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Testimony Before the District of Columbia Council
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Introduction

Good afternoon, Chairman Mendelson and Chairman Grosso and members of the Committees. My name is Michael Villafranca. I am a Policy Analyst at the 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 almost 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. Nearly all the children we represent attend public schools in DC—whether traditional public schools or charter schools.

I appreciate this opportunity to testify regarding the Mayor's proposed FY20 budget for the Office of the State Superintendent of Education (OSSE). As you have heard, and continue to hear, the proposed education budget is severely inadequate and reflects a continued inability to listen to, and fully address, the needs of our youth, their families, and the educators who have devoted their careers to shaping our youth's future. The focus of my testimony today is on the greatest of those unmet needs—adequate mental health supports and positive approaches to student discipline. The rest of my testimony discusses other budget-related shortfalls, including:

- Inadequate levels of special education reform funding;

- No funding for implementation of the Birth-to-Three for All, School Safety Omnibus; or Students in the Care of DC Coordinating Committee Acts; and
- Continued lack of budget transparency in our public schools.

Increase Mental Health Supports and Positive Approaches to Student Discipline

One of the greatest ongoing needs for our District's youth is access to adequate mental and behavioral health supports. In fact, this need has gone unaddressed for so long, that we can honestly call this a crisis, which is why you have heard, and will continue to hear, many parents, educators, and advocates raise this issue.

Many of the children and youth we work with at Children's Law Center only need our help because their mental health needs have gone unaddressed for so long. Many have faced, and continue to face, traumatic childhood experiences. Traumatic experiences like witnessing gun violence in their neighborhoods and domestic violence in their homes. Traumatic experiences compounded by the cumulative effect of often overlapping traumas like poverty, homelessness, or placement in foster care.² Traumatic experiences that these children and youth bring with them into the classroom everyday—impacting their behavior and ability to learn.

To alleviate this impact, our children and youth need access to timely, quality and appropriate mental health services. One of the best ways to improve access to mental health care for children is to provide services where they are. The benefits of access to school-based mental health services are many, including improvement in

students' physical and psychological safety and social-emotional learning. But, such benefits require adequate and consistent staffing levels of school-based mental health providers, especially in schools that serve our highest-need populations. DC has been in the process of implementing a public health-based approach to the expansion of school based mental health services. The Mayor's FY20 Budget includes an enhancement of just over \$6 million to continue the expansion of this program through the Department of Behavioral Health (DBH).³ Additionally, OSSE received an \$8.8M grant from the federal Substance Abuse and Mental Health Services Administration (SAMHSA) to build upon the expansion.⁴ While this is an important and necessary investment, it is only a fraction of what is necessary for a large-scale impact and is only one piece of the puzzle.

Not all youth who bring trauma into the classroom have identified mental health needs. Most school staff, however, are not trained to identify trauma much less address any negative behaviors resulting from it. Therefore, it is imperative that school staff, especially educators, be supported through high-quality professional development on issues of trauma, restorative justice, and other evidence-based practices and receive ongoing coaching and support to implement those practices.

Safeguarding the social and emotional well-being of our youth is a critical and complex component of the work that our schools must do. However, this budget, along with the budgets over the past several years, ignores the severity of our current crisis—

leaving our students continuing to struggle. The funding level for the at-risk weight of the Uniform Per Student Funding Formula (UPSFF) is just one example. Students identified as at-risk account for almost half of the student population in the District's schools,⁵ which makes it highly likely that most educators have at least one at-risk student in their classroom. Students identified as at-risk are also more than twice as likely to be suspended from school as their peers who are not identified as at-risk and make up 70% of all disciplined students.⁶ However, we have a proposed budget that, aside from increasing the UPSFF by a mere 2.2 percent, makes no increase in the at-risk weight—a weight that, according to recommendations by a 2013 Adequacy Study, should be at 0.37,⁷ not the 0.224 it's currently sitting at. In fact, a recommendation from the new UPSFF Working Group report that was just released over a month ago reiterated that “the needs of at-risk students remain significant, and that current performance measures justify increasing the at-risk weight.”⁸

The crisis in our schools is a forest fire that continues to burn bridges to our students' bright futures, yet only a bucket from our city's lake of wealth goes toward extinguishing it each year. We can, and must, do better by our youth, their families, and our educators. We adamantly request that the \$6.35M needed for full funding of the Student Fair Access to School Amendment Act,⁹ which this Council unanimously passed, be made a priority in this budget, including a significant enhancement of the

UPSFF at-risk weight so schools can help ensure that students get the targeted supports they need to succeed in the classroom.

The 2014 Special Education Reforms - Special Education Enhancement Fund

The really good news from last year is that the 2014 special education reforms were fully funded in the FY19 Budget and have gone into effect. OSSE has done a substantial amount of work to make sure these reforms were successfully implemented this year.¹⁰ We are hopeful that these reforms will continue to have a significant impact on changing the outcomes for students with disabilities with the current budget.

