

Students in the Care of the District of Columbia

Working Group Recommendations



TABLE OF CONTENTS

CONTRIBUTIONS AND ACKNOWLEDGEMENTS	4
EXECUTIVE SUMMARY	5
PURPOSE OF WORKING GROUP	7
BACKGROUND	9
JUVENILE AND CRIMINAL JUSTICE SYSTEM	9
Superior Court of the District of Columbia Family Court Social Services Division	9
Department of Youth Rehabilitation Services	10
Federal Bureau of Prisons	12
Department of Corrections	12
CHILD WELFARE SYSTEM	14
Child and Family Services Agency	14
MULTI-SYSTEM INVOLVEMENT	15
PUBLIC EDUCATION SYSTEM	17
D.C. Public Schools.....	17
Public Charter School LEAs.....	17
Office of the State Superintendent of Education.....	17
SCOPE OF PROBLEM	18
EDUCATIONAL OUTCOMES	19
Superior Court of the District of Columbia Family Court Social Services Division	19
Department of Youth Rehabilitation Services	20
Department of Corrections	21
Child and Family Services Agency	21
EDUCATION-RELATED BARRIERS	23
Enrollment Challenges	24
Failure to Receive Credits.....	24
Poor Communication Between Agencies	25
Lack of Agency Accountability	26
Poor Education Quality	26
Out-of-State Placements.....	26
Insufficient Data	27
Older Youth with Special Education Needs	28
CURRENT PRACTICE	28
DYRS, OSSE, and DCPS	28
DYRS duties as agreed between the three agencies in the MOA	29
DCPS duties as agreed between the three agencies in the MOA	29
OSSE duties as agreed between the three agencies in the MOA.....	29
DOC, OSSE, and DCPS	29
DOC duties as agreed between the three agencies in the MOA.....	30
DCPS duties as agreed between the three agencies in the MOA	30

**STUDENTS IN THE CARE OF THE DISTRICT OF COLUMBIA WORKING GROUP
RECOMMENDATIONS**

OSSE duties as agreed between the three agencies in the MOA.....30

CFSA, OSSE, and DCPS.....30

CFSA duties as agreed between the three agencies in the MOA.....30

DCPS duties as agreed between the three agencies in the MOA31

OSSE duties as agreed between the three agencies in the MOA.....31

RECOMMENDATIONS32

Office of the State Superintendent of Education32

D.C. Public Schools.....32

D.C. Public Charter School LEAs33

D.C. Superior Court34

Department of Youth Rehabilitation Services.....34

Child and Family Services Agency36

Department of Corrections36

Council of the District of Columbia36

Legislative Recommendations37

Create a Standing Coordinating Committee.....37

Implement a Partial Credit System38

Require a Court-Appointed Special Education Panel for 18-22-year olds in Criminal Court39

CONCLUSION40

REFERENCES41

CONTRIBUTIONS AND ACKNOWLEDGEMENTS

This report was prepared by the Students in the Care of the District of Columbia Working Group (“Working Group”) and compiled by Jessica Giles in the Office of Councilmember David Grosso. The purpose of the Working Group is to improve collaboration and coordination among entities responsible for educating and caring for students who are detained, committed, incarcerated, or placed in foster care by the government of the District of Columbia. We envision a future in which every student in the care of the District of Columbia obtains a high-quality education, receives credit for completed coursework, and has access to post-secondary career, technical education, and job training with needed accommodation and supports.

Thank you to everyone who participated in the Working Group and contributed to the report:

Advocates for Justice and Education
Campaign for Youth Justice
Center for Educational Excellence in Alternative Settings
Children’s Law Center
Council for Court Excellence
Court Services & Offender Supervision Agency
D.C. Child and Family Services Agency
D.C. Corrections Information Council
D.C. Department of Corrections
D.C. Department of Youth Rehabilitation Services
D.C. Public Charter School Board
D.C. Public Schools
D.C. ReEngagement Center (Office of the State Superintendent of Education)
Free Minds Book Club
Georgetown University Law Juvenile Justice Initiative
GOODProjects
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Maya Angelou Schools & SeeForever Foundation
Monument Academy Public Charter School
Office of Councilmember Brianne K. Nadeau (Ward 1), Chairperson of the Committee on Human Services
Office of Councilmember Charles Allen (Ward 6), Chairperson of the Committee on the Judiciary & Public Safety
Office of Councilmember David Grosso (At-Large), Chairperson of the Committee on Education
Office of Councilmember Robert C. White, Jr. (At-Large)
Office of Councilmember Trayon White, Sr. (Ward 8)

Office of the Attorney General for the District of Columbia
Office of the Deputy Mayor for Education
Office of the State Superintendent of Education
Open City Advocates
Public Defender Service for the District of Columbia
School Justice Project
Superior Court of the District of Columbia Family Court Social Services Division

A special thank you to the seven youth who participated in the working group!¹

EXECUTIVE SUMMARY

Education is widely recognized at the international, federal, state, and local levels as a compulsory societal right. The District of Columbia (“D.C.”) has been providing compulsory education for youth since 1925. D.C. law mandates every parent, guardian, or other person who resides in D.C. and has custody or control over a minor place that young person into regular attendance at school.² Under federal and D.C. law, youth with identified special education needs are eligible to remain in high school working toward a high school diploma until they are 22 years old, and in some cases beyond that age. When young people are detained, committed, incarcerated or placed in the care of the D.C. Child and Family Services Agency (“CFSA”), the government assumes guardianship and becomes responsible for educational placement. As a result, the government has a duty to ensure high-quality education for those who fall under its custody. Education for these students should be comparable in quality, program selection, and rigor to the education offered to the public.

However, students in the care of D.C. experience many disruptions to education, which makes it difficult for them to achieve their educational goals. Many of these students are placed outside of the District of Columbia, or attend multiple schools within D.C., and therefore experience challenges enrolling in school, obtaining transferrable credit, and receiving special education and related services. They may even find it difficult to return to their home school.³ If their educational programming was poor or of questionable quality while in the care of the District of Columbia—or if there was no programming, as in most Federal Bureau of Prison (“BOP”)

¹ This report contains testimony from the student participants in the Working Group. Their opinions are italicized and contained within a blue box. In order to protect the identify and privacy of the students, their names have been changed. The one to two sentence excerpt highlights one particular aspect of their own personal experience while in the care of the District of Columbia and may not reflect the experience of other students. Further, their perspectives do not represent the position of the agencies in the Working Group.

² D.C. Official Code § 38-202

³ Anna Aizer and Joseph J. Doyle, Jr. [“Juvenile Incarceration, Human Capital, and Future Crime: Evidence from Randomly Assigned Judges.”](#) *The Quarterly Journal of Economics*, June 24, 2013.

facilities—there may be no option to earn credit toward a high school diploma.⁴ Older youth in the juvenile or criminal justice system experience a number of compounding issues that result in them becoming lost in a system of mass incarceration and educational inequities, and left on the margins of reform movements.

These challenges are not isolated to the District of Columbia. It is an observed nationwide issue worthy of attention and guidance from the federal government. In 2014, the federal Department of Education and Department of Justice issued a guidance package including “Dear Colleague” letters to states on civil rights protections, federal Individuals with Disabilities Education Act (“IDEA”)⁵ protections, access to Pell Grants for students in juvenile justice and correctional settings, and best practices for providing high quality educational services in these settings.⁶ While the current federal administration is not pursuing this effort, the D.C. Council Committee on Education Chairperson David Grosso feels strongly that D.C. can *and should* advance this work on the local level.

The Guiding Principles for Providing High-Quality Education in Juvenile Justice Secure Care Settings, as outlined by the Department of Education and the Department of Justice in 2014, are as follows:

- **Principle I:** A safe, healthy, facility-wide climate that prioritizes education, provides the conditions for learning, and encourages the necessary behavioral and social support services that address the individual needs of all youth, including those with disabilities and English learners;
- **Principle II:** Necessary funding to support educational opportunities for all youth within long-term secure care facilities, including those with disabilities and English learners, comparable to opportunities for peers who are not system-involved;
- **Principle III:** Recruitment, employment, and retention of qualified education staff with skills relevant in juvenile justice settings who can positively impact long-term student outcomes through demonstrated abilities to create and sustain effective teaching and learning environments;

⁴ Rachel Chason. [“Doing time far from home, D.C. prisoners face extra barriers to rehabilitation.”](#) *The Washington Post*, December 13, 2017.

⁵ Public Law No. 94-142, IDEA was originally enacted by Congress in 1975 to ensure that children with disabilities have the opportunity to receive a free appropriate public education, just like other children. The law has four parts: Part A covers the general provisions of the law; Part B covers assistance for education of all children with disabilities; Part C covers infants and toddlers with disabilities; and Part D consists of the national support programs administered at the federal level.

⁶ U.S. Department of Education and U.S. Department of Justice. [“Guiding Principles for Providing High-Quality Education in Juvenile Justice Secure Care Settings.”](#) December 8, 2014.

- **Principle IV:** Rigorous and relevant curricula aligned with state academic and career and technical education (“CTE”) standards that utilize instructional methods, tools, materials, and practices that promote college- and career-readiness; and
- **Principle V:** Formal processes and procedures—through statutes, memoranda of understanding, and practices—that ensure successful navigation across child-serving systems and smooth reentry into communities.⁷

With these guiding principles in mind, the Working Group discussed issues that students in the care of D.C. face and ways to improve communication, collaboration, and coordination among agencies responsible for educating and caring for students. The Working Group formed a list of policy recommendations to be implemented by the Office of the State Superintendent of Education (“OSSE”), D.C. Public Schools (“DCPS”), D.C. Public Charter School Local Education Agencies (“LEAs”), D.C. Superior Court, D.C. Department of Youth Rehabilitation Services (“DYRS”), CFSA, D.C. Department of Corrections (“DOC”), and the Council of the District of Columbia (“D.C. Council”). Each of these policy recommendations is enumerated on pg. 32.

