Good morning, and thank you for the opportunity to testify virtually today in support of the Education and Credit Continuity Amendment Act of 2020 (“Credits Act”). My name is Sarah Comeau, I am the Director of Programs and Co-Founder of School Justice Project (SJP) and a Ward 1 resident. We are in strong support of the Credits Act. We hope that this legislation will solve a critical problem in education equity and continuity for the District’s most vulnerable population: court-involved young people with disabilities. For too many years, our agencies responsible for ensuring education continuity have neglected entire populations of students. For too many years, we have seen court-involved young people (our most transient population) shipped from placement to placement, returning to the District after months, sometimes years, away only to discover that their work does not count toward their high school diploma. For too many years, students in the care of DC have languished. This legislation marks the beginning of a new, inclusive approach to education—an approach that values the education of court-involved students with disabilities. SJP strongly supports this legislation and believes it will put DC on a path to a more equitable and inclusive future.

SJP is a D.C.-based legal services and advocacy organization that serves court-involved young people between the ages of 17-22 with special education needs. All our clients are involved in the District’s juvenile justice or adult criminal legal system, committed to Department of Youth Rehabilitation Services (DYRS), or a combination of the three. We have been operational since 2013, and in those past seven years have encountered what I will refer to
as “the credits problem” with 100% of our clients. Each and every client that our team of
attorneys has represented over the past seven years has had some issue with course work
counting, credits earned being accepted, and securing a stable path to high school graduation.
This is not to say that the agencies have not attempted to address the issue. They have.
However, their fixes (i.e. Memoranda of Agreement) have not solved the problem. Today, the
credits problem remains as pervasive as ever despite, the existence of multiple interagency
memoranda of agreement. It remains clear that unenforceable memoranda are not sufficient
solutions to the credits problem. Three years ago, Councilmember Grosso held a roundtable
during which we presented testimony focusing on the need for a stakeholder working group to
discuss this issue, though noting that we believed there needed to be a legislative fix to the
credits problem. Councilmember Grosso convened this working group, and the report produced
from the work we did together came to the same conclusion: One of the three legislative
recommendations in the report was to address the credits problem.

This written testimony will be broken into multiple parts: 1) An overview of the credits
problem as it relates to court-involved young people, 2) The need for a legislative solution, and
3) The proposed legislation.

The Credits Problem

Court-involved young people have histories of multiple education placements, marked by
disruption to education continuity and out-of-District schools. By the time these young people
turn 18, they often find themselves with a smattering of random credits, earned and awarded
throughout their high school tenure from various school placements or facilities, yet without a
clear path to graduation. Some have more than enough credits, yet only from elective courses.
Others have dozens of partial credits that cannot be counted or combined. Others have full course
credits from courses taken in out-of-district placements (where the juvenile justice agency placed them), many of which will not be accepted by DCPS. The only thing these students’ transcripts have in common is the unfortunate truth that they do not reflect a path to graduation. For these students, all of whom have been enrolled in high school for the past four years, the fact is this: Under our current system, they will still need another three to four years of high school before earning a diploma. For many students, this is an impossibility: they will age out of special education before they can obtain a diploma. For other students, this is an improbability: At 20, it is very difficult to start over as a freshman (especially after spending the past four years in high school). We know that 6 out of 10 students who attend school in a juvenile facility will never re-enroll in school upon release.\(^1\) Most often our clients cite credit transmittal and education continuity disruption as the reason for dropout. Nationally, formerly incarcerated people are nearly twice as likely to have no high school credential than the general public.\(^2\) The outcomes for students with disabilities is even more severe—16 to 24 year-old students with disabilities had a status dropout in 2012 that was about twice as large as the rate for their peers without disabilities.\(^3\)

Councilmember Grosso convened a working group, Students in the Care of the District of Columbia, a few years ago to address systemic issues uniquely facing young people in the care of the District, including young people involved in DC’s juvenile and adult criminal legal systems. After multiple meetings, the working group produced a detailed report that outlined the issues unique to court-involved young people and proposed both legislative and policy

---


recommendations for addressing these significant education issues. One of the key issues identified was the credits problem. Specifically, the report noted the following examples:

- 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. […]
- [Inspiring Youth Program, Youth Services Center], 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.  

