

# **U.S. Department of Education**

**Washington, D.C. 20202-5335**



## **APPLICATION FOR GRANTS UNDER THE**

**CHARTER SCHOOLS PROGRAM STATE EDUCATIONAL AGENCY  
CFDA # 84.282A  
PR/Award # U282A100025**

OMB No. 1894-0006, Expiration Date:  
Closing Date: MAY 07, 2010

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This application was generated using the PDF functionality. The PDF functionality automatically numbers the pages in this application. Some pages/sections of this application may contain 2 sets of page numbers, one set created by the applicant and the other set created by e-Application's PDF functionality. Page numbers created by the e-Application PDF functionality will be preceded by the letter e (for example, e1, e2, e3, etc.).

<b>Application for Federal Assistance SF-424</b>		Version 02
* 1. Type of Submission <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	* 2. Type of Application:* If Revision, select appropriate letter(s): <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation      * Other (Specify) <input type="checkbox"/> Revision	
* 3. Date Received: 5/7/2010	4. Applicant Identifier:	
5a. Federal Entity Identifier:	* 5b. Federal Award Identifier: New Applicant-Leave Blank	
<b>State Use Only:</b>		
6. Date Received by State:	7. State Application Identifier:	
<b>8. APPLICANT INFORMATION:</b>		
* a. Legal Name: District of Columbia, Office of the State Superintendent of Education		
* b. Employer/Taxpayer Identification Number (EIN/TIN): 536001131	* c. Organizational DUNS: 603893657	
<b>d. Address:</b>		
* Street1:	810 First Street, NE	
Street2:	9th Floor	
* City:	Washington	
County:		
State:	DC	
Province:		
* Country:	USA	
* Zip / Postal Code:	20002	
<b>e. Organizational Unit:</b>		
Department Name: Office of Public Charter School Finance and Support	Division Name:	
<b>f. Name and contact information of person to be contacted on matters involving this application:</b>		
Prefix:	Mr.	* First Name: Stefan
Middle Name:		

\* Last Name: Huh

Suffix:

Title: Director, Office of Public Charter School Financing and Support

Organizational Affiliation:

Office of the State Superintendent of Education

\* Telephone  
Number:

(202)724-7803

Fax Number:

(202)727-2019

\* Email: STEFAN.HUH@DC.GOV

**Application for Federal Assistance SF-424**

Version 02

**9. Type of Applicant 1: Select Applicant Type:**

A: State Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

\* Other (specify):

**10. Name of Federal Agency:**

U.S. Department of Education

**11. Catalog of Federal Domestic Assistance Number:**

84.282A

CFDA Title:

Charter Schools Program State Educational Agency

**\* 12. Funding Opportunity Number:**

ED-GRANTS-032310-002

Title:

Charter Schools Program (CSP): State Educational Agencies

**13. Competition Identification Number:**

Title:

**14. Areas Affected by Project (Cities, Counties, States, etc.):**

District of Columbia

**\* 15. Descriptive Title of Applicant's Project:**

2010 District of Columbia, Charter Schools Program (CSP) Application

Attach supporting documents as specified in agency instructions.

**Attachment:**

Title :

File :

**Attachment:**

Title :

File :

**Attachment:**

Title :

File :

**Application for Federal Assistance SF-424**

Version 02

**16. Congressional Districts Of:**

\* a. Applicant: N/A

\* b. Program/Project: N/A

Attach an additional list of Program/Project Congressional Districts if needed.

**Attachment:**

Title :

File :

**17. Proposed Project:**

\* a. Start Date: 8/1/2010

\* b. End Date: 7/31/2015

**18. Estimated Funding (\$):**

a. Federal	\$ 17411765
b. Applicant	\$ 0
c. State	\$ 0
d. Local	\$ 0
e. Other	\$ 0
f. Program Income	\$ 0
g. TOTAL	\$ 17411765

**\* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

a. This application was made available to the State under the Executive Order 12372 Process for review on .

b. Program is subject to E.O. 12372 but has not been selected by the State for review.

c. Program is not covered by E.O. 12372.

**\* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)**

Yes  No

**21. \*By signing this application, I certify (1) to the statements contained in the list of certifications\*\* and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances\*\* and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

**IXI \*\* I AGREE**

\*\* The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

**Authorized Representative:**

Prefix: Ms. \* First Name: Kerri

Middle Name:

\* Last Name: Briggs

Suffix: Ph.D

Title: State Superintendent

\* Telephone Number: (202)727-6436 Fax Number: (202)727-2019

\* Email: KERRI.BRIGGS@DC.GOV

\* Signature of Authorized Representative:

\* Date Signed:

**Application for Federal Assistance SF-424**

Version 02

**\* Applicant Federal Debt Delinquency Explanation**

The following field should contain an explanation if the Applicant organization is delinquent on any Federal Debt. Maximum number of characters that can be entered is 4,000. Try and avoid extra spaces and carriage returns to maximize the availability of space.



**U.S. DEPARTMENT OF EDUCATION**  
**BUDGET INFORMATION**  
**NON-CONSTRUCTION PROGRAMS**

OMB Control Number: 1894-0008

Expiration Date: 02/28/2011

Name of Institution/Organization:  
 District of Columbia, Office of ...

Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

**SECTION A - BUDGET SUMMARY**  
**U.S. DEPARTMENT OF EDUCATION FUNDS**

Budget Categories	Project Year 1(a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel	\$ 97,537	\$ 97,537	\$ 97,537	\$ 97,537	\$ 97,537	\$ 487,685
2. Fringe Benefits	\$ 16,581	\$ 16,581	\$ 16,581	\$ 16,581	\$ 16,581	\$ 82,905
3. Travel	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 25,000
4. Equipment	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
5. Supplies	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 25,000
6. Contractual	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 250,000
7. Construction	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
8. Other	\$ 1,148,235	\$ 2,373,235	\$ 3,673,235	\$ 3,998,235	\$ 5,348,235	\$ 16,541,175
9. Total Direct Costs (lines 1-8)	\$ 1,322,353	\$ 2,547,353	\$ 3,847,353	\$ 4,172,353	\$ 5,522,353	\$ 17,411,765
10. Indirect Costs*	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
11. Training Stipends	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
12. Total Costs (lines 9-11)	\$ 1,322,353	\$ 2,547,353	\$ 3,847,353	\$ 4,172,353	\$ 5,522,353	\$ 17,411,765

**\*Indirect Cost Information (To Be Completed by Your Business Office):**

If you are requesting reimbursement for indirect costs on line 10, please answer the following questions:

(1) Do you have an Indirect Cost Rate Agreement approved by the Federal government?  Yes  No

(2) If yes, please provide the following information:

Period Covered by the Indirect Cost Rate Agreement: From: \_\_\_/\_\_\_/\_\_\_ To: \_\_\_/\_\_\_/\_\_\_ (mm/dd/yyyy)

Approving Federal agency:  ED  Other (please specify): \_\_\_\_\_ The Indirect Cost Rate is 0%

(3) For Restricted Rate Programs (check one) -- Are you using a restricted indirect cost rate that:

Is included in your approved Indirect Cost Rate Agreement? or,  Complies with 34 CFR 76.564(c)(2)? The Restricted Indirect Cost Rate is 0%



**U.S. DEPARTMENT OF EDUCATION**  
**BUDGET INFORMATION**  
**NON-CONSTRUCTION PROGRAMS**

OMB Control Number: 1894-0008

Expiration Date: 02/28/2011

Name of Institution/Organization:  
 District of Columbia, Office of ...

Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

**SECTION B - BUDGET SUMMARY**  
**NON-FEDERAL FUNDS**

Budget Categories	Project Year 1(a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
2. Fringe Benefits	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
3. Travel	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
4. Equipment	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
5. Supplies	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
6. Contractual	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
7. Construction	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
8. Other	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
9. Total Direct Costs (lines 1-8)	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
10. Indirect Costs	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
11. Training Stipends	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
12. Total Costs (lines 9-11)	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0

## ASSURANCES - NON-CONSTRUCTION PROGRAMS

Standard Form 424B (Rev.7-97)

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

**NOTE:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. "4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. "1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. '794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. "276a to 276a-7), the Copeland Act (40 U.S.C. '276c and 18 U.S.C. "874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. " 327-333), regarding labor standards for federally assisted construction sub-agreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. "1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. "7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. "1721 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance

of 1975, as amended (42 U.S.C. " 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) " 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. " 290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. ' 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. "1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. '470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. "469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. "2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. "4801 et seq.) which prohibits the use of lead- based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

**Signature of Authorized Certifying Representative:**

**Name of Authorized Certifying Representative:** Kerri Briggs, Ph.D

**Title:** State Superintendent

**Date Submitted:** 05/06/2010

### Disclosure of Lobbying Activities

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

<b>1. Type of Federal Action:</b> <input type="checkbox"/> Contract <input checked="" type="checkbox"/> Grant <input type="checkbox"/> Cooperative Agreement <input type="checkbox"/> Loan <input type="checkbox"/> Loan Guarantee <input type="checkbox"/> Loan Insurance	<b>2. Status of Federal Action:</b> <input checked="" type="checkbox"/> Bid/Offer/Application <input type="checkbox"/> Initial Award <input type="checkbox"/> Post-Award	<b>3. Report Type:</b> <input checked="" type="checkbox"/> Initial Filing <input type="checkbox"/> Material Change <b>For Material Change only:</b> Year: 0Quarter: 0 Date of Last Report:
<b>4. Name and Address of Reporting Entity:</b> <input checked="" type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier, if known: 0 Name: Ofc. of the State Superintendent of Ed. Address: 810 First Street, NE, 9th Floor City: Washington State: DC Zip Code + 4: 20002-	<b>5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:</b> Name: Address: City: State: Zip Code + 4: -  <b>Congressional District, if known:</b>	
<b>6. Federal Department/Agency:</b> U.S. Department of Education	<b>7. Federal Program Name/Description:</b> Charter Schools Program  CFDA Number, if applicable: 84.282A	
<b>8. Federal Action Number, if known:</b> ED-GRANTS-032310-002	<b>9. Award Amount, if known:</b> \$0	
<b>10. a. Name of Lobbying Registrant</b> (if individual, last name, first name, MI): N/A Address: City: State: Zip Code + 4: -	<b>b. Individuals Performing Services</b> (including address if different from No. 10a) (last name, first name, MI): N/A Address: City: State: Zip Code + 4: -	
<b>11.</b> Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.	Name: Kerri Briggs, Ph.D Title: State Superintendent Applicant: District of Columbia, Office of the State Superintendent of Education Date: 05/07/2010	
<b>Federal Use Only:</b>	Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)	

## CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements.

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal Loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance.

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee or any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

### APPLICANT'S ORGANIZATION

District of Columbia, Office of the State Superintendent  
of Education

### PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE

Prefix: Ms.      First Name: Kerri      Middle Name:  
Last Name: Briggs      Suffix: Ph.D  
Title: State Superintendent

Signature: \_\_\_\_\_ Date: 05/07/2010

ED 80-0013

03/04

## Section 427 of GEPA

### NOTICE TO ALL APPLICANTS

The purpose of this enclosure is to inform you about a new provision in the Department of Education's General Education Provisions Act (GEPA) that applies to applicants for new grant awards under Department programs. This provision is Section 427 of GEPA, enacted as part of the Improving America's Schools Act of 1994 (Public Law (P. L.) 103-382).

#### **To Whom Does This Provision Apply?**

Section 427 of GEPA affects applicants for new grant awards under this program. **ALL APPLICANTS FOR NEW AWARDS MUST INCLUDE INFORMATION IN THEIR APPLICATIONS TO ADDRESS THIS NEW PROVISION IN ORDER TO RECEIVE FUNDING UNDER THIS PROGRAM.**

(If this program is a State-formula grant program, a State needs to provide this description only for projects or activities that it carries out with funds reserved for State-level uses. In addition, local school districts or other eligible applicants that apply to the State for funding need to provide this description in their applications to the State for funding. The State would be responsible for ensuring that the school district or other local entity has submitted a sufficient section 427 statement as described below.)

#### **What Does This Provision Require?**

Section 427 requires each applicant for funds (other than an individual person) to include in its application a description of the steps the applicant proposes to take to ensure equitable access to, and participation in, its Federally-assisted program for students, teachers, and other program beneficiaries with special needs. This provision allows applicants discretion in developing the required description. The statute highlights six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, or age. Based on local circumstances, you should determine whether these or other barriers may prevent your students, teachers, etc. from such access or participation in, the Federally-funded project or activity. The description in your application of steps to be taken to overcome these barriers need not be lengthy; you may provide a clear and succinct

description of how you plan to address those barriers that are applicable to your circumstances. In addition, the information may be provided in a single narrative, or, if appropriate, may be discussed in connection with related topics in the application.

Section 427 is not intended to duplicate the requirements of civil rights statutes, but rather to ensure that, in designing their projects, applicants for Federal funds address equity concerns that may affect the ability of certain potential beneficiaries to fully participate in the project and to achieve to high standards. Consistent with program requirements and its approved application, an applicant may use the Federal funds awarded to it to eliminate barriers it identifies.

#### **What are Examples of How an Applicant Might Satisfy the Requirement of This Provision?**

The following examples may help illustrate how an applicant may comply with Section 427.

- (1) An applicant that proposes to carry out an adult literacy project serving, among others, adults with limited English proficiency, might describe in its application how it intends to distribute a brochure about the proposed project to such potential participants in their native language.
- (2) An applicant that proposes to develop instructional materials for classroom use might describe how it will make the materials available on audio tape or in braille for students who are blind.
- (3) An applicant that proposes to carry out a model science program for secondary students and is concerned that girls may be less likely than boys to enroll in the course, might indicate how it intends to conduct "outreach" efforts to girls, to encourage their enrollment.

We recognize that many applicants may already be implementing effective steps to ensure equity of access and participation in their grant programs, and we appreciate your cooperation in responding to the requirements of this provision.

### **Estimated Burden Statement for GEPA Requirements**

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is **1894-0005**. The time required to complete this information collection is estimated to average 1.5 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202-4537.

Applicants should use this section to address the GEPA provision.

**Attachment:**

Title : OSSE\_VB\_GEPA

File : C:\fakepath\OSSE\_VB\_GEPA.pdf

## District of Columbia Charter Schools Program

### GEPA

This provision is Section 427 of the Department of Education's General Education Provisions Act (GEPA), enacted as part of the Improving America's Schools Act of 1994 (Public Law 103-382).

The Office of the State Superintendent of Education (OSSE) does not discriminate in its programs and activities on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business. Discrimination will not be tolerated, and persons engaging in such will be subjected to disciplinary action.

In the Charter Schools Program, OSSE will ensure equitable access to, and participation in, this program. OSSE will make every reasonable attempt that all public charter schools applying for CSP funds include in the Request for Applications (RFA) the applicable GEPA requirements.

Additionally, OSSE will request an assurance from each applicant for their specific plan to meet the compliance requirements of GEPA.

**SUPPLEMENTAL INFORMATION  
REQUIRED FOR  
DEPARTMENT OF EDUCATION GRANTS**

**1. Project Director:**

Prefix: \* First Name: Middle Name: \* Last Name: Suffix:  
Mr. Stefan Huh

Address:

\* Street1: 810 First Street, NE  
Street2: 9th Floor  
\* City: Washington  
County:  
\* State: DC\* Zip / Postal Code: 20002 \* Country: USA

\* Phone Number (give area code) (202)724-7803 Fax Number (give area code) (202)727-2019

Email Address:

STEFAN.HUH@DC.GOV

**2. Applicant Experience**

Novice Applicant  Yes  No  Not applicable

**3. Human Subjects Research**

Are any research activities involving human subjects planned at any time during the proposed project period?

Yes  No

Are ALL the research activities proposed designated to be exempt from the regulations?

Yes Provide Exemption(s) #:

No Provide Assurance #, if available:

**Please attach an explanation Narrative:**

**Attachment:**

Title :  
File :

# Project Narrative

## Abstract Attachment Form

Attachment 1:

Title: **OSSE\_VB\_Abstract** Pages: **1** Uploaded File: **OSSE\_VB\_Abstract.pdf**

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Public charter schools in the District of Columbia educate 38 percent of public schools children. The first public charter schools in the District of Columbia enrolled 160 students in 1996. Today, approximately 28,000 students are enrolled at 99 public charter school campuses. The growth of public charter schools in the District of Columbia has helped improve student achievement, provide quality public school options for parents, establish innovative educational practices, measure student and school performance, and allow parents the opportunity to be meaningfully involved in their child's education.

The purpose of this grant is multifaceted and relates to the sustained effort that the District of Columbia places on the development and support of high-quality public schools. The project objectives of this grant are to: (1) increase the number of high-quality public charter schools in the District of Columbia; (2) improve academic achievement of public charter school students; (3) promote the dissemination of effective practices from public charter schools that have demonstrated success in increasing student achievement among public charter schools and other public schools; and (4) support public charter schools to be operationally sound for long-term sustainability and effective stewards of public resources. The ultimate outcome of these project objectives is to increase student achievement through high-quality public charter schools.

OSSE is requesting a waiver to extend the grant period from three to five years to provide flexibility in accomplishing the project objectives. OSSE is requesting approximately \$3 million for each year of the five year grant period, for a total amount of almost \$17 million. These funds will enable OSSE to meet or exceed each of the four enumerated project objectives.

# Project Narrative

## Application Narrative Attachment Form

Attachment 1:

Title: **OSSE\_VB\_Final Narrative** Pages: **60** Uploaded File: **OSSE\_VB\_Final Narrative.pdf**

## Preference Priorities

### (1) Periodic Review and Evaluation.

Public charter schools must report to the District of Columbia Public Charter School Board (PCSB), whose board members are recommended by the U.S. Secretary of Education and appointed by the Mayor of Washington, DC. The public charter schools authorized by the PCSB are independent of the District of Columbia Public Schools (DCPS) and the District of Columbia government. The District of Columbia School Reform Act of 1995 (Act), codified in the District of Columbia Official Code § 38-1800 et seq. (DC Code), specifies that public charter schools are exempt from any statutes, policies, rules, and regulations established for DCPS by any District governmental entity.

Public charter schools in the District of Columbia (DC) are subject to rigorous evaluation mandated by the Act and fulfilled by the PCSB. This oversight is provided under DC Code § 38-1802.11(a)(1). The PCSB conducts periodic and annual reviews. The PCSB also conducts a high stakes review every five years and a fifteen year review to determine whether to renew or non-renew a public charter school's charter. The monitoring of public charter schools performed by the PCSB helps to ensure that public school students in DC attend high-quality schools.

The PCSB is the sole authorizer in DC. Under DC Code § 38-1800.02(17)(c) the District of Columbia Council, however, may enact a bill authorizing additional eligible authorizing entities. With the PCSB serving as the sole authorizer in DC, public charter schools have a clear understanding of the reporting requirements established under the Act as overseen the PCSB. Relationships between the PCSB and the Office of the State Superintendent of Education (OSSE) also exist to assist in the oversight mandated by the Elementary and Secondary

Education Act of 1965, as amended by the No Child Left Behind Act (NCLB) related to Annual Yearly Progress (AYP).

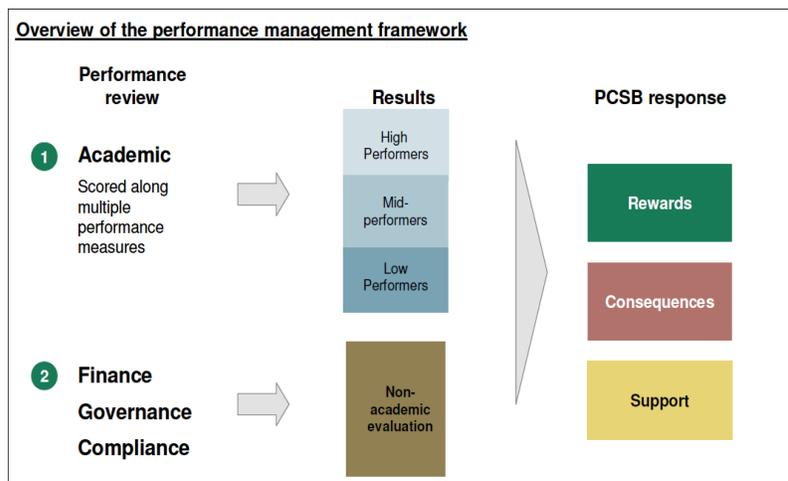
DC Code § 38-1802.04(c)(11)(A) provides that “[a] public charter school shall submit an annual report to the eligible chartering authority that approved the charter.” Under DC Code § 38-1802.04(c)(11)(B)(i-xi), there are eleven elements that public charter schools are responsible for reporting to the authorizer. These eleven elements are complemented by the PCSB’s monitoring activities. Under the authority of the PCSB, charter schools are accountable for demonstrating high performance in accordance with the school’s Accountability Plan, and the PCSB’s performance standards outlined in the Charter Review Framework. As such, the PCSB conducts on-going monitoring and programmatic oversight, including:

- Self Study – This is conducted in the schools’ first year of operation to assess the status and quality of program implementation. The purpose is to examine the extent to which the major programs of the school during its first year of operation are in place and working as they were described in the original/revised charter application.
- Program Development Review – This examines the schools’ academic and organizational performance status in relation to the PCSB’s Charter Review and Performance Management Frameworks, the school’s Mission Accomplishment Plan, and Accountability Plan. This review assesses the academic, non-academic, and organizational performance of charter schools in operation for two or more years. The reviews also include an evaluation of how well schools are implementing their special education (inclusion or resource) programs.
- School Improvement Implementation Reviews (for NCLB) - Schools that have been identified as “in need of improvement” for failing to make AYP for two or more consecutive

years develop a School Improvement Plan. Schools that fail to make AYP for five consecutive years are “identified for restructuring” and must create a restructuring plan.

- Performance Management Framework - The PCSB implemented in SY 2009-2010 a new accountability system, the Performance Management Framework (PMF). The PMF is based on a set of standard measures for each school. Results of the review will be publicly available and will provide schools, parents, and the community with a better understanding of public charter schools’ academic, fiscal, and governance health.

The PMF is divided into the academic elements directly related to student outcomes and the non-academic elements of school performance, which include finance, governance, and compliance. Mission-specific measures are included in the academic component of the PMF to hold schools accountable for the most important elements of the school mission and to provide a more holistic view of school performance. For every school in the PCSB portfolio, one fifth of the academic framework is reserved for 2-4 “mission-specific” measures, where schools must provide evidence that they are implementing the unique school mission stated in their charter applications.



To ensure consistency throughout the review process for all public charter schools/campuses, the PCSB developed Program Development Review protocols that support an evidence-based process. Multiple sources of evidence are utilized to determine how well a school's practices and operations are working. Multiple sources include Document Review, Classroom Observations, Guided Interview Questions, and the Program Development Review Rubric. These review protocols are intended to promote common evaluations of school performance.

The PDR Rubric was developed as an evaluation tool to assess each charter school's academic and organizational performance. The rubric is divided into five sections: 1) Curriculum and Standards, 2) Instruction, 3) Assessment, 4) School Climate, and 5) Governance and Management. The rubric is also divided into five performance level ratings, and below each rating is a description of typical school performance associated with that performance level.

Reviewers work independently and collectively to make a final assessment of the school's performance using the rubric. Reviewers rate a school in each subheading section according to the performance levels, exemplary, high, satisfactory, limited, or inadequate. Identified strengths and areas needing attention are noted.

A select team of external reviewers join PCSB staff over a two-day period at the school. The evidence collection begins with the review of the school's annual report, past PDR reports, and accountability plan performance summary. Evidence collection continues through additional document reviews, class observations, and interviews with school stakeholders, including school administrators, teachers, students, parents, and members of the school's board of trustees. The team triangulates data from the classroom observations, interviews, and school documents to generate a final report. The report contains comments in each of the five sections—Curriculum and Standards, Instruction, Assessment, School Climate, and Governance and Management -

with identified strengths, areas needing attention, and proposed strategies to promote student achievement, and, wherever possible, list potential sources for technical assistance.

In summary, the PCSB has created a nationally renowned model of school accountability. The PCSB's monitoring of every public charter school guarantees its academic achievement, managerial competence, and financial health. One in four public charter schools has lost its charter following an unsatisfactory review.

(2) **Number of High-Quality Charter Schools.**

Unequivocally, DC aims to become the nation's first urban education system to fully eliminate the achievement gap. In addition to targeting overall student achievement, DC has focused efforts on two relevant achievement gaps: the minority achievement gap and the poverty achievement gap. The black/Hispanic-white achievement gap, the starkest in DC, has closed considerably over the past four years, with goals to close the gap by an additional 20 percentage points over the next four years. Additionally, DC plans to close the achievement gap between low-income and non-low-income students by a minimum of 3.5 percentage points per year. DC public charter schools have already closed the citywide student achievement gap between black and white students by 25 percent in three years.

DC has embraced NCLB as an opportunity to focus schools and teachers on addressing student needs based on data and to illuminate the existence of achievement gaps between subgroups. Historically, overall achievement gains have been accompanied by the closing of most subgroup achievement gaps. DC was the only jurisdiction in the country to see gains for fourth graders in every NAEP subgroup – male, female, white, black, Hispanic, special education, free and reduced priced lunch, and English Language Learners (ELL) – between 2007 and 2009. Moreover, DC low-income and Hispanic fourth grade students lead the nation in

gains. In 2009, virtually every subgroup across the state increased DC-CAS proficiency rates. Special Education students, ELLs, and Economically Disadvantaged students made the most dramatic gains on this statewide assessment.

***Ethnicity:*** Over the past four years, Hispanic fourth graders have closed the NAEP achievement gap by 8 scale points for math. Hispanic eighth graders increased 13 scale points in math, closing the achievement gap with their national urban and suburban peers, and placing Hispanic eighth graders only one point below their peer group's national average. On the DC-CAS, the gap for reading has decreased by 6 percentage points while the gap for math decreased by 16 percentage points since 2006.

***Students with special needs:*** Although NAEP and DC-CAS scores for students with special needs have increased over the past four years, DC has witnessed an increase in the special education achievement gap in recent years. Since 2006, the gap for reading (5 percentage points) and math (11 percentage points) have increased on the DC-CAS. Closing this gap is a high priority for DC.

***English Language Learners:*** DC lacks the appropriate sample size to calculate the achievement gap for ELL on NAEP. On DC-CAS, however, ELL students are performing remarkably well. Virtually no achievement gap exists in reading, while ELLs actually outperformed the state math average by nine percentage points in 2009.

***Economically Disadvantaged Students:*** DC's low-income students have shown strong gains over the past three years, but the proficiency growth of non-low-income students has surpassed that of low-income students. On the DC-CAS, the achievement gap increased by four percentage points for reading and two percentage points for math from 2006-2009. Although both groups

improved on the NAEP from 2005 to 2009, the 4th grade math achievement gap widened by eight points and the 8th grade math achievement gap widened by five points.

**Gender:** The gender gap on NAEP is three points in 4th and 8th grade math and six and ten points, respectively, in 4th and 8th grade reading, with females outperforming males. On the DC-CAS, the gender gap is approximately eleven percentage points statewide in reading and approximately four percentage points in math.

Led by OSSE, DC has adopted new, more challenging learning standards designed to encourage the highest achievement of every student, by defining the knowledge, concepts, and skills that students should acquire at each grade level. The new learning standards in reading/English Language Arts (ELA), mathematics, physical education, health, and the arts are among the best in the nation. The DC-CAS was administered to students in grades 3–8 and 10 in the spring of 2009 to assess students' skills in reading and mathematics; grades 5 and 8 in science; grade 10 in biology; and grades 4, 7, and 10 in composition. The DC-CAS tests are designed to measure proficiency in reading, mathematics, science, biology, and composition with the goal of measuring AYP as the program continues from year to year. (Composition is not included in AYP calculations.) DC public charter schools are only required to meet the reading/ELA and mathematics standards in grades 3 through 8 and grade 10. All tenth graders are also required to fulfill the standards for biology. A number of public charter schools do follow the physical education, health, arts, and other State standards, but are not required to do so under the Act. The PCSB requires charters, however, to adopt DC standards or have standards that meet or exceed DC standards for subjects tested by the DC-CAS.

As indicated above, the PCSB implemented the PMF in SY 2009-10. Although the PMF includes measuring student performance on the DC-CAS, the PMF provides a more rigorous

evaluation than required by NCLB. The PCSB performance management is divided into the academic elements directly related to student outcomes and the non-academic elements of school performance, which include finance, governance, and compliance. For both academics and non-academics, the PCSB has adopted a three step process of performance management: (1) a review of school performance, (2) an analysis of reported results, and (3) the PCSB response to findings.

Each year, the PCSB will evaluate academic performance for each of its schools. The overall assessment will determine whether a school is designated a high-performer, mid-performer, or low-performer. These designations will determine whether schools receive rewards or face consequences from the PCSB. Targeted support will also be directed to those schools identified to be most in need of additional services.

The framework also includes an evaluation of a school's performance on non-academic areas such as financial health, school governance, and compliance. Each year, all schools will receive an initial evaluation of their performance in these areas, with a select set of poor performers receiving additional "deep dive" reviews. As a result of these additional reviews, schools may receive targeted support, or a set of recommendations to improve their performance within non-academic areas.

Several versions of the academic scoring framework have been created to tailor performance evaluations to the different grades and specialties served by PCSB schools. These correspond to the "standard" grade ranges of elementary (K-5), middle (6-8), and high school (9-12), as well as "non-standard" programs such as adult education or early childhood. One campus may receive multiple academic reviews if that school crosses multiple grade-spans. For example a school with grades K-8 would receive a review of its K-5 students and a separate review of its 6-8 students. Elementary schools that also include PS or PK students would receive a separate

assessment of their early childhood program. The five core indicators apply to every framework; however, within them the choice of measures and the balance of weights will differ.

The elementary and middle school frameworks are designed to place an equal emphasis on student progress and student achievement level. Gateway measures are designed to capture key subject area mastery, literacy at the elementary school level and math at the middle school level. The gateway indicator receives a relatively lower weighting because they are based upon a single grade and subject area.

The high school framework applies to all schools with any grades in the 9th through 12th grade range other than those serving students with severe special needs. Compared to the elementary and middle school frameworks, the high school framework places less emphasis on student progress and student achievement. This is largely due to the fact that both of these indicators are comprised of measures based on the DC-CAS, and at the high school level, only the 10th grade is tested. The balance is also more heavily weighted on achievement than progress, which reflects the fact that, at the high school level, students have neared the end of their public school tenure, and the rate of progress is less important than the overall level that has been reached. Similarly, the high school framework places more emphasis on gateway and post-secondary measures that are indicators of overall preparation for college and work-force readiness. Finally, leading indicators are somewhat increased due to weight shifted away from measures based solely on the DC-CAS.

