

Testimony before the District of Columbia Council Committee on  
Education  
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FY14 Budget Hearing:  
Office of the State Superintendent of Education

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Good morning Chairman Catania and members of the Committee on Education. My name is Sharra E. Greer. I am the Policy Director of the Children's Law Center<sup>1</sup> (CLC) and a resident of the District. I am testifying today on behalf of CLC, the largest non-profit legal services organization in the District and the only such organization devoted to a full spectrum of children's legal services. Every year, we represent over 2,000 low-income children and families, focusing on children in foster care and children with disabilities. The vast majority of the children we represent attend District of Columbia Public Schools (DCPS), DC public charter schools, or nonpublic special education schools funded by the District.

### Early Intervention

The fiscal year 2014 budget for the Office of the State Superintendent of Education (OSSE) includes a significant increase in funding for one of the most critical components of the education system – services for infants and toddlers with developmental delays.<sup>2</sup> As we discussed in our oversight testimony, 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.<sup>3</sup> 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."<sup>4</sup> RAND estimates that well-designed

early childhood interventions generate a return to society ranging from \$1.80 to \$17.07 for every dollar spent.<sup>5</sup>

In our oversight testimony, we urged OSSE to finalize their proposed regulations expanding eligibility for early intervention services. I am happy to report that OSSE has finalized those regulations and that this budget provides the funding necessary for the projected more than doubling of the number of infants and toddlers who will receive early intervention.<sup>6</sup> While DC's eligibility criteria are still more restrictive than those of 32 other states,<sup>7</sup> this is an important step forward. We especially appreciate the leadership shown by the State Superintendent and by Dr. Amy Maisterra, the Assistant Superintendent of Special Education, in expanding the eligibility criteria and advocating for the necessary funding.

#### Continuum of Special Education Placements in the District

One of the goals of the Early Intervention Program is to reduce the need for special education by helping young children catch up to their peers before they start school. As a long-term strategy, it is unquestionably the right approach. However, we still need to provide a robust array of special education services for our current elementary, middle, and high school students who were not able to benefit from DC's increased investment in early intervention. All of the education agencies have responsibility for educating students with disabilities, but OSSE has a key leadership role to play as the State Education Agency (SEA) with the ultimate responsibility for ensuring DC's compliance with the Individuals with Disabilities Education Act (IDEA).<sup>8</sup>

The Mayor's proposed budget reduces by \$30 million the funding for nonpublic special education placements without reinvesting anywhere near that amount of funding into special education programs in the public school system. Aside from the \$6.5 million for early intervention, it appears that there is no new money for special education except through the increase to the foundation level of the Uniform Per Student Funding Formula. To our understanding, the increase to the foundation rate is no more than what is necessary to account for rising teacher salaries and the increased cost of doing business in the coming year. There is no change to the multipliers for special education, which means that the proportion of the total DCPS and charter school budgets going to special education is unchanged. It is very concerning that the FY 14 budget does not include any meaningful financial investment in special education in the local schools, yet the local schools are expected to educate hundreds more children who have disabilities severe enough that they had been placed in nonpublic schools by a hearing officer or IEP team.

I understand from Dr. Maisterra that OSSE is continuing several ongoing projects to improve the quality of special education services offered by the Local Education Agencies (LEAs), including rolling out a quality review tool that LEAs can use to assess their own strengths and weaknesses, providing enhanced technical assistance to schools whose special education data shows that they are struggling to comply with requirements, and supporting a pilot related services consortium. These projects are worthwhile, but they largely rely on the initiative of the LEAs and the amount of additional funding they provide to the schools is minimal. I urge the Committee to ask OSSE leadership about their plans for taking a more

active role in leading the expansion and improvement of the array of special education services in DCPS and the charter schools.

#### Early Childhood Education

The reduction in funding for early childhood education is also concerning. The budget includes an overall cut of \$2.9 million to early childhood education, with the largest cuts coming from the child care subsidy program, the pre-kindergarten expansion program, and early childhood support services. Even without these cuts, DC's reimbursement rates for childcare providers are extremely low compared to other states. Further reducing funding for childcare undermines the benefit of the increased funding for early intervention. It doesn't make sense to put more money into special education services for infants and toddlers at the same time that we put less money into the childcare centers that are supposed to provide all infants and toddlers with the foundation of cognitive and emotional development that they need as they move forward into school and adulthood. We need quality childcare programs if we are to succeed in raising children who are academically and personally successful. I understand that the wish list includes \$11 million to increase the number of childcare slots by 200 and increase reimbursement rates by 10% in an effort to improve the quality of childcare providers. I urge the Committee to move that \$11 million off the wish list and into the budget. There is no better place to invest than in our infants and toddlers.

