

**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE OF THE WHOLE  
COMMITTEE REPORT**

1350 Pennsylvania Avenue, NW, Washington, DC 2004

**DRAFT**

**TO:** All Councilmembers

**FROM:** Chairman Phil Mendelson  
Committee of the Whole

**DATE:** December 4, 2018

**SUBJECT:** Report on Bill 22-776, “District of Columbia Education Research Practice Partnership Establishment and Audit Act of 2018” (formerly known as the “District of Columbia Education Research Advisory Board and Collaborative Establishment Amendment Act of 2018”)

The Committee of the Whole, to which Bill 22-776, the “District of Columbia Education Research Practice Partnership Establishment and Audit Act of 2018” was referred, reports favorably thereon with amendments, and recommends approval by the Council.

**CONTENTS**

I.	Background And Need.....	1
II.	Legislative Chronology.....	8
III.	Position Of The Executive.....	8
IV.	Comments Of Advisory Neighborhood Commissions .....	9
V.	Summary Of Testimony.....	9
VI.	Impact On Existing Law .....	9
VII.	Fiscal Impact.....	9
VIII.	Section-By-Section Analysis .....	9
IX.	Committee Action.....	10
X.	Attachments .....	11

**I. BACKGROUND AND NEED**

The purpose of Bill 22-776, the “District of Columbia Education Research Practice Partnership Establishment and Audit Act of 2018,” is to establish an education research practice partnership (RPP) between the District government and an independent, third-party nongovernmental partner. Additionally, Bill 22-776 requires the District of Columbia Auditor (Auditor) to audit the data management and collection practices of: public local education agencies (LEAs), including the District of Columbia Public Schools (DCPS); the Office of the State Superintendent of Education (OSSE); the Office of the Deputy Mayor for Education (DME); and Public Charter School Board (PCSB). The bill orders the Auditor to begin the audit within 180 days of Bill 22-776 becoming law and to issue a report to the Mayor and the Council detailing the audit’s findings.

In 2007, the Council approved D.C. Law 17-9, the “District of Columbia Public Education Reform Amendment Act of 2007,” which eliminated the Board of Education and established mayoral control over DCPS. This shift in management and oversight of DCPS was deemed necessary to turn around DCPS and to ensure that the District’s students would graduate college and career-ready. Yet, 10 years later, the District still has not made significant progress – only around 33% of District students are proficient<sup>1</sup> in English language arts and less than 30% are proficient in math.<sup>2</sup> Additionally, the achievement gap in the District persists, and in some cases, it has actually widened.<sup>3</sup> Further, over the past year, a crisis of confidence in DCPS has occurred. Between revelations that many District students have graduated despite missing an exorbitant number of school days, the persistent achievement gap, and the resignation of the Deputy Mayor of Education and the Chancellor of DCPS over the improper transfer of former Chancellor Antwan Wilson’s daughter to Wilson High School, public trust has been lost.

As a result both Councilmembers and the public have questioned where to go from here and what it will take to both restore confidence in the District’s public education sector, particularly DCPS, and to increase student improvement at a much faster pace. One solution put forth is the establishment of a public education research practice partnership – similar to those in Baltimore, Philadelphia, Houston, Chicago, New Orleans, New York, and Los Angeles. RPPs in those cities inform the policies and practices that the city is either currently implementing or should implement. For example, in Chicago, which is considered the grandfather of the RPPs throughout the country, its RPP recently looked at the impact Chicago Public School’s suspension reforms have had on student outcomes over the past few years. Moreover, when Chicago closed several schools a few years ago – a highly contentious issue – Chicago’s RPP studied the effects of those closures.<sup>4</sup>

Unlike other research projects undertaken by the District, the RPP will be a long-term entity that will produce independent education research. Currently, research done on the District’s public education sector are generally one-off research projects undertaken by different groups and are not always independent. If DCPS or other local education agencies (LEAs) do not agree with the research results, they can bury them. Moreover, various groups in the District do not always trust the research that is touted by the District, because they believe the research is done in such a manner that skews the results in the District’s favor. With RPPs, on the other hand, while the school district may have to sign-off on the research topic, once the research is conducted, the results are released, even if they are unfavorable to the school district.

Additionally, RPPs generally have an advisory or steering committee that provides guidance on the research being done by the RPP and that can serve as a check and balance, giving

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<sup>1</sup> Students who score a 4 or 5 on the PARCC assessment are considered college and career-ready, and thus proficient.

<sup>2</sup>[https://osse.dc.gov/sites/default/files/dc/sites/osse/page\\_content/attachments/2018%20PARCC%20Results%20Release%2028Aug.%2016%2C%202018%29.pdf](https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/2018%20PARCC%20Results%20Release%2028Aug.%2016%2C%202018%29.pdf).

<sup>3</sup> [https://www.washingtonpost.com/news/education/wp/2017/08/17/despite-test-gains-only-a-third-of-d-c-students-rated-college-and-career-ready/?utm\\_term=.14e4b0af432b](https://www.washingtonpost.com/news/education/wp/2017/08/17/despite-test-gains-only-a-third-of-d-c-students-rated-college-and-career-ready/?utm_term=.14e4b0af432b).

<sup>4</sup> One should note that Chicago’s RPP requires Chicago Public Schools to sign off on all of their research projects. In this instance, CPS did not want the RPP to research this issue but after about two years, CPS finally signed off on this research.

feedback or input on the preliminary results of a research project. Further, the advisory committee may set the research agenda for the RPP and brings transparency to a RPP's work. These elements also distinguish a RPP from the way the District currently conducts educational research, and the transparency that comes with a RPP is sorely needed for both the Council and the public to regain trust in DCPS and in the education research being done in the District.

### **Introduced Version of Bill 22-776**

Introduced on April 10, 2018 by seven Councilmembers, including Chairman Mendelson, the introduced version of Bill 22-776 established an education research collaborative (Collaborative) covered by an advisory board. The Board was comprised of 16 individuals, including representatives from DCPS, the DME, OSSE, PCSB, the State Board of Education (SBOE), and 10 individuals appointed by the Council. The Council appointments included three representatives from District non-profits that focus on education policy, a representative from the Washington Teachers' Union (WTU), a representative from the Council of School Officers;<sup>5</sup> two District resident community representatives, and three representatives from a DCPS or public charter school parent organization. The advisory board was tasked with meeting at least twice a year, setting the initial research and data collection priorities for the Collaborative, providing guidance to the Collaborative, assisting in fundraising to support financially the Collaborative's work, and to report to the Council on the District's data management and collection policies.

In the introduced version, the Collaborative would be housed within the Auditor's office and was tasked with a massive data collection and management audit, requiring the Collaborative to audit the practices of DCPS, DME, OSSE, PCSB, and District LEAs. Additionally, as part of the audit, the Collaborative was required to collect education data, ranging in topics from school enrollment to student course transcripts, food service and student nutrition data, facilities data, and budget data among others, over the past 20 years. Further, the Collaborative was directed to collect and manage all of the data outlined in the bill moving forward and to conduct long-term education research. The Collaborative was also directed to hold at least one public meeting a year to receive feedback on the District's education practice and policies, as well as on the education data, and to report to the Council, Mayor, Auditor, OSSE, and the Collaborative's advisory board all the data it had collected, what data was missing or incomplete, the gaps in the District's collection or retention of education data, gaps in the District's data management efforts, barriers to LEAs collecting data, and recommendations for improving the District's data management and collection procedures.

As drafted, many felt that the introduced version of Bill 22-776 was a "gotcha" bill – a way to call into question the validity of the District's education data and to determine what, if any, information the Executive was hiding from the Council and the public. The bill also did not make clear who would be in charge of the District's education data – the Collaborative, OSSE, or both. Additionally, several witnesses at the July 13, 2018 hearing on Bill 22-776 agreed with the Executive that the bill conflated research and audit functions, since one of the primary goals of the

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<sup>5</sup> This union represents the principals and assistant principals at DCPS.

Collaborative was to conduct a massive data audit.<sup>6</sup> Witnesses pointed out that other RPPs did not carry out such a function and that an audit of the District's education data collection and management policies should be carried out by the Auditor in her audit function and not by the Collaborative.<sup>7</sup> Further, a continual theme throughout the July 13<sup>th</sup> hearing was trust.<sup>8</sup> In order for a RPP to be successful, the District has to trust the researchers and vice versa. Without this, the District would be reluctant to furnish the RPP with data, thereby causing the RPP to fail. Thus, it was made clear that if the Council were to pass legislative to establish a RPP, the Executive could not perceive the bill or the RPP to be a "gotcha." Yet, it was also made clear that in order for the public to view the RPP as truly independent and reputable, transparency was key.

### **Education Committee Print:**

Bill 22-776 was sequentially referred to the Committee on Education and the Committee of the Whole. Given that the end of Council Period 22 was rapidly approaching, the Chairman time-barred the bill in the Committee on Education, requiring the Committee to act on the bill before the end of September 30, 2018. Should it have failed to do so, the bill would have been discharged from the Committee on Education and come to the Committee of the Whole. The Committee on Education, however, marked-up its version of Bill 22-776 on September 24, 2018.

The Committee on Education's committee print made several changes to the bill, but the two largest changes center around where the Collaborative is housed and its function and the steering committee, which would oversee the work of the Collaborative. First, the Committee separated the research and audit functions within the bill. They still require an audit to be done with regard to the data management and collection practices of the District's education agencies. However, they require the Auditor, and not the Collaborative, to do the audit and indicate that it should apply to only data from 2014 to present.