The early childhood framework places less emphasis on student progress than on overall achievement level. This is based on the belief that students at the earliest stages of their education should not face deficits based on cumulative poor performance. Therefore, all students at these lower grades should be held to a common standard of achievement. Similarly, the

gateway measures have been increased to correspond to critical markers of readiness as students move into the elementary grades. Leading indicators have been decreased, in part due to the fact that attendance in preschool and pre-kindergarten is not mandatory and in part based on the fact that re-enrollment decisions for these ages are influenced by factors beyond a school's control.

In their first year of operations, new schools will be held to a modified academic review. Data will be collected on all measures, where available, but only performance in student achievement and attendance will trigger potential consequences. If a school is performing at the tier III level within these individual measures, then PCSB staff will have the discretion to place the school on Charter Warning and recommend board action. Schools will also be expected to begin developing mission specific measures during their planning year. By finalizing these measures in advance, they will be able to begin collecting data in their first year to establish a baseline of performance.

For schools administering the DC-CAS, student achievement will be based on the common measures of Proficient and Advanced in reading and math. For schools that do not administer the DC-CAS, then an alternative norm-referenced standardized assessment must be designated in the school performance plan during the planning year to be used for the achievement measure.

Beginning in their second year, new schools will be held to the same performance standards as existing schools. The growth measure will be based upon two years of data only, and the graduation rate will be modified according to OSSE guidelines, both school-wide and for the lowest third measure.

Although, OSSE and the PCSB provide instruments that promote high quality public schools in DC, other entities such as Friends of Choice in Urban Schools (FOCUS) help to ensure that quality charter petitions are submitted to the PCSB and to provide support for newly approved

public charter schools during their planning year. FOCUS offers a wide range of training and support to both new and established DC public charter schools, including comprehensive performance management services designed to help schools use data to improve teaching.

The FOCUS Charter School Design and Development Program provides support and instruction for aspiring charter school founding groups to write a successful petition for a public charter school. Each year, FOCUS partners with selected charter school founding groups to help them design their schools, prepare their charter school petitions and successfully navigate the post-approval startup year. FOCUS's essential work establishing quality charter school applicants helps establish a pipeline of high-quality charter schools. The Charter School Design and Development Program (SD&D) has a 75 percent success rate of charter school application approval for founding groups who enroll in this program. Only about 4 percent of founding groups who do not attend the SD&D program and submit their charter school application to the PCSB are successful.

The work done by FOCUS in assisting founding groups develop successful charter school applications, complemented by the Steep Learning Curve program during the first 18 months of the public charter school's existence will be measured by FOCUS's newly created School Quality Database (SQD). The SQD is an interactive tool designed to measure school quality beyond AYP status. The SQD is initially based on the DC-CAS and will enable parents and policy-makers to make informed decisions about DC public schools. As the SQD grows, FOCUS will be able to add data released by OSSE, the PCSB, and NAEP to provide a more complete analysis of each public school in DC. The SQD will allow parents and policy-makers to make school-by-school comparisons to be considered with other factors.

FOCUS is providing real supports to encourage high quality public school options to the resident of DC, and has been supported by OSSE by the awarding of competitive grants to pursue their objectives. OSSE is committed to supporting high quality, high performing organizations such as PCSB and FOCUS in its vision to provide all DC residents an excellent education. The Office of Public Charter School Financing and Support (OPCSFS) through OSSE has supported other educational organizations committed to utilizing effective practices to close the achievement gap and to provide high quality schools for all public school students. Two such organizations are Fight For Children and New Leaders for New Schools.

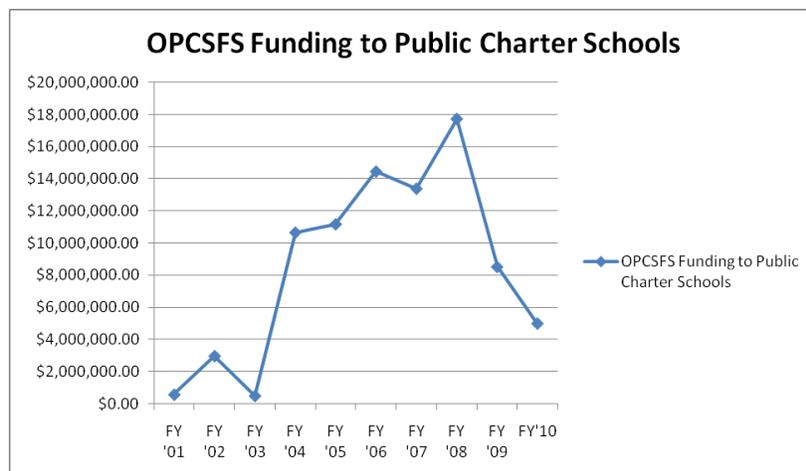
Fight For Children's Quality Schools Initiative aims to identify and share best practices across all schools in DC in order to encourage replication of successful programs and techniques. The project specifically focuses on building capacity among the leadership at ten DC public charter schools to ensure instruction at their school is aligned to DC's rigorous content standards, one of the key best practices Fight For Children identified as part of its Quality Schools Initiative. Fight For Children collaborated with StandardsWork to execute this project. Over the past three years, Fight For Children, with the support of OSSE, has awarded over \$300,000 to four different academically high performing public charter schools.

New Leaders for New Schools was awarded a competitive grant by OSSE to provide innovative initiatives which expand the pipeline of quality leaders for District of Columbia public charter schools. New Leaders for New Schools is working to implement a high quality, research-based, and data-driven school leadership development program designed to prepare school leadership candidates for the challenges of leadership in DC public charter schools. New Leaders for New Schools has recruited, developed, and promoted the talent and skills necessary to facilitate school change and the management needed to improve the development of high

performing public charter schools in the District of Columbia. By awarding the Charter School Leadership Development grant, OSSE expects to see substantial student achievement in the schools where New Leaders for New Schools are operating as well as progress regarding leadership.

The DC Association of Chartered Public Schools (DCACPS) has also assisted public charter schools by, most recently, establishing the DCACPS Principal Assessment Center in partnership with the PCSB and the National Association of Secondary School Principal through the Quality Schools Improvement Grant awarded by OSSE through the OPCSFS. The purpose of the DCACPS Principal Assessment Center to assist newly established charter schools in assessing the skills of principal candidates to verify their readiness to serve in that capacity and to determine professional development needs of principals and aspiring principals.

The support for public charter schools and the organizations that have demonstrated effective practices to improve student achievement at public charter schools have received substantial support from OSSE. To allow public charter schools to focus on programs that will assist in improving student achievement, OSSE also provides significant facilities support. The OPCSFS supports public charter school facility projects that create appropriate, safe, and economically efficient environments for the provision of high-quality public education.



The Direct Loan and Credit Enhancement program are the two largest programs operated by OPCSFS to assist public charter schools to secure a high quality facility conducive to supporting an excellent education. The Direct Loan and Credit Enhancement program is available as “gap financing” for public charter school facility projects which are primarily supported by leveraging the Facilities Allowance to secure private financing and other sources. The Direct Loan Fund for Charter School Improvement provides flexible loan capital for the construction, purchase, renovation and maintenance of charter school facilities. Loans are capped at \$2 million per school, with interest rates and terms varying by project. These loans are frequently used in conjunction with senior debt in larger projects and may function as gap financing in transactions where little equity is available. To date, the fund has provided close to \$23 million in loans to 18 charter schools. The Credit Enhancement Fund provides enhanced credit, lease guarantees, and access to financial assistance to eligible public charter schools for the acquisition, renovation, and/or construction of school facilities. Since inception, the Credit Enhancement Fund has provided over \$17 million of support and has leveraged over \$150 million additional funding for District of Columbia Public Charter School facilities.

A competitive grant that serves as an equity grant to construct or improve high quality facilities is the City Build Incentive Grant (City Build). The aim of City Build stretches beyond excellence in academics; it is a focus on encouraging community development, promoting strategic neighborhoods, attracting and retaining residents, and creating partnerships between public charter schools and community organizations. OSSE encourages public charter schools to define the neighborhood they are targeting by considering the impact they will have on the community in which they are located or seeking to locate. Since 2005, 28 public charter school campuses have received a City Build grant totaling almost \$20 million dollars.

The OPCSEFS created the Public Facility Financing Grant to ensure that DC public charter school students and families are provided with suitable learning environments to support academic success; expand quality early childhood education public charter school options, especially for low-income students; provide and support quality public charter school options to all students; and invest public resources in neighborhoods in greatest need for quality educational facilities and with the greatest hope of attracting and retaining residents. Public Facility Financing Grant funds must be spent to improve District of Columbia owned facilities occupied by public charter schools. To date, approximately \$6.5 million dollars have been awarded to benefit 22 public schools (traditional and charter) in 16 DCPS owned facilities.

The Incubator Initiative provides new public charter schools affordable, quality, turn-key, temporary space enabling schools to focus on operations and curriculum by shielding from facilities related issues. The Incubator Initiative is dedicated to securing and financing facilities for new public charter schools serving communities and schools in need (student populations for which at least 50 percent are eligible for free and reduced price lunch). Building Hope and OSSE created a separate 501(c)(3) entity for this public-private partnership, the Charter School Incubator Initiative (CSII), to lease sites which are renovated and subleased to new public charter schools. The CSII has secured six incubator sites and served twelve schools since inception.

(3) **One Authorized Public Chartering Agency Other than a Local Educational Agency (LEA), or an Appeals Process.**

The Act requires a public charter school to be authorized by an “eligible chartering authority” (DC Code § 38-1800.02(17)). The Act established two authorizers, the District of Columbia Board of Education (BOE) and the PCSB. The BOE, however, is now defunct, and in 2007 the PCSB assumed oversight of all DC public charter schools. The Act does provide for the District

of Columbia Council (Council) to establish additional authorizers (DC Code § 38-1800.02(17)(c)). The Council may establish additional authorizers, but the Council, a government entity, or an employee of the DC government shall not “make, participate in making, or intervene in the making of, the decision to approve or deny” a public charter school petition (DC Code § 38-1802.03(j)(1)). Although the Council may create additional authorizers, the Council, as well as other DC government agencies and DC employees, has little to no oversight of an authorizer or a public charter school in DC.

The National Association for Charter School Authorizers recognized the PCSB with the Award for Excellence for Improving Practice in Authorizing. The PCSB was recognized for outstanding practice as an authorizer. The PCSB was recognized for continuous improvement, its dutiful and fair-minded approach to integrating 18 former DC Board of Education charter schools under PCSB authority and their decision to authorize former Catholic schools, based on the merit of the application. Also, the executive director of the PCSB was named to the National Public Charter Schools Hall of Fame.

(4) **High Degree of Autonomy.**

Public charter schools in DC are highly autonomous. This is acknowledged by the Center for Education Reform (CER) and the National Alliance for Public Charter Schools (Alliance). The CER ranked the Act as the best public charter school law in the country in their 2010 “Charter School Laws Across the States” (<http://www.charterschoolresearch.com/laws/district-of-columbia.htm>) and the Act is rated by the Alliance as the second best charter law in the country when compared to their “New Model Public Charter School Law” (<http://www.publiccharters.org/charterlaws/state/DC>).

The Act provides public charter schools a high degree of autonomy from District government and District of Columbia Public Schools, creates a separate accountability and reporting system overseen by the authorizer, and protects public charter schools and the charter authorizer from legislative or regulatory incursions into their autonomy. Public charter schools in DC are nonprofit corporations. As such, financial accountability is the responsibility of the board of trustees and not another governmental agency or local educational agency (LEA), thus augmenting the autonomy of public charter schools in DC. DC Code § 38-1800(10)(B) and (12)(B) exempt public charter schools from the definitions of “District of Columbia Government” and “District of Columbia public school”. This independence affords public charter schools the opportunity to operate without excessive bureaucratic entanglement that may lead to the delay of providing effective practices to improve student achievement. DC Code § 38-1802.04(c)(3)(B) exempts charter schools from “District of Columbia statutes, policies, rules, and regulations established for the District of Columbia public schools by the Superintendent, Board of Education, Mayor, [and] District of Columbia Council” except as otherwise provided by the Act. Exempting public charter schools from existing “statutes, policies, rules, and regulations” enables public charter schools to be innovative in their educational and operational practices, while increasing their accountability to students, parents, and the community in which public charter schools are located.

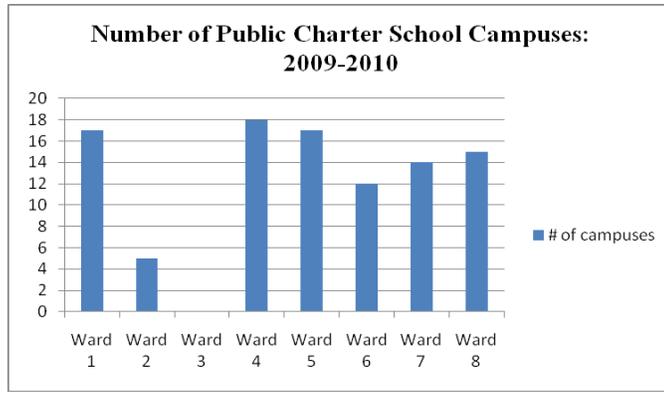
DC public charter schools also have exclusive control over their “expenditures, administration, personnel, and instructional methods” (DC Code § 38-1802.04(c)(3)(A)). An application for a charter school shall include “an operating budget for the first 2 years of the proposed school based on anticipated enrollment” (DC Code § 38-1802.02(6)). Resources are allocated in the budget at the direction and discretion of the applicant and upon approval by the

authorizer will be adopted by the public charter school's board of trustees. While each public charter school has a high degree of autonomy over the charter school's budgets and expenditures, accountability is maintained. The charter application requires "a description of the method for conducting annual audits of the financial, administrative, and programmatic operations of the school" (DC Code § 38-1802.02(6)(a)). Once a charter application is approved by the authorizer, each public charter school is required to annually submit a detailed report that includes an audited financial statement to its authorizer (DC Code § 38-1802.04(c)(11)).

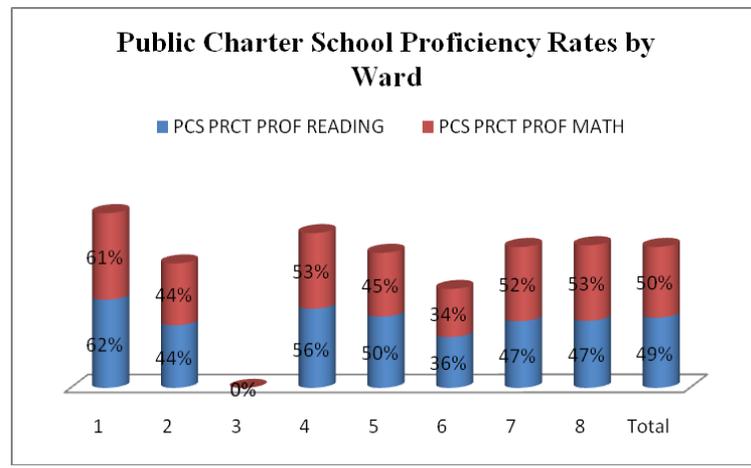
The Uniform Per Student Funding Formula (UPSFF) is used to determine annual operating funding for DC's traditional and public charter schools. DC also provides facilities funding for the public charter schools at a rate of \$2,800 per student, the highest rate in the country. The UPSFF ensures that every District of Columbia public school student is funded at the same level, regardless of that student's choice of public school. The funding flows directly from the District of Columbia's Office of the Chief Financial Officer to both the traditional and public charter schools, thus further increasing both autonomy and accountability of public charter schools.

### **High-Quality Charter Schools in Urban or Rural Areas.**

The District of Columbia best satisfies requirement three. DC is divided into eight wards, and all eight wards, except Ward 3, contain neighborhoods that meet the definition of "high-needs communities". The demographic data used to address this section is from the Urban Institute's *State of Washington, DC's Neighborhoods* report. The Urban Institute is a valuable partner to DC agencies, including OSSE.

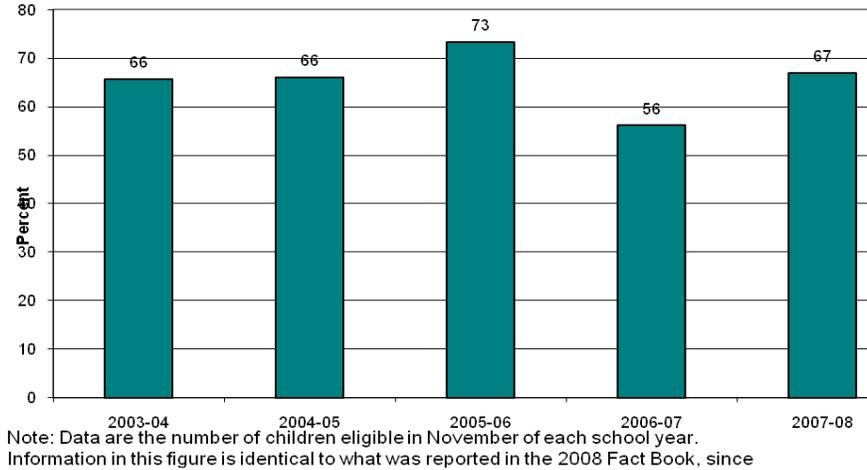


Public charter school rates of proficiency are substantial. Public charter schools in all wards (except Ward 3) have demonstrated significant academic success. The below chart illustrates the proficiency rates for reading and math for all wards where public charter schools are located. These rates of proficiency demonstrate that many DC public charter schools are high-quality public charter schools that are succeeding in helping educationally disadvantaged students in an urban setting.

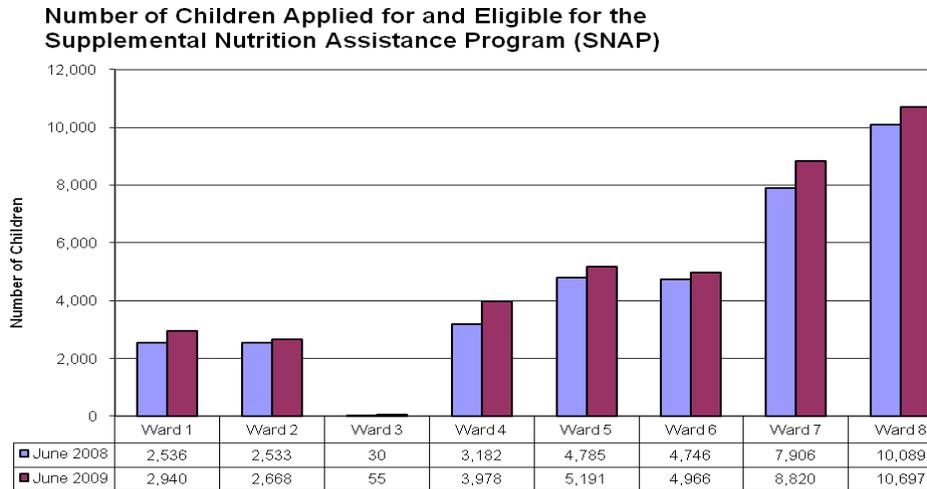


The share of public school (DCPS and public charter) students eligible for free and reduced price lunch is often used as a proxy for the share of children living in or near poverty. The share of public students eligible for free and reduced price lunch is included only for elementary and middle school students and not high school students, as the data at the high school level are considered less reliable.

**Percent of DCPS and DC Public Charter School Students Eligible for Free and Reduced Price Lunch  
School Years 2003-04 - 2007-08**

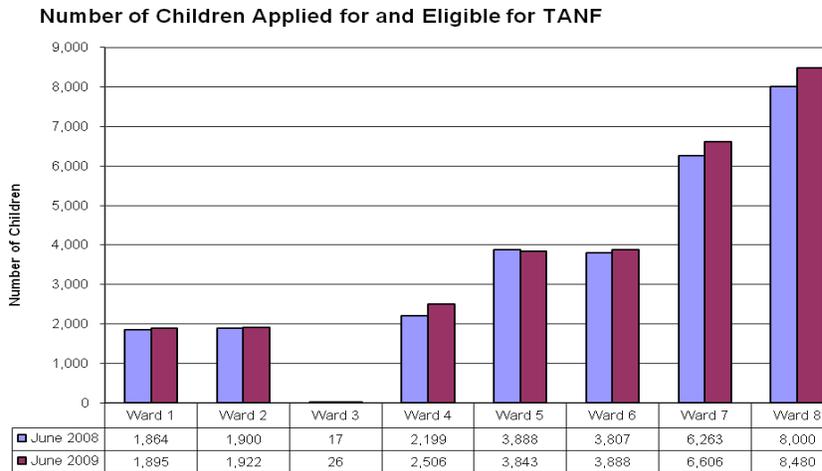


The share of DC residents participating in the Supplemental Nutrition Assistance Program (SNAP) increased from 2000 to 2005. Below is a graph highlighting the number of children that applied for and are eligible for SNAP in 2008 and 2009.



Note: Data are the number of children in June of each year. Until October 1, 2008, SNAP

Residents receiving Temporary Assistance to Needy Families (TANF) in 2008 were concentrated in Wards 7 and 8, while very few persons in Wards 1, 2, and 4 receive TANF benefits. Below is a graph indicating the number of children that applied for and are eligible for TANF in 2008 and 2009.



Note: Data are the number of children eligible in June of each year.

DC public charter schools are providing a high-quality education to 38 percent of all public school students in DC. This rate of success is occurring in an urban environment that is challenged by the myriad obstacles facing urban youth.

### **Application Requirements**

**Application Requirement (i):** The response to this requirement is addressed in Selection Criterion (i).

**Application Requirement (ii):** The response to this requirement is addressed in Selection Criterion (iii).

**Application Requirement (iii):** The response to this requirement is addressed in Selection Criterion (iii).

**Application Requirement (iv):** The response to this requirement is addressed in Selection Criterion (i).

**Application Requirement (v):** The Office of the State of Superintendent of Education will not be establishing a revolving loan fund.

**Application Requirement (vi):** As provided in section 5202(c)(1) of the Elementary and Secondary Education Act, as amended, a CSP grant “awarded to State educational agencies

under this subpart shall be for a period of not more than 3 years.” The OSSE acknowledges this provision, but seeks a waiver from this statutory requirement. Instead of a period of three years, OSSE is seeking a grant period of five years. Based on review of the historical pipeline of newly authorized schools, and discussion with the PCSB, the estimate is up to four new public charter schools in the first year of the grant and, thereafter, five new schools per year to be chartered by the PCSB within a five year grant term, for a total of 24 new public charter school LEAs. OSSE is submitting the waiver request to extend the project period beyond the typical three years given the benefit of an extended grant duration for achieving grant project objectives, and the uncertainty of the actual number of public charter school charters to be authorized.

With the intent that this waiver will be granted, the grant application has provided a budget and budget narrative for a five-year grant period. This waiver will only apply to the SEA CSP grant period. As such, if this waiver is granted, it will not change the maximum allowable three year, thirty-six month period of subgrantees as indicated in ESEA 5202(c)(2).

**Application Requirement (vii):** DC Code § 38-1802.10(a)(1)(A) provides that each public charter school shall be considered a local educational agency (LEA), and DC Code § 38-1802.10(c) provides public charter schools with the opportunity to select DCPS as the LEA for the purpose of part B of the Individuals With Disabilities Education Act (20 U.S.C. 1411 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794). Each public charter school is required to describe in their charter the services that will be provided to students with disabilities part B of the Individuals With Disabilities Education Act (20 U.S.C. 1411 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

Under local special education law, OSSE “has primary responsibility for the state-level supervisory functions for special education that are typically handled by a state department of

education or public instruction, a state board of education, a state education commission, or a state education authority” (DC Code § 38-2561.01 (7)(a)(13). The District of Columbia Municipal Regulations, Title 5, Board of Education Rules, Chapters 22, 25, 30, and 38, contain the local counterparts to the requirements of IDEA, beginning with the Free Appropriate Public Education requirement:

Title 5, subtitle E, Chapter 30 of the District of Columbia Municipal Regulations clarify the roles and responsibilities of LEA charters, OSSE, and DCPS regarding children enrolled in charter schools who are eligible for special education services. The regulations were created to ensure alignment between DC law and regulations with the intent of IDEA 2004 and related 2006 regulations that specify requirements of LEAs. Consistent with IDEA, the regulations establish clear expectations for LEA Charters and District charters.

In order to ensure compliance with all aspects of the IDEA, including but not limited to sections 613(a)(5) and 613(e)(1)(B), the authorizing entity conducts annual formal and informal monitoring visits, as well as a comprehensive monitoring, to visit classrooms, review records, interview teachers, administrators, and trustees to ascertain compliance with all charter provisions (including the special education provisions) and applicable statutes and regulations.

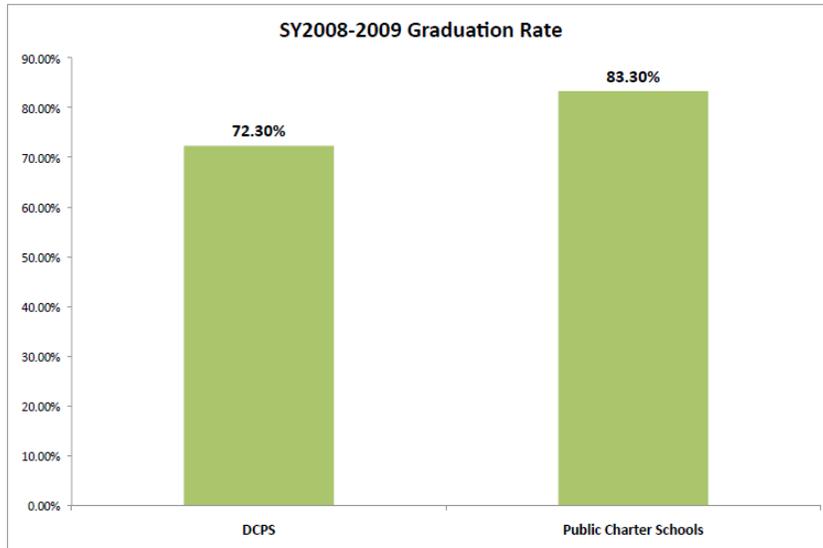
### **Selection Criteria**

- (1) **The contribution the charter schools grant program will make in assisting educationally disadvantaged and other students to achieve State academic content standards and State student academic achievement standards.**

DC Code § 38-1802.06 establishes DC’s public charter schools as open-enrollment institutions. This statutory provision explicitly prohibits public charter schools from limiting enrollment on the basis of a student's race, color, religion, national origin, language spoken,

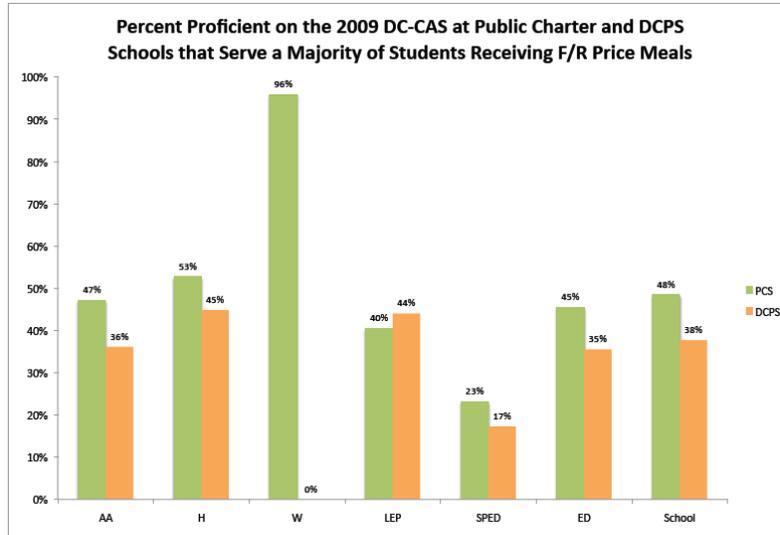
intellectual or athletic ability, measures of achievement or aptitude, or status as a student with special needs (although public charter schools may limit enrollment to specific grade levels). In cases where student applications exceed capacity, local statute requires that public charter schools use a random selection process or lottery to admit students. DC's public charter schools currently serve 88 percent African-American, 8 percent Latino(a), and 80 percent economically disadvantaged students, which reflect higher concentrations of minority and economically disadvantaged students than enrollments in DCPS schools.

Charter schools are unique public schools that foster a partnership between parents, teachers and students to create an environment in which parents can be more involved, teachers are given the freedom to innovate, and students are provided the structure they need to learn. In a survey conducted in July 2009, 74 percent of DC voters favored public charter schools. This support for public charter schools demonstrates that residents of DC approve of public charter schools due to their ability to close the achievement gap by providing an excellent education for all students who attend one of the 99 public charter school campuses in DC. Children enrolled in DC middle and high public charter schools with a majority of economically-disadvantaged students are nearly twice as likely to be proficient in reading and math as their peers in DC's traditional public schools. The high school graduation rate for DC public charter schools is higher than at traditional DC public schools, and is 8 percentage points higher than the U.S. national average.



OSSE has taken significant steps to encourage and ensure compliance with the IDEA (Individuals with Disabilities Education Act) requirements among all LEAs. Public charter schools, like DCPS, are required to provide a continuum of services and serve all students regardless of special needs. OSSE issued guidance on charter admissions practices this past year to specifically underscore an LEA’s obligation to admit students regardless of a child’s special needs and also to outline prohibited discriminatory practices.

CSP grant funds enable subgrantees to improve educational opportunities for all students, including educationally disadvantaged students. CSP funds are used to purchase instructional resources, provide professional development, and implement business systems, governance structures, and academic accountability technology. These resources have contributed greatly to the successes that are evident in DC public charter schools in helping to successfully open new schools and to support the implementation of successful teaching and instructional strategies.



The mission of OSSE is “to set high expectations, provides resources and support, and exercises accountability to ensure that all residents receive an excellent education.” The proposed project includes four major objectives that are consistent with the mission and strategic goals of OSSE. The project objectives are also aligned with the purposes of the Charter Schools Program, and support the ultimate project outcome to increase student achievement through high quality public charter schools.

Objective 1: Increase the number of high-quality public charter schools in the District of Columbia.

Funds awarded to DC through the CSP grant will provide resources to assist in the development, implementation, and expansion of high-quality public charter schools throughout DC, targeting geographic areas where there is a lack of quality public school options, public schools have been identified as in need of improvement, or both. With 38 percent of all public school students in DC attending public charter schools, it is imperative that the necessary support be allocated to increasing the number of high-quality public charter schools working to close the achievement gap in DC.

Objective 2: Improve academic achievement of District of Columbia public charter school students.

The CSP grant will assist OSSE in promoting increased student achievement in DC's public charter schools and ensuring that every student demonstrates substantial academic growth. The CSP grant is crucial in assisting DC to continue making progress in satisfying federal, state, and agency goals and objectives, with the long term outcome of increasing student achievement. The CSP grant will help increase academic achievement by assisting public charter schools to establish a teaching, leadership, and trustees corps that has benefited from effective practices utilized by quality public charter schools across the country. Receiving the necessary resources will assist in further closing the achievement gap in DC.

Objective 3: Promote the dissemination of effective practices from public charter schools that have demonstrated success in increasing student achievement among public charter schools and other public schools in the District of Columbia.

