



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

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Committee on Education  
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Public Hearing:  
Agency Performance Oversight of the Public Charter School Board

Sharra E. Greer  
Policy Director  
Children's Law Center

## INTRODUCTION

Good morning Chairman Grosso and members of the Committee on Education. 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 9 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.

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 the 118 public charter schools in the District.<sup>2</sup> 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

### *Transition Services*

In preparing for adulthood, students with disabilities have to learn how to navigate the adult medical and social services systems, what civil and educational rights they attain as an adult with disabilities, and when and how to disclose their disability to their employer or school. Federal special education law requires schools to provide students with disabilities “transition services” between ages 16 and 22.<sup>3</sup> Transition services include a wide range of activities that prepare students with disabilities for the unique challenges they face as they pursue post-secondary education, integrated employment, independent living, or vocational training. DC Council passed the *Enhanced Special Education Services Act of 2014*, which lowers the age at which transition planning must begin to age 14, subject to a small amount of funding.<sup>4</sup> While the funding was not included in the FY2017 budget, we expect that it will be included in the FY2018 budget.

Although PCSB is not deeply involved in the monitoring or supplying of transition services, it is uniquely situated to assess how adequately the needs of students with disabilities are being met by other interagency collaborations, because its audits are structured to detect possible deficiencies in the services that schools provide students with disabilities. The Office of the State Superintendent of Education (OSSE) is responsible for monitoring compliance with transition planning requirements for public

schools and the Rehabilitation Services Administration (RSA), which is part of the Department of Disability Services that coordinates transition services. The DC Special Education Cooperative (The Co-op) has contracted with RSA to assist public charter schools with their provision of transition services, since 2015. Last year, the Co-op worked with approximately half of the eligible public charter schools.<sup>5</sup> This year's Performance Oversight Responses show that 25 of the 27 eligible public charter high schools are working with the Co-op.<sup>6</sup> We commend the public charter schools for taking the steps necessary to acquire assistance for the provision of transition services.

#### *Dependent Local Education Agencies (LEAs)*

Another 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. PCSB has made an allowable exception for St. Coletta, a dependent charter school with more than 90% of its students entitled to receive services pursuant to an Individualized Education Program (IEP).<sup>7</sup> Members of OSSE, the District of Columbia Public Schools (DCPS), and PCSB formed a committee to review the applications from these dependent schools to gauge their readiness to transition.<sup>8</sup> Last year, PCSB had eleven (11) dependent charter schools that needed to transition to independent status.<sup>9</sup> Currently, there are seven (7) dependent charter schools yet to become independent charter schools.<sup>10</sup> We hope PCSB can help the remaining schools successfully transition in the next few months.

## *Weighted Lottery*

Charter schools face unique challenges in developing a full continuum of special education services. They lack the economy of scale that a traditional school system has. We continue to hear one observation in our discussions with charter schools: that the schools struggle to bring in enough students to fill specialized classrooms or use specialized services. 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>11</sup> As a result, Bridges Public Charter School was approved for the newly available preference in 2016 and was allowed to use the preference in last year's lottery.<sup>12</sup> Per our correspondence with PCSB, no other schools applied for the preference for SY2017-2018. We encourage more schools to apply for the preference in SY2018-2019. We hope this will be a successful tool for charter schools to expand special education capacity.

## **SPECIAL EDUCATION OVERSIGHT**

In 2015, the National Academies of Sciences, in collaboration with the DC Auditor, released a report highlighting the fact that DC students with disabilities persistently struggle with lower achievement than their non-disabled peers.<sup>13</sup> The report also made recommendations relating to oversight, collaboration, monitoring, data collection, and the fair distribution of education resources, all of which implicated PCSB.<sup>14</sup>