In terms of establishing a research collaborative, the Collaborative would be created and temporarily incubated in the Auditor's office. The Committee on Education requires the Auditor's office to issue a grant of \$500,000<sup>99</sup> by October 1, 2019 to an independent, non-governmental entity that would house the Collaborative. However, the Committee on Education's committee print leaves selection of the independent, non-governmental entity up to the steering committee. Thus, in effect, the Auditor's office simply acts as a pass-through for the grant funds. Once the third-party is picked, the Collaborative will be removed from the Auditor's office. Under the Committee on Education's committee print, the Collaborative would do educational research that is either set by the steering committee or as requested by the Council. Notably, the Committee on Education has the Collaborative sunset six years from the effective date of Bill 22-776 unless the Council affirmatively reapproves the Collaborative.

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<sup>6</sup> Cite

<sup>7</sup> Cite.

<sup>8</sup> Cite.

<sup>99</sup> The Council placed \$500,000 in the Auditor's FY19 budget in anticipation of Bill 22-776 being approved by the Council.

The second major change between the introduced version of Bill 22-776 and the Committee on Education's committee print is the make-up and role of the steering committee. As opposed to the introduced version, which has 16 individuals on the advisory committee, the Committee on Education's committee print changes the advisory committee to a steering committee and reduces the steering committee down to seven voting members and four non-voting, advisory members. The seven voting members include the Chancellor of DCPS, the DME, the State Superintendent, the Executive Director of PCSB, the Executive Director of SBOE, a public charter school employee or trustee who is picked by other public charter school LEAs through a process organized by the PCSB, and an individual, who is not an employee of the other voting members, appointed by the Chairman of the Council. The four non-voting members include the Chief Student Advocate, the Director of the Child and Family Services Agency, the Director of the Department of Behavioral Health, and the President of the WTU.

Imbued with the sole power to choose the independent, non-government research partner, the steering committee is required to hold two community meetings annually in order to receive feedback on the District agencies' practices, policies, and their data management. Additionally, the steering committee is charged with facilitating the data sharing agreement between the District and the independent research partner and with setting the research priorities for the Collaborative.

#### **Committee of the Whole Changes to Bill 22-776:**

The Committee of the Whole's committee print also makes several changes to Bill 22-776. These changes are as a result of the feedback the Committee received at the July 13<sup>th</sup> hearing, comments heard after the Committee on Education marked up the bill in September, and several conversations with various other parties, including Executive Directors of other RPPs. First, the Committee has rebranded the Collaborative and refers to it as a research practice partnership (RPP). Second, while the committee print still requires a RPP to be formed and mandates that the Mayor enter into a memorandum of understanding, which covers topics such as data collection and sharing, to facilitate the RPP, the committee print removes the RPP from incubating in the Auditor's office. Instead, the bill mandates that the Executive and the Council draft and issue a joint Notice of Invitation (NOI) for an Education Partnership for the purpose of receiving proposals from an independent, nongovernmental entity that wishes to serve as the District's research partner and that will house the RPP. It is envisioned that entities such as universities, colleges, non-profit organizations, or a combination of organizations formed for the purposes of housing the RPP will be the entities to submit proposals in response to the NOI.

Deciding to remove the RPP from the Auditor's office was not an easy decision. The original intent behind housing the RPP in the Auditor's office was to ensure independence from the Executive, as both the Council and the public did not trust that the RPP would be independent if housed within an Executive branch agency. Additionally, the Committee believes that the RPP needs to be up and running in a relatively short time frame and thought that incubating the RPP in the Auditor's office would allow such to occur. However, as noted above, the Committee recognizes that trust is crucial to the success of the RPP, and over the past few months, it has become clear that the Executive would not trust the RPP as long as it was housed within the Auditor's office. While the Committee does not agree with the Executive's assessment, the

Committee believes it's most important that the RPP be independent and set-up in such a way that trust will exist between the Executive and the RPP and that will enable the RPP to succeed in the long-term. Thus, the Committee made the decision to remove the RPP from the Auditor's office and to issue a joint NOI with the Executive. In making it joint, the Committee believes that the fears that the RPP would not be independent unless it was in the Auditor's office will be put to rest. Further, the Committee hopes that a joint process will begin to build the trust that is needed for the RPP to flourish.

In order to ensure that the entity selected to run the RPP will be capable of doing so in an expeditious and independent manner, the bill enumerates several factors that the NOI must require proposals to address and commit to in order to become the District's research partner and to house the RPP. Specifically, the proposals must contain the following: 1) a commitment to at least a ten-year partnership; 2) an estimate of the start-up and annual costs of running the RPP; 3) an identification of sources of funding, including whether the entity believes that the District will need to help fund the start-up and/or annual costs of the RPP; 4) a staffing plan, which should specify whether the RPP researchers will be full-time dedicated staff to the RPP and whether researchers would be required to track billable hours or required to be faculty; 5) demonstration that the entity can properly collect and manage data in a safe, secure, and accountable manner; 6) whether the entity has any internal review process for projects such as the RPP; 7) examples of other educational research done in collaboration with the District or other governments; 8) a plan that the RPP would be accountable, transparent, and independent; and 9) an explanation of how the entity would ensure that the RPP is able to interact and communicate with a large, diverse advisory committee.

Along with these factors and the fact that the drafting and issuance of the NOI will be a joint effort between the Council and the Executive, the Council will also be involved in reviewing the proposals received in responses to the NOI. All of these steps should signal that the RPP will not be controlled by the Executive and begin to rebuild trust – trust between the Executive and the Council, between the Executive and the public, and between the Executive and the RPP.

Likewise, the make up of the advisory committee<sup>10</sup> differs from the one established in the Committee on Education's committee print and more closely resembles the make-up of the advisory committee in the introduced version of Bill 22-776. The Committee establishes an advisory committee comprised of 21 individuals – nine of them are institutional individuals, such as a representative from OSSE, one from DCPS, and so forth, while the remaining 12 members are comprised of other individuals, whether they be from non-profits, parents, or former teachers. All members appointed to the advisory board must have "the ability to contribute substantive and methodological expertise to the research process related to student learning, school improvement, and urban education policy. Members shall be actively involved in practice, policy, or research on school improvement."<sup>11</sup> Given that the advisory committee is responsible for providing

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<sup>10</sup> Given the different responsibilities that the committee has between the Committee of the Whole's committee print and the Committee on Education's committee print, the Committee of the Whole refers to the committee as an advisory committee as opposed to a steering committee.

<sup>11</sup> From COW committee print.

substantive input and feedback to the RPP, it is key that advisory committee members have the requisite expertise to do so.

Unlike the advisory or steering committees in the other versions of the bill, the advisory committee in the Committee of the Whole committee print is required to meet at least six times a year. During those meetings, the RPP is to provide the advisory committee with an update on its current research projects and during early states of analysis, the RPP will present the research project to the advisory committee and receive feedback. Moreover, the RPP will provide any interim and final research findings and will do so with plenty of time before releasing the results to the public. One aspect of Chicago's RPP is that it has a "no-surprises" rule, meaning that it does not publish the results, whether they be favorable or not, without giving the school system and the RPP's advisory board with plenty of notice. Such a practice has aided in developing trust between the RPP and the school district.<sup>12</sup>

While the advisory board is tasked with setting the overarching research agenda every four years, the Committee's committee print follows Chicago's practice and requires all research projects to be reduced to a statement of work, which must be presented to the Executive and to which the Executive must agree. This practice is another one that has aided in developing trust between the Chicago RPP and Chicago Public Schools (CPS) and signals that the research is not meant to be a "gotcha" situation. Rarely has CPS denied a statement of work. One more recent example of CPS refusing the statement of work involves the research around school closures that the RPP wanted to conduct. While it did take a few years, CPS did eventually approve that statement of work.

In the Committee's committee print, the RPP is required to notify the Council and the public if it has submitted a statement of work to the Executive and an agreement on the statement of work has not been reached within six months. While trust is key to a RPP succeeding, the Committee acknowledges that this does not give the Executive free reign, and for that reason, has placed this requirement in the bill. By shining a light on what research is being denied, transparency around the RPP still exists and assures the public that the RPP is still independent from the Executive and does not exist simply to do its bidding.

Notably, the Committee did retain the requirement that the Auditor conduct an audit of the District's education agencies' data management and collection policies and procedures. The Committee believes that it is crucial that the District is aware of where its data collection is duplicative, what data is actually collected and managed, what gaps exist, and what steps should be taken to ensure that the District's education data is accurate and reliable. There must be confidence in the research done by the RPP, and that starts with ensuring that the data being used by the RPP is accurate.

Over the past year, it has become clear that public trust in the District's public education sector has eroded. Additionally, while the District continues to make progress on the PARCC annual assessment, the District's incremental progress is not enough. The Committee believes the

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<sup>12</sup> Feedback from meeting with Chicago ED of RPP.

RPP is a solution to both issues. By conducting independent research, educators and education policy experts will have proof of what may or may not be working and needs to be reevaluated. Moreover, parents will also have that information and can regain their trust and faith in the District's public education sector. For these reasons, the Committee supports Bill 22-776 and recommends that it be approved by the Council.