Public charter schools in DC vary in their programming focus. From a Chinese immersion school, to a school focused on the classics, to a school promoting math, science, and technology, to a myriad of comprehensive pre-K, elementary, middle, and high schools, DC public charter schools understand and meet the educational needs of public school students in DC. With a variety of innovative educational leaders and reformers, many DC public charter schools have demonstrated success over time in boosting student achievement, implementing innovative instructional programs, and involving parents and community members in the educational process. Achieving this project objective will assist public charter schools in sharing their effective practices with other public charter schools, traditional public schools, parents, and community members to increase student achievement of public school students in DC.

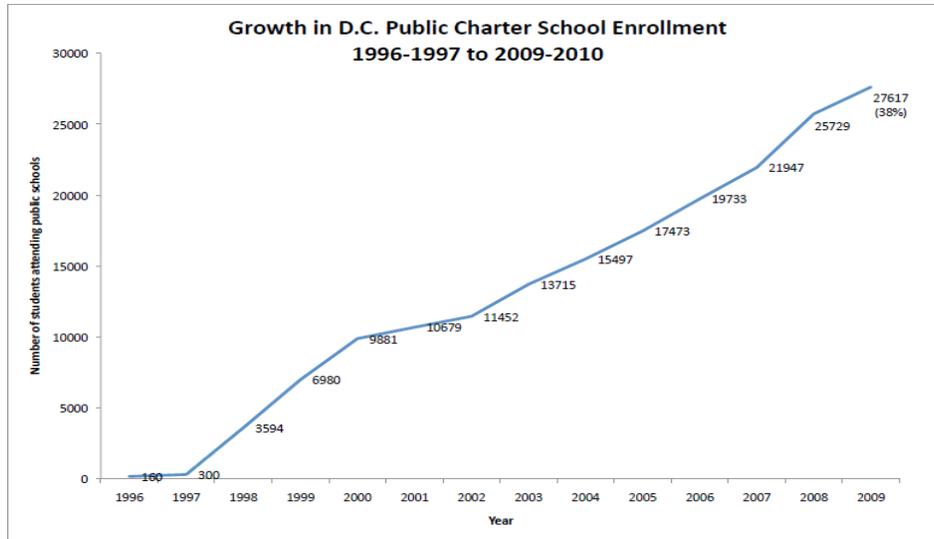
Objective 4: Support District of Columbia public charter schools to be operationally sound for long-term sustainability and effective stewards of public resources.

Sound fiscal management is an essential function in the operation of a high-quality public charter school. OSSE works closely with the PCSB, the entity responsible for fiscal oversight of DC public charter schools. With public charter schools in DC receiving a significant amount of money through grants, direct loans, or credit enhancements, OSSE has an interest and responsibility to ensure that these dollars are being used appropriately. The CSP grant will enable OSSE to further improve the financial management and performance of public charter schools by providing training and technical assistance related to financial management to all public charter schools.

(2) **The degree of flexibility afforded by the SEA to charter schools under the State's charter school law.**

Enacted by Congress for the District in 1995, the Act (codified at D.C. Official Code §38-1800 et seq.) has provided the framework for innovative and effective charter options. According to the Center for Educational Reform's publication, *Race to the Top for Charter Schools: Which States Have what it Takes to Win* (2009), the District of Columbia boasts the strongest charter laws in the US, receiving an "A" for its laws governing charter schools. DC's vibrant network of charter schools reflects this favorable environment.

In DC, there are 59 charter LEAs and 99 charter campuses serving almost 28,000 students in DC, 38 percent of public school children attend public charter schools and 42.5 percent of DC schools are charters (both percentages are higher than any other urban district except New Orleans).



DC’s public charter schools also reflect a diverse portfolio of schools that serve various student groups/grade levels based on each charter’s guiding philosophy.

DC Code § 38-1802.03 allows eligible chartering authorities to annually approve up to twenty charter petitions to establish a public charter school. This Congressionally-adopted cap is well above demand for charter school approvals and has not in any way stifled demand or led chartering authorities to limit the number of petitions approved. The high percentage of DC students who attend charter schools has also demonstrated that this provision has had no negative impact on charter growth. Between 2004 and 2008, an average of five charter schools was approved each year. Moreover, with no cap on expansion campuses, successful charter schools can easily increase capacity or replicate their models with approval from the charter authorizer without counting against the cap. The ratio of charter to DCPS campuses is 1:34, and DC also boasts 15 multi-campus charter LEAs. Ultimately, there is no practical limit to growth of the charter sector and no legal or practical limit to the number of students who can be served by charter schools, highlighting an unfettered opportunity for DC’s ongoing charter expansion.

DC public charter school autonomy has been acknowledged by the Center for Education Reform (CER) and the National Alliance for Public Charter Schools (Alliance). The CER ranked

the Act as the best public charter school law in the country in their 2010 “Charter School Laws Across the States” (<http://www.charterschoolresearch.com/laws/district-of-columbia.htm>) The Act is rated by the Alliance as the second best charter law in the country when compared to their “New Model Public Charter School Law” (<http://www.publiccharters.org/charterlaws/state/DC>).

The Act provides public charter schools a high degree of autonomy from the District government and the District of Columbia Public Schools, creates a separate accountability and reporting system overseen by the authorizer, and protects public charter schools and the charter authorizer from legislative or regulatory incursions into their autonomy. Public charter schools in DC are required by law to be nonprofit corporations. As such, financial accountability is the responsibility of the board of trustees and not another governmental agency or local educational agency (LEA), thus augmenting the autonomy of public charter schools in DC. DC Code § 38-1800(10)(B) and (12)(B) exempt public charter schools from the definitions of “District of Columbia Government” and “District of Columbia public school”. This independence affords public charter schools the opportunity to operate without excessive bureaucratic entanglement that may lead to the delay of providing effective practices to improve student achievement. DC Code § 38-1802.04(c)(3)(B) exempts charter schools from “District of Columbia statutes, policies, rules, and regulations established for the District of Columbia public schools by the Superintendent, Board of Education, Mayor, [and] District of Columbia Council” except as otherwise provided by the Act. Thus, public charter schools are able to be innovative in their educational and operational practices, while increasing their accountability to students, parents, and the community in which public charter schools are located.

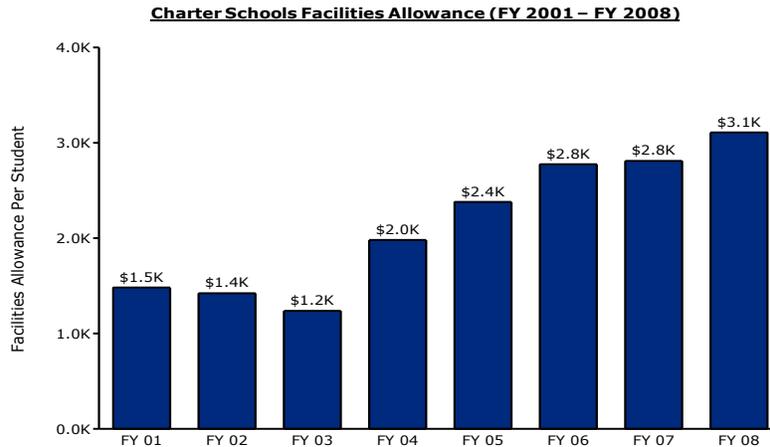
DC public charter schools also have exclusive control over their “expenditures, administration, personnel, and instructional methods” (DC Code § 38-1802.04(c)(3)(A)). An

application for a charter school shall include “an operating budget for the first 2 years of the proposed school based on anticipated enrollment” (DC Code § 38-1802.02(6)). Resources are allocated in the budget at the direction and discretion of the applicant and upon approval by the authorizer will be adopted by the public charter school’s board of trustees. While each charter school has a high degree of autonomy over the charter school’s budgets and expenditures, accountability is maintained. The charter application requires “a description of the method for conducting annual audits of the financial, administrative, and programmatic operations of the school” (DC Code § 38-1802.02(6)(a)). Once a charter application is approved by the authorizer, each public charter school is required to annually submit a detailed report that includes an audited financial statement to the authorizer (DC Code § 38-1802.04(c)(11)).

The Uniform Per Student Funding Formula (UPSFF) is used to determine the annual operating funding for the District's traditional and public charter schools. DC’s UPSFF ensures equal funding for every public school student, regardless of the type of LEA in which a student is enrolled. All District charter schools qualify as LEAs or otherwise as eligible sub-recipients under federal education statutes and therefore receive equitable access to major federal education formula grants (with the exception of three charters that exclusively serve 3- and 4-year old students who do not qualify for Title I funding but who instead qualify for local Pre-K innovation grant funding).

The UPSFF also ensures that every public school student in DC is funded at the same level, regardless of that student's choice of public school. By linking funding to enrollment, the UPSFF creates competition in the education arena that encourages meaningful school improvement. The funding flows directly from the District of Columbia’s Office of the Chief Financial Officer to public charter schools. This direct payment increases public charter school autonomy and accountability.

Public charter schools also receive a per-student facilities allowance, established by DC Code § 38-2908. In FY 2010, this amount is \$2,800 per pupil, which can be used for facilities leasing, purchase, financing, construction, maintenance, and repair. DC Code § 38-1804.01 further allows the Mayor and the District of Columbia Council to “adjust the amount of the annual payment ... to increase the amount of such payment for a public charter school to take into account leases or purchases of, or improvements to, real property, if the school...requests such an adjustment.” The chart below illustrates Charter School Facilities per-pupil funding amounts for non residential charter schools for 2001-2008.



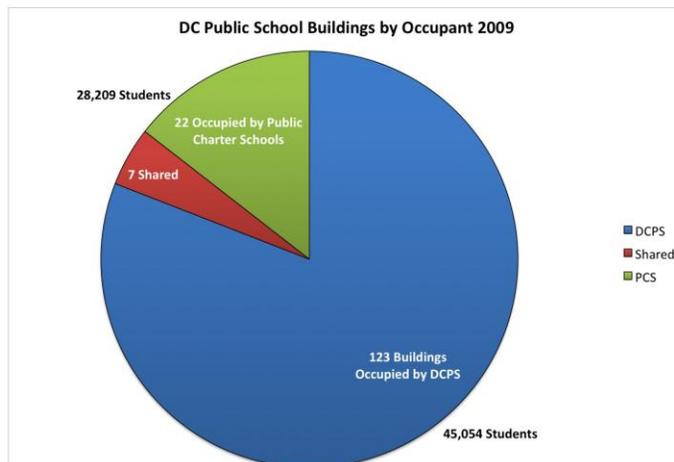
Enhanced funding streams for public charter school facilities have been made possible through the education component of DC’s annual federal payment from the federal government, which supports several public charter school facilities programs. These include: (1) a \$30 million Direct Loan Fund that provides low-cost real estate backed loans of up to \$2 million; (2) a \$22 million Credit Enhancement Fund that provides loan and lease guarantees to facilitate financing and encourage commercial bank lending; (3) the City Build Incentive grant program, which has invested approximately \$20 million in the form of grants of up to \$1 million to encourage the location of quality public charter schools in strategic neighborhoods; and (4) the Public Facilities Grant program, which has invested \$6.5 million in former DCPS buildings leased to public

charter schools. In addition, OSSE manages the Charter School Incubator Initiative (CSII), an innovative public-private partnership supported through a \$5 million Credit Enhancement grant awarded by the US Department of Education. The CSII provides “incubator space” for new public charter schools in need of space, which allows them to grow and stabilize before taking on greater facility and financial responsibilities.

DC public charter schools also benefit from various programs managed through the DC Office of the Deputy Mayor for Planning and Economic Development (DMPED). The largest and most widely used program is the District’s Industrial Revenue Bond program, which enables non-profit organizations, including public charter schools, to access low-cost, tax-exempt bond financing for commercial real estate projects. In addition, DMPED has awarded Qualified Zone Academy Bonds, Qualified School Construction Bonds, and grants from the Neighborhood Investment Fund to public charter schools in support of facilities projects. The OPCSFS within OSSE oversees these various financial options and provides guidance to public charters navigating the system.

In efforts to make public school facility space more accessible to charter schools, DC Code § 38-1802.09 gives the “right of first offer” for any current or former public school property to “an eligible applicant whose petition to establish a public charter school has been conditionally approved.” The law further states, “[a]ny District of Columbia public school that was approved to become a conversion public charter school ... shall have the right to exclusively occupy the facilities the school occupied as a District of Columbia public school under a lease for a period of not less than 25 years, renewable for additional 25 year periods as long as the school maintains its charter at the appraised value of the property based on use of the property for

school purposes.” DC Code § 38-1831.01 extends a similar right of first offer to charter schools for leasing space within underutilized DCPS school facilities.



The Mayor maintains a strong interest in providing an incentive to high-achieving charters by helping to address critical facilities needs. For example, the Mayor’s Office is exploring the possibility of linking facilities leasing opportunities to student academic performance, as a means of providing incentives and rewards to high-achieving schools.

Charter school accountability in the District of Columbia is strong. Charter schools are subject to annual monitoring by PCSB (currently the District’s only charter authorizer), as well as a comprehensive review process every five years to ensure charter compliance, as outlined in DC Code § 38-1802.12. Under DC Code § 38-1802.13, a chartering authority may revoke a charter if it is determined that the school has: violated the charter agreement, including violations related to the education of students with disabilities; “failed to meet the goals and student academic achievement expectations set forth in the charter;” or presented a case of fiscal mismanagement.

The table below provides a five-year history of charter school applications, withdrawals, approvals, denials, and measures taken to close non-performing charter schools.

	2004	2005	2006	2007	2008	2009	Total
<b>Total Applications</b>	19	19	17	13	10	0	<b>78</b>
<b>Denials</b>	9	13	14	7	8	0	<b>51 (65%)</b>
<b>Approvals</b>	10	6	3	6	2	0	<b>27 (35%)</b>
<b>Replications Approved</b>	0	4	5	2	7	7	<b>25</b>
<b>Charter Revoked</b>	0	0	2	1	1	0	<b>4</b>
<b>Charter Relinquished</b>	1	0	3	1	2	1	<b>8</b>

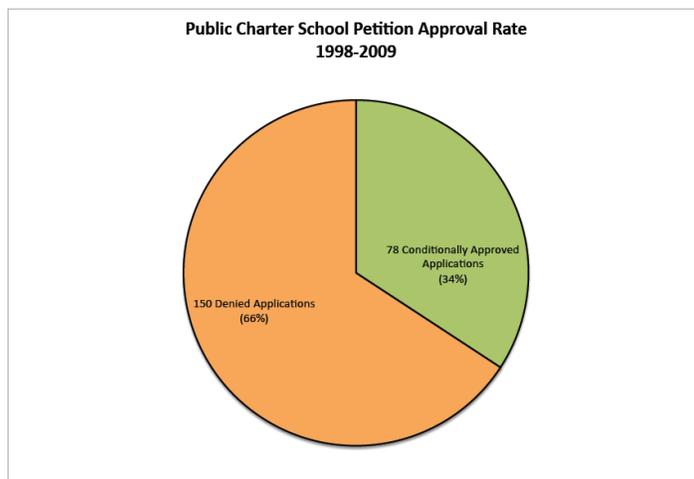
Between 2004 and 2009, 27 new DC charters were approved, 51 were denied, and four were revoked. This approval rate is consistent with historical trends, as PCSB has historically approved only 34% of all applications, demonstrating a commitment to ensuring that only petitions for high-performing charters are approved in the first place. Over the last five years, 12 charter schools were closed. Of these closures, four charters were revoked, and eight were relinquished after an intensive monitoring and review process. The Center for Education Reform’s 2009 Accountability Report cites operational, management, academic performance and financial challenges as reasons for most charter school closures in DC and concludes by lauding the PCSB as having “created the gold standard in charter school accountability.”

(3) **The number of high-quality charter schools to be created in the State.**

The first public charter schools in DC enrolled 160 students in 1996. Today, nearly 28,000 students are enrolled at 99 campuses. Public charter schools must report to the DC Public Charter School Board (PCSB), whose members are recommended by the U.S. Secretary of Education and appointed by the mayor of Washington, DC. The PCSB monitors every public

charter school to guarantee its academic achievement, managerial competence and financial health, and conducts a yearly, high stakes review. One in four public charter schools has lost its charter following an unsatisfactory review. This demonstrates that public charter schools in DC are highly accountable and that the PCSB is committed to providing only high-quality public charter schools to the children and parents of DC.

The PCSB rejects approximately two public charter school applications for every one that it accepts. Between 1998 and 2009, 66 percent of charter applications were denied by the public charter school authorizers (the Board of Education is defunct, and DC now only has a single authorizer, the District of Columbia Public Charter School Board) while only 34 percent of charter applications were conditionally approved in DC.



The Act provides for an annual approval of twenty public charter petitions (see section 38-1802.03(i)(2)(i)). The PCSB's commitment to approving only high-quality public charter schools in DC has made this statutory limit on the number of public charter schools to be opened within a single year irrelevant. There has never been a challenge to this limit during the fourteen year history of public charter schools in DC. During the period between 2004 and 2009, only 27 of 78 charter applications were conditionally approved for an average approval of 4.5 charter

applications per year. This historical trend supports the five-year estimate of 24 new, high-quality charter schools to be created during the five-year period of the grant. If a three-year grant period is approved instead of the requested five-year grant period, then the estimate is for the establishment of 14 new, high-quality public charter schools.

The various departments within OSSE work together to facilitate the integration of federal funds and programs in traditional and public charter schools. Information regarding federal funding opportunities and allocations is available on OSSE's webpage at: <http://osse.dc.gov/seo/site/default.asp?seoNav=|31191|>. The OSSE also has a webpage dedicated to federal grant profiles for all DC LEAs at: [http://osse.dc.gov/seo/frames.asp?doc=/seo/lib/seo/lea\\_federal\\_grant\\_profiles.pdf](http://osse.dc.gov/seo/frames.asp?doc=/seo/lib/seo/lea_federal_grant_profiles.pdf).

The OSSE created a webpage for subgrantees with information, guidance, and tools to support grants management across various federal programs. Through the current links, subgrantees can access (1) presentations and materials that were provided during OSSE training to local educational agencies (LEAs) in August and September of 2009 and (2) the most current reimbursement workbooks for expenditures made by subgrantees. From August 31 to September 3, 2009, OSSE provided its initial training to DC LEAs related to various federal grant programs administered by OSSE, including programs under the Elementary & Secondary Education Act, the Individuals with Disabilities Education Act, and the Carl D. Perkins Career and Technical Education Act. The OPCSFS, the primary contact for public charter schools within OSSE, conducts annual training for new public charter schools and personnel new to operating public charter schools to ensure that they are aware of the full array of federal funds and programs available to them.

Public charter schools in DC have applied for eligible federal funds since the 1996-1997 school year. To ensure that all new and significantly expanding public charter schools receive their commensurate share of federal funds, OSSE has required public charter schools and charter school organizations that are either new or significantly expanding charter schools to notify OSSE of their opening or expansion no less than 120 days prior to the start of the 2009-2010 school year consistent with 34 CFR Section 76.788. Written notices of substantial increase in the number of students attending a public charter school due to a significant event that is unlikely to occur on a regular basis, such as the addition of one or more grades, additional campus, or educational programs in major curriculum area received by OSSE from either public charter schools or from the PCSB are considered new/significantly expanding. As a result, planning allocations for Title I, Part A and IDEA were based on enrollment projections for these LEAs which were released in July of 2009. This ensured that new or significantly expanding charter schools received planning allocations in a timely manner.

OSSE is also responsible for monitoring grant recipients to ensure compliance with local and federal laws and regulations. Similarly, the Elementary and Secondary Education Act, as amended, requires that states carry out monitoring to ensure proper administration of Federal funds. In accordance with these provisions, OSSE has redesigned its monitoring protocol.

To improve federal program management and administration, the Division of Elementary and Secondary Education will monitor each subgrantee at least once every two years. During each onsite monitoring visit, all federal programs administered under OSSE's Elementary and Secondary Education Division will be reviewed. If more periodic monitoring is required for specific grant programs, each subgrantee will be notified by the OSSE grant manager of the specific guidelines associated with that grant. A copy of the monitoring calendar for the SY

2009-2010, as well as additional information regarding the monitoring process, is available to subgrantees on the OSSE website.

OSSE is committed to ensuring equity among all public schools in DC. The OSSE has created and implemented a seamless notification and monitoring process that ensures that public charter schools receive the same funding opportunities, information, and oversight as the District of Columbia Public Schools.

- (4) **The quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers the adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.**

The OPCSFS was created in the FY 2003 Appropriations Act in an effort to provide facilities financing and technical assistance for public charter schools. The role of the OPCSFS has expanded to include support for charter school start-up, implementation, and replication, as well as support to improve and drive charter school quality. The transition of state functions and SEA grants from DCPS to OSSE included transfer of the Title V, Part B, Charter Schools Program grant to the OPCSFS. The OPCSFS received the grant in the third year of the grant term, and the OPCSFS has since requested and received approval for two no-cost extensions.

The vision of the OPCSFS is that all public charter schools will provide quality educational options for DC families, and our mission is to support the DC public charter school sector to provide quality education choices for DC families. The OPCSFS has adopted four strategies: (1) provide support to improve and drive school quality; (2) invest in the growth of quality public school options; (3) support access to equitable resources, primarily through planning and

financing facilities; and (4) operate efficiently and transparently to ensure wise stewardship of public funds.

Among its primary tools for supporting public charter schools are: the Direct Loan Fund; the Credit Enhancement Fund; the City Build Incentive grant; the Charter School Incubator Initiative, partially funded through the Federal Credit Enhancement Grant for Public Charter School Facilities; and the Charter Schools Program. OPCSFS has also funded various other programs to improve public charter school quality, such as the Quality Initiative, the Charter School Leadership grant, and the College Access grant.

The OSSE intends to implement a sound and effective management plan to ensure that all project objectives are achieved and services are delivered as outlined in the grant application. The OPCSFS will have the lead responsibility for directing, managing, and coordinating the grant program.

Stefan Huh, the director of the OPCSFS, is a direct report of the DC State Superintendent of Education, and is responsible for all of the activities relating to public charter schools and their involvement with District of Columbia governmental agencies. Such activities include, but are not limited to, liaison for public charter schools within OSSE, facilities financing programs, research and strategic partnerships, start-up and implementation programs, special programs uniquely designed to meet the needs of DC public charter schools, and oversee the budget for the OPCFS. The OPCSFS program manager is Renee Evans. The program manager oversees the writing of the annual, quarterly, and final performance reports as well as the day-to-day activities with the grant program, including developing the Request for Applications (RFA), the review process, and the monitoring and oversight of the subgrants. The OPCSFS also has a program officer and program analyst assigned to the CSP grant program and who will report directly to

the director of the OPCSFS. These positions are currently open and are intended to be filled in the next few months. The program officer works closely with the staff in the Office of the Chief Financial Officer (OCFO) and the division of Elementary and Secondary Education (this division houses the group that oversees federal grants), and provides guidance and technical assistance to subgrantee inquiries. The program analyst receives and reviews all draw-down requests, and provides immediate technical assistance to subgrantee inquiries. Although each staff member has specific responsibilities associated with the CSP grant program, all staff in the OPCSFS share certain duties that may overlap. These duties include providing technical assistance to public charter schools, the authorizer, public charter school support groups, and other government agencies and divisions, coordinating training and communications, and conducting onsite monitoring visits and desk compliance audits. The staff also collect, track, and report data relevant to the CSP grant program. Some of the key inter- and intra-agency relationships are with the OCFO, division of Elementary and Secondary Education, division of Special Education, and the Statewide Longitudinal Educational Data System (SLED).

The OSSE conducts a competitive application process for Planning and Program design for no more than 18 months and Initial Implementation for no more than 24 months; with the overall grant award up to 36 months or 3 years. The OSSE only requires charters to submit one application for the three year sub-grant award. An eligible applicant is a charter school developer or not for profit that has applied to the authorized public chartering authority (the PCSB) to operate as a public charter school, and has provided adequate and timely notice and a copy of their application to the PCSB to inform them a Federal Charter Schools Program Planning & Design and Initial Implementation grant application has been submitted. A conditional approval

notice from the PCSB is mandatory to receive CSP funds. This notice allows the developer/not for profit to move forward in charter negotiation, such as obtaining a facility.

Applicants must also conform to the definition of a public charter school in the Elementary and Secondary Education Act Public Law 107-110, section 5210(1) in order to be eligible for CSP funds. In addition, a developer or school that has previously received CSP grant funding under another school name or before reconstituted or re-chartered, is not eligible. Only those schools determined to meet the eligibility requirements are eligible to apply.

The OSSE will release the application immediately after a grant award notice is issued from the Department of Education to the SEA. The OSSE estimates this will occur between August and September of 2010. Commencing in 2011 and annually thereafter, the District of Columbia will issue the application in February 1 to coincide with the PCSB's charter application due date. By doing so, DC can utilize the month of March to select and train peer reviewers and issue award letters as soon as the PCSB announces conditionally approved applicants in mid-April. This timeline affords the charter developer/not for profit to have access to planning and program design funds almost immediately.

To prepare for the release of the CSP grant application, the OSSE will utilize the strong relationships within the charter school community such as FOCUS, the PCSB and the DC Association for Chartered Public Schools, as well as OSSE leadership to receive feedback on the application. The OPCSFS will lead and direct the review of CSP applications. Staff within OPCSFS will conduct a peer review process which will include a call for reviewers, training on application requirements and scoring rubric, and receipt of conflict of interest form. The training will also include review of the federal regulations

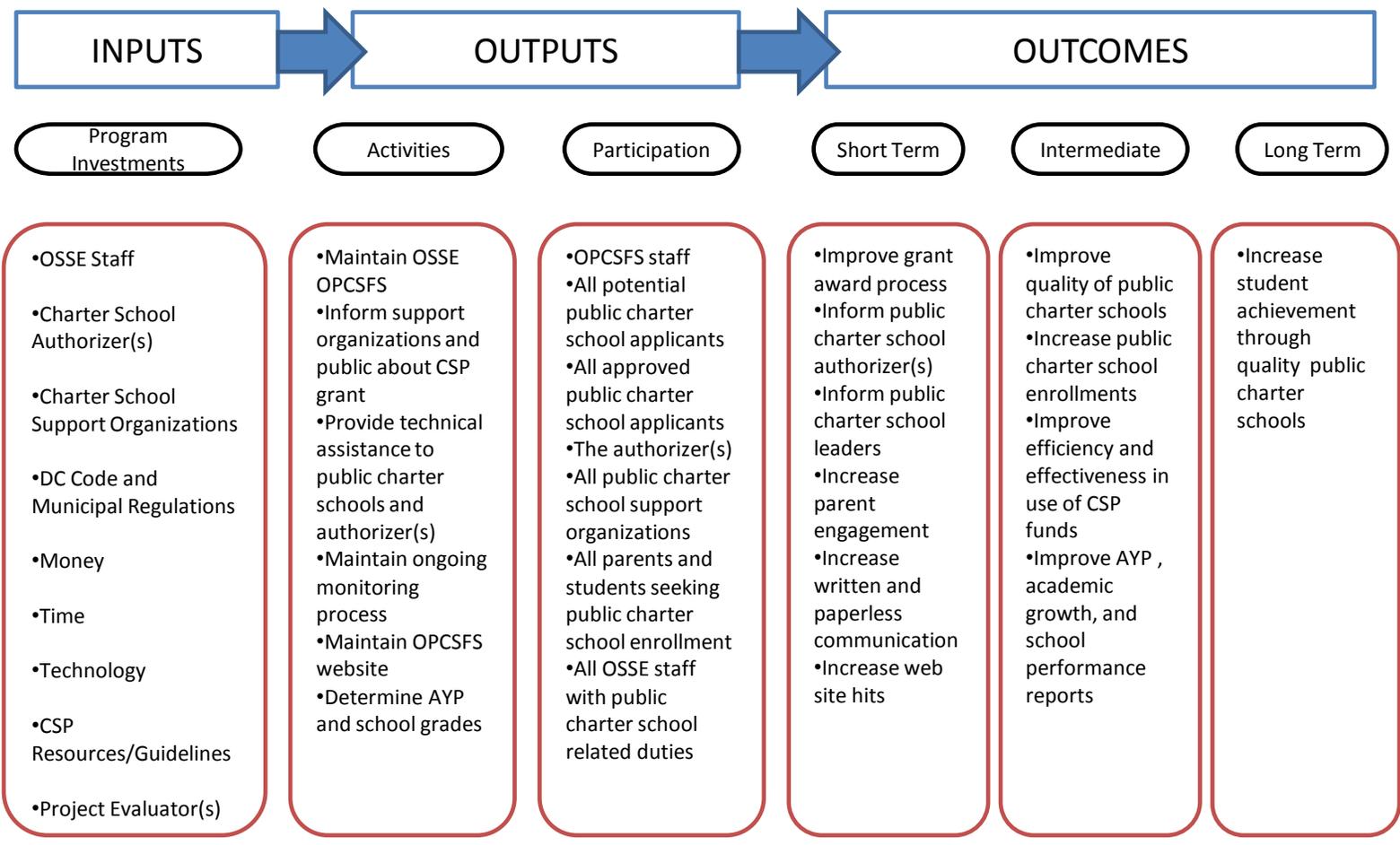
The OPCSFS is currently working with the Walton Family Foundation and sitting in on a panel review for charter school funding. This experience will assist OPCSFS in strengthening the peer review process for CSP, as well as solicit for the CSP application and add to the OPCSFS inventory of panel reviewers. All reviewers will possess the knowledge of school reform, public charter schools, education quality and governance.

Those sub-grantees that are awarded CSP funds will receive a three year award for Planning and Program Design and Initial Implementation and will receive their first payment no more than two months after the award notice is issued. In 2008, the OSSE awarded \$180,000 for Planning and Program Design and \$260,000 (Year 1 & Year 2) for Initial Implementation, for a total of \$700,000. No Planning and Program Design grants were made in 2009 because no charter applications were approved by the authorizer. Each phase/year of the grant award will require an action plan template to provide the OSSE what goals, activities, and budget to be performed. The OSSE will monitor the action plan in conjunction with expenditure/drawdown reports to ensure alignment and continuity with the overall plan to open and operate the charter school. Modifications to the action plan are allowed throughout the grant award.

In addition, to move into the initial Implementation phase, a final approval letter from the PCSB will be required. As well, at the beginning of each school year, the sub-grantee is required to submit an assurance signed by their respective Board Chair that their school is meeting the federal definition of a charter school. This ensures compliance with the federal definition is not only met at the time the charter developer/not for profit applies for funding, but on an annual basis for the life of the grant.

The following model details the proposed project objectives, performance measures, and outcomes.

**District of Columbia's Charter Schools Program (CSP) Grant**  
**Objective 1: Increase the number of high quality public charter schools in the District of Columbia.**



**District of Columbia's Charter Schools Program (CSP) Grant**  
**Objective 1: Increase the number of high quality public charter schools in the District of Columbia.**

**Process Performance Measures**

**1.A** During each year of the five-year grant, OSSE will operate an application and award cycle to allow 100% of eligible new public charter schools to receive CSP planning and program design and implementation funding within two months of meeting all subgrant review criteria.

