



**Testimony of HyeSook Chung  
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**Special Hearing on  
B20-723 "Special Education Student Rights Act of 2014",  
B20-724 "Enhanced Special Education Services Act of 2014", and  
B20-725 "Special Education Quality Improvement Act of 2014"**

**Before the Committee on Education  
Council of the District of Columbia**

**June 19, 2014**

Councilmember Catania, thank you for the opportunity to address the Council at this special hearing on B20-723; B20-724 and B20-725. My name is HyeSook Chung, I am the executive director of DC Action for Children, a DC resident and the proud parent of two students in DC Public Schools.

DC Action for Children ("DC Action") provides data-based analysis and policy leadership on critical issues facing DC children and youth, to promote policies and actions that optimize child and family well-being.

DC Action is the home of DC KIDS COUNT, which tracks key indicators of child and youth well-being in the DC neighborhoods where children live, learn and grow. We work closely with city agencies, the school system and service providers to share the most accurate and timely data, along with clear and accessible analysis. Our advocacy agenda is based on these data.

I want to personally thank you, Shawn Hilgendorf and Beth Tossell from Children's Law Center for creating a transparent and open process, which engaged a lot of thoughtful conversations. Special education is a challenging topic to address, and as a child advocate and a parent of a child with special needs, it's both personally and professionally important for me to get this "right."

My written testimony outlines our recommendations highlighted in the brief we published in June 2013. We were grateful for the tremendous feedback and advice from key partners, including Nathaniel Beers, Rachel Brady, Carole Brown, Heather Elliott, Jerri Johnston-Stewart (and members of her staff) and Matt Rosen.

### **DC Action's Issue Brief on Special Education**

In June 2013, DC Action released a policy brief focused on special education titled, "**Early Intervention and Special Education in DC for Children Ages Birth to Five**," to help advocates and families better navigate the very complex special education programs by mapping the current landscape of early intervention and special education regulations and

services. The timing of this policy brief was significant and helped our analysis and conclusion that many underserved families with children with special education needs stand to benefit greatly from increased local investment and proposed regulatory changes.

It was a long and at times, challenging process, but we wanted to ensure that this publication illustrated the critical need for agencies to take a birth to five perspective given the programmatic transition parents must navigate between IDEA Part C and Part B. We also wanted to de-mystify what programs do and how they work – and where that wasn't possible, expose how complexities or ambiguities could be more streamlined.

While the early intervention and special education system for young children in DC has shown progress in recent years, DC Action's policy brief included four key recommendations for further improvements. These recommendations included:

1. **Sustaining and growing recent local investments.** The FY14 budget was the first to invest substantial local funds in early intervention. Evidence suggests that high quality early intervention programs save money in the long term by addressing delays before they become severe.
2. **Continue to expand eligibility.** According to federal law, children do not necessarily need to display developmental delays to be eligible for early intervention if they have risk factors. Given the prevalence of risk factors such as poverty and low birth weight in DC, broader eligibility for early intervention could be an effective strategy for improving overall child well-being.
3. **Improve inter-agency communication and coordination.** With several DC agencies and over 50 LEAs involved in special education and early intervention, inter-agency communication, data sharing and coordination is key to improving service quality.
4. **Create a centralized inter-agency resource for families.** There should be one stop for information on services and resources for children with delays or disabilities, no matter which schools the children are enrolled in or which health care providers they use.

## **Why Early Intervention Matters**

Children are legally guaranteed special education services! DC does not have a strong history of performance in Special Education and a dysfunctional early intervention system puts Federal IDEA funds at risk.

Early intervention has a great return on investment socially and economically. It empowers parents by working with them in the primary learning environment, their home, and because so many DC children are born in poverty, they are at an especially high risk for developmental delays, which suggests that current ID rates may be missing many children.

For the purpose of today's testimony, I will focus on the following three themes in review of the three bills we are considering:

1. Process and Procedures
2. Expanding Services
3. Expanding Capacity and Oversight

## **Process and Procedures**

As a parent, I was very excited to see so many additional resources that empower and equip parents engaged in the IEP process in this legislation. First, the ombudsman presents an opportunity to promote accountability and quality control for families. (On a personal note, I do hope both the student advocate and the ombudsman can be effective liaisons for parents when working with the schools to navigate a very complex and often cumbersome system of paperwork.) Second, requiring communication allows parents to stay informed and support their children's progress. Lastly, parents should have the right observe their children in the classroom.

