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Testimony Before the District of Columbia Council
Committee of the Whole
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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. Our more than 100 staff – together with DC children and families, community partners and pro bono attorneys – use the law to solve children's urgent problems today and improve the systems that will affect their lives tomorrow. Since our founding in 1996, we have reached more than 50,000 children and families directly and multiplied our impact by advocating for city-wide solutions that benefit hundreds of thousands more.

Thank you for the opportunity to testify today regarding the FY25 performance of the Office of the State Superintendent of Education (OSSE). Children's Law Center represents DC students who regularly face barriers in accessing their education. Through our medical-legal partnership, Healthy Together, we represent parents whose children are facing school attendance challenges related to chronic health conditions, lack of access to special education, housing conditions, among other concerns.

As we testified in December, the District needs a comprehensive plan focused on the needs of students with disabilities. While the work will require collaboration among several agencies and community partners, OSSE is well-positioned to lead this work.

They have expertise in special education and experience developing strategic plans to address gaps in the District’s education sector. Additionally, the data they gather to comply with local and federal reporting requirements could be leveraged to identify trends within and between local education agencies (LEAs). Historically, OSSE has focused on their role in monitoring the implementation of special education and holding schools accountable when they fail to meet expectations. However, accountability alone has not been enough to meaningfully improve special education. The District needs a plan for how to move forward. OSSE must take a more proactive leadership role in envisioning a different future. We urge OSSE and the rest of the education sector to move with more urgency to address the unmet needs of students with disabilities.

The District Needs a Comprehensive Plan to Improve Special Education

We have testified again and again about the District’s struggles to adequately serve DC students with disabilities.¹ At this Committee’s December hearing focused on special education, scores of witnesses testified about gaps in the District’s provision of special education or supports for students with disabilities. Federal oversight entities have also taken notice. In 2024, the District of Columbia Advisory Committee to the U.S. Commission on Civil Rights (USCCR) issued a report detailing a wide variety of concerns regarding the District’s provision of special education.² In June 2025, the U.S. Department of Education’s Office of Special Education and Rehabilitative Services³ determined that the District of Columbia “needs intervention in implementing the requirements of Part B

of the IDEA.”⁴ Given these local and federal concerns, the District needs to act with urgency to address the unmet needs of students with disabilities.

Based on the most recent DC CAPE results, the District has demonstrated only very slight growth in proficiency among students with disabilities.

DC CAPE Results, State Level, Students with Disabilities		SY23-24	SY24-25
ELA	Performance Level 4	7.5%	8.7%
	Performance Level 5	1.1%	1.5%
Math	Performance Level 4	4.9%	6.0%
	Performance Level 5	0.7%	0.7%

This is not to say that there have been no gains for DC students with disabilities. Individual schools have worked hard to identify and implement promising practices in special education. And these efforts have yielded results. For example, Washington Latin PCS – Upper School demonstrated significant growth in proficiency for students with disabilities between SY23-24 and SY24-25:

DC CAPE Results, Washington Latin PCS – Upper School, Students with Disabilities		SY23-24	SY24-25
ELA	Performance Level 4	10.3%	43.8%
	Performance Level 5	6.9%	12.5%
Math	Performance Level 4	<5%	18.2%
	Performance Level 5	<5%	9.1%

These gains far outpace the districtwide growth for the same population over the same period. These results demonstrate a focused commitment to improving supports for students with disabilities. As part of this commitment, Washington Latin worked with

the DC Special Education Cooperative (the Co-op) to better meet the needs of their students with disabilities.⁵ Of course, standardized test scores are not a perfect measure of a school's efforts to improve outcomes for students. However, the significant growth at Latin should serve as an example of what is possible with a focused investment of time and resources to reimagine how we support students with disabilities.

While the above chart shows marked improvement over just one school year, it is important to note that this work is not quick. Latin spent several years working with the Co-op to train approximately 150 teachers and staff and to implement new systems and interventions.⁶ The Co-op also launched one of their Demonstration Classrooms at Latin to "highlight an evidence-based practice and serve as a model for schools striving to improve outcomes for students with disabilities."⁷

At the December hearing on special education, the Committee heard testimony from the Co-op's Executive Director, Julie Camerata, which included several recommendations for how the District could improve outcomes for students with disabilities.⁸ There is no shortage of good ideas for how the District could improve its provision of special education. Latin is not alone in their effort to find and implement new strategies to support students with disabilities. However, the District lacks clear leadership and a strategic vision for the future of special education. We urge the Committee and the education agencies to work together to develop a comprehensive plan

for how the District will ensure that more schools have opportunities to grow and excel in the way Latin has.

