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Committee of the Whole
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Performance Oversight Hearing:
District of Columbia Public Schools
Office of the State Superintendent of Education
Office of the Deputy Mayor for Education
District of Columbia Public Charter School Board
State Board of Education
Office of the Student Advocate
Ombudsman for Education

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INTRODUCTION

Good morning, Chairman Mendelson, Councilmembers, and staff. My name is Danielle Robinette. I am a policy analyst at Children's Law Center and former public-school teacher. I am testifying today on behalf of Children's Law Center which believes every child should grow up with a strong foundation of family, health and education and live in a world free from poverty, trauma, racism and other forms of oppression. Our more than 100 staff – together with DC children and families, community partners and pro bono attorneys – use the law to solve children's urgent problems today and improve the systems that will affect their lives tomorrow. Since our founding in 1996, we have reached more than 50,000 children and families directly and multiplied our impact by advocating for city-wide solutions that benefit hundreds of thousands more.

Thank you for the opportunity to testify today as part of the Council's oversight of the education sector. Through our work, we represent DC students who regularly face barriers in accessing their education. In our medical-legal partnership, Healthy Together, we represent parents who are fighting for their child's right to access special education services. Through our Guardian ad litem project, our clients in foster care face a myriad of challenges with their education including educational continuity. Our testimony and recommendations today arise from our experience representing students who are often furthest from opportunity.

Through our testimony, we want to draw the Council's attention to several concerns that the students and families we work with face as they pursue education in the District. These issues range from systemic failures in the transportation of students with disabilities to school safety and discipline to foregone funding for DC's youngest learners. Children's Law Center believes that every DC student should feel safe and welcome at their school. However, our current system of public education creates barriers and disincentives that prevent the District from creating positive school climates. We urge the Council to use its oversight role to ensure that DC education agencies are supporting students at every available opportunity.

HOLD OSSE'S DIVISION OF STUDENT TRANSPORTATION ACCOUNTABLE FOR EDUCATIONAL LOSSES CAUSED BY BUS DELAYS AND ROUTE CANCELLATIONS

Over the years, we have repeatedly testified before the Council about our concerns that students with disabilities are not adequately supported in DC schools.¹ More recently, we raised to this Committee's attention the serious issues arising in OSSE's Division of Student Transportation (OSSE-DOT).² While the most recent bus delays and cancellations are seemingly attributable to shortages of drivers and other key staff, we want to highlight for the Committee that the students and families we work with have faced these sorts of issues for more than a decade.³ Each school year, we have dozens of cases in which OSSE transportation issues prevent the student from accessing their education. We strongly urge the Committee to press OSSE for details about any concrete

changes—beyond yet another hiring fair—that they are pursuing to improve service delivery.

School districts nationwide have been facing additional transportation challenges given the pandemic and national driver shortage.⁴ Due largely to these workforce shortages, students in most of the jurisdictions surveyed are experiencing reported bus no-shows, delays, and long commutes.⁵ Many districts have responded by offering stipends or reimbursements to encourage families to arrange their own transportation. However, these solutions have their own challenges. Many families cannot rely on typical ride-shares or public transportation due to their children’s disabilities, and many families cannot afford to pay for costly transportation and wait for reimbursement payments. This creates further inequities in the experiences of students with disabilities from families with high incomes and those from families with low incomes.

Promising Approaches and Recommendations for Improving Service

Based on our review of comparable or larger jurisdictions, there are several options we urge OSSE to explore to improve service and compensate students and families.

Recruitment and Retention

In FY2022, OSSE required 642 bus drivers to be fully staffed.⁶ However, as of February 2022, OSSE had 606 drivers—and vacancies for 36 bus drivers as well as 48 bus

attendants.⁷ OSSE should increase investments in recruitment and retention of drivers and other transportation staff.

From our research into other jurisdictions, promising retention efforts have included increasing pay rates (e.g., Baltimore City Public Schools increased pay by nearly \$5/hour);⁸ offering monthly retention bonuses to bus vendors (e.g., Baltimore City Public Schools offered \$30/driver monthly retention bonuses);⁹ and offering or increasing operational allowances or credit cards for fuel and maintenance (e.g., St. Tammany Parish Public School in the New Orleans metro area).¹⁰ To recruit new drivers, other jurisdictions have hosted hiring fairs; increased starting pay for drivers, and offered signing bonuses or referral fees (e.g., bus vendors servicing Chicago Public Schools).¹¹

Diversifying Fleet Vehicles

Qualifications for an OSSE-DOT requires both the necessary qualifications to work with students with disabilities and having the required licensure to drive a school bus. Federal regulation requires any driver of a vehicle that designed to transport 16 or more persons to obtain a Commercial Driver's License (CDL) in the applicable class with a passenger endorsement. OSSE-DOT requires bus drivers to have Passenger and School Bus endorsements. To overcome hiring challenges, OSSE should examine the option of using smaller vehicles designed to transport fewer than 16 people, and thus do not require a CDL. This could enable the hiring of additional drivers who do not yet have

CDLs. Moreover, OSSE could pair this with a program to pay for CDL training and licensing, which is a significant financial barrier for interested applicants.¹²

DC government already invests in CDL training through the Department of Employment Services (DOES) DC Infrastructure Academy.¹³ Strategic partnership between DOES and OSSE could provide on-the-job training that creates a workforce pipeline that supports existing DC government employees in obtaining CDL training in exchange for a time-limited commitment to drive for OSSE-DOT.

In last year's oversight responses, OSSE reported that they own 640 buses.¹⁴ However, there were no further details about the vehicles, their capacity, or the license required to drive them. OSSE should consider following the example of the NYC Department of Education Office of Pupil Transportation that has a fleet with specialized vehicles to transport students in small or large groups with the relevant accommodations based on the students' needs.¹⁵ We urge OSSE to consider all available options to diversify its current fleet to best balance their staffing capacity with their obligations to students.

Improve Communication with Families

Many frustrations expressed by the families we work with stem from lack of clarity, being shuffled from agency to agency, and not receiving adequate information about their child's transportation. OSSE should offer a detailed family guide to ensure transparency and clarity in policies and procedures and to compile all resources and contact information in one location. For example, San Diego's Oceanside Unified School

District offers a detailed Special Needs Transportation Guide that include information about eligibility for transportation services; parents' responsibilities; bus riding rules for students; procedures and protocols (i.e., bus parking, wheelchair lift operation, student discipline process)—offering transparency regarding the schools' and drivers' policies and making families' role and responsibilities clear.¹⁶ As another example, New York City Department of Education's InfoHub site includes a Transportation Resources for Schools page which compiles relevant contact information, guidance regarding who to contact (the school's transportation liaison, the bus company, or the DOE Office of Pupil Transportation) for specific issues, relevant forms, and policy information.¹⁷ OSSE can offer a similar page or guide for schools and families—compiling information about relevant transportation policies and procedures and offering guidance regarding who to contact for specific issues—to improve transparency and communication.

During FY2021 Performance Oversight, OSSE discussed the piloting of a new transportation system to enhance routing and family tracking as well as plans to establish an online portal or application for families to receive and track their student's bus schedule information.¹⁸ To ensure better information-sharing with families, OSSE should prioritize implementation and ensure that families receive timely notifications when their student's bus is arriving and when there are potential delays. Other jurisdictions have been able to implement similar programs. For example, San Diego's Oceanside Unified School District offers families a smartphone app, Edulog Parent Portal Lite, which uses

GPS data to provide real-time information about the location of their child’s bus and customizable notifications when the bus is getting close or has arrived to set locations.¹⁹

Stipends and reimbursements

Given decades of experience and driver shortages around the country, it is unlikely OSSE-DOT will be able to fully conquer its staffing challenges. Self-transportation must be an accessible option when OSSE-DOT can’t provide transportation. To this end, OSSE should consider an opt-in stipend program that provides families funding proactively rather than retroactively—so that families are not forced to pay upfront the money for costly transportation. While we are thankful that OSSE has recently increased the reimbursement rate and simplified the submission form, we are deeply concerned about the delay in repayment to families. In a January meeting with special education advocates, OSSE stated that reimbursements take *at least* 60 days, due to myriad bureaucratic hurdles. Moreover, in our experience, these payments often take much longer. As such, the reimbursement program is unusable for all but the wealthiest DC families. If OSSE-DOT intends to use self-transportation as a means of alleviating the strains on the agency, it must do so in a way that is accessible to all families, regardless of income. If a proactive stipend program is not feasible, OSSE should at least ensure that their reimbursement program adheres to a strict and frequent payment schedule. Families should have clear information about when they will receive payments and should not be forced to wait 60 days for reimbursement.

Ride-share Partnerships

OSSE should also consider partnerships with ride-share services or local taxi services. Other jurisdictions—including Chicago Public Schools and St. Louis Public Schools—have relied on taxi companies to fill gaps in student transportation in recent school years.²⁰ Other jurisdictions have also successfully partnered with ride-share service provider whose services are specifically tailored to transport children, including children with special needs. For example, Detroit school districts and Colorado Springs District have partnered with HopSkipDrive, a transportation service for children which has much stricter requirements for their drivers than more traditional ride-share services like Uber and Lyft.²¹ In Detroit, school districts usually arrange the HopSkipDrive rides for the students and monitor them via a web application but families can use a mobile application to follow the driver’s trip, see the driver approaching their home, and receive a text alert when they have arrived at school.²² Other jurisdictions have used similarly tailored ride-share services like RideAlong and EverDriven.²³ OSSE should consider the feasibility of a partnership with one of these ride-share services that are tailored to transport children. In the alternative, OSSE should look to conduct a competitive bid process for partnerships with local taxi services that can similarly vet and train their drivers.

