

June 16, 2025

Shante' Brown, Deputy Secretary
Pennsylvania Office of Child Development and Early Learning
Pennsylvania Department of Education
607 South Drive, 3rd Floor-East Wing
Harrisburg, PA 17120
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RE: Public Comment – Announcement EI-25 #2, Early Intervention Complaint Procedures

Dear Deputy Secretary Brown,

Thank you for the opportunity to comment on Pennsylvania's Office of Child Development and Early Learning ("OCDEL") Bureau of Early Intervention Services and Family Supports' ("BEISFS") Announcement regarding Early Intervention Complaint Procedures ("Announcement"). The Education Law Center – PA ("ELC") and the undersigned organizations appreciate the efforts of BEISFS to ensure that a strong administrative complaint system for Early Intervention ("EI") under both Part B and Part C of the Individuals with Disabilities Education Act ("IDEA") is accessible, effective, and consistent with federal and state law. A robust complaint system is essential to ensuring that Pennsylvania's young children receive the early intervention to which they are entitled and that the state is fulfilling its legal obligations under federal and state law. We recommend that the BEISFS: 1) widely disseminate its EI complaint procedures; 2) ensure that organizations that work with families, including grassroots organizations, are provided with the complaint procedures; 3) develop and widely disseminate comprehensive, parent-friendly materials that reflect the procedures to ensure transparency; 4) develop and widely disseminate comprehensive and accessible materials for stakeholders, such as early learning and child welfare staff; and 5) ensure that the complaint form is translated into multiple languages so that all families of young children in EI can access it.

Who We Are

ELC is a non-profit legal advocacy organization whose mission is to ensure access to a high-quality public education for all children in Pennsylvania. ELC combines individual and impact litigation to advance the rights of children who are underserved by our education system — including children experiencing poverty, Black and Brown students, children with disabilities, children in the foster care or juvenile justice systems, multilingual learners, and children experiencing homelessness. Over its fifty-year history, ELC has handled thousands of individual matters and impact cases to enforce the rights of children with disabilities and ensure that state and local educational agencies comply with their legal obligations under federal and state law. In this role, we have worked directly with hundreds of families whose young children are entitled to

early intervention services and are greatly impacted by the accessibility and efficacy of complaint procedures.

Since its founding in 1949, **The Arc of Pennsylvania**'s mission is to promote the human rights of people with IDD and actively support their full inclusion and participation in the community throughout their lifetimes. The Arc of Pennsylvania was founded by families of children with disabilities who sought to see their children live in the community rather than hidden away in segregated institutions. One of our greatest accomplishments includes the PARC Consent Decree of 1972, which resulted in the first-ever right to a free and public education for children with intellectual disabilities. This landmark decision made Pennsylvania a leader in the nation, paving the way for the federal Individuals with Disabilities Education Act (IDEA) in 1990. Today, our work continues to ensure all children receive the services they are entitled to in order to thrive in school.

Children First PA works to improve the lives of our region's children by developing initiatives and advocating for quality health care, child care, public education and family stability. Children First advocates for low-income, Black, and Hispanic children by advocating for the building blocks of opportunity — equitable access to high-quality early education, sound health care, effective public schools, as well as dependency and delinquency systems that heal children. Children First works with and organizes parents, youth, and concerned citizens to advance these fundamental requirements of a more just society and for a better future.

Pennsylvania's **Early Intervention Providers Association (EIPA)** is a member organization dedicated to strategically analyzing and addressing the needs of the Early Intervention workforce. By collaborating with early childhood stakeholders, advocating for change, and advancing best practices, EIPA focuses on providing high quality EI services for children and families and supporting the system so that it can sustain that quality.

Liberty Resources, Inc. is a not-for-profit, Consumer-controlled organization that advocates and promotes independent living for all persons with disabilities. As a Center for Independent Living (CIL), Liberty Resources advocates with people with disabilities, individually and collectively to ensure our civil rights and equal access to all aspects of life in the community.

The PEAL Center is the federally-funded Parent Training and Information for PA whose mission is to educate and empower families to ensure that children, youth and young adults with disabilities and special health care needs lead rich, active lives as full members of their schools and communities. PEAL works with families to understand their rights and their procedural safeguards. PEAL works with many parents and professionals to help ensure the young student's rights to FAPE are provided.

