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CONDITIONS AND IMPROVEMENTS TO THE DISTRICT OF COLUMBIA PUBLIC SCHOOL SYSTEM

HEARING

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON APPROPRIATIONS

UNITED STATES SENATE

ONE HUNDRED NINTH CONGRESS

FIRST SESSION

SPECIAL HEARING

MAY 25, 2005—WASHINGTON, DC

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CONDITIONS AND IMPROVEMENTS TO THE DISTRICT OF COLUMBIA PUBLIC SCHOOL SYSTEM

WEDNESDAY, MAY 25, 2005

U.S. SENATE,
SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA,
COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 2:15 p.m., at Hine Junior High School, 335 8th Street SE., Washington, DC, Hon. Sam Brownback (chairman) presiding.

Present: Senators Brownback and Landrieu.

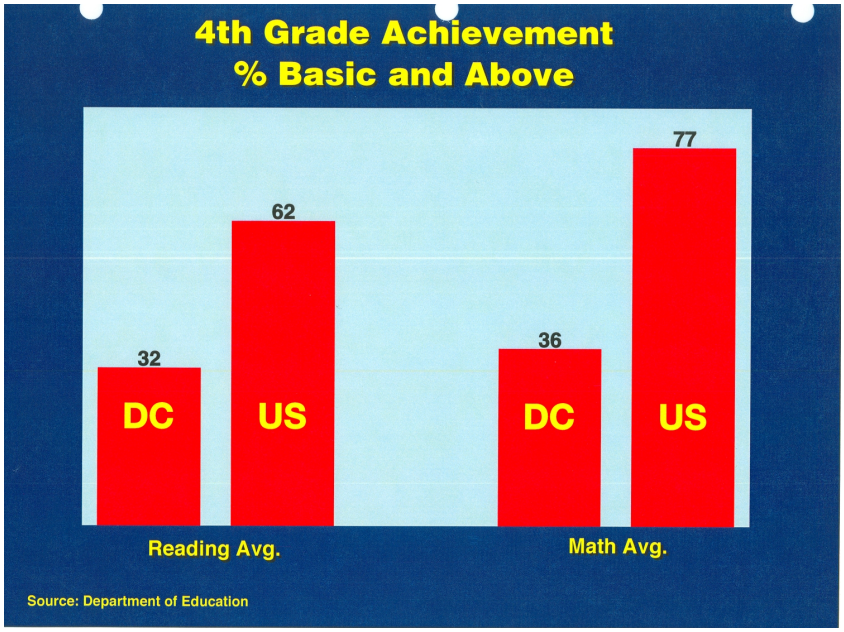
OPENING STATEMENT OF SENATOR SAM BROWNBACK

Senator BROWNBACK. I call the hearing to order. I thank you all for being out today. This is a field hearing of the District of Columbia Appropriations Subcommittee. I'm Sam Brownback, U.S. Senator from Kansas. I chair the D.C. Appropriations Subcommittee. And I have worked on D.C. issues in the past. I was the authorizing chairman when I first came into the Senate in 1996. I was just commenting to the superintendent, that at that time we held a series of hearings about the District of Columbia, dealing with a lot of financial issues and others. Now that I come back around to the issue, I've seen a lot of progress in many areas, but not much progress in the school system. I'm looking forward to this hearing and to what the comments are about what we can do to improve education for the students of the D.C. public school system.

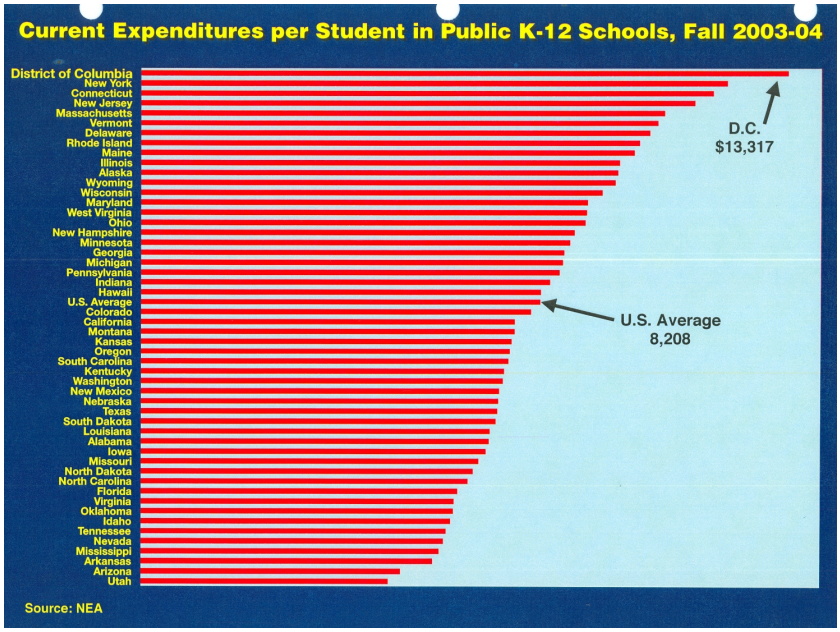
I want to welcome, as well, all the students that are here today. Thank you very much for being here.

This hearing is about you and those who come behind you. When we provide a better system, better results come out of that system, so I'm pleased that you're here.

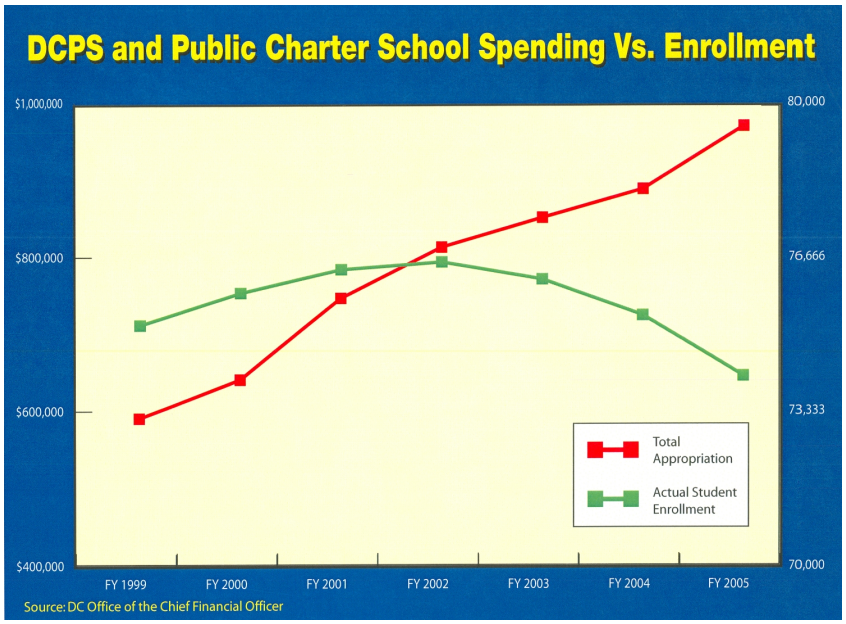
The current state of affairs of the District is, indeed, troubling. According to the Department of Education, only 32 percent of fourth graders are reading at a basic level, not an accelerated level, not above standard level, but at a basic level. That's compared to 62 percent nationwide.



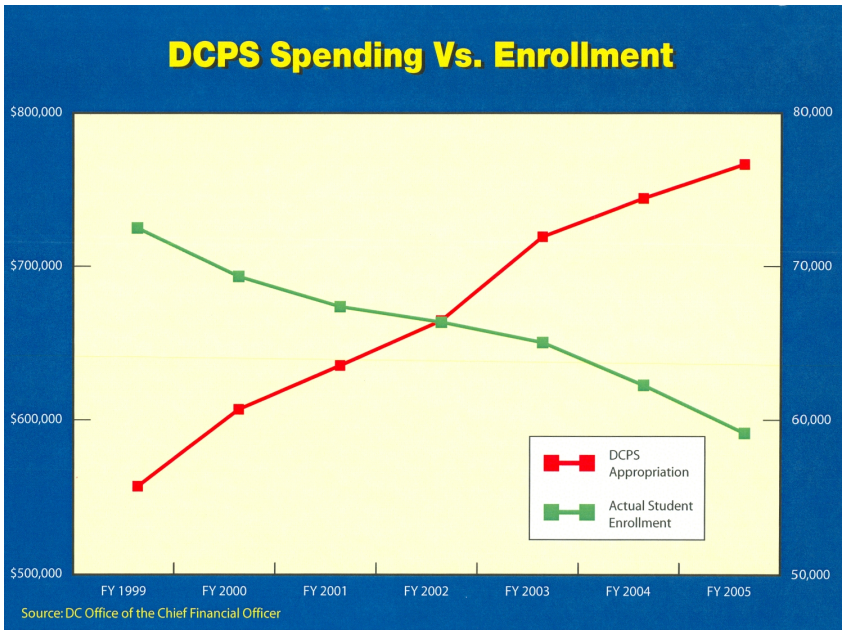
And I want to direct your attention to this chart. I just want to go through some of these facts. This refers to both reading and mathematics. Only 36 percent of these same students are performing at a basic level in mathematics, compared to 77 percent nationwide. These are unacceptable numbers. It means that two out of every three fourth graders in the District cannot read, multiply, or divide at the appropriate grade level.



These low test scores stand in stark contrast to the amount of per pupil spending in the District, which is the highest in the Nation. According to the National Education Association, the District spends $13,317 per pupil each year, far greater than the national average of $8,208. Compared to the rest of the country, we're spending nearly twice as much and getting half the results in the District of Columbia. This is not acceptable. It's not acceptable to the students or for the students. And it's not acceptable for our future.



Lack of money is not the problem. According to the District's chief financial officer, money for the District school systems, including traditional public schools and charter schools, has increased a whopping 83 percent since fiscal year 1999, even though overall enrollment has actually dropped 5 percent during that same time period.



The drop in student enrollment in traditional public schools, as parents have sought out other options for their children, has been precipitous, 19 percent since fiscal year 1999, yet funding for traditional public schools, not including charter schools, has increased 38 percent over that same time period.

Obviously, the funding for D.C. public schools is entirely decoupled from student enrollment. Despite large increases in spending, one-third of schools have no art or music education programs. One-third. Many school facilities remain open even though they're well below capacity, and many are rundown, or even unsafe. These past failures are significant and have contributed to the 37 percent adult illiteracy rate in the District.

I was especially troubled to learn that over 30 percent of the D.C. public school system teachers are not certified. I understand, from Superintendent Janey, that he may be forced to terminate some of these teachers if they cannot be credentialed.

I have cited these grim statistics, not because I am pessimistic about the future of the D.C. public school system, but because I want this hearing to be a clarion call to action. This is a dire situation that demands the most urgent attention. I want all of us to listen to this new and capable superintendent and give him the support he needs to make many tough choices over the coming months so that we can change these results. He has recently unveiled his Declaration of Education, which is an ambitious plan, with a goal of improving teaching and learning in every classroom, providing more efficient management and operations systems, and increasing cooperation with parents, civic organizations, business, and other city agencies. I'm eager to hear more details about this plan.

The sad fact is, though, that the District of Columbia has seen five superintendents come and go in the past 7 years. Herculean attempts by these individuals to fix the problem have too often been met with delay or denial or dismissal. This cannot happen again.

When a city continues to see increases in unemployment while it's creating new jobs at an even greater rate, something is wrong with the educational system. By denying youngsters the opportunity to receive a decent education, we are relegating them to lives of limited choices and few opportunities.

I am pleased that charter schools are offering an alternative for over 16,000 students whose parents are dissatisfied with the current public school system. This is an amazing figure, given that the first charter school was established only 8 years ago.

I'm also pleased that over 1,000 D.C. school children are now participating in a federally funded pilot program to use vouchers to attend 58 different private schools throughout the city, and another 1,000 students will be awarded vouchers for the coming school year. We must continue to find new and innovative ways to offer children the best educational opportunities possible.

This hearing is historic because it is the first congressional hearing to be held in a D.C. public school. Today I hope to learn more about the superintendent's plan to transform the D.C. public schools and find out how the Congress can be a helpful partner in this endeavor. I also hope to hear comments from all of the witnesses here that they will work together to ensure that this newest effort to fix D.C. schools will not go the way of the last ones and that we will be successful and we will change these numbers.

I do ask witnesses—and we will run a time clock—to limit their testimony to 5 minutes for their oral remarks. Their written statements will be placed in the record and be taken as a part of the entire record.

The ranking member on this subcommittee, Senator Landrieu, is also very concerned about the D.C. public schools. I believe she will be here a little bit later. Her schedule would not allow her to be here at the outset of the hearing, but she will be here a little later on.

It is critically important that we address this issue soberly and thoughtfully, so that in the future, in the years to come, we don't see charts like what we have now, but we see charts where students are learning, where they're growing, where they're improving within the D.C. public school system. And that is everybody's objective.

We will hear now from the first panel. Dr. Clifford Janey is the Superintendent of the D.C. Public Schools. Next, we'll hear from Mrs. Peggy Cooper Cafritz, President of the D.C. Board of Education. Ms. Kathy Patterson is chair of the Committee on Education, Libraries, and Recreation for the D.C. City Council. And, finally, Mr. Thomas Nida, chair of the D.C. Public Charter Schools Board.

We'll be hearing from two panels. As I say, your full testimony will be placed in the record. I do have some questions I would like to ask each of you after the full panel has presented. I appreciate very much your attendance.

Dr. Janey, I do welcome you to this job. It is an important and a big task, and I know you're up to it, and I look forward to hearing your testimony and how we're going to address these numbers.

Dr. Janey.

STATEMENT OF CLIFFORD JANEY, SUPERINTENDENT, D.C. PUBLIC SCHOOLS

Dr. JANEY. Yes, thank you.

If I can beg your indulgence, 5 minutes might be a little tight. If I could have another minute or so——

Senator BROWNBACK. We'll do so.

Dr. JANEY. Okay. Thank you very much.

I'm Clifford Janey, superintendent and chief state school officer of the D.C. Public Schools. I welcome the opportunity to appear before this subcommittee to talk about what we are doing to turn around the District's public schools.

For school year 2004, DCPS is educating over 62,000 students, with 68 qualifying for free or reduced lunch. The D.C. Public Schools is proud of its diversity—12 percent of our students speak more than 121 languages and represent 135 countries. This description of who we are helps to define what we can be as a hub for pre-kindergarten through 12, international studies, and global education.

I came as superintendent to a district that, despite talented and well-intentioned people throughout, was clearly troubled with deficiencies in critical areas. For purposes of today's testimony, however, I will focus on two key areas: academics and operations.

Earlier this month, at Kelly Miller Middle School, with the support of more than 500 stakeholders, I introduced our strategic plan, named the Declaration of Education. There are three mutually supportive goals that frame this Declaration of Education. The first, as it should be, focuses on academics. The second goal focuses on management systems. And the third goal focuses on communication and collaboration.

Prior to my tenure, there was no well-coordinated systemwide plan for academic achievement, no universal academically sound DCPS curriculum. In other words, there was little coordination and continuity from grade level to grade level and from school to school. The result was predicable. At some schools, the quality of teaching and learning was high; at others, it was not.

The initiatives we outline here comprise a systematic framework with the potential to make significant improvements in student achievement across the District. We have begun by implementing newly adopted learning standards for all public schools in the District of Columbia, based on the highly regarded Massachusetts model. We are developing a new curriculum and a new assessment system that will help staff identify how to provide appropriate learning experiences for all of our students. The assessment system will also be sufficiently rigorous to meet NCLB requirements.

Among our specific academic goals, one, for elementary students, our goal is to raise the English language-arts proficiency to 50 percent of students this year, and to 65 percent in 2008. In mathematics, we will work to raise the proficiency from 37 percent of students in 2004 to 60 percent in 2008. We will increase the number

of students enrolled in advanced placement courses and taking AP exams and passing them. We will support and strengthen the International Baccalaureate Program at Banneker Senior High by developing feeder schools and creating an additional International Baccalaureate Program east of the river. We will intensely strengthen our career and technical education programs.

Our challenges, in terms of special education, are well documented. For example, Education Week recently noted, quote, "The task is daunting. Special education students make up about 20 percent of the 62,000 student system's enrollment, and the proportion is growing." This slight growth not only has an impact on the academic integrity of our special education programs, but also the operational costs associated with the four court orders that require a range of services to meet and sustain compliance.

Because of an unwavering commitment to improve the overall quality of special education programs, I have aligned the Office of Special Education under the direction of the Office of Academic Services. This allows for a more integrated approach to special education service delivery.

A great example of this alignment is the Prospect Learning Center that is the home to over 100 children with learning disabilities. This program is similar to the private specialty schools, such as The Lab School of Washington, DC, that enjoys an international reputation for its innovative programs. Prospect is an example of an expanded in-house capacity within the school district that will reduce costs while improving quality services.

Another example of what we can achieve when accountability and innovation intersect is how our schools are using the high performance school grants award from our $23.6 million congressional appropriation for school improvement—I thank you and the subcommittee for that—with the stipulation that the funding be used effectively to elevate academic achievement.

One elementary school principal recently shared what she had accomplished using her additional $75,000 grant from the appropriation. She started by leveraging the funding for a $6,000 discount from a technology vendor, and then purchased 34 wireless laptop computers for her fifth and sixth grade literature students. She was also able to send eight teachers to Columbia University to study with the Nation's best staff developers and professors in the field of literacy. This became a magnificent opportunity to transform classrooms into demonstration labs for teacher training throughout the District.

In addition to serving as superintendent, I'm the chief state school officer, with the responsibility for all schools within the District of Columbia, including charter schools. On Friday of this week, as part of my ongoing work with charter schools, I will be principal for the day at Kipp Academy. This will give me a unique perspective on the groundbreaking and innovative program that provides a bridge to achieving for students often considered to be the most academically challenged.

In order to support similar high-quality teaching and learning in our classrooms, we must make critical improvements to our management systems, and we are doing just that. When I came onboard, I found the procurement system and the facilities division

in such a state that they could be described, on a good day, as dysfunctional. To give you a sense of why such systems are important to quality teaching and learning, consider how difficult it is for a teacher to instruct his or her students if it takes months for a basic supply order to make its way through procurement.

Another example of what we can achieve when accountability and innovation intersect is how our schools are certainly going to make a benefit of this new system I have talked about, in terms of procurement.

Although much work needs to be done, we have piloted Project Phoenix, a procurement project based on a partnership with American Express. Through this process, principals will be able to make critical campus purchases for products such as office and instructional materials and custodial supplies, and reduce delivery time from 2 to 3 months to 2 to 3 days. That particular project with American Express only helps us to spend less time on small-volume orders, and we would be doing a lot more strategic sourcing with the major contracts coming from procurement.

We have a partnership with the city to fully automate our personnel system and to eliminate the payroll backlogs that have plagued the District for many years. Since January, we have processed more than 10,000 personnel actions to correct many of these errors.

In the area of food and nutrition services, program reviews by the U.S. Department of Agriculture and State Education Office review often resulted in failures that place the District at risk of losing Federal funding. In response, this year we developed a strategy to provide better support for schools to meet compliance and avert a potential loss of $16 million from the USDA food and nutrition programs.

Another area where our needs are legendary is school facilities. I welcome you today to Hine Junior High School, built in 1963, more than 40 years ago, but still one of our newer schools, ironically. Eighty-six of our 147 schools are more than 50 years old. Another 41 schools are 75 years old or older. And between 1982 and 2000, only four schools were added to or rebuilt.

The combined effects of aging structures, deferred maintenance, and delayed improvements have created a climate of failing boilers, deteriorating walls, inoperable windows, and leaking roofs. Many buildings have not been painted in more than 10 years, and some classroom carpet is more than 20 years old. When pipes freeze, cooling systems break down, or roofs leak, it affects instructional quality and often instructional time.

Seventy-four of our elementary schools do not have Internet connectivity. While our middle and junior high schools and senior high schools have Internet connectivity in their learning areas, they have poor infrastructure with respect to the electrical and electronic systems.

I cannot overstate the simple premise that every student needs and deserves a decent learning environment. To address the facility concerns and meet our most urgent facilities needs in the context of fiscal realities, we developed the transitional capital improvement plan, adopted by the Board of Education at the end of March. The transition plan allows for a more effective and strategic use of

available funds by replacing a single strategy of modernization with a set of options that include modernization, systemic rehabilitation, and stabilization of our buildings. These options afford substantial cost savings while providing decent learning environments for more students. Under the transition plan, 44 schools will be brought up to the standards, as compared to 30 under the old master facilities plan, with an additional 5,946 students to benefit the same level of capital investment.

Senator BROWNBACK. Dr. Janey, if you could summarize or wrap up——

Dr. JANEY. I'm about to. Welcome, Senator Landrieu.

Another approach to make the best use of our facilities is embodied in a new co-location plan that allows educationally compatible services and programs, libraries, health clinics, community-based organizations, and charter schools to share underutilized facilities.

I would just end by saying: in order to move this particular agenda, it is going to require the cooperation and coordination of the entire community. And, fundamentally, that is why we're here this afternoon. And I look forward to the question and answer period.

Thank you.

[The statement follows:]

PREPARED STATEMENT OF DR. CLIFFORD B. JANEY

Thank you very much, Senator Brownback, Senator Landrieu and subcommittee members.