Additionally, the Working Group discussed the following legislative recommendations for introduction by Councilmember David Grosso:

1. Create a Standing Coordinating Committee;
2. Implement a Partial Credit System; and
3. Require a Court-Appointed Special Education Panel for eligible 18-22-year olds in Criminal Court.

The first step in solving a problem is recognizing there is one. The willingness of each of these agencies to *acknowledge inadequacies* in our systems, and to *commit to the continuous improvement of these inefficiencies* should not go unnoticed. By implementing the recommendations outlined in this report, the District of Columbia signals to the public, and most importantly the students, its dedication to the success of every young person involved in the juvenile and criminal justice system, and in foster care.

PURPOSE OF WORKING GROUP

First as a member and then Chairperson of the Committee on Education, Councilmember David Grosso has consistently raised concerns about the school-to-prison pipeline, the trend in which students are pushed out of school and into the criminal justice system. A related concern for Chairperson Grosso is the lack of proper attention given to the educational needs of students who are committed, detained, or incarcerated. He has toured the Youth Services Center (“YSC”), New Beginnings Youth Development Center (“New Beginnings”), and the Central Detention

⁷ Ibid.

Facility (“CDF”), as well as visited the Correctional Treatment Facility (“CTF”) for a Free Minds book club session. He has also visited the DYRS Achievement Center in Anacostia and has spoken with numerous students, educators, and advocates about the challenges of providing education for students during and after their time in these facilities.

These experiences piqued the interest of Chairperson Grosso. As a result, he held a public roundtable on October 4, 2017 to examine education for students during and after detention, commitment, or incarceration—those who come under the care of the DYRS, Court Social Services or Pre-Trial Services at the Superior Court, the DOC, and the BOP. The roundtable was an opportunity to bring people together to foster a common understanding of the problems and propose solutions. The Committee heard testimony from 12 public witnesses, three executive witnesses, and received written testimony from two additional public witnesses.

The testimony provided some clarity and revealed some consensus. For example, most witnesses, including the executive, agreed that there are serious problems with the return to the community for young people who have been institutionalized, particularly in out-of-state placements. The main challenges are ensuring that students receive credit for work completed, that agencies share information with each other, and that students are successful in their educational endeavors after transition, particularly with regard to enrolling in their previous school or a new one. Similar themes emerged regarding students entering into the care of the D.C. government—schools do not know where the student is located, information and education records are transferred too slowly to the education providers inside facilities, and the disruption negatively affects the young person’s ability to move forward. There was less consensus between public and government witnesses about how to improve these challenges.

The quality of educational services while students are in the government’s care was the other major thematic area with less consensus. Most witnesses agreed that the schooling provided by the Maya Angelou Academy at New Beginnings is high quality, which is something D.C. should be proud of. Participants also agreed there is a lack of services available in BOP, over which D.C. government has little control. Conversely, there were varying opinions regarding the quality of education at YSC and within DOC facilities through the DCPS Inspiring Youth Program (“IYP”).

During the roundtable, it became evident that this city has a long way to go to put these students in the best position to succeed. The issues revealed at the roundtable also apply to other students in D.C. government care—such as those involved with CFSA and placed out-of-state. The Committee learned after the roundtable that some judges on the neglect and abuse docket at the Superior Court had convened a working group to discuss issues facing these students. The Court Education Working Group has Subcommittees regarding Juvenile Justice/Persons in Need of Supervision (“PINS”) and Neglect/CFSA.

Both public and executive witnesses agreed that creating a working group to tackle some of these issues would be an important next step. The Committee convened such a working group which met between February and June of 2018. The Working Group was comprised of students, Councilmembers and staff, executive agency directors and staff, a representative from D.C. Superior Court, school leaders, and advocacy groups. The Committee expanded the ambit of its working group to also include those students under CFSA's care. The purpose of the Working Group is to improve collaboration and coordination among entities responsible for the education and care of students.

The Working Group met five times and focused on the following topics:

1. **Existing Practices in the District of Columbia**
February 12, 2018, 4:00-7:00 p.m., Maya Angelou Public Charter School
2. **Experiences of Students and Families in the District of Columbia**
March 14, 2018, 4:30-6:30 p.m., Maya Angelou Public Charter School
3. **Best Practices**
April 11, 2018, 4:30-6:30 p.m., Maya Angelou Public Charter School
4. **Legislative Recommendations**
May 9, 2018, 4:30-6:30 p.m., Maya Angelou Public Charter School
5. **Policy Recommendations**
June 13, 2018, 4:30-6:30 p.m., Balance and Restorative Justice SW Drop-In Center

The Working Group identified problems, offered actionable solutions, and produced this report with proposed recommendations.

BACKGROUND

JUVENILE AND CRIMINAL JUSTICE SYSTEM

Superior Court of the District of Columbia Family Court Social Services Division

The Superior Court of the District of Columbia's Family Court Social Services Division ("CSSD") serves as the city's juvenile probation agency. It is responsible for serving and supervising youth involved in the "front-end" of the District of Columbia's juvenile justice system. CSSD serves all newly arrested youth entering the Court system in juvenile delinquency cases, PINS and truancy cases, probation, and diversion matters. CSSD does the following:

- Screens and assesses each newly arrested youth's social history and risk to public safety;
- Conducts youth and family assessments, including Family Group Conferences;
- Makes petition and detention recommendations to the Office of the Attorney General;

- Advises and makes recommendations to the Court throughout all phases of the adjudication process;
- Conducts home, school, and community assessments toward the development of comprehensive pre- and post- disposition probation services, supervision plans and alternatives to detention;
- Recommends and facilitates commitment of youth to the D.C. Department of Youth Rehabilitation Services; and
- Coordinates services and monitors all court-involved youth.⁸

Department of Youth Rehabilitation Services

DYRS is responsible for the custody, supervision, and care of all youth detained in a DYRS facility or committed to DYRS following adjudication by a Family Court judge in the Superior Court of the District of Columbia. This includes young people in secure confinement as well as in community placements. In some cases, DYRS is responsible for the education and special education of young people in its facility, New Beginnings. "The mission of DYRS is to give court-involved youth the opportunity to become productive citizens by building on the strengths of youth and their families in the least restrictive, most homelike environment consistent with public safety."⁹ DYRS has two secure facilities: YSC, an 88-bed facility, and New Beginnings, a 60-bed facility. In FY2016 and FY2017, the average length of commitment was 873 days and 772 days respectively, which shows the average commitment was reduced by nearly 100 days in one year.¹⁰¹¹

Youth at YSC may be awaiting trial, under the supervision of CSSD, or committed to DYRS, and awaiting placement. In FY17, the average daily number of young people at YSC was 81, and the average length of stay was 20 days. As of April 11, 2018, there were 31 youth at YSC. At YSC, educational programming is provided by DCPS.

New Beginnings is DYRS' long-term secure detention facility. Between June 2017 and May 2018, the average daily number of young people placed at New Beginnings was 32,¹² and the length of stay was nine months during FY2017.¹³ As of June 27, 2018, there were 17 youth at New

⁸ CSSD. "[Family Court Social Services Learn More.](#)" Accessed on July 17, 2018.

⁹ DYRS. "[Mission and Vision.](#)" Accessed on July 17, 2018.

¹⁰ DYRS. "[FY2016 Performance Accountability Report.](#)" p.6. Accessed on July 17, 2018.

¹¹ Mayor Muriel Bowser. "[FY2019 Proposed Budget and Financial Plan: A Fair Shot.](#)" p. E-175. Accessed on July 17, 2018.

¹² DYRS. "[Youth Population Snapshot.](#)" Updated on June 27, 2018. Accessed on July 17, 2018.

¹³ DYRS. DYRS FY2017 Performance Oversight Hearing, Pre-Hearing Questions and Answers—Placement and Monitoring, January 28, 2018.

Beginnings.¹⁴ The educational programming at New Beginnings is provided by Maya Angelou Academy. Maya Angelou Academy is operated by the See Forever Foundation, which is a non-profit organization that manages the Maya Angelou Public Charter Schools in D.C.

Additionally, DYRS places some youth in the community, which allows youth to go to school, work, and attend other community services and obligations. The number of youth in community placements has significantly declined in the past few years, as shown in the chart below. Youth in the community are required to sign Community Placement Agreements (“CPA”), which, among other requirements, typically require school attendance and allow DYRS to monitor educational progress through report cards, behavior reports, and attendance records. If the terms of the CPA are violated, DYRS can seek to increase the youth’s level of restrictiveness and ultimately place the young person, following a due process hearing, in a more secure placement.

Youth can be placed in their family home, group home, foster care, or independent living within or outside of D.C. Youth may also be placed in residential treatment facilities in D.C., which include in-patient substance abuse treatment and hospital placements, or placed in secure out-of-state placements, which include residential treatment centers, hospitals, and psychiatric residential treatment facilities.

Number of Youth in Community Placement¹⁵

	FY2013	FY2014	FY2015	FY2016	FY2017
Non-Secure Community Placements in D.C.	1,155*	834*	417*	135	266
Non-Secure Community Placements outside of D.C.	455	347	86	30	106

Additionally, the Court Services and Offender Supervision Agency for the District of Columbia (“CSOSA”) supervises offenders charged or convicted as adults, some of whom are under the age of 18.

¹⁴ DYRS. [“Youth Population Snapshot.”](#) Ibid.

¹⁵ The number of youth in community placement and non-secure group homes were combined.