The **Pennsylvania Association for the Education of Young Children (PennAEYC)** is a statewide, nonprofit membership organization of over 3,000 early childhood care and education professionals. As the Pennsylvania affiliate of the National Association for the Education of Young Children (NAEYC), we are part of a network that includes 52 affiliates and nearly 60,000 individual members nationwide. Through policy development, advocacy and professional learning opportunities and supports for early childhood professionals, PennAEYC works to achieve the vision that each and every Pennsylvania family will have access to high-quality,

affordable early childhood care and education opportunities for their children provided by a profession that is valued, well-compensated, and supported. PennAEYC is a proud principal partner of the Early Learning PA coalition and its nonpartisan, statewide advocacy efforts specifically focused on increasing access to high-quality child care, pre-k and Early Intervention services.

The **Pennsylvania Association for Infant Mental Health (PA-AIMH)** is a nonprofit organization dedicated to strengthening the workforce that serves infants, young children, and their families. Through training, advocacy, and reflective supervision, PA-AIMH equips professionals with the tools to support infant and early childhood mental health (IECMH). PA-AIMH recognizes that the accessibility and efficacy of complaint procedures directly affect professionals working in early childhood and intervention settings. Transparent, well-structured complaint processes ensure fairness, accountability, and psychological safety for early intervention providers navigating concerns related to service delivery, ethical standards, and workplace dynamics.

Pennsylvania Head Start Association is a membership organization whose mission is to improve the future for all PA children, families and communities who are economically challenged. The Association serves our Head Start member programs, along with their staff and the families of enrolled children, by developing and offering quality learning programs for professional development and partnering with them in federal and state advocacy efforts.

Pennsylvania Partnerships for Children (PPC) is a strong, effective, and trusted voice to improve the health, education, and well-being of children and youth in the commonwealth. Focusing on five core policy areas—child welfare, early childhood education, home visiting, K-12 education, and maternal and child health—PPC is statewide, independent, nonpartisan, and nonprofit.

Trying Together supports high-quality care and education for young children by providing advocacy, community resources, and professional growth opportunities for the needs and rights of children, their families, and the individuals who interact with them. Trying Together works regionally (in Southwestern Pennsylvania) and takes its expertise and models to statewide and national audiences. As principal partners in Thriving PA, a non-partisan, statewide advocacy campaign that seeks to improve the quality of and increase equitable access to a coordinated system of health supports, and regional intermediaries in SWPA, Trying Together collaborates to bring a more unified child development system to young children and their caregivers.

Comments on OCDEL’s BEISFS Proposed Early Intervention Complaint Procedures

We strongly support BEISFS’ Announcement outlining the Complaint Procedures as it will ensure that there is greater transparency in this vital administrative complaint process. However, we urge BEISFS to provide further clarity about this process. Complaint procedures are required by federal law and provide a critical avenue through which families can report violations of the IDEA, which protects young students’ rights and ensures that Pennsylvania’s youngest learners receive a free appropriate public education (“FAPE”), begin school-age programming equipped with skills necessary for success, and that children are not deprived of crucial educational and

developmental services to which they are legally entitled. Importantly, the complaint procedures work to ensure that if children do experience educational deprivations, such violations are promptly addressed, and corrective action is ordered. This is particularly important for young children who are rapidly developing.

A. Early Intervention Is Essential for Ensuring Access to High Quality Early Childhood Education for Children with Developmental Delays and Disabilities

Early childhood education (“ECE”) plays a vital role in the learning and social development of all children, and especially those with disabilities.¹ Children’s experiences in their first five years of life are critical to brain development, and the benefits of high-quality ECE for both children without disabilities and children with disabilities are robust, intergenerational,² and long-lasting.³ High-quality ECE is linked to higher literacy rates and stronger math skills, broader vocabularies, and increased graduation rates.⁴ ECE supports social-emotional development by giving students the necessary tools early on to collaborate with their peers and build healthier relationships, which can mitigate challenging behavior in the classroom.⁵ In the long term, high-quality ECE is associated with higher lifetime earnings and employment rates,⁶ healthier lifestyles, increased financial independence,⁷ and longer lifespans.⁸ Further, in contrast to preschool suspensions and expulsions, access to high-quality ECE directly disrupts the preschool-to-prison pipeline.⁹

