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Testimony Before the District of Columbia Council
Committee on Education
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Introduction

Good morning Chairman Grosso and members of the Committee. My name is Sharra E. Greer. I am the Policy Director at Children's Law Center¹ (CLC) and a resident of the District. I am testifying today on behalf of Children's Law Center, which fights so every DC child can grow up with a loving family, good health and a quality education. With 100 staff and hundreds of pro bono lawyers, Children's Law Center reaches 1 out of every 9 children in DC's poorest neighborhoods – more than 5,000 children and families each year. Many children we represent attend District of Columbia Public Schools (DCPS).

I appreciate the opportunity to testify about the Mayor's proposed FY18 budget for DCPS, and I do have several concerns and questions. While it is not the focal point of my testimony here at the DCPS budget hearing today, we reiterate our concern to which we testified yesterday at the OSSE hearing, namely, that the Mayor's proposed 1.5 percent per-pupil funding increase falls far short of what our schools need.²

In my testimony today, I will concentrate, specifically, on funding for special education, as well as other services and programs that support our students with disabilities. In doing so, I would first like to highlight the significant efforts that DCPS has taken to put into place the legal reforms set forth in the *Enhanced Special Education Services Act of 2014*.

DCPS Should Continue to Make Changes Set Forth in the 2014 Legal Reforms.

As you know, the Council, including the current Mayor Bowser, unanimously passed the *Enhanced Special Education Services Act of 2014*, reflecting broad community consensus at large that these crucial changes would positively impact students with disabilities in the District. However, despite repeated assurances from OSSE during the FY16 performance oversight hearing, the proposed FY18 budget fails to designate specific funding for these reforms, so they continue to be legally unenforceable.

We are losing time. And, it is our children who pay the price. As I testified yesterday in the OSSE budget hearing, I am deeply troubled by this protracted delay to legally execute the reforms, while more children continue to fall behind. However, we are glad to see that DCPS supports these changes. Indeed, in the spirit of the Education Committee's emphasis on "fidelity of implementation," DCPS has been working to implement them even as OSSE has yet to designate the funding.

Transition Planning at Age 14

For instance, DCPS has been training schools to begin post-secondary planning for special education students in middle school.³ Under federal law, specifically, the Individuals with Disabilities Education Improvement Act (IDEA), schools must develop "transition plans" for special education students between ages 16 and 22 years old to help them prepare for life after high school.⁴ Transition services are intended to prepare students for independent living, employment, and further education. Recognizing the

importance of these transition activities, the *Enhanced Special Education Services Act of 2014* lowers the age at which transition planning must begin to age 14.⁵ This will enable eighth graders to receive vital support from schools in planning for high school opportunities tailored to their interests and ensure that the child and parents learn about the options for diploma coursework.⁶ Had it been timely funded, this change - would have gone into effect on July 1, 2016.⁷ Fortunately, despite the lack of appropriated funds to OSSE, DCPS has already begun implementing the reform in its schools this school year.⁸ DCPS has recently re-affirmed this commitment, stating that it is already training and monitoring schools on transition plans for middle school students beginning at age 11, or 6th grade.⁹

We strongly encourage DCPS to continue to make those changes around transition planning.

Accelerated Evaluation Timelines

DCPS has also been preparing for the change in the evaluation timeline that will help students get services more quickly. Once funded, the *Enhanced Special Education Services Act of 2014* requires LEAs to evaluate a student with a suspected disability within 60 days.¹⁰ Currently, schools have 120 days to complete the evaluation, the longest timeline in the nation.¹¹ The impact that faster diagnosis, and thus faster services, will have on students cannot be overstated.

Although the FY18 proposed budget fails to designate funding to render this reform legally enforceable, DCPS has made progress towards evaluating children within 60 days.¹² For instance, Early Stages—DCPS’s evaluation center for children ages 3 – 5—has made significant improvements in the past year, quadrupling the percentage of evaluations finished within 60 days of referral and continuing to improve in fiscal year 2017 to date.¹³ Early Stages, which completes about half of the initial evaluations required in DCPS, has also reported publicly that starting July 1, 2017, it will be following the shorter 60-day timeline. We urge Early Stages to continue to exercise its newly developed capacity to evaluate and diagnose students within sixty days. Also, we know that DCPS evaluators in schools are operating on a 45-day deadline for their evaluations of older students.¹⁴ Despite the lag in funding, we are hopeful that DCPS will continue to provide evaluations on the accelerated timelines. DCPS has in fact recently reaffirmed its commitment to adhering to these accelerated timelines and stated an intention to use local and federal funds to do so.¹⁵

Indeed, DCPS, as the District’s largest LEA, should continue to take a leadership role around these changes and be a model for other LEAs in the District. Circling back, again, to the Committee’s steady focus on “fidelity of implementation,” I urge DCPS to continue making strides to build ample capacity and competence and put these reforms into effect to help our students with disabilities.