I am Clifford B. Janey, superintendent and chief state school officer for the public schools District of Columbia.

I welcome the opportunity to appear before this committee to talk about what we are doing to turn around the District's Public Schools. For school year 2004, DCPS is educating 62,306 students with 68 percent qualifying for free or reduced lunch.

The District of Columbia Public Schools is proud of its diversity. Twelve percent of our students speak more than 121 languages and represent 135 countries. This description of who we are helps to define what we can be, as a hub for pre-kindergarten through twelve international studies and global education.

I came as superintendent to a district that, despite talented and well-intentioned people throughout, was clearly troubled with deficiencies in critical areas. For purposes of today's testimony, I will focus on two key areas: academics and operations.

Early this month at Kelly Miller Middle School with the support of more than 500 stakeholders, I introduced our strategic plan, "The Declaration of Education."

There are three mutually supportive goals that frame this Declaration of Education. The first, as it should, focuses on academics.

The second goal focuses on management systems and the third goal focuses on communication and collaboration.

Prior to my tenure, there was no well-coordinated system-wide plan for academic achievement and no universal, academically sound DCPS curriculum. In other words, there was little coordination and continuity from grade level to grade level and from school to school.

The result was predictable: at some schools, the quality of teaching and learning was high; at others it was not.

The initiatives we outline here comprise a systematic framework with the potential to make significant improvements in student achievement across the District.

We have begun by implementing newly adopted learning standards for all public schools in the District of Columbia, based on the highly regarded Massachusetts instructional infrastructure. We are developing a new curriculum and a new assessment system that will help staff identify how to provide appropriate learning experiences for all of our students. The assessment systems will also be sufficiently rigorous to meet NCLB requirements.

Among our specific academic goals:

—For elementary students, our goal is to raise English/language arts proficiency to 50 percent of students this year and to 65 percent by 2008.

—In mathematics, we will work to raise proficiency from the 37 percent of students in 2004 to 60 percent in 2008.
—Increase the number of students enrolled in advanced placement (AP) courses and taking AP exams.
—Support and strengthen the international baccalaureate (IB) program at Banneker Senior High by developing feeder schools and create an additional IB program east of the river.
—Strengthen our career and technical education programs.

Our challenges in terms of special education are well-documented. For example, education week recently noted: ". . . The task is daunting. Special education students make up about 20 percent of the 62,000 student system's enrollment, and the proportion is growing."

This growth not only has an impact on the academic integrity of our special education programs, but, also, the operational costs associated with the four court orders that require a range of services to meet and sustain compliance.

Because of an unwavering commitment to improve the overall quality of special education programs, I have aligned the Office of Special Education under the direction of the Office of Academic Services. This allows for a more integrated approach to special education service delivery.

A great example of this alignment is the Prospect Learning Center that is home to 100 children with learning differences. This program is similar to private specialty schools such as the Lab School of Washington, DC that enjoys an international reputation for its innovative programs. Prospect is an example of expanded in-house capacity that has reduced costs while providing quality services.

Another example of what we can achieve when accountability and innovation intersect is how our schools are using the high performance school grants award from our $23.6 million congressional appropriation for school improvement. I thank you.

With the stipulation that the funding be used effectively to elevate operations, one elementary school principal recently shared what she had accomplished using her $75,000 grant from the appropriation. She started by leveraging the funding for a $6,000 discount from a technology vendor and then purchased 34 wireless laptop computers for her 5th and 6th grade literature students. She was also able to send eight teachers to Columbia University to study with the nation's best staff developers and professors in the field of literacy. This became a magnificent opportunity to transform classrooms into demonstration labs for teacher training.

In addition to serving as superintendent, I am the chief state school officer with the responsibility for all schools within the District of Columbia, including charter schools. On Friday, as part of my ongoing work with charter schools, I will be principal for a day at the Kipp Academy. This will give me a unique perspective on a groundbreaking and innovative program that provides the bridge to achievement for students often considered to be the most academically challenged.

In order to support similar, high quality teaching and learning in our classrooms, we must make critical improvements to our management systems. And, we are doing just that.

When I came on board, I found the procurement system and the facilities division in such a state that they could be described, on a good day, as dysfunctional. To give you a sense of why such systems are important to quality teaching and learning, consider how difficult it is for a teacher to instruct his or her students if it takes months for a basic supply order to make its way through procurement.

Although much work needs to be done, we have piloted the project Phoenix, a procurement process based on a partnership with American Express. Through this, principals will be able to make critical campus purchases for products such as office and instructional materials and custodial supplies and reduce delivery time from two to three months to two to three days.

We have a partnership with the city to fully automate our personnel system and to eliminate the payroll backlogs that have plagued the District for years. Since January, we have processed more than 10,000 personnel actions to correct many of these errors.

In the area of food and nutrition services, program reviews by the U.S. Department of Agriculture and state education office review often resulted in failures that placed the District at risk of losing Federal funding. In response, we developed a strategy to provide better support for schools to meet compliance and averted a potential lost of $16 million funds from the USDA food and nutrition programs.

Another area where our needs are legendary is school facilities. I welcome you today to Hine JHS, built in 1963 more than 40 years ago, but, still, one of our newer schools. Eighty-six of our 147 schools are more than 50 years old. Another 41

schools are 75 years or older. And, between 1982 and 2000, only four schools were added to or rebuilt.

The combined effects of aging structures, deferred maintenance and delayed improvements have created a climate of failing boilers, deteriorating walls, inoperable windows and leaking roofs. Many buildings have not been painted in more than 10 years and some classroom carpet is more than 20 years old. When pipes freeze, cooling systems breakdown or roofs leak, it affects instructional quality and often instructional time.

I cannot overstate the simple premise that every student needs and deserves a decent learning environment. To address facility concerns and meet our most urgent facilities needs in the context of fiscal realities, we developed the transition capital improvement plan adopted by the Board of Education at the end of March 2005.

The transition plan allows for a more effective and strategic use of available funds by replacing a single strategy of modernization with a set of options that include modernization, systemic rehabilitation and stabilization. These options afford substantial cost savings while providing decent learning environments for more students. Under the transition plan, 44 schools will be brought up to standards as compared to 30 schools under the old master facilities plan, with an additional 5,946 students (based on current enrollment) to benefit from the same level of capital investment (the reallocation of $50.3 million in capital funding).

Another approach to make the best use of our facilities is embodied in our new co-location plan that will allow educationally compatible services and programs—libraries, health clinics, community-based organizations or charter schools—to share underutilized facilities.

Collaboration and partnership will continue to be guiding forces and the means for making additional opportunities available to our students. I appreciate the opportunity to share this information about the D.C. Public Schools—where we are, where we need to be, and, ultimately, how we will provide the kind of education students in our Nation's Capital deserve.

This concludes my testimony. I will now answer any questions you may have.

Senator BROWNBACK. Thank you, Dr. Janey, and I look forward to our dialogue back and forth.

I would ask the other witnesses to, if you can, summarize your comments in your own words. I think we both have a lot of questions, and we would like to spend as much time as possible just going through those questions.

I do welcome my colleague, the ranking member, Senator Landrieu, to the hearing—who I know had other obligations or she would have been here at the very outset.

Ms. Cafritz. And get that microphone, if you could, right up to you. I think the acoustics are showing the age of the building.

STATEMENT OF PEGGY COOPER CAFRITZ, PRESIDENT, D.C. BOARD OF EDUCATION

Ms. CAFRITZ. Welcome to the D.C. Public School system, the system that is home to the National Teacher of the Year—and the school district that had an Intel Westinghouse winner last year and the year before.

I want to say something—I'm submitting my testimony for the record. I just want to make a few comments. In the District of Columbia, we have more school choice, I think, than any other city in the country. We have the black student fund, which, since the 1960s, has been identifying and placing minority students in the finest private schools, such as St. Alban's and Sidwell Friends, in the city. We have the vouchers, which places children primarily in Catholic and other religious schools. We have charter schools, and we have the public school system. And participating in these programs is a choice for parents.

As to how much it costs to educate children in the District of Columbia, it is expensive to educate the children of poverty. If you

take a child who has no computer at home, and whose parents are a part of that 37 percent illiteracy rate in the District of Columbia, at school, if you really want that child to become a participant in American democracy, you're going to have to spend more money to make that happen, and you have to spend that money wisely.

If you take the figure that you quoted, of $13,317, and say that it is far and away the highest in the Nation, and we must place that in context. The Metropolitan Area School Boards Association has used economists that we have absolutely nothing to do with to come up with a system of comparing apples to apples, and oranges to oranges. And it is clear that Arlington spends the most money in this area in educating their students. The problem in the District of Columbia, which places us, in terms of the amount of money we expend, pretty much in the middle of Fairfax County and Montgomery County, we have to make sure that the right amount of money gets in the right programs with the right teachers and the right rooms. That is the real issue. And we must make sure that our goal of working with the Senate and the House, Senator Brownback, to develop the District of Columbia as a national laboratory for education which can serve as a model for the Nation has each segment of power doing their absolute best in terms of developing where we are going.

There was an excellent report on facilities on channel 5 last night, and I was interviewed coming in by one of the reporters, and I was asked who to blame. And I said, "Well, you can blame the Senate, you can blame the House, you can blame the Mayor, you can blame the City Council, you can blame the school board, you can blame the parents, you can blame absolutely everyone, because over the last 40 years we have all abrogated our responsibility to these children." We not only must fulfill our responsibility, we must go beyond, and we must have something that you can feel a sense of ownership in. And we can only do that if we develop the best. And we cannot see any part of the system as a panacea.

We have schools in the District that score higher on tests than any school in Fairfax County. We have charter schools that score lower than any public schools. We have charter schools that are more corrupt than any public schools. The Board of Education and the schools that fall under it, we have closed six schools because of fiscal mismanagement or outright corruption. We have a charter school who we believe has cracked the code and is teaching kids to read at a faster and more advancing clip than any public school. And we are working aggressively to engage them in a partnership with us so that we can learn from, use, and employ their code to help our own children.

Dr. Janey is the first permanent superintendent that this Board of Education has hired. And when you talk about his future here, we don't talk about it in terms of years, we talk about it in terms of decades, because we believe that we have a superintendent who knows how to run a school system, and we believe that all of the supports that he needs must be made available to him. He must be able to do multiyear budgeting. He must be able to identify, hire, and manage his own CFO. That does not mean that they need not ever support the city CFO, but it cannot continue to work the way it is when we have utility bills—an estimate is done—and this

is millions of dollars—an estimate is done by the city CFO, and they deduct $30 million or so from our budget every year for utilities bills. We never receive specific bills. What incentive does that give the public school system to enter into green development, in terms of building energy savings, et cetera? And you're talking about, cumulatively—you're talking about, cumulatively, millions of dollars.

I could go on and on. We don't have lobbyists on the Hill. We don't have lobbyists on the Hill. But it is very, very important for you all. And that is why I really congratulate you for using your imagination and having this at Hine. It is very important for you to have all of the information, all of the history, all of the context, because you finally have assembled a group of people who care, a group of people who are not looking to get contracts or to be elected to anything. Let's use that and work together to make this a national laboratory.

Thank you very much.

[The statement follows:]

PREPARED STATEMENT OF PEGGY COOPER CAFRITZ

Good afternoon Chairman Brownback, Senator Landrieu and members of the Senate Appropriations Subcommittee on the District of Columbia. I am Peggy Cooper Cafritz, president of the D.C. Board of Education (Board). I appear before you today to speak on the District of Columbia Public Schools (DCPS).

Strategic goals

The Board has adopted the following goals to improve student achievement:

—Adopt the best state academic standards that will ensure all District of Columbia students meet the highest expectations for knowledge and skills at each grade level. The Board is committed to ensuring that the children of the District of Columbia be competitive regionally and nationally.

—Establish a comprehensive District-wide instructional system that includes a new reading and math program, coherent curriculum for all grades, unified and focused professional development around the implementation of the new curriculum, regular assessments of student progress, close monitoring of implementation and strong accountability for results including performance contracts for staff.

—Build a world class business system for D.C. Public Schools to help support teaching and learning and improve effectiveness and efficiency in operations.

—Adopt a discipline management plan, and partner with city and community leaders to ensure the safety and security for all District of Columbia school children.

—Adopt the best practices to ensure that all D.C. Public School students have a learning environment with model school facilities that promote effective teaching and learning and meet national standards for health and safety.

—Eliminate court oversight over the special education programs by establishing and providing cost effective special education programs and services in the facilities of the District of Columbia Public Schools.

Effective leadership—Dr. Clifford Janey

With active participation of Mayor Williams, Chairman Cropp, City Administrator Robert Bobb and other stakeholders, the Board hired Clifford Janey as superintendent. The Board believes that the school system has hired a strong and experienced instructional leader, who will make the necessary systemic changes, implement and be held accountable for rigorous financial management, build a strong administrative infrastructure that will support the attainment of student achievement, and achieve the goals of the board. The Board is already witnessing palpable improvement in the management and direction of the school system. Recently, the Board approved the superintendent's recommendation to adopt new academic standards for language arts and mathematics from the State of Massachusetts, which are recognized as the most comprehensive and academically challenging in the country. These new academic standards for every grade will be implemented and included in the curriculum by the fall.

Strategic plan

Dr. Janey recently presented his strategic plan that has as its singular focus—improved student learning. The strategic plan is a culmination of a collaborative effort with the D.C. Education Compact, whose membership consists of city leaders, business, philanthropic and higher education communities as well as students, parents, teachers and principals. Based on the recommendations from the Education Compact, Dr. Janey prepared the strategic plan, which will serve as the foundation for the master education plan, which will be introduced in December. The master education plan will articulate the superintendent's vision for education for years to come. The plan includes recommendations regarding academic program offerings, grade configurations, neighborhood or cluster delivery models, and special education instructional models.

The record is clear—too many of our students are on the wrong side of the student achievement performance gap. The superintendent has outlined in his strategic plan a more effective program to help turn around low-performing schools—one that will replace the transformation model and reach more schools with additional support and resources and narrow the performance gap. Based on a successful model in Massachusetts, this plan aligns more closely with Federal standards in "No Child Left Behind." This model provides principals and teachers with tools to make more systemic changes. Schools that are in need of improvement—those failing to meet adequate yearly progress (AYP) targets for two consecutive years—will be served by on-site solutions teams: distinguished educators, who will coach principals; teacher specialists, who will coach teachers in each content area; and curriculum specialists, who will work with all school staff. To achieve AYP, a school district or State must achieve targeted proficiency testing levels for up to 9 groups of students and test 95 percent of the students who were enrolled for a full academic year.[1] Those schools failing to meet adequate yearly progress for four or more consecutive years will require restructuring, including replacement of staff and outsourcing of operations. DCPS will contract with outside educational management organizations to help turn around the lowest performing schools.

Capital improvements

The Board's reform efforts to improve student achievement cannot succeed if students do not have a learning environment with model school facilities, which promote effective teaching and meet national standards for health and safety. The condition of D.C. schools is a legacy of inherited deteriorated buildings from the Federal Government and the continued underfunding of the facilities master plan. The District of Columbia public school system operates and maintains 147 schools. The average age of a school building is 63 years. The Federal Government was an absent landlord when it had responsibility for the building and maintenance of schools. The unfortunate result is that most of the schools are not beacons of neighborhood pride—rather they are islands of neglect.

Too many of our schools are in poor condition. According to the March 2005 "transition capital improvement plan," almost half (48 percent) of D.C. Public Schools are in poor condition, requiring urgent attention, 41 percent are in fair condition, and only 11 percent of D.C. schools are in good condition. The District of Columbia government has committed $147 million in fiscal year 2006 and $98 million per year in fiscal years 2007–2011 to fund the master facilities plan that actually costs $300 million per year to implement—a shortfall of almost $1.2 billion, which is the amount needed to fully fund the master facilities plan. The Council of the District of Columbia has acknowledged the inadequacy of the funding to support DCPS capital needs and proposed some additional capital funding for schools. The District cannot fund the entire amount needed to adequately ensure that all schools meet education, health and safety standards.

Historically, facilities maintenance and repairs in the schools have also been underfunded. The industry standard for facility operations and maintenance funding is $2.20 per square foot for school facilities with a sustained maintenance program. DCPS' fiscal year 2005 funding was $1.47 per square foot. The fiscal year 2006 budget request increases maintenance efforts to $1.76 per square foot and closer in line with industry standards. However, this increase will barely cover the backlog of work orders contributing to the deteriorating condition of D.C. schools.

The immediate need to improve school facilities is a critical priority that requires the collaborative efforts of private and public officials, District of Columbia government agencies, congressional commitment and community and business leaders.

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[1] The nine groups are: the five major racial and ethnic groups, disabled, limited English proficient/non English proficient (LEP/NEP), eligible for free and reduced price meals and total group.

Collaborative efforts

The Board recently approved a plan that identifies 10 schools where charter schools or appropriate D.C. agencies can share space. Co-locating will explore accommodations for additional academy programs at the high school level, create opportunities to provide a combination of centers and increased inclusion classes serving special needs children, and will allow other city agencies to provide much needed human services to communities around the District. The co-location plan addresses short-term opportunities to use space and leverage facilities dollars that the charter schools have at their disposal to operate and improve DCPS. The plan provides a limited opportunity to fix and repair buildings above and beyond the funding allowed in the capital budget.

The Board also adopted proposed rulemaking for public/private development partnerships to assist in the development of capital improvement programs. This effort will be complemented by the development of an office supervised by the superintendent, that is designed to develop public/private partnerships by working with the community, businesses and industries that are interested in assisting DCPS in the redevelopment of the schools. A great example is the redevelopment of the Oyster Bilingual Elementary School, which allowed DCPS to build a new school in exchange for land to accommodate the community's needs for more affordable housing and a new school.

The Federal Government can help by partnering with the District. For example, the Federal Government gave D.C. Public Schools $6 million for libraries which provided for much needed technology improvement, books, paint and repairs. The Federal Government also gave D.C. Public Schools $4 million for 36 new playgrounds and renovated 54 playgrounds.

The Federal Government can help close the school's capital funding gap by appropriating additional dollars to help meet the immediate capital improvement needs.

The Board looks forward to working with you as we continue to improve student achievement and provide an environment that is conducive to learning for all District of Columbia children. Thank you for allowing me to testify today. I will be happy to answer any questions you may have.

Senator BROWNBACK. The reason I want to keep this moving along is, we're going to get called back to the Hill if we don't, and so I want to get everybody in.

Ms. CAFRITZ. I'm sorry. I got carried away.

Senator BROWNBACK. I don't think anybody is looking particularly at the figures per student. It is the yield. Where are students' reading and math at, I think is the real rub of the numbers, and we'll pursue that more in some questions.

Ms. Patterson.

STATEMENT OF KATHY PATTERSON, CHAIR, COMMITTEE ON EDUCATION, LIBRARIES, AND RECREATION, DISTRICT OF COLUMBIA

Ms. PATTERSON. Thank you very much, and welcome back to D.C. issues, Senator Brownback, Senator Landrieu.

I'm Kathy Patterson. I represent ward 3, in Northwest Washington. And, since January, I've been chair of the D.C. Council's Committee on Education. I've been on the Council since 1995, and I sought that position as a public school parent and advocate.

The Council's priorities—and I will be very brief—the Council's priorities, include improving school facilities, ensuring accountability for the expenditure of funds, and directing resources to local schools. Additional goals—promoting stable leadership, stable and adequate funding, and using our oversight to support the reform agenda.

Part of promoting stability includes advocating for a multiyear budget for the school system. The superintendent's strategic plan focuses on the appropriate issues, but we, on the Council, need to shift our energies in support of those priorities from how much

money is budgeted, to your point, Senator Brownback, to how well that money is spent to educate our children.

And I will just highlight two of the issues that I hope the subcommittee can focus on.

One, as I mentioned, is the need for facilities work. The systems facilities remain one of our highest priorities. We approved a budget that includes funding for capital for fiscal year 2006. We also approved additional funding for an additional special revenue source designed as a revenue fund of public-private partnerships to enhance in-house special education capacity, and facilitate co-location with public charter schools. It is my hope that this funding source can become the repository for Federal support, perhaps under Congresswoman Norton's Fair Federal Compensation Act, which would transfer Federal taxes already paid by individuals who work here into a designated infrastructure account. A parent led coalition, as you know, promotes 100 percent Federal funding to rebuild our schools. And I've included a summary of that effort in my testimony.

The second agenda item I would recommend to the subcommittee—has been mentioned by Mrs. Cafritz, as well—is to create a transitional multiyear budget for D.C. public schools. This would mean a 3-year budget, beginning next July, when the school system transitions to a July-June fiscal year. A multiyear budget would promote stable planning and funding, but, in fact, requires an amendment to the D.C. charter. I've introduced a sense of the Council provision, to this end. And while my colleagues have not yet had an opportunity to weigh in on this, I'm hopeful they will be supportive, and I have a hearing set in June on this. I urge you to support it and champion that proposal.

Noting, again, I speak as a committee chair, and I would recommend both the facilities issue and the multiyear budget to be considered among your own priorities.

Thank you very much.

Senator BROWNBACK. Thank you. Those are a good couple of suggestions. We want to pursue those more with you.

