

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

**DRAFT**

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**TO:** All Councilmembers  
**FROM:** Chairman Phil Mendelson  
Committee of the Whole  
**DATE:** October 20, 2020  
**SUBJECT:** Report on Bill 23-717, “Expanding Equitable Access to Great Schools Amendment Act of 2020”

CONTENTS

I.	Committee Recommendation.....	1
II.	Committee Reasoning & Section-By-Section Analysis .....	1
III.	Abbreviated Legislative Chronology .....	3
IV.	Committee Action.....	3
V.	Attachments .....	3

**I. COMMITTEE RECOMMENDATION**

The Committee of the Whole reports favorably on Bill 23-717, the “Expanding Equitable Access to Great Schools Amendment Act of 2020,” adopts the Committee Print as approved by the Committee on Education with minor amendments, and recommends approval by the Council.

**II. COMMITTEE REASONING & SECTION-BY-SECTION ANALYSIS**

The purpose of Bill 23-717 is to allow for two new public school admission preferences – one for the child of a student already attending or selected for admission to a public charter school in which the child is seeking enrollment and one for students who are considered at-risk. Notably, the Committee on Education’s committee print for Bill 23-717 is a combination of Bill 23-717, the “Expanding Equitable Access to Great Schools Amendment Act of 2020,” and Bill 23-818, the “Child Enrollment Preference Amendment Act of 2020.” Since both bills deal with admissions preferences to public charter schools and are amending the same section of the D.C. Code, the Committee on Education chose to combine the two bills. The Committee of the Whole supports this approach. Both preferences are intended to increase access to high quality education for the District’s students, especially for at-risk students.

Bill 23-717 (the Committee Print) ensures that some accountability measures exist with regard to the at-risk preference by requiring the Public Charter School Board (PCSB) to pre-approve a public charter school’s use of said preference. Moreover, the Bill requires that a public charter school must institute the at-risk preference for at least five-years, although the bill does allow the PCSB to grant a public charter school a waiver from this requirement after the public charter school has instituted the at-risk preference for at least two years. The intent of this requirement is to ensure a school’s commitment if it wishes to attract at-risk students, and also to increase the likelihood of a robust cohort of at-risk students. At any time that the PCSB approves,

renews denies, or terminates a public charter school's use of the at-risk preference, the PCSB shall produce a written rationale for its decision and make this rationale publicly available.

With regard to the admissions preference for a child of a student the Committee on Education's committee print mirrors the language in the introduced version of Bill 23-818. Currently, this admissions preference would apply to one public charter school – Briya Public Charter School – but if another public charter school should open and incorporate a two-generation model in which parents and children both enroll at the same public charter school, then this admissions preference would also apply to that public charter school.

The Committee of the Whole proposes adoption of the Committee on Education's committee print with one small change. Specifically, the Committee Print changes the applicability of the at-risk preference to School Year 2022-2023, as opposed to having it start with School Year 2021-2022, which is what is contemplated in the Committee on Education's committee print. This change came at the request of the PCSB, which is concerned that it would not have enough time to create an application process nor adequate time to evaluate and decide which public charter schools should be allowed to use the at-risk admissions preference before the lottery opens in December 2020. In order to give PCSB adequate time, the Committee Print states that the at-risk admissions preference will be available beginning with School Year 2022-2023. Notably, it makes no changes with regard to the timeline associated with the child of a student admissions preference, thereby allowing Briya to begin to use this preference as soon as Bill 23-717 becomes law.

One should note that during the Committee on Education's mark-up of Bill 23-717, Councilmember Allen inquired as to whether the admissions preferences were listed on each public school's My School DC webpage and the order in which they are listed. The Committee verified with the Office of the State Superintendent of Education (OSSE), the agency which oversees My School DC, that the admissions preferences used by each public school are listed on their respective My School DC webpages and done so in the order that they will be used for the upcoming lottery cycle. My School DC and OSSE have committed to doing the same with the at-risk preference. They also have indicated that if a public school chooses to administer the at-risk preference differently than it does its other preferences, for example as a set-aside instead of as a straight preference, My School DC will indicate this on the respective public school's My School DC webpage and provide details as to how the preference or set aside will work.

The Committee supports Bill 23-717 as amended and believes that it will open the door for many at-risk students currently shut out of the best public schools in the District, as well as facilitate the two-generation model, which studies have shown to be impactful. While nearly half of the students attending public school in the District are considered at-risk and are the students who need access to the best public schools in the District the most, there are just simply not enough open seats at these schools. The best performing public schools often have hundreds of students on their waitlists, with some of them having acceptance rates lower than an Ivy League university. Allowing schools to use an at-risk preference will help to address this accessibility issue and lead to better academic outcomes for at-risk students. Additionally, allowing public schools to prioritize the children of its students is another way to improve educational outcomes in the

District. Given that Bill 23-717 addresses both issues and breaks down barriers to high-performing public schools, the Committee recommends approval of Bill 23-717.

**III. ABBREVIATED LEGISLATIVE CHRONOLOGY**  
(see the Committee on Education’s committee report for the full chronology)

- March 16, 2020 Bill 23-717, “Expanding Equitable Access to Great Schools Amendment Act of 2020,” is introduced by Chairman Mendelson and Councilmember Grosso.
- July 6, 2020 Bill 23-818, “Child Enrollment Preference Amendment Act of 2020,” is introduced by Chairman Mendelson and Councilmember Grosso.
- July 31, 2020 The Committee of the Whole and the Committee on Education hold a joint hearing on Bills 23-717 and 23-818.
- September 23, 2020 The Committee on Education marks up Bill 23-717.
- October 20, 2020 The Committee of the Whole marks-up Bill 23-717.