Federal Bureau of Prisons

The Federal BOP is a United States federal law enforcement agency that is responsible for the administration of the federal prison system. There are about 4,700 residents of D.C. in 116 BOP and contract facilities in 32 states and D.C.¹⁶ Since the federal government operates the BOP, the D.C. Council and the Mayor have no legal jurisdiction over BOP policies and practices. Currently, there are no BOP prisons in the District of Columbia.

Under the D.C. Code, a young person under the age of 18 may be tried as an adult for certain offenses, rather than as a minor in Family Court proceedings.¹⁷ These students are held at the CTF, rather than DYRS facilities while awaiting trial and after sentencing. If convicted, the young person will eventually be sent to the BOP following their 18th birthday, as D.C. has not had a prison of its own since the Revitalization Act of 1997.¹⁸

All young people aged 18 to 24 convicted of a felony sentence in the District of Columbia serve their sentences in BOP facilities. Under IDEA, young people eligible for special education prior to conviction and sentenced to an adult facility are entitled to their IDEA rights, including a path to a high school diploma, even when incarcerated. According to the BOP participant in the Working Group, all sentenced individuals have access to General Education Development (“GED”) services if they do not have a high school diploma. However, admittance criteria bar many students from participating in BOP’s GED programs, and waitlists for admittance are lengthy. Further, BOP’s position has been that IDEA applies only to state agencies, so it is not required by law to provide special education and related services to incarcerated D.C. young adults in its custody.¹⁹ Therefore, youth in BOP facilities do not have an actual path to a high school diploma nor do they receive special education.²⁰

Department of Corrections

DOC serves as the correctional agency in D.C. The mission of the DOC is to ensure public safety by providing an orderly, safe, secure, and humane environment for the confinement of pretrial detainees and sentenced inmates while providing meaningful opportunities for community reintegration.²¹ The DOC has two correctional facilities—the CDF and the CTF. It operates one

¹⁶ Michelle Bonner, Court Information Council. [Testimony at the Education Committee Roundtable on Education for Students During and After Detention, Commitment, or Incarceration](#). October 4, 2017. p. 1

¹⁷ D.C. Official Code § 16–2307

¹⁸ Section 11721 of Title XI of Pub. L. 105-33, 111 Stat. 786, the National Capital Revitalization and Self-Government Improvement Act of 1997; D.C. Official Code § 24–101.

¹⁹ Michelle Bonner, Court Information Council. *Ibid* p. 3

²⁰ *Ibid*. p. 1

²¹ DOC. [“About DOC.”](#) Accessed on July 17, 2018.

of the largest municipal jail systems in the country with an average daily population of approximately 1,700 inmates. Last year, there were on average 17 youth in the Juvenile Unit, while the average monthly population for the previous year was 23 inmates, and the average length of stay was one to three years. It is important to note, however, that on November 1, 2016, the Council unanimously passed L21-0238, the “Comprehensive Youth Justice Amendment Act of 2016,” which, among other things, mandates the transfer of custody of minors charged as adults from DOC custody to DYRS custody. This transfer is slated to begin on October 1, 2018.

While serving their time in DOC, students under the age of 18 attend the IYP run by DCPS where they receive daily on-site educational classes. If a student already has earned a high school diploma or GED, online resources are identified to allow students to pursue college credits via correspondence classes. Students who are 18 to 22 years old and qualify for an individualized education plan (“IEP”) under IDEA also receive special education and related services from IYP.²² As of April 11, 2018, there were seven minors and 23 adults in the IYP. Additionally, DOC offers some educational programming which is outlined in the chart on the next page.

Educational Programming for Juveniles

Program/Service²³	Frequency	Program/Services Offered
Hope Foundation	2x per week	Life skills and substance abuse education
Free Minds Book Club	Weekly	Mentoring, book club, creative writing, and author talks
Street Law (Mock Trials)	Yearly	A mock trial competition held between the law school students and DOC juvenile residents.
DCPS General and Special Education curricula	Daily	Juveniles can work toward a high school diploma from their neighborhood high school.
DCPS Credit Recovery	Daily	An after-school program that offers an accelerated means of earning high school credits.
Psychotherapy Services	Weekly	Sessions with a licensed therapist to discuss any emotional stressors or concerns.
Inside Out	Weekly	Howard University offers an Art for Justice course with inside students (inmates) and outside students (Howard students).

In January, DOC began expanding their college and career readiness, which provides Adult Basic Education (“ABE”) and Adult Secondary Education (“ASE”) instruction for students to improve literacy skills and prepare them for successful completion of the High School Equivalency

²² 20 U.S.C. 1400 *et seq.*; 34 CFR Part 300.

²³ DOC. [“DOC FY2017 Performance Oversight Responses.”](#) February 7, 2017. p. 137

certification. The program also provides CTE. Howard University, American University, Georgetown University, the University of the District of Columbia, and Ashland University are volunteer partners with this program.²⁴

CHILD WELFARE SYSTEM

Child and Family Services Agency

CFSA is D.C.'s public child welfare agency responsible for protecting child victims and those at risk of abuse and neglect. The mission of CFSA is to improve the safety, permanence, and well-being of abused and neglected children and to strengthen their families. CFSA investigates abuse and neglect reports, assesses and treats children and families within its care, and provides child protective services, foster care services, and post-permanency services. If CFSA confirms that a child has been harmed or neglected, CFSA may place the child in a foster home (either kinship or non-kinship), group setting (either diagnostic and emergency care), independent living facility, or residential treatment facility. Because of how Medicaid payment is processed for psychiatric residential treatment, the Department of Behavioral Health ("DBH") may also facilitate placing the child or youth. In FY2017, 898 youth under the age of 20 were placed in the care of CFSA, as shown in the chart below. More than half of these youth were placed outside of D.C.

Number of Youth in CFSA's Care in FY2017

	Foster Homes			Group Settings					Other	Total
	Kin	Non-Kin	Sub-Total	Diagnostic and Emergency Care	Group Home	Indep. Living	Residential Treatment	Sub-Total	Other	Total
D.C.	100	206	306	1	42	34	0	77	41	424
MD	97	333	430	0	5	0	1	6	2	438
VA	8	1	9	0	2	0	5	7	3	19
Other State	7	2	9	0	0	0	7	7	1	17
Total	212	542	754	1	49	34	13	97	47	898

²⁴ DOC. Ibid. p. 120.

In FY2017, approximately 588 foster youth were enrolled in K-12 or in a school-based Pre-K program across several jurisdictions and states beyond D.C.²⁵

Number of CFSA Students Enrolled in K-12

School Type/Location	Number of Youth
District of Columbia Public Schools	216
District of Columbia Public Charter Schools	138
Prince Georges County Public Schools (MD)	101
Other Surrounding Counties	37
Private Schools	15
Residential Programs	12
Non-Public Special Education Schools	69
Total Youth in K-12 or School-Based Pre-K	588

MULTI-SYSTEM INVOLVEMENT

Some students, unfortunately, cross paths with the District of Columbia’s juvenile justice system while in foster care. Recognizing that this sometimes occurs, the Working Group collected data from the CSSD to get a better understanding of how many students fall into this “dual-jacketed” category.²⁶ The data is represented in the chart on the next page.

²⁵ CFSA. [“CFSA FY2017 Performance Oversight Hearing Responses.”](#) January 28, 2018, p. 79.

²⁶ The data provided by CSSD spans January 1, 2017 to December 31, 2017 and January 1, 2018 to April of 2018. Agencies like CFSA, Court Services and Offender Supervision Agency (“CSOSA”), or Pretrial Service Agency (“PSA”) may seek/ report information about and/or provide services for these youth. This chart does not contain data regarding youth crossing over into the adult criminal justice system with special education needs. It only represents children in CFSA’s care who are in D.C.’s juvenile justice system. This data does not include youth in the Maryland or Virginia juvenile justice systems. Better coordination with other jurisdictions would provide a more complete picture.

**STUDENTS IN THE CARE OF THE DISTRICT OF COLUMBIA WORKING GROUP
RECOMMENDATIONS**

Number of Dual-Jacketed Youth

Disposition Description (Dual Jacket)	Disposition Description (Open Neglect + (1))	2017		2018	
		Number of Youth	Number of Cases(Dual Jacket)	Number of Youth	Number of Cases (Dual Jacket)
CSSD	Closed-Probation Terminated	51	77	40	63
	Closed-Consent Decree Expired	19	19	13	13
	Closed-Consent Decree Entered	5	5	7	7
	Probation-Plea Probation	4	4	3	3
	Closed-Probation Terminated/Case Closed	2	2		
	Closed-Probation Revoked	1	1		
	Probation-Revoked Probation	1	1	1	1
Undisposed	Undisposed	12	15	15	19
DYRS	Committed-Plea Committed to DYRS	9	11	8	10
	Committed-Restrictive	1	1	1	1
	Closed-Commitment Terminated	16	25	6	8
Committed-Probation Revoked/Respondent Committed	Committed-Probation Revoked/Respondent Committed	6	7	4	5
Dismissed	Dismissed-By Government Request	63	76	52	62
	Dismissed-by Court	7	7	5	5
	Dismissed-Social Reasons	5	5	4	4
	Dismissed-Respondent Convicted As An Adult	1	1	1	1
	Dismissed-Want of Prosecution	1	1		
Not Petitioned	Not Petitioned	28	46	14	22
	Not Petitioned-Diversion	13	13	9	10
	Not Petitioned-Five Day Hold	8	8	8	8
	Not Petitioned-Administratively	2	2	2	2

PUBLIC EDUCATION SYSTEM

The educational landscape in D.C. is unique and complex. D.C. is home to 66 LEAs, which is comprised of 65 public charter LEAs, and one traditional public LEA- DCPS. The public school system enrollment is almost evenly split between traditional public schools and public charter schools with small portions of students attending private or parochial schools.

