



Testimony Before the District of Columbia Council
Committee of the Whole
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Public Roundtable:
Re-Opening District of Columbia Public Schools (DCPS) and District of Columbia Public
Charter Schools (DCPCS) for School Year 2021-2022

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Introduction

Good morning, Chairman Mendelson and members of the Committee of the Whole. My name is Danielle Robinette. I am a Policy Attorney at the Children's Law Center¹ and a resident of the District. Additionally, before law school, I was a public-school teacher. 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 almost 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. Nearly all the children we represent attend public schools in DC – either traditional public schools or charter schools.

I appreciate this opportunity to testify regarding the District's plans for in-person learning for the coming school year. As you know, the past year and a half has been especially challenging for children and families in the District. The burden of Covid-19's economic and health impacts have been felt most acutely by families in Wards 5, 7, and 8. We urge the Council to listen to all testimony presented today, but to focus on those students who face the highest hurdles to return to in person learning. Families with vaccine hesitancy, those who fear a return to in person learning, families who have students with disabilities, and families whose caregivers have health conditions that make them highly susceptible to the ravages of this disease. With little more than a month before the new school year starts, the District must do more to ensure that all students are able to access their education – whether in-person or remotely – and make the educational progress necessary for them to succeed.

A. Listening to Parents

Although Children's Law Center has specific organizational concerns about return to school, we have surveyed our parent clients to learn more about the topics and issues about which they feel most concerned. Last month, Children's Law Center sent a survey out to all the clients served by our Medical Legal Partnerships since 2019. The goal of the survey was to inform our staff about clients' experiences during the pandemic and their concerns going forward. We sent the survey to over 1600 clients and received 439 responses. We have appended responses to relevant questions at the end of this testimony. Of the responses received, 291 students were enrolled in DCPS, 186 were at DC Public Charter.² The data we gathered affirms much of what we have learned from individual client conversations over the past year.

First, we learned that the emotional and health impacts of Covid-19 have been devastating for our client community. Over a quarter of families reported having someone in their household contract Covid. 40% of families have lost a loved one during the pandemic. While advocates and Councilmembers have been predicting that students would return to school with trauma from the last year, these data emphasize that we must ensure that schools approach the coming school year with a trauma-informed lens that account for the fear and loss that our youngest neighbors have suffered during the pandemic.

Next, we learned that many client families still have reservations about returning to in-person learning. Only 33% of families are very or extremely comfortable sending children to in-person learning, 42% want a hybrid or all-virtual option this Fall, and 48% are very or extremely concerned about their children's safety returning to the classroom. Among respondents, the

leading concerns about returning to in-person learning are the spread of Covid (52%) and adjusting back to the classroom setting (31%).

When we analyzed responses from families that have students with disabilities, concerns about a safe return were even more prevalent. Parents of one or more children with an IEP made up a greater proportion of people who responded that they were not very confident or not confident at all (71% and 74%, respectively) about their child's schools ability to prevent students from getting/spreading COVID. Additionally, this group of parents were more likely to respond that they are "extremely concerned" about their child's education; contrastingly, of the respondents who were "not concerned at all" about their child's education, only 35% were parents of children with an IEP.

However, our data also showed that families of students with disabilities were significantly less confident in their school's ability meet their children's needs even before the pandemic. For parents of children with Individualized Education Plans (IEPs), we learned 44% of students with disabilities reported missing some or all of their IEP services during the pandemic. For many students, virtual learning was simply not conducive to their needs. For example, one of our respondents shared the following challenges:

"My son is high needs and could not access his services without support from someone. Many times the [Occupational Therapist] or [Speech Language Pathologist] would be unprepared for the session (no device to model my son's communication device or failed to tell me what items he would need for his session prior to the session). He did not receive any of the behavior support stated in his IEP and none of the teachers EVER modeled his [Augmentative and Alternative Communication] device during classes. I don't feel the special Ed department has the skill set to support a non speaking autistic child. Being virtual has allowed me and many other parents just how inexperienced the staff are when teaching a non-speaker."

Parents also noted extreme delays in evaluations and IEP updates. One respondent noted:

“Unfortunately when I noticed my son was suffering in October [2020] no one listened. We decided to get an evaluation on our own which was scheduled in Dec [2020]. In early January [2021] we notified the school my son had ADHD and Anxiety. We only finalized (sic) his IEP in May [2021]. By this time he had failed everything and given up on school. He’s decided he will repeat the 10th grade [...]”

