

VIA EMAIL: public.comment@dcpcsb.org

November 16, 2018

Attn: Public Comment
DC Public Charter School Board
3333 14th St. NW, Ste. 210
Washington, DC 20010

Re: Comments on the Notice of Revisions to the Special Education Audit Policy

To Whom it May Concern:

Thank you for the opportunity to comment on the District of Columbia Public Charter School Board's (PCSB's) Revisions to the Special Education Audit Policy. I am submitting these brief comments on behalf of Children's Law Center (CLC),¹ which fights so every DC child can grow up with a loving family, good health and a quality education. With more than 100 staff and hundreds of pro bono lawyers, Children's Law Center reaches 1 out of every 9 children in DC's poorest neighborhoods – nearly 5,000 children and families each year. Many of the children we work with are eligible for special education. Our comments are based on our experience representing these children and their families.

We appreciate that PCSB has updated and expanded upon the components of its audit procedures. Nevertheless, our overarching concern with this proposed Policy is the subjectivity of its procedures. Better-defined procedures will limit the influence of bias and ensure consistency in enforcement. To that end, we recommend the following adjustments:

1. **Define "Special Education Audit."** This term, which is the basis of this document, is not clearly defined. It is unclear to us whether a "Special Education Audit" means one or multiple parts of the five-point "audit process" or if it just means a "Desk" or "On-Site" Audit. This policy should outline the components of a complete Audit. The term "Audit" should additionally be defined as a written document (as opposed to something communicated informally or orally to a school).

2. **Consider instituting a “prescribed” audit process.** This policy states “there is no prescribed audit process” and that “if a school meets one or more criteria...one...of the (audit) procedures *may* apply.”² We understand the benefits of flexibility. However, this revised policy lacks teeth and could be implemented with great variability. We recommend:
 - i. *Standardizing the audit process*, perhaps by creating a rubric to determine when each component of the Audit Procedures will be triggered. For example: if a school is found to meet one Criteria, a Pre-Audit Warning is triggered; if a school is found to meet two to three Criteria, this triggers a Desk Audit; etc.
 - ii. *Prescribing what will happen once PCSB “close(s) the audit with recommendations.”* This should include a description of PCSB’s next steps, including a timeline for PCSB follow-up and consequences PCSB will impose if an LEA fails to comply with recommendations. Additionally, as written now the policy appears to conclude the audit process before PCSB measures the school’s response its recommendations. We think any audit report should include a description of the school’s response to recommendations.
3. **Continue to require monthly review of each “triggering” criteria/metric.** The previous version of this document required PCSB staff to conduct a monthly review of the audit-triggering data. This revised policy replaces that monthly review requirement with a statement that DC PCSB “regularly reviews data and school practices to determine whether public charter schools are compliant with local and federal laws pertaining to students with disabilities.” Not only does this remove the monthly review requirement, but it also removes the requirement that PCSB collect and review the specific criteria which may trigger an audit.
4. **Add a public reporting component.** Parents must have access to information in order to make the best, most well-informed educational decisions for their children. Like Notices of Concern, Pre-Audit Warnings and Audits should be made publicly available to parents (in a manner that safeguards the privacy of individual students). Once a school has remedied identified issues, the school or PCSB could publish an addendum to the audit outlining the steps the school has taken to “cure” the problems that triggered the audit. This would have the added benefits of deterring LEAs’ inequitable behavior and

incentivizing LEAs to meaningfully respond to each component of PCSB's audit process.

Thank you for the opportunity to comment. We know that we all share the same goal of improving the achievement and outcomes of children with disabilities. If you have questions, or want to discuss anything, I can be reached at (202) 467-4900 ext. 533 or acunningham@childrenslawcenter.org.

Respectfully,

Anne Cunningham
Senior Policy Attorney

¹ Children's Law Center fights so every child in DC can grow up with a loving family, good health and a quality education. Judges, pediatricians and families turn to us to be the voice for children who are abused or neglected, who aren't learning in school, or who have health problems that can't be solved by medicine alone. With 100 staff and hundreds of pro bono lawyers, we reach 1 out of every 9 children in DC's poorest neighborhoods – more than 5,000 children and families each year. And, we multiply this impact by advocating for city-wide solutions that benefit all children.

² Emphasis added.