[The statement follows:]

PREPARED STATEMENT OF KATHY PATTERSON

Thank you for the opportunity to testify before the U.S. Senate Committee on Appropriations, Subcommittee on the District of Columbia. I am Councilmember Kathy Patterson. I represent Ward 3 in northwest Washington and since January, have served as chair of the D.C. Council Committee on Education, Libraries and Recreation. I have been a member of the Council since 1995, and I sought the position as a public school parent and advocate.

The D.C. Council's formal responsibilities with regard to the public school system are as follows:

—Consider and approve an annual budget for D.C. Public Schools (DCPS) and public charter schools;
—Consider and confirm the mayor's nominees for four members of the Board of Education until we return to an all-elected Board in two years;
—Approve collective bargaining agreements and all contracts that exceed $1 million over a one-year period, or are multi-year;
—Provide oversight of the school system; and
—Consider and approve changes to the D.C. Code that affect schools. Last year, for example, we approved legislation retaining a Board of Education as the policy-making body that governs DCPS. We also approved legislation transferring the function of school security from DCPS to the Metropolitan Police Department.

It is important to understand both the breadth of and the limitations on the Council's role with regard to public schools. Under the Home Rule Charter, the Board of Education is the policy-making entity governing DCPS. The Council approves a budget each year, but may not direct how those funds are spent. Our principal formal means for promoting accountability is the bully pulpit of open, televised Council oversight hearings. We serve accountability by asking hard questions and doing the follow up to make sure we receive candid and complete answers. We use our annual consideration of the school system budget as an opportunity to secure the kind and level of accountability for the expenditure of public funds that is expected by the public we serve.

The Council's priorities for the D.C. Public Schools include improving school facilities; ensuring accountability for the expenditure of public funds; and directing resources to local schools. In addition to these priorities established by the Council in our annual planning process, my goals as chair of the Committee include promoting stable leadership, providing stable and adequate funding, and using oversight to promote steady progress on the school system's reform agenda, including comprehensive new educational standards and strengthened professional development.

Part of promoting stability includes advocating for a multi-year budget for the school system, a subject I will come back to and one I expect will be discussed by other witnesses today. The superintendent's strategic plan for DCPS focuses squarely on the core issues of teaching and learning—a strong curriculum, welcoming and safe schools, and well-prepared principals and teachers—and I believe that a multiyear budget will enable us to concentrate on the implementation of that plan. In other words, we need to shift our energies from how much money is budgeted and spent to how well our money is spent to educate our children.

Another specific policy goal of mine is promoting and funding universal pre-kindergarten in the District of Columbia. Unlike most school systems, we already serve roughly half of the city's 4-year-olds in D.C. Public Schools. Given the extensive research on the importance of good early childhood education, particularly for disadvantaged populations, there is no question that we should be serving all 4-year-olds and moving from there to provide all 3-year-olds with quality pre-K education.

My Committee agenda also includes oversight on the public charter school law and I anticipate one or more hearings on this subject in the fall. There are several specific issues to be addressed, including the funding process and issues of financial liability when a charter school closes, and I expect a range of other issues will be raised during the course of testimony.

Another way that the Council, working in partnership with the Mayor and his cabinet, can promote education reform in the District of Columbia is by ensuring that other government agencies—such as the Department of Human Services, the Department of Health, and the Child and Family Services Agency—help children come to school ready to learn. Supporting children and their families is one of my priorities as Education Committee Chair, and I am encouraged by some of the efforts underway to intervene early on behalf of children and strengthen the safety net for children and their families.

For example, the Department of Mental Health has placed highly qualified mental health professionals in 29 schools. These professionals, who divide their time among prevention, early intervention, and targeted interventions, help break down barriers to learning by helping students deal with family problems and issues pertaining to violence. A recent report found that there are fewer suspensions, fewer referrals to special education, and an improved climate in the schools where these mental health professionals are working. The fiscal year 2006 budget will support the expansion of this program to 15 more schools.

An inter-agency group that includes leaders from DCPS, the Child and Family Services Agency, and the D.C. Family Court, has also been confronting chronic truancy—a problem associated with child abuse and neglect, gang activity, criminal activity, and dropping out of school. Starting with elementary school students in order to promote prevention, the group has developed procedures to contact families whose children have too many unexcused absences, ultimately resulting in a report of educational neglect to CFSA if there is no change in behavior. Children identified as chronically truant and their families are referred for a range of social services, and as a result of this comprehensive effort, the truancy rate for elementary school students has been cut in half this year. The program will now be expanded to middle school students.

I would now like to describe where I think DCPS has been; where the system is today, and what I would recommend as an agenda for this committee with regard to public schools.

I have been involved in public school advocacy for 15 years—11 years on the Council and several years prior to that, from the point at which my children entered public school and I began my own education on the school system. During my tenure on the Council, the D.C. Public Schools have had seven superintendents. There have also been four different and distinct institutions standing in the shoes of the Board of Education. The mayor and Council have gone through two long and contentious debates over whether there will be a Board of Education, in 2000 and again last year.

It is not possible to serve children well when the leadership is topsy turvy; when it changes by the month. The best education reform plans in the world—and those of former Superintendents Franklin Smith and Arlene Ackerman were sound—cannot succeed without time, perseverance, buy-in from the political establishment and confidence on the part of parents and staff.

What we have today in D.C. Public Schools is a chance for stability. That is the reason I am more optimistic about the future of the public schools than at any other point in my tenure on the Council. Local political leaders settled the issue of the system's governance structure. We will have a Board of Education comprised of five elected members and four appointed members for four more years, then move to an all-elected Board. Though there is one more change coming, the knowledge that this issue has been debated and resolved promotes stability.

The leadership of the city—Mayor Williams, Chairman Cropp and my predecessor as committee chair, Councilmember Chavous—were invited by the Board of Education to participate in a superintendent search last year, and they recruited and hired Dr. Janey, from whom you will hear this morning. This is not his first superintendency, and that is significant. This is only the second time in recent history that the D.C. Public Schools have been led by someone who had served as a superintendent before; who is not doing on-the-job training. The Board itself is gaining in experience; two new members elected last year bring energy and patience—but patience that is not without limits, and that is a good thing in and of itself.

The Council recently completed work on the DCPS budget for fiscal year 2006. The Board proposed a budget of $775 million, and noted another $38 million in unbudgeted needs. The mayor proposed a budget of $800 million, including funding to meet what had been described as unbudgeted needs to support the superintendent's reform initiatives, including comprehensive reading and math programs; art and music programs; parent and family resource centers; a summer bridge program for students entering high school; and the purchase of new textbooks aligned with the new curriculum standards.

The Council added roughly $15 million to avert local school staff reductions while the school system reevaluates its local schools funding formula, along with $4.7 million in equivalent per-pupil funding for the public charter schools. Even with those funding increases approved by both the mayor and the Council, the DCPS leadership claims to need additional funds to cover raises that might be negotiated with school labor unions, and additional special education costs.

It is my hope, and I have made this clear to both Dr. Janey and President Cafritz, that the Council's Education Committee can assist the Superintendent and Board as they revise their fiscal year 2006 operating budget to take into account the additional funds, and the additional spending needs. The Office of the Chief Financial Officer is reviewing special education spending, with a particular focus on private school tuition payments, and I am hopeful that that audit will provide options to better manage expenditures. And the superintendent initiated a comprehensive, comparative finance study by the Council of the Great City Schools (CGCS), to complement the academic study by the CGCS released early last year. I hope that this study will help the Board in reviewing the system's expenditures.

The school system's facilities needs also remain as one of the highest priorities for members of the D.C. Council. The budget just approved includes $147 million in capital funding for fiscal year 2006, and the Council approved an additional $12.2 million to cover debt service for additional capital funding. That additional funding is designed as a special revenue fund to promote public-private partnerships, enhance in-house special education capacity and facilitate co-location with public charter schools. We are still working out the details of that special funding among Councilmembers, the Board and the Williams administration and will finalize the legislative language early next month.

This legislation will dovetail with the Williams administration's work to improve our overall planning and budgeting for capital investments. Based on recommendations from a study conducted by the Brookings Institution and the 21st Century School Fund, the Office of the City Administrator established a Technical Review Team this year to identify opportunities for cost efficiencies through co-located facilities. This is particularly important for DCPS. The school system develops its capital

budget distinct from the city's process, and responding to the school system's own needs and priorities. There is, now, a growing recognition on the part of both the school system and the mayor's office that public-public partnerships can improve our overall investment in our neighborhoods.

One example that began in 2002 is a new Stoddert Recreation Center in my ward: the center including a gymnasium and meeting rooms will be built by the Department of Parks and Recreation, but in partnership with DCPS and on school property so that Stoddert Elementary School can have—for the first time!—a large enough facility for all-school events. It is my hope that the special revenue fund proposed by Council Chair Linda Cropp can support this effort of the Williams Administration and strengthen our public investments over the long term.

This brings me to what I hope will become an agenda for this subcommittee: assisting in securing additional federal support to meet the facilities needs of D.C. Public Schools. I hope to see the special revenue fund we are creating become a repository for federal support, including funding based on Congresswoman Norton's Fair Federal Compensation Act. That legislation would transfer federal taxes already paid by individuals who work in the District of Columbia into a designated D.C. infrastructure account. A significant portion of that funding can, and should, be allocated for school facilities. A parent-led coalition has, as you know, promoted 100 percent federal funding to rebuild the District's schools, and I have attached a summary of the PROP 100 proposal to my testimony.

I am an elected official and an appropriator, and I do not enjoy asking for federal dollars: but the need is obvious and it is large. And as long as District taxpayers continue to pay the bill for police protection for the President of the United States, I will be sanguine coming here and asking for federal support to improve the bricks and mortar that house District school children. The District's ability to borrow additional funds is significantly constrained by our per-capita debt, one of the highest in the nation, which makes federal support for our infrastructure needs even more imperative.

There is a second agenda item I would urge the Committee to consider, one I mentioned earlier. Dr. Janey and President Cafritz have asked the Council to consider a transitional multiyear budget for D.C. Public Schools. This would mean a 3-year budget beginning next July when the school system transitions to a July-June fiscal year. A multiyear budget will promote stable planning and funding, but would require an amendment to the District of Columbia Charter. I have introduced a sense of the Council provision to this end, and while my colleagues have not had an opportunity to weigh in on this issue, I am hopeful that they will be supportive. I will hold a public hearing on this legislation on June 23 and hope to see the charter amendment acted on by the Congress by the end of the year. I urge you to support and to champion that proposal, noting, again, that I speak as the Committee chair and not for the full Council.

Thank you for this opportunity to provide testimony on D.C. Public Schools, and I will be happy to respond to the Committee's questions.

Senator BROWNBACK. Mr. Nida.

STATEMENT OF THOMAS NIDA, CHAIR, D.C. PUBLIC CHARTER SCHOOLS BOARD

Mr. NIDA. Good afternoon, Senators Brownback and Landrieu. My name is Tom Nida. I am the chair of the D.C. Public Charter School Board, one of the two authorizers for charter schools in the District of Columbia.

This year, the charter school enrollment totals nearly 16,000 students; and, of that number, the Public Charter School Board is responsible for overseeing schools that involve roughly 12,000. What's interesting is, we currently have 26 schools operating on 31 campuses. There are eight new charter schools under our tutelage that are scheduled to open in this coming fall. And we recently completed public hearings for 19 new applications, potentially for the fall of 2006. So, clearly, the charter school movement in the District of Columbia is showing robust growth.

One of the things that I would like to focus on is the pressure that brings on the facilities issue. I have attached to my testimony a spreadsheet that shows how each of the individual schools that

are now open have dealt with their own respective facilities issues—as to owning, as to leasing, as to co-locating with DCPS and other options that they have done. This particular problem is exacerbated by the robust real estate market of the District of Columbia and the prices that schools are compelled to pay for either ownership or leasing in the very competitive and ever-increasing commercial rental market.

Senator BROWNBACK. That part, I'm familiar with, having an apartment that I purchased here recently. Wow.

Mr. NIDA. One of the things that concerns us on the Board is that many of the new schools that are opening, and some of the existing schools that are looking to expand existing successful programs, are finding a great deal of time, effort, and money being absorbed on the facilities issue, to the point where, frankly, it can be a distraction to their academic issues. So, that's something we're tracking as we listen to the applications for the new schools that would like to open in the fall of 2006.

It's very clear that one of their major concerns across the board was this issue of finding adequate, affordable facility. And so, one of our hopes is that as a part of the District public school system, working in cooperation with Superintendent Janey and the others, that this issue of looking at co-location with existing facilities so that we could match up the demand for space with the supply of space and perhaps have the system overall end up as a net winner of that.

In spite of the facilities issues, one other thing I'd like to highlight is the fact that with this growth we have found some interesting progress being made by the charter schools so far. And we don't have the 2005 numbers yet, because test results are still incoming, but in the last year we saw—the number of schools that made AYP, in total, grew from three in the previous year to nine. And most of these are elementary schools. And it's starting to show that the kids coming into the system early and getting a good, rigorous education are showing immediate results with their fourth-grade test and other things.

High school is a challenge, still. One of the things we're already tracking, besides AYP, is graduation rates, and one of the things we have found is that the high schools we have are now graduating anywhere from 81 to 100 percent of the senior class members. And, of those, three of seven, and soon to be four of eight, have 100 percent college acceptance rate. We've asked the schools to track their college graduation rates, too, because obviously getting into college is only half the fun; it's—getting them out of college as a graduate is where it really counts. What—we're impressed with the fact that the high schools have really taken the issue of developing their senior classes and getting them adequately prepared to go on to college, if that is, in fact, their choice to do so. We have others that are having active vocational programs that are preparing kids for the trades, if that's their option.

We have found that a couple of our schools have had some outstanding results, which I would like to just briefly summarize, and then I'll conclude.

One of our elementary schools, Arts and Technology Academy, for which I used to be board treasurer, has been cited by former

Secretary Rod Paige in the 2004 National Charter Schools as one of the country's successful charter schools. I believe that was one of eight that was listed.

We've heard reference to the Kipp schools. The Kipp schools have traditionally, here, produced outstanding results; and, most recently, more than 94 percent of their students were either at or above the national average in math—not just basic, but the national average; and more than 60 percent scored at or above the national average in reading.

We had another school, in its first year—D.C. Preparatory Academy—made AYP in its very first year. We have a school that has co-located one of its campuses. This is Maya Angelou, which handles the tough task of at-risk kids. They have graduated 91 percent of their seniors; 70 percent of those seniors were accepted at college. And they have received a grant from the Bill and Melinda Gates Foundation for replicating their small high school classroom size and programs. And so, we see good results beginning to emerge.

This is still a young movement, we're all still in a learning curve. One of the challenges for the Charter School Board is to look at its role as an authorizer and begin to shift our focus away from the initial focus on process compliance to performance accountability.

And we've had a lot of information about incomes. Now we need to talk about outcomes. And so, our focus is going to be driven more and more by looking at how our schools are producing results, as measured by test scores, graduation rates, and other measures of success for our students.

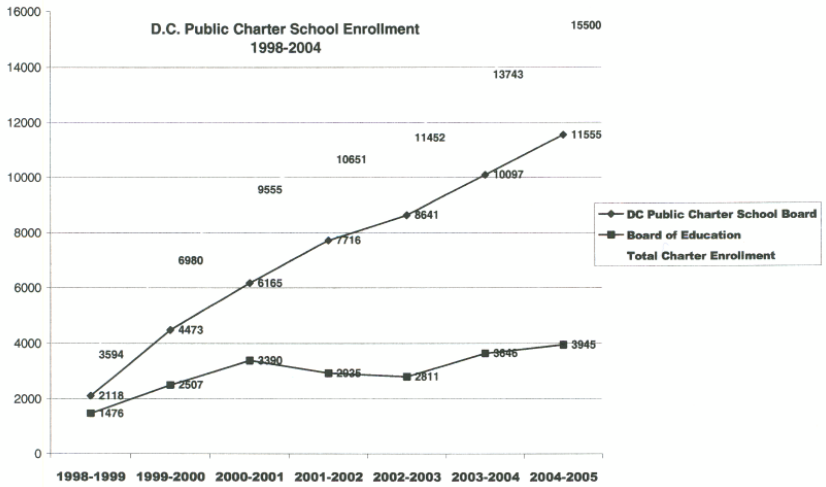
And, with that, I'll conclude.

[The statement follows:]

PREPARED STATEMENT OF THOMAS NIDA

Good afternoon Chairman Brownback and members of the Subcommittee. I am Thomas Nida, Chair of the D.C. Public Charter School Board (PCSB) and I am pleased to come before you today to discuss the progress of public charter schools under the authority of the PCSB and the importance of the financial support provided to charter schools under the School Reform Act.

This year, nearly 16,000 students from every ward of the city enrolled in 42 public charter schools on over 50 campuses spread throughout the city. That amounts to approximately 21 percent of the total public school population. The PCSB (our board) provides oversight for 26 public charter schools on 31 campuses, serving more than 11,500 students. The remaining schools are authorized by the D.C. Board of Education. Please note the enrollment trend over the past five years, included in my written testimony.



As you are well aware, the charter school law was created to address concerns about how the city was providing public education to its families. The intention was to give D.C. families the opportunity to choose the most appropriate educational settings for the children, from among a number of public school choices, including the assigned neighborhood school. Local education reform leaders thought increased competition, and more opportunities for innovation in public schools would raise achievement throughout the city. The D.C. Board of Education and the D.C. Public Charter School Board were established to authorize these independent public schools, with the understanding that only the strongest applications would be approved, and that they would be monitored and held accountable for their results. Engaging students and helping them achieve academic excellence are the most important goals for public charter schools. Our Board's primary responsibility is to act in the best interest of those students, by maintaining high standards of accountability, supporting schools, and making difficult decisions when necessary. The charter school bargain is greater autonomy in exchange for greater accountability.

The Board's Role

The D.C. Public Charter School Board was established in 1997, and has since developed an oversight process that has become a model for authorizers throughout the United States. It provides important feedback for schools as they strive to serve the diverse needs of their students, and it informs parents and policy makers about how effectively students are being served in each school. The Board's oversight includes: annual reviews of the academic program, compliance with the charter law, and special education provisions; a review of monthly or quarterly financial reporting, and annual financial audits; standardized test score analysis and NCLB report cards; quarterly charter school leaders' meetings, and communications with school leaders, as needed, on local and federal policy updates; and Five-Year Review to determine cumulative progress and school continuance.

Each year, we share the results of our oversight with the community by producing the School Performance Reports. The annual School Performance Reports offer a comprehensive look at the results of all of the reviews, financial reporting, test score analysis, including No Child Left Behind (NCLB) report cards, and Board actions, for each individual school. The document is available on our website, at www.dcpubliccharter.com, and is mailed directly to community stakeholders who request it, as well as local and federal government officials, including members of this Committee. Parents and policymakers have indicated that it is a very useful tool, enabling them to make decisions in the best interests of students.

Parents and students throughout this city enroll in public charter schools based upon their trust in the accountability system. Accountability includes meeting the goals agreed upon in the school's accountability plan, or accepting the consequences. Parents, students, community members and public officials hold this Board accountable to that principle, and we take that responsibility seriously.

Charter School Progress

Overall we are pleased with the progress we saw at the end of the past school year. Yet, we recognize that there is still much work to be done to bring all students to the levels of academic achievement we all know they are capable of reaching.

—In 2004 the number of schools that made Adequate Yearly Progress (AYP), as required by the NCLB Act, tripled to nine. Several schools narrowly missed meeting AYP because of one subgroup. The schools that did not make AYP used the data in their AYP report cards, and technical assistance and training provided by our Board to develop school improvement plans to better address the needs of all of their students. They are using these resources to tailor instruction to the specific needs of students who did not meet the standards, while continuing the progress of those who did. The Board is confident that with this approach, we will again see exponential growth of the number of schools making AYP this school year.

—Most of the schools that made AYP were elementary charter schools. A great majority of those schools begin their programs with Pre-K programs and have proven the theory that starting early, extending instruction time, and tailoring instruction to individual needs will help to close the achievement gap.

—One of those schools, Arts and Technology Academy, located in Northeast Washington, was recognized by U.S. Secretary of Education Rod Paige at the 2004 National Charter School Conference, and in the Department's "Successful Charter Schools" publication. Their infusion of fine arts, the performing arts and technology into their curriculum is proving to be quite successful with their student population.

—While historically middle and high schools have struggled, the most to improve test score performance, a few of our schools have defied the trend. KIPP/DC KEY Academy, a middle school located in southeast Washington, with a high percentage of low-income students, demonstrated that income and zip code do not determine ability or potential. A little more than 94 percent of their students scored at or above the national average in math; 60 percent scored at or above the national average in reading.

—Another of those schools is D.C. Preparatory Academy. This middle school, located in the Edgewood neighborhood in Northeast, made AYP in its first year of operation. The rigorous college-preparatory program, offering an extended year program with a mandatory Saturday academy, and character education, has garnered strong parental support. Many of their students entered school in the fall below grade level, yet by the April test 78 percent were proficient in math and 56 percent were proficient in reading, according to their AYP report card.

—Two of the eight high schools under our authority—WMST and SEED—made AYP this year. Only two other non-selective high schools in the city made AYP. It is a testament to the efforts and high expectations of those high schools, which accept students wherever they are academically and challenge them to succeed. The other charter high schools are working very hard to raise every student's achievement to meet the expectations, and are demonstrating success in other important areas. We are confident that, in the process, additional high schools will meet their own and NCLB expectations next year.