Robust Special Education Funding Is Critical To Improve Dismal Outcomes

As we have testified previously, students with disabilities in the District continue to have strikingly poor academic performance and graduation outcomes. Currently, DCPS has about 7100 students with IEPs which represent approximately 15% of the DCPS student population of over 48,500 students.¹⁶ These students have the lowest academic achievement rates than any group by far. Only 4.5% of DCPS students in special education are proficient (Level 4+ on PARCC) in English/Language Arts (ELA) and 5.6% in Math. Sixty-seven percent are scoring at the lowest level (Level 1) in ELA and 53% in math, compared to 31% and 25% of all students, respectively.¹⁷ Merely 3% of DCPS high schoolers in special education are college or career-ready on the English statewide exam and less than 1% on the math exams, a *de minimis* improvement since last year.¹⁸ Last school year, only 47% of DCPS students with disabilities graduated on time with a diploma or “certificate of completion,” while 27% dropped out.¹⁹ Only 34% of students with disabilities were enrolled in any post-secondary school or training or employed within one year of leaving high school.²⁰

These statistics are distressing and bear stark testament to the need for adequate funding for special education in the proposed FY18 budget. Too many children with disabilities in DC are failing to make meaningful progress and are falling further and further behind. It is, thus, essential that DCPS continue to invest in special education services and supports to improve quality of services and instruction. While the Mayor’s

FY18 budget for DCPS proposes a 2.7 percent increase overall,²¹ we unfortunately cannot determine with certainty what increases and/or reductions are contemplated in this budget for special education funding and programming. Due to DCPS agency re-organization, it continues to be difficult, if not impossible, to discern how, and to what extent, DCPS is prioritizing funds to provide special education and to improve outcomes for students with disabilities.

By way of background, through a re-organization in August 2015, DCPS eliminated the Office of Specialized Instruction and shifted special education services and supports out of the former Office of Specialized Instruction into four separate Offices: the Office of Teaching and Learning, the Office of the Chief Operating Officer, the Office of Instructional Practice, and the Office of the Chief of Schools. The bulk of special education now sits in the Office of Teaching and Learning, with the Early Stages Assessment Center now embedded as part of the Early Childhood Division. DCPS school psychologists and social workers now work within the Health and Wellness Division within the Office of the Chief of Schools, and the Resolution and Policy teams responsible for policy and handling of formal IDEA complaints are now part of the Office of the Chief Operating Officer (OCOO).²²

This reorganization has dispersed special education funding to different offices' budgets and combined special education funding with other funding streams, which makes it difficult to analyze or identify special education funding in the budget and

how it compares to previous years. Although DCPS has endeavored to address our specific concerns around funding for special education services and indicated that special education funding is being maintained at the same level in the proposed FY18 budget from last year, the budget documents fail to capture specific funding streams for special education programming and how those numbers may differ from previous years.²³ Thus, we continue to have several unanswered questions. For instance, the Office of Teaching and Learning (OTL) school support budget line reflects a proposed budget decrease of \$5,470,000 and an increase of 12 Full Time Equivalents (FTEs).²⁴ With special education programming now housed under the OTL, it is not possible from the budget documents to isolate the specific funding stream for special education to determine the extent to which this change in OTL funding will impact special education.²⁵

Similarly, within the OTL, there is a proposed \$4,399,000 decrease in school-support cost funding for Curriculum Development and Implementation.²⁶ We cannot discern how this proposed cut will impact special education programming and curriculum.

