



250 Massachusetts Ave. NW, Suite 350
Washington, DC 20001
T 202.467.4900 • F 202.467.4949
www.childrenslawcenter.org

Testimony Before the District of Columbia Council
Committee of the Whole
December 10, 2025

Public Oversight Hearing:
Oversight of Education for Students with Disabilities

Danielle Robinette
Senior Policy Attorney
Children's Law Center

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 today regarding special education in the District of Columbia. When students and families face issues with special education, there are both formal and informal dispute resolution options available. However, too often in DC dispute resolution is unnecessarily litigious and families need legal representation to successfully advocate for their students. Through our medical-legal partnership, Healthy Together, Children's Law Center represents parents whose children face barriers to accessing special education or receive inadequate specialized instruction and related services. My testimony and recommendations today arise from our experience representing these students and their families. So far in 2025, we have received 663

referrals for education concerns and have represented DC families in more than 300 education matters.

Special education in the District has long been defined by litigation. For decades, the families have gone to court to demand that DC fulfill its legal obligations to educate students with disabilities. This litigious history has continued into the present as the provision of special education persistently fails to meet the needs of students with disabilities. For too long students with disabilities have been treated as an afterthought or compliance box to check. DC's education sector has moral and legal obligations to educate all DC children. Failure to do so results in significant short- and long-term costs for the District. However, these costs are avoidable. We urge the Committee and the education agencies to prioritize special education in the District in planning, in funding, and in implementation.

Longstanding Failures to Support Students with Disabilities Have Resulted in Decades of Special Education Class Action Litigation

We appreciate the Committee's convening of a hearing focused on the provision of special education in the District of Columbia. For far too long, DC's education sector has struggled to support students with disabilities. The most recent state assessment results found that only 12% of DC students with disabilities are proficient in English Language Arts (ELA) and only 9% are proficient in Math.¹ Last year, the District of Columbia Advisory Committee to the U.S. Commission on Civil Rights (USCCR) issued a report detailing a wide variety of concerns regarding the District's provision of special

education.² In June 2025, the U.S. Department of Education’s Office of Special Education and Rehabilitative Services³ determined that the District of Columbia “needs intervention in implementing the requirements of Part B of the IDEA.”⁴ The Letter of Determination explains their decision:

“[T]he District of Columbia [...] reported a high percentage of children with disabilities dropped out of school, and a low percentage of children with disabilities graduated from school with a regular high school diploma. [...] [T]he State received a score of zero for its low performance (73.29%) reported on compliance with the timely evaluation requirements in Indicator 11. In addition, the State received a score of zero for its low performance (10.5%) reported on compliance with the secondary transition requirements in Indicator 13. Further, the District of Columbia received a score of zero for the ‘Longstanding Noncompliance’ element of the 2025 Part B Compliance Matrix. Specifically, the Department has imposed Special or Specific Conditions on the District of Columbia’s last 24 (FFY 2001 through FFY 2024) IDEA Part B grant awards, and the District of Columbia has failed to meet the Specific Conditions imposed on its FFY 2024 IDEA Part B grant award.”⁵

It is clear that the District is not doing enough to educate students with disabilities.

As a result of these failures, the District has been subject to decades of litigation regarding special education. In 1972, the U.S. District Court for the District of Columbia found that the students with disabilities had been unconstitutionally denied a publicly supported education.⁶ In 1995, the District Court found that DC had violated the Individuals with Disabilities Education Act (IDEA) by failing to pay the costs of private special education placements and related services⁷ and “repeatedly failed to provide class members with the transportation services to which they are entitled.”⁸ Court monitoring in this case lasted until 2012.⁹ In 1997, the District Court found that DC’s special education

dispute resolution violated the IDEA.¹⁰ The District spent the next 16 years trying to create a “systemically sustainable” process.¹¹ In 2005, another class action was filed alleging that the District had yet again violated the IDEA by failing to timely provide special education and related services to three-to-five-year-old children.¹² The District Court ordered the District to meet certain performance metrics and demonstrate sustained compliance. This case remains open today.¹³ In 2021, a class action was filed against the District for denying special education to students at the DC Jail complex.¹⁴ A 2023 settlement agreement in this case provided \$3.9 million in compensatory education for impacted students.¹⁵ In March 2024, parents and guardians of DC students with disabilities filed a class action lawsuit against OSSE for failure to provide safe, reliable, and effective transportation to and from school.¹⁶ This litigious history of special education demonstrates persistent failures by DC’s education sector. It is long past time for the District to take seriously its obligation to educate DC students with disabilities.