—High school graduation, college acceptance and attendance rates have been significantly higher than the city-wide or national average for urban populations. The table below tells the story.

[In percent]

High School	Graduation Rate in 2004	College Acceptance Rate
Cesar Chavez	91	100
Friendship Edison Collegiate Academy	92	81
Marriott Hospitality	80	70
Maya Angelou	91	70
News School for Enterprise & Development	81	100
SEED	100	100
Thurgood Marshall Academy	([1])	([1])
Washington Math Science and Tech	90	98

[1] First graduating class in June 2005.

—In the spring 2004, Cesar Chavez Public Charter High School for Public Policy, New School for Enterprise and Development and SEED, all graduated 91 percent, 81 percent and 100 percent of their seniors, respectively, and all three re-

ported that 100 percent of their graduates were accepted to at least one college or university. Friendship's Collegiate Academy and WMST each graduated over 90 percent of their seniors and reported that 81 percent and 98 percent, respectively, were accepted to institutions of higher education. Marriott Hospitality graduated 80 percent, sent 70 percent to college and trained and placed the remaining students in the local hospitality industry.

—Maya Angelou, a school that does a remarkable job of engaging students who have dropped out, or are at-risk of doing so, graduated 91 percent of its seniors, and reported that nearly 70 percent of those students were accepted to college. The school's model of very small class size, personalized instruction, focus on the humanities, and entrepreneurship and job skills training, gained the attention of the Bill and Melinda Gates Foundation, which has provided a grant to replicate the model in several other small campuses throughout the city. As a part of that effort, the school's founders were also able to work out a collaborative arrangement with DCPS. They are co-locating a second campus in the Evans Middle School building in Southeast Washington this year. In exchange for a favorable lease arrangement, they are providing much-needed maintenance and up-grades to the building, and DCPS is referring high school students who have had difficulty, and are at-risk of dropping out of its system to the new Maya Angelou campus.

—Friendship Edison's Collegiate Academy, located in Northeast Washington, began its Early College Program this year, giving 80 selected students an opportunity to take college-level courses through a partnership with the University of the District of Columbia.

—All of the charter schools under this Board's authority submitted budgets which indicated sound planning and fiscal responsibility. Staff members carefully review school finances, ensuring that public charter schools under our oversight are effective stewards of public funds. In 2000, the Board worked with the Office of the Chief Financial Officer (OCFO) to develop policies and procedures for charter school audits. This spring, the PCSB has worked with the Board of Education's Charter Schools Office as well as the Office of the Chief Financial Officer's staff to update those policies, to ensure that public charter school financial audits meet high standards. These three entities worked together to create a list of approved auditors for public charter schools, to ensure that auditors have extensive experience performing audits of non-profit organizations according to Government auditing standards, as required by law.

—Several schools made progress this year in securing more adequate facilities for their programs. Capital City, Carlos Rosario International, D.C. Preparatory Academy, and William E. Doar, Jr. moved into newly renovated buildings that are sources of pride for those schools and their communities. However, many other charter schools are still struggling to acquire adequate affordable facilities to accommodate their enrollment plans. Tree of Life and Two Rivers managed to secure temporary space in underutilized DCPS buildings just before school started this year, thanks to the assistance of the former Interim Superintendent Robert Rice. Future charter schools will face these same challenges, while they simultaneously establish their educational programs and recruit staff and students. This is a challenge that this Board hopes to work through in a collaborative effort with Dr. Janey, city leaders, and public and private community members.

—All of the schools under our oversight are striving for accreditation. The process requires that a school be in operation for at least two years to begin, and then takes approximately two years to complete. Five schools, all of which were a part of the first cohort of schools to open seven years ago, have completed the accreditation process. Three of those schools have been given official notification of their accreditation status; two others are expecting notification soon. Several others have become candidates for accreditation or are beginning the process this year.

Facilities Still An Issue

The majority of public charter schools have been forced to acquire school buildings on the commercial market, which we all know is both competitive and expensive. Each year they invest millions of dollars of public money in privately-owned buildings, many of which are leased. A chart demonstrating the current facilities status of each school we oversee is attached.

Many charter school leaders have expressed their preference for former DCPS, or city-owned buildings, and have been repeatedly frustrated in their efforts to acquire them. It would seem in the best interest of the community and the city to allow charter schools to invest that money in publicly-owned buildings; it is especially

timely, but also daunting because many DCPS buildings are in dire need of repair and/or renovation.

The most recent offerings from DCPS included one-year leases to charter schools, which would not be finalized until July of this year. The temporary nature was to address the dire need, while Dr. Janey and other stakeholders work on the education master plan. This option, despite the less than ideal timeline, would be more beneficial to start-up schools, but less so for existing schools needing to expand. Last year, Two Rivers and Tree of Life received leases to co-locate in DCPS buildings in August, just weeks before the start of school. They scrambled to make repairs and renovations and miraculously moved-in on time. If not for these opportunities, Two Rivers would have had to delay its opening a year, and Tree of Life, a school abruptly moved out of its facilities by development interests, may have had to close.

Under the current circumstances, not all of the buildings listed as available for co-location would be used this fall. Our suggestion, in support of those schools that will need the space this fall, would be extend the lease to at least two years. This is a more reasonable time line for schools to get a better return on renovation investments, and to prepare themselves and alternative facilities for permanent occupation.

Overview of the Board's Budget Proposal

Our intention is to continue our most effective practices, and to make intelligent investments, which will enable the Board to maintain the quality and integrity of its work, while containing the growth of its operations.

The Board requested an appropriation of $975,000 for fiscal year 2006, to meet its increasing responsibilities. In addition to the twenty-six schools the Board currently oversees, nine new schools have been approved to open this fall, and several existing schools will increase enrollment in accordance with their charters. The number of schools chartered by this Board will increase by approximately 38 percent this fall, with an enrollment estimated to reach nearly 15,000 students. We have determined that appropriate investments in additional staffing, expert consultants, office facilities, data collection and analysis, and other technologies will enable the Board to fulfill its mission, while also streamlining its practices, for long-term cost efficiencies.

Since its inception, the Board has maintained the highest levels of fiscal responsibility and has consistently produced clean audits for review by our stakeholders. Nonetheless, we continue to look for ways to be more efficient stewards of public money.

One major goal is to enhance the Board's capacity to collect, analyze, report and store data, to more effectively monitor and support schools, work collaboratively with the state education agency, and to provide more information to the public about charter school performance. This will require significant technology investments in the next year, for long term use.

The Board anticipates hiring one to two additional full-time staff persons to manage its increasing oversight responsibilities. The Board will also increase its use of a cadre of expert consultants to review charter applications, financial reports and yearly audits, and provide technical assistance to the schools it has authorized. The reviews and monitoring processes will be streamlined, such that high-performing schools will be rewarded with less frequent routine monitoring, while newer schools and those that struggle will receive more targeted attention from staff and consultants.

Conclusion

The Board is proud to be a part of the solution for improved public education in this city. We commend Dr. Janey's leadership and the exhaustive efforts of his administration. The strategic plan is very thoughtful and offers great opportunity for improved delivery of instruction to DCPS students. It is our intention to be collaborators with Dr. Janey and all of the other major stakeholders at this very critical juncture. We are hopeful that the collaboration already begun will grow into a long-term city-wide effort that will bring about excellence in all D.C. public schools—traditional and charter. The citizens, community partners and public officials can rely on this Board to execute its responsibilities with an intense focus on quality, accountability and progressive results for District of Columbia families.

Thank you for this opportunity to share our perspective. I invite any questions you may have at this time.

CURRENT FACILITIES SUMMARY: CHARTER SCHOOLS OF D.C. PUBLIC CHARTER SCHOOL BOARD

School	Street Address	Quad	Ward	Facilities	Bond Financing	Comments
The Arts & Technology Academy PCS	5300 Blaine St	NE	7	Own/DCPS	X	
Capital City PCS	3047 15th St	NW	1	Own	X	Former church
Carlos Rosario International PCS	1100 Harvard St	NW	1	Lease/UDC	X	Long term groundlease (former Wilson Teachers College/UDC
Cesar Chavez PCHS for Public Policy—MS/HS	3855 Massachusetts Ave	NW	3	Lease [1]		To relocate to new campus in Ward 7
Cesar Chavez PCHS for Public Policy—HS	1346 Florida Ave	NW	1	Lease [1]		Co-location (Meridian & BTW); relocating to new site in Ward 6
D.C. Bilingual PCS	1420 Columbia Rd	NW	1	Lease		
D.C. Preparatory Academy PCS	701 Edgewood St	NE	5	Own		Former warehouse being built out in two phases
E.L. Haynes PCS	3029 14th St	NW	1	Lease		Sublet from Capitol City, 2nd floor space above CVS retail
Eagle Academy PCS	770 M St	SE	6	Lease		Co-location (KIPP & WMST), former DC Transit car barn
Friendship Edison—Chamberlain Campus	1345 Potomac Ave	SE	6	Own/DCPS	X	
Friendship Edison—Woodridge Campus	2959 Carlton Ave	NE	5	Own/DCPS	X	
Friendship Edison Collegiate Academy—Woodson Campus	4095 Minnesota Ave	NE	7	LT lease/DCPS	X	
Friendship Edison Junior Academy—Blow-Pierce Campus	725 19th St	NE	6	Own/DCPS	X	
Howard Road Academy PCS	701 Howard Rd	SE	8	Own	X	New construction
KIPP-DC/KEY Academy PCS	770 M St	SE	6	Lease		Co-location (Eagle & WMST)
KIPP-DC/KEY Academy PCS	Will open second campus in fall 2005.			Lease		Will lease current TMA site at 421 Alabama Ave
Marriott Hospitality PC High School	410 8th St	NW	2	Lease		
Maya Angelou PCS—Evans Campus	5600 East Capitol St	NE	7	Lease/DCPS		Co-location w/DCPS
Maya Angelou PCS—Shaw Campus	1851 9th St	NW	1	Lease		Leased from related foundation, former Odd Fellows Lodge
Meridian PCS	1328 Florida Ave	NW	1	Lease		Co-location (BTW & Chavez), former Manhattan Laundry
New School for Enterprise & Development PCS	1920 Bladensburg Rd	NE	5	Own		Former warehouse
Paul PCS	5800 8th St	NW	4	Lease/DCPS		Conversion from DCPS
The School for Arts in Learning (SAIL) PCS	1100 16th St	NW	2	Co-owned	X	Former Strayer College
Sasha Bruce PC Middle School	745 8th St	SE	6	Lease		Co-location (Options), former Kingsman Elementary
The School for Educational Evolution & Development (SEED)	4300 C St	SE	7	LT ground lease	X	New construction-boarding school
SouthEast Academy of Scholastic Excellence PCS	645 Milwaukee Pl	SE	8	Own		Former Safeway store/trailers

CURRENT FACILITIES SUMMARY: CHARTER SCHOOLS OF D.C. PUBLIC CHARTER SCHOOL BOARD—Continued

School	Street Address	Quad	Ward	Facilities	Bond Financing	Comments
Thurgood Marshall Academy PCS	421 Alabama Ave	SE	8	Lease [1]		Church building, relocating to former Nichols Elementary
The Tree of Life Community PCS	2315 18th Place	NE	5	Lease/DCPS—own		Co-location w/DCPS/construction on newly purchased facility
Tri-Community PCS	Soldier's Home	NW	4	Lease [1]		AFRH bldg/trailers
Two Rivers PCS	1830 Constitution Ave	NE	6	Lease/DCPS—own		Co-location w/DCPS (Elliot Jr HS); recent purchase of 401 Florida Ave, NE; renovation to begin
Washington Math, Science & Technology PCHS	770 M St	SE	6	Lease		Co-location (KIPP & Eagle)
William E. Doar, Jr. PCS	705 Edgewood St	NE	5	Lease		Former warehouse, being developed as a multi-school facility
SCHOOLS OPENING FALL 2005						
Academy for Learning through the Arts						Looking
Academia Bilingue de la Communidad						Looking for temporary space; permanent space is not ready
Appletree						Facilities secured tentatively
Bridges						Facilities secured tentatively
Early Childhood Academy						Status uncertain
Hope Community						Looking
Howard University Middle School of Math & Science	On/near Howard Univ. campus	NW	1			Facilities secured; provided by HU
Potomac Lighthouse						Looking
Youth Build						Facilities secured but under renovation

[1] Relocation pending.

NOTES:
Own=purchased commercial/industrial property.
Own/DCPS=purchased former DCPS school.
Lease=commercial/industrial/retail property.
Lease/DCPS=lease DCPS school property.
Bond financing=DC Revenue Bonds issued.

Senator BROWNBACK. Thank you, Mr. Nida.

I remember when I first worked on D.C. issues in 1997, I think you only had about seven or eight charter schools at that point in time. This was a fairly early—a nascent time. And I think there was one that had to be decertified because it was having certain types of problems that were going on. So that is quite a growth that you have seen take place.

My colleague, Senator Landrieu, is deeply concerned and interested in the education issue, and is here, and has an opening statement to make.

Senator Landrieu.

Senator LANDRIEU. Thank you, Mr. Chairman.

I'm going to submit my full statement for the record.

[The statement follows:]

PREPARED STATEMENT OF SENATOR MARY L. LANDRIEU

Welcome this afternoon to the first hearing of the D.C. Appropriations Subcommittee held in a District public school. I want to first thank Hine Junior High School for hosting our hearing, and Principal Gary Rosenthal. Hine is often the community center for various neighborhood meeting and sports activities, such as soccer and baseball, of my adopted neighborhood, Capitol Hill, and I am pleased we are able to use this auditorium today.

Mr. Chairman, I appreciate your attention to public education in the District and your desire to call a thoughtful and productive hearing, such as the one structured here. I look forward to hearing from the witnesses representing either elected or appointed governmental entities which oversee public education—Board President Peggy Cooper Cafritz, Superintendent Clifford Janey, Councilmember and Education Committee Chair Kathy Patterson, and Tom Nida, Board Chair and Jo Baker, Executive Director of the D.C. Public Charter School Board. These leaders are responsible for setting the academic policy for both traditional public schools and public charter schools, implementing that policy, oversight of individual schools, and developing the framework which supports our education system. I would also like to welcome our second panel, representing some of the best in public education advocacy and insight—Director Juanita Wade of the D.C. Education Compact, Director Ariana Quiñones of the D.C. Charter School Association, and a distinguished parent Ms. Doris Olaseha.

We are here today to gain a better understanding of the state of public education in the District. There are many figures and anecdotal stories bandied about to demonstrate the failings of the District public schools. And sometimes, if you listen hard or you are talking to some especially dedicated people, you hear some anecdotal stories about great successes, improvements, and shining stars in D.C. public education. This year one such star was recognized nationally for his contribution to his classroom and national excellence in education. Mr. Jason Kamras, a teacher at Sousa Middle School in Southeast D.C., was named the "National Teacher of the Year" by President Bush. This great honor was earned by a dedicated individual working in a shabby building, with inadequate materials, and the weight of a cumbersome system pressing down every day. His school did not even have an American flag to fly outside. Mr. Kamras received many accolades, well deserved, and I even sent him a flag flown at the U.S. Capitol for his school. But he has not received the kind of support every teacher needs for an excellent school system to thrive. I am sure there are many such jewels in the system and part of our task is to pick them up, polish them, expand and replicate what is working well, eliminate institutes and programs that are failing, and make sure they have the support critical to doing their jobs.

I am very encouraged by the leadership in this room to develop concrete steps to improve the public education opportunities for children in the District. In preparation for this hearing we have reviewed Dr. Janey's newly released Strategic Plan, met with his impressive staff, including Chief Accountability Officer Meria Carstarphen, and their diligent work to develop a comprehensive reform plan for DCPS. In particular, I am impressed with Dr. Janey's quick work to develop a well-articulated plan for the $29.6 million Federal investment of the last two years. As many of you know, I fought for our $13 million annual investment to be held in reserve until the new superintendent arrived so that it would be tied to his overall reform plan—I am very encouraged that is exactly how the funds are being used.

In addition, it is good to see growing cooperation among such a broad spectrum of the community. I would like to share a little bit of my philosophy on public education in the hope that we can find mutual priorities to improve the entire system.

Great cities, Mr. Chairman, need great schools. I am a city person, having grown up in a city much like D.C., New Orleans, which has faced many of the same challenges of providing an equal education to all its residents. The purpose of the public education system in America mirrors much of the mission of the United States as it was formed—to provide an open opportunity to create, build, and contribute to our great nation. The purpose of the public education system in America is for all young people to have the same opportunity to learn and the encouragement to work in any area—from business, to medicine, to government. Our mission was to encourage a creative workforce which would, and has, driven the innovation America is known for.

But the public education system that served us for so long is facing many challenges—and it must change and adjust. It must be more consumer focused and less bureaucratic, more dynamic. We must raise our expectations of our students, teachers and administration to be excellent in every school.

D.C. itself has suffered a decline in enrollment of 2,000 students every year for the last 10 years. People have grown tired of a slow moving bureaucracy which cannot meet the needs of its students nor the workforce demands of our society. Congress heard these concerns and responded with the 2001 No Child Left Behind Act to inject accountability into the system and a new focus on achievement. My guiding principle in creating that legislation and now overseeing implementation is to eliminate failure and replicate success.

As you well know, the primary purpose of the D.C. subcommittee is to ensure the immediate and long term economic health of the District. There are many ways we can do that. We can continue our work to correct what GAO has identified as a structural imbalance between the cost of providing city services and their ability to take in revenue. But at the same time, we must focus on other tools for bringing greater prosperity and long term stability to the District. Cities that have good public schools, safe communities and strong families are cities that have strong economies. If we focus on providing these elements in the District, we will go a long way toward the economic independence the city needs and deserves.

A hallmark of the District is active parents and community leaders who have made progress in reforming public education in the city. One of the driving forces behind this change has been the charter schools. In the District, charter school students now make up 20 percent of the public school population, some 16,500 students. When people ask me why I support charter schools, I tell them it is because I believe in public education. I firmly believe that if we work to modernize the system of delivery for public education, allow greater opportunities for innovation and hold schools accountable for results, then we can provide a high quality public education for every child in America. One size does not fit all, and if we give our parents choices, they will choose what is best for their child.

Until now, the focus of the charter school movement has been to increase the quantity of charter schools. But if we expect this to be more than a movement, we must shift our focus from quantity to quality. This must be a public place for reliable, strong educational opportunity. As the Washington Post put it, "The District's experiment with charter schools has proved hugely popular with parents, but the schools vary widely in quality and have yet to demonstrate that they are doing better than the city's regular public schools in raising student achievement."

I am encouraged by the D.C. Board of Education's proposal, lead by President Cafritz, to issue a short moratorium on issuing more charters. I think this indicates that they are not going to try and do more; they are going to try and do better. I hope that this committee will use its resources to help support all public schools, both charter and non-charter, to do better by their children.

I have voiced the goal of connecting traditional public and public charter schools as part of one education system with various benefits and deficiencies. The aim is to enhance the successes in both types of schools and eliminate the failures in all. In essence, I want to get rid of the non-sense competition between charters and publics and find areas to share resources and ideas to benefit all children. I hope you share this goal to view our children's education as the ultimate goal, not how or where they receive that excellent education.

Today I hope we will share our diverse visions for public education as well as some of the mechanisms to achieve our goals. Though this hearing is not specifically to review the local budget, the city's annual budget must be approved by this committee. Until the Congress enacts local budget autonomy, as I have strongly supported, the local tax fund budget is part of our annual appropriations bill. The Council of the District of Columbia has just passed the local funds budget for fiscal

year 2006. Under this budget DCPS would receive $1.039 billion, of which $800.3 million is derived from locally generated tax funds and an additional $147 million is for capital improvements, supported by local funds debt service, yet provides targets enhancements proposed by the Mayor. The Council had to increase certain areas of the budget to ensure that enhancements to DCPS are provided equally to public charter schools. I commend Councilmember Patterson for this action.

A false competition has been created between and amongst traditional public schools and public charter schools that must be overcome. I am encouraged by the leadership on the Council, Ms. Patterson, and Dr. Janey in viewing all public schools in the District as part of the same system. Indeed, they are held to the same achievement standards under local and Federal law, particularly the No Child Left Behind Act.

A great challenge still not fully addressed by either the local budget or the $26 million Federal investment of this committee is the critical need for school facilities. Acquiring safe, appropriate, and modernized facilities continues to be one of the greatest challenges for both traditional public schools and public charter schools. Dr. Janey has committed to examining facility issues and is using, in part, research done by area think-tanks to inform decisions. Foremost, the Brookings Institution (Alice Rivlin) and 21st Century School Fund (Mary Filardo) issued a report "DC Public School and Public Charter School Capital Budgeting" in April identified the disparity across the city and the inadequacy of current budget means to improve facilities. The Brookings report recommends several areas to combine construction with other projects, such as libraries and recreation, as well as creative financing ideas.

