



501 3<sup>rd</sup> Street, NW · 8<sup>th</sup> Floor  
Washington, DC 20001  
T 202.467.4900 · F 202.467.4949  
[www.childrenslawcenter.org](http://www.childrenslawcenter.org)

Testimony Before the District of Columbia Council  
Committee of the Whole  
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Public Hearing:  
“Out of School Time”  
Bill 25- 36, “Out of School Time Special Education Inclusion and Standards Amendment  
Act of 2023”

Danielle Robinette  
Policy Analyst  
Children’s Law Center

## **Introduction**

Good morning, Chairman Mendelson, and members of the Committee. My name is Danielle Robinette. I am a policy attorney at Children's Law Center and a 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.

Through our Healthy Together program, Children's Law Center partners with pediatricians inside six community health centers to find and fix the root causes of a child's health problem. And because health and education are inextricably linked, Children's Law Center also ensures children can start school ready to learn by helping infants and toddlers with developmental delays get support early. When children reach school age, Children's Law Center works with parents and schools to get a child's education back on track – from ensuring testing for learning disabilities at an early age to making sure students with disabilities have an appropriate plan that meets their learning needs. Through this case work, we are able to identify systemic concerns that affect

students with disabilities in the District. Our comments are grounded in the experiences of our attorneys and clients who interact with DC's special education system daily.

### **Expanding Access for Students with Disabilities Addresses a Critical Gap in DC Out-of-School-Time Programming**

Children's Law Center supports Bill 25-36, "Out of School Time Special Education Inclusion and Standards Amendment Act of 2023" and the District's efforts to expand out-of-school-time (OST) opportunities for students with disabilities. The supply of OST programming in DC falls far short of demand. A 2022 report by the Afterschool Alliance estimates that approximately 32,000 children and young people in the District face access issues that prevent their participation in OST programming.<sup>1</sup> While the report notes a high level of participation when compared to other states, researchers found that "[f]or every child in afterschool in Washington, D.C., 1 is waiting for an available programming."<sup>2</sup> In 2023, the DC Policy Center published an OST Needs Assessment which found that "[t]he existing seat capacity in afterschool programs can serve 43 percent of students enrolled at elementary and secondary schools."<sup>3</sup>

Furthermore, OST programming for students with disabilities is particularly hard to find. A search of the Learn24 online program finder found that of 115 total programs,<sup>4</sup> only 31 are provided at an ADA accessible location<sup>5</sup> and only 23 provide service for children with disabilities.<sup>6</sup> Moreover, of the 23 programs that provide service for children with disabilities, only four are located East of the River.<sup>7</sup> Importantly, this is not to say that other programs explicitly exclude students with disabilities. However, when the

program or facility is not capable of supporting or accommodating their student's unique needs, families are understandably wary to enroll.

OST programming meets an important need for DC children and families. A recent national survey of parents found that afterschool programs provide the supports that parents seek to promote healthy development in their children.<sup>8</sup> Further, the report found that "parents of color and families with low incomes especially value the role of afterschool's role in supporting healthy development."<sup>9</sup> The District must address the gaps in OST programming to ensure that every DC child has access to these critical supports. We are glad to see the Mayor and the Council focus on expanding access to OST program in DC.<sup>10</sup>

For these reasons, we support the Out of School Time Special Education Inclusion and Standards Amendment Act. Efforts to attract and retain OST providers who can support students with disabilities is necessary to ensuring that access to OST programs is equitable. The development of standards and training should lead to the creating of OST programming that meaningfully includes children with disabilities. However, as more opportunities arise for these students, it will be important to ensure that further barriers to access do not undermine the work of this bill.

### **DC Must Anticipate Additional Barriers to Access for Students with Disabilities**

In addition to supporting OST providers with standards and training to support students with disabilities, we urge the Committee and OSSE to anticipate additional

barriers to access. The Afterschool Alliance parent survey identified cost and access as the top barriers to OST participation in DC.<sup>11</sup> Specifically, 2020 data show that 59% of surveyed parents noted a lack of available programs, 63% said programs are too expensive, and 71% cited transportation issues as a key barrier to participation.<sup>12</sup> A local survey conducted by Parents Amplifying Voices in Education (PAVE) asked parents about OST participation and found that “the most frequently mentioned concern was affordability, followed by transportation and difficulties getting into programs.”<sup>13</sup> Additionally, their results highlight that “more Ward 8 parents cite conflicts with work schedules, lack of transportation, and programs being too far away”<sup>14</sup> and that “Ward 4 had the highest share of parents who said that participation was hindered because programs could not meet students’ specific needs.”<sup>15</sup> As the District seeks to expand the number of OST programs, we must also address the cost and transportation barriers that will persist and might undermine the work of this bill.

At Children’s Law Center, a leading concern is that students who receive special education transportation from OSSE’s Division of Student Transportation (OSSE-DOT) will not be able to participate in afterschool programming due to a lack of accessible transportation. In our experience, OSSE-DOT declines to transport students to any location other than a residence of record after school. OSSE’s Special Education Transportation Policy states that “OSSE DOT will not change a student’s route to accommodate the student or parent for personal reasons (e.g. accommodations of non-

FAPE related child care, [...]).”<sup>16</sup> In past cases, when we have asked for students to be transported to childcare facilities or therapeutic programs after school, we have been told that OSSE-DOT cannot accommodate such drop-off locations.