This Highly Litigious Environment Costs the District Millions of Dollars Each Year

The purpose of the IDEA is “to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living [and] to ensure that the rights of children with disabilities and parents of such children are protected.”¹⁷ As such, the

primary goal of LEAs should be ensuring that students with disabilities are receiving the specialized instruction and related services necessary for them to access their education.

Understandably, there will be times when mistakes are made, or disputes arise between the school and the student's parent(s). The IDEA anticipates this reality and outlines procedural safeguards for parents and children to ensure that their rights under the law are protected.¹⁸ These safeguards include tools by which disputes between parents and LEAs can be resolved, including due process hearings.¹⁹ However, over the years, we have observed an increasingly adversarial dynamic develop between DCPS and students' families.

DCPS Chooses to Fully Litigate Cases Despite Infrequent Decisions in their Favor

As we testified before this Committee last year, the litigious practices of DC education agencies raise concerns about how special education resources are being spent.²⁰ We remain concerned about the number of IDEA due process cases that DCPS chooses to litigate given their significant loss rate. In their FY24 oversight responses, the Office of the State Superintendent of Education (OSSE) reported how many Hearing Officer Determinations (HODs) result in finding that the student was not denied a free, appropriate public education (FAPE) (i.e., cases in which the LEA was not found to have violated the IDEA).

School Year 2021-2022

Type	Issued a HOD	HODs finding the student was not denied FAPE.
DCPS	45	8
PCS	2	0
Total	47	8

School Year 2022-2023

Type	Issued a HOD	HODs finding the student was not denied FAPE.
DCPS	63	18
PCS	5	1
Total	68	19

School Year 2023-2024

Type	Issued a HOD	HODs finding the student was not denied FAPE.
DCPS	70	16
PCS	4	2
Total	74	18

These data demonstrate the frequency with which DCPS chooses to fully litigate cases that they overwhelmingly lose. This trend is not apparent in the charter sector. Between SY21-21 and SY23-24, 178 due process complaints against DCPS proceeded to hearing and received an HOD. Of those, DCPS was found not to have denied FAPE in only 42 cases, or 23.6%. Notably, these are only cases that received an HOD. OSSE's oversight responses also note that for each of the relevant years, DCPS settled scores of complaints without a hearing.

Due Process Complaints Settled Without a Hearing

LEA Type	SY21-22	SY22-23	SY23-24
DCPS	83	81	67
PCS	12	7	20
Total	95	88	87

This raises questions about how DCPS decides which cases to settle and which cases to take to hearing. Of course, settlements must be agreed upon by both parties, and there will always be instances in which the opposing sides are not able to agree upon a settlement. However, the data from OSSE's oversight responses show that the number of DCPS-involved complaints settled without a hearing has decreased while their number of complaints that went to hearing has increased.

Due Process Complaints That Went to Hearing			
LEA Type	SY21-22	SY22-23	SY23-24
DCPS	45	63	70
PCS	2	5	4
Total	47	68	74

We urge the Committee to use its oversight authority to get clarity from DCPS regarding their litigious approach and to consider structural changes to how the District responds to special education complaints.

DCPS's Overreliance on Litigation to Resolve Disputes Places the Burden on Families to Access Special Education

The IDEA creates a private right of action by parents can use the legal system to enforce the law when they feel that their student is being denied a free, appropriate public education (FAPE).²¹ Concerningly, the 2024 USCCR report found, among other things, that "DC's dispute resolution system places the burden of accessing special education services on students and their families"²² and, more specifically, that "[DCPS's] reliance on due process complaints to determine and provide required services under IDEA has

a disparate impact on protected classes.”²³ This finding is consistent with Children’s Law Center’s experience representing families in special education cases. We see far too often that DCPS families must fight tooth and nail to get their child the services and supports to which they are entitled under the In the interim, drawn out litigation timelines and administrative delays often result in missed educational opportunities for students.

Moreover, the reliance on parents to navigate the legal system, or pay an attorney to represent them, has led to wealth-based disparities in enforcement.²⁴ Research on the IDEA’s dispute resolution process has found that the law’s private enforcement mechanism often prevents low-income students from accessing their rights.²⁵ In DC, where 51.5% of students are economically disadvantaged,²⁶ concerns about the legal system, and the associated costs, likely dissuade many parents from ever pursuing enforcement of their student’s IEP. As a result, even the invocation of the legal system can be used to oppose, delay, or impeded access to special education.

