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At the Public Roundtable on The State of Special Education Services in the DC Traditional and Public Charter Schools and the “OSSE Enhanced Special Education Services Act of 2014: Implementation Report to the Council of the District of Columbia” Report
DC Council Committee on Education
November 20, 2017

Chairperson Grosso and members of the Committee, thank you for the opportunity to speak today. My name is Marlana Wallace, and I am a Policy Analyst at the DC Fiscal Policy Institute. DCFPI is a non-profit organization that promotes opportunity and widespread prosperity for all residents of the District of Columbia through thoughtful policy solutions.

Thank you for holding this hearing about special education services in the District’s public schools. We appreciate your continuing efforts to highlight and address issues for students with disabilities, including your work recently to reduce lost learning time students suffer when pushed out of school. And we appreciate the opportunity today to return focus to the long-awaited reforms included in the *Enhanced Special Education Services Act of 2014*.

Three years ago, the city set important goals to improve outcomes for special education students, to help infants and toddlers with developmental delays before they get too serious, to evaluate children so families get special education services faster, and to begin transition-planning for life after high school earlier. The Council unanimously passed these reforms in the *Enhanced Special Education Services Act of 2014*, but this legislation still needs to be fully funded, which means families are still waiting for services.

Every year in a child’s life counts. Now is the time for the Mayor and DC Council to fully support the preparation of OSSE, to reward the patience of families, and to invest in the futures of students with disabilities, by fully funding the 2014 Special Education reforms. Every year DC government delays, more children fall further behind, in need of more special education services.

It is important to note that OSSE has started to make progress on these goals, and in some cases additional funding has been provided. It appears that funding for earlier transition planning has now met the amount required in the fiscal impact statement. However, it is not clear if other reforms have been funded fully—or even how much they would cost—due to a lack of clarity over cost estimates and a lack of clarity over current funding levels. We urge the Committee to encourage the executive to fully and transparently fund the increases required to enact the long-over-due 2014 special education reforms. To accomplish this, we recommend that the Committee seek updated cost estimates from OSSE and then urge the mayor to fully fund those costs through distinct line items and budget narratives in the DC budget for Fiscal Year 2019.

Beyond these, we also call on this Committee to commit ongoing funding to the Special Education Enhancement Funds if the Mayor’s proposed budget does not.

Expanded Early Intervention

Birth to age three is a crucial time for brain and body growth. Yet too many babies and toddlers fall behind because they have unaddressed developmental delays in areas like language acquisition, motor skills, or social and emotional growth. This hurts their chances of starting school ready to learn, and particularly affects infants and toddlers in low-income families. Children living at or below the poverty line are more than twice as likely to be at high risk for developmental delays (19 percent) as their peers living at more than twice the poverty line (seven percent).¹

Early intervention reduces the chances of lost learning potential and leads to savings in special education services. Children who do not receive the specialized support they need as infants and toddlers have a much harder time making up lost ground later. DC's disappointing academic gap for children in special education – only about six percent are college and career ready – shows how hard it is to catch older children up in school.²

The earlier a child's disability or delay is identified, the sooner they are able to receive services. Almost half of children who get early intervention services completely catch up to their peers.³ For children with more severe disabilities, getting help early improves their skills and supports their families. The 2014 reforms are intended to reach children before delays get too serious.⁴ Because many of the newly-eligible children will have milder delays, it's expected that these children will be able to catch up to their peers by three years old, if they get the right services at the right time.

We appreciate the commitment of the Office of State Superintendent of Education (OSSE) to implement the new expanded early intervention eligibility standard for the last quarter of this fiscal year, including readying key staffing and budgeting changes.⁵ But more is needed to ensure the reforms are no longer subject to appropriations. First, we urge the Committee to seek firm answers from OSSE about current cost estimates and the assumptions upon which those estimates are based. Second, the Committee should strongly encourage the mayor to fully fund this identified cost in the proposed budget for Fiscal Year 2019. Third, the OSSE budget chapter should make clear through the narrative and Table 5 that this title is funded, and that "subject to appropriation" language can be removed.

Faster Evaluations for Special Education Services

Currently, schools have 120 days to complete evaluations for special education, the longest timeline in the nation.⁶ That means a child can struggle without services for half the school year. Faster diagnosis prevents lost learning time for students, and months of stress for their families. The 2014 reforms shortened completion of the evaluation to 60 days.

Fortunately, preparations have already begun for the new standard. OSSE also distributed over \$3.5 million to LEAs to help them prepare for faster evaluations, and DCPS evaluators are now using a 45-day deadline for their evaluation reports.

