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District of Columbia Public Schools**

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Introduction

Good morning Chairman Grosso and members of the Committee. My name is Renee Murphy. I am a Senior Policy Attorney at Children's Law Center¹ and a resident of the District. I am testifying today on behalf of Children's Law Center, which fights so every DC child can grow up with a loving family, good health and a quality education. With 100 staff and hundreds of pro bono lawyers, Children's Law Center reaches 1 out of every 8 children in DC's poorest neighborhoods – more than 5,000 children and families each year. The majority of the children we represent attend District of Columbia Public Schools (DCPS).

I appreciate this opportunity to testify regarding DCPS's performance over the past year. I will focus on special education, the needs of students and families who speak English as a second language, truancy and discipline, and creating trauma-informed schools. While DCPS has more work to do, there continue to be promising initiatives. Some examples include:

- DCPS continued its public-private partnership with The Ivymount School to build high-quality programming for a specific group of children with high-functioning autism and expand a relevant, proven curriculum to other classrooms serving students with learning disabilities.²

- DCPS is continuing to use Lindamood Bell, a state-of-the-art program of direct reading instruction, with children in full-time early childhood special education classrooms.³
- DCPS expanded the number of partner organizations conducting prekindergarten developmental screenings.⁴
- Opening the Workforce Development Center at River Terrace Education Campus as a one-year vocational training center for students with disabilities also seems promising.⁵

There is, however, still much progress to be made. DCPS reports that it has a new special education strategic plan with four key areas: increasing academic achievement; integrating more students with special needs into general education settings; involving families in their children's success; and preparing students for college or the workforce.⁶ We agree these are four major areas DCPS needs to improve for children with disabilities. However, DCPS's focus on decreasing the percentage of children in special education⁷ and teaching more students in inclusion, without transparent plans for meeting their needs in general education, raises concerns about whether many students will receive the services and supports they need to learn. We urge DCPS to publicly release the special education strategic plan. The learning needs of children with disabilities must continue to be a priority within DCPS. DC's children with special needs continue to have abysmal academic performance and graduation

outcomes. The Partnership for Assessment of Readiness for College and Careers (PARCC) scores of students with disabilities are bleak. Less than one-half of one percent of DCPS high school special education students are college or career-ready in math and less than four percent are ready in English.⁸ Only approximately three percent of third- through eighth- graders with special education needs tested proficient on the PARCC.⁹

Implementing Special Education Legislative Reforms

The *Special Education Students Rights Act of 2014*, the *Enhanced Special Education Services Act of 2014*, and the *Special Education Quality Improvement Act of 2014* are designed to help achieve better outcomes for DC students with special education needs. DCPS must commit to fully complying with and implementing these laws, so that parents are able to participate more fully in their children’s education, students will receive assistance earlier, and schools will begin to plan for adulthood sooner.

Parent Participation

Although DCPS states it is striving to involve families in children’s success, unfortunately our experiences representing parents of children with disabilities tell a different story in one important area—access to observing the classroom. Under the *Special Education Students Rights Act of 2014*, schools must allow parents and their expert designees to observe the child’s current or proposed classroom. It is essential that parents understand how a child’s needs are being met by a program in order to

meaningfully participate in decisions. Often parents do not have the background necessary to assess the programming or have other barriers, such as language, to understanding what is happening in the classroom and so a designee is needed to help a parent. Although last year DCPS stated it was in the process of revising a 2013 classroom observation policy to bring the policy into compliance with the law, DCPS still has not updated its policy nor fully informed school leaders about their current responsibilities.¹⁰ Contrary to the letter and the spirit of the law, DCPS has instead been using multiple tactics to exclude parents' special education experts from observing classrooms. Specifically, DCPS has insisted that parents' expert designees sign restrictive Confidentiality Agreements that are in violation of the *Special Education Students Rights Act of 2014*.¹¹ Schools have refused designees' entry to the school for failure to sign. If a designee does sign, and there is a later dispute, DCPS has attempted to bar the designee from testifying. This adversarial approach to allowing parents to gather information is disappointing and counterproductive. Parents and schools need to work together and we strongly urge that DCPS change its approach and stop this practice.