For too much of the public health emergency, DC parents of children with disabilities have been forced to choose between exposing their children and households to a deadly virus or losing any semblance of the IEP services to which they are entitled by federal law.

Ultimately, we believe that many parents will send their children back to school because they feel that they have no choice. They risk truancy and claims of educational neglect if they do not return their child to in-person learning in the Fall. However, we are concerned that some students won’t return, not because in-person-learning is not the best option for them, but because they don’t feel it is safe.

As I am sure we are all aware, there are only 39 days left until the start of the DCPS 21-22 school year and even less for the charter schools that start earlier. With this ever-dwindling remaining preparation time, the Council, OSSE, DCPS and Public Charter Schools must do more to reach out to parents and youth to address their concerns, so they are comfortable returning to school. Below, we outline several specific recommendations regarding the needs of those students most dramatically impacted by the pandemic. These proposals are grounded in the lived experiences and perceptions of our client community.

B. A Trauma-Informed Return

For more than a year, most students have repeatedly heard the message that school was not safe. For many students in DC, the message that their school was not a safe or welcoming place long predated the pandemic. As such, we must be prepared not only for the academic hurdles that await DC's students, but also the significant hurdle that is returning to a place that had long been deemed unsafe. We spent the last 18 months teaching our young people the importance of mask-wearing, social distancing, and regular handwashing. Now, we suddenly expect to send them back into school without clear guidance on mask wearing or social distancing. We are sending them back to schools that, pre-pandemic, were known to lack hand soap and hot water in bathrooms.³

In addition to the health and safety concerns, students also carry with them the emotional toll of the pandemic. Students have had to adapt to a whole new way of being and learning. And just as it took many months for students to adjust to virtual learning, it will take time for them to adjust back to in-person learning. There will be young students who have spent more time in a virtual classroom than in a brick and mortar school. There will be high schools with as many as half of their student body having never been inside the school building.⁴ There will be students who have lost family and loved ones to COVID. There will be students who saw their caregivers become unemployed. There will be students who have been overseeing the virtual education of younger siblings while also trying to keep up with their own studies. Beyond the understandable lack of trust among adults, we must anticipate that there will be fear and anxiety among our students. For these reasons, it is more important now than ever before that we emphasize a trauma-informed approach in our schools.

As we plan for the return of in-person learning, we would like to lift up a number of ways in which schools can prepare for the trauma that students will bring with them. First, we have repeatedly highlighted the critical importance of the School-Based Mental Health Program. We were very glad to see that the Committee of the Whole was able to find the funds necessary to expand the program to every DC school and to provide increased grant amounts to providers. In addition to the behavioral health and social emotional supports that students will need, we must also find ways to make schools welcoming environments – especially for those students furthest from opportunity.

Expediting the Phase Out of School Resource Officers

First, we encourage the Council to look critically at ways in which we can expedite the phase out of School Resource Officers (SROs) from public schools. We support calls from the Police Free Schools coalition seeking to begin the phase out of police from schools during the 21-22 school year. As outlined above, we know that students are returning to the classroom with increased needs and we are very concerned that behavioral dysregulation upon return to the classroom will lead to increased police intervention in discipline in DC schools. For example, witnesses and Councilmembers alike have noted in recent public hearings on the return to in-person learning that children have embraced a certain level of autonomy that is likely to cause conflict as they return to the structure and discipline of a brick-and-mortar classroom. Additionally, the trauma and isolation of the past year is surely going to require a period of adjustment as children re-learn social and interpersonal skills that are likely to have lapsed as they spent 18 months at home. As a result, we can anticipate that school discipline will be a significant focus of returning to in-person learning. It is of the utmost importance that this work

on school discipline be trauma-informed in acknowledgement of the significant challenges that our young people have faced throughout the pandemic. For these reasons, we must minimize the SRO footprint in our schools this as soon as possible to prevent unnecessary arrests and police contact with young people.

Reimagine Attendance Regulations

Second, we encourage the Council to address the ways in which the current attendance regulations increase school push-out. Schools should always be a place where a child feels welcomed with open arms. However, several school attendance policies in the District are connected to punitive consequences that ultimately disincentivize attendance. To address this concern, CLC supports two changes to attendance regulations proposed by the Every Student Every Day Coalition (ESED) of which CLC is a founding member:

1. Eliminate the 80/20 Rule by amending regulatory definition of “Present”⁵ and “Partial School Day.”⁶
2. Eliminate failure due to absences for DCPS students.

