



WASHINGTON LAWYERS' COMMITTEE
FOR CIVIL RIGHTS AND URBAN AFFAIRS

The State of the District of Columbia Public Schools 2010:

A Five Year Update

**A report of the
Washington Lawyers' Committee
for Civil Rights and Urban Affairs
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Preface

The following report was prepared by the Washington Lawyers' Committee for Civil Rights and Urban Affairs ("Washington Lawyers' Committee") with the pro bono assistance of Ballard Spahr LLP; Beveridge & Diamond, P.C.; Covington & Burling LLP; Dickstein Shapiro LLP; Reed Smith LLP; Sidley Austin LLP; Steptoe & Johnson LLP; and Sullivan & Cromwell LLP. Contributors to the report include Linda Schakel of Ballard Spahr LLP; Rea Harrison and Benjamin Wilson of Beveridge & Diamond, P.C.; Kate Mueting and Lee Tiedrich of Covington & Burling LLP; Patricia Sindel of Dickstein Shapiro LLP; Angela Holland of Reed Smith LLP; Ronald Flagg, Erica Jackson and Jim Wedeking of Sidley Austin LLP; Patrick Linehan and Greg Montross of Steptoe & Johnson LLP; Claire White of Sullivan & Cromwell LLP; and Rod Boggs, Executive Director of the Washington Lawyers' Committee.

Judith Berman, Deputy Director of DC Appleaseed and Molly Whalen, Parent, Advocate, and Chair of the District of Columbia State Advisory Panel on Special Education assisted in the preparation of the section on Special Education.

The following people served in an advisory capacity in the preparation of this report:

Peter B. Edelman---Professor of Law and Faculty Director, Center on Poverty, Inequality, and Public Policy at Georgetown Law School

James O. Gibson---Senior Fellow at the Center for the Study of Social Policy

Richard W. Snowdon---Partner at the law firm of Trainum, Snowdon & Deane

Roger Wilkins---Professor at George Mason University, and former member of the District of Columbia Board of Education

Executive Summary

In 2005, the Washington Lawyers' Committee issued a report on the state of District of Columbia Public Schools ("DCPS") to mark the anniversary of the U.S. Supreme Court's decision in *Bolling v. Sharpe* invalidating segregated schools in the District (the "2005 Report").¹ The Court issued the *Bolling* decision shortly after *Brown v. Board of Education* declared that the "separate but equal" policy had no place in public education, "perhaps the most important function of state and local governments."² Although *Bolling* held out the promise of dramatic improvements in education through the end of governmental segregation, as described in the 2005 Report, racial isolation, sub-standard educational opportunities and decrepit facilities remained a hallmark of DCPS fifty years after *Bolling*. As a result, the 2005 Report characterized the District's school system as "separate and unequal."

When compared to surrounding school districts in Maryland and Virginia, DCPS underperformed in almost every imaginable way. Despite having a far higher percentage of schools with low-income and special needs students, DCPS spent less per student than most neighboring school districts and its lower salaries for teachers and principals impeded efforts to attract talented professionals. The 2005 Report found that course offerings were actually *worse* than when the Supreme Court issued its *Bolling* decision in 1954, with foreign language, music, vocational education, physical education and art instruction sparse or non-existent in many schools. The physical state of school buildings was deplorable; rife with broken windows, leaking roofs and heating and plumbing failures that most people associate with slums.

¹ Separate and Unequal: The State of the District of Columbia Public Schools Fifty Years After *Brown* and *Bolling*, A Parents United for the D.C. Public Schools Civic Leader Advisory Committee Report (March 2005) (hereafter the "2005 Report").

² 347 U.S. 483, 493 (1954).

Comparable failures were documented in the fields of special education, school health services, athletics and extra-curricular activities. All suffered for a lack of funds, responsible management and accountability.

The 2005 Report found that serious governance issues substantially contributed to these problems. Fragmented control of the DCPS budget on the one hand, and responsibility for educational programs on the other, undermined accountability for the school system. This resulted in a “blame game” as the Board of Education, Mayor, City Council and Chief Financial Officer all claimed that they lacked the unitary decision-making authority required to improve the DCPS system.

A fundamental change in the governance of the District’s public schools occurred in 2007. The Public Education Reform Amendment Act of 2007 (the “2007 Reform Act”) vested authority for school programs, facilities and budgets largely in the Mayor in an attempt to eliminate uncoordinated control over DCPS and to determine a single point of accountability. The purpose of this Report is to provide an update on the District’s public schools in the wake of this changed management structure.

Since the 2005 Report, DCPS has shown improvements in most areas, including funding, testing scores, facility modernization and an increased concern with health and wellness programs. In a number of cases these improvements have been dramatic and unprecedented. It appears that much of this success is attributable to the 2007 Reform Act and increased focus and commitment by the District government to improving the state of DCPS. These improvements are real and substantial. These improvements should not, however, obscure the fact that DCPS

has a long way to go before it reaches parity with surrounding school districts. This report highlights the following successes and areas for needed improvement:

❖ ***DCPS Governance.*** Prior to the 2007 Reform Act, the Board of Education and Superintendent were charged with the management of educational programs and allocation of the DCPS budget while the Mayor and City Council were responsible for appropriations, with the Chief Financial Officer managing fiscal operations. With no single entity accountable for both budgeting and policy making, each entity was able to deflect blame for the school system's failures. The 2007 Reform Act largely consolidated responsibility with the Mayor and the Chancellor appointed by the Mayor, although supervision of fiscal operations remains split between the DCPS Chief Financial Officer ("DCPS CFO") and the Office of the Chief Financial Officer of the District of Columbia ("District CFO"). This means that DCPS still lacks control over its own budget. A dispute over the existence of a \$34 million operating surplus this year illustrated how this division of responsibility continues to impair sound fiscal management. This Report recommends that the Chancellor have control over day-to-day fiscal operations, as is the case in other school districts, with the District CFO exercising oversight.

❖ ***Demographics.*** The racial isolation which has characterized the DCPS system for decades, persists in nearly all D.C. schools, with white students comprising less than 5% of enrollment at 94% of the schools. Approximately 20% of D.C. public schools have exclusively African-American students, only a modest change from 25% in 2005. African-Americans also represent over 90% of children with special needs. Hispanic/Latino students are also largely isolated with nearly half attending schools comprised of mostly Hispanic/Latino students. Although this "resegregation" trend is national in scope, the incidence of nearly all-minority

schools is far higher in Washington, D.C. than elsewhere in the nation. Evidence shows that schools with a minority-homogenous enrollment, due to socioeconomic factors that typically inhere in minority communities, have significant performance disadvantages. Additionally, approximately 66% of DCPS students are classified as low-income and the District has the fourth-highest number of high-poverty elementary schools in the country. High-poverty schools tend to have lower graduation rates, a lower number of students attending college, and students tend to perform relatively poorly on national assessment tests. DCPS, however, can do little to reverse this “resegregation” as demographic trends in the city and current law limit its options.

❖ *Funding Comparisons.* Due to greater student needs than neighboring school districts, DCPS requires significantly greater spending per pupil than those districts. The 2005 Report highlighted a significant disparity in per pupil spending between the District and neighboring school district. Since that time, DCPS has made great strides in closing this gap, increasing spending by 57% over 2005 levels. Although still trailing behind Arlington and Alexandria, D.C. now spends more money per pupil than Fairfax, Montgomery and Prince George’s counties.

❖ *School Facilities.* The 2005 Report showed that the District, after developing a Master Plan and beginning to implement some renovations, had failed to devote the budgetary resources necessary to continue modernization work on school buildings desperately needing repair. In response to the crisis in DCPS school facilities, the 2007 Reform Act established an Office of Public Education Facilities Modernization (“OPEFM”) with funding from a dedicated Public School Capital Improvement Fund. The results have been truly impressive. OPEFM quickly instituted repairs aimed at providing all schools with adequate heating and air conditioning, and

dramatically reduced backlogged work orders by September 2008. Additional repair efforts reduced the number of fire code violations from the thousands to just under 400. Numerous school modernizations undertaken since 2007 have substantially improved the physical environments in which thousands of DCPS students receive instruction. In sum, notwithstanding some criticisms about how these improvements have been implemented, the large majority of schools in the District provide students with environments that are much more conducive to learning than they did just five years ago.

❖ ***Teacher and Principal Compensation.*** The 2005 Report explained that while salaries for teachers and principals in the D.C. public schools were competitive with salaries in surrounding school districts at the entry level, maximum salaries for teachers and principals in the District were far lower than maximum salaries in surrounding school districts. As explained below, the Collective Bargaining Agreement between the Washington Teachers' Union and D.C. school district (the "Collective Bargaining Agreement"), which became effective as of its unanimous approval by the D.C. Council on June 29, 2010, increases teacher salaries. The Collective Bargaining Agreement raises the minimum salary for D.C. public school teachers above the minimum salaries available for teachers in surrounding school districts and helps to narrow the gap between D.C. teachers and teachers in surrounding school districts at the maximum salary level. The Collective Bargaining Agreement also includes a performance-based pay system that, as a D.C. school district official confirmed, could result in some teachers earning salaries significantly higher than salaries available in surrounding school districts. The Collective Bargaining Agreement does not affect principal compensation, and the gap between the maximum principal salary in the D.C. school district and the average maximum principal

salaries in the surrounding school districts has increased since 2005. However, according to a D.C. school official, increasing principal salaries is a priority of the district.

❖ ***Testing Results.*** An analysis of test results since the 2005 Report provides a mixed outlook: although DCPS student scores are improving, they still lag far behind their peers. A comparison of test score data from 2006 and 2010 shows a decrease in DCPS students scoring at “Basic” or “Below Basic” levels with significantly fewer students scoring at “Below Basic” in math and reading for all three grades measured. In other words, more DCPS students are achieving scores above the basic level. These improvements outpaced improvements at both the national level and in other large city school systems. Despite these improvements, less than 50% of African-American students are demonstrating proficiency in math and reading and those students test significantly lower in both subjects than students nationwide and in other large cities. DCPS graduation rates for African-American students remain slightly below the national average for African-American students and far below the national average for all students, although overall DCPS graduation rates are up slightly from just a few years ago.

❖ ***Program and Course Offerings.*** In addition to comprehensive general public education schools, DCPS expanded the number of specialized schools and programs in recent years. In 2009 DCPS announced that thirteen schools would be selected to be transformed into “catalyst” schools. These catalyst schools will offer in-depth instruction in one of three areas: Arts Integration, STEM (science, technology, engineering, and math) or World Cultures. DCPS also expanded its specialized school preschools to include Montessori and Reggio Emilia-inspired programs, along with dual-language education at some secondary schools. DCPS has also made some strides in the availability of advanced courses at the senior high school level. The 2005

Report noted that students seeking higher-level instruction were for the most part limited to a few Advanced Placement (“AP”) courses at the comprehensive high schools, or applying to one of six selective schools requiring admission by application. Today, AP courses are offered more widely, and DCPS has announced a goal that all senior high school will offer at least four core AP courses beginning in the 2011-2012 academic year. Still, there is room for significant improvement. Schools in the District continue to lack sufficient instruction in a number of areas, including foreign language, art, and music. Middle and elementary schools have seen smaller improvements since the 2005 Report. No elementary schools or education campuses, and only one middle school, currently offers International Baccalaureate courses and few foreign language, art or music classes are available.

❖ ***Special Education.*** The 2007 Reform Act vested the Office of the State Superintendent of Education (“OSSE”) with oversight and monitoring authority for the District’s special education functions, while providing that the DCPS Office of Special Education will separately ensure that students with disabilities receive necessary services and support. This structure enhanced interagency cooperation, sustained compliance with federal consent decrees arising from various class action lawsuits, and improved some services for students with special needs. In June 2010, the District announced that the backlog of children awaiting implementation of hearing officer’s decisions or settlement agreements arising from due process complaints was at an all-time low with a dramatic decrease since June 2007. In January 2010, the District opened its Early Stages Center to provide free, state-of-the-art, comprehensive testing for all children to identify those with disabilities as early as possible and determine appropriate placement options. Improvements in transportation management for students with special needs will allow OSSE to take over day-to-day operations of the special education transportation program after the District

was relieved of these duties by a 2003 court order. Despite these improvements, the cost of transportation and non-public tuition for students with special needs remains excessively high and DCPS's efforts to reintegrate some students in order to reduce costs have been problematic. Accordingly, although substantial progress in special education has been made in the past five years, significant progress still needs to be made.

❖ *School Health Services and Public Health.* The 2005 Report found a significant number of school health suites to be inadequate with more than half lacking hot and cold running water, and, refrigerators for medicine, and few computers with an Internet connection. Since the 2005 Report, DCPS has made notable improvements to school health suites and nurses can now use computerized databases to manage student health information. The District continues to grapple with its very high rate of childhood obesity and sexually transmitted diseases among young adults. Recognizing its ability and responsibility to improve the health of its students, DCPS has adopted numerous measures over the past five years to address the public health issues impacting D.C. youth. New laws and initiatives required DCPS to adopt a local wellness policy, offer better health and physical education, improve the quality of food served to students, improve the content of vending machine goods, and institute HIV/AIDS prevention education programs. However, this increased focus on health has not gone smoothly in all cases. For example, few schools are taking advantage of a federal program that supplies fresh fruits and vegetables for student meals. On balance, while improvements in school health services and public health initiatives by DCPS can still be made, there has been a demonstrably increased focus on health and wellness in the school system during the past several years that has benefited DCPS students.

❖ *Athletics.* As described in the 2005 Report, DCPS athletic programs for many years have been significantly inferior to those in surrounding suburban districts in every essential category, including but not limited to funding, facilities, staffing, coaching stipends, and participation rates. Although much work remains to be done to improve the DCPS athletics program, significant improvements have been made in the last five years. One of the most significant improvements is in the category of funding. The DCPS inflation-adjusted total athletics budget has increased nearly 50% in the last five years. Despite such financial improvements, the DCPS athletics budget continues to lag behind the budgets in surrounding districts: Fairfax, Montgomery, and Prince George's. This is largely because, unlike its suburban neighbors, DCPS does not have active athletic booster organizations or substantial receipts from ticket and concession sales to supplement the central resources that fund its athletic budget.

Capital improvements are another area in which DCPS athletics has made significant strides over the past five years. Ten senior high schools have received new all-purpose athletic fields, concession stands, and state-of-the-art press boxes. In addition, three schools have new gymnasiums and two schools have new locker rooms. Much work still remains to be done, however, for DCPS athletics to be considered comparable to its neighboring suburban counties.

District of Columbia Public School Governance

As part of its education work, the Washington Lawyers' Committee has prepared a series of reports over the past fifteen years addressing the profound problems facing D.C. Public Schools ("DCPS") and the causes of and potential solutions for those problems.³ Those reports identified as one of the significant causes of DCPS's long-standing problems the fragmentation in control and accountability for public education in the District. Prior to 2007, the Board of Education and Superintendent had responsibility for educational programs and line-item authority for allocating the budget, but did not control the total amount of that budget; the Mayor and Council had responsibility (subject to Congressional oversight) for DCPS appropriations, but did not control educational programs or the internal allocation of DCPS funds; and, finally, management of the school system's fiscal operations, including budgeting, payroll and accounting, rested (and today continues to rest) in the hands of an independent Chief Financial Officer of the District of Columbia ("District CFO"). This fragmentation permitted all those with some responsibility for public education in the District to claim that they were not to blame for continuing problems plaguing our schools because they lacked, in the case of the Board of Education and Superintendent, the resources, or, in the case of the Mayor and Council, the control over educational programs, necessary to fix the problems.

In 2007, in public comments on the 2007 Reform Act, the Washington Lawyers' Committee advocated that "ending the fragmentation in the District's public education

³ See, e.g., *Unlevel Playing Fields IV: A Study of Athletic Programs, Facilities and Funding in the District of Columbia Public Schools* (January 2008); *Separate and Unequal, the State of the D.C. Public Schools Fifty Years after Brown and Bolling* (March 2005); *Leaving Children Behind: The Underfunding of D.C. Public Schools Building Repair and Capital Budget Needs* (July 2003); *D.C. Public School Funding: Myth & Reality* (February 2003); *The Blame Game: Financially Accountable Schools in the District of Columbia* (December 2001).

governance structure and the ‘blame game’ associated with that fragmentation is a critical step to improving the District’s public school system.” The Lawyers’ Committee further commented that “placing accountability for improving our schools squarely on the Mayor and aligning authority over school programs, facilities and budgets under the Mayor is a step forward in addressing these issues.”

The progress of the D.C. Public Schools over the past four years described in this Report supports the conclusion that the Mayor and the D.C. Council acted wisely in proposing and enacting the 2007 Reform Act. However, one vestige of fragmentation and the associated “blame game” remains. Since the Congressional enactment of the 1996 Appropriations Act, the chief financial officers of every executive agency of the District, including the D.C. Public Schools, have been directly responsible only to the District’s Chief Financial Officer. This bifurcated system of responsibility, whatever its benefits elsewhere in the D.C. government, has proven throughout the fifteen years of its existence – including during the last several years – to be seriously detrimental to D.C. public education.

In 1996, intended as a temporary measure, Congress enacted a law charging the District CFO with responsibility over the fiscal operations of DCPS through the installation of a school district CFO (“DCPS CFO”), who reports directly to the District CFO. In 2001, the D.C. Council made this arrangement permanent, mandating that the CFOs of each governmental agency (including DCPS) be appointed by the District CFO, with the approval from the heads of those respective agencies. With the power to appoint these agency CFOs, the District CFO, for all practical purposes, also has the power to remove them. Moreover, under this law, the Chancellor is responsible for evaluating the DCPS CFO’s performance from an *operational*

perspective, while the District CFO is responsible for evaluating performance from a *financial management* perspective.

This split in governance severely constrains the Chancellor's ability to implement policy initiatives, and indeed to obtain timely fiscal information, because the Chancellor lacks any meaningful control over DCPS's own CFO, its own financial systems, and ultimately its own budget. This bifurcation of authority is unique to the District. As noted by Michael Casserly, executive director of the Council of the Great City Schools, "[n]o other CEO of any other urban school district in the country has as little control" over finances as does the District's Chancellor.⁴ This arrangement has had dysfunctional consequences, both fiscally and educationally. A highly publicized dispute arose this year between the Chancellor and the District CFO concerning the existence of a \$34 million operating surplus for DCPS. Frustration with divided loyalties between DCPS and the District CFO and an inability to satisfy each entity's needs simultaneously has led to high turnover and a lack of continuity in school fiscal leadership, including at least thirteen DCPS CFOs over the last fifteen years (and four in the last three years following the 2007 Reform Act). School system managers and officials have been unable to make informed policy decisions because they lack the ability to track cost categories wrapped up in broader categories within the District CFO's financial systems and because financial systems provide information weeks out of date.

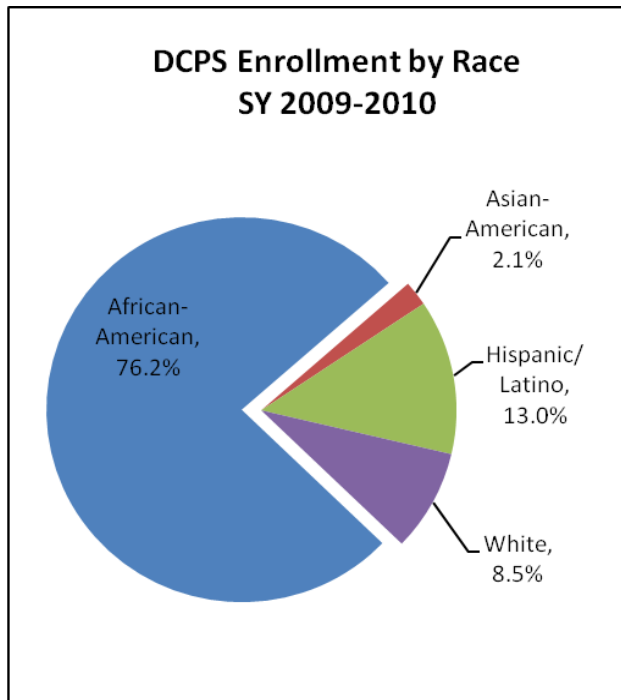
Continued control of DCPS's day-to-day fiscal operations by the District CFO will perpetuate the existing confusion and lack of accountability for financial performance and discourage able administrators and school system CFOs from accepting positions at DCPS.

⁴ "A \$34 Million Crisis of Confidence in D.C. School," WASH. POST, April 25, 2010, at C1.

Control of day-to-day fiscal operations – budget preparation and administration, payroll, processing of vendor payments, and automated systems – should be the Chancellor’s prerogative, as they are elsewhere in the country. To maintain appropriate oversight, the District CFO should retain access to all automated systems and data and the authority to audit and investigate.

Demographic Data and Analysis

The 2005 Report highlighted the fact that, long after the Supreme Court declared segregation in public schools to be unconstitutional in the 1950s, *de facto* segregation persists in DCPS. In 2010, this situation is largely unchanged: racial minorities are highly isolated as nearly 94% of D.C. public schools (102 of 128 schools) have less than 5% white student enrollment. The District’s public schools have followed a national trend of “resegregation” in the sense of growing racial isolation, affecting both African-American and Hispanic/Latino populations in DCPS.



Today, 26 of 128 (20%) D.C. public schools have 100% African-American student bodies, and nearly 70% of African-American students attend schools that are over 90% African-American.⁵ These numbers show modest change from the 2005 Report, when 29 of 115 (25%) public schools in the District were 100% African-American and 75% of African-American students attended schools with over 90% African-American enrollment.

Racial minorities in DCPS are not only isolated from white student populations, they are isolated from each other. On a national level, approximately 31% of African-American and 29%

⁵ DCPS racial demographic data are available at District of Columbia Public Schools, Learn About Schools, School Profiles, <http://dcatlas.dcgis.dc.gov/schoolprofile>.

of Hispanic/Latino students attend “nearly all-minority” schools, or schools in which fewer than 5% of the students are white.⁶ In the District, 102 of 128 public schools are nearly all-minority and approximately 86.3% of African-American DCPS students and 72.5% Hispanic/Latino DCPS students attend nearly all-minority schools. Similar to the District’s African-American student populations, Hispanic/Latino students also tend to be concentrated in certain DCPS schools: 49.3% of the District’s Hispanic/Latino students attend schools that are majority-Hispanic/Latino. This resegregation trend in DCPS and on a national level is particularly troubling in light of increasing evidence that, on average, nearly all-minority or resegregated schools, for a variety of socioeconomic reasons endemic to minority communities, are inferior to integrated schools in terms of quality of teachers, character of school curricula, level of competition, average test scores, reputation, stability of enrollment and graduation rates.⁷

DCPS student enrollment also continues to be at odds with the D.C. population in general. Whites constitute 40.1% of the overall population in D.C., and whites under age 18 comprise 20% of all children in the District. African-American children under the age of 18

DCPS Enrollment: Then and Now

	1950s	2005	2009
White	43%	4.9%	8.5%
African-American	57%	83.6%	76.2%
Hispanic/Latino	n/a	9.6%	13.0%

total 63.5% of the District’s children, yet populate the D.C. schools at a much higher rate: 76.2% of the DCPS students are African-American, while only 8.5% of DCPS students are

⁶ Richard Fry, The Pew Hispanic Center, *The Changing Racial and Ethnic Composition of U.S. Public Schools*, August 30, 2007, available at: <http://pewhispanic.org/files/reports/79.pdf>. Data is for the 2005-2006 school year.

⁷ See Gary Orfield & Chunmei Lee, The Civil Rights Project, *Historic Reversals, Accelerating Resegregation, and the Need for New Integration Strategies*, at 5, August 2007, available at: http://www.civilrightsproject.ucla.edu/research/deseg/reversals_reseg_need.pdf.

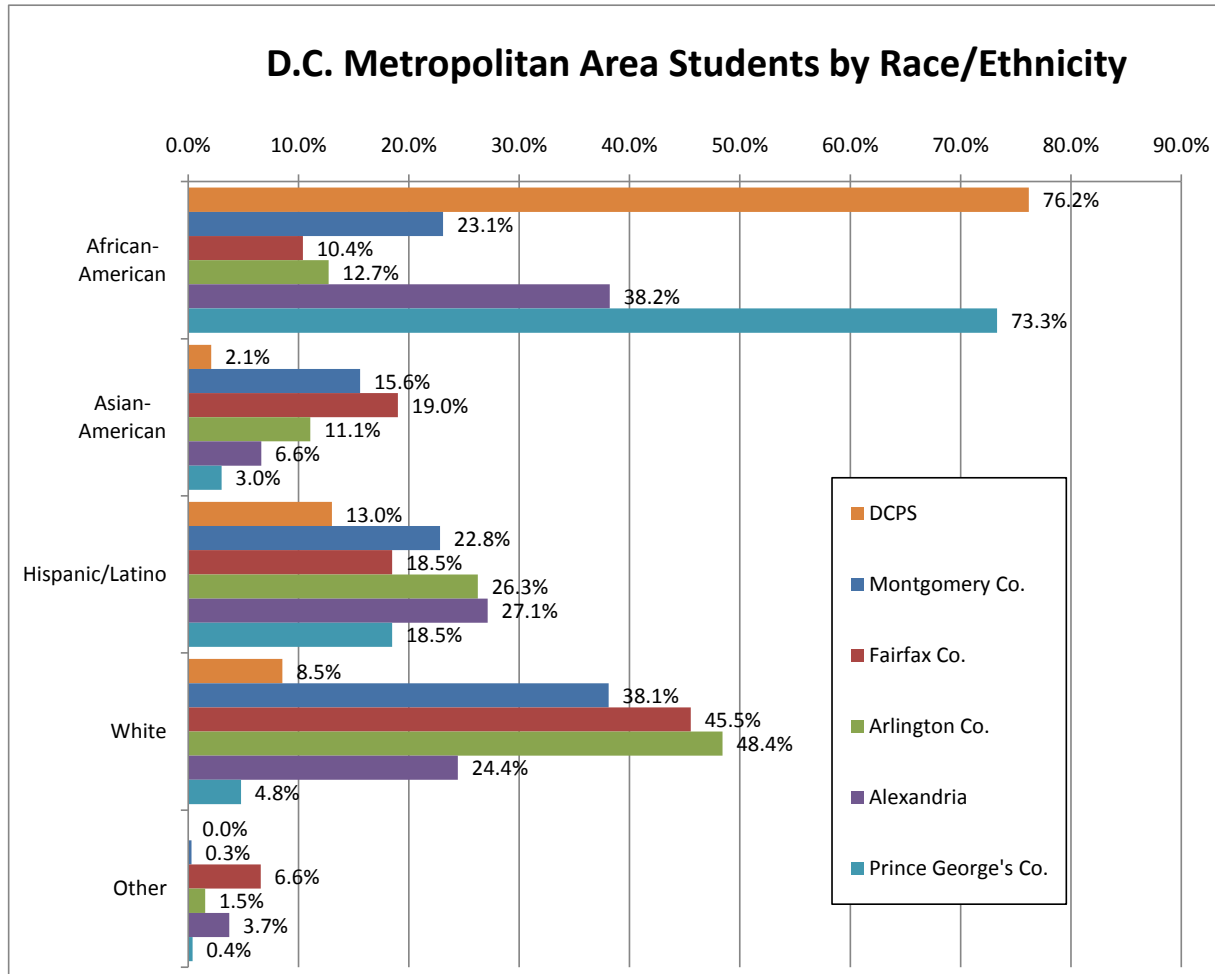
white.⁸ Despite increases in other minority and white student enrollment since 2005 (most notably, the Hispanic/Latino population), the DCPS student population remains predominately African-American.⁹

A significant disparity between the racial demographics of DCPS and school districts in the greater D.C. metropolitan area also continues to persist. The 2005 Report highlighted the high rates of white public school enrollment in metropolitan area school districts just outside the District, white student private school enrollment within the District, lower white birthrates and the presence of more whites without school-age children as contributing factors to the concentration of African-American students in DCPS. In 2010, in general and as compared to the demographics of public schools in Alexandria, Arlington County, Fairfax County and Montgomery County, the District continues to have a significantly higher African-American student concentration. Only nearby Prince George's County has comparable levels of African-American student enrollment.¹⁰

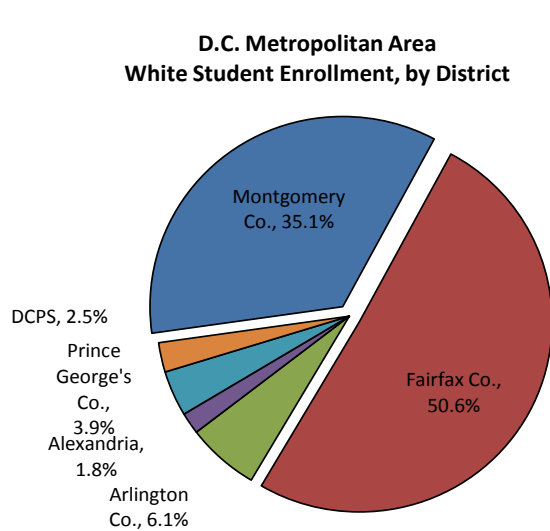
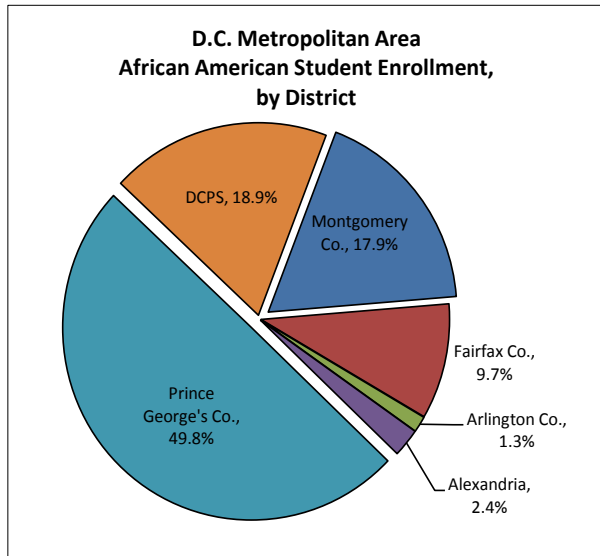
⁸ School age Hispanic/Latino children also have a slightly greater presence in DCPS than population demographics would suggest. Although only 11.2% of the District's children are Hispanic/Latino, 13.0% of DCPS students are Hispanic/Latino. D.C. population data (adult and school-age) as of 2008. See Annie E. Casey Foundation, Kids Count Data Center, Profile for District of Columbia, <http://datacenter.kidscount.org/data/bystate/stateprofile.aspx?state=DC&loc=10>.