Also, while it is encouraging at first blush to see a net increase in the Inclusive Academic Programs budget line of \$1,536,000, it is difficult to verify whether this line reflects an actual increase in overall funding or is merely a by-product of different programs having been shifted into different budget lines.²⁷ Furthermore, according to

DCPS Agency Budget Chapter, the budget line for Inclusive Academic Programs includes related services, specialized instruction, home and hospital instruction, 504, paraprofessional support, and extended school year services.²⁸ Our clients benefit significantly from these various services and supports, so it is important to understand the level at which each of these programs are being funded. However, the way the budget currently collapses these discrete and separate services into one line item makes it difficult to track individual funding levels for these critical services. We encourage the Council to call upon DCPS for increased transparency to identify where special education funding specifically exists in the proposed budget.

Even with the lack of transparency described above, we have identified specific reductions to special education funding that merit further inquiry and close scrutiny from the Council:

Proposed Reductions in Special Education Instruction

In the school-wide budget, Special Education Instruction shows a proposed decrease of \$969,000 and a reduction of 13.2 FTEs, and Extended School Year shows a decrease of \$88,000 and a reduction of 4.7 FTEs.²⁹ We are deeply concerned about these proposed reductions in funding and staff and urge the Council to ask for details and specifics around the nature and extent of any cuts in programming or services and their impacts on students with disabilities.

Proposed Reductions in Early Stages

The school support budget for Early Stages shows a proposed decrease of \$137,000 and reduction of 3.7 FTE from the prior year.³⁰ This is cause for deep concern, particularly in light of the accelerated evaluation timelines set forth in the *Enhanced Special Education Services Act of 2014*, as described earlier in my testimony.³¹ I am concerned whether the proposed cuts in staffing and funding to Early Stages will compromise its ability to follow the faster 60-day evaluation timeline. In fact, Early Stages may require additional staffing and funding in FY18 to implement the requirement to evaluate all children within 60 days in the *Enhanced Special Education Services Act of 2014*.³²

Also, we are concerned that, in addition to the pressure to complete evaluations on the shorter timeline, the program should be reaching more children. Experts estimate that Early Stages should serve approximately 10-12% of preschool children because of the characteristics of the population, but this year's data shows Early Stages is serving just over 8.5%.³³ Expanding the reach of Early Stages should be a priority in order to intervene regarding developmental delays and disabilities in early childhood, especially when the science is clear that intervention is most effective.³⁴ In light of these programmatic pressures and needs, we urge the Council to ask DCPS to explain the rationale for these reductions for Early Stages at this juncture.

Positive Steps Taken by DCPS to Support its Students with Disabilities

I would also like to take this opportunity to acknowledge some positive directions in which DCPS is moving towards targeted goals to improve special education services and other programming for students with disabilities, specifically, the following:

Special Education Services in Credit Recovery Programs

In its pre-hearing responses, DCPS has stated that now, in FY18, it will be “investing more” in “specialized programming at [its] Opportunities Academies (formerly, ‘alternative schools’) for overage and under-credited students.”³⁵ This update is consistent with DCPS’s report at the Special Education Roundtable Hearing held by this Committee this past fall that work on services for students with disabilities who are under-credited and overage is part of DCPS’s “next level of work.”³⁶ This news is promising, and we would like to learn more from DCPS about the scope and scale of its investment to address this important need. Improving these services is essential, including making specialized instruction and supports available for students with disabilities in the alternative high schools along with opportunities to make up credits.

By way of brief background, in past years, DCPS has failed to provide specialized instruction or related services in credit recovery programs or summer school.³⁷ Over the years, students with disabilities who would have benefited from the flexible programs in DCPS alternative high schools were often not accepted, because

their disabilities required too many special education services. DCPS has made additional investment in its alternative high schools, but so far the changes have not ensured that students with disabilities can have their needs met in the alternative high schools.³⁸ DCPS is offering more evening credit recovery opportunities and summer school. Unfortunately, DCPS continues its practice of not providing special education services from students' IEPs or special education teachers in its summer and evening credit recovery programs.³⁹

Without their IEP services and supports, students with disabilities cannot access these programs. As a result, students with disabilities are denied a meaningful opportunity to make up failed classes, which can cause them to fall behind and possibly drop out of school. DCPS should always offer specialized instruction and related services in summer school and credit recovery, in order to help the most vulnerable students make progress toward graduation.