CONTINUING EFFORTS TO IMPROVE ATTENDANCE REGULATIONS

Children’s Law Center has repeatedly testified before this Committee regarding the important and pressing work needed to improve the District’s attendance regulations. We thank the Committee for holding a public hearing on Bill 24-428, School Attendance Amendment Act of 2021 which sought to amend the current definition of “present” and, thus, reduce the number of students harmed by the 80/20 Rule²⁴ and its overly punitive consequences.²⁵ We were glad to see that following that hearing OSSE worked diligently to bring forth emergency and proposed regulations amending the 80/20 Rule in time for the start of the 2022-2023 school year. Specifically, the proposed regulations create new definitions for “present,” “fully present,” and “partially present.” Together, these new definitions will change the 80/20 Rule to a 60/40 Rule. These regulatory changes minimize the punitive consequences for students by giving them credit for more of the time they spend in school. And, by clarifying the difference between tardy and absent, the new language improves schools’ abilities to target supports to those students facing the greatest barriers to attendance. policy.

Additionally, the regulations clarify language about when students are to be referred to school-based student support teams (SSTs). Under the 80/20 Rule, schools have noted that they face significant administrative burdens²⁶ and a backlog of SST meetings. This regulatory system does not allow schools to differentiate between those students who miss 21% of a school day and those who are completely disengaged and

missing all day every day, resulting in tens of thousands of SST referrals that schools do not have the capacity to meaningfully conduct. The needs of a student who misses 5 full school days and a student who is tardy for 5 school days are likely quite different. The new regulations address this problem by amending 5A DCMR 2103.2(c)(3) to require that students be referred to an SST upon the accumulation of 5 “full day” unexcused absences. This change will significantly reduce the number of SST referrals and allow schools to target their resources to support those students facing the most significant attendance barriers.

DC Must Prioritize Identifying and Addressing Individualized Barriers to Student Attendance

Attendance data shows that at-risk students²⁷ are more likely to incur absences compared to their peers.²⁸ At the same time, at-risk students report higher instances of feeling unsafe due to bullying, harassment, and embarrassment.²⁹ 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.³⁰ Failing to address these issues only increases student absenteeism.³¹

Children’s Law Center supports the use of SSTs to create individualized solutions to address a student’s barriers to attendance. However, for schools to implement SSTs with fidelity, we strongly recommend that the Council provide the resources necessary

through funding and staffing positions. In our experience, insufficient resources have led to SST meetings that are brief and superficial. These meetings often feel like a box to check off rather than a meaningful opportunity to find solutions for students and families. Specifically, we encourage the Council to provide funding for SSTs to be organized by an individual with case management experience. This school-based role would be dedicated to ensuring that SST meetings bring together all the relevant stakeholders to devise a plan to support a student's attendance. Moreover, this role would be able to conduct follow-up to determine if the support plan is working or if adjustments are needed.

Improving Student Attendance Requires Continued Collaboration and Effort

In addition to the recent amendments to the 80/20 Rule, Children's Law Center encourages the Committee, the Deputy Mayor, the education agencies, and advocates to continue to collaborate in efforts to identify and remove punitive attendance policies. The recent change to the 80/20 Rule is just a first step in the work necessary to improve the regulatory landscape governing school attendance in DC. We urge DC's education sector to move away from punitive responses to chronic absenteeism and instead focus efforts on supporting students and families in overcoming barriers to attendance.

For example, DCPS's "failure due to absence" policy creates several of the same problems as the 80/20 Rule. Under this policy, a DCPS school cannot promote any student who accumulates 30 or more unexcused absences within a full school year.³² Secondary

students with more than 30 unexcused absences in one course within a full school year also must receive a failing grade in that course with a resulting loss of credit in that course.³³ Like with the 80/20 Rule, the Failure Due to Absence Rule disincentivizes students from attending school and communicates that there is no point in attending school after they have missed 30 days. Instead, students should be granted the opportunity to learn and demonstrate mastery of course material before the possibility of course passage and/or grade promotion is foreclosed. Our school attendance policies should foster a supportive environment for students rather than convey to them the message that they have no reason to come at all.

SCHOOL SAFETY & THE STUDENT FAIR ACCESS TO SCHOOLS AMENDMENT ACT

A sense of safety is a crucial prerequisite to learning.³⁴ However, physical safety – while important—is not the only necessary element. Students must also feel socially, emotionally, and academically safe.³⁵ Over the last five years, the Council has taken several important steps to foster nurturing and safe schools. These supports include passage of the Student Fair Access to School Amendment Act of 2018 (SFASAA), investments in the School-Based Behavioral Health program and Restorative Justice programming, and most recently the commitment to phase out School Resource Officers by July 2025. However, two of these crucial improvements to school culture and climate face serious challenges that threatened to undo years of the Council’s deliberate and careful

policy work. Specifically, we urge the Council to provide greater oversight to the implementation of SFASAA and to preserve the phase out of School Resource Officers.

Greater Attention Needed on the Student Fair Access to School Amendment Act of 2018

SFASAA was passed specifically to reform the District’s past troubling school discipline policies and practices. The purpose of SFASAA was to promote positive school environments and engage all students in learning while limiting the use of exclusionary discipline to only the most serious circumstances and to ensure the safety of students. Since the District’s pivot to focus on reducing school exclusions, the use of out-of-school suspensions has consistently declined year to year.³⁶

SFASAA—applicable to both traditional public and public charter schools—places caps on the length of out-of-school suspensions, prohibits certain types of attendance-related discipline, requires differing disciplinary actions based on a student’s grade level, and limits how exclusionary disciplinary measures can be used.³⁷

Under SFASAA, an out-of-school suspension for students in Kindergarten through Grade Five cannot exceed five consecutive school days.³⁸ For students in Grades Six through Twelve, an out-of-school suspension cannot exceed ten consecutive school days.³⁹ Further, schools are prohibited from suspending a student for more than twenty cumulative school days in a school year unless the school provides written justification to the student and parent.⁴⁰

SFASAA also provides limits on the types of incidents that may warrant an out-of-school suspension. For students in K-8, out-of-school suspensions are limited to incidents where a student's behavior poses a safety or emotional distress concern.⁴¹ For high school students (grades 9-12), a school may not issue an out-of-school suspension for dress code violations, willful defiance, or incidents that occur off school grounds that are not part of a school-sponsored activity, unless the student's behavior presents a safety or emotional distress concern.⁴² Moreover, schools are prohibited from using out-of-school suspensions for unexcused absences or late arrivals to schools.⁴³

Additionally, SFASAA provides due process rights to students, parents, and guardians before a student can be deprived of the right to attend school for six school days or more, which qualifies as a long-term suspension.⁴⁴ For any long-term out-of-school suspension, SFASAA requires a hearing at the Office of Administrative Hearings for DCPS or a hearing by a comparable adjudicator to be chosen by the charter LEAs.⁴⁵

Cumulatively, these provisions ensure that students are not excluded from the classroom unless all other alternatives have been tried or there is a serious safety concern. These protections not only keep students in the classroom learning, but also create greater accountability for DC schools that have long had disproportionate rates of suspension of Black students.⁴⁶ Prior to the passage of SFASAA, discretionary discipline policies led to a system in which Black students in DC were 7.7 times more likely to be given out-of-school suspensions than white students, after controlling for at-risk status, economic

disadvantage, disability, gender and other risk factors.⁴⁷ Moreover, Black students made up 94.4% of District students who were suspended more than once, while they made up only 67.8% of public school students.⁴⁸ The disparity for Latine students was also troubling: in the 2016-2017 school year, they were 2.8 times more likely to be suspended than their white peers.⁴⁹ Students with disabilities were 1.6 times more likely to receive at least one out-of-school suspension,⁵⁰ and made up 27.8 percent of all students suspended despite making up only 14.7 percent of the entire student population.⁵¹ Students who are considered at-risk were 2.7 times more likely to be suspended,⁵² homeless students were 2.5 times more likely to be suspended,⁵³ and children in foster care were 2.9 times more likely to be suspended.⁵⁴ Importantly, SFASAA can only work to overcome these disparities if the law is implemented with fidelity, and, in our experience, that is not the case.

Improving SFASAA Implementation Across the District

Last year, we highlighted a concerning trend in which students were subject to informal discipline measures that excluded students from the classroom without considerations for the process and protections mandated by SFASAA.⁵⁵ Upon the return to in-person learning, our attorneys began to report an increase in incidents where students are being sent home early from school or asked to stay home in response to behavior or discipline incidents. In these cases, parents are not being told that their student has been suspended, but rather that they need to go home to “cool off” for an

unspecified amount of time. However, under SFASAA, when a student is sent home for less than half of a school day for disciplinary reasons, they have been excluded from school per an “involuntary dismissal.”⁵⁶ Furthermore, SFASAA is clear that an involuntary dismissal is an “out-of-school suspension.”⁵⁷

In our clients’ experiences, these *de facto* suspensions are not being documented as formal discipline incidents. Caregivers are not told that their student has been suspended or for how long their student is barred from returning to school. One parent even reported not knowing that their child had been suspended until their OSSE bus did not arrive to pick the student up for school. Under SFASAA, school discipline policies must include plans for continuity of education while a student is suspended and must require school personnel facilitate parent involvement in response to an incident resulting in a disciplinary action.⁵⁸ If a parent does not even know that their student has been suspended, there was not meaningful involvement of the parent. Further, if these *de facto* suspensions are not being documented for students and parents, it is doubtful that these incidents are documented for the purposes of OSSE’s annual school discipline report.