**IV. COMMITTEE ACTION**

On October 20, 2020, . . .

**V. ATTACHMENTS**

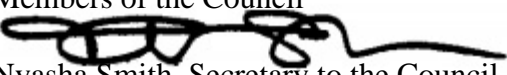
1. Bill 23-717 as introduced.
2. Committee on Education’s report on Bill 23-717 without attachments.
3. Fiscal Impact Statement for Bill 23-717.
4. Legal Sufficiency Determination for PR 23-717.
5. Comparative Print for Bill 23-717.
6. Committee Print for Bill 23-717.

**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**1350 Pennsylvania Avenue, N.W.**  
**Washington D.C. 20004**

Memorandum

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To : Members of the Council

From :   
Nyasha Smith, Secretary to the Council

Date : March 16, 2020

Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Monday, March 16, 2020. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Expanding Equitable Access to Great Schools Act of 2020", B23-0717

INTRODUCED BY: Chairman Mendelson and Councilmember Grosso

The Chairman is referring this legislation sequentially to the Committee on Education and Committee of the Whole.

Attachment

cc: General Counsel  
Budget Director  
Legislative Services

1   
2  
3 Councilmember Grosso

  
Chairman Mendelson

4  
5  
6  
7 A BILL

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8  
9 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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10  
11  
12 To amend the District of Columbia School Reform Act of 1995 to expand equitable access to  
13 public charter schools.

14 BE IT ENACTED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
15 bill may be cited as the “Expanding Equitable Access to Great Schools Act of 2020”

16 Sec. 2. District of Columbia School Reform Act of 1995, approved April 26, 1996 (110  
17 Stat. 1321; D.C. Official Code, § 38-18.06(c), is amended as follows:

18 (1) strike the word “and” at the end of subsection (2);

19 (2) strike and replace the period at the end of subsection (3) with a semi-colon;

20 (3) insert the word “and” at the end of subsection (3); and

21 (4) insert a new subsection (4) to read as follows:

22 (4) An at-risk student as defined by § 38-2905.01; provided, that a public charter  
23 school first must receive approval from the Public Charter School Board to implement this  
24 preference.

25 Sec. 3. Fiscal Impact Statement

26 The Council adopts the fiscal impact statement in the committee report as the fiscal  
27 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act.

1 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and  
2 publication in the District of Columbia Register.

3       Sec. 4. Effective Date


4       This act shall take effect following approval by the Mayor (or in the event of veto by the  
5 Mayor, action by the Council to override the veto) a 30-day period of Congressional review as  
6 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
7 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
8 Columbia Register.

**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE ON EDUCATION  
COMMITTEE REPORT**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

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TO: All Councilmembers

FROM: Councilmember David Grosso   
Committee on Education

DATE: September 23, 2020

SUBJECT: Report on B23-717, the “Expanding Equitable Access to Great Schools Act of 2020”

The Committee on Education – to which B23-717, the “Expanding Equitable Access to Great Schools Act of 2020,” was referred – reports favorably thereon and recommends approval by the Council.

CONTENTS

I.	Background and Need.....	1
II.	Legislative Chronology.....	5
III.	Position of the Executive.....	6
IV.	Comments of Advisory Neighborhood Commissions.....	7
V.	Summary of Testimony and Statements.....	7
VI.	Impact on Existing Law.....	10
VII.	Fiscal Impact.....	10
VIII.	Section-by-Section Analysis.....	10
IX.	Committee Action.....	11
X.	Attachments.....	12

**I. BACKGROUND AND NEED**

On March 16, 2020, Council Chairman Phil Mendelson and Committee Chairperson David Grosso introduced B23-717, the “Expanding Equitable Access to Great Schools Act of 2020.” As introduced, the “Expanding Equitable Access to Great Schools Act of 2020” would amend the District of Columbia School Reform Act of 1995 to allow public charter schools to implement an at-risk preference in the My School DC lottery, provided that the Public Charter School Board (“PCSB”) approve the implementation.

A few months later – on July 6, 2020 – Chairman Mendelson and Chairperson Grosso introduced B23-818, the “Child Enrollment Preference Amendment Act of 2020.” As introduced, the “Child Enrollment Preference Amendment Act of 2020” would also amend the District of Columbia School Reform Act of 1995, in this instance to broaden the existing sibling preference to include the children of students who already attend or have been offered a seat at a given school.

*B23-717, the “Expanding Equitable Access to Great Schools Act of 2020”*

Nearly half of all public school students in DC are considered at-risk, a legal classification which - at the time of writing – includes students who are eligible for aid from Temporary Assistance for Needy Families or the Supplemental Nutrition Assistance Program, homeless or in the foster system, or a year or more behind in high school.<sup>1</sup> In spite of this, a majority of public and public charter schools in the District have become less economically diverse over the last several years,<sup>2</sup> and such a disconnect is harmful to all of our students: across studies, racial and socioeconomic integration in schools correlates with positive outcomes on a variety of measures, including higher test scores, an increase in graduation rates, and a decrease in in-group bias.<sup>3</sup> In order to reverse this trend, schools must have the ability to prioritize students facing socioeconomic risk factors in the My School DC common lottery.

In DC, every K-12 student is guaranteed a seat at their in-boundary District of Columbia Public Schools (“DCPS”) elementary, middle, or high school; families who wish to have their students attend any other DCPS or public charter school, as well as those seeking a seat in any PK3 or PK4 program, are required to enter the My School DC common lottery to determine placement. Through the common lottery, students apply to up to 12 schools and are matched based on the number of available spaces at each school, how the student ranked their school choices, and the random lottery number assigned to each student. After the lottery is run, each student receives one match and is placed on the waitlist for any school they ranked higher than their match; in the months that follow, students may be offered – and subsequently accept – a seat at any of their waitlisted schools as other students finalize enrollment decisions.

