



# Advocates for Justice and Education, Inc.

*The federally designated Parent Training and Information Center for Washington DC*

**Testimony of  
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Committee on Education and of the Whole Performance Oversight Hearing:  
Office of the State Superintendent of Education (OSSE)

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Good morning Chairman Grosso and members of the Committee on Education. I am Rochanda Hiligh-Thomas, a District resident, parent and Executive Director of Advocates for Justice and Education, Inc. (AJE). Today I am testifying on behalf of AJE.

AJE is the federally designated Parent Training and Information Center (PTI) for the District of Columbia. We provide free training, resources, individual assistance and supports to parents and youth in navigating the public education system, with a focus on students with disabilities. Our mission is to equip and empower parents and youth to be effective advocates to ensure the receipt of appropriate educational services. We work collaboratively with a variety of organizations and agencies to provide training to community members, families, and professionals on topics related to children with disabilities and special health care needs. Last fiscal year, we trained over 1,000 parents, students and professionals on special education and other educational topics. We also served over 700 families through direct services involving educational issues in both DC Public Schools (DCPS) and charter schools.

Since the beginning of this school year we have served over 300 families members through our intake process. These families come to us for advice, guidance, and

understanding of special education, their rights and how to advocate for their children. Approximately 60% of the families' children we served this school year already had Individualized Education Programs (IEP) at the time of intake. The problems parents mostly sought assistance with are consistently the same: school discipline and special education. Parent calls for help about special education specifically involved issues with (1) evaluations, including initial, reevaluation and independent educational evaluation; (2) IEPs, including review, modification, implementation, and development of a behavior intervention plans; (3) placement; and (4) transportation.

Over the last eleven years, AJE has worked with OSSE in several ways, including serving as the DC Parent Center under the former *Blackman/Jones* consent decree. We have seen and acknowledge the significant progress that OSSE has made in its effort to ensure success for all DC's children and students. However, there are still areas for growth especially in ensuring that all children with disabilities receive the free and appropriate public education to which they are entitled.

OSSE has indicated as a part of its mission that it works urgently and purposefully to sustain, accelerate and deepen progress for DC students.<sup>1</sup> And, that it has a specific focus on special education to “catalyze progress and dramatically shift the trajectory of growth for students with disabilities.”<sup>2</sup> Based on the shared experiences of the families we work with I focus my testimony today on two areas that require urgent and purposeful work of OSSE: Transportation, and LEA Capacity Challenges.

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<sup>1</sup> OSSE's Strategic Plan 2019-2023, [https://osse.dc.gov/sites/default/files/dc/sites/osse/page\\_content/attachments/20192023%20OSSE%20Strategic%20Plan.pdf](https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/20192023%20OSSE%20Strategic%20Plan.pdf)

<sup>2</sup> *Id.*

## ***Transportation***

Every year we receive calls from families about issues regarding OSSE provided transportation. While those calls seem to peak at the beginning of the school year, parents still experience issues with transportation throughout the year. Strikingly, this year calls about transportation issues have already doubled all the calls received last school year. Parents' complaints consist of late pick up, late drop off, no pick and more. The impact of late and no pick ups are not minor and have or threatened to have serious consequences for families, including the loss of employment for parents and the lack of access to FAPE for students.<sup>3</sup>

We appreciate OSSE's efforts to address this issue including meeting with us and other special education coalition members and the steps it has indicated it is taking to address problematic areas. However, that is of no consolation to the families whose children miss school or who are habitually late to school. According to OSSE's performance oversight responses submitted to the Council, the beginning of the school year reflects the lowest percentage of buses that arrive to school on time at 79.8%, leaving a little over 20% of students arriving late to school or perhaps not at all. Further, OSSE reported that it received last school year 1,374 complaints for early/late bus arrival of which 84.6% were substantiated, and almost 55% of the 265 complaints about no morning pick up were substantiated.

