



COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF COUNCILMEMBER BROOKE PINTO
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WASHINGTON, D.C. 20004

September 18, 2023

Nyasha Smith, Secretary
Council of the District of Columbia
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Secretary Smith,

Today, I, along with Councilmembers Robert White, Charles Allen, Vincent Gray, Matt Frumin, Janeese Lewis George, Anita Bonds, and Trayon White, am introducing the “Leading Education Access for Reentry and Necessary Success (“LEARNS”) Amendment Act of 2023.” This legislation would make several critical changes to operations at the Department of Corrections (“DOC”) to enhance both the provision of special education services for residents and the agency grievance processes. Please find enclosed a signed copy of the legislation.

For school years 2021-2022 and 2022-2023, special education services at the DOC were provided by Maya Angelou Public Charter Schools pursuant to an emergency charter authorization that was set to expire on August 4, 2023. Prior to school year 2021-2022, DCPS provided special education services for students at the DC Jail who were eligible for special education services under the Individuals with Disabilities Education Act (“IDEA”) and District law but relinquished that role at the end of that school year.

In preparation for school year 2022-2023, the Executive worked to identify the best-fit agency to administer education services to residents in DOC custody. The Executive ultimately determined that DOC was that agency; however, rather than hiring teachers and other staff to directly provide those services, DOC was directed to enter into a contract with a private educational institution for those services. The Council passed emergency legislation on June 30, 2023, approving that approach. With the necessary authority to do so, over the summer, DOC entered into a contract with Maya Angelou Public Charter Schools to provide special education services at the DC Jail for the upcoming school year.

Although responsibility to provide special education services at the DC Jail formally shifted to DOC under the emergency legislation, that legislation will expire in early summer 2024. The Council must move permanent legislation to effectuate those changes. The Council is also in a position now to consider how the District can best provide education services to eligible students—in terms of determining the agency with responsibility to provide these services, delineating the contracting process, and, more broadly, considering when and how DOC residents may access special education services. This legislation aims to address each of those issues.

First, the legislation would mandate that DOC evaluate students for special education services who were not evaluated prior to entering into DOC custody. Currently, the District is mandated under federal law to evaluate students enrolled at a public school, including public charters, for special education services when those students are referred by a parent or guardian, teacher, or school staff member; there is no such requirement, however, for students in the custody of DOC. Because of this, although a student who enters DOC custody having been previously determined eligible for special education services will continue to receive those services while residing at the DC Jail, there is no route for student-age residents who were not assessed prior to their incarceration to be evaluated and, if determined eligible, access appropriate education services. This policy means that, during their incarceration, some students will be effectively denied access to appropriate special education services because they have no avenue to seek evaluation—an evaluation they would be legally entitled to if they were attending a DCPS or public charter school. Given the critically important role education, including attaining a high school diploma or equivalency, can play in a resident’s successful reentry, it is essential that we do all we can to provide residents at the DC Jail with the opportunity to be evaluated and receive special education services if found eligible. This bill would ensure that all students, regardless of whether they were evaluated prior to their incarceration, are eligible to be evaluated for special education services.

Second, the legislation would more specifically delineate the responsibilities and qualifications of entities seeking the contract to deliver special education services to students at the DC Jail. These requirements are tailored to ensure that the selected contractor is appropriately qualified to provide eligible students with a free appropriate education, including providing evidence of their experience providing these services and managing such a program in the District, and competency in serving not only the education needs of incarcerated students, but their social and emotional needs, as well. This language will provide needed guidance to DOC and the Office of Contracting and Procurement as they bid out this contract for school year 2024-2025 and for future school years, ensuring the selected contractor is a best fit for students in DOC custody.

Finally, the legislation endeavors to address concerns raised to the Committee by residents at the DC Jail, their family members, and advocates, by requiring that the Department of Corrections enhance its current grievance processes by establishing and maintaining a publicly accessible and searchable online tracking system for resident service requests and complaints. This system would allow residents in DOC custody to:

- Track service requests and complaints submitted to the Department.
- Access information, including contact information, for DOC leadership, the Corrections Information Council, and the Council Committee with oversight of DOC; and
- Access a list of the resident’s rights of each individual residing in the correctional facility.