One such creative idea which has already been carried out and proven successful is the public-private partnerships which re-built the Oyster School, now a model public elementary school. I hope we can discuss ways of replicating what is already working—if there is a waiting list we should build another school on the same model. Reinvention is necessary to overcome failure, but when a successful model is proven with hundreds of parents camping on the sidewalk for a chance to send their child to that school we must respond. If we build it, they will come, so to speak.

Another successful model is to co-locate two schools in the same building or campus. I commend Dr. Janey for creating the first co-location policy for public schools and other governmental entities, especially charter schools, but also libraries and recreation centers. The School Board has approved the policy and I believe have identified 10 underused schools which they will offer to charters to co-locate in the fall 2005. However, the co-location process is not perfect, the leases are only offered for one year and there are still too many junctures for derailment. Success will still depend upon the superintendent stepping in, as Dr. Robert Rice did with the co-location of Two Rivers Public Charter School and Eliot Junior High.

I understand the great difficulties of everyone on this panel to create positive, necessary change and at the same time to meet the needs of a community. I have gone through this same process in my home state with public schools, and most recently with military installations. No one wants a part of their community closed, which is why I strongly encourage the most independent and transparent process to ensure any contraction or closing of schools will be supported because it was decided in a democratic manner.

Another source of appropriate school space is former school buildings which have been deemed surplus by the system years ago. There were 38 buildings transferred by the Control Board to the Mayor in 2000, and all of the public policy and community advocacy to this point has directed those buildings be offered to charter schools first. This has not been done. We must focus our efforts to require the needs of the community are met in the most transparent way; I hope the Council will take this matter up shortly.

I appreciate the time all of the witnesses have devoted to improving public education for all in the District. Thank you for being here today, I look forward to your testimony and our continued partnership.

Senator LANDRIEU. I apologize, that I had to be at another hearing, and came a little bit after the hearing started. But let me just begin with just a few comments.

First, I thank Hine Junior High for hosting us, and for Principal Gary Rosenthal. I also want to thank the students for being here and for participating. You are the reason we're here, and we thank you for being a part of this, this morning. I thank our panel and

our great educational leaders from the District, and all those who have joined us.

Mr. Chairman, you've been involved in education issues and reform for many years, not just with the District, not just with Kansas, but for the whole country. And so, you are well aware of all of the challenges that our school systems all over the country face. Rural areas sometimes are a little bit different than urban; suburban, fast-growth areas a little bit different than urban areas that are losing population. But, nonetheless, we're all committed to make each one of our public schools and public systems the very best they can be around the country.

I'm very pleased, Mr. Chairman, to have worked with you so closely on so many important issues for our country. Senator Brownback and I have worked together across the board, from health issues to education issues. And while Senator DeWine was a wonderful partner, I think the two of us will make a good partnership team for the District subcommittee and the Senate.

We have made, Mr. Chairman and panelists, as you know, public school reform and improvement in the District of Columbia a point of interest and focus on our D.C. subcommittee. There are many Senators, many House Members, who all have worked very closely with us. And I will say that, over the last few years, I personally—while we recognize there are many challenges and still some terrible failures that are evident, we're also making, in some areas, some significant progress.

And I would like to mention, Dr. Janey, to have you here as the superintendent, with a well-articulated vision and plan for reform, is very encouraging. Ms. Cafritz, thank you for your continued leadership. Ms. Patterson, thank you for the way the Council, I believe, is stepping up and saying, "We know the school board has responsibilities, but the City Council has responsibility to the whole city, and part of growing the city is making the school system better." And the public charter system, for your leadership, Mr. Nida, and all the charter advocates, recognizing this is not a competitor, but a complement and a help. These are public charters, these are not private charters. They are public charter schools funded with public dollars, part of the public system. And I think having that unity is very important as we move forward.

Just one word that I hope, in questioning, we can focus on some of the improvements, as you mentioned, of options and choices that charter schools are providing, public charters for parents, and some of the exciting advances that are taking place, particularly of a city-built initiative, Senator Brownback, of this subcommittee, initiated last year. I hope to get into some details of that.

Also, I want to commend the Mayor for his leadership. Many mayors, including my own mayor of the city of New Orleans and mayors throughout Louisiana, are stepping up, working closely with their school boards, closely with their city councils, urging reforms, because no city can be great without a great school system, and we want a school system here that is dynamic, entrepreneurial, very customer-driven, very focused on outcomes, not inputs, very focused on not how much money we're spending, but, as the Senator said, how much are we getting for every dollar that we're spending, and trying to do a better job.

And, finally, the issue of leadership and governance is extremely important, and I would like to try to make some progress this year on that.

But, in addition to that, the issue of facilities management comes up in the traditional public schools, Dr. Janey, as well as what the emerging charter school movement needs. So, I'm going to have a lot of questions about what are we doing with this excess space and how we could allocate that best to the students that need help.

So, again, I'm prepared to submit the rest of my statement for the record. We have made some good progress, Mr. Chairman, on some of these issues, but like all urban school systems in this Nation, there are still some struggles and challenges ahead, and we look forward to working with you and with the panelists to address them.

Senator BROWNBACK. Thank you, Senator Landrieu. Your full statement will be in the record.

I will note, from my perspective, this is the top priority for the D.C. subcommittee, is the schools issue. As I surveyed the numbers, as you look at objective measures of what's taking place in the District of Columbia, there's been a lot of progress in a number of areas. It's wonderful to see. But this one has not seen the progress we need to see taking place. So, I want to spend a lot of time working on this topic.

Let's run the time clock at 5 minutes. We'll bounce back and forth with some questions here, and we'll do this on a 5-minute basis, so I'm going to ask the witnesses if you could be as sharp on your answer as possible so we can get through as many questions—and we will go through a couple of rounds maybe.

Dr. Janey, thanks for taking this position, for doing this work. I understand you've been at it since August of last year. And so, you've probably got some ideas and probably haven't been able to implement all of them yet, knowing the way government systems work. I don't know of a more important position in the District of Columbia than the position you're in right now, superintendent of schools. I think that is just a critically important position for the future of the District of Columbia. So, hats off and godspeed to you, and I will include you in my prayers tonight, on top of that.

But, as I look at these numbers—and you just take me through what's going on here with the numbers. You've had a chance to look at them and study them for a period of time. According to the National Center for Education Statistics, D.C. Public Schools spend about 49.6 percent of its funding directly educating kids in the classroom, but then that means basically 50 percent is not going for direct education in the classroom. I recognize there was some question about treating the District of Columbia—comparing it to other states, as Ms. Cafritz said, but I'm sure you can't be pleased with that number, that you're only getting half of your dollars into the classroom. How are you going to get more of those dollars into the classroom?

Dr. JANEY. Let me first say that there are expenses that we have that are directly tied to classrooms, they go right to classrooms in our budget. Then there are expenses that we have that support the work that goes on in the classrooms. What separates Washington, DC, from other urban districts, with respect to the expenditure

question, it has to do, frankly, with the number of students that we have and provide service to outside of the District of Columbia that are being serviced by private organizations that we pay tuition for, which averages about $40,000 to $45,000 per student, and the transportation for some of those students averages about $18,000 per student per year. So, what separates Washington, DC, from other urban districts? It is not the percentage of kids in special education. We're about the same as Boston, Cleveland, and some other districts. It's the number of students for whom we pay tuition, that are in private placements, and the transportation costs associated with those students.

Senator BROWNBACK. Is that tuition for special education?

Dr. JANEY. Yes, sir.

Senator BROWNBACK. Is it exclusively for special education?

Dr. JANEY. Correct.

Senator BROWNBACK. Is there a facilities issue involved here, too, that you've got a number of facilities that you're maintaining that you would look at and say, "Well, given what our concentration of students are now, we really need to consolidate or move some of these facilities to different places?" Is that part of it, too?

Dr. JANEY. Facilities is a problem; the solution—it is a part of the equation of success. And we have put in new seats for students to come back and be serviced by the District of Columbia's professional staff. Students who may have a learning disability, students who may have been characterized by an IEP, in need of support because there are some emotional issues or other kinds of disabilities. We have put, this past year, 600 new seats. We have filled 75 percent of them, so we have seen a leveling off of the number of students going outside the District for whom we pay private tuition. However, we have seats that are more here and there.

What we would like to do, Senator, is, we would like to build an articulation—a stream of opportunities by grade level. So, Prospect Learning Center, which goes through the eighth grade, we will have some continuity by having another facility, being able to provide students who are still in need of service after eighth grade. So, we have pre-K through 12.

Senator BROWNBACK. I want to talk with you specifically, later, about whether there are things we should be changing about special education for the District of Columbia because of the nature of your numbers and expenses. I'm going to get you started on this question and then I'll switch over here. You look at the numbers on performance for reading and math, just basic performance, and you noted in your testimony this is just not acceptable. What is at the root? Why do we have that disparity here? And what are the specifics in your plan to change it by 2008?

Dr. JANEY. There's not one single factor that we can say accounts for the greatest part of the problem. There are multiple factors—the fact that we've had turnover in the superintendents, and the fact that we've had turnover in our principals, we continue to have big churn in the teacher population.

I would point to, however, one of the things about which we can do something is to address the issue earlier than when kids come to us in public school. If we can expand—and we have a plan to expand the number of seats available for 4 year olds, and we have

a collaborative effort with the city to identify ways by which we can provide support to the parents and the early young students, prior to being 4 years old, so when they come to us, as 5 year olds, they have the requisite learning skills, they have the requisite disposition to take on the challenges.

I would say some of the biggest bangs for the buck with respect to return on investment—I would say, first, we need to increase the level of quality in our teaching staff and our principals staff across the District. Now, we're going to have a lot of turnover, but that should not act as any kind of excuse for the raising of the bar for quality and continuing that for our future. I would say that would be at the heart of all of the issues. It was not one issue, but maintaining a very high quality. And that is why in this plan we have proposed to have 100 teachers per year for the next 5 years to be nationally board certified.

There was a plan some years ago, which was not completed, to have the same opportunity for principals. If we could get some seed money to be the first in the country to have a national board certified program for principals, it would be more than the language of cutting-edge, it would make a deep, I think, lasting difference.

Senator BROWNBACK. Senator Landrieu.

Senator LANDRIEU. Thank you.

Just a comment about the chart. And while I don't disagree that those would be the differentials based on those averages, it might be a more fair average to consider the District relative to other major cities in the United States. I mean, the District is not a State. Technically, it's somewhere between a State and a city. But for the comparisons of urban schools, I've found it very helpful.

Now, having said that, I've looked at those comparisons, and our results are still not as good—I say "our," the District of Columbia—as I think they could be and should be. But it might give us a little fairer comparison.

I'm going to ask the staff if they could, if they have a chart, maybe put it up; and, if not, prepare it for our next meeting. But these are my three questions.

Number one, to Dr. Janey. We have 16 million square feet of space in 156 buildings in the District. According to the information our staff has gathered, there's 5 million square feet of DCPS space that is in excess, meaning empty classrooms, empty buildings. As we heard from the testimony of just charter schools, and this was just one aspect of this frustration, there are 15 charter schools who are leasing space in private real estate markets at extremely high prices. Every dollar that is paid to rent space is one dollar that comes out of textbooks, computers, teacher instruction, academic ability. The average age of facilities is 63 years. Seven are rated poor, 60 schools are rated fair, 16 are rated in good condition. I think these are charter schools, public charter schools.

So, let me ask you. I know this is an issue you focused on as superintendent. Are we making progress in identifying what space is surplus to either maximize its use to some other agency and get some revenue that could be generated back to the schools, or are we allowing at least these charter schools a more aggressive co-location opportunity so that we're not spending money giving it to

landlords, and we're spending money educating children? Dr. Janey, could you address that?

Dr. JANEY. Yes. Let me start. We are doing both. We, through the Board of Education, proposed an opportunity for 10 buildings for co-location, which would include the opportunity for child support.

Senator LANDRIEU. Could you list those 10 this morning? Do you have those 10——

Dr. JANEY. I'm sure my staff has them. We could pass them on to you.

I could say that, just for the charter school example, we're in conversation with the Kipp Academy. And the principal of Kipp Academy shared with me—it's probably no secret to members of this panel—that in their lease it's costing $40,000 a month for them to maintain their educational program. We think—we want to engage in some of the very finest opportunities whereby it will be a win-win, not just on the financial issue, but on the education side, because we're talking about having a pre-K through eight Kipp model. Kipp, as you know, anchors its work in the middle grades area. So that's a real, live possibility.

And I will close by saying that we are preparing a new master facilities plan to come out of an education strategic plan we're going to put forward in December. And the master facilities plan would come after that.

Senator LANDRIEU. Let me just say——

Ms. CAFRITZ. You mentioned the Maya Angelou achievements. Okay? We have a partnership with them, and they're in a public school building, so we have about 15, in addition to the 10, that are coming online in September. We have about 15 other charter school programs in public school facilities now.

Senator LANDRIEU. I want to just—as you know, on this charter—or this facilities issue, our subcommittee last year, Senator Brownback, after several years of trying to push this issue in ways—working with the Council and with the school board, just decided—we have 5 million extra square feet of space, and aren't really getting anywhere. So, in our bill, we had to push a little bit, which we hate to do unless we actually have to, to say, "Please make this surplus space available first to established charter schools, and then for other educational opportunities." So we'd really like to see some progress this year on that issue.

Ms. CAFRITZ. I think the progress that has been made has been minimized, to some extent. We finally have—this is not something the school board can do alone. As soon as the superintendent brought forward—this superintendent brought forward the recommendations within months of his arrival, the school board voted to approve it. But, even prior to that—the summer prior to that, we housed, you know, two other schools. And, you know, I think that that's important.

But another thing, too, about the 5 million in excess space. Let's take a school like Ellington—the Duke Ellington School of the Arts, which I counted, so I know very well. On the list that he has, it says that Ellington is unoccupied by a certain number—a lot of square feet. Ellington is bursting at the seams. You couldn't get a worm in it. So, you know, that is something we have to work on.

Another thing is that some of the schools are so dilapidated that they need to be renovated before occupancy, and we cannot put charter school kids in a renovated part of the building and public school kids in an unrenovated part. That's a recipe for disaster. For that to happen, it has to be funded.

Senator LANDRIEU. I realize that, but I also want to just go on the record as saying that the law is that when surplus properties become available, they have to be given to charter schools. There is a demonstrated desperate need for these public charter schools to be given space. And the great opportunity——

Ms. CAFRITZ. But the Mayor controls those, not us.

Senator LANDRIEU [continuing]. The great opportunity is, charter schools have some flexibility to do these renovations that may be able to benefit all of the children in the building, those that are in the traditional public school and the charter.

So, I'm going to leave it there—my time is up—and come back to just one other question, if I could, and it's to Superintendent Janey.

Superintendent, you've been here now—you visited with me, and I'm very pleased about some of these plans and objectives for the system, but what management tools have you asked for from the board that you have been given, some new tools of management? Which things have you asked for that you haven't been given that you think would help you to actually run a very tight, efficient, and quick reform plan? This is something that every year we don't get done correctly—or every 2 years, or 3 years—these are students that are really caught up in a system that may not be functioning at its best. So there is some urgency here. Is there something you could share with us that you've asked of the board that they've given you, and some things you might still think about in the future?

Dr. JANEY. That's an interesting question. I don't think I came here to get management tools from the board, per se, but I did come here to work with the board to seek policies and seek approvals, I think, that would help accelerate what we're doing, in terms of school reform.

To your first part of the question, I found the board very much engaged on the issue of adopting new learning standards. They were right with me in step as fast as I was going. There wasn't anyone, I thought, on the board, or the board as a body, out of step. These new learning standards are going to be for all of the public schools, as you know, in the District of Columbia. I suspect that will be the same kind of review and reception on the part of the board, where we've proposed a new assessment system.

I must remind the public that, while we talk and perhaps take into consideration the fact that we have some schools that have made AYP, it has been with a very low cutoff. It's 41 percent. So when that bar is raised next year, in the spring of 2006, one should understand that what we have been in celebration of over the years may have overstated, really, the celebration that has caused a lot of folks to be in praise of progress.

So, I haven't gone expecting management tools. We will be proposing, however, through various contracts, instructional learning management systems. And so, it is in that context that I'm asking

the board for their understanding and support, not necessarily a tool, but we want to have a learning system, or a set of learning standards and assessment system, big items, that will affect the quality of our education, a new contract for our employees. Those are the, I guess, kinds of tools you may have been alluding to that I would seek from the Board of Education.

Senator BROWNBACK. Thanks. If I could have one final question.

Mr. Nida, I noted the explosive growth in the charter schools. You're up to 16,000 students from every ward in the city. It's 21 percent of the total public school population. Where is this going? Do you have any projections, or are you capping out at this point in time, noting eight more new ones to open this fall?

Mr. NIDA. I don't think we have any formal cap. What we see is that the growth represents more individuals with qualified backgrounds and experience stepping forward to introduce new programs, new curriculum, to provide additional choice. In looking at the 19 applications we got this year, there were no two remotely close. There are a variety of programs, a variety of grade levels, a variety of locations. So, I think it is just a reflection of the fact that the organizers of these schools, the parents who support them, are looking for even wider choice to meet the individual needs of the students involved. Clearly, it shows that there was an interest in having an option, besides the one-size-fits-all, where students can have an environment, a program, a location, that really meets their individual needs.

Senator BROWNBACK. Do you provide vocational training?

Mr. NIDA. Yes. There are some schools providing vocational training. They are not the majority of schools, at this point. A number of those that deal with at-risk students at the high school level have vocational programs in conjunction with the academic programs. We have one—for instance, the Marriott Hospitality Charter High School, that is preparing kids for the hospitality industry in the District, which is the District's largest industry.

Senator BROWNBACK. The reason I ask that is that I was a product of vocational training, growing up at a rural high school, and I know a lot of people look down on vocational training, but I look at it as something that was very stimulating and actually encouraged me, in the rest of my classes and learning, to then go on to college and law school. And I just think those are very helpful, particularly in keeping young people interested and coming along. It is not for everybody, but, for a number of people, it can be the very thing that actually keeps them moving forward.

Mr. NIDA. One of the schools that's going to open this fall is engaged actively with members of the building trades and unions to get high schoolers involved in various aspects of the building trades. Try to find a plumber or an electrician in the city right now, and you realize what—the kind of incomes they're making. Sometimes this is not a decision that is in the——

Senator BROWNBACK. And compared to the number of lawyers in the city.

Thank you very much.

Senator Landrieu, do you have any other questions of the panel?

Senator LANDRIEU. Yes.

Again, just back to the public charter schools for just a minute. And maybe we have surveys across the whole system, but do we have any data about parental satisfaction, teacher turnover rates, charters, noncharters, that might be helpful to us? And while we want to focus on the quality, not quantity, of public charters, what would the charter boards need that they don't have, budgetwise, to really step up the excellence and accountability? We want all of our schools to be excellent. And while I'm very proud and supportive of the growth of public charters, I do want to acknowledge that it is not quantity, but quality of education that we want everywhere. So, is there something that this subcommittee could do to help in that regard, or perhaps the council could be——

Mr. NIDA. Well, let me come back to the first part of the question, as to parental and student satisfaction. And I would add to that maybe teacher and staff satisfaction, because that's a part of this, too. The schools typically provide their own surveys that are conducted typically on an independent basis, and the results of those surveys are reported to us through the individual schools' annual reports so that information can be gathered from our annual report of all the schools. And we could certainly make that available to the staff.

I believe we also track teacher turnover, too. We look at the fact that, with the charter school movement being young and growing, there's a certain amount of turnover that comes with success, because the best teachers sometimes get wooed to another school.

We see that, obviously, we are looking at a mixture of teaching staffs that have both the new graduates, those that are coming in as teachers as a second career, and the highly seasoned teachers. So, when we look at things like teacher turnover, we like to dig a little deeper than just a flat turnover rate, but figure out the nature of the turnover, and the source of it, in terms of the types of teachers that are turning.

As to the issue of looking at success and what could be done here, one of the frustrations we've had at the board level is, we have funding that comes from two sources. There's the appropriation, which makes up a significant part of our operating budget, but the lion's share of it for the programs we administer and some of the support we provide comes from administrative fees that come from the schools themselves as payment for some of the services we provide them. However, we have taken on the task of providing oversight and administration for part of the No Child Left Behind. And I'm not aware we've gotten all the funding that has been promised for that. So, if we could just get that which was committed to already in that particular arena, that would be helpful.

Senator LANDRIEU. And how much is that? And who is it coming from? Is it coming from us or from the school board or the Council or the city?

Mr. NIDA. I believe it is coming from Federal sources.

Senator LANDRIEU. Do you know how much it is?

Mr. NIDA. No, ma'am, but we can get that information.

VOICE. $1.7 million.

Senator LANDRIEU. That you are expecting for administration? One of the things I would like to do is try to meet your request of having better accountability for charter schools so that we are im-

proving the quality of the charter schools, because we hope that under the new Federal law, which operates now everywhere in the country, if a public school is meeting its objectives and its results, it will stay open and functioning; if it doesn't, it will be closed and changed. That's the Federal law, that is happening all over the country, that is happening everywhere, in the District of Columbia, in Kansas, and New Orleans.

