



Advocates for Justice and Education, Inc.

The Parent Training and Information Center for the District of Columbia

**Testimony of
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Committee of the Whole
Oversight of Out of School Time Programs

November 21, 2024

Good afternoon, Chairperson Mendelson, and members of the Committee of the Whole. My name is Maria Blaeuer and I am the Director of Programs and Outreach at Advocates for Justice and Education (AJE). Today, I am testifying on behalf of Advocates for Justice and Education (AJE) in support of B25-0630, the Universal Out of School Time (OST) Amendment Act of 2023, with recommendations for amendments.

My testimony focuses on two critical areas:

1. The oversight of OST programs under the Office of the Deputy Mayor for Education (DME).
2. The need for the enforcement of existing local and federal anti-discrimination laws by relevant agencies—specifically the Local Educational Agencies (LEAs) hosting OST programs, and the DME and Office of the State Superintendent of Education (OSSE), which fund, support, monitor, and regulate these programs.

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 or training to 1,623 DC families, including direct assistance to 407 new families to support their advocacy in addressing various educational issues relating to school, transportation, school discipline, special education services and more. Naturally this includes navigating OST programs, recreation programs, camps, etc....

B25-0630, the Universal Out of School Time (OST) Amendment Act of 2023 is an important step toward ensuring that all children in the District of Columbia, particularly those in underserved communities, have access to enriching and supportive out-of-school-time programs. These programs play an essential role in fostering youth development, supporting working families, and enhancing community safety. They are also important for students with disabilities, who are often denied access to them.

We support passage of B25-0630, but have concerns that without a substantial strengthening of enforcement of local and federal anti-discrimination laws by the relevant DC agencies, the OST programs will continue to be inaccessible to students with disabilities. We have three specific changes to the legislation that we think will encourage greater accessibility for students with disabilities, and that bring the legislation to line with existing local and federal law.

The Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 define disability broadly as a physical or mental impairment that substantially limits a person's major life activities, this is a broader definition than is used by IDEA. Therefore, it applies to children with IEPs, 504 plans and who may have neither, but still may have a disability. Both laws prohibit discrimination against individuals with disabilities, including disabled children and disabled adults in need of childcare and including aftercare.

Specifically, the ADA stipulates that childcare programs cannot exclude children with disabilities unless including them would require a "fundamental alteration of the program" and that programs must make "reasonable modifications" to integrate disabled individuals. Similarly, Section 504 prohibits "otherwise qualified" individuals from being unable to access or benefit from federal programs due to their disability being prohibited. However, because of the difficulties involved with the enforcement of these long-standing laws, and a lack of awareness of the requirement to serve students with disabilities on the part of both the sponsoring LEA and the OST providers, students with disability are often excluded.¹

Specifically, we propose the following small but important changes

1. Broaden the Definition of "Child with a Disability"

At lines 51 to 53, the bill should not refer to IDEA for a definition of "child with a disability", but to the broader definition offered by Section 504. This would make the bill consistent with existing federal anti-discrimination law, and lessen confusion for families and providers who may mistakenly think that an IEP is required to have protections as a student with a disability in the OST context. Section 504, and the ADA are the laws that protect individuals with disabilities in the community, so that is the more appropriate references in this context.

2. Expand Language on Legal Compliance

At lines 124-125, the bill should not refer to "local and federal guidelines" only, but rather to "*local and federal laws, regulations and guidelines*" regarding access for students with disabilities. Again, this would make the bill consistent with existing federal anti-discrimination law, and lessen confusion for families and providers.

3. Clarify Providers' Obligations to Accommodate Disabilities

Finally, at lines 128 - 129, the following clause should added at the beginning of line 128 to ensure that providers are aware of their obligation to include students with disabilities - "*if*

¹ Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35. Title II prohibits discrimination on the basis of disability by public entities.

reasonable modifications and accommodations are not sufficient to allow a student with a disability access to the program....” Again, this would make the bill consistent with existing federal anti-discrimination law, and lessen confusion for families and providers.²

It is important to note that regardless of if you make these changes, ADA and Section 504 apply in the community context. Previous advocacy by AJE, our partners and others have resulted in LEAs and the OST providers partnering with them, agreeing to or being required to:

- Provide information to families about how to access accommodations in aftercare.
- Make the OST program available to students with disabilities by providing medication delivery trained staff.
- Funding an aide.
- Requiring a hosting LEA to provide access to bathroom with changing table for OST provider.
- Allowing outside providers funded by the family access to the student within the OST program.
- Implementing a behavior plan used at school in aftercare.
- Allowing student access to medication to manage a chronic condition.
- Allowing students who attend nonpublic access to aftercare at their home school.

None of these modifications and accommodations mentioned above involved creation of new law or required the application of the law to a particularly novel or unexpected set of facts, but they did all require the involvement of an attorney. A lack of awareness of the part of the OST providers and the partnering LEAs however meant that substantial legal involvement was required, ranging from informal advocacy, to filing a complaint with the US Department of Education’s Officer for Civil Rights and filing a grievance with DCPS’ CARE team.

Because there are no local agencies tasked with specifically tasked with enforcing ADA and Section 504 in the educational context beyond the LEA level, families are referred by OSSE and LEAs to the Office for Civil Rights at US Department of Education when there is a problem, which is unduly burdensome and slow for many families. The Office for Human Rights is similarly not well positioned to address these matters and have not developed the needed subject matter expertise. OSSE does have the expertise but maintains that it does not have the authority.

² Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and its implementing regulation, 34 Code of Federal Regulations (C.F.R.) Part 104. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance (FFA). OST providers, who do not directly receive FFA are still required to comply with Section 504 if they receive support from the LEA they partnering with.