DCPS’s Litigation Practices Directly Impact the District’s Liability for Special Education Attorney’s Fees

As we testified at the FY24 oversight hearing for DCPS, the decision to fully litigate a due process complaint results in a variety of costs to the District.²⁷ When a case goes all the way through a hearing – rather than being settled through mediation or a resolution meeting – litigation costs increase. With hundreds off DPCs filed each year, DCPS’s Office of General Counsel (DCPS-OGC) decisions regarding litigation and settlement can result in expensive consequences for the District. When the parent prevails in their due process

complaint, DCPS is then liable for several additional costs. First, the IDEA's fee-shifting provision allows prevailing parents to seek attorney's fees from LEA.²⁸ Additionally, DCPS is responsible for the costs of whatever relief is ordered by the hearing officer which could include tuition at a nonpublic school, evaluations, and compensatory education.

Too often DCPS denies special education services and chooses to litigate the dispute only to ultimately be ordered to provide the denied services and pay for the student's attorneys' fees that were increased by the decision to litigate rather than settle. The most recent audit of special education attorneys' fees conducted by the Office of the Inspector General (OIG) found that the District paid \$3.9M in FY24 for IDEA Attorney Fees.²⁹ In their FY24 oversight responses, DCPS reported that the city's potential financial liability due to pending IDEA lawsuits totaled \$4,468,507.86³⁰ and that their costs from settled special education lawsuits totaled \$2,243,850.00.³¹ We urge the Committee to continuously monitor these expenditures.

DC's Provision of Special Education Struggles at Every Stage of the Process

Through our case work, Children's Law Center sees failures in every stage of DC's current special education system. It fails to timely identify and evaluate students. It fails to develop appropriate IEPs. It fails to reliably implement services. And it fails to acknowledge its own shortcomings. In doing so, DCPS has fostered a highly litigious environment in which families must fight at every single step along the way.

The IDEA outlines the various steps of the special education process, starting with the Child Find obligation which requires states to ensure that “All children with disabilities residing in the State, [...] regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated.”³² Failures in this area spurred the *D.L. v. District of Columbia* class action filed in 2005 which is still open today.³³

When a disability is suspected, the local education agency (LEA) must meet to determine what assessments are needed in order to conduct comprehensive initial evaluations.³⁴ In our cases, we often see delays in the scheduling these meetings and evaluations. As we testified at the Committee’s October hearing on attendance, delays in initial evaluation can lead to serious escalations for students and families.³⁵ If the student’s family disagrees with the evaluation, they may request an Independent Educational Evaluation (IEE) at public expense.³⁶ When an IEE is requested, the school must either ensure that the evaluation is provided or “file a due process complaint to request a hearing to show that its evaluation is appropriate.”³⁷ Understandably, IEEs are an expense that LEAs would like to avoid. However, like with due process complaints filed by the student’s family, if the LEA loses at hearing they must then pay for both the IEE and the family’s legal fees.

If a student is determined to be a child with a disability, the school team must then develop an Individualized Education Program (IEP) that outlines the objectives, goals,

specialized instruction, and related services necessary to meet the student's needs.³⁸ It is not uncommon for IEP team (which includes the school team, the family, and student where appropriate) to disagree about the details of an IEP. Ideally such disagreements can be sorted through collaborative IEP team meetings. However, a review of Hearing Officer Determinations published by OSSE's Office of Dispute Resolution shows that dozens of cases regarding IEP appropriateness are fully litigated each year.³⁹

Once an IEP has been finalized, the LEA must determine the appropriate educational placement for the student. The IDEA requires that the child be placed in the Least Restrictive Environment (LRE) appropriate.⁴⁰ This placement process can include significant delays that leave a student with inappropriate or absent education in the interim. My October attendance testimony explains how such delays result in educational gaps for students in limbo.⁴¹

Upon receiving a finalized IEP and an appropriate placement, the work of IEP implementation can finally begin. The school must ensure that the student receives the specialized instruction, related services, and any other accommodations as articulated by their IEP. No one is perfect and sometimes services are missed. A speech therapist may be out sick, or the student's OSSE bus was late so they missed their scheduled occupational therapy session. However, the LEA is responsible for remedial action.⁴² The school can try to make up the missed services or can offer compensatory education which, in DC, often takes the form of a voucher that the student can use to procure the missed

services on the private market. Notably, the IDEA allows LEAs to take voluntary action “to overcome the effects of conditions that resulted in limited participation in [relevant] program or activity.”⁴³ However, in DC we find that schools, especially DCPS, are reluctant to proactively offer compensatory education when they know a student (or sometimes many students) have not received their IEP services.

