



Understanding the Population of Court-Involved Students with Disabilities in the District of Columbia

Final Report, October 2019

Created by Development Solutions Organization (DSO)
For School Justice Project (SJP)

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1.0 EXECUTIVE SUMMARY

In the District of Columbia (D.C.), court-involved students experience challenges enrolling in school, obtaining transferable credit, and receiving special education and related services. D.C.'s justice systems' responsibilities are split between local D.C. agencies and the federal government, resulting in a fragmented system with lack of cohesion between stakeholders and agencies. From October 2018 - October 2019 Development Solutions Organization (DSO), a non-profit consultancy, worked with School Justice Project (SJP) and the Public Defender Service for the District of Columbia to identify key questions to understand the scope of the issues that students with disabilities in D.C.'s justice systems face. DSO's data findings highlight the lack of data being captured and shared by the various stakeholders to understand the scope of these issues.

In order to compile information regarding the various agencies and stakeholders involved, DSO compiled a data Findings Table. The Findings Table displays aggregate topline statistics around the key questions that DSO and SJP identified together, questions that would further clarify the size and scope of the current problems facing court-involved students. The questions specifically explore statistics around students with disabilities, students with Individualized Education Programs (IEPs), and legal representation. The Findings Table provides a breakdown of these categories by age range and the aggregate number of students, with data extracted from multiple institutions.

During the extensive research and analysis process, it became evident that there are gaps in the available data due to the lack of access to both aggregate and individual student-level data. The lack of publicly available information is especially notable for certain statistics, such as the number of students with IEPs or who previously had an IEP. Moreover, the students recorded in these statistics are highly mobile, frequently moving in and out of the justice system, foster care, and schools. For all these reasons, it was a relatively challenging process to find all the necessary data to answer the key questions. For dual-jacketed students who are involved in several agencies while in the justice system, DSO recommends a comparative and bottom-up approach that would entail contacting agencies that are willing to share individual student -level data, identifying points of contact, compiling lists of students, and passing along the lists to other organizations through Memorandum of Agreements (MOAs). The details of the table and recommended best practices can be found in section 7.3 of this report.

In addition to the Findings Table, DSO also looked into the key questions of credit transfer and special education representation. Regarding credit transfer policies, DSO conducted research on case studies of credit transfer and partial credit policies in 11 states. Through studying the policy landscape in each individual state, DSO was able to gather key issues that match with D.C.'s pain points regarding credit transfer and recommend best practices to mitigate existing problems. Specifically, the states of Maine, Oregon, and California are highlighted. The Texas Blueprint Committee on education is also studied as an exemplary case for sustainable cross-organization collaboration that encourages accountability.

Through the research process, it is evident that there are still more questions to be answered and statistics to be explored. In the final section of this report, DSO compiled next steps and additional questions will be useful to the standing coordinating committee, which will be created by the recent Students in the Care of DC Coordinating Committee Act of 2018.¹ Next steps encompass additional data requests to agencies, alternative data extraction pathways, and more subjects of relevance to the key questions mentioned above. These next steps will hopefully provide a launchpad into continued research and exploration in order to improve the education experience for D.C.'s court-involved students. To review our Executive Summary deck presented to the Juvenile Justice Subcommittee on 9/25/19, click [here](#). To obtain more information about the report, please contact SJP's Executive Director, Claire Blumenson at info@sjpdc.org.

¹ [Students in the Care of D.C. Coordinating Committee Act of 2018.](#)

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2.0 PURPOSE OF PROJECT

Young people (especially youth with identified special education needs) who are detained, committed, incarcerated or placed in the care of the government experience many disruptions to education, which makes it difficult for them to achieve their educational goals. In D.C., students under the care of the government through DYRS or CFSA are often placed outside of D.C., or attend multiple schools within D.C., and experience challenges enrolling in school, obtaining transferable credit, and receiving special education and related services. Similarly, students in the custody of the D.C. Department of Corrections (DOC) and the Federal Bureau of Prisons (BOP) experience significant disruptions to their education and experience challenges to stable schooling and receipt of appropriate special education services.²

In D.C., there are a number of groups working to ensure these students within D.C.'s justice systems are well served. Public Defender Service for the District of Columbia is a model defender organization that seeks to "provide and promote quality legal representation to indigent adults and children facing a loss of liberty in the District of Columbia." On the education side, School Justice Project (SJP) uses special education law to ensure that older, court-involved students with disabilities can access a quality education. DSO's partner from SJP is the co-chair of the D.C. Superior Court's Juvenile Justice Subcommittee of the Court Education Work Group and was a member of the Students in the Care of the District of Columbia Working Group (convened by Councilmember David Grosso), and DSO's partner from PDS is a member of both groups. These groups are focused on improving education for court-involved students via cross-collaboration and coordination among a variety of agencies.

The Students in the Care of D.C. Working Group introduced several policy and legislative recommendations listed in the Students in the Care of D.C. Working Group Recommendations (2018 Report) that aim to improve educational opportunities and student achievement of court-involved students. One of the legislative recommendations to establish a Standing Coordinating Committee is moving forward and will be in place in 2020. As stated in the 2018 Report, the purpose of the permanent Standing Coordinating Committee is to allow agencies, local education agencies, attorneys, advocates, and former students to continue to identify challenges and resolve issues that students in the care of D.C. face in order to improve educational opportunities and student achievement.

From October 2018 to October 2019, DSO assisted SJP and the D.C. Superior Court's Juvenile Justice Subcommittee of the Court Education Work Group by conducting additional research to bolster the initial findings in the Students in the Care of D.C. 2018 Report and outline substantive issues related to credit transfer and special education representation.

DSO worked closely with Nakisha Winston, Staff Attorney, PDS, and the following SJP members: Claire Blumenson, Executive Director and Co-Founder; Sarah Comeau, Director of Programs and Co-Founder; and Tayo Belle, Senior Staff Attorney.

² [Students in the Care of the District of Columbia Working Group Recommendations, 2018.](#)

3.0 KEY QUESTIONS

According to the 2018 Report, there is insufficient data in understanding the scope of the issue that students with disabilities in the justice systems face.³ Highly mobile students who frequently weave in and out of the juvenile and criminal justice system, foster care, and schools often do not have a single point of contact resulting in agencies' inability to understand student needs and identify support. DSO, in collaboration with SJP, developed key questions that identify the size and scope of the education issues that court-involved students face and identify best practices on obtaining transferable credit.