The 80/20 Rule requires all public schools to mark absent any student who does not attend at least 80% of the school day.⁷ For secondary students, where absences are more acute, this means that a student missing just 78 minutes of school is marked absent for the entire day.⁸ Previous leaders of D.C.’s public schools have testified to the unnecessary burden of tracking this particular regulatory requirement.⁹ Moreover, DCPS schools are required to implement a harsh disciplinary response for absences captured under the 80/20 Rule – grade retention and class failure.¹⁰ This “failure due to absences” disincentivizes students who have reached the 30-day threshold under 80/20, as they know they will be retained regardless of future attendance, engagement, or academic success.¹¹

If our goal is to create schools that are welcoming and supportive of students, there should never be a time when there is no reason to bother showing up because there is no amount of hard work or dedication that will lead to grade promotion. It is important to note that current DC attendance regulations relying on the 80/20 Rule disproportionately affect at-risk students. At-risk students report higher instances of feeling unsafe due to bullying, harassment, and embarrassment.¹² They are more frequently enrolled in schools with poor facility conditions, are more disconnected and disengaged from adults in the school community, have limited transportation options, and have additional familial responsibilities.¹³ Failing to address these issues only increases student absenteeism.¹⁴

DC's current attendance policies were enacted to increase student safety and engagement but have failed to meet this goal.¹⁵ Attendance data shows that at-risk students¹⁶ are more likely to incur absences compared to their peers.¹⁷ In fact, in DC, at-risk students' absenteeism rates have grown by 6% since the 2015-2016 school year.¹⁸ This steady rise requires us to focus on evidence-based policies and practices.

"Penalties for students who miss school may unintentionally worsen the situation...[by] further exclud[ing] them from learning opportunities."¹⁹ Eliminating the 80/20 Rule will allow schools to monitor students who are repeatedly absent for appropriate interventions without incorporating blanket punishments for students who are only absent for portions of the day. Schools would still be required to track which students are late for school and which classes are missed.²⁰ Changing the definitions of "present" and "partial school day" will not change attendance interventions within 5-A DCMR.²¹ The change would simply eliminate a policy that is not increasing attendance and is likely helping to suppress it.

The 30-Day Failure rule poses similar problems as it disincentivizes students from attending school and disproportionately affects at-risk students. Eliminating this regulation will allow schools to focus on evidence-based programs supportive of attendance interventions, eliminating a punitive system that would otherwise contradict those interventions. It will also align DC with other jurisdictions who have rejected purely punitive measures in favor of a similar evidence-based focus on attendance interventions.²² To maintain focus on interventions encouraging engagement, ESED recommends repealing 5-B DCMR §2103.3 through 5-B DCMR §2103.6, eliminating punitive requirements that DCPS schools fail or retain students after 30 unexcused absences. In the alternative, if this proposed change is not accepted, ESED proposes shifting 5-B DCMR § 2103.3 to “unexcused **full-school-day** absences.”²³

Addressing Dangerous Uses of Seclusion and Restraint

As students return to the school building after a year of distance learning, Children’s Law Center client families and attorneys are concerned about how individual students will adjust to the change. We anticipate that many students will be stressed, anxious, and may become physically and/or emotionally dysregulated. When students exhibit these difficult behaviors in the school building, educators and administrators may rely on unnecessary and sometimes dangerous uses of seclusion and restraint. Currently, schools are operating with very little to no guidance as to when these practices can be used and how they should be used. Although regulations exist right now for non-public schools, we generally have very little information about how these practices are being implemented District wide. Further, due to a lack of available data the extent of the improper use of seclusion and restraint in the District is unknown and we

are concerned that LEAs may be using the practice of seclusion and or restraint to manage classroom behavior and prevent classroom disruptions.²⁴

We urge OSSE to consider expanding regulations on seclusion and restraint beyond those already in place for non-public schools and even beyond including them in Chapter 30 of the DCMR to apply only to students with disabilities. However, we recognize that as of today, OSSE has proposed restraint and seclusion regulations to be included in this next iteration of the Chapter 30 revision and we acknowledge that those regulations are a first step towards greater transparency for educators, administrators, and parents.