## II. LEGISLATIVE CHRONOLOGY

- April 10, 2018 Bill 22-776, the "District of Columbia Education Research Advisory Board and Collaborative Establishment Amendment Act of 2018" is introduced by Chairman Mendelson and Councilmembers Cheh, Allen, R. White, Gray, Nadeau, and Silverman, and is sequentially referred to the Committee on Education and then the Committee of the Whole.
- April 20, 2018 Notice of Intent to Act on Bill 22-776 is published in the *District of Columbia Register*.
- June 15, 2018 Notice of a Public Hearing on Bill 22-776 is published in the *District of Columbia Register*.
- July 13, 2018 The Committee of the Whole and the Committee on Education hold a joint public hearing on Bill 22-776.
- September 18, 2018 The Committee of the Whole and the Committee on Education hold an additional joint public roundtable on Bill 22-776.
- September 24, 2018 The Committee on Education marks-up Bill 22-776.
- December 4, 2018 The Committee of the Whole marks-up Bill 22-776.

## III. POSITION OF THE EXECUTIVE

Interim Deputy Mayor for Education, Ahnna Smith, and State Superintendent of Education Hanseul Kang testified on behalf of the Executive and raised several concerns with Bill 22-776, particularly with the RPP being housed in the Auditor's Office, even for a short period of time. The Interim DME testified that accurate and reliable data was crucial to the educational policy and practice decisions being made in the District. Thus, she indicated that she believed that the focus should remain on those areas. Additionally, she testified that placing the RPP within the Auditor's Office politicized educational research and conflated audit and research functions. Further, she noted that doing an audit on 20 years of past data will not help move the needle forward when it came to education in the District and that some of the data requested was either duplicative or not available since it may not have been collected several years ago.



State Superintendent Kang stated that if the District were to move forward with a RPP, it would be better for the RPP to be housed and run by an independent, third-party nongovernmental entity. She indicated that other RPP models around the country use this approach and urged the Council to follow suit. Additionally, State Superintendent Kang commented that the data audit called for in the introduced version of Bill 22-776 would do little, if anything, to improve data quality. Further, the State Superintendent noted that if student-level education data were to be released to a RPP, the RPP would have to first demonstrate that it can reliably safeguard such data.

#### IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

The Committee did not receive any testimony or comments from any Advisory Neighborhood Commission on Bill 22-776.

#### V. SUMMARY OF TESTIMONY

The Committee of the Whole and the Committee on Education held a joint public hearing on Bill 22-776 on July 13, 2018. The testimony from that hearing is summarized in the Committee on Education's report, which is attached to this report, on Bill 22-776. A copy of the written testimony is attached to the Committee on Education's report and is available on LIMS.

#### VI. IMPACT OF LAW

Bill 22-776 establishes a research practice partnership (RPP) and requires the Auditor to perform an audit with regard to the data collection and management practices of the District's education agencies.

#### VII. FISCAL IMPACT

The attached December \_\_\_\_, 2018 fiscal impact statement (FIS) from the District's Chief Financial Officer (CFO) states that funds are **sufficient** in the District's fiscal year 2019 to fiscal year 2022 budget and financial plan to implement the bill.

#### VIII. SECTION-BY-SECTION ANALYSIS

##### **Title I – Establishes An Education Research Practice Partnership**

<u>Section 101</u>	Short Title.
<u>Section 102</u>	Provides definitions for the purposes of Title I.

Section 103 Establishes a research practice partnership, indicating that the RPP research partner will be picked through a competitive process and requires the Mayor to enter into a MOU with the RPP.

Section 104 Requires the Council and the Mayor to draft and issue a joint Notice of Invitation (NOI) for an Education Research Partnership. This section enumerates several items that must be in the proposals submitted in response to the NOI. This section also indicates that the Council will be involved in selecting the entity that will house and run the RPP.

Section 105 Puts forth the make-up and responsibilities of the advisory committee. Additionally, it states certain criteria that individuals must meet in order to be placed on the advisory committee. Initially, the nine institutionalized members, as well as six members chosen by the Mayor and six members chosen by the Chairman of the Council will make up the advisory committee. After these initial terms, the advisory committee will pick its own members in accordance with the by-laws that the advisory committee will establish shortly after convening.

Section 106 States the responsibilities of the RPP, including that the RPP must submit a scope of work to the Executive for each research project that it wants to undertake and that it must receive approval. If the RPP has submitted a proposal, and an agreement on the statement of work cannot be reached within six months of the submission, the Council and the public are to be notified.

### **Title II – Audit of the District’s Education Data**

Section 201 Short title.

Section 202 Mandates that the Auditor perform an audit with regard to the data collection and management practices of the District’s education agencies.

### **Title III – Fiscal Impact Statement and Effective Date**

Section 301 Adopts the Fiscal Impact Statement.

Section 302 Establishes the effective date by stating the standard 30-day Congressional review language.

## **IX. COMMITTEE ACTION**

On December 4, 2018, Committee met to consider Bill 22-776, the “District of Columbia Education Research Practice Partnership Establishment and Audit Act of 2018.” The meeting was

called to order at \_\_\_\_\_, and Bill 22-776 was item VI-E on the agenda. After ascertaining a quorum (Chairman Mendelson and Councilmembers Allen, Bonds, Cheh, Evans, Gray, Grosso, McDuffie, Nadeau, Silverman, Todd, R. White, and T. White present), Chairman Mendelson moved the committee print for Bill 22-776 with leave for staff to make technical and conforming changes. After an opportunity for discussion, the vote on the print was \_\_\_\_\_. Then, Chairman Mendelson moved the committee report for Bill 22-776 with leave for staff to make technical, editorial, conforming changes. After an opportunity for discussion, the vote on the report was \_\_\_\_\_ (Chairman Mendelson and Councilmembers Allen, Bonds, Cheh, Evans, Gray, Grosso, McDuffie, Nadeau, Silverman, Todd, R. White, and T. White voting \_\_\_\_\_). The meeting adjourned at \_\_\_\_\_.

#### X. ATTACHMENTS

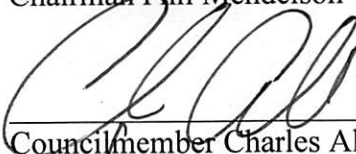
1. Bill 22-776 as introduced.
2. Written Testimony.
3. Fiscal Impact Statement for Bill 22-776
4. Legal Sufficiency Determination for Bill 22-776.
5. Comparative Print for Bill 22-776.
6. Committee Print for Bill 22-776.



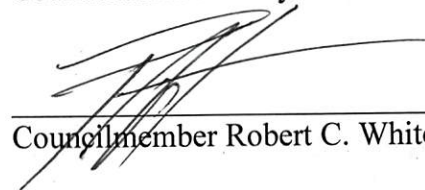
Chairman Phil Mendelson



Councilmember Mary M. Cheh



Councilmember Charles Allen



Councilmember Robert C. White, Jr.



Councilmember Vincent C. Gray



Councilmember Brianne Nadeau



Councilmember Elissa Silverman

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Auditor Subpoena and Oath Authority Act of 2004 to establish the District of Columbia Education Research Advisory Board and the District of Columbia Education Research Collaborative, and to require the Collaborative to undertake an audit of District school data and data collection policies.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Education Research Advisory Board and Collaborative Establishment Amendment Act of 2018".

Sec. 2. The District of Columbia Auditor Subpoena and Oath Authority Act of 2004, effective April 22, 2004 (D.C. Law 15-146; D.C. Official Code § 1-301.171 et seq.), is amended as follows:

(a) The short title is amended to strike "Subpoena and Oath Authority".

(b) The existing text is designated as Title I.

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40 (c) A new Title II is added to read as follows:

41 “Sec. 201. District of Columbia Education Research Advisory Board.

42 “(a) There is established the District of Columbia Education Research Advisory Board  
43 (“Advisory Board”). The Advisory Board shall:

44 “(1) Provide guidance to the District of Columbia Education Research  
45 Collaborative (“Collaborative”);

46 “(2) Report to the Council on District data management and collection policies,  
47 the Advisory Board’s guidance of the Collaborative, and other matters; and

48 “(3) Assist in soliciting funding grants from individuals, foundations, granting  
49 institutions, and other entities to finance the work of the Collaborative.

50 “(b) The Advisory Board shall be composed of 16 voting members, who shall be  
51 residents of the District of Columbia, and be appointed for terms of 3 years. The Advisory  
52 Board’s membership shall include:

53 “(1) 4 members, appointed by the Mayor, as follows:

54 “(A) 1 representative from the District of Columbia Public Schools  
55 (“DCPS”) Central Office;

56 “(B) 1 representative from the Office of the Deputy Mayor for Education  
57 (“DME”);

58 “(C) 1 representative from the Office of the State Superintendent of  
59 Education’s (“OSSE”) Division of Data Assessment & Research; and

60 “(D) 1 representative from the District of Columbia Public Charter School  
61 Board;

62                   “(2) 2 members who are representatives from the State Board of Education  
63 (“SBOE”); and

64                   “(3) 10 members, appointed by the Council, as follows:

65                   “(A) 3 representatives from District-based non-profits with a focus on  
66 public education;

67                   “(B) 3 members of DCPS or public charter school parent organizations;

68                   “(C) 2 community representatives who reside in the District;

69                   “(D) 1 representative from the Council of School Officers; and

70                   “(E) 1 representative from the Washington Teachers Union.

71                   “(c)(1) Within 180 days after the effective date of this act, the Mayor shall appoint the  
72 Mayor’s appointees for the Advisory Board.

