

I am Valerie Jablow, a Ward 6 DCPS parent.

Thank you for soliciting public feedback on improvements to PERAA, to ensure better public engagement and less politics in our publicly funded schools.

Toward that end, I have appended to my testimony a list of revenue-neutral improvements,¹ including making OSSE politically independent under the control of the elected state board, so that when problems happen, the first people alerting the public are not journalists, as well as changing the automatic right of first offer of closed DCPS schools to charter schools, which was undemocratically foisted on us by a Louisiana senator and entirely writes out the desires of DC communities for their public schools.

But one improvement must underscore all:

The driver of all public education in DC must be the democratic right to an education in local, municipally run schools.²

Public education is not creating only schools with high test scores or replacing the public in our schools with private groups who promise to do better--or with a small cadre of public officials making decisions in private. Nor is public education about creating or expanding schools when existing ones have deep and unmet needs.

Yet, with education reform and mayoral control, we have prioritized privatization and school choice:

--Instead of investing in rights, we have invested in chance via the lottery, which has ensured that schools left behind are really behind, losing enrollment and resources.

--Because of that right of first offer, many closed DCPS schools have become charters, so that children are forced to commute outside their neighborhoods just to avail themselves of their right to an education.³

--Our city exercises no meaningful oversight of charter schools--shown recently by the lack of any independent investigation of attendance and graduation problems therein.⁴

--And rather than ensure that all children progress, we have test-heavy accountability that incentivizes adults to behave badly, while such accountability never flagged what happened at Ballou.

None of this is democracy. Rather, it represents an educational theocracy whose central tenet is the belief—not fact—that schools with low test scores are “failing” and that school choice is democratic.

This is like saying that my choice of toilet paper at the grocery store is democratic. It's choice, all right.

But it's not democracy.

Embracing democracy in our schools can be done tomorrow without spending a dime-- and would improve many things:

--Demand for charter schools would be a function of unbiased, third party analysis, not charter desire or lobbying.

--We would agree that there would be no more DCPS closures, and no more charter expansions, for at least 5 years until all existing schools are modernized, adequately resourced, and have programs in place to ensure that all students thrive.

--School closures, sitings, openings, and re-uses would be a function of local, neighborhood demand, choice, and investment, not test scores and not decision-making by small groups acting in private.⁵

--As an independent education data agency, OSSE would ensure test scores are not used to punish schools or the adults who work in them. That means prioritizing in our school rating system not test scores, but student growth as well as available school supports.

Democracy may be messy and complicated, but it's why we are all here today. We need to embrace it in our governance of our public schools. Thank you.

¹ Herein are **seven, revenue-neutral policies and actions that would immediately improve our public schools and increase democratic oversight and control:**

A. Make OSSE the politically independent and public education data agency that the PERAA report called for. We cannot afford to let our school data be used for political purposes, such that problems are not flagged and children suffer the consequences. OSSE could easily provide third-party, unbiased analysis of need for new charter schools, which under current regulations only new charter applicants do—a complete conflict of interest that has resulted in communities having to accept schools they never wanted and that deprive existing schools of resources. An independent OSSE would ensure that the money we spend on that agency right now would be wisely spent--and could also be used to track students, so we can provision our schools for the kids they have, when they have them. Finally, an independent OSSE could deliver on the original (and lost) promise of charter schools, to transfer knowledge and best practices. The best way to make OSSE politically independent and publicly run would be to put it under the control of the elected state board of education—and ensure term limits for board members. (An additional measure to ensure political independence would provide public financing of state board members’ campaigns—which would entail public funds, albeit a small amount relative to OSSE’s entire budget.)