In addition, DCPS schools, in violation of law, are not yet providing records to all parents in advance of Individualized Education Program (IEP) meetings, providing the finalized IEP in a timely fashion, and translating IEPs for parents with limited English proficiency in a timely fashion. Although DCPS has informed us that it has internal

policies that match these requirements, DCPS needs to do more to ensure schools implement them. Even when my colleagues remind schools of these responsibilities, only a few parents in our cases have timely received the information they need to be engaged in their child's education. For our families where English is their second language, parents have needed to request formal mediation in order to get translated IEPs, and those translations have often taken many weeks to be provided after the mediation. DCPS needs to commit to training and tracking the progress of its schools on these important requirements to increase and improve parent engagement.

Earlier Evaluations for Services

DCPS must also make sure all its schools and Early Stages are prepared to help students with special needs receive services earlier. The *Enhanced Special Education Services Act of 2014* requires DCPS to evaluate students within 60 days rather than 120 days, starting in July 2017.¹² DCPS has a lot of work to do; data reported regarding Early Stages shows fewer than five percent of evaluations were completed within 60 days in school year 2014-15.¹³ Over the next year, DCPS must put in place protocols to evaluate for special education needs much more quickly, and track progress by monitoring data in the Special Education Data System (SEDS) on current achievements in timeliness.

As part of this effort, DCPS should analyze its processes and the resources needed by schools to comply with the 60 day timeline. It will also need to train school

staff to ensure parent requests for special education evaluations are timely acted upon. DCPS should pay special attention to oral requests that must be honored and documented within three days under the *Enhanced Special Education Services Act of 2014*.¹⁴ In too many cases in the last year, parents have sought our help getting DCPS to evaluate their struggling children. In one case, a parent asked for evaluations of her son in spring 2015, but the school told her they had too many other children still to evaluate that year and could not do it. As of December 2015, the school still had not evaluated the child. In another situation, a parent who signed a consent for evaluations over four months ago is still awaiting the results, while her son's unmet needs have resulted in multiple suspensions. Yet another parent came to us for help after requesting evaluations in writing a year and a half ago. Instead, the parent was inappropriately told that her child would have to try a Section 504 Plan of accommodations first, and the child is now repeating the first grade. DCPS needs to ensure schools have the resources to complete all evaluations and prepare to be better and faster at honoring the requests of parents for the help their children need.

Transition to Adulthood Services

The *Enhanced Special Education Services Act of 2014* requires transition planning to begin at age 14 starting in July 2016.¹⁵ These transition service plans can include a wide range of activities to prepare students for independent living, employment, and further education. DCPS needs to ensure that eighth, ninth, and tenth grade special education

teams are fully trained in the next few months, provided adequate resources, and prepared to complete transition assessments and program plans next year.

In addition to the new deadline for transition planning, there is much more work to be done to improve the quality and quantity of services. Only 34% of graduated DCPS students with disabilities were enrolled in any post-secondary school or training or employed within one year.¹⁶

A major gap in DCPS's special education services is, and has been, its ability to provide vocational and life skills training. DCPS's Project Search and Marriott Bridges programs, which provide employment training to students with disabilities, have been successful in our experience. However, DCPS's innovative vocational programs for children in special education are only serving 39 students, a tiny fraction of the hundreds of students who could benefit from such programs.¹⁷ Offering more programs that engage students in learning job skills will lead to fewer students dropping out, as we find many of the teenagers we work with are very motivated by learning vocational skills even if they have given up years ago on learning to read or do math. Integrating vocational programs into the curriculum will also improve students' academic skills, as we also find many of our clients make more progress in academics when those academics are tied to practical skills.

As we have for the past several years, we urge DCPS to assess the vocational and life skills training needs of its students. Also, DCPS should rigorously assess the

success of the new Workforce Development Program at River Terrace. DCPS should assess how successful its CTEs and new career academies are for students with disabilities. DCPS should be transparent about the number of students served and graduation and post-secondary success rates. Based on the information from these assessments, DCPS should develop and implement a plan to expand vocational and life skills training and plans to continuously improve effectiveness.