Until such time as the governance issues around OST oversight are resolved, and there is clear local oversight, we encourage the DME's office, OSSE and other relevant agencies to actively:

- Monitor and support OST programs, and their partner LEAs, for compliance with local and federal laws, regulations and guidelines regarding the rights of students with disabilities.
- Provide technical assistance and mandatory training that approaches the inclusion of students with disabilities as the civil and human right that it is for OST providers, and their partnering schools and LEAs.

Barrier to Aftercare Access: Family Hesitancy Due to Perceived Exclusion

Many families are discouraged from attempting to enroll their children in aftercare programs because they anticipate rejection or have previously been removed from multiple programs. This pattern can stem from a lack of clear communication about program inclusion or past negative experiences, leaving families to feel that aftercare may not be accessible or supportive of their child's needs. This is why so many of our recommendations here are around training and the need for clear guidance to OST providers and their partners. Right now, children with disabilities are often missing out on valuable opportunities for growth and engagement, further highlighting the need for policy adjustments that foster a welcoming and inclusive OST environment for all students.

Challenges with Current Licensing and Childcare Voucher Policies

Currently, before and aftercare programs in schools are exempt from the Office of the State Superintendent of Education (OSSE)'s childcare licensure requirements, **meaning they are not required to meet the regulatory standards applied to other licensed childcare providers**. At the same time, OSSE's child care vouchers can be used for before and after care, but are only valid at licensed providers, so many fee-charging school-based aftercare programs cannot accept these vouchers.

This policy creates a significant barrier for families who need financial support to access aftercare services and it means that many OST providers are less aware of their obligations under the law than their fully licensed counterparts who receive required training and support from OSSE. Many parents assume that unlicensed aftercare programs choose not to accept vouchers, but in reality, they are simply ineligible to accept because they are unlicensed. This limits access to aftercare for families whose children do not attend schools offering free aftercare and places an undue burden on parents who need these supports to balance work and family responsibilities.³

Impact on Families

For the families I work with, this policy gap has a tangible impact. Without the ability to use child care vouchers at unlicensed aftercare programs, parents are often left with limited or no options for affordable aftercare at their child's school. This issue disproportionately affects families of students

³ Office of the State Superintendent of Education. *Final Rulemaking for the Licensing of Child Development Facilities*. Section 101.5, exemptions for facilities providing only before-school care, after-school care, or summer camp for school-age children, 2024, <https://osse.dc.gov/publication/child-care-licensing-regulations>.

with disabilities and low-income families who are more likely to rely on vouchers to cover aftercare costs.

In recent years, AJE has seen a decrease in inquiries about early childhood care options, but a significant increase in requests for help navigating aftercare for school-age children. Many of these calls are from parents of students with disabilities who face additional challenges in accessing suitable care.

Importance of Universal OST Access

OST programs are instrumental in promoting students' social, emotional, and academic growth. According to the DC Policy Center's 2023 OST needs assessment, high-quality OST programs significantly improve school attendance, classroom engagement, and the development of new skills. OST programs offer young people a safe environment, reducing their exposure to and involvement in crime during peak after-school hours.

Despite the proven benefits, only 41% of D.C.'s public school students participate in publicly funded afterschool programs, and 36% in summer programs. This leaves approximately 53,000 students without access to afterschool programs and 57,000 without summer programs, with the greatest disparities affecting Black and low-income youth in Wards 7 and 8. These wards, home to 92% and 82% Black youth, respectively, face the most significant gaps in access due to a history of disinvestment and structural barriers.

Benefits for Youth, Families, and Communities

Universal OST access would benefit youth across all domains, including social-emotional well-being, academic achievement, and college and career readiness. It would also provide crucial support for working families, with 90% of surveyed D.C. parents agreeing that afterschool programs give them peace of mind and 84% stating that these programs help them maintain employment. These benefits are particularly important to students with disabilities.

Funding Needs and Recommendations

To achieve universal OST, the District requires an additional \$276 million, divided between afterschool and summer programs. While current funding through Learn24, the Department of Parks and Recreation, and federal grants supports about 15,200 youth, it is far from sufficient. Notably, the expiration of the Elementary and Secondary School Emergency Relief (ESSER) funds will create a \$6 million funding gap that needs to be addressed to maintain existing program seats.

Rising operational expenses and declining revenue, particularly due to reduced private tuition payments, have left many child care programs struggling to stay afloat. While federal relief packages have offered a lifeline, OSSE must prioritize immediate distribution of these funds as grants or higher subsidy rates without burdensome restrictions, allowing providers the flexibility to cover critical costs such as rent, staffing, and equipment.

This funding shortfall affects not only child care providers but also the broader ecosystem, including Out of School Time (OST) programs, which often share facilities, staff, or resources with early learning centers. The financial crisis in child care creates a ripple effect that undermines the stability of OST programs, reducing access to essential after-school care for older children.

DPR Internal Process Improvement

Currently, the Department of Parks and Recreation (DPR) lacks an efficient internal process to support families navigating accommodations and accessibility within its programs. Many families struggle to navigate these processes, and when they are unsuccessful, their only recourse is civil litigation. This route is often prohibitively expensive, time-consuming, and can lead to families being without necessary childcare, particularly during the summer when timely access is crucial. A more streamlined, accessible internal process within DPR would be a far better solution, ensuring that families can secure the needed support without resorting to costly and lengthy legal action.

Conclusion

In supporting B25-0630 with the above recommendations, the Council would be investing in a safer, more equitable future for our youth. By ensuring that every child has access to quality OST programs, we not only support their growth and development but also strengthen families and communities across the District. We strongly urge the committee to pass this vital amendment and commit to funding the expansion of OST programming for all. Thank you for your time and attention to this important issue, and for the opportunity to testify today. I welcome any questions you may have.