73                   “(2) Within 180 days after the effective date of this act, the SBOE shall adopt a  
74 resolution designating the members of the SBOE members who will serve on the Advisory  
75 Board.

76                   “(3) Within 180 days after the effective date of this act, the Council shall adopt a  
77 resolution with the names of the Council’s appointees.

78                   “(d) Within 90 days after completion of the activities described in paragraphs (c)(1),  
79 (c)(2), or (c)(3) of this subsection, whichever is last, the Advisory Board shall hold its first  
80 meeting.

81                   “(e) Within 180 days after the Advisory Board’s first meeting, the Advisory Board shall:

82                   “(1) develop its own rules of procedure, except that the rules of procedure shall  
83 provide that:

84                   “(A) The Advisory Board shall meet at least in March and September of  
85 each year;

86                   “(B) All meetings shall be open to the public; and

87                   “(C) A quorum shall consist of a majority plus 1 of the voting members.

88                   “(2) Set requirements for the Collaborative to report to the Advisory Board; and

89                   “(3) Develop initial research and data collection priorities for the Collaborative.

90                   “Sec. 202. District of Columbia Education Research Collaborative.

91                   “(a) There is established, as a subordinate division within the Office of the District of  
92 Columbia Auditor (“Auditor”), the District of Columbia Education Research Collaborative  
93 (“Collaborative”).

94                   “(b) The Collaborative shall:

95                   “(1) Manage the school education data collected under subsection 4(a) of this act;

96                   “(2) Collect and manage updates to the data described under section 4(a) of this  
97 act, and additional, relevant data, on at least an annual basis;

98                   “(3) Conduct long-term education research:

99                   “(A) With the guidance of the Auditor, the Advisory Board, and the  
100 Collaborative’s Executive Director; or

101                   “(B) At the request of the Council or State Board of Education (“SBOE”),  
102 upon the passage of a resolution by the Council or the SBOE describing the scope of the  
103 research.

104                   “(4) Produce reports to the Mayor, the Auditor, the Advisory Board, SBOE, and  
105 the Council on research projects, including:



106                   “(A) For all research projects, final reports that include utilized data,  
107 explanations of gaps in data, explanations of gaps in the District’s capacity to collect data,  
108 findings, and recommendations, including recommendations for further research;

109                   “(B) For research projects lasting 2 years or longer, annual updates to the  
110 Auditor, the Advisory Board, SBOE, and the Council;

111                   “(5) Produce a report to the Mayor, the Auditor, the Advisory Board, SBOE, and  
112 the Council each July on the state of public education in the District;

113                   “(6) Produce an annual report to the Auditor, the Advisory Board, SBOE, and the  
114 Council, on the Collaborative’s finances, including information on grants received, active  
115 contracts, and project expenditures; and

116                   “(7) Where appropriate, award contracts on a competitive basis to private  
117 organizations with an expertise in education policy or data management to undertake research  
118 projects on behalf of the Collaborative.

119                   “(c)(1) The Collaborative shall be headed by an Executive Director, appointed by the  
120 Auditor, who shall organize, administer, and manage the functions and authorities assigned to the  
121 Collaborative.

122                   “(2) The Executive Director may employ and retain staff for the Collaborative,  
123 and may retain as independent contractors professionals or consultants necessary to carry out the  
124 planning, development, and operations of the Collaborative.

125                   “(3) Within 180 days after the effective date of this act, the Auditor shall appoint  
126 the first Executive Director for the Collaborative.

127                   “(d) The Collaborative shall have access to papers, things, or property in accordance with  
128 § 1-204.55(c).

129           “(e) The Collaborative shall conduct public meetings at least once per year to solicit  
130 information and feedback on the District’s school system, including practices, policies,  
131 procedures, and data for District of Columbia Public Schools (“DCPS”), the District of Columbia  
132 Office of the State Superintendent (“OSSE”), the District of Columbia Public Chart School  
133 Board (“PCSB”), and the Office of the Deputy Mayor for Education (“DME”). The  
134 Collaborative shall provide notice to the public of these meetings at least 30 days in advance in  
135 the District of Columbia Register.

136           “(f) Within 90 days after January 1, 2021, the Collaborative shall issue a report to the  
137 Auditor, the Advisory Board, the Council, and SBOE that provides assessments of:

138                   “(1) The current structure, administration, and guidance of the Collaborative,  
139 including recommendations with respect thereto that the Collaborative may deem advisable; and

140                   “(2) Funding for the Collaborative, including analysis of best practices of other  
141 school research consortia and an assessment of the Collaborative’s grant seeking efforts.

142           “Sec. 203. Data Management and Collection Practices Audit.

143           “(a) The Collaborative shall conduct an audit of data and data management and collection  
144 practices of the District of Columbia Public Schools (“DCPS”), the District of Columbia Office  
145 of the State Superintendent (“OSSE”), the Office of the Deputy Mayor for Education (“DME”),  
146 the Public Charter School Board (“PCSB”), and individual Local Education Agencies (“LEA”).  
147 In undertaking this audit, the Collaborative shall:

148                   “(1) Collect District public school data from 1998 to present, including:

149                           “(A) Enrollment data, including:

150                                   “(i) School lottery applications and results;

151                                   “(ii) School enrollment numbers, including data on attrition;

152                                   “(iii) Enrollment projections;

153                                   “(iv) Early childhood education enrollment numbers; and

154                                   “(v) Adult education program enrollment numbers; and

155                                   “(B) Student data, including:

156                                   “(i) Standardized test scores;

157                                   “(ii) Student course transcripts;

158                                   “(iii) Attendance and truancy data;

159                                   “(iv) Data on suspensions, expulsions, and other disciplinary

160 actions;

161                                   “(v) Graduation and dropout data; and

162                                   “(vi) GED completion data; and

163                                   “(C) School and facilities data, including:

164                                   “(i) Food service and student nutrition data;

165                                   “(ii) Course catalogs, course postings, and other materials related

166 to course offerings;

167                                   “(iii) Curriculum standards, policies, and materials on specific

168 instructional requirements;

169                                   “(iv) Data on school staffing, including retention and attrition data;

170                                   “(v) Salary data;

171                                   “(vi) School and classroom capacity data; and

172                                   “(vii) Facilities data, including building size, fields and

173 recreational space records; and

174                                   “(D) Budget data; and

175                   “(E) Results of surveys administered to DCPS students, staff,  
176 administrators.

177                   “(2) Collect current DCPS and District public charter school data management  
178 and collection standards and protocols;

179                   “(3) Collect federal, state, District, and LEA data collection requirements and  
180 mandates to which DCPS, OSSE, or DME are subject;

181                   “(4) Conduct a review of comparable school jurisdictions to identify best  
182 practices for data management and collection standards and protocols; and

183                   “(5) Conduct a review of education research consortiums in large, urban cities in  
184 the United States.

185                   “(b) Where any item described in subsection (a) of this section is found to include  
186 information sufficient to identify a particular student, that identifying information shall be  
187 removed prior to the item’s release to the Collaborative.

188                   “(c) Within 180 days after the establishment of the Collaborative, DCPS, OSSE, DME,  
189 PCSB shall furnish to the Collaborative the data listed at subsection (a) of this section. Where,  
190 after exhaustive search, the items listed at subsection (a) of this section are not found or are  
191 available only in part, DCPS, OSSE, DME, and PCSB shall provide the Collaborative with a  
192 written account of the missing data and a description of the search to locate the data.

193                   “(d) Within 1 year after the Collaborative is furnished with the data listed at subsection  
194 (a) of this section, the Collaborative shall issue a report of its findings to the Mayor, the Auditor,  
195 the Advisory Board, the State Board of Education (“SBOE”), and the Council. This report shall:

196                   “(1) Include, in appendices or through a link to a digital repository, all data and  
197 materials collected under subsection (a) of this section;

198                   “(2) List all items DCPS, OSSE, DME, PCSB identified under subsection (c) of  
199 this section as missing or incomplete;

200                   “(3) Identify gaps in the District’s collection or retention of public school data;

201                   “(4) Identify gaps in the District’s school data management and collection  
202 standards and protocols;

203                   “(5) Identify existing barriers to LEA’s ability to collect data; and

204                   “(6) Provide recommendations to the Mayor, the Auditor, the Advisory Board,  
205 SBOE, the Council, LEAs, and the Collaborative for enhancing the District’s public school data  
206 management and collection standards and protocols, and for best practices for establishing the  
207 Collaborative.”

208                   Sec. 3. Section 2(f) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law  
209 2-142; D.C. Official Code § 1-523.01(f)), is amended to read as follows:

210                   (1) Paragraph (54) is amended by striking the phrase “; and” and inserting a  
211 semicolon in its place;

212                   (2) Paragraph (55) is amended by striking the phrase “38.” and inserting “38;” in  
213 its place;

214                   (3) Paragraph (56) is amended by striking the phrase “Title 2.” and inserting  
215 “Title 2; and” in its place; and

216                   (4) A new Paragraph (57) is inserted that reads as follows:

217                   “(57) The District of Columbia Education Research Advisory Board.”.

218                   Sec. 4. Fiscal impact statement.

219           The Council adopts the fiscal impact statement in the committee report as the fiscal  
220 impact statement required by section 4a of the General Legislative Procedures Act of 1975,  
221 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

222           Sec. 5. Effective date.

223           This act shall take effect following approval by the Mayor (or in the event of veto by the  
224 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
225 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
226 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
227 Columbia Register.

