



Maryland Developmental Disabilities Council

EMPOWERMENT • OPPORTUNITY • INCLUSION

November 5, 2015

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Maryland State Department of Education
200 West Baltimore Street, 10th Floor
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VIA EMAIL

Re: Comments on the State Early Childhood Advisory Council Legislative Report

The undersigned organizations submit the following comments regarding the State Early Childhood Advisory Council Legislative Report (Report). As drafted, the Report does not reflect the critical need for Maryland to ensure access to high quality, inclusive early childhood programs, including prekindergarten, for more children with disabilities.

The Report stresses the important role high quality early childhood programs play to ensure children enter kindergarten ready to learn; yet children with disabilities and their families still face barriers to accessing these programs. In order for Maryland to narrow the school readiness gap for children with disabilities, there must be a plan that ensures children with disabilities have an equal opportunity to participate in high quality early childhood programs with their non-disabled peers.ⁱ This is especially critical since only **twenty percent (20%) of young children with disabilities entered kindergarten fully ready to learn compared to forty-nine percent (49%) of their non-disabled peers.**ⁱⁱ

The availability of high quality Pre-Kindergarten services

The Prekindergarten Expansion Act of 2014 and the proceeding Federal Preschool Development Expansion Grant provide a unique opportunity for Maryland to ensure more young children are educated in high quality early childhood programs. The Report, however, does not acknowledge the opportunity this could provide for children with disabilities and their families to access the same high quality early childhood programs. It is critical that children with disabilities are explicitly included in any expansion of early childhood programs.

The Individuals with Disabilities Education Act (IDEA) requires that all children with disabilities receive a free appropriate public education in the least restrictive environment.ⁱⁱⁱ Yet, only 40% of Maryland's four year olds with an Individualized Education Program (IEP) receive their preschool special education services in a regular early childhood program.^{iv} It is essential that Maryland continue to establish policies and practices that explicitly support increased options for children with disabilities to be educated in the least restrictive environment with their non-disabled peers as required by state and federal law.^v The Report needs to reflect that commitment especially since it is a requirement of the Preschool Development Grants.

In the 2014 Guidance on Preschool Development Grants, the US Departments of Education and Health outlined what States need to do to ensure children with disabilities are served in the least restrictive environment as Preschool Development Grants are implemented.

1. The State must establish policies and procedures to ensure collaboration between Subgrantees and programs authorized by section 619 of part B of IDEA to ensure that Eligible Children with Disabilities are being appropriately identified and served in the least restrictive environment. (Question B-28).
2. The State must establish policies and procedures to ensure that the percentage of Eligible Children with disabilities served by the High-Quality Preschool Programs is not less than either the percentage of four-year-old children served statewide through part B, section 619 of IDEA (20 U.S.C. 1400), or the current national average, whichever is greater.^{vi} (Question B-28).
3. The State's policies and procedures should ensure that each High Quality Preschool Program documents how it met the enrollment requirements and maintained the enrollment of eligible children with disabilities. And provide a written rationale and documentation if the requirements are not met. (Question B-30).
4. The State must have policies and procedures in place to show how it will support High Quality Preschool Programs in meeting the enrollment requirements and the types of technical assistance it will provide to High Quality Preschool Programs that have difficulty meeting the requirement. (Question B-30).

Recommendation 1: Include information in the Report about how Maryland plans to narrow the school readiness gap for children with disabilities and reduce barriers to access to high quality early childhood programs.

Recommendation 2: Include information in the Report about how Maryland plans to ensure children with disabilities are included as the Preschool Development Grant is implemented, including evidence of policies on collaboration, enrollment requirements and types of technical assistance.

This information should also be included in the Report so that the General Assembly and other stakeholders are aware of any activities that specifically address the school readiness gap and align with the intent of the Preschool Development Grant as outlined above.

Assessment of the availability of high quality early childhood education and development programs that serve children with and without disabilities together

While we support the efforts of Making Access Happen (MAH) in mentoring early childhood programs to support children with disabilities and agree that this type of technical assistance can increase the availability of high quality, inclusive early childhood education programs, it is not an assessment of availability.

The requirement of this assessment was added because children with disabilities and their families continue to face tremendous barriers to accessing high quality, inclusive early childhood programs. The intent was to make sure the ECAC evaluated the availability of high quality, inclusive early childhood programs for children with disabilities and had the information

necessary to advise the State how to systematically address the barriers the same way it has been done to address barriers of children from low-income families.

The data in the report does not accurately account for all young children with disabilities. While children with disabilities ages three and four may be in 695 early childhood classrooms, according to the Division of Special Education/Early Intervention Services, there are 7814 three and four year olds with disabilities in Maryland.^{viii} In addition, the Report does not address the need of younger children as well as five-year-olds to access to early childhood programs where children with and without disabilities are together.

Recommendation 3: In order to ensure children with disabilities have the opportunity to participate in all high quality, inclusive programs with their non-disabled peers, an accurate assessment of availability must be completed. The Report should include information about how the State plans to fulfill this requirement.

We appreciate that progress has been made for children with disabilities and their families over time. The newly mandated training about the ADA and Inclusive Practices is only one example. **As mentioned above and as outlined in the new expectations for high quality inclusion set forth by the U.S. Departments of Education and Health and Human Services in the Joint Policy Statement on Inclusion of Children with Disabilities in Early Childhood Programs, Maryland needs to explicitly include children with disabilities in the policies and procedures of early childhood programs, including preschool expansion.**

Sincerely,

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ⁱ 20 USC 1400 (IDEA, Part B, §619).

ⁱⁱ *Readiness Matters!: 2014-2015 Kindergarten Readiness Assessment*, p. 8. This information describes the percentage of students assessed who receive special education services and have an Individualized Education Plan (IEP).

ⁱⁱⁱ 20 U.S.C §1412(a).

^{iv} Maryland State Department of Education, *Maryland Special Education/Early Intervention Services Census Data & Related Tables*; October 25, 2013, pg. 20.

^v 34 CFR §300.114; COMAR 13A.05.01.10.

^{vi} The current national percentage of four-year-old-children receiving services through part B, section 619 of IDEA is 6.4%. Source: 2012 IDEA Part B Child Count (www.ideadata.org).

^{vii} Maryland State Department of Education, *Maryland Special Education/Early Intervention Services Census Data & Related Tables*; 25, 2013, pg. 20.