

# ***Review of 2020-2021 Disability Data***



ACF Administration for Children and Families	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES	
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**TO:** All Head Start and Early Head Start Agencies and Delegate Agencies

**SUBJECT:** Inclusion of Children with Disabilities

**ABSTRACT:**

This Information Memorandum (IM) highlights requirements in the Head Start Program Performance Standards (HSPPS) related to the inclusion of children with disabilities and delays. It includes a list of free resources for grantees' use in implementation efforts.

**BACKGROUND:**

Head Start and Early Head Start programs are required to ensure that at least 10% of enrollment slots are occupied by children with disabilities. In fact, Head Start's founders and early pioneers recognized that both children with and without disabilities would benefit from participating together in the same classrooms. Since 1972, over 3 million children with disabilities have fully participated in Head Start.

The 2016 HSPPS provide additional specificity regarding the inclusion of children with disabilities within Head Start and Early Head Start programs. Additionally, at [45 CFR §§1302.62](#) and [1302.60](#), the HSPPS explicitly require that every effort be made to include and provide services to children identified with delays or suspected delays, even if they are not eligible for services under Individuals with Disabilities Education Act (IDEA).

Section [640\(d\)\(1\)](#) of the Head Start Act defines the term "child with a disability" as:

- A child with a disability, as defined in section 602(3) of IDEA
- An infant or toddler with a disability, as defined in section 632(5) of such Act

**Information**

Grantees often have questions regarding the requirement that 10% of slots be occupied by children with disabilities. The following information reminds grantees of specific HSPPS requirements for services to children with disabilities.

*Enrollment of Children with Disabilities*

Each Head Start grant must include a minimum of 10% of all slots occupied by children with disabilities. This requirement helps ensure programs recruit children who are already identified as eligible for IDEA services prior to entering Head Start or Early Head Start, and accurately

screen and refer for evaluation any children who may benefit from early intervention, special education, or related services. If a child is found eligible for services under IDEA, they are counted as a Head Start child with a disability even if they have not begun receiving the special education or related services for which they were determined eligible.

When a Head Start agency operates two different Head Start or Early Head Start grants in adjoining counties, or enrolls children from birth to 5, it should be vigilant in analyzing data. The grantee must ensure, across its programs and grants, that all children with potential disabilities are being identified and evaluated so that early intervention, special education, or related services are being provided as necessary.

For example, a birth to 5 program could report that 12% of enrolled children are children with disabilities, with none of the enrolled infants and toddlers receiving IDEA services. Such a program would need to consider the recruiting, screening, and referral process for infants and toddlers to identify the cause of this difference and ensure that at least 10% of its enrolled infants and toddlers are eligible for services under IDEA.

Many programs will find that significantly more than 10% of enrolled children are eligible for services under IDEA. If, however, after exhaustive efforts, programs cannot meet the requirement, they may request a waiver from their Regional Office.

#### *Timing*

Nearly half of the children with disabilities in Head Start and Early Head Start are diagnosed after they enroll in the program. This usually occurs through Head Start and Early Head Start screening or the ongoing assessment and referral process. It takes time to refer children to the agency responsible for conducting evaluations under IDEA, schedule Individualized Family Service Plan (IFSP) and Individualized Education Plan (IEP) meetings, and identify providers. Therefore, the Office of Head Start expects that programs may be midway through the program year (January, for many programs) before reaching the 10% requirement.

If programs are monitored prior to the mid-point, data from the previous year is reviewed. If it is past the middle of the program year and determinations are still pending for children who were referred for evaluation, monitoring teams will look at the number of evaluations pending and when the referrals were made in determining compliance.

#### *Engaging Parents*

Head Start programs must work with parents to ensure they understand their right to obtain an evaluation, the benefit of receiving services as early as possible, and their ability to participate in decisions about their children including where services should be delivered. Engaging parents early on and empowering them to advocate for their child's services is imperative to obtaining services during Head Start or Early Head Start enrollment and as the child transitions to kindergarten and beyond.

Children may need to receive IDEA services at another site. When this occurs, careful planning of the child's transition to and from each program is established. The time away from Head Start or Early Head Start is minimized to ensure receipt of comprehensive services.

#### *Distribution of Children with Disabilities throughout the Program*

There is no regulation stipulating the number of children with disabilities who should be in each classroom. The following elements can all influence how many children with disabilities are in a particular room:

- Children's needs
- Staff capacity
- Availability of early intervention, special education, and related service providers
- Number of children identified as having disabilities after enrollment

Programs must ensure staffing is sufficient to ensure safe, nurturing environments and individualized teaching and learning for all children.

Settings need to be inclusive. If the classroom is predominantly comprised of children with disabilities, it may be a de facto special education classroom rather than a classroom inclusive of children with and without disabilities.

#### *Children with Delays Not Eligible Under IDEA*

Children with a suspected delay who are referred for evaluation may not always qualify for services under IDEA even though they have a developmental delay in one or more areas. These children are not counted as part of the program's 10% as they do not meet the statutory requirement as children eligible for services under IDEA. However, Head Start and Early Head Start programs must ensure the individualized needs of all children are being met and all children have access to and are able to fully participate in the full range of activities and services. In some situations, program funds may be used to provide additional support, materials, or accommodations. Individualized services and support may also be available through the child's health insurance.

#### *504 Plans*

Section 504 of the Rehabilitation Act requires a "504 Plan" be established by the local education agency responsible for implementing IDEA for an eligible child. A 504 Plan defines, in writing, the protection from discrimination and necessary accommodations or services for children who have special needs but who do not qualify under IDEA. A child who scores within typical ranges but needs physical accommodations, such as a weighted spoon or a standing table to fully access the program, could be an example. Other frequent accommodations under a 504 Plan are the ability to stand while working, sit near the teacher, or take more breaks. It is different than an IEP or an IFSP, which always includes specific special education and related services, such as speech or occupational therapy or itinerant special education services in addition to accommodations.

Head Start programs must protect all children from discrimination and make accommodations as necessary to fully include them in the program. 504 Plans are not required to implement these requirements. If a child enters Head Start with an established 504 Plan, or one is obtained during the child's enrollment, the program must ensure the plan is fully implemented.

While Head Start programs are expected to provide such supports to all children in need, it can be helpful for eligible children to have 504 Plans established as they transition to kindergarten to ensure continued success.

### *For All Children*

Programs are required to screen children, conduct ongoing assessment, partner with families to support them as advocates for their own children, consult with specialists as necessary, help children and families obtain additional services as appropriate, and take all possible steps to ensure each child's full participation in the program.

### **Resources for Including Children with Disabilities or Delays**

- [Inclusion Webinars](#)
- [Supporting Interactions for Children with Disabilities or Suspected Delays](#)
- [SpecialQuest: Including Infants and Toddlers with Disabilities](#)
- [Children with Disabilities](#)
- [Infographic: Young Children with Special Needs](#)

If you have any questions regarding inclusion, please contact your Regional Office. Thank you for all you do to serve the most vulnerable children and families.

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