



Testimony before the District of Columbia Council

Committee on Education

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Agency Performance Oversight Hearing:

Office of the Deputy Mayor for Education

State Board of Education

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Good morning Chairman Catania and members of the Committee. My name is Judith Sandalow. I am the Executive Director of Children's Law Center¹ (CLC) and a resident of the District. I am testifying today on behalf of CLC, the largest non-profit legal services organization in the District and the only such organization devoted to a full spectrum of children's legal services. Every year, we represent over 2,000 low-income children and families, focusing on children who have been abused and neglected and children with special health and educational needs. The majority of the children we represent attend school in the District at either DCPS or a public charter school.

I appreciate this opportunity to testify regarding the performance of the Office of the Deputy Mayor for Education and the State Board of Education over the past year.

Office of the Deputy Mayor for Education

Given the Office of the Deputy's Mayor's role in overseeing District-wide education strategy and managing interagency coordination, there are several issues that cut across multiple agencies that I want to highlight during my testimony today: 1) school engagement; 2) school stability for foster children; and 3) standardized high school graduation requirements.

School Engagement

The District needs a comprehensive school engagement plan with the goal of ensuring that every student is in school every day. In order to be successful students need to be engaged in school, have strong relationship with teachers, attend schools with a positive

school climate and receive high quality instruction. As you know well, Chairman Catania, there has been significant attention on the District's high truancy rate. Over 30% of all students are missing more than 10 school days a year which is a significant problem.² However, overuse of exclusionary methods of school discipline is equally, and relatedly, problematic. Both suspension and expulsion and truancy lead to students being out of school rather than in the classroom and learning. All of the education system's other goals for providing students with a high-quality education can't be achieved if such a large percentage of students are not even engaged in their education.

During the 2011-2012 school year, DC schools issued 18,720 suspensions and 230 expulsions.³ The most common behaviors for which DCPS students were suspended involved no weapons, no drugs, and no injury to others.⁴ Whenever a student is removed from school, just as when a child is truant, the student is separated "from the very environment in which they need to be engaged."⁵ Not surprisingly, students who are suspended or expelled are more likely to drop out of school or fail to graduate on time.⁶ One of the objectives of the Office of the Deputy Mayor is "to develop strategies to re-engage youth who are falling off track to graduation and who are currently disconnected."⁷ The District's current suspension and expulsion policies are pushing youth off the track to graduation. Given this, the Office should engage all education stakeholders in reforming not only our truancy policies and programming, but also the District's suspension and expulsion policies.

The District has focused attention on the problem of truancy and the Truancy Taskforce, co-chaired by the Deputy Mayor for Education, has overseen several key initiatives during the past year:

- The FY14 budget included an additional \$1 million for truancy programming which has been spent on nearly doubling the size of the Parent Adolescent Support Services (PASS) Program, administered by the Department of Human Services.⁸ This program, which includes intensive case management and provides individualized services and interventions for youth and their families, has shown promising results in previous years with 66% of its cases closing successfully and 90% of those students continuing to do well 6 months later.⁹ We look forward to seeing the results of this expansion.
- The Deputy Mayor has also provided support to the Department of Transportation in its expansion of the Student Transit Subsidy Program which now includes free bus service for DC students. Many families struggle to afford transportation to school and this was an excellent first step in addressing this challenge. We hope that the Deputy Mayor and the Taskforce will continue to focus on removing transportation-related barriers to school attendance.

- The Taskforce has also made progress this year in establish better baseline data around truancy. Before we can analyze whether interventions are effective, we must have accurate and timely information about the number of students currently absent. As with most data collection and analysis projects, the initial stages have also illuminated more questions and the need for more information so we hope this will be an evolving process.

Despite these positive steps, we have real concern that there is still not a coordinated vision and strategy guiding the District's school engagement policy. Various schools seem to be offering different programs and services to engage families. However, there is no clarity about which programs are being offered where or if outcomes are being measured. Knowing which programs are successful so they can be replicated, and which are failing so they can be ended, is essential to making progress.

