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Testimony Before the District of Columbia Council
Committee of the Whole
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FY26 Budget Oversight
Office of the State Superintendent of Education

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Introduction

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 the experiences of the children and families we work with.

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. Recognizing the limitations of the current budget climate, we recommend that the Committee and those education agencies with oversight responsibilities – like OSSE – ensure that existing programs are being implemented with fidelity to ensure that DC students are getting the most out of the dollars that the city invests in education.

To this end, my testimony today will highlight a few areas of concern within the proposed budget for OSSE. First, we acknowledge that OSSE's budget is particularly hard hit by reductions in federal funds. While these cuts are largely outside of the District's control, we urge the Committee to get clarity from OSSE regarding the impact of these cuts and a plan for how they plan to move forward. Second, we raise concerns about restructuring of the budget for OSSE's Division of Transportation (OSSE-DOT) that appears to favor privatization over systemic service improvements. We also seek to clarify some misunderstandings about eligibility for special education transportation. Lastly, we highlight the critical need to support school-based behavioral health. We strongly urge the Committee to work with the Committee on Health to ensure that the FY26 budget fosters stability in school-based behavioral health.

Understanding the Scope and Impact of Reductions in Federal Funds

As DC's State Education Agency (SEA), OSSE has been particularly hard hit by changes and cuts by the federal Department of Education. OSSE's FY26 Operating Budget includes a net loss of more than \$50,000,000 compared to FY25.¹ Of that, \$38,000,000 is attributable to reductions in federal funds.² The two largest reductions in federal funds are a cut of \$40.7M from the Division of Early Learning³ and a cut of \$38.7M from the Division of Health and Wellness.⁴ These cuts are offset in part by a federal funds increases of \$31.6M to Strategic Planning for School Quality, \$6M to Teaching & Learning, \$2.5M to Agency Management, and \$1.3M to Data, Assessments, and Research. However, it is

difficult to tell from the budget books alone how the reorganization of federal funds across OSSE's budget will impact DC students. We urge the Committee to seek detailed plans from OSSE regarding their plan to reduce operations by \$50M and how that plan will affect District of Columbia Public Schools (DCPS), charter schools, as well as DC students and families.

Monitoring the Reorganization of Spending within OSSE's Division of Transportation

Between the FY25 Supplemental and the FY26 Proposed budgets, the Mayor proposes significant increases to OSSE-DOT. The Fiscal Year 2025 Revised Local Budget Temporary Act of 2025, as introduced, includes an addition of \$17.9M in local funds for Special Education Transportation.⁵ Additionally, the Mayor's proposed FY26 budget includes a \$3M net increase to OSSE-DOT's operating budget. These significant additions, amidst a lean budget season, seems to indicate serious needs not currently able to be met by the agency. This is consistent with the experiences of our clients who have, for years, suffered unreliable service from OSSE-DOT for more than a decade.⁶ To be clear, we recommend that the Committee preserve this investment to prevent any further educational disruptions. However, we strongly urge you to seek clarity from OSSE regarding how they plan to use these funds to create sustainable programming, especially given the recent departure of the OSSE-DOT Director.

Moreover, the FY26 proposed budget appears to include a significant reorganization of funding within the agency. For example, the proposed budget would

cut \$22M from Terminal Operations while adding \$25M to Agency Management.⁷ However, it is difficult to know from the budget books how these changes will change services to students. The chapter notes “a decrease of \$6,900,734 and 7.9 FTEs across multiple programs to reflect saving in personnel services and the elimination of vacant positions.”⁸ Subsequently the chapter notes one-time increases in the Agency Management program including “\$7,700,000 to support contracted bus routes ... \$2,400,000 to provide bus routes with nursing services for eligible students; and \$1,100,000 to support the Parent Stipend Program.”⁹ In sum, these changes seem to indicate that OSSE-DOT is not seeking to improve their service delivery or address their staffing concerns but instead plan to rely on private transportation vendors and paying parents to self-transport.