As we continued to investigate these cases of informal discipline, we noticed that several LEAs had not updated their school discipline policies to comport with SFASAA. While DCPS published a comprehensive K-12 Student Discipline policy that largely mirrors SFASAA, several provisions in Chapter 25 of the DC Municipal Regulation are

in conflict with the law. For SFASAA to be fully implemented within DCPS, Chapter 25 needs to be amended and reissued in accordance with the law.

Moreover, our review of discipline policies found that SFASAA compliance varies widely across charter LEAs. We reviewed the written discipline policies from every charter LEA with a campus in Wards 5, 7, or 8 and compared those policies with the requirements of SFASAA. We documented each policy's compliance or non-compliance with seven key provisions of the law.⁵⁹ Of the 43 LEAs reviewed, only six had policies that were fully compliant with SFASAA. Below we provide an overview of the common compliance issues we found in the policies we examined.

Suspensions

Of the 43 charter discipline policies that we reviewed, 37 fall short of compliance with SFASAA concerning suspensions—either in-school or out-of-school.⁶⁰ 31 policies either do not provide a maximum length for an in school-suspension or the maximum number of days exceeds the number permissible under SFASAA. In most cases, the policies state that the consequence of a student's behavior depends on the severity of the infraction, but the policies are silent as to the maximum length of an in-school suspension. 22 policies allow the school to use in-school suspension for incidents where the student's behavior does not rise to the severity of behaviors as required by SFASAA. 27 policies fail to provide a maximum length for an out-of-school suspension or because the stated length exceeds the maximum length that is permissible under SFASAA.⁶¹

Due Process and Appeals

Regarding due process and appeals, our review found that charter policies fall into one of three categories: full compliance (29), partial compliance (6), or non-compliance (8). Twenty-nine of the policies we evaluated are fully compliant with the due process and appeals requirements meaning that they outline the due process rights and procedures available to students and caregivers, describe what documentation shall be provided to students and caregivers if a suspension is issued, and explain the process of appeal if there is disagreement regarding an issued suspension. The six partially compliant policies either fail to provide an appeals process, or they offer incomplete due process by failing to provide parents with documentation. These policies, however, do demonstrate some effort to comply with SFASAA. There were eight policies we found to be fully noncompliant because they do not include due process or appeals procedures for students and caregivers. For those charters lacking information in their policy, it may be the case the process for appeals or contesting the punishment is included in the written notice given to students rather than in the published discipline policy. However, without access to samples of the notices provided, we cannot confirm their compliance.

Uniforms

Uniform rules were largely a gray area in our review of charter policies. Most charter LEAs have a uniform policy, but the language of those policies regarding non-compliance is broad. This broad language allows schools to accommodate students not

wearing a uniform but could also allow the school to arbitrarily send students home. Accordingly, while technically not out of compliance, the sweeping language used in most schools' policies raises concerns about implementation on the ground. Of the policies reviewed, some explicitly list possible punishments for being out of uniform, including being sent home or removed from the classroom (i.e., a suspension). This is a clear SFASAA violation. However, others are silent on whether students may be sent home for being out of uniform or do not have a publicly available uniform policy. These policies are not, on their face, SFASAA violations, but leave room for schools to violate the law through their implementation of a vague policy.

Overall, the significant incongruence between charter discipline policies and the requirements mandated by SFASAA raise serious concerns for the implementation of the law. It is to be assumed that if the policies do not comport with the law, the practices on the ground are in violation of the law. How can teachers and other school-level staff be expected to navigate the inconsistencies and contradictions when trying to follow the law and their LEA's policy. We urge the Council to maintain close oversight and ensure that DCPS and the charter LEAs make the regulatory and policy changes necessary to comply with SFASAA.

Preserving the Phase Out of School Resource Officers

Children's Law Center believes that schools should be welcoming places where students feel safe. The presence of MPD officers in our schools does not advance that

goal and hinders efforts to create positive school climates. Many of our young clients have had harmful, and even traumatizing, experiences with School Resource Officers (SROs). Our attorneys consistently report problematic interactions between school police and the students we work with. SROs are too often called when students are experiencing behavioral challenges at school. Such emotional dysregulation should be met with support – not arrest. For these reasons, Children’s Law Center is a member of the Police-Free Schools and has advocated for the dissolution of the School Safety Division (SSD) within MPD and a parallel investment in supportive services for students.

The Fiscal Year 2022 Budget Support Act of 2021 (FY2022 BSA) provides for the gradual phase out of SROs and the dissolution of the SSD by July 1, 2025.⁶² The reasoning behind this gradual phase out was to allow for schools to transition gradually from the use of SROs to the implementation of supportive services.⁶³ The FY2022 BSA required the SSD’s sworn and civilian staff is not to exceed 60 personnel by July 1, 2022⁶⁴ – a reduction of 31 employees from their FY2020 sworn staffing levels.⁶⁵ Throughout the first year of the phase out, MPD has not publicly shared changes made to assignment of SROs across the District and it is unclear if schools were consulted on the redistribution plan. If school leaders are not meaningfully involved in the planning for and implementation of the phase out, it is, in turn, difficult for the education sector to effectively target investments in alternative student supports.

While the FY2022 BSA identifies annual deadlines for the phase out, further oversight is needed to meaningfully measure impact and combat divisive rhetoric. Of note, MPD has not published their Biannual Report on Juvenile Arrests in the District since December 2021⁶⁶ and has not published their annual school safety report since the 2019-2020 school year.⁶⁷ Without this data, parents, advocates, and the media can only speculate as to any impact that the phase out has had on schools and student safety. Furthermore, we strongly recommend that the Council's oversight of the phase out ensure that there be ongoing racial impact analysis of the changes to the distribution of SROs across the District. Data regularly reflects that Black students are disproportionately the subject of school-based arrests. OSSE's 2022 DC School Report Card reports that 95% of school-based arrests are of Black students.⁶⁸ We cannot allow the phase-out to excuse the targeted over-policing of Black students under the guise of staffing shortages.

As we have testified for the past two years, the removal of SROs must be paired with an investment in programming and supports that will improve school climates and create safe schools without the need for police.⁶⁹ The members of the Police Free Schools coalition have spent years listening to DC students regarding what will make them feel safe at school. When designing their ideal school, DC students sought among other things, fresh and good food, menstrual supplies in bathrooms, and expanded school counseling options.⁷⁰ At no point were Police or School Resource Officers among the

visions that these students had for their schools. In fact, young people have repeatedly voiced concerns about police in schools. They note that SROs are “scary”⁷¹ and make them “feel like criminals.”⁷² The presence of police in schools is destabilizing for many students. For example, Samaria Short, a 17-year-old student at Eastern High school shared that:

“A lot of the kids who go to my school, me included, have dealt with harassment from police officers just from walking on the streets. So having them being allowed in a place where they’re supposed to feel safe and comfortable to learn is very triggering [...] You don’t know what you’re going to expect. One day they might be nice, but then the next day they might flip out on you. You never know.”⁷³

If we want to create safe schools in DC, we cannot only remove harms, but also bolster supports. Education sector and community stakeholders cannot appropriately target supports and services without support from the Council. A failure to invest in and engage with the full spectrum of education stakeholders – including school leaders, parents, out-of-school time programs, and safe passage providers – will undermine the project of creating safe schools. This is yet another concern raised by young people advocating for better schools:

“I believe that a lot of the schools don’t have enough mental health resources that will reach everybody. So they’ll have one school counselor for hundreds of students in different grades [...] And not a lot of people know how to connect to them, how to talk to them, like how to reach out for that support.”⁷⁴

Moreover, it makes sense that school leaders have expressed concerns about the removal of SROs. Many have spent their careers watching resources be removed or withheld from

students. Their mistrust that SROs will be replaced by alternative supports is understandable and has been supported by recent events and more distant history. For example, MPD is offering a \$20,000 hiring bonus to new recruits⁷⁵ while DC schools are “projected to have higher teacher turnover than the vast majority of states and some of the worst pay in the country given the cost of living.”⁷⁶ Importantly, this does not mean that SROs are the answer to school safety. It means that the promise of alternatives is hollow without definitive action by the Council. Last year, we warned that a failure to plan for the needs of student will lead to preventable safety concerns.⁷⁷ We ask the Council now to preserve the phase out of harmful school policing *and* invest in the supports that students want and need.

With thorough oversight from the Council and collaboration with school communities, we can ensure that schools have the tools they need for a safe environment including behavioral health supports, robust safe passage, and comprehensive restorative justice programming. We urge the Council to ensure that MPD and school communities are actively engaged in the transition away from police in schools and toward welcoming, positive school climates.