Should DCPS move forward with its intention and commit to a sustained and meaningful investment in specialized instruction in its Opportunities Academies and other credit recovery programs, it could have enormous potential in helping students with disabilities make progress towards graduation. We encourage the Council to elicit from DCPS written information on its planned improvements and investments in special education programming around credit recovery programs, including summer school, for students with disabilities who are overage and undercredited.

At-risk Funding

We appreciate DCPS's efforts to provide us with an accounting breakdown of how "at-risk funds" have been budgeted in final FY18 school budgets. By way of brief background, in FY15 the District began to include funding for a new weight in the formula for students considered "at-risk." This weight for increased funding is intended to acknowledge the fact that a large percentage of DC's children live in poverty and face stressors that impact their ability to thrive and learn at school. The "at-risk" weight currently applies to students who are homeless, in the District's foster care system, qualify for Temporary Assistance for Needy Families (TANF) or the Supplemental Nutrition Assistance Program (SNAP), or high school students that are one year older, or more, than the expected age for the grade in which the students are enrolled.⁴⁰

This past fall, this Committee held a public roundtable hearing to learn how DC schools are using at-risk funding. At that hearing and others, we expressed our concern that "at-risk" resources were being used to fund positions in DCPS's comprehensive staffing model, rather than supplementing school budgets, and we encouraged DCPS to shift the "at-risk" funding to follow the "at-risk" students through funded programs and supports at their schools.⁴¹

Indeed, we are encouraged to see, now, in DCPS's accounting breakdown that the proposed FY18 budget does designate some "at-risk" funding towards the school

budgets. It also appears that some of that funding is being channeled towards evening credit recovery programs, which could help at-risk youth who may need to catch up on missing credits in order to graduate. That is promising.

However, we continue to have some concerns. First, it is unclear what proportion of at-risk funding is indeed dedicated towards following student needs. It also seems that there are additional ways that “at-risk” funding could be utilized, and we encourage DCPS to explore that potential actively. As we have testified before, we believe that schools should use its “at-risk” funding specifically for programs and services that will help close the achievement gap, including for instance, academic interventions, evidence-based trauma therapies, mental health supports, and transportation assistance.⁴² We urge the Council to continue to press upon DCPS to extend its at-risk funding beyond its current patterns to better support our at-risk youth.

Expansion of Restorative Justice Programs

Restorative justice programs are designed to help all students; however, they are particularly relevant and impactful for those students who are disproportionately impacted by traditional school discipline practices, namely, students of color and students with disabilities.⁴³ We are pleased that DCPS indicated in its pre-hearing responses its intention to expand restorative justice practices as a response to disciplinary infractions.⁴⁴ After a successful small pilot in SY15-16, DCPS scaled its

restorative justice practices to reach 20 schools in SY16-17. DCPS has indicated that it is now planning to reach all 74 schools participating in the School Climate Initiative.⁴⁵ We would like to understand the level of funding that has been dedicated for this purpose in the FY18 DCPS budget. We also would like DCPS to provide more details around its budget commitments to move forward on its stated focus to expand restorative justice practices over the high schools' feeder patterns.⁴⁶

These developments are promising, and we are hopeful they will be adequately funded. As we all know, these steps are admittedly but a few on a long road, and there is much work yet to be done. DCPS still has a distance to travel to help the District's students with disabilities meaningfully improve outcomes and performance. We appreciate the Council's commitment to educating the District's most vulnerable youth, as we continue our close dialogue with DCPS on special education funding and programming.

Conclusion

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

¹ Children's Law Center fights so every child in DC can grow up with a loving family, good health and a quality education. Judges, pediatricians and families turn to us to be the voice for children who are abused or neglected, who aren't learning in school, or who have health problems that can't be solved by medicine alone. With 100 staff and hundreds of pro bono lawyers, we reach 1 out of every 9 children in DC's poorest neighborhoods – more than 5,000 children and families each year. And, we multiply this impact by advocating for city-wide solutions that benefit all children.

