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Testimony Before the District of Columbia Council
Committee of the Whole
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Public Hearing:
FY24 Performance Oversight
Deputy Mayor for Education
District of Columbia Public Charter School Board

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Introduction

Good morning, Chairman Mendelson, members of the Committee, and staff. My name is Danielle Robinette, and I am a Senior Policy Attorney at Children's Law Center. Children's Law Center 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 regarding the FY24 performance of the Deputy Mayor for Education (DME) and the District of Columbia Public Charter School Board (PCSB). Children's Law Center represents DC students who regularly face barriers in accessing their education. Through our medical-legal partnership, Healthy Together, we represent parents whose children are facing school attendance challenges related to chronic health conditions, lack of access to special education, housing conditions, among other concerns. We also represent children in foster care who face myriad challenges accessing and engaging with their education.

My testimony and recommendations today arise from our experience representing students who are often furthest from opportunity. As the Council prepares for another tough budget season, we want to highlight both successes and areas for growth in the education sector. We commend Deputy Mayor Kihn and team – especially Carlo Castillo and Abdul-Karim Ewing-Boyd – for their focus on and commitment to the EDC! Taskforce and addressing the barriers to attendance experienced by DC students and families. Going forward, we urge the DME to prioritize the unique needs of Students in the Care of DC. In the charter sector, we are concerned about the inadequate oversight and limited transparency of charter schools. FY24 saw the abrupt closure of Eagle Academy Public Charter School as well as the filing of a “notice of concern” for the SEED School of Washington regarding their treatment of students with disabilities. PCSB’s monitoring and compliance procedures must be strengthened to proactively identify issues and protect DC students and school communities.

The Deputy Mayor for Education Has Been a Key Leader in DC’s Response to Chronic Absenteeism

Throughout FY24, the DME has provided crucial leadership in the District’s response to the concerning routes of chronic absenteeism and truancy reported in the annual attendance report published by the Office of the State Superintendent of Education (OSSE) for SY22-23. Through their leadership of the Every Day Counts! (EDC!) Taskforce, the DME has taken on the difficult task of gathering, organizing, and facilitating cooperation among disparate DC agencies. Mayor Gray launched the EDC!

Taskforce (then called the Truancy Taskforce) in 2011,¹ but during the early years of the pandemic, the group seemed to stagnate. However, as the bleak picture of post-pandemic attendance rates became clear, the DME worked to reinvigorate the Taskforce.

A key strength of the EDC! Taskforce is the involvement of a wide array of DC agencies. Ideally, this diverse membership will allow the Taskforce to break down siloes between the various sectors of DC government. A comprehensive response to chronic absenteeism in the District must include not only the education sector, but also agencies in charge of health, human services, public safety, transportation, and others. As we have testified before, too often students' barriers to regular school attendance are driven by conditions of poverty.² Food and housing insecurity, inadequate healthcare, childcare responsibilities, transportation access, and community violence all undermine school attendance.³ Because many root causes of absenteeism arise in domains outside of the education sector, any effective response will have to comprise supports from across District government. To this end, we appreciate the DME for doing the unenviable job of organizing a diverse group of stakeholders and orienting them toward a common goal.

While Children's Law Center has worked with the EDC! Taskforce for many years, in FY24 the DME invited us to serve on the steering committee going forward. We acknowledge that it is uncomfortable for government agencies to open their work to non-government partners, especially one full of lawyers like Children's Law Center. However, throughout the relaunch and the new iteration of the Taskforce, the DME has

demonstrated their commitment to improving DC student attendance through their willingness to work openly with a variety of community partners, even when it is uncomfortable. If we expect students and families to be vulnerable in sharing and addressing their barriers to attendance, it is good to have leadership willing to be vulnerable in addressing their challenges as well.

The Deputy Mayor for Education Must Do More to Support the Needs of Student in the Care of the District of Columbia

Last year, we testified that the Office of Students in the Care of DC (SCDC) within the DME did not have a Director and that SCDC Coordinating Committee had never met, despite a statutory obligation to do so.⁴ We are pleased to report that in FY24 the DME hired a new Director of Strategic Initiatives who has been charged with leadership of the SCDC Coordinating Committee. The Committee had its inaugural meeting on November 7, 2024, and new subcommittees have convened a couple of times since then. While we are hopeful that this new momentum will be sustained, we renew our frustration with the significant delays in getting this work off the ground. The Students in the Care of D.C. Coordinating Committee Act of 2018 became effective on April 11, 2019.⁵ Nearly six years later, there is almost nothing to show for it.

