

**U.S. Department of Education**  
**Washington, D.C. 20202-5335**



**APPLICATION FOR GRANTS**  
**UNDER THE**

**Charter Schools Program (CSP): Grants for State Educational Agencies (SEAs)**

**CFDA # 84.282A**

**PR/Award # U282A150028**

**Grants.gov Tracking#: GRANT11963370**

OMB No. 1894-006, Expiration Date: 11/30/2017

Closing Date: Jul 16, 2015

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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.).

**Application for Federal Assistance SF-424**

* 1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	* 2. Type of Application: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision	* If Revision, select appropriate letter(s): <input type="text"/> * Other (Specify): <input type="text"/>
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* 3. Date Received: <input type="text" value="07/16/2015"/>	4. Applicant Identifier: <input type="text"/>
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5a. Federal Entity Identifier: <input type="text"/>	5b. Federal Award Identifier: <input type="text"/>
--	---

**State Use Only:**

6. Date Received by State: <input type="text"/>	7. State Application Identifier: <input type="text"/>
---	---

**8. APPLICANT INFORMATION:**

* a. Legal Name: <input type="text" value="DC Office of the State Superintendent of Education"/>	
* b. Employer/Taxpayer Identification Number (EIN/TIN): <input type="text" value="536001131"/>	* c. Organizational DUNS: <input type="text" value="6038936570000"/>

**d. Address:**

* Street1:	<input type="text" value="810 First Street NE"/>
Street2:	<input type="text" value="8th Floor"/>
* City:	<input type="text" value="Washington"/>
County/Parish:	<input type="text"/>
* State:	<input type="text" value="DC: District of Columbia"/>
Province:	<input type="text"/>
* Country:	<input type="text" value="USA: UNITED STATES"/>
* Zip / Postal Code:	<input type="text" value="20002-4227"/>

**e. Organizational Unit:**

Department Name: <input type="text" value="Charter Financing and Support"/>	Division Name: <input type="text" value="ESSE"/>
--	---

**f. Name and contact information of person to be contacted on matters involving this application:**

Prefix: <input type="text" value="Miss"/>	* First Name: <input type="text" value="Katherine"/>
Middle Name: <input type="text"/>	
* Last Name: <input type="text" value="Cox"/>	
Suffix: <input type="text"/>	

Title: <input type="text" value="Director, Charter Financing and Support"/>
---

Organizational Affiliation: <input type="text" value="Office of the State Superintendent of Education"/>
---

* Telephone Number: <input type="text"/>	Fax Number: <input type="text"/>
--	----------------------------------

* Email: <input type="text"/>
-------------------------------

**Application for Federal Assistance SF-424**

**\* 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:**

84.282

CFDA Title:

Charter Schools

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

ED-GRANTS-061515-001

\* Title:

Office of Innovation and Improvement (OII): Charter Schools Program (CSP): Grants for State Educational Agencies (SEAs) CFDA Number 84.282A

**13. Competition Identification Number:**

84-282A2015-3

Title:

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

Add Attachment

Delete Attachment

View Attachment

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

2015 Charter Schools Program Grant to Support Planning, Program Design, and Initial Implementation for Newly Authorized Charter LEAs to Increase the Number of High-Quality Schools in DC.

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

**Application for Federal Assistance SF-424**

**16. Congressional Districts Of:**

\* a. Applicant

\* b. Program/Project

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

Add Attachment

Delete Attachment

View Attachment

**17. Proposed Project:**

\* a. Start Date:

\* b. End Date:

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

* a. Federal	<input type="text" value="2,052,365.35"/>
* b. Applicant	<input type="text" value="0.00"/>
* c. State	<input type="text" value="0.00"/>
* d. Local	<input type="text" value="0.00"/>
* e. Other	<input type="text" value="0.00"/>
* f. Program Income	<input type="text" value="0.00"/>
* g. TOTAL	<input type="text" value="2,052,365.35"/>

**\* 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 in attachment.)**

Yes  No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

**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)**

\*\* 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:  \* First Name:   
Middle Name:   
\* Last Name:   
Suffix:

\* Title:

\* Telephone Number:  Fax Number:

\* Email:

\* Signature of Authorized Representative:  \* Date Signed:

## ASSURANCES - NON-CONSTRUCTION PROGRAMS

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 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 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.

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 subagreements.
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 (Clean Air) Implementation Plans under Section 176(c) of the Clean 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. §§1271 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 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.
19. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

<p>SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL</p> <p>Katherine Cox</p>	<p>TITLE</p> <p>State Superintendent</p>
<p>APPLICANT ORGANIZATION</p> <p>DC Office of the State Superintendent of Education</p>	<p>DATE SUBMITTED</p> <p>07/16/2015</p>

Standard Form 424B (Rev. 7-97) Back

# DISCLOSURE OF LOBBYING ACTIVITIES

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

Approved by OMB  
0348-0046

<b>1. * Type of Federal Action:</b> <input type="checkbox"/> a. contract <input checked="" type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	<b>2. * Status of Federal Action:</b> <input type="checkbox"/> a. bid/offer/application <input checked="" type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	<b>3. * Report Type:</b> <input checked="" type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change
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**4. Name and Address of Reporting Entity:**  
 Prime  SubAwardee

\* Name: DC Office of the State Superintendent of Education

\* Street 1: 810 First Street NE Street 2: \_\_\_\_\_

\* City: Washington State: DC: District of Columbia Zip: 20002

Congressional District, if known: \_\_\_\_\_

**5. If Reporting Entity in No.4 is Subawardee, Enter Name and Address of Prime:**

<b>6. * Federal Department/Agency:</b> US Department of Education	<b>7. * Federal Program Name/Description:</b> Charter Schools
	CFDA Number, if applicable: 84.282

<b>8. Federal Action Number, if known:</b> _____	<b>9. Award Amount, if known:</b> \$ _____
---	---

**10. a. Name and Address of Lobbying Registrant:**

Prefix \_\_\_\_\_ \* First Name: not applicable Middle Name: \_\_\_\_\_

\* Last Name: n/a Suffix: \_\_\_\_\_

\* Street 1: n/a Street 2: \_\_\_\_\_

\* City: n/a State: \_\_\_\_\_ Zip: \_\_\_\_\_

**b. Individual Performing Services** (including address if different from No. 10a)

Prefix \_\_\_\_\_ \* First Name: not applicable Middle Name: \_\_\_\_\_

\* Last Name: n/a Suffix: \_\_\_\_\_

\* Street 1: n/a Street 2: \_\_\_\_\_

\* City: n/a State: \_\_\_\_\_ Zip: \_\_\_\_\_

**11.** 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 the 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.

\* Signature: Katherine Cox

\* Name: Prefix \_\_\_\_\_ \* First Name: Hanseul Middle Name: \_\_\_\_\_  
\* Last Name: Kang Suffix: \_\_\_\_\_

Title: State Superintendent Telephone No.: \_\_\_\_\_ Date: 07/16/2015

**Federal Use Only:** Authorized for Local Reproduction Standard Form - LLL (Rev. 7-97)

PR/Award # U282A150028

## NOTICE TO ALL APPLICANTS

OMB Number: 1894-0005  
Expiration Date: 03/31/2017

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.

(4) An applicant that proposes a project to increase school safety might describe the special efforts it will take to address concern of lesbian, gay, bisexual, and transgender students, and efforts to reach out to and involve the families of LGBT students.

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. Public reporting burden for this collection of information is estimated to average 1.5 hours 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. The obligation to respond to this collection is required to obtain or retain benefit (Public Law 103-382). Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, 400 Maryland Ave., SW, Washington, DC 20210-4537 or email [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov) and reference the OMB Control Number 1894-0005.

### Optional - You may attach 1 file to this page.

GEPA Statement\_Final.pdf

Add Attachment

Delete Attachment

View Attachment

**GEPA Statement**

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.

OSSE will ensure equitable access to, and participation in, the Charter Schools Program (CSP). OSSE will make every reasonable attempt that all eligible public charter schools are able to access 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.

Newly-authorized charter schools in their planning year and in their first two years of operation may not feel that they can prioritize recruiting, enrolling, serving and retaining educationally disadvantaged students in their early years of operations. OSSE's CSP grant project will provide additional support to address this barrier by providing: 1) additional CSP grant funds to be used for targeted outreach and enrollment activities for educationally disadvantaged students during the Planning Year, 2) additional CSP funds for schools who meet their recruitment and enrollment targets for educationally disadvantaged students in Implementation Year 1; 3) additional CSP funds for schools who meet or exceed their retention targets for educationally disadvantaged students in Implementation Year 2; and 4) a training series, in conjunction with PCSB and other partners that will ensure that new charter schools are aware of and able to access all supports available to them in the District of Columbia.

## 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 an 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 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 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.

<b>* APPLICANT'S ORGANIZATION</b>	
DC Office of the State Superintendent of Education	
<b>* PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE</b>	
Prefix: Miss	* First Name: Hanseul Middle Name:
* Last Name: Kang	Suffix:
* Title: State Superintendent	
<b>* SIGNATURE:</b> Katherine Cox	<b>* DATE:</b> 07/16/2015

## Abstract

The abstract narrative must not exceed one page and should use language that will be understood by a range of audiences. For all projects, include the project title (if applicable), goals, expected outcomes and contributions for research, policy, practice, etc. Include population to be served, as appropriate. For research applications, also include the following:

- Theoretical and conceptual background of the study (i.e., prior research that this investigation builds upon and that provides a compelling rationale for this study)
- Research issues, hypotheses and questions being addressed
- Study design including a brief description of the sample including sample size, methods, principals dependent, independent, and control variables, and the approach to data analysis.

[Note: For a non-electronic submission, include the name and address of your organization and the name, phone number and e-mail address of the contact person for this project.]

---

## You may now Close the Form

**You have attached 1 file to this page, no more files may be added. To add a different file, you must first delete the existing file.**

\* Attachment:

**District of Columbia Office of the State Superintendent of Education (OSSE)**

810 First Street, NE – 8<sup>th</sup> Floor, Washington, DC 20002

Project Director: Katherine Cox, [REDACTED]

The public charter school sector in the District of Columbia (DC) currently serves over 36,565 students, represents 44% of the total school population and is comprised of 112 public charter schools operated by 61 nonprofits, located in 94 separate facilities. The growth of public charter schools in DC has helped improve student achievement, provide quality public school options for parents, establish innovative educational practices, and allow parents the opportunity to be meaningfully involved in their child's education.

OSSE's proposes to use Charter Schools Program funds to: 1) support the successful launch and creation of high-quality charter schools by providing planning and implementation funds, including incentive funds related to educationally disadvantaged students; 2) promote dissemination projects that focus on improving educational outcomes for educationally disadvantaged students; and 3) make direct loan funds available to new charter schools.

With a focus on educationally disadvantaged students, the objectives of this project are to: (1) increase the number of high-quality public charter schools in DC ; (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; and (4) support public charter schools to be operationally sound for long-term sustainability and effective stewards of public resources.

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 \$20,169,837.40 for the five year grant period. These funds will enable OSSE to meet or exceed each of the four enumerated project objectives.

## Project Narrative File(s)

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\* **Mandatory Project Narrative File Filename:**

[Add Mandatory Project Narrative File](#)

[Delete Mandatory Project Narrative File](#)

[View Mandatory Project Narrative File](#)

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To add more Project Narrative File attachments, please use the attachment buttons below.

[Add Optional Project Narrative File](#)

[Delete Optional Project Narrative File](#)

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## Absolute Priorities

### **A. Absolute Priority 1 – Periodic Review and Evaluation**

The District of Columbia (DC) meets Absolute Priority 1. DC requires public chartering agencies to review each charter school “at least once every 5 years to determine whether the charter should be revoked[.]” *See* D.C. Code § 38-1802.12(a)(3). Pursuant to DC law, the DC Public Charter School Board (“PCSB”), as DC’s sole charter authorizer, is required to determine in charter reviews whether the school:

- (a) 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
- (b) Has failed to meet the goals and student academic achievement expectations set forth in its charter.

*See* D.C. Code § 38-1802.12(a)(3). When conducting a charter review, PCSB is authorized to revoke a school’s charter if it makes a finding that the school has not met its goals and academic expectations, or if it has materially violated the law or its charter. *See* D.C. Code § 38-1802.13(a). PCSB conducts 5-year and 10-year reviews of every charter and, after every fifteen years in operation, a charter school is required to submit a charter renewal application to continue to operate for another fifteen-year term. PCSB is required to not renew a school’s charter if it finds that the school has not met its goals and academic expectations, or if it has materially violated the law or its charter. *See* D.C. Code § 38-1802.12(c). This periodic review is both routine and meaningful in DC. According to PCSB’s 2014 Annual Report, one (1) 5-year review, four (4) 10-year reviews, and six (6) 15-year reviews were conducted resulting in the non-renewals of two (2) charters. Four (4) additional charter schools closures, in full or in part,

were also announced. The review and evaluation of public charter schools performed by the PCSB helps to ensure that public school students in DC attend high-quality schools.

**B. Absolute Priority 2 – Charter School Oversight**

The District of Columbia meets Absolute Priority 2. All DC charter schools operate under a legally binding contract with PCSB. DC law requires the following sections of an approved charter school application constitute a school’s legally binding charter: (a) the school’s mission and goals; (b) a description of the school’s rules and policies for governance and operation; (c) the school’s articles of incorporations and by-laws; (d) a plan to ensure the health and safety of students, employees and guests of the school; (e) an assurance to seek and maintain accreditation; and (f) an explanation of the relationship between the school and its employees. *See* D.C. Code § 38-1802.03(h)(2). In addition, PCSB policy requires each school to enter into a contract with PCSB that describes the rights and responsibilities of the school and PCSB. DC law requires charter schools to annually publish and submit to PCSB a report on their performance, and to include in this report a fiscal audit conducted by an approved independent certified public accountant or accounting firm. *See* D.C. Code § 38-1802.04(c)(11)(B)(ix). PCSB publishes all charter school audits on its website at <http://www.dcpsb.org/report/school-budgets-fiscal-audits-and-990s>.

All charter schools must also commit in their charters to achieving certain goals and academic achievement expectations. *See* D.C. Code § 38-1802.03(h)(2); *see also* D.C. Code § 38-1802.02(1). PCSB negotiates with schools to establish in each charter rigorous academic achievement expectations regarding improved student academic achievement. A school’s charter may be revoked and must not be renewed if PCSB makes a finding that the school did not meet the academic achievement expectations that it committed to in its charter. *See* D.C. Code § 38-

1802.13(a); *see also* D.C. Code § 38-1802.12(c). The PCSB Board voted on June 25, 2015, to enact a policy stating that “Subject to the School Reform Act of 1995, D.C. Code §§ 38-1802 *et seq.*, PCSB shall consider increases in student achievement by subgroup as defined in section 1111(b)(2)(C)(v) of the ESEA (20 U.S.C. § 6311(b)(2)(C)(v)) as one of the most important factors when deliberating charter school renewals and revocations.”

### **Competitive Priorities**

#### **A. Competitive Preference Priority 1 – High-Quality Authorizing and Monitoring Processes**

The District of Columbia, through the PCSB as the sole authorized public chartering agency in DC, fully meets Competitive Preference Priority 1. PCSB has developed with its statewide partners three nationally-recognized frameworks to evaluate academic, fiscal, and equity performance. Each framework includes rigorous performance objectives aligned to expectations. DC charter schools’ performance according to these frameworks is reported annually to each school in detail, and much of the information is also published on both the PCSB and OSSE websites and distributed in annually published Parent Guides. Along with the three frameworks, PCSB conducts an annual compliance review of each charter school, publishing its findings in compliance reports that are shared with each school.

The **Performance Management Framework (“PMF”)** measures charter school academic and school climate results. Schools are scored on a scale of 1 to 100 based on four factors: student academic growth from year-to-year on statewide assessments, student proficiency on statewide assessments, reenrollment from year-to-year, and in-seat attendance. The High School PMF includes additional indicators, such as graduation rate, AP/IB credits

earned, and college acceptance. Schools with a score of 65 or higher on the PMF are rated Tier 1. Schools scoring below 35 are rated Tier 3. Of the 23 campuses rated Tier 3 since the framework was launched in 2011, 18 have closed and most of the remainder have improved. PCSB has implemented additional PMFs to evaluate adult and alternative programs. PMF reports are readily available and easily accessible through the PCSB website here: <http://www.dcpcsb.org/evaluating-the-schools>.

The **Finance and Accounting Review** (“**FAR**”) measures DC charter schools’ financial health. Based on annual audits, FAR reports summarize each school’s fiscal performance and assess school fiscal strength based on key metrics, including days of cash on hand, debt coverage, cash flow, and the presence or absence of auditor findings. Schools receive a score on the FAR report and are classified into three performance tiers. Schools in the lowest tier must develop an action plan to improve their fiscal health, and must provide monthly financial updates to PCSB. Schools that fail to improve their fiscal health can ultimately be closed for fiscal mismanagement or for lack of economic viability. The most recent PCSB Financial Audit Review can be accessed here: <http://www.dcpcsb.org/financial-management-fiscal-audit/2014-financial-audit-review>.

City-wide **School Equity Reports** measure charter school and traditional public school academic growth, attendance, and discipline outcomes by student subgroup, and compare to citywide subgroup performance. All DC education agencies and offices – DC Public Charter School Board (PCSB), DC Public Schools (DCPS), the Office of the State Superintendent of Education (OSSE) and the Deputy Mayor for Education (DME) – worked collaboratively to align data among public and public charter schools so the School Equity Reports could feature comparable metrics for all public schools in the city. All public schools with wide disparities in

subgroup academic performance are subject to consequences under the District of Columbia's ESEA Flexibility Waiver. In addition, charter schools with discipline results far in excess of citywide averages or with wide disparities in discipline results for certain groups of students are subject to PCSB disciplinary actions, notices of concern, charter warnings, or, ultimately, charter revocation. School Equity reports are linked from the PCSB website, <http://www.dcpcsb.org/report/school-equity-reports-0>, and are also available on the LearnDC website, <http://learndc.org>, a website that serves as the city's education "report card," and which reports on critical information that parents need to make informed decisions about selecting schools.

