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Written Testimony Submitted to the District of Columbia Council
Committee on Education

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B22-950, the “Students in the Care of the D.C. Coordinating Committee Act of 2018”

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Introduction

Chairperson Grosso and members of the Committee on Education, my name is Michael Villafranca, a Policy Analyst at Children’s Law Center and a resident of the District.¹ I am submitting this written testimony on behalf of Children’s Law Center, which fights so every DC child can grow up with a loving family, good health and a quality education. With nearly 100 staff and hundreds of pro bono lawyers, Children’s Law Center reaches 1 out of every 9 children in DC’s poorest neighborhoods – more than 5,000 children and families each year. We represent about half of DC’s children in foster care because of neglect, and we are appointed to cases in the juvenile justice system as education attorneys or as guardians *ad litem* in the Person in Need of Supervision (PINS) system.

Thank you for the opportunity to provide testimony on the Students in the Care of D.C. Coordinating Committee Act of 2018. We greatly appreciate your efforts, Chairperson Grosso, in bringing to the forefront the educational needs of the District’s most vulnerable youth, especially those who have been detained, committed, incarcerated, or placed in foster care by the government in DC. Research is clear that education, including connection to school and relationships there, “provides a reliable pathway” for youth, in any of the court systems, to become positive members of their communities.²

In our public roundtable testimony last fall,³ we shared concerns that we share again today about how the public schools in DC lead to and perpetuate system involvement through inaccurate attendance information, about the quality of education and lack of special education services at Youth Services Center (YSC) and DC Jail, lack of coordination between YSC and other schools about course content and credits, and about how parents are cut off from information and participation by these systems. We believe the creation of this Committee can help address some of these concerns.

System-caused School Changes During and after YSC

The complex system of school choice and the way that the education agencies have structured education at the Department of Youth Rehabilitation Services (DYRS) facilities results in some students who are detained losing their connections to school of origin. The school at YSC is run by DC Public Schools (DCPS) and is considered a school separate from other DCPS and public charter schools (PCS), so many students are un-enrolled from their original schools upon entry at YSC. Changed enrollment is done *without the knowledge or consent of the parent*.⁴ It is our understanding that the Office of the State Superintendent of Education (OSSE's) database system for students with disabilities causes some of the school enrollment switches, so the teachers at YSC can see each student's Individualized Education Program (IEP).

The enrollment change is a problem because some students are not allowed to return to the original school of enrollment after release. For students in public charter

schools, the special education data access change results in transferring the student into DCPS. PCS schools decide whether to allow a student back based on unknown criteria, which allows arbitrary or discriminatory decisions. For youth who are attending out-of-boundary DCPS schools, without a strong advocate or lawyer, the youth is un-enrolled from that school.⁵ Students have no guarantee that they will be allowed to return to the PCS or out-of-boundary DCPS school after any detention at YSC, once they are un-enrolled.

In addition, historically, in our experience, DYRS placements in group homes/family reunification homes also results in youth changing schools. Staff from the facilities would enroll the youth in the local DCPS school regardless of expected length of stay, so that students would move schools multiple times if they went home or moved to a different facility. This year, our clients have not had to change schools, but the homes have not had enough drivers to get students to and from their schools on time. One driver is taking students to multiple schools, and since most schools start at the same time, some students in the transport are late. Some of the schools that our clients go to, for example YouthBuild and Cesar Chavez, require on-time attendance. Our youth clients will likely be forced to move schools, if the transportation infrastructure problem is not fixed. DYRS and OSSE should work together to solve this transportation problem, since OSSE has a Division of Transportation that could be leveraged. In the alternative, the Child and Family Services Agency (CFSA), PCS, and

DCPS have found vendors to provide transportation in some situations. DYRS family reunification homes could consult them for solutions.

Not only does detention at YSC cause some youth to change schools, resulting in lost connections to teachers, staff, and friends, it also has consequences on confidentiality. Report cards from YSC say “YSC,” which violates the student’s right to confidentiality about involvement in the PINS or juvenile delinquency system. DCPS should issue report cards from the student’s local school, to preserve confidentiality.

Forced school moves also delay special education services. When a youth begins in a new school after being at YSC, or when moved between foster homes or group homes, even when transferring from one DCPS school to another, the youth’s evaluations for special education services are often delayed. DCPS staff argue that they need to get to know the student, even though information exists from past schools.⁶ Prior to July 1, 2018, DC LEAs had 120 days to complete evaluations, which was a major reason that youth in CFSA or DYRS custody never get identified for an IEP. Schools now have a shorter evaluation deadline thanks to the Council’s funding of the *Enhanced Special Education Services Act*. However, the delays from moving schools will still be problematic.