B. Enforce the law regarding hiring the DCPS chancellor. For all three of our chancellors, this law has not been followed and resulted in processes that almost completely wrote out public input. Moreover, given what happened recently with Chancellor Wilson, DC needs a chancellor committed first to the right to an education in local, municipally run schools and only second to choice and privatization. See here: <https://educationdc.net/2017/09/25/no-comment-4/>

C. Stop using--and encouraging the use of—coded, politically charged, and inaccurate language to describe, characterize, and oversee our public schools. Schools are not “high-performing”—students are. Students can be “high-performing” without high test scores, while it is possible for a school to be good and not have any student in it with high test scores. And there is no virtue accruing to anyone in high test scores when there is no growth. Finally, “demand” is not the length of a waitlist nor the amount of money or time spent on politicians in the Wilson Building. Real demand is a function of public engagement and desire, not lobbying or waitlists. Remember: No parent is demanding more charter schools. No parent is demanding schools be closed. No parent demanded that DCPS shrink in its percentage of students from 91% in 1999 to 52% today. And no parent or teacher demanded the test-heavy accountability we have. Why did all this happen if no parent demanded it? Because we have an essentially undemocratic system of school governance in DC put in place and supported by millions of dollars of private money and interests annually. Parents all

want excellent schools for their kids—period. That cannot be accomplished if the very language we use to describe and oversee our schools is thusly coded to ensure a very uneven playing field that advantages school privatization and authoritarian control of our public resources at every turn.

D. Do not give a pass to one sector for oversight: If one sector is getting pressure to graduate kids or cheat on tests, the other is also. Investigating only DCPS in that regard makes it look like our charter schools are so much better and that the problems identified at Ballou only happen in DCPS. That is a political statement, not reality. Moreover, families who have chosen to send their kids to charter schools deserve to know as much as DCPS parents about the success and shortcomings of their schools. Toward that end, make charters subject to FOIA—other states have done so. There is no way for charter parents to know what really goes on in their schools, and if their individual school boards are not helpful, they have little recourse.

E. Enact a moratorium on DCPS closures and charter enrollment increases. We all have to recognize that unfettered growth of seats leaves behind kids in under-resourced neighborhood schools and that is morally and ethically (and possibly legally) not right. It is of prime importance to ensure these schools are provisioned adequately. Many low-income families are not entering the lottery because they cannot manage getting their kids across town to a different school—even provided that they get a chance to send their kids there. ***This is not a transportation problem: it is an urgent, unethical denial of rights.*** We must support the schools that all our kids have a right to. Closures have harmed neighborhoods and decimated feeder patterns, making it more difficult to ensure continuity in programmatic offerings, much less equity across neighborhoods. Right now, schools in Ward 3 constitute almost a different school system than DCPS schools elsewhere. This is little different than in 1967, when Julius Hobson sued DC for systemic inequities in our public schools. This statement from the 1967 decision in *Hobson v. Hansen* remains true today: “Because of the impoverished circumstances that characterize the disadvantaged child, it is virtually impossible to tell whether [their test score] reflects lack of ability of simply lack of opportunity.”

F. Change school siting and use laws that write out the public entirely from its schools, including the Landrieu act (see [38-1802.09](#)), which demands that charter schools be given the right of first offer on all closed DCPS schools, and the municipal code that states that schools can locate anywhere with a 9000 square foot lot (see [11-401-2](#))—and without public notice whatsoever until well after the real estate transaction has happened (and then, only when an application is submitted to the charter board). Both the Landrieu act as well as the school siting act need to have clear provisions for involving the public in every step—first, getting public approval for the school siting before that decision is made and then ensuring that all public uses for any closed school are discussed publicly and acted on. Both of these laws have permitted the location and creation of charter schools that were notably against public wishes in their

