; and
8. May not represent him/herself as a certified/licensed Early Childhood Special Education Teacher.

30.02.3 Qualifications Of Early Childhood Special Education Providers

30.02.3.1 Supervising Early Childhood Special Education Teacher is an individual who meets one of the following criteria -

- A. Holds a valid teaching certificate/license in Early Childhood Special Education issued by the ADE, or
- B. Holds a valid teaching certificate/license issued by the ADE and is actively pursuing an alternative certification/licensure plan approved by the ADE to obtain Early Childhood Special Education certification/licensure.

30.02.3.2 Early Childhood Special Education Assistant must -

- A. Complete a minimum of a bachelor's degree in Early Childhood Special Education or a related field which includes, but is not limited to, Child Development, Home Economics with emphasis in Child Development, Elementary Education, Speech-language Pathology, Psychology or Education of the Sensory Impaired;
- B. Complete the Core and Early Childhood component of the ADE, Special Education Paraprofessional Training within one year of employment; and
- C. Obtain, in subsequent years of employment, six (6) clock hours of continuing education/in-service training annually pertaining to the designated duties of the Early Childhood Special Education Assistant.

30.02.3.3 Early Childhood Special Education Aide must -

- A. Hold a high school diploma or its equivalent (GED);

- B. Complete the Core and Early Childhood Component of the ADE, Special Education Paraprofessional Training within one year of employment; and
- C. Obtain, in subsequent years of employment, six (6) clock hours of continuing education/in-service training annually pertaining to the designated duties of the Early Childhood Special Education Aide.

30.03 Instructional Services

30.03.1 Classroom Services

30.03.1.1 Definition

- A. Self-contained Early Childhood Special Education Classroom -
 1. Provides preschool children with disabilities developmental/educational services at a site provided by the local education agency.
 2. Minimum intervention shall include six (6) hours of instruction per week, to be delivered in at least two separate sessions.
 3. Exceptions to requirements for this minimum intervention program may be made only by the IEP team for individual children whose physical, developmental, and/or emotional needs, travel distance, or family considerations indicate such an exception is appropriate.
 4. Such exceptions shall be included in and considered to be an integral part of the child's IEP.
- B. Reverse Mainstream Setting -
 1. A reverse mainstream setting is one in which all special education and related services are provided in educational programs designed primarily for children with disabilities but that include fifty (50) percent or more children without disabilities.
 2. Tuition may be charged for the children

without special needs.

30.03.1.2 Teacher/Pupil Caseload

- A. The maximum caseload for a full-time classroom teacher is thirty (30) children with a minimum of one paraprofessional. The maximum per section or session caseload in a center-based program for preschool children with disabilities is one qualified Early Childhood Special Education Teacher to fifteen children (1:15).
- B. The maximum allowable caseload for a classroom teacher is based on the percentage of time the individual is employed during a 40 hour work week, as set out in the Teacher/Pupil Caseload Center-Based Program Chart, Chart # 1-30 on page 8 of this section.
- C. Consideration may be given to providing additional assistants/aides and/or reducing the teacher/pupil caseload when warranted due to the adaptive behavior and/or physical needs of the children.
- D. Factors to be considered in determining any downward adjustment in the teacher/pupil caseload include -
 - 1. The ages of the children served;
 - 2. The number of preschool children in each age group;
 - 3. The nature and severity of the disabilities;
 - 4. The square footage of the classroom.
 - 5. The frequency and duration of services;
 - 6. The geographic location of the children served (teacher travel time);
 - 7. The objectives to be met within the setting;
 - 8. The number of developmental domains to be addressed; and
 - 9. The time spent in other duties (testing, screening, paperwork, preparation,

conferences).