Summer School and Credit Recovery

This year, DCPS provided no information about the capacity of summer school or evening credit recovery to meet the needs of children with disabilities.¹⁸ Over the last two years, DCPS reported that it would not provide special education services during summer school.¹⁹ Instead, DCPS would encourage teachers to offer students with IEPs accommodations from their IEPs (e.g., extended time on tests) but would not provide them with their specialized instruction or related services. This means students with disabilities were denied a meaningful opportunity to make up classes they may have failed during the school year. Since falling behind contributes to students with disabilities dropping out of school, DCPS should always offer specialized instruction and related services in summer school and in credit recovery in order to help the most vulnerable students make progress toward graduation.

Special Education Capacity Building

For many years now, we have raised concerns about DCPS's lack of quality special education programming and capacity to meet the needs of students. DCPS's own data about reading and math proficiency and post-secondary success, discussed above, validates our continuing urgent concern.²⁰ The needs of children in special education vary widely. Some children may only need an hour or two of group speech therapy or counseling each week and can spend the rest of their school days in a mainstream classroom. However, many children need more intensive supports. Some children have such serious emotional needs that they must have a trained clinician in their classroom at all times to help them manage their behavior. Some children need intensive evidence-based reading instruction focused on their specific weaknesses in very small groups in order to learn to read. Some children cannot function in the noise and bustle of a mainstream school building, even within a self-contained classroom. The federal Individuals with Disabilities Education Act (IDEA) requires schools to provide students with whatever instruction and related services are necessary to allow each particular student to learn, regardless of the school's preexisting capacity to provide the service. However, the DC public schools are still far from having the capacity to provide all students with the specialized instruction and related services they need.

As we have said for years, DCPS should do a thorough review of the special education needs of DCPS students, including those in nonpublic schools, detailing the different supports they require in order to learn. Having a solid basis of knowledge

about what students need will allow DCPS to identify the gaps in programming and develop plans to fill them. DCPS should share that review publically, as well as its strategic plan and the information about where different specialized programs and instructional methods are. DCPS needs to increase its transparency to increase the trust of parents and the community that it knows what students need. That will improve trust that DCPS is prepared to provide the services and supports students need to improve the educational achievement and post-graduation outcomes we currently see.

Instruction within Special Education

DCPS should expand its investment in state-of-the-art, evidence-based instructional programs for students with disabilities in all schools and skill areas, including academics and social-emotional skills. For example, DCPS has invested in Lindamood Bell, a state of the art program of explicit reading instruction, for young children with significant disabilities in self-contained special education classrooms and some children whose learning needs are not severe enough for special education.²¹ This leaves a large gap for students with inclusive IEPs who would benefit from Lindamood Bell instruction, but are not receiving it. DCPS should assess the needs of all children with IEPs and ensure Lindamood Bell and other evidence-based instructional programs are available to all children who need them, not just students at the two ends of the spectrum of needs.

In addition, we continue to have serious concerns about DCPS's approach to serving middle and high school students with behavioral difficulties who need self-contained classrooms. In these classrooms, students' content-area instruction is often provided by computer programs.²² While teachers with special education certification (as distinct from content-area certified teachers) are available in these classrooms, in our experience they are not well-versed in the academic material the students are learning. Within one classroom, children may range in age from 14 to 22 and their disabilities may include learning disabilities, emotional disabilities, and intellectual disabilities. The use of computer instruction might allow each child's programming to be individualized, but the special education teachers in the classrooms are not equipped to support students with such a wide range of needs, and the students are sometimes grouped with peers who are much older or younger. The program should be rigorously evaluated and adjusted in order to provide more meaningful instructional supports. Data should also be collected on an ongoing basis to determine whether students in the programs are making academic and behavioral progress.