PCSB annually publishes **Compliance Reports** based on an extensive review of each school's compliance with DC and federal laws, including adherence to health and safety, facility, governance, and procurement contract requirements. The framework for evaluating a DC charter school for purposes of charter renewal, which occurs in a school's fifteenth year in operation, is established in DC law. PCSB must analyze whether the school met its charter goals and academic achievement expectations ("performance objectives"), and whether it materially violated the law or its charter. Additionally, the law requires a school's charter be revoked if PCSB makes a finding that a school is economically nonviable, or has established a pattern of fiscal mismanagement or a pattern of non-adherence to generally accepted accounting principles.

PCSB's charter review process is detailed in its Charter Review Guidelines, which are updated and published annually. The current guidelines, and additional information about Charter Reviews and Renewals, are available on the PCSB website here: <http://www.dcpcsb.org/report/charter-reviews-and-renewals-0>. Under these guidelines, PCSB

conducts an analysis using an objective body of evidence (including school performance data, fiscal audits, and compliance outcomes) to determine whether a school met its performance outlines, demonstrated organizational and fiscal viability, and demonstrated fidelity to the terms of its charter and applicable law. Schools have an opportunity to respond to this analysis before the PCSB Board votes on the school’s renewal. Schools also have a statutory right to request a public hearing on their renewal application. DC law requires PCSB to conduct reviews on a regular basis – at least once every five years – to determine whether a school’s charter should be revoked for a violation of law or public trust regarding student safety or public funds, or evidence of poor student academic achievement. The law also establishes the framework for this review. PCSB has discretion to revoke a school’s charter if it makes a finding that the school is not meeting its goals and academic achievement expectations, or if the school has materially violated the law or its charter. As stated previously, PCSB is required by the School Reform Act to revoke a school’s charter if it makes a finding that the school is economically nonviable, or has established a pattern of fiscal mismanagement or a pattern of non-adherence to generally accepted accounting principles.

The District of Columbia formally evaluates the performance of PCSB each year, requiring PCSB to submit to the DC Council a Performance Accountability Report (“PAR”). PCSB’s 2014 PAR can be found here: <http://oca.dc.gov/node/160682>. As part of this report, PCSB annually sets specific measures to achieve, including measures related to the performance of its portfolio of charter schools. PCSB’s 2013 and 2014 performance on measures related to its portfolio is detailed in the following table:

<b>Measure</b>	<b>2013 Outcome</b>	<b>2014 Target</b>	<b>2014 Revised Target</b>	<b>2014 Outcome</b>
Number of LEAS receiving 5, 10, or 15-year review	16	12	12	12
Number of LEAS having one or more campuses with a PMF score of 40 or below taking concrete actions such as closure, grade-span reduction	5	5	2	2
Number of Tier 1 LEAs taking concrete steps to expand or replicate	9	5	7	7
Successful completion of Early Childhood/Adult PMFs	100%	100%	100%	100%
Reduce school truancy rate by 20% for the charter sector through partnerships with CFSA, DC Superior Court, and other agencies that can identify and solve the core issues causing educational neglect	20%	20%	20%	26%
Reduce rate of expulsions for “other charter” reasons	20%	20%	20%	23%
Number of schools participating in special education self-study	10	10	9	9
Reduction in number of campuses with a Mystery Shopper finding	30%	20%	20%	33%
Number of schools worked with on financial issues	7	7	7	7
Number of schools whose fiscal health improved as a result of oversight efforts	2	2	2	N/A
Establishment of a summer school audit process	100%	100%	100%	80%
Number of Parent Guides distributed in English and Spanish	4000	4000	4000	30,630
Number of campuses participating in common deadline/lottery	90	90	90	90
Number of Twitter followers	1000	1000	1000	3057
Number of community meetings participated in	10	10	10	23
Number of PCSB Board meetings televised	2	10	8	8
Increase in charter school data available on <a href="http://www.dcpsb.org">www.dcpsb.org</a>	15%	10%	10%	10%

DC law establishes a clear process for evaluating charter applications, including specifying the contents of the charter application, and the need for a public hearing. The law

authorizes PCSB to approve applications if it determines that the applicant “has the ability to meet the educational objectives outlined in the petition.” D.C. Code § 38-1802.03(d).

PCSB has published detailed criteria for applicants. PCSB’s policy provides that applications are evaluated based on five criteria: (1) demonstrated need for the school; (2) sufficient progress in developing the plan for the school; (3) alignment between the mission/philosophy of the school and the educational, organizational, and fiscal components of the application; (4) inclusion of special populations as an integral part of the school plan; and (5) capacity and ability of the founding group.

PCSB implements a detailed multi-level approval process. First, PCSB staff evaluates the application, conducting a detailed interview with the applicants to gauge their capacity to operate the proposed school. Second, PCSB holds a public hearing on applications, where PCSB Board members interview the applicants and hear from members of the public regarding the applications. After this hearing, and after receiving a report from staff evaluating the application, the PCSB Board votes on whether to conditionally approve the charter (this vote typically occurs 18 months prior to the opening of the proposed school). In general, charter school applications are not initially fully approved, but conditioned on the school successfully negotiating a charter agreement with PCSB, as well as securing a facility. Often times, approval will be conditioned on the applicant strengthening certain areas of their school plan – for example, strengthening the plan for serving special education students. After the school fulfills the conditions, the PCSB Board reviews whether the conditions have been satisfactorily met and votes for final approval of the charter, at which time the charter agreement is executed. Following this vote, in the months and weeks prior to the school opening, PCSB staff conducts an on-site review of the school, assessing the school’s readiness to open. PCSB may withhold

permission for the school to begin operating if it is determined that the school has not met all pre-opening requirements. PCSB has three separate processes for approving new schools that are differentiated based on the prior experience and success of the charter school applicant.

For new applicants with no track record, PCSB offers a spring application process that focuses on the applicant's academic, operational, and fiscal plans and on the strength of the founding group. Applications are considered in May with approved schools opening 15 months later.

PCSB offers a fall application process for experienced operators – applicants that have operated at least one school for at least three years outside of the District of Columbia. PCSB's review of experienced operator applications focuses primarily on the applicant group's prior track record, along with the strength of their plans to bring their program to Washington, DC. Experienced operator applications are considered in December with approved schools eligible to open eight months later. Charter schools already operating in DC are also eligible to apply to expand and operate additional campuses. Under PCSB policy, schools that achieve Tier 1 status on the PMF are generally awarded permission to replicate, and schools that are PMF Tier 2 or Tier 3 are generally not permitted to replicate.

**B. Competitive Preference Priority 2 – One Authorized Public Chartering Agency  
Other than an LEA, or an Appeals Process**

The District of Columbia meets Competitive Preference Priority 2. The DC School Reform Act (School Reform Act) established the DC Public Charter School Board, a public charter agency that is not an LEA. *See* D.C. Code § 38-1802.14(a)(1). The PCSB is made up of seven (7) members, appointed by the Mayor with the advice and consent of the District of Columbia Council, none of which may be employed by an LEA. While the School Reform Act initially established two authorizers, the PCSB is currently the sole authorizer and, in 2007,

assumed oversight of all DC public charter schools. While the DC Council has authority to establish additional authorizers, *see* DC Code § 38-1800.02(17)(c), the Council, DC government entities, and DC government employees 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)).

The National Association for Charter School Authorizers recognized the PCSB in 2008 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 a charter to operate 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.

**C. Competitive Preference Priority 3 – SEAs that Have Never Received a CSP Grant**

The District of Columbia received the CSP grant in FY 2010.

**Selection Criteria**

**A. State Level Strategy**

**Overall State Strategy:** In recent years, the District of Columbia has been hailed as a leader in many areas of school reform, including educator recruitment, retention, evaluation, and training; robust charter school options, innovation, and collaboration; and universal preschool. This strong reform agenda is backed by aligned leadership and support at all levels; as a result, the District of Columbia has both the experience and the political will to improve educational outcomes for all students.

The list of factors that position the District of Columbia for success is extensive and includes a vibrant charter school sector that currently educates 44 percent of publicly educated pupils, a head start on transforming the traditional school system under mayoral control, improved state-level capacity, a supportive network of leading local and national partners, and District-wide interest and urgency around the work that remains to be done. As explained in the “Policy Context for Charter Schools” section below, charter schools are LEAs under DC law and all references to the roles and responsibilities of LEAs throughout this section, and the entire application, includes all charter LEAs as well as DC’s traditional public schools system, the District of Columbia Public Schools (DCPS).

OSSE’s proposed CSP activities are integrated into and aligned with DC’s overall strategy for improving student achievement and attainment and closing achievement and attainment gaps through implementation of the Elementary and Secondary Education Act (ESEA) Flexibility Waiver. The ESEA Flexibility Waiver is the foundational document that frames OSSE’s work to improve educational outcomes for all students – in all LEAs, charter and traditional – and has been incorporated into OSSE’s State Systemic Improvement Plan (SSIP) under the Individuals with Disabilities Education Act (IDEA) and the District of Columbia Plan to Ensure Equitable Access to Excellent Teachers. OSSE believes that students come first, and what matters most is what happens in the classroom. OSSE also believes that teachers and school leaders are best qualified to affect student learning. By removing barriers to education and providing the necessary support to maximize student learning, school leaders and teachers, who are best qualified to provide solutions, can improve student outcomes. That is the fundamental premise behind DC’s overall strategy for improving student academic achievement, as laid out in

the Waiver. As described in the “Project Narrative” section below and elsewhere, all CSP activities will be integrated into, and operate in alignment with, this strategy.

The improved accountability system that has resulted from the ESEA Flexibility Waiver is based on a system of classification that will allow OSSE, LEAs, and other education partners to target rewards and support based on academic achievement and needs. This improved accountability system will maintain a focus on creating incentives for continuous and sustainable improvement and supporting LEAs and schools that need assistance. LEAs and schools have the flexibility to use federal funds to tailor programs and interventions, thus ensuring greater success in teacher and leader effectiveness and student outcomes.

Over the last four years, OSSE has continued to demonstrate improvements in education and compliance with federal requirements. Charter schools have played a key role in all areas. In several education areas, OSSE has become a national leader in education in comparison with other states and urban centers. The District of Columbia still leads all other states in pre-kindergarten free and universal access to early childhood education, starting at age three, and leads in pre-kindergarten enrollment.

Additionally, OSSE was the second SEA in the nation to align its English Language Arts (ELA) state assessments to college- and career-ready standards (CCSS) in 2011, continuing alignment efforts to complete the mathematics alignment in 2013. This enabled LEAs and schools to tailor instruction and supports using student assessment results aligned to the CCSS. LEA staff from across DC participated in collaborative efforts to deconstruct all of the CCSS and the result of this work is now publicly available through the DC Lesson Plan Generator, <http://www.dclessonplangenerator.org>.

Finally, OSSE has continued to make significant improvements in compliance with the Individuals with Disabilities Education Act (IDEA). While the District has historically been characterized by noncompliance with IDEA, since the creation of OSSE, the District has demonstrated accelerated improvement in key areas of IDEA performance. In 2011, OSSE was released from the *Blackman* portion of the long-standing *Blackman/Jones* Consent Decree as a result of establishing a high-functioning State Hearing Office and meeting the numerical benchmark of 90 percent timely issuance of hearing officer determinations over 12 months. In 2013, the District was released from *Petties vs. DC* after meeting requirements related to special education transportation and nonpublic tuition payments. In 2014, the District was released from the *Jones* portion of the Consent Decree after demonstrating compliance with requirements over 12 months. In addition, OSSE has continued to make significant gains on key IDEA compliance indicators, resulting in a determination by the USDE Office of Special Education Programs (OSEP) to remove two special conditions from the District's FFY 2014 grant award for the first time in the District's history. These results are the product of OSSE's efforts to implement a robust special education monitoring framework, create key IDEA policies and guidance, develop accurate special education data systems, and provide ongoing training and technical assistance to improve practice and outcomes for all students, including educationally disadvantaged students and students with disabilities.

**Funding Equity:** The vast majority of students in DC schools, more than 76% of students in 2014, qualify as educationally disadvantaged because of their economically disadvantaged status. DC policymakers have made a particular priority of providing supports for the most economically disadvantaged students directly to schools since the implementation of the Fair Student Funding and School Based Budgeting Act of 2013. This Act, which sets aside

additional funds in DC's Uniform Per Student Funding Formula (UPSFF) for economically disadvantaged students, defines "at-risk" students as a DCPS or charter school student who is homeless, in foster care, qualifies for Temporary Assistance for Needy Families (TANF) or the Supplemental Nutrition Assistance Program (SNAP), or is overage in high school.

The Uniform Per Student Funding Formula (UPSFF) is used to determine annual operating funding for DC's traditional and public charter schools. In 2014-2015, through the additional "at-risk" funding, the UPSFF allocated an additional \$2,079 per economically disadvantaged student, a total of more than \$40 million in additional school funding targeted at DC's most economically disadvantaged students in charter schools and traditional public schools. This approach allows schools to sustainably fund many of the school improvement initiatives created under the District of Columbia's ESEA Waiver, and to target school improvement efforts to the needs of their particular economically disadvantaged populations, so that they will successfully meet the revised college and career ready standards. This funding will also support the reduction, and ultimate elimination, of achievement gaps for educationally disadvantaged students. An additional benefit of the funding is that it ensures that LEAs will be better able to serve and retain all students, regardless of their educationally disadvantaged status.

DC provides facilities funding for public charter schools through a facilities allowance of \$3,072 per student. In addition, OSSE's Office of Public Charter School Financing and Support (OPCSFS), administers a direct loan program and credit enhancement program, offers a facilities grant program, and supports an incubator initiative for charter schools. 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 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 \$48.5 million in loans to 33 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 \$30.5 million of support and has leveraged over \$320 million additional funding for public charter school facilities.

Public Facility Financing Grants are made available through Scholarships for Opportunity and Results (SOAR) Act funds to provide additional funds 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 Grant funds must be used to improve District of Columbia owned facilities occupied by public charter schools.

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 11 incubator sites and served 20 schools since inception.

**Local Strategies and Collaboration:** OSSE also actively encourages local strategies for improving academic achievement through collaboration between charters and traditional public schools through hosting and funding cross-LEA and cross-sector communities of practices and professional learning communities and through providing grant funding that prioritizes collaboration and the sharing of data and promising practices between charter schools and other public schools. This commitment to improving student achievement through collaboration is a key component to proposed CSP activities.

OSSE currently sponsors and hosts a number of communities of practice on topics including Secondary Transition, Learning Progressions, and the Common Core State Standards/Universal Design for Learning. OSSE also hosts monthly data discussion meetings with all LEAs and actively recruits LEAs to collaborate and improve data practices citywide. Over the past year, 10 LEAs participated in a working group to advise OSSE on the development of a Data Professional Learning Community (PLC) and to establish priority areas for the initiative, including mini-grant competitions, awards and other activities to disseminate best practices around data use. OSSE, through SOAR Act funds, has also supported an annual DC Data Summit sponsored by Friends of Choice in Urban Schools (FOCUS) to provide public charter school and DCPS leaders and teachers with an opportunity to learn from one another

about the latest trends and best practices in data-driven instructional decision-making and performance management.

OSSE also supports collaboration and the sharing of data and promising practices between LEAs through our current CSP Dissemination grants and our State System of Support Best Practice Grants. These grant competitions reward high-quality charters and partner them with a lower performing school in order to share work, impact student achievement, and increase outcomes. The Best Practices Grant competition, which was held for this first time this year, prioritized funding for applicants with sustained successes or demonstrated successes “beating the odds” with at-risk students and prioritized projects that promoted cross-LEA and cross-sector (between charter and traditional public schools) collaboration. Additional information regarding OSSE’s State System of Support (SSOS) for LEAs can be found in the “Dissemination of Information and Best Practices” section below.

## **B. Policy Context for Charter Schools**

**Degree of Charter School Flexibility:** DC charter schools are afforded a high level of flexibility under state law. The Center for Education Reform’s annual “Charter School Laws Across the States” report has again concluded, for the 6<sup>th</sup> consecutive year, that DC has the strongest charter school law in country. (<https://www.edreform.com/wp-content/uploads/2015/04/CharterLaws2015.pdf> )

DC law grants charter schools “exclusive control over its expenditures, administration, personnel, and instructional methods” and 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, District of Columbia Council, or [District of

Columbia Financial Responsibility and Management Assistance] Authority” unless otherwise provided by the School Reform Act. D.C. Code § 38-1802.04(c)(3).

In addition to autonomy over budget, expenditures, staffing, procurement, and curriculum, each DC charter school is organized as a non-profit organization governed by an independent board of trustees. *See* D.C. Code §§ 38-1802.04(c)(6) and (16). The DC School Reform Act designates the board of trustees as fiduciaries of the school, and authorizes boards to “set overall policy for the school.” D.C. Code §§ 38-1802.05(d). The law also authorizes these boards to “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.” D.C. Code §§ 38-1802.05(d).

**Informing Charter Schools about Federal Funds and Programs:** During the 2014-15 school year, OSSE transitioned to an electronic Enterprise Grants Management System (EGMS) to manage all federal and local grants for all LEAs, including all charter schools, the District of Columbia Public Schools, institutions of higher education and community-based organizations. EGMS offers a centralized location to identify and apply for all federal and local grants – including all formula and competitive grants – to track milestones of a school’s respective subgrants from start to finish, and to submit electronic claim submissions. The EGMS home page, <http://grants.osse.dc.gov>, announces all available funding opportunities. Open applications will also appear on an LEA’s landing page when authorized users log-in. While the EGMS system offers a central location for all announcements, it will not replace OSSE’s past practices of announcing a funding opportunities through the weekly “LEA Look Forward” newsletter, the OSSE website, and, for competitive grants, the District of Columbia Register.

