

Detailed Analysis of Chairman Catania’s Seven Bills before the City Council

Fair Funding Bill

The [Fair Funding bill](#) proposes to make four key changes:

Additional Funding: It add funds to more fully serve low income students, offer stronger career and technical education options and support struggling high schools.

The 80% Rule: It changes the way funds are allocated to DCPS schools. Currently, the Mayor and Council approve funds to DCPS based on UPSFF which allocates funds for students based on grade level and additional needs – i.e. Special Education (“SPED”) and English Language Learner (“ELL”). DCPS then distributes funds to individual schools using a Comprehensive Staffing Model through which it apportions required staff to each school based on student population (taking into account the numbers of ELL and SPED students) and then provides a budget to support the suggested staffing. This bill abandons the Comprehensive Staffing Model approach and requires DCPS to allocate at least 80% of the budget generated under the UPSFF by the students at a school to that school.

Limits School Year-to-Year Budget Cuts: In the most recent round of school budgets, the Council capped reductions in school budgets to 5 % (though that did not apply to the combined budget of schools consolidated as part of the closure and consolidation process). The bill would codify that cap in school budget reductions.

Principal Autonomy: It seeks to give Principals (and school communities) increased autonomy over their budgets. Under the proposed framework, the Chancellor establishes standards for the development of budgets and provides professional development and technical support to Principals to enable them to craft budgets. Principals in coordination with school communities then develop proposed budgets. Those budgets are then reviewed by the Chancellor. The Chancellor is also charged with making all resulting DCPS school budgets available online.

Our Position:

We applaud the Education Committee for focusing attention on the fact that we are underfunding many of our schools, particularly those serving low income students with the greatest needs. We strongly support the goals of this bill. We believe, however, that both the refinement and enactment of the bill should be coordinated with the findings of the Adequacy Study. The approaches to increased funding for career and technical education and for struggling high schools should be changed to reflect program costs and ensure equitable access. Care should be given to ensure that rigid application of the 80% rule does not create greater

inequities. In addition, we urge that the bill be amended, consistent with our recommendations for other bills under consideration, to strengthen the role of planning and community engagement in the budgeting process.

We also note that one of the challenges of educating our children, as well as funding and managing our schools generally is the degree of mobility we have in our schools, with students frequently either willingly or with a push, moving from school to school. The incentives for such movement are embedded in our policy of choice. While not a focus of this bill, we urge that understanding and responding to the cost and challenges that come from such mobility be a subject of inquiry for OSSE, the State Board and the Council soon. The data to undertake a meaningful analysis of the implications of this phenomenon exist. A careful analysis of that data should be undertaken (and the data itself should be made available for analysis) as soon as practicable. There is anecdotal evidence that changing school populations throughout the school year has created enormous challenges for both students and teachers. It has substantially distorted purportedly objective measures of teacher and school performance. We need to fully understand the implications of this mobility and craft policy responses to it as appropriate.

Specific Recommendations:

1. ***Modify the UPSFF to Add a Weight for Low Income Students as Suggested in the Bill:*** We commend the Committee for raising this issue and the eventual legislation should include an increased weight for low income students. We know from experience that funding for schools serving such students who often have the greatest needs has been insufficient. Equity does not mean spending the same number of dollars on all children but investing as needed to meet the individual educational needs of all of our children. As the Committee and Council focuses on this provision, however, it should also explore other mechanisms to ensure that the funding intended to support these students is delivered as effectively as possible to the schools that serve them and is used to serve them.

In addition, the Council should continue and expand the funding for the Community Schools Initiative. This will support greater government and private sector coordination around both the program and social needs of the children and families in our schools.

2. ***Codify the 5% Cap on School Budget Reductions:*** The Committee wisely has proposed to cap reductions in school budgets from year-to-year at 5%. The overall goal should be to strengthen schools and for those that have not thrived to reverse a cycle down. In cases where schools see declines in enrollment, our goal should be to help them turn that around, not reinforce the decline with significant compounding budget cuts in the following year. The 5% cap in school budget reductions protects against such downward spirals. If the 5% cap is not enacted, a different measure designed to avert such downward spirals should be.
3. ***Take into Account Findings of the Adequacy Study:*** The DME is currently undertaking an Adequacy Study to revisit all aspects of the UPSFF with recommendations expected by September 30, 2013. We know this

is needed; currently general education funds are subsidizing ELL and SPED. In order to ensure the ultimate legislation in this area is effective and equitable, the Committee should coordinate with the DME to ensure that any changes to the formula enacted in legislation are considered in the context of the findings of that study. Moreover, as described below, the Committee should create a mechanism like the technical working group for ongoing revision to the UPSFF to take into account changing costs and lessons learned.

