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Via email: [ossecomments.proposedregulations@dc.gov](mailto:ossecomments.proposedregulations@dc.gov)

November 2, 2015

Jamai Deuberry  
Office of the State Superintendent of Education  
810 First St NE, 9th Floor  
Washington, DC 20002

Re: Comments on Pre-K Enhancement and Expansion Program Proposed Rulemaking

Dear Ms. Deuberry:

Thank you for the opportunity to comment on the proposed rulemaking that was published in the District of Columbia (DC) Register on October 2, 2015 regarding the Pre-K Enhancement and Expansion Program. I am submitting these comments on behalf of Children's Law Center (CLC).<sup>1</sup> In the last year, CLC provided services to more than 5,000 low-income children and families. Many of the children we serve have developmental delays or disabilities, and these comments are focused on the inclusion of that population.

We agree that expanding high quality prekindergarten options in the District is an important, evidence-based initiative for young children. As OSSE continues to develop high quality options, OSSE must ensure their availability to all children, especially those with disabilities and delays.<sup>2</sup> The Council of the District of Columbia recognized the importance of this goal by specifically including a requirement for high quality prekindergartens to plan for the inclusion of children with disabilities. These comments are aimed at strengthening OSSE's regulatory guidance to programs regarding how to include children with disabilities.

Inclusion refers not just to the physical presence of children with disabilities amongst their typically-developing peers, but also to holding high expectations, intentionally promoting full participation using individualized accommodations, and fostering development and belonging with services and supports.<sup>3</sup> Inclusion benefits children with disabilities and children without disabilities, in terms of development and engagement.<sup>4</sup> Despite what we know about the benefits, high quality inclusion often remains a challenge. Unfortunately, all too often our young clients with disabilities have difficulty maintaining child care or prekindergarten because of misunderstandings and misinformation about what providers should do and because of lack of coordination with early intervention services and supports. Thus, we suggest the following at 5 DCMR § A3501.1(i):<sup>5</sup>

A plan to ensure inclusion of children with disabilities, in accordance with federally-stated goals **to provide services that are equal to and as effective as services for all**

**other children. If an enrolled child with special needs requires a specific plan of accommodations or adaptations, the CBO shall ensure that it is developed in writing, that all staff who come in contact with that child are aware of their responsibilities, and that implementation begins as soon as possible.<sup>6</sup> The CBO's plan shall address how Individualized Family Services Plans (IFSPs) or Individualized Education Programs (IEPs) will be addressed for children with disabilities.<sup>7</sup> The CBO's plan shall address appropriate use of and collaboration with specialized consultants (including those providers available under a child's IFSP or IEP or through other agencies) to support staff's efforts to meet the needs of children with disabilities, behavior challenges, or other special needs.<sup>8</sup>**

We also suggest broadening the minimum educational requirements for teachers and assistant teachers to include other disciplines that have a beneficial knowledge base for inclusive prekindergarten experience for children with and without disabilities. Specifically, we suggest adding that degrees or concentrations in early childhood special education fulfill the minimum educational requirements. Teachers with an early childhood special education degree or concentration have the training needed for a high quality prekindergarten classroom for all students.

### Conclusion

Thank you for the opportunity to comment on these proposed regulations, and we urge OSSE to adopt our suggested revisions. If you have any questions, please do not hesitate to contact me at (202) 750-7529 or [rmurphy@childrenslawcenter.org](mailto:rmurphy@childrenslawcenter.org).

Respectfully,



Renee Murphy  
Senior Policy Attorney

Cc: Elizabeth Groginsky, Assistant Superintendent of Early Learning, [egroginsky@dc.gov](mailto:egroginsky@dc.gov)

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<sup>1</sup> Children's Law Center fights so every child in DC can grow up with a loving family, good health and a quality education. Judges, pediatricians and families turn to us to be the voice for children who are abused or neglected, who aren't learning in school, or who have health problems that can't be solved by medicine alone. With 100 staff and hundreds of pro bono lawyers, we reach 1 out of every 8 children in DC's poorest neighborhoods – more than 5,000 children and families each year. And, we multiply this impact by advocating for city-wide solutions that benefit all children.

<sup>2</sup> Inclusion is a shared responsibility of multiple systems, and policy changes are a necessary ingredient to ensuring all agencies and organizations do their part in the work. For example, services under Part B of the IDEA can be delivered in prekindergarten programs that are not in public school settings, and

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broadening the delivery system to include community based organizations likely is needed in DC to ensure that children with disabilities are not disproportionately represented in DCPS prekindergarten programs and true inclusion in all parts of the community is a reality. See U.S. Departments of Education and Health and Human Services, *Policy Statement on Inclusion of Children with Disabilities in Early Childhood Programs*, (September 14, 2015), page 6-7. (*hereinafter*, *Joint Policy Statement*)

[https://www.acf.hhs.gov/sites/default/files/eecd/policy\\_statement\\_on\\_inclusion\\_of\\_children\\_with\\_disabilities\\_in\\_early.pdf](https://www.acf.hhs.gov/sites/default/files/eecd/policy_statement_on_inclusion_of_children_with_disabilities_in_early.pdf)

<sup>3</sup> See *id.* at 3 and Division of Early Childhood of the Council for Exceptional Children and National Association for the Education of Young Children, *Early Childhood Inclusion: a Joint Position Statement*, (April 2009), page 2. [http://npdci.fpg.unc.edu/resources/articles/Early\\_Childhood\\_Inclusion](http://npdci.fpg.unc.edu/resources/articles/Early_Childhood_Inclusion)

<sup>4</sup> See *Joint Policy Statement* at 3-4.

<sup>5</sup> **Bold** indicates addition.

<sup>6</sup> Adapted from Oregon Administrative Rules § 414-300-0400(3)(b) and Michigan State Board of Education, *Early Childhood Standards of Quality for Prekindergarten*, (revised March 12, 2013), Physical and Mental Health, Nutrition and Safety Program Standard 3.j., page 98.

<sup>7</sup> Adapted from National Association for the Education of Young Children, *NAEYC Early Childhood Program Standards and Accreditation Criteria & Guidance for Assessment*, (revised October 1, 2015), Standard 10.B.08.f., page 88.

[http://www.naeyc.org/academy/files/academy/Standards%20and%20Accreditation%20Criteria%20%26%20Guidance%20for%20Assessment\\_10.2015.pdf](http://www.naeyc.org/academy/files/academy/Standards%20and%20Accreditation%20Criteria%20%26%20Guidance%20for%20Assessment_10.2015.pdf)

<sup>8</sup> Adapted from *id.*, Standard 10.B.10, page 89.