The purpose of the SCDC Coordinating Committee is “to identify challenges and resolve issues that students in detention, commitment, incarceration, and foster care face in order to improve educational outcomes.”⁶ OSSE’s annual attendance reports show that students under the care of CFSA consistently miss more school than their peers who

are not in care.⁷ In SY23-24, 60.5% of students in CFSA's care were chronically absent – a 14.5 point increase over the previous school year.⁸ Truancy rates among this group also increased dramatically over the past year – 43% in SY22-23 up to 54.7% in SY23-24.⁹ While District-wide rates of chronic absenteeism and truancy improved in SY23-24, attendance rates for students under the care of CFSA got significantly worse.¹⁰ As the District continues its work to support student attendance, we urge you to ensure that our system of supports meets the needs of students who have historically been furthest from opportunity. The SCDC Coordinating Committee is a valuable tool to identify the unique needs of students in care and develop ways to reduce barriers to education. We hope that the DME will prioritize SCDC in FY25.

The Council Must Identify and Fill Gaps in PCSB's Oversight of Charter Schools

FY24 brought to light some concerning gaps in the oversight of DC charter schools. The abrupt closure of Eagle Academy Public Charter School just days before the start of the school year demonstrated inadequacies in PCSB's procedures for identifying concerns and protecting school communities from the fallout of leadership mistakes.¹¹ As this Committee heard in its hearing on the Eagle Academy closure, PCSB followed their protocols regarding the school's financial concerns.¹² However, if the procedure was followed and such sudden and disruptive school closures are still able to occur, then change must be made to the procedure. PCSB must strengthen their oversight and ensure

that their escalating responses to concerns prevent another incident like we saw with Eagle Academy.

Relatedly, PCSB recently issued a “notice of concern” to the SEED School of Washington, DC “for failing to adhere to federal and local special education compliance regulations” regarding discipline of students with disabilities.¹³ While we are glad to see PCSB take action now, this is another example of a school that has had a number of red flags over the years that should have raised concern.¹⁴ The attachments supporting PCSB’s proposal to issue a “notice of concern” include evidence that a community complaint on this issue was received in October 2022.¹⁵ Moreover, a PCSB audit from March 2023 highlighted concerning trends in the SEED’s discipline practices for students with disabilities.¹⁶ Despite this, PCSB did not vote to issue a “notice of concern” to SEED until October 2024 – two years after the initial community complaint. Even when PCSB’s oversight process manages to identify and address concerns, the process is painfully slow while students and families continue to suffer in the meantime.

In past testimonies, Children’s Law Center has raised concerns about the compliance with local law and regulations across charter LEAs in the District.¹⁷ DC law charges PCSB, as the sole charter authorizer in the District, with the duty of ensuring that each charter school “complies with applicable laws.”¹⁸ As such, PCSB must ensure not only that charter LEAs have the required policies, but that those policies are compliant with the relevant law. This does not seem to be happening. For example, in a review of

charter school discipline policies, we found that three schools with policies that explicitly permit the use of out-of-school suspension for students not in dress code¹⁹ - a clear violation of the Student Fair Access to School Amendment Act of 2019 (SFASAA).²⁰ However, PCSB found each school to be “compliant” with the Student/Family Policies requirement.²¹ It is unclear what qualifies a school as “compliant” if the policy does comport with the law. In 2023, we reviewed the discipline policies from every charter LEA with a campus in Wards 5, 7, or 8 and found that only 6 out of 43 policies were fully compliant with SFASAA at that time.²² The oversight conducted by PCSB is not enough to ensure that DC students in the charter sector are attending schools that meet the standards set for by local and federal law.

The examples from Eagle Academy and SEED demonstrate that there are gaps in oversight of charter schools. The Council must intensify its oversight in this area and work to increase the accountability of these agencies. Specifically, we urge the Council to increase transparency requirements to ensure that DC families have all the relevant information when they choose the school that is right for their students. The question of how to increase transparency in the charter sector is not new to the Council. In 2019, the Council considered four bills that sought to increase transparency in the charter sector.²³ Notably, these bills were introduced after a flurry of charter closures that left more than 1,700 students in limbo.²⁴ Ultimately, only one of the four bills – B23-0281, the Public Charter School Closure Amendment Act of 2019 – became law, and five years later the

District is again reckoning with what to do when charter school closures displace students.

At the December hearing on the closure of Eagle Academy, Dr. Michelle Walker-Davis made several commitments regarding their planned improvements to their financial oversight systems and processes and to overall transparency in the charter sector.²⁵ We urge the Council to follow up on the progress of these improvements. DC students and families need more transparency and accountability from charter schools and the PCSB. Proactive oversight by the Council and/or the Office of the State Superintendent of Education could bring issues to light earlier so that families can make informed decisions about where to send their children to school.

Thank you for this opportunity to provide testimony. I welcome any questions.

