Early Childhood Inclusion Class Size Information

# Virginia Requirements

Information about class size for preschool-aged children is described in the *Code of Virginia*, the *Virginia Preschool Initiative (VPI) Guidelines*, and the *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*.

1. The [*Code of Virginia*](https://law.lis.virginia.gov/vacodeupdates/title22.1/section22.1-289.09/) [§ 22.1-289.09.C.1.2](https://law.lis.virginia.gov/vacode/title22.1/chapter14.1/section22.1-289.09/) provides the maximum class size allowed and the required adult-to-student ratios for the VPI program.
2. The [VPI Guidelines](https://www.doe.virginia.gov/teaching-learning-assessment/early-childhood-care-education/virginia-preschool-initiative) also include the maximum class size and required adult-to-student ratios for the VPI program.
3. The [Regulations Governing Special Education Programs for Children with Disabilities in Virginia](https://www.doe.virginia.gov/programs-services/special-education/regulations-laws-policies) provides staffing standards for special education teachers. Staffing requirements for Early Childhood Special Education are provided in [8VAC20-81-40.B.1.2](https://law.lis.virginia.gov/admincode/title8/agency20/chapter81/section40/#:~:text=the%20following%20settings.-,a.,the%20student%20receives%20special%20education.) and teacher’s caseloads in [8VAC20-81-340](https://law.lis.virginia.gov/admincode/title8/agency20/chapter81/section340/) (see Developmental Delay: age 2-5).

# Head Start Requirements

As established in the Head Start Program Performance Standards (HSPPS) center-based programs must operate according to federal guidance.

1. The requirements defined in the HSPPS [45 CFR 1302.21(c)](https://eclkc.ohs.acf.hhs.gov/policy/45-cfr-chap-xiii/1302-21-center-based-option) specifies the mandated duration hours and slot calculation based on center-based funded enrollment of the Head Start grant.
2. Ratios or group sizes are described in the HSPPS [45CFR 1302.21(b)](https://eclkc.ohs.acf.hhs.gov/policy/45-cfr-chap-xiii/1302-21-center-based-option) and are inclusive of children with disabilities.
3. Where state or local licensing requirements are more stringent than the teacher-child ratios and group size specifications in the HSPPS, programs must meet the stricter requirements.

The Virginia and Head Start regulationsreferenced above are silent (there is no mandate) on the proportionate amount or limits to the number of students with disabilities in a preschool class as long as the teacher load and special education teacher caseload are within the parameters of the requirements specified above.

# Office of Special Education Programs

The U.S. Office of Special Education Programs (OSEP) defines a regular early childhood program as one where at least 50% of the children do not have an IEP. OSEP developed this definition for the purpose of data collection as states are required to collect and report data on the number of children with IEPs included in regular early childhood programs and are expected to increase this number annually.

# Guidance for Best Practice

Educators may use the inclusion literature as guidance to plan and schedule for inclusive classes. According to some inclusion literature, it is suggested to use “natural proportions” as a guide. According to the [Centers for Disease Control](https://www.cdc.gov/ncbddd/developmentaldisabilities/about.html#:~:text=Recent%20estimates%20in%20the%20United,one%20or%20more%20developmental%20disabilities.&text=Developmental%20disabilities%20are%20a%20group,%2C%20language%2C%20or%20behavior%20areas.), recent estimates in the United States show that about one in six, or about 17%, of children aged three through 17 years have a one or more developmental disabilities. In Virginia, approximately 13% of the total kindergarten through grade 12 population have an Individualized Education Program. Although natural proportion data may be considered, other research provides clearer guidelines. Education research suggests that no more than 25 percent of a general education class should be students with disabilities (Refer to Marilyn Friend. Co-Teach! A Handbook for Creating and Sustaining Effective Classroom Partnerships in Inclusive Schools).

The Virginia Department of Education provides guidance on inclusion class size in early childhood education in the [*Virginia Early Childhood Inclusion Guidance Document*](https://www.doe.virginia.gov/home/showpublisheddocument/48857/638296165986330000)by stating the importance of limiting the preschool class proportion of students with disabilities whose IEP or 504 Plan warrants a need for specialized services in that class.

To qualify as a regular early childhood classroom, at least 50% of the children are to be typically developing; however, to produce the desired social and instructional outcomes for all the children in the classroom, there must be a sufficient number of peer models to enhance engagement, provide interaction, and develop friendships.

The [VPI Guidelines](https://www.doe.virginia.gov/teaching-learning-assessment/early-childhood-care-education/virginia-preschool-initiative) also address inclusive classroom settings as noted below:

A target inclusion rate of 10% for all children enrolled in local VPI programs are children with IEPs. The purpose of the 10% target inclusion rate is to support children with disabilities in reaching their full potential.

The Head Start Program Performance Standards (HSPPS) [45CFR 1302.14(b)](https://eclkc.ohs.acf.hhs.gov/policy/45-cfr-chap-xiii/1302-14-selection-process) state that all Head Start recipient agencies must adhere to the mandated inclusion targets as articulated below.

A program must ensure at least 10 percent of its total funded enrollment is filled by children eligible for services under IDEA, unless the [responsible HHS official](https://eclkc.ohs.acf.hhs.gov/policy/45-cfr-chap-xiii/_link) grants a waiver.

Additional definitions for services specific to children with disabilities are stated in the HSPPS [45CFR 1302.61](https://eclkc.ohs.acf.hhs.gov/policy/45-cfr-chap-xiii/1302-61-additional-services-children).

A program must provide individualized services and supports, to the maximum extent possible, to meet the child’s needs.