4. ***Adequately Fund Career and Technical Education (CTE) Programs; Do Not Base Funding Solely on Enrollment:*** We share the Committee’s sense of urgency regarding career and technical education and would like to see those programs dramatically strengthened throughout the city. However, it is not clear that enrollment based funding is the best mechanism to build and maintain such programs which may have similar costs when serving, for example, 30 as opposed to 40 students. We believe the goal of supporting CTE programs could be more efficiently met by assuring adequate and predictable funding to CTE programs in both charter and DCPS schools through OSSE with year-to-year planning for how to adjust funding for those programs. Such long-term planning should focus on offering responsive programs throughout the city and leveraging assets, for example, including our Universities and Community College. We note also that it could be most effective to fund other programs such as International Baccalaureate or Advanced Placement on a needs basis to launch the program as opposed to on an enrollment basis, particularly in the early years of establishing new programs.
5. ***Fund Effective Educational Programs for Students not on Track to Graduate:*** The structure of the weight to support high schools with a graduation rate below 75% is an “on-off” switch. Creating a strict threshold as proposed or even a gradual reduction as more students graduate will create perverse incentives and will not address the issue – helping students at struggling schools. Rather, the Committee should consider providing funding for programs targeted to assist students who are not on track to graduate. Under such a system, LEAs could be provided funds through OSSE based on the numbers of students in the 9th and 10th grades at risk of not graduating. These secondary schools should be both supported and held accountable by OSSE for the use of such funds in increasing graduation rates. A similar approach could be developed to address math and reading gaps identified by assessments through 2nd grade. The goal in both settings should be to identify needs and fund targeted programs to meet them. The Community Schools pilot funded by the Council should be considered for expansion if it proves effective in addressing these kinds of issues.
6. ***Create a Mechanism to Ensure Additional Funds Are Used for the Designated Purposes:*** The bill proposes to add specific funding for specific purposes as described above; the current formula includes weights for SPED and ELL. The legislation should create a clear mechanism to ensure that both LEAs and schools provide a transparent proposal for use of the funds identifying evidence based strategies; a report of how the designated funds were used to address the specified needs; and an evaluation of their effectiveness.

7. **Move Cautiously On the 80% Rule:** We recognize and support the sentiments that led to this proposal – a desire to push funding into schools and classrooms and reliance on a predictable and equitable formula. Too rigid an application of this rule, however, may have unintended consequences. Before codifying it, we need to closely examine what the practical effects will be both at the school and administrative level

- A strict 80% rule could unduly favor large schools and work against small schools that often serve low income students. DCPS moved away from a weighted student formula partly because it had this effect. If DCPS were to adopt a weighted student formula as it funnels a greater percentage of funds to schools, it should consider a foundation formula for small schools.
- Special Education and English Language Learner Funding should not be calculated as part of any overall 80% distribution. The appropriate percentage of the funds allotted from the city for the educational services for these students should be figured separately and tied to adequate programs. There is less discretion and greater complexity with the different levels of needs in these areas as well as greater obligations under the law.
- Before making a dramatic new change in this area, the Council should develop detailed simulations showing the effect of any proposed new formula on school budgets to ensure that the new formula has the intended effects. That question can only be answered by detailed data showing school budgets under the existing system as compared to under the proposed new formula.

Proposed Alternative Framework: A way to embrace the motivations for the proposed rule but avoid any adverse unintended consequences might be to indicate that the **goal** should be that 80% of UPSFF funds go to the schools proportionally (or a different percentage if a careful study of the relevant divisions of labor and relative costs points to a higher or lower percentage going to schools) and require DCPS to indicate for each school budget, what percentage of the UPSFF funds generated by the school are in the school budget by category – general education, SPED and ELL. The budgets should also indicate what percentage of the school budgets are devoted to Administration, student services and classroom instruction. The Central Administration should also be required to report what percentage of UPSFF funds it consumes. Such an approach would set goals but maintain discretion to address needs and provide transparency and accountability. In addition, as part of any eventual new framework, a mechanism should be created to ensure that where schools have substantially higher enrollment in the Fall than was projected in the Spring, additional funds to serve the increased population are promptly provided.

