



616 H Street, NW · Suite 300  
Washington, DC 20001  
T 202.467.4900 · F 202.467.4949  
[childrenslawcenter.org](http://childrenslawcenter.org)

Testimony Before the District of Columbia Council  
Committee on Education  
March 3, 2016

Public Hearing:  
Agency Performance Oversight of the Public Charter School Board

Sharra E. Greer  
Policy Director  
Children's Law Center

Good morning Chairman Grosso and members of the Committee. My name is Sharra E. Greer. I am the Policy Director of Children's Law Center<sup>1</sup> (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.

### **Introduction**

I appreciate this opportunity to testify regarding the performance of the Public Charter School Board (PCSB). PCSB has continued to move forward its support and assistance to improve charter schools. In particular, PCSB has taken important steps to assist some of our most vulnerable students: students with disabilities and students with limited English proficiency. PCSB has also continued its work to improve student engagement across the charter sector. We want to urge that PCSB do more and take advantage of an opportunity to improve mental health services in schools.

### **Special Education Reforms**

#### **Dependent Local Education Agencies**

PCSB has taken some important steps to implement special education reforms passed into law in 2014.<sup>2</sup> One important reform is the requirement that each current charter school become its own Local Education Agency (LEA) for the purpose of Part B of the IDEA no later than August 1, 2017. The PCSB can make an exception for a school with more than 90% of its students entitled to receive services pursuant to an Individualized Education Program. One

dependent charter school, St. Coletta, fits the requirements for the exception and will remain a dependent charter school.<sup>3</sup> PCSB has been actively working to help prepare the other eleven (11) dependent charter schools for transition.<sup>4</sup> We are encouraged that members of the Office of the State Superintendent of Education (OSSE), the District of Columbia Public Schools (DCPS), and PCSB plan to form a committee to review the applications from these dependent schools to gauge their readiness to transition.<sup>5</sup> We hope that all of this ground work will lead to successful transitions for the charter schools by 2017.

### Weighted Lottery

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 hear 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* allows charter schools to offer an admissions preference to students with disabilities.<sup>6</sup> Last year, PCSB worked with the Deputy Mayor for Education to begin the implementation of this new law. One charter school was approved for the newly available preference and was allowed to use it in this year's lottery.<sup>7</sup> We encourage more schools to apply this year for the preference. We hope this will be a successful tool for charter schools to expand special education capacity.

### Transition Services

Under federal special education law, schools are obligated to provide special education students, between ages 16 and 22, with "transition services."<sup>8</sup> These transition services include

a wide range of activities aimed at preparing students for independent living, employment, and further education. Recognizing the importance of these transition activities, the *Enhanced Special Education Services Act of 2014* lowered the age at which transition planning must begin to age 14 starting in July 2016.<sup>9</sup> There is a significant amount of work to be done to get schools to provide appropriate transition planning. There is currently only 68% compliance with IDEA secondary transition requirements.<sup>10</sup>

PCSB did try some innovative steps, last year, to bring supports to the charter schools to help with transition services.<sup>11</sup> PCSB reports it attempted to work collaboratively with the Rehabilitation Services Administration (RSA), part of the Department of Disability Services, to provide support to public charter schools, but the intra-agency funding was too complicated.<sup>12</sup> Instead, RSA was able to directly fund the DC Special Education Cooperative to help public charter schools with secondary transition services. Under that contract, DC Special Education Cooperative is able to offer services to all public charter schools, working with roughly 12 of the 21 eligible public charter schools in one capacity or another.<sup>13</sup> We hope these new supports will significantly increase the charter schools ability to do appropriate timely transition planning and provide transition services.<sup>14</sup>

### **Special Education Oversight**

PSCB has continued several of its programs to monitor the charter schools academic programing and services to students with disabilities. In 2013, PCSB adopted a Special Education Trigger Policy to protect students from potentially discriminatory practices.<sup>15</sup> Monthly, PCSB monitors the attendance, discipline, and withdrawal data for students with disabilities compared to their non-disabled peers.<sup>16</sup> Last year, disproportionate out-of-school

suspensions for students with disabilities led to five schools being audited.<sup>17</sup> While the results of the audits varied, several of the schools reported taking concrete steps to improve.<sup>18</sup> This regular review of data and vigilant monitoring appears to be a successful tool to identify schools that need assistance providing appropriate services to students with disabilities.