**1.B** During each year of the three-year subgrant award cycle, OSSE staff will provide at least two targeted technical assistance sessions for all public charter schools during the planning and program design phase and conduct at least one on-site monitoring visit for all of the public charter schools receiving CSP implementation phase.

**1.C** During each year of the five-year grant, OSSE will provide at least two new public charter school grant applicant training activities.

**1.D** During each year of the five-year grant, OSSE will conduct at least one workshop for new subgrant awardees.

**Outcome Performance Measures**

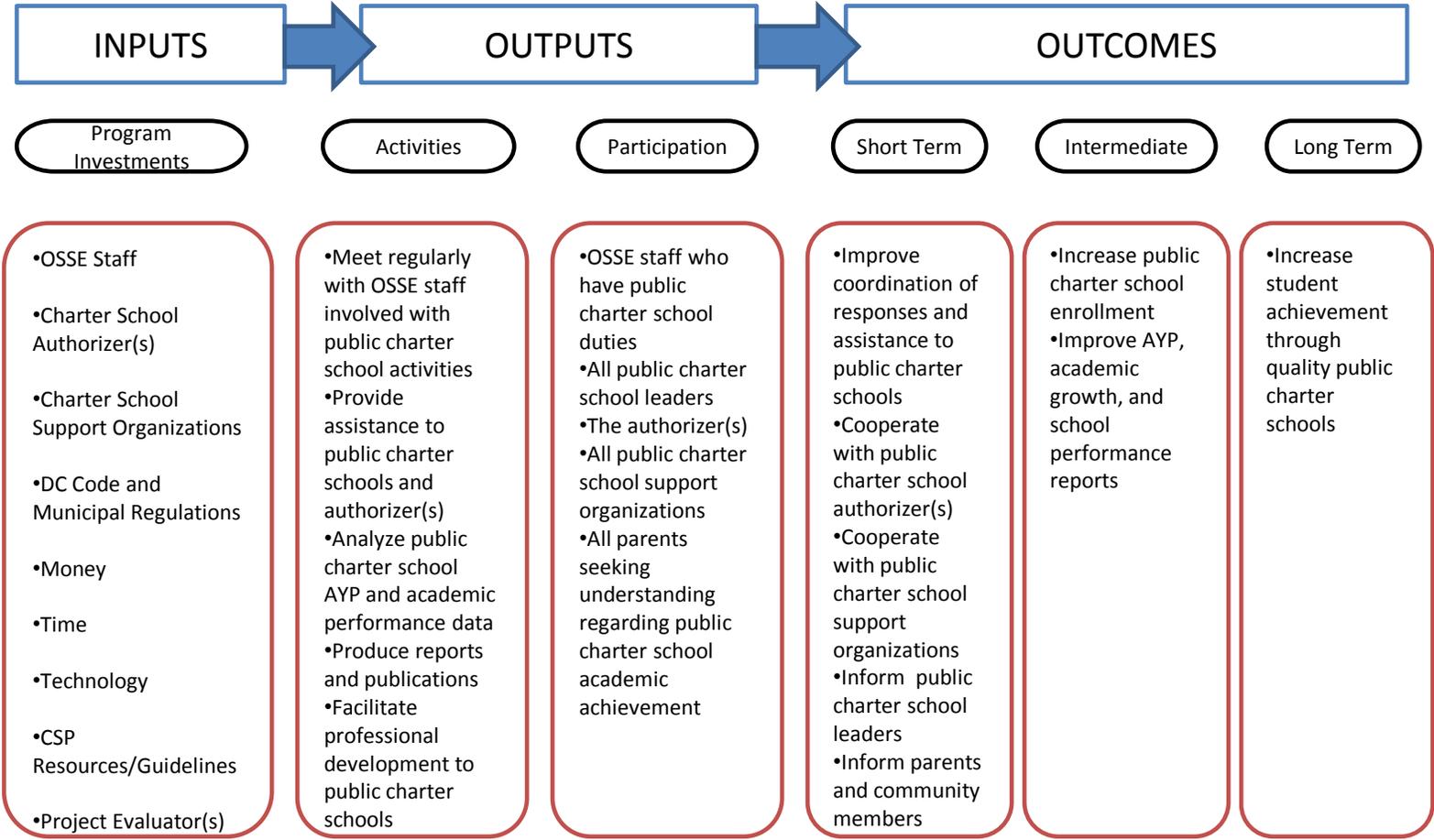
**1.1** Fund at least three new public charter schools during each year of the five-year grant.

**1.2** In each year of the grant period, at least 25% of the funded schools will be serving students in grades 3-8.

**1.3** Of new public charter schools that receive CSP funding during the five-year grant, at least 50% will meet all AYP criteria by the end of their first implementation year.

**1.4** At least 70% of public charter schools that have received CSP grant funds will either be proficient or advanced under AYP or demonstrate at least 15% academic growth on a metric supported by OSSE and owned by a public charter school support organization.

**District of Columbia's Charter Schools Program (CSP) Grant**  
**Objective 2: Improve academic achievement of District of Columbia public charter school students.**



**District of Columbia's Charter Schools Program (CSP) Grant**  
**Objective 2: Improve academic achievement of District of Columbia public charter school students.**

**Process Performance Measures**

**2.A** Occurring semi-annually of each year of the five-year grant, OSSE will develop in coordination with the authorizer(s) and public charter school support groups at least one publication providing specialized technical assistance and guidance on a statewide public charter school policy or issue.

**2.B** During the grant period, OSSE will contract with a third-party entity to provide training for public school teachers regarding effective teaching strategies that lead to increased student achievement as measured by DC-CAS, AYP, and additional indicators.

**Outcome Performance Measures**

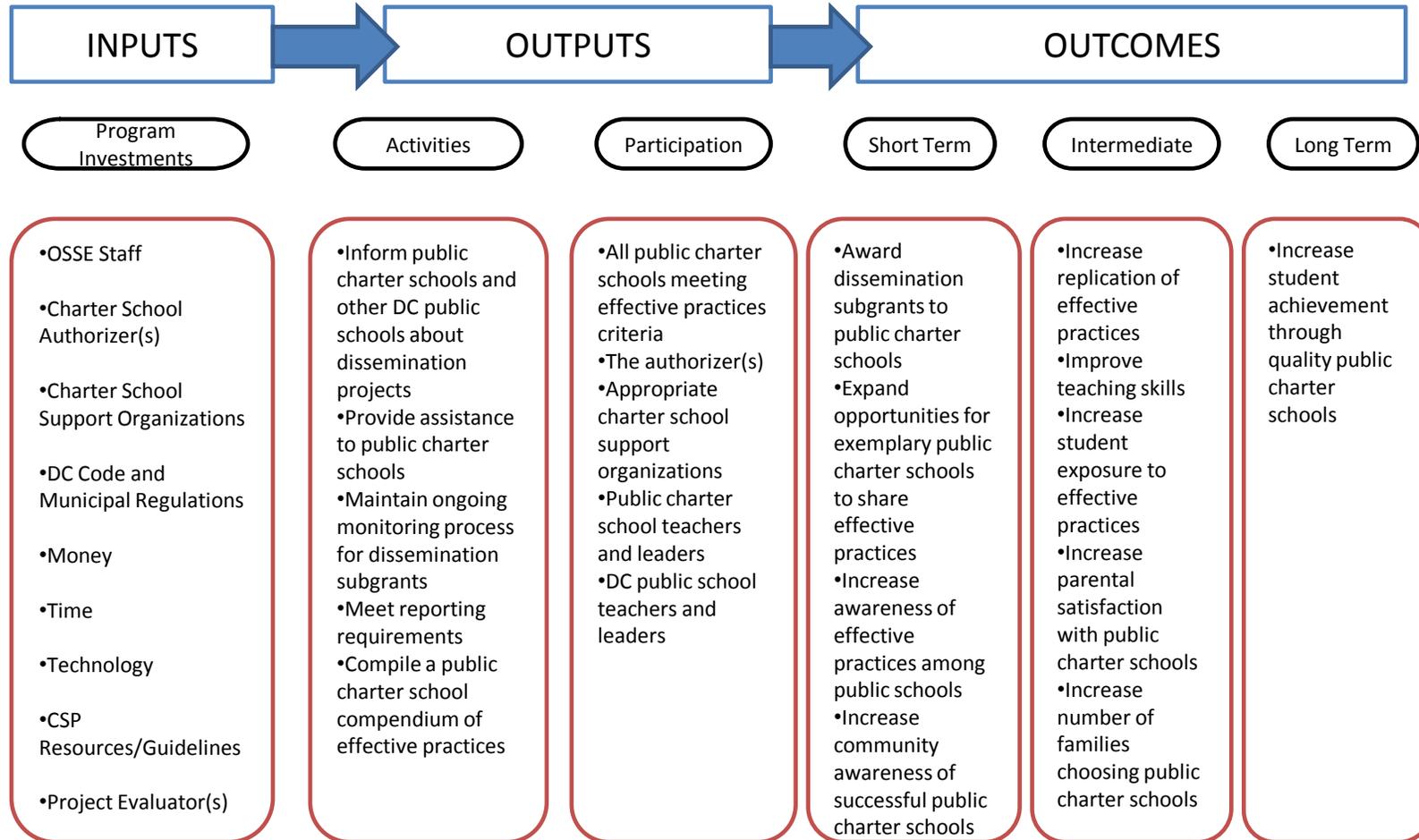
**2.1** For each year of the five-year grant period, the release of DC-CAS data will show the percentage of public charter school students who are achieving at or above proficient in mathematics will be higher than the previous year.

**2.2** For each year of the five-year grant period, the release of DC-CAS data will show the percentage of public charter school students who are achieving at or above proficient in English Language Arts will be higher than the previous year.

**2.3** For each year of the five-year grant period, the release of DC-CAS data will show the percentage of public charter school students who are achieving at or above proficient in science will be higher than the previous year.

**2.4** By the end of the five-year grant period, the percentage of public charter high school students who graduate as defined by OSSE will be improved from the 2010-2011 baseline year.

**District of Columbia's Charter Schools Program (CSP) Grant**  
**Objective 3: Promote the dissemination of effective practices from public charter schools that have demonstrated success in increasing student achievement among public charter schools and other District of Columbia public schools.**



## District of Columbia's Charter Schools Program (CSP) Grant

**Objective 3: Promote the dissemination of effective practices from public charter schools that have demonstrated success in increasing student achievement among public charter schools and other District of Columbia public schools.**

### Process Performance Measures

**3.A** During the first four years of the five-year grant, OSSE will operate a competitive application and award cycle that will allow eligible public charter schools to receive dissemination funding within two months of meeting all subgrant criteria.

**3.B** For each year of the five-year grant, OSSE will conduct one monitoring visit to 100% of public charter schools receiving dissemination funds to document progress toward subgrant goals and objectives.

**3.C** During each year of the five-year grant, OSSE will employ at least three strategies to market across DC public charter school effective practices.

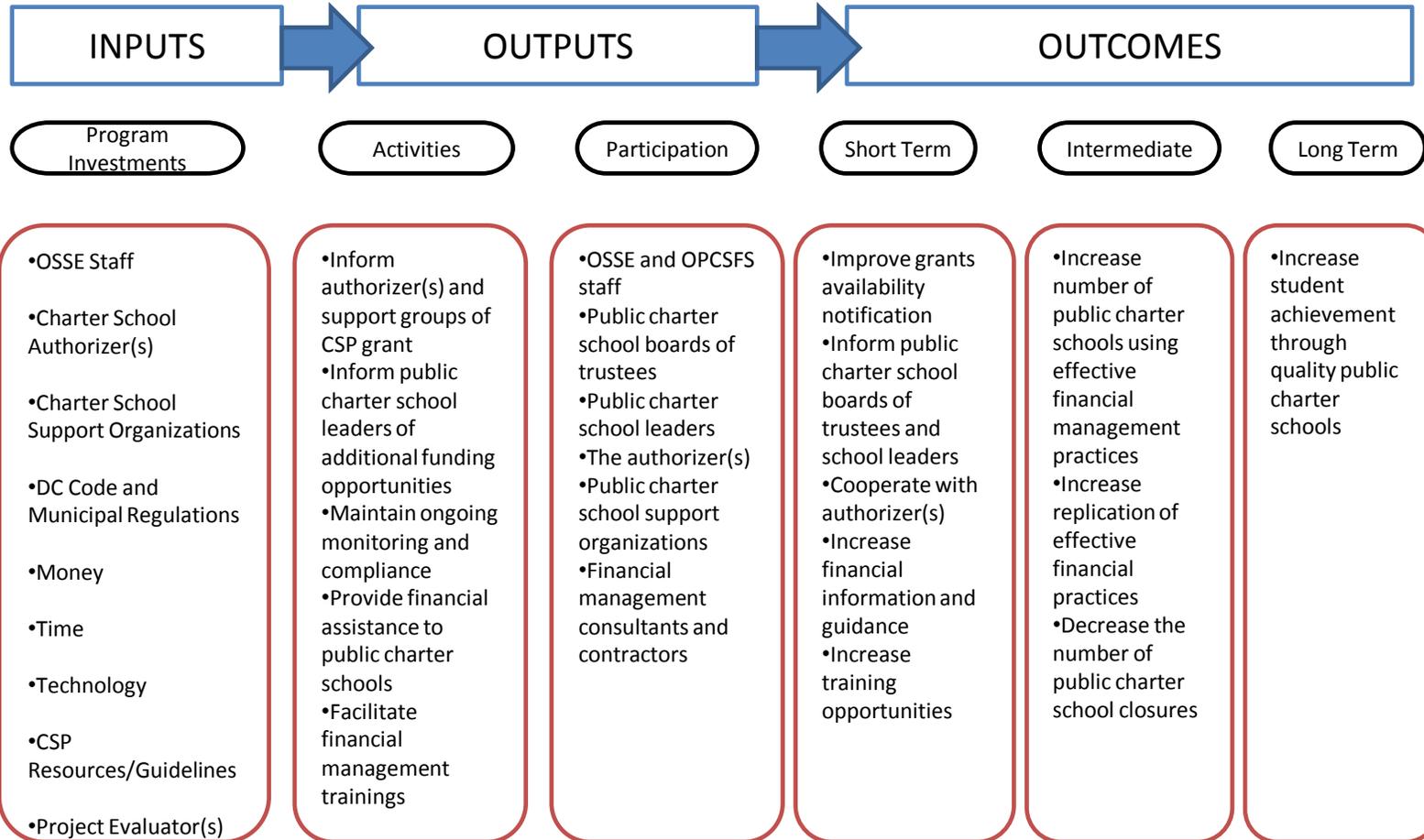
### Outcome Performance Measures

**3.1** For each year of the five-year grant, fund at least three public charter school dissemination subgrants that meet annual competitive priorities.

**3.2** During the first year of their subgrant, 100% of dissemination subgrantees will inform a DC-wide audience of the dissemination project through various media, including but not limited to, the public charter schools own website and the OSSE's weekly e-newsletter.

**3.3** During the second year of their subgrant, 100% of dissemination subgrantees will make at least one public presentation or publication of their project at a meeting, conference, or public venue within DC that has the capability of reaching a nationwide audience.

**District of Columbia's Charter Schools Program (CSP) Grant**  
**Objective 4: Support District of Columbia public charter schools to be operationally sound for long-term sustainability and effective stewardship of public resources.**



**District of Columbia's Charter Schools Program (CSP) Grant**  
**Objective 4: Support District of Columbia public charter schools to be operationally sound for long-term sustainability and effective stewardship of public resources.**

**Process Performance Measures**

**4.A** By the end of the first year of the grant period, OSSE will coordinate with the authorizer and/or public charter school support groups to develop at least five indicators for use in identifying public charter schools that are in jeopardy of losing grant funds due to grants mismanagement.

**4.B.** During each year of the five-year grant, OSSE will conduct desktop monitoring for at least 75% of the public charter schools receiving CSP grant funds.

**Outcome Performance Measures**

**4.1** During each year of the five-year grant period, representative from 100% of new charter school that receive CSP subgrant funding will attend financial training presented by OSSE, the authorizer(s), and public charter school support organizations.

**4.2** At the end of the first year of grant funding, fewer than 10% of operating public charter schools will be in a state of financial emergency as determined by the authorizer(s) indicators.

**4.3** At the end of the five-year grant period, fewer than 5% of public charter schools that received CSP subgrant funding during the grant period will be closed due to fiscal instability.

(5) **The SEA’s plan to monitor and hold accountable authorized public chartering agencies through such activities as providing technical assistance or establishing a professional development program, which may include providing authorized public chartering agency staff with training and assistance on planning and systems development, so as to improve the capacity of those agencies to authorize, monitor, and hold accountable charter.**

The PCSB is currently the only eligible charter authorizer in DC. The Act provides for eligible charter authorizers and public charter schools to be highly autonomous. The PCSB is subject to minimal direct oversight by any DC governmental agency, including OSSE. The eligible charter authorizer is required under DC Code § 38-1802.11, in part, to do the following “[o]n or before July 30 of each year, each eligible chartering authority that issues a charter under this subchapter shall submit a report to the Mayor, the District of Columbia Council, the Board of Education, the Secretary of Education, the appropriate congressional committees, and the Consensus Commission....” The report requires the eligible chartering authority to: provide details of major Board actions; identify major findings from school reviews of academic, financial, and compliance with health and safety standards and resulting Board action or recommendations; and include the number of schools which have required intervention by authorizing board to address any academic or operational issue. Although the eligible chartering authority is required to submit an annual report, little additional oversight is required.

The PCSB was honored with the 2008 Award for Excellence in Improving Practice by the National Association of Charter School Authorizers at its national conference in October 2008. Because of its commitment to continuous improvement of its oversight processes, the PCSB’s accountability system is regarded as a national model for authorizers. Ongoing review of performance outcomes dictates board actions, which could include approval to expand, or

sanctions leading to charter revocation. Every five years, the PCSB evaluates schools' accountability plan performance to decide if a school has served students well enough to continue another five years (see DC Code § 38-1802.12(a)(3)). The Act also established a 15-year charter renewal process (see DC Code § 38-1802.12(a)(1)).

The statutory oversight of the eligible chartering entity may be nominal under the Act; however, this does not preclude OSSE and the PCSB from working together on academic and fiscal issues. The following are an example of areas in which OSSE and the PCSB cooperate regarding public charter schools: public charter school closings; presentation and application of state standards; data (e.g., enrollment and special education); identification of public charter schools in need of improvement; creation of a strong pool of auditors for the mandated yearly audits of public charter schools; and appeals regarding the denial of a charter petition.

This is only a sample of the cooperative efforts between OSSE and the PCSB. Additional efforts between OSSE and the PCSB are being discussed that may further strengthen the educational accountability relationship of these two entities.

(6) **In the case of SEAs that propose to use grant funds to support dissemination activities under section 5204(f)(6) of the ESEA, the quality of the dissemination activities and the likelihood that those activities will improve student academic achievement.**

The OSSE proposes to reserve up to 10 percent of CSP grant funds to promote promising practices at successful public charter schools that have been in operation for at least three consecutive years and have demonstrated overall success, including: (1) substantial progress in improving student academic achievement; (2) high levels of parent satisfaction; and (3) management and leadership necessary to overcome initial start-up problems and establish a thriving, financially viable public charter school. Thus, an applicant must meet all of the

eligibility criteria found in section 52043(f)(6)(A) of the Elementary and Secondary Education Act, as amended. During the last CSP grant period, OSSE awarded six dissemination grants for a total amount of \$1,177,638. Based upon the purpose of the dissemination activities, these grants were awarded for a one or two year period. Dissemination grants were awarded to public charter schools to support activities that assisted new public charter schools in operating or as a means for public charter schools to share best practices with other LEAs. Sample activities from previous dissemination grants include: (1) assisting public schools in the areas of governance, fiscal management, parent involvement, and data driven assessment; (2) utilizing effective practices regarding dual language instruction; (3) collecting and utilizing data to inform instruction, professional development, and program evaluation; (4) assisting public schools in creating high-quality learning environments and successful standards implementation; (5) sharing effective practices in developing and implementing effective parent engagement programs; and (6) sharing successful practices regarding violence prevention.

If awarded CSP grant funds for the FY 2011 grant period, OSSE will continue to provide financial support to existing public charter schools by designing and implementing a dissemination grant Request for Applications (RFA) with the goal of increasing student academic achievement among all public schools. The RFA for dissemination grants states that the project activities must be aligned with section 5204(f)(6)(B) of the Elementary and Secondary Education Act, as amended, and will be a competitive process. The OSSE intends for dissemination activities to improve student achievement by requesting applicants to:

- Provide evidence of substantial progress in improving student academic achievement by submitting data from multiple assessments that provide evidence of student academic

improvement trends over time, describe the project, including the number of students and number and types of schools that will benefit from the project.

- Identify the school(s) to be assisted and describe their current status/characteristics in areas such as administration, governance, educational program, student achievement, Adequate Yearly Progress, parental involvement, staffing, resources, compelling need(s) and potential for success. If assisted schools have not yet been identified, clearly describe your plans to identify the schools, including the anticipated characteristics of schools to be assisted.
- Provide evidence that the charter school has the organizational capacity to successfully manage and complete the proposed project. Specifically identify and address the capacity of staff and/or potential contractors who will be working on and overseeing the grant project.
- Provide a detailed budget and budget narrative for the proposed project that contains a justification for each category listed in the budget. The narrative should clearly state how the applicant arrived at the budget figures.

The RFA also requires applicants to include a cover page and assurances. Point values are associated only with the project narrative and the budget sections of the proposal. The point values are indicated in the RFA. A rubric that mirrors the associated sections of the RFA also exists for scoring eligible proposals. Applicants receiving a dissemination subgrant will be notified that their proposals have been either accepted or denied within approximately 45 days of the submittal deadline. Applicants receiving dissemination grant awards will be informed of the amount of their awards at this time. As necessary, budgets will be adjusted and approved.

The OPCSFS will provide technical assistance to awarded subgrantees regarding the required onsite monitoring visits and desk compliance audits. The OPCSFS staff will also collect, track, and report data relevant to the CSP grant program.

To inform public charter school leaders, parents, and community members of the release of the dissemination RFA, OSSE will utilize the strong relationships within the charter school community such as FOCUS, the PCSB and the DC Association for Chartered Public Schools, as well as the OSSE web-site and the DC Register to announce the release. The OPCSFS will lead and direct the review of dissemination applications. Staff within OPCSFS will conduct a peer review process which will include a call for reviewers, training on application requirements and scoring rubric, and receipt of conflict of interest form. The description of funded projects will be posted on OSSE's website and shared with appropriate stakeholders. The final projects will also be posted on the OSSE.

- (7) **The Secretary considers the quality of the evaluation to be conducted of the proposed project. In determining the quality of the evaluation, the Secretary considers the extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data.**

All District of Columbia government agencies are required under the DC Official Code to procure contracts through a competitive bidding process. Until that competitive bidding process is complete OSSE is unable to secure the services of an individual or entity to assist in the evaluation of the proposed CSP grant project. To prepare for the competitive bidding process, the director of the OPCSFS has talked with other CSP directors and has conducted research of possible qualified candidates. Information obtained from these conversations and research aided in the development of a draft evaluation plan and to prepare the Request for Application (RFA) necessary to identify and procure a consultant evaluator for the CSP project.

The project objectives are aligned with the purpose of the federal Charter Schools Program and the performance measures established in accordance with the Government Performance and Results Act of 1993. The performance measures are clearly related to the intended outcomes of the project and will produce both quantitative and qualitative data. The performance measures are intended to answer the following questions: (1) what will change; (2) how will it change; (3) who/what benefits from the change; and (4) what is necessary in order for the change to occur? The project's evaluation will require establishing a baseline and the collection of performance data to comparison with the aligned target. The intended purposes of the evaluation are to: (1) determine if the performance measures for each of the project objectives were met as proposed in the CSP grant application, and (2) determine the value of the benefit for achieving the project objectives. The evaluator(s) will assist in determining project benchmarks and assist in analyzing and interpreting program data for data-driven decision making regarding strategies, budgets and staffing, activities, and/or program structure. This process evaluation will assist the evaluator(s) who work(s) with OSSE staff to assess the need for and implement mid-course adjustments to better satisfy the project objectives.

While this proposed evaluation plan does not identify a specific evaluator, it does contain a description of the project objectives, performance measures, and the stated outcomes. OSSE intends to select an evaluator through a competitive bidding process who satisfies the following criteria:

- Experience assisting State agencies in the planning, development, and implementation of project or program evaluation plans;

- Specific working experience with State level program staff in the refinement of project objectives, performance measurements, and data collection instruments and evaluation methods;
- Demonstrated success implementing management frameworks;
- Willingness to work with program staff in a flexible and cooperative manner; and
- Familiarity with public charter schools.

OSSE intends for the evaluation plan to be outcomes-based and focus on formative and summative evaluations to assess progress toward achieving the identified short-term, medium-term, and long-term outcomes of the program. The performance measures will determine the extent to which the project objectives are being met. The evaluation plan includes comprehensive evaluation measures that address both the process of working toward each objective and the outcomes related to meeting each objective. Although the plan will evolve once the evaluator is identified, the base-level analysis will focus on schools and students. The school level analysis is intended to provide, at a minimum, a thorough understanding of public charter schools as individual and aggregate entities as to how they achieve their mandates. The student level analysis should reveal the achievement growth of public charter school students individually and in comparison to other similarly situated public school students. OSSE further intends for the evaluator to have access to State level data from OSSE as well as data from the PCSB and FOCUS.

The information collected through the evaluation plan will be used to assess and monitor the progress toward meeting the CSP project objectives and to inform changes to the activities proposed. Progress toward the overall outcome of increasing student achievement through high-quality public charter schools in DC will ultimately provide information about successful strategies that should be disseminated and replicated.

Currently, OSSE is working to complete a Statewide Longitudinal Education Data warehouse (SLED). The selected evaluator will have access to the SLED team as necessary to access relevant data to complete the project evaluation. A completed SLED will enable schools/LEAs to share educational records such as electronic transcripts. It will potentially feature four separate dashboards for school administrators, teachers, policymakers, and researchers. The dashboards will provide specific just-in-time data geared to the needs of the user. SLED will allow for cross-sector collaboration and the creation of a truly statewide system.

To date, SLED has already developed Unique Student Identifiers (USIs) and incorporated student level enrollment and demographic information as well as student level exit, transfer, and dropout information for SY 2008-09. Within DC, the USI is called the DC Student Tracking and Reporting System (DC-STARS) ID. Statewide, all students are assigned a DC-STARS ID, which have already been useful in tracking student mobility across LEAs.

DC's multitude of public school options for students afford DC parents several means for comparing schools across the State. FOCUS has created a data dashboard so that stakeholders can easily interpret school-level data and compare performance among public schools. GreatSchools.net, under contract with Fight For Children, a local non-profit organization, has created scorecards for every DC public school and has given each school a comparative rating. Additionally, OSSE provides AYP data, graduation rates, and attendance figures for schools and student sub-groups, going back as far as 2003.

OSSE envisions a website that provides a roadmap for parents to address what data means, where data can be found, and how data can be used to inform a parent's next steps (e.g., school visits, teacher discussions, etc.) to ensure that children are meeting or exceeding expectations through a meaningful and relevant school model or program. Additionally, OSSE will improve

the current website's functionality, including providing the ability to view data through a choice of graphic displays, as well as the ability to view data at the school, LEA, and state level, in aggregate or by NCLB subgroup.

Although 95% of charter LEAs have student information systems and 98% use interim assessments, many charter LEAs struggle because they have too many disparate data systems. Some LEAs use 5-6 systems requiring manual entry for every data element. OSSE envisions providing charters with an instructional management system that reports to the PCSB and OSSE, and also allows for data to be used to drive standards-based decisions. The proposed solution involves two components:

- A data integration tool to provide automatic connections and move data between systems.
- An analysis tool to make it possible for teachers and administrators to spend more time acting on information and using their unique expertise to target instructional materials and interventions appropriately.

A working group consisting of representatives from public charter schools, OSSE, DCPS, and local non-profit organizations has collaborated to improve the technology necessary to better utilize data to inform decision making and instruction. This collaboration is essential in a highly diverse, yet compact environment. For an evaluation to be effective in DC, the cooperation of these groups is imperative. The need for such diverse parties to be involved in the composition of the evaluation is not only motivated by the provisions of the Act, but also the willingness of these parties to improve student achievement for all District of Columbia public school students.

# Project Narrative

## Other Attachment Form

Attachment 1:

Title: **OSSE\_VB\_Other** Pages: **70** Uploaded File: **OSSE\_VB\_Other.pdf**

## **APPENDIX**

- 1. Table of Contents for Application**
- 2. District of Columbia Official Code**
- 3. Letter of Support- District of Columbia Public Charter School Board**
- 4. Letter of Support- Friends of Choice in Urban Schools (FOCUS)**
- 5. Resume, Project Director- Stefan S. Huh**
- 6. Resume, Program Manager- Renée M. Evans**

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- 9. Survey on Ensuring Equal Opportunity for Applicants**



# Welcome to the online source for the District of Columbia Official Code

## DC ST § 38-1800.01 § 38-1800.01. Short Title

DC ST § 38-1800.01

District of Columbia Official Code 2001 Edition Currentness  
Division VI. Education, Libraries, and Cultural Institutions.  
Title 38. Educational Institutions. (Refs & Annos)  
Subtitle IV. Public Education--Charter Schools.  
Chapter 18. District of Columbia School Reform (Public Charter Schools).  
➔ **§ 38-1800.01. Short Title**

This chapter may be cited as the "District of Columbia School Reform Act of 1995".

CREDIT(S)

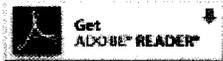
(Apr. 26, 1996, 110 Stat. 1321 [226], Pub. L. 104-134, § 2001.)

DC CODE § 38-1800.01

Current through April 1, 2010

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### DC ST § 38-1800.02

Formerly cited as DC ST 1981 § 31-2852

DC ST § 38-1800.02

**This document has been updated. Use KEYCITE.**

Formerly cited as DC ST 1981 § 31-2852

District of Columbia Official Code 2001 Edition Currentness

Division VI. Education, Libraries, and Cultural Institutions.

Title 38. Educational Institutions. (Refs & Annos)

Subtitle IV. Public Education--Charter Schools.

Chapter 18. District of Columbia School Reform (Public Charter Schools).

**→§ 38-1800.02. Definitions.**

Except as otherwise provided, for purposes of this chapter:

(1) *Appropriate congressional committees.* -- The term "appropriate congressional committees" means:--

(A) The Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate;

(B) The Committee on Economic and Educational Opportunities of the House of Representatives and the Committee on Labor and Human Resources of the Senate; and

(C) The Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate.

(2) *Authority.* -- The term "Authority" means the District of Columbia Financial Responsibility and Management Assistance Authority established under § 47- 391.01(a).

