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Testimony Before the District of Columbia Council
Committee of the Whole
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Public Hearing:
FY26 Budget Oversight
District of Columbia Public Schools

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Good morning, Chairman Mendelson, members of the Committee, and staff. My name is Danielle Robinette, and I am a Senior Policy Attorney at Children's Law Center. Children's Law Center believes every child should grow up with a strong foundation of family, health and education and live in a world free from poverty, trauma, racism and other forms of oppression. Thank you for the opportunity to testify regarding the Mayor's proposed FY26 budget for the Office of the State Superintendent of Education. Children's Law Center represents DC students who regularly face barriers in accessing their education and my testimony today reflects their experiences.

For at least the next few years, the District's education sector is going to have to do more with less. There is no easy way to do this. However, we urge the Committee to remember that investments in education are investments in DC's future. Proposals to create new jobs for DC residents must be accompanied by education investments that ensure that DC students are prepared to fill those roles. We must ensure that DC students are thoroughly prepared for the future that the District is trying to build for them. Currently, the District is not adequately educating students with disabilities. In SY23-24, only 8.6% of students with disabilities met or exceeded expectations in English Language Arts – 31.2% less than without disabilities.¹ In math, only 5.6% of students with disabilities met or exceeded expectations – 21% less than students without disabilities.² Recognizing the limitations of the current budget climate, we recommend that the Committee ensure that existing programs are being implemented with fidelity to ensure

that DC students – all DC students – are getting the most out of the dollars that the city invests in education.

As we testified at oversight, we are concerned about DCPS’s reliance on special education litigation and its adverse impacts on students with disabilities.³ In reviewing the proposed budget for DCPS, it is difficult to track how the use of special education funding flows through District budgets. Some local funds are allocated to schools through the UPSFF.⁴ Some federal grant funds pass through OSSE.⁵ And some investments are allocated to DCPS’s school-wide and central office budgets.⁶ In light of lean budgets and uncertainty regarding federal support, the Council and DC’s education sector will have to carry more of the burden of ensuring that DC students with disabilities are adequately supported which starts with ensuring that schools have the resources that they need to provide specialized instruction and related services to fulfill students’ individualized education programs (IEPs).

Regarding the UPSFF, between Sept. 2024 and Jan. 2025, OSSE convened the 2024-2025 UPSFF Working Group as required by DC Code. The group developed a recommendation to add a new “Level 5” weight to the UPSFF for the highest need students with disabilities. This new level would provide additional funding for students with more than 24 specialized service hours and more than 24 hours with a paraprofessional or dedicated aide. While the final report of this working group was published in conjunction with OSSE’s budget hearing on June 4, 2025,⁷ the new Level 5

weight was not included in FY26 proposed budget.⁸ As such, DCPS school budgets will not see UPSFF-driven increases for student with disabilities.

In DCPS's school-wide budget, there is a modest increase of \$1.2M or 3.3% to Specialized Instruction School Support.⁹ However, within the School Support budget, there are small cuts to Specialized Instruction School Support (-\$386,000) and Administration (-\$124,000) as well as to DSI Modified Instruction and Programming (-\$462,000).¹⁰ Accounting for these changes, the net increase to special education services budgeted centrally is quite small. We urge the Committee to seek further clarity from the Chancellor regarding these allocations and how they will address the unmet special education needs of DCPS students.

The largest increase to special education funding is seen in the Schools budget for special education staff wages, consistent with the collective bargaining agreement.¹¹ There is also a \$2M increase the budget for attorney's fees within DCPS's Office of General Counsel (DCPS-OGC).¹² While DCPS-OGC works on more than just special education cases, some portion of this increase is likely driven by recent increases in special education due process complaints, as outlined our oversight testimony.¹³ However, DCPS-OGC's budget for settlements & judgements has been cut by \$469,000 or 57%.¹⁴ While the details and cost drivers of these budget decisions are not clear from the budget books, it could be inferred that they expect to litigate more and settle less. This is deeply concerning.

In closing, we repeat our recommendations from our oversight testimony urging the Committee and the education agencies to work together to develop a comprehensive plan for the improvement of special education in the District.¹⁵ Importantly, DCPS will not be able to overhaul the system alone. The work of reforming special education will require action from the whole of DC's education sector. OSSE, the Deputy Mayor for Education, the Public Charter School Board (PCSB), DCPS, and the charter LEAs will all need to work together to ensure DC's students with disabilities are receiving an equitable education. To do so, they need a shared vision and comprehensive plan for how to move forward. Children's Law Center would love to work with DCPS, the Committee, and DC's education sector more broadly on possible mechanisms to ensure students are receiving special education services in the first instance and prevent the need to litigate denials of services later.