In addition, PCSB has continued its “Mystery Caller” program. This program was initiated to ensure schools comply with the open enrollment regulations, particularly pertaining to students with disabilities.<sup>19</sup> In SY2014-2015, calls were made to each of the 112 charter school campuses.<sup>20</sup> Seven percent of schools had a questionable first response, and only one with an inappropriate response upon follow up. PCSB worked with that school to remedy the issue.<sup>21</sup> We hope this program continues to ensure that parents are given correct information when they contact schools and ensure that schools understand and comply with their responsibilities to students with disabilities.

### **Improving Language Access**

As a member of the DC Language Access Coalition, we have concerns about the success of students who are limited English proficient or non-English proficient throughout DC’s public schools and the language access of their families. Language access is not only a human right, but improving partnerships with parents of all languages and cultural backgrounds is a key way that schools can help students achieve. Very few grades 3-8 English Language Learner (ELL) students in charter schools met or exceeded expectations on the PARCC (11% English/13% Math). Even fewer ELL high school students met/exceeded expectations on the PARCC (3.7% English II/3.3% Math).<sup>22</sup>

PCSB took two key steps, last year, to address these issues and help charter schools serve ELL students. First, PCSB has added a review of schools' programming and interventions offered for ELL students and the effectiveness of these interventions to its Qualitative Site Review, which traditionally focused on students with disabilities.<sup>23</sup> For the first time, beginning in spring 2016, the review teams will also include an expert in ELL to assist with the review. Second, PCSB added the level of planning each school does to meet the needs of its ELL students to its compliance monitoring as part of the formal review of the schools.<sup>24</sup> These are important first steps that we hope will lead to more supports and services in schools for students who are limited English proficient or non-English proficient and their families.

### **School Engagement**

None of the education system's other goals for providing students with a high-quality education can be achieved, if students are not engaged in their education. Keeping students in school, either by reducing truancy or out of school discipline, is essential for success. In DC, too many students are not in school. PCSB has a goal to increase student engagement and has been making progress.<sup>25</sup>

#### **Truancy**

PCSB reported a 14.7% truancy rate for the students attending charter schools.<sup>26</sup> 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).<sup>27</sup>

PCSB already monitors absenteeism and works with schools who have concerning trends.<sup>28</sup> Its policy is to encourage schools to work with the families needing the most help to improve attendance.<sup>29</sup> We encourage PCSB to continue working to help charter schools 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.<sup>30</sup>

#### Reducing Suspension and Expulsion

I am pleased the *Pre-K Student Discipline Amendment Act of 2015* is now in effect. PCSB should work with all public charter schools to ensure that this legislation is effectively implemented. Oversight data, and our own experiences, also 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.

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. The oversight data consistently shows students classified as “at-risk” were more likely to be disciplined than their

peers.<sup>31</sup> The charter schools have seen a decline in expulsions, although only a slight one from SY2013-2014 to SY2014-2015.<sup>32</sup> Similarly, there has been a slight decline in out-of-school suspensions.<sup>33</sup>

We strongly encourage PCSB to continue the positive work of decreasing suspensions and expulsions and promote the use of alternative programs that promote a positive school climate and appropriate disciplinary approaches.

### **Trauma and School Based Mental Health Services**

A key way to improve school engagement and outcomes for students is to address the impact of trauma and other mental health needs at school. We know, through research and our own experiences, many DC children 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. There has been important work to bring trauma-informed practices and services, which ameliorate the impact of trauma, 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.”<sup>34</sup> OSSE’s 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.<sup>35</sup>

Unfortunately, past efforts to implement programs have not been well-coordinated as part of a larger plan, and many of the efforts are unknown to other agencies and the community. The services are not always provided where they are most needed. For example, the Department of Behavioral Health (DBH) currently provides 20 mental health professionals



to public charter schools.<sup>36</sup> However, placement of mental health professionals does not target high-need schools.<sup>37</sup> Many charter schools with the highest percentage of at-risk students do not have a mental health professional, while schools with low percentages of at-risk students have an assigned clinician.<sup>38</sup>

We are hopeful that a comprehensive plan may be in the works. The Department of Health (DOH), through a collaboration between DBH and DC's schools, will be conducting 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."<sup>39</sup> This effort, hopefully, will show a full picture of the successes and needs of our current system. We know DBH, in conjunction with DOH, DCPS, PCSB, and community partners, plans to then create a Comprehensive Plan for Expanding Early Childhood and School-Based Behavioral Health Services.<sup>40</sup>

We urge PCSB to be an active participant in this process and encourage the charter LEAs to engage in it as well. If DC can develop a truly comprehensive plan for serving children in schools, it will be tremendously beneficial to children across the District struggling with mental health issues. We hope this effort is made a priority and moves quickly from plan to action.