1. How many court-involved⁴ students are between the ages of 18-22?
 - a. Of this population, how many have disabilities⁵?
 - i. How many of these youth have IEPs⁶?
 - ii. How many of these youth are receiving special education services and by whom?
2. How many court-involved students are under the age of 18?
 - a. Of this population, how many have disabilities?
 - i. How many of these youth have IEPs?
 - ii. How many of these youth are receiving special education services and by whom?
3. By status (pre-trial, etc.), how many students are seen by the court who are between the ages of 18-22 and those under the age of 18? (compare to question #1 and #2 populations)
 - a. Of youth under 18, how many have parents with special ed attorneys?
 - i. How many have special education legal representation?
 - ii. How many would be eligible for special education legal representation (have special education needs and have not graduated with a high school diploma)?
 - b. Of youth over 18, how many have special ed attorneys under each status?
 - i. How many have special education legal representation?
 - ii. How many would be eligible for special education legal representation (have special education needs and have not graduated with a high school diploma)?
4. What are the key substantive issues related to awarding credits to incarcerated youth in the D.C. court system? How do other jurisdictions address the problem of students obtaining transferable credit?
5. What other data points should the Standing Coordinating Committee collect based on gaps in DSO's research effort?

Breakdown of Key Questions 1 and 2 by Institution and Placement Location

- *Court Social Services (CSSD)*: Community (Pre and Post Adjudication); Non-Community (Youth Services Center (YSC), shelter home, residential treatment center (RTC), Out of State); Diversion (Alternatives to the Court Experience (ACE), Treatment Facility, etc.)
- *Department of Youth Rehabilitation Services (DYRS)*: YSC; Community (family home, group home, foster care, independent living, RTC, reunification home/shelter house); Out of State (group home, RTC, psychiatric residential treatment facility (PRTF), therapeutic foster home); New Beginnings

³ [Students in the Care of the District of Columbia Working Group Recommendations, 2018.](#)

⁴ This is a topline number captured at a specific point in time. Includes anyone who has had contact with the courts, those under court supervision, and those in secure facilities.

⁵ Includes students who have been identified for an IEP and those who have not been identified for one.

⁶ Includes both those who have been identified with a current IEP and those who have had an IEP.

- *Pretrial Services Agency (PSA)*
- *Department of Corrections (DOC):* Correctional Treatment Facility (CTF); Central Detention Facility (CDF); Halfway Houses (HWH)
- *Court Services and Offender Supervision Agency (CSOSA)*
- *Bureau of Prisons (BOP)*
- *Multi-system Involvement / “Dual-Jacketed” Children*
- *D.C. Public Schools and Charter Schools*

4.0 SCOPE OF WORK AND APPROACH

DSO and SJP worked together to confirm the scope of work related to key questions 1 through 5. DSO also took a multi-faceted approach to answer all key questions as defined by their scope:

- Comprehensive analysis of key questions 1 and 2
 - DSO reviewed publicly available data and reports, gathered data, identified data gaps, identified key stakeholders, conducted multiple informational interviews with identified stakeholders, and submitted and interpreted data requests.
- Recommendation of approach and baseline findings for key question 3
 - DSO developed an approach to answer key question 3 and reviewed publicly available data and reports to develop baseline findings.
- Baseline analysis of key question 4
 - DSO reviewed publicly available reports, identified key stakeholders, and conducted multiple informational interviews with identified stakeholders.
- Recommendations for key question 5
 - Based on the research findings, DSO compiled a list of data points and questions that the Standing Coordinating Committee should consider. Many of the recommendations focus on conducting additional in-depth research and submitting data requests and/or FOIAs.

5.0 BACKGROUND

The Juvenile Justice Exception

The Family Education Rights and Privacy Act (FERPA) ensures that until a student is 18, his or her parents control the release of their child's educational records. However, the "juvenile justice exception" allows juvenile justice personnel to acquire a student's educational information if he or she is involved in the juvenile justice system without parental consent under the following conditions:

1. The child has not yet been adjudicated delinquent under state law;
2. A state law specifically authorizes the disclosure;
3. The disclosure is to a state or local juvenile justice system agency "officials";
4. The disclosure relates to the juvenile justice system's ability to "effectively serve" a student prior to adjudication; and
5. State or local officials certify in writing that the institution or individual receiving the information has agreed not to disclose it to a third party outside the juvenile justice agency

In addition to FERPA, Special education students are also protected under the Individuals with Disabilities Education Improvement Act (IDEA). IDEA comprises of any documentation utilized to help create an individualized education plan for a student in the educational record if that information is maintained by an employee of the school, which would include evaluations conducted by a school psychologist. However, an evaluation conducted by a private entity is not considered part of the educational record unless provided to the school by the parents. The "juvenile justice exception" applies under IDEA.⁷

The D.C. Juvenile Justice System

D.C.'s juvenile justice system's responsibilities are split between local D.C. agencies, who report to the Mayor and the D.C. Council, and the D.C. Superior Court, which reports to the federal government. The local agencies include the Metropolitan Police Department, the Office of the Attorney General, Court Social Services Division, and the Department of Youth Rehabilitation Services. The split of responsibilities between the federal and local governments poses key challenges to the system: agencies have limited or no control over some important decisions despite their involvement in other phases of the system; the system is not fully accountable to District residents due to the federal control over some phases; despite the decisions of either party affecting the other, there is a split budget funding the process; furthermore, there is a lack of a cohesive data system to track youth in the system from their entry to exit from the system (Figure 3).

⁷ Information Sharing Toolkit: <http://www.infosharetoolkit.org/>.

Figure 3. Summary of D.C. Juvenile Justice System Cost Responsibilities

Phase	Local	Federal
Arrest	X	
Intake		X
Overnight Detention	X	
Petitioning	X	
Initial Hearing		X
Pretrial Supervision		X
Pretrial Detention	X	X
Adjudication & Disposition		X
Probation		X
Commitment	X	
Probation Revocation	X	X

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Data Sharing Challenges

There are three data sharing categories that Models for Change identifies in a framework developed to assist stakeholders in identifying the various issues and challenges that pertain to each category. The categories are:

1. Information sharing for the purposes of individual case planning and decision making
2. Data collection and sharing for the purposes of law, policy, and program development
3. And data collection and sharing for the purposes of program evaluation and performance measurement

However, due to the fragmented nature of the juvenile justice system in D.C., data collection and sharing for the purposes of law, policy, and program development and for the purposes of program evaluation and performance measurement are particularly complicated by the reliance on data provided by the agencies - whereas the information shared for the purposes of individual case planning and decision making is personal data pertaining to individuals. Since the federal and local agencies share responsibilities, each collects its own data on the various stages of the process and there is no established means of data sharing between the two, thus complicating data collection by third party stakeholders.