Subjecting students to seclusion and or restraints can create trauma for the student and lead to their injury and even death.²⁵ Along with our colleagues at the Juvenile and Special Education Law Clinic at UDC and Disability Rights DC, we ask that seclusion and restraint only be utilized as a method of last resort and only when there is imminent danger of serious physical harm to self or others.²⁶ We also recommend that these regulations eliminate seclusion and restraint as a planned intervention for any particular student.

Again, as we move into in-person learning after an extremely traumatizing year for both general education and special education students, we urge OSSE and the Council to consider that not all students who might be subject to restraint and seclusion techniques have special education needs. In fact, during the 2011-2012 school year it was reported that 28% of students subject to physical restraint were not receiving Special Education services.²⁷ We recommend that procedures on restraint and seclusion for students not in special education also be included in the upcoming Chapter 25 rulemaking to address their use on the non-special education population.

Think Critically About the Use of High-Stakes Testing

While there is an understandable instinct to gather as much data as possible to get a comprehensive picture of the academic losses suffered by students over the last year, we would like to caution the Office of the State Superintendent for Education (OSSE) against requiring or even encouraging standardized testing *en masse* as students return to in-person learning. As we plan for SY21-22, we want to make sure that schools are supported in their efforts to conduct individualized, formative assessments that more accurately demonstrate a student's mastery of skills and topics.

Furthermore, statewide standardized assessments are unlikely to tell us anything we do not already know – namely, that the pandemic has impacted District residents inequitably. Communities in Wards 4, 5, 7, and 8 suffered greater rates of COVID infection²⁸ and deaths²⁹ in addition to greater rates of unemployment³⁰ and, thus, economic instability. Of course, children trying to learn amidst such disruption will have greater rates of learning loss. As such, wasting hours of instructional time on high-stakes testing will impose an inequitable burden on students and schools hardest hit by the pandemic while providing little useful data upon which to allocate funds or supports. Instead we ought to allocate resources to those schools who have long suffered from underfunding. We should make sure that these historically under-resourced schools have staff sufficient to support the sort of particularized assessments that will allow schools to meet the needs of individual students.

C. Academic Supports for Students with Disabilities

As the District moves towards in-person learning for SY21-22, we ask that the Council keep a keen eye on what academic supports will put in place to ensure that students with

disabilities are able to meet their academic goals. We know that, even before the pandemic, students with disabilities were performing way below their non-disabled peers. Now, after experiencing a year of virtual learning and countless missed opportunities to fully engage in critical related services at school, students with disabilities will need more support than ever.

Extending eligibility for older students aging out of the K-12 educational space

For many students with disabilities, their last two years of special education has been largely – if not completely - virtual and without meaningful access to key related services, social experiences, opportunities for socio-emotional growth, and transition activities. For those students, we recommend that OSSE offer extended eligibility to ensure that these students have sufficient time to access the resources and services to which they are entitled under the IDEA.³¹ Typically, extended eligibility has been provided as a compensatory education remedy. However, extending eligibility through a compensatory education award is not the only way the District can ensure this small group of students can access education supports past age 22.

From the onset of the pandemic, Children’s Law Center and other advocates from the Special Education Advocates Coalition have asked OSSE to amend its policy and provide an extension of eligibility for students with disabilities past age 22 without a compensatory education award. As of the time of this hearing, we have been unsuccessful in persuading OSSE to consider this important change to their policies and there is no specific funding in the FY22 budget to support this act.³² The Council has an opportunity to act during this Council Period to ensure that this group of students has the ability to achieve meaningful academic progress during their last year of education. For some of the students who we serve, extending eligibility past age

22 would be their last chance to make any meaningful educational progress and engage with supports and therapies to transition them into adulthood.

Although the population of DC students who would be eligible for such an extension will likely be small, only a few dozen students, providing them the opportunity to stay in school past age 22 will have a huge positive impact on those individual students' lives.³³ We urge OSSE to immediately notify parents and students so that it is clear that all students with disabilities can request extended eligibility. We are concerned that even those families who would be eligible under this proposal will not be able to avail themselves of the opportunity because they will not know it is an option or will find litigating a compensatory education award too burdensome.

