

## Early Childhood Application of the KSDE Eligibility Indicators

The Kansas State Department of Education (KSDE) published the “Eligibility Indicators” document in August 2012. This document was developed to provide guidance to special education evaluation teams regarding the “two-prong test of eligibility”. The “Eligibility Indicators” document contains specific assessment questions and example sources of data that can assist teams in determining whether a child’s needs qualify them under one of the IDEA categories for special education. In Kansas, children age 9 and younger may be found eligible for special education services under the category of “developmental delay (DD)”.

There has been some confusion in the field regarding how information in the “Eligibility Indicators” document can or should be applied to preschool age children (3-5 years of age). Much of the confusion rests on language included under “Exclusionary Criteria” as follows:

A child must NOT be determined to be a child with an exceptionality if the determinant factor is:

- *Lack of appropriate instruction in reading, including the essential components of reading instruction (defined in section 1208(3) of the ESEA (NCLB)*
- *Lack of appropriate instruction in math or*
- *Limited English proficiency*

With the exception of the first bullet, the information listed under exclusionary criteria as it applies to the special education evaluation process is not new. IDEA has always required special education teams to ensure a child’s apparent challenges cannot be explained primarily from causes outside of a disability (e.g. lack of experience, lack of being taught, limited understanding of the English language). What is new is the language added by the first bullet. “*Lack of appropriate instruction in reading, including the essential components of reading instruction (defined in section 1208(3) of the ESEA (NCLB)*”. This language is consistent with the Elementary and Secondary Education Act, often referred to as “No Child Left Behind”. The Elementary and Secondary Education Act defines “appropriate instruction” more specifically.

It is important for early childhood professionals to understand that this significant language change only applies to children in kindergarten through grade 12. Preschool age children are not required to attend any formal instructional setting (e.g. preschool), nor are parents required to provide specific academically oriented learning opportunities at home. For this reason young children may or may not have been exposed to learning environments where a scientifically based curriculum has been implemented, and

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therefore the “No Child Left Behind” definition of “appropriate instruction” does not apply to this age group.

When applied to young children, not yet attending kindergarten, the term “appropriate instruction” continues to be defined as “appropriate activities”. The Eligibility Indicators Document states:

*For a child three to five years old, who is not yet enrolled in kindergarten, teams should consider “appropriate instruction” as the child’s participation in appropriate activities. This evidence may come from interviews with family and other caregivers and through observation in the child’s natural environment that indicates whether or not the child has been exposed to activities appropriate for his/her age (p. 7).*

Appropriate activities include learning opportunities or experiences that children of the same age would be engaged in as a member of a family, or in the care of others such as in a child-care, preschool, mother’s day out program, or other such program. Specific activities may include listening to stories, looking at books, engaging in pretend play, participating in small or large group activities, playing with a friend(s), constructing buildings with blocks, coloring, painting, etc. Age appropriate activities are considered the “general education curriculum for children between the ages of three and five years.

The Eligibility Indicators Document provides useful information for special education evaluation teams as they collect information and make eligibility decisions on behalf of individual students. Teams, however, must be aware of the correct interpretation of “appropriate instruction” when they are evaluating young children and determining their eligibility for special education services.