

TO: Office of Special Education Programs

FROM: Early Support for Infants and Toddlers, Department of Children Youth and Families, Washington State

SUBJECT: Requirement to Identify Child's Race to Enroll in Part C Services & Reporting Exit Data

To Whom it May Concern:

Washington State's Part C Program, Early Support for Infants and Toddlers (ESIT), enthusiastically supports the mission of the Office of Special Education Programs (OSEP) *to lead the nation's efforts to improve outcomes for children with disabilities, birth through 21, and their families, ensuring access to fair, equitable, and high-quality education and services. Our vision is for a world in which individuals with disabilities have unlimited opportunities to learn and to lead purposeful and fulfilling lives.*

This letter serves as a response to concerns expressed by our providers and families regarding current OSEP race and gender reporting expectations.

For a multitude of reasons, families are occasionally hesitant to disclose their child's race and ethnicity. Our providers have shared the experiences of families who are hesitant to disclose their child's race and ethnicity for a variety of reasons, including direct experiences with institutional racism. This has led to families declining services in some cases and left providers feeling ill at ease being asked to 'guess' the child's race. We recognize the importance of accurate data to support the identification of disproportionality and potential bias, but current guidance from OSEP for providers to choose a racial/ethnic identifier that they believe best identifies the child when families refuse does not support family-centered practices or advance racial and gender equity.

A provider has also recently shared concerns that a family intends to decline services for their child because there was not a non-binary option for gender. We have heard similar concerns about limited options for collecting data based on gender. In this case, data inaccurately captures the experiences of non-binary children and misses the opportunity to identify disparities for intersex, non-binary, and transgender children. At best this leaves gaps in our understanding of who our program serves, and at worst puts families in a situation where they may feel forced to decline services.

The ESIT program shares OSEP's vision *for a world in which individuals with disabilities have unlimited opportunities to learn and to lead purposeful and fulfilling lives*

Please accept this request that OSEP consider additional more inclusive options for families who are uncomfortable with the categories provided, or uncomfortable sharing this information, and consider adding additional categories and or an option to decline to disclose.

We appreciate your continued support and collaboration.

Respectfully,