⁹ Although this report focuses on D.C. public schools, racial disparity in D.C. charter schools is even more pronounced. For the 2009-2010 school year, the District of Columbia Public Charter School Board reports enrollment of 87% African-American students, 9% Hispanic/Latino students, 3% Caucasian (white) students, and 1% Asian-American students or students of another race. District of Columbia Public Charter School Board, <http://www.dcpubliccharter.com/Enrollment-and-Demographics/SY2009-to-2010-Charter-School-Profile.aspx>.

¹⁰ In general, these data has been compiled from each school district's public website for the 2009-2010 school year. Prince George's County data is for the 2008-2009 school year. See Appendix A.



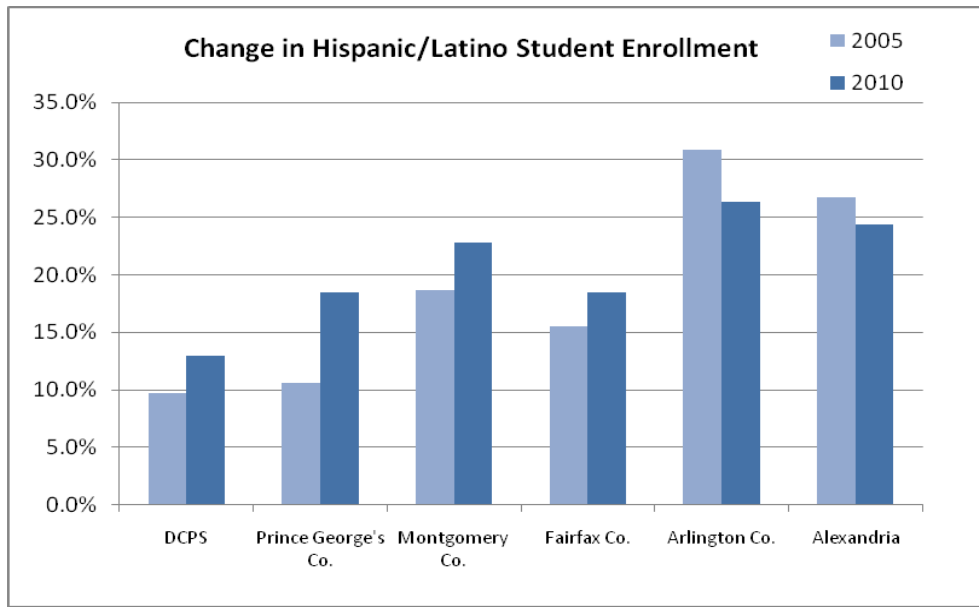
Today, public schools in the District and in Prince George’s County serve 68.7% of all African-American students in the D.C. metropolitan area, but only 6.4% of the area’s white students. At the time of the 2005 Report, DCPS and Prince George’s County public schools served 75% and 9% of the area’s African-American and white students, respectively. In contrast, and consistent with the 2005 Report, 85% of white students in the D.C. metropolitan area (and only 27.6% of the area’s African-American students) are enrolled in Fairfax County or Montgomery County public schools.



The simultaneous decrease in the percentages of African-American and white student enrollment in DCPS and Prince George's County can largely be attributed to the growth in Hispanic/Latino student enrollment over the same period. The Hispanic/Latino population has increased generally in D.C. over the past three decades,¹¹ and, from 2005 to 2010, D.C. and the greater metropolitan area have experienced significant increases in Hispanic/Latino student populations. In 2005, the Hispanic/Latino student population in DCPS was 9.6% of total student enrollment; this population now represents 13.0% of the overall student body. Likewise, the Hispanic/Latino population as a percentage of total student enrollment has grown from 10.6% to 18.5% in Prince George's County, from 18.7% to 22.8% in Montgomery County and 15.5% to 18.5% in Fairfax County.¹²

¹¹ Hispanics and Latinos were first tallied as an individual ethnicity by the U.S. Census Bureau in 1980. At the time, Hispanics/Latinos in the District comprised 2.8% of the overall population. This population segment has increased in each year since 1980, to 5.4% in 1990, 7.9% in 2000 and 8.6% of the total D.C. population as of 2008. See Appendix A.

¹² Arlington County and Alexandria have experienced decreases in Hispanic student populations over the same period: from 30.9% to 26.3%, and from 26.7% to 24.4%, respectively.



While desegregation alone is unlikely to eliminate educational inequalities, which stem from social and economic issues that reach beyond public school demographics, mounting evidence demonstrates that desegregation policies provide important benefits in educational attainment.¹³ On a national level, the resegregation trends described above have intensified in the last two decades, partly as a result of demographic changes (*e.g.*, the relative decline of

¹³ National Academy of Education, *Race-Conscious Policies for Assigning Students to Schools: Social Science Research and the Supreme Court Cases*, ch. 2, 3 and 4 (2007), available at http://www.naeducation.org/Meredith_Report.pdf. This report concludes that while white students do not appear to be hurt by desegregation efforts or adjustments in the racial composition of schools, African American student achievement is enhanced less in segregated schools and that the positive effects on student performance achieved by less-segregated schools is greater for African American students in earlier grades than in later grades. This latter point is significant in light of the high racial concentration in DCPS elementary schools—36 of the 66 elementary DCPS schools enroll 90% or greater African American students. The NAE report examined all of the studies used in support of amicus briefs filed in the *Parents* case, *see infra* note 11, which included methodologies that examined both single-student and student body achievement and focused on both near-term outcomes and tracing methodologies, controlling for factors such as socioeconomic status, teacher characteristics and peer effects, and found an associational benefit from integration. *See also* Erica Frankenberg, *Voluntary Integration After Parents Involved: What does research tell us about available options?*, Working Paper, Harvard Law School Institute for Race and Justice, Dec. 2007, available at <http://www.charleshamiltonhouston.org/assets/documents/publications/Frankenberg%20-%20Voluntary%20Integration%20After%20PICS.pdf>. Frankenberg also relies on the various social science briefs submitted in the *Parents* case to demonstrate that racially integrated schools promote cross-racial understanding, critical and complex thinking (as a result of exposure to diverse backgrounds and experiences), and higher graduation rates, college matriculation and access to professional employment. *Id.* 4-6.

whites relative to the growth of Hispanic/Latino, African-American and Asian-American populations) and partly as a result of Supreme Court jurisprudence limiting desegregation orders and efforts to remediate resegregation issues and desegregate public schools on the basis of race.¹⁴ In its most recent case on the issue, *Parents Involved in Community Schools v. Seattle School District No. 1*,¹⁵ a majority of the Court held that, although the goal of integrated schools remains a compelling interest, students may not be assigned to a school (or denied a school assignment) on the basis of race, even if the intent is to achieve integrated schools.¹⁶ With this holding, the Court declared one of the primary means used by public school districts nationwide to accomplish integration to be unconstitutional. Amicus briefs submitted by the American Education Research Association and over 550 researchers from 201 colleges and research centers concluded that, without a race-conscious policy of integration, other race-neutral means to integrate schools are unlikely to produce substantial levels of desegregation.¹⁷ In light of this recent decision, DCPS will face the challenge in the coming years of attempting to remediate its highly segregated student body without the aid of race-conscious means of the type struck down in *Seattle School District No. 1*.

¹⁴ See Orfield & Lee, *supra* note 6.

¹⁵ *Parents Involved in Community Schools v. Seattle School District No. 1 et al.*, 551 U.S. 701 (2007).

¹⁶ Justices Robert, Scalia, Thomas, Alito and Kennedy found that the race-based student assignment plans used by the Seattle and Jefferson county schools were not sufficiently narrowly tailored to survive strict scrutiny. Foreshadowing the Supreme Court's ruling was a 1999 case centering on Montgomery County schools, in which the U.S. Court of Appeals for the Fourth Circuit prohibited voluntary integration efforts. *Eisenberg v. Montgomery County Public Schools*, 197 F.3d 123 (4th. Cir.), *cert. denied*, 529 U.S. 1019 (1999).

¹⁷ See Brief of 533 Social Scientists as *Amici Curiae* in Support of Respondents, *Parents Involved in Community Schools v. Seattle School District No. 1 et al.*, available at http://www.civilrightsproject.ucla.edu/research/deseg/amicus_parents_v_seattle.pdf; Brief of the American Educational Research Association as *Amicus Curiae* in Support of Respondents, *Parents Involved in Community Schools v. Seattle School District No. 1 et al.*, available at http://www.aera.net/uploadedFiles/News_Media/AERA_Amicus_Brief.pdf.

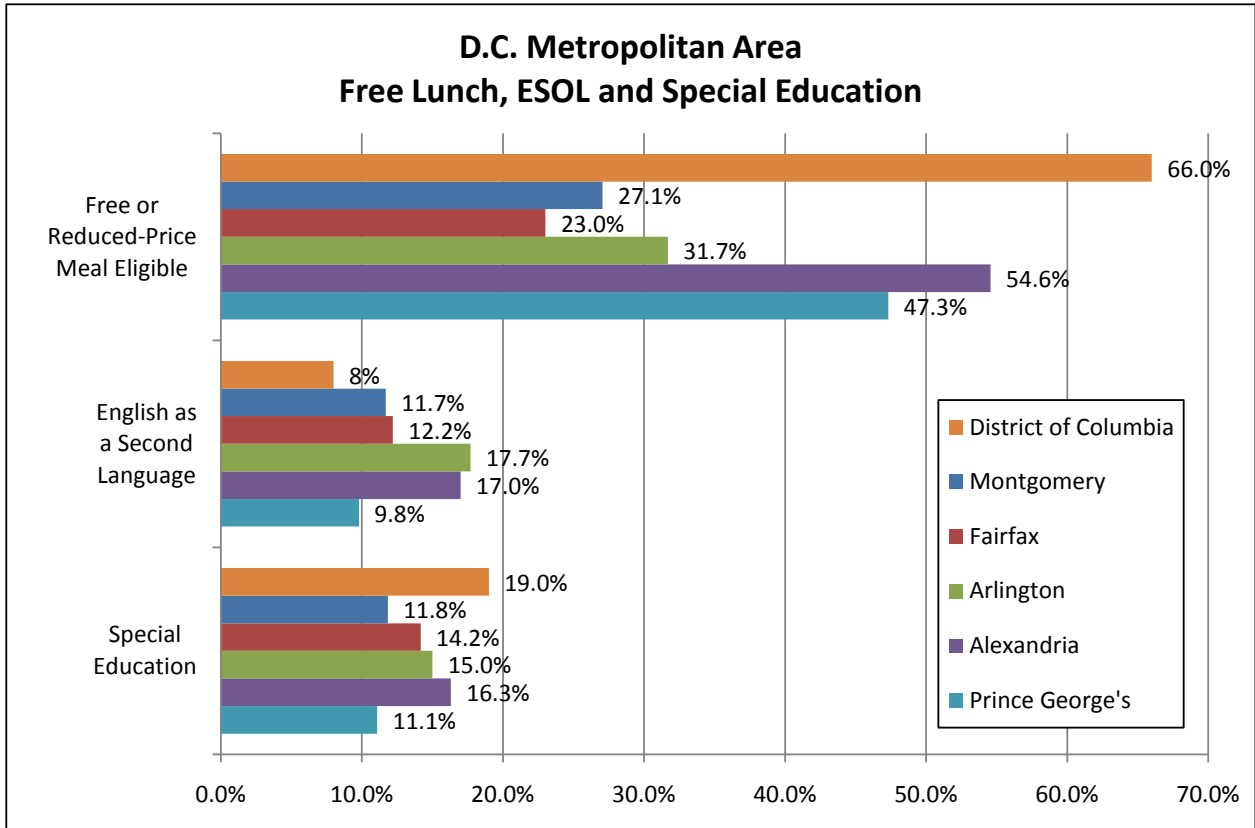
Special Education and Poverty

In the District, students often face double segregation by race/ethnicity and by poverty. DCPS has a high percentage of students with special needs and, in particular, low-income students, who are identified for the purposes of this report as students eligible for free or reduced-price meals.¹⁸ As detailed in the chart below, rates of low-income students and students in special education (as a percent of total enrollment) in D.C. are significantly higher than the surrounding school districts in the greater metropolitan area. On a national level, African-American children ages 6 through 21 represent approximately 14.8% of the general population, yet account for 20.2% of the special education population in public schools nationwide.¹⁹ For the 2004-2005 year, the U.S. Department of Education found that 90.5% of students in special education ages 6 through 21 served by DCPS under the Individuals with Disabilities Education Act of 2004 were African-American. Sixty-six percent of DCPS students are low-income and DCPS and Prince George's County public schools together educate 50.4% of the area's low-income students.²⁰

¹⁸ Hispanic/Latino students face a three-faceted isolation: racial, poverty and linguistic isolation. Orfield & Lee, *supra* note 6.

¹⁹ U.S. Department of Education, 28th Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act ("IDEA"), 2006, Vol. 2. Hispanics/Latinos comprise 5.8% of these students educated under the IDEA; 3.3% of such students are white. The 28th Annual Report is the most recent congressional report that is publicly available.

²⁰ DCPS data, <http://dcps.dc.gov/DCPS/About+DCPS/Who+We+Are/Facts+and+Statistics>. Greater metropolitan area data, Washington Area Boards of Education 2010 Report, available at <http://www.fcps.edu/fs/budget/wabe/2010.pdf>.



In its 2010 report, *The Condition of Education*, the U.S. Department of Education focused on the impact of high levels of poverty on educational outcomes.²¹ The report defines “high-poverty schools” as schools in which 76-100% of the students enrolled are eligible for free or reduced-price meals, and found that D.C. had the fourth-highest number of high-poverty elementary schools nationwide for the 2007-2008 school year. As compared to students at low-poverty schools, students in high-poverty schools tend to perform worse on National Assessment of Education Progress assessments in reading, math, music and art. These schools also have lower graduation rates (68%, as compared to 91% at low-poverty schools) and

²¹ U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, *The Condition of Education*, 2010 Special Analysis: High-Poverty Public Schools, available at: http://nces.ed.gov/programs/coe/list/sa_list.asp.

a lower number of students attending college after high school graduation (28%, as compared to 52% at low-poverty schools nationwide). This is borne out in DCPS testing data discussed below. Accordingly, the concentration of low-income students (and high-poverty schools) in the District remains an area of significant challenge for DCPS in 2010.

Funding

The 2005 Report highlighted the fact that, with much *higher levels of student need* than surrounding districts in order for District students to have “vertical equity”²² with their more-advantaged neighbors, the District would need to spend significantly *more dollars per pupil* than the neighboring school districts. In 2005, however, the District was spending less per pupil than many surrounding school districts. District spending per pupil in 2005 was significantly less than that of Arlington (\$3,800 less per pupil) and Alexandria (\$2,100 less per pupil), and somewhat less than Montgomery (\$500 less per pupil). The only school district that spent significantly less per pupil than the District in 2005 was Prince George’s County – the only other heavily African-American district.²³

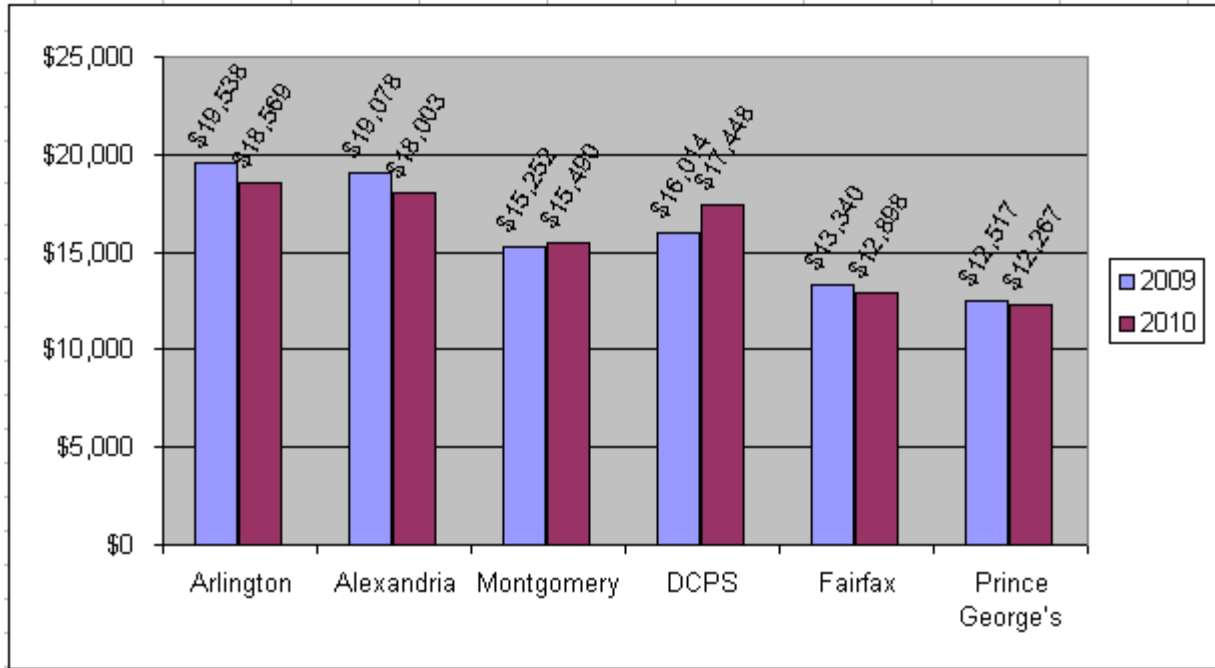
In the intervening five years, the District has made great strides toward achieving for its students “horizontal equity”²⁴ with its more advantaged suburban neighbors. Utilizing the same per pupil funding methodology utilized by neighboring school systems, the District now trails only Arlington and Alexandria in per pupil funding, and by a much less significant amount than in 2005: Arlington by \$1,121, and Alexandria by only \$555. Based on FY 2010 figures (see graph below), the District now spends more money per student than Montgomery, Fairfax, and Prince George’s Counties. Further, since 2005, the District has increased per pupil funding by a higher percentage (57% from 2005 levels) than any neighboring district over the same period.

²² “Vertical equity” is a measure of resources available for students with greater needs.

²³ 2005 Report, at 14-15.

²⁴ “Horizontal equity” is a measure of resources available for all students.

Per Pupil Operating Budget: DCPS and Surrounding Suburbs
 FY 2009 & 2010
 State, Local, and Federal Entitlement Revenues²⁵



While the District has decreased or eliminated the per pupil funding gaps with neighboring jurisdictions, those comparisons do not take into account the generally greater needs of DCPS students as compared to students in neighboring school districts. As the table above at page 23 demonstrates, the District far outpaces neighboring districts with respect to percentage of low-income and special needs students. Of particular note is the fact that 66% of DCPS students qualify for free or reduced lunch, and 19% of DCPS students are students with special needs, far outpacing even the next highest neighboring district. As such, the socioeconomic and educational challenges facing DCPS students and their families require even more effort by the

²⁵ Suburban figures and methodology were drawn from Washington Area Boards of Education (WABE) Guides, FY 2009, 2010, available at <http://www.fcps.edu/fs/budget/wabe/>. Figures for DCPS were calculated using the WABE formula. See also Mary Levy, *Testimony before the Committee of the Whole, District of Columbia Council, on the DC Public Schools 2009-10 Equalization Process, Budget Reductions, and Reductions in Force* (Oct. 16, 2009), available at <http://www.dcpswatch.com/rif/091016.htm> (providing a detailed analysis of DCPS funding and an explanation of WABE methodology as applied to DCPS).

District to achieve vertical equity with their neighbors. The District's disadvantaged students require greater resources than their advantaged suburban counterparts with whom they will compete and interact throughout their lives.

School Facilities

The 2005 Report highlighted the decrepit state of DCPS facilities that has persisted since *Bolling*. D.C. school facilities suffered from decades of neglect, forcing the majority of DCPS students to attend dilapidated and often unsafe schools. A lawsuit filed by Parents United against the District in 1992 “found 5,695 total fire code violations throughout the D.C. public schools and deemed the vast majority of them to be life-threatening.”²⁶ In 1998, a U.S. Army Corps of Engineers report found that 84% of D.C. school facilities were “in poor physical condition.”²⁷ Five years later, a 2003 Parents United report explained that D.C. schools facilities had not improved: “roofs were leaking, windows needed to be replaced, boilers were failing, plumbing, wiring and heating systems were old and unreliable. Many of the floors, walls and ceilings were in poor condition, and people often avoided the use of the bathrooms altogether. There were very few schools in the District of Columbia with working science laboratories.”²⁸ Examples of these poor conditions, which were included in that Report, are attached hereto as Appendix B.

In response to the dire conditions of D.C. school facilities, DCPS developed a Facility Master Plan (“Master Plan”) designed “to modernize, not just renovate, the District’s public schools.”²⁹ Approved by the Board of Education in 2001, the Master Plan envisioned spending \$3.5 billion on full-scale modernizations of D.C. schools “to occur in successive groups of 10

²⁶ See 2005 Report at 24-25, citing *Parents United v. Kelly*, Civil Action No. 92-3478 (D.C. Sup. Ct. June 10, 1994).

²⁷ *Id.* at 21.

²⁸ Parents United for the D.C. Public Schools, *Leaving Children Behind: The Underfunding of D.C. Public Schools Building Repair and Capital Budget Needs* (July 2003), at 3.

²⁹ 2005 Report at 22.

schools over a 10- to 15-year period.”³⁰ By 2003, modernizations of several schools in the first round had been completed.

However, D.C. government’s 2005 Budget and Financial Plan provided far less funding than the Master Plan required. As noted in the 2005 Report, the proposed budgets for FY 2005 through FY 2009 seemed almost oblivious to the crisis, proposing capital budgets well below the amounts called for under the DCPS Master Plan and, indeed, proposing \$0 for FY 2008 and FY 2009.³¹ The Superintendent, without any source of funding in the proposed budgets, proposed scrapping the Master Plan, in favor of a much more modest program to renovate partially those buildings in the most dire need of repair.³²

The crisis in D.C. school facilities highlighted in the 2005 Report was well-publicized and caused justifiable public reaction. Following the 2006 mayoral election, the landmark 2007 Reform Act resulted in a substantial restructuring of DCPS, and fundamentally changed the dynamics of investment in DCPS facilities. The 2007 Reform Act established DCPS as a cabinet-level agency within the Mayor’s office. For the first time, control over DCPS aligned with the source of funding for DCPS. The 2007 Reform Act clearly makes the Mayor accountable for DCPS, including DCPS facilities. This change has yielded significant results.

The 2007 Reform Act also established the Office of Public Education Facilities Modernization (“OPEFM”) as a separate executive branch entity, in order to plan and coordinate

³⁰ *Id.* at 22.

³¹ *Id.* at 22-23.

³² *See id.* at 23 (Under the so-called “Option D,” DCPS “would spend \$640.8 million on partial renovations to schools in dire need of repair over the next six years, instead of spending \$3.5 billion on a full-scale modernization program over the next twenty years as envisioned by the Master Plan.”) (citations omitted).

modernization work.³³ The OPEFM, headed since its inception by Allen Y. Lew, assumed “control over the functions, assets and personnel [previously] administered by the Office of Facilities Management (“OFM”).”³⁴ The OPEFM has “independent procurement and personnel authority,” and is funded through a dedicated Public School Capital Improvement Fund, administered by the District’s Chief Financial Officer.³⁵

OPEFM hit the ground running. A “Heating and Boiler Blitz” was undertaken in 2007, and successfully ensured that all DCPS schools had functioning heating systems by the beginning of heating season in October 2007.³⁶ Similarly, an “Air Conditioning Blitz” was completed in time for the cooling season in April 2008.³⁷ In addition to these achievements, by the end of FY 2008 OPEFM had resolved approximately 25,000 work orders relating to facilities repair with 5,100 outstanding by September 30, 2008, thus making a huge dent in the previous backlog.³⁸

In its first year, OPEFM also completed substantial emergency security repairs. As noted above, a lawsuit filed by Parents United against the District in 1992 “found 5,695 total fire code

³³ Public Education Reform Amendment Act of 2007, Tit. VII, *available at* <http://www.dccouncil.us/images/00001/20070423153411.pdf>.

³⁴ The transfer from OFM to OPEFM was mandated by the School Modernization Use of Funds Requirements Emergency Amendment Act of 2007, *available at* <http://www.dccouncil.washington.dc.us/images/00001/20071005173335.pdf>.

³⁵ Public Education Reform Amendment Act of 2007, § 702(b)-(c), *available at* <http://www.dccouncil.us/images/00001/20070423153411.pdf>.

³⁶ Allen Y. Lew, Testimony Before the Committee of the Whole of the District of Columbia on FY 2008 and FY 2009 to Date Performance Oversight Hearing for the Office of Public Education Facilities Modernization, 4 (Mar. 5, 2009).