OSSE's Office of Grants Management and Compliance has also released a Federal Grants Toolkit containing Consolidated Federal Program Guidance. This document was created to help all District Columbia LEAs, schools, and other recipients of federal grants funds to understand how they may spend the money they receive and provides specific program information on: Title I, Title II, Title III, IDEA, and Carl D. Perkins funds. In addition, the document provides some examples of how LEAs can coordinate spending of federal education funds to support comprehensive initiatives.

In order to ensure that the school's commensurate share of federal formula funds is adequately and fairly allocated, and to ensure that new schools do not experience funding delays, new and significantly expanding charter schools are required to provide written notice to OSSE of their projected enrollment prior to the start of the next school year. LEAs are asked to convey this information to OSSE through submitting a New or Significantly Expanding Public Charter School Form by a date certain each spring. This allows LEAs to begin obligating funds as soon they are available. This year, the forms were due on April 30, 2015, and a webinar for LEAs was held on April 23, 2015, to review the New or Significantly Expanding Public Charter School Notification Policy, Guidance document, and data submission form.

**Charter Schools are LEAs under DC Law:** Charter schools are considered to be LEAs under DC law and are required to comply with the Part B of IDEA (20 U.S.C. 1400, *et seq.*), 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.*), and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

DC Code § 38-1802.10(a)(1)(A) provides that each public charter school shall be considered a local education agency (LEA) under Title I-A of the Elementary and Secondary

Education Act of 1965 and DC Code § 38-1802.10(c) requires that by August 1, 2017, unless a very narrow exception applies, each public charter school shall be its own LEA for the purposes of IDEA Part B and section 504 of the Rehabilitation Act. DC law previously permitted charter schools to select DCPS as the LEA for special education and section 504 purposes. With the passage of the Special Education Quality Improvement Amendment Act of 2014, D.C. Law 20-196, no newly approved charter schools may elect this option and all existing charter schools must begin serving as their own LEAs except that PCSB may, in its discretion, waive this requirement for a currently existing charter school with more than 90% of its students eligible to receive IDEA services.

D.C. Code § 38-1802.04(c)(5) explicitly states that that 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.), apply to public charter schools. Each public charter school is also required to describe in their charter application the services that will be provided to students with disabilities under 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).

As the state education agency (SEA) for the District of Columbia, OSSE monitors the implementation of IDEA Part B, makes annual determinations about the performance of each LEA, enforces compliance with IDEA Part B, and reports annually on the performance of the SEA and each LEA. The primary focus of the SEA's monitoring activities is on improving educational results and functional outcomes for all children with disabilities and ensuring that

LEAs meet the program requirements of IDEA Part B. OSSE also supports DC’s efforts to ensure full compliance with the requirements of Section 504 of the Rehabilitation Act of 1973 through technical assistance presentations, the creation of an LEA Toolkit and a development of a Section 504 implementation plan. In addition to these efforts and others, OSSE requires all LEAs to submit compliance assurances in order to access CSP funds.

**C. Past Performance**

There has been a demonstrated increase in the number and percentage of students attending high-quality charter schools, and a demonstrated reduction in the number and percentage of students attending academically poor-performing charter schools. The following table details the number of seats at DC charter schools that have achieved Tier 1 Status on PCSB’s Performance Management Framework, which is scored on a scale of 1 to 100, and measures academic performance and other indicators, including attendance and reenrollment. Schools with a score of 65 or higher on the PMF are rated Tier 1. Tier 1 schools are considered high performing by PCSB and are encouraged to expand, replicate, or otherwise grow to serve more students. The number of seats at Tier 1 charter schools increased by 43% from 2011-12 to 2014-15, with an increase of 4,125 high-quality seats. Additionally, Two Rivers PCS, a Tier 1 school serving pre-kindergarten through eighth grade, will be replicating this fall with a second campus that will serve 536 students when at capacity.

	<b>2010-2011</b>	<b>2011-12</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
<b>Number of Tier 1 Seats</b>	n/a*	9,416	10,584	11,217	13,541
<b>% of Total Seats</b>	n/a*	36%	39%	42%	49%

\* The PMF framework was launched in 2011.

The following table details the number of seats at DC charter schools that were identified as Tier 3 on PCSB’s Performance Management Framework. PCSB considers Tier 3 schools to be low

performing. The number of seats at Tier 3 charter schools decreased by 63.7% from 2011-12 to 2014 -15 – a decrease of 2,082 low-quality seats.

	2010-11	2011-12	2012-13	2013-14	2014-15
<b>Number of Tier 3 Seats</b>	n/a*	3,269	2,651	3,159	1,187
<b>% of Total Seats</b>	n/a*	13%	10%	12%	4%

\* The PMF framework was launched in 2011.

Since 2010-11, the following schools, representing 3701 low-quality seats, closed based on poor academic performance.

<b>Closure Year</b>	<b>School</b>	<b>Number of seats</b>
2012	Community Academy PCS – Rand campus	338
2013	Septima Clark PCS	230
2013	Howard Road Academy PCS – Pennsylvania Avenue campus	151
2013	Howard Road Academy PCS – Martin Luther King, Jr. campus	141
2013	IDEA PCS – Middle School	64
2014	Maya Angelou PCS – Middle School	196
2014	Arts and Technology PCS	618
2014	Booker T. Washington PCS	522
2014	Community Academy PCS – Amos 3 campus	309
2015	Perry Street Prep PCS – High School	367
2015	Hospitality High PCS	225
2015	Tree of Life PCS	540

<b>TOTAL</b>	<b>3701</b>
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The 2014 District of Columbia Comprehensive Assessment System (DC CAS) exams showed overall growth in reading, mathematics, and science and revealed the highest 10<sup>th</sup> grade growth in 6 years. Since 2007, overall DC results showed substantial improvements, with a 23% increase in math scores, a 14% increase in reading scores, and a 16% increase in science scores.

The charter school sector has higher proficiency rates than the traditional school system (DCPS) and has shown steady academic growth in English/Language Arts, math, and science over the past six years. In 2013-14, 59.85% of charter students were proficient in math compared

to 51.8% at DCPS, 53.58% of charter students were proficient in reading compared to 48.24% at DCPS, and 48.2% of charter students were proficient in science compared to 43.1% at DCPS. Over the past two school years the charter school sector experienced growth in proficiency rates in math (5.04% increase), in reading (4.38% increase), and in science (4.0% increase). Data for the past five years is included below.

*DC CAS – Reading Proficiency*

	<b>2009-10</b>	<b>2010-11</b>	<b>2011-12</b>	<b>2012-13</b>	<b>2013-14</b>
DC Charter Sector Average	48.46%	49.76%	49.20%	52.99%	53.58 %
DC State Average	45.43%	45.55%	45.43%	49.54%	50.33%
DCPS Average	43.72%	43.34%	43.43%	47.48%	48.24%

*DC CAS – Math Proficiency*

	<b>2009-10</b>	<b>2010-11</b>	<b>2011-12</b>	<b>2012-13</b>	<b>2013-14</b>
DC Charter Sector Average	50.18%	53.65%	54.81%	58.59%	59.85%
DC State Average	45.77%	47.33%	49.08%	53.07%	54.96%
DCPS Average	43.30%	43.78%	45.87%	49.59%	51.8%

*High School 4-Year Graduation Rates*

	<b>2009-10</b>	<b>2010-11</b>	<b>2011-12</b>	<b>2012-13</b>	<b>2013-14</b>
DC Charter Sector Average	n/a*	74.05%	73.09%	75.63%	68.92%
DC State Average	n/a*	56.83%	55.90%	61.52%	61.35%
DCPS Average	n/a*	52.97%	53.38%	56.31%	58.25%

\* 2009-10 predates the adoption of the adjusted cohort graduation rate calculation.

*College and Postsecondary Enrollment Rates (within 12 months of graduation)*

	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
DC Charter Sector Average	58.02%	63.32%	63.42%	68.56%	63.53%
DC State Average	53.80%	55.41%	54.40%	54.39%	49.86%
DCPS Average	52.47%	53.23%	51.63%	49.83%	44.58%

Funding provided by the Charter School Programs has supported these successes, and future funding is key to ensuring that the upward trend continues.

**D. Quality of Plan to Support Educationally Disadvantaged Students**

In order to ensure that the CSP subgrant program supports educationally disadvantaged students, OSSE is proposing to: 1) provide additional start-up funds to new charter schools

seeking to attract, recruit, admit, enroll, serve and retain educationally disadvantaged students; 2) to offer a training series, in conjunction with PCSB and other partners, that will ensure that new charter schools are aware of and able to access all supports available to them in the District of Columbia; and to 3) prioritize funding dissemination projects that focus on improving educational outcomes for disadvantaged students by raising achievement and attainment for specific subgroups (including graduation rates and post-secondary enrollment rates) and reducing achievement gaps between subgroups. This approach is in line with the goals of the CSP program and DC's approach to providing additional resources to serve educationally disadvantaged students.

As explained in the "State Level Strategy" section above, the vast majority of students in DC schools, more than 76% of students in 2014, qualify as educationally disadvantaged because of their economically disadvantaged status. DC policymakers have prioritized dedicating additional resources to allow schools to sustainably fund many of the school improvement initiatives created under the District of Columbia's ESEA Waiver, and to target school improvement efforts to the needs of their particular economically disadvantaged populations, so that they will successfully meet the revised college and career ready standards. This funding will also support the reduction, and ultimate elimination, of achievement gaps for educationally disadvantaged students. An additional benefit of the funding is that it ensures that LEAs will continue to attract, recruit, admit, enroll, serve, and retain all students, regardless of their educationally disadvantaged status. The "At-Risk" funding offers the ability to provide additional support for those who need it most.

**Monitoring LEAs:** The Public Education Reform Amendment Act (PERAA) of 2007 established the Office of the State Superintendent of Education (OSSE) as the State Education

Agency (SEA) for the District of Columbia. *See* DC Code § 38-2601.01. As the SEA, OSSE is responsible for monitoring all LEAs to ensure compliance with local and federal laws and regulations. Furthermore, per the ESEA Waiver, OSSE will monitor DCPS and PCSB on implementation progress for each identified school. As part of its monitoring of DCPS and PCSB, OSSE will conduct quarterly progress reviews of Priority and Focus schools to track school implementation progress, identify areas where implementation can be improved, and provide support. Twice per year OSSE will convene with DCPS and PCSB leadership for an in-person meeting where together, agency leaders will discuss areas of strength and challenge, and determine necessary corrective actions to address underperformance. Throughout the school year, OSSE will also provide training and technical assistance to support LEAs/schools in the District of Columbia based on identified needs and continuous improvement planning efforts. OSSE will also convene LEA Support Institutes to allow for peer-based problem-solving and facilitate best practice sharing, and provide targeted, data-driven technical assistance-particularly to Priority and Focus schools.

**Recruiting and Retaining Educationally Disadvantaged Students:** 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. More information about DC’s lottery and admission rules can be found in the Application Requirements.

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 has issued guidance on charter admissions practices 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 which will foster innovations such as models, policies, support and structures designed to improve the academic achievement of educationally disadvantaged students. 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.

DC public charter schools are providing a high-quality education to 44 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. In line with the District of Columbia's commitment to providing additional funds to support schools educating "at-risk" youth, the CSP grant will continue to support the high-quality charter schools authorized by the PCSB and will provide both prioritize and provide additional funds to those schools seeking to specifically support educationally disadvantaged students.

## **E. Vision for Growth and Accountability**

The development of OSSE’s accountability system has created an opportunity to engage a broad spectrum of stakeholders (LEAs, charter school authorizers, parents, elected officials, community members, and interested individuals) in the development, collection, and reporting of educational data. As part of this work, the District of Columbia created and launched [LearnDC.org](http://LearnDC.org), a website that serves as the city’s education “report card”, which reports on critical factors that parents need to make informed decisions about selecting a well-suited school for their children. OSSE will continue to collaborate with community partners to assist parents in the use of accountability information, enabling greater transparency and sound educational decisions. OSSE will achieve this goal, first, by continuing to improve annual school report cards, and, second, by helping parents understand and use these report cards.

Currently, report cards—at the state, LEA, and school level—provide information about numerous metrics. Specifically:

- State report cards include:
  - Assessment data in English Language Arts (ELA), mathematics, composition, and science, by year, grade, and subgroup and including details of targets and whether those targets have been met;
  - National Assessment of Educational Progress (NAEP) scores;
  - Graduation rates by cohort and subgroup and including details of targets and whether those targets have been met;
  - In-seat attendance rates; and
  - Instructional staff (percent highly qualified teachers).
- LEA report cards include:

- Assessment data in ELA, mathematics, composition, and science by year, grade, and subgroup and including details of targets and whether those targets have been met;
  - Graduation rates by cohort and subgroup and including details of targets and whether those targets have been met;
  - Instructional staff (percent highly qualified teachers); and
  - Profile information, which includes data on enrollment, median growth percentiles, and special education annual performance reporting results.
- School report cards include:
    - Classification;
    - Assessment data in ELA, mathematics, composition, and science, by year, grade, and subgroup and including details of targets and whether those targets have been met;
    - Graduation rates by cohort and subgroup and including details of targets and whether those targets have been met;
    - In-seat attendance rates;
    - Instructional staff (percent highly qualified teachers); and
    - Profile information, which includes data on enrollment, program information, discipline data, mid-year entry and withdrawal data, median growth percentiles, and special education annual performance reporting results.

As mentioned in Competitive Priority 1, school report cards also include “equity reports,” which provide schools, families, and communities with transparent and comparable information related to equity across all DC schools. For the first time this year, these equity reports are “live”

to allow more meaningful access and use. Metrics—which are school-specific and compare to the DC average—include enrollment and demographics; mid-year entry and withdrawal; in-seat attendance; suspensions (1+ and 11+ days); assessment median growth percentiles; and four- and five-year graduation rates.

Report cards are updated regularly to reflect the most current data available, including performance on targets and the resulting school classification. In addition to school-level report cards, OSSE reports performance on annual measurable objectives (AMOs) by subgroup at the LEA and state levels. Since the DCPS LEA report card covers all DCPS schools, OSSE will also continue to issue a report card that includes overall performance of all charter LEAs based on subgroup and all student AMOs, to inform school choice and support the monitoring of PCSB's roles and responsibilities with regard to ESEA accountability.

Furthermore, OSSE will continue to report information required by federal law, including student progress on measurable objectives, test participation rates, graduation rates for adjusted cohorts, postsecondary education enrollment activities and other academic indicators. In addition to these federally-required report card metrics, OSSE seeks opportunities to provide additional information beyond that required for the report card. Data updates (in addition to the public charter sector LEA report card) include:

- College readiness metrics negotiated with LEA stakeholders;
- Improvements and additions to instructional staff data to come into compliance with federal requirements;
- Metrics related to our local Healthy Schools Act, also negotiated with LEA stakeholders; and

- An additional functional ability to download data in CSV format to allow for more sophisticated analysis and comparisons by users.

The District supports parents' ability to make informed decisions by providing a range of state, school, and LEA information on metrics of interest. Continuing work under the ESEA Waiver will provide an opportunity to address the kinds of data gaps outlined by the Brookings Institution study, "[The Education Choice and Competition Index: Background and Results 2011](#)" (Russ Whitehurst).

OSSE's vision for growth and accountability is working. The first public charter schools in DC enrolled 160 students in 1996. Today, over 36,565 students are enrolled in 112 public charter schools operated by 61 nonprofits, located in 94 separate facilities. As of 2014-15, 23 of 64 tiered campuses – 44% – achieved Tier 1 status. PCSB expects the number of Tier 1 schools to more than double over the next five years for several reasons. First, over the past three years, numerous high-quality applicants have been approved to open schools, and several high-performing existing DC charter schools have begun to replicate their programs. Second, PCSB has observed improvement in several Tier 2 schools that should soon achieve Tier 1 status. Finally, there is a technical basis for this projected increase in Tier 1 schools. PCSB has not historically had Performance Management Frameworks in place to evaluate campuses that operate early childhood or adult campuses. Over the past several years, PCSB has been developing these frameworks, which it has implemented in pilot form. Moving forward, PCSB will evaluate and tier all DC charter schools using Performance Management Frameworks.

PCSB supports the creation of high-quality charter schools through three key actions – (1) conducting a comprehensive charter review application process; (2) providing effective oversight; and (3) giving meaningful support to schools. Each of these areas is described further

below.

Comprehensive Charter Review Application Process. As described above in the Competitive Preference Priority 1 section of this narrative, PCSB implements a detailed multi-level approval process. First, PCSB staff evaluates the application, conducting a detailed interview with the applicants to gauge their capacity to operate the proposed school. Second, PCSB holds a public hearing on applications, where PCSB Board members interview the applicants and hear from members of the public regarding the applications. After this hearing, and after receiving a report from staff evaluating the application, the PCSB Board votes on whether to conditionally approve the charter (this vote typically occurs 18 months prior to the opening of the proposed school). In general, charter school applications are not initially fully approved, but conditioned on the school successfully negotiating a charter agreement with PCSB, as well as securing a facility. Often times, approval will be conditioned on the applicant strengthening certain areas of their school plan – for example, strengthening the plan for serving special education students. After the school fulfills the conditions, the PCSB Board reviews whether the conditions have been satisfactorily met and votes for final approval of the charter, at which time the charter agreement is executed.