ENSURING THE STRENGTH AND STABILITY OF SCHOOL-BASED BEHAVIORAL HEALTH EXPANSION PROGRAM

CLC is a member of the Strengthening Families Through Behavioral Health Coalition which brings together a diverse group of advocates who share a commitment

to improving DC's behavioral health care system for children and families.⁷⁸ We are focused on the full implementation of the School-Based Behavioral Health (SBBH) Expansion Program, led by the DC Department of Behavioral Health (DBH), so that every DC child has access to high-quality, consistent, and culturally responsive behavioral health care. DC's educators and education agencies have an essential role in the program, which is steadily growing year by year. The most pressing task this year for schools is to provide students and families with more comprehensive and accessible information about the SBBH services available in schools.

In late 2021, the American Academy of Pediatrics, the American Academy of Child and Adolescent Psychiatry, and the Children's Hospital Association – together representing more than 77,000 physicians and more than 200 children's hospitals – declared a national state of emergency in child and adolescent mental health. Their report warned of “soaring rates of depression, anxiety, trauma, loneliness and suicidality” in children that will have a long-lasting impact on their lives.⁷⁹ The U.S. Surgeon General shortly followed with an advisory highlighting the urgent need to address the nation's youth mental health crisis.⁸⁰

Many behavioral health issues begin in early childhood, with as many as one in six (17.4%) children 2-8 years old diagnosed with a mental, behavioral, or developmental disorder. The rates are higher (22%) for children living in poverty. About 23% of DC children had one or more emotional, behavioral, or developmental conditions in 2019-

2020 (a slight increase from 21% in 2018-2019). However, only one-fifth of children with mental, emotional, or behavioral disorders ever receive care from a specialized provider.⁸¹ Further, this unmet need for mental health services is worse for children of color in than for white children.⁸²

The results of the 2021 Youth Risk Behavioral Surveillance System (YRBSS) are further evidence of why students need access to more support. A stunning 28% of middle school students have seriously thought about killing themselves (18.3% for high schoolers). About 12% of middle and high school students had taken prescription pain medicine, without a doctor's prescription or differently than how a doctor told them to use it. Over 19% of middle school students and over 25% of high schoolers reported that their mental health was not good most of the time, or always (including stress, anxiety, and depression). One-fifth (20%) of high school students went without eating for 24 hours or more to lose weight or to keep from gaining weight. Amidst these indicators of poor mental health, only 31.1% of middle schoolers and 21.3% of high schoolers said they would most likely talk with their parent or other adult family member about their feelings. And less than two-thirds of students said there is at least one teacher or other adult in their school that they can talk to if they have a problem (62.4% of middle schoolers and 63.3% of high schoolers).⁸³ The SBBH program can fill these gaps and lower barriers to behavioral health care by embedding a licensed clinician in every public school, so kids get the help they need right where they are spending most of their day.

The goal of this program is for all DC traditional public and charter schools to provide a full array of behavioral health supports in three tiers:

- Tier 1 encompasses mental health promotion and prevention for all students,
- Tier 2 includes focused interventions for students at risk of developing a behavioral health problem, and
- Tier 3 is comprised of intensive supports and treatment for individual students who are experiencing a behavioral health problem.⁸⁴

One of the strengths of SBBH is the partnership with community-based organizations (CBOs) that have the capacity to provide all tiers of service. Most participating CBOs also offer a broader range of health services through the District and are well-positioned to create effective and lasting care relationships with whole families. SBBH clinicians also serve a distinct purpose in the school ecosystem, focused on the behavioral health of all staff and students. Once a school has been successfully matched with a CBO, they work with DBH to hire a full-time licensed clinician for the school, then work with them to create a custom work plan for referring students to services and measuring success. School leaders are generally positioned *between* services and students.

Families and youth need to know what services are available in their schools, who is providing services, and the route to a referral for those services. While DBH maintains a spreadsheet of school-CBO partnerships, along with staff information and vacancy status, only an extraordinarily knowledgeable family member would be able to find it. Parent stakeholders also note that contact information they have tried is out of date. Further, this document does not include information about how to access services and

the referral process varies from school to school. CBOs usually work through school leadership to disseminate information, but not all are empowered to reach out to school communities independently. We would like to see more standardized, consistent, and intentional communication from DBH and schools, through multiple mediums throughout the school year. With successful outreach, we can feel more confident that the kids who need services can utilize them.

To that end, the Strengthening Families Coalition suggests that the Mayor direct OSSE to work with DBH and CBOs to post information about available services to each school's MySchoolDC profile, including relevant contact and referral information. Since thousands of families already use the MySchoolDC website to enroll their children in school, including information about free or low-cost behavioral health services on the website is a commonsense way to boost program awareness and utilization. In addition, DBH and school leaders should make a more concerted effort to share information with families and engage them in services, including service evaluation and improvement.

Ensuring the SBBH program is strong and sustainable will help us realize the program's long-term potential of supporting the well-being of students and their broader success. As with all successful interventions, this will require effective communication with stakeholders.

AREAS IN NEED FOR GREATER OVERSIGHT FROM THE COUNCIL

In addition to the above priority areas, we would also like to draw the Council's attention to several governance and budgeting issues that are currently impeding schools from meeting the needs of students and families. Below we address concerns about long overdue Home & Hospital Instruction regulations, restoration of federal Head State funds, and clarifications around student immunization data. We believe that each of these issues would benefit greatly from Council oversight.

Home & Hospital Instruction Regulations are More than a Year Overdue

As we testified last year, the education sector continues to experience significant regulatory delays that hinder an LEA's ability to create and implement programs required by DC law.⁸⁵ While we were glad to see that OSSE finalized the Chapter 30 regulations after an 8-year rule-making process, there are several other rulemakings still pending. Specifically, we are still awaiting the promulgation of regulations under the Students' Right Home or Hospital Instruction Act of 2020. This law, passed by Council in 2020 and funded the following budget cycle, requires all District LEAs to adopt a home or hospital instruction (HHI) program for students who have been or will be absent from their school of enrollment for 10 or more consecutive or cumulative school days due to a physical or psychological condition.

Under Students' Right Home or Hospital Instruction Act, OSSE was required to promulgate regulations "no later than 120 days after the applicability date of th[e] act."⁸⁶

As such, the Agency should have published a notice of proposed rulemaking by January 29, 2022.⁸⁷ However, as of the time of this hearing, no such notice has been published in the DC Register. This delay in issuing regulations has left every LEA in the District unable to meet their obligations under the Act. Namely, that “beginning in school year 2022-2023, every LEA shall adopt and implement a home and hospital instruction program.”⁸⁸ Without regulatory guidance from OSSE, LEAs are unlikely to be able to develop meaningful HHI programs in compliance with the law. We are concerned that further delays in promulgation of HHI regulations will result in delays in provision of HHI to students for whom it may be their only way to meaningfully access their education.

Specific attention is needed to understand how to restore millions of federal dollars to DC preschools through Head Start

Head Start is a federally funded program that provides comprehensive early childhood education, health, and nutrition services to low-income children and their families.⁸⁹ Head Start aims to improve school readiness and long-term academic success for children living in poverty by providing them with access to high-quality early childhood education.⁹⁰ Eligible participants are families whose incomes are at or below the federal poverty guidelines or who participate in Temporary Assistance for Needy Families, Supplemental Security Income, or Supplemental Nutrition Assistance Program public assistance services.⁹¹ Other eligible participants include children who are in the

foster care system or experiencing homelessness.⁹² The Head Start program provide a range of services to families, including parenting education, health screenings, and social services, which can help families address the challenges they face and improve their children's overall well-being.⁹³

Despite the immense value of the Head Start program, DCPS voluntarily relinquished its funding for Head Start in April 2020.⁹⁴ The response came after the United States Department of Health and Human Services (HHS) received reports of safety violations in DCPS' pre-K programs.⁹⁵ After the reported incidents, DCPS was given 30 and 120 days to address the safety concerns, and ensure that the campuses were made safer.⁹⁶ Once these efforts could not properly be made, DCPS chose to relinquish its funding for the Head Start program completely.

Many local groups expressed concern about DCPS's decision. The Washington Teachers' Union (WTU) called on the DC Council to hold an oversight hearing to determine why DCPS failed to address and report safety issues within Head Start.⁹⁷ The WTU also requested insight as to why DCPS arrived at the decision to not seek renewal of funding and the impact of the loss of federal Head Start funds on early education programs and overall local school budgets.⁹⁸ WTU clarified the importance of funding in their letter, stating:

"While DCPS has indicated that allocations to local schools will not shift as a result of this decision, local school budgets have largely failed to keep up with rising costs and inflation in recent years resulting in cuts at the school level. Last year's budget (Fiscal Year 2020) saw 20 DC public schools,

including 17 in Ward 7 or Ward 8, face steep budget cuts. The WTU was extremely concerned with initial budget allocations for the upcoming school year (Fiscal Year 2021)...which were insufficient to maintain current programming across all schools.”⁹⁹

We share similar concerns with WTU. It is concerning that DCPS willingly gave up millions to support the District’s youngest learners and their families. Especially concerning is that for the 2020-2021 school year, DCPS did not operate Head Start programs, a particularly scary and turbulent time due to the COVID-19 pandemic, when secure and stable funding was critical. Our concern for this unused money only grows as federal funding given to schools through COVID-19 relief funds begins to sunset.¹⁰⁰ The District cannot afford to be leaving money on the table, especially for the District’s preschoolers. The pandemic highlighted many of the inequities in our preschool system that was present even before 2020. Removing the Head Start funding only exacerbates the growing issues in DC’s preschools.