(3) *Average daily attendance.* -- The term "average daily attendance" means the aggregate attendance of students of the school during the period divided by the number of days during the period in which:

(A) The school is in session; and

(B) The students of the school are under the guidance and direction of teachers.

(4) *Average daily membership.* -- The term "average daily membership" means the aggregate enrollment of students of the school during the period divided by the number of days during the period in which:

(A) The school is in session; and

(B) The students of the school are under the guidance and direction of teachers.

(5) *Board of Education.* -- The term "Board of Education" means the Board of Education of the District of Columbia.

(6) *Board of Trustees.* -- The term "Board of Trustees" means the governing board of a public charter school, the members of which are selected pursuant to the charter granted to the school and in a manner consistent with this chapter.

(7) *Consensus Commission.* -- The term "Consensus Commission" means the Commission on



(14) *Electronic data transfer system.* -- The term "electronic data transfer system" means a computer-based process for the maintenance and transfer of student records designed to permit the transfer of individual student records among District of Columbia public schools and public charter schools.

(15) *Elementary school.* -- The term "elementary school" means an institutional day or residential school that provides elementary education, as determined under District of Columbia law.

(16) *Eligible applicant.* -- The term "eligible applicant" means a person, including a private, public, or quasi-public entity, or an institution of higher education (as defined in § 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))), that seeks to establish a public charter school in the District of Columbia.

(17) *Eligible chartering authority.* -- The term "eligible chartering authority" means any of the following:

(A) The Board of Education;

(B) The Public Charter School Board; or

(C) Any one entity designated as an eligible chartering authority by enactment of a bill by the District of Columbia Council after April 26, 1996.

(18) *Family resource center.* -- The term "family resource center" means an information desk:

(A) Located in a District of Columbia public school or a public charter school serving a majority of students whose family income is not greater than 185 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with § 673(2) of the Community Services Block Grant Act applicable to a family of the size involved (42 U.S.C. 9902(3))); and

(B) Which links students and families to local resources and public and private entities involved in child care, adult education, health and social services, tutoring, mentoring, and job training.

(19) *Individual career path.* -- The term "individual career path" means a program of study that provides a secondary school student the skills necessary to compete in the 21st century workforce.

(20) *Literacy.* -- The term "literacy" means:

(A) In the case of a minor student, such student's ability to read, write, and speak in English, and compute and solve problems at levels of proficiency necessary to function in society, to achieve such student's goals, and develop such student's knowledge and potential; and

(B) In the case of an adult, such adult's ability to read, write, and speak in English, and compute and solve problems at levels of proficiency necessary to function on the job and in society, to achieve such adult's goals, and develop such adult's knowledge and potential.

(21) *Long-term reform plan.* -- The term "long-term reform plan" means the plan submitted by the Superintendent under § 38-1801.01.

(22) *Mayor.* -- The term "Mayor" means the Mayor of the District of Columbia.

(23) *Metrobus and Metrorail Transit System.* -- The term "Metrobus and Metrorail Transit System" means the bus and rail systems administered by the Washington Metropolitan Area Transit Authority.

(24) *Minor student.* -- The term "minor student" means an individual who:

(A) Is enrolled in a District of Columbia public school or a public charter school; and

(B) Is not beyond the age of compulsory school attendance, as prescribed in §§ 38-201 and 38-202.

(24A) *Nonprofit Corporation Act.* -- The term "Nonprofit Corporation Act" means subchapter I of Chapter 3 of Title 29.

(25) *Nonresident student.* -- The term "nonresident student" means:

(A) An individual under the age of 18 who is enrolled in a District of Columbia public school or a public charter school, and does not have a parent, guardian, custodian, or primary care giver, as determined pursuant to Chapter 3 of this title, residing in the District of Columbia; or

(B) An individual who is age 18 or older and is enrolled in a District of Columbia public school or public charter school, and does not reside in the District of Columbia.

(25A) *Office of the State Superintendent of Education or OSSE.* -- The term "Office of the State

Superintendent of Education" or "OSSE" means the Office of the State Superintendent of Education established by § 38-2601.

(26) *Parent*. -- The term "parent" means a person who has custody of a child, and who:

- (A) Is a natural parent of the child;
- (B) Is a stepparent of the child;
- (C) Has adopted the child; or
- (D) Is appointed as a guardian for the child by a court of competent jurisdiction.

(27) *Petition*. -- The term "petition" means a written application.

(28) *Promotion gate*. -- The term "promotion gate" means the criteria, developed by the Superintendent and approved by the Board of Education, that are used to determine student promotion at different grade levels. Such criteria shall include student achievement on districtwide assessments established under subchapter III of this chapter.

(29) *Public charter school*. -- The term "public charter school" means a publicly funded school in the District of Columbia that:

- (A) Is established pursuant to subchapter II of this chapter; and
- (B) Except as provided under §§ 38-1802.12(d)(5) and 38-1802.13(c)(5) is not a part of the District of Columbia public schools.

(30) *Public Charter School Board*. -- The term "Public Charter School Board" means the Public Charter School Board established under § 38-1802.14.

(31) *Secondary school*. -- The term "secondary school" means an institutional day or residential school that provides secondary education, as determined by District of Columbia law, except that such term does not include any education beyond grade 12.

(32) *Student with special needs*. -- The term "student with special needs" means a student who is a child with a disability as provided in § 602(a)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(a)(1)) or a student who is an individual with a disability as provided in § 7(8) of the Rehabilitation Act of 1973 (29 U.S.C. 706(8)).

(33) *Superintendent*. -- The term "Superintendent" means the Superintendent of the District of Columbia public schools.

(34) *Teacher*. -- The term "teacher" means any person employed as a teacher by the Board of Education or by a public charter school.

#### CREDIT(S)

(Apr. 26, 1996, 110 Stat. 1321 [226], Pub. L. 104-134, § 2002; Apr. 13, 2005, D.C. Law 15-348, § 102(a), 52 DCR 1991; Mar. 14, 2007, D.C. Law 16-268, § 4(a), 54 DCR 833; Sept. 18, 2007, D.C. Law 17-20, § 4032(a), 54 DCR 7052.)

#### HISTORICAL AND STATUTORY NOTES

##### Prior Codifications

1981 Ed., § 31-2852.

##### Effect of Amendments

D.C. Law 15-348, in par. (25)(A), substituted "parent, guardian, custodian, or primary care giver, as determined pursuant to Chapter 3 of this title," for "parent".

D.C. Law 16-268 added par. (24A).

D.C. Law 17-20 added par. (25A).

##### Temporary Amendments of Section

Section 3(a) of D.C. Laws 13-199 in subsec. (25)(A), substituted "parent, guardian or custodian"

for "parent".

Section 6(b) of D.C. Laws 13-427 provides that the act shall expire after 225 days of its having taken effect.

Section 3(a) of D.C. Law 14-38, in subsec. (25)(A) is amended by striking the word "parent" and inserting the phrase "parent, guardian or custodian" in its place.

Section 6(b) of D.C. Law 14-38 provides that the act shall expire after 225 days of its having taken effect.

Section 3(a) of D.C. Law 15-67, in par. (25)(A), substituted "parent, guardian or custodian" for "parent".

Section 6(b) of D.C. Law 15-67 provides that the act shall expire after 225 days of its having taken effect.

#### Emergency Act Amendments

For temporary (90-day) amendment of section, see § 3(a) of the Public School Enrollment Integrity Emergency Amendment Act of 2000 (D.C. Act 13-409, August 14, 2000, 47 DCR 7264).

For temporary (90 day) amendment of section, see § 3(a) of the Public School Enrollment Integrity Congressional Review Emergency Amendment Act of 2000 (D.C. Act 13-453, November 7, 2000, 47 DCR 9406).

For temporary (90 day) amendment of section, see § 3(a) of Public School Enrollment Integrity Emergency Amendment Act of 2001 (D.C. Act 14-86, July 9, 2001, 48 DCR 6373).

For temporary (90 day) amendment of section, see § 3(a) of Public School Enrollment Integrity Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-192, November 29, 2001, 48 DCR 11239).

For temporary (90 day) amendment of section, see § 3(a) of Public School Enrollment Integrity Clarification Emergency Amendment Act of 2003 (D.C. Act 15-174, October 6, 2003, 50 DCR 9181).

For temporary (90 day) amendment of section, see § 3(a) of Public School Enrollment Integrity Clarification Congressional Review Emergency Amendment Act of 2003 (D.C. Act 15-282, December 18, 2003, 51 DCR 191).

For temporary (90 day) amendment of section, see § 3(a) of Public School Enrollment Integrity Clarification Emergency Amendment Act of 2004 (D.C. Act 15-519, August 2, 2004, 51 DCR 8995).

For temporary (90 day) amendment of section, see § 4032(a) of Fiscal Year 2008 Budget Support Emergency Act of 2007 (D.C. Act 17-74, July 25, 2007, 54 DCR 7549).

#### Legislative History of Laws

Law 14-38, the "Public School Enrollment Integrity Temporary Amendment Act of 2001", was introduced in Council and assigned Bill No. 14-242, which was retained by Council. The Bill was adopted on first and second readings on June 5, 2001, and June 26, 2001, respectively. Signed by the Mayor on July 12, 2001, it was assigned Act No. 14-100 and transmitted to both Houses of Congress for its review. D.C. Law 14-38 became effective on October 13, 2001.

Law 15-67, the "Public School Enrollment Integrity Clarification Temporary Amendment Act of 2003", was introduced in Council and assigned Bill No. 15-433, and was retained by Council. The Bill was adopted on first and second readings on September 16, 2003, and October 7, 2003, respectively. Signed by the Mayor on October 24, 2003, it was assigned Act No. 15-185 and transmitted to both Houses of Congress for its review. D.C. Law 15-67 became effective on February 6, 2004.

Law 15-348, the "Public School Enrollment Integrity Clarification and Board of Education Honoraria Amendment Act of 2004", was introduced in Council and assigned Bill No. 15-411 which was referred to the Committee Education, Libraries and Recreation. The Bill was adopted on first and second readings on December 7, 2004, and December 21, 2004, respectively. Signed by the Mayor on January 22, 2005, it was assigned Act No. 15-742 and transmitted to both Houses of Congress for its review. D.C. Law 15-348 became effective on April 13, 2005.

For Law 16-268, see notes following § 38-1701.01.

For Law 17-20, see notes following § 38-451.

#### References in Text

"Part F of title IV of the District of Columbia Home Rule Act," referred to in (10)(A)(ii), is part F of title IV of the Act of December 24, 1973, 87 Stat. 774, Pub. L. 93-198 which is codified as §§ 1-204.61 through 1-204.66.

#### Miscellaneous Notes

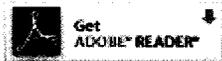
Short title: Section 4031 of D.C. Law 17-20 provided that subtitle D of title IV of the act may be cited as the "Student Funding Formula Assessment, Educational Data Warehouse, and Enrollment Fund Establishment Amendment Act of 2007".

DC CODE § 38-1800.02

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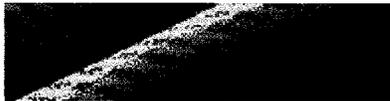
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**DC ST § 38-1800.03**

Formerly cited as DC ST 1981 § 31-2851

DC ST § 38-1800.03

Formerly cited as DC ST 1981 § 31-2851

District of Columbia Official Code 2001 Edition Currentness

Division VI. Education, Libraries, and Cultural Institutions.

Title 38. Educational Institutions. (Refs &amp; Annos)

Subtitle IV. Public Education--Charter Schools.

Chapter 18. District of Columbia School Reform (Public Charter Schools).

**→§ 38-1800.03. General effective date.**

Except as otherwise provided in this chapter, this chapter shall be effective beginning on April 26, 1996.

**CREDIT(S)**

(Apr. 26, 1996, 110 Stat. 1321 [226], Pub. L. 104-134, § 2003; Nov. 29, 1999, 113 Stat. 1526, Pub. L. 106-113, § 155.)

**HISTORICAL AND STATUTORY NOTES****Prior Codifications**

1981 Ed., § 31-2851.

**Effect of Amendments**

Section 155 of Public Law 106-113 deleted "during the period" preceding and "and ending 5 years after such date" following "beginning on April 26, 1996".

**Miscellaneous Notes**

Contracting Authority of District of Columbia Financial Responsibility and Management Assistance Authority: Section 5201 of Pub. L. 104-208, 110 Stat. 3009 [1450], provided that:

"The District of Columbia Financial Responsibility and Management Assistance Authority (referred to in this section as the "Authority") shall have the authority to contract with a private entity (or entities) to carry out a program of school facility repair of public schools and public charter schools located in public school facilities in the District of Columbia, in consultation with the General Services Administration: Provided, That an amount estimated to be \$40,700,000 is hereby transferred and otherwise made available to the Authority until expended for contracting

as provided under this section, to be derived from transfers and reallocations as follows: (1) funds made available under the heading "PUBLIC EDUCATION SYSTEM" in Public Law 104-194 for school repairs in a restricted line item; (2) all capital financing authority made available for public school capital improvements in Public Law 104-194; and (3) all capital financing authority made available for public school capital improvements which are or remain available from Public Law 104-134 or any previous appropriations Act for the District of Columbia: Provided further, That the General Services Administration, in consultation with the District of Columbia Public Schools and the District of Columbia Council and subject to the approval of the Authority and the Committees on Appropriations of the Senate and the House of Representatives, shall provide program management services to assist in the short-term management of the repairs and capital improvements: Provided further,

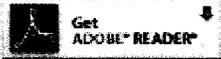
"That contracting authorized under this section shall be conducted in accordance with Federal procurement rules and regulations and guidelines or such guidelines as prescribed by the Authority."

DC CODE § 38-1800.03

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### DC ST § 38-1802.01

Formerly cited as DC ST 1981 § 31-2853.11

#### DC ST § 38-1802.01

Formerly cited as DC ST 1981 § 31-2853.11

District of Columbia Official Code 2001 Edition Currentness

Division VI. Education, Libraries, and Cultural Institutions.

Title 38. Educational Institutions. (Refs & Annos)

Subtitle IV. Public Education--Charter Schools.

Chapter 18. District of Columbia School Reform (Public Charter Schools).

Subchapter II. Public Charter Schools.

**→§ 38-1802.01. Process for filing charter petitions.**

(a) *Existing public school.* -- An eligible applicant seeking to convert a District of Columbia public school into a public charter school:

- (1) Shall prepare a petition to establish a public charter school that meets the requirements of § 38-1802.02;
- (2) Shall provide a copy of the petition to:
  - (A) The parents of minor students attending the existing school;
  - (B) Adult students attending the existing school;
  - (C) Employees of the existing school;
  - (D) Parents of minor students who both attend:
    - (i) The school grade immediately lower than the first school grade which is served by the public school which is the subject of the conversion petition; and
    - (ii) A school that is located within the attendance zone of the public school which is the subject of the conversion petition.
  - (E) Each Advisory Neighborhood Commission which represents an area within the attendance area of the public school which is the subject of the conversion petition; and
- (3) Shall file the petition with an eligible chartering authority for approval after the petition:
  - (A) Is signed by two-thirds of the sum of:
    - (i) The total number of parents of minor students attending the school; and
    - (ii) The total number of adult students attending the school; and
  - (B) Is endorsed by at least two-thirds of full-time teachers employed in the school.

(b) *Private or independent school.* -- An eligible applicant seeking to convert an existing private or independent school in the District of Columbia into a public charter school:

- (1) Shall prepare a petition to establish a public charter school that is approved by the Board of Trustees or authority responsible for the school and that meets the requirements of § 38-1802.02;
- (2) Shall provide a copy of the petition to:

- (A) The parents of minor students attending the existing school;
  - (B) Adult students attending the existing school; and
  - (C) Employees of the existing school; and
- (3) Shall file the petition with an eligible chartering authority for approval after the petition:
- (A) Is signed by two-thirds of the sum of:
    - (i) The total number of parents of minor students attending the school; and
    - (ii) The total number of adult students attending the school; and
  - (B) Is endorsed by at least two-thirds of full-time teachers employed in the school.

(c) *New school.* -- An eligible applicant seeking to establish in the District of Columbia a public charter school, but not seeking to convert a District of Columbia public school or a private or independent school into a public charter school, shall file with an eligible chartering authority for approval a petition to establish a public charter school that meets the requirements of § 38-1802.02.

(d) *Limitations on filing.* --

- (1) *Multiple chartering authorities.* -- An eligible applicant may not file the same petition to establish a public charter school with more than one eligible chartering authority during a calendar year.
- (2) *Multiple petitions.* -- An eligible applicant may not file more than one petition to establish a public charter school during a calendar year.

(e) A petition to establish a public charter school in the District of Columbia, or to convert a District of Columbia public school or an existing private or independent school, is a public document.

(f) *Existing public charter schools.* -- A public charter school that existed prior to June 12, 2007, and that was chartered by the District of Columbia Board of Education pursuant to Chapter 17 of this title, shall not be required to file a petition with the Public Charter School Board; it shall be considered approved and chartered for the purposes of this chapter and shall be subject to the powers and duties granted to the Public Charter School Board as an eligible chartering authority pursuant to §§ 38-1802.11, 38-1802.12, and 38-1802.13.

#### CREDIT(S)

(Apr. 26, 1996, 110 Stat. 1321 [234], Pub. L. 104-134, § 2201; Sept. 30, 1996, 110 Stat. 3009 [1461], Pub. L. 104-208, § 5205(a); Oct. 19, 2000, D.C. Law 13-172, § 2503(a), 47 DCR 6308; Oct. 18, 2004, 118 Stat. 1348, Pub. L. 108-335, §§ 341, 342(a); Dec. 8, 2004, 118 Stat. 3342, Pub. L. 108-447, Div. J., title I, § 103(a)(3); June 12, 2007, D.C. Law 17-9, § 802(a), 54 DCR 4102.)

#### HISTORICAL AND STATUTORY NOTES

##### Prior Codifications

1981 Ed., § 31-2853.11.

##### Effect of Amendments

D.C. Law 13-172 added subsec. (a)(2) (D) and (E).

Pub. L. 108-335 added subsec. (e).

Pub. L. 108-447 deleted amendments of subsecs. (a)(3)(B) and (b)(3)(B) by Pub. L. 108-335, § 342(a). See Editor's Notes.

D.C. Law 17-9 added subsec. (f).

#### Emergency Act Amendments

For temporary (90-day) amendment of section, see § 2503(a) of the Fiscal Year 2001 Budget Support Emergency Act of 2000 (D.C. Act 13-376, July 24, 2000, 47 DCR 6574).

For temporary (90 day) amendment of section, see § 2503(a) of the Fiscal Year 2001 Budget Support Congressional Review Emergency Act of 2000 (D.C. Act 13- 438, October 20, 2000, 47 DCR 8740).

For temporary (90 day) amendment of section, see § 4032(b) of Fiscal Year 2008 Budget Support Emergency Act of 2007 (D.C. Act 17-74, July 25, 2007, 54 DCR 7549).

For temporary (90 day) repeal of section 804 of D.C. Law 17-9, see § 4043(b) of Fiscal Year 2008 Budget Support Emergency Act of 2007 (D.C. Act 17-74, July 25, 2007, 54 DCR 7549).

#### Legislative History of Laws

Law 13-172, the "Fiscal Year 2001 Budget Support Act of 2000," was introduced in Council and assigned Bill No. 13-679, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 15, 2000, and June 6, 2000, respectively. Signed by the Mayor on June 26, 2000, it was assigned Act No. 13-175 and transmitted to both Houses of Congress for its review. D.C. Law 13-172 became effective on October 19, 2000.

For Law 17-9, see notes under § 38-103.

#### Effective Dates

Section 103(b) of Div. J, title I, of Pub. L. 108-447, provides: "The amendments made by this section shall take effect as if included in the enactment of the District of Columbia Appropriations Act, 2005 [Pub. L. 108- 335]".

#### Editor's Notes

The amendment of subsecs. (a)(3)(B) and (b)(3)(B) by Pub. L. 108-335, § 342(a), was deleted by Pub. L. 108-447, Div. J, title I, § 103(a)(3), and did not take effect. See Effective Dates note.

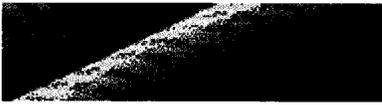
#### Miscellaneous Notes

Applicability: Section 804 of D.C. Law 17-9 provides that section 802 shall apply upon enactment by Congress. Section 804 of D.C. Law 17-9 was repealed by section 4043(b) of D.C. Law 17-20.

DC CODE § 38-1802.01

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### DC ST § 38-1802.02

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Title 38. Educational Institutions. (Refs & Annos)

Subtitle IV. Public Education--Charter Schools.

Chapter 18. District of Columbia School Reform (Public Charter Schools).

Subchapter II. Public Charter Schools.

➔**§ 38-1802.02. Contents of petition.**

A petition under § 38-1802.01 to establish a public charter school shall include the following:

(1) A statement defining the mission and goals of the proposed school and the manner in which the school will conduct any districtwide assessments;

(2) A statement of the need for the proposed school in the geographic area of the school site;

(3) A description of the proposed instructional goals and methods for the proposed school, which shall include, at a minimum:

(A) The area of focus of the proposed school, such as mathematics, science, or the arts, if the school will have such a focus;

(B) The methods that will be used, including classroom technology, to provide students with the knowledge, proficiency, and skills needed:

(i) To become nationally and internationally competitive students and educated individuals in the 21st century; and

(ii) To perform competitively on any districtwide assessments; and

(C) The methods that will be used to improve student self-motivation, classroom instruction, and learning for all students;

(4) A description of the scope and size of the proposed school's program that will enable students to successfully achieve the goals established by the school, including the grade levels to be served by the school and the projected and maximum enrollment of each grade level;

(5) A description of the plan for evaluating student academic achievement at the proposed school and the procedures for remedial action that will be used by the school when the academic achievement of a student falls below the expectations of the school;

(6) An operating budget for the first 2 years of the proposed school that is based on anticipated enrollment and contains:

(A) A description of the method for conducting annual audits of the financial, administrative, and programmatic operations of the school;

(B) Either:

(i) An identification of the site where the school will be located, including a description of any buildings on the site and any buildings proposed to be constructed on the site; or

- (I) An identification of a facility for the school, including a description of the site where the school will be located, any buildings on the site, and any buildings proposed to be constructed on the site; and
- (II) Information demonstrating that the eligible applicant has acquired title to, or otherwise secured the use of, the facility; or
- (ii) A timetable by which an identification described in subsubparagraph (i)(I) of this subparagraph will be made, and the information described in subsubparagraph (i)(II) of this subparagraph will be submitted, to the eligible chartering authority;
- (C) A description of any major contracts planned, with a value equal to or exceeding \$10,000, for equipment and services, leases, improvements, purchases of real property, or insurance; and
- (D) A timetable for commencing operations as a public charter school;
- (7) A description of the proposed rules and policies for governance and operation of the proposed school;
- (8) Copies of the proposed articles of incorporation and bylaws of the proposed school, which shall include provisions governing the distribution of the corporation's assets upon dissolution that comply with the requirements of § 38-1802.13a;
- (9) The names and addresses of the members of the proposed Board of Trustees and the procedures for selecting trustees;
- (10) A description of the student enrollment, admission, suspension, expulsion, and other disciplinary policies and procedures of the proposed school, and the criteria for making decisions in such areas;
- (11) A description of the procedures the proposed school plans to follow to ensure the health and safety of students, employees, and guests of the school and to comply with applicable health and safety laws, and all applicable civil rights statutes and regulations of the Federal Government and the District of Columbia;
- (12) An explanation of the qualifications that will be required of employees of the proposed school;
- (13) An identification, and a description, of the individuals and entities submitting the petition, including their names and addresses, and the names of the organizations or corporations of which such individuals are directors or officers;
- (14) A description of how parents, teachers, and other members of the community have been involved in the design and will continue to be involved in the implementation of the proposed school;
- (15) A description of how parents and teachers will be provided an orientation and other training to ensure their effective participation in the operation of the public charter school;
- (16) An assurance the proposed school will seek, obtain, and maintain accreditation from at least one of the following:
  - (A) The Middle States Association of Colleges and Schools;
  - (B) The Association of Independent Maryland Schools;
  - (C) The Southern Association of Colleges and Schools;
  - (D) The Virginia Association of Independent Schools;
  - (E) American Montessori Internationale;
  - (F) The American Montessori Society;
  - (G) The National Academy of Early Childhood Programs; or
  - (H) Any other accrediting body deemed appropriate by the eligible chartering authority that granted the charter to the school;
- (17) Repealed;
- (18) An explanation of the relationship that will exist between the public charter school and the school's employees; and
- (19) A statement of whether the proposed school elects to be treated as a local educational agency or a District of Columbia public school for purposes of Part B of the Individuals With Disabilities Education Act (20 U.S.C. 1411 et seq.) and § 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and notwithstanding any other provision of law the eligible chartering authority shall not have the authority to approve or disapprove such election.

## CREDIT(S)

(Apr. 26, 1996, 110 Stat. 1321 [235], Pub. L. 104-134, § 2202; Sept. 30, 1996, 110 Stat. 3009 [1461], Pub. L. 104-208, § 5205(b); Nov. 22, 2000, 114 Stat. 2440, Pub. L. 106-552, § 120(c) (2)(A); Mar. 14, 2007, D.C. Law 16- 268, § 4(b), 54 DCR 833.)

## HISTORICAL AND STATUTORY NOTES

## Prior Codifications

1981 Ed., § 31-2853.12.

## Effect of Amendments

Section 120 (c)(2)(A) of Public Law 106-522 deleted provisions contained in par. (17) which formerly provided:

"(17) In the case that the proposed school's educational program includes preschool or prekindergarten, an assurance the proposed school will be licensed as a child development center by the District of Columbia Government not later than the first date on which such program commences;"

D.C. Law 16-268, in par. (8), inserted "which shall include provisions governing the distribution of the corporation's assets upon dissolution that comply with the requirements of § 38-1802.13a" following "and bylaws of the proposed school".

## Legislative History of Laws

For Law 16-268, see notes following § 38-1701.01.

DC CODE § 38-1802.02

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Subtitle IV. Public Education--Charter Schools.

Chapter 18. District of Columbia School Reform (Public Charter Schools).

Subchapter II. Public Charter Schools.

**→§ 38-1802.03. Process for approving or denying public charter school petitions.**

(a) *Schedule.* -- An eligible chartering authority shall establish a schedule for receiving petitions to establish a public charter school and shall publish any such schedule in the District of Columbia Register and newspapers of general circulation.

(b) *Public hearing.* -- Not later than 45 days after a petition to establish a public charter school is filed with an eligible chartering authority, the eligible chartering authority shall hold a public hearing on the petition to gather the information that is necessary for the eligible chartering authority to make the decision to approve or deny the petition.

(c) *Notice.* -- Not later than 10 days prior to the scheduled date of a public hearing on a petition to establish a public charter school, an eligible chartering authority:

(1) Shall publish a notice of the hearing in the District of Columbia Register and newspapers of general circulation;

(2) Shall send a written notification of the hearing date to the eligible applicant who filed the petition;

(3) Shall send written notification of the hearing date to the Advisory Neighborhood Commission in the area in which the school is located; and

(4) Shall send written notification of the hearing date to the following parties when the petition is to convert an existing public school into a public charter school:

(A) Parents of minor students attending the public school which is the subject of the conversion petition;

(B) Adult students attending the public school which is the subject of the conversion petition;

(C) Employees of the public school which is the subject of the conversion petition; and

(D) Parents of minor students who both attend:

(i) The school grade immediately lower than the first school grade which is served by the

public school which is the subject of the conversion petition; and  
(ii) A school that is located within the attendance zone of the public school which is the subject of the conversion petition.

(d) *Approval.* --

(1) *In general.* -- Subject to subsection (i) of this section and paragraph (2) of this subsection an eligible chartering authority shall approve a petition to establish a public charter school, if:

(A) The eligible chartering authority determines that the petition satisfies the requirements of this subchapter;

(B) The eligible applicant who filed the petition agrees to satisfy any condition or requirement, consistent with this subchapter and other applicable law, that is set forth in writing by the eligible chartering authority as an amendment to the petition;

(C) The eligible chartering authority determines that the public charter school has the ability to meet the educational objectives outlined in the petition; and

(D) The approval will not cause the eligible chartering authority to exceed a limit under subsection (i) of this section.

(2) *Conditional approval.* --

(A) *In general.* -- In the case of a petition that does not contain the identification and information required under § 38-1802.02(6)(B)(i), but does contain the timetable required under § 38-1802.02(6)(B)(ii), an eligible chartering authority may only approve the petition on a conditional basis, subject to the eligible applicant's submitting the identification and information described in § 38-1802.02(6)(B)(i) in accordance with such timetable, or any other timetable specified in writing by the eligible chartering authority in an amendment to the petition.

(B) *Effect of conditional approval.* -- For purposes of subsections (e), (h), (i), and (j) of this section, a petition conditionally approved under this paragraph shall be treated the same as a petition approved under paragraph (1) of this subsection except that on the date that such a conditionally approved petition ceases to be conditionally approved because the eligible applicant has not timely submitted the identification and information described in § 38-1802.02(6)(B)(i), the approval of the petition shall cease to be counted for purposes of subsection (i) of this section.

(e) *Timetable.* -- An eligible chartering authority shall approve or deny a petition to establish a public charter school not later than 45 days after the conclusion of the public hearing on the petition.

(f) *Extension.* -- An eligible chartering authority and an eligible applicant may agree to extend the 45-day time period referred to in subsection (e) of this section by a period that shall not exceed 30 days.

(g) *Denial explanation.* -- If an eligible chartering authority denies a petition or finds the petition to be incomplete, the eligible chartering authority shall specify in writing the reasons for its decision and indicate, when the eligible chartering authority determines appropriate, how the eligible applicant who filed the petition may revise the petition to satisfy the requirements for approval.

(h) *Approved petition.* --

(1) *Notice.* -- Not later than 10 days after an eligible chartering authority approves a petition to establish a public charter school, the eligible chartering authority shall provide a written notice of the approval, including a copy of the approved petition and any conditions or requirements

agreed to under subsection (d) of this section, to the eligible applicant and to the Chief Financial Officer of the District of Columbia. The eligible chartering authority shall publish a notice of the approval of the petition in the District of Columbia Register and newspapers of general circulation.

(2) *Charter.* -- The provisions described in paragraphs (1), (7), (8), (11), (16), and (18) of § 38-1802.02 of a petition to establish a public charter school that are approved by an eligible chartering authority, together with any amendments to such provisions in the petition containing conditions or requirements agreed to by the eligible applicant under subsection (d) of this section, shall be considered a charter granted to the school by the eligible chartering authority.

(i) *Number of petitions.* --

(1) *First year.* -- During calendar year 1996, not more than 10 petitions to establish public charter schools may be approved under this subchapter.

