

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the State Superintendent of Education



Public Roundtable on “Special Education Policies for Students with Disabilities”

Testimony of
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Before the

Committee of the Whole
The Honorable Phil Mendelson, Chairman

Council of the District of Columbia

Virtual
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Good afternoon, Chairman Mendelson and members of the Committee of the Whole, my name is Victoria Glick, and I serve as the Director of Special Education at the Office of the State Superintendent of Education (OSSE). I am pleased to appear before you today to testify on special education policies related to the implementation of individualized education programs (also called IEPs) and our work to implement the Dyslexia and Other Reading Disabilities Screening and Prevention Pilot Program Act of 2019.

OSSE has articulated a bold vision for the District of Columbia. We envision that DC will close the achievement gap and ensure people of all ages and backgrounds are prepared to succeed in school and in life. We understand that many of our students face obstacles that could impede their academic progress, and it is important to ensure that all students receive the supports that they need. This is particularly critical for the nearly 1 out of 5 students in the District who are identified as students with disabilities and are entitled to special education services and related protections under both federal and local law.

OSSE has been very clear that we can and must do better to support students with disabilities in the District of Columbia. In our current strategic plan, we committed to accelerating academic outcomes for students with disabilities. This is important work that has not stopped even as we have responded to the challenges of the COVID-19 pandemic.

OSSE published a landscape analysis¹ that is foundational to our discussion today. In that landscape analysis, we found that although educational outcomes in DC have improved, outcomes for students with disabilities lag significantly behind their peers. For example, for every 20 students without disabilities in the District of Columbia, 9 of those students performed on grade level on the statewide assessment in 2019. However, for students with disabilities, only 2 of every 20 students did the same. From 2016 to 2019, grade level performance grew by 14 percentage points in English Language Arts for students without disabilities, but only 3 percentage points for students with disabilities. Further, attendance rates are lower and discipline rates are higher for students with disabilities. And although the District of Columbia has outperformed other urban jurisdictions in academic achievement as observed on the National Assessment for Education Progress (NAEP), that's not so for students with disabilities, with Miami-Dade, Boston, New York City, and San Diego demonstrating better outcomes.

We are very clear on what it will take to improve this disappointing and concerning reality. We strongly believe that students with disabilities can perform at grade level when provided with appropriate services and supports. *So what are we doing about it?*

First, we are very concerned about the impact that the pandemic has had on students with disabilities, and it is critical that we are rigorous in our analysis to understand the pandemic's impact. This Council has expressed concern about the lack of data on learning loss during the pandemic due to the suspension of the statewide assessment for the past two years. We are pleased to administer the

¹ ["Students with Disabilities in the District of Columbia Landscape Analysis."](#) Office of the State Superintendent of Education.

statewide assessment to all students this spring. This is foundational information that we will use, and share with all our stakeholders, so we are all working from a common set of facts.

OSSE has also published a special education roadmap which outlines the steps we are taking to accelerate outcomes for students with disabilities.² Our key efforts focus on data, educator support, LEA support, and support for families. We must set clear and high expectations for focusing on outcomes. That is why OSSE is revising its IDEA monitoring processes to drive program improvement and State-level supports and expand access to actionable data for families. We must strengthen the capacity of the District's leaders and teachers, and we are doing that by making available a Foundations of Special Education microcredential to support special education assessment and instructional methods. We are also working to refine licensure requirements for special education and general education teachers. These efforts will build field readiness for our educators. We are also investing in more opportunities for LEA and school leaders to come together to build their knowledge and skills. We are providing supports to LEAs to enable the timely and appropriate identification and placement of students into the least restrictive educational environment. We are in the middle of an extensive revision of our regulations for IDEA Part B³ and will be moving to a final rulemaking after several rounds of public comment and engagement. We must expand access to actionable information and data to families, educators, and leaders. To that end, we are revamping our special education data system to improve the user experience. We are using federal recovery funds to partner with the Ombudsman to build a family resource center to help parents of students with disabilities navigate a complex landscape. And finally, we continue to build on school wide systems of supports, with many of our recovery investments focused on increasing access to mental and behavioral health resources for all students and increasing the use of trauma informed practices. Collectively, we believe that these efforts will improve outcomes for our students with disabilities.

OSSE is very clear on the urgent need for improving services and outcomes for students with disabilities. And we believe that the work we are embarking on, in partnership with many of the stakeholders and advocates that have provided testimony today and in our OSSE led opportunities for stakeholder engagement, can achieve our shared objectives. To engage more deeply in conversation with you today, I would like to provide some foundational knowledge on special education laws governing the implementation of individualized education programs or IEPs. I will also provide an update to you on our work to implement legislation pertaining to dyslexia.

Individualized Education Programs

The Individuals with Disabilities Education Act, or IDEA, establishes the national standard for the identification and education of students with disabilities. It is at its heart, not just a civil rights law, but a civil rights mandate to States. Its stated purpose is to ensure that all students with disabilities can access a free appropriate public education, or FAPE, and to protect the rights of students with disabilities and

² ["Roadmap to Accelerating Outcomes for Students with Disabilities."](#) Office of the State Superintendent of Education. October 2020.