We were glad to learn that in July 2021, DCPS did receive a new Head Start grant and created new programs at 6 elementary schools – CW Harris, Hendley, Kimball, ML King, Savoy, and Stanton – for the 2021-2022 school year.¹⁰¹ The now 29 classrooms located in the six schools are funded through a combination of approximately \$3 million in federal funds from DHHS/ACF/Office of Head Start, awarded in 12-month budget periods, and approximately \$5 million in local funds allocated to DCPS from DC government.¹⁰² Since these classrooms operate within DCPS elementary school facilities, DCPS pays for the costs of many of the services that Head Start students benefit from,

including facilities costs (rent, utilities, maintenance, etc.), some administrative costs (human services, legal, payroll, etc.), and some staffing costs (teacher salaries, most aide salaries, school leader salaries).¹⁰³ In 2021, DCPS Head Start also received a supplemental, two-year grant from DHHS/ACF/Office of Head Start to support COVID recovery and remediation.¹⁰⁴

We ask this Committee to seek answers as to why DCPS has chosen not to bring Head Start back to *all* eligible DCPS classrooms. We understand Head Start is a multi-layered and is impacted by aspects outside the control of the District, including federal rules and federal funding. We also understand DCPS must work to address safety concerns within the schools. DCPS, however, has already brought back Head Start into six schools, 29 classrooms, and reports that it continues to address safety concerns including requiring school leaders to complete monthly monitoring of their Head Start classrooms, extensive supervision, training requirements, and clarified guidance.¹⁰⁵ We remain confused as to why it has not continued to expand to more schools and implement these safety trainings across the board so that all eligible students can access Head Start.

The District cannot continue to afford to overlook the decision of DCPS to relinquish this funding, and must work in partnership to understand how we may be able to bring this funding back to the District. In 2021 dollars, DCPS could be accessing three times the amount of money from Head Start to support DC's earliest learners.¹⁰⁶ We are pleased to see the work DCPS is doing to provide safe Head Start classrooms in the

District and we wish to see these efforts expand to more classrooms so all eligible District children can access this valuable program and schools can access additional dollars to support their students and families.¹⁰⁷

Better data collection is needed before the enforcement of the COVID-19 vaccination in the 2023-2024 school year

The COVID-19 pandemic brought vaccine access, vaccine tracking, and enforcement of vaccines to the forefront of conversations amongst legislatures, school officials, and health experts. The need for these conversations, however, is not new. Before the COVID-19 pandemic, the District had pediatric routine immunizations. These are the required vaccines based on age for all students to be allowed to enroll and attend school.¹⁰⁸ In the 2017-2018 and 2018-2019 school years, the two years prior to the pandemic, the District saw, on average a 67.71 percent immunization compliance rate across all schools in the District.¹⁰⁹ If DCPS were enforcing pediatric routine immunizations, the District would have then seen at least 29,000 children removed from school for non-compliance in both the 2017-2018 and 2018-2019 school years.¹¹⁰ The rule, however, has clearly not been being enforced.¹¹¹

Hence why when the Council passed the Coronavirus Immunization of School Students and Early Childhood Workers Amendment Act of 2021, we testified in support of the overall goal but emphasized concerns about its actual implementation.¹¹² We warned it could be a logistical nightmare for the District especially given that it had not

mastered compliance with the long-standing immunization requirements. We were concerned that given the narrative around the COVID-19 vaccine the education section would face even more barriers to implementation.

The challenges of implementing a long-neglected policy became clear as the District sought to implement the COVID-19 vaccine requirement in the 2022-2023 school year.¹¹³ Shortly after hearing from the public and the government at a Committee of the Whole Roundtable,¹¹⁴ emergency legislation was introduced to delay the start of the enforcement of the COVID-19 vaccine until the 2023-2024 school year.¹¹⁵ While the District made significant strides in its immunization efforts it became clear more time was necessary to meaningfully strike the balance between immunization requirements and school attendance.

We appreciate the efforts that the government has made thus far, including increased interagency coordination, education on vaccines, and greater vaccine access. DC Health, in partnership with DCPS, opened the School-Based Health Centers in the summer for students ages 3 and older to receive their pediatric routine vaccinations and, if eligible, their COVID-19 vaccine.¹¹⁶ Students could go to any neighborhood school and did not have to go to the school they attended. Additionally, DC Health offered mobile vaccine clinics to better meet families where they are.¹¹⁷ DC Health in partnership with DME, OSSE, and LEAs did targeted outreach and education to noncompliant families.¹¹⁸ DC Health coordinated with Children's School Services (CSS) and did bi-weekly check-

ins to assess program planning and implementation of strategies for school health and expanded immunization activities.¹¹⁹ We appreciate the collaboration we experienced first-hand between the government and key stakeholders to increase immunization across the District.

This work is a step forward in the right direction. However, without improved data collection, the true measure of the impact of these efforts will remain unknown. Over the course of the last seven months, it has become clear the current data collection system is deeply flawed. Many spoke to poor data collection during the COW Roundtable in October on No Shots, No School. For example, one school stated that it was close to having full compliance and was working with a handful of families to get to 100 percent compliance, but the data being reported says they are nowhere near compliance.¹²⁰ The DC Charter Alliance testified that many Charter schools have had to create their own data-tracking systems because of the flawed data.¹²¹ The purpose of the proposed vaccine mandates for students is to help students remain safely in school; it is, therefore, counterproductive to that goal if the mandate itself causes educational disruptions, in particular, for those students who may already be struggling. It is critical to know the true number of children who are non-compliant in order to understand the impact enforcement will have throughout DC.

Therefore, we urge the Committee to work with the relevant agencies (DME, OSSE, LEAs, and DC Health) to understand why the data collection is so erroneous and

the barriers to better data collection. We want to balance public health and public education, but without proper data tracking, we cannot strike the correct balance; we will either be overly inclusive, or overly punitive. With the right data, we can provide targeted supports and resources for those children that remain unvaccinated.

CONCLUSION

We thank the Committee for its commitment to DC students and for its efforts to provide thorough oversight of the education sector. We look forward to collaborating with government and community partners in furtherance of a District in which every student feels welcome, safe, and supported at school.

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

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- ¹ See, e.g., *The State of Special Education and Disability Services in Public Schools*, Public Hearing Before the Comm. on Educ., D.C. Council, (Nov. 16, 2016) (testimony of Renee Murphy, Senior Policy Attorney, Children’s Law Center), available at: <https://childrenslawcenter.org/wp-content/uploads/2021/07/CLC-Testimony-State-of-Special-Education-Disability-Services-in-DCs-Public-Schools.pdf>
- ² See email Danielle Robinette, Policy Attorney, Children’s Law Center, to Raleigh Lancaster, Senior Legislative Counsel, Committee of the Whole, Chairman Phil Mendelson, Council of the District of Columbia (Feb. 6, 2023, 14:06 EST) (on file with author).
- ³ See Emma Brown, “Forgotten-child incident in D.C. highlights special-ed busing concerns,” WASH POST (Nov. 29, 2012), available at: https://www.washingtonpost.com/local/education/forgotten-child-incident-in-dc-highlights-special-ed-busing-concerns/2012/11/29/005c77d4-3a48-11e2-8a97-363b0f9a0ab3_story.html
- ⁴ *Vanishing Bus Routes*, Axios Local, August 2, 2022, available at: <https://www.axios.com/2022/08/29/vanishing-bus-routes>; Elisa Cinelli, *How a Nationwide School Bus Driver Shortage Affects Our Children*, verywell family, September 19, 2022, available at: <https://www.verywellfamily.com/nationwide-school-bus-driver-shortage-affects-students-6561061>.
- ⁵ Ritu Narayan, *The (solvable) problem of school transportation*, Fortune, December 23, 2022, available at: <https://fortune.com/2022/12/23/solvable-problem-school-transportation-bus-solutions-ritu-narayan/>.
- ⁶ “Fully staffed” is defined as having all of the FY22 budget allocated FTEs for bus drivers. See Office of the State Superintendent of Education, *Responses to Fiscal Year 2021 Performance Oversight Questions*, p. 285 (2022), available at: <https://dccouncil.gov/wp-content/uploads/2022/10/ossresponses.pdf#page285>.
- ⁷ *Id.* at p. 285, 298.
- ⁸ See, e.g., Baltimore City Public Schools, *City Schools Offers Pay Increase and Bonuses to Recruit and Retain Bus Drivers* (Nov. 17, 2021), <https://www.baltimorecityschools.org/busdriverincentives>;
- ⁹ See, e.g., Baltimore City Public Schools, *City Schools Offers Pay Increase and Bonuses to Recruit and Retain Bus Drivers* (Nov. 17, 2021), <https://www.baltimorecityschools.org/busdriverincentives>;
- ¹⁰ See, e.g., Joni Hess, *After a Sickout and Tense Negotiations, Raises Coming to School Bus Drivers in St. Tammany*, NOLA (July 25, 2022), https://www.nola.com/news/northshore/after-a-sickout-and-tense-negotiations-raises-coming-to-school-bus-drivers-in-st-tammany/article_de116caa-09f6-11ed-97a8-f7a8a957be49.html.
- ¹¹ See, e.g., Tim McNicholas, *Bus Companies, School Districts Offer Higher Bonuses in Effort to Hire More Drivers*, CBS Chicago (June 16, 2022), <https://www.cbsnews.com/chicago/news/bus-companies-school-districts-higher-bonuses-drivers/>.
- ¹² See, e.g., T. Keung Hui, *Want to Become a North Carolina School Bus Driver? Here’s What You Need to Know*, The News & Observer (January 25, 2023), available at: <https://www.newsobserver.com/news/local/education/article271332462.html>.
- ¹³ DC Code § 32–246.
- ¹⁴ OSSE, *Responses to Fiscal Year 2021 Performance Oversight Questions*, p. 285 (2022), available at: <https://dccouncil.gov/wp-content/uploads/2022/10/ossresponses.pdf#page285>.
- ¹⁵ NYC Open Data, Department of Education, *Vehicles* (Updated Jan. 1, 2023), available at <https://data.cityofnewyork.us/Transportation/Vehicles/28rh-vpvr/data>; NYC Dep’t of Ed. Off. of Pupil Transportation, *Office of Pupil Transportation Open Data - Data Dictionary* (Feb. 16, 2016), <https://data.cityofnewyork.us/api/views/ez4e-fazm/files/0bb6a206-bfc3-484e-9da1-f78be62eb4b8?download=true&filename=OPT%20Open%20Data%20Descriptions%20v0.2.docx>.

