

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

DRAFT

TO: All Councilmembers

FROM: Chairman Phil Mendelson
Committee of the Whole

DATE: November 19, 2019

SUBJECT: Report on RC 23-110, “Correspondence from the Mayor – Draft Notice of Invitation for Proposals to Enter into an Education Research Practice Partnership with the District of Columbia”

The Committee of the Whole has jurisdiction, jointly with the Committee on Education, over K-12 education issues in the District of Columbia (D.C.), including the District’s Education Research Practice Partnership (RPP). The Committee of the Whole reports favorably, with recommendations on changes to the Report 23-110, “Correspondence from the Mayor – Draft Notice of Invitation for Proposals to Enter into an Education Research Practice Partnership with the District of Columbia.”

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I. BACKGROUND AND NEED

The purpose of Report 23-110, “Correspondence from the Mayor – Draft Notice of Invitation for Proposals to Enter into an Education Research Practice Partnership with the District of Columbia,” is to provide the Council with a draft copy of the Proposed Notice of Invitation (NOI) that the Mayor intends to release to the public in order to solicit an independent research partner as required by D.C. Law 22-268, the “District of Columbia Education Research Practice Partnership Establishment and Audit Act of 2018.” D.C. Law 22-268 establishes an education research practice partnership, which will be responsible for conducting independent research on the District’s public and public charter schools in order to improve the District’s educational outcomes and to assist the Council in its legislative and oversight responsibilities.

In order to identify the research partner, D.C. Law 22-268 requires the Executive to select the independent, non-governmental entity through a competitive process in accordance with the criteria set forth in D.C. Official Code §38-785.03 and the District's contracting and procurement laws. Specifically, the law requires the Mayor to issue a Notice of Invitation (NOI), which encompasses all of the requirements to which the research partner will be required to adhere and seeks specific information from each applicant needed to determine which entity is best-suited to be the educational research partner. Moreover, in drafting D.C. Law 22-268, the Council included nine items that must be included in the NOI:

- (1) Commitment to a Partnership that shall be for no less than 10 years;
- (2) An estimate of the initial start-up cost to establish the Partnership and the annual costs needed to operate the Partnership;
- (3) Identification of potential sources of funding, including funds contributed by
the applicant entity, funds anticipated from named private sources, and funds, if any, needed from the District for the initial start-up costs and annual operations of the Partnership;
- (4) Description of the entity's current staffing level, a staffing plan for how the entity will fulfill the responsibilities of the Partnership including how the entity plans to increase staffing capacity, and whether the researchers conducting research for the Partnership will be full-time dedicated staff and whether they shall be required to log a certain number of billable hours or be required to be faculty at the entity;
- (5) Demonstration that the entity has the capacity and expertise to collect, maintain, store, clean, de-identify, use, interpret, translate and publish any data provided to it in a safe, secure, accountable, and confidential manner, consistent with relevant federal and local laws and regulations, including the Family Educational Rights & Privacy Act of 1974 (20 U.S.C. § 1232g et seq.) and its implementing regulations, 34 C.F.R Part 99;
- (6) Explanation of the internal review processes to ensure validity of research methods and outcomes;
- (7) Examples of other educational research done in collaboration with either the District government or another government entity, including whether and how the entity and government partner jointly arrived at the research questions, provided interim deliverables, communicated in a meaningful way throughout the life of the project, adjusted the course of the project as needed in response to stakeholder feedback, provided results in multiple formats aligned with stakeholder need, and ensured that the work was useful and productive for the government partner, and if not useful, what measures were taken to rectify the usefulness of the products either in the short or long term, and evidence of how this work intentionally built capacity for both researchers and government partners;
- (8) An explanation of what processes are in place or would be in place to ensure accountability and transparency of Partnership work and independence with regard to funders, the public, and government entities; and

(9) An explanation of what processes are in place or would be in place to collaborate effectively with a large and diverse advisory committee designed to be a partner in all research work.

These criteria were derived from other research practice partnership agreements and best practices nationwide. The Council also believes that these items are crucial to choosing the best entity to be the District's independent educational research partner. As proposed, the NOI contains all nine items, and the Committee expects that the final NOI will also include them.

D.C. Law 22-268 also requires the Executive to transmit a draft version of the NOI to the Council to approve before the NOI is actually issued. Pursuant to D.C. Law 22-268, the Council has 45 days, excluding holidays, weekends, and Council recess,¹ to review the proposed NOI, and if the Council does not approve the NOI within the 45-day time period, it will be deemed disapproved. However, when the Executive transmitted the proposed NOI to the Council on September 27, 2019, it did not comply with the law, but rather, transmitted the proposed NOI as a report – RC 23-110, as the Executive believes that Council approval of the NOI presents a separation of powers issue.