⁸ D.C. Lawyers for Youth Budget Brief, April 2013 p. 4.

6.0 OSSE OVERVIEW AND FINDINGS

The Office of the State Superintendent of Education (OSSE) is responsible for collecting and aggregating data on students enrolled in District of Columbia Public Schools (DCPS) and public charter schools. According to the data in the 2018-2019 School Year Audit and Verification⁹, which determines the total number of students who are D.C. residents at a school and provides funding based on demographics, 93,016 students were validly enrolled in 2018. This number includes students who are D.C. residents in non-public placements or attending surrounding county schools. Non-public placement occurs when District residents with disabilities require services not otherwise available in District public schools.

OSSE has an MOA with D.C.'s DYRS and DCPS which is designed to improve educational outcomes for children committed to the youth corrections system by minimizing disruption during times of transition and facilitating coordination of services between the agencies.¹⁰

OSSE's Statewide Longitudinal Education Data (SLED) system is a data warehouse that serves as a data repository that consists of updated education data widely used by LEAs and other stakeholders.¹¹ SLED is the primary means by which information is exchanged with other agencies and captures an exhaustive source of data for students. This data includes student enrollment and attendance data, early access to students with disabilities (SWD) data which provides information to LEAs on prospective students with disabilities who have signified a desire to attend the LEA the next school year, LEA and report card data, disengaged youth data, GED data, adjusted cohort graduation rate data, amongst others. A SLED module is used by DYRS to assist with identifying the enrollment of their adjudicated students for OSSE's data warehouse. Additionally OSSE has partnerships with the Department of Human Services and the Department of Health. A number of overhaul and enhancement projects regarding this partnership have kicked off, including but not limited to data standardization and automation of federal reporting. The extent to which OSSE captures data demonstrates that data sharing may be possible among multiple agencies. .

According to this data, in FY18, a total of 13,309 students had IEPs, of which 12,947 are aged 18 and under and 362 are aged 19-21. Of the 13,309 students with IEPs, the break down of LEAs is as follows: 7,259 are enrolled in DCPS, 5,921 are enrolled in other public charter schools, 113 are enrolled in other schools, and 16 are enrolled in DYRS. Although there was no language in the 2018 OSSE Oversight Documents that clarified what "students enrolled in DYRS" means, the DCPS/DYRS/OSSE Memorandum of Agreement indicates that DYRS is the agency responsible for providing special education to DYRS-committed students at Maya Angelou Academy at New Beginnings Youth Development Center or to students in Awaiting Placement Status.¹²

OSSE is also currently supporting LEAs by following the changes required in the Enhanced Special Education Services Act of 2014. Required changes include eligibility expansion, initial evaluation, and secondary transition.¹³

Finally, OSSE is continuing its efforts to re-engage court-involved youth through the Re-Engagement Center: in FY18, the Re-Engagement Center successfully reconnected 251 youth to an education program, conducted 306 full intakes which include a full intake interview that identifies barriers to enrollment and retention, a staff review of clients' past academic history, and student completion of the

⁹ OSSE 2018-19 School Year Annual Enrollment Audit Report Supplemental Tables.

¹⁰ OSSE FFY 2017 Annual Performance Plan, p. 3.

¹¹ Responses to OSSE FY18 Performance Oversight Questions p. 41.

¹² MOA Between OSSE, DYRS, and DCPS Related to the Educational Services for Youth Committed to DYRS (2017).

¹³ Responses to OSSE FY18 Performance Oversight Questions p. 133.

eCASAS assessment to determine literacy and numeracy levels, and 351 short intakes.¹⁴ In FY17, 21% of the youth in the Re-Engagement center reported having a criminal justice barrier. The top referral sources in FY17 are Canvassing/Street Outreach (20%), Friend/Family (16%), Unknown (11%), Columbia Heights Intakes (7%), Department of Employment Services (5%), and Employer/School (3%).¹⁵

The impact of these efforts were measured between FY17Q4 through FY18Q4, with the following results:

¹⁶

Figure 4. D.C.ReEngagement Center Weighted Stick Rates

DC ReEngagement Center Weighted Stick Rates (FY17Q4 through FY18Q4)

	6 Months	12 Months
Active ⁹ and Inactive ¹⁰ Clients	56.60%	31.83%
Active Clients Only	60.33%	35.66%

Where Stick Rates describe the percentage of youth who were still enrolled or had earned a credential 6 and 12 months after enrolling for the first time since coming to the Re-Engagement Center, “active clients” refer to those who have a successful check in with their assigned ReEngagement Center Specialist at least once per month, and “inactive clients” are those who: have invalid contact information, have refused services, have not made successful contact with their assigned Re-Engagement Center Specialist in 90 days, have moved out of state, are incarcerated, deceased, or have earned a secondary credential.¹⁷

¹⁴ Responses to OSSE FY18 Performance Oversight Questions p. 176.

¹⁵ FY17Q4 DC Re-Engagement Center Report.

¹⁶ Responses to OSSE FY18 Performance Oversight Questions p. 177.

¹⁷ Responses to OSSE FY18 Performance Oversight Questions p. 177.

7.0 DATA FINDINGS (KEY QUESTIONS 1 AND 2)

Based on the scope of work and approach described in section 4.0, DSO was able to determine topline aggregate numbers of court-involved students 22 years and under across multiple agencies and placement locations. However, DSO was not able to provide more specific data across all of the identified agencies and placement locations such as the breakdown of youth between 18 to 22 years of age and those under 18 years, the number of students with disabilities, the number of students with IEPs, the number of youth receiving special education services, and the agencies/institutions providing special education. DSO was also not able to provide numbers on “dual-jacketed” students, and instead proposes an approach to identifying these students in section 7.5. For detailed numbers, please view the [Findings Table](#).

Due to the various challenges of gathering data on court-involved students with disabilities as described in section 5.0, several gaps exist in the data summarized below. Section 7.5 details the data gaps that DSO identified.

