



TO: The Council for the District of Columbia's Committee of the Whole

FROM: Caitlin Holbrook, Law Clerk

DATE: Public Oversight Hearing on December 10, 2025

RE: DRDC Testimony on Inclusion for the Oversight of Education for Students with Special Needs.

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Testimony on Behalf of Disability Rights DC at University Legal Services for the Committee of the Whole Oversight Hearing on Education for Students with Special Needs.

This testimony is submitted on behalf of Disability Rights DC at University Legal Services ("Disability Rights DC"). Disability Rights DC is the federally designated Protection and Advocacy Program for persons with disabilities in the District of Columbia. Per Disability Rights DC's federal mandate, Disability Rights DC staff serves the District's residents with disabilities through individual representation, investigation of abuse and neglect, training, and systemic advocacy.

Disability Rights DC submits this testimony to advise the Committee on two matters:

- (1) The District must encourage the inclusion of students with disabilities in education classrooms where other children are educated.**
- (2) The District must lessen the disproportionate suspensions of students with disabilities in District schools.**

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- (1) The District must encourage the inclusion of students with disabilities in education classrooms where other children are educated.**

At the time of this hearing, it is Inclusive Schools Week (December 8-12, 2025). Inclusive Schools Week is the annual celebration of the progress made to provide supportive and quality

education to diverse student populations, including all children with disabilities.¹ Much has been done in the 50 years since the passing of the Individuals with Disabilities in Education Act (IDEA) to increase access to general education classrooms for students with disabilities.² However, much has been left undone. Large discrepancies remain in academic outcomes between students with disabilities and their nondisabled peers.³ Moreover, Black and Brown students with disabilities are more likely than their white peers with disabilities to spend more time in self-contained (special education only) classrooms.⁴ Segregating children with disabilities is harmful and more must be done to enable students with disabilities in D.C. to be included with their peers in general education classrooms.

According to the Inclusive Schools Network, inclusion is a philosophy and approach that aims to ensure that all students, regardless of ability or background, have access to high-quality education within the general education setting.⁵ An inclusive school incorporates proactive strategies and evidence-based interventions to support students and employs a range of instructional strategies to meet the diverse needs of both the individual child and the entire class.⁶ However, inclusion does not mean that students necessarily receive all services exclusively within the general education classroom.⁷ For example, pull-out programs may involve a student temporarily leaving the classroom to receive targeted instruction or support either individually or within a smaller group, if that cannot be managed in the regular classroom.⁸ However, for most students with disabilities, being separated all day from their peers in segregated special education classrooms can be harmful to their emotional, social, and academic performance.⁹

The key to successful inclusion is appropriate supports in general education classrooms, as well as correct identifications. Significantly, students of color are more likely to be diagnosed

¹ *Inclusive Schools Week*. InclusiveSchools.org (Last Visited: Dec. 01, 2025), <https://inclusiveschools.org/inclusive-schools-week/>.

² 34 C.F.R. § 300, *et seq.* (1975).

³ See, *Significant Disproportionality in Special Education: Current Trends and Actions for Impact*, NAT'L CTR. FOR LEARNING DISABILITIES, 5 (July 14, 2023), available at: <https://ncl.org/wp-content/uploads/2025/09/2020-Significant-Disproportionality-in-Special-Education.pdf>; See also, Kara Arundel, *Students with Disabilities Continue to Lag Behind Peers on NAEP: Special Education Advocates Say This is an Opportune Time to Increase Personalized Instruction and Professional Development*, K-12 Dive (Nov. 2, 2022), available at: <https://www.k12dive.com/news/students-with-disabilities-NAEP-scores-lag/635566/#:~:text=According%20to%20the%202022%20National%20Assessment%20of,stayd%20the%20same%20between%202019%20and%202022>; See also, ³ Chelsea Coffin and Hannah Mason, *State of D.C. Schools, 2023-24: Strong System Health and Modest Progress*, Education, Education Policy, Student Experience. Publications, D.C. POL'Y CTR., 21, 26 (Mar. 04, 2025), available at: <https://www.dcpolicycenter.org/publications/state-of-d-c-schools-2023-24/>.