CHART # 1-30

**TEACHER/PUPIL CASELOAD
CENTER-BASED PROGRAM**

| DAYS OF SERVICE | FTE (40 HOUR WORK WEEK) | ALLOWABLE CASELOAD |
|------------------------|------------------------------------|---------------------------|
| 5 | 1 | 30 |
| 4 | .8 | 24 |
| 3 | .6 | 18 |
| 2 | .4 | 12 |
| 1 | .2 | 6 |

CHART # 2-30

**TEACHER/PUPIL CASELOAD
ITINERANT/HOME TEACHER**

| DAYS OF SERVICE | F.T.E. (40 HOUR WORK WEEK) | ALLOWABLE CASELOAD | |
|------------------------|---------------------------------------|------------------------------|---------------------------------|
| | | WITH PARAPROFESSIONAL | WITHOUT PARAPROFESSIONAL |
| 5 | 1 | 60 | 40 |
| 4 | .8 | 48 | 32 |
| 3 | .6 | 36 | 24 |
| 2 | .4 | 24 | 16 |
| 1 | .2 | 12 | 8 |

30.03.1.3 Facilities

- A. Facilities shall meet the Arkansas child care licensing standards.

30.03.2 Home Training Services

30.03.2.1 Definition

- A. Home Training is an approach in which the parents/primary care givers are trained to work with the child and follow the planned intervention, in addition to the direct instruction provided to the child by the qualified provider.
- B. Emphasis is on providing the parent or primary care giver with appropriate instructional techniques and materials to meet the child's needs.
- C. The parents may bring the child to a center or school and work with the teacher and/or support service providers for their scheduled time, or the teacher may travel to the home to work with the child and parent/primary care giver.

30.03.2.2 Teacher/Pupil Caseload

- A. The maximum caseload is 60 with an aide or assistant.
- B. The maximum caseload is 40 without an aide or assistant.
- C. The home training responsibility may be shared by one or more professionals (early childhood special education teacher, occupational therapist, physical therapist, speech-language pathologist, social worker and/or counselor, etc.) depending on the child's needs.
- D. Instruction may be augmented through the use of paraprofessionals.
 - 1. When using an Assistant, the following activities are required -
 - a. Direct, on-site supervision of an assistant with each child twice per month; and

- b. Indirect supervision of an Assistant for a minimum of 15 minutes per week for each child.
 - 2. When using an Aide, the following activities are required -
 - a. Direct, on-site supervision of an aide for each child once per week; and
 - b. Indirect supervision of an aide for a minimum of 30 minutes per week for each child.
- E. Factors in determining the teacher/pupil caseload include, but are not limited to -
- 1. The age of the children served;
 - 2. The severity of the disabilities;
 - 3. The geographic location of the children served (teacher travel time);
 - 4. The frequency and duration of home visits [A suggested minimum is one (1) hour per week]; and
 - 5. Objectives to be met within the setting.

30.03.3 Itinerant Early Childhood Services

30.03.3.1 Definition

- A. Itinerant services means those direct early childhood special education services that are provided individually or in small group settings, and include the service provider traveling to the child or the child traveling to the service provider.
- B. Itinerant services may be provided by one or more professionals (early childhood special education teacher, speech-language pathologist, occupational therapist, physical therapist, social worker, counselor, etc.) depending on the child's needs.

30.03.3.2 Teacher/Pupil Caseload

- A. The maximum caseload is 60 with an aide or assistant.

- B. The maximum caseload is 40 without an aide or assistant.
- C. The maximum allowable caseload for an itinerant teacher is based upon the percentage of time the individual is employed during a forty (40) hour work week, as set out in the Teacher/Pupil Caseload Itinerant/Home Teacher Chart, Chart # 2-30 on page 8 of this section.
- D. Instruction provided by the Early Childhood Special Education teacher may be augmented through the use of paraprofessionals.
 - 1. When using an *Assistant*, the following activities are required -
 - a. Direct, on-site supervision of an Assistant with each child twice per month; and
 - b. Indirect supervision of an Assistant for a minimum of 15 minutes per week for each child.
 - 2. When using an Aide, the following activities are required -
 - a. Direct, on-site supervision of an Aide each child once per week; and
 - b. Indirect supervision of an Aide for a minimum of 30 minute per week for each child.
- E. Factors to be used in determining the teacher/pupil caseload include, but are not limited to -
 - 1. The ages of the children served;
 - 2. The nature and severity of the disabilities;
 - 3. The geographic location of the children served (teacher travel time);
 - 4. The frequency and duration of services;
 - 5. The objectives to be met within the setting;
 - 6. The number of developmental domains to be addressed; and