Testimony of Karen Williams o Bill 22-0776  
July 11, 2018

Mr. Chairman, Members of the Committees of the Whole and Education. My name is Karen L. Williams and I am a Ward 7 resident and I am proud to represent my ward on the DC State Board of Education. My testimony today is my own and is not a statement by or on behalf of the State Board.

Bill 22-0776, the District of Columbia Education Research Advisory Board and Collaborative Establishment Amendment Act of 2018 is a wonderful idea that will likely make our current problems getting good data even worse. Currently, four of the five District education agencies (DCPS, PCSB<sup>1</sup>, OSSE and DME) are required by law or regulation to report on innumerable items. Many times, this reporting is repeated exactly or nearly exactly in slightly different wording, but frankly, Mr. Chairman, nobody reads the reports, or they are submitted so quietly that no one knows they are even being written.

I want to be clear, Mr. Chairman. I am not opposed to independent data and research. In fact, I think independent research could be very helpful in eliminating barriers to educational opportunities for our students. We are lucky to have so many fantastic researchers and universities calling this city their home. If we are to properly utilize their skills, however, they must have access to open and reliable information without having to rely on Freedom of Information Act requests. It does not make sense to me to set up a new entity that will be consistently underfunded and under resourced just by the nature of its existence. The Office of the Auditor, rightly, does not have an unlimited budget nor unlimited resources to delve into every aspect of government simultaneously. That isn't practical, and it isn't efficient.

District residents, the Council, the State Board, the press, even other mayoral agencies cannot get answers to their legitimate questions. This bill does nothing to solve the underlying problem that data is being withheld. The District of Columbia Data Policy that was issued by Mayor Bowser last year is a great first step in providing District residents and researchers with information. All District agencies, offices, boards, commissions and divisions under the mayor's authority must comply with this policy.

The Council should take the next step and enshrine the policy in law, applicable to all District agencies, even those that are not under the authority of the mayor. Without a legal requirement, a timeline requirement and consequences for failure, agencies will continue to ignore requests to provide the data necessary to make decisions on behalf of our students. Supporters of this bill claim that it will lead to better data and better research. That might be true, but not without fixing the data problem first.

Any organization that receives funds from the District government has an obligation to taxpayers to provide relevant requested information. Our failure as a city to require compliance is the reason

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<sup>1</sup> It should be noted that PCSB and the public charter schools generally object to any authority requiring them to submit data. This has led to many regulations and state policies that are written in favor of the positions of the charter sector in an attempt to get some comparable data rather than what we actually need.

the trust gap between our schools and our residents continues to grow with very news cycle that brings more accusations, more fraud and more bad actors to the forefront. I have heard every member of the Council and the State Board echo the same refrain, "I requested the information, but we haven't gotten it." That is unacceptable. Any new policy, regulation or legislation related to data that does not contain penalties, either individual or agency, for non-compliance is a waste of time. Good data exists, Mr. Chairman, but we can't get to it.

This obligation "Good data" requires seven things:

- Accuracy and Precision.
- Legitimacy and Validity.
- Reliability and Consistency.
- Timeliness and Relevance.
- Completeness and Comprehensiveness.
- Availability and Accessibility.
- Granularity and Uniqueness.

I am struggling to understand how the proposed consortium will do a better job on any of these items. The same agencies will still be responsible for providing the data. The consortium will still be dependent on the same infrastructure. In my opinion, the bill provides all of the problems with getting data with none of the advantages.

Finally, I would like to suggest instead of creating another layer of bureaucracy when attempting to get input from the citizens, parents and students of the District of Columbia. If you need an independent actor to serve as an incubator or advisory authority, why not use an existing and established entity like the State Board? Our members were elected directly by the people of the city to be their voice in education policy. Why not use these resources?





**D.C. POLICY**  
**CENTER**

PUBLIC HEARING ON

**BILL 22-776, DISTRICT OF COLUMBIA EDUCATION  
RESEARCH ADVISORY BOARD AND  
COLLABORATIVE ESTABLISHMENT AMENDMENT  
ACT OF 2018**

Before the Committees of the Whole and Education  
Chairman Phil Mendelson and Councilmember David Grosso

July 13, 2018 at 10:30am  
John A. Wilson Building

Testimony of Chelsea Coffin  
Director, Education Policy Initiative  
D.C. Policy Center

**Good morning, Chairman Mendelson, Councilmember Grosso and members of the Council.** My name is Chelsea Coffin and I am the Director of the Education Policy Initiative at the D.C. Policy Center, an independent think tank focused on advancing policies for a growing and vibrant economy in D.C. I thank you for the opportunity to testify.

**Bill 22-776 correctly highlights the need for better data, stronger internal and external controls at schools, and research that can improve education practices in the District.** But the bill has one major flaw: It will place all these functions under the Office of the Auditor. While both audits and research are critical to guide education policy and practice in the District of Columbia, when combined, the research will fail.

**To be clear, there is great need for more external controls at District's education entities given revelations over the last year about overreporting of graduation rates and underreporting of disciplinary actions at schools.** The Auditor is already positioned to investigate these under its current mandate. This office should receive adequate funding to do so and the District of Columbia's education agencies should receive adequate resources, both financial and technical, to comply with audit requests.

**But the research aspect---what the bill calls the research consortia—should be independent, and separated from the government, and therefore does not belong in the Auditor's office.** An independent research-practice partnership—the

commonly used name for research collaboratives—that generates scientific research is necessary to identify paths for continued improvements. The research-practice partnership needs to focus on information schools need and be completely separate from audits or politics. **Successful research-practice partnerships like those in New Orleans, Chicago, and New York, have buy-in from practitioners and trust of the schools and education entities where they conduct research.** They collaboratively choose research topics, have an advisory board that focuses on scientific merit, and rely on external funding from foundations or federal sources instead of just the city budget. In addition, many partnerships are hosted by a research institution or a university with a deep bench of academic researchers and expertise in cleaning, managing, and storing large datasets.

**The District of Columbia should also integrate lessons learned from previous education research-practice partnerships in the city.** For example, since 2011, **DCPS has partnered with researchers at University of Virginia and Stanford University** to examine the effect of IMPACT and now LEAP. DCPS, DC PCSB, and OSSE have also shared data with the Urban Institute to study **transportation to school** and Mathematica Policy Research to study **school choice in D.C.** In 2012, a group of researchers formed the D.C. Education Consortium for Research and Evaluation (**EdCORE**) based at George Washington University as a partnership between independent research firms and university-based faculty. EdCORE released **five reports** on D.C.'s 2007 school reform, known as PERAA. The Auditor served as the fiscal agent for EdCORE's work, which was mandated by the Council. DCPS and OSSE

were compelled to provide data to the study and were not partners in the effort. Without strong agency buy-in and consistent financial support, EdCORE became dormant when its commissioned work ended.

**Looking at successful research-practice partnerships outside of D.C., the proposed research collaborative differs in ways that weaken its**

**independence.** It would be the only one to have an oversight and audit role in addition to carrying out research, and the only one where elected officials can directly request studies by policy. It is also unique in that it receives all of its funding from the city instead of grants from federal sources and foundations. Lastly, it doesn't incorporate a research institution or university as a partner or on its Advisory Board.

What are the characteristics of other research-practice partnerships?					
Characteristic	D.C. (proposed)	Massachusetts	Chicago	New Orleans	New York City
Are some datasets made available to the general public?	Yes	Yes	No	No	Yes
Can independent researchers (non-affiliated) access the data?	No	Yes	No	No	No
Does the data sharing agreement require individual project approval?	No*	Yes	No	No	No
Does the research partner conduct audits or oversight?	Yes	No	No	No	No
Do elected representatives directly shape the research agenda?	Yes	No	No	No	No
Does funding come from the city's budget?	Yes	No	No	No	No
Is the research partner housed by a research institution or a university?	No	Yes	Yes	Yes	Yes
Are research institutions or universities represented on the steering committee?	No	Yes	Yes	Yes	Yes

\*Mandated data sharing with Office of the Auditor  
 Source: Review of organizations' websites and outreach.

**Rigorous collaborative research can inform how educators and policymakers improve their practice; independent audits can empower oversight over such**

**decisions—both functions are sorely needed, but best kept separated.** If these two functions are combined, schools will be reluctant to participate in research wrapped up as audit and oversight. The research agenda will be shaded towards compliance rather than learning lessons for improving D.C. education outcomes. Unfortunately, the Council’s proposed path will undermine the role of research in examining what works and what positive paths D.C. can build towards providing every student with an excellent public education.

**Thank you very much for your time, and I’m happy to answer any questions you may have.**



Testimony of Thomas Toch, Director, FutureEd, Georgetown University

Before the Council of the District of Columbia

On Bill 22-776, District of Columbia Education Research Advisory Board and Collaborative Establishment Act of 2018

July 13, 2018

Good Morning. My name is Phyllis Jordan. I am editorial director of FutureEd, an independent education think tank at Georgetown University's McCourt School of Public Policy. I am speaking this morning on behalf of FutureEd's director, Thomas Toch.

FutureEd shares the commitment to transparency and data-driven improvement reflected in Bill 22-776. The effective use of system-wide data has contributed to substantial improvements in the District of Columbia Public Schools and D.C.'s charter sector in recent years. It has revealed weaknesses in both sectors. And it has the potential to drive substantial additional improvements.