² As we testified yesterday, the proposed 1.5 percent per-pupil funding increase falls far short of OSSE's recommendation for a 3.5 percent increase and of the standard 2 percent annual increase in recent years. OSSE's Report on the Uniform Per Student Funding Formula, January 2017, accessed at https://seo.dc.gov/sites/default/files/dc/sites/osse/release_content/attachments/OSSE%20Report%20on%20UPSFF%20to%20Council%20Jan%202017.pdf. In its January 2017 report, OSSE stated that "an increase in the base rate provides the greatest flexibility to meet the diverse needs of the greatest number of schools, and schools with varying demographic populations, including alternative schools, charter schools, and DCPS schools. Id. at 4. OSSE specifically justified the 3.5% increase on the basis of, among other reasons, "to provide the most flexible funding for core program services and is enough to help fill identified gaps in funding at DCPS," and "to ensure that there is adequate funding for all students, and ensure that funding distributed from the at-risk weight is better leveraged and remains a supplement for the needs of those students most at risk." Id. at 4 and n. 2 (citing to DCPS testimony to the Education Committee).

³ DCPS FY16 Performance Oversight Responses, Q78.

⁴ 34 CFR § 300.320(b).

⁵ See, the *Enhanced Special Education Services Act of 2014* (DC Act 20-487).

⁶ Once funds are appropriated and the law is in effect, the Department of Disability Services (DDS) will also be able to start using currently-available Federal funding under the *Workforce Innovation and Opportunity Act* for services in middle schools and to students age fourteen and up during summer work opportunities. The WIOA requires DDS to use 15% of the Federal WIOA funding on students prior to graduation (Pre-Employment Transition Services), and allows it to use funds at the transition age set in IDEA (which is 16) or local law. See,

http://ruralinstitute.umt.edu/transition/handouts/VRBS_and_WIOA-28apr15.pdf

⁷ See, the *Enhanced Special Education Services Act of 2014* (DC Act 20-487).

⁸ DCPS FY16 Performance Oversight Responses, Q78, and DCPS SY2016-17 Transition Services Manual, found at <http://dcpstransition.com/wp-content/uploads/2016/10/2016-FINAL-TRANSITION-MANUAL.pdf>

⁹ Email to CLC from Kerri Larkin, Deputy Chief for Specialized Instruction, DCPS Office of Teaching and Learning, April 26, 2017.

¹⁰ See, *Enhanced Special Education Services Act of 2014* (DC Act 20-487). Evaluation must be done within 60 days of parent consent and 90 days of referral, giving schools no more than 30 days to secure parent consent.

¹¹ "The District's 120-day timeframe still appears to be the longest period of time in the country. 2015 Dunst Direct ¶ 89. In only five states does the timeframe exceed 60 days. Id." Corrected Memorandum of Opinion & Findings for Fact and Conclusions of Law, (June 21, 2016) *D.L. v. D.C.*, Civil Action 05-1437, at Finding of Fact 100.

¹² DCPS FY16 Performance Oversight Responses, Q75, compared to DCPS FY15 Performance Oversight Responses, Q71.

¹³ Compare DCPS FY16 Performance Oversight Responses, Q75 (reporting that, in FY16, 20% of evaluations were done within 60 days of referral and 44% done within 90 days of referral (unfortunately, it is impossible to tell the percentage done within 60 days of signed parental consent, but the 44% are likely within the new deadline) with DCPS FY15 Performance Oversight Responses, Q71 (in FY16, less than 5% of evaluations were completed within 60 days). We acknowledge that Early Stages has the challenge of physically getting young children into their center to complete evaluations, different than evaluations for children attending DCPS schools.

¹⁴ We know this from experiences in DCPS IEP meetings, as well as communication from Kerri Larkin, Deputy Chief of Specialized Instruction, on November 14, 2016, in which she stated that this is an IMPACT business rule. We have asked for a copy of that policy, but have not received it. Email on file with CLC.

¹⁵ Email to CLC from Kerri Larkin, Deputy Chief for Specialized Instruction, DCPS Office of Teaching and Learning, April 26, 2017.

¹⁶ OSSE FY16 Performance Oversight Responses, Q71 and Q72 – showing 7,080 DCPS students with IEPs, which DCPS reports to be just below 15% of all DCPS students, based upon preliminary Child Count file as of January 2017. Overall enrollment in DCPS grew for a fifth consecutive year in SY16-17, reaching 48,555 students as of the October 5 audit. See, DCPS Responses to FY18 Budget Oversight Questions, April 19, 2017, Q4. It is worth noting that DCPS’s previous strategic plan established the 15% benchmark as a goal to strive towards, although DCPS has never explained why 15% of children identified as needing special education is a legitimate goal based in research and realities about DC. Other states recognize more than 15% of students as needing special education, including Vermont, Indiana, Massachusetts, Maine, New Jersey, New York, Pennsylvania, and Rhode Island. See, https://nces.ed.gov/programs/digest/d15/tables/dt15_204.70.asp?current=yes