⁴ See, *Significant Disproportionality in Special Education: Current Trends and Actions for Impact*, NAT'L CTR. FOR LEARNING DISABILITIES, 4-5 (July 14, 2023).

⁵ *Debunking the "Myths" of Inclusion*, Inclusive Schools Network (Feb. 20, 2024), <https://inclusiveschools.org/resource/debunking-the-myths-of-inclusion/>.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

incorrectly and/or diagnosed correctly later in life.¹⁰ Moreover, Black students are also more likely to be diagnosed with emotional disability or an intellectual disability resulting in greater segregation.¹¹ According to OSSE, D.C. students with an intellectual disability, autism, or emotional disability spend the least amount of time in the general classroom.¹²

D.C. continues to struggle to meet the needs of students with disabilities. In 2025, the U.S. Department of Education found that D.C. had the highest rate in the nation of due process complaints filed to address the lack of support for students with disabilities.¹³ The Department of Education's findings show that D.C.'s special education programs are underfunded, that children are not always screened early enough, and that students with disabilities in D.C. do not perform as well as their peers.¹⁴

Disturbingly, D.C. has lower inclusion rates compared to national averages. Nearly 10 percent of the students with disability in D.C. attended a separate school (often called a non-public placement), which is three times the national average.¹⁵ Moreover, in 2025, 18.3 percent of students received specialized education services.¹⁶ D.C.'s rate is higher than the national average of 15 percent.¹⁷ More than 20 percent spend more than 60 percent of their day in segregated classrooms.¹⁸

The U.S. Department of Education states that only 19 states meet the requirements for serving students with disabilities ages 3-21, overwhelmingly the U.S. Department of Education deems the majority of states as "needing assistance."¹⁹ While D.C. is meeting the requirements of Part C of the IDEA (services for preschool age children), for Part B Determinations (ages 3-

¹⁰ Harold Hines, et al., *Ignored, Punished, and Underserved: Understanding and Addressing Disparities in Education Experiences and Outcomes for Black Children with Disabilities*, Bellwether, Easterseals, 10 (Sept. 2022).

¹¹ OFF. OF SPECIAL ED. PROGS., *OSEP Fast Facts: Race and Ethnicity of Children with Disabilities Served under IDEA Part B*, U.S. DEPT' OF ED. (Aug. 09, 2021), available at: <https://sites.ed.gov/idea/osep-fast-facts-race-and-ethnicity-of-children-with-disabilities-served-under-idea-part-b/>; see also, *Significant Disproportionality in Special Education: Current Trends and Actions for Impact*, NAT'L CTR. FOR LEARNING DISABILITIES, 4-5 (July 14, 2023), available at: <https://nclld.org/wp-content/uploads/2025/09/2020-Significant-Disproportionality-in-Special-Education.pdf>.

¹² In Washington, D.C., 82.5 percent of students diagnosed with intellectual disabilities, 63 percent of students diagnosed with autism, and 51.8 percent of students diagnosed with emotional disability spend less than 80% of their time in general education classrooms. See, D.C. OFF. OF STATE SUPERINTENDENT OF ED. Data, Q 91, C_by_disability (2025).

¹³ Laura Lumpkin, *D.C. Schools Faces Federal Probe Over Services for Special Needs Students*, Local Education, The Washington Post (March 07, 2025), available at: <https://www.washingtonpost.com/education/2025/03/07/dc-schools-disability-investigation-education-department/>.

¹⁴ *Id.* See also, U.S. COMM. ON CIVIL RIGHTS, *Accessing Services for Student with Disabilities in DC Public Schools: A Report of the District of Columbia Advisory Committee to the U.S. Commission on Civil Rights*, U.S. DEPT' OF ED. (Dec. 2024), available at: https://www.usccr.gov/files/2024-12/dc-report_special-education.pdf.

¹⁵ Julie Camerata, *The State of Special Education in the District of Columbia*, D.C. Special Ed. Coop. (Nov. 29, 2022), available at: <https://specialedcoop.org/news-articles/the-state-of-special-education-in-the-district-of-columbia/>.

¹⁶ Data & Reports, D.C. OFF. STATE SUPERINTENDENT OF ED. (Last Visited: Nov. 24, 2025), <https://osse.dc.gov/page/data-and-reports-0>.