8. **Strengthen the Elements of Community Engagement and Planning:** The bill appropriately requires Principals to engage the school community in the development of the budget. The bill should add *plan* in every place it states budget and coordinate this section with the accountability bill. A budget will only be as strong as the plan it is implementing. Community involvement is essential as it can aid in fostering a sense of ownership as well as a culture of planning. Such engagement should be strengthened through:

- ***Strengthening the Role of LSATs:*** Specifically reference and strengthen the role to be played by Local School Advisory Teams (“LSATs”) in the budget process. Signatures of all LSAT members (or a reason for not signing) should be required on the School Plan and budget. Currently only the chair of the LSAT signs off. The LSAT should have some role in the evaluation of Principals.
 - ***Requiring and Supporting Coordination of Schools within a Feeder Pattern:*** Create mechanisms for and require Principal’s (and community leaders participating in the budget process) to consult with other teams in the relevant feeder pattern to support programmatic continuity.
 - ***Encouraging that Budgeting and Planning Are Done in Concert:*** Require a full School Plan, entailing far more than test score improvement, be developed with the LSAT. It should accompany and support any proposed budget.
 - ***Creating Mechanisms to Ensure Adequate Time in the Budget Process for LSAT Input:*** Often under the current system schools and communities have very little time to construct a budget. Only after the Chief Financial Officer provides a budget mark does DCPS get its budget and only then do schools receive theirs for consideration and proposed modification. By creating mechanisms for year-to-year planning and greater predictability in the school budgets, mechanisms can and should be created for schools to consider budgets earlier taking into account a range of possibilities based on the actual budget provided.
 - ***Providing Support for School Budgeting and Planning Teams:*** As we move into a new period of school based planning, the Central Administration should provide support to and access to resources for school-based teams to consider options. In some systems and at different times in the District, such planning processes have been used as ways to educate school teams about opportunities and to enable teams to learn from each other.
9. ***Consider How Afterschool, Summer School, and Shared School Programs Fit into the Formula:*** There are a number of programs – after, summer and shared school programs -- that support students in schools that are not directly associated with the budget of a single school. Career and Technical Education programs and Alternative programs serving students not on track to graduate may also fall into this category. These programs offer creative opportunities to serve students from multiple schools. Any revision to the approach to funding should not constrain our ability to support and innovate in this area.
10. ***Broaden Transparency Requirements:*** The bill appropriately imposes transparency requirements on DCPS requiring the Chancellor to publicize on line all school budgets. We support such transparency but also believe similar transparency should be imposed on the DCPS Central Administration and the Charter sector. All budgets, in a common format, should be easily accessible on line. Moreover, such publicized

budgets should show how both publicly provided and privately raised dollars have been spent. Consider applying the Open Meeting requirements at the LEA level. To the greatest extent possible consistent with privacy requirements make all data about the schools, both budget data and test data, open to the public. We spend hundreds of millions of dollars on education every year and it is one of the most important functions we provide, the data surrounding it should be open.

11. ***Establish a UPSFF Technical Working Group:*** Until 2008 there was a Technical Working Group under OSSE in place that reviewed the UPSFF each year to suggest revisions based on changing costs and lessons learned. Any new legislation in this area should restart the Technical Working Group and place it under OSSE. This group should be composed of officials from the charter and DCPS sectors as well as school funding experts, parent and community representatives from each sector. The group should make recommendations to the Mayor and Council outlining proposed revisions to the UPSFF and core funding level in the Fall of each year in advance of the budget process in the Winter and Spring.

School Accountability Bill

The [School Accountability bill](#) proposes to make four key changes:

Establishment of Metrics: The Office of the State Superintendent of Education (“OSSE”) is called upon to establish metrics to assess individual DCPS school performance taking into account, at a minimum, graduation rate, attendance rate, student academic achievement and growth on District wide assessments. OSSE is then required to publicize the results of its evaluations on October 1 of each year starting in 2016.

Phase One Accountability: If a school is deemed underperforming by OSSE two years in a row, the Chancellor is required to either initiate a turnaround plan process or designate the school as an Innovation School.

Phase Two Accountability: If a school fails to meet turnaround plan goals for three years in a row, the Chancellor may convert the school to an Innovation School, reconstitute it, contract with an independent organization or charter school to manage it or close it.

Phase Three Accountability: If a school is designated an Innovation School, after five years OSSE is to determine if the school has substantially met its goals as an Innovation School. If it has not, OSSE may revoke its status as an Innovation School (a power OSSE retains at any point in the five year period) and the school will revert to being a DCPS school or closed at the discretion of the Chancellor.