As approximately 75% of students in DC are enrolled outside of their in-boundary school, the My School DC common lottery plays an important role in the local education system, but the fact that it is not completely random – a typical lottery hallmark – has raised questions about equity in the placement process. While each student is assigned a randomized lottery number, each school has the option to implement a series of preferences which give additional weight to students who meet certain criteria, including a sibling who attends or has been offered a seat at the school, a parent who works at the school, an interest in transferring across campuses within a single LEA, or a qualifying IEP. Of these preferences, the sibling preference is often most influential, with siblings on average claiming approximately 70% of open PK3 and PK4 seats in the most highly rated DCPS schools.<sup>4</sup>

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<sup>1</sup> Section 102(2A) of the Uniform Per Student Funding Formula for Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901(2A)).

<sup>2</sup> Chelsea Coffin, *Landscape of Diversity in D.C. Public Schools*, D.C. POLICY CENTER (December 17, 2018), <https://www.dcpolicycenter.org/publications/landscape-of-diversity-in-dc-public-schools>.

<sup>3</sup> *The Benefits of Socioeconomically and Racially Integrated Schools and Classrooms*, THE CENTURY FOUNDATION (April 29, 2019), <https://tcf.org/content/facts/the-benefits-of-socioeconomically-and-racially-integrated-schools-and-classrooms>.

<sup>4</sup> Chelsea Coffin, *At-Risk Priority in D.C.’s Common Lottery: Potential Implications for Access and Diversity*, D.C. POLICY CENTER (July 21, 2020), <https://www.dcpolicycenter.org/publications/at-risk-priority>.



Because PK constitutes the main entry point to a given school or feeder pattern, with PK3 alone accounting for nearly a quarter of common lottery seats each year, there is a multiplier effect to the sibling preference that extends the impact well into the upper grades and has resulted in a handful of schools with exceedingly affluent student bodies – with little recourse to shift demographics. This phenomenon has had the greatest impact on students classified as at-risk. While at-risk students comprised 45% of the overall student population in SY 2018-2019, there were 19 schools where at-risk students made up less than 10% of the student body.<sup>5</sup> Perhaps as both a cause and effect of this imbalance, families of at-risk students are less likely to participate in the common lottery, accounting for only 35% of applicants in SY 2017-2018.<sup>6</sup>

In order to ensure at-risk students and their families have equitable access to their schools of choice – and to the significant academic gains for low-income students attributed to racially and economically diverse learning environments – advocates and agencies alike have long considered a new common lottery preference which would prioritize students who meet the legal definition of “at-risk.” Such a preference is an available option for DC pursuant to January 2014 guidance issued by the U.S. Department of Education allowing public charter schools to use a weighted lottery to give a better chance of admission to all or a subset of educationally disadvantaged students if state law permits, including economically disadvantaged students and students experiencing homelessness.<sup>7</sup> In taking advantage of this option for economically disadvantaged students, DC would join the ranks of jurisdictions such as New York, California, and Georgia and stand to substantially shift school-level demographics over time, especially in charters that currently enroll a low number of at-risk students.

In response to continued advocacy on the part of charter leaders and PCSB, the “Expanding Equitable Access to Great Schools Act of 2020” would allow public charter schools – with prior approval by PCSB – to implement such an at-risk preference in the My School DC lottery. Both charter leaders and the Board – alongside several advocates and policy researchers – spoke in favor of the bill during the public hearing on July 31, 2020, with a number of LEAs voicing an intent to implement the preference upon approval of B23-717.

*B23-818, the “Child Enrollment Preference Amendment Act of 2020”*

In DC, Briya Public Charter School is the only LEA to implement a two-generation approach to education, a model in which low-income parents and young children learn together and benefit from both parallel and joint interventions. As part of this model, parents at Briya complete coursework in English, digital literacy, and child development while their infant, toddler, and preschool-age children participate in dual-language early childhood education, and weekly sessions bring the families together to emphasize the critical role of parents in educational

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<sup>5</sup> Coffin, *supra* note 4.

<sup>6</sup> Catherine Peretti and Aaron Parrott, Giving At-Risk Students Preference in a Unified Lottery for Public Schools,” MY SCHOOL DC (April 2018), [https://www.myschooldc.org/sites/default/files/dc/sites/myschooldc/page/MSDC%20At-Risk%20Preference%20in%20a%20Unified%20Lottery%204.26.2018\\_Final.pdf](https://www.myschooldc.org/sites/default/files/dc/sites/myschooldc/page/MSDC%20At-Risk%20Preference%20in%20a%20Unified%20Lottery%204.26.2018_Final.pdf).

<sup>7</sup> *Charter Schools Program Nonregulatory Guidance*, U.S. DEPARTMENT OF EDUCATION, (last modified January 29, 2014), <https://www2.ed.gov/programs/charter/nonregulatory-guidance.html>.

achievement. As they progress in their coursework, Briya parents also have the opportunity to earn a high school diploma and pursue Registered Medical Assistant or Child Development Associate credentialing through workforce development programming. For both parents and children alike, the model has proven successful: the PK3 and PK4 program at Briya has the highest CLASS observation scores in the city, with students regularly meeting and exceeding academic grade level benchmarks by the end of the school year despite entering below national averages: adult English as a Second Language students increase their language skills at a rate higher than the national average; and workforce development participants consistently pass national credentialing examinations. As a result, Briya has been designated as a Tier 1 school by PCSB since 2015.

