



Advocates for Justice and Education, Inc.

The federally designated Parent Training and Information Center for Washington DC

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My name is Stacey Eunnae and I am a Senior Staff Attorney at Advocates for Justice and Education, Inc. (AJE). AJE is the federally designated Parent Training and Information Center (PTI) for the District of Columbia. AJE responds to calls from nearly 800 DC families each year to help them address issues with public education. These families come to us for advice, guidance, help understanding their rights and we support their advocacy to improve childrens' educational outcomes. From our direct work with families over the years, AJE is uniquely aware of many of the challenges families and students face when it comes to the District of Columbia Public Schools (DCPS).

As recent as last year, it used to be common practice for DCPS to suspend middle-schoolers and high-schoolers for 3-6 months (45-90 school days) for behaviors that are not atypical for youth this age, such as fighting and cursing. However, since the Student's Fair Access to School Act (SFASA) came partially into effect near the beginning of this school year, I have seen a reduction in the number of days DCPS schools seek to suspend students. That means more students in schools and less on the streets. It also means fewer parents risking and losing their jobs to support their suspended children. I have no doubt in my mind that this positive change is the direct result of this new law and DCPS leadership promptly issuing policy guidance to support SFASA's mission—keeping more students in school.

Nevertheless, there is much more work to do to ensure that all students are receiving appropriate educations in a healthy and safe environment. School leaders can technically reduce suspensions but continue to deny students access to meaningful instruction and opportunity. This is why DCPS continues to need significant oversight and technical support to help individual schools improve their climates and address the root problems of low enrollment, segregation, high absent rates, teacher turnover and low graduation rates. To improve student outcomes and close the achievement gap across the city, DC needs to take an approach to the public school system that focuses on the people, not the numbers.

My testimony today will highlight two areas where there is potential for DCPS to improve students' academic performance and enhance their overall experience of the teachers, students and families who make up school communities: special education and restorative practices.



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(1) DCPS administration should make compliance with special education laws a priority and performance metric in *all* of its schools, not just some.

It is common knowledge in my practice that **there are certain DCPS schools** considered so 'elite,' **they simply refuse to comply with special education laws and DCPS central leadership does nothing about it.** Instead of being censured, these schools receive high ratings and their administrators are rewarded and visited by high-profile guests like President Barack Obama, largely because they produce the good numbers, i.e. retention, achievement, graduation rates, etc.

These schools blatant dismissal of civil rights laws is no secret to DCPS administrators because the data is there. Let's look at a few of DCPS's 5-star selective high schools:

- In the 2017-18 school year, according to DC's recently released school report cards, Benjamin Banneker High School [reported](#) that out of 486 enrolled students, **they had no students receiving special education** and only 1% were English Language Learners.
- School Without Walls High School, with 610 students, also [reported](#)¹ 0% students with special education needs and 1 percent English Language Learners.
- McKinley Technology High School, with 629 students, [reported](#)² that only 3% of their students received special education, and although they offer a dual-language program, only 4 percent of students were English Language Learners.

I have spoken with parents pressured to give up their child's rights to individualized education programs (IEPs) because they were told by DCPS personnel these selective schools 'do not do IEPs,' and cannot provide special education support. Additionally, I have represented clients who were systematically denied evaluations, services, and re-enrollment, although schools knew or should have known that students with diagnoses such as learning disability, autism and ADHD were struggling academically and could not access the general curriculum without special education services. This lawlessness continues because central leadership allows it to and because they can. And it has an impact on students attending other DCPS schools.

We know there are more than five students with disabilities selected by and enrolled at these schools. However, these students are overlooked and underserved.

Their waiting lists are long and many parents, who do not know or are unable to enforce, their rights, accept these terms because they do not feel like they have any other option.

¹ See DC School Report Card, School Without Walls High School at <https://www.dcschoolreportcard.org/schools/1-0466> (last accessed 2/26/2019)

² See DC School Report Card, McKinley Technology High School at <https://dcschoolreportcard.org/schools/1-0458> (last accessed 2/26/2019)



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This school year I represented two rising seniors attending one of these high schools for all three years. One student and his mother received an “un-invite” letter just one month before school started saying that because he did not meet their required GPA he could not return and had to enroll in his neighborhood school. This led to the student expressing suicidal ideations for the first time and his mother connected him with crisis mental health supports. The student told his mother that he would drop out if he had to go to his neighborhood school.

