



Testimony before the District of Columbia Council
Committee of the Whole
April 11, 2010

Public Hearing:
Proposed Fiscal Year 2011 Budget for the District of Columbia Public Schools

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Good morning Chairman Brown and members of the Council. My name is Judith Sandalow. I am the Executive Director of Children's Law Center¹ (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 more than 1,200 low-income children and families, focusing on children who have been abused and neglected and children with special health and educational needs. The majority of the children we represent are enrolled in the District of Columbia Public Schools (DCPS) and a large percentage of them have disabilities that make them eligible for special education.

I appreciate this opportunity to testify regarding DCPS's proposed FY 2012 budget. It is difficult on first read to follow the changes in the budget chapter because the budget shifts large amounts of money from one DCPS line item to another and the actual FY 2011 budget differs from the approved budget. I want to thank Dr. Richard Nyankori and his staff for assisting CLC in understanding the changes in funding for special education.

I will focus my comments on the DCPS special education budget. First, I want to address the frequent public statements regarding the high cost of sending children to non-public special education schools. Children with disabilities cannot wear a "one size fits all" education program at any school. Instead, to continue the metaphor, children with disabilities need carefully tailored programs that meet their individual needs. It is a tremendous mistake for politicians and policymakers to suggest that if we just "bring them home" the District will save millions of dollars.

¹ Children's Law Center provides free, comprehensive legal services to thousands of low-income and at-risk children in Washington, DC to ensure they have safe homes, a meaningful education and healthy lives. Applying the knowledge gained from representing children and families, we advocate for changes in the city's laws, policies and programs. Children's Law Center is the largest nonprofit legal services provider in the District and the only to focus on children. For more information, visit www.childrenslawcenter.org.

It is not that simple. Without more and better special education services, children with disabilities will not do well at DCPS schools. DCPS needs adequate funding to develop those services.

For this reason, the proposed FY12 budget rightly provides *more* resources for DCPS to provide special education services. The proposed budget support act would increase the per pupil allotment for children with disabilities and provides a relatively large increase for students with the most significant disabilities – that is, those students most likely to be considered for a private school placement. Taken together, the proposed changes will direct more than \$30 million *more* to DCPS.²

Mayor Gray described his special education budget as achieving an essential goal: to “end disservice to children with special needs.”³ We take him at his word and ask the Council to hold him to it. If this budget will provide schools the resources they need, then DCPS must develop services that children need to thrive, and there can be no excuse for the absence of such services. I urge the Council to adopt the Mayor’s proposed special education funding formula changes and to oversee DCPS closely to ensure that DCPS uses the money as it is intended – to develop quality educational services for children with disabilities at every school. Children with disabilities cannot afford continued failures to provide these services, and neither can the District’s bottom line.

Council oversight will be essential. The per pupil formula changes will funnel more money to DCPS – but that is no guarantee that DCPS will use the money to develop necessary special education services. The DCPS budget tables provide no guarantees; the tables largely do not demonstrate how DCPS plans to use the increased funds, especially because tens of millions of dollars in funding have been moved from one line item to another.⁴ It is also difficult to account for

² FY 2012 Budget Support Act at § 404(b); Proposed FY 2012 DCPS Budget at D-22. The BSA would increase the per pupil weighting for “level 4” children from 2.83 times the base level per pupil allotment to 3.10 – which translates to \$3.7 million more for DCPS. The BSA would also provide \$3,578 for a special education student through a “special education capacity fund,” which translates to \$24.6 million more for DCPS. Increases in the weightings for levels 1-3 children translate to several million more dollars for DCPS.

³ Mayor Vincent Gray, D.C. Council, Committee of the Whole, FY 2012 Budget Briefing, 6 April 2011.

⁴ For instance, we understand from Dr. Nyankori’s staff that the \$19.5 million decrease in the “OSE Related Services” line item, was simply shifted to the “Special Education Instruction” line item, and some of that line was in turn shifted

the increased special education budget in the specific school budgets posted on DCPS's website. As DCPS budget expert Mary Levy has testified, "DCPS fiscal transparency is a vanishing dream."⁵

Although the budget documents provide little guidance, we are encouraged by what Dr. Nyankori and his staff report that they will do with the additional funds. The budget for Early Stages – the center which evaluates young children for disabilities so they can be addressed early, before they lead to educational failure – would increase by \$2.6 million.⁶ We are told that DCPS will invest in early childhood special education services – so that every student found by Early Stages to need specialized services receives them.⁷ And we understand from Dr. Nyankori and his staff that DCPS will ensure that every school has at least a half-time social worker, will invest in services like Wilson Reading that can help children struggling in school succeed, and will experiment with alternative models to help older students who have not succeeded in traditional schools.

All of these initiatives sound good. But neither we nor the Council can blindly trust that increased funds will yield direct improvements. So we urge the Council to trust but verify. The Council must use its oversight authority to monitor closely DCPS's uses of special education funding and ensure they are used appropriately.

Finally, we must temper our discussion of how DCPS will use its *increased* funding with a warning about the painful cuts the budget would impose on human services agencies – and thus on the same students that DCPS must serve. The Mayor's budget would cut basic financial assistance for our poorest children, housing programs for homeless families, and specialized mental health services for children. When children's parents cannot feed them because their basic income

to the "General Education" line – though one could not know this fact from reading the budget tables or budget narratives. Proposed FY 2012 DCPS Budget at D-8.

⁵ Mary Levy, Testimony before the D.C. Council, Committee of the Whole, DCPS Oversight Hearing, 4 March 2011.

⁶ Proposed FY 2012 DCPS Budget at D-8.

⁷ Other DCPS budget documents suggest that schools will receive funds to serve more 3 and 4 year old children with special needs. DCPS Budget Development Guide, School Year 2011-2012, at 30, <http://dcps.dc.gov/DCPS/Files/downloads/ABOUT%20DCPS/Budget%20-%20Finance/FY12%20documents/DCPS-Budget-Guide-March-2011.pdf>.

support is cut, when children sleep at metro stops or in doorways because homelessness services are cut, and when children's mental health needs go unmet because funding for evidence-based services is cut, it is extremely difficult for children to learn. The Mayor's proposed human services cuts will make DCPS's already difficult job that much harder. Children living in poverty deserve as rigorous an education as their more affluent peers, but let us not pretend that these budget cuts will not hurt students' ability to learn.

We urge the Council to acknowledge the human cost – and the educational cost of the most harmful cuts to the human services cluster – and then to consider all options to restore funding to children's mental health, homeless services and TANF. And we urge all Councilmembers to resist those whose shortsighted approach leads them to call for low-income children to shoulder even more budget cuts so that wealthy individuals can avoid a modest tax increase.

Conclusion

I urge the Council protect the proposed budget's investments in special education. Investing robustly in DCPS special education programs will have innumerable positive consequences, none more important than allowing a new generation of children, those with disabilities and those without, to build the skills to lead our city forward.

Thank you and I look forward to answering your questions.