³⁷ *Id.* at 4. *See also DCPS 2009-2010 School Opening Report*, 3 (“A total of roughly 20 classrooms across . . . 13 schools were without air conditioners in the first week of school.”).

³⁸ Allen Y. Lew, Testimony Before the Committee of the Whole of the District of Columbia on FY 2008 and FY 2009 to Date Performance Oversight Hearing for the Office of Public Education Facilities Modernization, 5 (Mar. 5, 2009).

violations throughout the D.C. public schools and deemed the vast majority of them to be life-threatening.”³⁹ By the end of January 2008, the number of fire code violations in D.C. public schools had been reduced to 393, across 20 individual schools.⁴⁰ While zero fire code violations would be ideal, there has been a remarkable amount of progress made in ensuring a safe and healthy learning and working environment for DCPS students and teachers.

The OPEFM has utilized a phased facilities improvement strategy for elementary and middle schools. For elementary and middle schools, Phase 1 addresses immediate classroom improvements, such as lighting, air quality, technology improvements, and furniture, and is scheduled for completion within five years of the 2010 Master Facilities Plan (“MFP”).⁴¹ Phase 2 addresses improvements in “support components” such as cafeterias, gymnasiums, and school grounds, and is scheduled for completion between years six and eight.⁴² Phase 3 addresses “system components,” such as mechanical, electrical, plumbing, and security systems, and is scheduled for completion between years eight and ten.⁴³ With respect to high schools, the 2010 MFP provides for the “simultaneous implementation of Phases 1, 2, and 3 for all high schools,” with a focus on rehabilitation of existing structures rather than new construction.⁴⁴ The different approaches taken with respect to grades K-8, on the one hand, and high schools on the other, the

³⁹ See 2005 Report, at 24-25, citing *Parents United v. Kelly*, Civil Action No. 92-3478 (D.C. Sup. Ct. June 10, 1994).

⁴⁰ *DCPS Fire Code Report, 11/23/07-1/31/08*, available at http://opefm.dc.gov/pdf/Stabilization_Attachment_A.pdf.

⁴¹ *DCPS Master Facilities Plan 2010, Plan Detail Narrative* [hereinafter “2010 MFP”], 7 (Apr. 1, 2010), available at http://opefm.dc.gov/pdf/master_facility_plan/Plan_Detail_Narrative.pdf.

⁴² *Id.* at 13.

⁴³ *Id.*

⁴⁴ *Id.*

2010 MFP explains, are due to the increased time that K-8 students spend in the classroom relative to their older colleagues who spend less time in individual classrooms, and more in extracurricular and support facilities.⁴⁵

As of April 2010, “nearly ten full modernizations” had been completed, with plans in place to undertake phased improvements throughout D.C. schools.⁴⁶ In the summer of 2009, OPEFM completed Phase 1 modernizations at four D.C. schools: Brent ES, Burroughs EC, Ferebee-Hope ES, and Tubman ES.⁴⁷ Also in the summer of 2009, OPEFM completed full modernizations at five schools: H.D. Cooke ES, Alice Deal MS, Savoy ES, School Without Walls HS, and Wheatley EC.⁴⁸ Full modernizations are underway at Cardozo HS, Wilson HS, Eastern HS, Anacostia HS, and H.D. Woodson HS, with improvements or modernizations to numerous other schools in the design/construction phases.⁴⁹ These modernization efforts have led to hundreds of children residing in all areas of D.C. now attending state-of-the-art educational facilities. Several examples of the recent modernization work are included in Appendix C.

Facility modernization and improvement projects have also touched all four quadrants of the District. For example, Savoy ES in Southeast, Wheatley Education Campus (PS-8) in Northeast, and Wilson HS in Northwest have each received recent modernizations or large-scale

⁴⁵ *Id.*

⁴⁶ *Id.* at 28.

⁴⁷ *Id.* at 21.

⁴⁸ *Id.*

⁴⁹ 21st Century School Fund, *DCPS Capital Expenditures 1998-2009 and Planned 2010-19*, available at <http://www.21csf.org/csf-home/datashop.asp>.

improvement. Savoy, originally constructed in 1968, was modernized in 2009.⁵⁰ The Savoy project includes a new 26,000-square-foot community center, a full-sized gym, and a performance stage.⁵¹ Further, Savoy is expected to receive LEED Gold certification in Spring 2010.⁵² Wheatley received a full modernization in 2009, including a new gym/cafeteria, a new music room, ADA-compliant restrooms, and “bamboo finishes in the media center and main entrance.”⁵³ On top of the 18,065 additional square feet of space added during the 2009 modernization, Wheatley is also scheduled to receive an addition in 2010.⁵⁴ Finally, in 2009, the OPEFM managed a project to construct the Wilson HS Aquatic Center, which features a “50-meter competition pool, a wellness/leisure pool, an adult whirlpool, spectator seating,” and is open to all D.C. residents free of charge.⁵⁵

It is clear that DCPS facilities were in dire need of improvement, and that the amounts budgeted as of 2005 were insufficient to do the job. It is also clear that the school modernizations undertaken since 2007 have substantially improved the physical environments in which thousands of DCPS students receive instruction. Nonetheless, several criticisms have been advanced.

⁵⁰ Savoy *ES Profile*, available at http://opefm.dc.gov/pdf/master_facility_plan/Savoy_Elementary_School.pdf.

⁵¹ *Alfred Kiger Savoy Elementary School Modernization and Co-Location Project*, available at <http://www.21csf.org/csf-home/dcps/SavoyElementarySchoolProjectUpdate.pdf>.

⁵² *2010 MFP*, at 21.

⁵³ District of Columbia, OPEFM, Press Release: Fenty Cuts Ribbon at Modernized Samuel Wheatley Education Campus (Aug. 12, 2009), available at http://opefm.dc.gov/pdf/News-Release-Wheatley-FINAL-ES-ribbon-cutting-Aug-2009%20_3_.pdf.

⁵⁴ *Id.* at 21, 24. See also *Wheatley EC Profile*, available at http://opefm.dc.gov/pdf/master_facility_plan/Wheatley_Education_Center.pdf (providing photos of the renovated school).

⁵⁵ Wilson Aquatic Center Homepage: <http://www.wilsonpooldc.org/building.html>.

First, the phased facilities improvement strategy employed by the District has focused on immediate classroom improvements in the first five years, while delaying underlying systems improvements until year eight.⁵⁶ Some commentators have contended that the District’s focus on immediate action in the classroom, deferring major structural improvements – such as heating and cooling systems, electrical systems, and roof repair – will mean that much of the “Phase 1” improvements, and the large expenditures involved therewith, will have to be redone in “Phase 3.”⁵⁷ On the other hand, OPEFM’s focus on classroom improvement is supported by academic studies,⁵⁸ and has likely already improved the educational experience for students and teachers alike. Although the 2010 MFP briefly addresses concerns over “rework” of Phase 1 projects by Phase 2 and 3 projects, the MFP dismisses the impact as a “very small piece of the total budget expenditures” and maintains substantially the same phased approach as the Transition Plan and 2008 MFP.⁵⁹ Yet a small piece of the \$470 million that OPEFM expended in FY 2008,⁶⁰

⁵⁶ 2010 MFP, at 23.

⁵⁷ See, e.g., Mary Levy, *Testimony Before the District of Columbia Council Committee of the Whole on the Master Facilities Plan for the District of Columbia Public Schools* (Mar. 26, 2009).. at 2 (explaining that “piecemeal systems replacement and the attendant undoing of previous improvements and renovations is just what DCPS did in the 1980s and 1990s,” and “only works if money is no object . . .”). Critics also note that much of the facilities improvement plan is funded through bonds with maturities between 20 and 30 years, meaning that District taxpayers will likely be paying off the current flurry of school construction well past the useful life of those improvements. *Id.*

⁵⁸ See *id.* at 4-6 (citing studies supporting the educational benefits of lighting, air quality, acoustics, and furniture). See also Mark Schneider, *Do School Facilities Affect Academic Outcomes* (2002) (concluding that spatial configurations, noise, temperature, daylight, and air quality have an effect on students’ and teachers’ ability to perform in the classroom); Mark Schneider, *Public School Facilities and Teaching: Washington, D.C. and Chicago* (listing studies); Jack Buckley, Mark Schneider & Yi Shang, *The Effects of School Facility Quality on Teacher Retention in Urban School Districts* (2004) (concluding that the quality of school facilities is an important predictor of the decision of teachers to leave their current positions). All may be accessed through the 21st Century School Fund, www.21csf.org.

⁵⁹ 2010 MFP, at 13.

⁶⁰ See Allen Y. Lew, *Testimony Before the Committee of the Whole of the District of Columbia on FY 2008 and FY 2009 to Date Performance Oversight Hearing for the Office of Public Education Facilities Modernization*, 3 (Mar. 5, 2009).

combined with projected annual expenditures of over \$300 million annually through 2019⁶¹ could amount to a considerable sum of money. Accordingly, care should be taken to minimize the amount of reworking that will need to be done under the current phased approach.

Second, two general criticisms have been leveled against OPEFM with respect to how it targets facilities improvements: (a) improvements allegedly have not been targeted to neediest students, and (b) the criteria for targeting improvements are not clearly stated.⁶² For example, during the process of crafting the 2008 MFP, the legislatively-created Public School Modernization Advisory Committee - whose role is to participate in the MFP drafting process and to provide feedback and analysis on OPEFM's plans to the Council – noted that “[i]n the materials we have received to date, the Committee finds scant evidence of any Master Education Plan to be served by the Facilities Plan.”⁶³ The “guiding principles” espoused in the 2008 MFP⁶⁴ were vague and susceptible to the criticism that OPEFM did not adequately consider student need or coordinate modernization efforts with a broader academic strategy.

⁶¹ 2010 MFP, at 34.

⁶² See Mary Levy, *Testimony Before the District of Columbia Council Committee of the Whole on the Master Facilities Plan for the District of Columbia Public Schools* (March 26, 2009); Margot Berkey, *Testimony Before the District of Columbia Council Committee of the Whole on the Master Facilities Plan for the District of Columbia Public Schools* (March 26, 2009).

⁶³ See Paul Martin Wolff, *Letter to Chairman Vincent C. Gray*, (Oct. 23, 2008). See also Mary Levy, *Testimony Before the District of Columbia Council Committee of the Whole on the Master Facilities Plan for the District of Columbia Public Schools* (March 26, 2009), at 2-3 (“there is no relationship favoring schools with the largest percentages of disadvantaged students. . . . suggest[ing] strongly that the selection and sequence is haphazard, guided by ad hoc decisions rather [than] by any system focusing on addressing the worst conditions or the neediest students first and most.”).

⁶⁴ See *DCPS Master Facilities Plan 2010, Priorities, Objectives, and Defining Modernization*, 9-10 (Mar. 3, 2009), available at http://opefm.dc.gov/pdf/Priorities_ES.pdf (explaining the four guiding principles: 1) modernize/enhance classrooms; 2) ensure building support programs; 3) accommodate emerging/existing feeder patterns, enrollment trends and school clusters; 4) leverage the school as a community asset).

The 2010 MFP, while not perfect, has largely addressed these issues, and clearly explains multiple factors considered in the sequencing of modernizations. For instance, the 2010 MFP provides that two main parameters were utilized in determining modernization sequencing: the needs of the academic program and the condition of the building.⁶⁵ In order to determine the needs of the academic program, OPEFM “took into consideration . . . capacity issues, open-plan configurations, PreK-8 needs, and emerging academic foci such as STEM/Fine Arts schools.”⁶⁶ The 2010 MFP also explains that “[t]he modernization phasing plan proposed by the MFP takes into consideration the unique condition of each school, the OOC Guiding Principles, the preferred alignment of academics with facilities, the changing demographics of the District, city-wide phasing, and the annual availability of modernization funds.”⁶⁷ Thus, while the 2010 MFP does not spell out with mathematical precision exactly how sequencing decisions are made, it does demonstrate a focus on many of the factors that should rightly be considered when sequencing facilities modernizations.

Facilities improvement sequencing legitimately involves multiple considerations, including the neediness of students. However, other considerations, such as overcrowding, current facility conditions and the desire to retain students must also come into play. It is clear that the sequencing of DCPS facilities improvements is not susceptible to wooden application of mathematical formulas to determine where the next investment is to be made. The 2010 MFP reflects these realities, and seeks to balance the multiple considerations including financial resources.

⁶⁵ 2010 MFP, at 14.

⁶⁶ *Id.*

⁶⁷ *Id.*

Moreover, comparisons of short-term capital expenditures by ward in an effort to demonstrate a failure to serve neediest students are, at best, misleading. They ignore longer term expenditures, do not take into account factors such as overcrowding in some schools and over-capacity at others, and ignore the fact that some schools are attended by numerous students living outside the ward in which the school is located. At the end of the day, judgments about facility improvement site choices must be made in view of a multitude of factors. Nonetheless, the criteria considered in making those choices should be spelled out with as much specificity as possible.

In sum, the state of DCPS facilities has dramatically improved over the past five years. It is fair to say that the large majority of schools provide students with environments much more conducive to learning than they did just five years ago.

Teacher and Principal Compensation

The 2005 Report explained that while salaries for teachers and principals in the D.C. public schools were competitive with salaries in surrounding school districts at the entry level, maximum salaries for teachers and principals in the District were far lower than maximum salaries in surrounding school districts. As explained below, the Collective Bargaining Agreement between the Washington Teachers' Union and D.C. school district (the "Collective Bargaining Agreement"), which became effective as of its unanimous approval by the D.C. Council on June 29, 2010,⁶⁸ increases teacher salaries. The Collective Bargaining Agreement raises the minimum salary for D.C. public school teachers above the minimum salaries available for teachers in surrounding school districts and helps to narrow the gap between D.C. teachers and teachers in surrounding school districts at the maximum salary level. The Collective Bargaining Agreement also includes a performance-based pay system that, as a D.C. school district official confirmed, could result in some teachers earning salaries significantly higher than salaries available in surrounding school districts.

The Collective Bargaining Agreement does not affect principal compensation, and the gap between the maximum principal salary in the D.C. school district and the average maximum

⁶⁸ Collective Bargaining Agreement between the Washington Teachers' Union and the District of Columbia Public Schools, §42.1 (2007–2012), <http://www.wtulocal6.org/>, Members, Contract, WTU/DCPS Contract ("Collective Bargaining Agreement"). The Collective Bargaining Agreement applies only to traditional public schools, not D.C.'s "57 publicly financed, independently operated charter schools, which educate 37 percent of the city's 75,000 public school students." See "D.C. Charters Say Raises Give Traditional Students an Edge," www.washingtonpost.com (May 20, 2010).

principal salaries in the surrounding school districts has increased since 2005.⁶⁹ However, according to a D.C. school official, increasing principal salaries is a priority of the district.

A. Teacher Compensation

As Charts 2⁷⁰ and 3⁷¹ below indicate, before the adoption of the Collective Bargaining Agreement, significant disparities existed in both maximum and average salaries between

⁶⁹ In 2005, the difference between the maximum principal salary for principals in D.C. public schools and the average maximum salary for principals in surrounding school districts was approximately \$17,000. As shown by Chart 5, today the gap is more than \$25,000.

⁷⁰ Salary information for Charts 1 and 2 was gathered from the following sources:

- Arlington: Arlington Public Schools Pay Plan FY10 (July 1, 2009-June 30, 2010), <http://www.apsva.us/>, Employment, Compensation;
- Fairfax: Compensation Handbook, FY 2010, Fairfax County Public Schools, Department of Human Resources, Office of Salary Services, <http://www.fcps.edu/>, Employees, Salary Scales;
- Prince George's: Teacher's Salary Schedule, Prince George's County Public Schools, <http://www1.pgcps.org/>, Job Opportunities, Salary Scales, FY09: PGCEA Teacher's Salary Scale;
- Montgomery: Montgomery County Public Schools, FY2010 Salary Schedules, http://www.montgomeryschoolsmd.org/departments/ersc/salary_schedules.shtm, Historical Salary Schedules, Fiscal Year 2010, Teacher (MCEA);
- Alexandria: Alexandria City Public Schools, 2009-2010 Salary Scales, <http://www.acps.k12.va.us/hr/compensation/>, Teachers; and
- District of Columbia: Collective Bargaining Agreement between the Washington Teachers' Union & The District of Columbia Public Schools, October 1, 2004 through September 30, 2007 ("Previous Collective Bargaining Agreement") (previous agreement, and a representative from the D.C. public schools confirmed that the salary scales in this agreement were still in effect prior to the Collective Bargaining Agreement's ratification), <http://www.wtlocal6.org/pdf/contract.pdf>; Collective Bargaining Agreement. As explained more fully in a footnote below, under the Collective Bargaining Agreement, pay increases for the 2009-2010 will be paid retroactively for the appropriate portion of the school year.

Charts 1 and 2 include the minimum and maximum teacher salaries available in D.C. public schools and surrounding districts, respectively. School districts differ regarding the amount of days and months teachers work under their contracts, and the terms that correspond to the salary levels in the charts are indicated in the parentheticals. Additionally, one or more of the school districts may have separate pay scales or grades for different types of teaching assignments, and teachers within a school district may have different contract term lengths. School districts may include other licensed professionals or similar positions in their teacher pay scales, and in compiling the charts we used the minimum and maximum salary figures from these scales made publicly available by the school districts. The charts also do not reflect additional amounts teachers may be able to earn by, for example, taking on additional responsibilities or working under a longer contract term, unless the school district reflects these amounts in their published salary scales; nor do the charts reflect any benefits or bonuses that may be provided to teachers on top of the salaries reflected in the salary scales.

⁷¹ Salary information for Chart 3 for the 2008-2009 school was gathered from the following sources:

teachers in the D.C. school district and surrounding school districts.⁷² For example, as shown in Chart 3, the average teacher salary of D.C. public school teachers in 2008-2009 was lower than the average teacher salaries of almost all of the neighboring school districts.

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- District of Columbia: NEA Rankings & Estimates: Rankings of the States 2008 & Estimates of School Statistics 2009, <http://www.nea.org>, Issues & Actions, Reference Center, NEA Research Reports, Rankings & Estimates: Rankings of the States 2008 & Estimates of School Statistics 2009.pdf at 92;
 - Prince George's and Montgomery: Analysis of Professional Salaries Maryland Public Schools June 2009, Maryland State Dept. of Education, <http://www.marylandpublicschools.org>, Division, Accountability & Assessment, Staff & Student Publications, Staff 2008 -2009, Analysis of Professional Salaries Maryland Public Schools June 2009 at 12;
 - Alexandria, Arlington, and Fairfax: DLAS Document Summary 2008-2009 Teacher Salary Survey, Dept. of Education, <http://www.doe.virginia.gov>, Teaching in Virginia, Education Workforce Data & Reports, 2008-2009 Teacher Salary Report.pdf at 6-7.

⁷² In 2005, the difference between the maximum salary for D.C. public school teachers and the average maximum salary for teachers in surrounding school districts was \$7,770. Before the new Collective Bargaining Agreement took effect, the gap between the maximum base salaries for D.C. teachers on a ten-month contract and the average maximum salary for teachers in surrounding school districts increased to approximately \$23,300 and the gap between the maximum base salaries for D.C. teachers on a twelve-month contract and the average maximum salary for teachers in surrounding school districts increased to approximately \$12,850.

**Chart 1: Minimum Teacher Salaries: DC and Surrounding Suburbs
2009-2010 School Year**

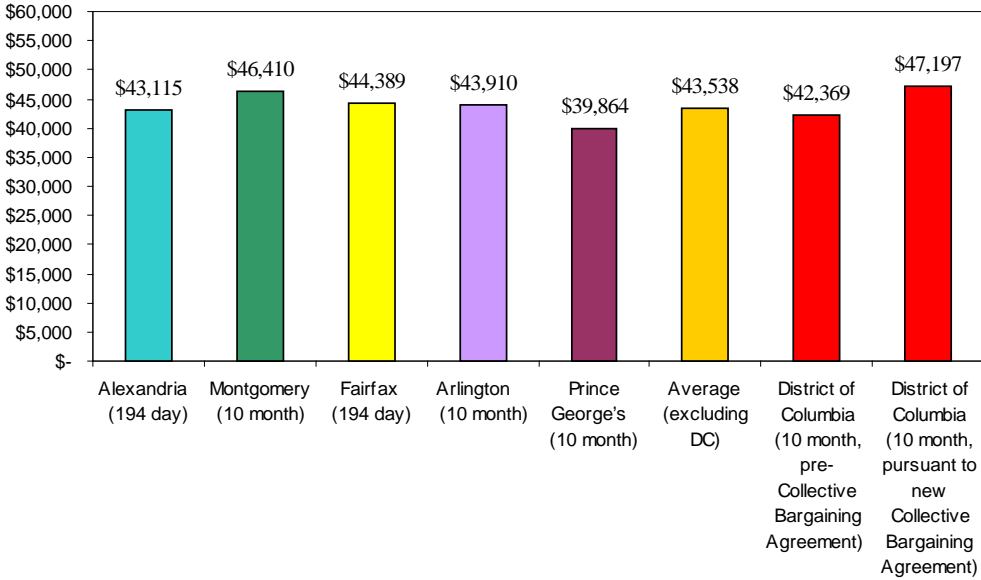


Chart 2: Maximum Teacher Salaries - DC and Surrounding Suburbs

2009 - 2010 School Year

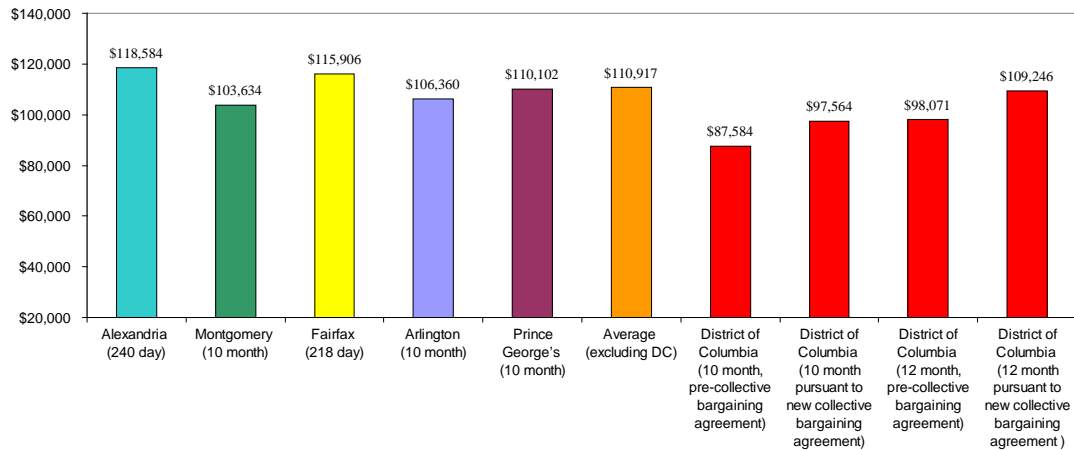
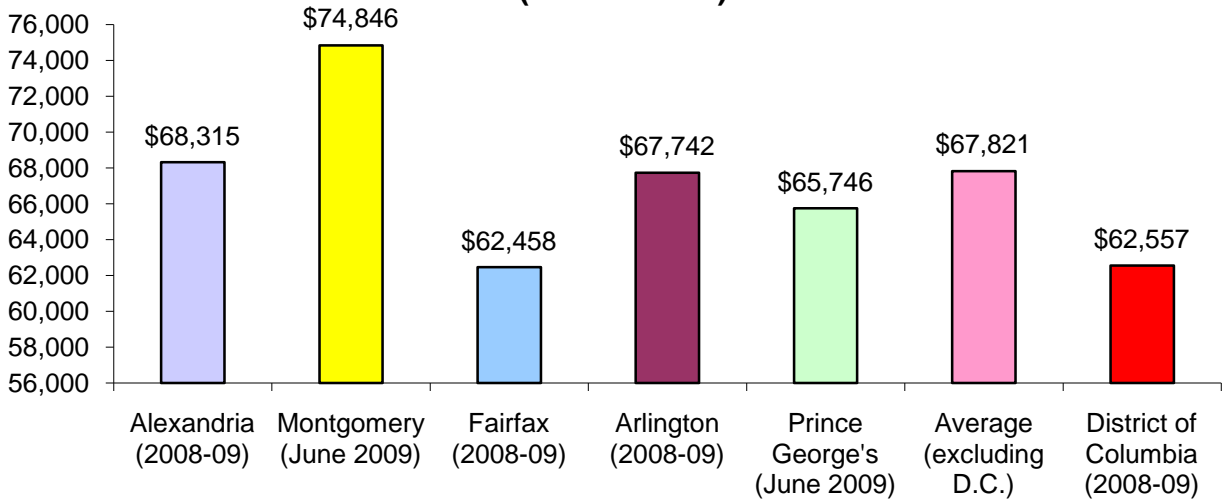


Chart 3: Average Teacher Salaries: DC and Surrounding Suburbs (All Teachers)



As indicated by Charts 1 and 2, the Collective Bargaining Agreement increases teacher salaries. Even before the adoption of the new Collective Bargaining Agreement, the minimum salaries for D.C. teachers were competitive with minimum salaries in surrounding school

districts. However, under the Collective Bargaining Agreement, the minimum salary for teachers in D.C. public schools is more than \$3,500 more than the average of the minimum salaries in surrounding school districts.

The Collective Bargaining Agreement also helps to narrow the gap in maximum salaries between teachers in DCPS and surrounding school districts. Specifically, under the Collective Bargaining Agreement, the maximum salary for teachers in a ten-month contract for 2009-2010 increased from \$87,584 to \$97,564.⁷³

The Collective Bargaining Agreement also is expected to raise teacher compensation levels substantially through a performance-based bonus system. While teachers who receive a “minimally effective” evaluation score will be held at their current step level,⁷⁴ the performance-based pay system is expected to raise compensation levels for high-performing teachers significantly. The agreement provides that the D.C. public school district, in collaboration with the Washington Teachers’ Union, will implement this performance-based pay system in the fall of 2010.⁷⁵ While the details of the system have not yet been determined, the agreement provides

⁷³ See Collective Bargaining Agreement ¶¶36.3–36.5; 36.8–36.10; 36.13–36.14. The Collective Bargaining Agreement provides for annual base salary pay increases, ranging from 3 to 5 percent, for the 2007-2008 through the 2011-2012 school years and provides that the 2007-2008, 2008-2009, and the appropriate portion of the 2009-2010 raises will be paid retroactively to all DCPS employees who were members of the WTU bargaining unit as of the date of the WTU ratification of the agreement and to all WTU bargaining unit members who were separated or retired as a result of the November 2009 Reduction-in-Force. See Collective Bargaining Agreement ¶36.2.

⁷⁴ *Id.* ¶36.6. In July 2010, D.C. Public Schools fired at least seventy-six teachers for performance and rated hundreds of other instructors as “minimally effective.” According to the Washington Post, minimally effective instructors have one year to improve their performance or they face dismissal. “Rhee dismisses 241 D.C. teachers; union vows to contest firings,” www.washingtonpost.com (July 24, 2010); “D.C. Teachers Union Accuses Rhee of ‘Playing Loose’ with Numbers on Firings,” www.washingtonpost.com (Aug. 5, 2010).

⁷⁵ *Id.* ¶¶36.3–4.

that the system will be based on instructional and performance standards and that all teachers will be eligible to qualify for the program.⁷⁶

According to a Washington Post article, the performance-based system could add \$20,000 to \$30,000 to D.C. teachers salaries, based on significant improvement in student test scores and other to-be-determined criteria.⁷⁷ The program will, at least initially, be funded privately, and Education Week reported that four foundations have committed nearly \$65 million in total for performance-based compensation.⁷⁸ As Kate Walsh, executive director of the National Council on Teacher Quality, stated in a Washington Post article, “What Michelle [Rhee] has put together, no other school district has put together. It’s the whole package.”⁷⁹ While officials are optimistic that the program could result in some D.C. teachers being among the highest-paid teachers in the nation,⁸⁰ the effectiveness of the program remains to be seen.

