

REPORT ADDENDUM: ACCESSING SERVICES FOR STUDENTS WITH DISABILITIES
IN DC PUBLIC SCHOOLS



**District of Columbia Advisory Committee to the U.S. Commission on Civil
Rights Report Addendum:
Accessing Services for Students with Disabilities in DC Public Schools**

We, the District of Columbia Advisory Committee to the U.S. Commission on Civil Rights, [released a report](#) in December 2024 detailing findings and recommendations to support students with disabilities in Washington DC in accessing the special education and related transportation services they are legally entitled to under federal law.¹ This law was signed over 50 years ago, on November 29, 1975, as the Education for all Handicapped Children Act, EHA PL 94-142, now the Individuals with Disabilities Education Act (IDEA), ensuring our children with special education needs have free appropriate public education and related services in the least restrictive environment from birth to age 21.²

To commemorate the 50th anniversary of the passage of IDEA in November 2025, the U.S. Department of Education recently shared an educational video providing the history of the reasons for, and amendments to, this law over time.³ In this video, on the occasion of adding amendments to IDEA that include new processes for resolving disputes between parents and schools in 1997,⁴ disability rights activist Judy Heumann can be seen stating, “[t]he new IDEA helps make sure that parents will not have to resort to superhuman means to get what they need for their children.”⁵ Almost 30 years after this statement, and 50 years after the passage of IDEA, we are not convinced that this has been accomplished in DC based on the testimony we received for our study.⁶

¹ Individuals with Disabilities Education Act, 20 U.S.C. § 1400 (2004).

² *Id.*

³ Individuals U.S. Department of Education, The Individuals with Disabilities Education Act (IDEA – History and Evolution), August 5, 2025, available at: https://www.youtube.com/watch?v=89_PTxKGvbl. Accessed Sept. 8, 2025.

⁴ H.R Rep. No. 105-95, Individuals with Disabilities Education Act Amendments of 1997, 105 P.L. (1997).

⁵ U.S. Department of Education, The Individuals with Disabilities Education Act (IDEA – History and Evolution), August 5, 2025, available at: https://www.youtube.com/watch?v=89_PTxKGvbl. Accessed Sept. 8, 2025.

⁶ District of Columbia Advisory Committee to the U.S. Commission on Civil Rights, Report on Accessing Services for Students with Disabilities in DC Public Schools, Dec. 18, 2024, <https://www.usccr.gov/reports/2024/accessing-services-students-disabilities-dc-public-schools>; Briefing before the DC Advisory Committee to the U.S. Commission on Civil Rights, June 16, 2025, (web-based), Transcript (hereinafter cited as “June 16, 2025, Briefing”), pp. 30 – 33.

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Our goal in writing this report addendum is to share our understanding of (1) the public response to our 2024 report⁷ and (2) the possible impact of the proposed shuttering of the U.S. Department of Education and/or transferring of key divisions and duties to other federal entities on the recommendations and strategies outlined in our report to ensure forward progress in supporting children with special education needs.

As part of this effort, we heard testimony in May and June, 2025,⁸ from Bijan Verlin, Legislative Policy Advisor, DC Council; Hannah Kozik, Legislative Policy Advisor, DC Council; Jenny Clark, CEO, Love Your School; Matt Ladner, Senior Advisor, Heritage Foundation; Raquel Regalado, Commissioner, Miami-Dade County; and Dan Stewart, Managing Attorney for Education and Employment, National Disability Rights Network. Two parents of children with special education needs in DC, Alexandra Simbana and Elizabeth Mitchell, shared testimony for our original report and returned to share their response to our report. Thank you to all participants for your contributions.