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- ¹⁶ Oceanside Unified School District, *Oceanside Unified School District Transportation Guide*, <https://docs.google.com/document/d/17LfrDe1MojYBYOf01azm8FEyXR63Eu41/edit>.
- ¹⁷ NYC Department of Education InfoHub, *Transportation Resources for Schools*, <https://infohub.nyced.org/in-our-schools/operations/transportation-resources-for-schools>.
- ¹⁸ District of Columbia Council Committee of the Whole, Public Performance Oversight Hearing Education Sector, March 3, 2022.
- ¹⁹ Oceanside Unified School District, *Oceanside Unified School District Transportation Guide*, <https://docs.google.com/document/d/17LfrDe1MojYBYOf01azm8FEyXR63Eu41/edit>.
- ²⁰ See Eileen Pomeroy & Mauricio Peña, *From Enrollment Declines to Federal COVID Relief Funds: Chicago's School Year in 5 Numbers*, Chalkbeat Chicago, available at: <https://chicago.chalkbeat.org/2022/6/9/23161503/chicago-public-schools-covid-19-transportation-walk-out-esser-funds-enrollment-declines>; Mila Koumpilova, *Chicago Might Rely Less on Yellow Buses to Transport Students Next Fall*, Chalkbeat Chicago (November 17, 2021), available at: <https://chicago.chalkbeat.org/2021/11/17/22787995/chicago-public-schools-bus-driver-shortage>; Blythe Bernhard, *School Bus Driver Shortage Means No Rides for Thousands of St. Louis Students*, St. Louis Post-Dispatch (August 16, 2022), available at: https://www.stltoday.com/news/local/education/school-bus-driver-shortage-means-no-rides-for-thousands-of-st-louis-students/article_d4ad951d-2bc2-56b8-874f-ea1df7236727.html.
- ²¹ At HopSkipDrive, drivers must have at least five years of experience, including with students with special needs; they must have a vehicle newer than 10 years old and passing annual mechanic checks; and they must go through a vetting process that includes fingerprinting, background checks, and ongoing criminal checks. See Sarah Rahel, *Metro Detroit Schools Partner with Rideshare to Aid Bus Driver Shortage*, DETROIT NEWS (Oct. 9, 2022), available at: <https://www.detroitnews.com/story/news/michigan/2022/10/09/metro-detroit-schools-partner-with-rideshare-to-aid-bus-driver-shortage/69541546007/>;
- ²² *Id.*; Alyson Klein, *Uber for School Buses? How Companies Use Rideshare-Like Tech to Ease Driver Shortages*, EDWEEK (Dec. 7, 2022), available at: <https://www.edweek.org/leadership/uber-for-school-buses-how-companies-use-rideshare-like-tech-to-ease-driver-shortages/2022/12>.
- ²³ For example, Chicago Public Schools works with RideAlong and the Chesterfield School District near Richmond, VA works with EverDriven. See Eileen Pomeroy & Mauricio Peña, *From Enrollment Declines to Federal COVID Relief Funds: Chicago's School Year in 5 Numbers*, Chalkbeat Chicago (June 9, 2022), available at: <https://chicago.chalkbeat.org/2022/6/9/23161503/chicago-public-schools-covid-19-transportation-walk-out-esser-funds-enrollment-declines>; Mila Koumpilova, *Chicago Might Rely Less on Yellow Buses to Transport Students Next Fall*, Chalkbeat Chicago (Nov. 17, 2021), available at: <https://chicago.chalkbeat.org/2021/11/17/22787995/chicago-public-schools-bus-driver-shortage>; Alyson Klein, *Uber for School Buses?*, *supra* note 22.
- ²⁴ Presently, 5-A DCMR § 2199 defines a student as “present” for any “single school day on which the student is physically in attendance . . . for at least eighty percent (80%) of the full instructional day . . .” This definition has created the so-called “80/20 Rule” which requires all public schools to mark absent any student who does not attend at least 80% of the school day.
- ²⁵ Danielle Robinette, Children’s Law Center, Testimony before the District of Columbia Council Committee on Judiciary and Public Safety, (March 11, 2022), available at: https://childrenslawcenter.org/wp-content/uploads/2022/03/CLC-Testimony_Mar-11-Attendance-Hearing_Final.pdf.

²⁶ District of Columbia State Board of Education, Letter RE: Challenges Associated with Implementation of the District of Columbia’s New Compulsory Attendance Laws and Recommendations for Addressing Them (April 1, 2015), p. 6 *available at*:

https://sboe.dc.gov/sites/default/files/dc/sites/sboe/release_content/attachments/Chronic%20Absenteeism%20-%20ADOPTED%20-%200040115_0.pdf

²⁷ District of Columbia Office of the State Superintendent of Education, *District of Columbia Attendance Report, School Year 2018-2019* (November 30, 2019), p. 25, *available at*:

<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).

²⁸ *Id.*

²⁹ Valerie L. Marsh, *Understanding Chronic Absenteeism: What Research Tells Us about Poor Attendance at School*, American Federation of Teachers (AFL-CIO) (Winter 2019–2020) *available at*:

<https://www.aft.org/ae/winter2019-2020/marsh>

³⁰ *Id.*

³¹ *Id.*

³² 5B DCMR § 2103.3

³³ 5B DCMR § 2013.6

³⁴ *See generally* Susan F. Cole, et al., Trauma and Learning Policy Initiative, “Creating and Advocating for Trauma-Sensitive Schools,” (2013).

³⁵ *Id.* at 19.

³⁶ Office of the State Superintendent of Education, *State of Discipline: 2018-2019 School Year*, at 9, *available at*:

https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/Discipline%20Report%20OSE%202018-19%20School%20Year.pdf

³⁷ DC Law 22-157.

³⁸ DC Law 22-157 § 204(b)(1); D.C. Code § 38-236.04(b)(1).

³⁹ DC Law 22-157 § 204(b)(2); D.C. Code § 38-236.04(b)(2).

⁴⁰ DC Law 22-157 § 204(b)(3); D.C. Code § 38-236.04(b)(3).

⁴¹ DC Law 22-157 § 204(a)(1); D.C. Code § 38-236.04(a)(1).

⁴² DC Law 22-157 § 204(a)(2); D.C. Code § 38-236.04(a)(2).

⁴³ DC Law 22-157 § 204(c); D.C. Code § 38-236.04(c).

⁴⁴ DC Law 22-157 § 204(g).

⁴⁵ DC Law 22-157 § 203(b)(12).

⁴⁶ *See, e.g.*, Office of the State Superintendent of Education, *Reducing Out-of-School Suspensions and Expulsions in District of Columbia Public and Public Charter Schools*, at 15, *available at*:

https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/OSSE_REPORT_DISCIPLINARY_G_PAGES.pdf

⁴⁷ Office of the State Superintendent of Education, *State of Discipline: 2016-17 School Year*, at 25-26 (2017), *available at*: https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/2016-17%20School%20Year%20Discipline%20Report.pdf

⁴⁸ *Id.*, at 30.

⁴⁹ *Id.*, at 29.

⁵⁰ OSSE, *State of Discipline: 2016-17 School Year*, at 33.

⁵¹ *Id.*, at 34.

⁵² *See id.*, at 40.

⁵³ *See id.*, at 43.

⁵⁴ *See* Office of the State Superintendent of Education, *State of Discipline: 2015-16 School Year*, at 40 (2016), available at: https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/2015-16%20OSSE%20Discipline%20Report%20Updated%20Jan%206%202017.pdf

⁵⁵ Danielle Robinette, Children’s Law Center, Testimony before the District of Columbia Council Committee on Judiciary and Public Safety, (February 2, 2022), available at: https://childrenslawcenter.org/wp-content/uploads/2022/02/CLC-Testimony_Special-Education-Roundtable-2.2.22_Final.pdf.

⁵⁶ *See* DC Code § 38-236.01(9).

⁵⁷ *See* DC Code § 38-236.01(13)(A).

⁵⁸ *See* DC Code § 38-236.03(b)(4)-(5).

⁵⁹ To determine compliance, we asked the following questions: 1) Does the policy identify the behaviors that warrant in-school suspension? 2) Does the policy provide a maximum length of an in-school suspension? 3) Does the policy identify the behaviors that warrant out-of-school suspension? 4) Does the policy provide a maximum length of out-of-school suspension? 5) Does the policy prohibit the use of suspension for uniform violations? 6) Does the policy outline the due process available to a suspended student and/or their caregivers? And 7) Does the policy identify what sorts of documentation shall be provided to the student and/or caregiver upon issuance of a suspension?

