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**Statement of the  
Council for Court Excellence  
before the Judiciary and Public Safety Public Hearing  
of the Council of the District of Columbia**

Bill B23-0039, “Special Education Rights for Youth Defendants Amendment Act of 2019”

July 11, 2019

Good morning, Chairman Allen, and members of the committee. My name is Victor Long. I am a member of the Executive Committee of the Council for Court Excellence (CCE), and a co-Chair of the Youth Justice Committee. I appear today in my personal capacity as a CCE Board Member and not as a representative of any other organization. No judicial members of CCE participated in the formulation of this testimony.

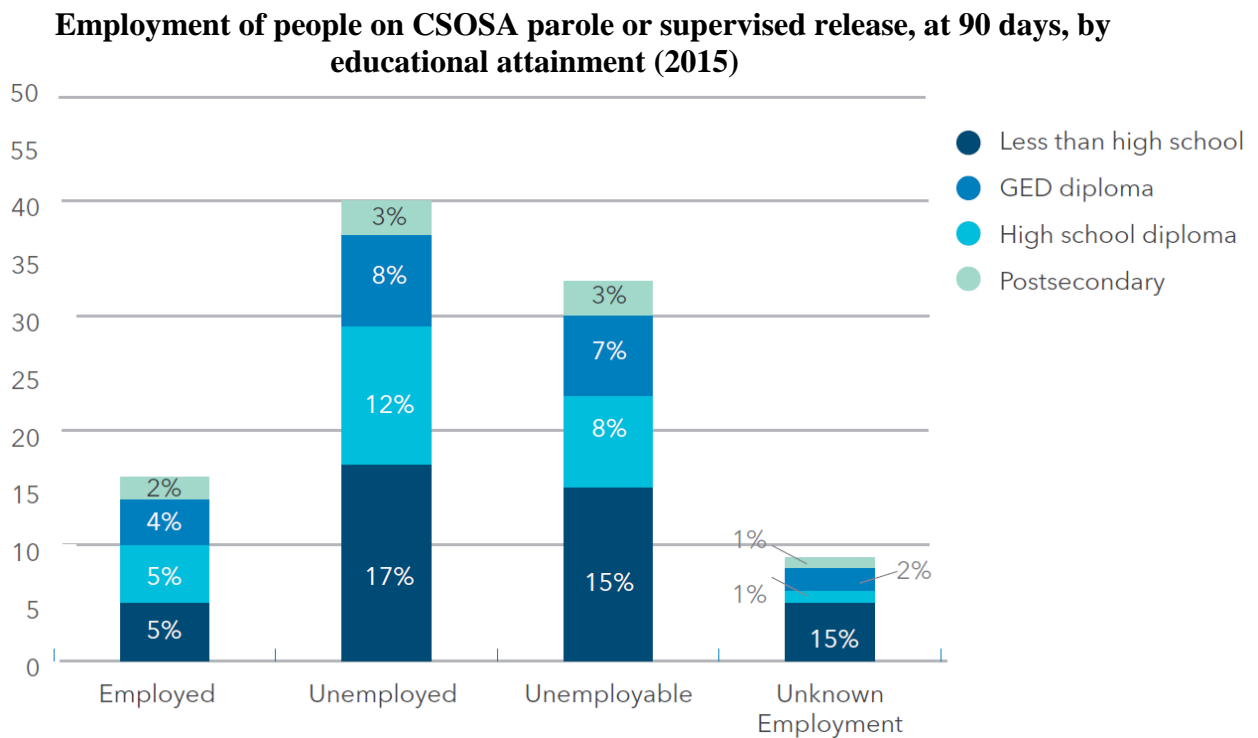
CCE is a local nonpartisan civic organization founded in 1982 to improve the administration of justice in the courts and related agencies in the District of Columbia. Our organization participated in Councilmember Grosso’s working group in 2018 focusing on the education needs of our young people in District care or custody.

This testimony addresses B23-0039, the “Special Education Rights for Youth Defendants Amendment Act of 2019”. We thank Councilmember Grosso for introducing, with your support and that of Councilmembers Bonds, Evans, Gray, Cheh, McDuffie, Grosso, Nadeau, and R. White for also introducing the bill, and you, Chairman Allen, for calling this hearing.

This legislation will establish a panel of special education attorneys to provide relevant representation to individuals under the age of 23 with identified special education needs who have a case pending in the Criminal Division of Superior Court. CCE supports B23-0039, as it would better ensure robust due process for students with disabilities who are facing the loss of their liberty and who should nevertheless have the ability to earn a high school diploma and opportunities for success in the future. It is an important

contribution to the District’s continued efforts to give our justice-involved youth a fair shot at young adulthood. I’ll use the rest of my time to briefly discuss the importance of education in correctional settings and the significance of specialized-representation for students with educational disabilities.

Returning citizens have, on average, fewer years of education relative to their non-justice-involved peers. The Court Services and Offender Supervision Agency (CSOSA) data from 2015 indicates that 34 percent of people on parole and more than 43 percent of people on supervised release did not have a GED or high school diploma.<sup>1</sup>



Source: Council for Court Excellence (2016). *Beyond Second Chances: Returning Citizens Re-entry Struggles and Successes in the District of Columbia*.