D.C. Public Schools

DCPS is responsible for serving all D.C. minors of compulsory school age who enroll in DCPS as well as youth 18 to 22-year olds who are entitled to special education and related services. This includes roughly 49,000 students at 115 schools. In 2007 the District of Columbia passed L17-0009, the "Public Education Reform Amendment Act" ("PERAA"), which gave control of its public schools to the Mayor. The purpose of the law was to allow leaders flexibility, so they could make bold changes to improve a school system that had been performing poorly for decades. DCPS is responsible for educating students at YSC and IYP. Within DCPS, the Secondary Academic Scheduling Support team is responsible for ensuring academic credits are transferred appropriately for general education students.

Public Charter School LEAs

The D.C. School Reform Act of 1995 ("SRA") refers to D.C. Code § 38-1802 et seq., which established public charter schools in D.C. The SRA provides autonomy to D.C.'s public charter schools. Under the SRA, each of these schools is structured as a non-profit corporation governed by a board of trustees. The law gives these boards of trustees "exclusive control" over their instruction, expenditures, administration, and personnel. D.C. laws, regulations, or policies cannot apply to charters because they are not part of the D.C. government or of the traditional public school system. Public charter LEAs are responsible for students who are in the community and enrolled in the charter LEA, as well as students who were enrolled in their LEA and then placed in foster care, therapeutic foster care, therapeutic group homes, and psychiatric residential treatment facilities. In school year 2017-2018, 66 nonprofits operated 120 schools that educate 41,506 students who live all across D.C.

Office of the State Superintendent of Education

OSSE serves as the D.C. State Education Agency ("SEA") responsible for performing all of the functions of a SEA under applicable federal law. This responsibility includes grant-making authority, oversight, and SEA functions for standards, assessment, and federal accountability requirements for elementary and secondary education.²⁷ OSSE is charged with raising the

²⁷ D.C. Official Code § 38-2601 et seq.

quality of education for all residents. It works closely with D.C. traditional public schools and public charter schools to:

- Oversee all federal education programs and related grants administered in D.C.
- Develop state-level standards aligned with school, college, and workforce readiness expectations.
- Ensure access to high-quality child care and universal pre-kindergarten for eligible D.C. families.
- Provide resources and support to assist D.C.'s most vulnerable student populations.
- Administer the annual Partnership for Assessment of Readiness for College and Careers ("PARCC"), the statewide student academic achievement exam.
- Provide regional, door-to-door transportation to school for D.C. children with special needs.
- Award higher education financial assistance to eligible D.C. students at public and private colleges and universities in D.C. and across the country.
- Increase health and physical education awareness as well as ensure access to free meals year-round.
- Oversee the D.C. State Athletic Association ("DCSAA"), which provides interscholastic athletic programming that enriches the educational experiences of all student-athletes.
- Provide a one-stop source of statewide school data on each traditional and public charter school.
- Provide resources to support children from birth to post-secondary education via LearnDC.

Additionally, OSSE provides D.C. residents with direct services. For example, OSSE has a ReEngagement Center that serves as a "single-door" for youth, 16 to 24 years of age, who have dropped out of school. The ReEngagement Center reconnects youth back to education options and other critical services to support their attainment of a high school diploma or GED. According to OSSE, there are about 7,493 youth residing in D.C. who are not enrolled in school or other educational programs and who do not have a high school diploma or credential.

In accordance with Part B of the IDEA (20 U.S.C. § 1400 *et seq*), OSSE is responsible for ensuring that Free Appropriate Public Education ("FAPE") is made available to eligible children with disabilities and that all such programs administered by other D.C. agencies are under OSSE's general supervision and meet D.C.'s education standards (20 U.S.C. § 1412(a)(11)).

SCOPE OF PROBLEM

Students in the care of the District of Columbia encounter a number of challenges before they even step foot into a classroom. A growing body of evidence from social scientists has demonstrated that academic achievement is significantly influenced by a range of societal and

structural factors that exist beyond the walls of school. These factors may include socioeconomic status, housing stability, food security, access to quality healthcare, the proximity of family or other support networks, neighborhood safety, intellectually affirming cultures at home and school, and physical environment.²⁸ These “social determinants” can play a major role in shaping the life chances of students. An overwhelming majority of students in the care of D.C. suffer adversity in one or more of these categories.

Over the last couple of decades, there has been a wide body of research that shows the damaging impact of adverse childhood experiences (“ACEs”) on a child’s ability to learn. ACEs are stressful or traumatic events which are strongly related to the development and prevalence of a wide range of negative health and social outcomes throughout a person’s lifespan. These stressful or traumatic events can include physical, psychological, or sexual abuse, and the presence of substance abuse, mental illness, domestic violence, or criminal behavior in the household.²⁹ Unfortunately, students in the care of the District of Columbia are more likely to have a high ACE score.

Brian shared that he stopped coming to school after getting shot.

EDUCATIONAL OUTCOMES

Superior Court of the District of Columbia Family Court Social Services Division

National indicators underscore that on average, more than 80% of all youth entering juvenile justice systems present with at least one, and often more than one diagnosed and/or untreated principle behavioral health diagnosis. Among youth served and supported by the CSSD, all of whom are administered a baseline behavioral health screening, the vast majority are referred for further in-depth evaluations, including psychological, psycho-educational, psycho-sexual, clinical risk, neuro-psychological, competency to stand trial, and competency to waive *Miranda* rights. Recommendations resulting from evaluations enable Probation Officers to develop Individual Service Plans (“ISP”) detailing goals, objectives as well as services and supports necessary to achieve goals and objectives resulting from findings in the evaluations. The CSSD provides and procures a number of services and supports detailed below to an average daily population ranging from 750-800 youth.

²⁸ Ursula Wright and Hayling Price. FSG. [“Beyond the Classroom- Aligning Systems to Support Student Achievement.”](#) February 14, 2018.

²⁹ Children’s Health Fund. [“Health Barriers to Learning: The Prevalence and Educational Consequences in Disadvantaged Children.”](#) January 2017. p. 5

CSSD Services/Programs Provided to Youth in FY 2017³⁰

Support Services & Programs	# of Services Coordinated/Facilitated
Mentoring	513
Tutoring	265
Substance Abuse (DBH/APPR, Private Provider)	581
Mental Health Individual/Group/Family/Individual/Sex Offender	1252
Family Group Conferences	776
Behavioral Health Evaluations Completed	550

Department of Youth Rehabilitation Services

“Overrepresentation of students with disabilities in the juvenile justice system is a well-documented problem both nationwide and in the District of Columbia.”³¹ Over 90% of DYRS committed youth have both an IEP and either an AXIS 1 or AXIS 2 mental health diagnosis.³² According to DYRS Director Clinton Lacey, the average student tests at the fourth or fifth grade level in English and math, and has earned only a few credits towards graduation.³³ In FY2017, only 13 committed students earned their GED or high school diploma.³⁴

DYRS provides a number of supports to students, which are listed in the chart below.³⁵ For example, the Credible Messengers Initiative is a mentoring intervention program for youth committed to DYRS. The Initiative relies on neighborhood leaders who were formerly incarcerated, or previously involved in the justice system, to help youth transform attitudes and behaviors around violence.

Denise said she was grateful for the experience of getting locked up because now she has people (i.e. staff at DYRS and GOODProjects) in her life that she knows cares about her.

³⁰ Monthly Statistical generated by CSSD in FY2017

³¹ Nakisha Winston, Public Defender Service for the District of Columbia. [Testimony at the Committee on Education’s roundtable on Education for Students During and After Detention, Commitment, or Incarceration.](#) p.

21

³² Director Clinton Lacey, DYRS. [Testimony at the Committee on Education’s roundtable on Education for Students During and After Detention, Commitment, or Incarceration.](#) p. 64

³³ Ibid.

³⁴ DYRS. FY2017 DYRS Performance Oversight Responses–Tracking Youth Success Attachment 8

³⁵ DYRS. FY2017 DYRS Performance Oversight Responses– Tracking Youth Success Attachment 9

DYRS Programs and Number/Percentage of Youth Served in FY2017

Support Programs	Number of Youth Served	Percentage of Youth
Mentoring	257	72%
Tutoring	105	29%
Family Counseling	43	12%
Substance Abuse	56	16%
Health Screening	196	55%
Mental Health Services	152	43%
Restorative Justice/Conflict Resolution/Mediation	25	7%

Department of Corrections

Overall, it is difficult to obtain educational outcomes in DOC and BOP facilities because it is not tracked uniformly, and they largely rely on self-reporting and self-identification. In 2018, 61.4% of men and 45.6% of women in custody report having at least a high school diploma or a GED.³⁶ To date, BOP has not shared any educational outcomes with the Working Group.

Child and Family Services Agency

Similar to foster youth nationwide, D.C. foster youth’s school achievement rate is below that of their non-court-involved peers. In school year 2016-2017, only 5% of CFSA students scored a 4 or higher on the PARCC test.^{37,38} This rate is about 10% lower than the rest of the at-risk³⁹ population in D.C.⁴⁰

³⁶ DOC, “[D.C. Department of Corrections Facts and Figures](#).” April 2018.

³⁷ PARCC scores were provided to CFSA by Prince George’s County Public Schools and OSSE.

³⁸ CFSA. “[CFSA FY17 Performance Oversight Hearing Responses](#).” January 28, 2018. p. 79.

³⁹ The Uniform Per Student Funding Formula (“UPSFF”) was first implemented in school year 1990-2000. It is intended to provide funding for students in all LEAs. The funding formula is based on student enrollment and sets forth a minimum foundational level required to adequately fund education. Schools receive additional funding support for those students most “at-risk” of academic failure in the UPSFF. Students that are considered “at-risk” receive Temporary Assistance for Needy Families (“TANF”) or Supplemental Nutrition Assistance Program (“SNAP”) benefits, are high school students that are one year or more over the expected age for the current grade, are involved with the CFSA, or experiencing homelessness.