⁶⁰ These policies are either not in compliance with one or more provisions governing suspensions or do not have a publicly available policy at all.

⁶¹ DC Law 22-157 (2018); DC Code § 38-236.

⁶² *See* DC Code § 5-132.02(e)

⁶³ *See Committee Mark-Up: Report and Recommendations FY22 Budget*, Before the Comm. on the Judiciary & Pub. Safety, DC Council, (June 30, 2021) (statement of Councilmember Charles Allen, Chair, Comm. on the Judiciary & Pub. Safety) (responding to concerns about withdrawing SROs, “while there certainly were calls to, say, immediately eliminate the division, because we wanted to make sure those pieces are in place, that’s why you see the step-down approach that’s spread out over several years which allows us to work with MPD and work with other partners for that transition.”)

⁶⁴ *See* DC Code § 5-132.02(e)(1)

⁶⁵ *See* Robert Contee, Metropolitan Police Department, “Responses to Fiscal Year 2020 Performance Oversight Questions,” at 154 (April 26, 2021), available at: <https://dccouncil.us/wp-content/uploads/2021/04/JPS-Performance-Oversight-Responses-2021-MPD.pdf> (noting in response to question 39 that the SSD’s sworn staffing was composed of one commander, two lieutenants, nine sergeants, and 79 SROs – totaling 91 sworn personnel, but does not note whether there are any civilian personnel).

⁶⁶ Metropolitan Police Department, *Biannual Reports on Juvenile Arrests*, available at: <https://mpdc.dc.gov/node/208852> (last accessed Feb. 21, 2023, at 11:45 AM).

⁶⁷ Metropolitan Police Department, *School Safety & Security Reports*, available at: <https://mpdc.dc.gov/publication/school-safety-security-reports> (last accessed Feb. 21, 2023, at 11:45 AM).

⁶⁸ Office of the State Superintendent of Education, “2022 School Report Card Discipline – Metric Scores,” available at: https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/2122%20DC%20School%20

[Report%20Card%20Discipline%20-%20Metric%20Scores.xlsx](#) (noting that 18 out of 19 students arrested at school that year were Black/African-American).

⁶⁹ Danielle Robinette, Children’s Law Center, Testimony before the District of Columbia Council Committee on Judiciary and Public Safety, (March 21, 2021), *available at*:

https://childrenslawcenter.org/wp-content/uploads/2021/07/CLC_MPD-Oversight-Testimony_FINAL.pdf; Danielle Robinette, Children’s Law Center, Testimony before the District of Columbia Council Committee on Judiciary and Public Safety, (Feb. 17, 2022), *available at*:
https://childrenslawcenter.org/wp-content/uploads/2022/02/CLC-Testimony_MPD-Oversight-FY21_Final.pdf.

⁷⁰ See Black Swan Academy (@BlackSwanAcad), TWITTER, (June 30, 2021, 11:25 AM)

<https://twitter.com/BlackSwanAcad/status/1410258259840311296>.

⁷¹ Black Swan Academy (@BlackSwanAcad), TWITTER, (Mar 11, 2021, 3:33 PM)

<https://twitter.com/BlackSwanAcad/status/1370110546335432715> (quoting Sameya, 16, “Police in school are scary. You’re carrying around a gun in an educational environment with children. Why?!”).

⁷² Black Swan Academy (@BlackSwanAcad), TWITTER, (June 30, 2021, 11:23 AM)

<https://twitter.com/BlackSwanAcad/status/1410257620754210817> (quoting Jaden, 15, “it is important to remove police from schools so we don’t feel like criminals and so we don’t feel uncomfortable or unsafe.”).

⁷³ Martin Austermuhle, *‘They Don’t Know Our Worth’: As Police Officers Dwindle In D.C. Schools, A Fight Is On To Bring Them Back*, DCIST (Feb. 10, 2023), *available at*: <https://dcist.com/story/23/02/10/dc-debates-police-in-schools/> (quoting Samaria Short, a 17 year old student at Eastern High School).

⁷⁴ *Id.*

⁷⁵ See Press Release, Executive Office of the Mayor, Mayor Bowser Announces \$20,000 Hiring Bonus to Help Recruit MPD Officers (June 17, 2022), *available at*: [https://mayor.dc.gov/release/mayor-bowser-announces-20000-hiring-bonus-help-recruit-mpd-officers#:~:text=\(Washington%2C%20DC\)%20Today%2C.more%20DC%20residents%20and%20women](https://mayor.dc.gov/release/mayor-bowser-announces-20000-hiring-bonus-help-recruit-mpd-officers#:~:text=(Washington%2C%20DC)%20Today%2C.more%20DC%20residents%20and%20women).

⁷⁶ Sarah Y. Kim, *D.C. Schools Are Losing Educators. Teachers Have Solutions*, DCIST (Sept. 23, 2022), *available at*: <https://dcist.com/story/22/09/23/dc-schools-losing-teachers/>.

⁷⁷ Danielle Robinette, Children’s Law Center, Testimony before the District of Columbia Council Committee on Judiciary and Public Safety, (Feb. 17, 2022), *available at*: https://childrenslawcenter.org/wp-content/uploads/2022/02/CLC-Testimony_MPD-Oversight-FY21_Final.pdf.

⁷⁸ Strengthening Families Coalition Through Behavioral Health, *available at*:

<https://www.strengtheningfamiliesdc.org/>.

⁷⁹ AAP, AACAP, CHA declaration of a national emergency in children’s mental health. American Academy of Pediatrics, October 19, 2021, *available at*:

<https://publications.aap.org/aapnews/news/17718/AAP-AACAP-CHA-declare-national-emergency-in>.

⁸⁰ U.S. Surgeon General Issues Advisory on Youth mental Health Crisis Further Exposed by COVID-19 Pandemic, HHS.gov, December 7, 2021, *available at*: <https://www.hhs.gov/about/news/2021/12/07/us-surgeon-general-issues-advisory-on-youth-mental-health-crisis-further-exposed-by-covid-19-pandemic.html>.

⁸¹ Martini R, Hilt R, Marx L, et al.; for the American Academy of Child and Adolescent Psychiatry. *Best principles for integration of child psychiatry into the pediatric health home*, June 2012, *available at*:

http://www.aacap.org/App_Themes/AACAP/docs/clinical_practice_center/systems_of_care/best_principles_for_integration_of_child_psychiatry_into_the_pediatric_health_home_2012.pdf.

⁸² Wachino V, Frank RG, Humphreys K, O'Brien J. *The kids are not all right: The urgent need to expand effective behavioral health services for children and youth*, USC-Brookings Schaeffer on Health Policy, December 22, 2021, available at: <https://www.brookings.edu/blog/usc-brookings-schaeffer-on-health-policy/2021/12/22/the-kids-are-not-all-right-the-urgent-need-to-expand-effective-behavioral-health-services-for-children-and-youth/>.

⁸³ 2021 District of Columbia Youth Risk Behavior Survey (YRBS) sample statistics, <https://osse.dc.gov/node/1635216>

⁸⁴ Department of Behavioral Health, Guide to Comprehensive Behavioral Health, p. 2-4, available at: https://dbh.dc.gov/sites/default/files/dc/sites/dmh/page_content/attachments/PRIMARY%20GUIDE_SCH OOL%20BEHAVIORAL%20HEALTH_JUNE%202019.pdf.

⁸⁵ Sharra E. Greer, Children's Law Center, Testimony before the District of Columbia Council Committee of the Whole, (March 2, 2022), available at: https://childrenslawcenter.org/wp-content/uploads/2022/03/CLC-Testimony_Educ-Agencies-Oversight_Final.pdf.

⁸⁶ DC Code § 38-251.10.

⁸⁷ See email from Christina K. Setlow, the Deputy Committee Director, Committee of the Whole, Council of the District of Columbia, to Danielle Robinette, Policy Attorney, Children's Law Center (Dec. 15, 2021, 14:55 EST) (on file with author) (finding that the effective date for the Student's Right to Home or Hospital Instruction Act of 2019 would have been October 1, 2021, as the start of the fiscal year in which the Act was funded) .

⁸⁸ DC Code § 38-251.02(a).

⁸⁹ Office of Head Start, *Head Start Services* (Oct. 31, 2022), available at: <https://www.acf.hhs.gov/ohs/about/head-start>

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² *Id.*

⁹³ *Id.*

⁹⁴ Perry Stein, *D.C. loses out on millions of dollars in federal Head Start preschool funding*, The Washington Post (Apr. 15, 2020), available at: https://www.washingtonpost.com/local/education/dc-loses-out-on-millions-of-dollars-in-federal-head-start-preschool-funding/2020/04/15/f26c9980-7eb7-11ea-8013-1b6da0e4a2b7_story.html.

⁹⁵ Debbie Truong & Kavitha Cardoza, *D.C. Public Schools Lose Millions in Federal Money for Head Start*, National Public Radio (Apr. 16, 2020), available at: <https://www.npr.org/local/305/2020/04/16/835924020/d-c-public-schools-lose-millions-in-federal-money-for-head-start>; Perry Stein, *D.C. loses out on millions of dollars in federal Head Start preschool funding*, The Washington Post (Apr. 15, 2020), available at: https://www.washingtonpost.com/local/education/dc-loses-out-on-millions-of-dollars-in-federal-head-start-preschool-funding/2020/04/15/f26c9980-7eb7-11ea-8013-1b6da0e4a2b7_story.html.

