



District of Columbia Advisory Committee to the U.S. Commission on Civil Rights

## Accessing Services for Students with Disabilities in DC Public Schools

Students with disabilities in the District of Columbia are entitled to special education and related transportation services under the Individuals with Disabilities in Education Act (IDEA), but timely referral to appropriate special education supports and related transportation services are a persistent issue in the District of Columbia.

This [report](#) by the District of Columbia Advisory Committee explores to the U.S. Commission on Civil Rights explores these issues, shedding light on the systemic inequities that contribute to unequal access to special education services in District of Columbia.<sup>1</sup>

### **How do students receive special education services in DC?**

The Individuals with Disabilities in Education Act (IDEA) mandates that any state or public agency receiving federal funds must ensure that every child with a disability in their state has the right to a free appropriate public education and related services in the least restrictive environment. When students, their families, and/or caregivers are concerned that the student is not receiving the services they are entitled to, they may file a due process complaint to sue for access to the services they are entitled to, which includes transportation services. The District of Columbia has consistently had the first or second highest rate of due process complaints among states and federal territories for its school public system in the special education area for many years.

### **Who is impacted by the need to file due process complaints to receive access to special education services?**

The District of Columbia public schools' reliance on due process complaints to determine and provide required services under IDEA has a disparate impact on federally protected classes. Students from households with less ability to file due process complaints may be routinely denied services that are required to be provided under federal law. Some families and caregivers do not continue to pursue litigation due to the challenging process, cost, and time commitment required.

#### **Key points:**

- Students in DCPS are not receiving early and appropriate identification of disabilities, which is critical for students who need access to special education services.
- When educational institutions fail to recognize disability or implement a student's IEP, they deny the student's access to education which constitutes a civil rights violation.
- Foster youth with special education needs encounter complex challenges around continuity of care and referrals for special education services.

Families of color and non-English speaking families are particularly impacted by the need to file due process complaints for services they are entitled to. Families and caregivers are often left to look into pursuing special education services themselves, which raises issues around equitable access to legal counsel, low-cost representation, and advocacy, particularly for students with disabilities who are also in foster care.

Compared to the general population, foster youth are three times more likely to be involved in special education, more likely to drop out of school, and less likely to graduate high school. Many professionals supporting foster youth in their court cases are not also specialists in accessing special education services and may not recognize how to best support a student without the support of additional advocates.

Additionally, students with disabilities are entitled to transportation services under the IDEA, but there are long delays, lax oversight of medical emergencies and behavioral issues on bus rides, and unreliable schedules with sometimes hours-long rides for children that cause significant harm. This harm disproportionately affects households that cannot provide their own transportation for students.

<sup>1</sup> Full and complete citations can be found in the report.

## What are the reasons for DC's current challenges regarding special education access?

Chronic underfunding of special education services is a major underlying reason for the issues students with disabilities are experiencing in the District of Columbia. The federal government's failure to provide the promised funding since IDEA was enacted is a major reason that the intended objectives of special education have not been met. In 1975, Congress passed the IDEA and promised to allocate 40% of federal funding to states that agreed to follow the IDEA. However, the funding received from the federal government has varied between 14% and 18% since then. School districts and individual institutions are left to handle a massive shortfall. Failing to provide adequate support to local institutions that currently provide specialized services could result in local students needing to travel long distances to other providers, or losing access to those services altogether.

The impacts of ongoing funding shortfalls are impacting the ability of students to access the services they require in a timely manner. Early identification and intervention of needs for children between the ages of three and six could result in overall cost savings in the long run, as they may no longer need further services following the early interventions. However, teachers report fear of retaliation for recommending special education services.

Funding issues are also complicating challenges around accessing in-house service providers and the ability of local students to access specialized care when needed. Some students with disabilities are currently travelling to Baltimore to access the services they are entitled to due to the current shortages in the District of Columbia. Without proactive measures to address local needs, the District's students will need to travel long distances, which places significant burdens on students who are already not arriving on time, or at all, for required services, and are arriving home having soiled themselves, hungry, and thirsty.

A creative and broader lens towards addressing sufficient funding, including workforce development and in-house staffing for special educators, occupational therapists, speech language pathologists, transportation service professionals, and general educators would help alleviate the current strain on referring students for services, accessing services in a timely manner, and avoiding long distances to travel to receive services students are entitled to.

### Recommendations (selected):

#### The U.S. Congress should:

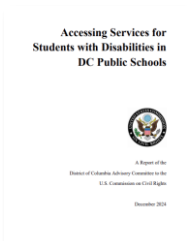
- Fully fund the Individuals with Disabilities Act (IDEA).

#### The DC Mayor and DC Council should link potential revenue sources to current laws or activities that impact the experiences of those with disabilities. Additional ideas to consider include the potential to:

- Designate a dedicated tax or funding source to address equitable availability of special education and related transportation services in the District of Columbia school system.
- Designate a dedicated funding source for the Child and Family Services Agency to assist students with disabilities who are residents of the District of Columbia in foster homes and attending public schools in their jurisdiction.
- Plan for all schools (public schools, charter schools, private schools, and adult charter schools) to be equipped with mixed-use facilities that can be used to support students with disabilities with services such as occupational therapy, speech therapy, etc.
- Consider financial barriers and rights for parents and guardians that prevent them from attending IEP meetings by creating a subsidy as for parents and caregivers who must miss work to advocate for or provide additional services for their students with disabilities, such as attending IEP meetings or time spent waiting on transportation services for students.

#### The Office of the State Superintendent of Education (OSSE) and District of Columbia Public School System (DCPS) should:

- Audit individual IEP processes to see whether students are being denied services they should have received absent a due process complaint.
- Study the amount of funds being expended per special education student on special education and related transportation services by Ward to ensure there are not disparate impacts.
- Create and maintain a transportation tracking system that allows families to see where a school bus is and expected arrival in real time.
- Hire/appoint additional DCPS certified aids as transportation assistants on buses.
- Explore transportation solutions used by other jurisdictions that could work to alleviate transportation issues in DC.



### Policy Brief

The U.S. Commission on Civil Rights (Commission) is an independent, bipartisan agency established by Congress and directed to study and collect information relating to discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, disability, national origin, or in the administration of justice. This product is part of the DC Advisory Committee's study, *Accessing Services for Students with Disabilities in DC Public Schools*. This policy-oriented summary of the published report is intended to aid stakeholders seeking solutions to this complex issue. You can find the full report here: [https://www.usccr.gov/files/2024-12/dc-report\\_special-education.pdf](https://www.usccr.gov/files/2024-12/dc-report_special-education.pdf).