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<sup>3</sup> Washington Post Article. [https://www.washingtonpost.com/local/education/dc-parents-say-buses-for-special-education-students-are-unreliable-at-start-of-year/2018/09/02/69b2b3e6-ab04-11e8-b1da-ff7faa680710\\_story.html?utm\\_term=.09fd6b907dea](https://www.washingtonpost.com/local/education/dc-parents-say-buses-for-special-education-students-are-unreliable-at-start-of-year/2018/09/02/69b2b3e6-ab04-11e8-b1da-ff7faa680710_story.html?utm_term=.09fd6b907dea)

Behind every number is a child whose education is impacted by these delays and no pickups. It is not clear, however, that these numbers represent all complaints including due process complaints and state complaints, which we know have been filed by parents to address denials of FAPE. To “dramatically shift the trajectory of growth for students with disabilities” students must first make it to through the school house doors. We want OSSE to urgently resolve the transportation woes that negatively impact students and families and request the Council to continuously push OSSE on this issue and support it through any relevant budgetary efforts to ensure that children get to school on time.

### ***Capacity Challenges, Discipline and Interim Alternative Educational Settings***

We have testified before and even last week about the capacity challenges of LEAs. Specifically charter LEAs do not have the capacity to serve the full range of special education students as required by the Individuals with Disabilities Education Act (IDEA).<sup>4</sup> While LEAs are responsible for carrying out the legal mandate under IDEA to provide a continuum of services, they need the collective support of OSSE, PCSB and the Deputy Mayor for Education to find effective, quality solutions to serve all children. The lack of schools’ capacity to implement a full continuum of services means families of students with disabilities do not have the same school choice as other families. The additional challenge is that there is no readily accessible information about special education programs in schools. It is critical for parents to have the information they need to make informed decisions about where best to enroll their children. The reality is that all LEAs do not have the capacity to provide the full continuum and it is unfair for parents to discover after their

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<sup>4</sup> 34 C.F.R. §300.115 Each public agency must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.

child has enrolled that the school does not have the capacity to support the child's needs. For some of our families, this discovery has occurred in the most painful ways - after their child has been repeatedly excluded from school or isolated from his/her regular education setting and peers.

Moreover, we believe the lack of capacity has placed some students in danger. While the new Student Fair Access to School Amendment Act of 2018 is in effect and will hopefully lead to fewer and fewer suspensions once fully implemented and funded, LEAs still can place students in an interim alternative educational settings (IAES) under some limited circumstances, even when a student's behavior is found to be a manifestation of his or her disability.<sup>5</sup> We have found that LEAs who lack capacity to provide the full continuum of services have improperly used IAES. Recently, we learned that some charter LEAs were using an unlicensed, unregulated non-school placement as an interim alternative placement or disciplinary placement for students with disabilities.<sup>6</sup>

AJE as the PTI has filed a state complaint for OSSE to investigate LEA's use of this unlicensed facility and an investigation is pending. However, we think OSSE should take a proactive step in monitoring and oversight of the use and type of interim alternative educational settings. It is the obligation of the state educational agency, OSSE, to set policies that ensure LEAs compliance with IDEA and its implementing regulations.<sup>7</sup> As such, OSSE should know where students are if they are not in their regular educational

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<sup>5</sup> 34 C.F.R. §300.530 (g)

<sup>6</sup> Washington City Paper coverage of Future Families Enrichment Center  
<https://www.washingtoncitypaper.com/news/city-desk/article/21038004/special-ed-advocates-call-for-investigation-into-unlicensed-company-serving-charter-students>

<sup>7</sup> 34 C.F.R. §§ 300.101, 111, 114 and 156

setting. I urge the Council to ensure that OSSE carries out its obligations under IDEA by ensuring that LEA's implements policies consistent with guidance from OSSE that: (1) clarifies when a student can be removed from their regular classroom setting and school for both disciplinary and non-disciplinary reasons; (2) define what an Interim Alternative Educational Placement is; (3) state when a student may be placed in an Interim Alternative Educational Placement; (4) state what the requirements are for Interim Alternative Educational Placements; and (5) state how student progress and safety will be monitored in Interim Alternative Educational Placements. This is imperative to protect students with disabilities from improper removals and being placed in unlicensed, unregulated homes operated by 3<sup>rd</sup> parties.

Thank you for the opportunity to testify today. I welcome any questions.