Revisit the language on the OSSE Medical Certification Form

The OSSE Medical Certification form for virtual learning uses phrasing that distance learning must be "required" - not just recommended - because of the child's medical condition. We have received significant feedback from our medical partners that most pediatricians are very uncomfortable with this language. Especially since there is no current language or specific guidelines from the Center for Disease Control (CDC) that explain which conditions or in what situations virtual instruction would be "required." We are concerned that children who do qualify to remain virtual will not be able to get their medical certification form signed because of this issue which will lead to students potentially being at risk of health complications or students being involuntarily unenrolled from school because of a family's health concerns. These students are likely to be those for whom in-person learning is a risk to their health and the health of their families. Parents deserve the right to evaluate the level of risk and participate in a decision to keep their student safe. By forcing the language to read "required" rather than medically

necessary or recommended, we believe that OSSE is leaving no option for families to discuss the cost-benefit analysis of returning to in-person learning. If the goal of this medical certification form is to ensure that children at risk of complications from Covid-19 can stay safe and learn in SY21-22, we ask that OSSE consider collaborating with the American Academy of Pediatrics local DC chapter, Children’s National, and other pediatric care providers to reevaluate the effectiveness of this form.

Conclusion

Thank you for the opportunity to testify today and I welcome any questions that the Committee may have.

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 advocate 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 almost 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.

² The remaining respondents with school-age children represent enrollment in one of the following: a Maryland public school, a private or religious school, a full-time special education school (nonpublic), a Virginia public school, or a carceral facility.

³ See Taylor Swaak, *As More DCPS Schools Open, Many Black Parents Keeping Kids Home*, The 74 Million (Jan. 31, 2021), available at: <https://www.the74million.org/article/as-more-dcps-schools-open-many-black-parents-keeping-kids-home/>

⁴ Assumes a four-year High School in which last year’s freshmen (now rising sophomores) spent all of last school year virtual and that the incoming freshman class is new to the campus.

⁵ 5-A DCMR § 2199.

⁶ 5-A DCMR § 2199. ESED proposes defining “Partial School Day” because it is referenced later in 5-A DCMR § 2101.3. Partial Schools days will now only be tracked for data purposes and will no longer be tied to punitive measures.

⁷ 5-A DCMR § 2199.

⁸ Assuming a standard 6.5-hour school day.

⁹ See Perry Stein, *Is D.C.’s 80/20 Attendance Rule Unfair to Students*, Washington Post (Dec. 29, 2017), available at: https://www.washingtonpost.com/local/education/is-dcs-8020-attendance-rule-unfair-to-students/2017/12/29/b328d8ba-e517-11e7-833f-155031558ff4_story.html (quoting former DCPS Chancellor Antwan Wilson and former SBOE member Kamili Anderson).

¹⁰ 5-B D.C.M.R. § 2103.3 and 5-B D.C.M.R. § 2103.6.

¹¹ *Id.*

¹² Valerie L. Marsh, *Understanding Chronic Absenteeism: What Research Tells Us about Poor Attendance at School*, American Federation of Teachers (AFL-CIO) (Winter 2019–2020) <https://www.aft.org/ae/winter2019-2020/marsh>.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ See South Capitol Street Memorial Amendment Act of 2012, 2 D.C. Code § 2157 (2012).

¹⁶ Office of the State Superintendent of Education, *District of Columbia Attendance Report: 2018–2019 School Year*, at 25 (2019) <https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/2018-19%20School%20Year%20Attendance%20Report.pdf> (outlining that at-risk students are defined as those receiving Temporary Assistance for Needy Families (TANF) or Supplemental Nutrition Assistance Program (SNAP); students who are homeless: students under the care of CFSA; and students who are in high school and are at least one year older than the expected age for their grade).

¹⁷ *Id.*

¹⁸ *Id.* As compared to their peers, students not considered at-risk absenteeism rates only grew by 1.3% since the 2015- 2016 school year.

¹⁹ NATIONAL FORUM ON EDUCATION STATISTICS, *Every School Day Counts: The Forum Guide to Collecting and Using Attendance Data*, 1 (Feb. 3, 2009), <https://nces.ed.gov/pubs2009/2009804.pdf>.

²⁰ 5-A D.C.M.R. 2101.3(h). See 5-A D.C.M.R. § 2299 (requiring 120 hours of in-seat attendance to earn a Carnegie Unit, therefore attendance in each class period must be tracked).

²¹ For example, the interventions and tracking required under 5-A DCMR §2103 *et. seq* remain the same.