PCSB has been responsive to the critiques made in the 2015 report. It acknowledged in the Performance Oversight Responses that percentage of special education students who are scoring career and college ready to be in the single digits.<sup>15</sup> In FY2016, PCSB consistently collaborated with OSSE and other public agencies to address the recommendations regarding data collections and monitoring.<sup>16</sup> PCSB agreed to work more collaboratively with the State Board of the Education's Parent Complaint Ombudsman, after she raised concerns regarding the failure of some charter schools to meet the needs of students with disabilities.<sup>17</sup> PCSB has expanded its monitoring of the charter schools academic programing and services to students with disabilities, by including a special education expert to attend its quality site reviews and including the academic outcomes of students with disabilities in its high-stakes reviews.<sup>18</sup> PCSB continues to use its Special Education Trigger Policy to protect students from potentially discriminatory practices.<sup>19</sup> The policy requires PCSB to regularly monitor the attendance, discipline, and withdrawal data for students with disabilities compared to their non-disabled peers.<sup>20</sup> Last year, a disproportionate number of out-of-school suspensions for students with disabilities led PSCB to conduct preliminary reviews of four schools and an onsite audit of one school.<sup>21</sup> While the results of the audits varied, each school continues to be monitored.<sup>22</sup>

Positive results have followed PCSB's efforts. The PARCC results for students with disabilities improved from 2015 to 2016, and graduation rates for students with

disabilities have risen six percentage points from 2014 to 2016.<sup>23</sup> Furthermore, suspension rates for students with disabilities are declining at a quick rate.<sup>24</sup> The 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>25</sup> In SY2015-2016, calls were made to each of the 115 charter school campuses.<sup>26</sup> The number of schools that had questionable first responses dropped from seven percent in SY2014-2015 to four percent in SY2015-2016.<sup>27</sup> We hope this program continues to ensure that parents are given correct information when they contact schools and ensures schools understand and comply with their responsibilities to students with disabilities.

## **TRAUMA & SCHOOL-BASED MENTAL HEALTH SERVICES**

Improving mental health services provided through schools is a critical part of improving school outcomes in the District. Children suffering from mental health issues or illness face obstacles to learning and attendance challenges.<sup>28</sup> Children and families are more likely to take advantage of mental health services when they are located in a school, and staff delivering services can work directly with teachers to let them know where to refer students and to offer advice on addressing problem

behaviors in their classroom. While the District provides a variety of services to address the mental health challenges of students in schools, many schools have mental health staff with caseloads that are too large to provide adequate services, and they are not found at all schools. For example the Department of Behavioral Health (DBH) currently provides only 22 mental health professionals to serve the 118 public charter schools.<sup>29</sup>

A recent initiative, and one that could have profound effects if achieved, is a move towards working with the education agencies on expanding mental health services in schools. The *South Capitol Street Memorial Amendment Act of 2012* required that a comprehensive plan with a strategy for expanding early childhood and school based behavioral health programs and services to all schools be developed by the 2016-2017 school year.<sup>30</sup> That deadline was not met. However, last spring, DBH established a Behavioral Health Working Group bringing together DBH, PCSB, OSSE, DCPS, Friends of Choice in Urban Schools (FOCUS), child advocates and other government and community partners. CLC is a part of this working group.

The Working Group's plan is still in draft form. The proposed approach shows promise. While not final, the goal is to maximize available resources and ensure there is no disparity between similarly situated schools and child development centers. DBH school-based clinicians, now in only 70 schools in total across the District<sup>31</sup>, will perform universal screening and prevention activities. Resources from school personnel along



with community mental health providers will provide early intervention and treatment services. This goal is to have a realistic plan to ensure that every child in every school will have access to all levels of services.

While the plan needs to be finalized, and an implementation plan completed, the shift to a coordinated model makes sense. We are hopeful this can be completed and launched for SY2017-2018. This coordinated expansion should help increase access and prevent behavioral and mental health issues from escalating to a crisis point.