The work to meaningfully improve special education in the District will require the collaboration of the entire education sector, partners from other sectors, such as the Department of Disability Services (DDS), as well as community organizations that serve students with disabilities. However, like the citywide effort to address chronic absenteeism, the work to improve special education needs clear leadership charged with convening the relevant partners and ensuring progress toward a strategic plan. For school attendance, it made sense for the Deputy Mayor for Education to lead as they already housed the Every Day Counts! Taskforce. For special education, OSSE should lead the District's efforts to gather relevant stakeholders to collaborate on a unified vision for improvement.

OSSE Should Lead a Collaborative and Comprehensive Plan to Improve Special Education in the District

OSSE has the relevant expertise and experience to lead a collaborative and comprehensive plan to better support DC students with disabilities. In compliance with its local and federal reporting requirements, OSSE conducts extensive data collection from all DCPS and public charter schools. OSSE could and should leverage these data to identify trends both within and across LEAs. Additionally, OSSE administers several grant programs through which they receive reports on the efficacy of various interventions tried by schools. Washington Latin's work with the Co-op started as a two-

year SOAR grant from OSSE.⁹ As part of that grant, the Co-op submitted a final report to OSSE that shared lessons learned and

Providing leadership and guidance on special education is not outside OSSE's historical work in support of students with disabilities. In October 2020, OSSE published a "Roadmap to Accelerating Outcomes for Students with Disabilities" to offer "strategic direction" and "core priorities" to guide the education sector's work to strengthen special education.¹⁰ Additionally, OSSE regularly develops strategic plans that include insights into the gaps in special education in the District. We understand that OSSE is currently developing their next five-year strategic plan (2026-2030).¹¹ As part of that process, they convened a focus group of special education advocacy organizations to provide feedback to inform their development of the strategic plan. We were glad to see the agency focus on special education in their planning process. As that plan moves forward, we urge OSSE to include robust guidance for LEAs regarding tools to improve the provision of special education in the District. Moreover, as budget season fast approaches, Council must ensure that schools have the necessary resources to implement meaningful improvements to special education.

OSSE Should Be More Proactive in Guiding and Supporting DC's Education Sector

As the state educational agency (SEA) for the District of Columbia, OSSE is the agency primarily responsible for the supervision of public schools.¹² In December, Dr. Mitchell testified that "OSSE's role is to set clear expectations for [local education agencies

(LEAs)], monitor them, and act to ensure they are accountable for making academic achievement accessible.”¹³ However, OSSE’s mission statement offers a broader vision that includes goals to “build educator capacity to meet [high] standards [and] expand education opportunities for all learners with a focus on those underserved.”¹⁴ While the Individuals with Disabilities Education Act (IDEA) charges OSSE with specific oversight and accountability functions, those responsibilities ought to be viewed as a floor rather than a ceiling. There is a difference between what OSSE can *mandate* and what OSSE can *offer*. As such, OSSE can and should take a more proactive role in leading District efforts to improve special education.

OSSE Unnecessarily Limits their Role in DC’s Education System

As with many elements of DC local government, the structure of education governance in the District must grapple with how to serve as both local and state authority simultaneously. Where other jurisdictions have both state departments of education as well as local education entities, DC places both functions under the Mayor. Reserving any position on the appropriateness of mayoral control of education, the co-equal positioning of DCPS and OSSE under the Office of the Mayor seems to have led OSSE to unnecessarily limit its own role within DC’s education sector. Instead of providing high-level leadership to LEAs, OSSE’s too often confines its focus to data collection and compliance monitoring.

For example, the Maryland State Department of Education (MSDE) consists of the State Superintendent of Schools who is appointed by the State Board of Education whose members are appointed by the Governor.¹⁵ The State Board and State Superintendent consult with and advise the local departments of education and county boards of education. As such, Montgomery County Public Schools are led and overseen by the elected members of the Montgomery County Board of Education¹⁶ who answer to the State Board and State Superintendent who answer to the Governor.