For children with disabilities, high-quality ECE plays an especially critical role in supporting both learning and social-emotional development. High-quality ECE provides children with disabilities with the same benefits that apply broadly to all children: improved math and reading skills, the development of positive social relationships, and decreased grade retention, among

¹ See generally ANNA D. SCHOCH, CASSIE S. GERSON, TAMARA HALLE & MEG BREDESON, CHILDREN’S LEARNING AND DEVELOPMENT FROM HIGH-QUALITY EARLY CARE AND EDUCATION: A SUMMARY OF THE EVIDENCE 3-6 (2023), <https://acf.gov/sites/default/files/documents/opre/%232023-226%20Benefits%20from%20ECE%20Highlight%20508.pdf>.

² James J. Heckman, *Perry Preschool Project*, CENTER FOR THE ECONOMICS OF HUMAN DEVELOPMENT, https://cehd.uchicago.edu/?page_id=958.

³ Beth Meloy, Madelyn Gardner, and Linda Darling-Hammond, *Untangling the Evidence on Preschool Effectiveness: Insights for Policymakers*, Learning Policy Institute (2019).

⁴ Allison Atteberry, Daphna Bassok & Vivian C. Wong, *The Effects of Full-Day Prekindergarten: Experimental Evidence of Impacts on Children’s School Readiness*, 41 EDUC. EVALUATION AND POL’Y ANALYSIS 537, 550 (2019).

⁵ *Id.*

⁶ Heckman, *supra* note 2.

⁷ Arthur J. Reynolds, Suh-Ruu Ou, Christina F. Mondri & Alison Giovanelli, *Reducing Poverty and Inequality Through Preschool-to-Third-Grade Prevention Services*, 74 AM. PSYCH. 653, 663 (2019).

⁸ See generally Timothy J. Bartik, William Gromley & Shirley Adelstein, *Earnings benefits of Tulsa’s pre-K program for different income groups*, 31 ECON. OF EDUC. REV. 1143, (2012); John Anders, Andrew C. Barr & Alexander A. Smith, *The Effect of Early Childhood Education on Adult Criminality: Evidence from the 1960s through 1990s*, 15 AM. ECON. J. 37, (2023); Ismaila Ramon, Sajal K. Chattopadhyay, Steven Barnett, Robert A. Hahn & Community Preventive Services Task Force, *Early Childhood Education to Promote Health Equity: A Community Guide to Economic Review*, 24 J. OF PUB. HEALTH MGMT. AND PRAC. e-8, (2018).

⁹ Heckman, *supra* note 2. The preschool-to-prison pipeline refers to the systemic pattern through which children, and particularly underserved children, are suspended, expelled, excluded, or otherwise pushed out of the education system starting in preschool, which is associated with long-term negative consequences including decreased likelihood of educational attainment and increased risk of involvement with the criminal justice system.

many others.¹⁰ Access to high-quality ECE also reduces the likelihood that children will require special education in school-age programming.¹¹ While all children benefit from high-quality ECE, underserved children – including English learners, children with disabilities, and children experiencing homelessness, among others – make the most significant learning gains when provided access to high-quality ECE.¹² As one example, English learners (ELs) experience substantial benefits from ECE, often showing particularly significant gains in reading and math.¹³ In order to access these benefits, however, children must be able to access high-quality ECE. **Children with disabilities and emotional challenges are 14.5 times as likely to be suspended or expelled as typically developing peers, and the exclusion of children with disabilities from ECE is often caused by or directly related to EI deprivations and other violations of federal law.**¹⁴ ECE exclusion disproportionately impacts Black and Brown children who share these identities, and in doing so, bars them from accessing the benefits of high-quality ECE while opening them up to the negative consequences of preschool exclusion.¹⁵

B. Early Intervention Complaint Procedures Are Required by Federal Law

We commend BEISFS for clarifying its procedures for filing, investigating, and resolving formal complaints regarding the Infant Toddler or Preschool Early Intervention systems to better reflect its obligations to ensure a FAPE to all eligible students with disabilities under federal law. These revisions will help to ensure that the rights of young students with disabilities in Pennsylvania with respect to receiving and accessing a FAPE, as well as any other violations of requirements under Parts C and B of the IDEA, the Early Intervention Services System Act, and other applicable state or federal statutes or regulations, are maintained and enforced, consistent with the requirements of the IDEA.

