



Testimony Before the District of Columbia Council
Committee of the Whole
September 21, 2021

Public Roundtable:
Re-Opening District of Columbia Public Schools (DCPS) and District of Columbia
Public Charter Schools (DCPCS) for School Year 2021-2022

Sharra Greer
Policy Director
Children's Law Center

Introduction

Thank you, Chairman Mendelson and members of the Committee, for the opportunity to testify. My name is Sharra E. Greer. I am the Policy Director at Children's Law Center and a parent of two DC public school students. I am testifying today on behalf of the Children's Law Center which fights so every DC child can grow up with a loving family, good health and a quality education.¹ 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.

I appreciate this opportunity to testify regarding the recent reopening of public schools in the District of Columbia. Children's Law Center has testified many times throughout the pandemic regarding how schools should be preparing for the return of in-person learning. We have repeatedly stated our belief that, based on the experience of our clients and the expertise of our medical partners, in-person learning is best for most students, especially students with disabilities.² We have also repeatedly warned that Local Education Agencies (LEA) needed to prepare for a number of predictable challenges. What we have learned over the past few weeks of school is that many schools were not adequately prepared to navigate foreseeable hurdles. Today, we urge the education sector to shift from a reactive posture to one that endeavors to plan for the challenges that undoubtedly lay ahead of our students.

Failures to Plan Lead to Predictable Problems

At the start of the pandemic, we applauded school leaders for the flexibility and commitment to pivoting education to a virtual setting with little notice. We saw schools distribute digital devices *en masse* and teachers learn a whole new way of engaging with students and families. However, as our school communities adjusted to this “new normal” we fervently urged leaders in the education sector to develop clear plans, policies, and protocols for the eventual return to in-person instruction. Despite concerns from parents, teachers, and communities alike, DC Public Schools (DCPS) and the Office of the State Superintendent of Education (OSSE) have maintained a reactive posture that leaves stakeholders confused and scared.

Throughout the first few weeks of school, we have heard concerns from parents and community partners regarding the implementation of COVID testing protocols in schools. These concerns include – younger students not being able to complete the saliva collection test, siblings of student under quarantine not being considered a close contact under the OSSE guidance, and the assigning of unexcused absences to students who seek to quarantine based on a non-school-based COVID exposure. Relatedly, we have heard questions raised about rule preventing school nurses from monitoring or treating students exhibiting symptoms of COVID-19.³ Also, we have heard from clients that OSSE has not yet conducted the medication training required for schools to dispense

medication to students. As such, students who require the administration of medication during the school day are not able to receive it from school personnel.

In addition to these policies and practices, we would like to highlight the predictable challenges facing two groups of vulnerable learners – students with disabilities and students in quarantine. We have heard from parents that the return to in-person instruction has raised new – yet predictable – concerns for how these students are able to access their education. After eighteen months of this pandemic and with months left before a vaccine is widely available for children under 12, these students cannot wait any longer. It is essential that schools develop, make publicly available, and implement concrete plans addressing the needs of students with disabilities and students in quarantine.

To this end, we call on the Committee to convene a public hearing regarding the needs of vulnerable student populations including, but not limited to, students with disabilities, students in the care of DC, and at-risk students. We encourage the Council to ensure that this hearing include not just agency directors, but also those program administrators who are responsible for developing policies and procedures for vulnerable populations, such as OSSE's Department of Transportation, Division of Health and Wellness, and Division of Special Education.

Long Overdue Services for Students with Disabilities

For months advocates have warned the Council and the education sector that students with disabilities were not receiving timely evaluations or the services guaranteed them by federal law. While a certain grace period may have been appropriate as the whole of public education shifted to a virtual posture, that time has long since passed. For students who have been denied evaluations, specialized instruction, and related services over the last eighteen months, OSSE and LEAs have yet to publish a clear plan for how they plan to provide compensatory education. The high-dosage tutoring plan proposed for general education students is not a sufficient to serve as compensatory education for students with disabilities. The clock is running out. Because OSSE has refused to extend eligibility for students who have aged out of special education during the pandemic, there are an unknown number of young people who will never get the services denied them. Schools must address compensatory education as soon as possible to ensure that students are able to access their services.

Additionally, we have heard from concerned parents that students receiving special education services outside of the general education classroom are regularly being taught in rooms that lack the air filtration systems that can limit the transmission of COVID-19. Because spaces used for related services such as speech pathology and occupation therapy are not considered “classrooms” they are not required to have the same filtration systems as traditional classrooms. We are very concerned that the lack of

these filtration systems increases their exposure to COVID-19 and will disproportionately affect students with disabilities. We strongly encourage the Council to ask DCPS and charter LEAs to explain their decision-making on this front and to outline their plan to protect this population of students.