This success – paired with a growing demand for quality early childhood seats in the District has raised concerns that two-generation applicants may face increasing competition from families interested in enrolling a child without an accompanying parent, thereby reducing the number of spots available to low-income and immigrant families. Introduced in order to ensure continued access by these target populations, the “Child Enrollment Preference Amendment Act of 2020” was widely lauded during the public hearing on July 31, 2020, which featured Briya leadership, students, and staff speaking to the import and impact of the two-generation model.

#### *The Committee Print*

Both B23-717, the “Expanding Equitable Access to Great Schools Act of 2020,” and B23-818, the “Child Enrollment Preference Amendment Act of 2020,” would – as introduced – amend Section 2206 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321-123; D.C. Official Code § 38-1802.06); as such, the committee print for B23-717 incorporates the entirety of B23-818 alongside additional provisions aimed at increasing public accountability around the at-risk preference.

In line with B23-818 as introduced, the committee print – renamed the “Expanding Equitable Access to Schools Amendment Act of 2020” – amends the District of Columbia School Reform Act of 1995 to allow public charter schools to offer a preference in admissions to the child of a student already attending or selected for admission to the same school. Under the committee print – as in B23-717 as introduced – the School Reform Act is further amended to allow public charter schools to offer a preference in admissions to students who are at-risk, as that term is defined in section 102(2A) of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901(2A)), provided that PCSB approve the implementation of such a preference.

New to the committee print is a provision modeled after public disclosure language that already exists in the School Reform Act with regards to an admissions preference for students with particular disabilities or an IEP. For such a special education preference, PCSB must make publicly available a written document specifying the reasons for granting the preference to individual schools; building on this, under the committee print for B23-717, PCSB must make

publicly available a written document explaining the rationale for approving or denying the establishment, renewal, or discontinuation of an at-risk preference at a given school.

Based on follow-up conversations with advocates and agencies, the committee print also specifies that, once implemented, an at-risk preference should remain in place at a public charter school for five years, at which point it may be renewed an unlimited number of times – each time for five years – with additional PCSB approval. While other components of the committee print reflect previous amendments to the School Reform Act, this particular stipulation is unique to the at-risk preference and serves several purposes, among them:

- acknowledging that, given the limited number of seats available annually, a preference may need to be in place for several years to demonstrably increase the proportion of at-risk students enrolled at implementing schools;
- giving schools considerable time to respond to any impact on performance metrics – especially changes that may not be evident during initial implementation years – before making the case for renewal;
- providing PCSB with regular opportunities to consider the manner in which an at-risk preference has served at-risk students and engage with implementing schools surrounding successes and concerns; and
- ensuring continuity for families who are planning student enrollment, often years ahead, and communicating to families and students alike that the implementation of such a preference is a commitment to equitably serving at-risk students.

Notwithstanding the five-year implementation requirement, the committee print allows schools to seek PCSB approval to discontinue an at-risk preference once it has been in place at the school for a minimum of two academic years. In response to concerns from both charter leaders and PCSB, this provision maintains the expectation that an at-risk preference should only be undertaken with long-term commitment while allowing schools the opportunity to make the case that instructional, programmatic, or staffing changes need to be made before an at-risk preference can be reimplemented successfully, or – alternatively – that the preference has sufficiently boosted at-risk enrollment such that prioritization in the lottery is no longer required to ensure a student body that adequately reflects the socioeconomic makeup of the city.

Under the committee print – as in the bill as introduced – the at-risk preference remains voluntary and the specifics of its implementation – such as its ranking relative to other preferences – are left to the discretion of individual public charter schools. It is the expectation of the Committee that such details will be delineated in applications submitted to PCSB, and that PCSB will design a process to review requests for preference establishment, renewal, and discontinuation that considers both the academic and social-emotional success of at-risk students.

## II. LEGISLATIVE CHRONOLOGY

March 16, 2020      B23-717, “Expanding Equitable Access to Great Schools Act of 2020,”  
introduced by Chairman Mendelson and Councilmember Grosso.

- March 20, 2020 Notice of intent to act on B23-717 published in the District of Columbia Register.
- April 7, 2020 B23-717 sequentially referred to the Committee on Education and the Committee of the Whole.
- July 6, 2020 B23-818, "Child Enrollment Preference Amendment Act of 2020," introduced by Chairman Mendelson and Councilmember Grosso.
- July 6, 2020 Notice of public hearing on B23-717 and B23-818 filed in the Office of the Secretary.
- July 10, 2020 B23-818 sequentially referred to the Committee on Education and the Committee of the Whole.
- July 10, 2020 Notice of public hearing on B23-717 and B23-818 published in the District of Columbia Register.
- July 31, 2020 The Committee on Education holds a public hearing on B23-717 and B23-818.
- September 23, 2020 The Committee on Education considers and marks up B23-717.

### III. POSITION OF THE EXECUTIVE

The Committee on Education held a public hearing on B23-717 and B23-818 on Friday, July 31, 2020, in order to receive testimony from the public and government witnesses. A copy of all written testimony received is attached to this report and the hearing record is on file with the Office of the Secretary of the Council. A video recording of the hearing is available online at [https://dc.granicus.com/MediaPlayer.php?view\\_id=-2&clip\\_id=5624](https://dc.granicus.com/MediaPlayer.php?view_id=-2&clip_id=5624).