## **IMPROVING LANGUAGE ACCESS**

As a member of the DC Language Access Coalition, we continue to have concerns about the success of charter school students who are limited English proficient or non-English proficient throughout DC's public schools and the language access of their families. We are happy to see that PCSB believes that "more effective English Language Learner (ELL) oversight will lead to better support and services for student who are English language Learners."<sup>32</sup> PCSB has acknowledged the lack of increase in proficiency rates for public charter students who are ELL.<sup>33</sup> ELL public charter school (PCS) students scored lower than ELL DCPS students in English Language Arts and Math on the 2016 PARCC (PCS students: 13.7% English/15.3% Math; DCPS students: 13.9% English/20.0% Math).<sup>34</sup>

Over the past two years, PCSB has continued to take important steps to address these issues and help charter schools serve ELL students. During SY2015-2016, PCSB

included an English Language Instruction component in its Qualitative Site Reviews.<sup>35</sup> PCSB also initiated a professional learning community for English Language coordinators to enable them to learn from each other.<sup>36</sup> Additionally, PCSB began monitoring schools' compliance with laws that require schools to serve students regardless of language ability and tracking school performance for ELL students.<sup>37</sup> We encourage PCSB to continue to track and improve services for ELL students in charter schools.

## **SCHOOL ENGAGEMENT**

Students must be engaged in their education in order for schools to provide them with high-quality 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>38</sup>

### ***Truancy/Chronic Absenteeism***

During SY2014-2015, a change in business rules required PCSB to calculate truancy rates differently for SY2015-2016.<sup>39</sup> Under these new rules, the truancy rate for the students attending charter schools increased in SY2015-2016 from 18.6% to 19.8%.<sup>40</sup> PCSB reports that a slight decrease would have been observed using the prior calculation standard.<sup>41</sup> Nevertheless, there were 10 public charter schools with truancy rates over 35% in SY2015-2016.<sup>42</sup> PCSB issued a Notice of Concern to one school for

truancy in SY2015-2016 and lifted the notice in September 2016.<sup>43</sup> CLC recognizes that truancy is a challenging issue to address.<sup>44</sup> We recommend that PCSB identify specific tools and resources to support public charter schools struggling with truancy rates that surpass the thresholds put forth in the DC PCSB Attendance and Truancy Policy.<sup>45</sup>

PCSB continues to monitor absenteeism and work with charter schools that have concerning trends.<sup>46</sup> Their current Attendance and Truancy Policy, however, does not encourage schools to work with the families needing the most help to improve attendance.<sup>47</sup> We encourage PCSB to help charter schools intervene early at the family-level, 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>48</sup>

### ***Reducing Suspension and Expulsion***

I am pleased the *Pre-K Student Discipline Amendment Act of 2015* is now in effect. Data provided by OSSE indicates that only 9 of DC's 13,052 Pre-K students were suspended in SY2015-2016.<sup>49</sup> PCSB should continue to work with all public charter schools to ensure that this legislation is effectively implemented. 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.

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>50</sup> Multiple reports, including a recently released report from the U.S. Government Accountability Office, indicate a moderate decline in school discipline throughout the district, including the charter sector.<sup>51</sup> The DC public charter schools have seen a notable decline in expulsions from SY2014-2015 to SY2015-2016.<sup>52</sup> However, there has been only a slight decline in out-of-school suspensions.<sup>53</sup> We strongly encourage PCSB to continue the positive work of decreasing suspensions and expulsions and promote the use of alternative programs that bolster positive school climate and appropriate disciplinary approaches.

## **CONCLUSION**

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

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<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 9 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> PCSB FY16 Performance Oversight Responses, Q8.

<sup>3</sup> 34 C.F.R. § 300.320(b)(2).

<sup>4</sup> See, *Enhanced Special Education Services Act of 2014– DC Act 20-487*. The Act contemplated the change would be made in July 2016.

<sup>5</sup> PCSB FY15 Performance Oversight Responses, Q21.

<sup>6</sup> PCSB FY16 Performance Oversight Responses, Q22.

<sup>7</sup> PCSB FY15 Performance Oversight Responses, Q18.