We appreciate OSSE's commitment to fully implement the faster evaluation deadline in July 2018, but remain concerned that the cost estimate is still inaccurate. The cost identified in the Fiscal Impact Statement seems to be too high. It would more than cover the entire cost of every evaluation, not just the difference in what it will take to complete them faster. All the education agencies have now had over three years since the passage of the Acts to better analyze need and cost.

We urge the Committee to get a definitive answer on the current fiscal impact, and to support the executive in fully funding it. A clear budget narrative and separate budget line in the Mayor’s budget proposal would increase transparency and help patient families and advocates feel confident the funding is in place to lift the “subject to appropriations” language.

Earlier Transition Planning for Life After High-School

All youth benefit from support in thinking about and planning for their futures after high school. The transition from school to adulthood is especially important for youth with disabilities. One year after graduating or leaving school, two-thirds of youth with disabilities in DC are not in college or working.⁷

Under federal special education law, schools are obligated to develop “transition plans” for special education students between ages 16 and 22 years old to help them prepare for life after high school. The Enhanced Special Education Services Act of 2014 wisely begins planning earlier, at age 14.

Individual transition plans help youth with disabilities figure out how to take steps towards their personal aspirations for college, career, and independent living. Youth do better when they start transition planning earlier—before choosing their high school—and when they have robust support from their schools and families. DC needs to set youth up for success, and fully fund earlier transition planning to make it law, so that all students and schools start these crucial conversations at age 14.

Fortunately, despite the lack of clearly appropriated funds, OSSE and the LEAs have been getting ready. OSSE began offering training to middle schools on transition planning in school year 2015-16. DCPS began implementation last year and hired a Middle School Transition Coordinator this year. The original Fiscal Impact Statement for this reform was only \$155,000. Through the Special Education Enhancement Fund Formula grants issued this past October, LEAs received more than enough funding for this reform. We believe that the agency should be able to get certification from the CFO that funding is now adequate to satisfy the original Fiscal Impact Statement and remove the “subject to appropriation” language.

Maintain Special Education Enhancement Funds

Lastly, the Special Education Quality Improvement Act of 2014 established a Special Education Enhancement Fund (SEEF). The SEEF is to provide additional funding to build capacity in DC schools to better serve special education students. OSSE started a competitive grant with part of the SEEF funding, but could only fund six projects (despite receiving over 40 statements of intent to apply, and about 20 complete applications). There is a clear need for additional funding to improve schools on behalf of students with disabilities through innovative projects and partnerships. We call on this Committee to commit ongoing funding if the Mayor’s proposed budget does not.

Recommendations Summary

We urge the Committee to encourage the executive to fully and transparently fund the increases required to enact the long-over-due 2014 special education reforms.

Towards that end, we recommend:

- OSSE should seek written certification from the CFO that adequate funding has already been allocated to satisfy the original Fiscal Impact Statement for earlier transition planning.
- The Committee should get firm and accurate answers on the current cost of expanding early intervention and of shortening the special education evaluation completion deadline within DC schools, through an updated fiscal note if necessary.
- The Committee should strongly encourage the Mayor to fully fund the 2014 special education reforms in her proposed budget for FY 2019.
- The legislative and executive branches should work together to ensure budget transparency. Clear budget narratives joined to separate budget lines for early intervention and special education evaluations, starting with the Mayor’s budget proposal for Fiscal Year 2019, would help patient families and advocates feel confident the funding is finally in place in Fiscal Year 2019 to lift the “subject to appropriations” language.
- We call on this Committee to commit ongoing funding to the Special Education Enhancement Funds if the Mayor’s proposed budget does not.

¹ Child Trends Data Bank, “Screening and Risk for Developmental Delay”, July 2013, https://www.childtrends.org/wp-content/uploads/2015/10/111_Developmental-Risk-and-Screening.pdf

² OSSE, “2017 DC PARCC Results”, https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/2017%20PARCC%20State%20Results%20Public%20Presentation_updated%20Sept.%2027%2C%202017_0.pdf

³ National Early Intervention Longitudinal Study (NEILS), “Early Intervention for Infants and Toddlers with Disabilities and Their Families: Participants, Services, and Outcomes”, https://www.sri.com/sites/default/files/publications/neils_finalreport_200702.pdf

⁴ The reforms would expand services to children with a 25 percent delay in one area. This new eligibility standard replaces the current policy to wait for a 50 percent delay in one area or 25 percent in two areas.

⁵ OSSE, “Report on Implementation of Strong Start, Quarter 4”, October 1, 2017, <http://lims.dccouncil.us/Download/39048/RC22-0097-Introduction.pdf>

⁶ 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.

⁷ “District of Columbia IDEA Part B Local Education Agency Report for Federal Fiscal Year 2015”, <https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/FFY%202015%20APR%20Report%20to%20the%20Public.pdf>