Our Position:

We support a revision in the accountability framework and believe this round of school reform should be used to rethink it in three ways. First, we should move away from a punitive framework to a positive approach of

continual improvement based on ongoing planning and collaboration. Second, to the extent we measure schools based on test scores, we should move away from reliance on snapshot assessments of percentage of students achieving proficiency to longitudinal measures of student academic growth. Third in the spirit of “first do no harm,” we should not construct a framework, as this bill as written could, that will speed the transfer of schools out of the matter-of-right system. We should instead foster a culture of planning and engagement and be committed to strengthening the neighborhood, matter-of-right system. In that same spirit, while not specifically addressed here, we do not support the Mayor’s proposal to grant the Chancellor chartering authority. We do not believe that it will strengthen the system of neighborhood schools of right.

Specific Recommendations:

1. **Convert Punitive “Turnaround Plan” Model into an Opportunity through “School Improvement Plan”**

Model: Instead of waiting for schools to fail to meet standards for two years, the legislation should be modified to require a culture of continuous improvement supported by a strong planning process and the increased funding. Under such an approach, in this moment of change and recommitment, each school would be called upon for school year 2014-15 to convene a school improvement team, including the members of the LSAT (and in consultation with other schools in its feeder pattern), to map out a strategy for how to more fully meet the needs of its students with the additional funds to be provided. These plans should then be reviewed and updated annually and used in the budget process.

2. **Convert Punitive “Innovation School” Model into an Opportunity through “Autonomy School” Model:**

Instead of calling for schools to be converted into Innovation Schools which lose their neighborhood status, the legislation should authorize DCPS school communities to have the option of applying for autonomy as part of a turnaround improvement strategy and retain their neighborhood status. There has been substantial work done to develop the Autonomous School model. It achieves many of the goals sought in the Innovation School Model (as well as the proposal for DCPS chartering authority), and has the benefit of substantial buy-in. The key mechanics of the most recent proposal are:

- To become an Autonomous School within the DCPS LEA, 2/3 of a local school’s parents and teachers apply to the Chancellor, with appeals to OSSE/SBOE, for partial or full autonomy over budget, staffing, instructional program, governance, and facilities in exchange for increased accountability for results according to a five year Autonomy Agreement.
- DCPS Autonomous schools shall be governed, with by-laws, by a Local School Council (LSC) composed of at least 7 and up to 15 members, including: 3 Teachers including 1 WTU Building Representative; 3 Parents including 1 parent group leader; 3 Community Representatives; 1 Support Staff; 1 Accountant; 1 Lawyer; 3 Other skill sets; and the school principal as an ex-officio/non-voting member.
- The DCPS In-District Autonomy application, review, and oversight policies, processes and best practices shall be rigorous and modeled on and for compatibility with DC Public Charter School laws.

- Autonomy allows for collaboration between the traditional and charter public school sectors, rather than the continued competitive, free-market corporate model of education reform. This is a more appropriate avenue for DCPS than the requested chartering authority.
3. **Focus on Longitudinal Measures of Student Growth:** Percentages of students achieving proficiency have become the dominant metric to evaluate schools but can be misleading and can result in perverse incentives.
- **Snapshot Measures of Proficiency Do Not Capture Value Added:** Where students enter school well below grade level, a school (or teacher) may successfully help a student to grow significantly academically but still not achieve grade level proficiency. At another school, a student may enter years ahead of grade level and achieve proficiency without enjoying significant academic growth during the school year. In both settings, as well as settings with a very small and changing cohort, a measure of percentages of students achieving proficiency fails to tell anything close to the whole story and can create a misleading impression.
 - **Snapshot Measures of Proficiency Can Result in Misallocation of Resources:** A single-minded focus on percentages of students achieving proficiency can result in schools focusing undue resources on students on the cusp of proficiency and have an incentive to shed students who are unlikely to achieve proficiency and while also neglecting students who have safely already achieved it.
 - **Snapshot Measures of Proficiency Can Exacerbate Instability:** The snapshot approach can also result in unfair adverse evaluations of principals and schools serving our most challenging populations. As described on pages 34 through 41 in the recent Evaluation of PERRA (<http://dcauditor.org/sites/default/files/DCA132013.pdf>) we have experienced significantly greater turnover of teachers and principals at our schools serving high poverty populations.
 - **Snapshot Measures Fail to Account for the Variability of Populations:** At many of our schools, particularly in low income neighborhoods, the school population varies enormously during the course of the year with students moving from school to school. Schools and teachers contending with large shifts in their populations face special challenges and are particularly ill-served by snapshot measures. As noted above, changing the incentives around mid-year mobility should be another project for our education leadership. It should be noted that this is a problem that cannot be solved by DCPS alone since much of the mobility is from charter to DCPS schools.
 - **In Other Settings We Recognize That Snapshot Measures Are Inadequate:** In our evaluation of teachers we are moving to assessments of student growth. The tools we use to do that now are not as advanced as any would hope, but the move itself reflects the acknowledgement that student growth as

opposed to snapshot measures are the key metric. We should apply that recognition to our evaluation of schools.