<sup>8</sup> PCSB FY15 Performance Oversight Responses, Q18.

<sup>9</sup> PCSB FY15 Performance Oversight Responses, Q18.

<sup>10</sup> PCSB FY16 Performance Oversight Responses, Q19.

<sup>11</sup> DC Code § 38-1802.06.

<sup>12</sup> PCSB FY16 Performance Oversight Responses, Q10.

<sup>13</sup> National Academies of Sciences. “An Evaluation of the Public Schools of the District of Columbia: Reform in a Changing Landscape.” Retrieved from <https://www.nap.edu/catalog/21743/an-evaluation-of-the-public-schools-of-the-district-of-columbia>.

<sup>14</sup> National Academies of Sciences. “An Evaluation of the Public Schools of the District of Columbia: Reform in a Changing Landscape.” Retrieved from <https://www.nap.edu/catalog/21743/an-evaluation-of-the-public-schools-of-the-district-of-columbia>.

<sup>15</sup> PCSB FY16 Performance Oversight Responses, Q13.

<sup>16</sup> PCSB FY16 Performance Oversight Responses, Q10. Please note however, that the PCSB does not support centralized oversight of public charter schools and maintains that the Uniform Per Student Funding Formula adequately guarantees the fair dispersal of resources to all DC public charter schools.

<sup>17</sup> PCSB FY16 Performance Oversight Responses, Q10.

<sup>18</sup> PCSB FY16 Performance Oversight Responses, Q10.

<sup>19</sup> PCSB FY15 Performance Oversight Responses, Q20 Attachment.

<sup>20</sup> PCSB FY16 Performance Oversight Responses, Q19.

<sup>21</sup> PCSB FY16 Performance Oversight Responses, Q20.

<sup>22</sup> PCSB FY16 Performance Oversight Responses, Q20.

<sup>23</sup> PCSB FY16 Performance Oversight Responses, Q10.

<sup>24</sup> PCSB FY16 Performance Oversight Responses, Q10.

<sup>25</sup> PCSB FY16 Performance Oversight Responses, Q25.

<sup>26</sup> PCSB called all 115 schools. Five schools gave questionable answers to the first call. A second call was made and four of the five schools gave appropriate answers. The one school not providing an appropriate answer was issued a Notice of Concern. Another call was made to this school and when an inappropriate response was provided the PCSB issued a Charter Warning. The school provided an appropriate response at the following call and was cleared for SY2016-2017. See, PCSB FY16 Performance Oversight Responses, Q25.

<sup>27</sup> Compare PCSB FY15 Performance Oversight Responses, Q24 to PCSB FY16 Performance Oversight Responses, Q25.

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<sup>28</sup> Turner, M. A. & Berube, A., Urban Institute (2009). *Vibrant Neighborhoods, Successful Schools: What the Government Can Do to Foster Both*. Retrieved from <http://www.urban.org/research/publication/vibrant-neighborhoods-successful-schools>

<sup>29</sup> PCSB FY16 Performance Oversight Responses, Q14.

<sup>30</sup> DC Law 19-0141.

<sup>31</sup> DBH FY16 Performance Oversight Responses, Q25.

<sup>32</sup> PCSB FY16 Performance Oversight Responses, Q26.

<sup>33</sup> PCSB FY16 Performance Oversight Responses, Q26.

<sup>34</sup> PCSB FY16 Performance Oversight Responses, Q13.

<sup>35</sup> PCSB FY16 Performance Oversight Responses, Q26.

<sup>36</sup> PCSB FY16 Performance Oversight Responses, Q26.

<sup>37</sup> PCSB FY16 Performance Oversight Responses, Q26.

<sup>38</sup> DC Public Charter School Board. *Attendance, Discipline and Truancy Report*. Retrieved from: <http://www.dcpcsb.org/report/attendance-discipline-and-truancy-report>.