¹⁷ Katherine Schaeffer, *What Federal Education Data Shows about Students with Disabilities in the U.S.* Research Topics, Pew Research Ctr. (July 24, 2023), available at: <https://www.pewresearch.org/short-reads/2023/07/24/what-federal-education-data-shows-about-students-with-disabilities-in-the-us/>.

¹⁸ See, D.C. OFF. OF STATE SUPERINTENDENT OF ED. Data, Q 91, C_by_disability (2025).

¹⁹ U.S. DEPT' OF ED. 2025, *Determination Letters on State Implementation of IDEA*, SPP/APR, IDEA Files, 3 (June 20, 2025), available at: <https://sites.ed.gov/idea/idea-files/2025-determination-letters-on-state-implementation-of-idea/>.

21), the U.S. Department of Education found that D.C. was at the lowest level of compliance: “needs intervention.”²⁰ Part B of the IDEA requires D.C. to provide special education to school age children with disabilities, as well as identify, evaluate, and place students in special education.²¹ Importantly, Part B also requires D.C. to educate children with disabilities in the least restrictive environment.²²

In D.C., there are wide discrepancies in academic outcomes for students with disabilities compared to their peers. Students with disabilities in D.C. have lower graduation rates, lower standardized test rates and overwhelmingly are not performing at grade level in math or language arts.²³ While generally in the District academic outcomes have not recovered to pre-pandemic levels, students with disabilities have fallen significantly behind. In D.C., 37 percent of public school students perform at grade level in language arts and 31 percent perform at grade level in math; only 8 percent of students with disabilities perform at grade level in language arts and 7 percent perform at grade level in math.²⁴ Moreover, while on average 76 percent of D.C.’s public school students graduate within four years, only 61 percent of students with disabilities graduate within that time-frame.²⁵ Lastly, only 31.8 percent of students with disabilities are enrolled in a post-secondary program within six months of graduation from high school, compared to 53.8 percent of all D.C. public school students.²⁶

Disturbingly, Black and Brown students with disabilities are even more likely to be taught in self-contained segregated classrooms.²⁷ Black and Brown students (nationally and within in D.C.) are more likely to be taught outside of general education classrooms.²⁸ And this is particularly concerning because in the past, in D.C., one in four male Black students and one in eight Black female students are diagnosed with a disability, twice the rate of their white peers.²⁹

²⁰ *Id.* The only other jurisdiction that the U.S. Department of Education found to “needs intervention” was the Bureau of Indian Education.

²¹ 34 C.F.R. §§ 300.611-.619.

²² 34 C.F.R. §§ 300.114 -.120.

²³ Chelsea Coffin and Hannah Mason, *State of D.C. Schools, 2023-24: Strong System Health and Modest Progress. Education, Education Policy, Student Experience. Publications*, D.C. POL’Y CTR., 21, 26 (Mar. 04, 2025), available at: <https://www.dcpolicycenter.org/publications/state-of-d-c-schools-2023-24/>.

²⁴ *Id.* at 21.

²⁵ *Id.* at 26.

²⁶ *D.C. Overall. D.C. School Report Card*, Schoolreportcard.dc.gov (Last Visited: Nov. 24, 2025), available at: <https://schoolreportcard.dc.gov/state/report#measure-100>.

²⁷ Briana Ballis and Kately Heath, *Special Education: Beneficial to Many, Harmful to Others: The Impact of Reducing Access to Special Education on Public School Students. Research*, Brookings Inst. (May 26, 2021), <https://www.brookings.edu/articles/special-education-beneficial-to-some-harmful-to-others/>.

²⁸ Briana Ballis and Kately Heath, *Special Education: Beneficial to Many, Harmful to Others: The Impact of Reducing Access to Special Education on Public School Students. Research*, Brookings Inst. (May 26, 2021), <https://www.brookings.edu/articles/special-education-beneficial-to-some-harmful-to-others/>.

²⁹ D.C. OFF. OF STATE SUPERINTENDENT OF ED., *Students with Disabilities in the District of Columbia: Landscape Analysis*, 12 (Oct. 10, 2019), available at: https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/SWD%20Landscape%20Analysis%2010.10.19.pdf.