Although the report contained many policy recommendations for the agencies to undertake to address the education issues identified in the report, there are also three legislative recommendations, one of which was for addressing the credits issue. Additionally, it is worth noting here that the credits problem is not unique to DC, though it is certainly exacerbated by the practice of DC residents in both the juvenile and adult system being sent out of state. In October 2020, the Juvenile Law Center, Southern Poverty Law Center, and Education Law Center-PA, Drexel University published a national report on how pervasive and intractable this issue is nationally.  

The report included best practices for jurisdictions to undertake to address the education barriers presented by the credits issue, and it includes an appendix with legislative solutions that other jurisdictions have taken to ameliorate this significant issue. We believe the passage of this legislation will put DC in the position to be a model jurisdiction for inclusivity and equity, changing the landscape for how court-involved students can access a quality education.

---


At SJP, we continue to see these problems, problems that this legislation will solve. For example, Tyler is a 17-year-old DYRS-committed youth who kept repeating classes because his records were never transmitted between schools. Tyler has a long-standing history of special education as well as a history of out of state residential placements. When he returned to the community from his previous residential placement, his records were never transmitted to his next school. This resulted in him taking the same classes he already completed. For example, he has now taken Algebra I three times, despite passing the class when he took it the first time in the 2016-17 school year. He lost virtually a year and a half of schooling due to his transcript not being updated when he returned from residential. After updating his transcript, he recovered nine credits that were not placed on his transcript.

Another example is Luther, an 18-year-old DYRS-committed youth, who only had the opportunity to earn partial credits and take courses that did not count toward his DCPS diploma. Luther was enrolled at the same high school until he was placed at an out-of-state residential in 2019. After returning to the community for a short period, he returned to the out-of-state residential in July 2020. While enrolled at the out-of-state residential placement in 2019, he was enrolled at the end of the school year so he only earned quarter credits for his courses. His time at the residential facility was wasted from an educational standpoint.

Since he has returned to the out-of-state residential in July 2020, he has been enrolled in several courses. However, many of these courses appear to be incompatible with DCPS graduation requirements. If these courses are not changed, he will be earning credits that do not count toward graduation. With more vigorous monitoring and oversight, he would be placed in the correct courses and the agencies involved would ensure they aligned with the necessary credits toward graduation.
Brian is a 19-year-old student committed to DYRS who DYRS placed in an out-of-state residential. As a student who needs significant credits for graduation (he has only earned eight to date), class placement and completion are essential. When Brian returns to the District in six months, he will have earned many partial credits that will be difficult to complete when he re-enters his DCPS school. Additionally, the class offerings at his residential placement differ from DCPS-approved course offerings, so it is likely that his partial credits will not count toward graduation.

Just as young people committed to DYRS struggle to have credits aligned, we find that young people within District facilities (i.e. Youth Services Center and the D.C. Jail compound) also face immense credit transfer issues. Carl, for example, was at Youth Services Center (YSC) for a matter of months before being placed in a residential treatment facility in Utah. While at YSC, Carl was enrolled in classes, but only working off of work packets. Further, the course work he took was duplicative from earlier in the school year and did not align with his community school. When Carl transferred to the facility in Utah, all the work he did while at YSC was lost. Moreover, when he returned to DC, much of the work he completed in the Utah facility was lost as it was not aligned with DCPS graduation requirements.

When Terrence entered D.C. Jail, he had already earned 24 credits, but they were not in the right classes, meaning he was missing graduation requirements. Upon enrollment in DC Jail, the school (DCPS’ Inspiring Youth Program) did not conduct any transcript or credit analysis but instead enrolled him in the wrong classes, pushing his graduation back further. With the assistance of Terrence’s education attorney, he was placed in the right courses.

Placement in the appropriate courses and access to partial credits is even more critical for young people set for transfer to a Federal Bureau of Prisons (BOP) facility. There is no high
school program in BOP facilities and no opportunity for young people to earn credits. Currently, we are seeing hundreds of young people shipped away to BOP without a high school diploma. For many, the credits problem had made it impossible for them to earn a diploma before being sent to BOP. These examples are not rare, in fact, each of our clients has a credits “story.”