⁴⁰ OSSE. “[OSSE 2017 PARCC Score Results](#)”, slide 16.

SY2016-2017 PARCC Test Scores

English/Lit	3 rd -8 th Grade		9 th -12 th Grade	
	# of Students	% of Students	# of Students	% of Students
Level 1- Did not meet expectations	148	56%	85	64%
Level 2- Partially Met expectations	83	31%	26	20%
Level 3- Approached expectations	21	8%	15	11%
Level 4- Met expectations	10	4%	7	5%
Level 5- Exceeded expectations	2	1%	0	0%
Total	264	100%	133	100%

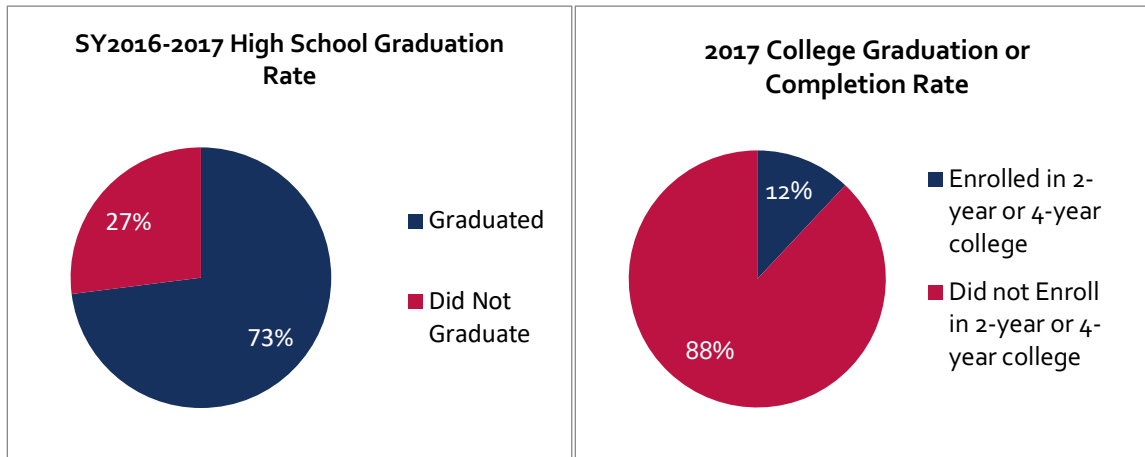
Math	3 rd -8 th Grade		9 th -12 th Grade	
	# of Students	% of Students	# of Students	% of Students
Level 1- Did not meet expectations	122	47%	68	51%
Level 2- Partially Met expectations	94	36%	53	40%
Level 3- Approached expectations	30	12%	10	8%
Level 4- Met expectations	12	5%	2	2%
Level 5- Exceeded expectations	0	0%	0	0%
Total	258	100%	133	101%

The graphs below indicate that in school year 2016-17, 73% of CFSA's senior class graduated from high school. However, it is unknown how many students may have dropped out of high school over the course of four years.⁴¹ Only 12% of CFSA students graduated from a two or four-

⁴¹ In order to calculate this graduation rate, CFSA divided the number of seniors who graduated from the 12th grade (53) at the end of school year by the number of seniors who were in the 12th grade (73) at the beginning of the school year. Therefore, CFSA did not use a four-year adjusted cohort graduation rate ("ACGR"), which is used by OSSE to calculate the city's four-year graduation rate. The four-year ACGR for D.C. public or public charter schools is the percentage of students in a cohort who graduate with a high school diploma within four years of entering high school. The cohort is adjusted for entries into and exits out of the state as well as for transfers into and transfers out of the school from or to another traditional public school or public charter school. CFSA's graduation rate does not show who should not be compared to D.C.'s graduation rate. OSSE. ["ACGR Policy Guide"](#). Last Updated August 15, 2017.

year college in 2017. The low college completion rate indicates that students in foster care need more college preparation and post-secondary support to succeed.⁴²

Post-Secondary Outcomes



In an effort to improve the educational outcomes for youth in foster care, CFSA has dedicated significant resources and spearheaded several new initiatives over the last few years. For example, CFSA has increased its staffing so they now have dedicated educational specialists to provide direct educational supports and guidance to youth in grades eight through college. CFSA has also forged partnerships with community based-organizations that specialize in preparing youth for post-secondary success, such as First Star Academy and the College Success Foundation. Additionally, CFSA has developed data-sharing agreements with several educational agencies serving D.C. foster youth and is analyzing that student performance data to target specific educational services and interventions at its youth most at-risk.

EDUCATION-RELATED BARRIERS

During the working group sessions, participants identified a number of challenges that students face while navigating the education system in D.C. These issues include the following: enrollment challenges, failure to receive credits, poor communication between agencies, lack of agency accountability, poor education quality, out-of-state placements, and insufficient data. This section of the report also highlights the unique obstacles that older youth with special education needs may encounter. Throughout the working group sessions, participants explored each of these barriers in detail. Summaries of those conversations are included below.

⁴² CFSA. ["CFSA FY2017 Performance Oversight Hearing."](#) February 12, 2018, p. 77.

Enrollment Challenges

Students in the care of the District of Columbia are highly mobile. It is typical for these students to attend more than one school during the school year. As a result, they may experience challenges getting enrolled in school. A charter LEA participant voiced frustration that the enrollment process can be confusing. Students who are placed at YSC are sometimes unenrolled in the E-school database from their home school because a student cannot be enrolled in two places at once. Then it is up to the LEA to contest the enrollment data and oftentimes LEAs will not go through that process. Conversely, some students are not enrolled in school when they become involved with the court system because they have already dropped out. Consequently, they do not have a "home school" in which to return. Many of these students are older youth between the ages of 18 and 22 who have special education needs.

Another issue that came up in conversations about enrollment is the challenge of ensuring that funding follows the child. While DCPS' budget is based on the projected number of students, public charter schools receive funding according to the number of students enrolled in the fall when the enrollment count is completed by OSSE.⁴³ If students enroll in a school after the October count date, then the school does not receive additional funding, dis-incentivizing public charter schools from accepting students. Large LEAs like DCPS are designed to withstand fluctuating enrollment but small charter LEAs may be harmed because of the loss in funding, especially if the school is also providing the youth with other wraparound services and supports.⁴⁴

Failure to Receive Credits

Many students experience difficulty earning high school credit within four years because detention, commitment, incarceration, or placement in foster care can interrupt their education and cause them to fall behind in their coursework. DYRS often sends students outside of D.C. to secure detention facilities that are not on OSSE's Approved Nonpublic Schools and Programs List because of limited placement options. Therefore, students may be placed in a program where the education quality is questionable, or the curriculum fails to align with D.C. graduation requirements. DYRS also places students in out-of-state therapeutic foster care placements, which causes them to be enrolled in a local school that does not align with D.C. graduation requirements. Students may also be placed in courses that do not count towards a DCPS high school diploma or that the student has already taken. While students can earn partial credits at Maya Angelou Academy at New Beginnings, DCPS and public charter schools do not accept partial credits when they return home. Therefore, they must retake an entire class (or multiple classes where they have earned up to .75 credits) upon returning to D.C.

⁴³ D.C. Official Code § 38-1804.02 (d) (2)

⁴⁴ The LEA payment initiative was supposed to help solve this issue, but the Office of the Deputy Mayor has suspended that effort.

Here are several other examples of what often occurs:

- Credits from one school may not transfer to another school or the youth may be moved in the middle of a course where the sending school does not award credit for work completed up to that point.
- The home school may fail to send the student's records to the new school, so the new school does not know which classes the student should be enrolled.
- The new school may not award credits or place the youth in appropriate classes.
- IYP, YSC, New Beginnings, and out-of-state placements do not/may not offer opportunities for student to continue coursework from their home school or earn full or partial credit.

Denise shared how excited she was to leave Mountain Manor Treatment Center ("MMTC") but enrolled into Maya Angelou and discovered that none of her credits could be applied. Now she is 20 years old without a GED and feels behind.⁴⁵

Brian said he failed the 9th grade, got arrested, and committed to DYRS at 16. Over the next four years, he was placed in different group homes and facilities and the entire time schools experienced trouble finding his education records.

Poor Communication Between Agencies

The Working Group reached consensus on needing to strengthen communication between agencies. LEAs voiced frustration that they are not notified at all, or in a timely manner, by a receiving agency when a student has been placed at YSC, New Beginnings, DOC, or when a youth has been diverted to a hospitalization or psychiatric residential treatment center with the DBH, Medicaid, or other health insurance as the facilitator. LEAs also expressed frustration that they are not given adequate notice when to expect a student to return to school. These uncertainties cause issues like delay in educational records being sent with the youth. Almost all of the agencies supported the idea of having a transition specialist to help them become more responsive to students' needs. While CFSA has a point of contact ("POC") at each LEA, some Working Group participants did not know about the POCs. Currently, there is not a similar POC at each LEA for DYRS.

⁴⁵ MMTC no longer serves adolescent patients. It is a short-term drug treatment/diagnostic program, so it is unclear what credits the student may have earned there. There is a school in proximity named Baltimore Academy, though MMTC has reported a full educational program actually interferes with the intense treatment service they provide.