Public Response to Our Report

The DC Council shares our concerns regarding early identification and adequate funding for staffing and services

We learned that our Committee's report largely echoed the challenges DC Council heard in their own hearing in November 2024, particularly regarding early and appropriate identification of disabilities (our Committee's report, Finding I), staffing shortages (Findings I, XI, XIII), low expectations for students with disabilities (Finding II), funding (Finding IV), dispute resolution (Findings VII-XI), and transportation (Findings XIV-XVI).⁹ Staff for the DC Council noted that DC Public Schools (DCPS) plans to expand efforts for early identification by adding new classrooms, and DCPS staff are focused on addressing cultural attitudes and mindsets around low expectations for students with disabilities.¹⁰

Regarding our findings related to the need for more funding, Mr. Verlin also noted that increased funding is needed.¹¹ As to our findings regarding dispute resolution, Mr. Verlin noted, “We 100% agree that DCPS is spending more on lawyers than it is on providing services that it's being sued

⁷ District of Columbia Advisory Committee to the U.S. Commission on Civil Rights, Report on Accessing Services for Students with Disabilities in DC Public Schools, Dec. 18, 2024, <https://www.usccr.gov/reports/2024/accessing-services-students-disabilities-dc-public-schools>.

⁸ Materials related to the addendum are available here: <https://usccr.box.com/s/glqbeill11xqqau42hn1ibw3d7vuhfxh>.

⁹ Verlin Testimony, Briefing before the DC Advisory Committee to the U.S. Commission on Civil Rights, May 22, 2025, (web-based), Transcript (hereinafter cited as “May 22, 2025, Speaker Meeting”), p. 2.

¹⁰ Verlin Testimony, May 22, 2025, Speaker Meeting, p. 2.

¹¹ Ibid., pp. 2-3.

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for. And I don't think staff has a clear understanding, I don't have a clear understanding if it's a resource constraint, a process constraint, [or] an attitude issue.”¹²

Referring to our recommendations around transportation (Recommendations 2.f.i-iii and 3.a-e), Ms. Kozik noted that DC Council is focusing on developing legislation for oversight and long-term planning, including clear communication and transparency from the Office of the State Superintendent for Education, increased training and accountability measures for bus drivers and staff, and decreasing the manager to staff ratio from 38 to one to 20 to one.¹³ Regarding our concerns about tracking technology for buses, Ms. Kozik shared that a GPS pilot program is starting this 2025-2026 school year with a goal of full implementation for the extended school year (Recommendations 2.f.i. 1-2).¹⁴ She noted that the goal is to have data regarding arrivals, departures, pick up and drop off times, and distances buses travel from ward to ward,¹⁵ which echoes the recommendations we had.

Mr. Verlin encouraged more public input, noting that the DC Council would greatly benefit from hearing from individuals directly about concerns regarding the education budget at the Council’s series of budget hearings,¹⁶ and from continued conversation around this topic.¹⁷ Mr. Verlin also noted the Council meets with the teachers union regularly, often discussing general over-testing and over-assessment concerns, and could benefit from focusing on special education and Individualized Education Program (IEP) oversight as we recommended (Recommendation 2.vii.1)).¹⁸ DC Council staff and our Committee jointly discussed the need for better communication around existing services and resources so parents and caregivers understand what they already have access to, recommending a stronger, clearer role through the ombudsman’s office to help bridge gaps in communication (Recommendation 2.viii).¹⁹

Research around innovative supports and funding may help students with special education needs

In our report, we highlighted the need to expand research to explore potential innovative solutions and best practices that could work in DC (Recommendations 1.a.i., 1.c.i., 1.g.i and 2.f.iii.). In her testimony to the Committee, Ms. Clark recommended a special education “regulatory sandbox” for public schools, private education service providers, and therapists to pilot new service models that are accountable to families, committee members, and lawmakers.²⁰ Ms. Clark noted that testing new products in DC could benefit students through increased competition and cost

¹² Ibid., p. 3.

¹³ Kozik Testimony, May 22, 2025, Speaker Meeting, p. 3.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Verlin Testimony, May 22, 2025, Speaker Meeting, p. 7.

¹⁷ Ibid, p. 12.

¹⁸ Verlin Testimony, May 22, 2025, Speaker Meeting, p. 7.

¹⁹ Heard, Verlin, and Leen Testimony, May 22, 2025, Speaker Meeting, pp. 9-10.

²⁰ Clark Testimony, June 16, 2025, Briefing, p. 4.