The days of the Federal Government sending money to public schools and just having the same-old/same-old are over with. It ended with No Child Left Behind. And it's just a matter of every school district in the country being somewhere along the continuum. In New Orleans, since we started ahead of everyone else, we're about ready to close or transform 22 schools that have failed to meet their annual yearly average for the last 4 years. Next year, there may be another 26 schools. That's happening in every city all over America. And so, we want to make sure that these schools have an opportunity to come under new management and be reconstituted, and these children have an opportunity, and we would like to see as few charter schools fail as possible. We would like to see as few public schools, traditional public—charter public and traditional public fail, as few as possible. But, when they do, we want to be there to pick them up, reorganize them under new management, give them a new chance to make the grade.

Dr. JANEY. I would just like to enter into the record some of the rest of the story around good schools. They reside partly within the charter school community, and they reside partly within the public school community. We have a number of schools for which there's a waiting list, as you probably know. And all of them do not occupy space in the northwest section of the District of Columbia. We have high schools that have waiting lists, and they're not just some of the names that pop up quickly—the School Without Walls and Wilson. McKinley has a waiting list. McKinley has a waiting list and is bringing kids from Maryland and Virginia for next year's ninth grade class. We have tuition reimbursement from individuals who are going to pay tuition for the new McKinley Tech.

I say that because I think the record should be heard and be read in a way that I, as superintendent, make sure that it is understood that we're not something to take for granted as a school district, as many of the problems that we have, and challenges that we have in the past. We have some very fine schools, and it's our job to make sure that it is pre-K through 12 throughout the system.

Senator LANDRIEU. Could our subcommittee have a list of the traditional public schools that have waiting lists to get in? And we would like, particularly, to note that I think Oyster is one of those schools that has a waiting list of 300 plus. Ms. Patterson, do you want to just go on the record for anything you might know about that or the private/public partnerships?

Ms. PATTERSON. Just to confirm that it's correct, there is always a waiting list for Oyster.

Senator BROWNBACK. Ms. Patterson, from the D.C. City Council—you talk about facilities—do you have a facilities plan you are working on? You talked about the need for improved facilities. Are you working through that now?

Ms. PATTERSON. The school system has developed a facilities master plan they'll be updating, following the superintendent completing the master education plan. What the Council is working on this year is an initiative that Chairman Cropp initiated, which was a new—apparently modest new revenue fund to try to promote a couple of specific things—co-locations, increased special education capacity, and public-public and public-private partnerships. That's an additional revenue fund.

Senator BROWNBACK. That's just something you look forward to working with people on as part of this overall equation of how we address the issue here in the D.C. Public Schools.

I look forward to working with all of you. I hope—I know this is my first outing here on education in this transition from the authorizing to the appropriating side. I've traveled and toured some of the public schools previously, toured charter schools previously. I look forward to doing some of that in the future, as well. I hope we can all work together, and nobody get in a defensive crouch about, "Okay, what are you doing?"—but, rather, we say, "The objective here is to provide a higher basis of education for the children," and that these numbers change, and they go north, not south, and they go there rapidly. Because these kids don't have that much time that they're in school, and every year that we don't serve them well with the best that we can do, and get the numbers up in education and reading and math, in particular, is a year we have made them less productive. And we probably really hurt them for life. It's one of the things that you just don't have a whole lot of time to spare. And these are the sort of numbers I saw in 1997, when I was working as the authorizer. So, to see them again now, in 2005, I just say, "Wait a minute. What's happened to the kids since that time?" So, I'm going to be pressing very aggressively on this. And the bottom line is to get those numbers up, because they each represent a child that is not being educated the way they need to be educated.

Ms. PATTERSON. Can you indulge me to give an answer to the first question you asked of the superintendent on that point of how to get those numbers up? I'm not an educator, but I can read, and I can read research, and when you look at the research on what high-performing urban districts are doing, the ones that are succeeding in getting those numbers up—and you go back in time and see what was step one—step one for those districts—whether it's Charlotte, North Carolina, or Sacramento, step number one is strong comprehensive educational standards, curriculum aligned to the standards, assessments aligned to the curriculum. And that is the first step on the part of the new leadership of D.C. Public Schools, which makes me have some level of comfort that we are on the right track. Because if that is what the research shows should be your first step, and we are taking that first step, to the point where one of Dr. Janey's assistant superintendent's said, "We're going to be doing in 7 months what Massachusetts did in 7 years," that gives me some sense that I think we're on the right track this time around. And I just wanted to say that.

Senator BROWNBACK. Well, we're going to be pushing from this side on it, as well.

I thank you all very much, and I wish you all the best as we work together on these issues.

We'll call up our second panel: Ms. Juanita Wade, director of D.C. Education Compact; Ms. Ariana Quiñones, executive director, D.C. Charter School Association; Ms. Doris Olaseha, parent of three D.C. Public School public education students. We invite you to come forward to present on this panel.

Thank you very much, ladies, for being here. I would like for you to stay within the 5-minute time deadline so we can make sure to get through the testimony. Your written statement will be completely put in the record. I, personally, appreciate summaries and speaking from the heart, myself. But you can all do what you would like.

Ms. Wade.

STATEMENT OF JUANITA WADE, DIRECTOR, D.C. EDUCATION COMPACT

Ms. WADE. Chairman Brownback, Senator Landrieu, Principal Rosenthal, if he's still here, thank you for the opportunity to present testimony to you this afternoon.

Senator BROWNBACK. Hold on a second, if you could. People in the crowd, if you could take your conversations outside, we'd sure appreciate that. The acoustics are not that good here.

Ms. WADE. Thank you.

My name is Juanita Brooks Wade. I'm director of the D.C. Education Compact. It's a broad-based collaborative of education stakeholders representing public officials, parents, teachers, principals, foundations, businesses, higher education, community-based agencies, and students from across the District.

In the early part of 2004, a small group of education stakeholders came together. Their interest was in developing a consensus agenda for the D.C. Public Schools. They saw that a consensus agenda could create a safe space for dialogue about the critical issues facing the DCPS and its students, articulate the elements of a reform agenda around which there is broad agreement with the D.C. community, and build a culture of collaboration. With this vision in mind, that small group created the D.C. Education Compact.

I want to acknowledge the participation of the Fannie May Foundation, the Kimsey Foundation, and the National—the Community Foundation for the National Capital Region, in particular. Their resources helped make the DCEC process happen.

At the founders retreat in November, participants affirmed the ideal of individual and collective responsibility to make a promise to each other to put aside their parochial, their individual, and their political differences to make sure that they were working together. They wanted to keep their eyes on the prize. We wanted to keep laser-focused on the goals of improving the D.C. Public Schools and enhancing student achievement.

The Compact founders recognized early on that sustaining the student improvement is only possible when the school district and the whole community work in concert with each other and in partnership. The personal, social, and economic implications of our shared responsibility are enormous. To date, more than 1,500 edu-

cation stakeholders have participated in the D.C. education process.

Working together since November, the Compact has made significant progress. In the interest of time, I won't articulate them all, but one of the things we did that we're most proud of us is the partnership with the DCPS. Hundreds of dedicated volunteers worked to help craft the DCPS strategic plan that focuses attention on three critical areas: teaching and learning, national systems, and communications. Improvement in these three areas is fundamental to reform in our schools. The strategic plan has as its core values the culture of learning, valuing the abilities of all children, a culture of excellence ensuring effectiveness and efficiency, and a culture of open engagement promoting open and engaging policies and practices.

The problems in the D.C. Public Schools didn't come about overnight, and they certainly won't disappear overnight. The reality is that the problems have been in place for a very long time. No one superintendent, no one mayor will turn this system around. Real system reform requires the complete and undivided attention of a broad cross-section of stakeholders to guide, shape, and support the reform process. They need the DCPS to clearly be part of the education master plan. They need government to provide consistent funding and ensure that policies and regulations are adjusted to support that reform process. They need business to show models of excellence, particularly in the area of procurement, human resources, facilities management. They need foundations to help provide funding to fill the gaps around human services and education and innovation and change. And they particularly need higher education to provide support and training for teachers and educational leaders. I think most of all they need to support and create an open environment for parents.

The DCEC has, and will continue to play, a role through the implementation process, the critical role of building consensus and public will around support for public education in the District, creating, again, a safe space for stakeholders to participate in dialogue, convening the sectors around their commitments. And many of the business and foundation sectors have made significant commitments to working with Dr. Janey in coordinating the partnership with DCPS, holding all of the parties accountable.

Dialogue must be followed by action. We're committed to help bring change to public schools. We invite every parent, family member, community provider, business person, and youth to sign onto the compact. And if you go to our website, www.dcec.org, you can sign on and find a way to volunteer. We're committed to working with Dr. Janey and his leadership in the broad community to bring about change in the DCPS.

Thank you.

Senator BROWNBACK. Thank you very much. You're a very impressive lady and that was an impressive presentation. Thank you.

[The statement follows:]

PREPARED STATEMENT OF JUANITA BROOKS WADE

Thank you for the opportunity to present testimony to you this afternoon. My name is Juanita Brooks Wade; I am the Director of the D.C. Education Compact (commonly called the DCEC or the Compact). The D.C. Education Compact is a

broad based collaborative of education stakeholders representing public officials, parents, teachers, principals, foundations, businesses, higher education, community-based agencies and students from across the District.

In the early part of 2004, a small group of education stakeholders came together. Their interest was in developing a "consensus agenda" for the D.C. Public Schools. They saw that a consensus agenda could create a safe space for dialogue about the critical issues facing the DCPS and its students, articulate the elements of a reform agenda around which there is broad agreement with the D.C. community, and build a culture of collaboration. With this vision in mind, that small group of committed individuals began the process to create the District of Columbia Education Compact. I want to acknowledge the participation of the Fannie Mae Foundation, the Kimsey Foundation and The Community Foundation for the National Capital Region, in particular. The resources that they have made available to DCEC have been invaluable to this process.

Formed in the fall of 2004, the DCEC has as its core mission a commitment to ensure that our schools provide excellent student achievement for all of our children in the District of Columbia. The DCEC is dedicated and committed to this mission above and beyond any individual, parochial and political interests. The DCEC is committed to developing and implementing short and long-term action plans to accomplish this mission.

At the founding retreat in November, participants affirmed the ideal of individual and collective responsibility; and made a promise to each other that we would refuse to be divided by parochial or partisan concerns. We would keep our eyes on the prize. We would keep a laser-like focus on the goals of improving our schools and enhancing student achievement.

The Compact founders recognized early on that sustained school improvement is only possible when the school district and whole community work in concert with each other and in partnership. The personal, social, and economic implications of our shared responsibility are enormous. Top date more than 1,500 education stakeholders have participated in the DCEC process.

Working together since November the Compact has made significant progress—our achievements include:

—A culture and structure of ongoing collaboration between DCPS and all education stakeholders in the District.

—Thousands of human hours of work by volunteers representing stakeholder sectors across the district.

—A shared framework adopted by all participants for use in analysis, synthesis, reform proposals, and benchmarks for future accountability.

—A comprehensive reform agenda around which there is broad agreement within the D.C. community.

—A fresh sense of enthusiasm, trust, discipline, and accountability among all participants.

—A long-term commitment to work into and beyond the implementation of current reform proposals.

And finally, in partnership with DCPS hundreds of dedicated volunteers worked to help craft the DCPS strategic plan that focuses its attention on three critical areas: teaching and learning; management systems; and communications. Improvement in these three areas is fundamental to reform in the DCPS. The DCPS strategic plan has as its core values a culture of learning—valuing the abilities of all children; a culture of excellence—ensuring effectiveness and efficiency; and a culture of open engagement—promoting open and engaging policies and practices.

Our children and their academic achievement—for every public school student, in every classroom, in every school—live at the heart of our efforts. Around their promise and potential, we focus on our schools, on safety and security for those schools, on the support systems that make schools work effectively and allow learning and teaching to take place, and finally on the broader community. As a city, we must bring a shared sense of impatience and urgency to our commitment to work with DCPS to achieve the academic excellence our children deserve.

You may ask: Why now? What's different? and Is this hope for a bright future real? The answers to those questions must be unequivocally clear.

The problems within D.C.'s public education system did not appear over night. They represent the outcome of years of poor and inconsistent leadership, they represent the outcomes from years of mismanagement and disinvestment, and they represent the disregard for human capital. The reality is that these problems will also not disappear overnight. The reality is that no one superintendent, school board or mayor will turn this system around. Real system reform requires the complete and undivided attention of a broad cross section of stakeholders to help guide, shape and support the reform process. The reform process requires:

DCPS: to provide the master vision for public education in the District of Columbia; to provide strong leadership and clear direction for school reform; to provide open communication with all stakeholders; and clear accountability.

Government: to provide consistent and appropriate funding; to ensure that policies and regulations are adjusted to meet the needs of the reform process; and finally to provide a sense of patience and support during the change process.

Business: to provide models of excellence, particularly, in the areas of management and operations (IT, procurement, human resources, facilities, etc.); to provide much needed human and material resources; and to opportunities for exposure and internships for their future workforce.

Parents/Residents: to seeking training and support to become fully engaged in supporting their child(dren)'s education; to become a consistent and active voice for quality education for all of the District's children; and become a local partner in school-site improvement.

Foundations: to provide gap funding in the areas of education and human service innovation and change; to help their colleagues push the agenda and dialogue around school reform; and provide resources and support to the local social/community infrastructure of community based agencies that work closely with schools supporting students and their families.

Higher Education: to help define and provide support and training for teachers and educational leaders; to provide opportunities for school-age students (of all ages) to be exposed to post-secondary campuses/programs; and help frame the long-term discussion around school reform.

Teachers, Principals and School Personnel: to provide open and welcoming school environments for parents and local residents; set-aside parochial labor debates and engage in discourse that puts student achievement first; support a strong culture of learning for all.

Students: to take individual and collective responsibility for your own education; seek out opportunities to advance your learning; and use your learning to give back to your community.

Community-Based Organizations: to provide support to students and their families to help eradicate the barriers (health issues, housing issues, employment issues, etc.) to full engagement in the D.C. public schools; strengthen your internal capacity to define clear standards for operation; and help organize parents and residents around community dialogue about education.

The sectors have all made significant commitments to the DCPS reform effort. You can read the particulars of their commitments and the full text of the D.C. Education Compact reports (volume I and II) online at www.dcec.org. These commitments, while made in earnest, will only be realized through the long-term concerted efforts of the D.C. Education Compact.

The DCEC has and will continue to play, through the implementation process, the critical role of building consensus and public will around support for public education in the District of Columbia; creating a safe space for stakeholders to participate in dialogue; convening the sectors around their commitment; coordinating the partnership with DCPS; and holding all parties accountable to this effort.

There are no quick fixes and the work is not easy. The DCEC's primary role remains our ability to bring a comprehensive range of stakeholders to the table, providing constructive insight, criticism, support and resources.

In close partnership with DCPS and District officials, we pledge to continue to engage the broad community in dialogue about internal needs and action on potential solutions for our schools. We will continuously listen, educate, and inform the public in order to build consensus around a common agenda that is responsive, responsible, and sustainable. Conditions will continue to evolve, but DCEC will maintain an ongoing, constructive dialogue among the District, the Superintendent, the school board, the community, and the Compact. DCEC will promote the communication of good news about the school system, while supporting the Superintendent and Board of Education in building and maintaining momentum for our common goals and initiatives.

Over the next few months, Dr. Janey and his DCPS leadership team will be working with the DCEC to outline his implementation strategies around professional development for teachers and principals, training and support for parents around the learning standards, the expansion of parent resources centers in the district, open communication with parents and residents, and many others. The DCEC will remain a constant in that process.

Dialogue must be followed by action. We are committed to help bring change to our public schools. We invite every parent, family member, community neighbor, service provider, business person, youth, funder and public official to take action with us. Sign on to the D.C. Education Compact. Invite your colleagues to join you

in a commitment of their time, talent and resources. Sign on at www.dcec.org or by calling 202–274–8139. Let us know what you think, what you believe, and most importantly, what you are willing to commit to bring to our children's future.

Thank you.

Senator BROWNBACK. Ms. Quiñones.

STATEMENT OF ARIANA QUIÑONES, EXECUTIVE DIRECTOR, D.C. CHARTER SCHOOL ASSOCIATION

Ms. QUIÑONES. Good afternoon, Chairman Brownback, Senator Landrieu, and staff. Thank you for the opportunity to speak to you today.

My name is Ariana Quiñones, and I'm executive director of the District of Columbia Public Charter School Association, and we represent all the charter schools here in the District of Columbia.

Senator BROWNBACK. Get that really close to you, if you will. The acoustics are bad, or my ears are getting bad. Maybe it's both.

Ms. QUIÑONES. At the association, D.C. charter schools is one of three education delivery systems available in the District of Columbia, the District schools, the charter schools and the nonpublic schools. And I believe that charter schools can play a complementary role to DCPS by filling gaps in their educational offerings and increasing access to special programs by looking at various parts of the city, and doing it in a relatively quick manner.

I'm just going to just read off some highlights from my testimony.

And the first point is recognition of the role of Dr. Janey as the chief state school officer. The charter school sector is still somewhat a second-class citizen in the District educational landscape. The association is working to elevate the visibility of the public charter schools as a key provider of the educational services to the District's residents and, thereby, shift the default setting from DCPS as the educational provider to considering all three education sectors. And we're working to establish the association as a quasi-central office for the charter schools in order to ensure their representation to facilitate their participation in educational conversations and decisionmaking in the District, and, additionally, to make it easier for people like you and individuals who are trying to connect to the public charter schools to not have to go individually to 42 different charter schools or campuses to talk to them. If we recognize that the District has 43 school districts now, as well as over 100 nonpublic schools today, then the State functions and the role of Dr. Janey as the chief, rather than as the superintendent, become more important. So, you will hear the charter school representatives referring to Dr. Janey not as Superintendent Janey, but as Chief Janey.

The second point is a clarification of the local and State education agency functions. With close to 60,000 students now in D.C. Public Schools, 16,000 in charters, and 21,000 in the nonpublic schools, we now have three very prominent education sectors. It's no longer effective or efficient to consolidate those local and State functions within one entity, the DCPS, in the current manner. One specific example of the challenges presented by the lack of a true State education office is serviced when we consider student transfers. If a student is truant and suspended for more than 25 days, or expelled from a charter school, DCPS right now does not have to admit that student into its alternative schools, the public-choice

academies, because the alternative schools are supported by local education funds. So, in other words, the charters exist as their own school district. In theory, they would have to take care of those students within their district. But, as you know, most charter schools are a single school; they don't have the infrastructure to maintain their own alternative schools. So, one possible solution is for the State education agency to operate the alternative schools in the DCPS as the local to operate it, so any student living in the District, regardless of the school that he or she attends, could be admitted to the alternative school if that was necessary.

The bottom line is, it's not good practice to have children out on the streets and not in school, so this is something that could be facilitated by really working with DCPS as the State, rather than the local.

The association is supportive of efforts within DCPS to clarify and separate these functions, first, beginning with the revision of the District of Columbia municipal regulations known as DCMR5 that govern public schools, and also the development of separate organization charts, the subsequent elimination of a single individual within DCPS having responsibility for both State and local functions, and ultimately we would advocate for the actual physical separation of the two, resulting in two distinct entities.

My third point is collaboration with DCPS. As I stated earlier, besides the charter school sector, and also providing complimentary educational options within the District. The charter community is interested and working to support all D.C. students and families across the sector. We have lots of work at DCPS to find ways to work cross-sector and to work with DCPS as the State to promote the educational offerings of the District. Some possibilities would include joint activities such as an annual showcase of public schools, a production of a State directory of all public schools, joint professional development, and methods to share best practices, purchasing of services by charter schools from the DCPS central office, such as textbook purchases or even Medicaid billing, discussions around the development of, as I mentioned, State-level truancy center or alternative school, also the coordination of data for State and Federal reporting, and to facilitate the transfer of student records when a student moves from one school to another, and involvement in discussions of co-location, consolidations, and closings, and locating new programs to ensure coordination of the school facility planning across all sectors.

A fourth point, charter school facilities. This continues to be a priority area for the charter schools. And with new schools opening each year, the demand for appropriate facilities and the funds to improve them is not diminishing. And at the same time the charter school enrollment is increasing, the DCPS enrollment is decreasing, so we see a win-win opportunity here for charter schools to work with DCPS on the co-location issues and moving into surplus facilities, as was mentioned earlier.

Senator BROWNBACK. If you could wrap up, please.

Ms. QUIÑONES. It's important that D.C. school children are in school buildings in appropriate facilities and not in makeshift schools like warehouses and churches, where they have had access to, or lack of access to, some of the traditional kind of standard

things we want to see in schools, such as a cafeteria, gymnasium, auditorium.

We also have an interest in discussing the $13 million school improvement funds from Congress. And there are four large themes that have emerged from our discussions with the authorizers and some of the other stakeholders in the District. The first is charter school facilities financing. We know that's a priority. The second is unmet needs. The per pupil funding allocations for very small schools and schools that are started that don't have the full capacity makes it difficult to deal with the dis-economies of scale of being that size. And some of those important things, like a playground, are not being able to be met through the funding in those early years. And so, some ability to meet those gaps in early start-up schools.

Also, quality assurance and school improvement. We know that facilities are very important. At the same time, we want to make sure the schools we put inside those facilities are operating at their highest potential.

