



Advocates for Justice and Education, Inc.

The Parent Training and Information Center for the District of Columbia

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Advocates for Justice and Education, Inc.

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My name is Maria Blaeuer and I am the Director of Programs and Outreach at Advocates for Justice and Education (AJE). AJE is the federally designated Parent Training and Information Center (PTI) and Family-to-Family Health Information Center for the District of Columbia. Each year we assist hundreds of families through direct services, training, and advocacy in navigating the District's public education and healthcare systems, especially for children with disabilities and special healthcare needs, including areas such as the special education process, negotiating school selection and placement, and addressing matters of school discipline.

In the last fiscal year, AJE provided **direct assistance to 1,093 DC families** to support their advocacy in addressing various educational issues relating to school, transportation, school discipline, special education services and more. AJE staff provided **in-person and virtual training to over 2,100 parents** and almost **500 professionals**. AJE staff also attended over **400 meetings with coalition, community organizations and other stakeholders** working to improve the system that serve young people with disabilities and their families. Finally, AJE staff supported families in more than **60 meetings at schools** - including eligibility and referral meetings, IEP and 504 meetings, and manifestation determination reviews.

Today, I will share the broad themes and challenges we are seeing in our work with families as its intersections with OSSE's work as the State Education Agency and the Council's oversight of that work. I will also touch on AJE's ongoing work to increase transparency in public education as it connects to DCPS, as DCPS' actions in this space in contrast to both the law and the model for implementation of that law offered by OSSE.

Broadly speaking my testimony today will cover re OSSE

- Transportation for students with disabilities
- Data management/migration.
- Governance Gaps, specifically in the licensing and regulation of OST providers, special educators in the charter sector, enforcement of civil rights law protecting the rights of students of disabilities and in the administration of MySchool DC.

Broadly speaking my testimony today will also cover DCPS

- Transparency - our litigation regarding the publication of Letters of Resolution and efforts to increase publication has been successful, but it was HUGE expenditure of AJE’s time and resources to bring DCPS in compliance with existing law.
- Staff Shortages - as you have heard from other witnesses unlike the District of Columbia does not have any kind limits on class size outside of what the fire marshall mandates for safety and the WTU and DCPS agree to. We ask the council to consider if a legislative or regulatory solution is required.

Thank you for the opportunity to testify today, and I welcome the chance to answer any questions you may have.

TRANSPORTATION OF STUDENTS WITH DISABILITIES

The persistent challenges OSSE-DOT has faced in providing reliable transportation to students with disabilities is well documented and I will not reiterate those challenges here. Instead, I hope to point out places where the council can take some action.

The start of the school year and the start of the new year for the last two years have been particularly challenging for families as the results of OSSE-DOTs non-performance. We have seen some incremental progress outside of those two problem times over the last year, however not nearly as much as OSSE-DOT might lead you to believe.

This is because OSSE-DOT has moved the goalposts.

<i>Program location</i>	<i>Estimated Ride time</i>	<i>2023-2024 Estimated ride time</i>	
<i>Within DC</i>	<i>75 minute</i>	<i>90 minute</i>	<i>15-minute increase</i>
<i>6 miles from DC</i>	<i>75 minute</i>	<i>105 minute</i>	<i>30-minute increase</i>
<i>Between 6 and 15 miles from DC</i>	<i>90 minutes</i>	<i>120 mins</i>	<i>30-minute increase</i>
<i>greater than 15 miles from dc</i>	<i>120 minutes</i>	<i>190 minutes</i>	<i>70-minute increase</i>

We encourage the council to ask the government witnesses about how exactly they are defining “on time” whenever they describe any aspect of their performance and ask them if that definition as changed.

App for parents/Parent Portal

In July of 2019, after a meeting that included OSSE-DOT, I published [a blog post](#) on the AJE website reminding parents to make sure that their LEA had provided OSSE-DOT with an appropriate and accurate TRF (transportation request form).

If your child qualifies for transportation services, your child’s school or LEA must submit a Transportation Request Form (TRF) to the [OSSE Department of Transportation](#) (OSSE-DOT) so OSSE can include your child when they plan transportation routes for the upcoming school year. OSSE has not received TRFs for many students who are entitled to transportation services through their IEPs, and recently sent a [letters to parents](#) whose school or LEA has not submitted a TRF. If your child’s school does not submit a TRF to OSSE-DOT, your child will not have a bus routed to them!