Lack of Agency Accountability

Every participant in the Working Group wants more accountability. Some participants believe that LEAs are not effectively monitoring students in their placement settings, so OSSE should monitor agencies more closely and with greater frequency. A few participants seemed unaware that there are Memorandum of Agreements (“MOAs”) in place to help enhance accountability between agencies. While other participants believe that the MOAs have no “teeth,” and thus want agencies to provide data on how they are implementing them.⁴⁶

Poor Education Quality

The quality of programming at YSC and DOC has been criticized by civil rights attorneys representing students with disabilities. A 2013 assessment of the Juvenile Unit at DOC (for Title 16 youth) found that there was inadequate space for programming including educational services, insufficient programming, and that students with a high school diploma or GED did not have any educational programming. Since this assessment there have been some improvements, but it is unclear if students have real options for obtaining their high school diploma or GED. Further, there is a limited number of special education teachers at CTF. In 2016, OSSE found that DCPS and DOC had violated provisions of the IDEA in failing to ensure delivery of special education services to 18 to 22-year-olds at the CTF.⁴⁷ Therefore, more classroom space is needed, as well as full-time DCPS special education teachers and related service providers. Currently, there is no formal screening and identification of students entering the YSC for possible disabilities.”⁴⁸ DCPS notes that this is not required by IDEA. Additionally, many participants voiced concern about the lack of rigor in the classes offered at YSC and CTF.

Jonathan mentioned that a DCPS teacher at DOC treated him like he had an IEP even though he should have received general education.

Out-of-State Placements

Unfortunately, far too many students are placed outside of the District of Columbia as a result of involvement with the juvenile, criminal, and/or child welfare systems. The overreliance on facilities outside of D.C. is the result of a confluence of factors, including the lack of a robust continuum of high-quality, community-based behavioral health services in D.C., a pervasive

⁴⁶ These MOAs will be discussed on pg. 28.

⁴⁷ OSSE sent three letters of decision in this matter—to DCPS, DOC and OSSE. OSSE. [“Letter of Decision RE: State Complaint No. 016-004.”](#) November 15, 2016.

⁴⁸ Nakisha Winston, Public Defender Service for the District of Columbia. Ibid. p.22

false belief in the efficacy of residential treatment centers⁴⁹, and a shortage of residential facilities located in D.C.

Often the problem with out-of-state facilities is that LEAs have difficulty monitoring the educational progress of students when they are so far away. Because OSSE pays for education, DYRS picks the placement, and DCPS is required to monitor, there is no clear agency ultimately responsible for ensuring the provision of a FAPE while students with special education needs are in out-of-state placements. For students with general education needs, there may be little to no monitoring.

Donald shared that he was accidentally placed in a home out-of-state with students who were mentally challenged. He said no one from DCPS came to monitor or manage his progress.

Additionally, youth who are involved with CSSD may need residential or psychiatric residential treatment. In those situations, the DBH may get involved and facilitate moving the youth outside of D.C. Alternatively, the student's LEA might facilitate the movement if the youth's need for residential treatment or psychiatric residential treatment is the youth's appropriate special education placement. Therefore, this may cause confusion about which agency should be monitoring the students' education. Lastly, some youth are sentenced as adults in D.C. and placed in BOP facilities far away from home.

Jonathan shared that his family could not come visit him in a Memphis, Tennessee facility for four years because it was too expensive.

Insufficient Data

There is a greater need for data sharing. Highly mobile students frequently weave in and out of the juvenile and criminal justice system, foster care, and schools without having a single point of contact. As a result, it is difficult for agencies to know what a students' needs are and how to ensure they are receiving services and support in a timely and consistent manner. If CSSD and

⁴⁹ University Legal Services, Inc. "Out of State, Out of Mind: The Hidden Lives of D.C. Youth in Residential Treatment Centers." Published: June 22, 2009. Updated: August 10, 2009

OSSE were able to expand their data sharing agreements, then it would help agencies intervene more quickly. Fortunately, CSSD and OSSE are currently working on ways to share more data.

The Special Education Data System (“SEDS”) is a database system designed to support high-quality seamless service delivery for children with disabilities.⁵⁰ DCPS started using this system in 2008, followed by Public Charter LEAs in 2009. The current MOA between DCPS, OSSE, and the DOC outlines the process for searching for students who may have IEPs. However, due to the current usage and configuration of the SEDS, searches unfortunately leave out an entire population of students to include those ages 18-22 years old who are not enrolled in an LEA, students who have never been enrolled in a DCPS school, students who have never been incarcerated, and students that have never been enrolled in an LEA outside of D.C. Ideally, LEAs should use a database that includes these students, automates the process as much as possible to alleviate human error, and allows users to upload time-stamped reports so that agencies can be held accountable for meeting timelines.

Older Youth with Special Education Needs

Youth 18 years or older in the juvenile justice system suffer from a number of educational challenges. Young adults convicted of an adult charge and sentenced to a period of incarceration who were *never* identified for special education services *are not eligible* for those services. Conversely, students at IYP or YSC who *have* been identified as having IEPs may receive a delay in being appropriately placed in a classroom setting. Some students with IEPs even report that they do not attend class. Overall, youth in the juvenile justice system age out with insufficient services and few credits towards high school graduation. They return to their communities to find a service desert and experience difficulty re-enrolling in traditional public schools upon their return. As a result, these students become lost in the system of mass incarceration and educational inequities and even find themselves at the margins of reform movements.

CURRENT PRACTICE

Despite the best of intentions, D.C. agencies have been sued in the past for failure to provide FAPE to students in the care of the District of Columbia. In an effort to improve educational outcomes for youth, OSSE and DCPS entered into MOAs with DYRS, DOC, and CFSA. Each MOA is described in the ensuing paragraphs.⁵¹

DYRS, OSSE, and DCPS

The 2016 MOA between DYRS, OSSE, and DCPS applies to youth who are committed to DYRS and housed at New Beginnings, placed by DYRS in residential treatment facilities (“RTCs”),

⁵⁰ OSSE. “[SPEDS](#).”

⁵¹ This report provides a broad overview of the MOAs. To review the MOAs, see references, p. 41

psychiatric residential treatment facilities (“PRTFs”), out-of-state (“OOS”) group homes, or who are awaiting placement.⁵²

DYRS duties as agreed between the three agencies in the MOA

The MOA states that DYRS is the public agency responsible for ensuring FAPE for youth at New Beginnings and “awaiting placement” for all purposes *except* for determining educational placement and location of services after discharge.

DCPS duties as agreed between the three agencies in the MOA

When timely notified by DYRS of placement, DCPS is the LEA for all youth committed to DYRS who are placed in RTCs, PRTFs, and OOS group homes.

OSSE duties as agreed between the three agencies in the MOA

In accordance with Title I, Part D of the Elementary and Secondary Education Act, as amended, (20 U.S.C. § 6421 *et seq.*), OSSE is responsible for ensuring that D.C. agencies provide FAPE to “delinquent” youth (20 U.S.C. § 6434(a)(2)(C)iii). Additionally, in accordance with Part B of the IDEA, OSSE is responsible for ensuring that FAPE is provided to DYRS youth housed at New Beginnings and that meetings are scheduled with DYRS and DCPS no less than once a year or as needed to discuss the delivery of educational services.

As a result of this MOA, DYRS now has access to D.C. Statewide Longitudinal Education Data (“SLED”)⁵³, and OSSE is currently working to give DYRS (not only New Beginnings) access to SEDS. After a state complaint filed against YSC resulted in a settlement agreement, OSSE moved from monitoring YSC every three years to a bi-annual desktop monitoring of YSC and IYP. OSSE plans to move to bi-annual monitoring of New Beginnings as well. DCPS has recently requested to make updates and adjustments to this MOA for FY2019.

DOC, OSSE, and DCPS

The 2017 MOA between DOC, OSSE, and DCPS ensures that general and special education services are provided for eligible pretrial detainees and sentenced inmates housed at CDF and CTF. The goal of the MOA is to ensure that required educational services are provided to these individuals pursuant to ESEA, as amended (20 U.S.C. § 6421 *et seq.*), and IDEA.⁵⁴

⁵² See References, p. 41

⁵³ SLED data is a comprehensive database of student demographic and enrollment data, student mobility tracking, D.C. Comprehensive Assessment System Test Results, Nonpublic School Special Education Attendance Tracking, and annual enrollment audit and child count data, postsecondary data, etc.

⁵⁴ See Reference, p. 41

DOC duties as agreed between the three agencies in the MOA

DOC is responsible for providing general education services, such as ABE/GED programs and other educational supports, as needed for youth 16-22 years old at DOC facilities.

DCPS duties as agreed between the three agencies in the MOA

DCPS is required to be the LEA for eligible pretrial detainees and sentenced inmates enrolled in IYP by providing educational instruction and special education and related services and, in collaboration with DOC, meet its child find obligations under IDEA.

OSSE duties as agreed between the three agencies in the MOA

OSSE agreed to ensure that FAPE is made available to eligible pretrial detainees and sentenced inmates at DOC facilities by scheduling meetings with DCPS and DOC no less than once a year or as often as needed to discuss the delivery of special education services, incorporate IYP into OSSE's system of IDEA Part B monitoring of LEAs, and take appropriate action if the need arises.

Currently, OSSE offers trauma trainings to LEAs, which can be extended to the staff at correctional facilities. Trainings include consultation hours. OSSE has a dedicated POC whose role is to support the timely sharing of information and address systemic challenges on behalf of transition students. DOC has piloted an initiative with the University of the District of Columbia Community College ("UDC-CC") and OSSE to offer CTE courses to D.C. residents at DOC. Currently, discussions are being held to look at additional CTE programs in the coming year.

CFSA, OSSE, and DCPS

In September 2013, OSSE, DCPS, and CFSA entered into an MOA to address education services for students placed at out-of-state placements by CFSA. It was reauthorized on October 10, 2017.⁵⁵

CFSA duties as agreed between the three agencies in the MOA

The MOA states that CFSA may place a student in temporary settings outside of D.C., but they must remain a D.C. resident even if they attend an outside school. CFSA must ensure all students are enrolled in school and notify OSSE and DCPS within five business days of a neglect petition. CFSA is required to notify DCPS within 30 days of a student's return to a home environment in D.C. CFSA must also notify DCPS and OSSE within five business days of a change in a student's address, educational placement, or enrollment.

