

COMMITTEE OF THE WHOLE  
PUBLIC HEARING

on

B25-847 “Advancing Equity in Special Education Protocols Amendment Act of 2024”  
and

Oversight of Education for Students with Special Needs

on

Wednesday, November 20, 2024, at 12:30 p.m.

Good evening, Chairman Mendelson. I am testifying in my individual capacity as Ward 5 member of the State Board of Education, and I am not representing the views of the Board as a whole.

Special education is hard, it is expensive, it is increasingly difficult to staff, *and* it is our city’s legal obligation to all students who need it.

As an elected representative and even before that as someone who talked with a lot of families about their education experiences, I have a lot of conversations about special education. Across a wide range of student needs and irrespective of sector, those conversations always go something like this: the family had to fight for every service they got for their student, often succeeding only after engaging an advocate or lawyer, and they have to continue to fight for follow through on the student’s IEP.

There’s a subset of these conversations just about OSSE transportation. Unpredictable service and schedules and inconsistent and sometimes incorrect communication create a daily guessing game for families and the students who most need a predictable routine.

Finally, while I have only anecdotal evidence, families are leaving DC expressly to find better special education services.

We have hundreds of special education teachers, dedicated aides, and other service providers doing their best to serve their students, but we don’t adequately support them. We’ve got dozens of policies, but we don’t adequately implement or enforce them. Consequently, *as a system* we are falling woefully short

I think there are two main underlying problems:

1. LEAs are reluctant to increase their number of 504 and IEP-supported students whether through enrollment or evaluation and identification because they know that they won’t have or get the resources to serve them well.
2. OSSE has largely interpreted its role in monitoring and enforcing LEA compliance with federal special education law as reactive rather than proactive, essentially leaving it to parents and caregivers to initiate and fight for enforcement when students’ rights to free and appropriate public education are unfulfilled.

To address the first of these problems, we could start by implementing an increased weight for students with disabilities in the UPSFF as recommended by the DME's school funding study. Yet, we might need to supplement that further because costs do not always rise proportionately per student (for example, the cost of adding a student that takes a classroom over the student-to-teacher ratio and requires an additional hire is greater than the cost of adding a student within the ratio limit).

To address the second of these problems, we need a change of approach. I suspect, however, that such a change would be more likely if OSSE were an independent agency. The fact that both the state-level and local-level education agencies report to the same executive is a conflict of interest.

To conclude, I will say that I support B25-847. Implementing it may be hard, it may be expensive, and it may be difficult to staff, but I believe it is the city's obligation to its special education students.

Thank you,

Robert Henderson