Failures to Identify Youth in High Needs Placements as Disabled in School

Additionally, the LEAs in DC do not have a process that is working to identify children with high levels of needs that are in other systems. Shockingly, many youth

who are acutely and chronically psychosocially ill, needing hospitalization or residential care, do not already have IEPs to help them get treatment in school. For youth who are sent to psychiatric hospitals or Psychiatric Residential Treatment Facilities (PRTF) by the court, DYRS, or CFSA, it indicates an extreme medical necessity. Both CFSA and DYRS look at PRTF as a last resort. DCPS could easily track and evaluate these youth while in high needs placements, specifically in psychiatric hospitalization or while in placement in psychiatric residential treatment.⁷ Each LEA, especially DCPS, should be notified when a youth needs high level psychiatric care, as part of the system to find and evaluate all children who may have disabilities (called Child Find) that the *Individuals with Disabilities Education Act* (IDEA) requires. Yet, DCPS has no procedure to always start a special education evaluation for these children and youth.

Recommendations

This bill establishes a collaborative body that we hope will address these, and many other, systemic gaps. This bill is just one of the several recommendations made by the Students in the Care of the District of Columbia Working Group (“Working Group”), of which we were honored to take part.⁸ We have a couple of recommendations we believe will aid in the overall success of the created body. We’re also looking forward to seeing the additional policy changes that were identified by the Working Group as changes needed for youth in care, including a partial credit system

for students to complete partial credits that they earn in other places as the systems move them around.⁹

Committee Membership

The bill identifies many stakeholders that are vital in giving voice to the educational experience of DC youth under government care and commend you, Chairperson Grosso, for including a student and parent. However, we believe foster parents to be an important stakeholder group that is missing from the list of members and ask that an individual representing this group be added to the committee's membership. We also believe that, while a former student can provide valuable insight based on his or her experiences, a current student could also provide pertinent insight. Therefore, we recommend the student membership be expanded to include a current student who currently has, or had a history of, system involvement.

Committee Duties

We echo the testimony of our colleagues at School Justice Project that a collaborative body such as the one created by this legislation needs to have clear and directed focus and targeted priorities to manifest an actionable plan.¹⁰ We also believe that success of the established committee rests on the development of an implementation plan—one that includes best methods of implementation, as well as phases for implementing the committee's prioritized recommendations. Therefore, we ask that such a task be included in the committee's mandate.

Conclusion

Thank you, again, for the opportunity to submit this testimony. Your continued attention, and the attention of the Council, to the duty our government has to these youth is an important factor in ensuring they receive a high-quality education. We look forward to continued work with you on these issues and are happy to answer any questions.

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 advocate 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 nearly 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 Farn, A. & Adams, J. (2016). *Education and interagency collaboration: A lifeline for justice-involved youth*. Washington, DC: Center for Juvenile Justice Reform, Georgetown University McCourt School of Public Policy, Page 4. Accessed 10/17/17 at <http://cjjr.georgetown.edu/wp-content/uploads/2016/08/Lifeline-for-Justice-Involved-Youth-August-2016.pdf>

³ See testimony submitted by Children’s Law Center (October 18, 2017). Retrieved from <https://www.childrenslawcenter.org/testimony/testimony-education-students-during-and-after-detention-commitment-or-incarceration>

⁴ Some youth might be at YSC later in a case after commitment to DYRS, but many are there before ever going to Court and before commitment to the care of DYRS, so the parents hold all rights.

⁵ In one case last year, a parent and student were asked to un-enroll from a selective citywide high school, because the school was concerned that the child’s absences while at YSC were negatively affecting their attendance numbers. Although the school was promising that the student could re-enroll on release, there would be no recourse if the school later reneged, so with our counsel the family did not un-enroll the youth.

⁶ For students already identified as having disabilities, they may need re-evaluations completed about new needs or unmet needs that lead to system involvement. These re-evaluations are also delayed by school switches.

⁷ We acknowledge that there are health privacy issues and HIPAA protections of health information, but those can be overcome. The process would just need to include a request for the parent to share information with DCPS or the PCS that the child is in psychiatric hospital or starting the PRTF process, in order to start a process to get the child services in school. Based on our experience, we believe most parents would consent in cases in which a child has a high level of psychiatric needs, if they knew that only the fact of psychiatric treatment (not ALL the records and details) would be shared and it was explained why.

⁸ Students in the Care of the District of Columbia Working Group, (July 18, 2018). *Students in the Care of the District of Columbia: Working Group Recommendations*. Retrieved from <https://www.scribd.com/document/384151747/Students-in-the-Care-of-the-District-of-Columbia-Working-Group-Recommendations-July-18-2018>

⁹ *Id.*, pp. 38-39.

¹⁰ See testimony submitted by School Justice Project (October 22, 2018).