## **Conclusion**

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

---

<sup>1</sup> 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.

<sup>2</sup> The *Special Education Students Rights Act of 2014*, DC Act 20-486, the *Enhanced Special Education Services Act of 2014*, DC Act 20-487 and the *Special Education Quality Improvement Act of 2014*, DC ACT 20-488

<sup>3</sup> PCSB FY15 Performance Oversight Responses, Q18.

<sup>4</sup> PCSB FY15 Performance Oversight Responses, Q18.

<sup>5</sup> PCSB FY15 Performance Oversight Responses, Q18.

<sup>6</sup> DC CODE § 38-1802.06

<sup>7</sup> DME FY15 Performance Oversight Responses, Q5.

<sup>8</sup> 34 C.F.R. § 300.320(b)(2).

<sup>9</sup> DC CODE § 38-2614.

<sup>10</sup> OSSE FY 2015 Performance Accountability Report, p. 45.

<sup>11</sup> PCSB FY15 Performance Oversight Responses, Q21.

<sup>12</sup> PCSB FY15 Performance Oversight Responses, Q21.

<sup>13</sup> PCSB FY15 Performance Oversight Responses, Q21.

<sup>14</sup> In addition OSSE and RSA initiated a targeted support plan for all LEAs this year, including technical assistance and a new reporting tool to help schools plan all of the related activities for transition planning. *See*, PCSB FY15 Performance Oversight Responses, Q21.

<sup>15</sup> PCSB FY15 Performance Oversight Responses, Q20 Attachment.

<sup>16</sup> PCSB FY15 Performance Oversight Responses, Q19.

<sup>17</sup> PCSB FY15 Performance Oversight Responses, Q20.

<sup>18</sup> PCSB FY15 Performance Oversight Responses, Q20.

<sup>19</sup> PCSB FY15 Performance Oversight Responses, Q24.

<sup>20</sup> PCSB called all 112 schools. Eight schools gave questionable answers to the first call. A second call was made and seven of the eight schools gave appropriate answers. The one school not providing an appropriate answer was issued a Notice of Concern. *See*, DME FY15 Performance Oversight Responses, Q24.

<sup>21</sup> PCSB FY15 Performance Oversight Responses, Q24.

<sup>22</sup> PARCC data tables accessed at <http://osse.dc.gov/parcc/2015results>. DCPS PARCC scores for ELL students are slightly better than for aggregated charter schools.

<sup>23</sup> PCSB FY15 Performance Oversight Responses, Q11.

<sup>24</sup> PCSB FY15 Performance Oversight Responses, Q11.

<sup>25</sup> DC Public Charter School Board. *Attendance, Discipline and Truancy Report*. Retrieved from: <http://www.dcpsb.org/report/attendance-discipline-and-truancy-report>.

<sup>26</sup> *Id.*

<sup>27</sup> The National Center for School Engagement. *Factors Contributing to Truancy*. Retrieved from: [www.truancy-prevention.org](http://www.truancy-prevention.org); Baker, M. L., Sigmon, J. N., & Nugent, M. E. (2001). *Truancy Reduction: Keeping Students in School*. Juvenile Justice Bulletin. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

<sup>28</sup> In SY2014-2015 four schools received Notices of Concern. *See, supra* note 25.

<sup>29</sup> <http://www.dcpsb.org/report/attendance-discipline-and-truancy-report>.

<sup>30</sup> 5 D.C.M.R A-2100 et seq.

<sup>31</sup> OSSE FY15 Performance Oversight Responses, Q9 Attachment.

<sup>32</sup> In SY2013-2014, there were 139 expulsions, or 0.38%; in SY2014-2015, there were 131 or 0.35%. *See, supra* note 25.

<sup>33</sup> A decline from 0.33% to 0.32% SY2013-2014 to SY2014-2015. *See, supra* note 25.

<sup>34</sup> OSSE Community Schools Incentive Initiative. Retrieved from <http://osse.dc.gov/service/community-schools-incentive-initiative>.

---

<sup>35</sup> OSSE *Community Schools Incentive Initiative Annual Report: School Year 2014-2015*,  
<http://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/Community%20Schools%20Annual%20Report.pdf>.

<sup>36</sup> PCSB FY15 Performance Oversight Responses, Q5.

<sup>37</sup> PCSB FY15 Performance Oversight Responses, Q14.

<sup>38</sup> PCSB FY15 Performance Oversight Responses, Q14.

<sup>39</sup> DBH FY15 Performance Oversight Responses, Q62.

<sup>40</sup> DOH-CHA FY15 Performance Oversight Responses, Q15.