

Testimony of Sarah Comeau
On behalf of School Justice Project
For the Public Hearing on:
B22-0594 – Student Fair Access to School Act of 2017 and
B22-0179 – DC Public Schools Alternative to Suspension Amendment Act of 2017
January 30, 2018

Hello Councilmembers. Thank you for the opportunity to provide testimony today in support of the Student Fair Access to School Act of 2017 and the DC Public Schools Alternative to Suspension Amendment Act of 2017. My name is Sarah Comeau. I am a Ward 1 resident and the Director of Programs and Co-Founder of School Justice Project, a DC legal services and advocacy organization that provides special education attorneys to older, court-involved students with disabilities.

I am here today to support the proposed legislation and to provide context of how this legislation affects the older, court-involved population with disabilities. Most of the young people I represent have histories of suspensions, expulsions, and involuntary transfers. Most commonly, the underlying offense is minor and relates to their disability.

My clients have histories of school failure and a mistrust of the education system. They are used to being turned away from school by security guards before even entering the building. They are used to being kicked out of classrooms and sent home for the remainder of the day or remainder of the week, because their disability interfered with their ability to sit silently in a crowded classroom. However, under current practice, being sent home for a day or a week to “get your head straight” is not documented as a suspension.

We know that students with disabilities face disproportionate rates of suspension. For example, these students made up 28% of school suspensions despite only making up approximately 14% of the school population. Many times, when suspended, the rights of

our young people are not enforced. I commonly see young people not receiving any school work or special education services during suspensions. In fact, many young people are not even provided with the requisite due process hearing prior to suspension, resulting in suspensions that are directly related to students' disabilities.

Last school year, 4,300 out-of-school suspensions were for "disrespect, insubordination, or disruption." Often times, these behaviors are directly related to the disability of a young person. Undocumented suspensions, suspensions for insubordination, or suspensions for disability manifestations triggers a chain of events that lead to school drop out, future court contacts, and removal from their communities.

One of the reasons I became a special education attorney was because I saw too many young people enter the court system or become detained because of an underlying school-related issue. When court-involved and in the community, students must answer to DYRS or Court Social Services. As a condition of their supervision, students must be enrolled in and actively attending school. When students are suspended for minor offenses or turned away from school without documentation, the probation officer or social worker will see this as a fault of the student's or an unwillingness to comply with release conditions.

When I asked one client, let's call him Kevin, why he stopped attending school his answer was – I kept getting suspended or put out. Why bother if I will just be turned away at the door? Why bother if I will just be suspended for failing to stay focused in the classroom? Kevin has a processing disorder that affects his response time in the classroom. When called upon, Kevin cannot quickly answer the teacher's questioning, leading to questions of whether he was in fact paying attention. Because the school was

not appropriately addressing his disability, he would become frustrated and communicate that his was in fact paying attention. This “talking back” would lead to suspension after suspension for insubordination or refusal to comply with his teacher’s instructions.

Kevin fell far enough behind that he began avoiding certain classes and teachers.

Ultimately, he failed that school year. Not understanding the cycle of suspensions and the impact of Kevin’s disability on his behavior, his DYRS social worker concluded that a residential treatment facility would be the best placement for Kevin. Keep him off the streets. Keep him in school. He was moved out of District. Kevin’s story is not unique. We know that students who are suspended are 3 times as likely to be in contact with the juvenile justice system the following year. We can prevent this cycle.

With this bill comes elimination of the suspension for the minor offenses. This has wonderful implications for the rights of special education students. For example, students with disabilities can be suspended for 10 days at a time even if the underlying behavior is a manifestation of that student’s disability. That is 2 weeks out of school and, most times, students with special education do not receive any supports or services let alone schoolwork during that time. With this bill, a student with a disability cannot be suspended for behavior that is a manifestation of their disability for more than 6 days per school year. Under this bill, students with disabilities will receive instructional support after 5 days of suspension, minimizing the likelihood that they will fall further behind their peers during periods of out of school suspensions. In short, we are in strong support of this Bill and the rights it provides and protects for young people.

Thank you for the opportunity to testify.