Increasing teacher compensation is likely to improve teacher retention rates and decrease unwanted teacher turnover. Evidence suggests teachers are less likely to transfer school districts if their compensation is higher than the compensation available in surrounding districts.⁸¹

⁷⁶ *Id. see also* “Rhee Seeks Tenure-Pay Swap for Teachers,” www.washingtonpost.com (July 3, 2008). The agreement does, however, diminish the importance of tenure by allowing D.C. schools to fire teachers based on a point system that weighs teacher evaluations and qualifications much higher than seniority. *See* Collective Bargaining Agreement ¶4.5.2.5; *see also* “D.C. teachers’ union ratifies contract, basing pay on results, not seniority,” www.washingtonpost.com (June 3, 2010); “Breaking the Teacher Union’s Monopoly,” www.newsweek.com (June 4, 2010).

⁷⁷ “D.C. Teachers’ Union Ratifies Contract, Basing Pay on Results, not Seniority,” www.washingtonpost.com (June 3, 2010).

⁷⁸ “Foundations Would Help Fund D.C. Teacher Contract,” www.edweek.org (Apr. 7, 2010).

⁷⁹ “D.C. Teachers’ Union Ratifies Contract, Basing Pay on Results, Not Seniority,” www.washingtonpost.com (June 3, 2010).

⁸⁰ “D.C. teachers could become highest paid in nation,” www.wtop.com (Apr. 9, 2010).

⁸¹ Jennifer Imazeki, “Teacher Salaries and Teacher Attrition,” *Econ. of Educ. Rev.*, 24(4), 431–449, 432 (Aug. 2005) (noting that, at least among females, transfer rates generally decline when there are wage increases that

Increasing compensation for teachers performing at the highest levels will likely help recruit and retain talented and experienced teachers,⁸² which, in turn, may well improve student performance.⁸³

Additionally, increasing teacher compensation for highly successful teachers may also raise the prestige level of the teaching profession and encourage more talented individuals to teach. As Geoffrey Canada, founder of the Harlem Children's Zone, noted, "You're going to get a bunch of young, talented, smart people saying, 'yeah, well maybe I could do law, maybe I could do medicine, but what about teaching?'"⁸⁴ Increasing teacher compensation may not only result in increased retention of experienced and talented D.C. public school teachers, but may also increase the number talented individuals who choose to enter the profession.

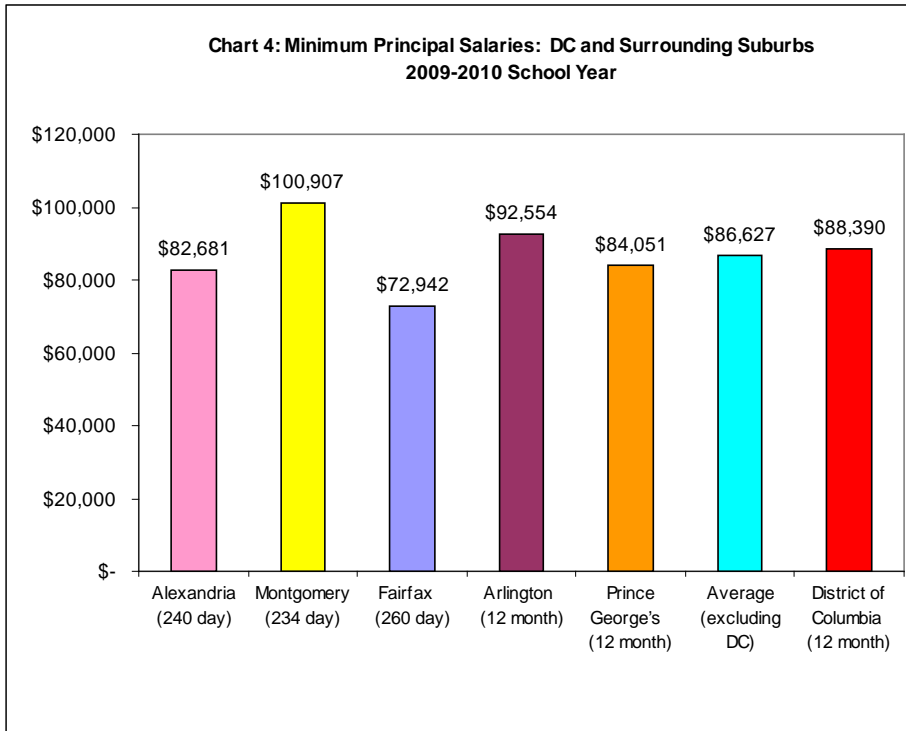
"increase[] district salaries relative to nearby districts"); *see also* Jane Ondrich, Emily Pas, and John Yinger, "The Determinants of Teacher Attrition in Upstate New York," *Pub. Fin. Rev.*, 36(1), 112–144 (2008).

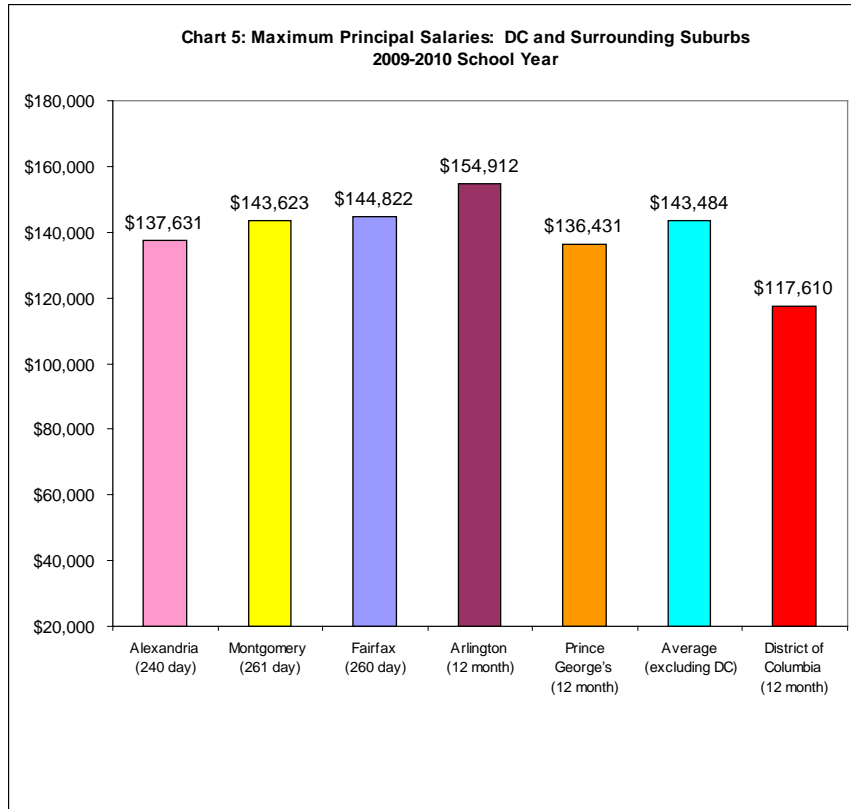
⁸² *See* Imazeki, *supra* note 52 at 432 (noting that "higher salaries for experienced teachers may play some role in retention of less experienced teachers").

⁸³ Charles Clotfelter, Elizabeth Glennie, Helen Ladd & Jacob Vigdor, "Would higher salaries keep teachers in high-poverty schools? Evidence from a policy intervention in North Carolina," *J. of Pub. Econ.*, 92(5–6) 1352–1370, 1353 (June 2008).

⁸⁴ "D.C. Teachers' Union and Michelle Rhee Make Nice," Take Part, <http://www.takepart.com/> (May 24, 2010).

B. Principal Compensation





As shown in Chart 4, salaries for D.C. principals are competitive at the entry level. However, as reflected by Chart 5, the maximum principal salaries for D.C. principals are far lower than the maximum principal salaries in surrounding districts.⁸⁵ For example, a principal at

⁸⁵ Salary information for Charts 4 and 5 was gathered from the following sources:

- Arlington: Arlington Public Schools Pay Plan FY10 (July 1, 2009-June 30, 2010), <http://www.apsva.us/>, Employment, Compensation;
- Fairfax: Compensation Handbook, FY 2010, Fairfax County Public Schools, Department of Human Resources, Office of Salary Services, <http://www.fcps.edu/>, Employees, Salary Scales;
- Prince George's: Pay Tables by Union and Prince George's County Public Schools, May 23, 2009-June 23, 2009, Association of Supervisory and Administrative School Personnel (ASASP), <http://www1.pgcps.org/>, Job Opportunities, Human Resources, Employee Negotiated Agreements;
- Montgomery: Montgomery County Public Schools, FY2010 Salary Schedules, <http://www.montgomeryschoolsmd.org/departments/ersc/>, Salary Schedules, Historical Salary Schedules, Fiscal Year 2010, Administrative and Supervisory;
- Alexandria: Alexandria City Public Schools, 2009-2010 Alexandria City Public Schools Administrator Salary Scale - Licensed, <http://www.acps.k12.va.us/hr/compensation/>, Administrators; and

the top of the pay scale in the Arlington school district can make more than \$37,000 more than a principal at the top of the pay scale in the D.C. school district.⁸⁶ As noted above, the Collective Bargaining Agreement does not affect principal salaries and thus does nothing to close this gap. However, increasing principal salaries is a priority of the district, as a DCPS official has noted.

This salary disparity may impair the District in attracting and retaining talented and experienced principals, as principals are more likely to leave schools offering lower salaries and more likely to move to schools offering higher salaries.⁸⁷ Additionally, evidence suggests that higher principal salaries may be used to attract and retain principals at schools that are otherwise less attractive to principals, because, for example, the schools have a higher proportion of at-risk students.⁸⁸ Principal recruitment and retention is a key factor for any school system, including D.C. public schools, because talented and experienced principals are highly influential in improving student educational outcomes.⁸⁹

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- District of Columbia: District of Columbia Public Schools, Administrator FAQs, <http://dcps.dc.gov/> and from conversations with a DCPS official. While the District of Columbia public school website lists the maximum principal salary as \$113,110, a DCPS official reported that the maximum principal salary for the 2009-10 school year was actually \$117,610.

⁸⁶ Charts 4 and 5 include the minimum and maximum principal salaries available in D.C. public schools and surrounding districts. The charts do not include information on assistant principals. School districts differ regarding the amount of days and months principals work under their contracts, and the terms that correspond to the salary levels in the charts are indicated in the parentheses. Additionally, at least some of the school districts have different pay scales or grades for different types of principal assignments. In compiling the charts we attempted to use the most representative figures for the minimum and maximum salaries, based on information made publicly available by the school districts and on conversations with school officials. These charts also do not reflect additional amounts principals may be able to earn by, for example, taking on additional responsibilities, unless the school district reflects these amounts in their published salary scales; nor do they reflect any benefits or bonuses that may be provided to principals on top of the salaries reflected in the salary scales.

⁸⁷ Frank Papa Jr., “Why Do Principals Change Schools? A Multivariate Analysis of Principal Retention,” *Leadership & Policy in Schools*, 6(3) at 279 (July 2007).

⁸⁸ *Id.* at 287, 269.

⁸⁹ *Id.* at 268.

Testing Results

The 2005 Report took the approach that the most important promise of *Brown v. Board of Education* was not just that children would receive education on equal terms, but that they would be *educated*. There are several possible ways to assess the extent to which DCPS turns out young adults who can attain success in their chosen field of work and personal lives. One method, used in the 2005 Report, is to look at a longitudinal comparison of academic achievement of African-American students within the same school district. Historically this has been difficult, as noted in the 2005 Report, because a school district may have used different tests or different versions of the same test over the timeframe, making it difficult to determine the extent to which changes are a result of educational services delivered or a function of the tests themselves.

The difficulty in comparing results from different tests is evident in the 2005 Report, which sought to compare educational achievement for 1948, 1959, and 2004 (the most recent data at the time of that report) and was faced with using several different measures. In order to make the same comparison over the five-year period covered by this report, the 2004 data from the Stanford 9 test must be compared to the 2010 data which are based on scores from the DC Comprehensive Assessment System (“DC CAS”). DC CAS was developed specifically by and for DCPS as part of the federal No Child Left Behind Act of 2001 (“NCLB”).⁹⁰ NCLB required states to adopt standards acceptable to the U.S. Department of Education, which were then intended to serve as the basis for creating assessments to measure student performance and

⁹⁰ 20 U.S.C. §6301 *et seq.*

progress particular to that state. The goal of NCLB was to give school districts the tools to identify schools which fail to make “adequate yearly progress” (“AYP”).

The chart below follows the format of the 2005 Report in reporting the percentages of African American students at the Below Basic and Basic levels. These scores show a decrease in the percentage of students scoring at Basic and Below Basic, indicating progress in moving DCPS students toward mastery of the skills, albeit as measured by different tests.

Standardized Tests: Percent of African American Students by Performance Level and Grade, 2004 Stanford-9 and 2010 DC CAS⁹¹

	2004			2010		
	Below Basic	Basic	Total	Below Basic	Basic	Total
<u>Grade 5</u>						
Reading	29%	48%	77%	19.14%	40.50%	59.64%
Math	41%	34%	75%	21.88%	40.26%	62.14%
<u>Grade 8</u>						
Reading	29%	48%	77%	19.56%	44.47%	64.03%
Math	60%	27%	87%	26.41%	37.35%	63.76%
<u>Grade 10</u>						
Reading	55%	33%	88%	15.74%	42.89%	58.63%
Math	78%	15%	93%	25.15%	35.68%	60.83%

Below basic: little or no mastery for grade level

Basic: partial mastery of grade level

As indicated earlier, the comparison of scores across different tests is provided merely as a follow up to the 2005 Report. However, the implementation of DC CAS has provided some stability to comparing scores over the period from 2006 to 2010 on the same test. The AYP Report Card information shown below compares the percentage of black/non-Hispanic students who have achieved Proficiency in Reading and Math at both the elementary and secondary levels. This approach is different than that of the 2005 Report which, because of the manner in

⁹¹ DC Public Schools Report Card Data, available through DC Office of Superintendent of Education, www.osse.dc.gov

which historical data had been presented, focused on the extent to which students were behind their peers on a national level. The scores reported below essentially compare the progress of DCPS students towards mastering the skills determined by DCPS to measure academic progress over the years.

Percentage of African American Students Proficient, 2006-2010⁹²

	Reading		Math	
	Elementary	Secondary	Elementary	Secondary
2006	32.44%	25.41%	21.48%	19.13%
2007	32.62%	25.85%	23.93%	22.48%
2008	40.74%	34.57%	34.85%	30.37%
2009	43.56%	35.40%	41.88%	34.22%
2010	38.77%	38.05%	36.90%	37.59%

The scores from 2006 to 2009 generally show a steady increase in the percentage of African American students showing proficiency. The 2010 DC CAS scores for Reading and Math released on July 13, 2010, provided evidence of fluctuation in the scores for DCPS in general. Reading and Math scores at the elementary level dropped, while secondary students continued to make gains.⁹³ Although DCPS officials withheld judgment until they were able to study the underlying data, Michael Casserly, Executive Director Council of the Great City Schools commented that it is typical for scores to dip when school systems are working toward

⁹² DC Public Schools AYP Report Data, available www.osse.dc.gov. The AYP Report Data uses the terminology of “Black/Non-Hispanic” rather than African American.

⁹³ “OSSE Announces 2010 DC CAS Scores for Reading and Mathematics,” July 13, 2010 Press Release available at www.osse.dc.gov.

long-term reform.⁹⁴ Even with the progress however, fewer than 50% of the DCPS students have demonstrated proficiency in the skills deemed necessary to academic achievement.

DCPS has participated in the Trial Urban District Assessment (“TUDA”) which is part of the National Assessment of Educational Progress (“NAEP”). NAEP tests are given every two years. The Nation’s Report Card produced as part of TUDA makes it possible to compare DCPS and DCPS African American student performance at grades 4 and 8 in both Reading and Math with the performance of students in other participating urban districts, other large cities (250,000 and more) and the nation. The 2009 TUDA reports allow for comparison of 2003 and 2009 scores. On an absolute level, all DCPS scores are significantly lower than both other large city schools and the nation.

Comparison of NAEP Scores at Grades 4 and 8⁹⁵

	Grade 4		Grade 8	
	Reading	Math	Reading	Math
Nation	220	239	262	282
Large City	210	231	252	271
DCPS	203	220	240	251
DCPS African-American	195	212	235	244

The TUDA data also permit comparison of the scores of African American students at the national, large city and DCPS levels. As demonstrated in the chart below, DCPS African

⁹⁴ Bill Turque, “D.C. elementary test scores show decline,” WASH. POST (July 13, 2010); Statement by Michael Casserly, Executive Director Council of the Great City Schools, on the 2010 D.C. Public Schools Test Scores, Press Release, July 13, 2010, available at www.cgcs.org.

⁹⁵ The Nation’s Report Card, Mathematics 2009 Trial Urban District Assessment Results at Grades 4 and 8, U.S. Department of Education, NCES 2010-452; the Nation’s Report Card, Reading 2009 Trial Urban District Assessment Results at Grades 4 and 8, U.S. Department of Education, NCES 2010-459.

American students still score below African American students at the national and large city levels.

Comparison of NAEP Scores at Grades 4 and 8, African American Students⁹⁶

	Grade 4		Grade 8	
	Reading	Math	Reading	Math
Nation	204	222	245	260
Large City	201	219	243	256
DCPS	195	212	235	244

On the NAEP tests, DCPS students have made significant gains as compared to 2002 (Reading) / 2003 (Math) and 2007 in all but Reading scores for Grade 8, and in many cases quite dramatic changes in comparison to the Large City and Nation data.⁹⁷ DCPS was the only urban school system to make significant gains in reading since 2007 in both grades 4 and 8.

⁹⁶ National Assessment of Educational Progress, 2009. Note: DCPS results exclude charter schools.

⁹⁷ National Assessment of Educational Progress, 2009.

Percentage Changes in NAEP Scores 2002-2009, All Students

	Grade 4				Grade 8			
	Reading		Math		Reading		Math	
	Since 2002	Since 2007	Since 2003	Since 2007	Since 2002	Since 2007	Since 2003	Since 2007
Nation	3	0	5	0	0	1	6	2
Large City	8	2	7	1	2	3	9	2
DCPS	13	6	15	6	n/a	4	n/a	7
DCPS African American	8	4	10	4	n/a	2	n/a	4

Note: DCPS results exclude charter schools; n/a indicates data not available.

When compared with other African American students at the national and large city level, DCPS African American students have generally seen a larger percentage increase in scores where data were available.

Percentage Changes in NAEP Scores for African American Students, 2002-2009⁹⁸

	Grade 4				Grade 8			
	Reading		Math		Reading		Math	
	Since 2002	Since 2007	Since 2003	Since 2007	Since 2002	Since 2007	Since 2003	Since 2007
Nation	6	1	6	0	1	2	8	1
Large City	9	2	7	0	3	3	9	2
DCPS	8	4	10	4	n/a	2	n/a	4

On July 22, 2010, the Office of State Superintendent of Education announced adoption of the Common Core State Standards (“CCSS”) in English language arts and mathematics for grades K-12. In conjunction with this effort, DCPS has partnered with 25 other states that applied for federal funding to develop a new assessment system aligned to CCSS, with the goal

⁹⁸ National Assessment of Educational Progress, 2009. Note: DCPS results exclude charter schools; n/a indicates data are not available.

of developing an assessment aligned with college and work expectations.⁹⁹ Thus, the effort continues to develop appropriate assessment tools against which DCPS can measure its progress.

These various data sources provide evidence that DCPS African American students are making progress in obtaining basic educational skills. However, this progress was put into perspective by Chancellor Michelle Rhee, who was quoted as saying, “We still have a ridiculously long way to go.”¹⁰⁰

Another benchmark indicating whether students are receiving equal educational opportunity involves the ability to earn a productive living. Historically, a high school diploma has been viewed as a long term investment. Based on 2000 Census data, a high school graduate earned, on average, \$30,400, while an individual without a high school diploma (some high school) earned \$23,400, a difference of 30%.¹⁰¹

Graduation rates are calculated in a variety of ways. According to the National Center for Education Statistics, for the school year 2007-2008, the graduation rate for DCPS for black students was 58.8%, while the graduation rate for whites that year was 88.9%, with an overall graduation rate of 56% for DCPS. This compares with a 61.4% graduation rate for black students nationwide and a nationwide graduation rate of 74.9%.¹⁰² These figures are based on estimates of the percentage of high school graduates who graduate on time, and allow a

⁹⁹ “The State Board of Education Votes to Adopt the Common Core Standards for English Language Arts and Mathematics for Grades K-12,” Press Release, July 29, 2010, available at www.ossdc.org.

¹⁰⁰ Nick Anderson, “DC leads urban school systems in reading gains,” WASH. POST (May 20, 2010).

¹⁰¹ Bureau of the Census, Current Population Survey, March 1998, 1999 and 2000.

¹⁰² Public School Graduates and Dropouts from the Common Core of Data: School Year 2007-08, U.S. Department of Education, NCES 2010-341.

comparison of the long-term success of a school system in moving students through the standard educational program resulting in a high school diploma.

DCPS, as part of its AYP, uses an entirely different calculation of graduation rates. Graduation rates for this purpose are calculated as the total number of graduates for a given year with a regular diploma divided by the sum of the number of graduates (for that year) and dropouts for the current year and the three preceding years. In general, this method is not considered as accurate and DCPS will be moving to the so-called “cohort method” that follows individual students through to graduation, as required by the U.S. Department of Education.¹⁰³ According to its data, the graduation rate for DCPS increased 3% in 2008-2009 to 72%, up from 69.7% in 2007-2008. More than half of DCPS high schools increased their graduation rates, with 10 out of 16 schools increasing at least 3%. The AYP graduation target rate is 66.23%.¹⁰⁴

Thus, the extent to which the graduation rates show a positive trend within DCPS depends on the method of calculation, though DCPS students continue to lag behind others nationwide.

¹⁰³ A discussion of the current method and the cohort method is available under Assessment and Accountability, State Graduation Rate Methods at www.osse.dc.gov. The current method is described as “flawed” in the article of Bill Turque, “Fenty’s political fortunes tied to success of D.C. school reforms,” WASH. Post (August 19, 2010).

¹⁰⁴ “More District Students are Graduating at a Faster Rate,” District of Columbia Public Schools Press Release (Jan. 8, 2010), www.dcps.dc.gov. Data is not available by race.

Program and Course Offerings

Types of DCPS Schools

DCPS is comprised of 16 senior high schools, 12 middle schools, 64 elementary schools, and 34 multi-grade or specialized schools.¹⁰⁵ Academic offerings at these schools vary widely according to the type of school considered.¹⁰⁶ In addition to comprehensive schools, which offer a general public education to students, over the last five years DCPS has expanded its available academic offerings to include a number of specialized schools and programs. For example, on July 28, 2009 Mayor Fenty and Chancellor Rhee announced that 13 schools had been selected to be transformed into theme-based “catalyst” schools.¹⁰⁷ Catalyst schools focus their instruction on one of three areas: Arts Integration, STEM (science, technology, engineering, and math), or World Cultures. Other specialized programs include Montessori and Reggio Emilia-inspired teaching methods offered at the preschool level, dual language education programs, selective citywide high schools, full-service schools, and school wide applications model schools.¹⁰⁸

¹⁰⁵ The senior high schools consist of 10 comprehensive schools and 6 selective citywide high schools. Multi-grade and specialized schools include 20 education campuses, 8 youth engagement schools, and 6 special education schools. DCPS School Directory, <http://dcps.dc.gov/DCPS/school-directory>. (last updated Feb. 25, 2010).

¹⁰⁶ Information on Programs and Course Offerings is current through the 2009-2010 academic year.

¹⁰⁷ The current catalyst schools are: Ludlow-Taylor Elementary School, Tyler Elementary School, Sousa Middle School, Takoma Education Campus (Arts Integration); Beers Elementary School, Burroughs Education Campus, Emery Education Campus, Langdon Education Campus, Malcolm X Elementary School, Whittier Education Campus (STEM); and Columbia Heights Education Campus, Eaton Elementary School, and Payne Elementary School (World Cultures). DCPS – Academic Offerings, <http://dcps.dc.gov/DCPS/In+the+Classroom/Academic+Offerings> (last visited June 22, 2010).

¹⁰⁸ *Id.* Full-service schools (middle school level) and schoolwide applications model schools (elementary school level) use a reform model to create an educational environment conducive to academic and behavioral success. Correspondence between the author and Dan Gordon, from the Office of Teaching and Learning at DCPS, Aug. 20-29, 2010 (hereinafter “Gordon Correspondence”).

High Schools

DCPS senior high schools are divided into ten comprehensive schools, and six selective citywide schools; the latter admit students only by application.¹⁰⁹ As explained in the 2005 Report, DCPS no longer places high school students into formal “tracks” based on learning level, such as “honors” or “remedial.” Not only were these tracks unacceptable from a legal standpoint,¹¹⁰ they were also ineffective from an educational standpoint, and often used as an excuse for a lack of rigorous coursework.¹¹¹ Having abandoned formal tracks, DCPS now faces the challenge of offering enough courses to allow students to learn at an appropriate level, while still maintaining high expectations for all. One way to implement this goal is to cut courses that lack rigor from the high school curriculum, a process which has already begun at some schools.¹¹² Another is to expand the availability of high-level, advanced courses. The 2005 Report found that students seeking high-level courses were limited to enrolling in a selective citywide high schools, or taking one of the few Advanced Placement (“AP”) courses offered at the comprehensive high schools.¹¹³

Five years later, the availability of high-level courses has increased. In the 2009-2010 school year, AP courses were offered at all but four DCPS senior high schools—Phelps

¹⁰⁹ DCPS – Academic Offerings, <http://dcps.dc.gov/DCPS/In+the+Classroom/Academic+Offerings> (last visited June 22, 2010). Columbia Heights Education Campus, while formally a “selective citywide high school,” uses the application and interview process only as a means of orienting students to the school’s additional requirements and does not turn away students based on grades or test scores. Gordon Correspondence.

¹¹⁰ See the discussion of the *Hobson v. Hansen* case in the 2005 Report at 16.

¹¹¹ Telephone conversation among the author, Dr. Carey Wright, and Dan Gordon, from the Office of Teaching and Learning at DCPS, May 17, 2010. (hereinafter, “Wright & Gordon Conversation”).

¹¹² *Id.*

¹¹³ 2005 Report at 16 (referring to “magnet” schools, which DCPS terms “selective citywide high schools” according to their website).

Architecture, Construction, & Engineering High School; Youth Engagement Academy; Luke C. Moore; and Transition Academy.¹¹⁴ One of the selective citywide high schools, Banneker, also offers the International Baccalaureate (“IB”) program. Recognizing the need for access to advanced courses for all students, DCPS has recently set a goal that by the 2011-2012 school year all high schools will have at least one AP course in each of four areas: science, math, social studies, and English.¹¹⁵ Meeting this goal would go a long way toward further improving the high school curriculum, and DCPS should continue to make AP and IB programs a priority.

