



Arkansas Department of Education

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Johnny Key
Commissioner

January 22, 2019

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Dear Local Education Agency (LEA) Representative:

The purpose of this letter is to inform you that, as of July 1, 2019, the Department of Human Services (DHS), Division of Developmental Disabilities Services (DDS), will no longer be accepting federal Title VI-B funds for the provision of special education services to IDEA-eligible preschool age children. This change will result in the responsibility for the provision of a Free Appropriate Public Education (FAPE) transferring to the Local Education Agency (LEA) in which the child resides. Early Intervention Day Treatment (EIDT) facilities will no longer have the option of participating in Part B as an LEA, and the [EIDT Provider Manual](#) (section II) which outlines a facility's ability to elect to provide or not provide special education services to all children aged three (3) until entry into kindergarten will no longer be applicable.

School districts that operate their own early childhood special education programs, and educational service cooperatives that operate early childhood special education programs on behalf of school districts, must work with EIDT centers within their attendance areas to ensure a seamless transfer of services for IDEA-eligible children whose families elect to continue special education services provided through the Individualized Education Program (IEP). LEA personnel must hold conferences with parent(s)/guardian(s) of eligible preschool children prior to July 1, 2019, to review/revise the current IEP, provide a copy of "Your Rights Under the IDEA", and inform them:

- Of their child's right to FAPE under the IDEA at no cost to them
- Of all procedural safeguards and rights available to parent(s)/guardian(s) and their child under Part B of the IDEA
- That their child's rights under IDEA include transitioning to kindergarten with an IEP, if the child is eligible for services
- Of all available options for receiving special education services through the district or cooperative
- That any decision to decline special education services from the LEA will result in a revocation of all special education services in which case the parent must submit a Revocation of Consent form
- That the parent(s)/guardian(s) have the right to make a new referral at any time

School districts that operate their own preschool programs will have the option of serving IDEA-eligible children currently receiving special education services at the EIDT center or serving children at their own local preschool programs. LEAs may enter into agreements with EIDT centers to share in the responsibility of the provision of special education services through a formal agreement, such as a memorandum of understanding (MOU), that outlines the services and funding to be provided by each party. However, the LEA would remain responsible for ensuring a Free Appropriate Public Education for eligible children, including developing and implementing the IEP, and collaboration would be required between the parties to ensure services were provided as outlined in the IEP.

To aid in this process, sample procedures, checklists, sample MOUs, and other resources can be accessed using the following link: <http://www.arkansased.gov/divisions/learning-services/special-education/early-childhood/>.

The ADE is aware of the increase in responsibilities to LEAs associated with this transition. Be assured that the ADE will provide ongoing support as we work through this transition together. It is our sincere hope that transferring the responsibility for the provision of special education services to LEAs will result in increased opportunities for collaboration between early childhood education providers, and position these children to experience greater success when they enter kindergarten.

Please post your questions and concerns [here](#) to enable us to better support you through this process. We will review this site daily and will be routinely updating with responses. Additionally, the ADE will be scheduling a webinar within the next few weeks to walk through the resources provided and answer any questions.

If you have questions regarding implementation of these procedures, please contact Wendy Pascoe, Early Childhood Special Education Coordinator, at Wendy.Pascoe@arkansas.gov or 501-682-4221 at the Arkansas Department of Education, Special Education Unit.

Sincerely,

A handwritten signature in blue ink that reads "Matt Sewell". The signature is written in a cursive style.

Matt Sewell
Director of Special Education
Arkansas Department of Education
Special Education Unit
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Little Rock, AR 72201
Phone: 501.682.4221