Total Number of Students enrolled in a D.C.Schools and Students with IEPs

According to this data, in FY18, a total of 13,309 students had IEPs, of which 12,947 are aged 18 and under and 362 are aged 19-21. Of the 13,309 students with IEPs, the break down of LEAs is as follows: 7,259 are enrolled in DCPS, 5,921 are enrolled in other public charter schools, 113 are enrolled in other schools, and 16 are enrolled in DYRS. Although there was no language in the 2018 OSSE Oversight Documents that clarified what "students enrolled in DYRS" means, the DCPS/DYRS/OSSE Memorandum of Agreement indicates that DYRS is the agency responsible for providing special education to DYRS-committed students at Maya Angelou Academy at New Beginnings Youth Development Center or to students in Awaiting Placement Status.¹⁸

Topline Numbers of Court-Involved Students by Agency and Placement Location

The CSSD is D.C.'s juvenile probation agency and is responsible for serving and supervising juveniles involved in the “front-end” of the District’s juvenile justice system. Currently, this agency has an average of 1,600 juveniles under its supervision and represents approximately 70-75% of all youth involved in D.C.’s juvenile justice system.^{19,20} In 2018, the agency screened 2,215 newly arrested youth utilizing a valid Risk Assessment Instrument, and 861 cases were petitioned. Publicly available data was not readily available to identify court-involved students in the community (pre and post adjudication) and not in the community (YSC, Shelter Homes, RTC, and out of state). In FY18, a total of 520 youth were referred to the ACE program.²¹

The CSOSA is a federal agency with the distinctly local mission of supervising adults on probation, parole, and supervised release in D.C. PSA is responsible for supervising pretrial defendants and is an independent entity within CSOSA. In FY18, 2,989 individuals or 19 percent of CSOSA’s total supervised population was aged 25 and under (out of a total supervised population of 15,734). In FY18, the Pretrial Services Agency (PSA) supervised over 17,000 defendants, and had oversight of an average of 4,232 individuals on any given day.²² As of FY16, 5.7% of the total defendants were under the age of 21.²³

The DOC is a correctional agency responsible for the adult jails and other correctional institutions in D.C. In FY17, the number of distinct persons was 1,384, in FY18, the number of distinct persons increased to

¹⁸ MOA Between OSSE, DYRS, and DCPS Related to the Educational Services for Youth Committed to DYRS (2017).

¹⁹ D.C. Courts Juvenile Matters Website.

²⁰ 2018 Family Court Annual Report, March 31, 2019.

²¹ Data provided by Dave Rosenthal, August 15, 2019.

²² CSOSA FY 2020 Budget Request.

²³ PSA Defendant Demographics: <https://www.psa.gov/?q=node/545>.

1,140, and in FY19, the number of distinct persons was 1,008.²⁴ Between 305 to 324 adults were housed at the CTF; between 1,261 and 1,289 adults were housed at the CDF; and the average daily population of inmates at halfway houses was 34.²⁵ As of October 1, 2018, DOC does not house any persons under 18 years of age due to D.C. Law 21-238, the Comprehensive Youth Justice Amendment Act of 2016²⁶, which states that all persons under 18 years of age who are in the custody of the DOC shall be transferred to the custody of DYRS before October 1, 2018.

The BOP is the agency responsible for the custody, control, and care of individuals incarcerated in the federal prison system of the United States. According to a CSOSA Report, as of September 2018 there were 4,126 D.C.inmates housed in facilities managed by or under contract with BOP.

DYRS is responsible for the supervision, custody, and care of young people charged with a delinquent act in D.C. in one of the following circumstances: (1) detained in a DYRS facility while awaiting adjudication or (2) committed to DYRS by a D.C. Family Court judge following adjudication. In FY18, DYRS served 1,648 total youth.²⁷ The Youth Services Center served a total of 1,452 youth with a daily population of 43.1 youth and New Beginnings served 117 unique youth (in FY19, this number decreased to 27 unique youth). In FY17, 266 youth were placed in non-secure community placements in D.C. while 106 youth were placed in non-secure community placements outside of D.C. FY19 numbers take into account youth transferred from the Department of Corrections based on the Comprehensive Youth Justice Amendment Act of 2016.²⁸ In FY17, 46 unique youth were placed in Out of State Group Homes; 12 unique youth were placed in a RTC; and 39 unique youth were placed in a PRTF.²⁹

Based on data provided by DYRS, the total unique number of committed youth who had an IEP at any point during each of the last three fiscal years has hovered between 114 to 135, which is approximately 50% of DYRS’s committed population eligible to be in school (Figure 5). The total unique number of committed youth with school enrollments broken out by school type for each fiscal year was also provided. Because many youth had more than one school enrollment in each year, they may be counted in multiple school type categories for the same year (Figure 6).

Figure 5. Unique Youth with IEPs who are committed to DYRS for long-term care

	Youth with IEP in year	Youth with school enrollment in year	% of committed youth in school that have an IEP (at any point in the year)
FY17	114	234	49%
FY18	128	261	49%
FY19YTD (August 2019)	135	253	53%

²⁴ Data provided by Reena Chakraborty, Department of Corrections, August 23, 2019.

²⁵ May 4-May 10, 2019 DOC Inmate Count.

²⁶ D.C. Law 21-238, the Comprehensive Youth Justice Amendment Act of 2016.

²⁷ DYRS 2018 Annual Report.

²⁸ MOA Between OSSE, DYRS, and DCPS Related to the Educational Services for Youth Committed to DYRS (2017).

²⁹ DYRS Placement and Monitoring 2, FY19 Performance Oversight Hearing Prehearing Questions and Answers

Figure 6. Total Unique Number of Committed Youth with School Enrollments

Fiscal Year	Unique Youth Enrollments
FY19 - Current	253
Alternative Education Program	10
Alternative School	100
Charter School	1
College	3
GED School	13
Private School	1
Regular School	183
Residential School	2
SSD School	4
Trade School	1
Vocational Tech	4
FY18	261
Alternative Classroom	3
Alternative Education Program	13
Alternative School	55
Charter School	5
College	2
Contract School	1
GED School	17
Military School / Boot Camp	1
Private School	2
Regular School	193
Residential School	11
Separate Alternative Learning Center	1
SSD School	6
Technical School	1
Trade School	1
Vocational Tech	3
FY17	234
Alternative Classroom	6
Alternative Education Program	6
Alternative School	26
Charter School	6
College	6
Dropout Intervention/Prevention	1
GED School	14
Military School / Boot Camp	1
Other	1
Private School	4
Regular School	161
Residential School	18
SSD School	7
Technical School	1
Trade School	1
Vocational Tech	2

Agencies/institutions Providing Special Education Services (Provider and Educator)

- CSOSA partners with the D.C. government, local faith-based and non-profit organizations to provide critical social services to the offender population.
- DCPS is responsible for the development and provision of educational services to pretrial detainees and/or sentenced inmates at DOC facilities.
- For New Beginnings, DYRS is the public agency responsible for special education; Maya Angelou Academy is the school that directly provides the education.
- For Out of State Group Homes, RTC, PRTF, Therapeutic Foster Homes, DCPS is the local education agency responsible for special education, but local schools or facilities usually provide education.
- For DYRS, DCPS is both the provider and the school.
- For all other agencies and placement locations, the Provider and Educator at these entities were not found.