Further, Black and Brown students are more likely to be misdiagnosed, punished for similar behavior as their white peers, and are disproportionately placed in self-contained classrooms.³⁰ Studies showed that when Black students were removed from special education and integrated into the general education classrooms in response to capping disproportionality, their academic outcomes improved.³¹

Given these disturbing statistics, the District must do more to ensure students with disabilities receive the same level of services as other children, whether in a separate special education classroom, if needed, or in the general education classroom where they are more likely to excel and be a part of their peer community.

(2) The District must lessen the disproportionate suspensions of students with disabilities in District schools.

As DRDC testified in October, children with disabilities are disproportionately kept out of all classrooms altogether, both general and special education, through suspension and expulsions because of a failure to meet their needs. Teachers in D.C. report that when students miss school, it impacts the child academically, socially, and emotionally.³² Students with disabilities are missing more school days than their peers without disabilities. Significantly, students with disabilities have higher rates of chronic absenteeism,³³ but also spend more time out of the classroom due to suspension.³⁴ As OSSE reported in January, while students with disabilities compose 18 percent of the student population, nearly 30 percent of students suspended were students with disabilities and 22 percent of expulsions were of students with disabilities.³⁵ Nationally, on average 7 percent of students with disabilities receive at least one out-of-school suspension for 10 days or less.³⁶

³⁰ See, *Significant Disproportionality in Special Education: Current Trends and Actions for Impact*, NAT'L CTR. FOR LEARNING DISABILITIES, 5 (July 14, 2023), available at: <https://ncl.org/wp-content/uploads/2025/09/2020-Significant-Disproportionality-in-Special-Education.pdf>;

³¹ Briana Ballis and Kately Heath, *Special Education: Beneficial to Many, Harmful to Others: The Impact of Reducing Access to Special Education on Public School Students*, Research, Brookings Inst. (May 26, 2021), <https://www.brookings.edu/articles/special-education-beneficial-to-some-harmful-to-others/>.

³² Ballis & Heath, *Special Education: Beneficial to Many, Harmful to Others*, Brookings Inst. (May 26, 2021).

³³ 50% of students with disabilities in D.C. are chronically absent. See, Chelsea Coffin and Hannah Mason, *Patterns and Predictors of Chronic Absenteeism in D.C.'s Middle and High Schools*, Education. Publications, D.C. POL'Y CTR., 6 (Oct. 14, 2025), available at: <https://www.dcpolicycenter.org/publications/patterns-and-predictors-chronic-absenteeism-dc-middle-and-high-schools/>. DRDC submitted testimony to the D.C. Council on to be included in the record for the Committee of the Whole's Public Oversight Hearing on Chronic Absenteeism and Truancy (Oct. 15, 2025).

³⁴ D.C. OFF. OF STATE SUPERINTENDENT OF ED. *Discipline: 2023-24 School Year*, 19 (Jan. 2025), available at: https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/SY23-24%20OSSE%20Discipline%20Report.pdf.

³⁵ *Id.* at 23.

³⁶ Amanda Geduld, *For Student with Disabilities, Suspension Not Just a Matter of Race and Gender—But Geography: Exclusive Analysis by The 74 of 2022-23 IDEA Data Reveals Stark Disparities Among Students Already Subject to Disproportionate Punishment in School*, Data Analysis, The 74 Million (June 24, 2025), available at: <https://www.the74million.org/article/for-students-with-disabilities-suspension-is-not-just-a-matter-of-race-and-gender-but-geography/#:~:text=On%20average%20nationally%2C%20just%20over,for%2010%20days%20or%20fewer.>

Generally, students who are suspended suffer academically. Suspended students are more likely to repeat a grade, drop out of school, or be involved with the criminal justice system.³⁷ Research shows that high rates of suspension do not reflect student’s behavior, but instead, reflect failures and frailties of the school system.³⁸ High rates of suspension are found to be associated with educator bias, insufficient educator preparation, poor educator working conditions, ineffective school leadership, harsh discipline policies, and most importantly for this testimony, inequitable resource allocation.³⁹