By contrast, DC's education governance structure blurs lines of authority and responsibility in the education sector. In DC, the Deputy Mayor of Education (DME), the Chancellor of District of Columbia Public Schools (DCPS), the Superintendent of OSSE, and members of the Public Charter School Board (PCSB) are all appointed by and answer to the Mayor.¹⁷

In another world, a DC with statehood would have a Governor whose cabinet includes a state department of education that oversees the local education agencies who would, in turn, answer to the Mayor or a local school board. In that world, OSSE – as the state educational agency – would have a clear charge to pursue the Governor's vision for education in the state. The heads of local education agencies – like the Chancellor of DCPS or the CEO of KIPP DC – would lead their districts consistent with both the vision of local elected officials and the directives of the state department of education. Instead, the District's structure of education governance, seems to have created a crisis of confidence

within OSSE. This limited sense of self undermines OSSE's willingness to provide proactive leadership of DC's education sector and slows progress in DC's public education system.

OSSE's Limited View of Their Role Creates Redundancy and Frustration

Too often we hear from OSSE that they cannot take actions not explicitly authorized by DC law. For example, during OSSE's rulemaking regarding home and hospital instruction (HHI), a public commenter suggested adding "pregnancy or birth of a child" to the definition of health condition for the purposes of determining eligibility for HHI.¹⁸ OSSE declined to make the proposed change "because the definition of health condition included in the proposed rulemaking is consistent with D.C. Official Code § 38-251.01."¹⁹ At that time, DC Code stated that "'Health condition' means a physical or mental illness, injury, or impairment that prevents a student from participating in the day-to-day activities typically expected during school attendance." This provision set a floor, not a ceiling. The regulations could have been more detailed than the Code language to clarify that pregnancy or birth of a child constitutes a covered health condition. Instead, the Council was forced to amend the underlying law to ensure protection for students experiencing "pre-birth complications, childbirth, [or] postpartum recovery" are eligible for HHI.²⁰

While we deeply appreciate Councilperson Henderson for ensuring this important change was made, it should not have been necessary. Under the DC Administrative

Procedure Act, regulations comprise any “statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy.”²¹ That does not mean that regulations must be verbatim restatements of DC Code. To interpret the rulemaking requirement in that way would make the entire process redundant. The purpose of agency rules and regulations is to help agencies interpret and administer DC law. As such, they ought to provide additional detail to ensure that subordinate agencies understand and can implement the laws passed by Council.

Conclusion

As the Council prepares for a particularly lean budget cycle, it is more important than ever that the District makes the most of existing resources and programming. While there is much work to be done to meaningfully improve educational outcomes for students with disabilities, there is reason to believe that DC has the tools it needs to do the work. For many years, the District was resource rich, but coordination poor. Now, as resources become scarcer, we can no longer afford to overlook the need for better coordination. We strongly urge OSSE and the Council to work collaboratively across agencies and with community partners to ensure that all DC students are prepared for the future.

Thank you for the opportunity to testify. I welcome any questions.

¹ See e.g., Danielle Robinette, Children’s Law Center, Testimony Before the District of Columbia Council, Committee of the Whole, Public Hearing on Oversight of Education for Students with Disabilities, (Dec. 10, 2025), available at: <https://childrenslawcenter.org/resources/testimony-oversight-of-education-for-students-with-disabilities/>.

² See United States Commission on Civil Rights, “Accessing Services for Students with Disabilities in DC Public Schools: A Report of the District of Columbia Advisory Committee to the U.S. Commission on Civil Rights,” (Dec. 2024), available at: https://www.usccr.gov/files/2024-12/dc-report_special-education.pdf

³ Each year, this office evaluates states’ implementation of the IDEA and determines whether the state “meets the requirements and purposes of IDEA,” “needs assistance,” “needs intervention,” or “needs substantial intervention.” See e.g., United States Department of Education, “2025 Determination Letters on State Implementation of IDEA, available at: <https://sites.ed.gov/idea/idea-files/2025-determination-letters-on-state-implementation-of-idea/> (last modified Sept. 30, 2025; last accessed Dec. 9, 2025).