Understandably, recent revelations of unreported student absenteeism, inflated graduation rates, and under-policed enrollment fraud have encouraged calls for stricter scrutiny of the city's public education systems. We believe the additional accountability contemplated in Bill 22-776 is warranted and should be conducted by the D.C. Auditor's office with city funding and the advice and counsel of the Education Research Advisory Board proposed under 22-776.

We also believe that an independent, external research collaborative modeled on those in Chicago, New Orleans and other cities would be a valuable addition to the city's education landscape. Such research-practice partnerships rely on close working relationships between researchers and education practitioners and are focused on improving education systems rather than on holding educators accountable.

As a result, we believe that an external research collaborative should not be housed within the D.C. Auditor's office, but rather at one of the city's major research universities, institutions deeply

invested in Washington's future. For example, Georgetown's McCourt School of Public Policy has a new, well-funded Massive Data Institute that would be a good candidate to house a wide range of D.C. education data. The university's prestigious Beeck Center leverages data to strengthen public policy and has deep ties to local and national foundations. And McCourt has research centers that are national leaders on pre-schooling, the school-to-work pipeline, school finance, and other key improvement levers in D.C.

Nor should we think of an external research collaborative only in terms of education data. Poverty is a central cause of the educational problems that many of Washington's students face. We should be studying the intersections of education and student health, public housing, food security and other factors that impact student performance substantially.

And data is only part of the improvement equation. We also need researchers with the historical knowledge, policy skills, analytic ability, and writing fluency needed to accurately parse the educational challenges we face and to identify the comprehensive solutions they demand.

An independently managed, externally funded research partnership focused on strengthening the D.C. public education sector and the well-being of the city's students would be a valuable addition at a critical juncture. Working with DME, OSSE, DCPS, and PCSB, it would help sustain the substantial improvements in DCPS and the charter sector in recent years. And it would signal to the Washington community that the city's leaders are committed to improving the education lives of the city's students.

Thank you very much.

JOINT PUBLIC HEARING  
on  
Bill 22-776, District of Columbia Education Research Advisory Board and  
Collaborative Establishment Amendment Act of 2018

July 13, 2018

Testimony of Michael J. Feuer, PhD  
Dean, Graduate School of Education and Human Development  
The George Washington University

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Good morning Chairman Mendelson, Mr. Grasso, and members of the Council.

My name is Michael Feuer, and I am the Dean of the Graduate School of Education and Human Development at the George Washington University, a position I've held since 2010. It's a pleasure to be with you again and to share thoughts about Bill 22-776.

I support the bill, which articulates a continuing commitment to bringing independent research to bear on efforts to improve our public-school system. I say this as a 30+ year resident of DC, and as the proud parent of two DCPS alumni. Congratulations to Councilmember Cheh and co-sponsors for pressing forward with this bill, which lays the groundwork for an essential next step in the improvement of education in DC.

Throughout nearly four decades working at the sometimes dangerous intersection of science and policy, much of it related to education, I have seen – and helped advance – the role of credible, independent, and objective evidence in federal, state, and local policy-making. At the now-defunct Office of Technology Assessment of the US Congress I led a major study of educational testing in the US;



at the National Research Council of what is now the National Academies of Sciences, Engineering, and Medicine, I was in charge of studies on many topics in education policy, and led the effort to design the mandated evaluation of the Public Education Reform Amendment Act (PERAA). In 2003 I was elected to the National Academy of Education (NAEd), and later served as its elected President for four years; the NAEd specializes in producing, synthesizing, and communicating research to improve education. At GW I brought the Center on Education Policy into our education school and led the formation of **EdCORE** (the Education Consortium for Research and Evaluation), which provided data and analysis to support the second phase of the National Academies' evaluation; key findings of the Academies' 2015 report are often cited by members of this Council and other proponents of rational policy analysis for DC education.

I would like to make four general comments based on my personal and professional experience and then tie them to Bill 22-776. I am an academic, but I'll try to get to the point.

- First, because Americans cherish education, rightly, as the most important determinant of the quality of life for themselves and their children, debates about the financing, governance, and content of schooling are fraught with politics and ideology. As long as we are a democracy, the debates will continue. The question, then, is whether and how scientific research can play a role. Why are we researchers invited to the policy table at all? What do we contribute to the public discourse? *The short answer is that in education, as in many other areas, Americans know that better decisions often can and should be informed by objective inquiry.* And although in some quarters education research is not taken seriously, there is mounting evidence of its contributions to the improvement of schools and schooling – examples from places

such as Chicago, Long Beach, Baltimore, and New York are well known. Even if today the appetite for factual evidence seems to be at a low point in the top reaches of the federal government, it is heartening to see robust affirmation of the idea here in our great city.

- Second, for research to be useful in policy it must be shielded to the extent possible from partisan or ideological influence. I do not mean to suggest naively that researchers are ever completely free of their own beliefs or biases. We aren't: researchers are only human, and most of us harbor wishes that our findings will validate our values and dreams. But we are trained to look for evidence that challenges our prior viewpoints, and we know that for research-based evidence to matter, especially regarding the most politicized issues, we must *aspire* to keep evidence ahead of advocacy. For research to be used, its users must be confident that the data – and interpretations of that data – on which they are relying represent honest efforts to examine the information neutrally and reach scientifically defensible conclusions. If scientific inquiry becomes just another voice in the cacophony of opinion, we jeopardize the invitation to participate and lose the opportunity to contribute meaningfully to complex and urgent decisions.
- Third, and related, *trust* is an important determinant of the utility of research. Researchers need to be transparent about how their work is conducted and paid for, where the data are maintained, who reviews the results, and how clearly those results are communicated. Transparency helps users determine the quality of research and its credibility for policy decisions. As DC contemplates new or improved arrangements to have research play an active

role in the future of our public schools, trust in data and its meanings should be a high priority.

- My fourth point concerns what we refer to in my business as “evidentiary standards.” Here is the challenge: on the one hand, good researchers apply methods appropriate to the questions they are addressing and aspire to the highest standards of empirical inquiry. On the other hand, for research to be useful to policy makers it needs to be timely, relevant, and cost-conscious. This means that holding out for pristine methodologies that might produce definitive evidence – letting ideal be an enemy of good, to paraphrase Voltaire – is not always rational. Good policy requires appropriate rather than exhaustive deliberation, based on a blend of foundational knowledge, experience, the will to experiment cautiously, a tolerance of risk and imperfections, and most importantly the pledge to refine and adjust programs based on rigorous and continuous evaluation.

How do these concepts translate to my position on Bill 22-776?

- 1) Whatever entity is established, whether as an offshoot of EdCORE or a variation on that model of a consortium, the researchers involved must remember that they are asked for input – but are not typically called upon to make decisions. That privilege is saved for our elected officials. Of course this does not mean researchers should be shy about expressing their views, only that they should acknowledge their role in the ecology of politics and policy.

- 2) For researchers to be respected and for their work to be relevant, they need to engage early, often, and systematically with policy makers, educators, and stakeholders. We need to hear their concerns and incorporate their questions and realities into our work. At the other end of the process, results need to be framed in clear language and accompanied by relevant statistics.
  
- 3) There is a difference between the kind of partnership that I believe Bill 22-776 seeks to establish and a so-called “watchdog” agency. The former enables and supports a cooperative approach to the analysis of complex problems and to the collective search for sensible solutions. A watchdog agency, on the other hand, would add another layer of institutional accountability in a system already awash in public criticism. We may agree that the city needs or wants more muscular oversight, but I would respectfully suggest that our current system also – and more urgently – needs to rebuild trust in data and the value of evidence-informed interventions. The word *partnership* connotes a culture of trust and communication: priorities of the new entity should be to validate existing data, make recommendations on what additional information would be useful, and, most importantly, facilitate mutually respectful discussions of the strengths and weaknesses of potential policy actions.
  
- 4) The credibility of the research and evaluations conducted through the new entity will hinge on the extent to which they are shielded from partisan ideological influence. Therefore, the word *independent* is central in debates about how and where this new enterprise will be governed. Although critics have already pointed to risks of placing the consortium in the Office of the DC Auditor (ODCA), I believe that is a good place to start – even if, within some

reasonable period of time, other options emerge that appear to be advantageous. Given the complexities of DC governance, placing the research entity *anywhere* would provoke legitimate questions and politically-inspired pushback. For its part, ODCA needs to be willing to view its role as perhaps temporary, pending evidence of how things work.

- 5) Meanwhile, I suggest that we continue to consider the advantages of a consortium based in a university in collaboration with local and national researchers. That may sound self-serving, but in fact, successful partnerships all around the country have universities as their hub. Part of the mission of universities (like mine) is to serve our community, and we have a good reputation for carrying out that mission as well as the capacity to focus on both the national and local contexts. University-based schools of education, such as the one I lead, have developed strong ties with local schools, educational agencies, and research organizations; and with our colleagues across campus we prepare students to become “citizen leaders” devoted to the improvement of education. In any case, today the residents of DC want responsive action, so let’s test the basic idea and prove that DC is ready for a sustainable partnership. Starting with ODCA makes good sense, even as we remain open to other options down the road.
  
- 6) Will ODCA oversee a process that assures independence? I believe that is the intent, and it therefore should be stated explicitly. A first step for the new collaborative and its advisory board should be to lead an informed discussion of mechanisms to ensure open communication and independent inquiry – at the same time. This discussion should include the perspectives of experts who have

studied and worked in policy-research settings; it should lead to protocols for report review, funding, dissemination, and other subtleties of academic inquiry; and it should provide guidelines for relations between the new entity and the many political and private interests in the city. Such discussion should not be delayed, nor should it become hostage to standards of perfection that rule out timely progress.