For example, in January 2025 OSSE issued a Letter of Decision in response to a state complaint alleging DCPS failed to provide speech therapy services as prescribed by the student’s IEP.⁴⁴ OSSE’s investigation found that DCPS had a vacant speech-language provider position for several weeks and that dozens of students had not received speech-language services during that time. DCPS stated that they planned to make up all the missed services by the end of the school year despite having not yet filled the vacant position.⁴⁵ The letter also notes that “it is the policy of DCPS to discuss authorizing independent services and/or determining if compensatory education is owed only at annual IEP or eligibility determination meetings.”⁴⁶ Had the state complaint not been filed, it is unclear how long the students missing speech therapy would have had to wait simply to have a meeting to discuss the possibility of compensatory education. Ultimately, OSSE ordered DCPS to provide authorization for 10 hours of independent services for the student in question and to develop a plan to make up the speech services to all the other students affected by the staffing vacancy.⁴⁷ DCPS students should not have to file formal complaints in order to access their IEP services. Staffing vacancies are going

to happen. In such cases, DCPS should be taking proactive steps to offer compensatory education to ensure that students are receiving their IEP services elsewhere when the school cannot meet their obligations.

Failure to Support Students with Disabilities Now Will Increase District Costs Later

In addition to the immediate costs of litigation, the District's failure to adequately support students with disabilities will create long-term costs for the city. Experts estimate that the vast majority (85-90%) of students with disabilities "can be expected to achieve grade-level achievement when provided with the best instruction, supports, and accommodations to go around the barriers of their disabilities to the grade-level content expected for all students."⁴⁸ In DC, standardized assessment results highlight significant discrepancies in ELA and Math proficiency rates for students with disabilities and their nondisabled peers.⁴⁹ Failing to provide the necessary supports and accommodations not only violates the IDEA but also undermines the long-term prospects for students with disabilities. While dollars may be saved by denying special education now, the results of this choice are likely to increase costs for the District for years to come.

The premise behind private enforcement regimes like that in the IDEA is that individuals can act as private attorneys general in cases where statutory obligations are not being met. The logic goes that the cumulative impact of serial individual actions will incentivize parties (in this case schools) to reform policy and practice to meet their obligations in the first instance to avoid the costs of repeated lawsuits. The theory relies

on actors to make rational financial choices (i.e., to only pursue cases when the expected value is greater than the expected costs). However, in the realm of special education, this reliance on rational financial motivations may actually disincentivize schools from complying with the law, especially in high-cost jurisdictions like the District of Columbia. In practice, what this means is that school districts may make the “rational” choice to litigate rather than reform because the costs of litigation -high as they may be- are less than the costs of fulfilling their statutory obligations. This gamble is reinforced by the deterrent effect of a highly litigious posture. As discussed above, navigating the legal system is overwhelming or prohibitively expensive for some families. As such, they opt not to pursue cases that they are likely to win because the prospect of suing the government is too daunting. For the District, this means that it may actually be cheaper in the short run to litigate due process complaints that the agency is likely to lose than it would be to make the systemic reforms necessary to prevent future cases.

However, this cost analysis only considers the immediate costs of program reform and litigation costs. We urge this Committee - as the Committee of the Whole – to take a broader view of the costs of the litigious posture in special education. Failing to provide special education supports to students will have long-term consequences for their future life prospects. They will be less likely to attend school regularly⁵⁰ and less likely to graduate.⁵¹ In turn, they are then less likely to find sustainable employment and more

likely to rely on public benefits. Moreover, they are more likely to become involved in the criminal legal system.

As we testified at this Committee's attendance hearing in October, failure to identify and evaluate students with disabilities has fostered disengagement and undermined regular school attendance.⁵² Delays in evaluation and placement in an appropriate educational setting can lead to extensive periods of missed school. Some students make it all the way to high school without ever being identified as a student with a disability. For others, unmet special education needs increase absenteeism through exclusionary discipline. We have also testified at length about how issues in OSSE's Division of Student Transportation cause students with disabilities to miss school.⁵³ Strengthening special education must be part of this Committee's work to reduce chronic absenteeism and truancy.