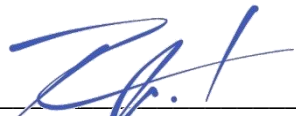
The legislation would also prescribe how requests are to be tracked in the system, including tracking information on the nature of the request, date of submission, and request status. Through this tracking system, residents, their families, and members of the public be able to individually track the status and resolution of service requests submitted by residents, their family, and their legal representatives. Critically, this new system will provide comprehensive data on the range of grievances, complaints, and service issues raised by residents, and the details, including time length, for each grievance’s resolution.


Should you have any questions about this legislation, please contact my Committee Director, Michael Porcello, at mporcello@dccouncil.gov.

Thank you,


A handwritten signature in blue ink, appearing to read "BE Pinto". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.


Brooke Pinto


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2 Councilmember Robert C. White, Jr.


Councilmember Brooke Pinto

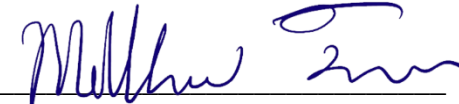
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5 Councilmember Anita Bonds


Councilmember Trayon White, Sr.

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8 Councilmember Vincent C. Gray


Councilmember Charles Allen

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11 Councilmember Janeese Lewis George


Councilmember Matthew Frumin

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17 A BILL

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21 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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26 To amend An Act To create a Department of Corrections in the District of Columbia to designate
27 the Department of Corrections (“DOC”) as the District agency to provide a free
28 appropriate public education under the Individuals with Disabilities Education Act and
29 District law to certain individuals in DOC custody and detained in its secure facilities, to
30 expand eligibility for special education assessments for individuals in DOC custody, and to
31 require that the Department of Corrections establish an online portal and tracking system for
32 grievances and short-term and long-term service requests.

33
34 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
35 act may be cited as the “Leading Education Access for Reentry and Necessary Success
36 (“LEARNS”) Amendment Act of 2023”.

37 Sec 2. (a) An Act To create a Department of Corrections in the District of Columbia,
38 approved June 27, 1946 (60 Stat. 320; D.C. Official Code § 24-211 *et seq.*) is amended as follows:

39 (1) Section 2(b) (D.C. Official Code § 24-211.02(b)) is amended as follows:

40 (A) Paragraph (10) is amended by striking the phrase “crime survivors.” and
41 inserting the phrase “crime survivors;” in its place.

42 (B) Paragraph (11) is amended by striking the phrase “Treatment Facility.”
43 and inserting the phrase “Treatment Facility; and” in its place.

44 (C) A new paragraph (12) is added to read as follows:

45 “(13) During each school year:

46 “(A) Provide a free appropriate public education (“FAPE”) under the
47 Individuals with Disabilities Education Act, approved April 13, 1970 (84 Stat. 175; 20 U.S.C. §
48 1400 *et seq.*) (“IDEA”) and District law, to individuals with disabilities who are in its custody and
49 detained in its secure facilities from the age of 18 through the end of the individual’s eligibility for
50 special education and related services under the IDEA and District law; and

51 “(B) Following a request for evaluation by the individual, the local
52 education agency, or the Office of the State Superintendent for Education, evaluate individuals in its
53 custody, detained in its secure facilities, who are age 18 through the end of the individual’s
54 eligibility for special education and related services under the IDEA and District law, and who were
55 not previously assessed for special education services, to determine if the individual is a child with a
56 disability.”.

57 (b) New sections 9, 10 and 11 are added to read as follows:

58 “Sec. 9. Education services.

59 “(a) The Department of Corrections (“Department”), as public agency responsible for
60 ensuring a free appropriate public education (“FAPE”) , shall be obligated to make a FAPE
61 available to all students with a disability from age 18 through the end of the individual’s
62 eligibility for special education and related services under the Individuals with Disabilities

63 Education Act approved April 13, 1970 (84 Stat. 175; 20 U.S.C. § 1400 *et seq.*) and District law
64 who are in the custody of the Department, including students who, in the last educational
65 placement prior to their incarceration in an adult correctional facility, were not identified as
66 being a child with a disability in accordance with Chapter 30 of Subtitle A of Title 5 of the
67 District of Columbia Municipal Regulations (5 DCMR § A3001, *et seq.*) or who did not have an
68 Individualized Education Program (“IEP”) in accordance with that chapter.