¹⁷ Detailed 2015-16 and 2014-15 PARCC and MSAA Achievement Results, OSSE, at <https://drive.google.com/open?id=0BxRyVj1lhggyY0JKTnRXOHhUd0U>. This is minimal improvement from last year, about 1-2%. DC scores on the National Assessment of Educational Progress, administered in 2015, are very similar, with about 4-6% of students with disabilities “proficient” (compared to 25% of non-disabled students) and 73-83% Below Basic in Reading (compared to about 40% of non-disabled students. See, https://www.nationsreportcard.gov/reading_math_2015/files/2015_Results_Appendix_Reading.pdf

¹⁸ Detailed 2015-16 and 2014-15 PARCC and MSAA Achievement Results, OSSE, at <https://drive.google.com/open?id=0BxRyVj1lhggyY0JKTnRXOHhUd0U>.

¹⁹ OSSE FY16 Performance Oversight Responses, Q10-ACGR and Q50. DCPS explained that that 47% includes students who earned the less-valuable “IEP Certificate of Completion.” Testimony of Kerri Larkin, for Public Roundtable on “The State of Special Education and Disability Services in Public Schools,” November 16, 2016, accessed at http://dcps.dc.gov/sites/default/files/dc/sites/dcps/release_content/attachments/DCPS%20Testimony_Roundtable%20on%20SpEd_11%2016%2016.pdf

²⁰ DCPS FY16 Performance Oversight Responses, Q76.

²¹ DCPS Agency Chapter, Table GA0-1.

²² Testimony of Kerri Larkin, for Public Roundtable on “The State of Special Education and Disability Services in Public Schools,” November 16, 2016, accessed at http://dcps.dc.gov/sites/default/files/dc/sites/dcps/release_content/attachments/DCPS%20Testimony_Roundtable%20on%20SpEd_11%2016%2016.pdf. See also, email from Thomas P. Flanagan, Deputy Chief, Inclusive Programming Division, April 12, 2016.

²³ Email to CLC from Kerri Larkin, Deputy Chief for Specialized Instruction, DCPS Office of Teaching and Learning, April 26, 2017.

²⁴ DCPS Proposed FY18 Budget, D-6 and Appendix C, C-6, line SA65.

²⁵ It appears that the Office of Teaching and Learning houses the Division of Specialized Instruction (DSI). However, the funding for DSI does not appear as a discrete line item and seems to be dispersed in other funding streams. Furthermore, DCPS also has special education operations and programming outside of OTL. See, Testimony of Kerri Larkin, Deputy Chief for Specialized Instruction, DCPS Office of Teaching and Learning, for Public Roundtable on “The State of Special Education and Disability Services in Public Schools,” November 16, 2016. We are being told by DCPS that funding for DSI is not being cut in the FY18 proposed budget; however, it is difficult to see those funding streams in the actual budget documents. See, Email to CLC from Kerri Larkin, Deputy Chief for Specialized Instruction, DCPS Office of Teaching and Learning, April 26, 2017.

²⁶ DCPS Proposed FY18 Budget, D-6 and Appendix C, C-6, line SS66.

²⁷ DCPS Proposed FY18 Budget, D-6 and Appendix C, C-6, line SS86.

²⁸ DCPS Agency Budget Chapter, Division Descriptions (describing Inclusive Programming division within Office of Teaching and Learning).

²⁹ DCPS Proposed FY18 Budget, Appendix B, B-1, lines ZZ29 and ZZ30.

³⁰ DCPS Proposed FY18 Budget, D-6 and Appendix C, C-6, line SS87.

³¹ See, testimony text *supra* at 3-4.

³² The revised FIS estimated that Early Stages would need \$600,000 in additional funding for FY17 and \$2,000,000 in FY18 for additional staffing. Revised Fiscal Impact Statement – *Enhanced Special Education Services Act of 2014* (October 6, 2014.)

