



For people with intellectual
and developmental disabilities

The Arc
2000 Pennsylvania Ave NW, Suite 500
Washington, DC 20006

T 202 534-3700
F 202 534-3731
thearc.org

January 19, 2024

Lindsey Hutchison
Office of Head Start
Division of Planning, Oversight, and Policy

RE: Docket ID: ACF-2023-0011-0001 Supporting the Head Start Workforce and Consistent Quality Programming

Dear Ms. Hutchison,

I write on behalf of The Arc of the United States, a national organization dedicated to advocating for the rights and well-being of individuals with intellectual and developmental disabilities (IDD). We appreciate the opportunity to provide comments on the U.S. Department of Health and Human Services (HHS) Notice of Proposed Rulemaking regarding the Head Start Program Performance Standards.

The Arc of the United States has nearly 600 state and local chapters across the United States. These chapters provide a wide range of services for people with intellectual and developmental disabilities (IDD), including individual and systems advocacy, public education, family support, systems navigation, support coordination services, employment, housing, support groups, and recreation. The Arc chapters are committed to improving the lives of people with IDD and their families. Given our deep and longstanding interest in and commitment to improving the lives of children and adults with intellectual and developmental disabilities, we offer the following comments and recommendations.

Subpart I: Human Resources

§ 1302.90: Personnel Policies.

(c)(1)(ii)

Recommendation: Maintain proposal to remove paragraphs (A) through (I) and replace these with paragraphs (A) through (D).

Rationale: The Arc agrees that the changes proposed in new (A) through (D), unless otherwise noted below, will [as noted in (ii)] “ensure staff, consultants, contractors, and volunteers do not engage in behaviors that would be reasonably suspected to negatively impact the health, mental health, or safety of children.”

Recommendation: Maintain (A) which in addition to protecting children from the use of abusive corporal punishment practices, includes protecting children from the use of restraint.

Achieve with us.[®]

Rationale: Children with disabilities and children of color are disproportionately subjected to the use of restraint. The Department of Education collects data on the instances of restraint in the Civil Rights Data Collection.

Recommendation: Amend paragraph (C) as noted with ~~striketrough~~ and/or in **bold** below.

Emotionally harmful or abusive behavior, defined as behaviors that harm a child's self worth or emotional well-being or behaviors that are insensitive to a child's developmental needs. Examples include, but are not limited to, using ~~isolation~~ **seclusion** as discipline, using or exposing a child to public or private humiliation, or name calling, shaming, intimidating, or threatening a child.

Rationale: The Arc urges HHS to make this change consistent with the U.S. Department of Education policy and definitions used in the Civil Rights Data Collection (CRDC). In doing so, HHS will ensure all programs are made aware of the harms of seclusion and also strive to consistently provide a positive, fear-free environment for all children.

Part 1305: Definitions

§ 1305.2: Terms

Recommendation: Add a definition of Seclusion as noted below.

Seclusion is the involuntary confinement of a child alone in a room or area from which the child is physically prevented from leaving. It does not include a timeout, which is a behavior management technique that is part of an approved program, involves the monitored separation of the child in a non-locked setting, and is implemented for the purpose of calming. (See: U.S. Dept of Education, Master List of CRDC Definitions, at: https://civilrightsdata.ed.gov/assets/downloads/2017-18_Master_List_of_CRDC_Definitions.pdf)

Rationale: Consistent with research-based practice which supports the elimination of the use of all exclusionary discipline practices on children, including the use of seclusion in education settings, we urge the addition of this definition to better protect children in Head Start settings.

The Arc appreciates the opportunity to comment. If you have any questions or need any further information, please contact Robyn Linscott, Linscott@thearc.org if you have any questions.

Sincerely,

Robyn Linscott
Director of Education and Family Policy
The Arc of the United States
linscott@thearc.org