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- ¹ Council of the District of Columbia, Committee on Education, “Report and Recommendations of the Committee on Education on the Fiscal Year 2014 Budget for Agencies Under Its Purview,” at 66 (May 9, 2013), *available at*: https://d3n8a8pro7vhmx.cloudfront.net/davidcatania/pages/123/attachments/original/1368461740/FY14_Report_-_FINAL.pdf?1368461740.
- ² See e.g., Judith Sandalow, Executive Director, Children’s Law Center, Testimony Before the Council of the District of Columbia, Committee of the Whole, Public Roundtable: Student Absenteeism and Discipline (May 13, 2024), p. 13, *available at*: https://childrenslawcenter.org/wp-content/uploads/2024/05/Childrens-Law-Center_Testimony_Student-Attendance-and-Discipline-Roundtable_5.13.24.pdf.
- ³ See Kathryn Van Eck, et al., *How school climate relates to chronic absence: A multi-level latent profile analysis*, 61 J. SCH. PSYCHOLOGY 89, 90 (2017), *available at*: https://www.attendanceworks.org/wp-content/uploads/2018/04/How_School-Climate_relates_to_chronic-absence_attendance_works_1-s2.0-S0022440516300607-main.pdf
- ⁴ Danielle Robinette, Children’s Law Center, Testimony Before the Council of the District of Columbia, Committee of the Whole, Deputy Mayor for Education and District of Columbia Public Schools (February 28, 2024), p. 21-22, *available at*: https://childrenslawcenter.org/wp-content/uploads/2024/02/Childrens-Law-Center_FY23-Education-Oversight-Testimony_FINAL.pdf.
- ⁵ DC Law 22-303, *available at*: <https://code.dccouncil.gov/us/dc/council/laws/22-303>.
- ⁶ See DC Law 22-303, *available at*: <https://lims.dccouncil.gov/Legislation/B22-0950>. Council passed the Act on December 18, 2018, and it became effective on April 11, 2019. The Act was funded through the Fiscal Year 2020 Local Budget Act of 2019 (See DC Council, “Currently Unfunded Laws – Legislation Passed Subject to Funding” at 38, *available at*: <https://dccouncil.gov/wp-content/uploads/2023/07/2023-7-15-Subject-to-Funding-Legislation-quarterly-report.pdf>).
- ⁷ See e.g., Office of the State Superintendent of Education, *District of Columbia Attendance Report: School Year 2023-24*, at 30, 33 (Nov. 12, 2024), *available at*: https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/2023-24%20Attendance%20Report%20%28Final%29.pdf.
- ⁸ Compare OSSE, SY23-24 Attendance Report, *supra* note 7, Figure B.4 at p. 30 with OSSE, *District of Columbia Attendance Report: School Year 2022-23*, Figure C.4 at p. 39 (Nov. 30, 2023), *available at*: https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/2022-23%20Attendance%20Report_FINAL_0.pdf.
- ⁹ *Id.*
- ¹⁰ See OSSE, SY23-24 Attendance Report, *supra* note 7, Figure 1 at p. 10, *available at*: https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/2023-24%20Attendance%20Report%20%28Final%29.pdf.
- ¹¹ See Lauren Lumpkin & Marissa J. Lang, “Families scramble after D.C. school abruptly closes: ‘I don’t have a plan at all,’” WASHPOST (August 24, 2024), *available at*: <https://www.washingtonpost.com/education/2024/08/24/eagle-academy-dc-closure-new-school-search/>.
- ¹² See Dr. Michelle Walker-Davis, Executive Director, DC Public Charter School Board, Testimony Before the Council of the District of Columbia, Committee of the Whole, Public Hearing on the Closure of Eagle Academy, 3:31:55-3:38:35, December 5, 2024, *available at*: <https://www.youtube.com/watch?v=qUUzBe60GI8>.

¹³ See District of Columbia Public Charter School Board, “Special Education Notice of Concern – The SEED Public Charter School of Washington, D.C.,” (October 28, 2024), *available at*:

<https://dcpcsb.egnyte.com/dl/jku05E0Fnc>.

¹⁴ See e.g., FOX 5 DC, “Police investigate report of sexual abuse at SEED DC school” (September 16, 2022), *available at*: <https://www.fox5dc.com/news/police-investigate-report-of-sexual-abuse-at-seed-dc-school>

and Pat Collins & Andrea Swalec, “‘I Sent My Baby There to Learn’: Mother of 12-Year-Old Girl Found Dead at DC School Speaks,” NBC WASHINGTON NEWS4 (January 24, 2018), *available at*:

<https://www.nbcwashington.com/news/local/i-just-cant-understand-it-mother-of-12-year-old-girl-found-dead-at-dc-school-speaks/54317/>.

¹⁵ See DC Public Charter School Board, “Special Education (SPED) Audit Form: SEED PCS of Washington DC” (March 14, 2023), *available at*: <https://dcpcsb.egnyte.com/dl/U2lSY529mY>.