Data from OSSE's FFY23 report to the U.S. Department of Education reflect dismal post-secondary outcomes for students with disabilities. Of all youth with IEPs (ages 14-21) who exited education in FFY2023, only 57.8% graduated with a regular high school diploma while 35.6% dropped out.⁵⁴ As noted above, the low rate of graduation and the high rate of drop out contributed to the U.S. Department of Education's determination that DC "needs intervention."⁵⁵ Moreover, not completing high school is linked to limited employment prospects, low wages, and poverty.⁵⁶

The special-education-to-prison pipeline ought to be of particular concern to the District as it continues to lower rates of juvenile crime. The IDEA recognizes that undesirable student conduct may arise as “the direct result of the LEA’s failure to implement the IEP”⁵⁷ and requires schools to hold manifestation determination review (MDR) meetings before removing the student from their placement (e.g., through suspension or expulsion).⁵⁸ Despite this procedural protection, students with disabilities are subject to exclusionary discipline at higher rates than their nondisabled peers.⁵⁹ This school exclusion increases a young person’s odds of future incarceration.⁶⁰ As such, it should be unsurprising – albeit highly concerning – that 65-70% of justice-involved youth have a disability.⁶¹ Notably, court-involved youth are more likely to have unidentified disabilities and unmet educational needs.⁶² Therefore, a more robust system of special education would not only improves educational outcomes, but could disrupt the school-to-prison pipeline.

While the costs of these long-term outcomes may not be reflected in the education sector’s budget, they will increase the level of support that the city must provide residents that were neglected by the education sector. We strongly urge the Committee to weigh both short- and long-term costs of continuing to fail students with disabilities.

The District Must Meaningfully Invest in Special Education

Last year, we urged the Committee and the education agencies to work together to develop a comprehensive plan for the improvement of special education.⁶³

Unfortunately, we have seen little change since the last hearing. OSSE is currently in the process of developing their next five-year strategic plan (2026-2030). As part of that process, they convened a focus group of special education advocacy organizations to provide feedback to inform their development of the strategic plan. We were glad to see the agency focus on special education in their planning process. However, we urge OSSE and the other education agencies to move with more urgency to address the unmet needs of students with disabilities. As the plan moves forward, we urge both Council and the education agencies to ensure that schools have the necessary resources to implement meaningful reform of DC's provision of special education.

Several recommendations for stronger special education investments have been made in recent years. For example, in 2023, the Deputy Mayor for Education (DME) published a report on school funding.⁶⁴ This report included a recommendation to “add a weight for highest need students with disabilities in both the regular and extended school year categories” in the Uniform Per Student Funding Formula (UPSFF).⁶⁵ In response, OSSE convened a UPSFF Working Group which issued a report in June 2025 that recommended the addition of a Level 5 weight to the UPSFF for students with the highest support needs.⁶⁶ While this additional weight was not included in the Mayor's proposed or the Council's final budget for FY26, we urge the Committee to include it for FY27. This change would make a significant difference for schools that serve students with the highest support needs, especially St. Coletta Special Education PCS and River

Terrace (DCPS). Notably, the addition of the Level 5 weight would provide more reliable and sustainable funding for St. Coletta, thus preventing their recurring budget shortfall that requires the Committee to find additional funds each year to fill the gap.⁶⁷

Although the UPSFF Working Group was charged with evaluating the specific recommendation from the 2023 School Funding Study, their report also noted additional proposals that ought to be considered to improve special education funding across the District.⁶⁸ While these proposals were not thoroughly evaluated in the UPSFF Working Group's final report, we encourage the Committee to work with relevant stakeholders to continue developing these and other ideas for strengthening financial support for DC students with disabilities. As the federal Executive continues efforts to dismantle the Department of Education, it will be even more important that states and municipalities are prepared to step in to support students, especially students with disabilities.

