Research Highlights

Topic: Disability Policy


**BOTTOM LINE**

This article identifies the different legal and programmatic considerations between IDEA Part C and Part B of IDEA and affect the inclusion for infants and toddlers served under each part. Part C’s natural environment mandate is not as strong as the LRE requirement of Part B. The trade-off is that Part C is generally more favorable with respect to individualization, family directed services, and flexibility in decision-making to facilitate prevention or amelioration of future disability.

**TIPS**

- Use the expansive court cases on LRE for school-age children to guide decisions on the application of LRE for preschool students under Part B, and by way of analogy, the natural environment mandate under Part C.

**KEY FINDINGS**

- There is no requirement for school districts to create inclusive programs specifically to address the needs of infants, toddlers, and preschool children with disabilities, where the district does not provide a program for such children who do not have disabilities. But the school district does have to find an alternative method for meeting the child’s needs in an inclusive setting in some manner.

- While Part C’s inclusion mandate is not as strong as Part B’s, it is strong enough to accommodate the various interests and to provide a foundation for the child to profit from Part B’s LRE requirements.

- Part C’s purposes put a greater emphasis on needed and beneficial services than Part B’s.
• The primary difference in presumptive placement between Part B and Part C for infants and toddlers is that Part C’s mandate includes consideration of the home as a “natural environment” even though it is also a segregated environment.

• For infants and toddlers being served under Part C, entitlement to a group setting is dependent upon a finding that the child has a need to receive services in a group setting rather than in the home.

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• There is a presumption in favor of placement and participation with children without disabilities for all preschool children served under Part B and all infants and toddlers served under Part C who are shown to need a group setting.

• All placement decisions under Part B and Part C are to be made by the IEP or IFSP team rather than unilaterally by either the parent or school personnel.

• The authors use statutes, administrative regulations, court cases, legislative history, and other sources to conduct a legal and policy analysis of the provisions of the Individuals with Disabilities Education Act that support inclusion of infants and toddlers.


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