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GUIDANCE MEMORANDUM 21-03

TO: All School District Superintendents
Charter School Sponsors

FROM: Jhone M. Ebert, Superintendent of Public Instruction

A handwritten signature in black ink, appearing to read "Jhone M. Ebert".

DATE: June 22, 2021

SUBJECT: Licensed Personnel Report – Early Childhood Reverse Inclusion Classroom (ERIC)

The original iteration of this memo was issued on August 16, 2018, as Guidance Memorandum 18-14; since its release, young children with disabilities have experienced unprecedented access to the general education environment. The Nevada Department of Education (NDE) is proud of the work that has been done in partnership with district administrators, teachers, and families. Our collaboration has resulted in a 10% increase in inclusionary rates for our youngest learners, and our work has only just begun.

This memo is intended to provide guidance regarding a change to the Licensed Personnel Report that each Local Education Agency (LEA) completes annually. Effective immediately, assignment code 00650 - Early Childhood Reverse Inclusion is available for use.

Reverse Inclusion Classrooms enroll typically developing children into existing special education programs so that all children may learn together in an inclusive environment. This option provides a mechanism for students with disabilities to benefit from a least restrictive environment (LRE) by converting existing self-contained programs into general educational settings.

The Early Childhood Reverse Inclusion Classroom (ERIC) is a longstanding best practice in educating young students with disabilities in the LRE. ERIC programs are a viable option for districts struggling to provide traditionally self-contained special education early childhood environments due to limitations of space and staffing.

ERIC programs are already being utilized across Nevada, and some ERIC programs include students with disabilities at a rate of less than 50%, with typically developing students at a greater rate. This ratio is typically driven by the teacher of record's license. For those classrooms in which a teacher holds an early childhood license that is *solely* special education, districts typically limit enrollment in that room so that the majority (greater than 50%) of students have disabilities, which results in a special education environment. In those classrooms in which a teacher holds the *dual* regular and special early childhood education license, districts typically limit enrollment in that room so that the majority (greater than 50%) of students do *not* have disabilities, which results in a regular education environment.

The U.S. Department of Education (USED), Office of Special Education Programs, has encouraged States to take action toward providing more inclusive opportunities for preschool students with disabilities that align with the Individuals with Disabilities Education Act's (IDEA) regulation for a Free and Appropriate Public Education (FAPE) in the least restrictive environment.

Currently, our youngest students with disabilities are being excluded from the general education environment at a rate of 49%. While there is widespread agreement amongst stakeholders that this represents an overuse of the most restrictive environments on the service continuum, Nevada educators have struggled to find solutions that are fiscally viable.

ERIC programs are endorsed by both USED and NDE. This means that both IDEA and state special education funding may be used to support these programs. This memo seeks to clarify that there are no state or federal legal barriers to fully and effectively utilizing reverse inclusion classrooms.

The purpose of an ERIC program is to educate young students with disabilities and add typically developing peers to the program for the benefit of students with disabilities; as such, **a teacher licensed in early childhood special education must be the teacher of record in these classrooms**. This is the case even when there are more typically developing peers in an early childhood classroom than there are students with disabilities.

Assignment code 00650 – Early Childhood Reverse Inclusion should be used when:

- 1) Reverse inclusion results in an early childhood special education classroom becoming a regular education early childhood classroom because there are more typically developing students than there are early childhood students with disabilities; and
- 2) The teacher of record holds a license to teach early childhood special education but does not hold any other early childhood license.

This guidance is limited to early childhood special education, and does not consider, alter, or change the requirements of any other educational program or grade level.

For questions regarding Early Childhood Reverse Inclusion Classrooms (ERIC), please contact Julie Bowers, Interim Director of the Office of Inclusive Education, at jabowers@doe.nv.gov.