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**Testimony before the District of Columbia Council
Committee on Education
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**Agency Budget Oversight Hearing:
Office of the State Superintendent of Education**

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Good morning Chairman Catania and members of the Committee. My name is Judith Sandalow. I am the Executive Director of Children's Law Center¹ (CLC) and a resident of the District. I am testifying today on behalf of CLC, the largest non-profit legal services organization in the District and the only devoted to a full spectrum of children's issues. Last year, we provided services to more than 5,000 low-income children and families, with a focus on abused and neglected children and on those with special health and educational needs. Nearly all the children we represent attend DC public schools – whether traditional public schools, charter schools, or nonpublic special education schools funded by DC.

In my testimony today, I will focus on the proposed Office of the State Superintendent (OSSE) budgets for special education, early childhood education, and adult and vocational education. In all of these areas, the FY15 proposed budget either sustains or slightly increases funding levels. In my oversight testimony a few months ago, I recognized the progress that OSSE had made with regard to expanding eligibility for early intervention services, improving transportation reliability, and providing technical assistance to schools struggling to serve their special needs students. The proposed budget provides sufficient funds to maintain last year's progress. However, the budget does not provide the additional funds that would allow OSSE to accelerate that progress. In my testimony today, I identify several areas where OSSE should invest additional funds in order to increase the pace of improvement in DC's education system.

Early Intervention

Through the Early Intervention Program, OSSE provides direct services to children from birth to three who have developmental disabilities. Brain science research in the past decade has

shown definitively that children's experiences during their first years of life set the groundwork for their future success. Children who do not receive the specialized support they need as infants and toddlers have a much harder time making up lost ground later.² However, when young children do receive the supports they need, the payoffs are enormous. Research on early intervention programs shows that they produce "long-lasting and substantial gains in outcomes such as special education placement[,] grade retention, high school graduation rates, labor market outcomes, social welfare program use, and crime."³ RAND estimates that well-designed early childhood interventions generate a return to society ranging from \$1.80 to \$17.07 for every dollar spent.⁴

In recognition of the pivotal role that early intervention plays in helping today's infants and toddlers grow up to be successful adults, OSSE last year significantly expanded the pool of children served by DC's Early Intervention Program. This was a smart and vital investment. While the new eligibility criteria still put DC behind the majority of other states,⁵ they nonetheless represented major progress.

At the time the eligibility expansion was proposed, OSSE projected that it would result in a doubling of the number of children served by the Early Intervention Program.⁶ However, OSSE has not yet come close to meeting that target. As of mid-January 2014, when the new criteria had been in effect for six months, 580 children were receiving early intervention services.⁷ This was an increase of approximately 100 over the 477 children served approximately one year earlier.⁸ That increase certainly represents progress, but it is still far short of meeting the target of serving approximately 1,100 DC infants and toddlers.⁹

This year's budget maintains flat funding for early intervention.¹⁰ This is concerning because, as discussed above, OSSE should be serving additional children to meet its target for the eligibility expansion. Additionally, a second element of the Early Intervention Program's expansion goes into effect this summer. Starting in July 2014, parents will have the option to have their children continue to receive early intervention services at home or at day care until the beginning of the school year following the child's fourth birthday.¹¹ Currently, when children turn three they can no longer receive what are called IFSP services and, instead, must transition to receiving Individualized Education Program (IEP) services in a school setting. We do not know how many parents will choose the extended IFSP, but we have heard that many parents are looking forward to choosing this new option. Presumably OSSE will require additional funding both to serve the projected number of children eligible under the new criteria and to serve the children whose parents opt for extended IFSPs. I therefore urge the Committee to inquire as to whether OSSE's FY15 funding for Part C is truly sufficient.

Finally, while we applaud OSSE's expansion of early intervention, we continue to believe that additional expansion is necessary. We understand that OSSE may need some time to scale up their staff and systems to accommodate the newly eligible children, but we urge OSSE to begin making concrete plans now to catch up with the many other states that extend eligibility to children who have a 25% delay in one area of development. A child who is 24 months old but functioning at the level of an 18-month-old in speech or walking is a child who needs extra help. OSSE should also follow the lead of a number of states such as Illinois, Massachusetts, and New Mexico in expanding eligibility to include children at high risk of delay.

