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Testimony Before the District of Columbia Council
Committee on Education
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Public Hearing:
Agency Performance Oversight of the Public Charter School Board

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Introduction

Good morning Chairman Grosso and members of the Committee. My name is Sharra E. Greer. I am the Policy Director of Children's Law Center¹ (CLC) 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. A large number of the children we work with attend DC public charter schools.

Achievements

I appreciate this opportunity to testify regarding the performance of the Public Charter School Board (PCSB). The Public Charter School Board has had a number of significant achievements this year. It continues to be a leader among the education agencies in sharing meaningful data with the public and using data strategically to improve school performance. The data that PCSB has made public about suspensions and expulsions achieved its intended purpose of encouraging schools to reduce the use of exclusionary discipline: the charter schools continue to report significant reductions in expulsions from year to year.² PCSB worked collaboratively with the Office of the State Superintendent of Education (OSSE), District of Columbia Public Schools (DCPS), and the Deputy Mayor of Education (DME) to develop the Equity Reports, which for

the first time provide a comprehensive overview of attendance, discipline, proficiency, and mobility across both the charter and traditional public schools.³ Additionally, PCSB worked with OSSE and DCPS to produce the report, “Reducing Out-of-School Suspensions and Expulsions in District of Columbia Public and Public Charter Schools.”⁴ This report provides all DC schools with recommendations to aid in the elimination of out-of-school suspension and expulsion, except for those students who pose a safety threat to themselves or others.

As PCSB continues to work with all the charter schools on attendance and discipline issues, I hope they will help the charter schools look at the underlying issues behind these problems. Prime among them are the traumatic experiences children in the District of Columbia bring with them into the classroom. Transforming schools to make all children feel safe has benefits for the entire student and staff population. In schools 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.

Last year, PCSB awarded charter status to a total of three new schools, including Monument Academy, designed to service students who have experienced stress and trauma, and the Children’s Guild, designed to serve mostly special education students. I appreciate PCSB’s focus on at-risk youth in the District and look forward to working with these new schools to improve outcomes for our students.

We are also thankful for PCSB's support in passing the *Educational Continuity Act of 2014*, which will promote school stability for a vulnerable population of children and youth who have been in the care and custody of the District of Columbia. This new law allows children who attain permanency (guardianship or adoption) with families who live outside DC to remain in their DC school of origin without having to pay additional out-of-state tuition fees for the remainder of their school year. This allows the students to complete their current level of schooling and plan a smooth transition to a Maryland or Virginia school. We recommend that PCSB help spread information about this new law to all public charter schools so that DC foster youth have the opportunity to benefit from its new protections.

These achievements, changes, and additions are a testament to the creativity, interagency cooperation, and spirit of community engagement that Scott Pearson and his leadership team have brought to the Board.

Special Education Capacity

While PCSB has done a great deal of important work and many individual charter schools offer excellent special education services, the sector does not yet offer high quality special education services across the board. Last year, the Council passed 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, a sweeping legislative reform package designed to address the challenges our schools are

facing when providing special education services. The reforms that these laws make to DC's special education system span the process from beginning to end - students will receive assistance earlier, parents will be able to participate more fully in their children's education, and students will graduate from high school with the skills they need to be successful adults. I look forward to working with PCSB as schools begin to implement these laws.

Additionally, I have several recommendations to further increase the special education capacity of the charter schools.

Weighted lottery

I recognize that charter schools face unique challenges in developing a full continuum of special education services. Even the largest charter school operators are far smaller than DCPS. They lack the economy of scale that a traditional school system has. In our discussions with charter schools, one observation we heard repeatedly is that the schools struggle to bring in enough students to fill specialized classrooms or use specialized services. As a result, to allow charter schools to build capacity that will not go to waste, the Special Education Quality Improvement Act now allows charter schools to offer an admissions preference to students with disabilities. We applaud these changes and recommend that the Council, OSSE, and PCSB build in protections to ensure that the weighted lotteries achieve these goals. Thoughtful oversight and monitoring will be necessary to effectively implement this new tool.

Reporting program information

The only way for a parent to learn what special education supports are available in the charter sector is by contacting each charter school individually. Whereas DC Public Schools (DCPS) reports basic data publicly on all of its special education programs, PCSB offers no such centralized data. This makes it very difficult for parents to determine which schools might be the best fit for their children. A parent with a child interested in math or Classics can easily search on the PCSB website for schools that specialize in those subjects, but a parent of a student with a reading disability has no simple way to determine which schools have expertise in educating students with such disabilities. A search for "special education" on the PCSB's website turns up only 6 schools: Bridges Public Charter School (Main Campus), Bridges Public Charter School (Sharpe Campus), Options Public Charter School (High School), Options Public Charter School (Middle School, St. Coletta Special Education Public Charter School, and the Children's Guild DC Public Charter School.⁵ The website provides no information about the special education offerings at the other charter school Local Education Agencies (LEAs). I urge PCSB to make information about all charter schools' special education offerings available to parents.