7. The time spent in other duties (testing, screening, paperwork and preparation).

30.03.4 Integrated Preschool Services

30.03.4.1 Definition

- A. "Integrated Preschool Services" means those special education and related services provided in -
 1. A "regular" preschool setting (e.g., private/public preschool programs, Head Start, etc.) that is licensed by the Department of Human Services; or
 2. A "regular" preschool setting that is designed to serve the general population of children ages three (3) to five (5), but includes children with special educational needs.

30.03.4.2 Determining Participation in an Integrated Preschool Program

- A. The educational placement of children with disabilities, ages 3 to 5, in an integrated preschool program is determined by the IEP Team as the appropriate and least restrictive environment in which to implement the child's IEP.
- B. Prior to selecting a regular preschool program, the Educational Service Agency or local education agency must consider the following -
 1. The existence of a developmental curriculum;
 2. The amount of instructional time provided daily;
 3. The qualifications of the instructional personnel; and
 4. The relationship between the IEP of the child with disabilities and the content of the instructional program in the regular preschool setting.

30.03.4.3 Policies and Procedures for Integrated Preschool Services

- A. Paraprofessionals may only implement IEP-related

supplemental instructional activities under the supervision of qualified personnel who hold appropriate Arkansas certification, licensure or registration.

- B. Consultation provided by qualified early childhood special education personnel will consist of on-site observation and interaction with each child with a disability once a week and a minimum of 30 minutes per week of technical assistance with the "regular" child care personnel.
 - 1. Technical assistance may address -
 - a. Modifications in materials and curriculum design;
 - b. Alternative approaches to instruction to facilitate learning and integration;
 - c. Learning strategies;
 - d. Behavioral management plans;
 - e. Modifications in methods; and
 - f. Pacing of instruction, etc.
- C. Paraprofessionals (assistants/aides) must participate in a minimum of six (6) clock hours annually of approved inservice training.
- D. State or federal early childhood funds may only be expended in an integrated preschool program for those services utilized in the implementation of the child's IEP.
- E. Only those costs necessary to implement the child's IEP may be borne by the Education Service Agency or local education agency for a child with disabilities served in an integrated preschool program.
- F. Tuition, registration fees, transportation, etc., should be prorated accordingly.
- G. It is expressly prohibited to use early childhood special education funds to pay for basic child care and preschool activities not directly associated with IEP implementation.

30.03.4.4 Teacher/Pupil Caseload

- A. The maximum teacher/pupil caseload in an integrated preschool program is 40.
- B. Factors to be considered in making downward adjustments to the maximum caseload are -
 - 1. The age of the children served;
 - 2. The severity of the disabilities;
 - 3. The geographic location of the children served (teacher travel time);
 - 4. Objectives to be met within the setting;
 - 5. The number of developmental domains to be addressed;
 - 6. The frequency and duration of services; and
 - 7. Time spent in other duties (such as testing, screening, paperwork, and preparation).

30.04 Federal Preschool Placements

30.04.1 Early Childhood Setting

- 30.04.1.1 All special education and related services are provided in educational programs designed primarily for children without disabilities.
- 30.04.1.2 No special education or related services are provided in separate special education settings.
- 30.04.1.3 Early childhood setting may include, but is not limited to -
 - A. Regular kindergarten classes;
 - B. Public or private preschools;
 - C. Head Start Centers;
 - D. Child care facilities;
 - E. Preschool classes offered to an eligible pre-kindergarten population by the public school system;

- F. Home/early childhood combinations;
- G. Home/Head Start combinations; and
- H. Other combinations of early childhood settings.