Proposed Alternative Approach: Require the use of measures of longitudinal growth of individual students at the school, and de-emphasize profiling of a school via yearly snapshots of percentages of students achieving proficiency. ***Indeed, consistent with the principle of moving to a system devoted to measuring individual student growth through the value-added by teachers, principals and schools, the District should seek to move to the [Adaptive Testing](#) approach which has begun to be adopted by other jurisdictions. Adaptive Testing can enable educators to more precisely identify what level of material individual students have mastered and thus inform them as they create appropriate learning strategies while also truly tracking progress and impact.***

Facilities – Comprehensive Planning -- Bill

The [Facilities bill](#) proposes to make four key changes:

Requires the Chancellor Annually to Outline Anticipated Infrastructure Needs and Account for Vacant Buildings: The Chancellor is called upon both to indicate anticipated five year facilities needs and designate, based on specified criteria, which DCPS buildings are surplus and therefore subject to disposition. After evaluation and a separate determination by the Department of General Services (“DGS”) surplus buildings may be transferred presumptively to charter schools. While DCPS is required to formulate such a plan, the charter LEAs are not.

Calls for the Immediate Transfer of Twelve Vacant DCPS Buildings to Charters: The bill specifically lists twelve vacant DCPS buildings and requires DCPS through the Mayor to make them available to charters.

Creates a Framework for Charter Schools to Challenge DCPS/DGS Determinations: The bill authorizes the PCSB to bring a “Show Cause” suit in Superior Court on behalf of a charter school seeking access to a vacant DCPS building that has not been categorized as surplus and subject to disposition. If the PCSB prevails, the bill authorizes it to collect attorney’s fees. There is no reciprocal provision if the city prevails.

Our Position:

We support the full utilization of public school buildings and grounds for public education and community use and believe that all District public school students—DCPS and PCS--should have healthy, safe and educationally appropriate facilities that are environmentally sustainable, fiscally responsible and a source of civic pride.

We strongly believe, however, that this bill offers a deeply flawed solution to a real problem. The bill is styled as a “comprehensive planning” bill, but it decidedly is not. If enacted, this bill will result in further erosion in the neighborhood matter-of-right system in many communities whether intended or not. We urgently need

to launch a comprehensive planning process. Rather than looking at one sector of the public school system in isolation, we should require a review of the utilization of educational facilities held by all LEAs in the District across the totality of the city's building inventory so that all can succeed.

To be responsible stewards of our public assets, and to fully serve this generation and the next generations of our families and communities, we must create a process to plan how the two sectors, DCPS neighborhood schools, magnet schools and charters, can co-exist and thrive. In order to plan, we need an agreed upon vision.

To put forth a comprehensive plan for education would be to allow for the instructional and programmatic needs of students to dictate the usage of buildings. A comprehensive plan could identify the gaps in programs and services and move towards adequately addressing those needs. A comprehensive plan would allow for fluidity and the ability for the DC Public Schools to regain a property identified as surplus or obtain a building in the DGS inventory outside of the DCPS portfolio due to changes in population or program needs.

The need to responsibly manage our facilities is all the more acute today in light of the huge increase we are expecting in our school age population, an expected 50 percent increase in a few short years as well as our desire to retain our new and old residents and grow our city.

Under the spirit of first do no harm, the Council should not pass this bill, but rather should go back to the drawing board on this crucial mandate to have a vision for public education created by our communities and then to responsibly plan.

Specific Recommendations:

1. ***Do Not Legislate the Disposition of Buildings:*** The bill mandates that twelve specific DCPS buildings, with a capacity of {1.2 million gross square feet and on 54 acres of land} be made available to charters; thus they will not be part of the District's inventory until 2038. Short term leases up to 24 years and long term leases (25 years or more) to single private entities, even with reversion clauses, leave the District government without the means to respond to future demand for school capacity or for community use. Long term transfer opens the District to increasing levels of charter debt, for which it likely carries a "moral obligation". Charter advocates are clear that the District must maintain a facility allowance entitlement due to debt already assumed. In the meantime, the DME [has already made eight the twelve available](#) to charters along with four other buildings. While four of the buildings on the Council list are not on the DME list, it is hard to see why the Council should be considered to have greater expertise on this matter than DCPS and the DME. We need to carefully husband these resources, and should not manage their disposition by an act of the Council.
2. ***Do Not Make a Superior Court Judge the Ultimate Arbiter of Our Public Buildings:*** The bill creates a "show cause" process in which a Superior Court Judge will decide whether DCPS or a charter school should

be given access to a building. The bill also creates an unfair structure with one-sided access to attorney's fees for charter plaintiffs. This is no way to advance realistic and thoughtful comprehensive planning.