7.1 DATA REQUESTS SUBMITTED TO OBTAIN ADDITIONAL INFORMATION

On September 4, 2019, DSO completed the [Data Request Form A Public](#) and submitted it to the Strategic Management Division of the D.C. Superior Court. Currently, the data request is pending review by the Strategic Management Division. Previously on May 13, 2019, DSO completed and submitted the first data request to the Strategic Management Division and received a response explaining that the D.C. courts do not routinely collection information that DSO requested.

On May 11, 2019, DSO completed the [OSSE Data Request Form](#) and submitted it to OSSE. OSSE provided a response that based on their internal review, OSSE does not collect the data that DSO requested. OSSE recommended contacting the Criminal Justice Coordinating Council (CJCC) for their biennial survey and report regarding the root causes of youth involvement in the justice system. As a next step, DSO recommends re-submitting a more detailed data request to OSSE - see more details in section 7.5.

7.2 MEMORANDUM OF AGREEMENT (MOA) COMPILATION

Currently, MOAs are in place between agencies as a way to enhance accountability. In order to improve outcomes in education, OSSE and DCPS have entered into MOAs with DYRS, DOC, and CFSA. When agencies enter into a MOA, each agency receives a list of duties agreed upon by all stakeholders in the MOA. For example, the 2017 MOA between DOC, OSSE, and DCPS ensures required educational services are provided to eligible pretrial detainees and sentenced individuals, which each agency contributing specific services. However, some believe that MOAs have no “teeth” to properly enforce accountability, thus it is important for agencies to further provide reporting on the implementation of MOAs.

Links to Existing MOAs:

1. [MOA Between OSSE, CFSA, DCPS Related to the Provision of Specialized Educational Services for Children and Youth in Care and Custody of CFSA \(2017\).](#)
2. [MOA Between OSSE, DOC, and DCPS Related to the Educational Services for Pretrial Detainees and Sentenced Inmates Incarcerated at DOC Detention Facilities \(2017\).](#)
3. [MOA Between OSSE, DYRS, and DCPS Related to the Educational Services for Youth Committed to DYRS \(2017\).](#)

7.3 RECOMMENDED APPROACH AND BASELINE FINDINGS FOR SPECIAL EDUCATION REPRESENTATION (KEY QUESTION 3)

Figure 7 details our approach to answering question 3. Additional baseline research on special education representation is detailed below.

Figure 7. Recommended Approach for Question 3

Question 3 Approach: Juvenile System		Under 18		18-22	
		# with special ed representation	# eligible for special ed representation	# with special ed representation	# eligible for special ed representation
Pre-Adjudication (Juvenile)	Community Release				
	Detention Alternative				
	YSC Secure Detention				
Adjudication and Disposition (Juvenile)	Commitment to DYRS				
	Probation				

Background on Special Education Representation and Special Education Attorney (SEA) Panels

Students with disabilities represent a large portion of students in correctional facilities and in the justice systems, and it appears that not all students with disabilities are receiving the special education and related services to which they are entitled.³⁰ Although prevalence rates vary widely, some researchers estimate that greater than 75 percent of the juvenile-justice population has disabilities. In D.C., over 80% of DYRS-committed youth have special education needs and over 90% of the DYRS-committed population is diagnosed with either an Axis 1 or Axis 2 diagnosis.³¹

On July 18, 2018, Councilmember David Grosso’s office released a [Report and Recommendations from the Education for Students in Care of D.C. Working Group](#). The report proposes three legislative recommendations and 40 policy recommendations to improve education access and outcomes for court-involved students to create an interagency commission on education for court-involved youth

³⁰ Dear Colleague Letter United States Department of Education Office of Special Education and Rehabilitation services, U.S. Department Of Education

³¹ Council of the District of Columbia Committee on the Judiciary Performance Oversight Hearing Pre-Hearing Questions and Answers, Tracking Youth Success 1, 2G, 2h, 3, 4, 5, 7, 8.

addressing the credits issue and ensuring access to free special education lawyers for students ages 18-22 by expanding the use of court-appointed special education lawyers.³²

Older court-involved students with special education needs do not traditionally have access to special education legal counsel. Unlike in Family Court, Criminal Division judges do not appoint special education attorneys to defendants.³³ Indigent youth with disabilities who are charged in adult court do not have access to special education attorneys, even though, just as in delinquency proceedings, their disabilities can often be tied to the charged offense, and even though, just as in delinquency proceedings, a thorough understanding of their disabilities could aid a judge in determining which programs, treatments, and placements are most appropriate for them.³⁴

Though an adult student aged 18-21 may still have hearings in Family Court, an adult student will not be brought into family court for a new criminal case. Once a student reaches the age of majority (18 years old), that student will rarely, if ever, be before a Family Court judge, as future arrests and court contacts will be in the adult system. Thus, the current practice of only appointing special education attorneys in Family Court leaves an entire population of indigent youth unable to access special education attorneys and enforce their rights.³⁵

Given that special education attorneys are officers of the Court, serve as their client’s counselor and zealous advocate and render effective, quality representation – older court involved- youth ages 18-22 with special education needs should also receive appointed SEA attorneys.³⁶

Rights of Youth with Special Education Needs

To implement the Criminal Justice Act (CJA), D.C. Code § 11-2601 et seq. (2001), and realize its purpose of providing equal protection of the laws to people who cannot afford necessary legal services, the Superior Court of the District of Columbia (“Superior Court”) created panels through which indigent people may access different forms of representation, amongst which was the Special Education Attorney (SEA) Panel.

The necessity of special education representation for youth who are accused of delinquency is further illustrated by the practice standards for the SEA Panel, which are promulgated by the Family Court Implementation Committee of Superior Court. The practice standards recognize that special education attorneys can be part of a juvenile’s adequate defense by aiding the court at disposition and may be appointed to address educational issues that cannot be effectively addressed by a guardian ad litem or a criminal defense attorney in child abuse and neglect proceedings, juvenile delinquency proceedings and persons in need of supervision proceedings (PINS).³⁷

Special Education Legal Representation in D.C.