⁹⁶ *Id.*

⁹⁷ Elizabeth A. Davis, *Head Start – Letter to Council*, Washington Teachers' Union (Apr. 16, 2020), available at: https://www.wtulocal6.net/blog?can_id=0fccda9e57bcd7a2eef3e324441837a4&email_referrer=email_1326634&email_subject=monday-morning-brew-october-18-2021&link_id=0&page=15&source=email-tuesday-morning-brew-october-12-2021-2

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ Mark Liberman, *COVID Relief funds Dry Up Next Year. Here's How Districts Can Cope*, Education Week, January 19, 2023, available at: <https://www.edweek.org/leadership/covid-relief-funds-dry-up-next-year>

[heres-how-districts-can-cope/2023/01](#); Qubilah Huddleston, *How DC Funds Its Public Schools*, DC Fiscal Policy Institute, February 16, 2023, available at: <https://www.dcfpi.org/all/how-dc-funds-its-public-schools/>; Chairman Mendelson, DC Council Statement on DCPS Budget Cuts, February 15, 2023, <https://twitter.com/ChmnMendelson/status/1625985292564934656/photo/1>.

¹⁰¹ District of Columbia Public Schools, *Early Childhood Education* (2022), available at: <https://dcps.dc.gov/ece>

¹⁰² District of Columbia Public Schools, *DCPS Head Start Annual Report* (2021-2022), available at: https://dcps.dc.gov/sites/default/files/dc/sites/dcps/page_content/attachments/DCPS-HeadStart-Annual22-5S.pdf.

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ FY2022 DCPS Performance Oversight Responses, response to Q71, available at: [https://www.dropbox.com/sh/a9c91dqy6nmas9t/AABZeTy8-O-qz-HQu35OAFOPa/3.3.23%20Education%20Cluster%20\(Gov\)%20Performance/FY23%20DCPS%20Performance%20Oversight%20Responses?dl=0&preview=DCPS+FY23+Performance+Oversight+Responses.pdf&subfolder_nav_tracking=1](https://www.dropbox.com/sh/a9c91dqy6nmas9t/AABZeTy8-O-qz-HQu35OAFOPa/3.3.23%20Education%20Cluster%20(Gov)%20Performance/FY23%20DCPS%20Performance%20Oversight%20Responses?dl=0&preview=DCPS+FY23+Performance+Oversight+Responses.pdf&subfolder_nav_tracking=1).

¹⁰⁶ National Institute for Early Education Research, *State(s) of Head Start and Early Head Start: Looking at Equity* (2022), available at: <https://nieer.org/states-of-head-start-early-head-start-looking-at-equity>. Research has shown that children who participate in Head Start are more likely to succeed in school, graduate from high school, and go on to college. They also have better health outcomes and are less likely to be involved in the criminal justice system. Using data from the National Longitudinal Survey of Youth (NLSY), researchers found that “having access to the Head Start preschool program when they were four years old reduced the likelihood that their own children (the next generation) reported engaging in criminal behavior (including any arrest or incarceration) by 49%. Access to Head Start also reduced the next generation’s rates of teen parenthood (35%) and increased high school graduation (18%) and college enrollment (34%).” See Andrew Barr & Chloe R. Gibbs, *Investing in Children Breaks Cycles of Poverty and Criminal Justice Involvement* (July 6, 2020), available at: <https://counciloncj.org/investing-in-children-breaks-cycles-of-poverty-and-criminal-justice-involvement/>. Additionally, Head Start provides critical support to families who are struggling to make ends meet. The program helps families to access resources and services that can improve their overall quality of life and provide a brighter future for their children.

¹⁰⁷ FY2022 DCPS Performance Oversight Responses, response to Q71, available at: [https://www.dropbox.com/sh/a9c91dqy6nmas9t/AABZeTy8-O-qz-HQu35OAFOPa/3.3.23%20Education%20Cluster%20\(Gov\)%20Performance/FY23%20DCPS%20Performance%20Oversight%20Responses?dl=0&preview=DCPS+FY23+Performance+Oversight+Responses.pdf&subfolder_nav_tracking=1](https://www.dropbox.com/sh/a9c91dqy6nmas9t/AABZeTy8-O-qz-HQu35OAFOPa/3.3.23%20Education%20Cluster%20(Gov)%20Performance/FY23%20DCPS%20Performance%20Oversight%20Responses?dl=0&preview=DCPS+FY23+Performance+Oversight+Responses.pdf&subfolder_nav_tracking=1).

¹⁰⁸ DC Code § 38–502.

¹⁰⁹ DCPS (112 schools, 74.02% compliance rate, 55,892 student enrollment); Charter (125 schools, 74.70% compliance rate, 48,245 student enrollment); Private (52 schools, 69.53% compliance rate, 9,234 student enrollment); and Parochial (20 schools, 52.59% compliance rate, 5,130 student enrollment), see FY2019 DC Health Performance Oversight Responses, response to Q28, available at: <https://dccouncil.gov/wp-content/uploads/2019/03/dh.pdf>; DCPS (110 schools, 76.03% compliance rate, 48,464 student enrollment); Charter (119 schools, 77.13% compliance rate, 38,827 student enrollment); Private (55 schools, 65.91% compliance rate, 9,363 student enrollment); and Parochial (20 schools, 51.40% compliance rate, 5,189 student enrollment), see FY 2018 Performance Oversight Responses, response to Q31, available at: <https://dccouncil.gov/wp-content/uploads/2018/10/doh.pdf>.

¹¹⁰ Utilizing enrollment data and compliance rates from performance oversight responses the following numbers were calculate. In FY2019, 41,371 DCPS students were in compliance meaning 14,521 students were out of compliance; 36,039 Charter students were in compliance meaning 12,206 students were out of compliance; 6,420 Private students were in compliance meaning 2,814 students were out of compliance; and 2,697 Parochial students were in compliance meaning 2,433 students were out of compliance. $14521+12206+2814+2433= 31,974$ students were out of compliance in FY2019. See FY2019 DC Health Performance Oversight Responses, response to Q28, available at: <https://dccouncil.gov/wp-content/uploads/2019/03/dh.pdf>. In FY2018, 36,847 DCPS students were in compliance meaning 11,617 students were out of compliance; 29,947 Charter students were in compliance meaning 8,880 students were out of compliance; 6,171 Private students were in compliance meaning 3,192 students were out of compliance; and 2,667 Parochial students were in compliance meaning 2,522 students were out of compliance. $11617+8880+3192+2522= 26,211$ students were out of compliance in FY2018. See FY 2018 Performance Oversight Responses, response to Q31, available at: <https://dccouncil.gov/wp-content/uploads/2018/10/doh.pdf>.

The average over the two years was 29,092.5 students were out of compliance $((31,974+26,211)/2=29,092.5)$.

¹¹¹ Unfortunately, neither the 2017-2018 nor the 2018-2019 Office of the State Superintendent of Education’s Attendance Reports captured data on students missing school due to non-compliance, and neither did performance oversight responses from respective Education Agencies. However, we do know, for example, that in School Year 2018-2019, only 23,376 students missed 10 percent or more of school, a number significantly lower than students not in compliance with their immunizations. See Office of the State Superintendent of Education, District of Columbia School Attendance Report, School Year 2018-2019, available at:

<https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/2018-19%20School%20Year%20Attendance%20Report.pdf>.

¹¹² Danielle Robinette, Children’s Law Center, Testimony before the District of Columbia Council Committee of the Whole, (October 27, 2021), available at: https://childrenslawcenter.org/wp-content/uploads/2021/10/CLC-Testimony_Vaccine-Mandate_Final.pdf.

¹¹³ Delayed in August 2022, October 2022, and November 2022. See Office of the State Superintendent of Education, District of Columbia Immunization Attendance Policy, available at:

<https://osse.dc.gov/page/district-columbia-immunization-attendance-policy>; Grablick, C., D.C. Delays Enforcement of Student COVID Vaccine Mandate Until 2023, DCist, August 26, 2022, available at: <https://dcist.com/story/22/08/26/dc-pushes-student-vaccine-enforcement-date/>.

¹¹⁴ District of Columbia Committee of the Whole, Public Roundtable Table, “No Shots, No School” for School Year 2022-2023,” October 11, 2022, available at: <https://www.youtube.com/watch?v=fSETHyLggps>.

¹¹⁵ B24-1069, Coronavirus Immunization of School Students Emergency Amendment Act of 2022, introduced October 27, 2022.

¹¹⁶ Deputy Mayor of Education, Youth Vaccination Plan, June 2022, available at:

<https://dme.dc.gov/sites/default/files/dc/sites/dme/publication/attachments/Youth%20Vaccination%20Plan%20DME%20June%202022%20%281%29.pdf>.

¹¹⁷ *Id.*

¹¹⁸ *Id.*

¹¹⁹ *Id.*

¹²⁰ District of Columbia Committee of the Whole, Public Roundtable Table, “No Shots, No School” for School Year 2022-2023,” October 11, 2022, available at: <https://www.youtube.com/watch?v=fSETHyLggps>.

¹²¹ *Id.*