One way OSSE helped implement the reforms was through Special Education Enhancement Fund (SEEF) grants.¹¹ OSSE provided more than \$3.7 million in grants to schools for a variety of purposes to implement the reforms. While we are glad this money was able to help schools with the transition, the original purpose of the SEEF as established in the Special Education Quality Improvement Act of 2014 was much broader.¹² The SEEF was to be used to support LEA collaborations and public-private partnerships needed to tap expertise, pool resources, and bring new programming into schools.¹³

We hope that in the future the fund will be used to work to build more capacity to meet student needs. One challenge is where future funding for the important capacity building mission of the SEEF will come from. The SEEF, in the law, captures “savings” from the nonpublic school tuition budget.¹⁴ While that budget has been

stable for several years, the Mayor is proposing to reduce the FY20 Non-Public Schools Budget by just over \$2M.¹⁵ A permanent reduction in funding that would have gone into the Enhancement Fund means that there will be little “savings” every year. We urge the Committee to inquire of OSSE how it will continue to fund needed SEEF-eligible partnerships and collaborations in future years.

Fund the Birth-to-Three for All DC Amendment Act

The Mayor’s FY2020 Budget is a huge missed opportunity to ensure early childhood education in the District combats racial and economic inequities, rather than making them worse by leaving high quality providers out of reach for low- and middle-income families. The Birth-to-Three for All DC Amendment Act of 2018 (“Birth-to-Three for All”),¹⁶ which this Council unanimously supported, envisions an innovative early childhood system for DC that spans early learning, health, and family support services. While the Council allocated recurring funding for small, but key, components of the law in the FY19 Budget, we were disappointed to see the Mayor’s Proposed FY20 Budget did not fund the remaining components and even more disappointed to see the Mayor’s failure to direct revenue from the new sports betting laws toward this legislation, as many members of the Council understood and intended.

Fully investing in Birth-to-Three for All is a cost-effective strategy—even when we have tight budget. Short-term costs are more than offset by the immediate and long-term benefits through reduction in the need for special education and remediation,

better health outcomes, reduced need for social services, lower criminal justice costs and increased self-sufficiency and productivity among families. High-quality early childhood education is proven to reduce the challenges we're currently seeing in our DC schools such as chronic absenteeism, behavioral issues, grade level literacy, etc.¹⁷ Therefore, we, along with our partners in the Bainum Birth-to-Three Policy Alliance,¹⁸ ask this Council to fund \$22M in OSSE's budget to fully fund the child care subsidy program in the Birth-to-Three for All DC Amendment Act.

Fund the Students in the Care of D.C. Coordinating Committee Act

Young people in the care of DC (or those involved in DC's juvenile and adult criminal justice systems or foster care system) face significant barriers to education, and struggle with systemic school push-out and lack of access to educational opportunities. Recognizing that educational attainment was not equitable in the District, especially relating to the court-involved population, Councilmember Grosso convened a working group of governmental agency heads, community members, and advocates and attorneys to address barriers to education. He memorialized the findings in a report that set forth three legislative fixes and over 40 policy solutions to improving education for court-involved young people in the District.

One legislative recommendation was the establishment of an interagency coordinating committee that would oversee the education of young people and serve as a collaborative body, uniting agency and advocacy efforts and dismantling siloed

agency practices. In July 2018, Councilmember Grosso introduced Students in the Care of D.C. Coordinating Committee Act of 2018. The purpose of this Committee is to “identify challenges and resolve issues that students in detainment, commitment, incarceration, and foster care face in order to improve educational outcomes.” The Act was signed in February 2019.

The implications of this are significant. This will be the first time that there is a body to monitor education for court-involved young people. The Act provides for two staff positions neither of which were funded by the Mayor’s proposed FY2020 budget. With a Fiscal Impact Statement of only \$213,900, this must be funded. If we want to continue on the path toward equitable access to education for all residents, this must be funded.

Fund the School Safety Omnibus Act

This past December, the DC Council unanimously passed the School Safety Omnibus Act (School Safety Act)—making it clear that safety for students is a priority and that all students deserve safe and healthy learning environments.¹⁹ OSSE has a vital role in ensuring the successful implementation of the School Safety Act. The Act requires schools to provide child sexual abuse training and instruction for all staff, students, and parents and build parental awareness of the community-based supports and services. Through our work in preventing child sex trafficking, we know that several community-based experts have been shouldering the work of pushing

education about sex trafficking into schools for several years now (i.e., the Exodus Project, Courtney's House, Amara Legal, and FAIR Girls). By including sex trafficking in the definition of sex abuse and requiring schools to educate students and parents, the School Safety Act will help ensure that all DC schools are able to access the knowledge and training that these committed experts can offer.

However, along with our allies at the DC Coalition Against Domestic Violence (DCCADV), we are very disappointed that funding for implementation of this Act was not included in the Mayor's proposed FY20 budget. We ask that the Council fund full implementation of the School Safety Act and ensure that this legislation is not just an empty promise.