Effective Oversight. PCSB provides effective oversight by holding schools to high standards for results with extensive reviews and data collection. As described above in this narrative, PCSB has frameworks in place to objectively measure schools' academic, operational, and fiscal performance. PCSB conducts reviews in these areas annually, distributing its findings to schools. This includes reviewing the academic performance of a school's subgroups, as well as a school's discipline and attendance trends among subgroup, to ensure that any wide disparities are identified and addressed. Additionally, PCSB conducts Qualitative Site Reviews,

where PCSB staff visit school campuses to observe the implementation and quality of a school's curriculum, instruction, assessment, school climate, and governance, as well as to observe qualitative evidence as to whether the school is meeting the goals and academic achievement expectations it committed to in its charter. For new schools, PCSB facilitates a Self-Study Implementation Review, in which a new school analyzes whether its programs and systems are operating as described in its charter application. As part of the self-study process, PCSB conducts a site visit of the school, and debriefs with the school leaders about the findings.

Meaningful Support. PCSB provides meaningful support to schools by giving clear feedback and increased oversight to low-performing schools, and through rewarding high-performing schools with increased autonomy. PCSB annually schedules "board-to-board" meetings with schools identified as having weak academic outcomes or other performance issues. At these meetings, representatives from PCSB and the school's board discuss the identified weaknesses and the school's plan to improve. High-performing schools are generally exempt from on-site Qualitative Site Reviews, unless they are in support of PCSB's charter review or renewal analysis of the school.

PCSB aggressively closes charter schools that are academically poor-performing, and has systems in place to ensure that such schools will be identified and closed over the next five years. Closure decisions are typically made by the PCSB Board as part of a school's regularly scheduled 5- or 10- year charter review, or as part of the 15-year renewal analysis but, when a school's academic performance is particularly concerning, PCSB will conduct a charter review immediately. Key actions related to the closure of poor-performing schools include holding board-to-board meetings and requiring schools to implement Correction Action Plans, which are further described below.

Although PCSB is required to conduct a charter review of each school at least once every five years, staff review school outcomes every year to identify weak performance or significant drops in performance. As described above, based on this analysis, PCSB annually schedules “board-to-board” meetings with schools identified as having weak outcomes. At these meetings, representatives from PCSB and the school’s board discuss the identified weaknesses and the school’s plan to improve. PCSB representatives may give notice to the school that a lack of improvement will result in school closure.

Each charter agreement includes a clause stipulating that if the quality of the school’s educational program is not satisfactory, then PCSB can require that school to implement a Corrective Action Plan. When PCSB requires a Corrective Action Plan, it negotiates annual performance outcomes that the school must meet. Corrective Action Plans stipulate that if the school does not achieve these outcomes, then PCSB will conduct a formal charter review of the school, which can result in the revocation of the school’s charter. Four DC charter schools currently have Corrective Action Plans in place.

#### **F. Dissemination of Information and Best Practices**

The past success of OSSE’s dissemination grants and the current results seen from the State System of Support (SSOS) has made OSSE a leader in the identification and dissemination of best practices. OSSE’s SSOS, the LEA Support Model, builds upon reform efforts initiated through the first phase of ESEA Waiver implementation, as well as lessons learned from implementing the School Improvement Grant and Race to the Top. The SSOS intentionally draws from the successful experiences of other SEAs, such as Rhode Island and Illinois, which have reorganized the way in which they interface with LEAs via the Collaborative Learning for Outcomes (CLO) model. In the LEA Support Model, the SEA is deliberative in providing

supports to LEAs based on data. In addition, the SEA fosters collaboration among LEAs and school leaders by providing opportunities for school leaders to connect with one another through learning communities organized by the SEA. Through this model, and the CSP project, OSSE ensures that information about best or promising practices in charter schools is disseminated through collaboration, citywide institutes and specific grant programs.

The specific components of the SSOS that support the OSSE's plan for disseminating information and research on best or promising practices used by and benefiting charter schools that serve educationally disadvantaged students include:

1. *OSSE's Cross-Functional Support Teams*

Like many state education agencies, one of OSSE's major implementation challenges is aligning efforts across the agency and serving LEAs in a more coordinated manner. This challenge has pushed the agency to re-think its approach to supporting LEAs and to adopt the LEA Support Team model to support new ways of coordinating work across the agency. The LEA Support Team model is a cross-functional teaming model that will ensure that the agency is proactively using data and school progress information to monitor progress and determine interventions.

2. *Providing Foundational Support: The OSSE LEA Support Institutes*

OSSE reorganized how it provided foundational training and technical assistance throughout SY 2014-15. Over the course of the year, OSSE provided training and ongoing support to all LEAs/schools based on identified needs and continuous improvement planning efforts via the agency's three LEA support institutes. Occurring in fall, winter, and spring, the institutes featured didactic breakout sessions, communities of practice (CoPs), and peer-based problem solving to facilitate best practice sharing. In SY 2014-15, OSSE's institutes were

planned in consultation with LEA representatives and designed to address key issues faced by LEAs, including: 1) coordination with youth-and family-serving city agencies (held November 2014); 2) the transition to PARCC assessments (held January 2015); and; 3) best practice sharing across LEAs (held May 2015). Moving forward, OSSE plans to continue to disseminate best and promising practices and to meet LEA support needs through similar institutes.

### 3. Providing Targeted Support: LEA Learning Support Network

In SY 2014-15, using Race to the Top (RTTT) funds, OSSE began providing on-site, targeted, data-driven technical assistance to Priority schools targeted for state-level intervention as determined by ESEA Waiver requirements via an intensive support model: the Learning Support Network (LSN). Schools in the LSN began their work by working with an external coach to conduct root-cause analyses of issues and assessing their infrastructure. Subsequently, LEAs developed school plans to implement a range of school improvement strategies. OSSE is evaluating the model through a combination of qualitative and quantitative metrics such as surveys, in-depth interviews, and analysis of student outcome data. Moving forward, OSSE plans to build upon what has proven effective in this model and will continue to use the LSN for schools targeted for state intervention.

### 4. Fostering LEA Best Practice Dissemination

This year, OSSE developed an additional avenue for rewarding best practices and fostering best practice dissemination, based on the Charter School Programs Dissemination model of grant funding. Using RTTT and Scholarships for Opportunity and Results Act (SOAR) funds, OSSE supported active dissemination of best practices to LEAs within the District with a new grant opportunity. The following categories of schools were eligible to apply for the grants:

- Charter and traditional schools in “Reward” status under the ESEA Waiver;

- Charter schools that achieved a score of 50 or more via the PCSB Performance Management Framework; and
- Schools that have “beaten the odds” and demonstrate strong performance of students typically considered “at-risk.”

In awarding this grant, OSSE prioritized applicants who proposed to pair with low performing schools in “Focus” or “Priority” status under the ESEA Waiver. Grant recipients share work products and collaborate closely with peer schools around promising practices using job-alike consultation and coaching. In addition, participating LEAs played a lead role in the Spring LEA Institute, either through facilitating a best practice session, participating on a panel, or through initiating a Community of Practice. OSSE intends to build upon what was proven effective in these activities to continue to support the dissemination of best practice across DC.

To continue this work, 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. Ensuring that dissemination grant activities are led by charter schools who have overcome initial start-up problems to establish viable public models will lead to the creation of additional high quality schools through the support of new schools.

During the last CSP grant period, OSSE awarded nine dissemination grants for a total amount of \$1,741.175. 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. For dissemination grant competitions under the proposed 2015 CSP program, OSSE will award priority points to charter schools seeking to disseminate best and promising practices related to student discipline and school climate or effectively incorporating student body diversity with respect to improving academic achievement for educationally disadvantaged students.

OSSE is requesting a waiver from Section 5202(d)(2) so that high-quality charter schools that have effectively disseminated best practices and produced improvement in their partner schools can be eligible to receive the Dissemination grant more than one time during the CSP period. This approach will improve the likelihood that that the dissemination activities will increase the number of high-quality charter schools in DC and will contribute to improved academic achievement.

To ensure that the goals of the Dissemination grant program are being met, OSSE will procure an evaluator three times over the CSP grant beginning in Year 1. The evaluator will work with OPCSFS staff to finalize an 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. In addition to providing annual data submission to OSSE, all CPS subgrantees will also be monitored, as described in the “Management Plan and Theory of Action” section, and will be required to submit quarterly reports that provide an update on the progress of the projects and whether the project is meeting its targets.

**G. Oversight of Authorized Public Chartering Agencies**

The PCSB is currently the only eligible charter authorizer in DC. DC law established PCSB as an independently operating government agency, headed by seven volunteer board members appointed by the DC Mayor, with the advice of the DC Council. The DC Council has oversight responsibility for PCSB. However, PCSB, OSSE, and the Deputy Mayor of Education regularly collaborate to support PCSB in fulfilling its authorizer function.

OSSE staff participate as non-voting participants in PCSB’s new school application process, which gives the agency insight into PCSB’s process and charter approval decisions. PCSB invites OSSE to observe the application submission process, PCSB staff’s capacity interview of the applicant groups, the public hearing to consider the applications, as well as PCSB’s internal “Defense Day,” where PCSB staff debate the merits of the applications and come to agreement regarding staff recommendations to the PCSB Board about which schools should be approved. PCSB representatives also meet with the Deputy Mayor of Education to seek input on applications for new schools as PCSB deliberates whether to charter them.

DC’s ESEA Flexibility Waiver sets academic targets for all LEAs. Through the waiver development process, PCSB and OSSE established measurable academic performance expectations for schools in creating a joint-accountability structure as part of the District of

Columbia's ESEA Flexibility Waiver. Through this accountability structure, schools with academic disparity among subgroups are identified as "Focus" or "Priority" schools, and then monitored closely by PCSB. PCSB shares with OSSE these monitoring results, including the school's action plan with PCSB's feedback, along with PCSB's evaluation notes. Many schools identified as Focus or Priority schools have been closed, or have since improved. This annual monitoring process is in addition to the charter reviews that are described in earlier sections and occur every five (5) years.

PCSB and OSSE jointly monitor DC charter school compliance with federal special education laws. The two agencies participate in monthly meetings in which they share any complaints received and discuss next steps to ensure special education compliance. OSSE publishes Annual Reports, On-Site Monitoring Reports, and Quarterly Reports regarding schools' special education compliance. PCSB relies on these reports when conducting charter review and renewal analyses. A significant finding of noncompliance by OSSE can result in PCSB closing a school.

Per PCSB policy, increase in student academic achievement is one of the most important factors in the renewal decision. PCSB relies on academic performance data collected and validated by OSSE in making its renewal decisions.

As described in more detail in the response to Competitive Preference Priority 1, there are multiple routes through which information about charter schools is shared with the public. In particular, PCSB, OSSE, and the Deputy Mayor of Education work together to create and make public city-wide Equity Reports, which measure charter school academic, attendance, and discipline outcomes by student subgroup, and compared to citywide subgroup performance. PCSB relies on data from these Equity Reports when conducting charter renewal and review

analyses. Low subgroup performance as detailed in Equity Reports may result in a school's nonrenewal, given PCSB's policy that increases in student academic achievement is one of the most important factors in renewal decisions. More detailed information, including links to publicly available reports, can be found in the Competitive Priority 1 section above.

PCSB and OSSE also collaborate to collect, validate, analyze, and publish enrollment and attendance data from charter schools. Enrollment and attendance data are considered by PCSB in its review and renewal analyses.

A biweekly executive team meeting is attended by the Deputy Mayor of Education, the OSSE Superintendent, the DCPS Chancellor, and the PCSB Executive Director. The agency heads report progress to the Deputy Mayor of Education, and all attendees discuss matters related to academic outcomes, operations, attendance, truancy, school openings, school closings, and services to special populations. In discussing city education policies and matters at these meetings, there is a focus on ensuring charter schools maintain autonomy while also meeting the terms of their charters and academic performance expectations.

PCSB and OSSE ensure charter school accountability by working together to close schools if the PCSB Board votes to revoke or to not renew a school's charter. This process, which is described in greater detail in response to Absolute Priorities 1 & 2 and Competitive Priority 1, supports charter school autonomy while holding charter schools accountable for results and meeting the terms of their charters. The two agencies also collaborate to ensure students from the closing school enroll elsewhere, that student records are preserved, and that all public funds are returned to the state.

PCSB and OSSE are also working together to hold schools accountable as the District of Columbia transitions from the DC CAS to PARCC. OSSE will disseminate 2014-15 PARCC

data to schools and work with schools to validate this data. PCSB will publicly release PARCC data as part of its Performance Management Framework. 2014-15 PARCC data will not be considered in PCSB's high-stakes review and renewal analysis, but will be considered in future years.

PCSB and OSSE are collaborating as both agencies transition methods to calculate graduation rates. In 2012, the District of Columbia began measuring high schools' adjusted cohort graduation rate, a more rigorous measure of graduation rates than was previously in place. Starting in 2014, OSSE will calculate five-year graduation rates, which PCSB will publish as part of its High School PMF.

Finally, PCSB and OSSE are collaborating to better track employment outcomes for adult students. PCSB currently tracks this outcome through student surveys. For the 2014-15 school year, OSSE will receive employment data from the Jacob France Institute, which tracks employment throughout several states near the District of Columbia. PCSB will publish this data, supplemented by student survey data, in its 2014-15 Adult PMF.

## **H. Management Plan and Theory of Action**

OSSE's theory of action is that if the District of Columbia receives funding through the Charter Schools Program, then OSSE will be able to continue to support the increase in the number of high-quality charter schools in DC and across the nation. This increase will occur through improved monitoring, data collection, and collaboration with PCSB and charter support organizations. Along with improving processes, this collaboration allows for expanded communication, training opportunities, and support for newly opening charter schools. Increased support and training will allow for charters to open with more effective financial management practices, sound goals for academic achievement, and a strong foundation for success. Opening

new charter schools with this strong foundation will mean an increase in Tier 1 and Reward status schools, an increase in higher ratings on the PCSB FAR report, and a decrease in the number of schools that are eligible for closure. This will ultimately lead to an increase in the number of high-quality charter schools in DC and contribute to the increase in the number of high-quality charter schools across the nation. High-quality schools will have higher student achievement and proven best practices.

OSSE will also use Charter Schools Program funding to strengthen the dissemination of best practices. Improving the grant award process for the Dissemination Grant by adding emphasis on student body diversity, discipline, and school climate will expand opportunities for exemplary public charter schools to share effective practices among public charter schools which will align with a collaborative effort to improve response and assistance to lower performing schools and new schools, especially those with a higher concentration of educationally disadvantaged students. The ability to share effective practices will not only increase the replication of these practices, but will improve school performance and accountability. Improved performance and accountability of charter schools will ultimately increase student achievement on State examinations in mathematics and reading/language arts. Please refer to the logic models following this section for detailed inputs and outputs to meet our goals and objectives.

This work will be managed by the staff of the Office of Public Charter School Financing and Support (OPCSFS). 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 includes support for charter school start-up, implementation, and replication, as well as support to improve and drive charter school quality. The OPCSFS received a Title V,

Part B CSP grant in 2010 and has since received one no-cost extension to continue to provide funding and support for newly-authorized charters.

The vision of the OPCSFS is that all public charter schools will provide quality educational options for DC families, and the 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 SOAR Act fund; and the Charter Schools Program. OPCSFS has also funded various other programs in the past to improve public charter school quality and facilities, such as the Quality Initiative, the Charter School Leadership grant, the City Build Incentive grant; the Charter School Incubator Initiative, and the College Access grant.

OSSE has 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. Katherine Cox, the director of the OPCSFS, is responsible for achieving the objectives of the proposed project on time and within budget, including ensuring that all members of her team have clearly defined responsibilities, timelines, and milestones for accomplishing project tasks. Ms. Cox, along with the program director, is responsible for addressing any compliance issues or findings related to the CSP that are identified in an audit or other monitoring reviews. Ms. Cox 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, start-up and implementation programs, special programs uniquely designed to meet the needs of DC public charter schools, and overseeing the budget for the OPCSFS. The OPCSFS program analyst for Charter School Programs is Marie Hutchins. The program analyst 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 will also have an additional program analyst assigned at .5 FTE to the CSP grant program who will report directly to the director of the OPCSFS. This position is currently open and is intended to be filled in the next few months. The OPCSFS director works closely with the Deputy Assistant Superintendent and Assistant Superintendent of Elementary, Secondary, and Specialized Education to provide guidance and technical assistance to subgrantees and participate in strategic planning. The Director is also responsible for addressing any compliance issues or findings related to the CSP and is currently in the process of addressing minor findings identified in a report prepared by WestEd last year.

The program analysts receive and review all draw-down requests, and provide 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. All CSP subgrantees will be monitored at least once through their life of the grant. 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, the Office of Grants Management and Compliance, and the Office of Data and Reporting.

OPCSFS will follow OSSE's agency-wide Sub-Recipient Grant Monitoring Policy, including considering the following risk-assessment criteria to determine additional monitoring rotation and focus areas for CSP subgrant monitoring: A-133 Single audit results, consistent noncompliance relative to unresolved findings identified during previous monitoring reviews, individual complaints to the agency, higher grant award totals, excess carryover or failure to liquidate funds, late reporting (e.g. expenditures, status reports, progress reports, equipment inventory), lack of alignment between expenditures and approved budget, percent of disallowed to allowed expenditures, excessive administrative costs, failure to adhere to terms and conditions set forth in the Grant Award Notice (GAN), and failure to make substantial progress toward grant goals and objectives.

Based on a demonstrated history of successfully administering direct loans and credit enhancements, OSSE is also proposing to seek additional funds to be specifically made available to new charter schools, which are less likely to be able to access favorable terms on the open market. We are proposing to infuse these funds into our existing direct loan program, with the same permissible use requirements, but accessible only to current (and possibly former) CSP start-up grant recipients.

**District of Columbia's Charter School Programs Grant  
Goal 1**

Project Goal: Increase the number of charter schools in operation around the nation by ensuring that CSP funds are directed toward the creation of high-quality charter schools.