And then, last, the concept of a quasi-central office. As the charter school sector expands, it is clear some of those backoffice functions are much more cost effective when they are done by the schools pooling their resources, rather than having to have those administrative costs and activities independently. So, this kind of central office could deal with issues like a procurement function in a way that would not infringe upon the timing of the charter schools.

So seeing the establishment of some of these functions is an important investment that will allow the schools to reduce their administrative costs and reprogram their funds back into the educational program.

So, in closing, I just want to emphasize that it's important to shift the looking at DCPS from the educational provider to be one of three now in the District. Clarifying the State and local functions is really a critical part in the reform of D.C. Public Schools, and that we are willing to—the charter school sector—to work with DCPS—to ensure that all students have all their options in the District.

Thank you.

Senator BROWNBACK. Thank you very much.

[The statement follows:]

PREPARED STATEMENT OF ARIANA QUIÑONES

Thank you for the opportunity to speak to you today. My name is Ariana Quiñones-Miranda and I am the Executive Director of the District of Columbia Public Charter School Association (DCPCSA). I am happy to make myself and the Association staff available to you for information about the public charter schools in the District.

At the Association, we view public charter schools as one of three education delivery systems available in the District of Columbia—district schools, charter schools, and non-public schools. Although competition is often mentioned in conversations about the role of charter schools in public education reform, it is not about competition for competition's sake. It is about providing quality educational options across all three sectors without undermining the strength of any one of the sectors. And in fact, in the District of Columbia, I would suggest that the charter schools are more of a release valve, giving DCPS room to regroup during this period of transition and renewal.

We have an opportunity to support educational options in a strategic way by having dialogue with DCPS officials as they work to develop the Education "Master Plan," rewrite the District of Columbia Municipal Regulations (DCMR 5) for the Board of Education, and otherwise work to improve the policy and program infrastructure in the District.

There are five main points I wish to cover today: (1) Recognize the role of Dr. Janey as the Chief State School Officer; (2) clarification of local and state education agency functions; (3) collaboration between public charter schools and DCPS; (4) charter school facilities; and (5) allocations of the $13 million.

Recognize the Role of Dr. Janey as the Chief State School Officer

Clarification of Local and State Education Agency Functions

The current consolidated Local Education Agency (LEA)/State Education Agency (SEA) within DCPS was at one time a very practical decision that saved the District money because one person or one office could carry out both functions.

We now have three education sectors in Washington, DC (district, charter, and non-public schools) and we have a critical mass in each sector. It is no longer effective or efficient to consolidate the state level functions within DCPS in the current manner.

—Internally at DCPS there is some confusion about the state level functions. In terms of charter schools, some staff believe that they are to only serve the charter schools that are approved under the Board of Education, if at all.

—Staff who do understand that they are to serve all schools in the District of Columbia, often do not have the capacity or budget to do so effectively.

—Some personnel have grades that are lower than that of a school principal, yet wearing their "SEA hat" they must monitor and enforce compliance functions in the schools.

A specific example of one of the challenges presented by the lack of a true and distinct State Education Office is surfaced when we consider student transfers. If a student is truant, suspended for more than 25 days, or expelled from a charter school, DCPS does not have to admit that student into its alternative school (Choice Academy) because that alternative school is supported by local education funds, not state funds. Charter schools are considered to be their own local education agency, in other words, they legally exists as a separate school district. Therefore, the DCPS view is that the charter school (as a district) is responsible for providing an educational alternative for that student. Although each charter school has legal "school district" status, it does not actually operate as a school district with a central office nor could it sustain its own alternative school. One possible solution is for the State Education Agency to operate the alternative school instead of DCPS so that any student living in the District of Columbia regardless of the school s/he attends, could be admitted to the alternative school.

The Association is supportive of efforts within DCPS to clarify and separate these functions beginning with the revision of the District of Columbia Municipal Regulations (known as DCMR 5) that govern the public schools, the development of separate organizational charts, the subsequent elimination of a single individual having responsibility for both state and local functions, and ultimately, we would advocate for the actual physical separation resulting in two distinct entities.

Collaboration with DCPS

The charter community is interested in working to support all D.C. students and families across all sectors. We would like to discuss joint activities such as: Annual showcase of schools (DCPS and Charters); produce a "state" directory of all public schools; joint professional development; charters "buy" services from DCPS such as Medicaid billing; and co-location in DCPS Buildings.

Let's keep D.C.'s school children in school buildings, not warehouses, churches, office buildings, etc. Commercial property was not designed for kids (no auditorium, gym, cafeteria, recreation fields, science labs, nurses office, etc.).

DCPS buildings can house approximately 95,000 students but audited enrollment count is 58,785. There is room for about 36,215 more kids. Charters have over 15,000 students enrolled this year, so no need for charters to have to go to commercial market for space since DCPS has so much available.

DCPS does not have adequate capital budget to maintain buildings and is wasting money on underutilized building. Charter schools on average spend $101 per square foot to renovate their school buildings. So far, the DCPS Long Range Facilities Master Plan is generating expenditures of $292 per square foot. So if charters can make improvements to the DCPS facilities at a cost lower than DCPS itself can.

The city budget for education is growing each year. Since the first public charter school opened in 1997, DCPS's annual operating funding has increased from $479

million to $568 million, even though its enrollment has declined by approximately 17,000 students during that period (to charters and non-public schools). The charter school budget is going up as well as more charters open and more students enroll. The city is feeling the pinch.

If charters could co-locate in DCPS schools, the facilities allowance (approximately $2,300 per pupil this year) in the form of lease payments could go directly to the local school for facilities upgrades. Then it's a win-win for both in a manner that would not foster "competition" among the two schools. For example, when Two Rivers PCS located in Elliott JHS, it very quickly made impressive improvements to the space, but Elliott remained the same. So some kids get nice, improved space while others in the same building get space that really needs improvements and that does not endear the charter school to the DCPS school!

If DCPS principals knew they could count on the lease payments to help fix their buildings (and not go to some inaccessible pot of money within DCPS) they would be more motivated to co-locate with charter schools.

Keeping DCPS Buildings in the DCPS Inventory

It is likely that the school-age population may increase slightly as more and more development and gentrification happen in the District of Columbia and more families move back into the city. As it stands currently, DCPS has many buildings that are significantly underutilized and are candidates for closure. If those schools are deemed surplus and go the Mayor's inventory, they may be lost forever to developers.

In all, 84 (57 percent) of DCPS's 148 schools are at least 25 percent underutilized and 60 (41 percent) are 40 percent or more underutilized. Co-location with charters may be a means to keep buildings in the DCPS inventory in a financially viable way. DCPS may be able to identify the top 60 schools that are 40 percent or more underutilized and give those principals an option saving the school by leasing the extra space to a charter school (or other youth service agency, library, recreation center, etc.).

Diversion of Revenue to the Commercial Market

The charter school community appreciates the support from the Council surrounding the facilities allowance, particularly in the fiscal year 2005 budget. And we all recognize the cost to the city for the acquisition, renovation and lease of educational facilities is great.

As we move forward to discuss funding and management options for educational facilities, we must all turn our focus toward efficiencies in the way District funds are used. Currently, there are an estimated 4,854 public school students attending school in commercial rented space. This is costing the city $11.5 million this year. This figure is the net facilities allowance appropriated to each public charter school that has been forced to turn to the private market to secure facilities due to lack of public space. These charters, had they been co-located in DCPS buildings or leased space in surplus DCPS buildings, could have instead paid equivalent rent toward the public school system or back to the city, and in both cases, could have allowed for cost-effective improvements to the facilities.

School	Fiscal year 2005		Fiscal year 2006 (est)	
	Enrollment	Amount	Enrollment	Amount
Booker T Washington	235	$559,300	255	$707,625
Cesar Chavez	400	952,000	900	2,497,500
Community Academy (Butler)	164	390,320	200	555,000
D.C. Bilingual	122	290,360	172	477,300
EL Haynes	138	328,440	194	538,350
Eagle	135	321,300	125	346,875
Elsie Whitlow Stokes	250	595,000	250	693,750
Jos-Arz	70	166,600	70	194,250
KIPP	320	761,600	405	1,123,875
LAMB	60	142,800	84	233,100
Marriott	150	357,000	150	416,250
Mary McLeod Bethune	124	295,120	250	693,750
Meridian	630	1,499,400	655	1,817,625
Next Step	72	171,360	72	199,800
South East Academy	695	1,654,100	700	1,942,500
Thurgood Marshall	205	487,900	280	777,000
Tri-Community	228	542,640	368	1,021,200
WMST	350	833,000	380	1,054,500

School	Fiscal year 2005		Fiscal year 2006 (est)	
	Enrollment	Amount	Enrollment	Amount
William E. Doar	226	537,880	224	621,600
Young America Works	280	666,400	225	624,375
TOTALS	4,854	11,552,520	5,959	16,536,225

Notes: Fiscal year 2005 enrollment numbers are budgeted projections from schools, consistent with the fiscal year 2005 budget. Since the fiscal year 2005 audit has not yet been finalized, these numbers are the most accurate available. Fiscal year 2006 enrollment and projected funding are not yet final, and are based on an estimated allotment of $2,775 per non-residential student.

Had DCPS made space available to charters, this rent could have paid for the entire roof replacement at Wilson, replaced windows in 25 "small school" projects, and replaced 4 boilers. Instead, the city funded these projects in the DCPS Capital budget, and will pay the interest for 30 years.

The Association in no way advocates for the reduction of neither facilities allowances nor capital funding for educational facilities. However, we do recognize the importance of more strategic investment within the city's limited funding. We view the re-direction of the facilities allowance from commercial leases to DCPS under-enrolled or surplus properties as a strategic way to keep facilities funding in the city, and maximize the resources that ensure appropriate facilities for all public school students.

In closing let me add that at least one charter school is paying over one million dollars in lease payments annually. Think about how much better that money could be spent on the academic program or the impact it would have on improving a DCPS facility. We have an incredible opportunity here to do what's right for kids by ensuring that they have appropriate learning environments and that the adults responsible for their learning are not spending a disproportionate amount of time on the facilities issue.

Senator BROWNBACK. Ms. Olaseha, you're the consumer we're trying to target. You have three children in the D.C. Public Schools, and we want to hear from you. What is it we should be doing to see that these schools improve for your children?

STATEMENT OF DORIS OLASEHA, PARENT

Ms. OLASEHA. First of all, I would like to say good afternoon, Senator Landrieu, Senator Brownback. I would like to thank you for the opportunity to speak this afternoon.

Again, my name is Ms. Olaseha, and I do have three students in the D.C. Public School system. One of my students attends a public charter school. And I might add, I'm quite pleased with that school. I have another who attends a traditional school at the high school level, and another attending a traditional school at the middle school level.

Before I begin my comments, I would just like to say, at the outset, I do not come here as a subject matter expert. I don't even come here as a representative of other parents. I do come, however, to share with you my experiences and my perspectives as a parent of children attending D.C. Public Schools.

I value my children's education. I let my children know that I value their education. And I want my children to value education. And that is why I send them to school. As I mentioned before, I do have three students who attend the public schools. And, as a parent and as an advocate of my children's education, I hold myself accountable for my children's education, for their success. I hold my children accountable for their education and for their success. And I hold the school accountable for my children's education and for their success.

You know, it occurs to me that public school education may be the single-most major institutional influence in the lives of most

children. Thus, a heavy burden befalls public schools to work to ensure our children's achievement in school and beyond.

Now, imagine this with me: A school where students are held accountable for their progress, held accountable for completing all classwork and homework; a school where students are not ignored, nor are they discounted when they don't succeed, but, instead, they're encouraged to succeed; a school where low-performing students are not dismissed as failures, but they're reminded of how valuable they are; a school where low-performing students are tutored and mentored and partnered with other professionals and even peers for academic achievement; a school where parents are notified and kept apprised of student's progress before the report cards come out; a school where teachers and parents endeavor to bond and to connect for the good of the student; a school where faculty and staff openly convey a love for learning, a love for helping the student to learn.

Well, for me this is more than just a mere imagination. I know of such a school. One of my children attends a public charter school—namely, Thurgood Marshall Academy. Now, I don't mean to suggest that the school is perfect. We are still growing. But I am pleased to have identified and to have enrolled my child in such a school where the concern is for a student. And one of the things I'm willing to say about the school is that they are willing to be creative in the curriculum, or, rather, creative in the presentation of the curriculum, to incite interest and a desire to learn among the students.

My students have also attended private schools. Again, I do value education. And in the pursuit of having a decent education for my children, I have found that all children don't learn in the same manner. I've also found that all schools are not created equally. Thus, I have sought out private schools, as well as different public schools. I've even sought out institutions of education where the opportunity for a tutor is available.

Last—or, rather, early this year, I had one of my children assessed at one of the learning centers, because I wanted to get a feel for where her strengths were and where her weaknesses were. The assessment alone cost $200. The center came up with a curriculum for my child, a 10-month curriculum of 6 hours per week. The cost was in excess of $10,000. I'm not a rich woman. I couldn't afford it. Okay? The assessment alone, of $200, was enough for me.

When I heard about a school in southeast Washington, a charter school that has, as a regular part of its curriculum, a mentoring element and a tutoring element, and I thought to myself, "This is a godsend." Initially, I did not believe it. I thought surely such is not the case, particularly in southeast. But I did check the school, and I'm pleased that I have enrolled my child, and I do plan to enroll a second child there next year.

These are some of the positives. Conversely, some of my experiences have been met with less productive encounters. One of my children, who is in a traditional middle school, who is a pretty bright student, has been less than successful. My daughter's first year at her middle school was encountered with a low-performing math program, and it saddens me that, of all the courses, the math program was the one that performed so incompetently.

I want to point out that I don't have any particular preference or prejudice for whether a hearing or a deaf person teaches my children, but this particular year my daughter had a deaf math teacher. Long story short, the math program was basically dysfunctional. I don't know if the teacher finished out the year there, but, in the end, those same students had to be remediated the following year in math.

Senator BROWNBACK. Ms. Olaseha, please wrap up, if you can, so we can have some questions.

Ms. OLASEHA. They had to be remediated in math. Now, I commend the administrators for their efforts to try to resolve the problem and try to make good on what occurred earlier by remediating the children, but this should not occur, because, ultimately, the students lose out.

And I would like to echo something Senator Brownback said. We don't have a lot of time, because those same students who missed out on their math program are moving on to other things. And just that very situation alone can translate to a major setback for them.

Again, I don't present myself as an expert, but I do think there are various stakeholders that can make a difference—of course the school, the school system, legislators, and definitely parents. And parents—I would like to just comment here—do not insignify your role in your child's education. We do have power. There is strength in numbers. But we must act. We must act for our children's well-being. And I believe with all of us working together, with all stakeholders working together, we can make a positive difference in our children's lives, not only in school, but beyond that time.

Thank you for your time.

[The statement follows:]

PREPARED STATEMENT OF DORIS OLASEHA

Good afternoon, Senator Landrieu, Senator Brownback, Congressmen and Congresswomen here assembled; Dr. Janey and D.C. Public School officials; parents, students and other stakeholders. My name is Ms. Olaseha and I am the parent of three D.C. Public Schools students.

I am pleased to have been invited to share my perspective, as a parent, on D.C. Public Schools. I want to point out from the beginning, I do not come to you as a subject matter expert on the issue. I come sharing my experiences and perspectives

As a parent, as an advocate of my children's education, I hold myself accountable for their success in school; I hold my children accountable for their success in school; I hold my children's schools accountable for my children's success in school. I value education. I let my children know I value education. I want my children to value education. That is why I send them to school. One of my children attends a traditional; i.e., non-charter, high school; one, a traditional middle school; and the other, a charter school.

I suspect public school education is probably the single most major institutional entity that shapes our children's lives. Thus, a heavy burden befalls public schools to work to ensure our children's achievement in school and beyond. Imagine this, a school where students are held accountable for completing all homework and class work, and are not ignored or discounted when they don't do so, but encouraged to succeed; a school where low-performing students are not just dismissed as failures; a school where low-performing students are tutored and mentored and partnered with other professional and peers for help; a school where parents are notified and kept apprised of student progress (prior to report card time); a school where teachers and parents endeavor to bond and connect for the good of the student; a school where faculty and staff openly convey a love for learning and a love for helping students learn and succeed; a school that works creatively to incite student interest. Well, I am pleased to say that I not only imagine these things, I experience such things at my child's public charter school, Thurgood Marshall Academy (TMA). I appreciate the fact that the school does not lower its standards in order for the student

to gain the appearance of success, but instead, employs creative means to help students succeed. I've seen similar successes in the traditional schools my children have attended, as well.

Conversely, my children have been enrolled in DCPS that lacked resources including competent administrative management; competent teachers; sufficient supplies and parental support. One of my children attended a school that, for all practical purposes, did not have a viable math program. When I addressed the school administration about the math teacher's display of incompetence, I was basically told "we hire whoever we can get." On the one hand I was appalled at the response. But as the administrator pointed out, at the time it was an alternative to no teacher at all. I do not recall whether the math teacher finished out the year with the subject school, but the end result translated to having no math program at all because the following school year, the students, promoted to the next grade level, were remediated in the previous year's math curriculum due to the lack of a competent program the previous year.

The foregoing example is but one situation that plagues schools and hinders teaching and learning. Large class sizes are yet another problem. I don't mean to suggest these are the only problems that exist and I'm not prepared to offer the all the logistical solutions to these and other problems that may appear to plague DCPS individually, and possibly, collectively; however. " What's a parent, teacher, administrator to do?" I asked myself. Components of the No Child Left Behind Act are definitely a step in the right direction. I am pleased for the opportunity to choose which DCPS my child attends. As a result, I have opted to maintain my child's enrollment in a charter school and to enroll another of my children there, as well.

In closing, I share these final thoughts. I believe quality education should be afforded all students, despite their social and/or economic environment, despite their learning styles and needs, despite the locality in which they live. All the plans, suggestions and legislation in the world don't count if there's no effective implementation and execution. Though arduous may be the task of executing a system to meet the numerous and diverse educational needs of its students, the results are sure to have benefits in school and beyond.

Thank you for your time.

Senator BROWNBACK. Thank you. And thank all of you.

Ms. Quiñones, I want to look at particularly—you made a number of pretty concrete recommendations of what we need to do on the charter school movement. It sounds like you've had a pretty good chance to think through this maturing group. The backoffice ideas, I thought, really represented a good money-saving approach to be able to get more money here.

The co-location issue, Senator Landrieu has mentioned and you talked to as well, are you getting pretty good participation from the D.C. Superintendent's Office and the D.C. Board of Education on the co-location issue? That question came up in the last panel, and I'm not sure what I heard for an answer. I would like to get your thoughts on it.

Ms. QUIÑONES. I think we're definitely making progress. We have the will to make this happen. There's definitely recognition of losing out on resources to the commercial market that really could be brought back in to help supplement the capital budget and operating budget. But from the charter perspective, we're not quite there yet. One of the challenges has been, with the passing of the co-location guidelines, that it happened pretty late into the school year. And so, there are still more steps that need to happen to actually get a lease signed by a charter school.

So, we're not holding our breath, but we're still hopeful that a few schools may actually get a lease signed to be able to co-locate for this upcoming year.

Senator BROWNBACK. Let me get to a finer point. So, you think you're making progress in the negotiation of co-location, but you're

not there yet on really getting a good seamless interaction with the superintendent's office and the board.

Ms. QUIÑONES. We have pretty good communication, but part of it is that DCPS is part of a larger bureaucracy, so we still have layers to go through. So, while we can interact with Tom Brady and some of the others, it is not one person that can make the ultimate decision. That's part of it, is just going through the redtape to actually make it happen.

Senator BROWNBACK. That's fair enough. We just want to make sure you're getting a good discussion, and that's moving forward. Where do you see us topping out on charter schools? Senator Landrieu was commenting to me here about—the number here is quite high, relative to other urban settings, and it certainly looks like, to me, it's high. Are you topping out now, or do you see this moving on forward?

Ms. QUIÑONES. We're probably number two or three in the country, after Dayton, Ohio, and Kansas City, in terms of the sort of market share of charter schools. One of the things that is happening is really—with the facilities, that's becoming an obstacle to getting more schools in the pipeline. If there are strong applicants, they can get through that process, but they get stalled, in terms of opening, and a few have had to delay their openings because of that challenge. I do think, also, in a sense, the market can only bear so many schools, so we may come to a point relatively soon where we don't actually have a cap, but there could be a sort of de facto cap.

Senator BROWNBACK. I don't want to call it a cap, but I'm just saying, as you're in this market, you've grown explosively. Is that growth continuing to take place?

Ms. QUIÑONES. Yes, it is. As was mentioned, still, the majority of charter schools have wait lists. There's still incredible demand from the parents. I don't see the movement slowing down any, for those reasons.

Senator BROWNBACK. What is driving it? Why are you growing at such an explosive rate?

Ms. QUIÑONES. I would have to say a lot of it has to do with the dissatisfaction with a lot of the schools in D.C. Public Schools, and as more parents become aware of how charter schools are performing, and through word of mouth they're finding out from family and friends that these are safe, quality options, there are more and more people that are coming to charters and looking to charters to provide a safe place and a quality school for their children.