30.04.2 Early Childhood Special Education Setting

- 30.04.2.1 All special education and related services are provided in programs designed primarily for children with disabilities housed in regular school buildings or other community-based settings.
- 30.04.2.2 No education or related services are provided in early childhood settings (described in § 30.04.1 of this part).
- 30.04.2.3 Early childhood special education setting may include, but is not limited to -
 - A. Special education classrooms in regular school buildings;
 - B. Special education classrooms in child care facilities, hospital facilities on an outpatient basis, or other community-based settings; and
 - C. Special education classrooms in trailers or portables outside regular school buildings.

30.04.3 Home

- 30.04.3.1 All special education and related services are provided in the principal residence of the child's family or care givers.

30.04.4 Part-Time Early Childhood/Part-Time Early Childhood Special Education Setting (Part-Time EC/Part-Time ECSE)

- 30.04.4.1 Special education and related services are provided in multiple settings, such that -
 - A. General and/or special education and related services are provided at home or in educational programs designed primarily for children without disabilities, and
 - B. Special education and related services are provided in programs designed primarily for children with disabilities.
- 30.04.4.2 Part-Time EC/Part-Time ECSE may include, but is not limited to -

- A. Home/early childhood special education combinations;
- B. Head Start, child care, nursery school facilities, hospital facilities on an outpatient basis, or other community-based settings with special education provided outside of the regular class;
- C. Regular Kindergarten classes with special education provided outside of the regular class;
- D. Separate school/early childhood combinations; and
- E. Residential facility/early childhood combinations.

30.04.5 Residential Facility

30.04.5.1 All special education and related services are provided in publicly or privately operated residential schools or residential medical facilities on an inpatient basis.

30.04.6 Separate School

30.04.6.1 All special education and related services are provided in educational programs in public or private day schools specifically for children with disabilities.

30.04.7 Itinerant Service Outside the Home

30.04.7.1 All special education and related services are provided at a school, hospital facility on an outpatient basis, or other location for a short period of time (i.e., no more than 3 hours per week);

30.04.7.2 Itinerant service does NOT include children receiving services at home - the placement of these children is Home;

30.04.7.3 Itinerant services may be provided individually or to a small group of children; and

30.04.7.4 Itinerant service outside the home may include, but is not limited to speech or developmental instruction up to 3 hours per week in a school, hospital, or other community setting.

30.04.8 Reverse Mainstream Setting

30.04.8.1 All special education and related services are provided in educational programs designed primarily for children with disabilities but that include 50 percent or more children without disabilities.

30.05 Number of Days for Direct Services

30.05.1 Calendar

30.05.1.1 The instructional calendar year for preschool services shall consist of the same number of instructional days as designated by the ADE for the K-12 public schools, as funded by the preschool grant.

30.05.1.2 The first day of services can be no earlier nor later than that established by State statute and regulation.

30.06 Extended School Year Services

30.06.1 Eligibility

30.06.1.1 Section XIX of these regulations applies to preschool children with disabilities as well as school-aged children with disabilities.

30.07 Transition

30.07.1 Early Intervention to Early Childhood

30.07.1.1 See § 21.01 of these regulations

30.07.2 Early Childhood Special Education to School-aged Program

30.07.2.1 See § 21.02 of these regulations

30.07.3 Guidelines for Implementation

30.07.3.1 "Transition from Early Childhood Special Education Program to Kindergarten, " found in Part III, Section 9 of the Arkansas Department of Education document Special Education Eligibility Criteria and Program Guidelines for Children with Disabilities, Ages 3-21.

30.07.3.2 "TRANSITION POLICY: Early Intervention to Early Childhood," an Interagency Agreement for implementing transition from Part C to Section 619 early childhood programs, can be found in Part III, Section 8 of the Arkansas Department of Education document Special Education Eligibility Criteria and Program Guidelines for Children with Disabilities, Ages 3-21.