¹⁶ See *id.*; see also Lauren Lumpkin, “D.C. charter school accused of violating law for students with disabilities,” WASHPOST (November 3, 2024), *available at*:

<https://www.washingtonpost.com/education/2024/11/04/seed-dc-charter-school-students-disabilities/>.

¹⁷ See, e.g., Danielle Robinette, Children’s Law Center, Testimony Before the Council of the District of Columbia, Committee of the Whole, Public Oversight Hearing on Education Agencies (March 1, 2023), p. 17-19, *available at*: [https://childrenslawcenter.org/wp-content/uploads/2023/02/CLC_Education-](https://childrenslawcenter.org/wp-content/uploads/2023/02/CLC_Education-Agencies_PerformanceOversightTestimony_Final.pdf)

[Agencies_PerformanceOversightTestimony_Final.pdf](https://childrenslawcenter.org/wp-content/uploads/2023/02/CLC_Education-Agencies_PerformanceOversightTestimony_Final.pdf).

¹⁸ DC Code § 38-182.11(a)(1)(B).

¹⁹ The three schools in direct violation of the uniform provision of SFASAA in 2022 were Achievement Preparatory Academy PCS, Eagle Academy PCS, and the SEED School of Washington, DC.

Achievement Prep’s SY20-21 Scholar & Family Handbook noted that students who were not in dress code and whose family could not produce the uniform would be sent home. “Scholars who are out of dress code are NOT allowed to attend their classes. Families of Scholars who are not in dress code will be asked to bring the proper attire to school or *the scholar will need to be picked up from school*” (emphasis added) (pg. 8), *available at*: <https://achievementprep.org/wp-content/uploads/2021/01/FINAL-APA-ES-Scholar-Family-Handbook-2020-21-REVISED.pdf>.

Eagle Academy’s SY21-22 Parent-Student Handbook allowed the use of out-of-school suspension (by preventing student from entering school) upon repeated infractions of the student uniform policy. “If a student is not in uniform, the parent/legal guardian will receive a letter of warning and parents/legal guardians will be asked to bring the appropriate clothing. *Multiple infractions will result in the child not being admitted into school* or the classroom” (emphasis added) (pg. 51), *available at*:

<https://4.files.edl.io/75bf/12/13/21/182925-a3fb5ee9-39f4-4142-834c-692503f66176.pdf>.

SEED’s SY21-22 Scholar-Family Handbook noted that students not in uniform would be confined to the residence hall. As a boarding school, this policy is akin to preventing the student from entering school. “*Scholars will not be allowed off of the residence hall* floor without being in proper SEED uniform” (emphasis added) (pg. 85), *available at*:

<https://static1.squarespace.com/static/576a95eccd0f685b12c17343/t/61b38b96c62f6b452bc166b6/1639156631034/SY2021-2022+Scholar+Family+Handbook.pdf>.

²⁰ See DC Code § 38-236.04(a)(1) - (2)(a).

²¹ See DC Public Charter School Board, Annual Compliance Reviews, *available at*:

<https://dcpcsb.org/annual-compliance-reporting>;

Achievement Preparatory Academy SY20-21 Compliance Review Report *available at*:

<https://dcpcsb.egnyte.com/dl/bF39TtCyTy>;

Eagle Academy SY21-22 Compliance Review Report *available at*:

<https://www.livebinders.com/media/get/MjI5Njk1Mzk=>;

SEED School of Washington SY21-22 Compliance Review Report *available at:*

<https://www.livebinders.com/media/get/MjI5NzEzMjA=>;

²² See Danielle Robinette, Children’s Law Center, Testimony Before the Council of the District of Columbia, Committee of the Whole, Public Oversight Hearing on Education Agencies (March 1, 2023), p. 17-19, *available at:* https://childrenslawcenter.org/wp-content/uploads/2023/02/CLC_Education-Agencies_PerformanceOversightTestimony_Final.pdf.

²³ See B23-046, the At-Risk School Funding Transparency Amendment Act of 2019; B23-0199, the Public School Transparency Amendment Act of 2019; B23-239, the School Based Budgeting and Transparency Amendment Act of 2019; and B23-0281, the Public Charter School Closure Amendment Act of 2019.

²⁴ See Perry Stein, “Cesar Chavez Public Charter Schools announces it will close two campuses in D.C.” WASHPOST (January 23, 2019), *available at:* https://www.washingtonpost.com/local/education/cesar-chavez-public-charter-schools-announces-it-will-close-two-campuses-in-dc/2019/01/23/cbc4fdae-1f59-11e9-8e21-59a09ff1e2a1_story.html.

²⁵ See Dr. Michelle Walker-Davis, Testimony Before the Council of the District of Columbia, Public Hearing on the Closure of Eagle Academy, *supra* note 12, at 3:43:19-3:48:22.