The main areas of legislation around special education include:

- *Special Education Rights for Youth Defendants Amendment Act of 2019, Bill B23-0039 (Jan. 8, 2019);*
- *Criminal Justice Act, D.C. Code Ann. §§ 11-2601 et seq. (2001);*

³² Additional information available at:

<http://www.sjpd.org/news/2018/10/17/councilmember-grosso-introduces-legislation-to-protect-the-education-rights-of-older-court-involved-students-with-disabilities-nbsp>

³³ There is legislation pending to establish a panel of special education attorneys available for appointment in adult criminal proceedings. See Special Education Rights for Youth Defendants Amendment Act of 2019, Bill No. 23-0039.

³⁴ Court-Appointed Special Education Attorneys Memo provided by SJP, 2016.

³⁵ Court-Appointed Special Education Attorneys Memo provided by SJP, 2016.

³⁶ Final Memorandum D.C. Special Education Attorney Panel, 2016.

³⁷ Judicial Expansion Memo, 2015.

- *Individuals with Disabilities Education Act, 20 U.S.C. § 1401 et seq., 20 U.S.C. § 1415 et seq., 34 CFR § 300.30;*
- *Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, 34 CFR § 104;*
- *Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12131-12134, 28 C.F.R. § 35.101;*
- *18 U.S.C. § 30006A;*
- *District of Columbia Family Court Act of 2001, D.C. Code § 11-2601;*
- *D.C. Code § 24-403.01;*
- *Several Administrative Orders including: Administrative Order 03-11; Administrative Order No. 02-15; Administrative Order 00-26; Administrative Order 02-15; Administrative Order 09-07; Administrative Order 15-22; Administrative Order 09-03; and Administrative Order 15-22 Attachment Report.*

Other Jurisdictions With Similar Practices

Some states have created a system for the separate appointment of education or special education attorneys or advocates for children in the child welfare system.³⁸ For example, the Juvenile Division of the Los Angeles County Superior Court established protocols providing for the appointment of an education attorney in dependency cases "to represent the best educational interests of the minor," rather than the expressed interests of the child or the parent (or other educational rights holder).³⁹ Other examples include Washington State, which put in place a system of education liaisons and other advocate programs to assist court-involved students with special education needs.⁴⁰ Similarly, in Georgia, one county is trying to fund education advocates to assist young people in juvenile court.⁴¹ While these jurisdictions do not have a special education court-appointed attorney system like that used in D.C.'s family court, the increasing integration of education into the court process is promising.

³⁸ Final Memorandum D.C. Special Education Attorney Panel.

³⁹ Rights and Responsibilities of Education Attorney/Advocate and Rights and Responsibilities of Educational Rights Holder Pursuant to WIC § 317(e) or CRC § 5.663 Appointment for Education Advocacy and Acknowledgement of Receipt (Juv. Div., Super. Ct. of Los Angeles City.).

⁴⁰ Court Improvement Training Academy, *The Educational Needs of Children in Foster Care*, Chapter 1: Washington Courts' Approach to Improving Education for Dependent Children and Youth or Washington State Department of Children Youth & Families, Educational Advocacy Program.

⁴¹ The Annie E. Casey Foundation: In Georgia, a School District Reduces its Reliance on Juvenile Courts.

7.4 BASELINE ANALYSIS OF CREDIT TRANSFER POLICIES (KEY QUESTION 4)

DSO conducted research on case studies of 11 other states' credit transfer, educational, and reintegration programs available to court-involved youth to identify best practice benchmarks to make recommendations for D.C. A survey of key cross-agency issues with regards to the provision, access, and quality of justice system education in D.C. identified the most important pain points that required addressing, such as long waitlists and a lack of resources, and an analysis of policies and procedures in 11 other jurisdictions yielded three best practices case studies that could mitigate these issues. These benchmarks not only focus on improving access to education while students are in the care of the juvenile system, but also on providing sustainable solutions for the successful transition of students back into society and holistic, long-term re-integration efforts.

Maine has developed legislation that formalizes the process of collaboration between education and their DOC, allowing for a smooth transition of youth, and their educational and personal relevant information across agencies. These law-reinforced policies create a greater sense of accountability in reintegration programs. Furthermore, a specialized reintegration team works in conjunction to ensure the prompt and correct transfer of records of their students.

Oregon's innovative use of technology enables the Oregon Youth Authority, responsible for providing educational services to those in youth correction services, to bypass physical resource limits and streamline administrative tasks, such as transcript transfers. Additionally, a reintegration assistance program similar to that in Maine, has shown to be effective in increasing engagement rates of youth after their release (ie. those employed or enrolled in some type of educational setting after exit).

Finally, California's joint transition planning policy facilitates communication and cohesion between county probation and local educational agencies to aid in the transitory process as students move between probation educational services and their home institutions. The uniformity of California's credit system lowers the barrier to reentry and transition.

In addition to the three case studies, DSO also looked into the Texas Blueprint as a model for sustainable, long-term collaboration between different stakeholder organizations. The Texas Blueprint Committee was established by the Texas Supreme Court to transform education outcomes for children and youth in foster care. The court took on full responsibility of maintaining the committee and its momentum towards change, creating a high level of commitment, accountability, and involvement of crucial stakeholders. Sustainable collaboration is fostered through annual meetings of the education committee, a task force for development and progress tracking, and a state-wide, multidisciplinary summit. Moreover, four subcommittees were created and structured to reflect diversity in Texas, with a special emphasis on inter-relationships between subcommittees. The amount of attention to details allowed the committee to operate efficiently and smoothly: for example, there is a staff member assigned to keep order of the subcommittees and make sure actionable items are being achieved. Through the Texas Blueprint's cohesive and collaborative agenda, it has had a measurable impact on improving the education system in Texas over the last five years.

The full version of the executive summary deck with our findings can be found [here](#).

7.5 NEXT STEPS AND ADDITIONAL QUESTIONS THAT THE STANDING COORDINATING COMMITTEE SHOULD CONSIDER (KEY QUESTION 5)

Looking into the future, there are more related questions and topic areas to explore, which can be resolved through additional data requests and continued research.