**Rick Cruz, Chair of the DC Public Charter School Board**, testified in support of B23-717. Cruz stated that a campus-level analysis conducted by the D.C. Policy Center found that at-risk students' chances of being matched at a school they ranked – as well as campus diversity – could be improved if the common lottery prioritized at-risked students, and noted that this policy change would not be successful if schools were not held to a higher standard. Cruz also testified in support of B23-818.

**Shana Young, Chief of Staff at the Office of the State Superintendent of Education**, testified in support of B23-717 and stated that, in order to implement the preference in the enrollment process for school year 2021-2022, the Council would need to move to enact the law as soon as possible. Young also testified that OSSE supports B23-818.

#### IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

The Committee received no testimony or comments from the Advisory Neighborhood Commissions.

#### V. SUMMARY OF TESTIMONY AND STATEMENTS

**Chelsea Coffin, Director of the Education Policy Initiative at the D.C. Policy Center**, testified in support of B23-717. Based on a report released earlier in the month, Coffin testified that an at-risk priority in the common lottery would serve to improve access to some schools for students furthest from opportunity and to increase socioeconomic diversity at schools that currently serve few at-risk students.

**Shannon Hodge, Executive Director at the DC Charter Alliance**, testified in support of both B23-717 and B23-818. Hodge stated that a common lottery is a way to level the playing field and allow access to all students; however, many available seats are taken in the lottery by siblings of those already attending a given school due to the sibling preference. Hodge also noted that at-risk students participate in the lottery at a lower rate, and stated that schools want to serve students who are more representative of the District while families want more access to high-quality and high-demand schools. Hodge said the city needs to make more high-quality seats available, and the at-risk preference would be one way to do that.

**Jessica Sutter** testified in support of B23-717, stating that all students deserve access to high-quality education, but that high-quality schools are often in neighborhoods with higher rent and home prices, making them inaccessible to low-income families. Sutter hoped Council would consider other efforts to aid in the effectiveness of equitable education for all through housing policy and education policy efforts.

**Thomas Toch, Director of FutureEd**, testified in support of B23-717, stating that the legislation would further enhance the equality of educational opportunity in DC by permitting charter schools to give the least fortunate students preference in admissions. Toch noted that B23-717 would help some charters sustain their commitment to diversity while helping others pursue greater educational equity under the common enrollment system.

**Christie McKay, Executive Director at Briya PCS**, testified in support of B23-818, stating it would sustain the impact of the two-generation model in place at Briya. McKay noted that the model focuses on serving both parents and students and needs the legislation to preserve it.

**Maria Elena Moreno Van Maren** testified in support of B23-818, which will continue to allow families to learn at the same school – benefitting both parents and students. Moreno Van Maren stated that the services offered at Briya allow parents to learn alongside their child while spending quality time and having new experiences together, and named that many other families in DC could benefit from the model.

**Yizel Romero** testified in support of B23-818, stating that two generation programs like that at Briya allow families the opportunity to be students together at the same time and in the same building. Romero stated that the partnership with Mary's Center also aids in access to healthcare and other resources and testified that passing the legislation would facilitate new two-generation programs in the city.

**Mireille C. Ngako-Wotcho, Briya PCS Outreach Specialist**, testified in support of B23-818, stating that the legislation would allow for families to learn at the same school, benefitting both children and their parents. Ngako-Wotcho testified that passing the legislation would benefit the community by facilitating new two-generation programs in the city.

**Alejandra Cardenas, Briya PCS Prekindergarten Teacher**, testified in support of B23-818, testifying that passing this bill would allow more two-generation schools to open and provide existing schools with the opportunity to create adult education programs for parents while the children are in school. She noted that the two-generation model can result in a strengthened partnership between parents and educators, in turn strengthening children's education.

**Cara Sklar, Deputy Director of Early & Elementary Education Policy at New America**, testified in support of B23-818. Sklar stated that this legislation would ensure equitable access to two-generation services for families by removing a barrier to linking child- and adult-serving programs.

**Judy Mortrude, Senior Technical Advisor at World Education**, testified in support of B23-818, stating that this legislation would allow broader access to two-generation programs for DC families who can benefit from them the most. She noted that creating a child lottery preference ensures families can enroll in school together and collectively reap the benefits for their families and communities.

**Maria Gomez, President and CEO of Mary's Center**, testified in support of B23-818, stating that this legislation would allow parents and their children to study together in the same school a situation which would be good for both families and DC as a whole.

**Laura Wilson Phelan, Founder and Executive Director at Kindred**, testified in support of B23-717, but noted the legislation would be strengthened by adding a clause requiring participating schools to submit a plan of action detailing how they intend to support the academic needs and well-being of at-risk students. Phelan further testified that while higher income schools may have access to more resources, those resources are not always used to support students considered at-risk; as a result, Phelan suggested schools implementing an at-risk preference also implement racial equity dialogue programming.

**Maquita Alexander, Executive Director at Washington Yu Ying PCS**, testified in support of B23-717, stating that every child in the District of Columbia should have access to a high-quality education. In 2016, Washington Yu Ying initiated a strategy to target at-risk families; building

from this, Alexander testified that B23-717 would allow Yu Ying to enroll even larger numbers of at-risk students, benefiting both those students and the entire community.

**Abigail Smith** testified in support of B23-717 with the belief that the legislation is in line with the Committee recommendation to provide at-risk students better access to high-demand public schools. Assuming the legislation moves forward, Smith testified there will be two important issues to track: a potential disparate impact for undocumented students and families who are considered at-risk but do not receive at-risk status, and any increase in access for at-risk students to selective high schools.

