



Advocates for Justice and Education, Inc.

The Parent Training and Information Center for the District of Columbia

June 2, 2011

Testimony of Susan D. Inman Staff Attorney, Advocates for Justice and Education, Inc.

Before the Council of the District of Columbia
Committee of the Whole
Kwame Brown, Chair

Re: B19-0211, The □South Capitol Street Tragedy Memorial Act of 2011□

Good morning, my name is Susan Inman and I am a staff attorney at Advocates for Justice and Education, Inc. The mission of Advocates for Justice and Education is to educate parents, youth and the community about the laws governing public education, particularly relating to children with special needs. We also provide direct services to parents and students in special education and school discipline cases.

We commend the Council for recognizing the need to improve behavioral health screening mechanisms and supports for students in the District of Columbia. While there are strengths in the proposed legislation, we have some concerns, including regarding reporting requirements that may infringe on privacy rights. However our testimony today will be focused on some ways to ensure that the proposed legislation is consistent and compatible with the Individuals with Disabilities Education Act.

Under the current system, behavioral concerns in District of Columbia Public Schools (DCPS) are sometimes addressed through the Student Support Team (SST) process. However we have seen a significant disconnect, where behaviors being addressed in the SST process that also warrant a referral to special education are not receiving that referral because the SST process and special education process are being operated and implemented by two separate offices and sets of staff. To prevent a similar disconnect between the behavioral health referral system developed in the proposed legislation and the special education process outlined under the Individuals with Disabilities Education Act, we recommend that more deliberate language be added to Title III to link these systems. For example, wherever references are made under Sections 301 and 302 to referrals to “appropriate” programs, personnel and supports, those programs, personnel and supports should explicitly include special education.

Further, it is undisputed that parental involvement is crucial to ensuring a student’s active and productive participation in school. Therefore, parents should be actively engaged in truancy intervention strategies, including the truancy conference, and the

proposed legislation should explicitly require schools to make documented efforts to ensure parental participation, as is required under the Individuals with Disabilities Education Act. Where truancy is a symptom of an underlying disability, whether identified or unidentified, the rigid deadlines set forth in Section 401 will not allow the school or parent the time or flexibility to address truancy by (a) referring the unidentified student for special education evaluations to determine eligibility, or (b) revising the identified student’s Individualized Education Program (IEP), 504 Plan or Behavioral Intervention Plan (BIP) where

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necessary. Section 401(b)(1) requires a truancy conference to be held after a student's fifth unexcused absence, but does not allow for the time it would take to convene such a conference in order to accommodate multiple schedules and implement strategies developed in that conference, before the requirement to call Court Social Services and the Attorney General is triggered by only a few additional absences. We agree that truancy conferences should be scheduled promptly, but no referrals to outside parties should take place until after truancy conferences including parents are held and initiatives arising out of those conferences have had time to be properly implemented. In addition, truancy conferences held for students covered under federal disability rights laws must also include any other team members required by those laws.

In closing, we commend the authors of this legislation for recognizing that behavioral health and truancy are inherently linked and we urge the Council to give serious consideration to the recommendations we have made today to review and revise the legislation to ensure that it is compatible and consistent with obligations and procedural protections under the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act. We hope that by addressing behavioral health and truancy together as a whole, the proposed legislation will serve to keep students safe and supported in our schools. Thank you.