Key Questions 1 & 2: Additional Agency Data Requests

DSO asked the following question to DYRS, but was unable to receive answers to the data request. DSO recommends submitting a follow-on data request to DYRS:

Similar to the 2019 DYRS Performance Oversight Question, Placement and Monitoring Question 1 (pg 11): For FY17, FY18, and FY19, to date, please provide the aggregate number of youth with IEPs (including Title 16 youth - call this out separately), the average length of stay for these youth, and percentage of the total committed youth population with IEPs that were placed for any portion of the fiscal year in the following placement categories: a) The Youth Services Center; b) The New Beginnings Youth Development Center; c) Group homes in the District of Columbia; d) Independent living facilities in the District of Columbia; e) DYRS foster home; f) Facilities that DYRS classifies as "out of state group homes" (please break down this number by state); g) A non-secure community placement; h) Placement in a CFSA placement (group home, foster care, residential, or PRTF); i) A residential treatment facility outside the District of Columbia; j) A psychiatric treatment facility outside the District of Columbia; k) DC Jail or a BOP facility; and m) any other out-of-home placement not otherwise listed in a-k

DSO has come up with a specific list of questions for DOC, which can be explored by submitting a FOIA request or contacting DCPS and/or OSSE with the following:

1. For FY17, FY18, and FY19 (or calendar year 17, 18,19), what is the aggregate number of individuals aged 18-22 years at DOC?
2. For FY17, FY18, and FY19 (or calendar year 17, 18,19), what is the aggregate number of individuals aged 18-22 years at DOC who earned high school diplomas?
3. During the DOC intake process, is there a question that asks individuals about special education, disabilities, or IEPs? If so, what is the question that is asked?
4. For FY17, FY18, and FY19 (or calendar year 17, 18,19), what is the aggregate number of individuals aged 18-22 years who indicated having a special education need, disability, or IEP in the DOC intake form (related to Q3)?
5. For FY17, FY18, and FY19 (or calendar year 17, 18,19), what is the aggregate number of individuals aged 18-22 years who were referred to DCPS?
6. For FY17, FY18, and FY19 (or calendar year 17, 18,19), what is the aggregate number of individuals aged 18-22 years who indicated having a special education need, disability, or IEP in the DOC intake form AND were referred to DCPS?
7. For FY17, FY18, and FY19 (or calendar year 17, 18,19), what is the aggregate number of individuals aged 18-22 years who left their cells to go to classrooms?

Currently, it appears that extracting data out of OSSE is a challenging process, and researchers are often directed by staff to the OSSE data request page. If data extracting proves to be difficult, an alternative method would be a direct appeal to discuss needs with the Assistant Superintendent for Data, William Henderson, at William.Henderson@dc.gov. Another avenue could be through CM Grosso's office, with potentially a faster response.

Regarding DCPS, this email address researchrequests@dc.gov could be contacted for more information about data that DCPS collects.

Tracking dual-jacketed students, those who are involved in the juvenile justice system while in foster care, presents additional difficulties. For these students, services may also be provided by multiple agencies such as CFSA, CSOSA, or PSA or provided by agencies in the Maryland or Virginia juvenile justice system. In order to properly count the number of dual-jacketed students we recommend working with CFSA and the CSSD to develop MOAs to share individual student level-data with CSOSA, PSA, and DYRS at a point in time (weekly or monthly) in order to identify students and their disposition. The aggregate counts can then be shared publicly upon request.

DSD recommends conducting an analysis of the perceived effectiveness of the following MOAs:

1. [MOA Between OSSE, CFSA, DCPS Related to the Provision of Specialized Educational Services for Children and Youth in Care and Custody of CFSA \(2017\).](#)
2. [MOA Between OSSE, DOC, and DCPS Related to the Educational Services for Pretrial Detainees and Sentenced Inmates Incarcerated at DOC Detention Facilities \(2017\).](#)
3. [MOA Between OSSE, DYRS, and DCPS Related to the Educational Services for Youth Committed to DYRS \(2017\).](#)

Key Question 3: Special Education Representation

DSD has come up with a specific list of questions for DCPS, DYRS, OSSE and DOC, which can be further explored by submitting a FOIA request.

1. For FY17, FY18, and FY19 (or calendar year 17, 18, 19), what is the aggregate number of students between 6-18 years old receiving special education services in DCPS?
2. For FY17, FY18, and FY19 (or calendar year 17, 18, 19), what is the aggregate number of students between 19-22 years old receiving special education services in the District of Columbia? ⁴²
3. For FY17, FY18, and FY19 (or calendar year 17, 18, 19), what is the aggregate number of committed individuals between the ages of 6-18 receiving special education services in the District of Columbia (by status: pre-adjudication juvenile, adjudication and disposition, etc.)? ⁴³
4. For FY17, FY18, and FY19 (or calendar year 17, 18, 19), what is the aggregate number of committed individuals between the ages of 19-22 receiving special education services in the District of Columbia (by status: pre-adjudication juvenile, adjudication and disposition, etc.)?
5. For FY17, FY18, and FY19 (or calendar year 17, 18, 19), what is the aggregate number of committed individuals between the ages of 6-22 (by status: pre-adjudication juvenile, adjudication and disposition, etc.)? ⁴⁴
6. For FY17, FY18, and FY19 (or calendar year 17, 18, 19), what percentage of the District of Columbia's committed population has special education needs and is eligible for special education services (by status: pre-adjudication juvenile, adjudication and disposition, etc.)? ⁴⁵

⁴² Final Memorandum D.C. Special Education Attorney Panel: As of February 2011, 1,212 students between 18-21 years old were receiving special education services in the District of Columbia.

⁴³ Council of the District of Columbia Committee on the Judiciary Performance Oversight Hearing Pre-Hearing Questions and Answers, Tracking Youth Success 1, 2G, 2h, 3, 4, 5, 7, 8: As of FY16, over 80% of DYRS-committed youth have special education needs and over 90% of the DYRS-committed population is diagnosed with either an Axis 1 or Axis 2 diagnosis.

⁴⁴ Final Memorandum D.C. Special Education Attorney Panel: In 2011, only 92 incarcerated individuals between the ages of 6-21 were receiving special education services in the District of Columbia.

⁴⁵ D.C. Department Corrections Facts and Figures, April 2015: In April 2015, the D.C. DOC reported that approximately 56% of its committed population has special education needs.