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

-
- ¹ See District of Columbia, Office of the State Superintendent of Education, “2025 Statewide Assessment Results: English Language Arts (ELA) and Math,” p. 31 (Aug. 21, 2025), available at: https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/Assessment%202025_PublicDeck%20_FINAL.pdf
- ² See United States Commission on Civil Rights, “Accessing Services for Students with Disabilities in DC Public Schools: A Report of the District of Columbia Advisory Committee to the U.S. Commission on Civil Rights,” (Dec. 2024), available at: https://www.usccr.gov/files/2024-12/dc-report_special-education.pdf
- ³ Each year, this office evaluates states’ implementation of the IDEA and determines whether the state “meets the requirements and purposes of IDEA,” “needs assistance,” “needs intervention,” or “needs substantial intervention.” See e.g., United States Department of Education, “2025 Determination Letters on State Implementation of IDEA,” available at: <https://sites.ed.gov/idea/idea-files/2025-determination-letters-on-state-implementation-of-idea/> (last modified Sept. 30, 2025; last accessed Dec. 9, 2025).
- ⁴ See United States Department of Education, Office of Special Education and Rehabilitative Services, “Final Determination Letter” p. 113 (June 20, 2025), available at: https://osse.dc.gov/sites/default/files/dc/sites/osse/service_content/attachments/DC-01%20SPP%20PART%20B%20FFY%202023-24%20%203339%2020250623074712.pdf; Only DC and the Bureau of Indian Education received this designation. See United States Department of Education, “2025 Determination Letters on State Implementation of IDEA,” available at: <https://sites.ed.gov/idea/idea-files/2025-determination-letters-on-state-implementation-of-idea/>
- ⁵ See United States Department of Education, Office of Special Education and Rehabilitative Services, “Final Determination Letter” p. 114 (June 20, 2025), available at: https://osse.dc.gov/sites/default/files/dc/sites/osse/service_content/attachments/DC-01%20SPP%20PART%20B%20FFY%202023-24%20%203339%2020250623074712.pdf
- ⁶ See Mills v. Board of Education, 348 F. Supp. 866, 875 (D.D.C. 1972).
- ⁷ See Petties v. District of Columbia, Civ. A. No. PLF 1:95CV00148, 1995 WL 153027, at *1 (D.D.C. March 17, 1995), available at: <https://clearinghouse.net/doc/65017/>
- ⁸ Opinion and Order of Reference at 2, Petties v. District of Columbia, (D.D.C. July 8, 1997) (Civil Action No. 95-0148).
- ⁹ See Petties v. District of Columbia, Civ. A. No. PLF 1:95CV00148, 2012 WL 6696928, (D.D.C. Dec. 19, 2012).
- ¹⁰ See Jones, et al. v. The District of Columbia, et al. (D.D.C. 1997) (Civil Action No. 97-2402) and Blackman, et al. v. District of Columbia, at al. (D.D.C. 1997) (Civil Action No. 97-1629). These two cases were consolidated by the Court and are commonly reference together as “Blackman Jones.”
- ¹¹ Order at 2, Blackman v. District of Columbia (D.D.C. 2014) (1:97-cv-01629-PLF), available at: <https://clearinghouse.net/doc/135696/>
- ¹² See Complaint, D.L. v District of Columbia (D.D.C. July 21, 2005) (1:05-cv-01437-RCL), available at: <https://clearinghouse.net/doc/63656/>
- ¹³ See D.L. v District of Columbia, D.D.C., Civ. No. 05-1437, additional information available at: <https://www.tpmlaw.com/dl-v-district-of-columbia>
- ¹⁴ See School Justice Project, “Charles H. v. District of Columbia Class Action,” available at: <https://www.sjpdcc.org/charles-h-case>
- ¹⁵ See *id.*

¹⁶ Complaint, *Robertson, et al., v. District of Columbia*, No. 1:24-cv-00656 (D.D.C Mar. 7, 2024), available at: <https://childrenslawcenter.org/wp-content/uploads/2024/03/ECF-1-2024-03-07-Stamped-Complaint.pdf>; Children’s Law Center, alongside The Arc of the United States, Washington Lawyers’ Committee for Civil Rights and Urban Affairs, and McDermott Will & Schulte, represent the Plaintiffs in this case.

¹⁷ 20 U.S.C. § 1400(d)(1).

¹⁸ See 34 CFR § 300.500 *et seq.*

¹⁹ See 34 CFR § 300.506-300.520.

²⁰ See Danielle Robinette, Children’s Law Center, Testimony Before the District of Columbia Council Committee of the Whole, Public Hearing on B25-0847 and Oversight of Education for Students with Special Needs, (Nov. 20, 2024), p. 17-19, available at: <https://childrenslawcenter.org/resources/testimony-advancing-equity-in-special-education-protocols-amendment-act-of-2024/>

²¹ See Eloise Pasachoff, “Special E Special Education, Poverty, and the Limits of Private Enforcement,” 86 Notre Dame L. Rev. 1413, p. 1422 (2011), available at:

<https://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=1690&context=facpub>

²² USCCR, “Accessing Services for Students with Disabilities in DC Public Schools,” *supra* note 2, at 21.

²³ *Id.*, at 25.

²⁴ *Id.*, at 1426.

²⁵ See, e.g., Eloise Pasachoff, “Special Education, Poverty, and the Limits of Private Enforcement,” 86 Notre Dame L. Rev. 1413, p. 1422 (2011), available at:

<https://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=1690&context=facpub>

²⁶ See Office of the State Superintendent of Education, Data and Reports, available at:

<https://osse.dc.gov/page/data-and-reports-0> (last accessed on Dec. 9, 2025).

²⁷ See Danielle Robinette, Children’s Law Center, Testimony Before the District of Columbia Council Committee of the Whole, FY24 Performance Oversight Hearing: District of Columbia Public Schools, (Feb. 27, 2025), available at: <https://childrenslawcenter.org/resources/2024-25-performance-oversight-testimony-district-of-columbia-public-schools/>.