³³ DCPS FY15 Performance Oversight Responses, Q87 Attachment. The national average rate at which preschool children receive special education is 5.94%, but experts estimate that the District should serve a larger proportion of children because of the characteristics of the population. Comparisons with other cities suggest that DC should provide special education services to approximately 10-12% of preschool children. Memorandum Opinion & Findings of Fact and Conclusions of Law, p. 9. *D.L. v. D.C.*, Civil Action No. 05-1437 (RCL). Nov. 16, 2011.

³³ See, Q2 Attachment, “FY 2013 Performance Accountability Report,” p. 8.

³⁴ National Research Council and Institute of Medicine, Shonkoff, J. & Phillips, D. A. (Eds.). (2000). *From neurons to neighborhoods: The science of early childhood development*. Washington, DC: National Academy Press; Center on the Developing Child at Harvard University. (2008). InBrief. *The science of early childhood development*. <http://developingchild.harvard.edu/resources/inbrief-science-of-eed/>

³⁵ See, DCPS Responses to FY18 Budget Oversight Questions, April 19, 2017, Q1.

³⁶ Attachment to DCPS Testimony for Committee on Education Roundtable on Special Education, November 16, 2016, slide 18. Accessed at

http://dcps.dc.gov/sites/default/files/dc/sites/dcps/release_content/attachments/Attachment%20for%20DCPS%20Testimony%20Roundtable.pdf.

³⁷ DCPS FY16 Performance Oversight Responses, Q60 (stating that students with IEPs and 504 plans receive the same instruction as general education students in summer school, though their teachers are “encouraged” to offer them accommodations from their IEPs).

³⁸ See, Matos, Alejandra, “Alternative high schools are giving D.C. students another shot at graduation,” *The Washington Post*, December 18, 2016.

³⁹ DCPS FY16 Performance Oversight Responses, Q77. General education teachers being informed about needed accommodations (e.g., more time on a test, preferential seating, movement breaks) is not the same as being provided all the special education services in a student’s IEP, which IEP is designed to provide what is needed for the child to access the curriculum. Each school making a “decision” to hire or not hire a special education teacher for credit recovery, which might be based on budget or easy availability, does not ensure that students who need the special education teacher to succeed will have that. Providing a paraprofessional for summer school, while an improvement over what DCPS has committed to provide in past summers, is not providing special education services.

⁴⁰ DC Code § 38-2901(2A) (definition of “at-risk”). It is worth noting that the current Budget Support Act proposes an amendment to the TANF/SNAP prong of the “at-risk” definition. Under the amended language, students would need to be certified to receive or actually be receiving TANF or SNAP benefits to be counted as “at-risk”; it would not be enough to simply “qualify” for TANF or SNAP as per the current language. See, the *Fiscal Year 2018 Budget Support Act of 2017*, B22-244 at 41-42, §§ 4081-4082. We understand this change may have been driven in large part by the logistical challenges of looking beyond those families who are certified to receive or are receiving benefits to properly identify those families who could theoretically qualify but have not applied. We also understand that the current language may have prompted some LEAs to investigate into the personal finances of the families of their students, a practice to which CLC would strongly object. That said, the amended definition would not accurately capture the entire “at-risk” population, and we encourage the Committee and DCPS to work towards a solution.

⁴¹ CLC Testimony at “At-Risk Funding for Public Schools” Roundtable Hearing, October 27, 2016, at 2 (citing to analysis completed by Mary Levy, April 2016. See, <http://www.dcfpi.org/analysis-of-fy-2017-dc-public-schools-at-risk-funds>. For more information on calculations and definitions, see <http://www.dcfpi.org/wp-content/uploads/2016/03/Final-Proposed-Education-Toolkit-for-Posting1.pdf>).

⁴² CLC Testimony at “At-Risk Funding for Public Schools” Roundtable Hearing, October 27, 2016.

⁴³ Students with disabilities are 1.4 times more likely to be suspended out of school, controlling for race and other factors. However, the inequity is even worse when race is considered: 18% of African-American students with disabilities were suspended in SY2015-2016 compared to 5% of Hispanic and 2% of White children with disabilities. One third of children who are expelled are in special education, disproportionate to their 15% of the student population. See, *State of Discipline: 2015-2016 School Year Report*, OSSE (2016).

⁴⁴ DCPS Responses to FY18 Budget Oversight Questions, April 19, 2017, Q18.

⁴⁵ *Id.*

⁴⁶ *Id.*