Project Objective(s): 1. Increase the number of high-quality public charter schools in DC.  
2. Support DC public charter schools to be operationally sound for long-term sustainability and effective stewardship of public resources.  
3. Raise the quality of lower-performing charter schools by ensuring dissemination of best practices.

Inputs	Activities	Short Term Outcomes	Medium Term Outcomes	Long Term Outcomes	Outputs	
		Immediate	After one year of project completion	After two years of project completion	Project Specific Performance Measures	Measurement Tool
OSSE Staff	Provide technical assistance to newly opened public charter schools.	Improve grant award process.	Improve quality of public charter schools.	Decrease in charter school closures.	OSSE staff will provide at least two targeted technical assistance sessions for subrecipient public charter schools during their planning and program design phase.	Agendas/Sign in sheets/Presentation materials
Charter School Authorizer (PCSB)	Analyze public charter school data.	Increase communication with new and potential public charter schools.	Increase public charter school enrollment.	Increase in Tier 1 schools.	During each year of the grant, OSSE will operate an application and award cycle to allow 100% of eligible new public charter schools to receive CSP funding.	Monitoring tools/documentation
Charter School Support Organizations	Facilitate professional development to all public charter schools.	Expand opportunities for exemplary public charter schools to share effective practices.	Increase number of public charter schools using effective financial management practices.	Increase in Reward status charter schools.	OSSE will fund 100% of PCSB authorized public charter schools during each year of the grant.	Number of new schools approved
Money (Planning and Implementation funds, Direct Loan funds, and Dissemination Funds)	Inform public charter schools about dissemination projects.	Increase awareness of effective practices among public charter schools.		Increase in highly-rated public charter schools on FAR report.	At the end of the 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.	Closure reports
Time	Maintain monitoring requirements.	Provide extra funding to schools opening that will recruit and enroll a high percentage of educationally disadvantaged students			OSSE staff will conduct at least one on-site monitoring visit for 100% of the public charter schools receiving CSP planning and implementation funds in the life of their grant.	Monitoring tools/documentation
Technology	Post information about best practices projects to OSSE website.	Improve grants availability notification.			OSSE will conduct one monitoring visit to 100% of public charter schools receiving dissemination funds to document progress toward subgrant goals and objectives.	Monitoring tools/documentation
Project Evaluator(s)	Provide opportunities for best practices to be shared at LEA institutes.	Collaboration with authorizer (PCSB).			During each year of the grant period, representatives from 100% of new charter schools that receive CSP subgrant funding will attend financial training presented by OSSE, the authorizer(s), and/or public charter school support organizations.	Agendas/Sign in sheets/Presentation materials
CSP Resources/Guidelines	Collaborate with PCSB during application process.	Increase training opportunities.			OSSE will operate at least two competitive application and award cycles for dissemination of best practices during the life of the CSP grant.	Applications/GANs
	Ensure that public charter schools approved for opening are aware of funding opportunities.	Collaboration with charter school support organizations.				

**District of Columbia's Charter School Programs Grant  
Goal 2**

Project Goal: Increase the percentage of fourth-and-eighth grade students who are achieving at or above the proficient level on State examinations in mathematics and reading/language arts by supporting and improving academic outcomes for educationally disadvantaged students.

Project Objective(s): 1. Improve academic achievement of DC public charter school students.  
2. Increase the percentage of public charter schools rated as Tier 1 by facilitating the dissemination of best practices.  
3. Increase the percentage of public charter schools rated as Tier 1 by ensuring newly opened schools are provided necessary technical assistance.

Inputs	Activities	Short Term Outcomes	Medium Term Outcomes	Long Term Outcomes	Outputs	
		Immediate	After one year of project completion	After two years of project completion	Project Specific Performance Measures	Measurement Tool
OSSE Staff	Provide technical assistance to newly opened public charter schools.	Increase communication with new and potential public charter schools.	Increase public charter school enrollment.	Increase student achievement throughout public charter schools.	For each year of the grant period, the release of PARCC data will show that the percentage of public charter school students in 4th and 8th grade who are achieving at or above proficient in Mathematics exceeds the State average.	PARCC
Charter School Authorizer (PCSB)	Analyze public charter school data.	Expand opportunities for exemplary public charter schools to share effective practices.	Improve accountability scores and school performance.	Increase number of families choosing high quality public charter schools.	For each year of the grant period, the release of PARCC data will show that the percentage of public charter school students in 4th and 8th grade who are achieving at or above proficient in English Language Arts exceeds the State average.	PARCC
Charter School Support Organizations	Facilitate professional development to all public charter schools.	Increase awareness of effective practices among public charter schools (especially concerning educationally disadvantaged students).	Increase replication of effective practices.		By the end of the grant period, the percentage of public charter high school students who graduate as defined by OSSE will align with ESEA waiver targets.	Graduation Rate
Money (Planning and Implementation funds, Direct Loan funds, and Dissemination Funds)	Inform public charter schools about dissemination projects.	Collaboration with authorizer (PCSB).	Improve teaching skills.		In each year of the grant period, 80% of subgrantees will attend state-wide workshops disseminating effective practices of high-performing public charter schools sponsored by OSSE.	Agendas/Sign in sheets/Presentations
Time	Maintain monitoring requirements.	Increase training opportunities.	Increase student exposure to effective practices.		By the end 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 newsletter.	Agendas/Sign in sheets/Presentations
Technology	Post information about best practices projects to OSSE website.	Collaboration with charter school support organizations.	Increase parental satisfaction with public charter schools.		Within a year of completion, 100% of dissemination subgrantees will make at least one public presentation or publication of their project at a meeting, conference, or public venue that has the capability of reaching a nationwide audience.	Agendas/Sign in sheets/Presentations
Project Evaluator(s)	Provide opportunities for best practices to be shared at LEA institutes.	Improve coordinated response and assistance to public charter schools.			During the grant period, OSSE will provide training for public school teachers regarding effective teaching strategies that lead to increased student achievement.	Agendas/Sign in sheets/Presentations
CSP Resources/Guidelines	Leverage other funding sources to increase academic achievement.	Provide priority points to any dissemination applicant that includes best practices targeting educationally disadvantaged students.				

**District of Columbia's Charter School Programs Grant  
Goal 3**

Project Goal: Strengthen public accountability and oversight for authorized public chartering agencies by maintaining a rigorous application process and reviewing charters to ensure compliance and success.

Project Objective(s): 1. Ensure that new charter schools have the greatest potential of being high-quality upon opening.  
2. Ensure that any charter schools that are not meeting expectations are turned around or closed.

Inputs	Activities	Short Term Outcomes	Medium Term Outcomes	Long Term Outcomes	Outputs	
		Immediate	After one year of project completion	After two years of project completion	Project Specific Performance Measures	Measurement Tool
OSSE Staff	Provide publications, technical assistance, and guidance to charter schools.	Collaboration with authorizer (PCSB).	Improve accountability scores and school performance.	Ensure that all charters that have been closed have a smooth transition of assets.	Occurring semi-annually, OSSE will develop in coordination with the authorizer 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.	Publications
Charter School Authorizer (PCSB)	Review reports published by PCSB.	Increase training opportunities.	Improve the Performance Management Framework for early childhood, adult, and alternative programs.	Collaborate to make sure that all reports from PCSB are also available on LearnDC.	For each year of the grant, OSSE will review the authorizer's annual financial report's on charter schools.	FAR report.
Charter School Support Organizations	Maintain monitoring requirements.	Collaboration with charter school support organizations.			For each year of the grant, OSSE will review the authorizer's annual academic reports on charter schools.	PMF/ Equity reports
Money (Planning and Implementation funds, Direct Loan funds, and Dissemination Funds)		Improve coordinated response and assistance to public charter schools.			For each year of the grant, OSSE will work with the authorizer to assist in the closure/transfer of assets of any charter schools closed by PCSB.	Meeting agendas/notes
Time					For each year of the grant, OSSE will ensure that each charter school is operating under a legally binding charter or performance contract between itself and the authorizer.	PCSB meeting agendas/notes
Technology					For each year of the grant, OSSE will ensure that each school in the state conducts timely and independent audits of the school's financial statements that are filed with the authorizer.	Review of charter agreements
Project Evaluator(s)						Review of charter audits/ FAR
CSP Resources/Guidelines						

## **I. Project Design**

The mission of the Office of the State Superintendent of Education is to remove barriers and create pathways for District residents to receive a great education and prepare them for success in college, careers, and life. 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. Our proposed project design is three-fold:

- 1) **Supporting the Creation of New High-Quality Charter Schools:** OSSE proposes to support the successful launch and creation of high-quality charter schools by providing three (3) years of grant funds: Planning Year, Implementation Year 1, and Implementation Year 2. Planning Year grants will start at \$225,000 and Implementation Year grants will start at \$265,000 per year. The grants will increase by \$5,000 each year to account for inflation. By the final year of the grant, Planning Year grants will be \$245,000 and Implementation Year grants will be \$280,000. Based on actual charter school approvals over the past six (6) years, OSSE's proposed budget is based on the anticipated approval of 4 new charter schools per grant year. In addition, to support the creation of high-quality schools, OSSE proposes to:
  - a. Provide additional incentives funds to new charter schools seeking to attract, recruit, admit, enroll, serve and retain educationally disadvantaged students, and
  - b. Offer a training series, in conjunction with PCSB and other partners, that will ensure new charter schools are aware of and able to access all supports available to them in the District of Columbia.

2) **Promote the Dissemination of Information about Successful Charter Schools and Practices.** OSSE proposes to run at least two dissemination grant competitions with the

following areas of focus:

- a. Prioritize funding dissemination projects that focus on improving educational outcomes for disadvantaged students by raising achievement and attainment for specific subgroups (including graduation rates and post-secondary enrollment rates) and reducing achievement gaps between subgroups;
- b. Awarding priority points to charter schools seeking to disseminate best and promising practices related to student discipline and school climate or effectively incorporating student body diversity with respect to improving academic achievement for educationally disadvantaged students; and
- c. Awarding priority points to applicants who seek to disseminate successful special education practices to partner LEAs who were previously dependent charters for special education purposes and are becoming their own LEAs during the project period.

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, as well as the Enterprise Grants Management System (EGMS), OSSE website, 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

website. In alignment with the CSP competition, OSSE will prohibit applicants with significant compliance issues, particularly in the CSP-specified areas of student safety, financial management, and equitable treatment of students, from receiving awards.

- 3. Providing Dedicated Direct Loan Funds to New Charter Schools:** Based on a demonstrated history of successfully administering direct loans and credit enhancements, OSSE is proposing to seek additional funds to be specifically made available to new charter schools, which are less likely to be able to access favorable terms on the open market. We are proposing to infuse these funds into our existing direct loan program, with the same permissible use requirements, but accessible only to current (and possibly former) CSP start-up grant recipients.

In addition to aligning with goals of the 2015 CSP competition and DC's ESEA Flexibility Waiver, this project is designed to meet the four (4) objectives of the OPCSFS overall:

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 44 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.

OSSE distributes grants to each new school that is chartered by PCSB. PCSB's primary focus in considering charter applicants is to identify schools that will improve student academic performance, and in particular improve the academic performance of historically underperforming subgroups. PCSB also seeks schools that seek to serve at-risk students and those with disabilities. In addition to the District's commitment to providing additional resources for "at-risk" and educationally disadvantaged students, PCSB will encourage this development in its portfolio; PCSB will publish a document requesting applications for new schools with such a focus. OSSE will also support the creation of a portfolio of subgrantees that focuses on these students through the deployment of the CSP funds as described in this application. OSSE will inform teachers, parents, and the community about the CSP subgrant program through its weekly newsletter to LEAs, through the State System of Support website and through ongoing outreach activities.

OSSE works in coordination with the PCSB to require only one application for the three year sub-grant award. An eligible applicant is a charter school developer or not for profit that has gone through the approval process of the authorized public chartering authority (the PCSB) to

operate as a public charter school. 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. Once conditionally approved by the PCSB, OSSE conducts an 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.

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.

OSSE will work in coordination with the PCSB to provide funding for the next cohort of authorized charter schools after a grant award notice is issued from the Department of Education to the SEA. The PCSB recently approved new charter schools in May; therefore, the next round of potential approvals will occur in the fall. Commencing in 2016 and annually thereafter, the District of Columbia will work with the PCSB to contact newly authorized charters within 30 days of conditional approval to inform them of Charter School Programs funding. This timeline affords the charter developer/not for profit to have access to planning and program design funds very soon after conditional approval.

Because OSSE does not authorize new charter schools, we will work in conjunction with the PCSB to provide feedback on charter applications. Once a charter is conditionally approved by the PCSB, OSSE will use the charter application as the CSP application. OPCSFS staff will review the charter application to ensure that all CSP requirements are met in the charter

application, and will provide a supplemental application to capture any elements not included. This process, which has been approved by OSSE's CSP contact in the past, has resulted in awarding planning and implementation grants to 100% of the charter schools who are authorized through PCSB's rigorous and high-quality review process. It also significantly reduces administrative burden on new charter applicants in the District of Columbia, by allowing them to submit only one application to become authorized and receive crucial startup funding.

Those sub-grantees that are awarded CSP funds will receive a three year award for Planning and Program Design and Initial Implementation and will be eligible for payment as soon as the Grant Award Notice is issued. Each grant will require a performance agreement and each phase of the grant award will require a separate budget to provide OSSE the goals and activities to be performed. OSSE will monitor the performance agreement reports 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 performance agreement and budgets 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. At the beginning of each school year, an authorized representative at the LEA will be required to submit assurances through the Enterprise Grants Management System (EGMS) that their school is meeting the federal definition of a charter school. This ensures that 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.

If awarded CSP grant funds, 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. 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, parental involvement, staffing, resources, compelling need(s) and potential for success. If assisted schools have not yet been identified, the applicant must clearly describe 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.

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 dissemination grant

awards will be informed of the amount of their awards and, as necessary, budgets will be adjusted and approved.

The OPCSFS will provide technical assistance to awarded subgrantees regarding required onsite monitoring visits and desk compliance audits. The OPCSFS staff will also collect, track, and report data relevant to the CSP grant program. All CSP subgrantees will be monitored at least once through their life of the grant.

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 per year within a five year grant term, for a total of 20 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). The second waiver OSSE is requesting in this application is a waiver from Section 5202(d)(2) so that high-quality charter schools that have effectively disseminated best practices and produced improvement in their partner schools can be eligible to receive the Dissemination grant more

than one time during the CSP period. Both waivers, if approved, will maximize the impact that the CSP funds can have in the District of Columbia by providing new high-quality charters with a solid foundation, and allowing existing high-performing charters a platform to disseminate best practices and impact achievement at partner schools.

### **Application Requirements**

**Application Requirement (1):** For the purposes of the CSP grant, OSSE uses the definition of academically poor-performing charter school provided in the CSP funding notice. The response to this requirement is also addressed in Absolute Priority 1 and the Vision for Growth and Accountability sections.

**Application Requirement (2):** The response to this requirement is addressed in the Dissemination of Information and Best Practices section and the Project Design sections.

**Application Requirement (3):** The response to this requirement is addressed in Policy Context for Charter Schools section.

**Application Requirement (4):** For the purposes of the CSP grant, OSSE uses the definition of high-quality charter school provided in the CSP funding notice. The response to this requirement is also addressed in the Vision for Growth and Accountability section.

**Application Requirement (5):** The response to this requirement is addressed in the State Level Strategy and Policy Context for Charter Schools sections.

**Application Requirement (6):** The response to this requirement is addressed in the Management Plan and Theory of Action section.

**Application Requirement (7):** 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. *See* § DC Code 38-1802.06(a),(b). Charter schools may limit enrollment to specific grade levels. *See* DC Code § 38-1802.06(b). In cases where student applications exceed capacity, local statute requires that public charter schools use a random selection process or lottery to admit students, except that charters may establish admission preferences for the sibling of a student already attending or selected to attend the school, for the child of a member of the schools founding board (capped at 10% of total enrollment of 20 students, whichever is less), and for the child of a full-time employee who is a DC resident (capped at 10% of school's total enrollment). *See* § 38-1802.06(c). Any traditional public school approved to be converted to a charter school is required to comply with additional enrollment priorities based prior enrollment and attendance boundaries; private schools converting to charter schools may elect similar priorities for five years. *See* § 38-1802.06(d). Beginning in 2015, under the Special Education Quality Improvement Amendment Act of 2014, in order to facilitate the planning, development, and maintenance of high-quality special education programs in the District of Columbia, charters schools may also seek approval from the PCSB to establish a lottery admission preference for an applicant with an IEP or an applicant in a disability category pursuant to IDEA. *See* § 38-1802.06(c-1)(1). PCSB is required to ensure that any the proposed preference under this section will increase educational opportunities for, and not adversely impact, students with disabilities and to publicly make available a written document that specifies the preference established and the reasons for granting the preference. *See* § 38-1802.06(c-1)(2), (3).

Beginning in School Year 2013-2014, DC established the My School DC application as a single online application families use to apply for all participating public charter schools (PK3-12), DCPS out-of-boundary schools (K-12), all DCPS PK3 and PK4 programs, and DCPS

citywide selective high schools. My School DC gives families a single application and a single lottery that matches all students and all participating schools. My School DC staff are employees of the Office of the Deputy Mayor for Education and My School DC is governed by a board called the Common Lottery Board, with representation from both DCPS and participating public charter schools. The Deputy Mayor for Education chairs the board. A Parent Advisory Council and committees of participating LEAs provide input to My School DC and the Common Lottery Board to inform the design of the process and parent outreach efforts.

For School Year 2015-16, all but ten (10) DC public charter schools elected to participate in My School DC. Charter schools that elect not to participate in the My School DC are required to follow all relevant laws and policies, including PCSB's Application and Lottery Guidelines Policy and OSSE Guidance Related to Prohibitions on Discrimination Against Children with Disabilities in the Charter School Application During Enrollment Process.