²⁸ 20 U.S.C. § 1415(i)(3)(B).

²⁹ See District of Columbia Office of the Inspector General, “Audit Report: Special Education Attorney Certifications (FY 2024) OIG No. 25-1-10MA, (Nov. 7, 2025), p. 3, available at:

https://oig.dc.gov/sites/default/files/Reports/DCOIG_Report_25-1-10MA.pdf

³⁰ See District of Columbia Public Schools, Responses to Pre-Hearing Questions for FY24 Performance Oversight Hearing, at Q18, p. 8-9 (Feb. 21, 2025), available for download at:

<https://lims.dccouncil.gov/Hearings/hearings/661> (including only the totals for cases listing “IDEA” as the Description of Case”).

³¹ See District of Columbia Public Schools, Responses to Pre-Hearing Questions for FY24 Performance Oversight Hearing, Attachment Q19 – Settled Lawsuits (Feb. 21, 2025), available for download at:

<https://lims.dccouncil.gov/Hearings/hearings/661>.

³² 34 CFR 300.111(a)(1)(i).

³³ See Terris, Pravlik & Millian, LLP, “D.L. v. District of Columbia,” available at:

<https://www.tpmlaw.com/dl-v-district-of-columbia>; see also Advocates for Justice and Education, Inc., “D.L. v. District of Columbia: How Does this Ruling Impact Me and My Child?” (October 10, 2019), available at: <https://www.aje-dc.org/2019/10/10/d-l-v-district-of-columbia-how-does-this-ruling-impact-me-and-my-child/>

³⁴ See Advocates for Justice and Education, Inc., “The Special Education Process,” (May 2019), at 1, available at: <https://www.aje-dc.org/wp-content/uploads/2024/08/KYR.The-Special-Ed-Process-May-2019.pdf>.

³⁵ See Danielle Robinette, Children’s Law Center, Testimony Before the District of Columbia Council Committee of the Whole, Public Hearing on Chronic Absenteeism and Truancy, (Oct. 15, 2025), p. 8, 12-13, available at: <https://childrenslawcenter.org/resources/testimony-public-hearing-on-chronic-absenteeism-truancy/>.

³⁶ 34 CFR § 300.502(b)(1).

³⁷ 34 CFR § 300.502(b)(2)(i).

³⁸ See Advocates for Justice and Education, Inc., “The Special Education Process,” *supra* note 34, at 2-3.

³⁹ See e.g., District of Columbia, Office of the State Superintendent of Education, “2025 Hearing Officers Determination,” available at: <https://osse.dc.gov/page/2025-hearing-officers-determination>. For recent examples determinations that DCPS failed to provide an appropriate IEP, see: HOD September 2025 (2), p. 15-18; HOD October 2025 (1), p. 10-13; HOD October 2025 (2), p. 22-25; HOD October 2025 (4), p. 24-25; HOD October 2025 (5), p. 26-31.

⁴⁰ 34 CFR § 300.114(a)(2)(i)-(ii).

⁴¹ See Danielle Robinette, Children’s Law Center, Testimony Before the District of Columbia Council Committee of the Whole, *supra* note 35, at 6-8.

⁴² See 34 C.F.R. § 104.6(a).

⁴³ 34 C.F.R. § 104.6(b).

⁴⁴ See District of Columbia, Office of the State Superintendent of Education, “Letter of Decision RE: State Complaint No. 024-009,” (Jan. 13, 2025), p. 1, available at: https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/024-009%20LOD%201.13.25_Redacted.pdf

⁴⁵ *Id.*, at 3.

⁴⁶ *Id.*, at 4.

⁴⁷ *Id.*, at 5.

⁴⁸ See National Center on Educational Outcomes, “Students with Disabilities in Educational Policy, Practice, and Professional Judgment: What Should We Expect?” (May 2019), Appendix A, p. 44, available at: <https://nceo.umn.edu/docs/OnlinePubs/NCEOReport413.pdf>.

⁴⁹ See OSSE, “2025 Statewide Assessment Results: English Language Arts (ELA) and Math,” *supra* note 1.

⁵⁰ See National Center on Educational Outcomes, “Students with Disabilities & Chronic Absenteeism,” p. 3-4 (April 2018), available at: <https://nceo.umn.edu/docs/OnlinePubs/NCEOBrief15.pdf>.

⁵¹ See Beth Hawkins, “Report: Almost All Disabled Students Lack Access to College Readiness Programs,” The74 (Oct. 8, 2024), available at: <https://www.the74million.org/article/report-almost-all-disabled-students-lack-access-to-college-readiness-programs/> (Noting “In 2023, the six-year graduation rate for disabled students attending four-year colleges was 49.5%, compared with 68% of non-disabled students.”).