Related Services Gaps

Related services provider capacity has been a concern again this year.²³ Our experiences, and DCPS's data, show that psychologists, social workers, counselors, speech-language pathologists, and occupational therapists were in short supply at multiple schools, including Ballou and Anacostia high schools, and Sousa Middle

School, which need intensive supports for struggling student bodies.²⁴ Our clients have suffered from these shortages. Nigel,²⁵ a student with motor impairments requiring a wheelchair and specialized equipment to communicate in his inclusive environment, had no speech therapist or occupational therapist for two months. This meant no one was training his new teachers and aide how to use his communication equipment and software. Thus, he was not able to converse with classmates or answer questions. DCPS began to provide temporary coverage much quicker than when this problem occurred two years ago and expects the permanent therapists hired in December and January to make up missed sessions. However, substitute therapists from central office and make-up sessions are not a viable long-term solution. Students like Nigel need consistent therapy to make progress. We look forward to confirmation that all schools have a full complement of related services providers ready for the first day of school next school year and that DCPS has planned necessary overstaffing to accommodate last-minute gaps which occur every year.

Placement for Students with the most Intensive Needs

Although DCPS's goal of improving inclusive services is laudable, DCPS must not neglect the needs of children who must have a small specialized school in order to learn. The wide spectrum of needs that fall under the general umbrella of "special education" is the reason the federal Individuals with Disabilities Education Act (IDEA) specifically requires that all school districts offer a continuum of special education

placements, ranging from full inclusion to separate schools.²⁶ DCPS lacks capacity to educate students with severe disabilities who need small, specialized schools. At this point, DCPS has only one specialized school, River Terrace Education Campus, which focuses on the needs of students with developmental disabilities like Autism and intellectual disabilities. DCPS has closed all of its specialized schools for children with learning disabilities and emotional needs over the last decade.²⁷ While many of the closed programs had serious problems, the lack of any option within DCPS is why nonpublic school placements are necessary to DC's current continuum of services. Our students and parents would prefer to have quality specialized school options within DC, and DCPS should work towards providing them, as it is doing with its partnership with The Ivymount School for students with Autism.

Also, DCPS must quickly provide the needed intensive supports for children transitioning from residential placements, or wards of DC who attended full-time special education programs returning from out of state to live in DC. Over the past school year and past years, DCPS made students go through the Office of Youth Engagement (OYE) regarding placement. Often, OYE had little information about the student, and assigned the student to the local public school for at least 30 days before considering a more specialized placement. These were students who, at their residential treatment or out-of-district placement, received full-time special education support because their IEP teams had decided it was necessary. DCPS's practice of

requiring children to go to neighborhood schools without the resources and supports they need for at least 30 days can be extremely harmful and destabilizing for these high-needs students. As well as harming the students, this practice runs counter to federal law, which requires schools implement the students' IEPs or provide comparable services immediately upon transfer.²⁸

Improving Language Access

Thank you, Mr. Grosso, for introducing the *Language Access for Education Amendment Act of 2015* and continuing to support its passage. As you heard in the important hearing over the summer, many students struggle in school and families struggle to engage in their children's education because of language barriers.²⁹

Although we do not have public data on the home languages of all students, the experiences of students who are English Language Learners (ELL) can be a guide about the challenges facing parents and students. Very few ELL students in grades 3-8 met or exceeded expectations on the PARCC (12% English/19% Math). Even fewer ELL high school students met/exceeded expectations on the PARCC (5% English II/4% Math).³⁰ Only 60% of ELL students graduated on time in 2015, down from 65% the previous year.³¹ While DCPS has begun some innovative programming, such as the International Academy at Cardozo, with plans to expand, DCPS needs to involve all families to overcome the barriers to academic success and college and career readiness for this vulnerable population.

Too often, DCPS fails to interpret or translate information necessary for parents to understand, track, and participate in their child's education. Unless a child attends a dual language program, which only covers Spanish-language in DCPS, few parents receive translated information as required by the *Civil Rights Act of 1964* and the *DC Language Access Act of 2004*, excluding them from reading, for example, report cards, IEPs, progress reports, discipline notices, notices about conferences, and field trip notices. My colleagues have, over the years, provided interpretation for meetings and translated essential documents for our clients when DCPS has failed to. As you heard in the Public Hearing, students sometimes must interpret at conferences and other meetings for their parents. Data provided by DCPS to the Office of Human Rights shows that DCPS spent less than \$200 per ELL student on translations and interpretation over the last school year.³² Interpretation costs about \$50 to \$150 per hour, so the limited spending shows that all needed interpretation and translation of vital documents is not done. In many schools, language access duties are performed by a teacher, who by virtue of teaching responsibilities, cannot devote the time needed. DCPS needs to provide a full-time language access staff person, who is culturally competent, for schools with high populations of families who indicate a non-English language on the home language survey, to ensure that translation and interpretation finally happen.