I was frustrated by this blog post because it represented yet another shift of government responsibilities for providing FAPE to parents, but the reality was that in order to increase the probability of a smooth start to the school year, it was important that families who relied on OSSE-DOT for transportation take this extra step, yet another time tax on families of students with disabilities. But as I drafted that post I was also excited because OSSE had shared two pieces of what I thought was good news -

OSSE-DOT has been working to improve their services by incorporating parent and student feedback. This summer OSSE is piloting a “parent portal” which will serve as a one-stop shop for parents to directly access and update information regarding their child’s transportation. OSSE is also continuing to develop an app for parents, similar to UBER or NEXTBUS, which will allow them to track the location of their child’s bus in real time. Yes parents – there will finally be an app for that!

It is now almost 5 years after that blog post, and there still is not an app for that, despite several new contracts with different vendors, changes in software and pilot attempts that never made it to implementation. The transportation specific parent portal discussed in 2019 is no longer planned for, and the parent portal that OSSE said would be included in the new special education data system, Special Programs, has not been activated by any LEA, although I did see a demonstration of it pre-transition to Special Programs, so I remain hopeful that parents may see that. We also ask the council to ask OSSE to ensure that taxpayer resources have been well spent in this ongoing journey to providing families with the ability to track their child’s bus.

Stipend

This is the third year that AJE has testified about OSSE’s plan to potentially offer a stipend to parents who self-transport. As I understand it, stipends may begin later this spring for some families on a pilot basis. While AJE has concerns about shifting the burden of providing related services necessary for FAPE like transportation onto parents, we understand the attractiveness of an upfront payment to parents, especially in light of families’ need for certainty and reliability and OSSE-DOT’s persistent failures. As long as this is provided on an optional basis only, the stipend

is adequate to cover the family's actual costs, and the decision to opt in is reversible, we look forward to seeing if a stipend program can increase student attendance, on time attendance and parent satisfaction for participating families, as well as provide OSSE-DOT as a system with increased capacity.

Reimbursement

Every day OSSE announces the number of impacted routes on social media and that they will reimburse the parent who has to self-transport because of OSSE's failure. Like the stipend, this is essentially a burden shift from OSSE, who is receiving federal funding to do this, to the parent. Reimbursement does not compensate the parent for what they actually lose when OSSE fails to provide transportation as required - parents lose time from work, their ability to care for other children is impacted, and their ability to plan their day with any reasonable degree of certainty. All too often a call to AJE about transportation from a working parent also involves a referral to an organization like First Shift Justice, who educates parents about their workplace rights. Compounding those costs to parents (who again are not the ones receiving federal funding to provide this service) is the time tax of requiring the parent to request reimbursement. I remain confused about why OSSE requires parents to request reimbursement at all. OSSE already knows full well the distance between the home and the school and if the child was in attendance. **As we have mentioned before, if a child attended school, and OSSE did not provide the service they were required to, it should be self-evident that they owe somebody else, usually the parent, for doing what they were supposed to do.**

Preparing for Budget

AJE wants to see all agencies serving students with disabilities funded at a level that allows them to meet their obligations and fulfill their mission. We are supportive of innovations like an app for parents or parent portal or a stipend, we hope to see OSSE join neighboring jurisdictions and install cameras on buses. We want to see bus attendants, drivers, and medical staff on buses paid at a level where OSSE can attract and retain good people. But we also encourage the Council to ask OSSE what happened to the money that has gone for these projects in the past.

It is impossible to separate OSSE-DOT's challenges in providing transportation from the next topic I wish to discuss, the data infrastructure of OSSE as a whole deal.

DATA MANAGEMENT AND MIGRATION

AJE was pleased to see OSSE prioritizing the infrastructure that facilitates education. We are still seeing ongoing repercussions from what was a challenging and difficult transition. I will not detail for the Council again the challenges that families in schools experienced with the transition to Special Programs, as I know you've heard it elsewhere, but I do want to highlight a few things, first that this transition isn't done, there are functions and aspects that have yet to be turned on, for example the 504 option and the parent portal are not fully enabled, and there is a huge need for staff training. We are especially concerned that the new Special Programs Data System does not require LEAs to use it to track 504 plans, failing to take advantage of an opportunity to address a persistent problem in DC - "lost" 504 plans. This happens with alarming regularity whenever a child changes schools or LEAs. Special Programs has a Parent Portal option that has yet to be implemented by any LEA. This portal would lessen the workload for parents and school is an important feature. Another ongoing challenge is the fact that all of the information from the

student's IEP related to the accommodations and modifications they mean need to access transportation does not automatically transition to the student's transportation request form (TRF), and OSSE-DOT does not have independent access to the students IEP meaning that they literally don't have all the information they need to do their job.