The IDEA requires that each State Educational Agency (“SEA”) adopt written procedures for resolving complaints and provide for the filing of such complaints under both Part B and Part C. 20 U.S.C. § 1221e-3; 20 U.S.C § 1439(a)(1); 34 C.F.R. § 303.432(a)(1); 34 C.F.R. § 300.151(a)(1). For Part C EI, in complaints in which the SEA has found a failure to provide appropriate services, the SEA must address: “[t]he failure to provide appropriate services, including corrective action appropriate to address the needs of the child (such as compensatory

¹⁰ Katherine B. Green, Nicole Patton Terry & Perry A. Gallagher, *Progress in Language and Literacy Skills Among Children With Disabilities in Inclusive Early Reading First Classrooms*, 33 TOPICS IN EARLY CHILDHOOD SPECIAL EDUC. 249, 256 (2013).

¹¹ Liza M. Conyers, Arthur J. Reynolds & Suh-Ruu Ou, *The Effect of Early Childhood Intervention and Subsequent Special Education Services: Findings from the Chicago Child-Parent Centers*, 25 EDUC. EVALUATION AND POL’Y ANALYSIS 75, 88 (2003).

¹² See generally PRUDENCE L. CARTER & KEVIN G. WELNER, CLOSING THE OPPORTUNITY GAP: WHAT AMERICA MUST DO TO GIVE EVERY CHILD AN EVEN CHANCE (2013).

¹³ Noreen Yazejian et al., *High-quality early education: Age of entry and time in care differences in student outcomes for English-only and dual language learners*, 32 EARLY CHILDHOOD RSCH. QUARTERLY 23, 36 (2015).

¹⁴ OFFICE FOR CIVIL RIGHTS, U.S. DEPARTMENT OF EDUCATION, KEY DATA HIGHLIGHTS ON EQUITY AND OPPORTUNITY GAPS IN OUR NATION’S PUBLIC SCHOOLS (2014); CHRISTINA NOVOA & RASHEED MALIK, SUSPENSIONS ARE NOT SUPPORT: THE DISCIPLINING OF PRESCHOOLERS WITH DISABILITIES (2018).

¹⁵ Dolores A. Stegelin, *Preschool Suspension and Expulsion: Defining the Issues*, Institute for Child Success (Dec. 2018).

services or monetary reimbursement); and (2) [a]ppropriate future provision of services for all children with disabilities.” 30 C.F.R. § 300.151(b)(1-2). Part B similarly requires that the SEA address “the failure to provide appropriate services, including corrective actions appropriate to address the needs of the infant or toddler with a disability who is the subject of the complaint and the infant's or toddler's family (such as compensatory services or monetary reimbursement); and (2) appropriate future provision of services for all infants and toddlers with disabilities and their families.” 20 U.S.C. 1439(a)(1); 34 C.F.R. § 303.432(b)(1-2). Under the IDEA, these procedures must be “widely disseminat[ed] to parents and other interested individuals, including parent training and information centers, protection and advocacy agencies, independent living centers, and other appropriate entities...” 30 C.F.R. § 300.151(a)(2); 34 C.F.R. § 303.432(a)(2).

Federal law requires minimum requirements for these complaint procedures, including specific guidance on timelines, opportunities to respond, and issues that are addressed in due process hearings. Section 300.152 and Section 303.433 of the IDEA sets out the minimum requirements for complaint procedures that each SEA must comply with, including requiring that complaint procedures include a maximum time limit of 60 days to carry out any necessary investigations, an opportunity for the complainant to submit additional information about the complaint and allegations, and an opportunity for the public agency against whom the complaint is submitted to respond, including the opportunity to put forth a proposed resolution and to voluntarily engage in mediation. 30 C.F.R. § 300.152(a)(1-5); 34 C.F.R. § 303.433(a)(1-5). Procedures must also permit time limit extensions only if exceptional circumstances exist regarding a specific complaint or procedures for effective implementation of the SEA’s decision, such as negotiation or corrective action, are required. 30 C.F.R. § 300.152(b)(1-2); 34 C.F.R. § 303.433(b)(1-2). Additionally, complaints or topics that are also the subject of a due process hearing must be set aside until addressed, but any complaint issues that are not resolved by the due process hearing must then be resolved under the complaint procedure and timeline. 30 C.F.R. § 300.152(c)(1-3); 34 C.F.R. § 303.433(c)(1-3).