⁵⁵ See References, p. 41

When CFSA places students in a RTC or PRTF, CFSA is required to coordinate with DCPS to ensure that all D.C. students who are suspected of having a disability receive an evaluation and services. When a student's placement is changed or they are no longer in CFSA's care, the agency must provide DCPS with completed enrollment forms and documentation within five business days.

DCPS duties as agreed between the three agencies in the MOA

DCPS is required to be the oversight body for CFSA youth attending public schools outside of D.C. DCPS must:

1. Ensure that D.C. meets its child find obligations under the IDEA or Section 504;
2. Obtain and review student records for students that are covered under the MOA that are enrolled in a public school outside of D.C. and receive services in accordance with IDEA or Section 504 plan;
3. Provide assistance to a school outside of D.C. regarding the implementation of IDEA or Section 504 when it is requested by the school, parent, educational decision maker, or CFSA;
4. Attend a meeting with school officials and other appropriate representatives to discuss a potential change of location or place upon notification that a student may need a more restrictive environment; and
5. Contact OSSE and CFSA when issues arise that cannot be resolved.

DCPS is required to be the LEA for students placed in RTCs, PRTFs, or attending non-public schools placed by CFSA. However, the MOA explicitly states that DCPS is not the LEA when the student is placed in a foster care home and enrolled in a public school outside of D.C.

OSSE duties as agreed between the three agencies in the MOA

OSSE is responsible for ensuring that FAPE is made available to eligible youth with disabilities who are CFSA wards and placed outside of D.C., scheduling meetings with DCPS and CFSA no less than once a year or as needed, and taking appropriate action if the need arises.

RECOMMENDATIONS

Even with the MOAs in place, Working Group participants voiced concern that many of the problems that the MOAs were designed to solve still persist. As a result, the Working Group discussed the following policy recommendations:

Office of the State Superintendent of Education

1. Provide greater guidance to LEAs about enrollment and monitoring of students at YSC, IYP, New Beginnings, RTCs, PRTFs, OOS group and foster homes, awaiting placement, therapeutic foster care homes, or other facilities so that the educational progress of students is not interrupted.
2. Actively identify barriers that keep FAPE from being available to all eligible students in care with disabilities.
3. Develop and publish a technical assistance and training plan for students, families, LEAs, and community stakeholders on education for students in the care of D.C.
4. Establish a decision-making framework that increases educational continuity for students:
 - A. Identify options to reduce the number of students placed outside of D.C. where appropriate.
 - i. Work with the DBH or hospitals like The Psychiatric Institute of Washington (“PIW”) or Children’s National Medical Center to create psychiatric residential treatment facilities within D.C so there are more local options where these student’s educational needs can be more closely monitored.
 - B. Identify strategies for additional facilities to be included on OSSE’s Approved Nonpublic Schools and Programs List and eliminate unnecessary barriers.
 - C. Create pathways for students placed outside of D.C. to meet D.C. graduation requirements. These pathways could include online classes and comparable classes that LEAs can accept or demonstrate competency.
5. Enhance data system(s) to address issues mentioned earlier in the report.
6. Expand data sharing agreements with CSSD so agency partners have updates in real time.
7. Publish the Addendum Notification for the Juvenile Justice POCs once they are established.

D.C. Public Schools

1. Expand DCPS’ CTE pathways to allow students in Opportunity Academies⁵⁶ to access dual enrollment opportunities and ensure they include and serve youth with special education needs.

⁵⁶ DCPS has eight alternative programs: Ballou STAY Senior High School, CHOICE Academy, Incarcerated Youth Program, Luke C. Moore Academy, Roosevelt STAY Senior High School, Twilight Program, Washington Metropolitan High School, and Youth Services Center.

2. Make the following improvements to IYP and YSC:
 - A. Ensure students have widely available and accessible opportunities to earn credit through competency-based material and accelerated credit earning.
 - B. Enhance Special Education Services:
 - i. Increase capacity to provide special education services, including more FTEs.
 - ii. Provide full-time special education services, as applicable.
3. Improve the process for sending and receiving student's educational records (i.e. report cards, transcripts, attendance, discipline, IEP needs, etc.):
 - A. Designate a transition specialist FTE for both IYP and YSC.
 - B. Review and update policy for educational records requests (i.e. report cards, transcripts, attendance, discipline, IEP needs, etc.) that includes requesting and reviewing documents from all previous schools attended.
 - C. Send records to the receiving agency within two days school days excluding holidays and weekends.
4. Protect students' education rights by ensuring:
 - A. They are enrolled in the appropriate courses to remain on track to graduate.
 - B. Alternative coursework for D.C. graduation requirements is provided as needed.
 - C. Grades and transcripts are developed at regular intervals and progress reports are developed in preparation for discharge/move.
 - D. Special education needs are identified and students' IEPs are continuously implemented.
 - E. IEPs and Behavior Intervention Plans are updated prior to move, as applicable.
 - F. Coordination with other agency members on the student's team.
5. Work collaboratively with DYRS to establish a Juvenile Justice POC. The Juvenile Justice POC should, at a minimum:
 - A. Identify the specific individuals responsible for implementing the obligations defined in MOAs.
 - B. Review and update information as necessary to ensure that internal and external stakeholders are provided with relevant program and contact information.
6. Coordinate with Charter LEAs to provide a listing of comparable courses and establish internal flexibility so that students can receive non-elective credit.

D.C. Public Charter School LEAs

1. Improve the process for sending students' educational records (i.e. report cards, transcripts, attendance, discipline, IEP needs, etc.):
 - A. Designate a transition specialist FTE for each school. The FTE can also serve as a Juvenile Justice POC who should at a minimum:
 - i. Identify the specific individuals responsible for implementing the obligations defined in MOAs.

- ii. Review and update information as necessary to ensure that internal and external stakeholders are provided with the relevant program and contact information.
 - B. Develop a policy for record requests that includes requesting and reviewing documents from all previous schools attended.
 - i. Send records to the receiving agency within five school days excluding holidays and weekends.
2. Develop a credit recovery policy that ensures additional flexibility and opportunities for completing and earning credits for students in the care of D.C.
3. Protect students' education rights in the community by ensuring:
 - A. They are enrolled in the appropriate course to remain on track to graduate.
 - B. Alternative coursework for D.C. graduation requirements is provided as needed.
 - C. Grades and transcripts are developed at regular intervals and progress reports are developed in preparation for discharge/move.
 - D. Special education needs are identified and students' IEPs are continuously implemented.
 - E. IEPs and Behavior Intervention Plans are updated prior to a move, as applicable.
 - F. Coordination with other agency members on the student's team.
4. Coordinate with DCPS to provide a list of comparable courses and establish internal flexibility so that students can receive non-elective credit.

D.C. Superior Court

1. Ensure judges are fully informed about the negative educational consequences of certain sentences.
2. Ensure students, parents, and guardians know their educational rights, how to access free education attorneys, and receive resources that provide more information or assistance with safeguarding these rights.
3. Expand the use of court-appointed special education attorneys to criminal court so that students ages 18-22 (still eligible for special education) can benefit from access to free special education legal services.
4. Enhance data sharing with OSSE so agency partners are provided updates in real time.

Department of Youth Rehabilitation Services

As D.C.'s public agency charged with the care and custody of D.C. youth, DYRS should:

1. Improve the process for sending and receiving student's educational records (i.e. report cards, transcripts, attendance, discipline, IEP needs, etc.):
 - A. Send records to receiving agency within two school days, excluding holidays and weekends, of the student's removal or initial placement to ensure education is uninterrupted while the student is in the care of DYRS.

2. Provide a quality education based on the student’s preferences and needs, current curricular enrollment, and desires.
3. Ensure classroom space is adequate for youth and meets education specification requirements.
4. Work collaboratively with DCPS and Charter LEAs to establish a Juvenile Justice POC. The Juvenile Justice POC should, at a minimum:
 - A. Identify the specific individuals responsible for implementing the obligations defined in MOAs.
 - B. Review and update information as necessary to ensure that internal and external stakeholders are provided with the relevant program and contact information.
5. Provide more high-quality data on educational outcomes.

As D.C.’s public agency responsible for ensuring FAPE for students at New Beginnings Youth Development Center and “awaiting placement”⁵⁷, DYRS should:

1. Engage in ongoing training that clarifies the roles and responsibilities for both DYRS staff and its contracted provider, Maya Angelou Academy. The training should be memorialized and posted online, and the content and completion data should be reviewed annually.
2. Improve the process for sending and receiving students’ educational records (i.e. report cards, transcripts, attendance, discipline, IEP needs, etc.):
 - A. Designate a transition specialist FTE for both IYP and YSC.
 - B. Review and update policy for records requests that includes requesting and reviewing documents from all previous schools attended.
 - C. Send records within two school days excluding holidays and weekends.
3. Protect students’ education rights by ensuring:
 - A. They are enrolled in the appropriate course to remain on track to graduate.
 - B. Alternative coursework for D.C. graduation requirements is provided as needed.
 - C. Grades and transcripts are developed at regular intervals and progress reports are developed in preparation for discharge/move.
 - D. Special education needs are identified and students’ IEPs are continuously implemented.
 - E. IEPs and Behavior Intervention Plans are updated prior to a move, as applicable.
 - F. Coordination with other agency members on the student’s team.
4. Enhance Special Education Services in the following ways:
 - A. Increase capacity to provide special education services, including more FTEs.
 - B. Provide full-time special education and related services along with a full continuum of placements.