(2) *Subsequent years.* --

(A) *In general.* --

(i) *Annual limit.* -- Subject to subparagraph (B) of this paragraph and sub-subparagraph (ii) of this subparagraph, during calendar year 1997, and during each subsequent calendar year, each eligible chartering authority shall not approve more than 10 petitions to establish a public charter school under this subchapter.

(ii) *Timetable.* -- Any petition approved under sub-subparagraph (i) of this subparagraph shall be approved during an application approval period that terminates on April 1 of each year. Such an approval period may commence before or after January 1 of the calendar year in which it terminates, except that any petition approved at any time during such an approval period shall count, for purposes of sub-subparagraph (i) of this subparagraph, against the total number of petitions approved during the calendar year in which the approval period terminates.

(B) *Exception.* -- If, by April 1 of any calendar year after 1996, an eligible chartering authority has approved fewer than 10 petitions during such calendar year, any other eligible chartering authority may approve more than 10 petitions during such calendar year, but only if:

(i) The eligible chartering authority completes the approval of any such additional petition before June 1 of the year; and

(ii) The approval of any such additional petition will not cause the total number of petitions approved by all eligible chartering authorities during the calendar year to exceed 20.

(j) *Authority of eligible chartering authority.* --

(1) *In general.* -- Except as provided in paragraph (2) of this subsection, and except for officers or employees of the eligible chartering authority with which a petition to establish a public charter school is filed, no governmental entity, elected official, or employee of the District of Columbia shall make, participate in making, or intervene in the making of, the decision to approve or deny such a petition.

(2) *Availability of review.* -- A decision by an eligible chartering authority to deny a petition to establish a public charter school shall be subject to judicial review by an appropriate court of the District of Columbia or by the Office of the State Superintendent of Education. In the case of review by the Office of the State Superintendent of Education, the Office of the State Superintendent of Education shall issue procedures for the submission and review of appeals.

CREDIT(S)

(Apr. 26, 1996, 110 Stat. 1321 [237], Pub. L. 104-134, § 2203; Sept. 30, 1996, 110 Stat. 3009 [1462], Pub. L. 104-208, § 5205(c); Nov. 19, 1997, 111 Stat. 2190, Pub. L. 105-100, § 167; Oct. 19, 2000, D.C. Law 13-172, § 2503(b), 47 DCR 6308; Nov. 22, 2000, 114 Stat. 2440, Pub. L. 106-552, § 120(c)(2)(B); June 12, 2007, D.C. Law 17-9, § 802(b), 54 DCR 4102.)

## HISTORICAL AND STATUTORY NOTES

## Prior Codifications

1981 Ed., § 31-2853.13.

## Effect of Amendments

Section 120 (c)(2)(B) of Public Law 106-522 deleted reference to par. (17) in the enumeration at the beginning of subsec. (h)(2).

D.C. Law 13-172 added subsec. (c) (3) and (4).

D.C. Law 17-9, in subsec. (j)(2), substituted ".of Columbia or by the Office of the State Superintendent of Education. In the case of review by the Office of the State Superintendent of Education, the Office of the State Superintendent of Education shall issue procedures for the submission and review of appeals." for "of Columbia."

## Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2503(b) of the Fiscal Year 2001 Budget Support Congressional Review Emergency Act of 2000 (D.C. Act 13- 438, October 20, 2000, 47 DCR 8740).

For temporary (90 day) repeal of section 804 of D.C. Law 17-9, see § 4043(b) of Fiscal Year 2008 Budget Support Emergency Act of 2007 (D.C. Act 17-74, July 25, 2007, 54 DCR 7549).

## Legislative History of Laws

For Law 13-172, see notes following § 38-1802.01.

For Law 17-9, see notes under § 38-103.

## Miscellaneous Notes

Applicability: Section 804 of D.C. Law 17-9 provides that section 802 shall apply upon enactment by Congress. Section 804 of D.C. Law 17-9 was repealed by section 4043(b) of D.C. Law 17-20.

DC CODE § 38-1802.03

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### DC ST § 38-1802.04

Formerly cited as DC ST 1981 § 31-2853.14

DC ST § 38-1802.04

Formerly cited as DC ST 1981 § 31-2853.14

District of Columbia Official Code 2001 Edition Currentness

Division VI. Education, Libraries, and Cultural Institutions.

Title 38. Educational Institutions. (Refs & Annos)

Subtitle IV. Public Education--Charter Schools.

Chapter 18. District of Columbia School Reform (Public Charter Schools).

Subchapter II. Public Charter Schools.

**→§ 38-1802.04. Duties, powers, and other requirements, of public charter schools.**

(a) *Duties.* -- A public charter school shall comply with all of the terms and provisions of its charter.

(b) *Powers.* -- A public charter school shall have the following powers:

- (1) To adopt a name and corporate seal, but only if the name selected includes the words "public charter school";
- (2) To acquire real property for use as the public charter school's facilities, from public or private sources;
- (3) To receive and disburse funds for public charter school purposes;
- (4) Subject to subsection (c)(1) of this section, to secure appropriate insurance and to make contracts and leases, including agreements to procure or purchase services, equipment, and supplies;
- (5) To incur debt in reasonable anticipation of the receipt of funds from the general fund of the District of Columbia or the receipt of Federal or private funds;
- (6) To solicit and accept any grants or gifts for public charter school purposes, if the public charter school:
  - (A) Does not accept any grants or gifts subject to any condition contrary to law or contrary to its charter; and
  - (B) Maintains for financial reporting purposes separate accounts for grants or gifts;
- (7) To be responsible for the public charter school's operation, including preparation of a budget and personnel matters; and
- (8) To sue and be sued in the public charter school's own name.

(b-1) *Limitation on powers* -- Each power conferred upon a public charter school under subsection (b) of this section can only be used for the sole purpose of operating the public charter school.

(c) *Prohibitions and other requirements.* --

(1) *Contracting authority.* --

(A) *Notice requirement for procurement contracts.* --

(i) *In general.* -- Except in the case of an emergency (as determined by the eligible chartering authority of a public charter school), with respect to any procurement contract proposed to be awarded by the public charter school and having a value equal to or exceeding \$25,000, the school shall publish a notice of a request for proposals in the District of Columbia Register and newspapers of general circulation not less than 7 days prior to the award of the contract.

(ii) *Exception for certain contracts.* -- The notice requirement of sub-subparagraph (i) of this subparagraph shall not apply with respect to any contract for the lease or purchase of real property by a public charter school, any employment contract for a staff member of a public charter school, or any management contract entered into by a public charter school and the management company designated in its charter or its petition for a revised charter.

(B) *Submission to the eligible chartering authority.* --

(i) *Deadline for submission.* -- With respect to any contract described in subparagraph (A) of this paragraph that is awarded by a public charter school, the school shall submit to the eligible chartering authority, not later than 3 days after the date on which the award is made, all bids for the contract received by the school, the name of the contractor who is awarded the contract, and the rationale for the award of the contract.

(ii) *Effective date of contract.* -- A contract described in subparagraph (A) of this paragraph shall become effective on the date that is 10 days after the date the school makes the submission under sub-subparagraph (i) of this subparagraph with respect to the contract, or the effective date specified in the contract, whichever is later.

(2) *Tuition, fees, and payments.* --

(A) *Prohibition.* -- A public charter school may not, with respect to any student other than a nonresident student, charge tuition, impose fees, or otherwise require payment for participation in any program, educational offering, or activity that:

(i) Enrolls students in any grade from kindergarten through grade 12; or

(ii) Is funded in whole or part through an annual local appropriation.

(B) *Exception.* -- A public charter school may impose fees or otherwise require payment, at rates established by the Board of Trustees of the school, for any program, educational offering, or activity not described in subsubparagraph (i) or (ii) of subparagraph (A), including adult education programs, or for field trips or similar activities.

(3) *Control.* -- A public charter school:

(A) Shall exercise exclusive control over its expenditures, administration, personnel, and instructional methods, within the limitations imposed in this subchapter; and

(B) Shall be exempt from District of Columbia statutes, policies, rules, and regulations established for the District of Columbia public schools by the Superintendent, Board of Education, Mayor, District of Columbia Council, or Authority, except as otherwise provided in the school's charter or this subchapter.

(4) *Health and safety.* --

(A) A public charter school shall maintain the health and safety of all students attending such school.

(B) A public charter school shall submit, before September 16 of each year, a report to the chartering authority and, in a control year to the Authority a report that documents that the charter school's facilities comply with the applicable health and safety laws and regulations of the federal government and the District of Columbia, including the District of Columbia Fire Prevention Code. The report shall be open to public inspection and available upon request.

(5) *Civil rights and idea.* -- The Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), § 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), and the Americans

with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), shall apply to a public charter school.

(6) *Governance.* -- A public charter school shall be governed by a Board of Trustees in a manner consistent with the charter granted to the school and the provisions of this subchapter.

(7) *Other staff.* -- No employee of the District of Columbia public schools may be required to accept employment with, or be assigned to, a public charter school.

(8) *Other students.* -- No student enrolled in a District of Columbia public school, may be required to attend a public charter school; provided, that this paragraph shall not apply to students with special needs.

(9) *Taxes or bonds.* -- A public charter school shall not levy taxes or issue bonds.

(10) *Charter revision.* -- A public charter school seeking to revise its charter shall prepare a petition for approval of the revision and file the petition with the eligible chartering authority that granted the charter. The provisions of § 38-1802.03 shall apply to such a petition in the same manner as such provisions apply to a petition to establish a public charter school.

(11) *Annual report.* --

(A) *In general.* -- A public charter school shall submit an annual report to the eligible chartering authority that approved its charter. The school shall permit a member of the public to review any such report upon request.

(B) *Contents.* -- A report submitted under subparagraph (A) of this paragraph shall include the following data:

(i) A report on the extent to which the school is meeting its mission and goals as stated in the petition for the charter school;

(ii) Student performance on any districtwide assessments;

(iii) Grade advancement for students enrolled in the public charter school;

(iv) Graduation rates, college admission test scores, and college admission rates, if applicable;

(v) Types and amounts of parental involvement;

(vi) Official student enrollment;

(vii) Average daily attendance;

(viii) Average daily membership;

(ix) For the fiscal year 2005 annual financial audit and subsequent fiscal year annual financial audits, a financial statement audited by an independent certified public accountant or accounting firm, who, notwithstanding any other provision of this chapter, shall be selected from an approved list developed by a committee of 2 representatives each from the District of Columbia Public Charter School Board, the District of Columbia Board of Education Charter School Board, and the District of Columbia Chief Financial Officer, in accordance with Government auditing standards for financial audits issued by the Comptroller General of the United States, pursuant to the April 8, 2005 memorandum of understanding between the District of Columbia Chartering Authorities and the District of Columbia Chief Financial Officer, as amended;

(x) A report on school staff indicating the qualifications and responsibilities of such staff; and

(xi) A list of all donors and grantors that have contributed monetary or in-kind donations having a value equal to or exceeding \$500 during the year that is the subject of the report.

(C) *Nonidentifying data.* -- Data described in sub-subparagraphs (i) through (ix) of subparagraph (B) of this paragraph that are included in an annual report shall not identify the individuals to whom the data pertain.

(12) *Census.* -- A public charter school shall provide to the Board of Education student enrollment data necessary for the Board of Education to comply with § 38-204.

(13) *Complaint resolution process.* -- A public charter school shall establish an informal complaint resolution process.

(14) *Program of education.* -- A public charter school shall provide a program of education which shall include one or more of the following:

(A) Preschool;

(B) Prekindergarten;

(C) Any grade or grades from kindergarten through grade 12;

(D) Residential education; or

(E) Adult, community, continuing, and vocational education programs.

(15) *Nonsectarian nature of schools.* -- A public charter school shall be nonsectarian and shall not be affiliated with a sectarian school or religious institution.

(16) *Nonprofit status of school.* -- A public charter school shall be organized under subchapter I of Chapter 3 of Title 29 and its sole purpose shall be the operation of the public charter school.

(17) *Immunity from civil liability.* --

(A) *In general.* -- A public charter school, and its incorporators, Board of Trustees, officers, employees, and volunteers, shall be immune from civil liability, both personally and professionally, for any act or omission within the scope of their official duties unless the act or omission:

- (i) Constitutes gross negligence;
- (ii) Constitutes an intentional tort; or
- (iii) Is criminal in nature.

(B) *Common law immunity preserved.* -- Subparagraph (A) of this paragraph shall not be construed to abrogate any immunity under common law of a person described in such subparagraph.

(18) *Licensing as child development center.* -- A public charter school which offers a preschool or prekindergarten program shall be subject to the same child care licensing requirements (if any) which apply to a District of Columbia public school which offers such a program.

(19) *Participation in educational data warehouse.* -- A public charter school shall participate in the longitudinal education data warehouse system established by the Office of the State Superintendent of Education and shall provide data to the OSSE upon request.

(20) *Cooperation with the Office of Ombudsman for Public Education.* -- A public charter school shall cooperate with the Office of Ombudsman for Public Education and shall comply with the disclosure protections of Chapter 3A of this title.

(21) *Distribution of funds.* -- Funds that have not been provided for in an approved financial plan shall not be distributed to any public charter school.

## CREDIT(S)

(Apr. 26, 1996, 110 Stat. 1321 [238], Pub. L. 104-134, § 2204; Sept. 9, 1996, 110 Stat. 2356 [2376], Pub. L. 104-194, § 145; Oct. 19, 2000, D.C. Law 13-172, §§ 2803 and 2812, 47 DCR 6308; Nov. 22, 2000, 114 Stat. 2440, Pub. L. 106-522, § 120(a), (c)(1); Oct. 20, 2005, D.C. Law 16-33, § 4013, 52 DCR 7503; Mar. 14, 2007, D.C. Law 16-268, § 4(c), 54 DCR 833; June 12, 2007, D.C. Law 17-9, § 802(c), 54 DCR 4102; Sept. 18, 2007, D.C. Law 17-20, § 4032(b), 54 DCR 7052; Aug. 16, 2008, D.C. Law 17-219, § 4023, 55 DCR 7598.)

## HISTORICAL AND STATUTORY NOTES

### Prior Codifications

1981 Ed., § 31-2853.14.

### Effect of Amendments

Section 120 (a) of Public Law 106-522 substituted for "authority" the words "eligible chartering authority" in the heading to subsec. (c)(1)(B) and cl. (i) thereunder; and rewrote subsec. (c)(1) (A) and (c)(1)(B)(ii) which formerly provided:

"(A) Notice requirement.--Except in the case of an emergency (as determined by the eligible chartering authority of a public charter school), with respect to any contract proposed to be awarded by the public charter school and having a value equal to or exceeding \$10,000, the school shall publish a notice of a request for proposals in the District of Columbia Register and newspapers of general circulation not less than 30 days prior to the award of the contract.

"(ii) Effective date of contract.--

[(B)]

"(I) In general.--Subject to clause (II) of this sub-subparagraph, a contract described in subparagraph (A) of this paragraph shall become effective on the date that is 15 days after the date the school makes the submission under sub-subparagraph (i) of this subparagraph with respect to the contract, or the effective date specified in the contract, whichever is later.

"(II) Exception.--A contract described in subparagraph (A) of this paragraph shall be considered null and void if the Authority determines, within 12 days of the date the school makes the submission under sub-subparagraph (i) of this subparagraph with respect to the contract, that the contract endangers the economic viability of the public charter school."

Section (c)(1) of Public Law 106-522 added par. (18) pertaining to licensing as child development center.

D.C. Law 13-172 added at the end of subsec. (c)(8) "; provided, that this paragraph shall not apply to students with special needs."

D.C. Law 16-33, rewrote subsec. (c)(11)(B)(ix), which had read as follows:

"(ix) A financial statement audited by an independent certified public accountant in accordance with Government auditing standards for financial audits issued by the Comptroller General of the United States;"

D.C. Law 16-268 added subsec. (b-1); and in subsec. (c)(16), inserted "and its sole purpose shall be the operation of the public charter school" following "shall be organized under subchapter I of Chapter 3 of Title 29".

D.C. Law 17-9, in subsec. (c), added pars. (19) and (20).

D.C. Law 17-20 rewrote subsec. (c)(19), which had read as follows:

"(19) *Participation in education data warehouse.* -- A public charter school shall participate in the longitudinal education data warehouse system and shall provide data to the Office of the State Superintendent of Education upon request."

D.C. Law 17-219, in subsec. (c), added par. (21).

#### Emergency Act Amendments

For temporary (90-day) amendment of section, see §§ 2803 and 2812 of the Fiscal Year 2001 Budget Support Emergency Act of 2000 (D.C. Act 13-376, July 24, 2000, 47 DCR 6574).

For temporary (90 day) amendment of section, see §§ 2803 and 2812 of the Fiscal Year 2001 Budget Support Congressional Review Emergency Act of 2000 (D.C. Act 13-438, October 20, 2000, 47 DCR 8740).

For temporary (90 day) amendment of section, see § 4013 of Fiscal Year 2006 Budget Support Emergency Act of 2005 (D.C. Act 16-168, July 26, 2005, 52 DCR 7667).

For temporary (90 day) amendment of section, see § 4032(c) of Fiscal Year 2008 Budget Support Emergency Act of 2007 (D.C. Act 17-74, July 25, 2007, 54 DCR 7549).

For temporary (90 day) repeal of section 804 of D.C. Law 17-9, see § 4043(b) of Fiscal Year 2008 Budget Support Emergency Act of 2007 (D.C. Act 17-74, July 25, 2007, 54 DCR 7549).

For temporary (90 day) amendment, see § 4023 of Fiscal Year 2009 Budget Support Emergency Act of 2008 (D.C. Act 17-468, July 28, 2008, 55 DCR 8746).

#### Legislative History of Laws

For Law 13-172, see notes following § 38-1802.01.

For Law 16-33, see notes following § 38-1306.

For Law 16-268, see notes following § 38-1701.01.

For Law 17-9, see notes under § 38-103.

For Law 17-20, see notes following § 38-451.

For Law 17-219, see notes following § 38-251.

#### Miscellaneous Notes

Section 133 of Pub. L. 109-115, Nov. 30, 2005, 119 Stat. 2522, provides: "Section 4013 of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Amendment Act of 2005, passed on first reading on May 10, 2005 (engrossed version of Bill 16-200) [D.C. Law 16-33, § 4013], is hereby enacted into law."

Applicability: Section 804 of D.C. Law 17-9 provides that section 802 shall apply upon enactment by Congress. Section 804 of D.C. Law 17-9 was repealed by section 4043(b) of D.C. Law 17-20.

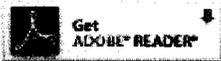
Short title: Section 4022 of D.C. Law 17-219 provided that subtitle K of title IV of the act may be cited as the "Public Charter School Board Fiscal Responsibility Amendment Act of 2008".

DC CODE § 38-1802.04

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### DC ST § 38-1802.05

Formerly cited as DC ST 1981 § 31-2853.15

DC ST § 38-1802.05

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Division VI. Education, Libraries, and Cultural Institutions.

Title 38. Educational Institutions. (Refs & Annos)

Subtitle IV. Public Education--Charter Schools.

Chapter 18. District of Columbia School Reform (Public Charter Schools).

Subchapter II. Public Charter Schools.

→§ 38-1802.05. **Board of Trustees of a public charter school.**

(a) *Board of Trustees.* -- The members of a Board of Trustees of a public charter school shall be elected or selected pursuant to the charter granted to the school. Such Board of Trustees shall have an odd number of members that does not exceed 15, of which:

- (1) A majority shall be residents of the District of Columbia; and
- (2) At least 2 shall be parents of a student attending the school.

(b) *Eligibility.* -- An individual is eligible for election or selection to the Board of Trustees of a public charter school if the person:

- (1) Is a teacher or staff member who is employed at the school;
- (2) Is a parent of a student attending the school; or
- (3) Meets the election or selection criteria set forth in the charter granted to the school.

(c) *Election or selection of parents.* -- In the case of the first Board of Trustees of a public charter school to be elected or selected after the date on which the school is granted a charter, the election or selection of the members under subsection (a)(2) of this section shall occur on the earliest practicable date after classes at the school have commenced. Until such date, any other members who have been elected or selected shall serve as an interim Board of Trustees. Such an interim Board of Trustees may exercise all of the powers, and shall be subject to all of the duties, of a Board of Trustees.

(d) *Fiduciaries.* -- The Board of Trustees of a public charter school shall be fiduciaries of the school and shall set overall policy for the school. The Board of Trustees may make final decisions on matters related to the operation of the school, consistent with the charter granted to the school, this subchapter, and other applicable law.

CREDIT(S)

(Apr. 26, 1996, 110 Stat. 1321 [241], Pub. L. 104-134, § 2205; Nov. 19, 1997, 111 Stat. 2191, Pub. L. 105-100, § 168.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

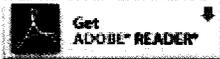
1981 Ed., § 31-2853.15.

DC CODE § 38-1802.05

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### DC ST § 38-1802.06

Formerly cited as DC ST 1981 § 31-2853.16

DC ST § 38-1802.06

Formerly cited as DC ST 1981 § 31-2853.16

District of Columbia Official Code 2001 Edition Currentness

Division VI. Education, Libraries, and Cultural Institutions.

Title 38. Educational Institutions. (Refs & Annos)

Subtitle IV. Public Education--Charter Schools.

Chapter 18. District of Columbia School Reform (Public Charter Schools).

Subchapter II. Public Charter Schools.

➔ **§ 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 sibling of a student already attending or selected for admission to the public charter school in which the applicant is seeking enrollment, or an applicant who is a child of a member of the public charter school's founding board, so long as enrollment of founders' children is limited to no more than 10% of the school's total enrollment or to 20 students, whichever is less.

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

- (A) Students enrolled in the school at the time the petition is granted;
- (B) The siblings of students described in subparagraph (A) of this paragraph; and
- (C) Students who reside within the attendance boundaries, if any, in which the school is located.

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

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

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

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

#### CREDIT(S)

(Apr. 26, 1996, 110 Stat. 1321 [242], Pub. L. 104-134, § 2206; Nov. 29, 1999, 113 Stat. 1526, Pub. L. 106-113, § 156; Oct. 19, 2000, D.C. Law 13- 172, § 2503(c), 47 DCR 6308; Mar. 14, 2007, D.C. Law 16-268, § 4(d), 54 DCR 833.)

#### HISTORICAL AND STATUTORY NOTES

##### Prior Codifications

1981 Ed., § 31-2853.16.

##### Effect of Amendments

Section 156 of Public Law 106-113 added at the end of subsec. (c) ", except that a preference in admission may be given to an applicant who is a sibling of a student already attending or selected for admission to the public charter school in which the applicant is seeking enrollment."

Section 2503(c) of D.C. Law 13-172 amended subsection (d)(1).

D.C. Law 16-268, in subsec. (c), inserted "or to an applicant who is a child of a member of the public charter school's founding board, so long as enrollment of founders' children is limited to no more than 10% of the school's total enrollment or to 20 students, whichever is less" following "in which the applicant is seeking enrollment".

##### Emergency Act Amendments

For temporary (90-day) amendment of section, see § 2503(c) of the Fiscal Year 2001 Budget Support Emergency Act of 2000 (D.C. Act 13-376, July 24, 2000, 47 DCR 6574).

For temporary (90 day) amendment of section, see § 2503(c) of the Fiscal Year 2001 Budget Support Congressional Review Emergency Act of 2000 (D.C. Act 13- 438, October 20, 2000, 47 DCR 8740).

##### Legislative History of Laws

For Law 13-172, see notes following § 38-1802.01.

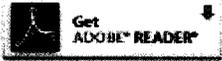
For Law 16-268, see notes following § 38-1701.01.

DC CODE § 38-1802.06

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### DC ST § 38-1802.07

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DC ST § 38-1802.07

Formerly cited as DC ST 1981 § 31-2853.17

District of Columbia Official Code 2001 Edition Currentness

Division VI. Education, Libraries, and Cultural Institutions.

Title 38. Educational Institutions. (Refs & Annos)

Subtitle IV. Public Education--Charter Schools.

Chapter 18. District of Columbia School Reform (Public Charter Schools).

Subchapter II. Public Charter Schools.

→§ 38-1802.07. **Employees.**

(a) *Extended leave of absence without pay.* --

(1) *Leave of absence from District of Columbia public schools.* -- The Superintendent shall grant, upon request, an extended leave of absence, without pay, to an employee of the District of Columbia public schools for the purpose of permitting the employee to accept a position at a public charter school for a 2-year term.

(2) *Request for extension.* -- At the end of a 2-year term referred to in paragraph (1) of this subsection, an employee granted an extended leave of absence without pay under such paragraph may submit a request to the Superintendent for an extension of the leave of absence for an unlimited number of 2-year terms. The Superintendent may not unreasonably (as determined by the eligible chartering authority) withhold approval of the request.

(3) *Rights upon termination of leave.* -- An employee granted an extended leave of absence without pay for the purpose described in paragraph (1) or (2) of this subsection shall have the same rights and benefits under law upon termination of such leave of absence as an employee of the District of Columbia public schools who is granted an extended leave of absence without pay for any other purpose.

(b) *Retirement System.* --

(1) *Creditable service.* -- An employee of a public charter school who has received a leave of absence under subsection (a) of this section shall receive creditable service, as defined in § 1-626.04 and the rules established under such section, for the period of the employee's employment at the public charter school.

(2) *Authority to establish separate system.* -- A public charter school may establish a retirement system for employees under its authority.

(3) *Election of retirement system.* -- A former employee of the District of Columbia public schools who becomes an employee of a public charter school within 60 days after the date the employee's employment with the District of Columbia public schools is terminated may, at the time the employee commences employment with the public charter school, elect:

(A) To remain in a District of Columbia Government retirement system and continue to receive creditable service for the period of their employment at a public charter school; or

(B) To transfer into a retirement system established by the public charter school pursuant to paragraph (2) of this subsection.

(4) *Prohibited employment conditions.* -- No public charter school may require a former employee of the District of Columbia public schools to transfer to the public charter school's retirement system as a condition of employment.

(5) *Contributions.* --

(A) *Employees electing not to transfer.* -- In the case of a former employee of the District of Columbia public school who elects to remain in a District of Columbia Government retirement system pursuant to paragraph (3)(A) of this subsection the public charter school that employs the person shall make the same contribution to such system on behalf of the person as the District of Columbia would have been required to make if the person had continued to be an employee of the District of Columbia public schools.

(B) *Employees electing to transfer.* -- In the case of a former employee of the District of Columbia public schools who elects to transfer into a retirement system of a public charter school pursuant to paragraph (3)(B) of this subsection, the applicable District of Columbia Government retirement system from which the former employee is transferring shall compute the employee's contribution to that system and transfer this amount, to the retirement system of the public charter school.

(c) *Employment status.* -- Notwithstanding any other provision of law and except as provided in this section, an employee of a public charter school shall not be considered to be an employee of the District of Columbia Government for any purpose.

(d) *Residency preference.* -- Notwithstanding the provisions of Unit A of Chapter 14 of Title 2, each qualified District resident applicant shall receive an additional 10-point preference over a qualified non-District resident applicant for all positions within a public charter school unless the applicant declines the preference. This 10-point preference shall be in addition to, and not instead of, qualifications established for the position. All persons hired after February 6, 2008, shall submit 8 proofs of residency upon employment in the manner determined by the Board. An applicant claiming the hiring preference under this section shall agree in writing to maintain bona fide District residency for a period of 7 consecutive years from the effective date of hire and shall provide proof of such residency annually to the director of personnel of the public charter school for the first 7 years of employment. Failure to maintain District residency for the consecutive 7-year period shall result in forfeiture of employment. The public charter school shall submit to the Board annual reports detailing the names of all new employees and their pay schedules, titles, and place of resident.

#### CREDIT(S)

(Apr. 26, 1996, 110 Stat. 1321 [243], Pub. L. 104-134, § 2207; Oct. 18, 2004, 118 Stat. 1349, Pub. L. 108-335, § 342(b); Dec. 8, 2004, 118 Stat. 3342, Pub. L. 108-447, Div. J., title I, § 103 (a)(3); Feb. 6, 2008, D.C. Law 17-108, § 214(a), 54 DCR 10993.)

#### HISTORICAL AND STATUTORY NOTES

##### Prior Codifications

1981 Ed., § 31-2853.17.

##### Effect of Amendments

Pub. L. 108-447 deleted the addition of subsec. (d) by Pub. L. 108-335. See Editor's Notes.

D.C. Law 17-108 added subsec. (d).

#### Legislative History of Laws

Law 17-108, the "Jobs for D.C. Residents Amendment Act of 2007", was introduced in Council and assigned Bill No. 17-185 which was referred to the Committee on Workforce Development and Government Operations. The Bill was adopted on first and second readings on July 10, 2007, and October 2, 2007, respectively. Signed by the Mayor on October 26, 2007, it was assigned Act No. 17-172 and transmitted to both Houses of Congress for its review. D.C. Law 17-108 became effective on February 6, 2008.

#### Effective Dates

Section 103(b) of Div. J, title I, of Pub. L. 108-447, provides: "The amendments made by this section shall take effect as if included in the enactment of the District of Columbia Appropriations Act, 2005 [Pub. L. 108- 335]".

#### Editor's Notes

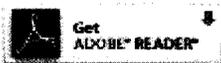
The addition of subsec. (e) by Pub. L. 108-335, § 342(b), was deleted by Pub. L. 108-447, Div. J, title I, § 103(a)(3), and did not take effect. See Effective Dates note.

DC CODE § 38-1802.07

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DC ST § 38-1802.08

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Title 38. Educational Institutions. (Refs &amp; Annos)

Subtitle IV. Public Education--Charter Schools.

Chapter 18. District of Columbia School Reform (Public Charter Schools).

Subchapter II. Public Charter Schools.

**→§ 38-1802.08. Reduced fares for public transportation.**

A student attending a public charter school shall be eligible for reduced fares on the Metrobus and Metrorail Transit System on the same terms and conditions as are applicable under subchapter II of Chapter 2 of Title 35, to a student attending a District of Columbia public school.

CREDIT(S)

(Apr. 26, 1996, 110 Stat. 1321 [244], Pub. L. 104-134, § 2208.)

## HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2853.18.

DC CODE § 38-1802.08

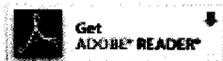
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### DC ST § 38-1802.09

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DC ST § 38-1802.09

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Title 38. Educational Institutions. (Refs & Annos)

Subtitle IV. Public Education--Charter Schools.

Chapter 18. District of Columbia School Reform (Public Charter Schools).

Subchapter II. Public Charter Schools.

**→§ 38-1802.09. District of Columbia public school services to public charter schools.**

(a) *In general.* -- The Superintendent may provide services, such as facilities maintenance, to public charter schools. All compensation for costs of such services shall be subject to negotiation and mutual agreement between a public charter school and the Superintendent.

