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Testimony Before the District of Columbia Council
Committee on Education
April 30, 2015

Public Hearing:
FY16 Agency Budget Hearing Office of the State Superintendent of 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. Nearly all the children we represent attend DC public schools – whether traditional public schools, charter schools, or nonpublic special education schools funded by DC.

This year's proposed budget for the District of Columbia continues to make education a priority. OSSE's FY16 proposed budget includes increases of over \$12 million.² This increase comes at a time when other DC agencies have been required to cut their budgets. We applaud the dedication to public education that the Mayor has shown in her first budget. In my testimony today, I will focus on the proposed Office of the State Superintendent (OSSE) budgets for special education, early childhood education, and special education transportation. In my oversight testimony in March, I recognized the progress that OSSE had made with regard to increasing special education capacity, expanding eligibility for the early intervention program, and improving transportation reliability. The proposed FY16 proposed budget mostly maintains funding levels in these areas from last year's budget. While we appreciate the continued investment in these important areas, we are concerned that the budget does not provide the increased funds that would allow OSSE to accelerate needed 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.

Special Education Services

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. Only approximately 1 in 4 students receiving special education services attending a public school in the District of Columbia tested proficient in math last school year, and only 1 in 5 tested proficient in reading.³ In school year 2013 – 2014, 297 students receiving special education services at a public or public charter school dropped out of school prior to graduation.⁴

It is clear that the District 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 OSSE has already done to prepare for and implement the provisions of these new laws to better serve DC families and special education students, and I look forward to working with the new State Superintendent to help implement these important laws.

While I believe that the new special education legislation will improve outcomes for students in the District, it is also essential that DC's budget fund the special education system at levels that will continue to allow more schools to provide high quality services. The Special Education division in OSSE's FY16 proposed budget has a \$457,000 decrease and 1 fewer FTE.⁵ OSSE's leadership team has informed me that there are no actual changes to the special education budget for FY16 and that OSSE will continue funding levels in order to sustain the gains made related to their exit of the Blackman-Jones lawsuit.⁶ I applaud OSSE's shifting focus from complying with the lawsuit's demands to a focus on improved academic outcomes for

students with disabilities and encourage the Council to provide sufficient resources for these improvements. Additionally, the Student Hearing Office in the Office of the Chief Operating Officer has a budget decrease of \$395,000 with two fewer FTEs.⁷ The Student Hearing Office oversees docketing and scheduling of all special education due process hearings and related legal procedures and any cuts that may decrease timeliness of these special education due process hearings would negatively impact some of our neediest students.⁸ I encourage the Council to monitor these changes and ensure that services are not impacted.

Early Intervention

One of the key provisions of the new special education reform laws is the expansion of DC's Early Intervention Program (EIP). One of the best ways to reduce the need for special education services is to catch developmental delays as early as possible. Through the Early Intervention Program (Part C of the IDEA), 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.⁹ 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."¹⁰ RAND estimates that well-designed early childhood interventions generate a return to society ranging from \$1.80 to \$17.07 for every dollar spent.¹¹

The recently passed Enhanced Special Education Services Act expands DC's criteria for early intervention eligibility so that many more infants and toddlers will receive the help they need when it will be most effective.¹² Even before the Council passed this critical legislation, OSSE was working to significantly expand the pool of children served by DC's EIP by changing the regulations to extend eligibility to children with a 25% delay in two or more areas of development. Previously the regulations required that children have a developmental delay of over 50%.¹³ This significantly increased the number of children eligible for early intervention. As of mid-January 2015, 836 children were receiving early intervention services, an increase of approximately 250 children receiving early intervention services compared to last year.¹⁴

The expansion nonetheless left out a large number of children who would benefit substantially from early intervention services. That is why the new special education legislation allows even more infants and toddlers to receive the help they need by expanding eligibility to infants and toddlers if they have a 25% delay in just one developmental area.

