



501 3rd Street, NW · 8th Floor
Washington, DC 20001
T 202.467.4900 · F 202.467.4949
childrenslawcenter.org

Testimony Before the District of Columbia Council
Committee on Education
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Public Hearing:
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Renee Murphy
Supervising Attorney - Policy
Children's Law Center

Good afternoon Councilmember Grosso and members of the Committee. My name is Renee Murphy. I am a supervising attorney in the policy team at Children's Law Center¹ and a resident of the District. I am testifying today on behalf of Children's Law Center, which fights so every DC child can grow up with a loving family, good health and a quality education. With more than 100 staff and hundreds of pro bono lawyers, Children's Law Center reaches 1 out of every 9 children in DC's poorest neighborhoods – more than 5,000 children and families each year. The majority of the children we assist attend District of Columbia Public Schools (DCPS).

Thank you very much for the opportunity to testify about the DCPS budget. We are here today to convey our gratitude that the *Enhanced Special Education Services Amendment Act of 2014* ("the ESESA") is fully funded in the Mayor's Proposed Budget. Thank you -- to you, Councilmember Grosso, to Councilmembers Allen and Robert White, and to the Committee staff; to DCPS, the Office of the State Superintendent for Education (OSSE), and public charter school representatives; and to the Mayor. Your collective efforts over the last few years made this investment in the future of students with disabilities possible.

As a result of the investment in the Fiscal Year 2019 Budget, students with disabilities will get services faster and will be able to start planning for the future earlier. They will get services faster because students will have their initial evaluations completed within sixty days.² Those evaluations are the key first step toward

identifying and then delivering services tailored to the child's disability. Sixty days is half the time allowed by current law and is in line with jurisdictions across the country. The Mayor's budget also allows ensures that students and teachers will create transition plans toward successful life after high school in their Individualized Education Programs (IEPs) at age 14.³ Beginning to plan when students are choosing high schools and dedicating more years to planning for college and/or career will help "set youth up for success."⁴ The monetary investment for the ESESA is included in the Universal Per Student Funding Formula,⁵ ensuring that schools will have needed resources every year. We are thrilled to finally see the funding for these reforms in the budget.

We do have one question that we hope the committee can help us answer. For the past year, OSSE has been informing school leaders that implementation of the ESESA will begin at the start of the school year.⁶ We are unclear whether funds need to be reprogrammed during this fiscal year⁷ and, if so, how that will occur. How this is accomplished matters in order to allow the amendment to the "subject to appropriations" language to specify July 1, 2018 as the start date.⁸ The Committee has been incredibly helpful with follow up about implementation, and your assistance getting official answers and a clear start date in the final *Fiscal Year 2019 Budget Support Act* would be helpful.

I'd like to end my testimony with a plea for greater transparency in DCPS's Budget. Although my colleagues and I have spent time examining DCPS's budget, we

have many questions that the DCPS budget, as structured, does not answer. We look at the budget to determine what supports are planned for children, children with disabilities, children in foster care, parenting youth, and children who are homeless. Robust funding, staffing, and other supports are necessary for these students, who face the largest academic achievement gaps,⁹ large disparities in suspension and expulsion,¹⁰ and big challenges to school attendance and completion. As in past years, re-organizations within DCPS and a lack of clear budget lines for special education supports make the budget impenetrable. It is hard to see what increases or reductions are contemplated for different important programming and staffing¹¹ or how DCPS is prioritizing funds to improve outcomes for children with disabilities, children in foster care, young parents, or children who are homeless.¹² CLC plans to spend additional time analyzing and asking questions of DCPS, and will submit more detailed written testimony at a later date. We encourage the Council to call for increased transparency in DCPS's budget about specific programs and services for children in special education, services for homeless students, supports and instruction for parenting students, and supports for children in foster care.

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

¹ Children's Law Center fights so every child in DC can grow up with a loving family, good health and a quality education. Judges, pediatricians and families turn to us to advocate for children who are abused or neglected, who aren't learning in school, or who have health problems that can't be solved by medicine alone. With more than 100 staff and hundreds of pro bono lawyers, we reach 1 out of every 9 children in DC's poorest neighborhoods – more than 5,000 children and families each year. And, we multiply this impact by advocating for city-wide solutions that benefit all children.

² The *Enhanced Special Education Services Act of 2014* requires LEAs to evaluate a student with a suspected disability within 60 days. Evaluation must be done within 60 days of parent consent and 90 days of referral, giving schools no more than 30 days to secure parent consent. (DC Act 20-487). Currently, schools have 120 days to complete the evaluation.

³ Under federal law, specifically, the Individuals with Disabilities Education Improvement Act (IDEA), schools must develop “transition plans” for special education students between ages 16 and 22 years old to help them prepare for life after high school. Transition plans are intended to prepare students for independent living, employment, and further education. Recognizing the importance of these transition activities, the *Enhanced Special Education Services Act of 2014* lowers the age at which transition planning must begin to age 14.