Along with a lack of AP courses, the 2005 Report found that DCPS high schools lacked sufficient instruction in foreign language, history, art, music, and vocational studies.¹¹⁶ Over the last five years, significant changes have been made in this area as well, although greater improvement is still needed. Currently, every senior high school offers at least one world language.¹¹⁷ Of these 16 schools, all offer Spanish, 11 offer French, 3 offer Chinese, 2 offer Italian, 3 offer Latin, and 1 offers American Sign Language. But the availability of language courses is not spread evenly among the schools—compare the comprehensive school Woodrow Wilson, which offers all six languages, with Spingarn, which offers only Spanish. In contrast, all six of the selective citywide high schools offer at least two languages, and half of them offer three languages.¹¹⁸

¹¹⁴ Gordon Correspondence. *See also* Appendix D. (Note: Appendix D does not reflect all recent changes for the 2010-11 academic year).

¹¹⁵ Wright & Gordon Conversation.

¹¹⁶ 2005 Report at 16–18.

¹¹⁷ *See* Appendix D.

¹¹⁸ Appendix D.

DCPS high school students are currently required to take world history (which includes medieval history) in 9th and 10th grades and U.S. history in 11th grade, as well as U.S. government in 12th grade. Ancient history is taught at the middle school level, in 7th grade.¹¹⁹ DCPS high school students are also required to take courses in art, music, physical education, and health education to graduate.¹²⁰ But not much else has changed in the area of art and music in the last five years. As the 2005 Report found, in 1948 every comprehensive high school had a band, orchestra, and choral group.¹²¹ Currently, fewer than half of DCPS high schools have a band or chorus, and only one has an orchestra.¹²² None of the comprehensive high schools has been chosen as an Arts Integration catalyst school, although the selective citywide high school Ellington School of the Arts does offer extensive instruction in this area.

Vocational studies —termed “Career & Technical Education” at DCPS— have seen some improvement in availability. Courses currently offered include: Biotechnology & Environmental Science; Transportation; Hospitality & Tourism; Engineering; Information Technology; Human Services; Education, & Training; Construction & Design; Business, Finance, & Entrepreneurship; Arts, Media, & Communication; and Health & Medical Sciences.¹²³ But no single high school offers all of these courses, and most only offer one or two of them.¹²⁴ Coolidge Senior High School does not offer any of these courses.¹²⁵ As with world

¹¹⁹ Wright & Gordon Conversation.

¹²⁰ Gordon Correspondence.

¹²¹ 2005 Report at 20.

¹²² Gordon Correspondence (reporting that seven DCPS high schools have a marching band, three have a concert band, one has both a marching band and a concert band, seven have a chorus, and one has an orchestra).

¹²³ See Appendix D.

¹²⁴ It may be difficult, as a practical matter, for one school to offer all of these programs or “career clusters.” Each cluster comprises 2-7 programs of study; for example, the Transportation cluster includes programs in

languages and the arts, the lack of broad instruction in vocational studies at the comprehensive high schools is countered by a depth of instruction at certain selective citywide high schools. In particular, McKinley Technology High School and Phelps Architecture, Construction, and Engineering High School focus on preparing students for careers in science and technology fields.¹²⁶

Middle Schools

Unlike the senior high schools, DCPS middle schools have seen far fewer changes in the last five years, although there have been some improvements. A few specialized schools now offer in-depth instruction in certain areas. For example, DCPS includes 20 “education campuses,” which are multi-grade schools for students in kindergarten through 8th grade.¹²⁷ Six of these education campuses were chosen as catalyst schools—almost half of the total number of catalyst schools chosen. This means that more students at a wider range of grade levels will have access to the Arts Integration, STEM, and World Cultures programs. However, DCPS middle schools still have a long way to go. One area where DCPS middle schools are lacking is in the availability of advanced courses; currently, only Deal Middle School offers the IB program.

The 2005 Report found that many DCPS middle schools did not offer a foreign language, and most offered only Spanish.¹²⁸ Today, 1 of the 12 middle schools and 4 of the 20 education

Automotive Technology and Autobody Collision Repair. Each program of study in turn comprises a sequence of course, including sequences that may lead to professional certifications. Gordon Correspondence.

¹²⁵ Gordon Correspondence. *See also* Appendix D.

¹²⁶ See their school profiles on the DCPS website. DCPS - School Profiles, <http://dcatlas.dcgis.dc.gov/schoolprofile/> (Last visited June 22, 2010).

¹²⁷ Wright & Gordon Conversation; *see also* Appendix D.

¹²⁸ 2005 Report at 18–19.

campuses still do not offer any foreign language courses.¹²⁹ Of the languages offered, Spanish is still the most common, offered at eight schools, followed by French, which is taught at four schools, and Chinese, at three schools. None of the middle schools or education campuses offers Italian or Latin.

The 2005 Report also found that DCPS middle schools were lacking in art and music education, and specifically pointed out the absence of a school band at Sousa Middle School, named for America's most famed band composer.¹³⁰ Today, Sousa has become an Arts Integration school focused on weaving the visual and performing arts into the classroom as tools for teaching core subject content.¹³¹ But although students at comprehensive middle schools are required to take courses in health and physical education, none are required to take music or art classes.¹³² In addition, less than half of DCPS middle schools have a music ensemble—only five have a band and only three have a chorus. No middle school has an orchestra.¹³³

Elementary Schools

Since the 2005 Report, DCPS elementary schools have made some efforts in the right direction, but continue to lag in many areas. One area of improvement is in the availability of specialized, in-depth instruction. In addition to the six education campuses, six regular elementary schools now have catalyst programs—two each in Arts Integration, STEM, and

¹²⁹ Gordon Correspondence *See also* Appendix D.

¹³⁰ 2005 Report at 19.

¹³¹ DCPS – Arts Integration Schools, <http://dcps.dc.gov/DCPS/Learn+About+Schools/Tools+and+Resources/Academic+Offerings/Arts+Integration+Schools> (Last visited June 22, 2010).

¹³² Gordon Correspondence.

¹³³ *Id.*

World Cultures. Further, three elementary schools are candidates for IB authorization.¹³⁴ As with middle schools, however, elementary school students are not required to take courses in art or music, although they are required to take one course in health and physical education.¹³⁵ Despite this, a number of elementary schools and education campuses do have a music ensemble—25 elementary schools and education campuses offer beginning band, 55 have a chorus, and 5 offer beginning strings instruction.¹³⁶

But the area where DCPS elementary schools require the greatest improvement is in the availability of foreign language instruction. Currently, 46 of the 65 regular elementary schools do not offer any foreign language. Of the remaining schools, 12 offer Spanish, 7 offer French, and 3 offer Chinese. None offers Italian or Latin. Yet, studies have shown that students learn a foreign language more easily, and are more likely to become fluent, if they begin studying it at a young age and continue their studies throughout their K-12 years.¹³⁷ Thus, providing more foreign language instruction at the elementary school level should be a priority.

¹³⁴ These are Cooke Elementary School, Shepherd Elementary School, and Thomson Elementary School. Appendix D.

¹³⁵ Gordon Correspondence.

¹³⁶ *Id.*

¹³⁷ See, e.g., Martha G. Abbott, Therese Sullivan Caccavale, & Ken Stewart, *Cognitive Benefits of Learning Language*, DUKE GIFTED LETTER, Vol. 8, Issue 1 (Duke Univ. Talent Identification Program, Durham, N.C.) Fall 2007, available at American Council on the Teaching of Foreign Language, <http://www.actfl.org/i4a/pages/index.cfm?pageid=4724> (Last visited June 22, 2010).

Special Education

As highlighted in the 2005 Report, special education compliance issues have been a significant and long-standing challenge for DCPS. In 2009, the United States Department of Education, Office of Special Education Programs (“DOE - OSEP”) classified Washington, D.C. as “needs intervention” for the fourth consecutive year due to non-compliance with Part B of the Individuals with Disabilities Education Act (“IDEA”).¹³⁸ In recent years, DCPS has overhauled aspects of its special education system, striving to increase available resources while simultaneously working to remedy deficiencies that have plagued the school system for years.

In terms of its educational structures, the District of Columbia is now much like other states with a state level education agency (“SEA”) and multiple local education agencies (“LEAs”). As the largest LEA, DCPS is responsible for ensuring that the vast majority of students with disabilities receive a free and appropriate education in the least restrictive environment. The D.C. Public Education Reform Amendment Act of 2007 vested the Office of the State Superintendent of Education (“OSSE”) – the District’s first consolidated SEA – with across-the-board oversight and monitoring authority for the District’s special education functions.¹³⁹ The 2007 Reform Act has resulted in greater accountability for both DCPS and

¹³⁸ The Individuals with Disabilities Education Act (“IDEA”) is the federal law which requires that students with disabilities have access to a free and appropriate education designed to meet their individualized needs, in the least restrictive environment. *See* 20 U.S.C. § 1400, *et seq.* Part B of the IDEA, which includes §§ 1411 through 1419, governs special education for children between the ages of 3 and 21. *See also* Office of State Superintendent of Education, Part B Revised State Performance Plan, (“Performance Plan”) pp. 1-2; District of Columbia State Advisory Panel on Special Education *Introduction by Molly Whalen* to 2009-2010 ANNUAL REPORT: FINDINGS, ANALYSIS, RECOMMENDATION: A REVIEW OF EDUCATION PROGRAMS AND SERVICES FOR STUDENTS WITH DISABILITIES IN THE DISTRICT OF COLUMBIA (“SAP Annual Report”), at 4 (2010).

¹³⁹ State Superintendent of Education: Special Ed Index Page, *available at* http://osse.dc.gov/seo/cwp/view,a,1222,q,561151,seoNav_GID,1507,seoNav,%7C31195%7C,.asp.

public charter schools because DCPS no longer functions as both the state and local agency for the District.

Under the 2007 Reform Act, OSSE is tasked with ensuring the District's compliance with IDEA.¹⁴⁰ It accomplishes this goal through a refined system of policy development and focused monitoring. The Act also transferred responsibility for class action litigation to OSSE.¹⁴¹ Since its inception, OSSE has established solid benchmarks and reporting requirements for initial evaluations, reevaluations, implementation of hearing officer's determinations ("HODs"), identification, placement, and secondary transition.¹⁴²

DCPS maintains an Office of Special Education which functions under the direction of the Deputy Chancellor for Special Education and remains responsible for the delivery of specialized instruction and related services. Additionally, DCPS works with OSSE to meet its obligations for complying with federal consent decrees. Under the modified governance structure, DCPS and OSSE have experienced a level of enhanced interagency cooperation that has helped facilitate gradual compliance with federal consent decrees and improved provision of some – though not all – services for students with special needs.¹⁴³ The changes in governance have allowed DCPS to focus on critical metrics, including timely implementation of individualized education programs ("IEPs"), HODs, and settlement agreements ("SAs").

¹⁴⁰ Office of State Superintendent of Education, Memorandum of Agreement, ("Memorandum of Agreement") November 16, 2009, p. 1. Performance Plan, *supra* note 130. *See also* IDEA, 20 U.S.C. § 1400, *et seq.*

¹⁴¹ The DCPS Office of General Counsel is responsible for litigating special education due process cases brought by parents of DCPS students and charter school students who attend schools where DCPS serves as the LEA for special education purposes. Independent charter schools typically hire private legal counsel to litigate their due process complaints.

¹⁴² *See* Memorandum of Agreement, *supra* note 132, pp. 5-13.

¹⁴³ *See* Press Release, District of Columbia Public Schools, DCPS Gives Update on Critical Systematic Improvements and Student Achievement (Feb. 9, 2009).

DCPS has demonstrated measurable progress toward resolving various class action lawsuits. In 2009, for example, a Court found DCPS in compliance with the settlement agreement reached in *J.C. v. Vance*, thus concluding the six-year lawsuit which ordered the District: 1) to establish a system for identifying and evaluating incarcerated minors eligible for special education services and 2) to provide the necessary services.

In addition, DCPS struggled for several years to resolve its most significant consolidated class action lawsuit – the nearly 13-year-old Blackman-Jones case in which the District was found in violation of IDEA due to its failure to hold timely due process hearings and subsequently implement decisions rendered from those hearings.¹⁴⁴ Under the Blackman-Jones Consent Decree, the obligation to hold timely due process hearings and deliver decisions (referred to as the “Blackman portion” of the case) is an OSSE responsibility. Arguably, the more difficult part of the case – the “Jones portion” – involves clearing the number of cases of unimplemented HODs/SAs in the backlog (*i.e.*, any case over 90 days unimplemented) at a timeliness rate of 90% or better.

By June 30, 2010, DCPS reported to the Court a timeliness rate of 90% and six remaining cases in the backlog over 90 days overdue.¹⁴⁵ The Court stipulated a performance target of 90% timeliness and zero cases in the backlog 90 days overdue by June 30, 2010.¹⁴⁶ Although these

¹⁴⁴ See generally, *Blackman v. District of Columbia*, No. 1:97-cv-001629-PLF, Opinion, R. Doc. 81 (June 3, 1998).

¹⁴⁵ According to a June 2010 press release, as of February 28, 2010, only six untimely backlog cases remained, compared with the 600 that existed in June of 2007, and 90 percent of cases have been implemented in a timely fashion for the 2009-2010 school year, compared with the 19.5 percent timeliness rate in June 2007. See Press Release, District of Columbia Public Schools, A Solid Foundation Built, A Pledge to Finish the Job, (“DCPS June 2010 Press Release”) (June 29, 2010).

¹⁴⁶ Under an agreement with DOE-OSEP, the District is required to maintain a different compliance rate for timely implementation of hearing officer’s determinations and settlement agreements. The DOE-OSEP compliance rate is calculated differently than the one used by the Court in Blackman-Jones.

results have not been verified for the current court-reporting period (July 1, 2009 through June 30, 2010), an independent evaluator hired by court monitor, Amy Totenberg, found the District's claims in the previous year to be 100% and 97% accurate with respect to timeliness and backlog closure, respectively.¹⁴⁷

A key part of the strategy for meeting the performance requirements outlined in the Consent Decree has been to work more closely with parents and their attorneys to offer “quick” settlements through resolution sessions rather than adjudicate complaints through the lengthy administrative hearing process. Currently, the vast majority of due process complaints are now resolved via settlement agreements, versus hearing officer's determinations. (*See Fig. 1*) This process has proven to be an expedient, more effective problem-solving tool for parents.¹⁴⁸

¹⁴⁷ The Memorandum of Agreement between DOE-OSEP and OSSE, *supra* note 132, outlines several benchmarks for regaining lost federal funding due to non-compliance with IDEA. The District met the DOE-OSEP target of 60% timely. *See* Kerri Briggs, PhD, DC Office of State Superintendent of Education, Memorandum of Agreement Progress Report #2, p. 7 (Apr. 1, 2010). However, while this 60% figure demonstrates compliance with the benchmark for timeliness, the fact remains that 40% of the implementations were untimely.

¹⁴⁸ Because settlement agreements are typically reached within 15 days, parents no longer have to wait 75 days for an HOD.

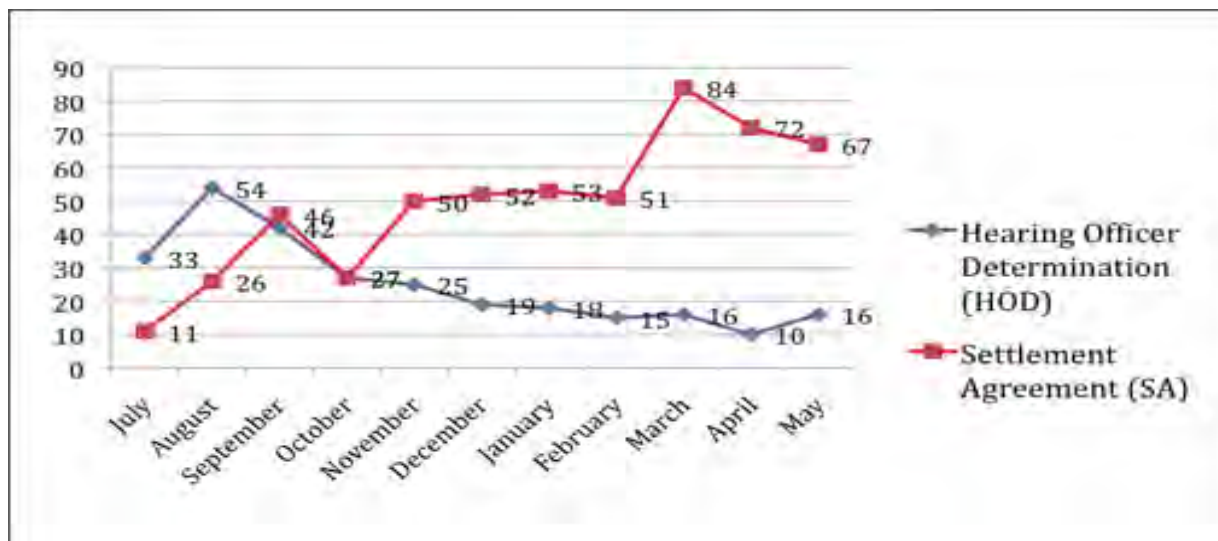


Fig 1: Comparison of number of HODs issued through adjudication versus settlement agreements entered into during early dispute resolution during SY2009-2010. *Source: Blackman/Jones Database as of June 15, 2010*

Another area of concern for litigants against the District’s special education system has been in the area of “Child Find.” Under IDEA, Child Find requires every SEA and LEA to proactively seek out and identify students for possible developmental delays and other disabilities from birth to age 21.¹⁴⁹ In *D.L. vs. District of Columbia* – a class-action lawsuit relating to the District’s provision of special-education services to children ages three to five – the plaintiffs alleged that the District has failed to implement a “Child Find” system.¹⁵⁰

¹⁴⁹ See 20 U.S.C. § 1412(a)(3).

¹⁵⁰ See *DL v. District of Columbia*, 237 F.R.D. 319, 324-25 (D.D.C. 2006) (granting plaintiffs’ motion to certify class).

On August 10, 2010, United States Chief District Court Judge Royce C. Lamberth ruled, in pertinent part, that “at least through and including the year 2007” DCPS failed to comply with its Child Find duties, in violation of IDEA.¹⁵¹ The Court, however, made no findings as to the school district’s liability since 2007 or its current compliance with IDEA. The Court further noted the District’s improvements to its special-education system since 2007 would apply to the scope of relief, not to liability.

Though the Court did not speculate regarding the District’s compliance with IDEA since 2007, arguably the significant resources DCPS and OSSE have invested in their Child Find efforts may account for the improvements since that time. First, DCPS has established additional systems to improve its track record in the area of early detection in accordance with IDEA’s Child Find mandate. Second, DCPS opened the Early Stages Center – a free, state-of-the-art, comprehensive diagnostic testing facility available to all families in the District with school-aged children.¹⁵²

Located at the Walker Jones Education Campus in Ward 6, Early Stages is an early diagnostic center designed to proactively detect developmental delays and to identify necessary services and interventions that will promote success for students with disabilities in the classroom. Although a recent, limited survey of special education stakeholders by the District of Columbia State Advisory Panel on Special Education (“SAP”) revealed an even split between respondents regarding satisfaction with their experience at Early Stages, the Center reports a

¹⁵¹ See *DL v. District of Columbia*, No. 05-1437(RCL), 2010 WL 3154097, at *14 (D.D.C. Aug. 10, 2010) (granting plaintiffs’ motion for partial summary judgment on liability).

¹⁵² Press Release, District of Columbia Public Schools, Fenty and Rhee Announce the Grand Opening of the Early Stages Center (Jan. 13, 2010).

95% rate of parental satisfaction with its multidisciplinary, integrated, family-centered model.¹⁵³

In terms of results, the Center has more than doubled the percentage of children ages three to five screened and identified as eligible for special education services.¹⁵⁴ While Early Stages has made great strides with the three to five year-old age group, early intervention still reflects a noticeable deficit with respect to children from birth to age three. Resolving this issue remains critical, because the earlier delays and disabilities can be addressed, the better and less potentially damaging for the child.

Finally, the District also has experienced significant progress in the area of transportation management for students with special needs via the Division of Transportation (“DOT”) – the agency which serves DCPS’s special education student population. Several years ago, DCPS was relieved of its management and supervision authority over the DOT in conjunction with the Consent Decree entered on June 25, 2003 in the *Petties v. District of Columbia* class action litigation.¹⁵⁵ However, after confirming that the DOT is now “consistently providing safe, timely, and appropriate transportation services” to students with special needs, United States District Judge Paul L. Friedman signed an Order on May 5, 2010 approving a proposed

¹⁵³ Compare SAP ANNUAL REPORT, *supra* note 130, at 18. (noting that 53.3% of the respondents were unhappy with their experience at Early Stages due the Center’s disorganization and its use of a “medical model,” among other things) with Interview, Executive Director, Dr. Nathaniel Beers (Aug. 9, 2010) (acknowledging differences between the Center’s medical model and the model used previously, but noting the stark differences between the responses to SAP’s survey and the positive responses of parents who participated in a voluntary, anonymous exit survey at the conclusion of their child’s eligibility determination. Specifically, Dr. Beers clarified that SAP survey respondents include feedback from families, schools, and service providers—some of whom may be struggling with change and/or skeptical about the new centralized, more formal process.)

¹⁵⁴ According to Executive Director Dr. Nathaniel Beers, MD, MPA, FAAP, in 2009 only 2% of children aged three to five were identified as eligible for services. However, as of July 2010, 3.8% of students had been screened identified as eligible for services.

¹⁵⁵ *Petties v. District of Columbia*, No. 1:95-cv-00148-PLF, Consent Order Appointing Transportation Administrator, R. Doc. 1118 (June 25, 2003).

“Transition Plan.”¹⁵⁶ Under this Plan, OSSE will assume day-to-day responsibility for the operation of the transportation program.¹⁵⁷ OSSE must adhere to monthly reporting requirements and remains subject to monitoring by Supervising Court Master, David Gilmore, until October 1, 2010.

Although the District, through OSSE, has reclaimed control of the transportation program, the cost of transportation of students with special needs remains extremely high. When coupled with the costs of tuition for nonpublic placements, these expenses continue to drain a substantial portion of funds, leaving far less for much-needed programming and critical resources.¹⁵⁸ Currently, the tuition costs for individual students attending nonpublic placements range from \$23,000 to \$81,000 per year for day schools, and the costs are even higher for residential facilities.¹⁵⁹ This school year alone, 2,300 students with disabilities were enrolled in nonpublic (private school) placements, at a projected yearly cost of \$283 million for tuition and transportation.¹⁶⁰ Continued reduction of the costs of nonpublic placements and transportation remains paramount to the improvement of the quality of educational services for all students in the District, particularly those with special needs.

DCPS launched a campaign to reintegrate students with disabilities from nonpublic placements where they had been enrolled at public expense because city schools were unable to

¹⁵⁶ *Petties v. District of Columbia*, No. 1:95-cv-00148-PLF, Order Establishing Procedures for Transition of the Division of Transportation Back to Control of the District of Columbia, R. Doc. 1786 (May 5, 2010).

¹⁵⁷ *Id.*

¹⁵⁸ OSSE is responsible for overseeing the use of funds for nonpublic placements and for transportation costs.

¹⁵⁹ Bill Turque, *New Regs for Private Special Ed Schools*, WASHINGTON POST: DC INSIDER, June 18, 2010.

¹⁶⁰ *Id.*

meet their needs.¹⁶¹ According to school officials, DCPS had secured the successful return of 155 of these students in early 2010.¹⁶² As part of its “reintegration plan,” the Office of Special Education directed placement specialists to review the case files for all District-supported nonpublic school students to determine which students might be candidates for reintegration.¹⁶³ However, DCPS subsequently experienced serious setbacks in its reintegration efforts.

Some parents of students with disabilities complained about the lack of communication, the abrupt nature of the reintegration efforts, unwelcomed pressure from overzealous placement personnel, and the disregard for the individual needs of students.¹⁶⁴ Some families and advocates believe that these reintegration efforts are inextricably linked with budget pressures that have taken precedence over the students’ needs. Others fear that the emphasis on cost may have led to inadequate involvement of stakeholders in the process. In response to criticism, Deputy Chancellor for Special Education, Dr. Richard Nyankori, publicly apologized for the process and expressed DCPS’s intention to “revamp” the faulty reintegration plan. DCPS has further clarified that additional strategies, besides the reintegration plan, have been used to help facilitate the successful transitioning of students with special needs, including Project SEARCH – an internship program through the Department of Labor which allows a cohort of students to take classes with an opportunity for full employment after graduation.

¹⁶¹ Bill Turque, *D.C. Special-ed Chief Apologizes for Mishandling Private School Removal Plans*, WASHINGTON POST, B01, (“Private School Removal Plans”) May 28, 2010.

¹⁶² June Kronholz, *D.C.’s Braveheart*, EDUCATION NEXT (Winter 2010), at 34.

¹⁶³ *See generally* Private School Removal Plans, *supra* note 21.

¹⁶⁴ *Id.*

Beyond the use of alternative programming options, DCPS also emphasizes the importance of reducing the large percentage of students with special needs in nonpublic placements. Currently, 24% of the District's students are being served by nonpublic placements, as opposed to the average 2% in other large districts. While some local students may always require the specialized services that nonpublic schools offer, the high proportion of nonpublic placements compared to other jurisdictions suggests that more could be done to meet the needs of students in special education within the various placements options that DCPS has to offer.

According to DCPS, some students with special needs are languishing in certain nonpublic placements, truancy rates remain high, and there is a visible disconnect between the outcomes for certain students and the amounts paid for services at those placements. While the issues regarding stark differences in the quality of services provided by certain nonpublic placements are the school system's professed primary concern, DCPS acknowledges that it has begun to focus more intensely on the efficient use of dollars associated with the placements that are failing to provide quality services. In addition, OSSE is periodically evaluating several of these poor performing nonpublic placements. The Certificate of Approval process is now being rigorously applied to nonpublic placements, and certification is tied to the quality of programming, the rigorous nature of program, and overall compliance with IDEA.

While it is clear that DCPS and OSSE have made significant progress in the area of special education during the last five years, specifically by keeping the system from being placed in receivership, increasing timeliness of HOD and settlement agreement implementation, and developing a comprehensive monitoring system for accountability, key problems persist. These include high tuition and transportation costs for nonpublic placements, the need for additional

improvements in early detection, challenging reintegration efforts, and gaining the trust of parents. Accordingly, DCPS and OSSE must continue their efforts to develop and implement future programs that will make DCPS a viable and appropriate placement for more students with special education needs; strengthen accountability; increase parental awareness and community involvement; and, above all, improve the educational outcomes of students with disabilities by creating a continuum of services within the DCPS system. Ultimately, such programs will enhance the educational experience of students with special needs, thereby affording them the rich and meaningful learning opportunities they have the right to under Federal law.

School Health Services and Public Health Issues

A. School Health Services

As described in the 2005 Report, school health services have been problematic for District of Columbia public schools. In 1987, the D.C. Council passed the Nurse Assignment Act (“NAA”).¹⁶⁵ Under the NAA, each public elementary and secondary school must provide the services of a registered nurse for a minimum of 20 hours, although a licensed practical nurse may “supplement the registered nurse work force in meeting the required 20 hours per week minimum” so long as they are supervised by a registered nurse.¹⁶⁶ The NAA also requires “[a]ppropriate medical coverage” at interscholastic athletic events, ranging from a licensed medical doctor to any adult certified in CPR by the Red Cross, depending upon the sport.¹⁶⁷ The D.C. Council amended the NAA several times, most recently to apply the Act to public charter schools, but there have been few substantive revisions in its 23-year history.

In 2001, the DCPS Children’s School Services was transferred from the DC Health and Hospitals Public Benefit Corporation to the D.C. Health Care Alliance, a partnership between Children’s National Medical Center and the District of Columbia Department of Health (“DOH”). Under the current DOH contract, Children’s National Medical Center provides approximately 200 nurses to provide health services to District of Columbia public schools and public charter schools.