**Application Requirement (8):** The response to this requirement is addressed in the Project Design section.

**Application requirement (9):** The response to this requirement is addressed in the Project Design section.

**Application Requirement (10):** Waivers from 5202(c)(1) and 5202(d)(2) have been requested in this application. The responses to this requirement are found in the Dissemination of Information and Best Practices section and the Project Design sections.

## Other Attachment File(s)

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## CHARTER SCHOOLS PROGRAM ASSURANCES – STATE EDUCATIONAL AGENCIES

Pursuant to Section 5203(b)(3) of the Elementary and Secondary Education Act of 1965, as amended (ESEA); Title III of the Consolidated and Further Continuing Appropriations Act, 2015; and sections 200.302(a) and 200.331(d) of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, a State educational agency (SEA) application for a grant under the CSP must contain the following assurances.

As the duly authorized representative of the applicant, I certify to the following:

- 1) The applicant will require each eligible applicant desiring to receive a subgrant to submit an application to the SEA containing:
  - A. A description of the educational program to be implemented by the proposed charter school, including (i) how the program will enable all students to meet challenging State student academic achievement standards; (ii) the grade levels or ages of children to be served; and (iii) the curriculum and instructional practices to be used;
  - B. A description of how the charter school will be managed;
  - C. A description of (i) the objectives of the charter school; and (ii) the methods by which the charter school will determine its progress toward achieving those objectives;
  - D. A description of the administrative relationship between the charter school and the authorized public chartering agency;
  - E. A description of how parents and other members of the community will be involved in the planning, program design and implementation of the charter school;
  - F. A description of how the authorized public chartering agency will provide for continued operation of the school once the Federal grant has expired, if such agency determines that the school has met its objectives;
  - G. A request and justification for waivers of any Federal statutory or regulatory provisions that the eligible applicant believes are necessary for the successful operation of the charter school, and a description of any State or local rules, generally applicable to public schools, that the applicant proposes to be waived, or otherwise not apply to, the school;
  - H. A description of how the subgrant funds will be used, including a description of how such funds will be used in conjunction with other Federal programs administered by the U.S. Secretary of Education;

- I. A description of how students in the community will be (i) informed about the charter school; and (ii) given an equal opportunity to attend the charter school;
  - J. An assurance that the eligible applicant will annually provide the Secretary and the SEA such information as may be required to determine if the charter school is making satisfactory progress toward achieving the objectives described in subparagraph (C)(i);
  - K. An assurance that the applicant will cooperate with the Secretary and the SEA in evaluating the program assisted under this subpart;
  - L. A description of how a charter school that is considered a local educational agency under State law, or a local educational agency in which a charter school is located, will comply with sections 613(a)(5) and 613(e)(1)(B) of the Individuals with Disabilities Education Act;
  - M. If the eligible applicant desires to use subgrant funds for dissemination activities under section 5202(c)(2)(C), a description of those activities and how those activities will involve charter schools and other public schools, local educational agencies, developers, and potential developers; and
  - N. Such other information and assurances as the Secretary and SEA may require.
- 2) The applicant will –
- A. Use the grant funds to award subgrants to one or more eligible applicants in the State to enable the applicant to plan and implement a charter school in accordance with this program; and
  - B. Use a peer review process to review applications for subgrants.
- 3) State law, regulations, or other policies in the State where the applicant is located require that –
- A. Each authorized charter school in the State operate under a legally binding charter or performance contract between itself and the school's authorized public chartering agency that describes the obligations and responsibilities of the school and the public chartering agency; conduct annual, timely, and independent audits of the school's financial statements that are filed with the school's authorized public chartering agency; and demonstrate improved student academic achievement; and
  - B. Authorized public chartering agencies use increases in student academic achievement for all groups of students described in section 1111(b)(2)(C)(v) of the ESEA as one of the most important factors when determining to renew or revoke a school's charter.

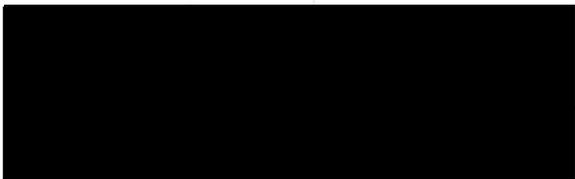
- 4) The applicant will monitor the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved.
- 5) The applicant and each subrecipient will use financial management systems, including records documenting compliance with Federal statutes, regulations, and the terms and conditions of the Federal award, that are sufficient to permit the preparation of reports required by general and program-specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the Federal statutes, regulations, and the terms and conditions of the Federal award.

Hanseul Kang

NAME OF AUTHORIZED OFFICIAL

Superintendent

TITLE



7/15/15.

DATE

<sup>DC</sup>  
Office of the State Superintendent  
APPLICANT ORGANIZATION of Education

7.15.15

DATE SUBMITTED

# Katherine E. Cox

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## EXPERIENCE SUMMARY

Director of the Office of Public Charter School Financing and Support at the Office of the State Superintendent of Education. Responsible for the development of competitive State Education Agency grant applications and implementation of federal education policies and supporting grant compliance by local educational agencies in the District of Columbia. Support District charter schools in the management, tracking and reporting of over \$30,000,000 in government funding. Oversee department budget and management of a team of five staff. Previous experience includes fundraising through donor development and grant writing, as well as management of a portfolio funding.

## PROFESSIONAL EXPERIENCE

### Office of the State Superintendent of Education

Washington, DC

*Director, Office of Public Charter School Financing and Support* (June 2014 – present)

- Oversee a Congressionally created office with a mission of creating high-quality public charter schools through facility financing, support for growth and expansion, and investments in program quality.
- Project Director for three federal grants from the US Department of Education:
  - Charter Schools Program Grant (Title V, Part B) – \$15.2 million award.
  - Credit Enhancement for Charter School Facilities – \$5.8 million award.
  - Scholarships for Opportunity and Results (SOAR) Act Grant – \$54.5 million award since 2012.
- Develop grant applications to the US Department of Education on behalf of the District of Columbia.
- Oversee competitive award processes for grant funding at the State level.
- Manage and oversee a team of five staff.

### Office of the State Superintendent of Education

Washington, DC

*Program Analyst, Education Grants Specialist* (August 2010 – June 2014)

- Oversee the application, award process, and management of the Scholarships for Opportunities and Results (SOAR) Act.
- Draft Notices of Funding Availability, Requests for Applications, and manage reviewer process for the SOAR Act.
- Develop procedures and policies to ensure timely drawdown of funds by subgrantees.
- Lead in-person and online technical assistance sessions for subgrantees regarding compliance and fiscal management.
- Lead information sessions at the Public Charter School Board to potential charter school applicants regarding funding.
- Served as the primary point of contact for the organization's A-133 audit.
- Promoted from a Program Analyst to an Education Grants Specialist after one year of successful work.

### Thurgood Marshall Academy Public Charter School

Washington, DC

*Grants Manager* (July 2007 – August 2010)

- Secured and administered \$190,000 of funding through The American Recovery and Reinvestment Act of 2009.
- Managed government funding applications, reports, and reimbursements requests for federal funding for the charter school.
- Served as the point of contact for the No Child Left Behind application and reporting requirements for entire organization.
- Responsible for meeting ambitious targets in Grants and Competitive Funding.
- Assisted with cultivation for potential donors and planned site visits and tours.
- Consistently met highly aggressive reporting requirements and deadlines.
- Progressed from Grants Assistant to Grants Manager in two years.

### Hawkins & Parnell, LLP

Atlanta, GA

*Case Clerk* (August 2006 – June 2007)

- Efficiently filed and categorized extensive amounts of legal documents in preparation for court cases.
- Organized and maintained copious volumes of medical records and legal documents for review by legal teams and experts.

## EDUCATION

### Duke University

Durham, NC

Bachelor of Arts Degree, History, May 2006

## **Katherine E. Cox**



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### **SKILLS**

- Bilingual (English / Spanish)
- Adept in the administration of Federal Education Laws such as ESEA, EDGAR and GEPA as well as OMB Circulars
- Proficient in use of office applications such as Adobe Acrobat, MS PowerPoint, Excel, Outlook and Word
- Skilled in research methods and the use of online services such as LexisNexis and databases such as Donor Perfect
- Experienced in the use of Adobe GoLive HTML editor and website management application and Drupal

## Marie Hutchins

### OBJECTIVE

To secure a position in a progressive organization that offers opportunities for professional development and growth where I can effectively utilize my expertise and abilities in the areas of grant application review, federal and local grants management, budgetary and accounting concepts and theories, analytical proficiency to ensure stakeholders success.

### PROFESSIONAL EXPERIENCE

#### **Office of State Superintendent of Education – Office of Public Charter Schools Financing and Support (OPCSFS) Washington, DC**

##### **Financial/Program Analyst**

7/08 - present

**Core Responsibilities:** Responsible for fiduciary and grants management of a portfolio of \$20M appropriated through United States Congress. Core responsibilities include:

- Serve as primary lead, project director, and point of contact with the U.S. Department of Education for the Title VB grant.
- Departmental Programs Financial Management – development and implementation of program financial goals by creating a visual view of program plans for grant completions, budgets, program spending plans, time and effort and projected traveling plans.
- Development and management of business relationships between OPCSFS and other offices within OSSE as well as with other DC government agencies and local education focused organizations
- Collaborating with Senior Management to develop policies and guidelines to promote effective budgetary and fiscal controls
- Development and execution of monitoring plans to ensure compliance with General Administrative Accounting Principles, EDGAR, OMB circulars and other regulatory guidelines
- Development and management of a portfolio of funding directed at improving the quantity of high quality seats in charter schools
- Management of processes to effectuate the completeness and timeliness of payments, budget loads, and de-obligations
- Approving obligations and expenditures to facilitate the processing of sub-grantees' monthly drawdown requests
- Process management

##### **Key Projects include:**

- Replication and Growth
- Public Charter School Program – Title V, Part B
- Facilities Allowance Gap Funding
- Program Financial Management
- Fight for Children QSI grants
- FOCUS Data Summit
- New Leaders New Schools
- Grant Award Database Management
- Budget Development and Management
- Time and Effort Management
- LEA Fiscal Monitoring

#### **Washington Academy Public Charter School – Washington, DC**

##### **Financial Services Director**

11/06 – 6/08

**Core Responsibilities:** The incumbent in this class was responsible for managing the fiscal affairs of a school system through the installation and maintenance of an integrated system to plan fiscal needs, to ensure valid disclosure of receipts and disbursements and to make sound investments of any cash balances. Functioning under the direction of the Executive Director, the incumbent interprets and follows regulations prescribed by the PCBS, funding agencies and the board of education. The incumbent exercises discretionary judgment in the resolution of operational problems and correction of the resulting effects of these. The incumbent

received general direction and the work was evaluated through accomplishments and the reports of official audits. Direct supervision was exercised over the staff in the business office.

**Key Projects:**

- Maintaining liaison with other departments to serve as the financial advisor.
- Developing short and long term budgets and amendments for the Executive Director and Board of Directors
- Collaborating with accounting firm to maintain an accounting system to detail assets, liabilities, equities, obligations, expenditures, and current and projected revenues.
- Certifying requisition of operational funds.
- Managing the receipt and deposit of all money remitted to the school system.
- Directing the allocation funds to programs and campuses, stipulating with conditions governing their use.
- Conducting pre-audits of all obligations to ensure budgeted appropriation and unencumbered balances.
- Performing the final approval of disbursement for fiscal claims against the school system.
- Auditing accounts of employees collecting or receiving taxes or other monies.
- Facilitating the timely and accurate preparation of required and requested reports.
- Managing the investment of all idle cash as directed by the local board.
- Assigning work and evaluating performances of subordinates.

**District of Columbia Public Schools - Washington, D.C.**  
**Grants Management Specialist – DCPS Office of Federal Grants**  
**8/03 – 11/06**

This position served as one of the key positions within the Allocations and Competitions (A&C) Branch with responsibility for the allocation, budget development and grant tracking of federal programs under the No Child Left Behind Act.

**Core Responsibilities:** Served as a Grants Management Specialist with the responsibility for various long and short-term budget allocations and grants management initiatives. Reviewed a variety of existing regulations and policies associated with different programs that impacts the implementation of federally funded educational programs. Worked closely with the program coordinator in identifying the fiscal and programmatic needs of local school districts, including public charter schools. Additionally, position responsibilities include development of operational budget, grant resource allocations and grant tracking. Also served as the liaison between program offices and the Offices of Budget, Finance, Accounts Payable and Procurement.

**Key Projects:**

- Assisted in the development and maintenance of grants management databases;
- Prepared various types of fiscal reports and presentations using electronic and print media;
- Monitored grant expenditures of programs to determine efficiency, reasonableness and compliance. Processed monthly drawdown of federal grant funds;
- Advised the subgrantees of recommended action(s), and identified data required for use in the grants management;
- Approved reimbursements to sub-grantees;
- Participated in staff and operational meetings to keep abreast of new objectives, plans, projects, and final decisions on implementing new or revised management and program policy and procedures. Interjected ideas to improve or modify current or future plans or projects. Assured initiatives taken are consistent with District and Federal regulations and guidelines;
- Participated in strategic planning and implementation of better business practices;
- Reviewed grant applications;
- Reviewed grants management audit findings for use in providing technical assistance as needed for programs in meeting A-133 statutory requirements;
- Managed the implementation of audit recommendations;
- Developed fiscal and grants tracking reports for federal funded programs as well as purchasing supplies and educational materials for use in program implementation.

**District of Columbia Public Schools**  
**Washington, D.C.**  
**Business Manager – Walker-Jones Elementary & Evans Middle School**  
**3/01 – 8/03**

**Core Responsibilities:** Served as primary contact for Walker-Jones ES, covering budget-related activities including budget development and execution. Responsible for entering requisitions for supplies and maintaining the books for Weighted Student Formula as well as federal entitlements. Maintained Student Activity funds and fees/funds collected in the school, prepares requisitions for supplies, equipment and traveling. Worked with staff and gained full understanding of assigned program areas and determined financial/equipment needs. Advised principal on financial and resource allocation decisions. Performed ad hoc analyses for program areas and recommend appropriate changes in resources and/or administration.

**EDUCATION/TRAINING**

- 2012 Community College of the District of Columbia
  - Accounting Fundamentals – *Certificate of Completion*
  - Project Management – *Certificate of Completion*
- 2013 Accounting Fundamentals 2 – *Certificate of Completion*
- 2012 District of Columbia Department of Human Resources (DCHR)
  - Budgeting and Saving
  - Time Management Fundamentals
    - Evaluating and Improving Time Management
    - Organizing Tasks and Creating Uninterrupted Time
- 2011 DC Office Chief Finance Office Training
  - CFOSolve Query Studio
  - CFOSolve Report Studio
  - CFOSolve Cognos Connection
  - CFOSolve Analysis Studio – IBM Cognos 8 Ver. 8.4.1
- 2001 Dreamweaver 4.0 Intro and FrontPage 2000
- MS Power Point 97 – 2007 versions
- Microsoft Access 2000 – 2003 versions
- Microsoft Project 2000 versions
- Microsoft Excel 2000 – 2007 versions
- Microsoft Word 2000 – 2007 versions
- Microsoft Publisher 2000 – 2007 versions
- Quickbooks
- Quattro Pro 9.0
- Soar/Share - Peoples Soft
- 1984 Buckingham County High School, Buckingham, Va.
- Buckingham County Vocational School
- Principles of Business and Office Procedures

**REFERENCES/TRAINING CERTIFICATES**

Available upon request



**Office of Deputy Mayor Jennifer C. Niles**

**John A. Wilson Building | 1350 Pennsylvania Ave, NW, Suite 307 | Washington, DC 20004**

July 15, 2015

Mr. Stefan Huh  
Director, Charter Schools Program  
Office of Innovation and Improvement  
U.S. Department of Education  
400 Maryland Ave., SW  
Washington, DC 20202

Mr. Huh,

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 infuse funding in the Direct Loan program, which will provide loans to District of Columbia public charter schools for the purpose of construction, acquisition, renovation or maintenance of public charter school facilities. The grant also proposes to develop and promote the dissemination of promising practices within the DC public charter sector, as well as to the traditional public school system.

The Office of the Deputy Mayor for Education (DME) is responsible for developing and implementing the Mayor's vision for academic excellence and creating a high quality education continuum from birth to 24. In our role, we provide oversight and support to OSSE, as well as other education related agencies. One of the core priorities of the DME is to improve school quality in all of the District's public schools, and OSSE is able to help us fulfill our mission with the dissemination and management of Title V, Part B funds. The Mayor is committed to creating high quality local school options for the District's students and these funds are ensuring that we make strides in meeting our goal of providing the high quality education that District residents deserve.

Given the relative size of the District's charter sector (44% of all public school students) and expected growth over the next five years, it is critical that OSSE, through the Office of Public Charter School Financing and Support (OPCSFS), provide timely and meaningful financial and technical supports to ensure a quality portfolio of DC public charter schools. The Office of the Deputy Mayor for Education supports the OPCSFS as it builds upon its past accomplishments and continues to support the development of a robust public charter school sector.

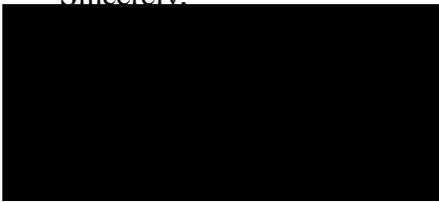


**Office of Deputy Mayor Jennifer C. Niles**

**John A. Wilson Building | 1350 Pennsylvania Ave, NW, Suite 307 | Washington, DC 20004**

In conclusion, I fully support the efforts of the Office of the State Superintendent of Education as they seek Title V, Part B funding to support academic achievement in the District. Together, OSSE and the Office of the Deputy Mayor of Education will strive to remove barriers and create pathways for District residents to receive a great education and prepare them for success in college, careers, and life.