²² P.G. County Public Schools, Montgomery County Public Schools, and New York City Public Schools have each made this change. See PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS, ADMINISTRATIVE PROCEDURE 5113: STUDENT ATTENDANCE, ABSENCE AND TRUANCY (Mar. 20, 2021) <https://offices.pgcps.org/generalcounsel/index.aspx?id=179107> (illustrating that P.G. County public schools made a similar shift in 2018); see also Lindsay Watts, *After State Audits Show Excessive Student Absences, PGCPs Relaxes Attendance Policy*, FOX 5 DC (Dec. 26, 2018) <https://www.fox5dc.com/news/after-state-audits-show-excessive-student-absences-pgcp-relaxes-attendance-policy>; see also Montgomery County Public Schools, MD JEB-RA, Placement, Promotion, Acceleration, and Retention <https://www.montgomeryschoolsmd.org/departments/policy/pdf/jebra.pdf> (last visited Apr. 7, 2021) (illustrating that Montgomery County does not tie attendance to punitive measures); see also NYC DEP'T OF EDUC., *Attendance*, <https://www.schools.nyc.gov/school-life/school-environment/attendance> (last visited Mar. 23, 2021) (illustrating that a jurisdiction as large as New York City does not require attendance to be directly tied to promotion).

²³ The alternative change would read: DCPS students accumulating thirty (30) or more unexcused **full-school-day** absences within a full school year shall only be promoted if they meet an exception set forth in D.C. Official Code §§ 38- 781.02(c) or 38-781.05.

²⁴ See Disability Rights DC. *Need for Oversight and Restriction of the Seclusion and Restraint of District Youth Attending DC Public Schools*. (Oct. 2019). Retrieved from <http://www.uls-dc.org/media/1185/2019-seclusion-restraint-report.pdf>.

²⁵ See Hannah Fry. *After autistic boy dies during school restraint, 3 educators charged with manslaughter*. (November 13, 2019) Los Angeles Times. Retrieved from <https://www.latimes.com/california/story/2019-11-13/autistic-boy-dies-school-restraint-educators-charged-manslaughter>.

²⁶ See Disability Rights DC. *Need for Oversight and Restriction of the Seclusion and Restraint of District Youth Attending DC Public Schools*. (Oct. 2019). Retrieved from: <http://www.uls-dc.org/media/1185/2019-seclusion-restraint-report.pdf>.

²⁷ *Id.*

²⁸ See Total Positive Cases by Ward, COVID-19 Surveillance (last accessed May 25, 2021), *available at* <https://coronavirus.dc.gov/data> .

²⁹ See Total Lives Lost by Ward, COVID-19 Surveillance (last accessed May 25, 2021), *available at* <https://coronavirus.dc.gov/data> .

³⁰ See Office of Labor Market Research and Performance, Department of Employment Services, “D.C. Labor Market Indicators: January 2015 - April 2021”, at 6 “Unemployment Rate by Ward,” (2021), *available at* https://does.dc.gov/sites/default/files/dc/sites/does/page_content/attachments/DC%20Labor%20Market%20Indicators_April2021.pdf .

³¹ Extended eligibility is a recognized remedy available to individuals under the IDEA. See 34 CFR § 300.106.

³² See Stein, P. Advocates push to extend services for students who aged out of special education during the pandemic, (July 16, 2021), Washington Post, *available at* https://www.washingtonpost.com/local/education/special-education-services-pandemic-age-out/2021/07/16/e623808c-e56b-11eb-a41e-c8442c213fa8_story.html.

³³*Id.*

Appendix

A. Parent-Level Analysis

Which grade levels best describe the children in your household? Mark all that apply

Grade	N	% (n = 439 parents)
Not yet school age/Under 3	55	12%
Pre-K 3-4	118	27%
Elementary School (K-5)	194	44%
Middle School (6-8)	151	34%
High school (9-12)	161	37%
College	19	4%

Have you or a member of your family had COVID-19? Mark all that apply

	N	% (n = 439 parents)
Myself	53	12%
My spouse/partner/ significant other	18	4%
My child/ren	42	10%
Other non-household family member	82	19%
No one in my family	215	49%

Have you dealt with the loss of a loved one during the pandemic, either due to COVID or other causes?

	N	%
Yes	140	40%
No	208	60%
Total	348	100%

B. Child-Level Analysis

What type of school is your child enrolled in?