**Daniela Anello, Head of School at DC Bilingual Public Charter School**, testified in support of B23-717. Anello stated that the at-risk lottery preference would provide a critical tool for schools that seek to grow, uphold academic standing, and still serve the students and families who are in greatest need, ensuring that at risk-families in need of high-quality education for their children have a better chance of being matched to great schools.

**Simon Rodberg, board member for Washington Leadership Academy PCS**, testified in support of B23-717, stating the bill would give students designated as at-risk greater opportunities to attend high-demand and high-performing schools.

**Peter Anderson, Head of School at Washington Latin Public Charter School**, testified in support of B23-717. Anderson stated that Washington Latin strives to increase inclusivity by enrolling students from all eight wards and has received a substantial number of applications from at-risk students, but – without an at-risk preference – at-risk students have been left to compete for a minimal number of remaining slots after the majority have been claimed through the sibling preference. Anderson testified that adding an at-risk preference would give this population of learners a higher chance of a match.

**Chris Pencikowski, Executive Director at Lee Montessori Public Charter School**, testified in support of the B23-717, noting that the legislation would enhance the ability of at-risk families to access high-quality public schools by providing schools with a policy tool to increase socioeconomic and racial diversity.

**Dmitri Yearby** testified in support of the B23-717 and spoke from personal experience having attended Washington Latin. Yearby stated that no student should be denied access to a quality education because their parents cannot afford it, and that at-risk students deserve a better chance of getting into a better school.

**Lisa Rucker** testified in support of B23-717, noting that those who would benefit most from excellent education opportunities are most likely to face challenges in accessing them, including language barriers, a lack of confidence or information, or technology gaps. Speaking as a mother of five children, Rucker named a belief that access to quality education is important, especially for at-risk families.

**Josh Boots, Executive Director of EmpowerK12**, testified in support of B23-717 as written and advocated for a similar policy at higher-income DCPS schools with open seats, calling out the large variation in performance of at-risk students at high-income schools. Boots also stated that by supporting schools by fully funding the at-risk weight in future budgets, Council could ensure that schools can afford the additional services needed to fully support at-risk students.

**Ramin Taheri, Director of Education Reform Now-DC**, testified in support B23-717 and stated that the legislation represents a step toward righting historical wrongs related to segregation. Noting that schools reflect the segregation of their neighborhoods, Taheri stated that this bill would increase socioeconomic diversity in schools and improve access to highly rated in-demand schools for designated at-risk students.

## VI. IMPACT ON EXISTING LAW

The committee print of B23-717 amends the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321-123; D.C. Official Code § 38-1802.06), to allow public charter schools to offer two new preferences for admission in the My School DC common lottery. The first – for children of students who are already attending or have been selected for admission to the school to which the child seeks admission – may be voluntarily adopted by a public charter school without prior approval or subsequent reporting by the Public Charter School Board. The second – for students considered at-risk under the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901(2A)) – may be voluntarily adopted by a public charter school only with prior approval by PCSB, and must remain in place for five years unless the school receives PCSB approval to discontinue the preference once it has been in place for a minimum of two years; after five years, the preference may be renewed ad infinitum for five-year periods with prior PCSB approval. For every approval or disapproval made regarding the establishment, discontinuation, or renewal of an at-risk preference, PCSB must make publicly available a written document specifying the rationale behind its decision.

## VII. FISCAL IMPACT

B23-717 was sequentially referred to the Committee on Education and to the Committee of the Whole. As such, the Committee of the Whole shall provide a fiscal impact at their markup.

## VIII. SECTION-BY-SECTION ANALYSIS

- Section 1: States the short title.
- Section 2: Amends the District of Columbia School Reform Act of 1995 to allow public charter schools to establish a preference in the lottery for children of students who are already attending or have been selected for admission to the school to which the children seek admission, and to allow public charter schools, with prior approval by the Public Charter School Board (“PCSB”), to offer a preference in



the lottery for students who are considered at-risk under the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998. Further amends the District of Columbia School Reform Act of 1995 to require public disclosure of the rationale behind at-risk preference approval, discontinuation, and renewal decisions by PCSB, mandates that such a preference remain in place for five years unless a schools seeks and is approved by PCSB to discontinue the preference after it has been in place for a minimum of two years, and allows for an unlimited number of five-year renewals.

Section 3: Provides the fiscal impact statement.

Section 4: Provides the effective date.

## IX. COMMITTEE ACTION

On September 23, 2020, the Committee on Education held a meeting via the online platform Zoom, due to the public health emergency, to consider B23-717, the “Expanding Equitable Access to Schools Amendment Act of 2020.” The meeting was called to order at 3:07 PM and B23-717 was the only item on the agenda. After ascertaining a quorum (consisting of Committee Chairperson Grosso, Councilmember R. White (At-Large), and Councilmember Allen (Ward 6)), Chairperson Grosso discussed the background for B23-717.

Next, Chairperson Grosso opened the floor for discussion. Councilmember Allen began by noting the support the at-risk preference received from witnesses at the July 31 hearing, then asked for clarification on the manner in which preferences are approved and subsequently communicated to the public. As part of an exchange, Chairperson Grosso clarified that PCSB as the authorizing body – would issue rules as part of the approval process, that schools would need to disclose their plans for the ranking of preferences at that time, and that such information would subsequently be made public under the committee print: in addition, he noted that school-specific preferences are listed on the My School DC website. Asked by Councilmember Allen how the success of an at-risk preference would be evaluated, Chairperson Grosso noted there are already processes in place to evaluate the manner in which schools support the academic achievement of their students, including those considered at-risk, and pointed to the five-year renewal cycle as an additional mechanism – specific to B23-717 – which would provide PCSB with regular and ongoing opportunities to ensure schools are elevating the academic success of all students. In further discussing the renewal process, Chairperson Grosso framed the at-risk preference, and the accompanying opportunity to serve at-risk students at a higher level, as a privilege for DC public charter schools. Aligned with this, Councilmember R. White shared that he approached his reading of the bill from the viewpoint that many charters are eager to increase at-risk enrollment and echoed comments by Councilmember Allen that he would be happy to work with the Committee as the bill moves forward.