We appreciate that some anti-truancy approaches may need to be tried and ended if they are not successful; however, it is unclear to us how the decisions are being made to stop funding programs. Both the High School Case Management Program and the Truancy Court Diversion Program began during FY12 and concluded during FY13.¹⁰ Both of these programs seemed moderately successful, though neither reached a large number of students. The High School Case Management Program served a total of 81 students during FY13.¹¹ Of the 70 active cases, almost 50% closed successfully (the student attended school for a month with no more than one unexcused absence); and in approximately 70% of the cases the student

showed improvement in their in-seat attendance. The Truancy Court Diversion Program served only 15 students in the spring of 2012; of those 100% increased their average daily attendance. In FY13 the program expanded to six middle schools and 60% of participants experienced an increase in average daily attendance.¹² Very little information was shared about why these two programs were ended and what lessons were learned through this process. We worry that students, parents, teachers, principals and school staff will get wary of pilot after pilot.

Schools are also stymied in their efforts to engage students by the lack of resources they have to tackle these problems. DCPS notes, for example, that despite regulations requiring them to hold Student Support Team truancy conferences after a student has been absent for five days¹³ they are only meeting this requirement 35% of the time¹⁴: “The reality is that the staff conducting this work (SST members) have a range of other duties within the school that makes it difficult for them to dedicate their full attention to attendance work. Under the current staffing model, it is impossible to conduct this many attendance-related SST meetings with complete fidelity.”¹⁵ And in less than half of the 35% of cases where an SST meeting was held did the Team actually list the student’s barriers to attendance.¹⁶ In other words, attendance barriers were actually examined and indicated in fewer than 14% of all students who should have had an attendance-related SST.¹⁷

While tackling the problem of chronic truancy is undoubtedly difficult, there is a lot we already know. Regardless of what program we put into place or which agency we refer

children to, the problems that keep children out of school are varied and complex. The problems are intertwined with the problems facing families living in poverty and the related trauma that comes with that – unstable housing, mental health issues, caring for younger siblings. There are no short cuts. This is hard and costly work. But the cost of not intervening is much higher. We urge the Deputy Mayor and this Committee to do an assessment of the cost of scaling up programs that work and then implement them in all our schools rather than taking a slow, piecemeal approach.

School Stability for Foster Children

In CLC's experience, school placement disruption is the single factor that contributes most to foster children's poor performance in school. DC foster children are often forced to change schools when they change homes. Studies show that each school placement change sets a child back four to six months academically. Often, the new school uses a somewhat different curriculum from the previous school, which may lead to a child falling behind. Older students often lose credits because the previous school and the new school have different requirements. Children must deal with the stress of adapting to a new school location, schedule, teachers, and classmates. Managing this stress on top of the stress of adapting to a new home is an extremely difficult task to ask of a child, and is especially difficult for a child who already struggles with trust issues and anxiety. Children also lose the benefit of their established relationships with faculty, staff, and peers at their original school.

Research shows that a strong relationship with a supportive adult is one of the primary sources of resilience for children who have experienced trauma.¹⁸ By disrupting children's school placements, we also take away their chance to develop these positive relationships.

The Child and Family Services Agency (CFSA) has done a lot of work to minimize school disruption for children when they are removed from home. However, there is a statutory change that could further improve school stability for these youth. The Deputy Mayor is well-positioned to lead the effort to make this change. Currently, when a child attains permanency (guardianship or adoption) with families who live outside DC, they lose the right to attend DC schools. Families sometimes choose to delay permanency and leave children in foster care so that they can maintain the child's DC school placement. Instead of forcing families to decide between permanency and school stability, we believe that DC law should be amended to allow children who have exited foster care to remain at their DC school for up to three years after they have been adopted or finalized guardianship with a family in Maryland without having to pay out of state tuition.¹⁹ This would allow them to complete their current level of schooling and plan a smooth transition to a Maryland school. While there would be a cost involved with allowing these children to attend DC school without paying tuition, we think it would be offset by the reduced cost from children exiting foster care more promptly. We hope to be able to continue to explore this idea and ways to address this problem with the Deputy Mayor's office as well as this Committee.