Transparency in DC's Education Budgets

I'd like to end my testimony with a plea for greater transparency, not only in OSSE's budget, but across all public schools. Although my colleagues and I have spent a lot of time examining OSSE's budget each year, we continue to have many questions that the OSSE budget, as structured, does not answer. Every year, we look to the budget to determine what supports are planned for the District's most vulnerable youth—youth with disabilities, youth in foster care, parenting youth, and youth who are homeless. Robust funding, staffing, and other supports are necessary for these students, who face the largest academic achievement gaps,²⁰ large disparities in

suspension and expulsion,²¹ and biggest challenges to school attendance and completion.

As in past years, re-organizations and a lack of clear budget lines make OSSE's budget incomprehensible. It is hard to see what increases or reductions are contemplated for different important programming and staffing or how OSSE is prioritizing funds to improve outcomes for the youth we just mentioned. We are, however, very pleased and encouraged by the recent introduction of the School Based Budgeting and Transparency Amendment Act of 2019 and look forward to discussing its potential in creating a budget framework that is comparable across all schools in the District and that provides in-depth information on funding and program expenses that is both accessible and easy to understand.²²

Conclusion

Thank you again 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 almost 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 As members of the Special Education Advocates' Coalition, we feel these (and other) traumatic examples of instability should be top priorities of this Administration and this Council.

³ See DBH FY2020 Agency Budget Chapter (RM0), p. 14.

⁴ See OSSE (September 24, 2018). *Mayor Bowser Announces \$8.8M Project AWARE Grant to Support Behavioral, Mental Health in DC Schools*. Retrieved from <https://osse.dc.gov/release/mayor-bowser-announces-88m-project-aware-grant-support-behavioral-mental-health-dc-schools>.

⁵ The total projected student enrollment for DCPS and public charter schools is 95,820 students with the projected at-risk student enrollment for both sectors totaling 43,591, which calculates at-risk students representing 45.5% of the projected student enrollment for the FY20. See DCPS FY2020 Agency Budget Chapter (GA0 and DC Public Charter Schools FY2020 Agency Budget Chapter (GC0).

⁶ In SY2017-2018, student identified as at-risk were 2.39 times more likely to receive at least one out-of-school suspension compared to students who are not at-risk. See OSSE (2019). *State of Discipline: 2017-18 School Year*, p. 31. Retrieved from https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/2017-18%20School%20Year%20Discipline%20Report.pdf.

⁷ The Finance Project (December 20, 2013). *Cost of Student Achievement: Report of the DC Education Adequacy Study*, p. 116. Retrieved from https://osse.dc.gov/sites/default/files/dc/sites/osse/release_content/attachments/DC%20Adequacy%20Study_Full%20Report.pdf.

⁸ OSSE (January 2019). *Report of the Uniform Per Student Funding Formula (UPSFF) Working Group*. Retrieved from <http://lims.dccouncil.us/Download/41770/RC23-0020-Introduction.pdf>.

⁹ D.C. Law 22-0157, the *Student Fair Access to School Amendment Act of 2018*.

¹⁰ OSSE FY18 Performance Oversight Responses, Q54.

¹¹ OSSE FY18 Performance Oversight Responses, Q54.

¹² D.C. Act 20-488, the *Special Education Quality Improvement Act of 2014*.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ See Non-Public Tuition FY2020 Agency Budget Chapter (GN0).

¹⁶ D.C. Law 22-179, the *Birth-to-Three for All DC Amendment Act of 2018*.

¹⁷ J. J. Heckman (July 2013). Invest in early childhood development: Reduce deficits, strengthen the economy. Retrieved from

https://heckmanequation.org/www/assets/2013/07/F_HeckmanDeficitPieceCUSTOM-Generic_052714-3-1.pdf.

¹⁸ The Bainum Birth-to-Three Policy Alliance aims to increase access to quality, comprehensive early childhood services and other supports for infants and toddlers and their families in DC, and ensuring that health, education, early learning and human services systems work in a coordinated fashion to improve outcomes for young children. See <https://bainumfdn.org/bainum-family-foundation-backscommitment-to-d-c-infants-and-toddlers-with-creation-of-birth-to-three-policy-alliance-initial-grants-of575000/>.

¹⁹ D.C. Act 22-624, the *School Safety Omnibus Amendment Act of 2018*.

²⁰ Only six percent of DCPS students with disabilities are proficient in English/Language Arts (ELA) and seven percent in Math, compared to 35% ELA and 31% Math for all DCPS students. Similarly, only 17% percent of DCPS students identified as at-risk are proficient in English/Language Arts (ELA) and 13% percent in Math, compared to 35% ELA and 31% Math for all DCPS students. See OSSE (August 16, 2018). *DC's 2018 PARCC Results*. Retrieved from

https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/2018%20PARCC%20Results%20Release%20%28Aug.%2016%2C%202018%29.pdf.

²¹ In SY2017-2018, at-risk students were 2.39 times more likely to received at least one out-of-school suspension compared to students who are not at-risk. Additionally, students with disabilities were 1.83 times more likely to received at least one out-of-school suspension compared to students not having a disability. See OSSE (2019). *State of Discipline: 2017-18 School Year*. Retrieved from

https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/2017-18%20School%20Year%20Discipline%20Report.pdf.

²² Bill 23-239, the *School Based Budgeting and Transparency Amendment Act of 2019*.