Sincerely,



July 14, 2015

Mr. Stefan Huh  
Director, Charter Schools Program  
Office of Innovation and Improvement  
U.S. Department of Education  
400 Maryland Ave., SW  
Washington, DC 20202

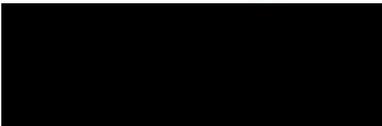
Dr. Mr. Huh,

It is with pleasure that the DC Public Charter School Board (“PCSB”) is writing this letter in support of the Office of the State Superintendent of Education’s (“OSSE”) application for a new federal Title V, Part B 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 infuse funding in the Direct Loan program, which will provide loans to District of Columbia public charter schools for the purpose of construction, acquisition, renovation or maintenance of public charter school facilities. The grant also proposes to develop and promote the dissemination of promising practices within the DC public charter sector, as well as to the traditional public school system.

PCSB is pleased that OSSE, through its Office of Public Charter Schools Financing and Support (“OPCSFS”), is seeking additional Title V, Part B grant funding to support the development of schools authorized by 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: a \$48 million Direct Loan and Credit Enhancement Funds; OSSE’s \$5 million federal Credit Enhancement grant to support the Charter School Incubator Initiative; the City Build Incentive grant program; the SOAR Act grant program; and various other grants supporting charter school leadership development, operational improvements, and the development of a pipeline of new applicants. Since 2010, PCSB has authorized, and OSSE has supported with V-B funds, 16 new charter LEAs in the District of Columbia.

Over the past eight years, 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. We strongly support this application.

  
Scott Pearson

July 15, 2015

Mr. Stefan Huh  
Director, Charter Schools Program  
Office of Innovation and Improvement  
U.S. Department of Education  
400 Maryland Ave., SW  
Washington, DC 20202

BOARD OF TRUSTEES

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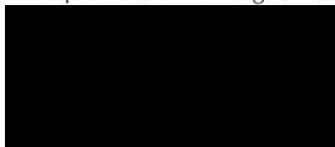
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Since assuming responsibility for the grant in 2007, OSSE's Office of Public Charter School Financing and Support (OPCSFS) has leveraged the V-B grant with other federal and local funds to support the creation and sustainability of high-quality public charter schools through various programs, including: a \$48 million Direct Loan and Credit Enhancement Funds; OSSE's \$5 million federal Credit Enhancement grant to support the Charter School Incubator Initiative; the City Build Incentive grant program; the SOAR Act 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 the OPCSFS, is seeking additional Title V-B grant funding to support the development of schools authorized by the DC Public Charter School Board.

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, OSSE, through SOAR Act grant funding, has supported the FOCUS "Data Summit" for the past three years.

Given the relative size of the District's charter sector (44% of all public school students) and expected growth over the next five years, it is critical that OSSE provide timely and meaningful financial and technical supports to ensure a quality portfolio of DC public charter schools. FOCUS supports the OSSE's 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.



Appendix D: Proprietary Information

(Not Applicable)

*D.C. Code § 38-1800.01*

District of Columbia Official Code  
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Current through laws in effect as of April 23, 2015 and through DC Act 20-592.

Division VI. Education, Libraries, and Public Institutions.  
Title 38. Educational Institutions.  
Subtitle IV. Public Education -- Charter Schools.  
Chapter 18. District of Columbia School Reform (Public Charter Schools).

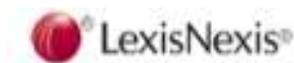
D.C. Code § 38-1800.01 (2015)

**§ 38-1800.01. Short title.**

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

**HISTORY:** (Apr. 26, 1996, 110 Stat. 1321 226, Pub. L. 104-134, § 2001.)

**NOTES:**



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*D.C. Code § 38-1800.02*

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Division VI. Education, Libraries, and Public Institutions.  
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D.C. Code § 38-1800.02 (2015)

**§ 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.

**(6A) Charter school facility incubator.--** The term "charter school facility incubator" means a nonprofit organization that uses its facility or property to house a charter school for 5 years or until the charter school can acquire its own property, whichever occurs first.

**(7) Consensus Commission. --** The term "Consensus Commission" means the Commission on Consensus Reform in the District of Columbia public schools established under subchapter VIII of this chapter.

**(8) Core curriculum. --** The term "core curriculum" means the concepts, factual knowledge, and skills that students in the District of Columbia should learn in kindergarten through grade 12 in academic content areas, including, at a minimum, English, mathematics, science, and history.

**(8A) DCPS. --** The term "DCPS" means the District of Columbia Public Schools, established by § 38-171.

**(9) District of Columbia Council. --** The term "District of Columbia Council" means the Council of the District of Columbia established pursuant to § 1-204.01.

**(10) District of Columbia government. --**

**(A) In general. --** The term "District of Columbia Government" means the government of the District of Columbia, including:

**(i)** Any department, agency, or instrumentality of the government of the District of Columbia;

**(ii)** Any independent agency of the District of Columbia established under part F of title IV of the District of Columbia Home Rule Act;

**(iii)** Any other agency, board, or commission established by the Mayor or the District of Columbia Council;

**(iv)** The courts of the District of Columbia;

**(v)** The District of Columbia Council; and

**(vi)** Any other agency, public authority, or public nonprofit corporation that has the authority to receive moneys directly or indirectly from the District of Columbia (other than moneys received from the sale of goods, the provision of services, or the loaning of funds to the District of Columbia).

**(B) Exception. --** The term "District of Columbia Government" neither includes the Authority nor a public charter school.

**(11) District of Columbia Government Retirement System. --** The term "District of Columbia Government retirement system" means the retirement programs authorized by the District of Columbia Council or the Congress for employees of the District of Columbia Government.

**(12) District of Columbia public school. --**

**(A) In general. --** The term "District of Columbia public school" means a public school in the District of Columbia that offers classes:

**(i)** At any of the grade levels from prekindergarten through grade 12; or

(ii) Leading to a secondary school diploma, or its recognized equivalent.

**(B) Exception.** -- The term "District of Columbia public school" does not include a public charter school.

**(13) Districtwide assessments.** -- The term "districtwide assessments" means a variety of assessment tools and strategies (including individual student assessments under subparagraph (E)(ii) of this paragraph administered by the Superintendent to students enrolled in District of Columbia public schools and public charter schools that:

(A) Are aligned with the District of Columbia's content standards and core curriculum;

(B) Provide coherent information about student attainment of such standards;

(C) Are used for purposes for which such assessments are valid, reliable, and unbiased, and are consistent with relevant nationally recognized professional and technical standards for such assessments;

(D) Involve multiple up-to-date measures of student performance, including measures that assess higher order thinking skills and understanding; and

(E) Provide for:

(i) The participation in such assessments of all students;

(ii) Individual student assessments for students that fail to reach minimum acceptable levels of performance;

(iii) The reasonable adaptations and accommodations for students with special needs (as defined in paragraph (32) of this section) necessary to measure the achievement of such students relative to the District of Columbia's content standards; and

(iv) The inclusion of limited-English proficient students, who shall be assessed, to the extent practicable, in the language and form most likely to yield accurate and reliable information regarding such students' knowledge and abilities.

**(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) [repealed]), 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.

**(17A) Eligible entity.** -- The term "eligible entity" means:

**(A)** A public charter school;

**(B)** An eligible applicant whose petition to establish a public charter school has been conditionally approved pursuant to § 38-1802.03(d)(2);

**(C)** A Board of Trustees; or

**(D)** A charter school facility incubator.

**(17B) Excess.** -- The term "excess" means no longer needed for operational purposes for DCPS or another District agency.

**(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.

**(18A) IDEA.** --

The term "IDEA" means the Individuals with Disabilities Education Act, approved April 13, 1970 (84 Stat. 175; 20 U.S.C. § 1400et seq.), and its implementing regulations.

**(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.

**(19A) Individualized education program or IEP.** --

The term "individualized education plan" or "IEP" means a written plan that specifies the special education programs and services to be provided to meet the unique educational needs of a child with a disability, as required under section 614(d) of IDEA (20 U.S. C. § 1414(d)).

**(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 Chapter 4 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 [§ 38-302 et seq.], 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.

**(30A) Rehabilitation Act.** -- The term "Rehabilitation Act" means the Rehabilitation Act of 1973, approved September 26, 1973 (87 Stat. 355; 29 U.S. C. § 701*et seq.*).

**(30B) School facility.** -- The term "school facility" means a structure or real property that:

**(A)** Is under the control of DCPS; or

**(B)** Was previously under the control of DCPS or the Board of Education and is now under the control of the Mayor or another agency of the District government.

**(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) [29 U.S.C. § 705(20)]).

**(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.

**HISTORY:** (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; July 2, 2011, D.C. Law 18-378, § 3 (dd)(1), 58 DCR 1720; June 21, 2014, D.C. Law 20-114, § 2(a), 61 DCR 4669; Mar. 10, 2015, D.C. Law 20-196, § 102(a), 61 DCR 12425.)

#### **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).

D.C. Law 18-378, in par. (24A), substituted "Chapter 4 of Title 29" for "subchapter I of Chapter 3 of Title 29".

The 2014 amendment by D.C. Law 20-114 added (6A), (8A), (17A), (17B), and (30A).

The 2015 amendment by D.C. Law 20-196 added (18A), (19A), and (30A).

**Temporary legislation. --**

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 provided 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 provided 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 provided that the act shall expire after 225 days of its having taken effect.

**Emergency legislation. --**

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 Law 14-38. --**

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.

#### **Legislative history of Law 15-67. --**

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.

#### **Legislative history of Law 15-348. --**

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.

#### **Legislative history of Law 16-268. --**

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

#### **Legislative history of Law 17-20. --**

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

#### **Legislative history of Law 18-378. --**

For history of Law 18-378, see notes under § 38-1202.08.

#### **Legislative history of Law 20-114. --**

Law 20-114, the "Comprehensive Planning and Utilization of School Facilities Act of 2013," was introduced in Council and assigned Bill No. 20-313. The Bill was adopted on first and second readings on Mar. 4, 2014, and April 8, 2014, respectively. Signed by the Mayor on April 28, 2014, it was assigned Act No. 20-319 and transmitted to Congress for its review. D.C. Law 20-114 became effective on June 21, 2014.

#### **Legislative history of Law 20-196. --**

Law 20-196, the "Special Education Quality Improvement Amendment Act of 2014," was introduced in Council and assigned Bill No. 20-725. The Bill was adopted on first and second readings on Oct. 7, 2014 and Oct. 28, 2014, respectively. Signed by the Mayor on Nov. 18, 2014, it was assigned Act No. 20-488 and transmitted to Congress for its review. D.C. Law 20-196 became effective on Mar. 10, 2015.

#### **Short title. --**

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".

#### **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.

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

D.C. Code § 38-1800.03 (2015)

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

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

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

**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".

**Editor's 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."

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Subchapter I. District of Columbia Reform Plan.

D.C. Code § 38-1801.01 (2015)

**§ 38-1801.01. Long-term reform plan.****(a) In General. --**

**(1) Plan. --** The Superintendent, with the approval of the Board of Education, shall submit to the Mayor, the District of Columbia Council, the Authority, the Consensus Commission, and the appropriate congressional committees, a long-term reform plan, not later than 90 days after April 26, 1996, and each February 15 thereafter. The long-term reform plan shall be consistent with the financial plan and budget for the District of Columbia for fiscal year 1996, and each financial plan and budget for a subsequent fiscal year, as the case may be, required under § 47-392.01.

**(2) Consultation. --**

**(A) In general. --** In developing the long-term reform plan, the Superintendent:

**(i)** Shall consult with the Board of Education, the Mayor, the District of Columbia Council, the Authority, and the Consensus Commission; and

**(ii)** Shall afford the public, interested organizations, and groups an opportunity to present their views and make recommendations regarding the long-term reform plan.

**(B) Summary of recommendations. --** The Superintendent shall include in the long-term plan a summary of the recommendations made under subparagraph (A)(ii) of this paragraph and the response of the Superintendent to the recommendations.

**(b) Contents. --**

**(1) Areas to be addressed. --** The long-term reform plan shall describe how the District of Columbia public schools will become a world-class education system that prepares students for lifetime learning in the 21st century and which is on a par with the best education systems of other cities, States, and nations. The long-term reform plan shall include a description of how the District of Columbia public schools will accomplish the following:

**(A)** Achievement at nationally and internationally competitive levels by students attending District of Columbia public schools;

**(B)** The preparation of students for the workforce, including:

**(i)** Providing special emphasis for students planning to obtain a postsecondary education; and

- (ii) The development of individual career paths;
- (C) The improvement of the health and safety of students in District of Columbia public schools;
- (D) Local school governance, decentralization, autonomy, and parental choice among District of Columbia public schools;
- (E) The implementation of a comprehensive and effective adult education and literacy program;
- (F) The identification, beginning in grade 3, of each student who does not meet minimum standards of academic achievement in reading, writing, and mathematics in order to ensure that such student meets such standards prior to grade promotion;
- (G) The achievement of literacy, and the possession of the knowledge and skills necessary to think critically, communicate effectively, and perform competently on districtwide assessments, by students attending District of Columbia public schools prior to such student's completion of grade 8;
- (H) The establishment of after-school programs that promote self-confidence, self-discipline, self-respect, good citizenship, and respect for leaders, through such activities as arts classes, physical fitness programs, and community service;
- (I) Steps necessary to establish an electronic data transfer system;
- (J) Encourage parental involvement in all school activities, particularly parent teacher conferences;
- (K) Expired.
- (L) The establishment of classes, beginning not later than grade 3, to teach students how to use computers effectively;
- (M) The development of community schools that enable District of Columbia public schools to collaborate with other public and nonprofit agencies and organizations, local businesses, recreational, cultural, and other community and human service entities, for the purpose of meeting the needs and expanding the opportunities available to residents of the communities served by such schools;
- (N) The establishment of programs which provide counseling, mentoring (especially peer mentoring), academic support, outreach, and supportive services to elementary, middle, and secondary school students who are at risk of dropping out of school;
- (O) The establishment of a comprehensive remedial education program to assist students who do not meet basic literacy standards, or the criteria of promotion gates established in § 38-1803.21;
- (P) The establishment of leadership development projects for middle school principals, which projects shall increase student learning and achievement and strengthen such principals as instructional school leaders;
- (Q) The implementation of a policy for performance-based evaluation of principals and teachers, after consultation with the Superintendent and unions (including unions that represent teachers and unions that represent principals);

(R) The implementation of policies that require competitive appointments for all District of Columbia public school positions;

(S) The implementation of policies regarding alternative teacher certification requirements;

(T) The implementation of testing requirements for teacher licensing renewal;

(U) A review of the District of Columbia public school central office budget and staffing reductions for each fiscal year compared to the level of such budget and reductions at the end of fiscal year 1995; and

(V) The implementation of the discipline policy for the District of Columbia public schools in order to ensure a safe, disciplined environment conducive to learning.

**(2) Other information.** -- For each of the items described in subparagraphs (A) through (V) of paragraph (1), the long-term reform plan shall include:

(A) A statement of measurable, objective performance goals;

(B) A description of the measures of performance to be used in determining whether the Superintendent and Board of Education have met the goals;

(C) Dates by which the goals shall be met;

(D) Plans for monitoring and reporting progress to District of Columbia residents, the Mayor, the District of Columbia Council, the Authority, the Consensus Commission, and the appropriate congressional committees regarding the carrying out of the long-term reform plan; and

(E) The title of the management employee of the District of Columbia public schools most directly responsible for the achievement of each goal and, with respect to each such employee, the title of the employee's immediate supervisor or superior.

**(c) Amendments.** -- The Superintendent, with the approval of the Board of Education, shall submit any amendment to the long-term reform plan to the Mayor, the District of Columbia Council, the Authority, the Consensus Commission, and the appropriate congressional committees. Any amendment to the long-term reform plan shall be consistent with the financial plan and budget for fiscal year 1996, and each financial plan and budget for a subsequent fiscal year, as the case may be, for the District of Columbia required under § 47-392.01.

**HISTORY:** (Apr. 26, 1996, 110 Stat. 1321 231, Pub. L. 104-134, § 2101.)

**NOTES:**

**Prior Codifications.** --

1981 Ed., § 31-2853.1.

**Editor's notes.** --

See notes following § 38-1702.01.



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

D.C. Code § 38-1801.02 (2015)

**§ 38-1801.02. Superintendent's report on reforms.**

Not later than December 1, 1996, the Superintendent shall submit to the appropriate congressional committees, the Board of Education, the Mayor, the Consensus Commission, and the District of Columbia Council a report regarding the progress of the District of Columbia public schools toward achieving the goals of the long-term reform plan.

**HISTORY:** (Apr. 26, 1996, 110 Stat. 1321 234, Pub. L. 104-134, § 2102.)

**NOTES:****Prior Codifications. --**

1981 Ed., § 31-2853.2.



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*D.C. Code § 38-1801.03*

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Subchapter I. District of Columbia Reform Plan.

D.C. Code § 38-1801.03 (2015)

**§ 38-1801.03. District of Columbia Council report.**

Not later than April 1, 1997, the Chairperson of the District of Columbia Council shall submit to the appropriate congressional committees a report describing legislative and other actions the District of Columbia Council has taken or will take to facilitate the implementation of the goals of the long-term reform plan.

**HISTORY:** (Apr. 26, 1996, 110 Stat. 1321 234, Pub. L. 104-134, § 2103.)

**NOTES:****Prior Codifications. --**

1981 Ed., § 31-2853.3.



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Subchapter II. Public Charter Schools.