¹⁶⁵ D.C. Code § 38-621.

¹⁶⁶ D.C. Code § 38-621(a)(2).

¹⁶⁷ D.C. Code §§ 38-621(d), (e).

The 2005 Report's review of school health suites found a significant number to be inadequate. Approximately one-third lacked hot and cold running water, more than half lacked adequate numbers of screens, beds, cots and pillows, most did not have a refrigerator for medicine, and only 15 schools had computers with an Internet connection.¹⁶⁸ Other criticisms included the need for manual recordation of immunization records and a lack of public information on school health services available through the DCPS website.

Since the 2005 Report, it appears that DCPS made notable progress in the quality of its school health suites. The percentage of school health suites with hot and cold running water increased from approximately 67% to 88%.¹⁶⁹ The percentage with adequate screens, beds, cots and pillows increased from less than 50% to 85%.¹⁷⁰ Today, 87% of school health suites have a separate refrigerator for medications, up from approximately 40% in 2004, and all have computers with Internet connections.¹⁷¹ DOH and Children's School Services also implemented computerized databases to manage DCPS student health information such as the School Nurse Disease Surveillance System and Immunization Registry.

DOH recently adopted a Health Suite Assessment Tool based on standards and recommendations from the National Association of School Nurses.¹⁷² This tool provides a 93-

¹⁶⁸ 2005 Report at 33, citing *School-Based Health Care and the District of Columbia Safety Net: Medical Homes DC Report*, 21st Century School Fund at 16 (revised November 5, 2004), available at http://www.21csf.org/csf-home/publications/MHDC_Nov_2004.pdf (last viewed May 26, 2010).

¹⁶⁹ E-mail from Andrea Shore, DCPS Health Services Manager, Office of Youth Engagement, to Jim Wedeking (May 21, 2010) (on file with author).

¹⁷⁰ *Id.*

¹⁷¹ *Id.*

¹⁷² Available at <http://dme.dc.gov/DC/DME/Education+Resources+and+Information/Charter+School+Resource+Center/Nurse+Suite+Requirements> (last visited June 2, 2010). Although the assessment tool is provided as a charter school resource DCPS utilizes the same tool for public schools.

point checklist covering the physical characteristics of the health suite (*e.g.*, lighting, electrical outlets, plumbing, cabinet storage), equipment and first aid supplies. Although the results of these checklists were not reviewed for each school, Andrea B. Shore, Health Service Manager for the Office of Your Engagement, stated that all schools were found to have adequate medical equipment and supplies.¹⁷³

Public information on nursing services has also improved somewhat since the 2004 review. Children's School Services published a two-page brochure offering a rough outline of nursing services, including:

- assisting students with prescription medication;
- monitoring blood sure levels;
- administering tube feedings;
- performing catheterizations;
- conducting health screenings;
- making referrals for various health conditions;
- providing health assessments;
- administering immunizations; and
- identifying suspected cases of child abuse, illegal drug use or depression

This information, however, is difficult to find insofar as it is not available on the DCPS website, where parents of students are most likely to seek this information. The information can be accessed, however, through websites for the DOH¹⁷⁴ and the Office of the Deputy Mayor for

¹⁷³ E-mail from Andrea Shore, DCPS Health Services Manager, Office of Youth Engagement, to Jim Wedeking (May 21, 2010) (on file with author).

¹⁷⁴ <http://dchealth.dc.gov/DOH/cwp/view,A,1374,Q,602913.asp> (last visited June 2, 2010).

Education.¹⁷⁵ DCPS representatives stated that it will add the brochure to its own website and is publishing a “School Health Guide for Families” in August 2010, also to be available on its website.

Recently, in May 2010, the DOH announced \$2 million in grant funding for three different non-profit organizations that will establish and operate school-based health center facilities in three DCPS high schools.¹⁷⁶ As part of the DOH initiative Live Well D.C., the grant aims to “proactively target[] individual behaviors to prevent poor health outcomes.”¹⁷⁷ In conjunction with DCPS, DOH and the Office of Public Education Facilities Modernization (“OPEFM”) are constructing each health-center space and also purchasing furniture and office equipment.

B. Public Health Issues

Numerous public health issues affect youth in the District of Columbia. D.C. has the highest rate of childhood obesity in the Nation.¹⁷⁸ According to the Centers for Disease Control and Prevention (“CDC”), 18% of D.C. high school students are obese and 35% are overweight.¹⁷⁹ The District also has the highest rate of sexually transmitted diseases in young

¹⁷⁵ <http://dme.dc.gov/DC/DME/Education+Resources+and+Information/Charter+School+Resource+Center> (last visited June 2, 2010).

¹⁷⁶ DC DOH, DC Department of Health Announces \$2 Million in Grant Funds (May 2010), *available at* <http://newsroom.dc.gov/show.aspx/agency/doh/section/2/release/19877> (last visited June 11, 2010).

¹⁷⁷ *Id.*

¹⁷⁸ Trust for America’s Health, *F as in Fat: How Obesity Policies are Failing America (2007)* *available at* <http://healthyamericans.org/reports/obesity2007/Obesity2007Report.pdf> .

¹⁷⁹ Body mass index (“BMI”) is a measure of weight in relation to height that is used to determine weight status. For children and adolescents (aged 2-19 years), “overweight” is defined as a BMI at or above the 85th percentile and lower than the 95th percentile. For this age group, “obesity” is defined as a BMI at or above the 95th percentile for children of the same age and sex. *See* CDC, *Defining Childhood Overweight and Obesity* (October 20, 2009) *available at* <http://www.cdc.gov/obesity/childhood/defining.html> (last visited August 25, 2010); Council of the District of Columbia, Office of Mary M. Cheh, *One Page Summary of the Healthy*

adults¹⁸⁰ and the highest rate of teen pregnancy in the nation.¹⁸¹ In particular, approximately one out of every 100 young people aged 13-24 in D.C. is HIV-infected or has developed full-blown AIDS.¹⁸²

Recognizing its ability to and responsibility for improving the health of its students, DCPS has adopted numerous measures over the past five years to address the public health issues impacting D.C. youth. To comply with the 2004 Child Nutrition and WIC Reauthorization Act,¹⁸³ DCPS was required to adopt a local wellness policy (“LWP”) by 2006. This requirement stemmed from an increasing awareness by Congress that schools play a critical role in promoting student health, eliminating childhood obesity and combating issues related to poor nutrition and physical inactivity. In 2006, the DCPS Office of Teaching and Learning, Department of Health and Physical Education worked with D.C. Action for Healthy Kids and D.C. Hunger Solutions to draft the DCPS LWP.¹⁸⁴ In April 2009, D.C. Hunger Solutions issued a LWP report highlighting its progress to date and future steps for implementation.¹⁸⁵

Schools Act, February 18, 2010, *available at* <http://www.marycheh.com/images/committee/healthyschoolsact/healthy%20schools%20act%20summary.pdf> (last visited June 15, 2010).

¹⁸⁰ U.S. CDC, Sexually Transmitted Disease Surveillance (2008) *available at* <http://www.cdc.gov/std/stats08/slides/SurvReportSlides2008.ppt> (last visited June 4, 2010).

¹⁸¹ National Campaign to Prevent Teen Pregnancy, Teen Pregnancy Rates in the United States (2010) *available at* http://www.thenationalcampaign.org/national-data/pdf/STBYST05_Preg%20Only.pdf (last visited June 4, 2010)

¹⁸² DC DOH, Youth and HIV (2010), *available at* <http://dchealth.dc.gov/doh/cwp/view,a,1371,q,603088.asp> (last visited June 7, 2010).

¹⁸³ Public Law No. 108-265.

¹⁸⁴ DCPS Local Wellness Policy Progress to Date and Moving Forward, 2 (April 2009) *available at* http://www.dchunger.org/pdf/lwp_report_apr09.pdf (last visited June 5, 2010).

¹⁸⁵ *Id.*

Most recently, in May 2010, the D.C. City Council unanimously passed the Healthy Schools Act of 2010.¹⁸⁶ Under the 2011 budget the Healthy Schools Act¹⁸⁷ will be funded by expanding D.C.'s 6% sales tax to include the sale of sweetened beverages.¹⁸⁸ Pending passive review approval by Congress, the Healthy Schools Act will become law by August 2010. While DCPS has made progress in addressing the public health issues impacting D.C. youth, more work is needed. The sections below discuss various highlights from the April 2009 DCPS LWP and assess how specific provisions of the Healthy Schools Act and additional measures taken by DCPS, D.C. government and local D.C. public interest organizations affect public health issues.

Childhood Obesity

DCPS has made progress toward offering greater health and physical education to its students to address childhood obesity. As of 2007, 70% of high school students in D.C. failed to meet the Center for Disease Control's ("CDC's") recommended levels of physical activity and 84% did not attend physical education classes daily.¹⁸⁹ To address this issue at the high school level, DCPS now requires students to earn 1.5 units in health and physical education to meet senior high school graduation requirements. In addition, to highlight the importance of health and physical education at all grade levels, DCPS is currently implementing the OSSE health and physical education standards. These education standards specify what concepts and skills students should know and be able to do throughout each grade level. DCPS Office of Teaching

¹⁸⁶ Council of the District of Columbia, Healthy Schools Act of 2010, available at <http://www.dccouncil.washington.dc.us/lims/searchbylegislation.aspx> (last visited June 6, 2010).

¹⁸⁷ *Id.*

¹⁸⁸ The DC Farm to School Network, Updates, *available* at <http://dcfarmtoschool.org/healthy-schools-act/> (last visited June 5, 2010).

¹⁸⁹ US CDC, Youth Risk Behavior Surveillance, Table 75 (2007) *available* at <http://www.cdc.gov/mmwr/preview/mmwrhtml/ss5704a1.htm> (last visited June 5, 2010).

and Learning Department of Health and Physical Education also created Pacing Guidelines for each grade level.

DCPS placed a health and physical education instructor and/or physical activity program in more than 99 percent of its schools.¹⁹⁰ In addition, the DCPS LWP requires all schools to offer health and physical education 45 minutes a day for at least 2 days a week; however, this requirement falls below the national standard which calls for classes to be offered at least 3 days a week.¹⁹¹ The DCPS LWP also requires each school to offer recess daily for at least 20 minutes, but as of 2009, no data have been collected on the length of recess actually provided.¹⁹² Section 401 of the Healthy Schools Act would increase access to health and physical education for students in DCPS by requiring students in kindergarten to fifth grade to meet the national standard of 150 minutes of physical education each week and students in grades 6 through 8 to meet the national standard of 225 minutes of physical education each week. Further, in FY 2009, DCPS received a Carol M. White Physical Education Grant totaling almost \$500,000 to purchase physical education equipment, enhance professional development resources and implement fitness assessment programs.¹⁹³

In addressing childhood obesity, DCPS made attempts to increase the nutritional quality of foods served or sold to DCPS students. On average, DCPS serves 12,600 breakfasts and

¹⁹⁰ DCPS Local Wellness Policy Progress to Date and Moving Forward (2009) *available at* http://www.dchunger.org/pdf/lwp_report_apr09.pdf, (last visited June 4, 2010).

¹⁹¹ *Id.*

¹⁹² *Id.*

¹⁹³ U.S. Dep't. of Education, Carol M. White Physical Education Program FY 2009 Grant Award Recipients (2009) *available at* <http://www2.ed.gov/programs/whitephysed/2009awards.html> (last visited August 25, 2010).

27,500 lunches each school day.¹⁹⁴ Approximately 70% of DCPS students are eligible for free or reduced-priced meals.¹⁹⁵ In 2008, as a response to projections that the DCPS meal program would lose \$11.6 million, DCPS Chancellor Michelle Rhee outsourced the DCPS meal program to food service management company (“FSMC”) Chartwells Thompson School Dining Services. DCPS paid \$11.7 million in subsidy for its food service program in FY09. For FY 2010, DCPS increased management of the Chartwells Thompson contract and brought on two new food service vendors -- Revolution Foods and D.C. Central Kitchen -- resulting in a total subsidy of \$8.2 million for a \$3.5 million gain. According to the DCPS LWP progress report, DCPS, with Chartwells Thompson as its vendor, has “taken key steps to improve nutrition in school meals,” including re-opening certain kitchens in secondary schools to offer freshly-cooked options and reducing the fat and sugar content in milk served.¹⁹⁶

DCPS has made significant progress regarding expanding access to school nutrition programs. Beginning in 2009, all DCPS schools now offer Universal “Free for All” breakfast. As of the spring of 2010, 30 schools participate in the Breakfast in the Classroom program. Through this program, breakfast is delivered to the classroom, and students have the first 15 minutes to eat while they prepare for the day. Prior to the 2008-2009 school year, no D.C. public school had implemented this program.¹⁹⁷ Section 201 of the Healthy Schools Act will further

¹⁹⁴ Jane Black, Washington Post, To Fix the Lunch Program, D.C. Schools Hire a Chef, March 24, 2010, *available at* <http://www.washingtonpost.com/wp-dyn/content/article/2010/03/23/AR2010032300754.html> (last visited June 4, 2010).

¹⁹⁵ *Id.*

¹⁹⁶ DCPS Local Wellness Policy Progress to Date and Moving Forward (2009) *available at* http://www.dchunger.org/pdf/lwp_report_apr09.pdf (last visited June 4, 2010).

¹⁹⁷ Food Research and Action Center School Breakfast in America’s Big Cities: School Year 2006-2007 (January 2009) *available at* <http://www.frac.org/pdf/urbanbreakfast08.pdf> (last visited June 4, 2010).

increase the number of students who eat breakfast. Under this provision, schools with a free and reduced-price meal rate higher than 40% will have either breakfast in the classroom or grab and go breakfast options.

In addition, under the Healthy Vending Policy adopted by the DC Board of Education in 2006, as encouraged by the American Heart Association, elementary schools are no longer allowed to have vending machines accessible to students.¹⁹⁸ For all other schools, all products sold during the school day are required to meet nutritional standards.¹⁹⁹ Food items such as sodas and sports drinks are no longer sold in vending machines and have been replaced with healthier items such as baked chips, pretzels and 100 Calorie Packs of thin crisp cookies and crackers. Section 202 of the Healthy Schools Act would codify the Healthy Vending Policy.

DCPS is not taking full advantage of federally sponsored programs geared toward increasing access to fresh and locally grown fruits and vegetables. Elementary schools are eligible to participate in the U.S. Department of Agriculture's ("USDA's") Fresh Fruit and Vegetable Program if more than 50% of their students qualify for free and reduced-price lunch. This program provides funding for schools to serve fresh fruits and vegetables outside of school meals. Eighty-eight schools in DCPS are eligible to participate in this program, however, according to the DC Farm-to-School Network, only 23 schools participated in the 2009-2010 school year. DCPS has 40 schools participating in this program for the 2010-2011 school year, a number capped by OSSE because of funding. Sections 203 and 301 of the Healthy Schools Acts would require all eligible schools to participate in this program.

¹⁹⁸ DCPS Local Wellness Policy Progress to Date and Moving Forward (2009) *available at* http://www.dchunger.org/pdf/lwp_report_apr09.pdf (last visited June 4, 2010).

¹⁹⁹ *Id.*

HIV/AIDS and Sexual Health Initiatives

The District of Columbia has the highest adolescent HIV/AIDS rate in the country. As few adolescents in D.C. engage in injection drug use, HIV infection among this population largely stems from unprotected sexual behavior.²⁰⁰ An estimated 1,500 youth in D.C. are living with HIV/AIDS and an estimated 6,000 youth have families coping with HIV/AIDS or are at a high risk for contracting HIV/AIDS due to poverty, poor education, community violence, sexual activity, and drug and alcohol abuse.²⁰¹ According to the DOH, HIV/AIDS infection rates tripled for youth in the District from 2001-2005 in comparison to the previous five years.²⁰² In addition, D.C. youth aged 13-24 have significantly high rates of chlamydia, gonorrhea, and teen pregnancy.²⁰³ Because of these high statistics, adolescent sexual behavior poses a significant risk of later HIV infection.²⁰⁴

In its August 2005 report, the D.C. Appleseed Center for Law and Justice (“DC Appleseed”) called for DCPS and the State Board of Education (“the Board”) to adopt system-wide health education content standards, including HIV/AIDS prevention.²⁰⁵ In September 2005, the Board adopted a resolution including 16 recommendations for HIV/AIDS education,

²⁰⁰ DC DOH, Youth and HIV (2010), *available at* <http://dchealth.dc.gov/doh/cwp/view,a,1371,q,603088.asp> (last visited June 7, 2010).

²⁰¹ Metro TeenAIDS Quick Facts (2009), *available at* <http://metroteenaid.org/wp-content/uploads/2008/05/metro-teenaid-fact-sheet.pdf> (last visited June 6, 2010).

²⁰² DC DOH, Youth and HIV (2010), *available at* <http://dchealth.dc.gov/doh/cwp/view,a,1371,q,603088.asp> (last visited June 7, 2010).

²⁰³ *Id.*

²⁰⁴ Metro TeenAIDS Quick Facts (2009), *available at* <http://metroteenaid.org/wp-content/uploads/2008/05/metro-teenaid-fact-sheet.pdf> (last visited June 6, 2010).

²⁰⁵ DC DOH HIV/AIDS Administration, Youth and HIV Prevention Initiative Plan (2007), *available at* http://dchealth.dc.gov/doh/frames.asp?doc=/doh/lib/doh/services/administration_offices/hiv_aid/pdf/hiv_youth_prevention_initiative_4.pdf (last visited June 8, 2010).

and in March 2006, the Superintendent noted that the new health and education curriculum reforms would go into effect during the 2006-2007 school year.²⁰⁶ However, the Board failed to take action on the new health and education curriculum reforms.²⁰⁷

Finally, in 2007, recognizing the disturbing youth HIV/AIDS statistics, Mayor Fenty directed the DOH to develop a plan to decrease the high transmission rate of HIV among D.C. youth and ensure proper access to services and treatment for D.C. youth that are infected with the HIV/AIDS.²⁰⁸ Shortly thereafter, DOH released the 2007-2010 Youth and HIV/AIDS Prevention Initiative (“the Initiative”).²⁰⁹ The Initiative aims to “ensure every D.C. student receives age-appropriate and high-quality HIV prevention education in schools, such as comprehensive sexuality education, and to support new strategies for increasing youth access to HIV prevention education information through multiple school-based resources (i.e., school nurse, mental health counselors, etc.).”²¹⁰ Key provisions of the Initiative that target DCPS include (1) supporting DCPS in the release and implementation of health standards, specifically as it relates to the HIV prevention curriculum²¹¹ and (2) training at least 75% of the mental health clinicians serving DCPS on relevant HIV/AIDS prevention and issues related to supporting D.C. youth and parents of students infected with HIV/AIDS.²¹²

²⁰⁶ *Id.*

²⁰⁷ *Id.*

²⁰⁸ DC DOH HIV/AIDS Administration, Youth and HIV Prevention Initiative Plan, (2007), available at http://dchealth.dc.gov/doh/frames.asp?doc=/doh/lib/doh/services/administration_offices/hiv_aids/pdf/hiv_youth_prevention_initiative_4.pdf (last visited June 8, 2010).

²⁰⁹ *Id.*

²¹⁰ *Id.* at 5

²¹¹ *Id.* at 18.

²¹² *Id.* at 19.

In 2008, DCPS Office of Teaching and Learning (“OTL”) approved three age-appropriate curricula, *Making Proud Choices!* (7th grade), *Making a Difference*,²¹³ and *Becoming a Responsible Teen* (“BART”) (10th grade), to implement the HIV/AIDS content health standards to be taught during the 2008-2009 school year.²¹⁴ Local community organizations, Metro TeenAIDS (“MTA”) and City Year DC have also supplemented the HIV/AIDS programs in DCPS. As of 2009, MTA and City Year DC provided HIV/AIDS prevention and education to all 7th and 10th grade health classes in DCPS.²¹⁵

In 2009, DCPS transferred responsibility for student health and wellness to the newly created Office of Youth Engagement (“OYE”). Also in 2009, DC Appleseed released its Report Card on HIV/AIDS in the Nation’s Capital.²¹⁶ Grading the combined efforts of OSSE, DCPS and D.C. charter schools, DC Appleseed gave “public education” in D.C. a grade of C+ for its efforts to reduce HIV/AIDS transmission and increase prevention education. While the report noted that DCPS was making great strides regarding HIV/AIDS initiatives, DCPS has failed to implement a tool to assess what DCPS students are learning about HIV/AIDS prevention or whether the prevention messages are changing sexual behavior.²¹⁷

²¹³ Based on teacher feedback, DCPS discontinued offering the *Making a Difference* program in January 2010.

²¹⁴ DCPS is continuing to use the HIV curricula *Making Proud Choices!* and BART to date.; DC Appleseed Center for Law and Justice, Report Card No. 5: HIV/AIDS in the Nation’s Capital (2009) available at <http://www.dcappleseed.org/library/5th%20Report%20Card%20Final.pdf> (last visited June 11, 2010).

²¹⁵ Metro TeenAIDS Quick Facts (2009), available at <http://metroteenaid.org/wp-content/uploads/2008/05/metro-teenaid-fact-sheet.pdf> (last visited June 6, 2010).

²¹⁶ DC Appleseed Center for Law and Justice, Report Card No. 5: HIV/AIDS in the Nation’s Capital (2009) available at <http://www.dcappleseed.org/library/5th%20Report%20Card%20Final.pdf> (last visited June 11, 2010).

²¹⁷ *Id.* at 3.

That said, DCPS has made progress in offering additional sexual health initiatives. In particular, DCPS has partnered with DOH to make substantial progress towards instituting routine STD testing for students during the 2008-2009 school year.²¹⁸ During that time, approximately 3,150 students were voluntarily screened across 6 DCPS high schools.²¹⁹ In the 2009-2010 school year, testing occurred in all DCPS high schools, and the same is scheduled for the 2010-2011 school year. Condom availability in DCPS has also expanded, and DCPS has implemented DOH's new policy to allow both school nurses and additional school staff to distribute condoms to students. Further, in January 2010, DCPS launched new lessons for grades 4 to 8 on puberty, sexual orientation and sexual health.²²⁰ DCPS currently provides professional development to assist teachers address sensitive topics, such as puberty, human growth and development and sexual orientation. In addition, DCPS and DOH have begun presenting CDC's Parents Matter program to increase parental and community involvement in sexual health education.²²¹ Also, in the 2009-2010 school year, DCPS partnered with OSSE to develop the capacity of 10 DCPS middle schools to meet student's sexual health needs. This project is ongoing.

²¹⁸ *Id.* at 20-21.

²¹⁹ *Id.* at 21.

²²⁰ These lessons were developed by a curriculum team from Rutgers University's ANSWER (<http://answer.rutgers.edu>) based on DC health learning standards and teacher feedback.

²²¹ *Id.*

Athletics

A series of reports authored by Parents United and other civic leaders have evaluated the state of inter-scholastic athletic programs in the D.C. Public Schools system for nearly ten years. The first assessment was documented in the report, “Unlevel Playing Fields: A Comparative Study of Athletic Programs, Facilities, and Funding in the District of Columbia and Suburban Public School Districts,” which was published in 2001.²²² Since the release of the initial report, periodic supplements and updates have been published describing the improvements (or lack thereof) to the D.C. Public Schools athletics program.²²³ This section provides a review of the state of D.C. Public Schools athletics in the year the 2010.

As described in the previous reports, DCPS athletic programs are significantly inferior to those in surrounding suburban counties in every essential category, including but not limited to funding, facilities, staffing, coaching stipends, and participation rates. The prior reports describe an inadequate program with minimal funding, dilapidated and useable facilities, and underpaid staff. They explain that suburban schools spend over 50% more on each high school athlete and pay their coaches over 50% more than DCPS coaches. In 2005, facilities, such as those at Cardozo Senior High School, were destitute with unsafe bleachers, defective lockers, and outdated equipment. Despite these problems, the athletics budget sustained only marginal increases. Overall, the DCPS athletics program was lacking in every respect.

²²² Parents United for the D.C. Public Schools, *Unlevel Playing Fields: A Comparative Study of Athletic Programs, Facilities, and Funding in the District of Columbia and Suburban Public School Districts* (June 2001), available at www.dwatch.com/parents/pu0106.htm.

²²³ See Parents United for the D.C. Public Schools, *Unlevel Playing Fields Six Month Update* (Feb 2003), available at www.washlaw.org/projects/public_ed/documents/unlevel_03.pdf.pdf; Washington Lawyers’ Committee, *Unlevel Playing Fields IV*, available at www.washlaw.org/projects/public_ed/documents/unlevel_04.pdf.pdf.

While much work remains to be done toward bettering the DCPS athletics program, significant improvements have been made in the last five years. One of the most significant improvements is in the category of funding. The DCPS inflation-adjusted total athletics budget has increased nearly 50% in the last five years. In FY 2005, the total athletics budget was \$3,079,345, and in FY 2010, the total athletics budget was \$4,961,280. Improvements made throughout the athletics program, particularly those relating to capital improvements, can be credited to this additional funding.

Despite such financial improvements, the DCPS athletics budget continues to be inferior to that of its surrounding counties, including Fairfax, Montgomery, and Prince George's Counties. This is largely because DCPS athletics funding remains limited to central resources. Unlike its suburban neighbors, D.C. Public Schools do not have an active athletic booster organization and substantial revenue from event ticket sales and concessions to supplement its athletic budget. By contrast, for example, neighboring Fairfax County Public School system considers "[b]ooster organizations [to be] important auxiliary groups that are critical to the healthy operation of an athletic program."²²⁴ Recognizing the need and benefits of additional private funding sources, DCPS is currently considering partnering with a marketing company that helps school districts maximize the impact and revenue of their athletic programs.²²⁵ Supplementing the DCPS athletic budget with private funding would allow the athletic program to make additional improvements, such as replacing defective equipment and outdated uniforms.

²²⁴ See Fairfax County Public Schools, Student Activities and Athletics Programs, <http://www.fcps.edu/supt/activities/athletics/contact.htm> (last visited July 20, 2010).

²²⁵ DCPS had not determined whether it would partner with the marketing company at the time of this publication.

Another area in which DCPS athletics has made significant strides over the past five years is capital improvements. DCPS Athletics Director Marcus Ellis describes the improvements to the facilities over the past five years as “excellent!”²²⁶ Ten schools have received new all-purpose athletic fields, concession stands, and state-of-the-art press boxes.²²⁷ These schools include: Anacostia, Coolidge, Cardozo, Roosevelt, Ballou, Wilson, Dunbar, Eastern, Spingarn, and McKinley. In addition, three schools have new gymnasiums and two schools have new locker rooms. The athletics department hopes to see continued improvements to its facilities going forward.

With regard to financial support of athletic staff, DCPS athletics continues to fall short. While the D.C. high school athletic directors stipend has increased from \$2,433 to \$2,798 since 2001, the 2010 stipend remains significantly lower than that of, for example, Fairfax County, which offered \$3,604 as an athletics director stipend nearly ten years ago. In addition, today DCPS continues to only pay athletic directors and head coaches. Other districts often pay assistant coaches, as well. As explained in “Unlevel Playing Fields,” the limited funding for salaries discourages staff from coaching, formation of new teams, and invites violations of Title IX.²²⁸ The pay disparity continues to place a heavy strain on the system.

Finally, the recruitment of athletic trainers has improved in the last five years. DCPS currently has 12 athletic trainers on staff -- the highest number of athletic trainers on staff in

²²⁶ Interview with Marcus Ellis, July 13, 2010.

²²⁷ *Id.* For photographs of the renovated athletic facilities see Appendix E.

²²⁸ Parents United for the D.C. Public Schools, *Unlevel Playing Fields*, p. 5.