⁵⁷ See References, p. 41

Child and Family Services Agency

1. Improve the process for sending and receiving student's educational records (i.e. report cards, transcripts, attendance, discipline, IEP needs, etc.) within two school days, excluding holidays and weekends, of the student's removal or initial placement to ensure education is uninterrupted while the student is in the care of CFSA.
2. Strive to ensure students in care receive a quality education based on the student's individual needs, current curricular enrollment, and desires.
3. Provide greater supports to youth who are close to aging out or have aged out of foster care.

Department of Corrections

1. Provide classroom space that is adequate for youth and meets education specification requirements.
2. Ensure that enrolled students attend class.
3. Require regular meetings between students and their DOC case managers and College and Career Readiness staff so the student's educational progress is not unnecessarily interrupted.

Council of the District of Columbia

As the legislative body responsible for overseeing OSSE, DCPS, DYRS, CFSA, and DOC, the Council should:

1. Ensure agencies are providing robust education planning that is immediate and appropriate, and include the following:
 - A. Placement of students into the appropriate courses to remain on track to graduate high school.
 - i. In cases where this is not possible, the agency must provide a reason why a student is not being placed in an educationally appropriate facility.
 - B. Implementation of a student's individualized education plans.
2. Where possible, require reporting on the implementation of MOAs in consultation with the appropriate agency.
3. Require more high-quality educational outcomes data from OSSE, DCPS, DOC, and DYRS.

Legislative Recommendations

Although agencies shared that they would need to review final language before determining their position, the Working Group discussed the following legislative recommendations that should be considered for introduction by Councilmember David Grosso:

Create a Standing Coordinating Committee

The purpose of the permanent Standing Coordinating Committee is to allow agencies, LEAs, attorneys, advocates, and former students to continue to identify challenges and resolve issues that students in the care of D.C. face in order improve educational opportunities and student achievement.

Legislation: The vision of the Students in the Care of D.C. Coordinating Committee is to improve educational opportunities and student achievement for justice-involved youth and youth in foster care. The Coordinating Committee shall be headed by a director who shall be appointed by and serve at the pleasure of the Mayor. The duties of the Coordinating Committee shall be as follows:

1. Identify and assess challenges to educational success;
2. Establish an agreed upon list of educational records that should be transferred between schools;
3. Recommend practices to help achieve better educational outcomes for youth;
4. Gather and analyze data, and make recommendations regarding the exchange and sharing of education-related data;
5. Provide technical assistance, training, and capacity building to governmental and nongovernmental bodies on best practices;
6. Foster collaborative relationships with agency counterparts in Maryland and Virginia to facilitate the efficient transfer of students moving in and out of the District of Columbia;
7. Report on the implementation of all MOAs;
8. Establish a set of outcomes that each participating agency is responsible for improving;
9. Establish a clear and effective system of monitoring students; and
10. Within 12 months of the effective date, and at least three years thereafter, draft and approve a strategic plan to improve educational opportunities and student achievement for justice involved youth and youth in foster care in D.C. that encourages interagency and community coordination and promotes and provides high-quality educational, workforce, and career development opportunities with needed accommodations and supports;

The Coordinating Committee shall consist of 25 members who are appointed by the Mayor. It will consist of the following voting members or their designee:

1. The Director of the Coordinating Committee;

2. The State Superintendent of Education or designee;
3. The Director of the D.C. ReEngagement Center or designee;
4. The Director of the D.C. Department of Youth Rehabilitation Services or designee;
5. The Director of the D.C. Child and Family Services Agency or designee;
6. The D.C. Department of Corrections or designee;
7. The Chancellor of D.C. Public Schools or designee;
8. The Executive D.C. Director of the Public Charter School Board or designee;
9. The President of University of the District of Columbia Community College or designee;
10. The Director of Court Social Services or designee;
11. Two representatives from the Superior Court of the District of Columbia, including the chief of the family division, or their designee, and the chief of the criminal division, or their designee;
12. The Executive Director of the Corrections Information Council or designee;
13. The Director of the D.C. Department of Behavioral Health or designee;
14. The Director of the D.C. Department of Disability Services or designee;
15. The Director of the Public Defender Service for the District of Columbia or designee;
16. Two local charter education agencies.

The Mayor shall appoint at least one D.C. resident from each of the following categories:

17. A family whose children have been in the care of the District of Columbia;
18. Former students in the care of the District of Columbia;
19. A provider of services;
20. An attorney representing:
 - A. Youth in juvenile justice cases;
 - B. Youth in CFSA care; and
 - C. Parents or Educational Decision Makers of government care.
21. An advocacy organization.

The Mayor shall transmit to the Council, within 90 days of the effective date of this act, nominations for each nongovernmental member of the Coordinating Committee, and thereafter upon a member's resignation or the expiration of a member's term.

Implement a Partial Credit System

Some working group participants voiced a desire to implement a partial credit system so that students can earn credits for the work they complete. While the partial credit system would directly benefit students in the care of D.C., it would also benefit many other students that are highly mobile within the public-school system. However, there are some considerations that need to be taken into account when implementing a partial credit system. DCPS and public charter LEAs would need to work collaboratively to ensure that students receive partial and full credit for comparable curriculum. A partial credit system would not impact students that are placed outside of its jurisdiction and are seeking credit. Therefore, it is critical that D.C. agencies

work collaboratively with placements outside of D.C. to establish ways for students to receive credit.

Legislation: Youth who transfer schools mid-semester have a right to receive full or partial credits, based on seat-time or competency, for all work satisfactorily completed before transferring schools. Upon receiving notification that a youth is transferring schools, a sending school must issue transfer/withdrawal paperwork, grades, and full or partial credits on an official transcript. The receiving school must accept all transfer/withdrawal grades and credits, apply them to the same or equivalent courses, and immediately enroll youth in the same or equivalent classes as they were enrolled in at the sending school. In order to comply with the law, LEAs must issue partial credits pursuant to their own calculation method or use the Partial Credit Model Policy.⁵⁸ Note: The D.C. Public Charter School Board and DCPS requested that this legislative recommendation is removed so they can facilitate their own independent collaboration with DYRS.

Require a Court-Appointed Special Education Panel for 18-22-year olds in Criminal Court

Working group participants reached consensus that 18-22-year olds, who are eligible for special education services, should have access to special education attorneys if desired. The Criminal Justice Act of the District of Columbia⁵⁹ ensures that persons charged with crimes, who are financially unstable to obtain an adequate defense are provided legal representation. On July 17, 2000, the Superior Court created panels through which indigent people may access different forms of representation. The panels provide appointed legal representation to indigent people in D.C. who have been charged with a felony or misdemeanor or face the possibility of such charges and require counsel. Pursuant to D.C. Code §16-2304, Administrative Order 02-15, a Family Court Panel Committee created panels of attorneys to represent indigent parties in Family Court proceedings. As a result, the Family Court Panel Committee created a panel of special education advocates ("SEA Panel") as well as three other panels (juvenile proceedings panel; guardian ad litem panel, and neglect and termination of parental rights panel) from which Family Court counsel appointments can be made. Unlike in Family Court, where judges may appoint special education attorneys to ensure that students' education rights are enforced, Criminal Division judges do not appoint special education attorneys to defendants under the age 22, even though they are owed special education services pursuant to IDEA.

Legislation: Establish a pilot program that creates an attorney panel to represent students with special education needs who are involved in the criminal justice system.

⁵⁸ Alliance for Children's Rights, Association of California School Administrators, California Department of Education, California School Board Association, California County Superintendents Educational Services Agency, County Welfare Directors Association, and Child Welfare Council. "[Foster Youth Education Toolkit.](#)" p. 53-57

⁵⁹ D.C. Code § 11-2601 et seq. (2001).

CONCLUSION

In conclusion, the Students in the Care of the District of Columbia Working Group gained a greater understanding of the challenges facing students involved in the juvenile and criminal justice system and in child welfare system and areas for improvement. Much of the discussion centered around improving collaboration and coordination among entities responsible for the education and care of students.

There were a number of critical issues that the Working Group did not have the opportunity to explore due to time constraints. However, Working Group participants believe that the government of the District of Columbia may deem it worthwhile to also consider the following issues more in depth, either in the proposed Coordinating Committee, or beyond:

- Identify strategies to reduce the number of students that are placed in foster care, arrested, committed, detained, and incarcerated;
- Develop policies and practices that reduce Black girls' involvement in the juvenile justice system;⁶⁰
- Enhance trauma-informed and unconscious bias teaching and training;
- Provide greater wrap-around supports to students and their families;
- Examine the State Medicaid Plan to ensure D.C. is maximizing federal funding; and
- Identify solutions to challenges that prevent students in the care of D.C. from attending school on a consistent basis.⁶¹

While the District of Columbia has taken a number of important steps to ensure that this student population receives a high-quality education, there is still much more to be done. No longer can we allow these students to remain hidden in the shadows. It is incumbent upon all interested stakeholders to work collaboratively to bridge systems to create educational continuity and stability for some of our most vulnerable youth. The recommendations set forth in this report provide a roadmap that will enable the city to strengthen and expand critical services to ensure that students in the care of the District of Columbia are afforded every available opportunity for success.

⁶⁰ According to "[Beyond the Walls: A Look at Girls in D.C.'s Juvenile Justice System](#)," the share of black girls arrested, petitioned to court, placed on probation, and placed out of home has steadily increased over the past twenty years.

⁶¹ CJCC. CJCC Juvenile Justice Technical Assistance Session: "Uprooting the Challenges: Improving School Attendance for System-Involved Youth." Wednesday, May 30, 2018

REFERENCES

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6. OSSE and CFSA. [Non-Regulatory Guidance on Elementary and Secondary Education Act \(ESEA\) Provisions Regarding Educational Stability for Children in Foster Care](#) (2016).
7. The Legal Center for Youth Justice and Education. ["Blueprint for Change: Education Success for Youth in the Juvenile Justice System"](#) (2017).