However, the current patchwork of contracted vendors does not provide long-term stability or reform for this program. Further, our clients’ experiences with private vendors have been mixed. In some cases, the contracted vendors can better meet students’ needs through more diverse fleet options (e.g., a sedan instead of a yellow school bus). However, in another case, the private vendor sent an unmarked vehicle with a driver that had no uniform, nametag, or other indication that he worked for the vendor. This understandably made the parent feel uncomfortable trusting their child with a driver she could not verify worked for the contracted vendor.

If OSSE's intention is to gradually privatize DC's provision of special education transportation, this should be made explicit in their planning, so that this Committee can provide appropriate oversight and budget allocations. For example, if private routes are a long-term solution, we would question why the Mayor's \$7.7M increase "to support contracted bus routes" is only one-time funding. If privatization is not the long-term plan, then we are deeply concerned making such significant investments in stop-gap measures that do not address the systemic issues that have long plagued OSSE-DOT.¹⁰

Additionally, it is not clear from the budget books what work is being funded by the \$11.5M increase to "Communications" and the \$14.7M increase to "Performance and Strategic Management." There is no indication regarding the long-promised parent tracking app.¹¹ There is no detail on the \$10M (37%) cut from the NY Avenue Terminal. We strongly urge the Committee to ensure that OSSE has developed a detailed, long-term plan for addressing the transportation needs of students with disabilities and ensure that the FY26 budget is adequate to implement this plan.

Clarifying OSSE-DOT Eligibility Requirements

We would also like to address specific issues raised during Friday's budget hearing with the Deputy Mayor for Education regarding OSSE-DOT.¹² There seems to be some misunderstanding regarding eligibility for special education transportation. Per OSSE's Special Education Transportation Policy, there are three eligibility categories: 1) Medically Fragile Students (MFS) Requiring Transportation to Access FAPE, 2) Students

Requiring Structured Transportation Supports (STS) to Access FAPE, and 3) Students Accessing Specialized Program (ASP) to Access FAPE.¹³ Students in the categories 1 and 2 are eligible for transportation because they require specialized equipment, an adapted vehicle, or significant supervision in order to safely commute to and from school. Category 3 is different in that students are made eligible based their assignment to a specialized program. In DC, students may be eligible under this category if, among other reasons, they attend a non-public school or are assigned to a self-contained classroom at a school other than their in-boundary or lottery-enrolled school.

The Individuals with Disabilities Education Act (IDEA) requires that “unless the [Individualized Education Program (IEP)] of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled.”¹⁴ When a local education agency (LEA) cannot fulfill a student’s IEP at the school they would otherwise attend, the LEA is responsible for providing transportation as a related service to ensure that the student receives a free, appropriate public education (FAPE) in a specialized setting. DCPS does not offer all self-contained settings at every school. DCPS students placed by their IEP team in a self-contained setting are “administratively assigned by the central office.”¹⁵ In other words, if a student’s in-boundary or lottery-enrolled DCPS school does not offer the self-contained setting that a student needs, DCPS may assign them to another school with an open seat in the relevant

classroom. However, by moving them out of the school that they would otherwise attend if nondisabled, DCPS has created the need for transportation as a related service.

Stabilizing School-Based Behavioral Health Resources

The COVID-19 pandemic undeniably impacted childhood well-being and worsened children's behavioral health.¹⁶ However, it is important to remember that the pandemic is not the sole driver of these troubling trends. Mental health symptoms – including depressive symptoms and suicidal ideation – have been steadily rising among American youth for over a decade.¹⁷ In part, the District has worked to meet the increasing behavioral health needs of students through the School-Based Behavioral Health (SBBH) Expansion Program.¹⁸ While the District continues to face challenging times, we strongly encourage stabilization and continued investment into the SBBH Expansion Program. One way to do so is for the Council and the education sector to ensure that SBBH Coordinators are adequately supported through a yearly stipend and a position at OSSE that can support the Coordinator position. As we highlighted during performance oversight, inadequate coordination and collaboration across the agencies engaged in the SBBH Expansion Program undermines the long-term stability of the program.¹⁹ To address the need for stability during these uncertain times, we urge the Committee to work with the Committee on Health to fund the Strengthening Families through Behavioral Health Coalition's SBBH budget asks:²⁰