	N	%
DC Public School	219	47%
DC Public Charter School	186	40%
Maryland Public School	20	4%
Virginia Public School	4	1%
Private or Religious School	20	4%
Psychiatric Residential Treatment Facility (PRTF)	0	0%
Full-time Private Special Education School (nonpublic)	13	3%
Incarcerated	1	<1%
Total	464	100%

Confidence in Schools

	Not confident at all	Not very confident	Somewhat confident	Very confident	Extremely confident
How confident were you in your child’s school’s ability to meet your child or children’s needs <i>before the COVID-19 pandemic</i> ?	11%	9%	27%	31%	22%
How confident are you in your child’s school’s ability to meet your child or children’s needs when they <i>return to in-person learning</i> ?	9%	14%	33%	22%	21%

Has your child been receiving the special education services outlined in their IEP (in-person) or IDLP (virtual)?

	N	%
Yes, all services in their IEP	166	36%
Some of the services in their IEP	82	18%
None of the services in their IEP	48	10%
My child does not have an IEP or IDLP	162	35%
Total	458	99%*

Of students with IEPs:

	N	%
Yes, all services in their IEP	166	56%
Some of the services in their IEP	82	28%
None of the services in their IEP	48	16%
Total	296	100%

Does your child have an IEP?

	N	%
Yes, child has IEP	296	65%
No, child does not have IEP	162	35%
Total	458	100%

Return to School

For Fall 2021, which type of schooling would you **prefer** your child to participate in?

	N	%
Full-time in-person learning	265	58%
Hybrid (Some days in person, some days virtual)	123	27%
Full-time virtual learning	70	15%
Total	458	100%

How comfortable are you sending your child to school for in-person learning?

	N	%
Extremely comfortable	75	16%
Very comfortable	81	17%
Somewhat comfortable	163	35%
Not very comfortable	68	15%
Not comfortable at all	76	16%
Total	463	99%*

How confident are you in your child's school's ability to prevent students from getting and/or spreading COVID-19?

	N	%
Extremely confident	59	13%
Very confident	91	20%
Somewhat confident	169	36%
Not very confident	79	17%
Not confident at all	65	14%
Total	463	100%

How concerned are you about your child's safety in sending them back to school?

	N	%
Extremely concerned	136	29%
Very concerned	89	19%
Somewhat concerned	150	32%
Not very concerned	54	12%
Not concerned at all	34	7%
Total	463	99%*

What, if any, hesitations do you have about sending your child back to school in the fall? (Mark all that apply)

	N	% (N / 468 children)
Worry about COVID-19 spread	243	52%
Worry about child’s medical conditions or diagnoses	115	25%
Worry about other family member’s medical conditions	99	21%
Adjusting to a new school schedule	82	17%
Adjusting to a classroom setting and possible restrictions	143	31%
Concerns about your how your child or children will do socially	124	26%
School safety concerns	124	26%
Transportation concerns	97	21%
Other	21	4%

↳ Other responses:

Abuse	<ul style="list-style-type: none"> - Dealing with abusive teachers and other staffs. - Physical Abuse
Dissatisfaction with school	<ul style="list-style-type: none"> - I was not satisfied with the school before covid 19. My son is continuing to attend school that is not teaching my son life skills or independence. For instance, there are schools that teaches children with autism not only adaptive academics, but tools to survive - The lack of empathy and care the school leadership (principal, head of special Ed, etc) has for special needs children
Medical/COVID Reasons	<ul style="list-style-type: none"> - His medical needs and having a nurse - Concerned about the other children spreading COVID - Have underlining underlying medical condition and not old enough to get covid19 shot - Wearing Masks x2 - Que los niños y maestros no cumplen con el protocolo de usar correctamente la mascarilla, yo e podido ver que tanto los niños como algunos maestros no usan debidamente la mascarilla o no la usan. Y el distanciamiento social no lo practican para nada.¹ - Que muchos no están aún vacunados completamente y mis niñas por ser menores de edad aun no hay la vacuna,y puedan agarrar el virus.²
Distance from School	<ul style="list-style-type: none"> - We're concerned about his possible meltdowns & us living so far away from the school. - Spends 3 hours a day on the bus-they had a half day schedule including lunch & break. They would have been spending more time on the bus than in class

¹ Translated: “That the children and teachers do not comply with the protocol of using the mask correctly, I have been able to see that both the children and some teachers do not use the mask properly or do not use it. And they don't practice social distancing at all.”

² Translated: “How many are not yet fully vaccinated and my girls, because they are minors, there is still no vaccine, and they can catch the virus.”