<sup>39</sup> The business rule change omitted students who were not of compulsory attendance age (i.e. those under five years of age) from the calculation. See, DC Public Charter School Board. *Attendance, Discipline and Truancy Report SY2015-2016*. Retrieved from <http://www.dcpcsb.org/sites/default/files/report/DC%20PCSB%20SY%202015-16%20Truancy%20Report.pdf>.

<sup>40</sup> *Id.*

<sup>41</sup> DC Public Charter School Board. *Attendance, Discipline and Truancy Report SY2015-2016*, p. 14. Retrieved from: <http://www.dcpcsb.org/sites/default/files/report/DC%20PCSB%20SY%202015-16%20Truancy%20Report.pdf>.

<sup>42</sup> DC Public Charter School Board. *Attendance, Discipline and Truancy Report SY2015-2016*, p. 15. Retrieved from: <http://www.dcpcsb.org/sites/default/files/report/DC%20PCSB%20SY%202015-16%20Truancy%20Report.pdf>.

<sup>43</sup> PCSB FY16 Performance Oversight Responses, Q17.

<sup>44</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). The National Center for School Engagement. *Factors Contributing to Truancy*. Retrieved from: [www.truancy-prevention.org](http://www.truancy-prevention.org); See also, 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>45</sup> DC Public Charter School Board. Attendance and Truancy Policy. Retrieved from <http://www.dcpcsb.org/sites/default/files/report/Attendance%20and%20Truancy%20Policy%20SIGNED.pdf>.

<sup>46</sup> DC Public Charter School Board. *Attendance, Discipline and Truancy Report SY2015-16*. Retrieved from <http://www.dcpcsb.org/sites/default/files/report/DC%20PCSB%20SY%202015-16%20Truancy%20Report.pdf>.

<sup>46</sup> 5 DCMR A-2100 *et seq.*

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<sup>47</sup> DC Public Charter School Board. Attendance and Truancy Policy. Retrieved from <http://www.dcpsb.org/sites/default/files/report/Attendance%20and%20Truancy%20Policy%20SIGNED.pdf>.

<sup>48</sup> 5 DCMR A-2100 *et seq.*

<sup>49</sup> OSSE FY16 Performance Oversight Responses, Q9 Attachment 2.

<sup>50</sup> OSSE FY16 Performance Oversight Responses, Q9 Attachment 2.

<sup>51</sup> United States Government Accountability Office (February 2017). *District Of Columbia Charter Schools: Multi-Agency Plan Needed to Continue Progress Addressing High and Disproportionate Discipline Rates*. Retrieved from <http://www.gao.gov/assets/690/682673.pdf> via The Washington Post (February 14, 2017). *Feds cite D.C. charters for high suspension rates, particularly for black students*. Retrieved from [https://www.washingtonpost.com/news/powerpost/wp/2017/02/14/feds-cite-d-c-charters-for-high-suspension-rates-particularly-for-black-students/?utm\\_term=.08568e5f334b](https://www.washingtonpost.com/news/powerpost/wp/2017/02/14/feds-cite-d-c-charters-for-high-suspension-rates-particularly-for-black-students/?utm_term=.08568e5f334b).

<sup>52</sup> In SY2014-2015, there were 131 (i.e. 0.35%) expulsions; In SY2015-2016 there were 81 (0.21%). *See*, DC Public Charter School Board. *Attendance, Discipline and Truancy Report SY2015-2016*, at 3. Retrieved from <http://www.dcpsb.org/sites/default/files/report/DC%20PCSB%20SY%202015-16%20Truancy%20Report.pdf>.

<sup>53</sup> A decline from 10.9% to 9.1% SY2014-2015 to SY2015-2016. *See*, DC Public Charter School Board. *Attendance, Discipline and Truancy Report SY2015-2016*, at Summary. Retrieved from: <http://www.dcpsb.org/sites/default/files/report/DC%20PCSB%20SY%202015-16%20Truancy%20Report.pdf>.