Senator LANDRIEU. I just wanted to add, Mr. Chairman, why it's so critical for us to get this space dilemma corrected as quickly as possible. Here you have 16 million square feet of space the taxpayers have already paid for. Five million square feet is not being used. And on this side you have hundreds of people waiting in line to get in schools, but they can't, because there's no space. So, our subcommittee, last year, after working—or trying to work for 4 years in a very cooperative way with the school board, finally said, "Enough's enough." And so, we put some very strong language—I would have liked it even stronger—to try to get the school board, on behalf of the citizens of the District, to identify the surplus property so it could be turned over in an appropriate way at mar-

ket value—at a market value, with a discount which was established by the city, not by us—established by the city—a 25 percent discount. It was their choice to give the discount. We just said, "Just get it to them and let the schools then co-locate." In addition, the benefit to the host public school—this could potentially be one. I'm not sure about Hine. It may be full. I'm not sure. But the charter schools have such flexibility, which is good. They can renovate their own space and perhaps even help renovate in some ways—I can't promise this, but they have such flexibility, maybe they could renovate some common space that would benefit the public—traditional public school, as well.

So, I really want our subcommittee to focus on this facilities issue, because we really should be meeting the demands, as much as we can, of the parents, and listening to what they're saying. And our charter school movement has stymied because of the lack of co-operation—not lack of cooperation, but there doesn't seem to be an urgency on the part of those people holding this fine point of feet of extra space. But there's a lot of urgency on the part of the parents, looking for space. And it may be, Ms. Wade, your committee could help us.

Ms. WADE. If I could make a comment. Over the past 4 months, there was the creation of the D.C. Education Compact, a facilities committee. And I am very willing to get the report from that committee to you. They were fully supporting of co-location concept, and have worked closely with Dr. Janey and his leadership. I think Ms. Quiñones was clear in saying there is progress. People are meeting, and I think there is a sense of urgency. There is some bureaucracy, clearly, that has to be worked around.

I think the challenges facing—putting two schools within a building—while on paper, looks easy. I'm from Boston. We've been here for 9 months. But we went through many co-location issues, and there's sensitivity around establishing relationships with schools, within buildings.

There is no hesitation on the need to move forward on this. I really want to emphasize that. And the superintendent and his staff are working diligently to, in fact, implement the list of the 15 schools they want to see co-located, in addition to co-locations that already exist for this coming year.

Senator LANDRIEU. I hope one thing we're considering is when a charter school tries to locate within a public school, that there are some benefits that flow to the host school. And that can be done by a decision of the local school board to say that basically the rent you pay doesn't go to the central office, but it goes to the school that is hosting the charter so that you have everybody getting some benefit. Maybe the school that is hosting has given up some space it wasn't using; in return, they get the revenue to renovate their auditorium, or they get the revenue to build a new parking lot, or they get the revenue to fix the roof. This is not rocket science. We cannot seem to get everybody to understand you've got to make something work for everyone—for the host, for the lessees, and for the systems. So, I'm hoping we can have a little breakthrough this year on this. It is a real problem.

Ms. WADE. I think you will see some changes starting this coming school year.

Ms. QUIÑONES. Just one caveat to the issue of co-location. The way the guidelines are right now, they're only allowing for a 1-year lease, so it is not ideal. A lot of the charter schools that it would work for are the brand new schools that have a smaller population. And so, some of the larger schools——

Senator LANDRIEU. Why is it a 1-year lease?

Ms. QUIÑONES. I believe it is because Superintendent Chief Janey is working on his master education plan. And so, they want to do this almost as a pilot. So, once that plan is finalized, they will have more firm knowledge around which schools might be consolidated and closed, and then they can do longer-term leases from that point on. So, this is sort of a temporary fix. But we do have a number of schools that are looking for permanent space, and would be interested, actually, in accessing some of those buildings that may be closed and surplused. It's, in some ways, an easier solution than co-location.

Senator BROWNBACK. Well, I'm delighted to have my colleague on this who has dug into this so much already, and knowledgeable of it, and I think it gives us a running start on all of these topics.

I want to thank the panel. We're all in this for the same thing, to make sure that children have the best education they can possibly get. And we know, as a society, if we get those children well educated, they're much better citizens and they can contribute so much more to society. And if they're not, they're unfortunately put in circumstances where choices for them are much more difficult. And the choices, then, for society become more difficult too. So this is a key thing.

I want to thank you all for your hearts and your commitment and what you've done. I look forward to working with you on this. And I look forward to working with my colleague, Senator Landrieu, on this, as well. I think we can make some real progress.

The hearing record will remain open for the requisite number of days. If individuals want to make additional submissions to their statements, those will be accepted.

[The information follows:]

ADDITIONAL COMMITTEE QUESTIONS

The questions presented below were forwarded to the leaders of all 42 charter schools in Washington, DC. The responses are intended to reflect the varying opinions and concerns of those leaders who responded in writing and as well as feedback from a discussion by members of the D.C. Public Charter School Association (DCPCSA) Board of Directors. We are not intending to take a formal position on any of the questions as we recognize that further discussion is warranted if any changes are to be made to the School Reform Act. However, we wish to participate in any process that may be undertaken for that purpose.

Question. What are your views on the strengths and limitations of the charter school lottery system?

Answer. The strength of the charter school lottery system is that it is an equitable process for providing access to quality public education for all residents of the District of Columbia and it prevents "creaming" of the best and brightest students.

While overall there is support for the lottery system, there are some specific and limited circumstances where many believe that exceptions should be allowed or that modifications to the School Reform Act or to the federal non-regulatory guidance for the Charter Schools Program should be made. The first category of exceptions is the "Preference" category:

—*Sibling Preference.*—Siblings and children living in the same household are given preferential consideration for admission in the lottery as a consideration

to parents/guardians. This federal guidelines and the School Reform Act allow it.

—*Founder Preference*.—The children of charter school founders are often the very reason a charter school was contemplated. In those instances where the parent founders were the individuals who had the original vision for the school concept and because of the tremendous amount of work they put into the development of the school, there is a desire to allow them an admissions preference for their children. There is currently a proposal to the D.C. City Council to amend the School Reform Act to allow for the children of founders to have an admissions preference that would be no more than 10 percent of the total student population or 20 students, whichever is less, as long as the students are D.C. residents.

—*Staff Preference*.—D.C. Public Schools allow for out-of-boundary enrollments which is a means for school personnel to enroll their own children in the school in which they work as long as they are D.C. residents. This has a few benefits: it is more convenient for staff who are parents; it increases parental participation in the school; it sends a message of confidence to other families about the quality of the school. Some would like to propose an amendment to the School Reform Act to allow for this preference with the same limitations as indicated for the founder preference: no more than 10 percent of the total student population or 20 students, whichever is less, as long as the students are D.C. residents.

—*Single-Sex Preference*.—Charter schools that intend to serve a single sex may conduct a lottery that is limited to one gender. Federal guidelines allow it and there is precedent for it as there are charter schools in other jurisdictions which serve only one gender.

—*Family Preference*.—For the first time to our knowledge, a charter school founding group is proposing to establish a school that would serve pre-school and young children and their parents. The young children participate in an early childhood education program, the parents receive adult education, and they both participate in a family literacy program. The founders are proposing a lottery that would admit the family as a unit similar to the sibling preference. This has not been contemplated in the federal guidance nor in the School Reform Act. Although we do not think, as written, either would preclude the family preference, an amendment to the School Reform Act may be necessary.

The second category of exceptions is the "dual" lottery category:

—*Gender Balance*.—Some schools are interested in having a 50/50 gender balance and, under federal guidelines, it is not permissible to conduct a lottery to achieve this end. There is not consensus that this should be permissible. However, in the case of residential schools, where for practical reasons, the gender balance affects the dormitory/living situation, this could be an important exception for enrollment purposes. A change at the federal level would be required so that residential charter schools engaging in this lottery method would not be ineligible for federal funding from the Charter Schools Program.

—*Language*.—Many charter schools in the District and nationally recognize the research-based value of two-way dual language immersion programs. This type of bilingual program requires that 50 percent, but not less than 30 percent, of the student population be English dominant speakers and 50 percent, but not less than 30 percent, be speakers of the target language (i.e. Spanish, French). Traditional public schools conduct a "dual" lottery where 50 percent of the slots are reserved for each of the two language groups. However, the federal regulatory guidance does not allow this lottery method for public charter schools. The School Reform Act does not disallow this; however, a change at the federal level would be required so that charter schools engaging in this lottery method would not be ineligible for federal funding from the Charter Schools Program.

A third category of exceptions is the "referral" category:

Traditionally in school districts there are a number of alternative schools, or programs within schools, to which students may be referred at any point during the year. While many charter schools nationally are outgrowths of these alternative schools, the lottery process usually does not allow for them to target or limit enrollment to the very populations which they have the expertise to serve. Creating a category of charter schools where schools can target certain at-risk or special needs populations might be considered. For example: Special education programs (especially those with level 4 or 5 programs); drop-out recovery programs; and programs for newcomer immigrant students.

Question. Would you consider the possibility of creating a portion of the lottery system for neighborhood-centered schools? Either a separate lottery for certain schools or a percentage of slots would go to students from the neighborhood? (View

the system as made up of Neighborhood schools, City-wide schools, and Specialty schools).

Answer. In recent discussions of facilities, some have raised a concern that the growth of charter schools and their possible location in excessed DCPS properties may lead to the elimination of "neighborhood" schools which are within walking distance to students. There is a fear that a child who lives across the street from a charter school may not be admitted through the lottery process. If that charter school happens to be housed in a former DCPS school building, there may be no "neighborhood" school by right for the child to attend. The student would have to apply to other charter schools or use the DCPS out-of-boundary process to be admitted into a school.

As the Superintendent develops the DCPS Master Education Plan, it will be important to consider the approach and geographic locations of charter schools and how they add to the educational options for D.C. families. In the planning, it will be wise to consider existing feeder patterns and the maintenance of neighborhood schools across the city. Modifying the School Reform Act to allow for a neighborhood preference may be advisable under certain circumstances. Charter schools which locate in former DCPS properties and which in fact eliminate the neighborhood school option, may provide a preference to the students who reside within the boundaries of that school.

That being said, many feel that reserving seats in charter schools for neighborhood children is unnecessary as most are de-facto neighborhood schools because of location and transportation. The District of Columbia does not offer bus transportation to most students, so families are more likely to choose charter schools close to their homes. Short of amending the School Reform Act, there are several ways to maintain access to neighborhood schools. Since DCPS was at one time a segregated school system, there are often two school buildings located in close proximity of one another. If one of those schools is closed and offered to a charter school, there would be no elimination of the neighborhood school option. A second possibility might be for DCPS to amend the boundaries so that instead of the boundary "circling" the school building, the boundary circles the child. In this case the student could attend any DCPS school that is within a mile or so of the home. And thirdly, under the School Reform Act, conversion schools may in fact offer a preference to all students residing within the boundary of that school for as long as the school is in operation.

This last policy has only been implemented in one charter school as there is currently only one conversion charter school in the District of Columbia. We have heard of DCPS schools in Ward 3, the most affluent ward in the District which has most of the higher performing DCPS schools, considering converting to charter status. This does raise a potential concern that if some of the schools in Ward 3 convert, under the current policy for the neighborhood preference, they might be filled by the neighborhood students thereby keeping out students from other wards or neighborhoods who seek to attend some of these high-performing schools. In any case, this is an area where much further thought and discussion is needed.

Question. Currently no charter school can hold an admissions test. Would you support adding admissions criteria for certain specialty schools, such as science or arts?

Answer. There is a general feeling that we as the charter community should not support a program of exclusive schools paid for with public funds. DCPS has several magnet schools that require an admissions test and which are in high demand by families. Charter schools were developed in part to increase access to these types of specialty programs to a broader audience of students. Allowing charter schools to have selective admissions would undermine that goal.

That being said, there is a minority who believe that a secondary school with a specific vocational specialty that is best suited for students with an aptitude for that specialty should be allowed to have an admissions test. This would be limited to performing arts schools for example rather than a school that has an academic focus such as a math, science, or technology high school. However, an interesting note here is that in Los Angeles a performing arts charter high school is being proposed that would not only prepare students for careers in the arts "in front of the camera," but will also prepare students who are interested in the business aspect of the arts so, therefore, the admissions test or talent audition is not a pre-requisite for enrollment.

APPENDIX 1. D.C. SCHOOL REFORM ACT, § 38–1802.06. STUDENT ADMISSION, ENROLLMENT, AND WITHDRAWAL

FORMERLY CITED AS D.C. ST 1981 § 31–2853.16

DISTRICT OF COLUMBIA OFFICIAL CODE 2001 EDITION

DIVISION VI. EDUCATION, LIBRARIES, AND CULTURAL INSTITUTIONS.

TITLE 38. EDUCATIONAL INSTITUTIONS.

SUBTITLE IV. PUBLIC EDUCATION—CHARTER SCHOOLS.

CHAPTER 18. DISTRICT OF COLUMBIA SCHOOL REFORM (PUBLIC CHARTER SCHOOLS).

SUBCHAPTER II. PUBLIC CHARTER SCHOOLS.

(a) *Open enrollment*.—Enrollment in a public charter school shall be open to all students who are residents of the District of Columbia and, if space is available, to nonresident students who meet the tuition requirement in subsection (e) of this section.

(b) *Criteria for admission*.—A public charter school may not limit enrollment on the basis of a student's race, color, religion, national origin, language spoken, intellectual or athletic ability, measures of achievement or aptitude, or status as a student with special needs. A public charter school may limit enrollment to specific grade levels.

(c) *Random selection*.—If there are more applications to enroll in a public charter school from students who are residents of the District of Columbia than there are spaces available, students shall be admitted using a random selection process, except that a preference in admission may be given to an applicant who is a sibling of a student already attending or selected for admission to the public charter school in which the applicant is seeking enrollment.

(d)(1) *Admission to an existing school*.—A District of Columbia public school that has been approved to be converted to a charter school under § 38–1802.01 shall give priority in enrollment to:

(A) Students enrolled in the school at the time the petition is granted;

(B) The siblings of students described in subparagraph (A) of this paragraph; and

(C) Students who reside within the attendance boundaries, if any, in which the school is located.

(2) A private or independent school that has been approved to be converted to a charter school under § 38–1802.01 may give priority in enrollment to the persons described in paragraph (1)(A) and (1)(B) of this subsection for a period of 5 years, beginning on the date its petition is approved.

(e) *Nonresident students*.—Nonresident students shall pay tuition to attend a public charter school at the applicable rate established for District of Columbia public schools administered by the Board of Education for the type of program in which the student is enrolled.

(f) *Student withdrawal*.—A student may withdraw from a public charter school at any time and, if otherwise eligible, enroll in a District of Columbia public school administered by the Board of Education.

(g) *Expulsion and suspension*.—The principal of a public charter school may expel or suspend a student from the school based on criteria set forth in the charter granted to the school.

APPENDIX 2. NCLB CHARTER SCHOOLS PROGRAM, TITLE V, PART B, NON-REGULATORY GUIDANCE, LOTTERY, RECRUITMENT, AND ADMISSIONS PROVISIONS

What is a lottery for purposes of the CSP?

A lottery is a random selection process by which applicants are admitted to the charter school.

Under what circumstances must a charter school use a lottery?

A charter school receiving CSP funds must use a lottery if more students apply for admission to the charter school than can be admitted. A charter school with fewer applicants than spaces available does not need to conduct a lottery.

Are weighted lotteries permissible?

Weighted lotteries (lotteries that give preference to one set of students over another) are permitted only when they are necessary to comply with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section

504 of the Rehabilitation Act of 1973, the Equal Protection Clause of the Constitution, or applicable State law.

In addition, a charter school may weight its lottery in favor of students seeking to change schools under the public school choice provisions of ESEA Title I, for the limited purpose of providing greater choice to students covered by those provisions. For example, a charter school could provide each student seeking a transfer under Title I with two or more chances to win the lottery, while all other students would have only one chance to win.

May a charter school exempt certain categories of applicants from the lottery and admit them automatically?

A charter school that is oversubscribed and, consequently, must use a lottery, generally must include in that lottery all eligible applicants for admission. A charter school may exempt from the lottery only those students who are deemed to have been admitted to the charter school already and, therefore, do not need to reapply.

Specifically, the following categories of applicants may be exempted from the lottery on this basis: (a) students who are enrolled in a public school at the time it is converted into a public charter school; (b) siblings of students already admitted to or attending the same charter school; (c) children of a charter school's founders (so long as the total number of students allowed under this exemption constitutes only a small percentage of the school's total enrollment); and (d) children of employees in a work-site charter school (so long as the total number of students allowed under this exemption constitutes only a small percentage of the school's total enrollment). When recruiting students, charter schools should target all segments of the parent community. The charter school must recruit in a manner that does not discriminate against students of a particular race, color, national origin, religion, or sex, or against students with disabilities; but the charter school may target additional recruitment efforts toward groups that might otherwise have limited opportunities to participate in the charter school's programs. Once a student has been admitted to the charter school through an appropriate process, he or she may remain in attendance through subsequent grades. A new applicant for admission to the charter school, however, would be subject to the lottery if, as of the application closing date, the total number of applicants exceeds the number of spaces available at the charter school.

May a charter school create separate lottery pools for girls and boys, in order to ensure that it has a reasonably equal gender balance?

No, the legislation requires a charter school receiving CSP funds to hold one lottery that provides qualified students with an equal opportunity to attend the school. Therefore, a charter school receiving funds under the program is precluded from holding separate lotteries for boys and girls. Nor may a school weight its lottery in favor of one gender over another. A school seeking to avoid gender imbalance should do so by targeting additional recruitment efforts toward male or female students.

May a tuition-based private preschool program that becomes a public charter school at the kindergarten level permit children enrolled in the preschool program to continue in the elementary program without going through a lottery process?

No, because the preschool program is private, charges tuition, and most likely does not admit all students, allowing its students to gain admission to the elementary program without going through a lottery process would violate the statute. Therefore, all applicants to the charter school (the elementary program) would have to be selected by lottery if there are more applicants than there are spaces available.

However, the statute does not preclude an elementary charter school in this type of situation from holding its lottery a few years early—e.g., when students are ready to enroll in the preschool. Under this approach, the charter school would have an affirmative responsibility to inform prospective applicants that winning the lottery would not require them to enroll in the private preschool. Thus, any child selected through the lottery would be guaranteed a slot in kindergarten, a few years later, whether or not she or she enrolls in the preschool program.

Additionally, given the high mobility of children and families, schools that choose to exercise this option should ensure that families new to the area or who were not aware of the previous lottery are given the opportunity to apply for admission. Such actions must meet the admissions requirements of the CSP and might include holding a second lottery to fill vacancies created by normal attrition or failure of early lottery winners to enroll in the charter school.

May a charter school receiving its final year of CSP funds select students for the next school year (when the school will not be receiving program funds) without using a lottery?

A charter school receiving its final year of CSP funds may select students for the upcoming school year without using a lottery, provided that the school obligates all funds under its CSP grant before those students actually enroll in the school. If the

school has carry-over funds or extends its grant period, then it must continue to meet all program requirements, including the requirement to hold a lottery if it receives more applications for enrollment than it can accommodate for the upcoming school year.

In addition to Title V, Part B, Subpart 1 of the ESEA, what other statutory or regulatory authorities should a charter school consider when developing its admissions policies?

To be eligible for Federal start-up grants, a charter school's admissions practices must comply with State law and applicable Federal laws. Exemptions from enrollment lotteries are permissible only to the extent that they are consistent with the State's charter school law, other applicable State law, the school's charter, and any applicable Title VI desegregation plans or court orders requiring desegregation. A charter school's admissions practices must also comply with Part B of the Individuals with Disabilities Education Act and Federal civil rights laws, including, but not limited to, Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; and Title II of the Americans with Disabilities Act of 1990, as applicable.

What are a charter school's responsibilities with regard to outreach and recruitment?

Section 5203(b)(3)(I) of ESEA requires CSP applicants to inform students in the community about the charter school and to give each student "an equal opportunity to attend the charter school" (20 U.S.C. 7221b(b)(3)(I)). Further, section 5203(b)(3)(E) requires charter schools receiving CSP grants or subgrants to involve parents and other members of the community in the planning, program design, and implementation of the charter school. 20 U.S.C. 7221b(b)(3)(E).

May a charter school receiving CSP funds set minimum eligibility criteria for admission to the charter school?

The ESEA does not specifically prohibit charter schools from setting minimum qualifications for determining who is eligible to enroll in a charter school and, thus, to be included in the lottery. As stated above, however, charter schools receiving CSP funds must inform students in the community about the charter school and give them an "equal opportunity to attend the charter school."

Thus, a charter school funded under the CSP may set minimum qualifications for admission only to the extent that such qualifications are: (a) consistent with the statutory purposes of the CSP; (b) reasonably necessary to achieve the educational mission of the charter school; and (c) consistent with civil rights laws and Part B of the Individuals with Disabilities Education Act. CSP grantees should consider using program funds to assist "educationally disadvantaged" and other students to achieve to challenging State content and performance standards.

CONCLUSION OF HEARING

Senator BROWNBACK. We want to thank the host school, Hine, for hosting us in this facility. And it won't be the last of our discussions with the D.C. Public Schools.

The hearing is recessed.

[Whereupon, at 4 p.m., Wednesday, May 25, the hearing was concluded, and the subcommittee was recessed, to reconvene subject to the call of the Chair.]

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