#### Post-Secondary Education and Workforce Training

Another item on the wish list that needs to be moved into the budget is the funding for adult literacy and career and technical education. A 2007 study showed that more than a third

of adults in DC are functionally illiterate.<sup>9</sup> These adults cannot help their children learn to read. They cannot obtain jobs that would allow them to support their families. They cannot create a strong foundation for the next generation when they are not on solid footing themselves. If we don't invest in parents at the same time that we invest in students, students will continue to struggle because their parents will not be able to provide them with the stable housing, healthy food, clean clothes, and other basic supports that students need in order to focus on learning.

### Ombudsman

Since 2007, DC has been required by law to have an education ombudsman.<sup>10</sup> Despite that legal requirement, the ombudsman position was only funded and staffed for a little over one year.<sup>11</sup> During its one year of existence, the ombudsman's office proved itself valuable. The ombudsman helped our clients and attorneys resolve many problems that might have otherwise required litigation. I urge the Committee to restore funding for the ombudsman.<sup>12</sup> I suggest that the position be located within OSSE, much as the independent hearing office is, as OSSE has the infrastructure and expertise necessary to support the office.<sup>13</sup>

Thank you for the opportunity to testify. I am happy to answer any questions.

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<sup>1</sup> Children's Law Center works to give every child in the District of Columbia a solid foundation of family, health and education. We are the largest provider of free legal services in the District and the only to focus on children. Our 80-person staff partners with local pro bono attorneys to serve more than 2,000 at-risk children each year. We use this expertise to advocate for changes in the District's laws, policies and programs. Learn more at [www.childrenslawcenter.org](http://www.childrenslawcenter.org).

<sup>2</sup> The local funds for FY 14 for Early Intervention are proposed to increase by \$6.4 million. There was also a \$4.3 million increase to FY 13.

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<sup>3</sup> 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.

<sup>3</sup> 34 C.F.R. § 303.321(c).

<sup>4</sup> “Proven Benefits of Early Childhood Interventions,” RAND Corporation Research Brief, available at [http://www.rand.org/pubs/research\\_briefs/RB9145/index1.html](http://www.rand.org/pubs/research_briefs/RB9145/index1.html).

<sup>5</sup> “Proven Benefits of Early Childhood Interventions,” RAND Corporation Research Brief, available at [http://www.rand.org/pubs/research\\_briefs/RB9145/index1.html](http://www.rand.org/pubs/research_briefs/RB9145/index1.html).

<sup>6</sup> OSSE currently provides early intervention services to 500 children. The increased funding will allow OSSE to serve 800 children by the start of FY 14 and up to 1,100 children by the end of FY 14. FY 14 Budget Oversight Stakeholder Briefing handout, April 19, 2013.

<sup>7</sup> At least 32 other states extend eligibility to children with a delay of less than 50% in one area of development. Of those states, 17 – including Maryland and Virginia – extend Part C eligibility to children with a 25% delay in one area of development. Additionally, six states extend eligibility to children who are “at risk” of developmental delay, as permitted by the Individuals with Disabilities Education Act (IDEA). These children may be at risk of developmental delay because of biological and environmental factors including low birth weight, nutritional deprivation, or a history of abuse or neglect.

<sup>8</sup> 20 U.S.C. § 1412(a)(11)(A)(i).

<sup>9</sup> See “Illiteracy Aid Found to Lag in District,” *Washington Post*, March 19, 2007.

<sup>10</sup> D.C. Code § 38-351

<sup>11</sup> See “School Ombudsman’s Office Closes,” *Washington Post*, Oct. 1, 2009.

<sup>12</sup> The cost for staffing the Ombudsman’s office is estimated at \$340,000. Fiscal Impact Statement for Bill 19-774, Dec. 3, 2012.

<sup>13</sup> This would require legislation, as the Office of the Ombudsman was recently moved under the State Board of Education per the “State Board of Education Personnel Authority Amendment Emergency Act of 2013,” B20-0186.