Standardizing High School Graduation Requirements

The Deputy Mayor, OSSE, the State Board of Education and the Local Education Agencies (LEAs) should work together to standardize high school graduation requirements. The many different LEAs in DC have different requirements for high school graduation and this creates serious problems for students who change LEAs.

Many students in DC are transient: OSSE reports that approximately 1 in 24 (approximately 1,850 total) students attending DCPS and the charter schools are homeless.²⁰ There are approximately 1,400 children in the care of CFSA in out-of-home placements and approximately 750 of these children are high-school aged.²¹ Many of these students must change schools frequently through no fault of their own. They should not have to lose credits when they involuntarily change schools, but often one LEA refuses to accept credits from another. LEAs also sometimes refuse to accept credits earned in Maryland public schools, which causes problems for the many children in foster care who are moved by CFSA from foster homes in Maryland to foster homes in DC.

The education agencies should also create unified credit transfer policies so that all students receive credit or partial credit for the courses they take. Currently, with each move, a student may lose credits because their new school system does not recognize some of the credits they earned at their previous school. They also lose credits when they have to move before completing a course, as many LEAs (including DCPS) do not offer or recognize partial credits. Losing credits often leads to students becoming disengaged and failing to graduate.²²

Several states have taken different approaches to providing necessary flexibility for children in foster care and need more flexibility around credits. California has passed legislation requiring schools to accept partial credits for students in foster care.²³ Other states have moved to a “seat hours” approach. DC should consider these different approaches in order to come up with a plan to ensure that students who change schools involuntarily do not fall behind.

State Board of Education

Office of the Ombudsman for Public Education

Understanding the DC school system can be overwhelming and confusing for any parent. Creating and funding the Office of the Ombudsman for Public Education is a positive step towards helping families understand their options and rights. The State Board showed commitment to engaging the community by involving others in the hiring process for selecting the new Ombudsman; I was pleased to be part of the process and my colleagues, and I look forward to working with the new Ombudsman.

While there are many issues that deserve the Ombudsman’s attention, there are several pressing needs we hope will be a focus. It is very difficult for parents to get details about special education programs in the District. We hope the Ombudsman’s office will become an expert resource for parents and be able to provide detailed information about programs and services. Additionally, several other states use their Ombudsman’s office to assist with early resolution of special education conflicts.²⁴ It would be very helpful in the District to have a

neutral party to assist parents and schools in resolving low-level disagreements about special education services. The Office may also be able to provide facilitated IEP meetings and mediation as steps for parents and schools to take to avoid time-consuming litigation. We recommend that the Ombudsman take on these functions, and we would be happy to consult with her if we can be of assistance.

Thank you for the opportunity to testify. I look forward to answering any questions.