These situations continue to occur because the District lacks a unified procedure for credit transfer and a method by which to award partial credits.

The Need for a Legislative Solution

There are many reasons why we need a legislative solution to the credits problem. First, a legislative solution provides legally enforceable mandates that compel District agencies to change their policies and procedures to solve this issue. Second, legislation will ensure that appropriate infrastructure is established within agencies. Third, other methods have not worked—despite the presence of multiple memoranda of agreement, this pervasive problem remains. The idea for a legislative solution was adopted by Councilmember Grosso’s Students in the Care of the District of Columbia working group. The working group’s report recommended that legislation be passed to solve the credits issue.

Currently, education for court-involved young people is governed by three different Memoranda of Agreement. For purposes of this testimony, I will only address the memoranda addressing young people in DC’s juvenile and adult correctional facilities. Despite having provisions within the MOAs to address credit transfer and education continuity, we have seen time and time again that these provisions are not sufficient. The MOAs are not followed and are

---

6 The first Memorandum of Agreement (MOA) is between DYRS, OSSE, and DCPS and applies to young people committed to DYRS and housed at New Beginnings, in residential treatment centers or psychiatric residential treatment facilities, in out-of-state group homes, or awaiting placement. There is another MOA between OSSE, DCPS, and the DC Department of Corrections (DOC) that applies to young people eligible for special education under the IDEA and housed within DOC facilities. The third MOA between OSSE, DCPS, and CFSA applies to foster youth.
not enforceable and agency staff are not trained on the provisions. Despite the MOAs in place, students are not getting credit for the academic work that they complete. As noted in the Credit Report:

[S]tates must take legislative action to ensure [students] get academic credit for their work. This means legislation to create the infrastructure, staffing and systems to help ensure credit transfer. It also means legislative reform [must] ensure youth receive quality, credit-bearing courses in […] facility[y schools]. Schools also must be required to accept credits, including partial credits, earned in th[o]se facilities. For those young people who are still behind, they must have access to flexible make-up coursework, credit recovery and various diploma options.7

The District is not immune from the national credit and education continuity crisis. The District has the chance to join other leading jurisdictions in enacting a legislative fix to the problem.

The Education and Credit Continuity Amendment Act of 2020 (B23-0921)

The Credit Act provides the legislative solution that we need. As discussed above, the contents of the Act came directly from a working group where all the agencies, young people themselves, community-based organizations and advocates, and council staff carefully considered the problem and identified the components necessary for the legislative solution. That is exactly what is proposed here. It addresses the key elements of the credits issue: The failure to receive transfer credits, the failure to receive partial credits, the lack of interagency coordination and transition planning, and the educational disruption and need for a path to graduation. These issues disproportionately affect students of color and students with disabilities.

The contents of the legislation pull from best practices and other jurisdictions. These best practices include: 1) Ensuring smooth transitions, 2) Guaranteeing timely enrollment of students and establishing a transition team, 3) Requiring a point-of-contact within schools, 4) Facilitating

---

educational records transmittal, 5) Creating a uniform transcript evaluation procedure, 6) Awarding partial credits, 7) Developing course waivers and flexible graduation options, and 8) Ensuring education continuity for students at “awaiting placement” facilities. To ensure education continuity, data sharing amongst agencies imperative. However, we are not in support of the provision that allows for Court Social Services (CSS) to access education data on its young people. CSS does not manage any facility and we do not see any reason for CSS to have such confidential data.

The components of the legislation proposed today mirror national recommendations set forth in a national report. Specifically, the following components are critical in developing a legislative solution, each component is found within the proposed legislation:

- States must create infrastructure and structural supports to ensure credit transfer […]
- [Young people] must receive credit-bearing education inside juvenile facilities […]
- Juvenile justice facilities and school districts must enact policies that encourage graduation […]
- Legislation must include accountability and enforcement measures to support meaningful implementation.\(^8\)

With these measures in place, we are confident that the education barriers that arise out of the credits problem will be well on their way to being eliminated. We urge that you pass this legislation and we look forward to working with the agencies to make sure that it can be implemented. Thank you for having me testify today.