(b) *Preference in leasing or purchasing public school facilities.* --

(1) *Former public school property.* --

(A)(i) *In general.* -- Notwithstanding any other provision of law, regulation, or order relating to the disposition of a facility or property described in subparagraph (B) of this paragraph, the Mayor and the District of Columbia government shall give a right of first offer with respect to any facility or property described in subparagraph (B) of this paragraph not previously purchased, leased, or transferred, or under contract to be purchased, leased, or transferred, or the subject of a previously proposed resolution submitted by the Mayor on or before December 1, 2004, to the Council of the District of Columbia seeking authority for disposition of such facility or property, or under an Exclusive Rights Agreement executed on or before December 1, 2004, to an eligible applicant whose petition to establish a public charter school has been conditionally approved under § 38-1802.03(d)(2), or a Board of Trustees, with respect to the purchase, lease, transfer, or use of a facility or property described in subparagraph (B) of this paragraph; provided, that the right of first offer shall be offered to an existing tenant that is:

(I)(aa) A public charter school that has occupied all, or substantially all, of the facility or property; or

(bb) An organization providing educational or youth services under contract with the District government that has been a tenant of the facility or property and has occupied all, or substantially all, of the facility or property since on or before December 1, 2004;

and

(II) In good standing on its existing lease agreement.

(ii) Nothing in sub-subparagraph (i) of this subparagraph shall be construed to deem a facility or property to be surplus or to authorize the Mayor to dispose of a facility or property.

(B) *Property described.* -- A facility or property referred to in subparagraph (A) of this paragraph is a facility, or real property:

(i) That formerly was under the jurisdiction of the Board of Education;

(ii) That the Board of Education has determined is no longer needed for purposes of operating a District of Columbia public school; and

(iii) With respect to which:

(I) The Board of Education has transferred jurisdiction to the Mayor and over which the Mayor has jurisdiction on October 18, 2004; or

(II) Over which the Mayor or any successor agency gains jurisdiction after October 18, 2004.

(C) *Terms of purchase or lease.* -- The terms of purchase or lease of a facility or property described in subparagraph (B) of this paragraph shall:

(i) Be negotiated by the Mayor in accordance with written rules or regulations as determined by the Mayor, and published in the District of Columbia Register;

(ii) Include rent or an acquisition price, as applicable, that is at the appraised value of the property based on use of the property for school purposes; and

(iii) Include a lease period, if the property is to be leased, of not less than 25 years, and renewable for additional 25-year periods as long as the eligible applicant or Board of Trustees maintains its charter.

(2) *Current public school property.* --

(A) *In general.* -- Notwithstanding any other provision of law relating to the disposition of a facility or property described in subparagraph (B) of this paragraph, the Mayor and the District of Columbia Government shall give a right to first offer to an eligible applicant whose petition to establish a public charter school has been conditionally approved under § 38-1802.03(d) (2), or a Board of Trustees, in leasing, or otherwise contracting for the use of, a facility or property described in subparagraph (B) of this paragraph.

(B) *Property described.* -- A facility or property referred to in subparagraph (A) of this paragraph is a facility, real property, or a designated area of a facility or real property, that:

(i) Is under the jurisdiction of the Board of Education; and

(ii) Is available for use because the Board of Education is not using, for educational, administrative, or other purposes, the facility, real property, or designated area.

(3) *Conversion public charter schools.* -- Any District of Columbia public school that was approved to become a conversion public charter school under § 38-1802.01 before October 18, 2004, or is approved to become a conversion public charter school after October 18, 2004, shall have the right to exclusively occupy the facilities the school occupied as a District of Columbia public school under a lease for a period of not less than 25 years, renewable for additional 25-year periods as long as the school maintains its charter at the appraised value of the property based on use of the property for school purposes.

## CREDIT(S)

(Apr. 26, 1996, 110 Stat. 1321 [244], Pub. L. 104-134, § 2209; Sept. 30, 1996, 110 Stat. 3009 [1466], Pub. L. 104-208, § 5205(d); Nov. 13, 2003, D.C. Law 15-39, § 332, 50 DCR 5668; Oct. 18, 2004, 118 Stat. 1349, Pub. L. 108-335, § 342(c); Dec. 8, 2004, 118 Stat. 3342, Pub. L. 108-447, Div. J, title I, § 103(a)(3); July 18, 2008, D.C. Law 17-183, § 2, 55 DCR 6099.)

## HISTORICAL AND STATUTORY NOTES

### Prior Codifications

1981 Ed., § 31-2853.19.

#### Effect of Amendments

D.C. Law 15-39, in subsec. (b), inserted "first" before "preference" and inserted ", transfer, or use" after "lease " in subpar. (1)(A), and inserted "first" before "preference" in subpar. (2)(A).

Pub. L. 108-335, as amended by Pub.L. 108-447, in par. (1) of subsec. (b), rewrote subpars. (A) and (B)(iii), and added subpar. (C); in par. (2)(A) of subsec. (b), substituted "a right to first offer" for "preference"; and added par. (3) to subsec. (b). Prior to amendment, subpars. (A) and (B)(iii) of par. (1) of subsec. (b), had read as follows:

"(A) In general. -- Notwithstanding any other provision of law relating to the disposition of a facility or property described in subparagraph (B) of this paragraph, the Mayor and the District of Columbia Government shall give first preference to an eligible applicant whose petition to establish a public charter school has been conditionally approved under 38-1802.03(d)(2), or a Board of Trustees, with respect to the purchase or lease, transfer, or use of a facility or property described in subparagraph (B) of this paragraph, provided that doing so will not result in a significant loss of revenue that might be obtained from other dispositions or uses of the facility or property."

"(iii) With respect to which the Board of Education has transferred jurisdiction to the Mayor."

Pub. L. 108-447 amended Pub. L. 108-335. See Effective Date notes.

D.C. Law 17-183 rewrote subsec. (b)(1)(A), which had read as follows:

"(A) *In general.* -- Notwithstanding any other provision of law, regulation, or order relating to the disposition of a facility or property described in subparagraph (B) of this paragraph, the Mayor and the District of Columbia government shall give a right of first offer with respect to any facility or property described in subparagraph (B) of this paragraph not previously purchased, leased, or transferred, or under contract to be purchased, leased, or transferred, or the subject of a previously proposed resolution submitted by the Mayor on or before December 1, 2004, to the Council of the District of Columbia seeking authority for disposition of such facility or property, or under an Exclusive Rights Agreement executed on or before December 1, 2004, to an eligible applicant whose petition to establish a public charter school has been conditionally approved under § 38-1802.03(d)(2), or a Board of Trustees, with respect to the purchase, lease, transfer, or use of a facility or property described in subparagraph (B) of this paragraph."

#### Temporary Amendments of Section

Section 3 of D.C. Laws 13-143 added subsec. (c) to provide:

"(c) Notwithstanding subsections (a) and (b) of this section, there shall be a moratorium on the conversion of any District of Columbia public school into a public charter school."

Section 6(b) of D.C. Laws 13-143 provides:

"This act shall expire after 225 days of its having taken effect or upon the effective date of the Moratorium on Conversion of Existing District of Columbia Public Schools into Charter Schools Amendment Act of 2000, or upon the date that final action is taken on Bill 13-582, the "District of Columbia School Reform Amendment Act of 1999" and Bill 13-583, the "District of Columbia Public Charter School Conversion Petition Process Amendment Act of 2000", or on amendments in the nature of a substitute to these two bills, whichever occurs first. "

Section 2 of D.C. Law 17-19, in subsec. (b)(1)(A), designated the existing text as subsec. (b)(1)(A)(i) and substituted "this paragraph; provided, that the right of first offer shall be offered to an existing tenant that is:

"(I)(aa) A public charter school that has occupied all, or substantially all, of the facility or property; or

"(bb) An organization providing educational or youth services under contract with the District government that has been a tenant of the facility or property, and has occupied all, or substantially all, of the facility or property since on or before December 1, 2004; and

"(II) In good standing on its existing lease agreement." for "this paragraph.", and added subsec. (b)(1)(A)(ii) to read as follows:

"(ii) Nothing in sub-subparagraph (i) of this subparagraph shall be construed to deem a facility or property to be surplus or to authorize the Mayor to dispose of a facility or property."

Section 4(b) of D.C. Law 17-19 provides that the act shall expire after 225 days of its having taken effect.

#### Emergency Act Amendments

For temporary (90-day) amendment of section, see § 3 of the Moratorium on Conversion of Existing Public Schools into Charter Schools Emergency Amendment Act of 2000 (D.C. Act 13-311, April 7, 2000, 47 DCR 2735).

For temporary (90 day) amendment of section, see § 332 of Fiscal Year 2004 Budget Support Emergency Act of 2003 (D.C. Act 15-105, June 20, 2003, 50 DCR 5613).

For temporary (90 day) amendment of section, see § 332 of Fiscal Year 2004 Budget Support Congressional Review Emergency Act of 2003 (D.C. Act 15-149, September 22, 2003, 50 DCR 8360).

For temporary (90 day) amendment of section, see §2 of District of Columbia School Reform Property Disposition Clarification Emergency Amendment Act of 2007 (D.C. Act 17-50, May 15, 2007, 54 DCR 5362).

For temporary (90 day) amendment of section, see § 2 of District of Columbia School Reform Property Disposition Clarification Emergency Amendment Act of 2008 (D.C. Act 17-370, May 20, 2008, 55 DCR 6090).

For temporary (90 day) addition, see § 4131 of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) addition, see § 4131 of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

#### Legislative History of Laws

For Law 15-39, see notes following § 38-160.

Law 17-183, the "District of Columbia School Reform Property Disposition Clarification Amendment Act of 2008", was introduced in Council and assigned Bill No.17-217 which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on April 15, 2008, and May 6, 2008, respectively. Signed by the Mayor on May 20, 2008, it was

assigned Act No. 17- 376 and transmitted to both Houses of Congress for its review. D.C. Law 17-183 became effective on July 18, 2008.

#### Effective Dates

Section 103(b) of Div. J, title I, of Pub. L. 108-447, provides: "The amendments made by this section shall take effect as if included in the enactment of the District of Columbia Appropriations Act, 2005 [Pub. L. 108- 335]".

#### Delegation of Authority

Delegation of the Mayor's Surplus Property Disposition Authority to the Director of the Office of Property Management to Dispose of Specified Properties on Behalf of the District of Columbia, see Mayor's Order 2000-173, November 8, 2000 (47 DCR 9540).

Delegation of Authority-Office of Property Management, see Mayor's Order 2007- 260, December 7, 2007 (55 DCR 211).

Delegation of Authority Regarding the Purchase, Lease, Transfer, or Use of Former and Current School Property, see Mayor's Order 2008-162, December 4, 2008 (56 DCR 330).

#### Miscellaneous Notes

Procedures for Disposition of Surplus Properties and Facilities Formerly Under the Jurisdiction of the D.C. Public Schools, see Mayor's Order 2000-150, October 5, 2000 (47 DCR 8266).

Short title of subtitle D of title III of Law 15-39: Section 331 of D.C. Law 15-39 provided that subtitle D of title III of the act may be cited as the Public Charter School Facilities Preference Amendment Act of 2003.

Short title: Section 4130 of D.C. Law 18-111 provided that subtitle N of title IV of the act may be cited as the "District of Columbia School Reform Education Facility Act of 2009".

Section 4131 of D.C. Law 18-111 provides:

"(a) Pursuant to section 2209(b)(1)(A)(i)(I)(bb) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.09(b)(1)(A)(i)(I)(bb)), Associates for Renewal of Education, Inc., as an organization providing youth and educational services and a tenant of Slater School since prior to December 2004, shall:

"(1) Be offered the right of first offer on a disposition of Slater School;

"(2) Be permitted to remain and continue to operate in Slater School under existing terms and conditions throughout the leasing preference procedure; and

"(3) Be permitted to make any functional improvements and general repairs as necessary.

"(b) The Office of Property Management shall finalize a lease with Associates for Renewal of Education, Inc., within 90 days of the effective date of the District of Columbia School Reform Education Facility Emergency Act of 2009, passed on emergency basis on September 22, 2009 (Enrolled version of Bill 18- 443) [October 15, 2009]."

DC CODE § 38-1802.09



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**DC ST § 38-1802.10**

Formerly cited as DC ST 1981 § 31-2853.20

DC ST § 38-1802.10

Formerly cited as DC ST 1981 § 31-2853.20

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Title 38. Educational Institutions. (Refs &amp; Annos)

Subtitle IV. Public Education--Charter Schools.

Chapter 18. District of Columbia School Reform (Public Charter Schools).

Subchapter II. Public Charter Schools.

➔**§ 38-1802.10. Application of law.**(a) *Elementary and Secondary Education Act of 1965.* --(1) *Treatment as local educational agency.* --

(A) *In general.* -- For any fiscal year, a public charter school shall be considered to be a local educational agency for purposes of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), and shall be eligible for assistance under such part, if the fraction the numerator of which is the number of low-income students enrolled in the public charter school during the fiscal year preceding the fiscal year for which the determination is made and the denominator of which is the total number of students enrolled in such public charter school for such preceding year, is equal to or greater than the lowest fraction determined for any District of Columbia public school receiving assistance under such part A where the numerator is the number of low-income students enrolled in such public school for such preceding year and the denominator is the total number of students enrolled in such public school for such preceding year.

(B) *Definition.* -- For the purposes of this subsection, the term "low-income student" means a student from a low-income family determined according to the measure adopted by the District of Columbia to carry out the provisions of part A of title I of the Elementary and Secondary Education Act of 1965 that is consistent with the measures described in § 1113(a) (5) of such Act (20 U.S.C. 6313(a)(5)) for the fiscal year for which the determination is made.

(2) *Allocation for fiscal years 1996 through 1998.* --

(A) *Public charter schools.* -- For fiscal years 1996 through 1998, each public charter school that is eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965 shall receive a portion of the District of Columbia's total allocation under such part which bears the same ratio to such total allocation as the number described in subparagraph (C) of this paragraph bears to the number described in subparagraph (D) of this paragraph.

(B) *District of Columbia public schools.* -- For fiscal years 1996 through 1998, the District of Columbia public schools shall receive a portion of the District of Columbia's total allocation under part A of title I of the Elementary and Secondary Education Act of 1965 which bears the

same ratio to such total allocation as the total of the numbers described in subparagraphs (ii) and (iii) of subparagraph (D) bears to the aggregate total described in subparagraph (D) of this paragraph.

(C) *Number of eligible students enrolled in the public charter school.* -- The number described in this subparagraph is the number of low-income students enrolled in the public charter school during the fiscal year preceding the fiscal year for which the determination is made.

(D) *Aggregate number of eligible students.* -- The number described in this subparagraph is the aggregate total of the following numbers:

(i) The number of low-income students who, during the fiscal year preceding the fiscal year for which the determination is made, were enrolled in a public charter school.

(ii) The number of low-income students who, during the fiscal year preceding the fiscal year for which the determination is made, were enrolled in a District of Columbia public school selected to provide services under part A of title I of the Elementary and Secondary Education Act of 1965; and

(iii) The number of low-income students who, during the fiscal year preceding the fiscal year for which the determination is made:

(I) Were enrolled in a private or independent school; and

(II) Resided in an attendance area of a District of Columbia public school selected to provide services under part A of title I of the Elementary and Secondary Education Act of 1965.

(3) *Allocation for fiscal year 1999 and thereafter.* --

(A) *Calculation by secretary.* -- Notwithstanding §§ 1124(a)(2), 1124A(a)(4), and 1125(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(a)(2), 6334(a)(4), and 6335(d)), for fiscal year 1999 and each fiscal year thereafter, the total allocation under part A of title I of such Act for all local educational agencies in the District of Columbia, including public charter schools that are eligible to receive assistance under such part, shall be calculated by the Secretary of Education. In making such calculation, such Secretary shall treat all such local educational agencies as if such agencies were a single local educational agency for the District of Columbia.

(B) *Allocation.* --

(i) *Public charter schools.* -- For fiscal year 1999 and each fiscal year thereafter, each public charter school that is eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965 shall receive a portion of the total allocation calculated under subparagraph (A) of this paragraph which bears the same ratio to such total allocation as the number described in paragraph (2)(C) of this subsection bears to the aggregate total described in paragraph (2)(D) of this subsection.

(ii) *District of Columbia public school.* -- For fiscal year 1999 and each fiscal year thereafter, the District of Columbia public schools shall receive a portion of the total allocation calculated under subparagraph (A) of this paragraph which bears the same ratio to such total allocation as the total of the numbers described in subparagraphs (ii) and (iii) of paragraph (2)(D) of this subsection bears to the aggregate total described in paragraph (2)(D) of this subsection.

(4) *Use of ESEA funds.* -- The Board of Education may not direct a public charter school in the school's use of funds under part A of title I of the Elementary and Secondary Education Act of 1965.

(5) *ESEA requirements.* -- Except as provided in paragraph (6) of this subsection, a public charter school receiving funds under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) shall comply with all requirements applicable to schools receiving such funds.

(6) *Inapplicability of certain ESEA provisions.* -- The following provisions of the Elementary and Secondary Education Act of 1965 shall not apply to a public charter school:

(A) Paragraphs (5) and (8) of § 1112(b) (20 U.S.C. 6312(b));

(B) Paragraphs (1)(A), (1)(B), (1)(C), (1)(D), (1)(F), (1)(H), and (3) of § 1112(c) (20 U.S.C. 6312(c));

(C) Section 1113 (20 U.S.C. 6313);

- (D) Section 1115A (20 U.S.C. 6316);
- (E) Subsections (a), (b), and (c) of § 1116 (20 U.S.C. 6317);
- (F) Subsections (d) and (e) of § 1118 (20 U.S.C. 6319);
- (G) Section 1120 (20 U.S.C. 6321);
- (H) Subsections (a) and (c) of § 1120A (20 U.S.C. 6322); and
- (I) Section 1126 (20 U.S.C. 6337).

(b) *Property and sales taxes.* -- A public charter school shall be exempt from District of Columbia property and sales taxes.

(c) *Education of Children With Disabilities.* -- Notwithstanding any other provision of this chapter, each public charter school shall elect to be treated as a local educational agency or a District of Columbia public school for the purpose of part B of the Individuals With Disabilities Education Act (20 U.S.C. 1411 et seq.) and § 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

(d) *Waiver of application of duplicate and conflicting provisions.* -- Notwithstanding any other provision of law, and except as otherwise provided in this chapter, no provision of any law regarding the establishment, administration, or operation of public charter schools in the District of Columbia shall apply with respect to a public charter school or an eligible chartering authority to the extent that the provision duplicates or is inconsistent with any provision of this chapter.

(e) *Participation in GSA programs.* --

(1) *In general.* -- Notwithstanding any provision of this chapter or any other provision of law, a public charter school may acquire goods and services through the General Services Administration and may participate in programs of the Administration in the same manner and to the same extent as any entity of the District of Columbia government.

(2) *Participation by certain organizations.* -- A public charter school may delegate to a nonprofit, tax-exempt organization in the District of Columbia the public charter school's authority under paragraph (1) of this subsection.

#### CREDIT(S)

(Apr. 26, 1996, 110 Stat. 1321 [244], Pub. L. 104-134, § 2210; Nov. 22, 2000, 114 Stat. 2440, Pub. L. 106-522, § 120(b)(1), (e).)

#### HISTORICAL AND STATUTORY NOTES

##### Prior Codifications

1981 Ed., § 31-2853.20.

##### Effect of Amendments

Section 120 (b)(1) of Public Law 106-522 added subsec. (d) providing for waiver of application of duplicate and conflicting provisions.

Section 120 (b)(2) provides:

"(2) EFFECTIVE DATE.--The amendments made by this subsection shall take effect as if included in the enactment of the District of Columbia School Reform Act of 1995."

Section 120 (e) added subsec. (e) pertaining to participation in GSA programs.

#### Temporary Amendments of Section

Section 7 of D.C. Law 14-191 repealed subsec. (b).

Section 16(b) of D.C. Law 14-191 provides that the act shall expire after 225 days of its having taken effect.

Section 7 of D.C. Law 14-228 repealed subsec. (b).

Section 18(b) of D.C. Law 14-228 provides that the act shall expire after 225 days of its having taken effect.

#### Emergency Act Amendments

For temporary (90 day) amendment of section, see § 7 of Tax Clarity and Recorder of Deeds Emergency Act of 2002 (D.C. Act 14-381, June 6, 2002, 49 DCR 5674).

For temporary (90 day) amendment of section, see § 7 of Tax Clarity and Related Amendments Emergency Act of 2002 (D.C. Act 14-456, July 23, 2002, 49 DCR 8107).

For temporary (90 day) amendment of section, see § 7 of Tax Clarity and Related Amendments Congressional Review Emergency Act of 2002 (D.C. Act 14-510, October 23, 2002, 49 DCR 10247).

#### Legislative History of Laws

Law 14-191, the "Tax Clarity and Recorder of Deeds Temporary Act of 2002", was introduced in Council and assigned Bill No. 14-667, which was retained by the Council. The Bill was adopted on first and second readings on May 7, 2002, and June 4, 2002, respectively. Signed by the Mayor on July 10, 2002, it was assigned Act No. 14-404 and transmitted to both Houses of Congress for its review. D.C. Law 14-191 became effective on October 5, 2002.

Law 14-228, the "Tax Clarity and Related Amendments Temporary Act of 2002", was introduced in Council and assigned Bill No. 14-763, and was retained by Council. The Bill was adopted on first and second readings on July 2, 2002, and September 17, 2002, respectively. Signed by the Mayor on October 3, 2002, it was assigned Act No. 14-483 and transmitted to both Houses of Congress for its review. D.C. Law 14-228 became effective on March 25, 2003.

DC CODE § 38-1802.10

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## Welcome to the online source for the District of Columbia Official Code

### DC ST § 38-1802.11

Formerly cited as DC ST 1981 § 31-2853.21

DC ST § 38-1802.11

Formerly cited as DC ST 1981 § 31-2853.21

District of Columbia Official Code 2001 Edition Currentness

Division VI. Education, Libraries, and Cultural Institutions.

Title 38. Educational Institutions. (Refs & Annos)

Subtitle IV. Public Education--Charter Schools.

Chapter 18. District of Columbia School Reform (Public Charter Schools).

Subchapter II. Public Charter Schools.

➔ **§ 38-1802.11. Powers and duties of eligible chartering authorities.**

(a) *Oversight.* --

(1) *In general.* -- An eligible chartering authority:

(A) Shall monitor the operations of each public charter school to which the eligible chartering authority has granted a charter;

(B) Shall ensure that each such school complies with applicable laws and the provisions of the charter granted to such school; and

(C) Shall monitor the progress of each such school in meeting student academic achievement expectations specified in the charter granted to such school.

(D) Shall ensure that each public charter school complies with the annual reporting requirement of § 38-1802.04(c)(11), including submission of the audited financial statement required by § 38-1802.04(c)(11)(B)(ix).

(2) *Production of books and records.* -- An eligible chartering authority may require a public charter school to which the eligible chartering authority has granted a charter to produce any book, record, paper, or document, if the eligible chartering authority determines that such production is necessary for the eligible chartering authority to carry out its functions under this subchapter.

(b) *Fees.* --

(1) *Application fee.* -- An eligible chartering authority may charge an eligible applicant a fee, not to exceed \$150, for processing a petition to establish a public charter school.

(2) *Administration fee.* -- In the case of an eligible chartering authority that has granted a charter to a public charter school, the eligible chartering authority may charge the school a fee, not to exceed one-half of one percent of the annual budget of the school, to cover the cost of undertaking the ongoing administrative responsibilities of the eligible chartering authority with respect to the school that are described in this subchapter. The school shall pay the fee to the eligible chartering authority not later than November 15 of each year.

(c) *Immunity from civil liability.* --

(1) *In general.* -- An eligible chartering authority, the Board of Trustees of such an eligible chartering authority, and a director, officer, employee, or volunteer of such an eligible chartering authority, shall be immune from civil liability, both personally and professionally, for any act or omission within the scope of their official duties unless the act or omission:

- (A) Constitutes gross negligence;
- (B) Constitutes an intentional tort; or
- (C) Is criminal in nature.

(2) *Common law immunity preserved.* -- Paragraph (1) of this subsection shall not be construed to abrogate any immunity under common law of a person described in such paragraph.

(d) *Annual report.* -- On or before July 30 of each year, each eligible chartering authority that issues a charter under this subchapter shall submit a report to the Mayor, the District of Columbia Council, the Board of Education, the Secretary of Education, the appropriate congressional committees, and the Consensus Commission that includes the following information:

- (1) A list of the members of the eligible chartering authority and the addresses of such members;
- (2) A list of the dates and places of each meeting of the eligible chartering authority during the year preceding the report;
- (3) The number of petitions received by the eligible chartering authority for the conversion of a District of Columbia public school or a private or independent school to a public charter school, and for the creation of a new school as a public charter school;
- (4) The number of petitions described in paragraph (3) of this subsection that were approved and the number that were denied, as well as a summary of the reasons for which such petitions were denied;
- (5) A description of any new charters issued by the eligible chartering authority during the year preceding the report;
- (6) A description of any charters renewed by the eligible chartering authority during the year preceding the report;
- (7) A description of any charters revoked by the eligible chartering authority during the year preceding the report;
- (8) A description of any charters refused renewal by the eligible chartering authority during the year preceding the report;
- (9) Any recommendations the eligible chartering authority has concerning ways to improve the administration of public charter schools;
- (10) Details of major Board actions;
- (11) Major findings from school reviews of academic, financial, and compliance with health and safety standards and resulting Board action or recommendations;
- (12) Details of the fifth year review process and outcomes;
- (13) Summary of annual financial audits of all charter schools, including:
  - (A) The number of schools that failed to timely submit the audited financial statement required by that section;
  - (B) The number of schools whose audits revealed a failure to follow required accounting practices or other material deficiencies; and
  - (C) The steps taken by the authority to ensure that deficiencies found by the audits are rectified;
- (14) Number of schools which have required intervention by authorizing board to address any academic or operational issue;
- (15) What recommendations an authorizing board has made to correct identified deficiencies.

CREDIT(S)

(Apr. 26, 1996, 110 Stat. 1321 [247], Pub. L. 104-134, § 2211; Oct. 18, 2004, 118 Stat. 1349,

Pub. L. 108-335, § 343.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2853.21.

Effect of Amendments

Pub. L. 108-335, in subsec. (a), added subpar. (1)(D); and in subsec. (d), added pars. (10) through (15).

DC CODE § 38-1802.11

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### DC ST § 38-1802.12

Formerly cited as DC ST 1981 § 31-2853.22

DC ST § 38-1802.12

Formerly cited as DC ST 1981 § 31-2853.22

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Division VI. Education, Libraries, and Cultural Institutions.

Title 38. Educational Institutions. (Refs & Annos)

Subtitle IV. Public Education--Charter Schools.

Chapter 18. District of Columbia School Reform (Public Charter Schools).

Subchapter II. Public Charter Schools.

➔ **§ 38-1802.12. Charter renewal.**

(a) *Terms.* --

(1) *Initial term.* -- A charter granted to a public charter school shall remain in force for a 15-year period.

(2) *Renewals.* -- A charter may be renewed for an unlimited number of times, each time for a 15-year period.

(3) *Review.* -- An eligible chartering authority that grants or renews a charter pursuant to paragraph (1) or (2) of this subsection shall review the charter at least once every 5 years to determine whether the charter should be revoked for the reasons described in § 38-1802.13(a) or (b), in accordance with the procedures for revocation established under § 38-1802.13.

(b) *Application for charter renewal.* -- In the case of a public charter school that desires to renew its charter, the Board of Trustees of the school shall file an application to renew the charter with the eligible chartering authority that granted the charter not later than 120 days nor earlier than 365 days before the expiration of the charter. The application shall contain the following:

(1) A report on the progress of the public charter school in achieving the goals, student academic achievement expectations, and other terms of the approved charter;

(2) All audited financial statements for the public charter school for the preceding 4 years; and

(3) The articles of incorporation and bylaws of the nonprofit corporation operating the charter school, which shall contain provisions satisfying the requirements of § 38-1802.13a.

(c) *Approval of charter renewal application.* -- The eligible chartering authority that granted a charter shall approve an application to renew the charter that is filed in accordance with subsection (b) of this section, except that the eligible chartering authority shall not approve such application if the eligible chartering authority determines that:

(1) The school committed a material violation of applicable laws or a material violation of the conditions, terms, standards, or procedures set forth in its charter, including violations relating

to the education of children with disabilities; or

(2) The school failed to meet the goals and student academic achievement expectations set forth in its charter.

(d) *Procedures for consideration of charter renewal.* --

(1) *Notice of right to hearing.* -- An eligible chartering authority that has received an application to renew a charter that is filed by a Board of Trustees in accordance with subsection (b) of this section shall provide to the Board of Trustees written notice of the right to an informal hearing on the application. The eligible chartering authority shall provide the notice not later than 15 days after the date on which the eligible chartering authority received the application.

(2) *Request for hearing.* -- Not later than 15 days after the date on which a Board of Trustees receives a notice under paragraph (1) of this subsection, the Board of Trustees may request, in writing, an informal hearing on the application before the eligible chartering authority.

(3) *Date and time of hearing.* --

(A) *Notice.* -- Upon receiving a timely written request for a hearing under paragraph (2) of this subsection, an eligible chartering authority shall set a date and time for the hearing and shall provide reasonable notice of the date and time, as well as the procedures to be followed at the hearing, to the Board of Trustees.

(B) *Deadline.* -- An informal hearing under this subsection shall take place not later than 30 days after an eligible chartering authority receives a timely written request for the hearing under paragraph (2) of this subsection.

(4) *Final decision.* --

(A) *Deadline.* -- An eligible chartering authority shall render a final decision, in writing, on an application to renew a charter:

(i) Not later than 30 days after the date on which the eligible chartering authority provided the written notice of the right to a hearing, in the case of an application with respect to which such a hearing is not held; and

(ii) Not later than 30 days after the date on which the hearing is concluded, in the case of an application with respect to which a hearing is held.

(B) *Reasons for nonrenewal.* -- An eligible chartering authority that denies an application to renew a charter shall state in its decision the reasons for denial.

(5) *Alternatives upon nonrenewal.* -- If an eligible chartering authority denies an application to renew a charter granted to a public charter school, the Board of Education may:

(A) Manage the school directly until alternative arrangements can be made for students at the school; or

(B) Place the school in a probationary status that requires the school to take remedial actions, to be determined by the Board of Education, that directly relate to the grounds for the denial.

(6) *Judicial review.* -- A decision by an eligible chartering authority to deny an application to renew a charter shall be subject to judicial review by an appropriate court of the District of Columbia.

CREDIT(S)

(Apr. 26, 1996, 110 Stat. 1321 [248], Pub. L. 104-134, § 2212; Sept. 30, 1996, 110 Stat. 3009 [1468], Pub. L. 104-208, § 5205(e); Mar. 14, 2007, D.C. Law 16-268, § 4(e), 54 DCR 833; June 12, 2007, D.C. Law 17-9, § 802(d), 54 DCR 4102; Mar. 25, 2009, D.C. Law 17-353, § 160(a)(2), 56 DCR 1117.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2853.22.