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- 1 Children's Law Center works to give every child in the District of Columbia a solid foundation of family, health and education. We are the largest provider of free legal services in the District and the only to focus on children. Our 80-person staff partners with local pro bono attorneys to serve more than 2,000 at-risk children each year. We use this expertise to advocate for changes in the District's laws, policies and programs. Learn more at www.childrenslawcenter.org.
 - 2 DC Public Schools 2013 Performance Oversight Responses, Q70 Attachment. 13% of students had 11-20 unexcused absences and 19% had 21 or more unexcused absences for a total of 32%.
 - 3 Alex Peerman and Eduardo Ferrer, District Discipline: The Overuse of Suspension and Expulsion in the District of Columbia, DC Lawyer for Youth, 7, 9 (June 20, 2013).
 - 4 Alex Peerman and Eduardo Ferrer, District Discipline: The Overuse of Suspension and Expulsion in the District of Columbia, DC Lawyer for Youth, 6 (June 20, 2013).
 - 5 Act Out, Get Out? Considering the Impact of School Discipline Practices in Massachusetts (Cambridge, MA: Rennie Center for Education Research & Policy, Spring 2010), 5, http://www.issuelab.org/click/kc_download1/act_out_get_out_considering_the_impact_of_school_discipline_practices_in_machusetts/renniecenter..
 - 6 Russell Skiba et al., Are Zero Tolerance Policies Effective in the Schools, 5.
 - 7 Deputy Mayor for Education 2013 Performance Oversight Responses, Q3.
 - 8 Deputy Mayor for Education 2013 Performance Oversight Responses, Q3.
 - 9 PASS Program Power Point Presentation, 9, 10, presented at Truancy Taskforce Meeting (June 19, 2013).
 - 10 Deputy Mayor for Education 2013 Performance Oversight Responses, Q32.
 - 11 Deputy Mayor for Education 2013 Performance Oversight Responses, Q32.
 - 12 Deputy Mayor for Education 2013 Performance Oversight Responses, Q32.
 - 13 5 D.C.M.R. A-2103.3(c)(3).
 - 14 DC Public Schools 2013 Performance Oversight Responses, Q70.
 - 15 DC Public Schools 2013 Performance Oversight Responses, Q70.
 - 16 DC Public Schools 2013 Performance Oversight Responses, Q70. Of the 2,902 five-day conferences (attendance SSTs) that were held as of Jan. 5, 2013, 1,100 had barriers indicated.
 - 17 DC Public Schools 2013 Performance Oversight Responses, Q70. As of Jan. 5, 2014, 8,015 attendance-related SSTs were needed; there were 1,100 SST held were barriers were indicated for a rate of 13.7%.
 - 18 E.g. Toxic stress: The facts, Center on Child Development, Harvard University. (2012). http://developingchild.harvard.edu/topics/science_of_early_childhood/toxic_stress_response
 - 19 There are two federal laws that are relevant to this discussion, McKinney-Vento Homeless Education Assistance Improvement Act of 2001 and Fostering Connections to Success and Increasing Adoptions Act of 2008. They both

provide legal protections to improve school stability for children in foster care but do cover children once they are adopted (or in a guardianship). The McKinney-Vento Homeless Education Assistance Improvements Act of 2001 gives homeless children the right to remain at their school of origin for the remainder of their school year and requires the school district to provide them with transportation comparable to what they provide to non-homeless children. The Fostering Connections to Success and Increasing Adoptions Act of 2008 requires child welfare agencies to ensure that foster children remain at their school of origin if it is in their best interest. These laws aim to keep children in their school of origin even when their home placement changes. Additionally, while children are in foster care, they retain the right to attend DC public and charter schools even if they live in Maryland (or another state). See DC Code § 38-307 (“A student entitled to enrollment without payment of nonresident tuition shall be...a child who is otherwise eligible for admission to the DCPS or a public charter school, and who qualifies for free instruction under one of the following categories [which include] a child who is a ward of the District.”). See also 5 DCMR § E-2000.2 (“A student under eighteen (18) years of age who is otherwise eligible for admission to a D.C. public school shall be admitted, and may continue enrollment, without payment of non-resident tuition only if the student qualifies for free instruction under one of the following categories [including] (c) A student who is a ward of the District of Columbia”), 5 DCMR § E-916 (For a public charter school to enroll a youth “who is a ward of the District of Columbia court system but resides outside of the District, the school must have proper documentation on file, such as a signed court order placing the student in a facility/home in Virginia or Maryland.”), and 5 DCMR § E-3019.1 (“Enrollment in a public charter school shall be open to all residents and wards of the District of Columbia.”)

- 20 OSSE Guidance Regarding Graduation Fees for Students in Transitory Housing, available at: <http://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/Graduation%20Guidance%20October%202012.pdf>.
- 21 *LaShawn A. v. Gray* Progress Report for the period January 1-June 30, 2013, 99 (November 21, 2013).
- 22 Elaine M. Allensworth, John Q. Easton, What Matters for Staying On-Track and Graduating in Chicago Public High Schools, Consortium on Chicago School Research at the University of Chicago (July 2007).
- 23 Ensuring Educational Rights and Stability for Foster Youth: AB 490 Summary, Youth Law Center/ Children’s Law Center of Los Angeles, http://www.youthlaw.org/fileadmin/ncyl/youthlaw/events_trainings/ab490/AB490_Summary.pdf.
- 24 The National Center on Dispute Resolution in Special Education sets forth a continuum of dispute resolution processes and practices. <http://www.directionservice.org/cadre/continuumnav.cfm>