69 “(b) The Department, in consultation with the Office of the State Superintendent of
70 Education and the Office for Students in the Care of D.C. within the Office of the Deputy Mayor
71 for Education, shall contract for delivery of education serves necessary to provide FAPE to
72 students eligible under this section. The contracted education provider shall, at a minimum:

73 “(1) Have experience and expertise in providing education in the District of
74 Columbia;

75 “(2) Manage and run a high school diploma program within the Department of
76 Corrections that offers credit-bearing courses and post-secondary planning and preparation;

77 “(3) Provide in-person instruction to every eligible student, including those in
78 segregated or restricted housing and on medical units;

79 “(4) Understand the unique social, emotional, and learning needs of incarcerated
80 students; and

81 “(5) Be able to comply with child find obligations and be able to implement every
82 student’s IEP.

83 “Sec. 10. Grievances.

84 (a). Beginning January 1, 2024, the Department of Corrections (“Department”) shall
85 establish and maintain an online portal on the agency website that is accessible to and searchable by

86 individuals in the Department’s custody and the public, and through which individuals in the
87 Department’s custody and the public may:

88 (1) Access information, including contact information, for the Director, Deputy
89 Director, Education for Programs and Case Management, Deputy Director for Operations, and other
90 agency leadership responsible for receipt, tracking, and resolution of grievances, as well as the
91 Corrections Information Council and Council Committee with oversight of the Department;

92 (2) Access a list of the rights of each individual residing in the correctional facility;
93 and

94 (3) Access the tracking system described in subsection (b) and information on how
95 residents may submit a service request or complaint and track the service request or complaint in the
96 tracking system.

97 “(b)(1) By July 1, 2024, the Department shall establish a tracking system for grievances,
98 short-term and long-term service requests, and complaints submitted by an individual in Department
99 custody, their legal representative, or designee, through which the individual or families may track
100 the status of requests, including viewing real-time updates posted by the agency to the tracking
101 system.”

102 “(2)(A) The Department of Corrections shall assign each request or complaint
103 submitted to the tracking system a unique ticket number.”

104 “(B) Each ticket shall be searchable through the tracking system described in
105 paragraph (1) by ticket number, date of submission, status, and the nature of the service request or
106 complaint;

107 “(C) The tracking system shall provide for each submission :
108 “(i) The nature of the service request or complaint;

109 “(ii) The date of submission;
110 “(iii) The current status of the service request or complaint
111 “(iv) Whether or not the complaint or request is open or closed; and
112 “(v) Information on how the individual or their family member may
113 contact the Department of Corrections to receive additional information on the status or resolution
114 of the service request or complaint.

115 “(D) The Department may prescribe the format in which submissions to the
116 tracking system are to be made, provided that the Department shall at least accept submissions made
117 by residents in writing and via oral communication.

118 “(c) Within 30 days after the launch of the tracking system pursuant to subsection (b)(1), the
119 Department shall input into the tracking system all service requests and complaints received by the
120 Department in the preceding six months that are open.”.

121 “Sec. 11. Definitions.

122 For the purposes of this part, the term:

123 “(1) “Free appropriate public education” or “FAPE” shall have the same meaning
124 as at D.C. Official Code § 38-2561.01(3).

125 “(2) “Individualized education program” or “IEP” means a written plan that
126 specifies the special education programs and services to be provided to meet the unique
127 educational needs of a child with a disability, as required under section 614(d) of IDEA (20
128 U.S.C. § 1414(d)).

129 “(3) “Local education agency” means an institution at the local level with
130 responsibility to operate a publicly funded school and provide educational services in the District

131 of Columbia and has the responsibilities to provide FAPE under the IDEA, as defined at D.C.
132 Official Code § 38-2561.01(4).”.

133 Sec. 3. Chapter 30 of Subtitle A of Title 5 of the District of Columbia Municipal
134 Regulations (5 DCMR § A3001, et seq.) is amended as follows:

135 (1) Section 3001.16 (5-A DCMR § 3001.16) is repealed.

136 (2) Section 3001.17 (5-A DCMR § 3001.17) is repealed

137 Sec. 4. Fiscal impact statement.

138 The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal
139 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
140 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a)

141 Sec. 5. Effective date.

142 This act shall take effect following approval by the Mayor (or in the event of veto by the
143 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
144 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
145 24, 1973 (87 Stat. 813; D.C. Official Code§ 1-206.02(c)(1)), and publication in the District of
146 Columbia Register.