I represented another student at the same selective high school, a distinguished athlete reading several grade levels behind who had failed classes each school year, was invited back each year but DCPS had denied his and his mother’s requests for special education services for years. It took legal intervention and years of parental advocacy for this school to permit these two students to stay and finally identify these students’ learning disabilities and their eligibility to receive specialized instruction, services and testing accommodations. While teachers and parents have reported improvements in their attendance, participation and grades, both students are still in jeopardy of not graduating on time with their class. At the IEP meetings I discovered that this school really had no existing infrastructure for special education or much experience writing IEPs. There really is no remedy which can compensate for the missed services these students endured and sacrificed to remain at the “high-rated” school where they could access AP services and the graduation rate was more than double that of their neighborhood schools.

DCPS needs to hold all of their schools accountable for complying with special education laws. This will not only help the students remain at their chosen school and achieve more, it will also help equalize the playing field and alleviate the DCPS schools with disproportionately high numbers of at-risk students and insufficient funding and resources to serve them. When selective schools “un-invite” students from their schools, they disrupt their path to graduation and increase their risk of dropping out. For example, Ballou High School, which received a one-star rating, [reported](#)³ that out of 1024 students, nearly one-third (26%) had special education needs. This imbalance and inequity in DCPS’s schools must end in order to reduce gaps in student achievement and increase the number of high school graduates.

(2) It is critical that the Council support full funding of SFASA so that DCPS can fully invest in evidence-based restorative practices and transition to an evidence-based approach that addresses the root problems of bullying and fighting between students.

³ See DC School Report Card, Ballou High School <https://dcschoolreportcard.org/schools/1-0452/profile> (last accessed 2/26/2019)



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To truly transition to a more evidence-based restorative approach to student behavior, it is not enough to curb the knee-jerk reaction to kick kids out of schools. Although DCPS has greatly reduced the number of students suspended, racial disparities in suspensions and school-based arrests persist. In DCPS, black students are [15 times more likely to be disciplined](#) than white students.⁴

Young people need for teachers and school staff to address the reasons behind their behaviors to resolve them just like DCPS needs to address the root problems of bullying and fighting in order to resolve them. DCPS should follow the lead of Karl Racine’s Office of the Attorney General, and the overall direction DC is heading in with regards to how we respond to crime generally. Moving away from the punitive mass incarceration model, we must move towards evidence-based rehabilitative and restorative programs that invest in people and actually get to the root of the behaviors. Research has shown that the implementation of restorative practices can help schools reduce racial inequity in discipline.

Parents have told me this year that massive group fights involving students and members of the public frequently erupt at DCPS high school basketball and football games. This is so common that some schools have tried restricting public access to the games or even cancelled games and people have been injured as well as arrested. I hear all the time about long-standing “neighborhood beefs” underlying student fights and reports of students being jumped on their way to and from school.

As the city’s largest school district, DCPS has a responsibility and opportunity to address student conflicts which exist within and between their schools. AJE recommends that DCPS work invest in restorative practices and work together with the Office of Attorney General (OAG) to help heal long-standing neighborhood beefs that will never be resolved by merely breaking fights up one at a time, move on and allow the underlying problems to fester and grow. DCPS could lead by example and hold restorative conversations between principals, athletic directors and sports teams to reduce fights related to school rivalries.

IN CONCLUSION: DCPS needs to readjust their framework of rating schools and ensures that all DCPS students with disabilities receive the protections they are entitled to by law. The DC Council can help by ensuring that special education programs and SFASA are fully funded so that DCPS can work together with OAG’s progression towards a more evidence-based restorative approach to reducing crime and improving students’ educational outcomes.

⁴ Abamu, Jenny. “Does the Local School Experience Differ Depending On A Student’s Race? Here’s the Data.” DCist (Oct. 19, 2018) <https://dcist.com/story/18/10/19/post-114/>