3. ***Start Fresh: We strongly urge the Council and Mayor to establish a public education facility delivery system that is effective, equitable, efficient and publicly accountable.*** Such a mechanism could take many forms. One possible approach would be to develop a facility delivery model based on the one used by the U.S. General Services Administration (GSA) where public buildings – whether used by a DCPS or a Charter LEA-- are held by the City and rent is paid by the tenant to the District, such that only the net space needed is paid for and the City holds the excess. In such a system, all public school LEAs—DCPS and the 58 other public charter LEAs would have an allocation of space, facility operating and capital improvement funds, based on need. The Mayor would be tasked with maximizing the use of buildings in the portfolio, including through co-location; and ensuring adequate quality and efficiency in the PS-12 public education infrastructure with adequate funding for operations and maintenance and capital investments.
4. ***Use a Process of Comprehensive Planning to Address Ideas Raised in Related Legislation:*** The absence of a plan has led to other legislative proposals being put forward to address parts of what might be addressed in a comprehensive plan. The Mayor has proposed that the city grant the Chancellor chartering authority. Councilmember Grosso has proposed legislation to authorize charters to offer neighborhood preferences. Councilmember Wells has proposed legislation to promote the shared use of facilities. In recent years, our education system has drifted in a direction based on the construct of legislation some of which was enacted by Congress. We need to step back, formulate a vision and then a plan for where we want to go with education policy and then craft the legislation to get there.

Public Education Governance Bill

The [Governance bill](#) proposes to make four key changes:

Grants Increased Autonomy for OSSE: OSSE, which is tasked with evaluating the degree to which DCPS and the Charters meet statewide standards, is given a measure of independence from the Mayor who has authority over DCPS and OSSE by providing that the OSSE Superintendent may only be removed for cause and after a vote of the State Board of Education.

Provides OSSE Authority to Waive Municipal Regulations: The bill grants OSSE authority to waive Municipal Regulations at the request of an LEA – DCPS or Charter.

Modestly Increases the Mandate for the State Board: The bill authorizes the State Board to initiate policy recommendations on items under its purview, but without awaiting a request from OSSE.

Requires a Report on the State of Education: The bill calls for the State Board and PCSB to jointly report on the state of primary and secondary education in the District.

Our Position:

Overall we support this bill subject to the specific recommendations discussed below.

Specific Recommendations:

1. ***Cautious Support for Greater Autonomy for OSSE:*** In principle, we support increased autonomy for OSSE. The regulator of the systems – OSSE – needs independence from the ultimate manager of one of the systems – the Mayor. That said, if such a change is made OSSE could become a significantly more powerful office, and care should be taken to review the powers assigned to it under the resulting package of bills to assure the revised arrangement includes appropriate checks and balances. Ensuring appropriate qualifications for the OSSE superintendent should be considered.
2. ***Limit OSSE's Power to Waive Regulations:*** We strongly urge that OSSE's waiver power be circumscribed by describing the kinds of regulations that may be waived (i.e., should not include building and fire regulations); requiring a review of such waivers by the State Board of Education; providing full public notice of all waiver requests, acceptances and rejections as well as a full explanation for any decision to waive or not a regulation. Moreover, any waiver granted should be done by affirmative action and never by presumption or default. Also, any waiver authority should be subject to a sunset after three years. At that point, and in light of waiver requests received and considered, a full review of the regulations should be undertaken.
3. ***Give Increased Autonomy to Advise to the State Board:*** We fully support the modest increase to the powers of the State Board. The sole change would be to allow it to provide recommendations on matters within its purview without awaiting a request from OSSE.
4. ***School Assessment Tools Should Align with Best Practices:*** Any component of the assessment of school performance based on District wide assessments should focus on longitudinal measures that provide insight into the impact of the school on student growth as opposed to the level of the incoming students which, as described above, predictably vary based on the socio-economic background of the students. It is equally essential that analyses of other components of school quality other than test scores figure into any such school assessments and where appropriate graduation rates accurately reflect the experience of incoming 9th graders, and do not unduly punish schools from which students ultimately graduate, but in five as opposed to four years.