The proposed FY16 budget allocates \$8.39 million for EIP which is flat from last year.¹⁵ I appreciate the continued focus on funding early childhood services and, while recognizing the tight budget this year, encourage OSSE and the Council to continue expanding this important program so that these interventions can reach all eligible children in the coming years. Presumably OSSE will require additional funding to serve the projected number of children eligible under the new criteria. I therefore urge the Committee to inquire as to whether OSSE's FY16 funding for Part C is truly sufficient.

Transportation

In our oversight testimony, we praised OSSE's Division of Transportation (DOT) for making major progress in recent years. Our clients' experiences confirm that the transportation

system is substantially improved. In fall 2012, many of our clients were hours late for school and even missed entire days of school for weeks at a time because their buses were not correctly routed. This school year, we have had only a handful of such problems and, on the few occasions where our clients have had concerns about their buses, the staff at OSSE DOT has provided quick and thorough responses.

OSSE has achieved other notable improvements in providing transportation services. OSSE merged the complaint call line with the general customer service call line to eliminate confusion and the need for callers to dial a different number or be transferred to another representative.¹⁶ OSSE enhanced the Inclement Weather Procedures and made information about school closures, delays, and early dismissals from schools more easily available to OSSE staff, parents, and schools.¹⁷ OSSE purchased 50 new buses, increasing the amount of buses by 20% and continuing to reduce the average age of the buses.¹⁸

The FY16 proposed budget decreases OSSE DOT funding levels by \$1.2 million, representing a decrease of 1.2 percent to their budget.¹⁹ Additionally, this budget decreases OSSE DOT's FTEs by 65.3, representing a 7.5 percent decrease in staffing levels.²⁰ After discussing my concerns regarding these cuts with OSSE DOT leadership, I am convinced that these changes will not impact special education services. In fact, I was informed that OSSE DOT is in the process of hiring additional bus drivers to ensure that there is sufficient staffing to continue providing on-time transportation services. However, I do want to take the time to encourage the Council to support OSSE DOT's budget and leadership team. These services are crucial for our clients' success in school and I encourage the Council to continue their support of these important services. Additionally, while OSSE DOT has been making great strides in offering efficient and quality special education transportation services, there are still

improvements to be made, including providing transportation for partial-day inclusion, providing transportation for extracurricular activities, and limiting bus ride times to 60 minutes each way.²¹

Without the necessary resources, OSSE DOT has little chance of making these improvements.

Nonpublic Tuition

The FY16 budget for nonpublic tuition stays essentially flat.²² 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.

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 OSSE Proposed Budget FY16, D-63.

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. In the same year, 29.9% of PCSB students in special education scored proficient or above in math and 22.7% 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 OSSE FY14 Oversight Questions, Q40.

⁵ OSSE Proposed Budget FY16, D-71, Table GD0-4, Line D900.

⁶ E-mail from OSSE Communications Department titled “Response to Community Questions Regarding OSSE’s Proposed FY16 Budget” on April 28, 2015, on file with CLC.

⁷ OSSE Proposed Budget FY16, D-71, Table GD0-4, Line D303.

⁸ OSSE Proposed Budget FY16, D-67.

⁹ 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.

⁹ 34 C.F.R. § 303.321(c).

¹⁰ “Proven Benefits of Early Childhood Interventions,” RAND Corporation Research Brief, available at http://www.rand.org/pubs/research_briefs/RB9145/index1.html.

¹¹ *Id.*

¹² See *Enhanced Special Education Services Act of 2014– DC Act 20-487*.

¹³ 5 DCMR § A-3108.3(b).

¹⁴ OSSE FY14 Oversight Questions, Q23.

¹⁵ E-mail from OSSE Communications Department titled “Response to Community Questions Regarding OSSE’s Proposed FY16 Budget” on April 28, 2015, on file with CLC.

¹⁶ OSSE FY 2014 Oversight Responses, Q49.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Special Education Transportation Proposed Budget FY16, D-129.

²⁰ *Id.*

²¹ I described each of these proposals in detail in my oversight testimony.

²² Non-Public Tuition Proposed Budget FY16, D-123.