

WRITTEN TESTIMONY OF

QUALITY TRUST FOR INDIVIDUALS WITH DISABILITIES, INC.

Before the Council of the District of Columbia, Committee on Education

PUBLIC HEARING:

B22-0594 – Student Fair Access to School Act of 2017

Quality Trust for Individuals with Disabilities (Quality Trust) writes in support of Bill 22-594, the Student Fair Access to School Act of 2017. Quality Trust is an independent, non-profit advocacy organization that has been advancing the interests of people with intellectual and developmental disabilities (IDD) since 2001. We monitor the quality of services provided and advocate for whatever improvements are needed to enable people with IDD to live full, healthy, and meaningful lives across the lifespan.

The passage of Bill 22-594 is vital to the success of students with disabilities, who are disproportionately affected by existing school disciplinary policies. In the 2016-17 school year, students with disabilities received out-of-school suspensions 1.6 times more often than their peers.¹ Of the students that were suspended more than once, 34.9% were students with disabilities,² even though they made up only 14.7% of the student population.³ Students with disabilities are particularly harmed when subject to exclusionary punishments, as they frequently result in disruptions to special education services.

Bill 22-594 will limit exclusionary school policies that punish a student by separating that student from his or her classmates via suspension, expulsion, or some other form of withdrawal. It does so because research on school discipline has shown that exclusionary punishments are not effective in altering the undesirable behaviors that led to the punishment.⁴ Instead, an overreliance on exclusionary punitive practices leads to an increased frequency of future punishments and lower levels of school completion.⁵

Bill 22-594 will prohibit suspensions or expulsion up to 8th grade for any incidents besides those that threaten or cause serious physical or emotional injury.⁶ It also generally limits suspensions or expulsion in high schools to only the most serious offenses.⁷ Instead, Bill 22-594 emphasizes restorative practices by expanding behavioral health support in schools and implementing continuing education and reintegration plans for students that are suspended.⁸

Bill 22-594 also will create additional safeguards for students with disabilities. Any child with a disability who is excluded from school for more than five cumulative school days will be entitled to an individualized education program (IEP) team assessment.⁹ If it is determined that the conduct in question was a manifestation of a student's disability, the student will be immediately returned to school and the IEP team will conduct a functional behavior assessment, implement a positive behavior intervention plan, and review the

student's IEP within 10 school days.¹⁰ If the guardians of a student with a disability disagree with any of the assessments made by the school or believe that the interruption of services will be substantially likely to harm the student, they may appeal in accordance with the Individuals with Disabilities Education Act.¹¹ Moreover, any student with a disability who is suspended for five or more cumulative days will continue to receive educational services in order to minimize the disruption and long-term harm resulting from suspension.¹²

Please vote YES on Bill 22-594 to support the right of students with disabilities to be protected from unreasonably long suspensions and disruptions of their educational services. Your work does and will mean a great deal to the thousands of D.C. residents with IDD and their families that Quality Trust supports. If you have any questions or wish to discuss Bill 22-594 further, please do not hesitate to contact us at 202-459-4004 or MWhitlatch@DCQualityTrust.Org.

Respectfully submitted by:

Morgan K. Whitlatch, Legal Director
Jessica A. Bronson, Staff Attorney

Dated: February 12, 2018

¹ District of Columbia Office of State Superintendent of Education, *State of Discipline: 2016-17 School Year* at 33 (updated January 27, 2017), available at <https://osse.dc.gov/page/discipline-report> (last visited February 12, 2018).

² *Id.* at 35.

³ *Id.* at 16.

⁴ See Skiba & Rausch, *Zero Tolerance, Suspension, and Expulsion: Questions of Equity and Effectiveness*, in *Handbook of Classroom Management: Research, Practice and Contemporary Issues* 1063-1092, (Carolyn M. Everton & Carol S. Weinstein eds., 2006).

⁵ *Id.*

⁶ Student Fair Access to School Act of 2017, L.B. 22-594, Washington, D.C. Council Period 22, Sec. 4(a) (2017).

⁷ *Id.* Sec. 4(b).

⁸ *See Id.* Sec. 3-5.

⁹ *Id.* Sec. 4(e).

¹⁰ *Id.* Sec. 4(e)(1).

¹¹ *Id.* Sec. 4(e)(2).

¹² *Id.* Sec. 4(e)(3).