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**Testimony Before the House Primary & Secondary Education Committee
House Bill 111
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Good evening Chairman Jones, Vice Chair Manchester, Ranking Member Robinson, and members of the House Primary & Secondary Education Committee. Thank you for the opportunity to testify about the transfer of student records. My name is Taylor N. Burns. I am a staff attorney at Advocates for Basic Legal Equality (ABLE). We are a non-profit regional law firm that provides free legal assistance in civil matters to help individuals and groups living on low incomes in 32 counties in Western Ohio achieve self-reliance, and equal justice and economic opportunity.

Specifically, I work in our Meaningful and Appropriate Education practice group. We are attorneys and paralegals who believe just and equitable education can help children living on low incomes achieve what they are striving for: to learn, graduate, and have a good life and job in the future. We work with parents and caregivers to advocate for their children to get what they need from their schools, including meaningful and appropriate educational services for children with disabilities. It is on behalf of those parents and children that I testify today.

I am here on behalf of ABLE to provide supporting testimony for requiring public and private schools to transmit educational records to a child's new school within five days of request. We believe House Bill 111 is critically important and support its passage.

When schools timely transfer records, students moving between schools can be served appropriately and continue to progress in school. Without the timely transfer of records, not only are students suffering, but schools are overwhelmed. Schools are serving an ever-changing student population without access to critical information regarding their history or needs, which can cause disruptions for the entire classroom.

There is increasing literature and research on mobility among school-age children. Student mobility, as I use the term, is the event of students moving into and out of schools, whether from one building to another within a single district or from one district to another.

In 2012, the Fordham Institute and Community Research Partners, along with other partners, joined together to gauge student mobility across Ohio.¹ The research concluded that the prevalence of student mobility is considerably greater than most appreciate or fully understand. Student mobility verges on an epidemic in urban or inner-city schools.

While our attorneys work with children in many school districts across the 32 counties we serve, I want to take a moment to highlight the extent of mobility in one of the districts where many of my clients reside, Toledo Public Schools. Over 25% of students in grades K-7 and almost 40% of students in grades 8-12 were not continuously enrolled in the District between 2009 and 2011. When looking at data for between-building mobility, the numbers become even more daunting. Almost 40% of students in grades K-7 and over 50% of students in grades 8-12 were not continuously enrolled in the same school between 2009 and 2011. So, over half of the District's high school students changed schools during that time, and each of those students would need their records transferred to the new school.

Students move schools for a variety of reasons. A student may enroll in a school better suited to their needs or a parent may get a new job or promotion. Alternatively, a student might experience family turmoil like a divorce or the family may experience housing instability like home foreclosure or eviction. While we do not always know the reasons, we do know that certain populations of children are more likely to be mobile than others, including children in poverty, children in foster care, children who are homeless, and migrant children.

While these children often possess remarkable resilience, they also face formidable challenges. According to a 2003 study from Project HOPE with the College of William and Mary:

- Frequent school changes have been correlated with lower academic achievement;
- Mobile students are half as likely to graduate from high school;
- Mobile students are twice as likely to repeat a grade; and
- It may take four to six months to recover academically from a school transfer.²

The troubling findings highlighted in this study were not particularly focused on children with disabilities. However, in my experience, these challenges are often exacerbated for children with disabilities.

I work almost exclusively with children with mental health diagnoses that often present as behaviors negatively impacting their academic performance, necessitating Individualized Education Programs (IEPs). These IEPs describe the specially designed instruction, services, and supports required to meet their needs and provide a free and appropriate education (FAPE). To develop the IEPs, schools conduct extensive evaluations. The evaluations often reveal that the children struggle in several areas.

¹ *Student Nomads: Mobility in Ohio's Schools*. (November 2012). Community Research Partners for the Thomas B. Fordham Institute. Retrieved November 11, 2019 from <https://fordhaminstitute.org/ohio/research/student-nomads-mobility-ohios-schools>.

² Popp, P., Stronge, J., Hindman, J. (November 2003). *Students on the Move: Reaching and Teaching Highly Mobile Children and Youth*. Project HOPE, The College of William and Mary. Retrieved November 11, 2019 from https://nche.ed.gov/wp-content/uploads/2018/11/highly_mobile.pdf.

To illustrate just a few of these challenges, a child with difficulty in adaptability may struggle when their class schedule changes or even when their daily schedule changes due to a snow delay or school assembly. When that child moves, they will have to adapt to an entirely new school with new teachers, peers, rules, and routines. Other children may lack the social skills to make friends but have managed to become close to one other student in their special education classroom. When that child moves, they will have to start over in building relationships, even in building a trusting relationship with their teachers.

So, the struggles and challenges faced by mobile students are only magnified for a child with a disability. The issue is further exacerbated when the child's IEP, evaluations, and other educational records are not transferred to the new school. These records are vital to inform the new school's staff of the student's specific needs and how to serve those needs through specialized instruction, services, and supports.

I want to highlight a story from one of my clients to show just how harmful the failure to timely transfer records can be for students with disabilities. This story is not unique.

Clarissa³ is a child with a disability, whose specialized services are teaching her the skills needed to change some serious behavioral challenges. At the time ABLE got involved, she was removed from school so often that her mom, our client, had to quit her job. On behalf of Clarissa's mom, we were able to obtain an evaluation that identified Clarissa's specific areas of need and current performance and an IEP with specially designed instruction, related services, and accommodations that were helping Clarissa progress academically and functionally.

Just before the start of the academic year, as a result of housing instability, Clarissa and her mom moved. While Clarissa remained in the same school district, she changed school buildings. Clarissa's mom enrolled her at the new school on the first day of the academic year and informed building staff that Clarissa was a child with a disability on an IEP. The school assured mom that they would get the IEP and records right away.

However, eight (8) days later, the school still had not received and implemented Clarissa's IEP. During that time, Clarissa was in the general education setting rather than the special education classroom designed to serve her. She was not provided with her much-needed instruction on adapting and coping skills, which her evaluation identified as an area of great need and could have helped her through the transition. And she was not provided with the accommodations necessitated by her disability, like taking breaks when overwhelmed. She regressed, exhibiting some of her old behaviors.

In short, she was not set up for success at the beginning of the year, nor were her teachers who did not know how to best serve her. In addition to educating Clarissa, a new student with unknown needs, Clarissa's teachers had to educate over 20 of her peers. The demands placed on teachers are already great, and these teachers were expected to serve Clarissa without knowing her history or the instruction that suits her.

³ Child's name is changed to protect confidentiality.

It was only after I contacted the school that the records were transferred. Once Clarissa's records arrived, the school put her IEP services in place, and Clarissa was able to learn and progress again. But it took the involvement of an attorney before the records were transferred between two school buildings within a single school district.

Although there is no federal standard, the establishment of a statutory deadline for the transfer of records is absolutely critical for the meaningful and appropriate education of children with disabilities, in addition to highly mobile children more generally. That is exactly what is proposed in House Bill 111. As a state, we must act to ensure that our increasingly mobile student populations are served through the transitions in their lives. Timely transferring records can provide some amount of stability by ensuring consistency and continuity during what can be a very uncertain time for students.

Thank you again for the opportunity to testify. And I welcome any questions.