



# School Justice Project

## SJP's 2023 Year-in-Review

### **Direct Representation Program**

In 2023, SJP served over 250 young people and their families. Through our direct representation program, SJP attorneys participated in about 680 client-related meetings, including individual meetings with our clients, school meetings, meetings with agency personnel, and meetings with community-based providers. SJP advocated for clients during twenty court hearings and mitigated the outcome in 90% of those hearings. Finally, SJP was thrilled to witness four of our long-time clients graduate in June from the Maya Angelou Academy at DC Jail.

#### *Client Demographics*

The average age of SJP clients when beginning representation is nineteen years old. SJP clients are Black (97%) or Latinx (3%). 90% of clients identify as male and 10% identify as female. 100% of clients are eligible for free legal representation, thus meeting the court indigency requirements. Ward 8 has the largest SJP client representation (30%), followed by Ward 7 (16%) and clients experiencing homelessness (13%).

We have received nearly 400 referrals since opening doors. Referrals come from a variety of sources, though the majority come from defense attorneys (28%) and clients and former clients (27%). About 13% of our cases come from judges, either through direct referrals or court appointments. Other referrals come from civil legal service providers, education attorneys, community-based organizations, and social workers. In 2023, we opened forty new extended representation cases, the highest number of new cases in a single year in SJP's history.

#### *Education and Employment*

In 2023, 92% of SJP clients were enrolled in an education program. 100% of clients released from incarceration re-enrolled in school within 30 days of release.

81% of SJP clients were connected to an enrichment activity during their first year working with SJP, and 72% of SJP clients were connected to a social service during their first year working with SJP. Of those able, 57% of SJP clients were employed after working with SJP for a year.

#### *Empowerment, Leadership, and Community*

SJP's model aims to promote empowerment and self-advocacy. 88% of SJP clients reported increased empowerment, as measured by self-expressions of feeling comfortable speaking at meetings and initiating ways for their individual voice to be heard. Clients also demonstrated increased initiative, undertaking major tasks such as securing vital documents, enrolling in school, or touring programs without an attorney for the first time. 95% of SJP clients demonstrated increased knowledge or understanding of education rights. 59% of clients began showing civic engagement via voter registration, community service participation, or initiation of efforts to obtain vital documents and city services.

## Systemic Advocacy and Policy Program

SJP continues to advocate for systems reforms to DC's education and criminal legal systems using a variety of strategies, including high-impact litigation, legislative & policy advocacy, and coalition building.

### *Litigation*

- SJP along with co-counsel from Washington Lawyers' Committee and public interest law firm Terris, Pravlik & Millian, won a historic victory on September 23, 2023, when we reached a settlement in *Charles H. v. District of Columbia*. This case was a class action lawsuit filed to ensure that students incarcerated at DC Jail during the pandemic received access to education and compensatory education for the time that was lost since the pandemic started. Throughout the pandemic, young people with disabilities who were being held in DC Jail were not provided education. To remediate for the lost instruction and special education supports, the settlement agreement provides injunctive relief and compensatory education services to impacted students.

Compensatory education class members were awarded a total of 3.4 million dollars in funding to be used towards educational expenses like tutoring, tuition, educational technology, mentoring, and workforce development. The individual awards vary based on the amount of time the young person was incarcerated and the special education services that they should have received during the period of deprivation. Many awards total tens of thousands of dollars, enough that these young people will have the opportunity to pay for college classes or trade school. They are even entitled to use the awards to help pay for fees and transportation costs, removing massive obstacles that often prevent these young people from continuing their education past high school. SJP has already initiated contact with each class member, both those still incarcerated and those in the community, to inform them of their individual awards and the relief secured for the class. SJP will continue working with the 200 class members to ensure that any educational services outlined in the settlement agreement are available for the class members to access.

- SJP continued to move forward on the Due Process Hearings on the topic of the lack of special education for students in Federal Bureau of Prisons (BOP) facilities. Contrary to federal and local special education law, these students stop receiving special education once they are sent to these facilities. A key priority for us is ensuring that this practice changes and that students receive compensatory education for the time and services they have lost. In February 2023, we, along with co-counsel, filed two Due Process Complaints on this issue. The complaints challenged the District's failure to provide students with education while they are incarcerated in BOP facilities. These complaints seek to enforce a decision SJP got nearly five years ago, holding that the District is responsible for educating its residents with disabilities in BOP facilities. In September 2023, the hearings went forward, and we received favorable decisions that still leave open space for appeal to federal court. We will continue working on this issue in federal court during 2024.