Given that the proposed NOI was transmitted as a report, the Committee of the Whole and Committee on Education chose to have a joint roundtable on the “Education Research Practice Partnership Proposed Notice of Invitation” on October 31, 2019. During the roundtable, both Chairman Mendelson and Councilmember Grosso, the Chairman of the Committee on Education, questioned the Executive about the proposed NOI. Moreover, they both indicated that the Council would provide written feedback to the Executive with regard to the proposed NOI and that the written feedback may be in lieu of the proposed NOI being approved by Council as required in the current law. Thus, the Committee of the Whole, in collaboration with the Committee on Education, is moving this report forward in lieu of Council approval of the proposed NOI.

Data-Sharing: At the heart of all successful research practice partnerships (RPP) is a collaborative spirit, which includes the willingness on the part of the government to share its data with the RPP. As such, the Committee wants to ensure that the RPP has access to the data that it needs in order to conduct its independent research. The Committee has received comments that express concern that the proposed NOI will require the RPP to enter into a memorandum of understanding (MOU) with the Office of the State Superintendent of Education (OSSE), the District's state education agency, for every research project that the RPP undertakes. Because a MOU can take months to negotiate, there is a concern that taking such an approach will stifle the RPP's research. Instead of requiring a new MOU for each research project, the Committee urges the Executive to clarify in the NOI that there will be an underlying master MOU – similar to the Master Services Agreement between Chicago Public Schools and Chicago's education RPP – that is the basis for data-sharing between the District and the RPP. This MOU would be for a set number of years and can be renewed. For each research topic, similar to Chicago, there could be a research topic agreement, which would provide parameters for what data the RPP could use and

¹ The original version of D.C. Law 22-268 contained some enrollment errors, including the length of the Council's review period, but this was rectified on an emergency basis in D.C. Act 23 _____ and is included in the _____ so that the change will be permanent.

would still enable the RPP and the District to collaborate with regard to the topic and scope of each research project. Taking such an approach would allow the RPP to continue to house data – and thus not have to destroy it after each research project, which is currently contemplated in the draft NOI – but also give the District comfort that the RPP will not simply use the data in its possession without notice and input from the District.

Mission Statement: At the October 31st roundtable, the Committee also expressed concerns about the Mission Statement in the NOI. Specifically, in Section 2.1.2 “Mission of the Education Research Practice Partnership,” the second paragraph on page four states:

The Partnership will conduct research to: identify instructional practices that increase student achievement, educational equity, and school improvement based on rigorous research methods; provide the research necessary to inform and assess instructional practices in District public schools; evaluate existing instructional practices to determine their impact on student academic achievement and progress; and otherwise assist the District with research aimed to improve instruction and student outcomes in the District.

The Committee is concerned that this paragraph makes it seem that the RPP will only focus on research that affects instructional practices only. While the paragraph that proceeds the quote above speaks to the RPP doing research that is broader and focusing on school improvement, the Committee urges the Executive to change the quoted paragraph so that it does not contradict the paragraph preceding it or other portions of the NOI. This will ensure that the mission of the RPP will be to do research that affects school improvement more broadly and that will aid in Council legislative and oversight responsibilities. In doing so, it will be clear that issues such as school-based mental health services or student attendance are not precluded from being research topics undertaken by the RPP.

University of the District of Columbia: In accordance with D.C. Law 22-268, the proposed NOI indicates that the RPP must be comprised of an independent, non-governmental entity or entities. However, the Committee raised concern at the October 31st roundtable that this may preclude the University of the District of Columbia (UDC) or professors at UDC from engaging in research under the RPP since UDC is technically a governmental entity. At the roundtable, OSSE assured the Committee that UDC or its professors would not be precluded from participating in the RPP, as the NOI clearly states that universities or their professors may partner with the RPP. The Council agrees with this interpretation, as the Council’s intent behind the phrase “independent, non-governmental entity” not to preclude UDC or its professors. The Committee encourages the Executive to interpret this language accordingly.

Application Submission: The Committee recommends that the Executive inserts language in the NOI that provides specifics about the application submission process, as the NOI does not currently include language that would ensure a standard application process. The Committee believes that including such language would allow potential applicants, as well as the review panel, to have a greater understanding of what should be included in a standard application.