GOVERNANCE GAPS

Allowing unlicensed Out of School Time (OST) providers

Before and aftercare programs in schools are exempted from OSSE's child care licensure requirements. As a result, these providers are often unaware of their legal obligations regarding students with disabilities, specifically that they are required to include them in their programming and make their programming accessible unless doing so would be unduly burdensome and or require a fundamental alteration of the program. Compounding that problem is the fact that LEAs often fail to appreciate their liability and responsibility for the discriminatory behavior of the out-of-school time providers that they provide substantial support to, despite clear guidance regarding the same from the federal government.

In addition to making child care less accessible to families of students with disabilities, allowing unlicensed OST providers also makes child care less accessible to lower income families. This is because, OSSE childcare vouchers can only be used by licensed providers. There's no incentive for aftercare providers to seek OSSE licensure, as it imposes a certain regulatory burden on them and from some providers' perspective, the only benefit to them doing so would be to accept the childcare vouchers.

AJE has seen an increase in the number of calls we get about access to before and aftercare, both for students with disabilities and for students who are dependent on the voucher program access care. In contrast, we have seen a decrease in the number of infant, toddler and early childhood daycare programs parents are contacting us over the last few years. We suspect that some of this difference is due to the difference in the amount of amount of regulation oversight and monitoring these different types of programs are receiving.

Allowing Undercredentialed Special Educators in Charter Sector and Supporting Charter School need to Increase Capacity

As the state educational agency, OSSE as he has an obligation to make sure that all local educational agencies are complying with their obligations under IDEA, as well as other relevant federal and local laws. However, as I discussed in my testimony yesterday, many charter schools still struggle to to comply with the requirement that they offer the full range of services and placements to students with disabilities. Effectively denying access to the charter sector for many families of students with disabilities. Students with significant needs may be placed in non-public schools simply because their charter lacked the capacity to serve them in a less restrictive placement, and many parents of students with disabilities leave charters when they realize that the school has no experience or expertise serving a child like theirs, and they are unwilling for their child to be a guinea pig as the school tries to figure it out. Charter schools need additional support from OSSE in order to make sure that students with disabilities have equal access to school choice in DC.

Another continuing concern is that students in the charter sector do not have a right to be taught by licensed and credentialed teachers, and because OSSE views this as a hiring or employment decision, they deem licensing and credentialing of charter school teachers as outside of the scope of its authority to require it. We disagree; ensuring that charter teachers are fully and appropriately credentialed is absolutely within OSSE's mandate as the state educational agency. We ask the Council to work with OSSE, the PCSB, and other stakeholders to establish a clear democratic governance structure over the charter sector that ensures students in the charter sector are not less protected and have fewer rights because their parents exercised their right to school choice.

My School DC Administration

OSSE now administers the MY School DC program and has failed to ensure that students with disabilities have equal access to the lottery by continuing to permit DCPS to unilaterally disregard lottery matches with students who have more than 20 hours on their IEP. We understand that IDEA allows LEAs like DCPS to not offer every program at every school, and we understand that IDEA does give DCPS the authority to place students at school's other than their lottery placement, or their neighborhood school if it is necessary for the provision of FAPE to that child.

However, DCPS has abused this authority, and when a student with significant needs has a neighborhood school capable of meeting their IEP-related needs or a lottery placement capable of meeting their IEP-related needs, DCPS moves them without regard to their lottery placement or their neighborhood school. This action by DCPS, reflects both a fundamental misunderstanding of their authority and the rights of students and families and should not be permitted. IDEA is an important civil rights law, but it is NOT the only law that protects students with disabilities. It is also profoundly disruptive to families who may have done a great deal of research to determine what DCPS school is capable of implementing their child's IEP and made decisions in the lottery based on that, only to be told that because of their students disability they are unable to access the lottery placement they received.

OSSE should use thier authority as the SEA and administrator of the lottery to help families and students stay in the school of their choice so long as it as capable of implementing to the student's IEP. Doing anything less denies students with disabilities equal access to school choice.

My School DC has matched students to charter LEAs they are ineligible to attend because of disciplinary actions, and then the matched charter has permitted the child to enroll, only to revoke that enrollment later. This problem happens because charter schools in the District of Columbia are allowed to expel students (an ability that is functionally unavailable to DCPS, and one that charter LEAs use, resulting in significantly higher expulsion rates) and deny them access to that LEA for the remainder of their public school careers. While AJE has significant concerns about both the wisdom and legality of this policy choice by the PCSB and charter LEAs and its compliance with the Student Fair Access to School Act, there does not seem to be any kind of mechanism required by the PCSB at the individual charter school level or by OSSE at the MySchoolDC level to prevent this from happening. Even more frustrating there is no easily accessible redress available to families who find themselves in this position, short of litigation. We encourage the Council to use their oversight authority to press for both a practical solution and end to the practice entirely.

I welcome your questions both tonight and in the future. Thank you for the opportunity to testify today, and I welcome the chance to answer any questions you may have.