Engagement of Families with Policies and Procedures

We urge DCPS to make all its policies and Chancellor's directives available online to the public. Many DC agencies make their policies available on their websites; DCPS generally does not do so. The page of the DCPS website devoted to policies only includes a handful of its policies, and although the Parent Handbook describes some information, the underlying policies and directives are not included.³³ We generally have to submit FOIA requests to DCPS in order to receive copies of policies, even after schools have cited those policies as justifications for denying our clients' requests.³⁴ DCPS should ensure that all policies and directives are available to the public online and upon request.

DCPS should also provide the public with opportunities to contribute to the development of policies. Most agencies allow the public to participate in policy development through the notice and comment process.³⁵ This process informs the community that the agency is contemplating a policy change and gives the community a formal opportunity to offer feedback. We have found this process to be very effective at bringing a wider knowledge base to bear on the development of policy and at increasing the community's sense of trust and connection to the agency. We urge DCPS to issue its policies for notice and comment.

School Attendance and Culture

Keeping students in school is crucial to their academic success. DCPS should decrease the use of out-of-school suspensions and increase truancy prevention efforts. It is also important that DCPS focus on creating a positive school climate.

Reducing Suspension and Expulsion

I am pleased the *Pre-K Student Discipline Amendment Act of 2015* is now in effect. However, oversight data, and our own experiences, reinforce the need to expand this suspension and expulsion ban to the thousands of other children in the District, from kindergarten through twelfth grade, who are currently being excluded from our schools every year. Think about the message we send to the District's children and families when, instead of teaching them and getting to the root of what is causing their behavior, we kick them out of school. When we tell a six, twelve, or sixteen year old child they are not allowed to come to school and learn, we do them the greatest disservice – ignoring what is often a cry for help, while denying them access to their education. We have to do better for these children.

In school year 2014-2015, 3,159 DCPS students were suspended for 5 days or less, 1,054 DCPS students were suspended for 6 to 10 days, and 797 DCPS students were suspended for over 10 days.³⁶ There were 5,010 DCPS students of all ages suspended during the 2014-2015 school year, with disproportionate suspensions of students given based on gender, race, and special education status.³⁷ The oversight data also continues to show that students classified as at-risk, meaning students that are homeless, eligible for Supplemental Nutrition Assistance Program (SNAP) or Temporary Assistance for Needy Families (TANF), in the foster care system, or over-age high school students, were more likely to be disciplined than their peers.³⁸ One of the most troubling points

in this data is that African-American students in the District are substantially more likely to be suspended or expelled than white students. Of the 5,010 DCPS students that received a suspension in school year 2014-2015, 4,579 were given to African American students.³⁹ School push-out is not just a school discipline issue; it is very much an issue of racial justice.

Out of school suspensions and expulsions have an extremely negative impact on the student being disciplined, as well as the school community as a whole. Research shows that a suspension does not produce the desired effect. A student doesn't learn from his or her behavior and come back to school ready to behave and learn. In fact, just the opposite is true. Suspension and expulsion correlate with decreased academic performance, dropping out, substance abuse and criminal activity.⁴⁰ A study of nearly one million students in Texas found that 31% of students who were suspended or expelled repeated a grade at least one time.⁴¹ This same study showed that students who have been suspended or expelled were almost three times as likely to be referred to the juvenile justice system the following year.⁴²

We strongly encourage DCPS to stop using suspension and expulsion as a form of discipline. Along with banning suspensions and expulsions, DCPS should ensure all schools and teachers have the training, support and funding to implement alternative disciplinary programs and procedures, like restorative justice, that create a positive school climate and a safe place for students to learn.