Unanswered questions regarding both the process and outcome can make the IEP process stressful and scary for both the child and parent(s). In our case, we simply wanted to know how to better support my son's success and happiness at school, but the goals somehow got lost when we started to engage with the school. Expanding the ombudsman's power to investigate schools – not just for special education – but for all children based on parents' complaints will be a vital step in empowering parents in an often powerless process. I do hope that the ombudsman is able to attend schools at their discretion, investigate, observe instructional time, and issue a public report.

Additionally, clear documentation and communication guidelines allow parents and school staff to work together in supporting children. Parents need access to IEP meeting notes and information about what to expect throughout the process of developing the IEP. Having just gone through an assessment process with my child, I recall feeling disconnected with the process and clarity in expectation of communication will be extremely helpful for both parents and school staff.

Lastly, I commend you for reinstating the policy that gives parents the right to observe their child's instruction in the classroom, and to designate someone (i.e. an expert, lawyer or advocate) to do so. The process for the parents can feel quite isolating and there were times I wanted to be present in the classroom to be helpful – of course not compromising the instructional focus of the classroom, but parents need to be empowered to be able to be their child's advocate.

## **Expanding Services**

We are particularly excited about section of the legislation that expands services! We applaud the change in evaluation timeline from 120 day to 60 days. We are equally thrilled that IDEA part C eligibility now includes children at risk and who demonstrate a 25% delay in 1 area of development. This is a huge victory on behalf of children!

When a young child is experiencing a developmental delay or disability, an early response is crucial. Research has consistently shown that early interventions help reduce the need for more intensive special education services once children are in traditional public schools. While this expansion of services is a positive step toward early intervention, too often, families of children with delays or disabilities in DC find it difficult to identify and access available services and supports. We can do more.

It is critically important to map out the roles of different agencies and programs in the birth to five continuum of services. Clear steps and plans for transition points will benefit parents and agencies alike as children move from grade to grade and service area to service area.

DC Action is committed to ensuring all children received the resources they need. We look forward to OSSE's report on the feasibility of expanding Part B eligibility and aligning Part B and Part C eligibility. As part of the work in developing the recommendations for our publication, we worked with both the Part B and Part C staff and hope that this requirement will bear fruit again to mitigate confusion and increase access for families in need of services

These ambitious changes will take resources, bringing us to the third area of expanding capacity and oversight.

### **Expanding Capacity and Oversight**

We were thrilled to have DC allocate an additional \$6.4 million in FY14 for early intervention, which will help implement broader eligibility standards and increase outreach activities. This local investment is expected to greatly increase the number of children served.

Furthermore, we applaud leadership at DCPS and OSSE in recent efforts to save in the area of special education. We hope that the new legislation can ensure that all money saved gets reinvested in particular special education categories. For example, money saved can go into a fund for cooperative special education services by allied charter schools, or to supporting before and after care.

### **Conclusion**

DC has made some tremendous progress in special education. There is NO question that DC's local investment this year was a great start!

However, DC Action has five recommendations as we proceed:

1. **Closely monitor implementation:** Question how the roll-up plan will be funded, sustained and even expanded next fiscal year with a focus on accountability, program quality, and family engagement.
2. **Track investments:** The early intervention budget is now back within the Office of Early Education so tracking it may be a challenge as it may be buried in another budget line item.
3. **Inclusion of infant and toddlers in the Special Education Students Rights Act:** To incorporate additional procedural protections planned for DC families of students eligible for services under IDEA Part C, to increase transparency of any IFSP changes and to give families and any experts or advocates they may be working with a chance to review documents prior to an IFSP meeting.
4. **Further expanding eligibility:** The inclusion of all "at-risk" children is allowable under federal law and could have a huge long-term savings in terms of addressing problems early. At-risk might include children with a history of being abused / neglected, premature births, low-birth weights, or simply poverty. Expanding program eligibility reduces logistical nightmares of transitioning to Part B!

5. **Emphasize Communication**-- Agencies absolutely need to communicate better and work together better, especially now that there will be more children entering early intervention, and with more fluid exit procedures. Implementation will determine whether investment in early intervention reaps potential rewards.

When children enter school, the transition from early intervention should be seamless, and high-quality services should always be a top priority.

Thank you for the opportunity to testify, I'm happy to answer questions.