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efficiency efforts.²¹ Disagreeing with this suggestion, Ms. Mitchell strongly cautioned against inviting educational entrepreneurs to test their products on children with special needs in DC.²² Ms. Clark also suggested that the Committee recommend partnering with churches and faith-based organizations to identify and support students for early intervention services that our report found was currently lacking (Finding 1).²³ While we recognize the important role that many community organizations play in supporting families, it should be noted that public identification and evaluation of students for special education services are legal obligations of public school systems under IDEA and must remain secular, equitable, and free from potential concerns about coercion or discrimination.

Relying on religious institutions to fulfill these responsibilities could raise constitutional and legal concerns and risks creating inconsistent access to services based on geography, affiliation, or religious involvement. The Committee therefore emphasizes that strengthening public infrastructure, rather than outsourcing these responsibilities to non-public entities, is the most effective and equitable way to ensure that all children, regardless of background or belief, are identified and supported as early as possible.

Ms. Clark noted that our concerns about adequate funding could be mitigated through reimagining the DC Opportunity Scholarship program into an education savings account (ESA) to give parents control over how education funds for their child are spent.²⁴ In his testimony to the Committee, Mr. Ladner agreed that ESAs help address our concerns about funding, particularly concerning the high level of due process complaints, by reducing the need for litigation by allowing students to access the proportionate share of their education funds themselves.²⁵ Commissioner Regalado agreed that giving families and caregivers more choices over special education funds could reduce litigation.²⁶ Mr. Stewart disagreed that ESAs are the answer for DC, noting that success stories related to ESAs relate to children with less severe disabilities.²⁷ Referring to her experience as a DC parent of a child with special education needs, Ms. Mitchell noted, “[t]here is no way a voucher would come close to meeting the needs and expenses of my student.”²⁸

Echoing our recommendation (1.g.iv) regarding the need to investigate why due process complaints are occurring, Mr. Stewart noted that it is critical to fully investigate what is actually detailed in the administrative complaints and due process hearings in DC in order to create well-designed, thoughtful solutions.²⁹

²¹ Ibid., p. 5.

²² Mitchell Testimony, June 16, 2025, Briefing, p. 32.

²³ Clark Testimony, June 16, 2025, Briefing, p. 5.

²⁴ Ibid, p. 3, 5.

²⁵ Ladner Testimony, June 16, 2025, Briefing, p. 9.

²⁶ Regalado Testimony, June 16, 2025, Briefing, p. 10.

²⁷ Stewart Testimony, June 16, 2025, Briefing, p. 19.

²⁸ Mitchell Testimony, June 16, 2025, Briefing, p. 33.

²⁹ Stewart Testimony, June 16, 2025, Briefing, p. 16.

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Both Ms. Simbana and Ms. Mitchell encourage the Committee and others in power to enact change for students with special education needs to continue inviting testimony from parents and caregivers of children who receive special education services in DC to help inform solutions.³⁰

In the September 2025 meeting, the Committee again heard public comment from parents of students with disabilities, including Alexandra Simbana and Elizabeth Mitchell.³¹ These comments echoed similar concerns we heard from educational policy experts about proposals to expand voucher programs or convert public funding into Education Savings Accounts (ESAs).³² Such policies risk diverting critical resources away from public schools, where the vast majority of students with disabilities are educated,³³ and toward private or parochial schools that are not bound by the same federal requirements under the Individuals with Disabilities Education Act (IDEA).

Moreover, many students with the most significant disabilities cannot realistically access or be served by private or charter schools due to accessibility barriers, lack of specialized programming, or limited capacity to provide required services.

Impact of Changes Within the U.S. Department of Education on the Recommendations and Strategies Outlined in Our Report

Responding to our interest in learning about the impact of current proposed changes at the U.S. Department of Education on our report's recommendations, Mr. Stewart noted that there is an emphasis on local control, new funding, and strategies for addressing teacher development and support.³⁴ He noted that it will be important for DC Public Schools to be able to access these resources.³⁵

Mr. Stewart also highlighted the directed investigation into DC Public Schools by the U.S. Department of Education Office for Civil Rights, may be helpful in determining the root cause of

³⁰ Simbana Testimony, June 16, Briefing, pp. 31-32; Mitchell Testimony, June 16, 2025, pp. 32-33.