- Establish a minimum CBO grant amount while maintaining level funding for the SBBH Expansion Program;
- Provide additional compensation for the SBBH Coordinator;
- Fully fund the Child Behavioral Health Services Dashboard Act of 2024 over the four-year fiscal plan; and,
- Fund a SBBH Management Analyst position at OSSE.

Further detail can be found in Children’s Law Center’s testimony before the Committee on Health’s performance oversight and budget hearings for the Department of Behavioral Health (DBH).²¹

Additionally, we know that the federal government has decided to terminate grants for School-Based Behavioral Health.²² However, it is less clear how these grant terminations might impact DC schools. Both OSSE and individual LEAs have been awarded federal school mental health grants. We urge the Committee to determine whether OSSE or any LEAs have received notices of termination from the federal Department of Education and identify any potential cuts to staffing and services. Moreover, we recommend that this Committee, alongside the Committee on Health, explore ways to minimize the impact of these federal grant terminations on DC students.

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

¹ See FY 2026 Proposed Budget and Financial Plan, Volume 3 Agency Budget Chapters – Part II. Public Education System, Office of the State Superintendent of Education (GD0), Table GD0-1, p. D-73.

² See Mayor’s Proposed FY 2026 Budget and Financial Plan, Volume 6 Operating Appendices, Office of the State Superintendent of Education, Schedule 40-PBB, p. D-151.

³ See *id.*, at D-149

⁴ See *id.*, at D-151

⁵ B26-0264, *the Fiscal Year 2025 Revised Local Budget Temporary Act of 2025*, Sec. 2(b), Public Education System (8), line 169.

⁶ See Emma Brown, “Forgotten-child incident in D.C. highlights special-ed busing concerns,” WASH POST (Nov. 29, 2012), available at: https://www.washingtonpost.com/local/education/forgotten-child-incidentin-dc-highlights-special-ed-busing-concerns/2012/11/29/005c77d4-3a48-11e2-8a97-363b0f9a0ab3_story.html

⁷ See FY 2026 Proposed Budget and Financial Plan, Volume 3 Agency Budget Chapters – Part II. Public Education System, Special Education Transportation (GO0), Table GO0-4, p. D-87.

⁸ FY 2026 Proposed Budget and Financial Plan, Volume 3 Agency Budget Chapters – Part II. Public Education System, Special Education Transportation (GO0), p. D-90.

⁹ *Id.*, at D-91.

¹⁰ See Danielle Robinette, Children’s Law Center, Testimony before the District of Columbia Council, Committee of the Whole, Performance Oversight Hearing: Office of the State Superintendent of Education, p. 10-13 (March 7, 2025), available for download at: <https://lims.dccouncil.gov/Hearings/hearings/664>.

¹¹ OSSE recently launched a new parent portal which allows parents to input their address information (previously done by the school) and to opt in to the self-transport stipend program. This parent portal does not fulfill the promises of the long-promised parent app (e.g. offer parents the ability to track their student’s bus or know more precisely when the bus will arrive). See District of Columbia Office of the State Superintendent of Education, “OSSE Parent Portal” available at: <https://parent.osse.dc.gov/>.

¹² See Statement of Chairman Phil Mendelson, District of Columbia Council, Committee of the Whole, Performance Oversight Hearing: Office of the Deputy Mayor for Education, 04:44:01 – 04:44:49 (May 30, 2025), available at: <https://www.youtube.com/watch?v=RY75mos0VJo>

¹³ See Office of the State Superintendent of Education, “Special Education Transportation Policy,” p. 3-6 (November 6, 2013), available at: <https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/OSSE%20Transportation%20PolicyV07292014.pdf>

¹⁴ 34 C.F.R. 300.116(c).