## *Legislation*

- SJP staff members testified in front of DC Council nine times in 2023, including significant advocacy to oppose “tough on crime” legislation that was proposed over the summer. Director of Programs & Co-Founder Sarah Comeau spearheaded the advocacy community’s attack against the Mayor’s legislation, resulting in a campaign to #SaveIRAA and #CareNotCages. She led teach ins on the legislation and met with every councilmember to advocate against its passage.

SJP helped coordinate advocacy testimony at a round table on public safety and supports and services for young people. The round table was a great success and provided opportunity for multiple systems-involved young people to share their stories and tell lawmakers what the District must do to ameliorate the public safety crisis. To prepare, Sarah led a messaging summit with juvenile justice advocate Eduardo Ferrer that convened participants from three coalitions. The summit resulted in coordinated messaging to unify the coalitions and amplify common themes to include investment not divestment in young people, education, and mental health supports.

- Over the past year, SJP made significant progress on launching a special education attorney court-appointment panel for students in criminal proceedings. As background, in 2022, the DC Council passed D.C. Code § 16–714, which directed the Superior Court of the District of Columbia to appoint a panel of special education attorneys for its Criminal Division. This panel will allow judges to appoint education lawyers for “emerging adults” with disabilities who otherwise would not have access to enforcement of their special education rights. While a special education panel existed in Family Court, these attorneys were not appointed in criminal court. This landmark legislation closed that gap and is the first of its kind in the country.

The three overarching goals of this project are to 1) Support Superior Court in setting up its first special education attorney panel in adult criminal court, 2) Increase the number of court stakeholders trained on special education legal services for older, court-involved students with disabilities, and 3) Increase access to special education attorneys for all eligible students in DC’s adult criminal court. We have focused our efforts on increasing stakeholder awareness around the education issues facing court-involved students with disabilities and the purpose (and existence) of the legislation that creates a special education attorney panel in criminal court.

In September 2023, D.C. Super. Ct. Admin. Order No. 23-21 established the “Special Education Panel Attorneys for Emerging Adult Defendants” in the Criminal Division, and identified SJP as one of the primary providers of special education legal representation via the panel. We believe this panel will improve access to education, reduce court contacts, and improve life outcomes for older, court-involved students with disabilities.

## *Coalitions*

- SJP is part of a wide variety of coalitions or collaboratives: Thrive Under 25, Every Student Every Day, Youth Justice Project, Special Education Attorney Roundtable, Special Education Advocacy Coalition, Interagency Council on Homelessness, DC Family Court Training Committee, DC Superior Court's Juvenile Justice Subcommittee of the Court Education Work Group, DC Legal Services Consortium, DC Legal Aid Transformation Network (Quarterly), and Fair Budget Coalition. In 2023, SJP attorneys served as co-chairs for five of those coalitions or their subcommittees.
- In early 2023, the Court Education Work Group (CEWG) Juvenile Justice Subcommittee was made aware of an issue involving young people placed in shelter homes who are unable to access their education. These young people are under court supervision but due to their placements by the court, which are often far from their schools of enrollment, they cannot be transported to school due to a contractual issue. Through CEWG's membership of intergovernmental partners, we were able to schedule meetings between the relevant agencies and begin a dialogue on how to correct this issue.
- The Special Education Advocacy Coalition (SEAC) coalition continues to advocate with the Office of the State Superintendent of Education (OSSE) to address systemic special education concerns in the District. One such issue was the lack of Home and Hospital regulations for students whose disabilities and/or temporary illnesses prevent them from attending school. Through SEAC's dedicated advocacy, the regulations were finalized in 2023. In addition, SEAC continued to engage with the state education department on implementation of the Dyslexia Bill, a bill which they strongly supported through its passage. The coalition continues to advocate for "screeners" necessary to ensure students are identified to receive the supports they need.
- During the first half of 2023, Thrive Under 25 coalition (Thrive) dedicated its collective efforts to budget advocacy and oversight mechanisms for Department of Corrections. For example, the coalition worked tirelessly to advocate for increased funding for the school within DC Jail to ensure that it can provide quality education to young people with disabilities who are incarcerated. The coalition also provided coordinated testimony in front of DC Council relating to Department of Corrections' practices and policies as it impacts access to educational programming within facilities.