As the chart above indicates, low-education is a significant barrier to successful reentry for returning citizens. U.S. Sentencing Commission data shows that the odds of recidivism for someone without a high school diploma are 3:1 relative to the odds of someone with a high

<sup>1</sup> Council for Court Excellence (2016). *Beyond Second Chances: Returning Citizens Re-entry Struggles and Successes in the District of Columbia*.

school diploma.<sup>2</sup> Fortunately, education in correctional settings is efficacious. Researchers have found that participating in prison education programs reduced recidivism rates among returning citizens by over 40%.<sup>3</sup>

One way that education influences recidivism is through employment. While some studies have shown that employment is a significant predictor of recidivism outcomes,<sup>4</sup> the most robust evidence to date indicates that simply having *any* job actually has only a modest effect on recidivism outcomes.<sup>5</sup> Instead, the greatest benefits are generated by having high quality jobs, which are often only available to individuals with more education. In the District of Columbia, where, by 2020, more than 7 in 10 jobs require a college degree, education is essential for finding any kind of employment at all.<sup>6</sup> In D.C., individuals without a high school degree were five times as unemployed as individuals with a Bachelor's degree, and had 75% the average annual income as individuals with high school diplomas.<sup>7</sup>

These challenges are only accentuated for returning citizens, who face heightened stigma when seeking employment because of their criminal records. We know this Council is also examining how to address some of these additional barriers with other legislation related to record sealing and expungement, and CCE supports those reform efforts, as well.

Unfortunately, getting an education while in custody, especially with our complex system's mix of federal and local control over the various justice agencies, can be a major challenge. As you might suspect, getting tailored special education for people with learning disabilities is often even more difficult. Nationally, over one-third of incarcerated youth require

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<sup>2</sup> United States Sentencing Commission. 2016. *Recidivism Among Federal Offenders: A Comprehensive Overview*. [https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2016/recidivism\\_overview.pdf](https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2016/recidivism_overview.pdf)

<sup>3</sup> Davis, Lois, Robert Bozick, Jennifer Steele, Jessica Saunders, and Jeremy Miles. "Evaluating the Effectiveness of Correctional Education." RAND Corporation, 2013. <https://www.rand.org/news/press/2013/08/22.html>.

<sup>4</sup> Nally, John, Susan Lockwood, Taiping Ho, and Katie Knutson. 2014. Post-Release Recidivism and Employment among Different Types of Released Offenders. *International Journal of Criminal Justice Sciences*.

<sup>5</sup> Ramakers, A., Nieuwbeerta, P., Wilsem, J. V., & Dirkzwager, A. (2016). Not just any job will do: A study on employment characteristics and recidivism risks after release. *International Journal of Offender Therapy and Comparative Criminology*, 1-24. doi:10.1177/0306624X16636141

<sup>6</sup> Carnevale, A. P., Smith, N., & Strohl, J. (2013). *Recovery: Projections of jobs and education requirements through 2020*. Washington, D.C.: Georgetown Public Policy Institute at Georgetown University.

<sup>7</sup> D.C. Policy Center. 2018. *Reducing Barriers for Job-Seekers*. <https://www.dcpolicycenter.org/publications/reducing-barriers-for-job-seekers-in-d-c-and-the-metro-region/>

special education.<sup>8</sup> Students with disabilities are entitled to remain in school, work towards a diploma and receive support until the semester in which they turn 22. However, these individuals are not always equipped to effectively advocate for their rights, especially while incarcerated. Many seemingly disengaged young people may want to obtain a high school diploma or GED, but do not have the support or resources to meaningfully pursue those options. Sadly, we may lose a unique opportunity to re-engage these young men and women if this legislation is not passed.

Advocates for youth and people with disabilities have reported to CCE that limited or inconsistent communication and information sharing between support agencies, courts, and the court-involved young person can make it less likely that the judge, prosecutors, or defense team are able to adequately incorporate information about the defendant's unique educational circumstances into sentencing or other case planning. They report that the lack of communication can cause inaccurate or incomplete pre-sentencing reports about a young person's educational history, needs, disability, and options.

Specialized representation should help young people with special education needs more effectively navigate a legal system which can be complex and demoralizing. These attorneys will be able to represent the specific educational and disability-related needs of the young person, secure critical special education support, work with our local courts and appropriate parties to create individualized terms of release for clients, and act as a liaison between actors within the justice system. We are happy to work with Superior Court to ensure that the administration of this new program and law are effectively implemented in a way that is not disruptive to the cases, but is instead helpful to the Court's efforts to impart justice.

CCE believes that by creating and funding this panel of legal advocates, the District will be helping to better ensure that justice is fairly administered and will make any period of custody or care more likely to be rehabilitative for young adults with special education needs, ultimately increasing their likelihood of successfully returning to the community.

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<sup>8</sup> The National Technical Assistance Center for the Education of Neglected or Delinquent Children and Youth. 2011. *IDEA and the Juvenile Justice System: A Factsheet*. <https://neglected-delinquent.ed.gov/idea-and-juvenile-justice-system-factsheet#5>

In conclusion, CCE wholly supports the “Special Education Rights for Youth Defendants Amendment Act of 2019.” We appreciate the Council’s effort to provide incarcerated young people with the services necessary to better navigate the justice system. Supporting these individual in their pursuit of education will also equip them with the skills necessary for a successful return to their communities. Thank you for your attention today; I am happy to answer any questions you may have.