- 7) A determinant of the success of this venture will be the willingness of all the players – researchers, policy makers, community organizers, teachers, families, and the media – to eschew “silver bullet” solutions to our city’s education problems and aim for sensible options rather than seductive, but ultimately disappointing, “optimal” fixes. We have suffered enough in this town from wild pendulum swings between irrational exuberance about educational progress and despair about stagnation. Now we need to nurture a spirit of inquiry that promotes informed strategies coupled with continuous evaluation. We need to acknowledge flaws in the management and leadership of our schools and be willing to address them, to consider adapting evidence-informed programs that have been tried elsewhere, and to reject reforms that have proved to be disappointing or harmful. Moving ahead with Bill 22-776, we need to pledge to maintain an open, transparent, and trusting relationship between the research community and the general public.

8) To sum up, I recommend these foundational principles to guide what I hope will be the new entity:

- Data need to be as comprehensive and accessible as possible.
- The research and evaluation agenda needs to be co-created by educators, administrators, elected officials, other stakeholders, and researchers.
- The research needs to be conducted independently and to the highest reasonable methodological standards, subject to time and cost constraints.
- Results need to be made public.
- Researchers should avoid the temptation to advocate for policies or programs without the supporting evidence.
- The new entity should work assiduously toward the cultivation of trust, and avoid “gotcha” surprise attacks on practitioners or organizations.
- Funding ultimately should come from public and private sources.
- The overarching goal should always be to produce knowledge for the betterment of our schools and of the lives of our children and families.

Again, my compliments and gratitude to the Council for advancing this bill and its budgetary authority. Along with my colleagues at GW and around the city, I am eager to help us take this important next step into the modern age of research-practice partnerships.

Testimony of Marcia Rucker  
before the Committee of the Whole and Education  
on Bill 22-776, District of Columbia Education Research Advisory Board  
and Collaborative Establishment Amendment Act of 2018

My name is Marcia Rucker, and my testimony is solely on my own behalf. First, though, let me thank staff in the offices of Councilmembers Cheh and Todd for their offers to help me understand this bill.

I am pleased to see a bill that aims to broaden and deepen the discussion on where we are on the road to a good school for every child within DCPS traditional and charter schools. I'd like to offer some observations on what the bill might do better to achieve its aim.

At this stage in its development, 22-776 (lines 53 through 61) allows current policy makers and administrators a strong voice on the Advisory Board that would set the direction for the Collaborative, with four Mayoral appointees: from DCPS Central Office, the DME, OSSE, and the DCPS Charter School Board. Their point of view should surely be heard.

What point(s) of view the SBOE representatives (lines 62 and 63) and the 10 members to be appointed by the Council (lines 64 through 70) would bring to the discussion isn't clear. It is clear, though, that the point of view that gets only a whisper of a voice is the voice of the great majority of the teaching and other professional school-based staff, including school-based behavioral health staff and social workers. The professionals on the ground, the people who have the most intimate knowledge of what works and what doesn't work in their school, have only one voice—one out of 16, slightly more than 6%—on this board. For the sake of the vigor of the discussion that 22-776 is intended to engender, I hope the mark-up process will result in a more appropriate representation of school-based professionals' point of view.

Another informed and valuable point of view is laid out in the July 27 Open Letter to Mayor Muriel Bowser and the DC Council. The letter is signed by twelve organizations and 97 individuals and lists thirteen elements the signers hold necessary to building a better school system. I hope the mark-up process will incorporate into 22-776 a way to take advantage both of the list itself and of the educational expertise of the signers of the Open Letter.

Thank you for your time and attention.



**Testimony of Mark Simon**, Education Policy Associate at the Economic Policy Institute, on [Bill 22-776](#), District of Columbia Education Research Advisory Board and Collaborative Establishment Amendment Act of 2018, before the DC Council Committee of the Whole, Friday, COW Hearing July 13<sup>th</sup>, 2018

Chairman Mendelson, and Members of the DC Council,

Thank you for this well-crafted bill that promises to go a long way to re-establish trust in DC Public Education among the public.

Your bill to establish a Research Advisory Board, conduct an initial audit of school data, and begin the process of establishing an ongoing Research and Practice Partnership (RPP) is long overdue. It finally takes important steps to create what the 2015 Report “An Evaluation of the Public Schools of the District of Columbia – Reform in a Changing Landscape” called for as one of its three summary recommendations. That 2015 report by the National Research Council of the National Academies of Sciences brought in 10 nationally renowned external researchers, under supervision by the DC Auditor, to conduct the *only* truly independent evaluation of DC Education Reforms in the past 11 years. The report raised red flags about leaving all data and research in the hands of OSSE and the other agencies under mayoral control. They defined carefully what they meant by independent research – not research contracted by DCPS, PCSB or OSSE, but sufficiently resourced, peer reviewed, and conducted by external researchers and practitioners – ongoing evaluation of how we’re doing, with in-depth studies of priority topics like school climate, academic supports for learning, or supports for students with particular needs. They called for the creation of an independent research entity comparable to what exists in Chicago, Boston, New York, New Orleans, and Baltimore.

I would like to make just four comments about the bill.

First, you are right to house it with the DC Auditor. The problem with all school data residing with OSSE under mayoral control is that decisions about what data to collect and what to make available to the public or to researchers have for the past 11 years been made with politics as the guide. The Mayor’s or DCPS’ or the PCSB’s need to declare success must not determine what data to collect and what to make available. What we need is truth and the auditor is the right place to house the effort.

Second, the recent data scandals on graduation and suspension rates, combined with the 2015 National Academy Evaluation itself, require a short-term audit of DC education data.

Third, the process of establishing a credible Research and Practice Partnership appropriate for DC will involve a process. There seem to be three choices:

1. Create a GAO style department under the DC Council
2. Make OSSE independent of mayoral control as a stand-alone data gathering, research conducting, truth telling agency, or
3. Structure an RPP that involves one or multiple external research organizations in the DC area along the lines of, but not identical to, the other successful RPPS that exist in other cities.

The process to get us to the next stage is the exact one you have designed in the legislation before you, to be kick-started by the DC Auditor. She will oversee the establishment of an Advisory Board, study how RPPs are structured elsewhere, and then bring back to the DC Council a proposal for an independent

RPP or another plan along the lines of one of the three approaches above. But the entity will not, in the long term, be housed with the DC Auditor. A well-constructed Advisory Board, as your legislation makes clear, is key. The board must have the trust of, but not be controlled by, the agencies. It must also have gravitas and public credibility with external experts and the important DC constituencies and public education advocates.

Finally, beware the organizations out there, chomping at the bit for the RPP franchise. It's good to see the enthusiasm, and that good researchers and institutions want to be involved, but none of the institutions, universities or DC based think tanks have the bench or the track record to be able to fully take this on the way the University of Chicago, Tulane, or NYU have in those cities. All the local research institutions are too used to operating as contractors to DCPS or the PCSB or OSSE, where access to the data and future contracts depend on their research leading to conclusions that please the contractor. That is not independent research. So let's take the time to construct this right, earning the trust of all players – the agencies, parent and community groups, and educators.

Thank you.

10 A BILL

11 22-776  
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14 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
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19 To establish the District of Columbia Education Research Practice Partnership to support  
20 evidence-based ongoing improvement in DC public schools, to require the Council of the  
21 District of Columbia and the Mayor to draft and issue jointly a Notice of Invitation for an  
22 Education Partnership, to put forth certain requirements to be included in the joint Notice,  
23 to establish the review process for responses received to the joint Notice, to establish an  
24 Advisory Committee; and to require the District of Columbia Auditor to undertake an  
25 audit of District public school data-collection policies.  
26

27 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
28 act may be cited as the “District of Columbia Education Research Practice Partnership  
29 Establishment and Audit Act of 2018”.

30 TITLE I. DISTRICT OF COLUMBIA EDUCATION RESEARCH PRACTICE  
31 PARTNERSHIP.

32 Sec. 101. Short title.

33 This title may be cited as the “District of Columbia Education Research Practice  
34 Partnership Establishment Act of 2018”.

35 Sec. 102. Definitions.

36 For the purposes of this title, the term:

37 (1) “Advisory Committee” means the body established pursuant to Section 105  
38 this of Title.

39 (2) “Council” means the Council of the District of Columbia.

40 (3) “DCPS” means the District of Columbia Public Schools system.

41 (4) “Local education agency” or “LEA” means DCPS or any individual or group of  
42 public charter schools operating under a single charter.

43 (5) “OSSE” means the District of Columbia Office of the State Superintendent of  
44 Education.

45 (6) “Partnership” means the Education Research Practice Partnership formed  
46 pursuant to this act between an independent, non-governmental entity and the District of  
47 Columbia.

48 (7) “PCSB” means the District of Columbia Public Charter School Board.

49 Sec. 103. Establishment of District of Columbia Education Research Practice Partnership.

50 (a) There is established the District of Columbia Education Research Practice Partnership  
51 to be formed between an independent, non-governmental entity and the District of Columbia for  
52 the purposes of conducting independent education related research and publicly reporting the  
53 findings of such research.

54 (b) The independent, non-governmental entity shall be chosen through the competitive  
55 process established in section 104 of this title.