Special Education Capacity

In its role as the State Education Agency, OSSE is responsible for ensuring that school-age children receive the special education and related services that they need. This past year, OSSE funded two models to increase the special education capacity of the public schools. While only one of them was successfully executed, we believe that both represent promising approaches that should be continued and expanded.

The successful model was a state-level consortium model through which special education experts provided training, technical assistance, evaluations, and direct services to public schools. I understand that there were two separate consortia funded, one operated by the Special Education Cooperative (a membership organization of charter schools) and the other by the DC Association for Special Education (a membership organization of nonpublic schools). Through the consortia, both DCPS schools and public charter schools received services.¹² OSSE also funded another organization, Cross & Jofus, to provide technical assistance to some schools. The Maryland Department of Education (MSDE) has for some time supported a program similar to these, operated through the Maryland Association of Nonpublic Special Education Facilities (MANSEF), which Maryland identifies as “instrumental in assisting [in] reducing restrictive placements.” Given the successes that the DCASE and Special Ed Coop consortia report and the promising example from Maryland, I urge OSSE and the Council to increase DC’s investment in the consortium model.

I understand from Dr. Amy Maisterra, the Assistant Superintendent for Specialized Education, that the funding for the consortium model only increases slightly in the FY15 budget. While a slight increase is better than no increase, I recommend that OSSE more

substantially increase funding for the consortia. The current funding for the consortium model is approximately \$300,000, so an increase of just \$300,000 – a drop in the bucket in the context of the overall budget – would allow the consortia to double their services. Allowing them to do so would both improve the education that individual students receive and, through staff training and technical assistance, expand the public schools’ capacity to serve students with special needs.

OSSE’s other innovation to increase the school system’s capacity to serve students with complex disabilities – the co-located classroom at Options Public Charter School— was not successful. It is important, however, not to give up on the model simply because the execution was faulty. I am afraid that OSSE may have done just that. I understand from Dr. Maisterra that the FY15 budget does not include any funding for co-located classrooms. I recommend that the Committee inquire into this decision. It would be reasonable for OSSE to take FY15 to consider improvements to the model to avoid future problems, but it would not be reasonable for OSSE to discard the model altogether. Co-located classrooms, in which several charter schools send students with similar disabilities to a classroom at one of the schools, allow small charter schools to significantly expand their ability to serve students with complex needs.

Special Education Oversight

The primary change to the budget for OSSE’s Assistant Superintendent for Specialized Education is an increase of \$3.6 million for Fiscal Policy and Grants Management. I understand from Dr. Maisterra that this reflects an investment of agency funds in increasing targeted technical assistance and monitoring. This appears to be a wise choice. The situation this year at Options Public Charter School is evidence of a clear need for OSSE to bolster its monitoring of

the special education provided by DC schools. In my oversight testimony, I provided more detailed recommendations for improving that monitoring.

Nonpublic Tuition

The FY15 budget for nonpublic tuition stays essentially flat. This is appropriate. Nonpublic schools remain a necessary part of the continuum of placement options. While we all hope that more DC children will be able to attend their local schools as those schools strengthen their special education offerings, at this point the local schools are not yet able to provide consistently high-quality services to children with complex needs. Additionally, even in the highest-functioning school districts, some children must attend nonpublic schools because they require such specialized services that even the best local schools could not provide them. While we hope that DC will be able to decrease its reliance on nonpublic schools over time, some students will likely always need to be educated in nonpublic settings.

Transportation

In our oversight testimony, we praised OSSE's Division of Transportation (DOT) for making major progress in recent years. The latest data confirms that DOT continues to operate well: between 93% and 98% of students arrived at school before the bell each month this school year.¹³ The FY15 budget provides sufficient funding for DOT to maintain this current level of service. While there is a 12% increase to DOT's budget, I understand that the increase will go toward the increased cost of doing business in the coming year rather than toward new services or improvements.

To the extent that additional funding may become available, I recommend that OSSE increase the DOT budget to allow for several important programmatic improvements:

providing transportation for partial-day inclusion, providing transportation for extracurriculars, and limiting bus ride times to 60 minutes each way. I described each of these proposals in detail in my oversight testimony.