Truancy Prevention

Truancy is a serious problem in our schools. DCPS reported an 18.2 percent truancy rate during the 2013-2014 school year.⁴³ The District has taken many steps to address truancy, including creating the Truancy Taskforce and passing the *Attendance Accountability Amendment Act of 2013*.

As we have testified previously, schools are the best place to address individual student's barriers to attendance. The student, parents, teachers and other staff who work with the child on a regular basis should be the heart of any truancy reduction effort. The *Attendance Accountability Amendment Act* recognizes this by requiring schools to conduct Student Support Team (SST) meetings when a student reaches 5 unexcused school absences. However, schools are not fully complying with this law or its underlying regulations.⁴⁴ DCPS completed only 63.7 percent of their required SST meetings that were referred for attendance in school year 2014-2015.⁴⁵ I encourage DCPS to require all schools to complete SST meetings and to intervene well before children become chronically truant or drop out of school.

I understand truancy is a challenging problem, with complex solutions. The District has advanced programs that address truancy in schools, including *Show Up, Stand Out* and *Access Youth*.⁴⁶ While these programs are in their infancy, providing interventions in only a handful of schools, they are growing and beginning to show results. For instance, the *Access Youth* program states that, of the students who were

referred after 5 unexcused absences, 22 percent avoided 10 unexcused absences, 58 percent avoided 15 unexcused absences, and 38 percent increased their rate of attendance.⁴⁷ *Show Up, Stand Out's* outcomes are also extremely promising – 74 percent of referred elementary school students and 86 percent of referred middle school students were not re-referred for poor attendance during the following school year.⁴⁸ I recommend DCPS scale up these interventions and incorporate other truancy prevention and intervention programs. These interventions, and others, should be the primary tool to address truancy, not the child welfare and court systems.

We have also testified previously about the importance of understanding the root cause of chronic absenteeism in order to offer appropriate, high-quality supports and services. *Show Up, Stand Out* has done some analysis and found that the most frequent barriers to getting to school for elementary students are related to getting to school – 30 percent of students walk with their parent or sibling to school, and 29 percent report taking the bus to school.⁴⁹ 22 percent of the students that responded to the survey are homeless or are in an unstable housing situation.⁵⁰ 15 percent reported medical issues as a barrier to getting to school and 13 percent said they have too far to go to get to school.⁵¹ Of the middle school students surveyed, 52 percent of students listed transportation, specifically the bus, as the biggest barrier to getting to school, and medical issues as the second biggest barrier.⁵² These barriers can be addressed using school and community resources. I encourage DCPS to continue collecting data on the

reasons students are truant so we can continue to put in place services and supports to help remove these barriers.

Trauma-Informed Schools

One important way to help improve outcomes for students is to address trauma in schools. We know, through research and our own experiences that DC children, and especially the children we serve, bring traumatic experiences with them into the classroom every day impacting their behavior and ability to learn.

Children in DC have a high rate of experiencing trauma. Trauma is a severe emotional response to a frightening or threatening event or to a series of experiences that leaves a person overwhelmed and unable to cope. While experiencing any one discrete negative event such as physical abuse or witnessing a murder can cause trauma, children can also experience trauma through the cumulative effect of multiple, ongoing events like experiencing homelessness or being removed repeatedly from one's parents or moved from one foster family to another. Importantly, with respect to our discussion today, there is now agreement that trauma significantly impacts a child's ability to progress at school.

There has been significant work to bring trauma-informed practices into the DC schools. For instance, the District has expanded the community school model to "integrate academics, health and social services, youth and community development, and community engagement, in order to improve student outcomes."⁵³ The recently

released annual report for the *Community Schools Incentive Initiative* highlights promising practices, such as providing increased access to mental health services in schools and linking families to healthy food options.⁵⁴

Unfortunately, in the past, efforts to implement the program have not been well coordinated as part of a larger plan and many of the efforts are unknown to other agencies and the community. That is why I am excited by the news that the Department of Health (DOH) will take the lead in coordinating a comprehensive plan for school-based mental health. The Department of Behavioral Health (DBH) reports that through a collaboration between DBH, DOH, and schools, there will be a School Health Needs Assessment which will include the “resource mapping and mapping of current mental health and substance use screening portals in the District.”⁵⁵ This effort hopefully will show a full picture of the successes and needs of our current system. I hope DCPS will make this effort a priority, move quickly from plan to action, and include information about current initiatives in DC schools that address childhood trauma and its impact on learning in this mapping process.