communities—see here: <https://educationdc.net/2016/12/18/a-holiday-gift-like-this-may-be-happening-in-your-dc-neighborhood-right-now/> and <https://educationdc.net/2017/02/26/happening-right-now-proposals-for-five-new-dc-schools-and-almost-4000-new-school-seats/>. We also need a law to ensure the public voice in the use of closed DCPS schools when no charter school is selected in the first RFO. Recently, two closed DCPS schools (Winston and Fletcher-Johnson) were re-offered to charters—despite the communities near each demanding that the schools be used for many other purposes. That decision to re-offer both was made by the legal counsel at DGS—and completely without the consultation or approval of those communities. Finally, the law governing use of public buildings (see **10-801(g)**) simply allows the mayor to give away whatever he or she deems not usable by DC—with some council oversight. But that law was notably not enforced or followed when DCPS offered its closed Kenilworth Elementary to North Star charter school without anyone in the public knowing. This was a terrible violation of the people who live near it—and completely upended the entire process of offering schools to charters (why that charter school, for instance, and not another?). Moreover no one on the council was consulted about it, per the law. It is difficult to support enrollment in existing schools when any school can be anywhere at any time without public notification or input. This has been particularly pernicious as we do not have a commensurately growing student population—so such changes would allow us to use our public education money much more wisely and include the public in a meaningful manner.

G. Do not succumb to easy myths promulgated by education reform and paid lobbyists for it. School choice is not free; the SRA can be amended; and parents who are not paid to appear before you themselves pay dearly to do so, whether with paid child care; time off from work; time commuting; etc. The other week, a council staffer blithely noted that the people who “scream” the loudest in the Wilson Bldg. get what they want. Ask how parents—many of whom cannot even make it to the Wilson Bldg. once a year—are to advocate effectively if loud “screaming” is required.

² The whole idea behind American public education is that everyone can learn AND has the right to an education in a local school that is the responsibility of their jurisdiction with public oversight. This does not mean that everyone who is learning will have high test scores. We have equated high test scores with learning—and they are two very different things. Many good people in DC have worked for decades to establish rigor in our schools as well as pathways for students who will not go to college. Their work must be used as the basis for more equitable education policy in DC. If it had, for instance, we might still have Chamberlain as a vocational school—something we need now.

³ As DC’s ombudsman for education has testified frequently, privately run charter schools cannot guarantee the same education rights that DCPS schools can. This

doesn't make charter schools inferior—it simply makes them different. But when public policy is based on equating charter and DCPS schools, kids' rights hang in the balance.

⁴ Another example is more recent yet: the charter board vote on 3/12/18 to revoke the charter of Washington Mathematics Science and Technology high school. The reason given for that “emergency” action was that the school has a precarious financial position, with no line of credit and no way to pay staff before the end of the school year. Yet, this situation is hardly new. The charter board's most recent Financial Audit Review (FAR, released in July 2017) showed that the school had a similar revenue shortfall in 2014—with no apparent notice to the public (at least, I couldn't find any—there is no way to track any “notice of concern” that the charter board might have issued for this purpose). Moreover, that recent FAR showed no fiscal concern with the school—even though the school's debt ratio was at or near 1 in the last several fiscal years, indicating a substantial overleveraging that the public might have benefitted from oversight of and knowledge about. Finally, the most recent FAR showed five charter schools with even less cash on hand than Washington Mathematics Science and Technology. All of this suggests that the oversight provided on only one aspect of our charter schools—financial stability--falls very short of serving public interest, whether in public money wisely accounted for or enabling parents to choose stable schools.

⁵ The recent recommendations of the cross-sector task force highlight the desire to put opening, closing, and siting decisions in the hands of a few public actors making decisions in private, without involving the public in substantial and meaningful ways. Although this is very antidemocratic, it is hardly new in DC. The offer sometime this winter of Kenilworth Elementary, a closed DCPS school, to a charter operator without anyone in the public knowing is one example. Another happened at the end of 2017, when the mayor put forth legislation to issue more than \$200 million in revenue bonds on behalf of KIPP DC—more than any charter school had ever benefitted from before in DC. Although the bonds were, by KIPP DC's own statements, for the creation of new schools in Ward 7, no one there had been told about the bonds. Ward 7 residents went to the council and mayor to demand that the bonds not be offered—at the same time that KIPP DC reps showed up to demand the bonds be offered. These episodes are deeply antidemocratic and disrespectful of the whole idea of public education. Whose interests are being thusly served? See here: <https://educationdc.net/2017/11/29/so-while-apparently-not-worrying-about-ballou-our-mayor-requested-230-million-in-dc-bonds-for-kipp-dc/>