Instruction for Students in Quarantine

Despite efforts to minimize the spread of COVID-19 in schools, we have seen hundreds of students test positive and more than 1,000 students placed in quarantine. We don't know the exactly how many students have been quarantined. Only DCPS reports quarantine data in a centralized online location.⁴ Charter schools report positive cases, but it is less clear how many charter students have been required to quarantined due to close contact with a positive case.

Across the District, we have heard from caregivers that their students are receiving little to no instruction while they are in quarantine. One advocate reported that her granddaughter received only two assignments throughout a 10-day quarantine from her DCPS elementary school. This is unacceptable. Quarantining of students was predicted. For months prior to the start of SY21-22, Children's Law Center joined parents, advocates, and others in urging the education sector to develop plans to provide virtual instruction on a wide-scale and prepare for when students had to quarantine. However, the first weeks of school have demonstrated an inability of schools to pivot to virtual instruction when large numbers of students are placed in quarantine. Furthermore, because there is

a strong chance that students will be required to quarantine more than once, a school's failure to provide quality instruction will have compounding impacts on students.

Schools across the District provided virtual instruction for more than a full school year. It is unclear why LEAs did not develop clear protocols for how to shift students to a virtual classroom when quarantine is necessary to keep them safe and healthy. To this end, we strongly urge the Council to insist that LEAs develop plans and protocols to ensure that students who have been exposed to COVID-19 in school continue to be able to access their education from quarantine. This plan should include protocols for, among other things, both synchronous and asynchronous learning, distribution of digital devices for students in quarantine, and meal distribution for students unable to access their school building. Moreover, this planning for virtual instruction must ensure that students in quarantine receive the same level of rigor and support as those students learning in person. This must include supports and services for students with disabilities, English language learners, and students in the care of DC. This plan must come together as soon as possible as more and more students enter quarantine each week.

Conclusion

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

¹ Children's Law Center fights so every child in DC can grow up with a loving family, good health and a quality education. Judges, pediatricians and families turn to us to 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 See, e.g., *Re-Opening District of Columbia Public Schools (DCPS) and District of Columbia Public Charter Schools (DCPCS) for School Year 2021-2022*, Public Roundtable Before the Comm. of the Whole, D.C. Council, (July 22, 2021) (testimony of Danielle Robinette, Policy Attorney, Children's Law Center), available at: <https://childrenslawcenter.org/resources/testimony-roundtable-on-return-to-school/>; *The District's Public Education System After the COVID-19 Pandemic*, Joint Public Oversight Hearing Before the Special Comm. on COVID-19 Pandemic Recovery & Comm. of the Whole, D.C. Council, (May 26, 2021) (testimony of Sharra E. Greer, Policy Director, Children's Law Center), available at: <https://childrenslawcenter.org/resources/testimony-special-committee-oversight-hearing-education-after-pandemic/>; *Re-Opening District of Columbia Public Schools (DCPS)*, Public Roundtable Before the Comm. of the Whole, D.C. Council, (January 20, 2021) (testimony of Sharra E. Greer, Policy Director, Children's Law Center), available at: <https://childrenslawcenter.org/resources/testimony-roundtable-re-opening-district-columbia-public-schools/>; *Return to In-person Instruction in DC Public Schools*, Joint Public Roundtable Before the Comm. of the Whole & the Comm. on Educ., D.C. Council, (Dec. 2, 2020) (testimony of Sharra E. Greer, Policy Director, Children's Law Center), available at: <https://childrenslawcenter.org/resources/testimony-return-person-instruction-dc-public-schools-1/>; *Return to In-person Instruction in DC Public Schools*, Joint Public Oversight Roundtable Before the Comm. of the Whole & the Comm. on Educ., D.C. Council, (Oct. 23, 2020) (testimony of Sharra E. Greer, Policy Director, Children's Law Center), available at: <https://childrenslawcenter.org/resources/testimony-return-person-instruction-dc-public-schools-0/>; *Distance Learning in DC Public and Public Charter Schools*, Joint Public Oversight Roundtable Before the Comm. of the Whole & the Comm. on Educ., D.C. Council, (Oct. 2, 2020) (testimony of Sharra E. Greer, Policy Director, Children's Law Center), available at: <https://childrenslawcenter.org/resources/oversight-testimony-distance-learning/>.

³ See Debbie Truong, "Who Should Provide Care for Students with COVID Symptoms in D.C. Schools?" DCIST (Sept. 16, 2021), available at: <https://dcist.com/story/21/09/16/who-should-provide-care-for-students-with-covid-symptoms-in-dc-schools/>

⁴ See Perry Stein, "Challenges in first weeks of school in D.C.: Testing, quarantining and contact tracing," WASH POST (Sept. 19, 2021), available at: <https://www.washingtonpost.com/education/2021/09/19/dc-school-covid-quarantine-testing/>