³ ["Second Notice of Proposed Rulemaking- Chapter 30 Special Education Regulations."](#) Office of the State Superintendent of Education.

their parents. The special education process is multi-step and robust to identify and address the needs of students with disabilities, parent concerns, and evolving student needs.

States, through LEAs, are required to have a system that identifies, locates, and evaluates students suspected of having a disability. Such students then receive an evaluation to determine if the student has a disability that has an impact on the student's ability to access education. If a student is determined ineligible for special education, the school should still implement appropriate supports and interventions to address the student's needs. If a student is determined eligible for special education services, the parent and school staff develop an IEP that is individualized for the student. An IEP is a contractual document, transferrable between LEAs and States, dictating exactly what supporting services a student requires to access education. Special education is a form of support, designed to be integrated into the student's general education experience to the greatest extent possible.

IEPs include a description of the student's present levels of performance in academic and other education areas, the special education and related services the student will receive, and annual goals for the student. The LEA then implements the IEP and collects student progress data. This is done to ensure the services meet the student's needs and supports their progress. If an LEA fails to implement the IEP or meet its obligations under IDEA, the student and parent have protections under IDEA.

IDEA anticipates that families and LEAs will experience diverging positions on how this complex body of law is implemented. IDEA requires that States respond to these disputes in a specific way, by making available to families an opportunity to lodge individual student and systemic complaints at the state education agency (SEA) through a "state complaint" or "due process complaint." IDEA also requires that families are provided access to mediation services. This ensures that students receive remedies, while additionally ensuring States and LEAs can improve systemic practice. Although the District experiences high rates of family engagement in these dispute resolution options, we have seen that the vast majority of conflicts that arise throughout this complex and individualized process are resolved between LEAs and the families they serve.

Special education is further defined by a wealth of evolving case law, as well as local law, regulations, and policies that govern and distinguish the responsibilities of SEAs and LEAs. OSSE engages in robust policymaking that is informed by stakeholder input, implements a monitoring framework that examines both compliance and student outcomes, and provides a multitude of training opportunities for LEAs and educators. These activities encompass a robust State oversight system, designed to support LEAs and schools in meeting their obligations for students with disabilities and to support students in achieving their academic goals.

LEAs are a state education system's direct connection to students and families. The public emergency posed unique challenges for students with disabilities and the LEAs that serve them. As schools continue to navigate the impacts of COVID-19, OSSE has released iterative guidance to LEAs addressing their obligations to support students with disabilities.⁴ OSSE additionally delivered training and resources to LEAs to support student recovery. LEAs are required to consider how school-wide accelerated learning

⁴ ["COVID-19 Guidance and Resources."](#) Office of the State Superintendent of Education.

activities benefit students with disabilities and, at the student-level, an IEP team may determine that compensatory services are necessary to address lapses in a student's services due to COVID-19.

While the District has historically experienced ups and downs in its performance in special education, OSSE's dedication of resources has changed the trajectory of special education service delivery, achieving three consecutive years of high ratings with the US Department of Education. Consistent with SEA obligations under IDEA, OSSE has worked diligently to establish a rigorous and effective system of general supervision that aligns with the role of State agencies across the country. OSSE continues to hold LEAs accountable for the delivery of special education to our students, and continues to work to ensure this system enables improved outcomes for students with disabilities through the accelerated progress imagined in OSSE's special education roadmap.

Implementation of the Dyslexia and Other Reading Disabilities Screening and Prevention Pilot Program Act of 2019

It is important that all children have the supports that they need to read at a proficient level. Further, we believe that sound instruction in literacy with more intensive reading practice is the right intervention for students with dyslexia. We are making investments in improving instruction in reading through our federal recovery funds, specifically in the use of stronger formative assessment and improving curricula our schools. And in partnership with the State Board of Education (SBOE), our proposed regulations governing the approval of education preparation providers place a special focus on ensuring that teacher candidates obtain training in the science of reading.

Specifically, the Addressing Dyslexia and Other Reading Difficulties Amendment Act of 2019 requires OSSE to provide supports for regular professional development that will help educators recognize and screen for reading difficulties. Further, it requires us to provide awareness training on reading difficulties. In addition, it requires OSSE to produce a list of screening instruments and guidance to local education agencies on screening, remediation, and intervention. This legislation was subject to appropriations until the passage of Fiscal Year 2022 budget by this Council. OSSE was given the funding needed to staff this work, and we are in the process of onboarding the hire to lead this critical work. We are excited to deliver on this work for the 2022-23 school year.

Conclusion

The federal and local laws and regulations governing special education are quite complex; within this context, OSSE works hard to support our stakeholders - LEAs, schools, advocates, and parents - in understanding obligations and entitlements under these laws. Further, compliance with the law, although necessary, can be insufficient, for it is critical that instructional practices at the school level improve to better serve our students with disabilities. I hope that the testimony that I have provided today provides you with a primer of our work at OSSE along with the laws governing special education. Together, I strongly believe that we can do what it takes to improve outcomes for our students. I am excited for the conversation that we will engage in today, and I am prepared to answer your questions at this time.