A major shift in education access was the transition of responsibilities regarding the high school program to the Department of Corrections (from education agencies). To prepare for anticipated issues arising from this transition, Thrive met with each DC Councilmember to educate them on the importance of oversight and the educational landscape of court-involved young people. The goal was to make sure Council understood that it must not only adequately fund the school within the jail but also provide oversight throughout the transition. The result of Thrive's advocacy was that the school received an increased budget that reflected what it needs to operate adequately as well as commitments from the Council to hold a roundtable on education in the future.

## Community Outreach & Legal Trainings Program

- During 2023, SJP staff conducted sixteen trainings and presentations for students, juvenile justice professionals, government leaders, educators, and attorneys and advocates from across the country, reaching over 450 participants.
- In May 2023, Sarah Comeau, gave a keynote presentation at the annual NDTAC Conference at the U.S. Department of Education. NDTAC is the National Evaluation and Technical Assistance Center for the Education of Children and Youth Who are Neglected, Delinquent or At-Risk. In collaboration with the U.S. Department of Education, NDTAC provides technical assistance and support to all States receiving Title 1, Part D funding. As a part of this assistance, they host an annual conference to support States in their program implementation and to encourage structural changes that incorporate the priorities of youth and families.
- In June 2023, SJP hosted a Summer Salon & Social. The virtual salon was a discussion of how the landscape of education for court-involved students with disabilities has developed over the past decade. The discussion, which was moderated by Marcus Littles from Frontline Solutions, featured Candice Jones from Public Welfare Foundation, David Domenici from Breakfree Education, Lashunda Hill from the Deputy Mayor For Education's Office of Students in the Care of DC, and Claire Blumenson, SJP's Executive Director & Co-Founder. The recording of the discussion is available here: <https://www.youtube.com/watch?v=nvn-FcvI2XI>.
- Finally, we have worked to resume some of our Community Outreach and Legal Training activities that had been paused due to the pandemic. For example, in April 2023, three SJP staff members held an education legal clinic at the Public Defender Service's Second Chance, Second Hand event. The event was held in partnership with several local organizations and featured free groceries, a mutual aid market (including prom dresses), youth activities, and a live DJ. SJP provided information to community members about special education rights and the continuum of services SJP attorneys provide. Prior to the pandemic, SJP also regularly provided on-site special education attorneys at locations throughout the District to assist students with their education needs, such as school resources or transcript reviews, and this event was the mark of the return of that work. The legal clinics are aimed to address the brief legal service needs of students. We are very excited to resume the important work of our regular education legal clinics.

## Staffing

- In June 2023, long-time SJP team member Rachel Russo transitioned to a new role, Director of Operations. Rachel joined SJP as a Staff Attorney in 2014 and had been serving as Supervising Attorney since 2017. As Director of Operations, Rachel provides administrative leadership to the organization by overseeing financial, human resources, and development systems and managing the day-to-day operations of the organization, ensuring that it runs efficiently and that it has the systems and procedures in

place to support effective programming. It has been wonderful to have Rachel use her talents to serve the organization in new ways.

- SJP made significant strides in capacity in the last quarter of 2023, which expanded the outreach efforts and project areas. SJP was thrilled to welcome two new team members, Rachel Goodman and Katie Martinez.

Rachel is a seasoned advocate who brings years of experience to her role as Senior Staff Attorney at SJP. She most recently worked at the Public Defender Service for the District of Columbia (PDS), defending both young people and adults charged with crimes. Rachel will work to advance SJP's forthcoming effort with the DC Superior Court to provide special education representation to students in adult criminal court.

Katie, a 2023 graduate of Harvard Law School, joins SJP as an Equal Justice Works Fellow co-sponsored by Greenberg Traurig, LLP and Steptoe & Johnson LLP. During her two-year fellowship term, Katie will launch the first long-term education legal desks in DC secure facilities to enforce the rights of detained students with disabilities to a free appropriate public education (FAPE). In just three months, Rachel and Katie have already become invaluable members of our team and trusted advocates to their clients.