³¹ Simbana Testimony, Meeting of the DC Advisory Committee to the U.S. Commission on Civil Rights, September 24, 2025, (web-based), Transcript (hereinafter cited as "Sept. 24, 2025, Meeting"), pp. 3-4; Mitchell Testimony, Sept. 24, 2025, Meeting, pp. 7-9.

³² Simbana Testimony, Sept. 24, 2025, Meeting, pp. 3-4; Mitchell Testimony, Sept. 24, 2025, Meeting, pp. 7-9; Stewart Testimony, June 16, 2025, Briefing, p. 19.

³³ National Center for Education Statistics. *Students with Disabilities*. May 2024. Available at <https://nces.ed.gov/programs/coe/indicator/cgg/students-with-disabilities>. Accessed Jan. 9, 2026.

³⁴ Stewart Testimony, June 16, 2025, Briefing, p. 18.

³⁵ Ibid.

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issues impacting students with disabilities.³⁶ This investigation is a direct result of our report.³⁷ Although not relating to a recent change at the U.S. Department of Education, Mr. Stewart noted that the Office for Civil Rights has previously, and could again, used their investigation to create levels of accountability through staff and consultant positions, record keeping, reporting requirements, procedure reviews, individual student remedy determinations, trainings for parents and students, staffing plans, and monitoring these efforts to help address the issues impacting students with disabilities.³⁸

The Committee continues to seek additional information about ongoing proposals to significantly restructure or eliminate the U.S. Department of Education. We recognize that any such changes would represent a major shift in federal education policy and could have important implications for students with disabilities. The Department currently plays a vital role in enforcing federal civil rights laws, administering IDEA funding, monitoring state compliance, and providing guidance and support to schools and families. Its Office for Civil Rights, in particular, is often one of the few avenues available for families seeking redress when their children's educational rights are not upheld.

The Committee is concerned that dismantling or substantially weakening the Department, or dispersing its core responsibilities across multiple agencies, could make oversight more fragmented, reduce accountability, and lead to less consistent enforcement of federal disability law. Without a strong federal role, there is a risk that the protections guaranteed under IDEA could become uneven across states, leaving some students without the services and supports they are entitled to under federal law.

For these reasons, we respectfully encourage policymakers to carefully consider how any federal reorganization plan will preserve, and ideally strengthen, the federal government's capacity to protect the civil rights of students with disabilities and to support state and local agencies in fulfilling their legal obligations.

Recommendation(s)

With many students still struggling to access crucial services without filing complaints 50 years after the passage of IDEA,³⁹ we urge the U.S. Commission on Civil Rights to review our report,

³⁶ Stewart Testimony, June 16, 2025 Briefing, p. 18, referring to the U.S. Department of Education Office for Civil Rights, *U.S. Department of Education to Investigate D.C. Public Schools Over Reported Disability Discrimination*, March 5, 2025, available at <https://www.ed.gov/about/news/press-release/us-department-of-education-investigate-dc-public-schools-over-reported-disability-discrimination>. Accessed Sept. 10, 2025.

³⁷ U.S. Department of Education Office for Civil Rights, *Letter to Chancellor Lewis D. Ferebee*, March 5, 2025, available at <https://www.ed.gov/media/document/dcps-investigation-letter-ocr-march-2025-109535.pdf>. Accessed Sept. 10, 2025.

³⁸ Stewart Testimony, June 16, 2025, Briefing, p. 18.

³⁹ Individuals with Disabilities Education Act, 20 U.S.C. § 1400 (2004).

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and this addendum, and take appropriate measures to inform the President and Congress of the critical and overdue requirement to ensure our children in DC receive the full services they are entitled to.

This addendum was adopted by a vote of 8 to 0 at a Committee meeting held January 16, 2026. The dissenting member(s) was (were) provided an opportunity to prepare a dissenting statement to be appended to this addendum. There were no dissenting members.

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

January 21, 2022 – January 20, 2026

Wayne Heard, *Chair*

Craig Leen, *Vice Chair*

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**District of Columbia Advisory Committee to the
United States Commission on Civil Rights**



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