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Testimony Before the District of Columbia Council
Committee on Education
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Good morning Chairman Grosso and members of the Committee on Education. My name is Judith Sandalow. I am the Executive Director of 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 100 staff and hundreds of pro bono lawyers, Children's Law Center reaches 1 out of every 8 children in DC's poorest neighborhoods – more than 5,000 children and families each year. The majority of the children we represent attend District of Columbia Public Schools (DCPS).

This year's proposed budget for the District of Columbia continues to make education a budget priority. The per-student funding level is continued at last year's level, resulting in a 3.4 percent budget increase to DCPS's Local Fund budget as a result of projected new student enrollment.² This increase comes at a time when other DC agencies have been required to cut their budgets and we applaud the Mayor's dedication to public education in her first budget as Mayor. While the myriad problems our schools face cannot be solved through funding alone, increased funding will certainly enhance the schools' ability to meet students' needs. In my testimony today regarding DCPS's budget, I will focus specifically on the proposed budgets for special education, as well as touch briefly on the funding for at-risk students.

Special Education

As I have stated in prior testimony, special education in DC is in a state of crisis. In a school system with low achievement rates across the board, the academic performance of students in special education is especially dismal. Only approximately 1 in 5 DCPS students receiving special education services in the District of Columbia tested proficient in math and reading last school year.³ However, there has been progress. DCPS and Dr. Nathaniel Beers, Chief of DCPS's Office of Specialized Instruction (OSI) have been working to expand and

improve DCs special education programs. Unfortunately, we still see DCPS schools struggling to provide quality special education on the ground.

It is clear that DCPS must achieve better outcomes. That is why I am excited by the recently passed special education reform laws (the *Special Education Students Rights Act of 2014*, the *Enhanced Special Education Services Act of 2014*, and the *Special Education Quality Improvement Act of 2014*). These laws are designed to address the challenges our schools are facing when providing special education services. I applaud the work that DCPS has already done to prepare for and implement the provisions of these new laws to better serve DC families and special education students, including reducing evaluation timelines from 120 days to 60 days for students with suspected disabilities, providing information to parents about the new school observation policy, and ramping up transition services for special education students transitioning to adulthood.

Investments

While I believe that the new special education legislation will improve outcomes for students in the District, it is also essential that DCs budget funds the special education system at levels that will continue to allow more schools to provide high quality services. Many of the services and supports that impact our clients are funded through the Office of Specialized Instruction (OSI). Overall, the budget proposes an increase of \$3 million to OSI, from \$45 million to \$48 million.⁴ Most of that increase is the result of a one-time Head Start grant.⁵ Beyond that grant, OSI funding is either flat or slightly increased from last year's budget.

I understand from Dr. Beers that DCPS will take a number of targeted actions that will improve special education services. DCPS's proposed FY16 budget invests in 35 additional special education teachers, 12 social workers, 6 psychologists, and 10 behavior techs that will

result in students receiving higher-quality services.⁶ There is a cut of 7 special education aides; however we believe that the other staffing increases will more than make up for this decrease.

Additionally, the OSI Inclusive Academic Programs' proposed FY16 budget is \$22,553,000, an increase of \$11,384,000, along with 25 additional Full Time Equivalents (FTEs) for a total of 102 FTEs.⁷ Much of this increase is not additional funding but results from the consolidation of numerous OSI programs into the Inclusive Academic Program line item, including related services, specialized instruction, extended school year services, and transition services.⁸ Overall the funding for these programs is essentially flat. These services are crucial to the success of many of our clients and I encourage the Council to track the individual funding levels for each of these important programs.