I understand that PCSB is reluctant to provide centralized data about the charter schools' special education offerings out of concern that it might give parents the impression that their children are not welcome and legally entitled to enroll at all of the

charter schools. It is true that every LEA has the responsibility to provide whatever special education services a student may need. At the same time, parents very much want to know which schools already have the expertise necessary to serve their children and which ones would need to create it from the ground up. They also want to compare curricula and staffing between schools. Just as a parent might prefer a school that offers Expeditionary Learning, a parent of a student with a reading disability might prefer a school that offers Lindamood Bell. Providing more information to parents about special education offerings would be consistent with PCSB's emphasis on improving schools through transparency and parent choice. Knowing that program information would be made public would likely encourage charter schools to grow and strengthen their programs.

Transition services

I have serious concerns regarding the ability of all DC schools to prepare students with disabilities for adulthood. I also see significant opportunities for DC to improve in this area in the coming year. Under federal special education law, schools are obligated to provide special education students between 16 and 22 with “transition services.”⁶ The new special education laws passed by the Council will require transition planning to begin at age 14 starting in 2016.⁷ These transition services can include a wide range of activities to prepare students for independent living, employment, and further education. DC has for many years failed abjectly in meeting federal

requirements for secondary transition. Our most recent numbers from November 2013 revealed that only 47% of DC students aged 16 and older had IEPs that included appropriate transition goals and showed that the other basic procedural requirements for transition planning were met.⁸

PCSB acknowledges that “there are no specific transitional programs that all charter schools offer students with disabilities.”⁹ Some of the resources that charter schools use in their transition planning process include DC Partners in Transition, School Talk DC, job shadowing programs, and opportunities to participate in college fairs.¹⁰ However, PCSB did not include the number of students served by these programs and the outcomes of the youth served by them.¹¹ We have raised our concerns about charter schools' lack of transition programs with the PCSB leadership and hope that they will take steps this year to ensure that students at charter schools have access to high quality transition programs. I understand that PCSB and the charter schools have largely relied on the Rehabilitative Services Agency (RSA) to provide transition services, but that is not sufficient because RSA typically does not provide services until after a student has completed high school.¹² It is time, particularly with the new earlier transition services requirement beginning next year, that all Charter Schools prepare to adequately serve all students throughout their transition planning process.

Special Education Oversight

Compliance with special education law

Both OSSE and the Public Charter School Board take on some responsibility for ensuring that charter schools comply with the Individuals with Disabilities Education Act. This shared oversight model has not been fully successful. In practice, we understand that the PCSB does not proactively monitor charter schools' procedural compliance with the Individuals with Disabilities Education Act. Instead, PCSB largely relies on data provided by OSSE to learn about schools that may be out of compliance. The triggers for PCSB's special education audit policy are based on OSSE reports and other demographic data that schools submit routinely.

PCSB does include special education instruction as part of its assessment of schools' overall performance in its Qualitative Site Reviews (QSRs), which PCSB conducts for all charter schools.¹³ These reviews include site visits in which staff with a background in special education observe the delivery of specialized instruction in push-in, pull-out, resource, and self-contained settings.¹⁴ The results of the special education observations are included in the overall report for each school.

PCSB has some ability to enforce compliance with special education law, but that ability is limited. PCSB has the power to deny charter renewal requests if it determines that a school has committed a material violation of special education law.¹⁵ PCSB also has the authority to place a charter school applying for renewal in a probationary status that requires the school to take remedial actions.¹⁶ Outside of the charter renewal and revocation process, PCSB has no authority to require a school to take any specific steps

to improve their special education. OSSE does have some ability to fill that gap: it can withhold or condition federal funding when schools fail to comply with special education law.¹⁷ But this piecemeal approach, where each agency collects different data and has different enforcement tools available at different times, has serious flaws. It can only work if both agencies share information seamlessly. And even then it may still allow schools to fall through the cracks, with neither agency taking full responsibility for ensuring their quality and compliance.

I recommend that the two agencies work together to catalog all of the information that they collect about special education in charter schools and what enforcement mechanisms they have available. Once they have amassed that information, they should develop a taskforce to make recommendations for improving data sharing and oversight. The recommendations should be made public by the start of the next fiscal year.

Quality reviews

OSSE and PCSB have developed duplicative mechanisms for helping charter schools to improve their special education programs. I am concerned that it is confusing and inefficient to have two separate quality review tools. Both are voluntary for the charter schools. While OSSE is encouraging LEAs to use the self-evaluation tool developed by the American Institutes for Research (called the Special Education Quality Review), PCSB is encouraging charter schools to use its own system, the Special

Education Quality Assistance Review (QAR).¹⁸ PCSB and OSSE should work together to create an efficient and transparent review process for all charter schools.

School health and mental health staff

Many students with disabilities need nursing or mental health services; without staff who can provide those services, charter schools will be unable to serve those students. In addition, every day, children in the District of Columbia bring traumatic experiences with them into the classroom. Turmoil at home and in the community makes it more difficult for children to succeed in school. Transforming schools to make all children feel safe has benefits for the entire student and staff population. In schools 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.