Given the Committee of the Whole's jurisdiction over agencies in the education cluster, you have both the opportunity and the responsibility to be a leader of this work. As such, we urge the Committee to lead a cross-agency coalition of education stakeholders to develop a comprehensive plan to guide improvement of special education in the District. Rather than wait for the next court-ordered consent decree, the District must proactively examine where it is missing the mark and what is needed to course correct.

Thank you for this opportunity to provide testimony. I welcome any questions.

¹ District of Columbia Office of the State Superintendent of Education, “2024 Statewide Assessment Results: Math and English Language Arts,” p. 14, *available at*:

https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/2024-08-22-DCCAPE_MSA_2324_PublicDeck_with_appendix.pdf

² Id.

³ See Danielle Robinette, Children’s Law Center, Testimony before the District of Columbia Council, Committee of the Whole, Performance Oversight Hearing: District of Columbia Public Schools (February 27, 2025), *available at*: <https://childrenslawcenter.org/resources/2024-25-performance-oversight-testimony-district-of-columbia-public-schools/>

⁴ See DC Code § 38-2905.

⁵ See e.g., FY 2026 Proposed Budget and Financial Plan, Volume 1: Executive Summary, Appendix H, p. H-22 – H-25 (listing interagency budget projects funded by OSSE but provided by DCPS, e.g., GD0.400002. EXTENDED SCHOOL YEAR – SWC and GD0.400008.SPECIALIZED INSTRUCTION, SCHOOL SUPPORT – SWC).

⁶ See e.g., FY 2026 Proposed Budget and Financial Plan, Volume 3: Agency Budget Chapters – Part II. Public Education System, District of Columbia Public Schools, Central Office and School Support, Office of Teaching & Learning (SY 2025-2026, p. C-14.

⁷ See District of Columbia Office of the State Superintendent of Education, “OSSE’s Report on the Uniform Per Student Funding Formula: 2025,” p. 12 (June 2025), *available at*:

<https://lims.dccouncil.gov/Legislation/RC26-0064>

⁸ Id., at 4 (noting adjustments made to the UPSFF in the FY25 budget).

⁹ FY 2026 Proposed Budget and Financial Plan, Volume 3: Agency Budget Chapters – Part II. Public Education System, District of Columbia Public Schools, Central Office and School Support, Office of Teaching & Learning (SY 2025-2026), Activity 400008 – SPECIALIZED INSTRUCTION, SCHOOL SUPPORT – SWC, p. C-14.

¹⁰ Id., at Activities 400262, 400274, and 400636, p. C-14.

¹¹ See “DCPS and WTU Collective Bargaining Agreement (2023-2028),” p. 6-7, 77-78, 92, 95, *available at*: <https://dcps.dc.gov/publication/dcps-and-wtu-collective-bargaining-agreement-2023-2028>.

¹² FY 2026 Proposed Budget and Financial Plan, Volume 3: Agency Budget Chapters – Part II. Public Education System, District of Columbia Public Schools, Central Office and School Support, Office of General Counsel (SY 2025-2026), Activity 400036 – ATTORNEY’S FEES – C, p. C-10.

¹³ See Danielle Robinette, Children’s Law Center, Testimony before the District of Columbia Council, Committee of the Whole, Performance Oversight Hearing: District of Columbia Public Schools (February 27, 2025), *available at*: <https://childrenslawcenter.org/resources/2024-25-performance-oversight-testimony-district-of-columbia-public-schools/>

¹⁴ FY 2026 Proposed Budget and Financial Plan, Volume 3: Agency Budget Chapters – Part II. Public Education System, District of Columbia Public Schools, Central Office and School Support, Office of General Counsel (SY 2025-2026), Activity 400260 – SETTLEMENTS & JUDGEMENTS - SS, p. C-10.

¹⁵ See Danielle Robinette, Children’s Law Center, Testimony before the District of Columbia Council, Committee of the Whole, Performance Oversight Hearing: District of Columbia Public Schools, p. 15-16 (February 27, 2025), *available at*: <https://childrenslawcenter.org/resources/2024-25-performance-oversight-testimony-district-of-columbia-public-schools/>