Organizations or individuals may file signed written complaints. 30 C.F.R. § 300.153(a); 34 C.F.R. § 303.434(a). Complaints must include a statement that a public agency has violated a requirement under Part B or Part C, the facts, signature and contact information, and for cases involving a specific child, information such as the child’s name and address, name of the school, contact and school information if the child is experiencing homelessness, a description of the problem, and a proposed resolution. 30 C.F.R. § 300.153(b). Complaints can only be submitted for violations that occurred within the preceding year. 30 C.F.R. § 300.153(c). The party filing the complaint must also contemporaneously provide a copy of the complaint to the LEA or public agency.

The Announcement builds upon these required procedures and offers additional procedures to comply with the SEA’s obligation to ensure all students with disabilities in the Commonwealth receive a required entitlement under the IDEA.

C. BEISFS’s Proposed Procedures Will Provide a Critical Forum for Addressing Violations

Young children with disabilities or delays in their growth and development are legally entitled to receive EI services to help them grow and gain skills so that they are ready to begin school alongside their peers. Further, access to high-quality early childhood education is critical: children

who receive high-quality early childhood education are more likely to graduate high school, more likely to graduate college, more likely to achieve consistent employment, and lead healthier lives.¹⁶

The proposed BEISFS complaint procedures will serve the goal of meeting the federal requirements for EI complaint procedures while ensuring that young children’s education rights are not violated and issuing decisions for critical corrective action, including systemic change and compensatory education, when children are deprived of services or their rights are otherwise violated. This process for relief is critical for all children and families benefitting from EI services, but particularly those who are underserved by the education system, and whose rights have greater likelihood to be violated.² Unfortunately, the goal of providing EI services to all eligible young children who are entitled to these services, as well as the goal of providing each eligible young child with access to a FAPE, has not been fully realized in the Commonwealth despite continued efforts toward improvement.¹⁷

While all young children with disabilities or developmental delays are entitled to EI services and a FAPE, the EI services required to receive a FAPE are not equitably or consistently provided, and children’s rights under the IDEA are frequently and systemically violated with no remedy provided.¹⁸ In addition, young children with developmental delays or disabilities who are underserved by the education system, including students in foster care, students experiencing homelessness, Black and Brown children impacted by racism, and children whose families are not native English speakers, are disproportionately harmed by violations of the failure to provide appropriate EI services and a FAPE.

Deprivation of critical EI services is directly tied to the high volume of preschool suspensions and expulsions in Pennsylvania based on children’s unaddressed needs relating to their disabilities and disability-related behavior. An appropriately functioning EI system is necessary to support children’s access to inclusive early childhood education and support the law’s requirement that children be educated in the least restrictive environment to the maximum extent possible.¹⁹ 20 U.S.C. § 1412 (a)(5). It is critical that BEISFS makes available a strong complaint process to alert

¹⁶ FPG CHILD DEVELOPMENT INSTITUTE AT UNC-CHAPEL HILL, THE ABECEDARIAN PROJECT: HIGH-QUALITY EARLY CHILD CARE HAS LONG-LASTING EFFECTS 2 (2012), https://fpg.unc.edu/sites/fpg.unc.edu/files/resources/snapshots/FPG_Snapshot66_2012.pdf.

¹⁷ Natalie Slopen et al., *Racial and ethnic inequities in the quality of pediatric care in the USA: a review of quantitative evidence*, 8 RACISM AND CHILD HEALTH IN THE USA 147 (Lancet Child Adolescent Health, 2024), <https://www.thelancet.com/series-do/racism-child-health-usa>; Emily Feinberg et al., *The impact of race on participation in Part C early intervention services*, 32 J DEV. BEHAV. PEDIATR. 284 (2011), <https://pmc.ncbi.nlm.nih.gov/articles/PMC3138901/>.