Increasingly, experts on trauma agree that schools can play a significant role in the adjustment of traumatized children.⁵⁶ A supportive school community that views children and families through a trauma-lens can help children feel safe and connected – this is the first step in preparing these children to learn. In schools best equipped to handle trauma, with staff trained in its effects and who are able to make strong linkages

to mental health providers, teachers will be able to focus on teaching rather than continuously managing behavior issues. That is why I continue to encourage the District and DCPS to embrace the need to address trauma in schools and make all public and public charter schools trauma-sensitive.

Conclusion

Thank you again for the opportunity to testify. I welcome any questions.

¹ Children’s Law Center fights so every child in DC can grow up with a loving family, good health and a quality education. Judges, pediatricians and families turn to us to be the voice for children who are abused or neglected, who aren’t learning in school, or who have health problems that can’t be solved by medicine alone. With 100 staff and hundreds of pro bono lawyers, we reach 1 out of every 8 children in DC’s poorest neighborhoods – more than 5,000 children and families each year. And, we multiply this impact by advocating for city-wide solutions that benefit all children.

² DCPS FY15 Performance Oversight Responses, Q61.

³ DCPS FY15 Performance Oversight Responses, Q68.

⁴ DCPS FY15 Performance Oversight Responses, Q87 Attachment – FY 2015 Performance Accountability Report, p 14.

⁵ DCPS FY15 Performance Oversight Responses, Q63.

⁶ *Id.*

⁷ DCPS FY15 Performance Oversight Responses, Q66. We also note that we are uncertain how DCPS concluded that their goal should be to reduce the percentage of students in special education to 15%.

⁸ PARCC data tables accessed at <http://osse.dc.gov/parcc/2015results>.

⁹ *Id.*

¹⁰ DCPS 2014 Performance Oversight Responses, Q73.

¹¹ See *Student vs. DCPS*, No. 2015-0371 (DC Office of Dispute Resolution, January 31, 2016).

¹² See *Enhanced Special Education Services Act of 2014– DC Act 20-487*.

¹³ DCPS FY15 Performance Oversight Responses, Q71. We acknowledge that Early Stages has the challenge of physically getting young children into their center to complete evaluations, different than evaluations for children attending DCPS schools. However, DCPS has not reported data about how many evaluations for older students are completed within 60 or 90 days.

¹⁴ See *Enhanced Special Education Services Act of 2014– DC Act 20-487*.

¹⁵ See *Enhanced Special Education Services Act of 2014– DC Act 20-487*.

¹⁶ DCPS FY15 Performance Oversight Responses, Q72.

¹⁷ DCPS FY15 Performance Oversight Responses, Q72 (Vocational).

¹⁸ DCPS FY15 Performance Oversight Responses, Q49.

¹⁹ DCPS FY13 Performance Oversight Responses, Q60 (stating that students with IEPs and 504 plans receive the same instruction as general education students in summer school, though their teachers are “encouraged” to offer them the accommodations from their IEPs).

²⁰ PARCC data tables accessed at <http://osse.dc.gov/parcc/2015results>.

²¹ DCPS FY15 Performance Oversight Responses, Q58, 68. DCPS has informed Children’s Law Center in the past about its investment in Lindamood Bell for students with 504 Plans at some schools.

²² DCPS FY14 Performance Oversight Responses, Q69 Attachment.

²³ DCPS FY15 Performance Oversight Responses, Q10.

²⁴ *Id.*

²⁵ Pseudonyms are used to protect confidentiality.

²⁶ 34 C.F.R. § 300.115 requires that each state have a continuum of alternative placements available to meet the needs of children with disabilities. The continuum must include the alternative placements listed in § 300.38: regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions.

²⁷ See our testimony from 2013 for a full listing of closed programs. Prospect Learning Center for students with learning disabilities closed in summer 2013, see <https://www.washingtonpost.com/apps/g/page/local/dc-public-schools-closure-list-january-2013/25/> Mamie D. Lee and Sharpe Health consolidated at River Terrace in summer 2015.