⁴ See United States Department of Education, Office of Special Education and Rehabilitative Services, “Final Determination Letter” p. 113 (June 20, 2025), available at: https://osse.dc.gov/sites/default/files/dc/sites/osse/service_content/attachments/DC-01%20SPP%20PART%20B%20FFY%202023-24%20%203339%2020250623074712.pdf; Only DC and the Bureau of Indian Education received this designation. See United States Department of Education, “2025 Determination Letters on State Implementation of IDEA, available at: <https://sites.ed.gov/idea/idea-files/2025-determination-letters-on-state-implementation-of-idea/>

⁵ See DC Special Education Cooperative, “Demonstration Classrooms: How Demonstration Classrooms are Driving Growth for Students with Disabilities and Transforming the Special Education Ecosystem,” p. 7, available at: <https://specialedcoop.org/wp-content/uploads/2025/08/Demonstration-Classrooms-Report.pdf> (last visited Mar. 17, 2026).

⁶ See Email from Julie Camerata, Executive Director, DC Special Education Cooperative, to author (Feb. 11, 2026, 13:10 EST) (on file with author).

⁷ DC Special Education Cooperative, Demonstration Classrooms: Why Demonstration Classrooms, <https://specialedcoop.org/programs/demo-classrooms/> (last visited Mar. 17, 2026).

⁸ See DC Special Education Cooperative, “Public Comments: Oversight Of Education For Students With Special Needs,” (Dec. 16, 2025), available at: <https://specialedcoop.org/news-articles/public-comments-oversight-of-education-for-students-with-special-needs/> (last visited Mar. 17, 2026).

⁹ See Email from Julie Camerata, Executive Director, DC Special Education Cooperative, to author (Feb. 11, 2026, 13:10 EST) (on file with author).

¹⁰ See Office of the State Superintendent of Education, “Roadmap to Accelerating Outcomes for Students with Disabilities,” (Oct. 2020), available at: https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/Roadmap%20to%20Accelerating%20Outcomes%20for%20SWDs.pdf.

¹¹ See Office of the State Superintendent of Education, “OSSE’s 2026-2030 Strategic Plan,” <https://osse.dc.gov/page/osses-2026-2030-strategic-plan> (last visited Mar. 17, 2026).

¹² 20 USC § 1401(32).

¹³ Antoinette S. Mitchell, Ph.D., State Superintendent of Education, Office of the State Superintendent of Education, Testimony Before the District of Columbia Council, Committee of the Whole, Public Hearing on Oversight of Education for Students with Special Needs, p. 1 (Dec. 10, 2025), available for download at: <https://lims.dccouncil.gov/Hearings/hearings/1969>.

¹⁴ Office of the State Superintendent of Education, “About OSSE,” <https://osse.dc.gov/page/about-osse> (last visited Mar. 17, 2026).

¹⁵ See Maryland State Archives, Maryland Manual On-Line: A Guide to Maryland & Its Government, “State Department of Education: Functions,” <https://msa.maryland.gov/msa/mdmanual/13sdoe/html/13agen.html> (last visited Mar. 17, 2026).

¹⁶ See Montgomery Council Public Schools, “About the Board of Education,” <https://www.montgomeryschoolsmd.org/boe/about/> (last visited Mar. 17, 2026).

¹⁷ See DC Code § 38-191(a) (regarding the appointment of the Deputy Mayor for Education); § 38-174(a) (regarding the appointment of the Chancellor of District of Columbia Public Schools); § 38-2601(b) (regarding the appointment of the State Superintendent of Education); § 38-1802.14(a)(2) (regarding the appoint of members of the Public Charter School Board).

¹⁸ See Office of the State Superintendent of Education, Notice of Final Rulemaking, p. 4 (May 12, 2023), available for download at: <https://www.dcregs.dc.gov/Common/NoticeDetail.aspx?NoticeId=N130485>.

¹⁹ Id.

²⁰ See B25-0317, the Extended Students’ Right to Home or Hospital Instruction Amendment Act of 2023 (amending the definition of “health condition” to read “(1) “Health condition” means a physical or mental illness, injury, pre-birth complications, childbirth, postpartum recovery, or impairment that prevents a student from participating in the day-to-day activities typically expected during school attendance.” DC Code § 38-251.01(1).)

²¹ DC Code § 2-502(6)(A).