¹⁸ *Fact Sheet: Advancing Racial Equity in Early Intervention and Preschool Special Education*, EARLY CHILDHOOD TECH. ASSISTANCE CTR. (Jan. 5, 2023), <https://ectacenter.org/topics/racialequity/factsheet-racialequity-2023.asp>.

¹⁹ See e.g., NEW YORK DEPARTMENT OF EDUCATION, EARLY INTERVENTION TO PRESCHOOL TRANSITION 22, https://pwsblobprd.schools.nyc/prd-pws/docs/default-source/default-document-library/ei-to-pre-k-second-edition---english.pdf?sfvrsn=582084f9_54; DEC/NAEYC, *Early childhood inclusion: A joint position statement of the Division for Early Childhood (DEC) and the National Association for the Education of Young Children (NAEYC)*, THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL, FPG CHILD DEVELOPMENT INSTITUTE (2009), https://www.naeyc.org/sites/default/files/globally-shared/downloads/PDFs/resources/position-statements/ps_inclusion_dec_naeyc_ec.pdf.

OCDEL when EI is not being provided appropriately. For decades, ELC and undersigned organizations have advocated, alongside young children and their families and other advocates, to improve the quality and consistency of EI services provided to children who face multiple barriers to their access to appropriate EI services and a FAPE. Importantly, the state's administrative complaint process is especially critical for children with disabilities who fall within Part C because this section does not authorize recovery of attorneys' fees available under Part B and therefore it is challenging to secure legal representation to challenge violations of Part C through a due process hearing.

In the past, caregivers' access to relief when children's rights are violated--whether through suspensions and expulsions caused by inappropriate EI services, problems implementing transportation plans in IEPs, by delayed services or evaluations, or something else--has been blocked by an opaque and difficult-to-understand state complaint process. The complaint form was previously not posted on OCDEL's BEISFS website,²⁰ or, to our knowledge, anywhere else that parents may expect to find such a complaint form.²¹ Once the BEISFS form is located, it is not clear to families that this is the correct form or what the complaint process entails. Beyond not being posted on the website, the past Early Intervention Complaint Registry Form is not on any official letterhead. It does not make clear what the complaint procedures are, that there is a 1-year timeline, what kind of entity a complaint can be submitted against, what kind of complaints are proper for this forum, that investigations are to take place within 60 days, or that corrective action will be ordered if a violation is found. The past form did not make clear how to return the form or to whom to provide a copy. This information is not readily or clearly accessible to families anywhere else. Without this critical information, families cannot readily access the remedies that are offered through the legally required complaint process, and moreover, OCDEL is not made fully aware of the scope of EI violations occurring in Pennsylvania.

ELC and undersigned organizations have worked on behalf of many young children with disabilities whose rights under the IDEA are violated, who are not provided appropriate EI services, and who are deprived of a FAPE. For example, ELC represented "Xavier," a happy and playful 4-year-old child with autism, who was unlawfully expelled from his preschool in Philadelphia based on his disability-related behaviors. Xavier had not been provided appropriate EI services to support his inclusion in the least restrictive environment, had not been appropriately evaluated for his behavioral needs, and he was consistently deprived of the minimal services to which he had been entitled. Further, EI providers and public agencies communicated with his mother, who did not speak English, in English alone. When Xavier was expelled from preschool due to his unaddressed needs, his mother was blindsided. Due to this expulsion, Xavier's mother was forced to choose between childcare and her employment, which threatened the family's income and housing. Xavier's mother was not aware of any forum through which she could make a complaint about the lack of appropriate services or communication. When Xavier faced expulsion at his next preschool, his mother reached out to ELC, and we advocated for his inclusion

²⁰ PA Dep't of Educ., *Bureau of Early Intervention Services and Family Supports*, <https://www.pa.gov/agencies/dhs/departments-offices/ocdel-info/ocdel-bureau-early-intervention-services-and-family-supports.html>.