Only 70 of the 112 (62%) charter school campuses have a full or part-time school nurse provided by the Department of Health.¹⁹ While this is an increase from last year, it is still far from sufficient. Only 16 of 112 public charter school campuses have school-based mental health staff provided by the Department of Behavioral Health (DBH).²⁰ While PCSB and DBH have approved three (3) more school-based mental health staff positions that are currently waiting for staff to be hired,²¹ that level of staffing will still be inadequate. Additional funding is needed in the DOH and DBH budgets to allow all charter schools to have nurses and mental health staff to meet student need.

Truancy and Discipline

Keeping students in school is crucial to their academic success. PCSB should increase truancy prevention efforts and decrease the use of out of school suspensions.

Truancy

Truancy is a significant problem in the District of Columbia. PCSB reported a total of 5,462 truant students in SY2013-14 (14.9% of the students that attend charter schools).²² Ensuring that all children are attending school every day is extremely important as a foundation for their future success. Students miss school for many reasons including personal factors (unmet physical or mental health needs; poor academic performance, sometimes due to special education needs, and a resulting lack of self-esteem; alcohol and drug use), home and community factors (family health or financial concerns that pressure the student to care for family members or work; lack of parental guidance or supervision; domestic violence; poverty; pressures arising from teen pregnancy or parenting; parental alcoholism or drug abuse; lack of transportation; safety issues such as violence near home or between home and school), and school factors (lack of effective and consistently applied attendance policies; push-out policies such as suspension as a punishment for truancy; teacher characteristics such as lack of respect for students and neglect of diverse student needs; unwelcoming atmosphere; unsafe environment).²³

Last year, the Council passed the Attendance Accountability Amendment Act, which lowered the threshold for court referral from 25 absences to 15 absences. While we are glad that this issue is being addressed with such seriousness by so many in our government, we also want to be sure that the laws and policies address the root causes of truancy, not just punish those who are truant. We encourage PCSB to do more to intervene early before children become chronically absent and drop out of school. 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, and current regulations require all schools to have a robust intervention system.²⁴

Reducing Suspension and Expulsion

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. There were 10,000 students of all ages suspended during the 2012-2013 school year.²⁵ In SY 2012-13, students under the care of DC's child welfare system were more than two times more likely to be disciplined than other students, students who are low-income were also more likely to be disciplined than their wealthier peers, and students who have disabilities and receive special education services also experienced higher rates of discipline.²⁶ One of the most upsetting statistics revealed by an OSSE report is that African-American students in the District are almost 6 times as likely to be suspended

or expelled as white students.²⁷ School push-out is not just a school discipline issue; it is very much an issue of racial justice.

We strongly encourage PCSB and all DC public schools to stop using suspension and expulsion as a form of discipline. Along with outlawing suspensions and expulsions, the PCSB must ensure schools have the training, support and funding to implement alternative programs that promote a positive school climate and appropriate disciplinary approaches. While the utilization of these alternative approaches are an individual LEA decision, we encourage PCSB to promote the use of these positive behavioral interventions in all public charter schools.²⁸

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,

² PCSB reports that the number of expulsions has decreased from 1.0% (227 students) in SY2011-12 to 0.50% (173 students) in SY 2012-13 to 0.39% (141 students) in SY 2013-14..PCSB FY 14 Oversight Responses, Q18.

³ PCSB FY 14 Oversight Responses, Q5.

⁴ *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.

⁵ http://www.dcpsb.org/find-a-school?field_school_focus_tid=Special%20Education%20Focus

⁶ See 34 C.F.R. § 300.320(b)(2).

⁷ See *Enhanced Special Education Services Act – DC Act 20-487*.

⁸ November 2013, Results of Secondary Transition Review, shared at Secondary Transition Community of Practice meeting, on file with Children’s Law Center.

⁹ PCSB FY 14 Oversight Responses, Q25.

¹⁰ PCSB FY 14 Oversight Responses, Q25.

¹¹ PCSB FY 14 Oversight Responses, Q25.

¹² PCSB FY 14 Oversight Responses, Q26.

¹³ PCSB FY 14 Oversight Responses, Q23.

¹⁴ PCSB FY 14 Oversight Responses, Q23.

¹⁵ DC Code § 38-1802.12(c)(1).

¹⁶ DC Code § 38-1802.12(d)(5).

¹⁷ 34 C.F.R. § 300.600(a)(3).

¹⁸ PCSB FY 14 Oversight Responses, Q23..

¹⁹ PCSB FY 14 Oversight Responses, Q5.

²⁰ PCSB FY 14 Oversight Responses, Q14..

²¹ PCSB FY 14 Oversight Responses, Q14.

²² PCSB FY 14 Oversight Responses, Q16.

²³ *The National Center for School Engagement, Factors Contributing to Truancy*, available at: www.truancy prevention.org ; *Truancy Reduction: Keeping Students in School* (2001), available at: <https://www.ncjrs.gov/pdffiles1/ojdp/188947.pdf>.

²⁴ 5 D.C.M.R A-2100 et seq.

²⁵ *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.

²⁶ *Id.*

²⁷ *Id.*

²⁸ PCSB FY 14 Oversight Responses, Q20.