Vocational and Adult Education

As I expressed at the Roundtable on Special Education last fall, I have serious concerns regarding the ability of DC schools to prepare students with disabilities for adulthood. At a time when the city is wisely focusing on developing career-readiness for young adults through RAISE DC, it is essential that OSSE guide DCPS and the charter schools in expanding their vocational programs to meet the needs of the several thousand high school special education students.¹⁴ I am cautiously optimistic that the new career academies, which this budget funds, will be a step in that direction. However, I have seen time and again that many vocational programs in the DC schools are not equipped to serve students with disabilities. I understand from Dr. Maisterra that her team is involved in the planning for the academies. I encourage the Committee to inquire into the specific plans for ensuring that the academies are able to provide meaningful training and education to students with disabilities. If there is not adequate planning upfront to ensure that the programs are prepared serve students with disabilities, then the programs will not be able to serve some of our most vulnerable students.

I also recommend that the \$3 million for adult literacy be moved from the wishlist into the budget. A 2007 study showed that more than a third of adults in DC are functionally illiterate.¹⁵ These parents cannot help their children learn to read. They cannot obtain jobs that would allow them to support their families. They cannot create a strong foundation for the next generation when they are not on solid footing themselves. If we don't invest in parents at the same time

that we invest in students, students will continue to struggle because their parents will not be able to provide them with the stable housing, healthy food, clean clothes, and other basic supports that students need in order to focus on learning.

Early Childhood Education

The FY15 budget includes a \$7 million increase for early childhood education. This is an important and necessary investment. To the extent that additional funding may become available, I encourage the Council also to move the additional \$8 million for early learning services from the wishlist into the budget. There is no better place to invest than in our young children.

Conclusion

Thank you for the opportunity to testify, Mr. Chairman, and I welcome any questions.

¹ Children’s Law Center works to give every child in the District of Columbia a solid foundation of family, health and education. We are the largest provider of free legal services in the District and the only to focus on children’s comprehensive needs. Our 90-person staff partners with local pro bono attorneys to serve more than 5,000 at-risk children and their families each year. We use this expertise to advocate for changes in the District’s laws, policies and programs. Learn more at www.childrenslawcenter.org.

² See, e.g., Zero to Three Policy Center, “Improving Part C Early Intervention: Using What We Know about Infants and Toddlers with Disabilities to Reauthorize Part C of IDEA,” Jack Shonkoff et al, Feb. 2003; Robert Wood Johnson Foundation, “Early Childhood Experiences: Laying the Foundation for Health Across a Lifetime,” March 2011.

² 34 C.F.R. § 303.321(c).

³ “Proven Benefits of Early Childhood Interventions,” RAND Corporation Research Brief, available at http://www.rand.org/pubs/research_briefs/RB9145/index1.html.

⁴ “Proven Benefits of Early Childhood Interventions,” RAND Corporation Research Brief, available at http://www.rand.org/pubs/research_briefs/RB9145/index1.html.

⁵ See “Summary Table of States’ and Territories Definitions of/Criteria for IDEA Part C Eligibility,” National Early Childhood Technical Assistance Center, June 2012, available at http://www.nectac.org/~pdfs/topics/earlyid/partc_elig_table.pdf.

⁶ FY14 OSSE Budget Briefing presentation. Before the eligibility expansion went into effect, OSSE served 500 children in Part C. OSSE projected that after the expansion it would serve “a minimum of 800 infants and toddlers by the start of FY 14 and up to 1,100 infants and toddlers by the end of FY 14.”

⁷ OSSE FY13 Oversight Responses, Q53, p. 90.

⁸ OSSE was serving 477 children as of Dec. 1, 2012. OSSE FY 12 Performance Oversight Responses, p. 608.

⁹ Note that OSSE now projects that in federal fiscal year 2014 (July 1, 2013 to June 30, 2014) the Early Intervention Program will have 25% more referrals and 18% more newly eligible children than in FYY 13. Email from RaeShawn Crosson-Settles, April 30, 2014, on file with Children’s Law Center.

¹⁰ Presentation at the OSSE FY15 budget briefing. In the FY15 budget, the funding for Early Intervention is under the Office of Early Childhood Education at D805.

¹¹ 5 DCMR A3110.

¹² DCASE Special Education Consortium, Final Report, September 23, 2013, on file with Children’s Law Center.

¹³ Email from Ryan Solchenberger, Director of Student Transportation, April 22, 2014, on file with Children’s Law Center.

¹⁴ <http://dme.dc.gov/DC/DME/Programs/Raise%20DC%20-%20Partnership%20Summary%20FINAL.pdf>

¹⁵ See “Illiteracy Aid Found to Lag in District,” *Washington Post*, March 19, 2007.