²¹ See, e.g., *Id.*; PA Dep't of Educ., *Early Intervention Services*, <https://www.pa.gov/agencies/dhs/resources/early-learning-child-care/early-intervention-services.html.html>; Office for Dispute Resolution, *Early Intervention*, <https://odr-pa.org/due-process/early-intervention/>; Pa Dep't of Educ., *Early Intervention*, <https://www.pa.gov/agencies/education/programs-and-services/instruction/early-learning/early-intervention.html>.

in the classroom with the EI support that was required for Xavier to receive a FAPE, including a full-time aide, increased EI services, and translation services for the family.

As another example, two young children with autism were expelled from their preschool in Delaware County because the preschool refused to permit their necessary disability service providers to deliver services on the premises. EI services had not been provided to the children in seven months due to the children's inability to access their prior service site. The children's mother was not aware of any forum through which she could report any of these violations, and her trust in the EI system's ability to support her children was completely broken.

We believe that this Announcement is an important step to create a more robust, transparent, and accessible complaint procedure that will empower families to report violations and access relief so that their young children and the children who come after them can benefit from the promise of a FAPE, and we commend BEISFS for working toward this goal.

D. Recommendations To Provide Needed Clarity Regarding BEISFS's Proposed Complaint Procedures

While significant progress is being made to outline the complaint process, we urge BEISFS to provide further clarity to ensure accessibility and understanding by families and broad dissemination of information to stakeholders. Such revisions will support families and children to receive appropriate services and access the lifelong benefits of appropriate EI services, as well as support OCDEL in understanding the current state of Part B and C IDEA violations in Pennsylvania and meeting its obligation to ensure that every eligible young child receives a FAPE.

1. Widely Disseminate and Seek Input from Organizations that Work with Young Children and Their Families, Including Early Learning and Child Welfare Organizations

Recognizing the benefit of multiple stakeholders to this process, we encourage BEISFS to more widely disseminate these complaint procedures to organizations, who are clearly contemplated under the IDEA and who are permissible complainants including agencies that work directly with families and young children. 30 C.F.R. § 300.151(a)(2); 34 C.F.R. § 303.432(a)(2); 30 C.F.R. § 300.153(a); 34 C.F.R. § 303.434(a). Examples of such organizations include: PA PreK Counts programs, programs participating in Keystone STARS, Early Head Start and Head Start programs, nurse home visiting programs, PHLpreK programs, and school district preschool programs. In our experience, reports of EI and FAPE violations often come to families from disability service providers, agencies, preschools, and other individuals and organizations that are not the child's family. These programs, organizations, and individuals may witness concerning practices that parents are unaware of or do not know about when they first occur. Under federal law, these administrative complaints can be filed by stakeholders, including EI providers, early childhood programs, and HeadStart programs. While these complaint procedures remain open to multiple stakeholders to submit complaints, many organizations, providers, and child-serving professionals are unfamiliar with this form and are not aware that it could lead to relief for EI violations or that they are permissible complainants. In addition, these procedures are expressly required by law to be widely disseminated to "other interested individuals,

including parent training and information centers, protection and advocacy agencies, independent living centers, and other appropriate entities....” 30 C.F.R. § 300.151(a)(2); 34 C.F.R. § 303.432(a)(2). We encourage BEISFS to more actively involve other stakeholders in this review process, make clear that their voices can be heard through this process, and ensure that they are knowledgeable about their right to report violations of federal law and can direct families to do so as well. To achieve this goal, we encourage BEISFS to create comprehensive and easy-to-understand materials for professionals who serve young children, such as child welfare and early learning staff, and widely disseminate these materials to all such stakeholders who may be aware of violations of children’s EI rights.

2. Further Refine the Complaint Information Packet and Form

As a model of recommended revisions to the current proposed form, we encourage the BEISFS to review the [Bureau of Special Education’s Complaint Information Packet and Form](#).²² This packet is publicly posted on the Bureau of Special Education’s Special Education Dispute Resolution site; includes information on the process, what to expect, and who to submit the complaint to; is posted on official letterhead; and is available in 22 languages. It also includes a downloadable and fillable form to submit in real time.

We believe that creating greater accessibility is required in accordance with the IDEA requirement that these procedures be widely disseminated so that families can access them. 34 C.F.R. § 300.151(a)(2); 34 C.F.R. § 303.432(a)(2). Public posting of the Early Intervention Complaint Form and Procedures on the BEISFS, OCDEL, and Pennsylvania Department of Education Special Education Dispute Resolution webpage would support this goal in compliance with legal requirements.