56 (c)(1) Within 60 days of the independent, non-governmental entity being chosen, the  
57 Mayor shall enter into a memorandum of understanding or master research services agreement  
58 (“Agreement”), encompassing data collection, sharing, ownership, and confidentiality, with the

59 chosen independent, non-governmental entity for the purposes of creating and carrying out the  
60 Partnership established in this section.

61 (2) The Agreement also shall set forth in broad terms the general scope of services  
62 and the process for developing statements of work.

63 (3) The Agreement shall be updated at least every five years or as needed in the  
64 interim.

65 Sec. 104. Notice of Invitation for an Education Research Practice Partnership

66 (a)(1) The Council and the Mayor shall draft jointly and, within 90 days of the effective  
67 date of this act, issue a Notice of Invitation (“Notice”) for an Education Partnership for the  
68 purposes of receiving proposals from an independent, non-governmental entity that shall be  
69 responsible for conducting education-related research.

70 (2) The independent, non-governmental entity may be a university, college, non-  
71 profit organization, or a combination of organizations joined for this purpose.

72 (b) The Notice shall, at a minimum, require potential proposals to:

73 (1) Commit to a Partnership that shall be for no less than 10 years;

74 (2) Estimate the initial start-up cost to establish the Partnership and the annual  
75 costs needed to operate the Partnership;

76 (3) Identify potential sources of funding, including funds contributed by the  
77 applicant entity, funds anticipated from named private sources, and funds, if any, needed from  
78 the District for the initial start-up costs and annual operations of the Partnership;

79 (4) Provide the entity’s current staffing level, a staffing plan for how the entity  
80 will fulfill the responsibilities of the Partnership including how the entity plans to increase  
81 staffing capacity, and whether that the researchers conducting research for the Partnership be

82 full-time dedicated staff and whether they shall be required to log a certain number of billable  
83 hours or be required to be faculty at the entity;

84 (5) Demonstrate that the entity can collect, maintain, clean, de-identify, use,  
85 interpret, translate and publish any data provided to it in a safe, secure, and accountable manner;

86 (6) Explain what, if any, internal research review processes are in place or  
87 recommended for this work;

88 (7) Provide examples of other educational research done in collaboration with  
89 either the District government or another government entity, including whether and how the  
90 entity and government partner jointly arrived at the research questions, provided interim  
91 deliverables, communicated in a meaningful way throughout the life of the project, adjusted the  
92 course of the project as needed in response to stakeholder feedback, provided results in multiple  
93 formats aligned with stakeholder need, and ensured that the work was useful and productive for  
94 the government partner, and if not useful, what measures were taken to rectify the usefulness of  
95 the products either in the short or long term, and evidence of how this work intentionally built  
96 capacity for both researchers and government partners;

97 (8) Explain what processes are in place or would be in place to ensure  
98 accountability and transparency of Partnership work and independence with regard to funders,  
99 the public, and government entities; and

100 (9) Explain what processes are in place or would be in place to collaborate  
101 effectively with a large and diverse advisory committee designed to be a partner in all research  
102 work.

103 (c) The Notice shall state a deadline for responses, which shall be no greater than 60 days  
104 from the date of issuance

105 (d)(1) All proposals received through the Notice process shall be reviewed by a six-  
106 person review panel, which shall be comprised of three representatives chosen by the Mayor and  
107 three representatives chosen by the Chairman of the Council.

108 (2) Within 30 business days of the proposal deadline, the proposal review panel  
109 shall meet and review all the proposals received in a timely manner.

110 (3) At least two of the representatives chosen by the Mayor and at least two of the  
111 representatives chosen by the Chairman of the Council shall approve and select the independent,  
112 non-governmental entity.

113 Sec. 105. Advisory Committee Establishment.

114 (a)(1) An Advisory Committee (“Committee”) shall be established to provide intellectual  
115 guidance from diverse perspectives to the research projects of the Partnership. Additionally, the  
116 Committee shall also help formulate Partnership policy.

117 (2) The initial Committee shall be 21 members comprised of the institutional  
118 members appointed pursuant to subsection (b)(1) of this section and the individual members  
119 appointed pursuant to subsection (b)(2) of this section. Subsequently, the Committee shall be  
120 comprised of the institutional members appointed pursuant to subsection (b)(1) of this section  
121 and the individuals members appointed pursuant to subsection (c).

122 (3) Members of the Committee (both institutional and non-institutional) shall have  
123 the ability to contribute substantive and methodological expertise to the research process related  
124 to student learning, school improvement, and urban education policy. Members shall be actively  
125 involved in practice, policy, or research on school improvement.

126 (4) Except as provided in subsection (b)(3) of this section, the term of non-  
127 institutionalized members shall be 3 years.

128 (5) Persons who work for the Partnership shall not be appointed to the Advisory  
129 Committee. The following shall be ineligible for appointment to, or remain on, the Advisory  
130 Committee as individual non-institutional members: persons who work for the Partnership;  
131 persons employed by (or whose primary work arrangement is with) DCPS, a DC public charter  
132 school, OSSE, PCSB, the State Board of Education, the Council, or the DME; and a direct  
133 employee of an organization that provides funding to the Partnership

134 (6) The Advisory Committee shall meet within 120 days of enactment of this act.

135 (b) (1) The Advisory Committee shall include the following institutional members:

136 (A) A representative of the Council appointed by the Chairman of the  
137 Council;

138 (B) A representative of the Deputy Mayor of Education appointed by the  
139 Deputy Mayor of Education

140 (C) A representative of OSSE appointed by the State Superintendent of  
141 Education;

142 (D) A representative of DCPS appointed by the Chancellor of DCPS;

143 (E) A representative of the PCSB, appointed by its Executive Director , or  
144 designee;

145 (F) A head of school, principal, or educational leader from a public charter  
146 school local education agency, elected by other public charter local education agencies through a  
147 process organized by PCSB;

148 (G) A representative from the Washington Teachers' Union;

149 (H) A representative from the Council of School Officers; and



150 (I) A representative of the State Board of Education appointed by the  
151 Board's President, or designee.

152 (2) The remaining 12 members on the initially appointed Committee shall be  
153 comprised of parents, students, representatives from education-related non-profit organizations,  
154 current teachers, current principals, or other education stakeholders, of whom six shall be  
155 appointed by the Mayor and six shall be appointed by the Council.

156 (3) The initial term for the non-institutional Advisory Committee members shall  
157 be as follows:

158 (A) Three of the initial members appointed by the Mayor and three of the  
159 initial members appointed by the Chairman of the Council shall serve a 2-year term.

160 (B) The remaining initial members appointed by the Mayor and Council  
161 shall serve a 3-year term.

162 (c) The Advisory Committee shall adopt by-laws, which shall at a minimum:

163 (1) Establish process for appointing or reappointing members of the Advisory  
164 Committee following the initial appointment;

165 (2) Address the extent to which Advisory Committee meetings are open to the  
166 public;

167 (3)(A) Establish the process by which the Advisory Committee elects its  
168 chairperson or co-chairpersons and their term;

169 (B) If the Advisory Committee elects co-chairpersons, at least one of the  
170 co-chairpersons shall be one of the individual, non-institutionalized members.

171 (4) Establish attendance requirements and whether there are term limits.

172 (d) The Advisory Committee shall formally meet at least six times a year.

173 (e) During the early stages of analysis, the Partnership will present their research project  
174 at an Advisory Committee meeting to obtain feedback. At each meeting, the Partnership shall  
175 update the Advisory Committee on its current research projects and shall present any findings  
176 that the Partnership has found due to its research including interim and final research findings.

177 (f) Upon creation of the Partnership, and every 4 years thereafter, the Advisory  
178 Committee, in consultation with the Partnership, shall establish a 4 year research agenda.

179 Sec. 106. Responsibilities of the Partnership

180 (a)(1) Prior to any research by the Partnership, the Partnership shall submit to the Mayor  
181 a scope of work for each research project the Partnership plans to undertake. The scope of work  
182 shall be consistent with the master research services agreement or MOU that is required pursuant  
183 to Section 103 of this title.

184 (2)(A) The Partnership and the Mayor shall approve each scope of work, and the  
185 Mayor shall make available to the Partnership all data needed for the research project.

186 (B) If agreement on a statement of work cannot be resolved within 6  
187 months, the Partnership shall notify the Council and the public.

188 (b) The Partnership shall publish an annual report and shall submit a copy of the report to  
189 the Council.

190 TITLE II. EDUCATION DATA AUDIT.

191 Sec. 201. This title may be cited as the “Education Data Audit Act of 2018”.

192 Sec. 202. (a) Within 180 days after the effective date of this title, the Auditor shall  
193 initiate an audit of data management and collection practices of public local education agencies,  
194 the Office of the State Superintendent, the Office of the Deputy Mayor for Education, and the  
195 Public Charter School Board.

196 (b) The Auditor shall issue a report to the Mayor and Council on data collection practices  
197 and policies of the entities described in subsection (a).

198 TITLE III. FISCAL IMPACT STATEMENT; EFFECTIVE DATE.

199 Sec. 301. Fiscal impact statement.

200 The Council adopts the fiscal impact statement in the committee report as the fiscal  
201 impact statement required by section 4a of the General Legislative Procedures Act of 1975,  
202 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

203 Sec. 302. Effective date.

204 This act shall take effect following approval by the Mayor (or in the event of veto by the  
205 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
206 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
207 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
208 Columbia Register.