## Effect of Amendments

D.C. Law 16-268, in subsec. (b)(1), substituted a semicolon for a period; in subsec. (b)(2), substituted "; and" for a period; and added subsec. (b)(3).

D.C. Law 17-9 rewrote subsec. (a)(3) which had read as follows:

"(3) *Review.* -- An eligible chartering authority that grants or renews a charter pursuant to paragraph (1) or (2) of this subsection shall review the charter:

"(A) At least once every 5 years to determine whether the charter should be revoked for the reasons described in subsection (a)(1)(A) or (b) of § 38- 1802.13 in accordance with the procedures for such revocation established under § 38-1802.13(c); and

"(B) Once every 5 years, beginning on the date that is 5 years after the date on which the charter is granted or renewed, to determine whether the charter should be revoked for the reasons described in § 38-1802.13(a)(1)(B) in accordance with the procedures for such revocation established under § 38- 1802.13(c)."

D.C. Law 17-353 validated a previously made technical correction in subsec. (b).

## Emergency Act Amendments

For temporary (90 day) repeal of section 804 of D.C. Law 17-9, see § 4043(b) of Fiscal Year 2008 Budget Support Emergency Act of 2007 (D.C. Act 17-74, July 25, 2007, 54 DCR 7549).

## Legislative History of Laws

For Law 16-268, see notes following § 38-1701.01.

For Law 17-9, see notes under § 38-103.

For Law 17-353, see notes following § 38-102.

## Miscellaneous Notes

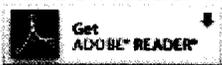
Applicability: Section 804 of D.C. Law 17-9 provides that section 802 shall apply upon enactment by Congress. Section 804 of D.C. Law 17-9 was repealed by section 4043(b) of D.C. Law 17-20.

DC CODE § 38-1802.12

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**DC ST § 38-1802.13**

Formerly cited as DC ST 1981 § 31-2853.23

DC ST § 38-1802.13

Formerly cited as DC ST 1981 § 31-2853.23

District of Columbia Official Code 2001 Edition Currentness

Division VI. Education, Libraries, and Cultural Institutions.

Title 38. Educational Institutions. (Refs &amp; Annos)

Subtitle IV. Public Education--Charter Schools.

Chapter 18. District of Columbia School Reform (Public Charter Schools).

Subchapter II. Public Charter Schools.

**➔ § 38-1802.13. Charter revocation.**

(a) *Charter or law violations; failure to meet goals.* -- Using the record established by the eligible chartering authority, an eligible chartering authority that has granted a charter to a public charter school may revoke the charter if the eligible chartering authority determines that the school:

- (1) Committed a violation of applicable law or a material violation of the conditions, terms, standards, or procedures set forth in the charter, including violations relating to the education of children with disabilities; or
- (2) Has failed to meet the goals and student academic achievement expectations set forth in the charter.

(b) *Fiscal mismanagement.* -- An eligible chartering authority that has granted a charter to a public charter school shall revoke the charter if the eligible chartering authority determines that the school:

- (1) Has engaged in a pattern of nonadherence to generally accepted accounting principles;
- (2) Has engaged in a pattern of fiscal mismanagement; or
- (3) Is no longer economically viable.

(c) *Procedures for consideration of revocation.* --

- (1) *Notice of right to hearing.* -- An eligible chartering authority that is proposing to revoke a charter granted to a public charter school shall provide to the Board of Trustees of the school a written notice stating the reasons for the proposed revocation. The notice shall inform the Board of Trustees of the right of the Board of Trustees to an informal hearing on the proposed revocation.
- (2) *Request for hearing.* -- Not later than 15 days after the date on which a Board of Trustees receives a notice under paragraph (1) of this subsection, the Board of Trustees may request, in writing, an informal hearing on the proposed revocation before the eligible chartering authority.
- (3) *Date and time of hearing.* --

(A) *Notice.* -- Upon receiving a timely written request for a hearing under paragraph (2) of this subsection, an eligible chartering authority shall set a date and time for the hearing and shall provide reasonable notice of the date and time, as well as the procedures to be followed at the hearing, to the Board of Trustees.

(B) *Deadline.* -- An informal hearing under this subsection shall take place not later than 30 days after an eligible chartering authority receives a timely written request for the hearing under paragraph (2) of this subsection.

(4) *Final decision.* --

(A) *Deadline.* -- An eligible chartering authority shall render a final decision, in writing, on the revocation of a charter:

(i) Not later than 30 days after the date on which the eligible chartering authority provided the written notice of the right to a hearing, in the case of a proposed revocation with respect to which such a hearing is not held; and

(ii) Not later than 30 days after the date on which the hearing is concluded, in the case of a proposed revocation with respect to which a hearing is held.

(B) *Reasons for revocation.* -- An eligible chartering authority that revokes a charter shall state in its decision the reasons for the revocation.

(5) *Alternatives upon revocation.* -- If an eligible chartering authority revokes a charter granted to a public charter school, the eligible chartering authority may manage the school directly until alternative arrangements can be made for students at the school.

(6) *Judicial review.* --

(A) *Availability of review.* -- A decision by an eligible chartering authority to revoke a charter shall be subject to judicial review by an appropriate court of the District of Columbia.

(B) *Standard of review.* -- A decision by an eligible chartering authority to revoke a charter shall be upheld unless the decision is arbitrary and capricious or clearly erroneous.

## CREDIT(S)

(Apr. 26, 1996, 110 Stat. 1321 [250], Pub. L. 104-134, § 2213; Sept. 30, 1996, 110 Stat. 3009 [1470], Pub. L. 104-208, § 5205(f); June 12, 2007, D.C. Law 17-9, § 802(e), 54 DCR 4102; Mar. 25, 2009, D.C. Law 17-353, § 203(b), 56 DCR 1117.)

## HISTORICAL AND STATUTORY NOTES

### Prior Codifications

1981 Ed., § 31-2853.23.

### Effect of Amendments

D.C. Law 17-9 rewrote subsec. (a); and, in subsec. (c)(5), substituted "eligible chartering authority" for "Board of Education". Prior to amendment, subsec. (a) read as follows:

"(a) *Charter or law violations; failure to meet goals.* --

"(1) *In general.* -- Subject to paragraph (2) of this subsection, an eligible chartering authority that has granted a charter to a public charter school may revoke the charter if the eligible chartering authority determines that the school:

"(A) Committed a violation of applicable laws or a material violation of the conditions, terms, standards, or procedures set forth in the charter, including violations relating to the education of children with disabilities; or

"(B) Failed to meet the goals and student academic achievement expectations set forth in the charter.

"(2) *Special rule.* -- An eligible chartering authority may not revoke a charter under paragraph (1)(B) of this subsection, except pursuant to a determination made through a review conducted under § 38-1802.12(a)(3)(B)."

D.C. Law 17-353 , in subsec. (a), substituted "established by the eligible chartering authority" for "established by the chartering authority".

#### Emergency Act Amendments

For temporary (90 day) repeal of section 804 of D.C. Law 17-9, see § 4043(b) of Fiscal Year 2008 Budget Support Emergency Act of 2007 (D.C. Act 17-74, July 25, 2007, 54 DCR 7549).

#### Legislative History of Laws

For Law 17-9, see notes under § 38-103.

For Law 17-353, see notes following § 38-102.

#### Miscellaneous Notes

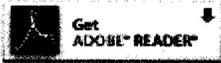
Applicability: Section 804 of D.C. Law 17-9 provides that section 802 shall apply upon enactment by Congress. Section 804 of D.C. Law 17-9 was repealed by section 4043(b) of D.C. Law 17-20.

DC CODE § 38-1802.13

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### DC ST § 38-1802.13a

#### § 38-1802.13a. Mandatory dissolution.

#### DC ST § 38-1802.13a

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Division VI. Education, Libraries, and Cultural Institutions.

Title 38. Educational Institutions. (Refs & Annos)

Subtitle IV. Public Education--Charter Schools.

Chapter 18. District of Columbia School Reform (Public Charter Schools).

Subchapter II. Public Charter Schools.

→§ 38-1802.13a. **Mandatory dissolution.**

(a) A nonprofit corporation operating a charter school shall dissolve if the charter for the school:

- (1) Has been revoked by the authorizing entity;
- (2) Has not been renewed by the authorizing entity; or
- (3) Has been voluntarily relinquished by the charter school.

(b) The distribution of assets upon dissolution required by subsection (a) of this section shall be in accordance with § 29-301.48 and this section.

(c)(1) Except as provided in paragraph (2) of this subsection, the articles of incorporation or the bylaws of a nonprofit corporation operating the charter school shall require that:

- (A) The corporation shall dissolve if the charter for the charter school has been revoked, has not been renewed, or has been voluntarily relinquished; and
  - (B) Any assets to be distributed pursuant to a plan of distribution under § 29-301.48(3) shall be transferred to the State Education Office of the District of Columbia, to be controlled by the Office of Education Facilities and Partnerships and used solely for educational purposes.
- (2) A nonprofit corporation with an existing charter as of March 14, 2007, shall not be required to amend its articles of incorporation or bylaws to comply with the requirements of this section until the time of its charter renewal under § 38-1802.12.
- (3) Nothing in this subsection shall be construed as exempting the corporation from any other requirements of this section.

(d)(1) The chartering authority, in consultation with the Board of Trustees, shall develop and execute a plan for:

- (A) Liquidating the corporation's assets in a timely fashion and in a manner that will achieve maximum value;
- (B) Discharging the corporation's debts; and
- (C) Distributing any remaining assets in accordance with this section and § 29-301.48(3).

## (2) The plan shall:

- (A) Provide that assets to be distributed pursuant to § 29-301.48(3) be transferred or conveyed to the District of Columbia, to be controlled by the Office of Education Facilities and Partnerships within the State Education Office and used solely for educational purposes; and
- (B) Be in accordance with the terms of existing creditor agreements and applicable laws, and creditors shall retain all rights, powers, and remedies available to them to cure default as defined in their agreements with the charter school.

## (3) As soon as feasible, the Board of Trustees shall complete and submit to the authorizing entity a closeout audit, which shall include:

- (A) An account of the present value of the charter school's liabilities held by all of its creditors, including:

- (i) Banking institutions;
- (ii) Vendors; and
- (iii) State pension and health benefits agencies; and

- (B) An account of the present value of the charter school's assets, including:

- (i) Books;
- (ii) Supplies;
- (iii) Motor vehicles;
- (iv) Furnishing;
- (v) Equipment; and
- (vi) Facilities.

## (4) Nothing in this subsection shall be construed as making the chartering authority or the District of Columbia liable for debts incurred by the corporation.

(e) The chartering authority, in consultation with the Board of Trustees, shall arrange for the transfer and storage of necessary student records in the possession of the charter school.

(f) The chartering authority may utilize assets of the charter school to provide for:

- (1) The transfer and storage of student records pursuant to subsection (e) of this section; and
- (2) Any other actual expenses incurred by the authorizing entity as a result of the dissolution of the nonprofit organization operating the charter school.

## CREDIT(S)

(Apr. 26, 1996, 110 Stat. 1321 [251], Pub.L. 104-134, § 2213a, as added Mar. 14, 2007, D.C. Law 16-268, § 4(f), 54 DCR 833.)

## HISTORICAL AND STATUTORY NOTES

## Legislative History of Laws

Law 16-268, the "Public Charter School Assets and Facilities Preservation Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-624, which was referred to Committee on Education, Libraries and Recreation. The Bill was adopted on first and second readings on December 6, 2006, and December 19, 2006, respectively. Signed by the Mayor on December 28, 2006, it was assigned Act No. 16-624 and transmitted to both Houses of Congress for its review. D.C. Law 16-268 became effective on March 14, 2007.

DC CODE § 38-1802.13a

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**DC ST § 38-1802.14**

Formerly cited as DC ST 1981 § 31-2853.24

DC ST § 38-1802.14

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Title 38. Educational Institutions. (Refs &amp; Annos)

Subtitle IV. Public Education--Charter Schools.

Chapter 18. District of Columbia School Reform (Public Charter Schools).

Subchapter II. Public Charter Schools.

**→§ 38-1802.14. Public Charter School Board.**(a) *Establishment.* --

(1) *In general.* -- There is established within the District of Columbia Government a Public Charter School Board (in this section referred to as the "Board").

(2) *Membership.* -- The Secretary of Education shall present the Mayor a list of 15 individuals the Secretary determines are qualified to serve on the Board. The Mayor, in consultation with the District of Columbia Council, shall appoint 7 individuals from the list to serve on the Board. The Secretary of Education shall recommend, and the Mayor shall appoint, members to serve on the Board so that a knowledge of each of the following areas is represented on the Board:

(A) Research about and experience in student learning, quality teaching, and evaluation of and accountability in successful schools;

(B) The operation of a financially sound enterprise, including leadership and management techniques, as well as the budgeting and accounting skills critical to the startup of a successful enterprise;

(C) The educational, social, and economic development needs of the District of Columbia; and

(D) The needs and interests of students and parents in the District of Columbia, as well as methods of involving parents and other members of the community in individual schools.

(3) *Vacancies.* --

(A) *Other than from expiration of term.* -- Where a vacancy occurs in the membership of the Board for reasons other than the expiration of the term of a member of the Board, the Secretary of Education, not later than 30 days after the vacancy occurs, shall present to the Mayor a list of 3 people the Secretary determines are qualified to serve on the Board. The Mayor, in consultation with the District of Columbia Council, shall appoint 1 person from the list to serve on the Board. The Secretary shall recommend, and the Mayor shall appoint, such member of the Board taking into consideration the criteria described in paragraph (2) of this subsection. Any member appointed to fill a vacancy occurring prior to the expiration of the term of a predecessor shall be appointed only for the remainder of the term.

(B) *Expiration of term.* -- Not later than the date that is 60 days before the expiration of the term of a member of the Board, the Secretary of Education shall present to the Mayor, with

respect to each such impending vacancy, a list of 3 people the Secretary determines are qualified to serve on the Board. The Mayor, in consultation with the District of Columbia Council, shall appoint one person from each such list to serve on the Board. The Secretary shall recommend, and the Mayor shall appoint, any member of the Board taking into consideration the criteria described in paragraph (2) of this subsection.

(4) *Time limit for appointments.* -- If, at any time, the Mayor does not appoint members to the Board sufficient to bring the Board's membership to 7 within 30 days after receiving a recommendation from the Secretary of Education under paragraph (2) or (3) of this subsection, the Secretary, not later than 10 days after the final date for such mayoral appointment, shall make such appointments as are necessary to bring the membership of the Board to 7.

(5) *Terms of members.* --

(A) *In general.* -- Members of the Board shall serve for terms of 4 years, except that, of the initial appointments made under paragraph (2) of this subsection, the Mayor shall designate:

- (i) Two members to serve terms of 3 years;
- (ii) Two members to serve terms of 2 years; and
- (iii) One member to serve a term of one year.

(B) *Reappointment.* -- Members of the Board shall be eligible to be reappointed for one 4-year term beyond their initial term of appointment.

(6) *Independence.* -- No person employed by the District of Columbia public schools or a public charter school shall be eligible to be a member of the Board or to be employed by the Board.

(b) *Operations of the Board.* --

(1) *Chair.* -- The members of the Board shall elect from among their membership 1 individual to serve as Chair. Such election shall be held each year after members of the Board have been appointed to fill any vacancies caused by the regular expiration of previous members' terms, or when requested by a majority vote of the members of the Board.

(2) *Quorum.* -- A majority of the members of the Board, not including any positions that may be vacant, shall constitute a quorum sufficient for conducting the business of the Board.

(3) *Meetings.* -- The Board shall meet at the call of the Chair, subject to the hearing requirements of §§ 38-1802.03, 38-1802.12(d)(3), and 38-1802.13(c)(3), and all meetings of the Board shall be open to the public and shall provide a reasonable time during the meeting for public comment.

(c) *No compensation for service.* -- Members of the Board shall serve without pay, but may receive reimbursement for any reasonable and necessary expenses incurred by reason of service on the Board.

(d) *Personnel and resources.* --

(1) *In general.* -- Subject to such rules as may be made by the Board, the Chair shall have the power to appoint, terminate, and fix the pay of an Executive Director and such other personnel of the Board as the Chair considers necessary, but no individual so appointed shall be paid in excess of the rate payable for level EG-16 of the Educational Service of the District of Columbia. The Executive Director shall be a District resident throughout his or her term and failure to maintain District residency shall result in a forfeiture of the position.

(2) *Special rule.* -- The Board is authorized to use the services, personnel, and facilities of the District of Columbia.

(3) *District residency.* -- Notwithstanding the provisions of Unit A of Chapter 14 of Title 2, each qualified District resident applicant shall receive an additional 10-point preference over a qualified non-District resident applicant for all positions within the Board unless the applicant declines the preference. This 10-point preference shall be in addition to, and not instead of, qualifications established for the position. All persons hired after February 6, 2008, shall submit proof of residency upon employment in a manner determined by the Board. An applicant

claiming the hiring preference under this section shall agree in writing to maintain bona fide District residency for a period of 7 consecutive years from the effective date of hire and shall provide proof of such residency annually to the Director of Personnel for the first 7 years of employment. Failure to maintain District residency for the consecutive 7-year period shall result in forfeiture of employment. The Board shall submit to the Mayor and Council annual reports detailing the names of all new employees and their pay schedules, titles, and place of residence.

(e) *Expenses of Board.* -- Any expenses of the Board shall be paid from such funds as may be available to the Mayor; provided, That within 45 days of April 26, 1996, the Mayor shall make available not less than \$130,000 to the Board.

(f) *Audit.* -- The Board shall maintain its accounts according to Generally Accepted Accounting Principles. The Board shall provide for an audit of the financial statements of the Board by an independent certified public accountant in accordance with Government auditing standards for financial audits issued by the Comptroller General. The findings and recommendations of any such audit shall be forwarded to the Mayor, the Council of the District of Columbia, and the Office of the Chief Financial Officer of the District of Columbia.

(g) *Authorization of appropriations.* -- For the purpose of carrying out the provisions of this section and conducting the Board's functions required by this subchapter, there are authorized to be appropriated to the Board \$300,000 for fiscal year 1997 and such sums as may be necessary for each of the 3 succeeding fiscal years.

(h) *Contracting and procurement.* -- The Board shall have the authority to solicit, award, and execute contracts independently of the Office of Contracting and Procurement and the Chief Procurement Officer.

(i) *Freedom of Information Act.* -- The Board shall comply with all provisions of subchapter II of Chapter 5 of Title 2.

(j) The Board shall consult with the Office of the State Superintendent of Education, established by § 38-2601, to ensure that the requirements and the goals of Chapter 2A of this title are met, in accordance with that chapter.

#### CREDIT(S)

(Apr. 26, 1996, 110 Stat. 1321 [251], Pub. L. 104-134, § 2214; Sept. 30, 1996, 110 Stat. 3009 [1471], Pub. L. 104-208, § 5205(g); Nov. 19, 1997, 111 Stat. 2191, Pub. L. 105-100, § 169; Oct. 18, 2004, 118 Stat. 1352, Pub. L. 108-335, § 347; Dec. 8, 2004, 118 Stat. 3343, Pub. L. 108-447, § 103(a)(4); June 12, 2007, D.C. Law 17-9, § 802(f), 54 DCR 4102; Feb. 6, 2008, D.C. Law 17-108, § 214(b), 54 DCR 10993; July 18, 2008, D.C. Law 17- 202, § 606, 55 DCR 6297; Mar. 25, 2009, D.C. Law 17-353, § 223(f), 56 DCR 1117.)

#### HISTORICAL AND STATUTORY NOTES

##### Prior Codifications

1981 Ed., § 31-2853.24.

##### Effect of Amendments

Pub. L. 108-335, as amended by Pub. L. 108-447, rewrote subsec. (f), and added subsec. (h). Prior to amendment, subsec. (f) had read as follows:

"(f) *Audit*. -- The Board shall provide for an audit of the financial statements of the Board by an independent certified public accountant in accordance with Government auditing standards for financial audits issued by the Comptroller General of the United States."

Pub. L. 108-447 amended Pub. L. 108-335. See Effective Dates note.

D.C. Law 17-9, in subsec. (b)(3), inserted ", and all meetings of the Board shall be open to the public and shall provide a reasonable time during the meeting for public comment"; and added subsec. (i).

D.C. Law 17-108, in subsec. (d)(1), inserted "The Executive Director shall be a District resident throughout his or her term and failure to maintain District residency shall result in a forfeiture of the position."; and, in subsec. (d)(2), inserted "Notwithstanding the provisions of Unit A of Chapter 14 of Title 2, each qualified District resident applicant shall receive an additional 10-point preference over a qualified non-District resident applicant for all positions within the Board unless the applicant declines the preference. This 10-point preference shall be in addition to, and not instead of, qualifications established for the position. All persons hired after December 21, 2007, shall submit proof of residency upon employment in a manner determined by the Board. An applicant claiming the hiring preference under this section shall agree in writing to maintain bona fide District residency for a period of 7 consecutive years from the effective date of hire and shall provide proof of such residency annually to the Director of Personnel for the first 7 years of employment. Failure to maintain District residency for the consecutive 7-year period shall result in forfeiture of employment. The Board shall submit to the Mayor and Council annual reports detailing the names of all new employees and their pay schedules, titles, and place of residence."

D.C. Law 17-202 added subsec. (j).

D.C. Law 17-353 designated the former last six sentences of subsec. (d)(2) as subsec. (d)(3).

#### Emergency Act Amendments

For temporary (90 day) repeal of section 804 of D.C. Law 17-9, see § 4043(b) of Fiscal Year 2008 Budget Support Emergency Act of 2007 (D.C. Act 17-74, July 25, 2007, 54 DCR 7549).

#### Legislative History of Laws

For Law 17-9, see notes under § 38-103.

For Law 17-108, see notes following § 38-1802.07.

For Law 17-202, see notes following § 38-202.

For Law 17-353, see notes following § 38-102.

#### Effective Dates

Section 103(b) of Div. J, title I, of Pub. L. 108-447, provides: "The amendments made by this section shall take effect as if included in the enactment of the District of Columbia Appropriations Act, 2005 [Pub. L. 108- 335]".

#### Miscellaneous Notes

Section 346(d) of Pub. L. 108-335, 118 Stat. 1352, the District of Columbia Appropriations Act, 2005, provides:

"(d) Hereafter section 2214(f) of Public Law 104-143 (D.C. Code 38- 1802.14(f)), shall apply to the District of Columbia Board of Education Charter Schools Office."

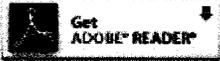
Applicability: Section 804 of D.C. Law 17-9 provides that section 802 shall apply upon enactment by Congress. Section 804 of D.C. Law 17-9 was repealed by section 4043(b) of D.C. Law 17-20.

DC CODE § 38-1802.14

Current through April 1, 2010

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## Welcome to the online source for the District of Columbia Official Code

**DC ST § 38-1802.15**

Formerly cited as DC ST 1981 § 31-2853.25

DC ST § 38-1802.15

Formerly cited as DC ST 1981 § 31-2853.25

District of Columbia Official Code 2001 Edition Currentness

Division VI. Education, Libraries, and Cultural Institutions.

Title 38. Educational Institutions. (Refs &amp; Annos)

Subtitle IV. Public Education--Charter Schools.

Chapter 18. District of Columbia School Reform (Public Charter Schools).

Subchapter II. Public Charter Schools.

➔ **§ 38-1802.15. Federal entities.**

(a) *In general.* -- The following federal agencies and federally established entities are encouraged to explore whether it is feasible for the agency or entity to establish one or more public charter schools:

- (1) The Library of Congress;
- (2) The National Aeronautics and Space Administration;
- (3) The Drug Enforcement Administration;
- (4) The National Science Foundation;
- (5) The Department of Justice;
- (6) The Department of Defense;
- (7) The Department of Education; and
- (8) The Smithsonian Institution, including the National Zoological Park, the National Museum of American History, the John F. Kennedy Center for the Performing Arts, and the National Gallery of Art.

(b) *Report.* -- Not later than 120 days after April 26, 1996, any agency or institution described in subsection (a) of this section that has explored the feasibility of establishing a public charter school shall report its determination on the feasibility to the appropriate congressional committees.

CREDIT(S)

(Apr. 26, 1996, 110 Stat. 1321 [253], Pub. L. 104-134, § 2215.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2853.25.

DC CODE § 38-1802.15

Current through April 1, 2010

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To the Office of the State Superintendent of Education:

It is with pleasure that the Public Charter School Board is writing this letter in support of the Office of the State Superintendent of Education's (OSSE) application for a new federal Charter Schools Program grant. I understand that in addition to funding the planning, program design, and implementation of new public charter schools, the grant application is proposing to deploy staff and other funding streams to expand support for the District's current sole authorizing body. The grant also proposes to develop and reward leaders and teachers in the charter sector, and promote the dissemination of promising practices within the DC public charter sector, as well as to the traditional public school system.

The PCSB is pleased that the OSSE, through its Office of Public Charter Schools Financing and Support (OPCSFS), is seeking additional Title V-B grant funding to support the development of schools authorized by the PCSB.

Since assuming responsibility for the grant in 2007, OSSE's OPCSFS has leveraged the V-B grant with other federal and local funds to support the creation and sustainability of high quality public charter schools through various programs, including: the \$48 million Direct Loan and Credit Enhancement Funds; OSSE's \$5 MM federal Credit Enhancement grant to support the Charter School Incubator Initiative; the City Build Incentive grant program; the Public Facilities grant program; and various other grants supporting charter school leadership development, operational improvements, and the development of a pipeline of new applicants.

Over the past three years, the PCSB and OPCSFS have partnered together to support the development and improvement of charter schools and have collaborated on school closure. We look forward to building upon this progress.

Title V-B grant funding will enhance the implementation of PCSB's Performance Management Framework; a revised oversight accountability system implemented this school year.

We strongly support this application.

Sincerely,

A handwritten signature in cursive script that reads "Josephine C. Baker". The signature is written in black ink and is positioned above the typed name.

Josephine C. Baker

Executive Director

May 7, 2010

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**Stefan Huh**

Director, Office of Public Charter School Finance and Support  
Office of the State Superintendent of Education

Dear Stefan:

I am happy to write this letter to support the Office of the State Superintendent of Education (OSSE)'s application for a new federal Charter Schools Program grant. I understand that in addition to funding the planning, program design, and implementation of new public charter schools, the grant application is proposing to deploy staff and other funding streams to expand supports to improve school academic and operational quality; to support the ongoing improvements to the authorizing and monitoring processes of the District's current sole authorizing body; to develop and reward leaders and teachers in the charter sector; and to promote the dissemination of promising practices within the DC public charter sector, as well as to the traditional public school system.

Since assuming responsibility for the grant in 2007, OSSE's OPCSFS has leveraged the V-B grant with other federal and local funds to support the creation and sustainability of high quality public charter schools through various programs, including: the \$48 million Direct Loan and Credit Enhancement Funds; OSSE's \$5 MM federal Credit Enhancement grant to support the Charter School Incubator Initiative; the City Build Incentive grant program; the Public Facilities grant program; and various other grants supporting charter school leadership development, operational improvements, and the development of a pipeline of new applicants.

FOCUS is pleased that the OSSE, through its Office of Public Charter Schools Financing and Support (OPCSFS), is seeking additional Title V-B grant funding to support the development of schools authorized by the PCSB. Since 1996 FOCUS has been an advocate of public charter schools in the District and has provided input to District leaders on funding formulas, legal issues regarding charter autonomy, and federal grant eligibility and funding issues related to charter schools. FOCUS has also run a successful pre-application start-up program, providing technical assistance to new developers who are preparing applications for new charters. OSSE, through its OPCSFS has been an important partner in FOCUS' pre-application start-up efforts, as well as FOCUS' post-authorization technical assistance programs. For example, FOCUS and OPCSFS have recently partnered on the design of a Charter School Operating Manual, co-hosting a "Data Summit" for both public charter schools and DCPS schools, and

together with the Walton Family Foundation, around targeted supports for replicating and expanding high-performing charter LEA's.

Given the relative size of the District's charter sector (38% of all public school students) and expected growth over the next five years, it is critical that the SEA through the OPCSFS provide timely and meaningful financial and technical supports to ensure a quality portfolio of DC public charter schools. FOCUS supports the OPCSFS as it builds upon its past accomplishments and continues to support the development of a robust public charter school sector. FOCUS supports this application for new V-B funding, and we look forward to partnering with OPCSFS as it implements the new grant award cycle.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Cane', written over the word 'Sincerely,'.

Robert Cane  
Executive Director

## Budget Narrative

CSP funds are vital to the successful planning for and implementation of high-quality public charter schools in DC. As detailed in the Project Narrative, this application seeks a waiver to implement a five year (sixty month) grant period for a total award of \$17,411,765. As such, the following pages provide an annual breakdown for this five year budget narrative per category. The keystone of the grant are the subgrants to be awarded to the subgrantee public charter schools. All subgrant awards are adjusted for inflation over the five year life of the grant. In Year 1 (2010-2011) of the of the five year grant, OSSE intends to award four Planning subgrants for a total of \$800,000. In Year 2, OSSE intends to award five Planning subgrants totaling \$1,025,000 (5 x 205,000) and four Implementation grants totaling \$1,000,000 (4 x \$250,000). In Year 3, OSSE intends to award five Planning subgrants totaling \$1,050,000 and nine Implementation subgrants totaling \$2,275,000. In Year 4, OSSE intends to award four Planning grants totaling \$1,075,000 and ten Implementation subgrants totaling \$2,575,000. In Year 5, the final year of the CSP grant, OSSE intends to award five Planning subgrants totaling \$1,100,000 and fifteen Implementation subgrants totaling \$3,900,000.

Additionally, in the “Contractual” category, the funds are designated to procure an evaluator for the life of the CSP grant beginning in Year 1. The evaluator will work with OPCSFS staff to finalize the evaluation plan including the benchmarks, frequency of reporting, qualitative and quantitative data to be analyzed, and the instruments necessary to assess the validity of the plan as well as project objectives. The “Travel” category designates OPCSFS staff to attend trainings and conferences related to public charter schools. Since OSSE is located in Washington, DC, the OPCSFS has budgeted very little to attend the annual CSP conference in Washington, DC. Also, the “Other” category identifies the dollars necessary to award subgrants throughout the life of the grant and the set-aside necessary to fulfill the dissemination activities

identified in the Project Narrative. Finally, the “Budget” category is allocated a percentage of dollars that the grant will absorb for the partial salaries of identified personnel. The associated “Fringe Benefit” category is assigned the dollars necessary to cover the percentage of the identified pro-rated salaries.

The budget for this project is designed to maximize the dollars public charter schools will receive during the Planning and Implementation phases of their subgrants as well as through dissemination grants. OSSE believes that procuring a project evaluator with significant experience in evaluation design and implementation as well as public charter schools is necessary to assess the progress and attainment of the outcomes identified in the project narrative. Ultimately, the budget is designed to satisfy the over-arching outcome of increasing student achievement through high-quality public charter schools.