I also understand from Dr. Beers that DCPS is making a series of targeted investments in the following areas:

- Evidence-based literacy programs are available in all self-contained classrooms.⁹ DCPS reports that over 60 percent of those classes have been making gains in reading.¹⁰ These literacy programs are also available in all middle schools with plans to expand to elementary schools beginning this coming year.¹¹
- DCPS will train teachers in math intervention programs. This initiative builds on the successful training of teachers in literacy programs.¹²
- DCPS will continue its public-private partnership with Ivymount School. Ivymount School provides educational programs and therapeutic services to students with special education needs from 4 to 21 years of age.¹³

Concerns

Central Office Cuts

The DCPS budget decreases Central Office funding by 25 percent across the board and shifts these dollars to school supports.¹⁴ While it is important to make sure that as much funding as possible goes directly to schools and students, it is also important that the Central Office has sufficient resources to fulfill its management and oversight responsibilities. The OSI Central Office budget is decreased from \$4.5 million to \$1.5 million and 25.2 fewer FTEs.¹⁵ I understand from Dr. Beers that these changes will not have a significant impact on special education services and instead reflect savings from a more efficient system, elimination of long-time vacant and unneeded positions, and shifting dollars from the Central Office to schools. However, I urge the Council to monitor the changes to the OSI Central Office budget, and all other Central Office cuts, to ensure that these changes will not negatively impact services to students.

Early Stages

I am also concerned by the decreased funding level for Early Stages, the central provider for special education evaluation and school assignment for children 3 to 5. The budget book shows an overall \$863,000 reduction to its budget and 27 fewer FTEs.¹⁶ After raising concerns I have been advised that that this is an accounting issue and not an actual cut to services or staff and that only one FTE is actually being eliminated.¹⁷ While I appreciate that the Early Stages program did not actually suffer major funding cuts, this program is a program that we should expand. The science is clear that intervention is most effective early in a child's life. Experts estimate that Early Stages should serve approximately 8 to 12 percent of preschool children because of the characteristics of the population, but this year's data shows Early Stages is only serving 9 percent.¹⁸ While this is an improvement over prior years, more growth is still needed.

Transition services

I have concerns the DCPS has not adequately funded transition services to prepare students with disabilities for adulthood. DCPS's budget for "transition services" – vocational and life skills training for teenagers and young adults in special education – is part of the Inclusive Academic Program line item in the FY16 budget. There is not a specific line item amount for transition services but DCPS has informed us that the amounts for transition services is level from last year's budget.¹⁹ I urge DCPS to invest more in this area. I appreciate the difficulty of doing that in FY16, but transition services are essential to allow students with disabilities to leave school able to support themselves. Under federal special education law, schools are obligated to provide special education students between 16 and 22 with "transition services."²⁰ DC has struggled to meet this requirement. In federal fiscal year 2012, the most recent for which DCPS data are available, only 40% of DCPS students had a transition plan that complied with the IDEA requirements. The new special education laws passed by the Council will require transition planning to begin at age 14 starting in 2016.²¹

At-Risk Funding

A large percentage of DC children live in poverty and face other stressors that impact their ability to grow and thrive.²² Living in urban poverty greatly increases children's chances of being traumatized. Children living in poor urban neighborhoods are more likely to experience potentially overwhelming stressors such as family chaos, conflict, violence and dissolution, victimization/incarceration and/or death of a family member, and neglect and/or maltreatment than children raised in more affluent communities.²³ In particular, living in urban areas greatly increases children's exposure to community violence; recent research on the incidence of community violence indicates that one out of ten children under the age of six living in a major American city reports witnessing a shooting or stabbing.²⁴

All of these factors impact a child's ability to learn in school. In FY 2015 the District began to include funding for a new weight in the formula for students considered "at-risk." The at risk weight applies to students who are homeless, in the District's foster care system, qualify for Temporary Assistance for Needy Families (TANF) or the Supplemental Nutrition Assistance Program (SNAP), or high school students that are one year older, or more, than the expected age for the grade in which the students are enrolled.²⁵ According to the new formula, an additional \$2,079 will go toward each student in this new category, which includes those who are academically behind and living in poverty.²⁶ About 23,786 DCPS students will be identified as at-risk in FY 2015.²⁷

I appreciate Mr. Grosso and the education committee's dedication to ensuring that the at-risk funds follow the student and flow to the schools with higher at-risk student populations. I encourage DCPS to give school leadership flexibility when using these additional funds. Each school serves a unique student population and school leadership needs the flexibility to tailor programs paid for by this additional money to the exact needs of the at-risk students attending the school.

