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Testimony Before the District of Columbia Council
Committee on Government Operations
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Public Hearing:
Racial Equity Achieves Results Amendment Act of 2019 (B23-38)

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Introduction

Good morning Chairman Todd and members of the Committee on Government Operations. My name is Judith Sandalow. I am Executive Director of Children's Law Center¹ and a resident of the District. I am testifying today 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.

Thank you, Chairman Todd, for holding this hearing and giving us an opportunity to provide testimony on the Racial Equity Achieves Results Amendment Act of 2019 ("the REAR Act"). Councilmember McDuffie, thank you for your leadership on this bill. And thank you as well to the founding members of the DC Initiative on Racial Equity and Local Government, which is committed to raising awareness about the role of the DC government in advancing racial equity in partnership with community members, nonprofit organizations, foundations, and businesses.

The District of Columbia cannot thrive without addressing the deeply racialized systems that have had and continue to have a devastating impact on the life opportunities of Black residents. From the District's earliest days, systemic racism has blocked Black residents from homeownership, job opportunities, quality education and

health care, to name just a few areas. The effect of this historical and often explicit exclusion is compounded by current day policies and is evident in continuing racial disparity in housing, income, educational success and health outcomes.

The mission of Children's Law Center is to work toward a future in which every child in the District of Columbia has a solid foundation of family, health and education. Our board of directors and our staff recognize that we cannot achieve this mission without directly and intentionally applying a race equity lens to our work. To this end, addressing racial inequity is a core strategy in our recently approved strategic plan.

We see the continuing impact of historic and current inequity in our work every day. For example, we represent 500 children in foster care every year. The vast majority of the children in foster care - 82% - are Black or African American and fewer than 1% are White.² In contrast, the total population of DC is just less than 50% Black or African American and more than 40% is White.³ Current laws, systems and practices reinforce a long history of racism that lead to this stark overrepresentation of people of color in the child welfare system.

The way in which students of color are pushed out of school is another way in which DC law and practice perpetuates racial inequity. African-American students in DC are 7.7 times more likely to be suspended than White students, when controlling for at-risk status, economic disadvantage, disability, gender and other risk factors.⁴ This disparity is significantly worse than in other jurisdictions around the country where

African-Americans are, on average, 3.5 times more likely to be suspended than other children.⁵ In addition, 94.4% of District students who were suspended more than once are African-American, although they are only 67.8% of public school students.⁶ The disparity for Latinx children is also great: they are 2.8 times more likely to be suspended than White children.⁷ We fought for the Student Fair Access to School Act in large part to reduce racial inequity in exclusionary discipline.⁸

The REAR Act is an important step toward addressing the inequities built into the structures and systems of the District government. In fact, we believe that it is a critical step toward true race equity – and toward achieving our mission of ensuring all DC children have stable families, good health and a quality education.

There are several ways in which the bill can be strengthened. Among these are:

- Applying the REAR Act to all branches of DC government, not just the executive branch;
- Requiring that the racial justice assessment be conducted by an independent body;
- Ensuring that data and materials related to measuring and reporting progress on racial equity are made available for public review.

Addressing our long history of systemic discrimination and achieving true race equity will take hard work over a long period of time. One law, by itself, cannot

accomplish this goal. But, with strengthening amendments, the REAR Act can be a powerful tool to begin that work.

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 more than 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 See Child and Family Services Oversight Responses for FY18, pg 131.

³ See <https://datacenter.kidscount.org/data/tables/8875-race-ethnicity-of-total-population-by-ward?loc=10&loct=3#detailed/3/any/false/870,573,869,36,868,867,133,11/3498,2161,2159,2157,2663,3499,3307,2160|381/17763,17764>

⁴ OSSE (2017). *State of Discipline: 2016-17 School Year*, p. 25-26.

⁵ Note, the national statistic for African-American children is without controlling for other risk factors. See, U.S. Department of Education, Office for Civil Rights (March 2014). *Civil Rights Data Collection Data Snapshot: School Discipline*. Retrieved from

<http://blogs.edweek.org/edweek/rulesforengagement/CRDC%20School%20Discipline%20Snapshot.pdf>

⁶ OSSE (2017). *State of Discipline: 2016-17 School Year*, p. 30.

⁷ *Id.* at p. 29.

⁸ Decades of research shows that suspended and expelled students are more likely to perform poorly academically, be held back because of failed classes, drop out-of-school, or become involved in the juvenile justice system. Russell Skiba et al., American Psychological Association Zero Tolerance Task Force (2008). Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations, *American Psychologist*, 63(9), 852.