As an example of this, the EI complaint form was previously only found on the PaTTAN website under “Forms,” without any further detail about the complaint process or procedures.²³ Recently, the form was added to the Office for Dispute Resolution’s State Complaint Process page, as well as the link to explanation videos created by the Center for Appropriate Dispute Resolution in Special Education, which is a great improvement. However, even with the improved placement of this forms, families must still follow an external link to external materials that are not developed by BEISFS, are not specific to Early Intervention, and are not specific to Pennsylvania in order to access any information about the complaint or process.²⁴ If parents click the link to “find additional information,” they are routed to a page that includes due process requests forms, but no complaint information or language on the existence of a complaint process beyond mediation or due process hearings.²⁵ It would be better to link to EI specific information.

²² Pa. Dep’t of Educ., *Special Education State Complaint Resolution Procures*, <https://www.pa.gov/content/dam/copapwp-pagov/en/education/documents/instruction/special-education/compliance/state%20complaint%20resolution%20procedures.pdf>.

²³ Pennsylvania Training and Technical Assistance Network, *Complaint Resolution Process – Early Intervention*, <https://www.pattan.net/Forms/Complaint-Resolution-Process-Early-Intervention>.

²⁴ Office for Dispute Resolution, State Complaint Process, <https://odr-pa.org/parent-resources/state-complaint-process/>; CADRE, IDEA Special Education Written State Complaints Parent Guide, <https://cadreworks.org/resources/cadre-materials/idea-dispute-resolution-parent-guides/written-state-complaints>.

²⁵ Office for Dispute Resolution, Early Intervention, <https://odr-pa.org/due-process/early-intervention/>.

3. *Add a Parent-Friendly explainer Such as an Infographic*

In addition, we strongly urge BEISFS to attach a parent-friendly easy-to-understand explanation or infographic outlining these procedures to the complaint form either as a cover, an attachment, or through a link listed on the form. It is critical that families understand what kind of complaints or concerns can be raised and addressed through this process, what the process will look like, and who complaints can be submitted against. We would also encourage BEISFS to include its official letterhead on the complaint form so that families -- who are already understandably confused by the intersection of multiple systems and agencies -- can clearly identify what this form is and the responsible agency that promulgated it. Further, we encourage BEISFS to use person-first language to describe populations of children. For example, change the wording of “homeless child” to read “child experiencing homelessness.”²⁶

4. *Make the Complaint Form Available in Multiple Languages and Provide Information to Grassroots Organizations Working with Families*

Finally, we strongly encourage BEISFS to make this complaint form available in multiple languages, as has already been done for the Bureau of Special Education Complaint Information Packet and Form. EI issues are often caused by or exacerbated by language access issues, and it is critical and legally mandated that families can access this important opportunity to report violations of federal law that deprive children of educational rights to which they are legally entitled, whether the family’s native language is English or not. In order to ensure that all impacted families have access to information regarding the EI complaint procedures, BEISFS should ensure that it provides translated forms and informational materials to grassroots organizations working with multilingual families.

Based on our experience with, and work alongside of and on behalf of, thousands of families of young children across Pennsylvania, we support BEISFS’s revised complaint procedures and urge BEISFS to provide further clarity in the specific ways delineated herein to safeguard the rights of Pennsylvania’s young learners, ensure effective state enforcement of their rights, and secure prompt remedies for violations of federal and state laws.

Thank you for the opportunity to provide comments on this important plan.

Sincerely,

Education Law Center – PA
The Arc of Pennsylvania
Children First PA
Early Intervention Providers Association (EIPA)
Liberty Resources, Inc.
The PEAL Center
Pennsylvania Association of Education for Young Children (PennAEYC)

²⁶ Shannon Wooldridge, *Writing Respectfully: Person-First and Identity-First Language*, NAT’L INST. OF HEALTH (2023), <https://www.nih.gov/about-nih/science-health-public-trust/perspectives/writing-respectfully-person-first-identity-first-language>.

Pennsylvania Association for Infant Mental Health (PA-AIMH)
Pennsylvania Head Start Association
Pennsylvania Partnerships for Children
Trying Together