Parent and Student Empowerment Bill

The [Parent and Student Empowerment bill](#) proposes to make three key changes.

Strengthens the Office of the Ombudsman: This office is authorized under current law but has been unfunded in recent years. It is tasked with assisting in mediating parent and student issues with DCPS and Charter schools.

Creates an Office of the Parent Advocate: This office is tasked with serving as an advocate for parents, often at an information deficit vis-à-vis the LEA in such disputes.

Authorizes the Opening of Up to Four Public Education Resource Centers (“PERCs”): PERCs are to be tasked with providing information about school choices to and serving parents and students.

Our Position:

We support this bill subject to the recommendations below.

Specific Recommendations:

1. ***Locate PERCs In Our Comprehensive High Schools:*** The PERCs can be used as a mechanism to facilitate coordination among our feeder schools. Moreover, by locating the PERCs in our high schools we can make them easily accessible to all of our communities and capitalize on the recent facility investments.
2. ***Promotional Materials Must Convey Accurate Information:*** As described above in other settings, it is essential that substantial care be given to assure that any materials developed to describe schools fully capture the value added by the school. This includes where appropriate, accurate measures of graduation rates and other non-test score based measures of school environment as opposed to simple levels of proficiency.

Unified Public Education Lottery Bill

The [Unified Public Education Lottery bill](#) proposes to make two key changes.

Establishes a Unified Lottery: Requires OSSE to establish a unified lottery for Charter LEAs and for out-of-boundary application to DCPS schools for the 2015-16 school year.

Sets a Schedule for Lottery Participants Commit to Enrollment: The bill establishes a set of deadlines for lottery participants to enroll in charter schools and for out-of-boundary slots at DCPS schools for which they qualified under the process.

Our Position

We support the creation of a unified lottery. We commend the DME effort in concert with OSSE, DCPS and the PCSB to establish such a lottery this fall for the 2014-15 school year. If parallel legislation is enacted requiring such a lottery by the following year, any lessons learned from the launch in the coming months could and should be incorporated in refinements to such legislation. In the meantime, whether developed by DME or codified in legislation, we urge adherence to the principles outlined in the recommendations below.

Specific Recommendations:

1. **Participation Should Be Mandatory:** If LEAs opt out, the ability to avoid chaos in the fall with students shifting between schools will remain, undermining every LEA's ability to plan and gain traction in the first weeks of school. Any LEA receiving public funds should be required to participate in a unified lottery intended to serve parents and students and enable the complex system of choice to succeed.
2. **Ensure That Materials Used to Educate Parents About Schools Provide Meaningful and Accurate Information:** As referred to with regard to a number of bills under consideration, it is imperative that any simplified and/or comparative measures of school quality accurately reflect the learning occurring at and the environment at the schools described. There has been a heavy emphasis on snapshot measures of levels of proficiency. However, such measures can be quite misleading saying more about the level of the children entering the school than the amount of learning or level of engagement of the students while at the school. Similarly, as an example, graduation rates as calculated sometimes convey misleading information, given the numbers of students who may leave a school between 9th grade and the Spring of 12th grade. Refer to the discussions underway on the OSSE school report card.
3. **Maximize Predictability and Enable Budget Adjustments If Necessary:** It is essential that any unified lottery system create predictability. The bill calls for a process by which students who secure a seat in a Charter school or an out-of-boundary seat in a DCPS school must enroll in that school by June 30th. All schools should have as clear a picture as possible by July of the students who will be attending in August so they can refine plans accordingly. As such, in addition to establishing out-boundary and charter enrollments by July, OSSE should provide an indication of the number of slots unfilled as of July 1st and the number of students in the "wait pool" for that school. In addition OSSE should develop mechanisms to expedite and track enrollment of in-boundary students at DCPS schools and returning enrollees at charter schools. With this data in hand, OSSE could develop an updated estimate of total enrollment in July which then could be used to revisit school budgets before the start of the school year. In the meantime, as noted above, we need a mechanism to ensure that when enrollments in the Fall exceed projections budgets can be promptly adjusted to serve the additional students.
4. **Ensure that LEAs May Not Game the System:** Once wait pools have expired, schools should not be able to accept new Charter enrollees or new out-of-boundary students without approval from OSSE.

The fundamental goal of the unified lottery system is to promote fairness and predictability. The legislation calls for wait pools to expire on September 30th. There is concern that schools have sometimes sought to move more difficult students out and recruit students who appear to have a greater likelihood of achieving proficiency after the October count. Whether those perceptions are accurate or not, mechanisms should be established to foreclose engaging in such a practice.