OSSE has reported that students with a diagnosis of “Emotional Disability”⁴⁰ are more likely to be suspended⁴¹ even though suspensions and absences drive greater wedges between students with disabilities and their relationships with educators and peers. Meeting the needs of students with emotional disability requires intensive community-based supports, which are underprioritized and are being cut from school settings in D.C. As an example, the 2024 D.C. budget cut 60 percent of the funding for Child and Adolescent Mobile Psychiatric Service (ChAMPS), an important alternative crisis response for youth experiencing mental health crisis.⁴² Last month, D.C. walked back their commitment to place a mental health clinician within every public school and plan to assign counselors “based on need.”⁴³ However, according to the D.C. Policy Center, every school has a need and in most schools a substantial number of students are presently and persistently in crisis.⁴⁴

D.C. schools can reduce the disruption that suspensions cause to students with disabilities’ education by prioritizing wrap-around coordinated supports for students with disabilities, particularly with mental health disorders or multiple disability diagnoses. At Disability Rights DC, we see the impact of the lack of wrap-around coordinated mental health services. Failure to

³⁷ Melanie Leung-Gagné, et al., Pushed Out: Trends and Disparities in Out-Of-School Suspension. Report. Resources, Learning Pol’y Inst., 2 (Sept. 30, 2022), available at: <https://learningpolicyinstitute.org/product/crdc-school-suspension-report>.

³⁸ *Id.* at v.

³⁹ *Id.*

⁴⁰ Emotional Disability is a condition exhibiting one (1) or more of the following characteristics over a minimum duration of three (3) months and to a marked degree that adversely affects a child’s education performance: an inability to learn that cannot be explained by intellectual, sensory, or health factors; an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; inappropriate types of behavior or feelings under normal circumstances; a general pervasive mood of unhappiness or depression; or a tendency to develop physical symptoms or fears associated with personal or school problems. 34 C.F.R. § 300.8(c)(4); 5-A D.C.M.R. §3011.5.

⁴¹ Dr. Antoinette Mitchell, *Responses to D.C. Council Fiscal Year 2024 Performance Oversight Questions*, D.C. OFF. OF STATE SUPERINTENDENT, 194 (2023), available at: <https://dccouncil.gov/wp-content/uploads/2025/03/OSSE-FY24-Performance-Oversight-Hearing-Pre-Hearing-Question-Responses.pdf>.

⁴² Jason Cherkis, *D.C. Snipped Its Crisis Response Safety Net for Suicidal Children. Six District Kids have Died by Suicide Since 2021*. News. The Washington City Paper (Aug. 6, 2025), available at: <https://washingtoncitypaper.com/article/768881/crisis-response-safety-net-suicide-students-mental-health-budget/>.

⁴³ Laura Lumpkin, *DC Pulls Back on Vow to Put Mental Health Clinician in Every Public School*. Local Education, The Washington Post (Nov. 16, 2025), available at: <https://www.washingtonpost.com/education/2025/11/16/dc-school-counseling-behavioral-health/>.

⁴⁴ Logan Thompson, *D.C. Voices: Student Mental Health Support*. D.C. Voices, Student Experience. Publications. D.C. POL’Y CTR. (Aug. 07, 2025), available at: <https://www.dcpolicycenter.org/publications/d-c-voices-student-mental-health-support/>.

meet the needs of these children while in school causes students to be absent, suspended, even expelled, and, ultimately for many, to be incarcerated, and institutionalized.

Students with disabilities' needs are underfunded, they are under or incorrectly identified, and they are falling behind their peers in all academic measures resulting in greater segregation and, sadly, missed opportunities for a meaningful life in the D.C. community. While there is much to be celebrated 50 years after passing the IDEA, D.C. can and must do more to ensure that students with disabilities are included and supported in their education alongside their peers.

Disability Rights DC is located at University Legal Services at 220 I St. NE Suite 130, Washington, D.C. 20002. For more information or if you have questions regarding the information provided in this testimony, please contact Caitlin Holbrook, Law Clerk, cholbrook@uls-dc.org, (202) 547-0198, ext. 136, or Mary Nell Clark, Managing Attorney, at mclark@uls-dc.org, (202) 547-0198, ext. 107.