⁵² See Danielle Robinette, Children’s Law Center, Testimony Before the District of Columbia Council Committee of the Whole, *supra* note 35, at 3-9.

⁵³ See e.g., Danielle Robinette, Children’s Law Center, Testimony Before the District of Columbia Council Committee of the Whole, Public Oversight Hearing: The Office of the State Superintendent of Education’s Division of Student Transportation, (Oct. 28, 2025), available at: <https://childrenslawcenter.org/resources/testimony-public-oversight-hearing-on-osse-dot/>.

⁵⁴ District of Columbia, Office of the State Superintendent of Education, “State Performance Plan / Annual Performance Report: Part B for reporting on FFY 2023,” p. 9, 13, available at:

https://osse.dc.gov/sites/default/files/dc/sites/osse/service_content/attachments/DC-01%20SPP%20PART%20B%20FFY%202023-24%20%203339%2020250623074712.pdf

⁵⁵ See United States Department of Education, Office of Special Education and Rehabilitative Services, “Final Determination Letter” (June 20, 2025), p. 113, available at:

https://osse.dc.gov/sites/default/files/dc/sites/osse/service_content/attachments/DC-01%20SPP%20PART%20B%20FFY%202023-24%20%203339%2020250623074712.pdf.

⁵⁶ See United States Department of Health and Human Services, Office of Disease Prevention and Health Promotion, “Social Determinants of Health Literature Summaries: High School Graduation,” available at:

<https://odphp.health.gov/healthypeople/priority-areas/social-determinants-health/literature-summaries/high-school-graduation>

⁵⁷ 34 CFR § 300.530(e)(1)(ii).

⁵⁸ 34 CFR § 300.530(e).

⁵⁹ See e.g., National Disability Rights Network, “Orphanages, Training Schools, Reform Schools and Now This? Recommendations to Prevent the Disproportionate Placement and Inadequate Treatment of Children with Disabilities in the Juvenile Justice System,” p. 16 (June 2015), available at:

https://www.ndrn.org/wp-content/uploads/2019/02/NDRN_-_Juvenile_Justice_Report.pdf.

⁶⁰ See e.g., Paul Hermez et al., “Exploring the School-to-Prison Pipeline: How School Suspensions Influence Incarceration During Young Adulthood,” 18.3 Youth Violence and Juvenile Justice 235, available at: <https://pmc.ncbi.nlm.nih.gov/articles/PMC8277150/pdf/nihms-1706891.pdf>.

⁶¹ The Arc, National Center on Criminal Justice and Disability, “Justice-Involved Youth with Intellectual and Developmental Disabilities: A Call to Action for the Juvenile Justice Community,” (2015), p.1, available at: https://thearc.org/wp-content/uploads/2019/07/15-037-Juvenile-Justice-White-Paper_2016.pdf

⁶² See Joseph B. Tulman & Douglas M. Weck, “Shutting Off the School-to-Prison Pipeline for Status Offenders with Education-Related Disabilities,” 54.4 N.Y.L. Sch. L. Rev. 875, 882-883 (Jan. 2010), available at: https://digitalcommons.nyls.edu/cgi/viewcontent.cgi?article=1575&context=nyls_law_review.

⁶³ See Danielle Robinette, Children’s Law Center, Testimony Before the District of Columbia Council Committee of the Whole, *supra* note 20, at 19.

⁶⁴ See District of Columbia, Office of the Deputy Mayor for Education, “2023 School Funding Study Final Report,” (Dec. 2023), available at: <https://app.box.com/s/v2j675bdum1tkyu2efgmr1rz1edcpgbk>

⁶⁵ *Id.*, at 28.

⁶⁶ See District of Columbia, Office of the State Superintendent of Education, “OSSE’s Report on the Uniform Per Student Funding Formula,” (June 2025), p. 12, available at:

https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/2025%20OSSE%20Report%20on%20the%20Uniform%20Per%20Student%20Funding%20Formula.pdf

⁶⁷ See Council of the District of Columbia, Committee of the Whole, “Report and Recommendations of the Committee of the Whole on the Fiscal Year 2026 Budget and Corresponding Budget Support Act,” (June 25, 2025), p. 28-29, available for download at: <https://lims.dccouncil.gov/Hearings/hearings/918>.

⁶⁸ See OSSE, “OSSE’s Report on the Uniform Per Student Funding Formula,” *supra* note 66, at 11.