Key Question 4: Credit Transfer

Regarding credit transfer and partial credit, the next steps to consider are listed below:

1. Deeper analysis of DC's current system through the usage of a SWOT analysis will help gauge how and what strategies should be incorporated
2. Further research and information requests if necessary into the implementation process of these best practices procedures
3. Reach out to individual POCs for each case study for implementation information and assistance
4. Continue reducing the number of youth unnecessarily kept in detention, as New York has found reducing this number to be helpful in providing access to quality education
5. The state of New Mexico has a credit transfer waiver that allows students who have passed a higher class level to be exempt from prerequisites, and Pennsylvania is looking into implementing a similar procedure. Could study further for relevance and potential application to DC
 - a. Looking into current bill (not yet law) in PA:
<https://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2019&sessInd=0&billBody=S&billTyp=B&billNbr=0662&pn=0804>
 - b. New Mexico bill language adding partial credit:
<https://nmlegis.gov/Sessions/19%20Regular/bills/senate/SB0341.pdf>
 - c. New Mexico Op-ed:
https://www.santafenewmexican.com/opinion/my_view/give-credit-where-credit-is-due/article_92fe8d72-9ea9-56bd-9b76-ef087deacb2d.html
 - d. New Mexico policy guidance after bill passed:
<https://webnew.ped.state.nm.us/wp-content/uploads/2019/06/Partial-Credit-for-High-School-Courses-for-Students-Who-Experience-Disruption.pdf>

Current States Where Students Can Waive Course Requirements:

1. **Indiana:** Sec. 7. Upon the request of a student's parent, the student may be exempted from the Core 40 curriculum requirement for an Indiana diploma with a Core 40 designation set forth in section 1.5 of this chapter and be required to complete the general curriculum for an Indiana diploma with a general designation to be eligible to graduate. Except as provided in section 10 of this chapter, the student's parent and the student's counselor (or another staff member who assists students in course selection) shall meet to discuss the student's progress. Following the meeting, the student's parent shall determine whether the student will achieve greater educational benefits by: (1) continuing the general curriculum; or (2) completing the Core 40 curriculum.⁴⁶
2. **South Carolina:** (A) In order to facilitate the on-time graduation of children of families who have moved to South Carolina during the child's twelfth grade year, the State Board of Education may: (1) waive specific courses required for graduation if those courses were not specifically required for graduation in the student's most recent state of residence; however, the state board may not waive the number of courses required in ELA, math, and science. If a student does not have sufficient course credit to be issued a South Carolina diploma, the state board, to the extent possible, shall provide an alternative means of acquiring required coursework so that the student could receive a South Carolina high school diploma and graduation may occur on time;⁴⁷
3. **Virginia:**
 - a. Students transferring above the tenth grade from schools or other education programs that do not require or give credit for health and physical education shall not be required

⁴⁶ Indiana Code 20-32-4-7. Exemption from core 40 curriculum.

⁴⁷ S.C. Code Ann. § 59-5-160.

to take these courses to meet graduation requirements.⁴⁸

- b. In addition, the Board may:
 13. Provide for the waiver of certain graduation requirements (i) upon the Board's initiative or (ii) at the request of a local school board. Such waivers shall be granted only for good cause and shall be considered on a case-by-case basis.
 15. Permit local school divisions to waive the requirement for students to receive 140 clock hours of instruction upon providing the Board with satisfactory proof, based on Board guidelines, that the students for whom such requirements are waived have learned the content and skills included in the relevant Standards of Learning.⁴⁹
4. **Washington:**
- a. (1) In order to eliminate barriers and facilitate the on-time grade level progression and graduation of students who are ... at-risk youth or children in need of services pursuant to chapter 13.32A RCW, school districts must incorporate the procedures in this section. (2) School districts must waive specific courses required for graduation if similar coursework has been satisfactorily completed in another school district or must provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school district, the receiving school district must provide an alternative means of acquiring required coursework so that graduation may occur on time.⁵⁰
 - b. (12) A school district that grants high school diplomas may waive up to two of the credits required for graduation under this section for individual students for reason of unusual circumstances, as defined by the district. Unless otherwise provided in law, students granted a waiver under this subsection must earn the seventeen required subject credits in subsections (1) through (7) of this section, which may be by satisfactory demonstration of competence under WAC 180-51-050. The waiving of credits for individual students for reason of unusual circumstances must be in accordance with written policies adopted by resolution of each board of directors of a district that grants diplomas. (13) Equivalent career and technical education (CTE) courses meeting the requirements set forth in RCW 28A.230.097 can be taken for credit in place of any of the courses set forth in subsections (1) through (6) of this section, if the courses are recorded on the student's transcript using the equivalent academic high school department designation and course title.⁵¹
5. **Alaska:** (c) Transfer students who have earned 13 units of credit while in attendance outside the district may, at the discretion of the district, be excused from the district subject area units-of-credit requirements.⁵²
6. **Oregon:** (2)(a) In order to receive a high school diploma from a school district or public charter school, a student must satisfy the requirements established by the State Board of Education and the school district or public charter school and, while in grades 9 through 12, must complete at least: (A) Twenty-four total credits; (B) Three credits of mathematics; and (C) Four credits of English. (b) If a school district or public charter school requires a student to complete more than 24 total credits, as provided by paragraph (a)(A) of this subsection, the school district or public charter school may only require the student to complete additional credits for: (A) Subjects for which the State Board of Education has established academic content standards under ORS 329.045; (B) Courses provided as part of a career and technical education program; or (C)

⁴⁸ 8 Va. Admin. Code 20-131-60. Transfer Students.

⁴⁹ Va. Code Ann. § 22.1-253.13:4 (West).

⁵⁰ Wash. Rev. Code Ann. § 28A.320.192 (West).

⁵¹ Wash. Admin. Code 180-51-068.

⁵² Alaska Admin. Code tit. 4, § 06.07.

Courses that provide, or qualify to provide, credit at post-secondary institutions of education.
(c)(A) A school district or public charter school that requires students to satisfy any requirements not specified by paragraph (a) of this subsection or by rule of the State Board of Education must grant to a student a waiver of the requirements established by the school district or public charter school if the student is or, at any time from grade 9 to 12, was: ... (vi) Enrolled in the Youth Corrections Education Program or the Juvenile Detention Education Program.⁵³

7. **New York:** A student transferring between high schools in grade 11 or 12 may be exempt from the second language requirements of three units of credit in one second language, for a Regents diploma with advanced designation, as set forth in paragraph (b)(3) and clause (b)(5)(ii)(b) of this section, if the language in which the student began a second language sequence in grade nine or 10 is not offered in the school to which the student has transferred. In such cases, the student shall complete three units of credit in second languages but not necessarily in a single language.⁵⁴
8. **D.C.:** (c) Notwithstanding subsection (b) of this section: (1) A principal may: (A) Retain any student who does not meet the promotion requirements set forth in the DCMR; and (B) Promote a student who has failed to meet the promotion requirements set forth in the DCMR; provided, that the principal submits a written explanation justifying the decision to the Chancellor before the promotion is made.⁵⁵

⁵³ Or. Rev. Stat. Ann. § 329.451 (West).

⁵⁴ NYSED/P-12/Part 100 Regulations / 100.5 Diploma Requirements.

⁵⁵ D.C.ST § 38-781.02 Student retention & promotion.