Technical Amendments: The following changes needed are due to the enrollment errors by the Council and that have since been addressed:²

- 1) On page 3 (2.1.1 Introduction), the third line from the bottom reads “student learning, educational improvement, and urban education policy. The composition and . . .”. In accordance with Section 2(b)(2) of D.C. Act 23-127, the “Education Research Practice Partnership Technical Emergency Amendment Act of 2019,” “educational improvement” should be amended to read “school improvement”.
- 2) On page 6 (2.1.4 The District’s Responsibilities), the last sentence of the second paragraph reads “policy, or research on education improvement.” In accordance with Section 2(b)(2) of D.C. Act 23-127, the “Education Research Practice Partnership Technical Emergency Amendment Act of 2019,” “educational improvement” should be amended to read “school improvement”.

While the District’s public and public charter schools are improving, they are not improving fast enough. The District must ensure that all students are college and career ready by the time they graduate, and currently, this is not the case. In order to move the needle faster and to serve our students properly, the District needs an independent education research practice partner, and first step to procuring this is the release of the NOI. In lieu of approving the proposed NOI, as currently required by D.C. Official Code §38-785.03(b), the Committee is moving this report. The Committee believes that approval of this report and the recommendations in it by the Council will signal its approval of the proposed NOI, once amended, and clear the path for the Executive to release the NOI in the coming weeks.

II. LEGISLATIVE CHRONOLOGY

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| September 27, 2019 | RC 23-110, “Correspondence from the Mayor – Draft Notice of Invitation for Proposals to Enter into an Education Research Practice Partnership with the District of Columbia,” is introduced by Chairman Mendelson at the request of the Mayor. |
| October 25, 2019 | Notice of a Public Roundtable on “Education Research Practice Partnership Proposed Notice of Invitation” is published in the <i>District of Columbia Register</i> . |
| October 31, 2019 | The Committee of the Whole and the Committee on Education hold a roundtable on the “Education Research Practice Partnership Proposed Notice of Invitation.” |
| November 19, 2019 | The Committee of the Whole marks-up a report on RC 23-110. |

² Cite RPP emergency

III. POSITION OF THE EXECUTIVE

Deputy Mayor for Education (DME), Paul Kihn, and State Superintendent of Education, Hanseul Kang, testified on behalf of the Executive with regard to RC 23-110. State Superintendent Kang indicated that her agency, the Office of the State Superintendent of Education (OSSE) was responsible for drafting the proposed NOI. Additionally, she stated that in drafting the proposed NOI, OSSE had three goals in mind: 1) ensuring that the proposed NOI included the requirements set forth in D.C. Law 22-268; 2) mirroring best practices from other research practice partnerships and educational research institutions around the country; and 3) providing enough of a foundation so that all applicants are on an equal footing. Further, Superintendent Kang discussed the three portions of the proposed NOI – general information to applicants, the RPP’s mission and scope of responsibilities, and the requirements for each applicant’s proposal. Once the Council has provided feedback to the Executive with regard to the proposed NOI, the Executive will release the NOI within 30 days of receiving that notice, and applicants will have 60 days to respond.

DME Kihn also testified and stressed the desire for the RPP process to remain collaborative between the Executive and the Council. He noted that the creation of the RPP was a great example of collaboration between the two branches of government, and he indicated that the Mayor remains committed to the RPP and the implementation of D.C. Law 22-268.

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

The Committee received no testimony or comments from any Advisory Neighborhood Commission.

V. SUMMARY OF TESTIMONY

The Committee of the Whole and the Committee on Education held a joint public roundtable the “Education Research Practice Partnership Proposed Notice of Invitation” on October 31, 2019. There were no public witnesses. The testimony from the Executive is summarized above.

VI. IMPACT ON EXISTING LAW

On December 18, 2018, the Council approved Bill 22-776, the “District of Columbia Education Research Practice Partnership Establishment and Audit Act of 2018,” which became D.C. Law 22-268 on April 5, 2019. Pursuant to D.C. Official § 38-785.03(b), the Executive is to submit a proposed Notice of Invitation (NOI) to the Council for a 45-day period of review. If the proposed NOI is not approved within 45 days, the proposed NOI would be deemed disapproved. Instead of submitting the proposed NOI for approval, as required by the current law, the Executive transmitted RC 23-110, the Correspondence from the Mayor – Draft Notice of Invitation for Proposals to Enter into an Education Research Practice Partnership with the District of Columbia,” on September 27, 2019. The Committee is moving this report with recommended changes to the

proposed NOI, which was included as part of RC 23-110, and believes that Council approval of this report and the recommendations therein will satisfy the need for Council approval in D.C. Official Code § 38-785.03(b).

VII. FISCAL IMPACT

As this is a report on a report submitted to the Council, there is no fiscal impact statement.

VIII. SECTION-BY-SECTION ANALYSIS

Section 1

IX. COMMITTEE ACTION

X. ATTACHMENTS

1. RC 23-110 as introduced.