Further, if a student were to participate in an OST program at their school, they would likely have to decline OSSE-DOT transportation home in order to stay for afterschool programming. For students who cannot take public transportation or whose parents cannot transport their student to and from these programs, the lack of transportation from OSSE-DOT will be a barrier to participation. As such, we strongly encourage the Committee and OSSE to investigate policy changes or alternative transportation options that could be made available to support these students.

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

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<sup>1</sup> Afterschool Alliance, *Promoting Healthy Futures: Afterschool Provides the Supports Parents Want for Children's Well-Being*, Washington, D.C., Health and Wellness, at 1, (April, 2022), available at: [http://afterschoolalliance.org/documents/AA3PM-2020/DC-AA3PM-Healthy-Futures-2022-Fact-Sheet.pdf?utm\\_source=dashboard&utm\\_medium=website&utm\\_campaign=AA3PM\\_HEALTHY&utm\\_content=dropdown](http://afterschoolalliance.org/documents/AA3PM-2020/DC-AA3PM-Healthy-Futures-2022-Fact-Sheet.pdf?utm_source=dashboard&utm_medium=website&utm_campaign=AA3PM_HEALTHY&utm_content=dropdown).

<sup>2</sup> *Id.*, at 2.

<sup>3</sup> Yesim Sayin & Emilia Calma, D.C. Policy Center, *Needs assessment of out-of-school time programs in the District of Columbia*, at 5-6 (April 18, 2023), available at: <https://dcpolicycenter.wpenginepowered.com/wp-content/uploads/2023/04/OST-needs-assessment-2023.pdf>

<sup>4</sup> Learn24, *Program Finder*, searched on June 5, 2023, available at: <https://learn24locator.cityspan.com/Web/public/finder.asp>; To determine the total number of programs, we searched the Learn24 database without any filters – 115 results were returned. This total reflects only those programs listed in the Learn24 database. Yesim Sayin & Emilia Calma, D.C. Policy Center, *supra* note 3, at 28-29 identified a total of 474 programs offered by Community Based Organizations, DCPS, public charter schools, the Department of Parks and Recreation, and the Marion Barry Summer Youth Employment Program.

<sup>5</sup> Learn24, *Program Finder, Search, Services: ADA Accessible Location*, searched on June 5, 2023, available at: <https://learn24locator.cityspan.com/Web/public/finder.asp>.

<sup>6</sup> Learn24, *Program Finder, Search, Services: Service for Children with Disabilities*, searched on June 5, 2023, available at: <https://learn24locator.cityspan.com/Web/public/finder.asp>.

<sup>7</sup> *Id.*; Learn24's program finder results, filtered by those offering Service for Children with Disabilities, shows four locations east of the river (EotR). One location, Malcolm X ES at Green, has two programs listed but both are named KidPower with the same days, times, ages, and grades. We believe these be duplicative entries.

<sup>8</sup> Afterschool Alliance, *Promoting Healthy Futures: Afterschool Provides the Supports Parents Want for Children's Well-Being*, at 5, (April 2022), available at:

<http://afterschoolalliance.org/documents/AA3PM/AA3PM-Healthy-Futures-Report-2022.pdf>.

<sup>9</sup> *Id.*, at 7.

<sup>10</sup> *See, e.g.*, Press Release, Executive Office of the Mayor, *Mayor Bowser Awards \$3.6 Million to Support Organizations that Will Provide Summer Programming to More Than 2,900 Youth*, (April 25, 2023), available at: <https://mayor.dc.gov/release/mayor-bowser-awards-36-million-support-organizations-will-provide-summer-programming-more>; *see also*, DC B25-0036, *Out of School Time Special Education Inclusion and Standards Amendment Act of 2023*.

<sup>11</sup> Afterschool Alliance, *Promoting Healthy Futures: Afterschool Provides the Supports Parents Want for Children's Well-Being*, Washington, D.C., Health and Wellness, at 3, (April, 2022), available at: [http://afterschoolalliance.org/documents/AA3PM-2020/DC-AA3PM-Healthy-Futures-2022-Fact-Sheet.pdf?utm\\_source=dashboard&utm\\_medium=website&utm\\_campaign=AA3PM\\_HEALTHY&utm\\_content=dropdown](http://afterschoolalliance.org/documents/AA3PM-2020/DC-AA3PM-Healthy-Futures-2022-Fact-Sheet.pdf?utm_source=dashboard&utm_medium=website&utm_campaign=AA3PM_HEALTHY&utm_content=dropdown).

<sup>12</sup> *Id.*

<sup>13</sup> Yesim Sayin & Emilia Calma, D.C. Policy Center, *supra* note 3, at 6.

<sup>14</sup> *Id.*, at 6-7.

<sup>15</sup> *Id.*, at 7.

<sup>16</sup> DC Office of the State Superintendent of Education, *Special Education Transportation Policy*, at 9, (January 6, 2014), available at:

<https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/OSSE%20Transportation%20PolicyV07292014.pdf>.