5. ***Encourage Timely Enrollment at Matter-of-Right Neighborhood Schools:*** Matter-of-right schools that are at planned capacity on July 1 should be offered additional resources and capacity to accept additional in boundary students if necessary. In addition the registration process should be simplified for families to facilitate greater compliance and enable better planning. There should also be consideration given to providing in bounds, potentially returning students who have not yet re-enrolled with notice of the need to re-enroll by a specified deadline.
6. ***Include Pre-School and Pre-Kindergarten:*** It is not clear whether the legislation is intended to apply to the pre-school and pre-Kindergarten. Predictable methods for admission to pre-school and pre-Kindergarten programs should also be a priority.

Focused Student Achievement Bill

The [Focused Student Achievement bill](#) proposes to make three key changes:

Requires the Establishment of Certain Assessments: The bill requires each LEA to develop and administer assessments for students in pre-k through 2nd grade. It requires OSSE to adopt and provide to LEA's assessments for students in grades 3 through 8 and high school. In addition it asks OSSE to establish policies and guidelines to minimize instructional time dedicated to the administration of assessments.

Changes the Mechanism to Consider Student Promotion: This is currently governed by DCMR title 5, chapter 22. Promotion for pre-k through 8 is done based specific criteria. Students may be retained in grades 3, 5 and 8, but no more than once. The bill would move responsibility to determine promotion criteria for pre-k through 2nd grade to each principal. Students in grade 3 are to be promoted if they earn passing marks in English Language Arts, Mathematics and a majority of their subjects. Students in grades 4 through 8 would be promoted if they earn passing grades in a majority of their subjects or content areas. A principal may promote a student not meeting these criteria but must explain why they choose to do so in writing. Promotion in high school is referred to the State Board.

Revises Notice Requirements for Students at Risk of Falling Behind: Under the bill, students at risk of failing are to be identified by January 15, parents are to be notified by the principal and given information as to how they can assist their child to meet promotion criteria. A principal may retain any student for failure to meet promotion standards at any grade. This may occur whether or not the student and parent have been notified of the at-risk status. Students retained will be required to attend summer school.

Our Position:

The current DCMR regulations were put in place in response to the determination that the policy to retain had not promoted student growth. This bill acknowledges that social promotion has also not been successful. The Committee heard compelling testimony from experts in the field that both retention and promotion present challenges. The bill could contribute to a pendulum dynamic through which we move back and forth between a promotion and a retention based system. This clearly is a difficult area that education experts are grappling with. A more thoughtful approach would be for the Council to authorize OSSE and the State Board to formulate recommendations on this subject while also laying out key principles it would like them to consider.

Specific Recommendations:

1. **Address the Issues Through Revision of Regulations:** There is a need to review and modify our promotion and retention policies. As an example, the current retention policy at 8th grade in particular is not used. Under the current overall framework which emphasizes test scores, there are more incentives to move students on to the next grade regardless of their level of mastery. Simply allowing for more retentions, however, will not address this issue. As became clear during testimony before the Committee, this is an area with many nuances – there are problems with undue retention and problems with undue promotions. Our approach in this difficult area should be shaped by education specialists with substantial public input. OSSE and the State Board should be authorized and called upon to revise the relevant regulations based on current research, best practices, and our experience over the last 6 years.

As they consider possible revisions to our regulations, OSSE and the State Board should be called upon to address the following concepts, many of which are included in the bill

- **Limit Instructional Time Devoted to Assessments:** As proposed in the bill.
- **Require High Quality Summer School:** As proposed in the bill.
- **Increase Supports for Students Who Are Falling Behind:** We recommend that the Council Education Committee work with the Board of Education and OSSE to ensure there are resources for clear and adequate additional supports for students flagged for potential failure.
- **Assure Access to Necessary Curricular and Catch-Up Materials:** Students are currently placed with their age peers regardless of grade level. Elementary schools are not set up to meet the needs of later adolescents. Until we are ensuring that more students are performing on grade level, the appropriate curricular and catch-up materials will need to be available to students at the middle and high schools who need them.

- ***Move to Adaptive Testing:*** As in previous sections we recommend a conversion to adaptive testing which would allow for early and consistent diagnostics which can in turn help to bring and keep students at (or above) grade level.
- ***Broaden Criteria for Promotion:*** Consider for students in grades 4 through 8 requiring mastery of English Language Arts and Mathematics for promotion. Consider requiring mastery of pre-Algebra for promotion to 9th grade.