After discussion, Chairperson Grosso moved en bloc the committee print and committee report for B23-717 with leave for staff to make technical and conforming changes. The vote was

unanimous with Chairperson Grosso, Councilmembers R. White and Allen voting in favor. The meeting adjourned at 3:21 PM.

#### X. ATTACHMENTS

1. Secretary's Referral Memo
2. B23-717 as Introduced
3. Hearing Notice and Witness List
4. Written Testimony and Comments
5. Legal Sufficiency Determination
6. Comparative Print
7. Committee Print for B23-717

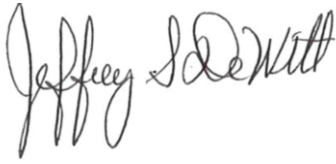
Government of the District of Columbia  
Office of the Chief Financial Officer



Jeffrey S. DeWitt  
Chief Financial Officer

**MEMORANDUM**

**TO:** The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia

**FROM:** Jeffrey S. DeWitt  
Chief Financial Officer 

**DATE:** October 15, 2020

**SUBJECT:** Fiscal Impact Statement – Expanding Equitable Access to Schools  
Amendment Act of 2020

**REFERENCE:** Bill 23-717, Draft Committee Print as provided to the Office of Revenue  
Analysis on October 14, 2020

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**Conclusion**

Funds are sufficient in the fiscal year 2021 through fiscal year 2024 budget and financial plan to implement the proposed resolution.

**Background**

The My School DC common lottery is a single, random lottery that determines placement for new students at all participating schools. Public charter schools that participate in the common lottery offer admission preferences to certain students. Students that qualify for a preference at a particular school are offered space at that school before students who do not have a preference.

The bill establishes<sup>1</sup> two additional admission preferences for public charter schools; an admissions preference for the child of a student already attending or selected for admission to a public charter school and an admissions preference for students classified as at-risk.<sup>2</sup>

In order to offer admissions preference to at-risk students, a public charter school must receive approval from the Public Charter School Board (PCSB). Charter schools can implement an at-risk student admissions preference beginning in School Year 2022-2023 and must continue to offer the

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<sup>1</sup> Section 2206 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.06).

<sup>2</sup> At-risk students are those who identify as homeless, in foster care, TANF or SNAP eligible, or are a high school student that is one year older, or more, than the expected age for the grade in which the student is enrolled.

The Honorable Phil Mendelson

FIS: Bill 23-717, "Expanding Equitable Access to Schools Amendment Act of 2020," Draft Committee Print as shared with the Office of Revenue Analysis on October 14, 2020

preference for at least five years. A charter school can submit a request to the PCSB to discontinue an at-risk student admissions preference after offering the preference for at least two years.

### **Financial Plan Impact**

Funds are sufficient in the fiscal year 2021 through fiscal year 2024 budget and financial plan to implement the proposed resolution.

The My School DC common lottery can implement both the child of a student and the at-risk student admission preferences without additional resources. The algorithm that is used by the common lottery to place students at their preferred school can be updated to include the new admissions preferences at no cost to the District. Additionally, the PCSB can review charter school at-risk student admission preference requests without additional resources.



OFFICE OF THE GENERAL COUNSEL

Council of the District of Columbia  
1350 Pennsylvania Avenue NW, Suite 4  
Washington, DC 20004  
(202) 724-8026

**MEMORANDUM**

**TO: Chairman Phil Mendelson**

**FROM: Nicole L. Streeter, General Counsel *NLS***

**DATE: October 19, 2020**

**RE: Expanding Equitable Access to Schools Amendment Act of 2020, Bill 23-717.**

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The measure is legally and technically sufficient for Council consideration.

The Expanding Equitable Access to Schools Amendment Act of 2020 would amend section 2206 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.06), to permit public charter schools, beginning in School Year 2022-2023, to adopt the following admissions preferences:

- (1) A preference for the children of already attending or admitted students; and
- (2) A preference for students who are at-risk.<sup>1</sup>

Adoption of the at-risk preference would require the prior approval of the Public Charter School Board ("PCSB") and would remain in place for five years (and may be renewed) unless the school received permission from the PCSB to discontinue the preference after at least two years. The PCSB would be required to make public its rationale for approving or denying a school's request to establish, renew, or discontinue an at-risk preference.

I am available if you have any questions.

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<sup>1</sup> The term "at-risk" is defined as "a DCPS student or a public charter school student who is identified as one or more of the following:

- (A) Homeless;
- (B) In the District's foster care system;
- (C) Qualifies for the Temporary Assistance for Needy Families program or the Supplemental Nutrition Assistance Program; or
- (D) A high school student that is one year older, or more, than the expected age for the grade in which the student is enrolled."

**§38-1802.06. Student admission, enrollment, and withdrawal.**

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

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

(c) Random selection. — If there are more applications to enroll in a public charter school from students who are residents of the District of Columbia than there are spaces available, students shall be admitted using a random selection process; except, that a preference in admission may be given to an applicant who is a:

(1) ~~Sibling~~ **Sibling or child** of a student already attending or selected for admission to the public charter school in which the applicant is seeking enrollment;

(2) Child of a member of the public charter school's founding board; provided, that enrollment of such children is limited to no more than 10% of the school's total enrollment or to 20 students, whichever is less; and

(3) Child of a full-time employee of the public charter school who is a District resident; provided, that enrollment of such children is limited to no more than 10% of the school's total enrollment.