DCPS history. The athletic budget has recently been readjusted to accommodate two additional trainers. As a result, DCPS athletics will have full coverage by its trainers by the end of 2010.

In sum, the D.C. Public School athletics program has made significant strides in some areas in the last five years. Much work remains to be done, however, for DCPS athletics to be considered comparable to its neighboring suburban counties.

APPENDIX A

DCPS AND D.C. METROPOLITAN AREA RACIAL DATA AND STATISTICS

Data compiled for this report with respect to student enrollment DCPS and the greater D.C. metropolitan area school districts have been obtained, unless otherwise indicated, from the public websites of each school district.¹ As used in this report, the term “African-American” means a person having origins in any of the Black racial groups of Africa, the terms “Hispanic” and “Latino” include persons of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race, and the term “Asian-American” includes persons having origins in any of the original peoples of the Far East, southeast Asia, or the Indian subcontinent including, without limitation, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

DCPS Schools by Racial Composition (SY 2009-2010)

As indicated in the 2005 Report, immediately after desegregation of D.C. public schools in the 1950s, only 20 of 170 (11.7%) schools in the District were 100% African-American student populations and 5 of 120 (4.2%) schools were 100% white.² In contrast, for the 2009-2010 school year, 26 of 128 schools, or 20.3%, have 100% African-American student

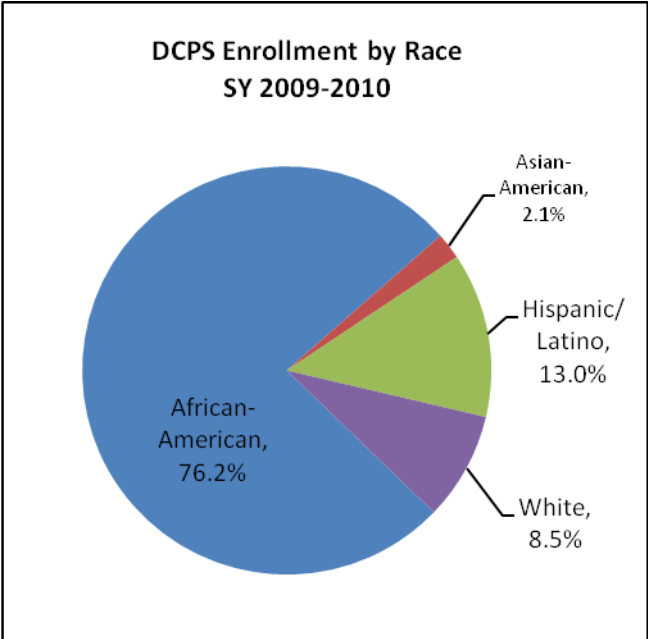
¹ DCPS, <http://dcatlas.dcgis.dc.gov/schoolprofile/>; Arlington County, <http://www.apsva.us/15401081104241813/lib/15401081104241813/CR09-10.xls>; Alexandria City, <http://www.acps.k12.va.us/schools.php>; Fairfax County, http://www.fcps.edu/Reporting/historical/pdfs/ethnic_gender/EthnicRpt09.pdf, <http://commweb.fcps.edu/schoolprofile/>; Montgomery County, <http://www.montgomeryschoolsmd.org/schools/>; Prince George’s County, <http://www.mdreportcard.org/rschool.aspx?K=16AAAA>, <http://schools.pgcps.org/allschools.asp>.

² Erwin Knoll, *The Truth About Desegregation in Washington Schools*, The Turnpike Press Inc. (1959).

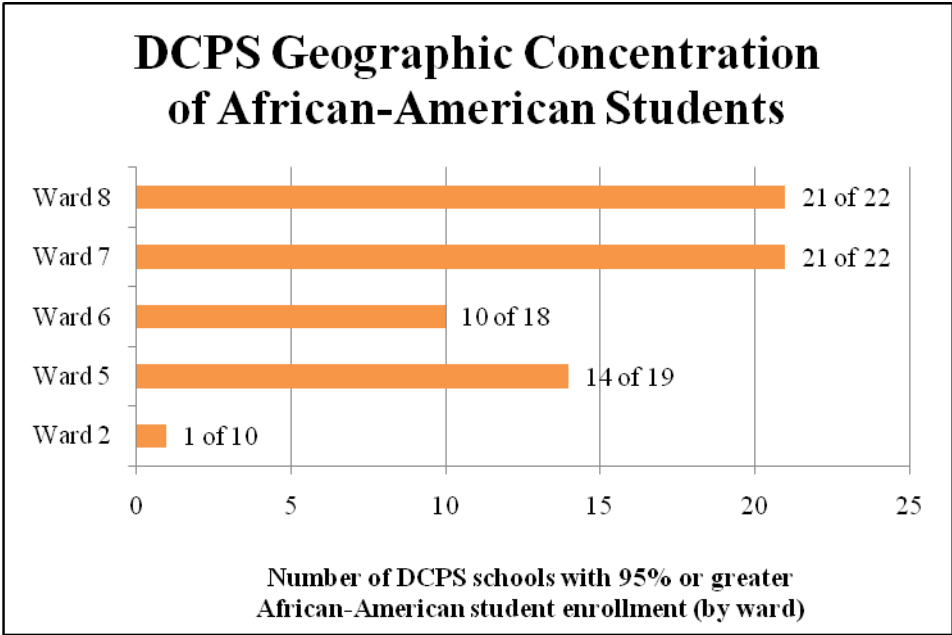
enrollment. Moreover, more than half of D.C. public schools (74 total) have 100% minority student enrollment (which include African-Americans, Hispanics/Latinos and Asian-Americans).

No D.C. public schools have 100% white students.

DCPS Schools by White/Black Racial Composition, SY 2009-2010								
Black Enrollment			White Enrollment			Minority Enrollment		
Range	No. of Schools	No. of Students	Range	No. of Schools	No. of Students	Range	No. of Schools	No. of Students
0% Black	0	-	0% White	83	-	0% Minority	0	-
1-5% Black	0	-	1-5% White	19	124	1-5% Minority	0	-
6-10% Black	2	49	5-10% White	5	140	6-10% Minority	0	-
11-29% Black	10	598	11-29% White	8	786	11-29% Minority	5	471
30-49% Black	10	1,908	30-49% White	6	963	30-49% Minority	2	292
50-69% Black	10	2,543	50-69% White	2	469	50-69% Minority	6	1,707
70-89% Black	20	5,528	70-89% White	5	1,379	70-89% Minority	8	2,794
90-95% Black	13	2,859	90-95% White	0	-	90-95% Minority	8	2,715
96-99% Black	37	12,099	96-99% White	0	-	96-99% Minority	25	9,111
100% Black	26	8,855	100% White	0	-	100% Minority	74	24,202
Total	128	34,440		128	3862		128	41,291
<30% Black	12 9.4%	647 1.9%	<30% White	115 89.8%	1050 27.2%	<30% Minority	5 3.9%	471 1.1%
30-69% Black	20 15.6%	4,451 12.9%	30-69% White	8 6.3%	1,432 37.1%	30-69% Minority	8 6.3%	1,999 4.8%
50%+ Black	106 82.8%	31,884 92.6%	50%+ White	7 5.5%	1,848 47.9%	50%+ Minority	121 94.5%	40,529 98.2%
70%+ Black	96 75.0%	29,341 85.2%	70%+ White	5 3.9%	1,379 35.7%	70%+ Minority	115 89.8%	38,822 94.0%
75%+ Black	89 69.5%	27,500 79.8%	75%+ White	2 1.6%	327 8.5%	75%+ Minority	113 88.3%	38,270 92.7%
90%+ Black	76 59.4%	23,813 69.1%	90%+ White	0 0.0%	0 0.0%	90%+ Minority	107 83.6%	36,028 87.3%
95%+ Black	67 52.3%	21,726 63.1%	95%+ White	0 0.0%	0 0.0%	95%+ Minority	102 79.7%	34,310 83.1%



DCPS African-American students tend to be concentrated geographically in the Northeast and Southeast sections of the District. In particular, 21 of 22 DCPS schools in Wards 7 and 8, respectively, have over 95% African-American student enrollment, and more than half of the DCPS locations in Wards 5 and 6 are 95% African-American.



Growth in Hispanic/Latino Populations

Increasing racial isolation of African-American and white students can be attributed to the increasing Hispanic/Latino populations in the District generally, and as a percentage of school age children.

Hispanic/Latino School-Age Children as Percentage of D.C. Children (from 2004 to 2008)³

	2004	2005	2006	2007	2008
Total Children (under 18) in D.C.	115,097	114,229	113,900	113,073	112,016
Hispanic/Latino Children (%)	10.4%	10.6%	10.6%	10.8%	11.2%

Hispanic/Latino Population as a Percentage of D.C. Population (from 1980 to 2008)⁴

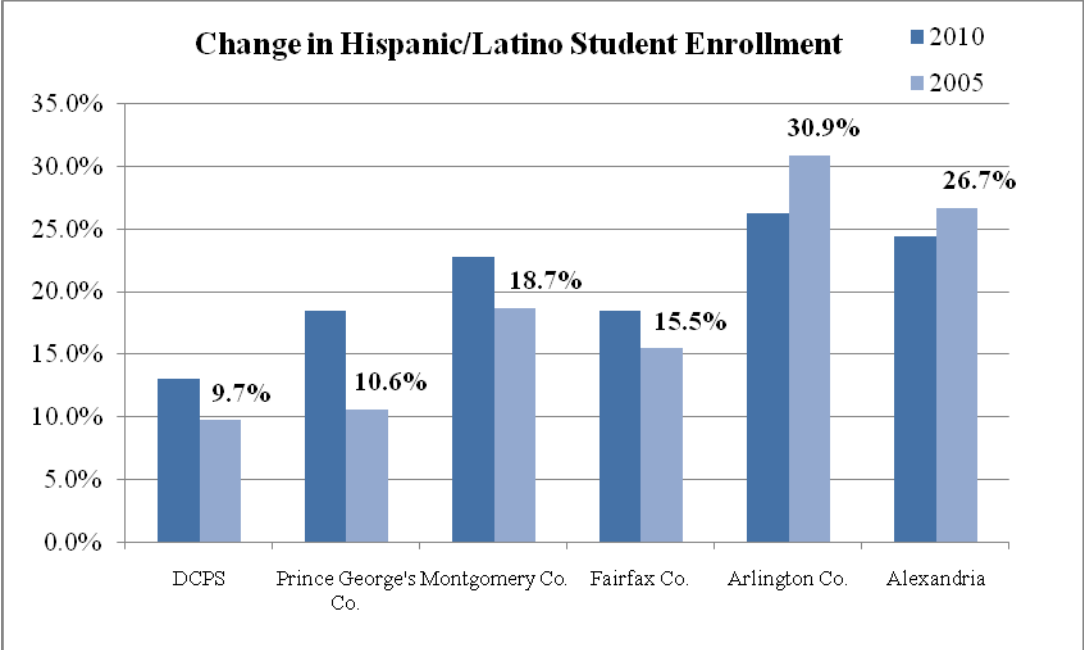
1980	1990	2000	2008
2.8%	5.4%	7.9%	8.6%

³ Data from the 2009 D.C. Profile, Annie E. Casey Foundation, Kids Count Data Center, Profile for District of Columbia,

<http://datacenter.kidscount.org/data/bystate/stateprofile.aspx?state=DC&loc=10>.

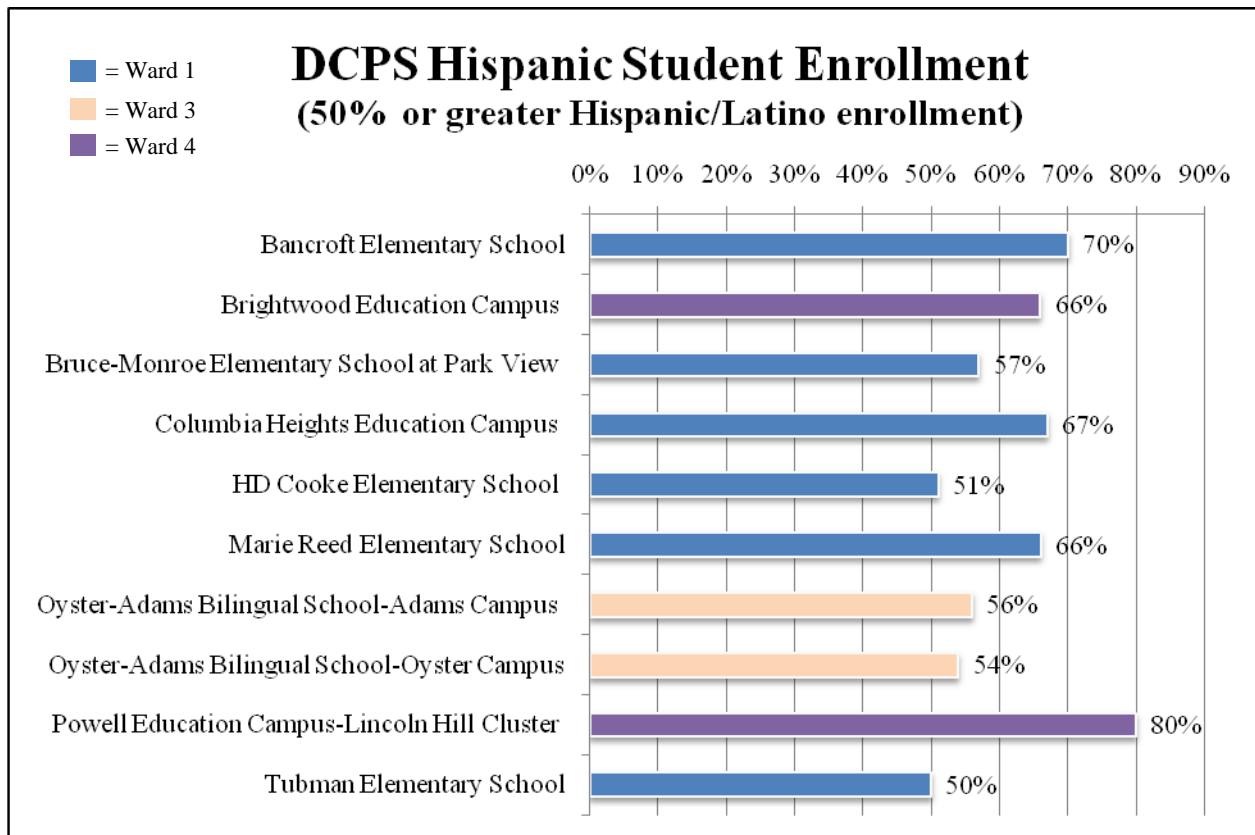
⁴ For data from 1800-1990, see *Historical Census Statistics on Population Totals By Race, 1790 to 1990, and By Hispanic Origin, 1970 to 1990, For The United States, Regions, Divisions, and States*, Campbell Gibson and Kay Jung, U.S. Census Bureau Working Paper No. 56 (Sept. 2002), Table 23: District of Columbia – Race and Hispanic Origin,

<http://www.census.gov/population/www/documentation/twps0056/twps0056.html> . For 2000 data, see <http://www.census.gov/census2000/states/dc.html>. For 2008 data, see U.S. Census Bureau Quick Facts, D.C., <http://quickfacts.census.gov/qfd/states/11000.html>.



DCPS Schools Hispanic/Latino Enrollment		
SY 2009-2010		
Range	No. of Schools	No. of Students
0% Hispanic/Latino	29	-
1-5% Hispanic/Latino	50	338
6-10% Hispanic/Latino	18	414
11-29% Hispanic/Latino	14	1,260
30-39% Hispanic/Latino	1	91
40-49% Hispanic/Latino	6	885
50-69% Hispanic/Latino	8	2,415
70-89% Hispanic/Latino	2	485
90-95% Hispanic/Latino	0	-
96-99% Hispanic/Latino	0	-
100% Hispanic/Latino	0	-
Total	128	5888

Racial isolation is experienced not only by African-American students, but by Hispanic/Latino DCPS students as well. Nearly half of all Hispanic/Latino public school students in the District attend school at a majority Hispanic/Latino DCPS location. Hispanic/Latino students also tend to be geographically concentrated: of the 10 DCPS schools in Ward 1, 6 have 50% or greater Hispanic/Latino enrollment.



APPENDIX B

2005 Photos of School Facilities



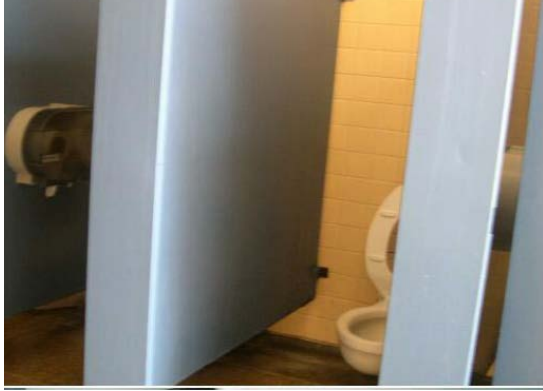
Coolidge Senior High School 6315 5th Street, N.W., Washington, D.C., Ward 4



Coolidge Senior High School, continued



Stanton Elementary School, 2701 Naylor Road, S.E., Washington, D.C., Ward 8



Stanton Elementary School, continued



Raymond Elementary School, 915 Spring Road, N.W., Washington, D.C., Ward 4



Raymond Elementary School, continued



Roosevelt Senior High School, 4301 13th Street, N.W., Washington, D.C., Ward 4



Roosevelt Senior High School, continued

APPENDIX C

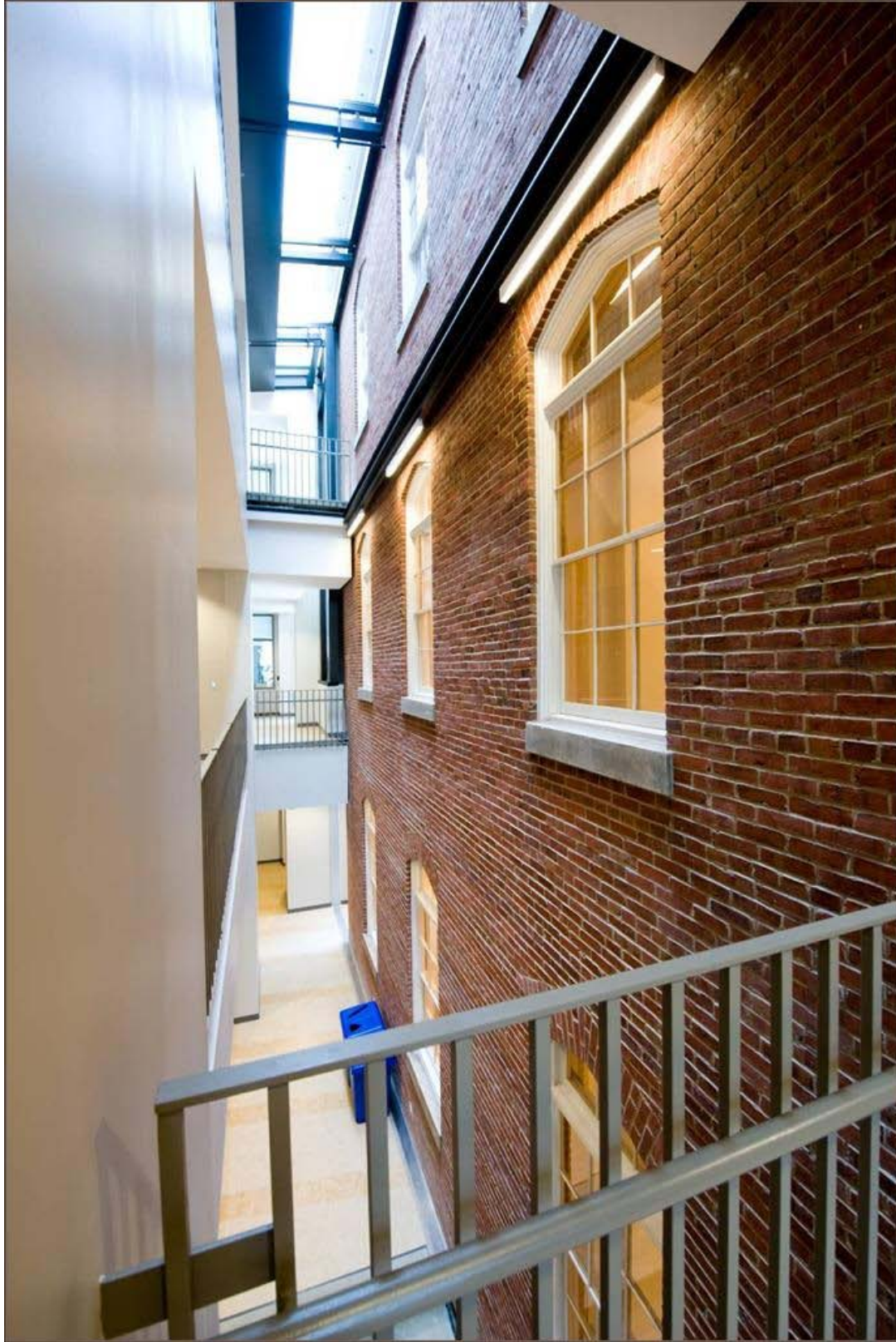
Recent School Renovations



Sousa Middle School Interior Staircase, 3650 Ely Pl. SE, Washington, DC, Ward 7



Atrium, Phelps Architecture, Construction and Engineering High School, 704 26th St NE, Washington, DC, Ward 5



Bridge, School Without Walls Senior High School, 2130 G St. NW, Washington, DC, Ward 2



Classroom, Tubman Elementary School, 3101 13th St. NW, Washington, DC, Ward 1



Entrance, Savoy Elementary School, 2400 Shannon Pl. SE, Washington, DC, Ward 8



Classroom, Savoy Elementary School, 2400 Shannon Pl. SE, Washington, DC Ward 8

School Name	Type	International Baccalaureate	Biotech. & Environmental Science	Transportation	Hospitality & Tourism	Engineering	Information Technology	Human Services, Education & Training	Construction & Design	Business, Finance & Entrepreneurship	Arts, Media, & Communication	Health & Medical Sciences
Brent Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Brightwood Education Campus	Education Campus	N	N	N	N	N	N	N	N	N	N	N
Brookland Education Campus @ Bunker Hill	Education Campus	N	N	N	N	N	N	N	N	N	N	N
Browne Education Campus	Education Campus	N	N	N	N	N	N	N	N	N	N	N
Bruce-Monroe Elementary School @ Park View	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Burroughs Education Campus	Education Campus	N	N	N	N	N	N	N	N	N	N	N
Burrville Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Cardozo Senior High School	Senior High School	N	N	N	N	Y	Y	N	Y	N	N	N
CHOICE Academy Middle School/Senior High School	Youth Engagement	N	N	N	N	N	N	N	N	N	N	N
Cleveland Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N

School Name	Type	International Baccalaureate	Biotech. & Environmental Science	Transportation	Hospitality & Tourism	Engineering	Information Technology	Human Services, Education & Training	Construction & Design	Business, Finance & Entrepreneurship	Arts, Media, & Communication	Health & Medical Sciences
Columbia Heights Education Campus	SHS/ Specialized	N	N	N	N	Y	Y	Y	N	N	N	N
HD Cooke Elementary School	Elementary School	C	N	N	N	N	N	N	N	N	N	N
Coolidge Senior High School	Senior High School	N	N	N	N	N	N	N	N	N	N	N
Davis Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Deal Middle School	Middle School	C	N	N	N	N	N	N	N	N	N	N
Drew Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Dunbar Senior High School	Senior High School	N	N	N	N	Y	Y	N	N	Y	N	N
Eastern Senior High School	Senior High School	N	N	N	N	N	N	N	N	N	N	Y
Eaton Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Eliot-Hine Middle School	Middle School	N	N	N	N	N	N	N	N	N	N	N

School Name	Type	International Baccalaureate	Biotech. & Environmental Science	Transportation	Hospitality & Tourism	Engineering	Information Technology	Human Services, Education & Training	Construction & Design	Business, Finance & Entrepreneurship	Arts, Media, & Communication	Health & Medical Sciences
Ellington School of the Arts Senior High School	SHS/ Specialized	N	N	N	N	N	N	N	N	N	Y	N
Emery Education Campus	Education Campus	N	N	N	N	N	N	N	N	N	N	N
Ferebee-Hope Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Francis-Stevens Education Campus	Education Campus	N	N	N	N	N	N	N	N	N	N	N
Garfield Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Garrison Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Hamilton Center ¹	Special Education School	N	N	N	N	N	N	N	N	N	N	N
Hardy Middle School	Middle School	N	N	N	N	N	N	N	N	N	N	N

¹ Hamilton Center offers full-time special education services for students diagnosed as emotionally disturbed.