⁴ Guest Blog by two youth advocates in the DC Voices of Change Peer Network, accessible here:

<https://www.dcfpi.org/all/guest-blog-setting-peers-success/>

⁵ The Special Education Compliance (referred to as Blackman Jones Compliance in some documents) weight was increased to .099, totaling \$4,200,000 investment in DCPS and PCS local funding. See the Proposed *Fiscal Year 2019 Budget Support Act of 2018*, Title IV, Subtitle A, Section 4002(c), at line 679.

⁶ See, e.g., OSSE. *LEA Look Forward* for January 3-9, 2018. [https://us4.campaign-archive.com/?e=&u=8d76b5a43735fbd6449d7cf3&id=f203b77bc4#\[Mandatory\]%20Secondary%20Transition%20Training%20for%20LEAs](https://us4.campaign-archive.com/?e=&u=8d76b5a43735fbd6449d7cf3&id=f203b77bc4#[Mandatory]%20Secondary%20Transition%20Training%20for%20LEAs)

⁷ The Fiscal Impact Statement- “Fiscal Year 2019 Budget Support Act of 2018” does not address an estimate of the fiscal impact of implementation starting on July 1, 2018, so we are unsure how much funding would need to be reprogrammed. It is possible no reprogramming would be needed, since UPSFF payments do go to schools in July in advance of the start of the Fiscal Year. See

<https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/2017-18%20UPSFF%20Payment%20Letter.pdf>

⁸ The proposed language in the Mayor’s Budget Support Act does not specify any start date, simply removing the current lead-in language “Beginning July 1, 2016, or upon funding....” We also note that proposed Budget Support Act partially removes the subject to appropriations language from the section about evaluating in 60 days, repealing DC Code § 38-2561.02(a)(2)(B), but not removing the lead-in at subsection (a)(2)(A). The final Budget Support Act will need to repeal the lead-in language at DC Code § 38-2561.02(a)(2)(A) “Beginning July 1, 2017, or upon funding, whichever occurs later,” in order to be clear that subsection is no longer contingent “upon funding.”

⁹ Six percent of students with disabilities are proficient in English/Language Arts (ELA) and seven percent in Math, compared to 31% ELA and 27% Math for students not in special education. Calculated from OSSE’s 2016-17 PARCC and MSAA Performance Results, for All grades and All ELA and Mathematics, data file accessed November 17, 2017 at

https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/Detailed%202017%20PARCC%20and%20MSAA%20Performance_0.xlsx. DC scores on the National Assessment of Educational Progress, administered in 2015, are very similar, with about 4-6% of students with disabilities “proficient” (compared to 25% of non-disabled students) and 73-83% Below Basic in Reading (compared to about 40% of non-disabled students.)

https://www.nationsreportcard.gov/reading_math_2015/files/2015_Results_Appendix_Reading.pdf

¹⁰ Students with disabilities were 2.45 times more likely to be suspended than students without disabilities in school year 2016-17. Calculation by Children’s Law Center based on data from OSSE (2017). *State of Discipline: 2016-17 School Year*, p. 34. Students identified as homeless were suspended at a rate 2.27 times that of students not identified as homeless. See SY2016-17 Discipline Report, at 39-42. Students in CFSA care were suspended at a rate 2.49 times that of students not in CFSA care. OSSE (2018). *State of Discipline: 2015-16 School Year*, at 22-23.

¹¹ For example, the budget line for FY18 Inclusive Academic Programs includes related services, specialized instruction, home and hospital instruction, 504, paraprofessional support, and extended school year services. Each of these is an important program for the children we serve, and understanding the level of funding for each is important, as we testified last year. In the FY19 proposed budget, that Inclusive Academic Programs budget line is zero, and a new “Specialized Instruction Student Services” line, which might include some or all the above, is still not transparent about Home and Hospital instruction, paraprofessional (likely Dedicated Aide), Section 504, and related service funding levels and changes. DCPS FY19 Agency Budget Guide, page D-8.

¹² In for FY18 budget, DCPS had a specific line for “Transitory Services,” which included an employee and a budget for services to homeless students. In our experience, funding was available for transportation so that a parent could accompany a child on Metro to and from school so that the child could have school stability during the upheaval of homelessness. That Budget line is zero in FY19 and it is unclear whether it was eliminated or absorbed into another budget line. As an example of a budget line we would like to easily see for children in foster care, under the *Every Student Succeeds Act*, the Child and Family Services Agency and DCPS now have to share the cost of transportation for children to have school stability. Children in foster care are also in the “At Risk” add-on weight category in the UPSFF, and often need help with placement into a school. There continues to be no clear budget line in DCPS’s FY19 Proposed Budget for transportation, placement, or other supports for children in foster care.