(c-1) Random selection special education. —

(1) If there are more applications to enroll in a public charter school from students who are residents of the District of Columbia than there are spaces available, students shall be admitted in accordance with subsection (c) of this section; provided, that with the prior approval of the Public Charter School Board, a preference in admission may also be given to an applicant with an IEP or an applicant in a disability category pursuant to IDEA, in order to facilitate the

planning, development, and maintenance of high quality special education programs in the District of Columbia.

(2) A public charter school seeking to establish a preference for admission under this subsection shall apply to the Public Charter School Board no later than July 1 of the year before the proposed effective date of the lottery preference.

(3) In reviewing an application by a public charter school to establish a preference for admission under this subsection, the Public Charter School Board shall ensure that the proposed preference will increase educational opportunities for, and not adversely impact, students with disabilities.

(4) In approving an application by a public charter school to establish a preference for admission under this subsection, the Public Charter School Board shall make publicly available a written document that specifies the preference established and the reasons for granting the preference.

(c-2) Authorization of a preference for children of active duty members of the United States Armed Forces. —

(1) The Public Charter School Board ("PCSB") shall have the authority to approve a petition or application for a public charter school that gives a preference for admission to children of active duty members of the United States Armed Forces; provided, that PCSB may not permit more than one public charter school with such a preference to operate at the same time.

(2) A public charter school seeking to establish a preference for admission under this subsection shall:

(A) Request the preference for admission in a petition for approval filed pursuant to § 38-1802.01, an application for renewal filed pursuant to § 38-1802.12, or in a manner otherwise provided by PCSB; and

(B) Be located in the same ward as a United States military base.

(3) In reviewing an application submitted pursuant to paragraph (2) of this subsection, PCSB shall consider whether granting the preference provided under this subsection is consistent with the mission, goals, and instructional methods of the petitioner or applicant and the need for the proposed school in the geographic area of the school site.

(4) A preference approved under this subsection shall apply to no more than half

of the public charter school's seats.

(5) This subsection shall not limit the ability of a school that establishes a preference for admission under this subsection to participate in a common lottery system established pursuant to § 38-194.

**“(c-3)(1) Authorization of a preference for at-risk students. – Beginning with School Year 2022-2023, a public charter school may give a preference for admission to students who are at-risk, with prior approval from the PCSB.**

**“(2) A preference approved under this subsection shall remain in force for 5 school years and may be renewed an unlimited number of times, each time for a 5-year period, with prior approval from the PCSB.**

**“(3) Notwithstanding paragraph (2) of this subsection, after an admissions preference for students who are at-risk has been in place at a public charter school for at least 2 school years, the public charter school may seek approval from the PCSB to discontinue the preference.**

**“(4) Upon approving or denying the establishment, renewal, or discontinuation of an admissions preference for students who are at-risk, the PCSB shall make publicly available a written document that specifies the rationale for its decision.**

**“(5) For the purposes of this subsection, the term “at-risk” shall have the same meaning as provided in section 102(2A) of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901(2A)).”**



1 **COMMITTEE PRINT**  
2 **Committee of the Whole**  
3 **October 20, 2020**  
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5  
6  
7  
8  
9

10 A BILL

11 23-717  
12

13  
14 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
15  
16  
17  
18

19 To amend the District of Columbia School Reform Act of 1995 to add an admissions preference  
20 for the child of a student already attending or selected for admission to a public charter  
21 school in which the child is seeking enrollment and to add an admissions preference for  
22 students classified as at-risk provided that a public charter school receives approval from  
23 the Public Charter School Board to implement this preference.  
24

25 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
26 act may be cited as the “Expanding Equitable Access to Schools Amendment Act of 2020”.

27 Sec. 2. Section 2206 of the District of Columbia School Reform Act of 1995,  
28 approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.06), is amended as  
29 follows:

30 (a) Subsection (c)(1) is amended by striking the phrase “Sibling of” and inserting the  
31 phrase “Sibling or child of” in its place.

32 (b) A new subsection (c-3) is added to read as follows:

33 “(c-3)(1) *Authorization of a preference for at-risk students.* – Beginning with School  
34 Year 2022-2023, a public charter school may give a preference for admission to students who are  
35 at-risk, with prior approval from the PCSB.

36                   “(2) A preference approved under this subsection shall remain in force for 5  
37 school years and may be renewed an unlimited number of times, each time for a 5-year period,  
38 with prior approval from the PCSB.

39                   “(3) Notwithstanding paragraph (2) of this subsection, after an admissions  
40 preference for students who are at-risk has been in place at a public charter school for at least 2  
41 school years, the public charter school may seek approval from the PCSB to discontinue the  
42 preference.

43                   “(4) Upon approving or denying the establishment, renewal, or discontinuation of  
44 an admissions preference for students who are at-risk, the PCSB shall make publicly available a  
45 written document that specifies the rationale for its decision.

46                   “(5) For the purposes of this subsection, the term “at-risk” shall have the same  
47 meaning as provided in section 102(2A) of the Uniform Per Student Funding Formula for Public  
48 Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207;  
49 D.C. Official Code § 38-2901(2A)).”.

50                   Sec. 3. Fiscal impact statement.

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

54                   Sec. 4. Effective date.

55                   This act shall take effect following approval by the Mayor (or in the event of veto by the  
56 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
57 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

58 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
59 Columbia Register.