



**Written Testimony of Tristin Brown, Associate Counsel,
Washington Lawyers' Committee for Civil Rights and Urban Affairs
Before the Council of the District of Columbia, Committee of the Whole & Education
Concerning B23-0921, the "Education and Credit Continuity Amendment Act of 2020"**

November 24, 2020

Thank you Council Chairman Mendelson, Education Committee Chairman Grosso, and all Councilmembers for this opportunity to provide testimony. The Washington Lawyers' Committee for Civil Rights and Urban Affairs urges you to pass the Education and Credit Continuity Amendment Act of 2020 because it takes affirmative steps to redress the long-standing institutional barriers that have made obtaining a high school diploma practically unattainable for students in the care of the District.

The Education and Credit Continuity Amendment Act of 2020 is especially relevant to the work of the Committee because of our commitment to combatting racial injustice and inequities in the District. The District of Columbia is a city that is plagued by racial disparities that overwhelmingly harm and disadvantage people of color. A glaring example of these disparities is in the educational barriers experienced by students in the care of D.C. – students in the child welfare system and students involved in the juvenile and criminal legal systems who are disproportionately youth of color. In 2017, Black children accounted for 54% of children in D.C.¹, but represented 89% of children in the District's foster care system as of 2019.² In 2017, there was a 169:39 ratio between minority and white youth in DC who were held in state detention centers.³

This proposed legislation intends to codify the duties of the various agencies responsible for ensuring students in the care of D.C. receive access to education by addressing the lack of continuity and uniformity in current practices regarding the transition between schools for our students. Students in the care of D.C. regularly change schools as a result of placement decisions made by D.C. government, such as placing students in out-of-state foster homes, residential treatment facilities, a DYRS or DOC facility, or another out-of-state alternative. These placements are often temporary, but students are usually required to change schools and attend a local or in-facility school for the duration of their placement. Unfortunately, when these students change schools, they regularly lose most or even all of the credits they earned while at the temporary placement. A 2018 report authored by the Students in the Care of D.C. Working

¹ Office of the Deputy Mayor for Education, Race and Ethnicity of Adults and Children, [Race and Ethnicity of Adults and Children | edscape](#).

² Shana Bartley, "New Report: Keeping Kids in Families," DC Action for Children, (April 2, 2019), available at <https://dcactionforchildren.org/blog/new-report-keeping-kids-families#:~:text=Black%2FAfrican%2DAmerican%20children%20account,over%20the%20ten%2Dyear%20period>.

³ Office of Juvenile Justice and Delinquency Prevention, "Juveniles in Corrections," <https://www.ojjdp.gov/ojstatbb/corrections/qa08611.asp?qaDate=2017&text=no&maplink=link2>.

Group⁴ that explores the countless educational barriers facing students in the foster care and juvenile legal systems provides numerous examples of students losing credit when switching to a different school:

- 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.⁵
- 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.⁶
- The new school may not award credits or place the youth in appropriate classes.⁷
- 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.⁸

Students in the care of D.C. already face an enormous amount of educational obstacles that are only exacerbated by not being able to transfer credits between schools. For example, kids in the foster care system, juvenile legal system, or both are likely to experience school instability from being moved to a series of different foster homes and residential placements or face educational instability through the juvenile legal system.⁹ A majority of youth who enter the juvenile legal system have been suspended, expelled, or pushed out of traditional public schools¹⁰ and more than two-thirds of incarcerated youth never return to school upon release.¹¹ The lack of clarity about roles and responsibilities amongst the various D.C. agencies responsible for the care of these young people should not be an additional barrier.

As it stands today, there is no infrastructure in place that supports the smooth transition of students moving between educational placements. Currently, a variety of Memoranda of Agreement (MOA) control the educational decisions made for students in the care of D.C.¹² In practice, this series of MOAs that applies to different groups of youth has done little to nothing

⁴ Students in the Care of the District of Columbia Working Group Recommendations, (July 18, 2018), [Microsoft Word - 07182018 Students in the Care of DC Report_FINAL CAPS.docx \(squarespace.com\)](#).

⁵ *Id.* at p. 25

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ See Mozaffar, Burdick, McInerney, et.al. "Credit Overdue: How States Can Mitigate Academic Credit Transfer Problems For Youth In The Juvenile Justice System," (2020), available at [credit_overdue.pdf \(splcenter.org\)](#).

¹⁰ See Bruce, Carol, Andrea J. Sedlak, "Survey of Youth in Residential Placement: Youth Characteristics and Background," Office of Justice Programs' National Criminal Justice Reference Service (2017), available at [Survey of Youth in Residential Placement: Youth Characteristics and Backgrounds \(ncjrs.gov\)](#).

¹¹ Sino Esthappan, Victoria Lee, "Incarcerated youth deserve a quality education, and many don't get one," (Oct. 23, 2018), available at [Incarcerated youth deserve a quality education, and many don't get one | Urban Institute](#).

¹² Students in the Care of the District of Columbia Working Group Recommendations, (July 18, 2018), [Microsoft Word - 07182018 Students in the Care of DC Report_FINAL CAPS.docx \(squarespace.com\)](#).

to rectify issues like credit transferability for students involved in the criminal and juvenile legal system – a conclusion that has been echoed by Students in the Care of D.C. Working Group participants.¹³ MOAs are not followed or enforceable and the institutions they govern have been resistant to the incorporation of the outlined agreements. But, even if these agreements were enforced, disparities would continue to persist as they have because the District lacks a uniform practice to transfer school credits and has not implemented a method to award partial school credit. Without a legally enforceable mechanism, MOAs are insufficient in solving the issue of continuity for our students.

Implementing the structural and common sense fixes that the Education and Credit Continuity Amendment Act of 2020 propose, like creating necessary and helpful infrastructure that will facilitate smooth transitions for students changing schools and making procedural changes that address the issue of credit loss, will help to alleviate what is already an incredibly difficult and steep hill for students in the care of D.C. to climb. The proposed legislation seeks to bridge the gaps burdening students in the care of D.C. by creating improvements to infrastructure and offering accountability that will protect marginalized and vulnerable children from inequitable systems that encourage pushing them out of our schools.

We stand with School Justice Project and numerous other allies in urging the DC Council to pass the Education and Credit Continuity Amendment Act of 2020 because it provides the continuity and ease our children so desperately need to support them staying in school and on a path toward graduation.

¹³ *Id.*