¹⁵ See District of Columbia Public Schools, Division of Specialized Instruction, “SY24-25 Self-Contained Classrooms by High School Feeder” (accessed on June 2, 2025), available at: <https://dcpsspecialized.wixsite.com/home/self-contained-feeder-patterns>

¹⁶ *A Path Forward – Transforming the Public Behavioral Health System for Children and their Families in the District*, December 2021, available at: https://childrenslawcenter.org/wp-content/uploads/2021/12/BH.System.Transformation.2023.Update.Round4_.pdf; AAP, AACAP, CHA declaration of a national emergency in children’s mental health. American Academy of Pediatrics, October 19, 2021, available at: <https://publications.aap.org/aapnews/news/17718/AAP-AACAP-CHA-declare-national-emergency-in>; U.S. Surgeon General Issues Advisory on Youth Mental Health Crisis Further Exposed by COVID-19 Pandemic, HHS.gov, December 7, 2021, available at:

<https://www.hhs.gov/sites/default/files/surgeon-general-youth-mental-health-advisory.pdf>; Georgetown University Center for Global Health Science and Security for the Office of the D.C. Auditor, *COVID-19 & Behavioral Health in the District of Columbia*, April 20, 2023, available at: <https://dcauditor.org/report/covid-19-behavioral-health-in-the-district-of-columbia/>.

¹⁷ See U.S. Surgeon General Issues Advisory on Youth mental Health Crisis Further Exposed by COVID-19 Pandemic, HHS.gov, December 7, 2021, available at: <https://www.hhs.gov/sites/default/files/surgeon-general-youthmental-health-advisory.pdf>; see also District of Columbia Office of the State Superintendent of Education, 2023 Youth Risk Behavior Survey Results, District of Columbia (Including Charter Schools) Middle School Survey, 10-year Trend Analysis Report, (2024), available at: https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/2023DCBM%20Trend%20Report%2010%20Years_0.pdf and District of Columbia Office of the State Superintendent of Education, 2023 Youth Risk Behavior Survey Results, District of Columbia (Including Charter Schools) High School Survey, 10-year Trend Analysis Report, (2024), available at: https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/2023DCBH%20Trend%20Report%2010%20Years_0.pdf.

¹⁸ See DC School Behavioral Health Community of Practice, George Washington University the Center for Health and Health Care in Schools, “School Behavioral Health Expansion,” available at: <https://dccop.publichealth.gwu.edu/school-behavioral-health-expansion>; see also Strengthening Families Through Behavioral Health Coalition, “How Does School-Based Behavioral Health Work?,” available at: <https://www.strengtheningfamiliesdc.org/how-does-sbbh-work>.

¹⁹ See Danielle Robinette, Testimony before the Committee of the Whole, Performance Oversight Hearing: OSSE, *supra* note 10 at 5-8.

²⁰ See Strengthening Families Through Behavioral Health Coalition, “FY26 Budget Recommendations,” available at: <https://www.strengtheningfamiliesdc.org/s/SFC-FY26-One-Page-5-29-25.pdf>.

²¹ See Leah Castelaz, Children’s Law Center, Testimony before the District of Columbia Council, Committee on Health, Performance Oversight Hearing: Department of Behavioral Health, (February 4, 2025), available at: <https://childrenslawcenter.org/resources/2024-25-oversight-testimony-department-of-behavioral-health/>; see also Chris Gamble, Children’s Law Center, Testimony before the District of Columbia Council, Committee on Health, Budget Oversight Hearing: Department of Behavioral Health (May 30, 2025), available for download at: <https://lims.dccouncil.gov/Hearings/hearings/833>

²² See e.g., Cory Turner, “Education Department stops \$1 billion in funding for school mental health,” NPR (May 1, 2025), available at: <https://www.npr.org/2025/05/01/nx-s1-5382582/trump-school-mental-health>.