School Name	Type	International Baccalaureate	Biotech. & Environmental Science	Transportation	Hospitality & Tourism	Engineering	Information Technology	Human Services, Education & Training	Construction & Design	Business, Finance & Entrepreneurship	Arts, Media, & Communication	Health & Medical Sciences
C.W. Harris Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Hart Middle School	Middle School	N	N	N	N	N	N	N	N	N	N	N
Hearst Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Hendley Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Houston Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Hyde Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Janney Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Jefferson Middle School	Middle School	N	N	N	N	N	N	N	N	N	N	N
Johnson Middle School	Middle School	N	N	N	N	N	N	N	N	N	N	N
Kelly Miller Middle School	Middle School	N	N	N	N	N	N	N	N	N	N	N

School Name	Type	International Baccalaureate	Biotech. & Environmental Science	Transportation	Hospitality & Tourism	Engineering	Information Technology	Human Services, Education & Training	Construction & Design	Business, Finance & Entrepreneurship	Arts, Media, & Communication	Health & Medical Sciences
Kenilworth Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Ketcham Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Key Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Kimball Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
King Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Kramer Middle School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Lafayette Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Langdon Education Campus	Education Campus	N	N	N	N	N	N	N	N	N	N	N
LaSalle-Backus Education Campus	Education Campus	N	N	N	N	N	N	N	N	N	N	N
Leckie Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N

School Name	Type	International Baccalaureate	Biotech. & Environmental Science	Transportation	Hospitality & Tourism	Engineering	Information Technology	Human Services, Education & Training	Construction & Design	Business, Finance & Entrepreneurship	Arts, Media, & Communication	Health & Medical Sciences
Ludlow-Taylor Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Luke C. Moore Academy Senior High School	Youth Engagement	N	N	N	N	N	N	N	N	Y	N	N
MacFarland Middle School (Lincoln Hill Cluster)	Middle School	N	N	N	N	N	N	N	N	N	N	N
Malcolm X Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Mamie D. Lee School	Special Education School	N	N	N	N	N	N	N	N	N	N	N
Mann Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Marie Reed Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Marshall Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Maury Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
McKinley Technology High School	SHS/ Specialized	N	Y	N	N	Y	Y	N	N	N	Y	N

School Name	Type	International Baccalaureate	Biotech. & Environmental Science	Transportation	Hospitality & Tourism	Engineering	Information Technology	Human Services, Education & Training	Construction & Design	Business, Finance & Entrepreneurship	Arts, Media, & Communication	Health & Medical Sciences
Miner Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Montgomery Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Moten Elementary School @ Wilkinson	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Murch Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Nalle Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Noyes Education Campus	Education Campus	N	N	N	N	N	N	N	N	N	N	N
Orr Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Oyster-Adams Bilingual School (Adams Campus)	Education Campus	N	N	N	N	N	N	N	N	N	N	N
Oyster-Adams Bilingual School (Oyster Campus)	Education Campus	N	N	N	N	N	N	N	N	N	N	N
Patterson Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N

School Name	Type	International Baccalaureate	Biotech. & Environmental Science	Transportation	Hospitality & Tourism	Engineering	Information Technology	Human Services, Education & Training	Construction & Design	Business, Finance & Entrepreneurship	Arts, Media, & Communication	Health & Medical Sciences
Payne Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Peabody Elementary School (Capitol Hill Cluster)	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Phelps Architecture, Construction, and Engineering High School	SHS/ Specialized	N	N	N	N	Y	N	N	Y	N	N	N
Plummer Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Prospect Learning Center	Special Education School	N	N	N	N	N	N	N	N	N	N	N
Randle Highlands Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Raymond Education Campus	Education Campus	N	N	N	N	N	N	N	N	N	N	N
River Terrace Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Ronald H. Brown Middle School	Middle School	N	N	N	N	N	N	N	N	N	N	N
Roosevelt Senior High School	Senior High School	N	N	N	Y	N	N	N	N	Y	Y	N

School Name	Type	International Baccalaureate	Biotech. & Environmental Science	Transportation	Hospitality & Tourism	Engineering	Information Technology	Human Services, Education & Training	Construction & Design	Business, Finance & Entrepreneurship	Arts, Media, & Communication	Health & Medical Sciences
Roosevelt STAY Senior High School	Youth Engagement	N	N	N	Y	N	N	N	N	Y	N	N
Ross Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
School Without Walls Senior High School	SHS/ Specialized	N	N	N	N	N	N	N	N	N	N	N
Seaton Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Shaed Education Campus	Education Campus	N	N	N	N	N	N	N	N	N	N	N
Sharpe Health School	Special Education School	N	N	N	N	N	N	N	N	N	N	N
Shaw Middle School @ Garnet-Patterson	Middle School	N	N	N	N	N	N	N	N	N	N	N
Shepherd Elementary School	Elementary School	C	N	N	N	N	N	N	N	N	N	N
Simon Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Smothers Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N

School Name	Type	International Baccalaureate	Biotech. & Environmental Science	Transportation	Hospitality & Tourism	Engineering	Information Technology	Human Services, Education & Training	Construction & Design	Business, Finance & Entrepreneurship	Arts, Media, & Communication	Health & Medical Sciences
Sousa Middle School	Middle School	N	N	N	N	N	N	N	N	N	N	N
Spingarn Senior High School	Senior High School	N	N	Y	N	N	N	N	N	Y	N	N
Spingarn STAY Senior High School	Youth Engagement	N	N	N	N	N	N	N	N	Y	N	N
Stanton Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Stoddert Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Stuart-Hobson Middle School (Capitol Hill Cluster)	Middle School	N	N	N	N	N	N	N	N	N	N	N
Takoma Education Campus	Education Campus	N	N	N	N	N	N	N	N	N	N	N
M.C. Terrell/McGogney Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Thomas Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Thomson Elementary School	Elementary School	C	N	N	N	N	N	N	N	N	N	N

School Name	Type	International Baccalaureate	Biotech. & Environmental Science	Transportation	Hospitality & Tourism	Engineering	Information Technology	Human Services, Education & Training	Construction & Design	Business, Finance & Entrepreneurship	Arts, Media, & Communication	Health & Medical Sciences
Transition Academy @ Shadd	Special Education School	N	N	N	N	N	N	N	N	N	N	N
Truesdell Education Campus	Education Campus	N	N	N	N	N	N	N	N	N	N	N
Tubman Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Turner Elementary School @ Green	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Tyler Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Walker-Jones Education Campus	Education Campus	N	N	N	N	N	N	N	N	N	N	N
Watkins Elementary School (Capitol Hill Cluster)	Elementary School	N	N	N	N	N	N	N	N	N	N	N
West Education Campus	Education Campus	N	N	N	N	N	N	N	N	N	N	N
Wheatley Education Campus	Education Campus	N	N	N	N	N	N	N	N	N	N	N
Whittier Education Campus	Education Campus	N	N	N	N	N	N	N	N	N	N	N

School Name	Type	International Baccalaureate	Biotech. & Environmental Science	Transportation	Hospitality & Tourism	Engineering	Information Technology	Human Services, Education & Training	Construction & Design	Business, Finance & Entrepreneurship	Arts, Media, & Communication	Health & Medical Sciences
J.O. Wilson Elementary School	Elementary School	N	N	N	N	N	N	N	N	N	N	N
Woodrow Wilson Senior High School	Senior High School	N	Y	N	N	Y	Y	N	N	Y	Y	N
Winston Education Campus	Education Campus	N	N	N	N	N	N	N	N	N	N	N
Woodson Academy @ Ron Brown ²	Senior High School	N	N	N	N	N	N	N	N	N	N	N
HD Woodson Senior High School	Senior High School	N	N	N	N	N	N	N	N	Y	N	N
Youth Engagement Academy ³	Youth Engagement	N	N	N	N	N	N	N	N	N	N	N
Youth Services Center	Youth Engagement	N	N	N	N	N	N	N	N	N	N	N

² Woodson Academy comprises the 9th grade class of H.D. Woodson Senior High School. The two schools will rejoin when the new Woodson building opens. For purposes of this report, these two schools were counted as one high school.

³ Youth Engagement Academy will become Washington Metropolitan High School in school year 2010-11.

World Languages

School Name	Type	Dual Language	Spanish	French	Italian	Latin	Chinese	American Sign Language
Aiton Elementary School	Elementary School	N	Y	N	N	N	N	N
Amidon-Bowen Elementary School	Elementary School	N	N	N	N	N	N	N
Anacostia Senior High School	Senior High School	N	Y	Y	N	N	N	N
Ballou Senior High School	Senior High School	N	Y	Y	N	N	N	N
Ballou STAY Senior High School	Youth Engagement	N	Y	N	Y	N	N	N
Bancroft Elementary School	Elementary School	Y	N	N	N	N	N	N
Barnard Elementary School (Lincoln Hill Cluster)	Elementary School	N	N	N	N	N	N	N
Beers Elementary School	Elementary School	N	N	N	N	N	N	N
Banneker Senior High School	SHS/ Specialized	N	Y	Y	N	Y	N	N
Brent Elementary School	Elementary School	N	N	N	N	N	Y	N
Brightwood Education Campus	Education Campus	N	N	Y	N	N	N	N
Brookland Education Campus @ Bunker Hill	Education Campus	N	Y	N	N	N	N	N
Browne Education Campus	Education Campus	N	Y	N	N	N	N	N
Bruce-Monroe Elementary School @ Park View	Elementary School	Y	Y	N	N	N	N	N
Burroughs Education Campus	Education Campus	N	Y	Y	N	N	N	N
Burrville Elementary School	Elementary School	N	N	N	N	N	N	N

School Name	Type	Dual Language	Spanish	French	Italian	Latin	Chinese	American Sign Language
Cardozo Senior High School	Senior High School	N	Y	Y	N	Y	N	N
CHOICE Academy Middle School/Senior High School	Youth Engagement	N	Y	N	N	N	N	N
Cleveland Elementary School	Elementary School	Y	Y	N	N	N	N	N
Columbia Heights Education Campus	SHS/ Specialized	NY	Y	Y	N	Y	Y	Y
HD Cooke Elementary School	Elementary School	C	Y	N	N	N	N	N
Coolidge Senior High School	Senior High School	N	Y	N	N	N	N	N
Davis Elementary School	Elementary School	N	N	N	N	N	N	N
Deal Middle School	Middle School	N	Y	Y	N	N	Y	N
Drew Elementary School	Elementary School	N	Y	N	N	N	N	N
Dunbar Senior High School	Senior High School	N	Y	Y	N	N	N	N
Eastern Senior High School	Senior High School	N	Y	N	N	N	N	N
Eaton Elementary School	Elementary School	N	N	N	N	N	Y	N
Eliot-Hine Middle School	Middle School	N	Y	N	N	N	N	N
Ellington School of the Arts Senior High School	SHS/ Specialized	N	Y	Y	Y	N	N	N
Emery Education Campus	Education Campus	N	N	N	N	N	Y	N
Ferebee-Hope Elementary School	Elementary School	N	N	N	N	N	N	N
Francis-Stevens Education Campus	Education Campus	N	Y	N	N	N	N	N

School Name	Type	Dual Language	Spanish	French	Italian	Latin	Chinese	American Sign Language
Garfield Elementary School	Elementary School	N	N	Y*	N	N	N	N
Garrison Elementary School	Elementary School	N	N	N	N	N	N	N
Hamilton Center	Special Education School	N	N	N	N	N	N	N
Hardy Middle School	Middle School	N	Y	Y	N	N	N	N
C.W. Harris Elementary School	Elementary School	N	N	N	N	N	N	N
Hart Middle School	Middle School	N	N	N	N	N	N	N
Hearst Elementary School	Elementary School	N	N	N	N	N	N	N
Hendley Elementary School	Elementary School	N	N	N	N	N	N	N
Houston Elementary School	Elementary School	N	N	N	N	N	N	N
Hyde Elementary School	Elementary School	N	N	N	N	N	N	N
Incarcerated Youth Program, Correctional Detention Facility	Youth Engagement	N	N	N	N	N	N	N
Jackie Robinson Center	Special Education School	N	N	N	N	N	N	N
Janney Elementary School	Elementary School	N	N	N	N	N	N	N
Jefferson Middle School	Middle School	N	Y	N	N	N	N	N
Johnson Middle School	Middle School	N	Y	N	N	N	N	N

* Sponsored by an outside organization.

School Name	Type	Dual Language	Spanish	French	Italian	Latin	Chinese	American Sign Language
Kelly Miller Middle School	Middle School	N	Y	N	N	N	N	N
Kenilworth Elementary School	Elementary School	N	N	N	N	N	N	N
Ketcham Elementary School	Elementary School	N	N	N	N	N	N	N
Key Elementary School	Elementary School	N	N	N	N	N	N	N
Kimball Elementary School	Elementary School	N	N	N	N	N	N	N
King Elementary School	Elementary School	N	N	N	N	N	N	N
Kramer Middle School	Elementary School	N	N	N	N	N	N	N
Lafayette Elementary School	Elementary School	N	N	N	N	N	N	N
Langdon Education Campus	Education Campus	N	Y	N	N	N	N	N
LaSalle-Backus Education Campus	Education Campus	N	Y	N	N	N	N	N
Leckie Elementary School	Elementary School	N	Y	N	N	N	N	N
Ludlow-Taylor Elementary School	Elementary School	N	N	N	N	N	N	N
Luke C. Moore Academy Senior High School	Youth Engagement	N	Y	N	N	N	N	N
MacFarland Middle School (Lincoln Hill Cluster)	Middle School	N	Y	Y	N	N	N	N
Malcolm X Elementary School	Elementary School	N	N	N	N	N	N	N
Mamie D. Lee School	Special Education School	N	N	N	N	N	N	N
Mann Elementary School	Elementary School	N	N	N	N	N	N	N

School Name	Type	Dual Language	Spanish	French	Italian	Latin	Chinese	American Sign Language
Marie Reed Elementary School	Elementary School	Y	N	N	N	N	N	N
Marshall Elementary School	Elementary School	N	N	N	N	N	N	N
Maury Elementary School	Elementary School	N	Y	N	N	N	N	N
McKinley Technology High School	SHS/ Specialized	N	Y	Y	N	N	N	N
Miner Elementary School	Elementary School	N	N	Y*	N	N	N	N
Montgomery Elementary School	Elementary School	N	N	N	N	N	N	N
Moten Elementary School @ Wilkinson	Elementary School	N	N	N	N	N	N	N
Murch Elementary School	Elementary School	N	N	N	N	N	N	N
Nalle Elementary School	Elementary School	N	N	N	N	N	N	N
Noyes Education Campus	Education Campus	N	Y	N	N	N	N	N
Orr Elementary School	Elementary School	N	Y	N	N	N	N	N
Oyster-Adams Bilingual School (Adams Campus)	Education Campus	Y	N	N	N	N	Y	N
Oyster-Adams Bilingual School (Oyster Campus)	Education Campus	Y	N	N	N	N	N	N
Patterson Elementary School	Elementary School	N	N	N	N	N	N	N
Payne Elementary School	Elementary School	N	N	N	N	N	N	N

* Sponsored by an outside organization.

School Name	Type	Dual Language	Spanish	French	Italian	Latin	Chinese	American Sign Language
Peabody Elementary School (Capitol Hill Cluster)	Elementary School	N	N	N	N	N	N	N
Phelps Architecture, Construction, and Engineering High School	SHS/ Specialized	N	Y	N	N	Y	Y	N
Plummer Elementary School	Elementary School	N	N	N	N	N	N	N
Powell Education Campus (Lincoln Hill Cluster)	Elementary School	Y	N	N	N	N	N	N
Prospect Learning Center	Special Education School	N	N	N	N	N	N	N
Randle Highlands Elementary School	Elementary School	N	N	Y*	N	N	N	N
Raymond Education Campus	Education Campus	N	Y	N	N	N	N	N
River Terrace Elementary School	Elementary School	N	N	N	N	N	N	N
Ronald H. Brown Middle School	Middle School	N	Y	N	N	N	N	N
Roosevelt Senior High School	Senior High School	N	Y	Y	Y	N	N	N
Roosevelt STAY Senior High School	Youth Engagement	N	Y	N	Y	N	N	N
Ross Elementary School	Elementary School	N	Y	N	N	N	N	N

* Sponsored by an outside organization.

School Name	Type	Dual Language	Spanish	French	Italian	Latin	Chinese	American Sign Language
Savoy Elementary School	Elementary School	N	N	N	N	N	N	N
School Without Walls Senior High School	SHS/ Specialized	N	Y	Y	N	Y	Y	N
Seaton Elementary School	Elementary School	N	N	N	N	N	N	N
Shaed Education Campus	Education Campus	N	N	N	N	N	N	N
Sharpe Health School	Special Education School	N	N	N	N	N	N	N
Shaw Middle School @ Garnet-Patterson	Middle School	N	Y	N	N	N	N	N
Shepherd Elementary School	Elementary School	C	Y	Y	N	N	N	N
Simon Elementary School	Elementary School	N	N	N	N	N	N	N
Smothers Elementary School	Elementary School	N	N	N	N	N	N	N
Sousa Middle School	Middle School	N	Y	N	N	N	N	N
Spingarn Senior High School	Senior High School	N	Y	Y	N	N	Y	N
Spingarn STAY Senior High School	Youth Engagement	N	Y	N	N	N	N	N
Stanton Elementary School	Elementary School	N	N	N	N	N	N	N
Stoddert Elementary School	Elementary School	N	N	N	N	N	N	N
Stuart-Hobson Middle School (Capitol Hill Cluster)	Middle School	N	Y	N	N	N	N	N
Takoma Education Campus	Education Campus	N	Y	N	N	N	N	N
M.C. Terrell/McGogney Elementary School	Elementary School	N	N	N	N	N	N	N

School Name	Type	Dual Language	Spanish	French	Italian	Latin	Chinese	American Sign Language
Thomas Elementary School	Elementary School	N	N	N	N	N	N	N
Thomson Elementary School	Elementary School	C	N	N	N	N	Y	N
Transition Academy @ Shadd	Special Education School	N	Y	N	N	N	N	N
Truesdell Education Campus	Education Campus	N	Y	N	N	N	N	N
Tubman Elementary School	Elementary School	N	N	N	N	N	N	N
Turner Elementary School @ Green	Elementary School	N	N	N	N	N	N	N
Tyler Elementary School	Elementary School	Y	N	N	N	N	N	N
Walker-Jones Education Campus	Education Campus	N	N	N	N	N	N	N
Watkins Elementary School (Capitol Hill Cluster)	Elementary School	N	N	N	N	N	N	N
West Education Campus	Education Campus	N	Y	N	N	N	N	N
Wheatley Education Campus	Education Campus	N	N	N	N	N	N	N
Whittier Education Campus	Education Campus	N	Y	N	N	N	N	N
J.O. Wilson Elementary School	Elementary School	N	N	Y	N	N	N	N
Woodrow Wilson Senior High School	Senior High School	N	Y	Y	Y	Y	Y	Y
Winston Education Campus	Education Campus	N	Y	N	N	N	N	N
Woodson Academy @ Ron Brown	Senior High School	N	N	N	N	N	N	N
HD Woodson Senior High	Senior High School	N	Y	N	N	N	N	N

School Name	Type	Dual Language	Spanish	French	Italian	Latin	Chinese	American Sign Language
School								
Youth Engagement Academy	Youth Engagement	N	N	N	N	N	N	N
Youth Services Center	Youth Engagement	N	Y	N	N	N	N	N

Catalyst Schools, Advanced Placement and Learning and Teaching Methods

School Name	Type	Catalyst Schools			Advanced Placement Courses	Montessori	Reggio Emilia
		STEM School	Arts Integration	World Cultures			
Aiton Elementary School	Elementary School	N	N	N	N	N	N
Amidon-Bowen Elementary School	Elementary School	N	N	N	N	N	N
Anacostia Senior High School	Senior High School	N	N	N	Y	N	N
Ballou Senior High School	Senior High School	N	N	N	Y	N	N
Ballou STAY Senior High School	Youth Engagement	N	N	N	N	N	N
Bancroft Elementary School	Elementary School	N	N	N	N	N	N
Barnard Elementary School (Lincoln Hill Cluster)	Elementary School	N	N	N	N	N	N
Beers Elementary School	Elementary School	Y	N	N	N	N	N
Banneker Senior High School	SHS/ Specialized	N	N	N	Y	N	N
Brent Elementary School	Elementary School	N	N	N	N	N	N
Brightwood Education Campus	Education Campus	N	N	N	N	N	N
Brookland Education Campus @ Bunker Hill	Education Campus	N	N	N	N	N	N
Browne Education Campus	Education Campus	N	N	N	N	N	N
Bruce-Monroe Elementary School @ Park View	Elementary School	N	N	N	N	N	N
Burroughs Education Campus	Education Campus	Y	N	N	N	N	N
Burville Elementary School	Elementary School	N	N	N	N	Y	N

School Name	Type	Catalyst Schools			Advanced Placement Courses	Montessori	Reggio Emilia
		STEM School	Arts Integration	World Cultures			
Cardozo Senior High School	Senior High School	N	N	N	Y	N	N
CHOICE Academy Middle School/Senior High School	Youth Engagement	N	N	N	N	N	N
Cleveland Elementary School	Elementary School	N	N	N	N	N	N
Columbia Heights Education Campus	SHS/ Specialized	N	N	Y	Y	N	N
HD Cooke Elementary School	Elementary School	N	N	N	N	N	N
Coolidge Senior High School	Senior High School	N	N	N	Y	N	N
Davis Elementary School	Elementary School	N	N	N	N	N	N
Deal Middle School	Middle School	N	N		N	N	N
Drew Elementary School	Elementary School	N	N	N	N	N	N
Dunbar Senior High School	Senior High School	N	N	N	Y	N	N
Eastern Senior High School	Senior High School	N	N	N	Y	N	N
Eaton Elementary School	Elementary School	N	N	Y	N	N	N
Eliot-Hine Middle School	Middle School	N	N	N	N	N	N
Ellington School of the Arts Senior High School	SHS/ Specialized	N	N	N	Y	N	N
Emery Education Campus	Education Campus	Y	N	N	N	N	N
Ferebee-Hope Elementary School	Elementary School	N	N	N	N	N	N
Francis-Stevens Education Campus	Education Campus	N	N	N	N	N	N

School Name	Type	Catalyst Schools			Advanced Placement Courses	Montessori	Reggio Emilia
		STEM School	Arts Integration	World Cultures			
Garfield Elementary School	Elementary School		N	N	N	N	N
Garrison Elementary School	Elementary School	N	N	N	N	N	N
Hamilton Center	Special Education School	N	N	N	N	N	N
Hardy Middle School	Middle School	N	N	N	N	N	N
C.W. Harris Elementary School	Elementary School	N	N	N	N	N	N
Hart Middle School	Middle School	N	N	N	N	N	N
Hearst Elementary School	Elementary School	N	N	N	N	N	N
Hendley Elementary School	Elementary School		N	N	N	N	N
Houston Elementary School	Elementary School	N	N	N	N	N	N
Hyde Elementary School	Elementary School	N	N	N	N	N	N
Incarcerated Youth Program, Correctional Detention Facility	Youth Engagement	N	N	N	N	N	N
Jackie Robinson Center	Special Education School	N	N	N	N	N	N
Janney Elementary School	Elementary School	N	N	N	N	N	N
Jefferson Middle School	Middle School	N	N	N	N	N	N
Johnson Middle School	Middle School	N	N	N	N	N	N
Kelly Miller Middle School	Middle School	N	N	N	N	N	N
Kenilworth Elementary School	Elementary School	N	N	N	N	N	N
Ketcham Elementary School	Elementary School	N	N	N	N	N	N

School Name	Type	Catalyst Schools			Advanced Placement Courses	Montessori	Reggio Emilia
		STEM School	Arts Integration	World Cultures			
Key Elementary School	Elementary School	N	N	N	N	N	N
Kimball Elementary School	Elementary School	N	N	N	N	N	N
King Elementary School	Elementary School	N	N	N	N	N	N
Kramer Middle School	Elementary School	N	N	N	N	N	N
Lafayette Elementary School	Elementary School	N	N	N	N	N	N
Langdon Education Campus	Education Campus	Y	N	N	N	Y	N
LaSalle-Backus Education Campus	Education Campus	N	N	N	N	N	N
Leckie Elementary School	Elementary School	N	N	N	N	N	N
Ludlow-Taylor Elementary School	Elementary School	N	Y	N	N	N	N
Luke C. Moore Academy Senior High School	Youth Engagement	N	N	N	N	N	N
MacFarland Middle School (Lincoln Hill Cluster)	Middle School	N	N	N	N	N	N
Malcolm X Elementary School	Elementary School	Y	N	N	N	N	N
Mamie D. Lee School	Special Education School	N	N	N	N	N	N
Mann Elementary School	Elementary School	N	N	N	N	N	N
Marie Reed Elementary School	Elementary School	N	N	N	N	N	N
Marshall Elementary School	Elementary School	N	N	N	N	Y	N
Maury Elementary School	Elementary School	N	N	N	N	N	N

School Name	Type	Catalyst Schools			Advanced Placement Courses	Montessori	Reggio Emilia
		STEM School	Arts Integration	World Cultures			
McKinley Technology High School	SHS/ Specialized	N	N	N	Y	N	N
Miner Elementary School	Elementary School	N	N	N	N	N	Y
Montgomery Elementary School	Elementary School	N	N	N	N	N	Y
Moten Elementary School @ Wilkinson	Elementary School	N	N	N	N	N	N
Murch Elementary School	Elementary School	N	N	N	N	N	N
Nalle Elementary School	Elementary School	N	N	N	N	Y	N
Noyes Education Campus	Education Campus	N	N	N	N	N	N
Orr Elementary School	Elementary School	N	N	N	N	N	N
Oyster-Adams Bilingual School (Adams Campus)	Education Campus	N	N	N	N	N	N
Oyster-Adams Bilingual School (Oyster Campus)	Education Campus	N	N	N	N	N	N
Patterson Elementary School	Elementary School	N	N	N	N	N	N
Payne Elementary School	Elementary School	N	N	Y	N	N	N
Peabody Elementary School (Capitol Hill Cluster)	Elementary School	N	N	N	N	N	Y
Phelps Architecture, Construction, and Engineering High School	SHS/ Specialized	N	N	N	Y	N	N
Plummer Elementary School	Elementary School	N	N	N	N	N	N
Powell Education Campus	Elementary School	N	N	N	N	N	N

School Name	Type	Catalyst Schools			Advanced Placement Courses	Montessori	Reggio Emilia
		STEM School	Arts Integration	World Cultures			
(Lincoln Hill Cluster)							
Prospect Learning Center	Special Education School	N	N	N	N	N	N
Randle Highlands Elementary School	Elementary School	N	N	N	N	N	N
Raymond Education Campus	Education Campus	N	N	N	N	N	N
River Terrace Elementary School	Elementary School	N	N	N	N	N	N
Ronald H. Brown Middle School	Middle School	N	N	N	N	N	N
Roosevelt Senior High School	Senior High School	N	N	N	Y	N	N
Roosevelt STAY Senior High School	Youth Engagement	N	N	N	N	N	N
Ross Elementary School	Elementary School	N	N	N	N	N	N
Savoy Elementary School	Elementary School	N	N	N	N	N	N
School Without Walls Senior High School	SHS/ Specialized	N	N	N	Y	N	N
Seaton Elementary School	Elementary School	N	N	N	N	N	N
Shaed Education Campus	Education Campus	N	N	N	N	N	N
Sharpe Health School	Special Education School	N	N	N	N	N	N
Shaw Middle School @ Garnet-Patterson	Middle School	N	N	N	N	N	N
Shepherd Elementary School	Elementary School	N	N	N	N	N	N

School Name	Type	Catalyst Schools			Advanced Placement Courses	Montessori	Reggio Emilia
		STEM School	Arts Integration	World Cultures			
Simon Elementary School	Elementary School	N	N	N	N	N	N
Smothers Elementary School	Elementary School	N	N	N	N	N	N
Sousa Middle School	Middle School	N	Y	N	N	N	N
Spingarn Senior High School	Senior High School	N	N	N	Y	N	N
Spingarn STAY Senior High School	Youth Engagement	N	N	N	N	N	N
Stanton Elementary School	Elementary School	N	N	N	N	N	N
Stoddert Elementary School	Elementary School	N	N	N	N	N	N
Stuart-Hobson Middle School (Capitol Hill Cluster)	Middle School	N	N	N	N	N	N
Takoma Education Campus	Education Campus	N	Y	N	N	N	N
M.C. Terrell/McGogney Elementary School	Elementary School	N	N	N	N	N	N
Thomas Elementary School	Elementary School	N	N	N	N	N	N
Thomson Elementary School	Elementary School	N	N	N	N	N	N
Transition Academy @ Shadd	Special Education School	N	N	N	N	N	N
Truesdell Education Campus	Education Campus	N	N	N	N	N	N
Tubman Elementary School	Elementary School	N	N	N	N	N	N
Turner Elementary School @ Green	Elementary School	N	N	N	N	N	N
Tyler Elementary School	Elementary School	N	Y	N	N	N	N

School Name	Type	Catalyst Schools			Advanced Placement Courses	Montessori	Reggio Emilia
		STEM School	Arts Integration	World Cultures			
Walker-Jones Education Campus	Education Campus	N	N	N	N	N	N
Watkins Elementary School (Capitol Hill Cluster)	Elementary School	N	N	N	N	Y	N
West Education Campus	Education Campus	N	N	N	N	N	N
Wheatley Education Campus	Education Campus	N	N	N	N	N	N
Whittier Education Campus	Education Campus	Y	N	N	N	N	N
J.O. Wilson Elementary School	Elementary School	N	N	N	N	N	N
Woodrow Wilson Senior High School	Senior High School	N	N	N	Y	N	N
Winston Education Campus	Education Campus	N	N	N	N	N	N
Woodson Academy @ Ron Brown	Senior High School	N	N	N	N	N	N
HD Woodson Senior High School	Senior High School	N	N	N	Y	N	N
Youth Engagement Academy	Youth Engagement	N	N	N	N	N	N
Youth Services Center	Youth Engagement	N	N	N	N	N	N

Appendix E: Athletic Facilities



Athletic field, Cardozo Senior High School, 1200 Clifton St. NW Washington, DC, Ward 1



Locker room, Cardozo Senior High School, 1200 Clifton St. NW Washington, DC, Ward 1



Gymnasium, Savoy Elementary School, 2400 Shannon Pl. SE, Washington, DC Ward 8



Athletic field, Roosevelt Senior High School, 4301 13th St. NW Washington, DC Ward 4



Aquatic center, Wilson Senior High School, 3950 Chesapeake St. NW, Washington, DC, Ward 3