

**Testimony Before the District of Columbia Council  
Committee on Education  
January 30, 2018**

**Public Hearing:  
B22-594, the “Student Fair Access to School Act of 2017” and B22-179, the “D.C. Public  
Schools Alternatives to Suspension Amendment Act of 2017”**

**Testimony from:  
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Law Disability Rights Law Clinic**

My name is Marissa Ditkowsky, and I am a student attorney at the American University Washington College of Law Disability Rights Law Clinic. My colleague, Yuliya Gileva, and I are providing testimony in favor of the Student Fair Access to School Act based upon experiences while representing a client.

Jermaine, whose name has been changed for confidentiality purposes, is the son of a client in our Disability Rights Law Clinic. He is a student of color with several mental health concerns and disabilities. In particular, he experiences ADHD, challenges with executive function, emotional disturbance, and specific learning disability with impairment in reading, written expression, and math. Jermaine is eligible for and receives special education and accommodations because of his disability, which include an individualized education program, known as an IEP, and a behavior intervention plan, known as a BIP.

Jermaine attends a public high school in DC. His disabilities have caused disruptions in school, which have often led to suspensions. For instance, the school once suspended him for an entire week simply for walking out of the classroom, even though taking a break while upset necessary for Jermaine to refocus and has been one of the accommodations on his IEP.

These suspensions have not addressed the reasons for Jermaine’s behaviors: namely, the school is not providing him with proper behavioral and counseling services or interventions in his IEP and BIP. Instead, the school punishes Jermaine for behaviors that are a manifestation of his disability, which, under certain circumstances, is impermissible under federal law.

Students with disabilities represented 28 percent of all students who received at least one out-of-school suspension last year, yet these students only comprise 14.7 percent of the student population.<sup>1</sup> The alternative to these suspensions would be, simply stated, to provide students like Jermaine with the services they require to succeed, and to feel welcome and safe in school.

Jermaine has experienced consistent trauma. For example, Jermaine has been jumped, bullied, and attacked, both at school and after school, and he was suspended for three days last fall for reacting to a student who attacked him. In addition, Jermaine has suffered the vicarious trauma

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<sup>1</sup> Calculation by Children’s Law Center based on data from OSSE (2017). *State of Discipline: 2016-17 School Year*, p. 34.

of witnessing one of his relatives face domestic violence. Jermaine is also not alone in this regard: 47 percent of D.C. children and teenagers have suffered through a traumatic experience, including death or incarceration of a parent, or witnessing or being a victim to violence.<sup>2</sup>

Without trauma-informed, evidence-based solutions and alternatives to suspensions, students like Jermaine fall through the cracks. The Student Fair Access to School Act would be the first step of the implementation of just that: trauma-informed, evidence-based solutions in DC schools.

Now, my colleague Ms. Gileva will speak about the effect of suspensions on students like Jermaine.

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<sup>2</sup> See Michael Alison Chandler, *Almost half of D.C. children have suffered a traumatic experience, according to federal survey*, WASH. POST, [https://www.washingtonpost.com/local/social-issues/2017/10/19/f6e2f5da-b372-11e7-a908-a3470754bbb9\\_story.html?utm\\_term=.a51a3ea90b6b](https://www.washingtonpost.com/local/social-issues/2017/10/19/f6e2f5da-b372-11e7-a908-a3470754bbb9_story.html?utm_term=.a51a3ea90b6b) (Oct. 19, 2017) (citing the 2016 National Survey of Children's Health, <http://childhealthdata.org/browse/survey/results?q=4783&r=1>).