Conclusion

Thank you for the opportunity to testify, Mr. Chairman, 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 be the voice 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 100 staff and hundreds of pro bono lawyers, we reach 1 out of every 8 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 DCPS Proposed Budget FY16, D-5.

³ In 2014, 20.4% of DCPS students in special education scored proficient or above in math and 17.6% scored proficient or above in reading. See *Presentation of 2014 DC CAS Results* (2014), available at: http://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/2014%20DC%20CAS%20Result%20July%2031%202014...FINAL_.pdf.

⁴ DCPS Proposed Budget FY16, Table 4, Appendix C-4.

⁵ Phone call with Dr. Nathaniel Beers, Chief of Special Education & Donna Anthony, Chief of Staff; DCPS Office of Specialized Instruction, April 21, 2015.

⁶ *Id.*

⁷ DCPS Proposed Budget FY16, Table 4, Appendix C-4, lines CZ86 & SS86.

⁸ Phone call with Dr. Nathaniel Beers, Chief of Special Education & Donna Anthony, Chief of Staff; DCPS Office of Specialized Instruction, April 21, 2015. *See also* DCPS Proposed Budget FY16, D-32.

⁹ *DCPS Opens With Students Ready to Learn and Build on Previous Year Success*, available at <http://dcps.dc.gov/DCPS/About+DCPS/Press+Releases+and+Announcements/Press+Releases/DCPS+Opens+With+Students+Ready+to+Learn+and+Build+on+Previous+Year+Success>.

¹⁰ Phone call with Dr. Nathaniel Beers, Chief of Special Education & Donna Anthony, Chief of Staff; DCPS Office of Specialized Instruction, April 21, 2015.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ DCPS Proposed Budget FY16, Table 4, Appendix C-2 to C-12.

¹⁵ DCPS Proposed Budget FY16, Table 4, Appendix C-4, Line CO30.

¹⁶ DCPS Proposed Budget FY16, Table 4, Appendix C-4, Lines CZ87 & SS87.

¹⁷ Phone call with Dr. Nathaniel Beers, Chief of Special Education & Donna Anthony, Chief of Staff; DCPS Office of Specialized Instruction, April 21, 2015.

¹⁸ E-mail from Dr. Nathaniel Beers, Chief of Special Education, DCPS Office of Specialized Instruction, April 22, 2015.

¹⁹ Phone call with Dr. Nathaniel Beers, Chief of Special Education & Donna Anthony, Chief of Staff; DCPS Office of Specialized Instruction, April 21, 2015.

²⁰ *See* 34 C.F.R. § 300.320(b)(2).

²¹ *See Enhanced Special Education Services Act of 2014– DC Act 20-487.*

²² CITE – *see also* <http://www.urban.org/uploadedpdf/412659-child-poverty-and-its-lasting-consequence-paper.pdf>

²³ Laurel J. Kiser, Clinical Psychology Review, *Protecting Children from the Dangers of Urban Poverty* (2007) 27, 211-225.

²⁴ K. Collins et. al. Family Informed Trauma Treatment Center, *Understanding the impact of trauma and urban poverty on family systems: Risks, resilience, and interventions*. (2010), 4, available at: http://nctsn.org/nccts/nav.do?pid=ctr_rschn_prod_ar or <http://fittcenter.umaryland.edu/WhitePaper.aspx>.

²⁵ *See*

<http://dme.dc.gov/sites/default/files/dc/sites/dme/publication/attachments/Frequently%20Asked%20Questions%20Proposed%20FY15%20UPSE%20with%20appendices.pdf>.

²⁶ FY16 DCPS Proposed Budget, Per Pupil Funding Analysis.

²⁷ *Id.*