²⁸ See 34 C.F.R. § 300.232(a) and 300.232(f).

²⁹ Committee Report on B21-066, *Language Access for Education Amendment Act of 2015* (November 9, 2015), <http://lims.dccouncil.us/Download/33343/B21-0066-CommitteeReport1.pdf>

³⁰ PARCC data tables accessed at <http://osse.dc.gov/parcc/2015results>.

³¹ Graduation Rate data tables accessed at <http://osse.dc.gov/service/high-school-graduation-rates-0>.

³² Data provided to the DC Language Access Coalition, of which Children’s Law Center is a member, on file with the author.

³³ See <http://dcps.dc.gov/page/dcps-policies>. Last accessed February 14, 2016.

³⁴ For example, we had to FOIA the handbooks describing the responsibilities and qualifications of the different categories of professionals providing special education related services. We also had to FOIA the instructions for use of SEDS/EasyIEP.

³⁵ The DC Administrative Procedures Act requires that “The Mayor and each independent agency shall, prior to the adoption of any rule or the amendment or repeal thereof, publish in the District of Columbia Register...notice of the intended action so as to afford interested persons opportunity to submit data and views either orally or in writing.” D.C. Code § 2-505. “Rule” is defined to mean “the whole or any part of any Mayor’s or agency’s statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or to describe the organization, procedure, or practice requirements of the Mayor or of any agency.” The Public Education Reform Act required that “the Mayor shall promulgate rules and regulations governing DCPS, including rules governing the process by which the Mayor and DCPS will seek and utilize public comment in the development of policy.” D.C. Code § 38-172(c)(1).

³⁶ OSSE FY15 Performance Oversight Responses, Q9 Attachment.

³⁷ *Id.*; *Reducing Out-of-School Suspensions and Expulsions in District of Columbia Public and Public Charter Schools*, available at:

http://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/OSSE_REPORT_DISCIPLINARY_G_PAGES.pdf.

³⁸ OSSE FY15 Performance Oversight Responses, Q9 Attachment.

³⁹ *Id.*

⁴⁰ “Out-of-school suspensions and expulsions can affect a student’s future emotional and educational well-being, as research suggests that school exclusion actually increases the likelihood that students will misbehave in the future, become truant, fail to graduate, develop substance abuse issues, or encounter the juvenile justice system.” Office of the State Superintendent of Education, *Reducing Out-of-School Suspensions and Expulsions in District of Columbia Public and Public Charter Schools*, 9 (June 2014).

⁴¹ Justice Center, Council of State Governments and Public Policy Research Institutes, *Breaking Schools’ Rules: A Statewide Study of How School Discipline Relates to Students’ Success and Juvenile Justice Involvement*, 13 (July 2011).

⁴² Justice Center, Council of State Governments and Public Policy Research Institutes, *Breaking Schools’ Rules: A Statewide Study of How School Discipline Relates to Students’ Success and Juvenile Justice Involvement*, 14 (July 2011).

⁴³ District of Columbia Public Schools, *DCPS at a Glance: Attendance* (2015), <http://dcps.dc.gov/page/dcps-glance-attendance>.

⁴⁴ 5 D.C.M.R § A-2100 et seq.

⁴⁵ DCPS FY15 Performance Oversight Responses, Q51.

⁴⁶ DCPS FY15 Performance Oversight Responses, Q52.

⁴⁷ *Id.*

⁴⁸ DCPS FY15 Performance Oversight Responses, Q52 Attachment.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ <http://osse.dc.gov/service/community-schools-incentive-initiative>

⁵⁴ <http://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/Community%20Schools%20Annual%20Report.pdf>.

⁵⁵ DBH FY15 Performance Oversight Responses, Q62.

⁵⁶ Tishelman, A.C., Haney, P., Greenwald O'Brien, J. and Blaustein, M. (2010). "A framework for school-based psychological evaluations: Utilizing a 'trauma lens.'" *Journal of Child and Adolescent Trauma*, 3(4): 279-302, 280.