D.C. Code § 38-1802.01 (2015)

**§ 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.

**(c-1) Jointly operated school.** -- The Public Charter School Board shall have the authority to approve one joint program for applicants seeking to establish a jointly operated school where 2 or more public charter schools that have adopted, for the combined program, identical mission statements, goals, curricula and educational philosophy ("member schools") may combine to create a jointly operated middle and high school. Notwithstanding any other law, the jointly operated school shall have the same duties, powers and responsibilities of a public charter school, shall be funded as if a public charter school, and shall be treated as a single local educational agency under federal and local law. Students matriculating directly from the highest grade of a member school into the entry grade of the jointly operated school shall be exempt from the requirements of § 38-1802.06(c).

**(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) Petition for public charter school is public.** -- 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 [§ 38-1701.01 et seq.] [repealed], 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.

**HISTORY:** (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; Feb. 26, 2015, D.C. Law 20-155, § 4112, 61 DCR 9990.)

**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).

The 2015 amendment by D.C. Law 20-155 added (c-1).

**Emergency legislation. --**

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).

For temporary (90 days) amendment of this section, see § 4112 of the Fiscal Year 2015 Budget Support Emergency Act of 2014 (D.C. Act 20-377, July 14, 2014, 61 DCR 7598, 20 STAT 3696).

For temporary (90 days) amendment of this section, see § 4112 of the Fiscal Year 2015 Budget Support Congressional Review Emergency Act of 2014 (D.C. Act 20-449, October 10, 2014, 61 DCR 10915, 20 STAT 4188).

For temporary (90 days) amendment of this section, see § 4112 of the Fiscal Year 2015 Budget Support Second Congressional Review Emergency Act of 2014 (D.C. Act 20-566, January 9, 2015, 62 DCR 884, 21 STAT 541).

**Legislative history of Law 13-172. --**

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.

**Legislative history of Law 17-9. --**

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

**Legislative history of Law 20-155.--**

Law 20-155, the "Fiscal Year 2015 Budget Support Act of 2014," was introduced in Council and assigned Bill No. 20-750. The Bill was adopted on first and second readings on May 28, 2014, and June 24, 2014, respectively. Returned without the Mayor's signature on Sept. 19, 2014, it was assigned Act No. 20-424 and transmitted to Congress for its review. D.C. Law 20-155 became effective on Feb. 26, 2015.

**Effective dates. --**

Section 103(b) of Div. J, title I, of Pub. L. 108-447, provided: "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.

Applicability: Section 804 of D.C. Law 17-9 provided 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.



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Subchapter II. Public Charter Schools.

D.C. Code § 38-1802.02 (2015)

### **§ 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 subparagraph (i)(I) of this subparagraph will be made, and the information described in sub-sub-paragraph (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; and

**(17)** Repealed;

**(18)** An explanation of the relationship that will exist between the public charter school and the school's employees.

**(19)** Repealed.

**HISTORY:** (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; Mar. 10, 2015, D.C. Law 20-196, § 102(b).)

#### **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".

The 2015 amendment by D.C. Law 20-196 added "and" in (16)(H); substituted a closing period for a semicolon and "and" in (18); and repealed (19).

#### **Legislative history of Law 16-268. --**

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

**Legislative history of Law 20-196. --**

See note to § 38-1800.02.

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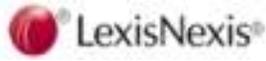
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D.C. Code § 38-1802.03 (2015)

**§ 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 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.

**HISTORY:** (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.)

**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 legislation. --**

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 Law 13-172. --**

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

**Legislative history of Law 17-9. --**

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

**Editor's notes. --**

Applicability: Section 804 of D.C. Law 17-9 provided 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.

*D.C. Code § 38-1802.04*

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D.C. Code § 38-1802.04 (2015)

**§ 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 Chapter 4 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 education 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 [§ 38-351 et seq.].

**(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.

**HISTORY:** (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; July 2, 2011, D.C. Law 18-378, § 3(dd)(2), 58 DCR 1720.)

#### **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).

##### **Emergency legislation. --**

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 Law 13-172. --**

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

**Legislative history of Law 16-33. --**

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

**Legislative history of Law 16-268. --**

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

**Legislative history of Law 17-9. --**

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

**Legislative history of Law 17-20. --**

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

**Legislative history of Law 17-219. --**

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

**Legislative history of Law 18-378. --**

For history of Law 18-378, see notes under § 38-1202.08.

**Short title. --**

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".

**Editor's notes. --**

Section 133 of Pub. L. 109-115, Nov. 30, 2005, 119 Stat. 2522, provided: "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 provided 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.



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*D.C. Code § 38-1802.05*

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Subchapter II. Public Charter Schools.

D.C. Code § 38-1802.05 (2015)

**§ 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.

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

**NOTES:****Prior Codifications.** --

1981 Ed., § 31-2853.15.

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*D.C. Code § 38-1802.06*

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Subchapter II. Public Charter Schools.

D.C. Code § 38-1802.06 (2015)

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

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

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

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

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

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

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

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

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

**(3)** In reviewing an application by a public charter school to establish a preference for admission under this subsection, the Public Charter School Board shall ensure that the proposed

preference will increase educational opportunities for, and not adversely impact, students with disabilities.

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

**(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.

**HISTORY:** (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; Feb. 26, 2015, D.C. Law 20-155, § 4032, 61 DCR 9990; Mar. 10, 2015, D.C. Law 20-196, § 102(c), 61 DCR 12425.)

#### **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".

The 2015 amendment by D.C. Law 20-155 rewrote (c).

The 2015 amendment by D.C. Law 20-196 added (c-1).

### **Emergency legislation. --**

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).

For temporary (90 days) amendment of this section, see § 4032 of the Fiscal Year 2015 Budget Support Emergency Act of 2014 (D.C. Act 20-377, July 14, 2014, 61 DCR 7598, 20 STAT 3696).

For temporary (90 days) amendment of this section, see § 4032 of the Fiscal Year 2015 Budget Support Congressional Review Emergency Act of 2014 (D.C. Act 20-449, October 10, 2014, 61 DCR 10915, 20 STAT 4188).

For temporary (90 days) amendment of this section, see § 4032 of the Fiscal Year 2015 Budget Support Second Congressional Review Emergency Act of 2014 (D.C. Act 20-566, January 9, 2015, 62 DCR 884, 21 STAT 541).

### **Legislative history of Law 13-172. --**

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

### **Legislative history of Law 16-268. --**

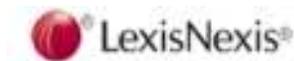
For Law 16-268, see notes following § 38-1701.01.

### **Legislative history of Law 20-155.--**

See note to § 38-1802.01.

### **Legislative history of Law 20-196.--**

See note to § 38-1800.02.



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D.C. Code § 38-1802.07 (2015)

**§ 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)** 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.

**HISTORY:** (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.)

**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 Law 17-108.** --

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, provided: "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.



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D.C. Code § 38-1802.08 (2015)

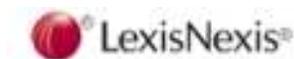
**§ 38-1802.08. Reduced fares for public transportation.**

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.

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

**NOTES:****Prior Codifications. --**

1981 Ed., § 31-2853.18.



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*D.C. Code § 38-1802.09*

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Current through laws in effect as of April 23, 2015 and through DC Act 20-592.

Division VI. Education, Libraries, and Public Institutions.  
Title 38. Educational Institutions.  
Subtitle IV. Public Education -- Charter Schools.  
Chapter 18. District of Columbia School Reform (Public Charter Schools).  
Subchapter II. Public Charter Schools.

D.C. Code § 38-1802.09 (2015)

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

**(a) In general.** -- The Office of Public Education Facilities Modernization 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 Office of Public Education Facilities Modernization.

**(b) Preference in leasing or purchasing public school facilities.** --**(1) Current and former public school properties.** --**(A) In general.** --

**(i)** Notwithstanding any other provision of law, regulation, or order, the Mayor shall give the right of first offer to purchase, lease, or otherwise use an excess school facility to an eligible entity.

**(ii)** In selecting an eligible entity for the purchase, lease, or use of an excess school facility, the Mayor shall give:

**(I)** First preference to an existing tenant that is a public charter school that has occupied all, or substantially all, of the facility or property;

**(II)** Second preference to a public charter school that the Public Charter School Board has determined to be high-performing and financially sound; and

**(III)** Third preference to any other eligible entity.

**(B)** Repealed.

**(C) Terms of purchase or lease.** -- The terms of purchase or lease of an excess school facility shall:

**(i)** Be negotiated by the Mayor in accordance with terms and conditions set forth in regulations;

**(ii)** Include rent or an acquisition price, whichever is applicable, that is equal to the appraised value of the excess school facility based on use of the property for school purposes; provided, that the Mayor may provide credits against the rental price, including a credit based on capital improvements made to the facility by the lessee, based upon a schedule of credits as set forth in regulations; and

(iii) Include a lease period, if the excess school facility is to be leased, of not less than 25 years, and renewable for additional 25-year periods; provided, that a lease involving a co-location agreement may include a lease or renewal period of less than 25 years.

**(D) Disposition of an excess school facility. --**

(i) Within 6 months of a school facility being designated as excess pursuant to § 38-2803(e), the Mayor shall make the facility available pursuant to this paragraph.

(ii) The Mayor may, at any time, determine any other school facility to be excess and make it available pursuant to this paragraph.

(iii) The Mayor may offer an excess school facility to an entity other than an eligible entity only if the following conditions have been met:

(I) The Mayor provided eligible entities with a right of first offer for the excess school facility pursuant to subparagraph (A) of this paragraph and no eligible entity was selected; and

(II) The Mayor provided eligible entities an opportunity to submit unsolicited proposals for the purchase or lease of the excess school facility.

(iv) The submission period for unsolicited proposals shall begin 30 days after the submission deadline in the right of first offer made pursuant to subparagraph (A) of this paragraph for the particular excess school facility and shall remain open for 12 months or until an eligible entity is selected, whichever occurs first. For purposes of reviewing the unsolicited proposals, the Mayor shall use the same evaluation criteria as set forth in the original right of first offer made pursuant to subparagraph (A) of this paragraph for the particular excess school facility.

(v) Nothing in this section shall prohibit the Mayor from utilizing an excess school facility for another government use while the property is being offered to eligible entities as required by this chapter: provided, that the use does not interfere with the right of first offer as set forth in this section.

**(E) Reclamation of an excess school facility. --** (i) The Chancellor may, at any time, make a request to the Mayor based on the need for additional space as a result of projected enrollment increases to reclaim an excess school facility that has not yet been transferred pursuant to this subsection.

(ii) The Mayor shall approve the Chancellor's request only if the Chancellor has explained with particularity to the Mayor's satisfaction the need for DCPS to reclaim the excess school facility. The request and the approval, or disapproval, shall be in writing and made publicly available on the Mayor's website.

**(F) Applicability of existing rules and regulations. --** The rules and regulations in place on June 21, 2014, shall continue to apply to an eligible applicant that has applied to purchase, lease, transfer, or use a school facility before June 21, 2014.

(2) Repealed.

**(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.

**HISTORY:** (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; Sept. 24, 2010, D.C. Law 18-223, § 4072, 57 DCR 6242; June 21, 2014, D.C. Law 20-114, § 2(b), 61 DCR 4669.)

#### **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).

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."

D.C. Law 18-223, in subsec. (a), substituted "Office of Public Education Facilities Modernization" for "Superintendent"; in the lead-in language of subsec. (b)(1), substituted "Former public school property" for "current and former public school property"; in subsec. (b)(1)(B)(ii), substituted "former Board of Education or the Mayor or the Chancellor of the District of Columbia Public Schools" for "Board of Education"; in subsec. (b)(1)(C)(iii), substituted "its charter; provided, that leases involving co-location agreements may include a lease period of less than 25 years" for "its charter"; and repealed subsec. (b)(2).

The 2014 amendment by D.C. Law 20-114 rewrote (b)(1)(A) and (b)(1)(C); and added (b)(1)(D), (b)(1)(E), and (b)(1)(F).

##### **Temporary legislation. --**

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

"(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 provided: "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 provided that the act shall expire after 225 days of its having taken effect.

#### **Legislative history of Law 15-39. --**

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

#### **Legislative history of Law 17-183. --**

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.

#### **Legislative history of Law 18-223. --**

For Law 18-223, see notes following § 38-103.

#### **Legislative history of Law 20-114. --**

Law 20-114, the "Comprehensive Planning and Utilization of School Facilities Act of 2013," was introduced in Council and assigned Bill No. 20-313. The Bill was adopted on first and second readings on Mar. 4, 2014, and April 8, 2014, respectively. Signed by the Mayor on April 28, 2014, it was assigned Act No. 20-319 and transmitted to Congress for its review. D.C. Law 20-114 became effective on June 21, 2014.

#### **Short title. --**

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".

Short title: Section 4071 of D.C. Law 18-223 provided that subtitle H of title IV of the act may be cited as the "Public Charter School Access to District of Columbia Public School Buildings Clarification Amendment Act of 2010".

**Effective dates. --**

Section 103(b) of Div. J, title I, of Pub. L. 108-447, provided: "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).

**Mayor's Orders. --**

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).

**Editor's notes. --**

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

"(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]."



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*D.C. Code § 38-1802.10*

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Current through laws in effect as of April 23, 2015 and through DC Act 20-592.

Division VI. Education, Libraries, and Public Institutions.  
Title 38. Educational Institutions.  
Subtitle IV. Public Education -- Charter Schools.  
Chapter 18. District of Columbia School Reform (Public Charter Schools).  
Subchapter II. Public Charter Schools.

D.C. Code § 38-1802.10 (2015)

**§ 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 subsubparagraphs (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.** -- By August 1, 2017, each public charter school shall be its own local educational agency for the purpose of Part B of IDEA and section 504 of the Rehabilitation Act (29 U.S.C. § 794); provided, that the Public Charter School Board may, in its discretion, waive application of this subsection to allow a currently existing public charter school with more than 90% of its students entitled to receive services pursuant to an individualized educational program to continue to be a District of Columbia public school for the purposes of Part B of IDEA and section 504 of the Rehabilitation Act (29 U.S.C. § 794).

**(c-1) [Education of children with disabilities in charter schools].** -- No newly approved public charter school shall elect to be treated as a District of Columbia public school for the purpose of Part B of IDEA and section 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.

**HISTORY:** (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); Mar. 10, 2015, D.C. Law 20-196, § 102(d), 61 DCR 12425.)

**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 (e) of Public Law 106-522 added subsec. (e) pertaining to participation in GSA programs.

The 2015 amendment by D.C. Law 20-196 rewrote (c); and added (c-1).

**Temporary legislation . --**

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

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

**Emergency legislation. --**

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 Law 14-191. --**

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.

**Legislative history of Law 14-228. --**

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.

**Legislative history of Law 20-196.--**

See note to § 38-1800.02.

**Effective dates. --**

Section 120 (b)(2) provided: "(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."



*D.C. Code § 38-1802.11*

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Division VI. Education, Libraries, and Public Institutions.  
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Chapter 18. District of Columbia School Reform (Public Charter Schools).  
Subchapter II. Public Charter Schools.

D.C. Code § 38-1802.11 (2015)

**§ 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;

**(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 1% 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.

**HISTORY:** (Apr. 26, 1996, 110 Stat. 1321 [247], Pub. L. 104-134, § 2211; Oct. 18, 2004, 118 Stat. 1349, Pub. L. 108-335, § 343; Feb. 26, 2015, D.C. Law 20-155, § 4022, 61 DCR 9990.)

#### **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).

The 2015 amendment by D.C. Law 20-155 substituted "1%" for one-half of one percent" in (b) (2).

##### **Emergency legislation. --**

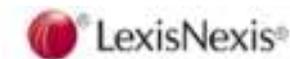
For temporary (90 days) amendment of this section, see § 4022 of the Fiscal Year 2015 Budget Support Emergency Act of 2014 (D.C. Act 20-377, July 14, 2014, 61 DCR 7598, 20 STAT 3696).

For temporary (90 days) amendment of this section, see § 4022 of the Fiscal Year 2015 Budget Support Congressional Review Emergency Act of 2014 (D.C. Act 20-449, October 10, 2014, 61 DCR 10915, 20 STAT 4188).

For temporary (90 days) amendment of this section, see § 4022 of the Fiscal Year 2015 Budget Support Second Congressional Review Emergency Act of 2014 (D.C. Act 20-566, January 9, 2015, 62 DCR 884, 21 STAT 541).

##### **Legislative history of Law 20-155. --**

See note to § 38-1802.01.



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*D.C. Code § 38-1802.12*

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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.

D.C. Code § 38-1802.12 (2015)

**§ 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.

**HISTORY:** (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.)

#### **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).

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

##### **Emergency legislation. --**

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 Law 16-268. --**

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

##### **Legislative history of Law 17-9. --**

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

##### **Legislative history of Law 17-353. --**

For Law 17-353, see notes following § 38-102.

##### **Editor's notes. --**

Applicability: Section 804 of D.C. Law 17-9 provided 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.



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*D.C. Code § 38-1802.13*

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Subchapter II. Public Charter Schools.

D.C. Code § 38-1802.13 (2015)

**§ 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.

**HISTORY:** (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.)

**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".

D.C. Law 17-353, in subsec. (a), substituted "established by the eligible chartering authority" for "established by the chartering authority".

**Emergency legislation.** --

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 Law 17-9. --**

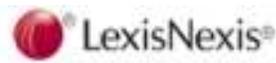
For Law 17-9, see notes under § 38-103.

**Legislative history of Law 17-353. --**

For Law 17-353, see notes following § 38-102.

**Editor's notes. --**

Applicability: Section 804 of D.C. Law 17-9 provided 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.



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 Subchapter II. Public Charter Schools.

D.C. Code § 38-1802.13a (2015)

**§ 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.

**HISTORY:** (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.)

**NOTES:**

**Legislative history of Law 16-268. --**

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.

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D.C. Code § 38-1802.14 (2015)

**§ 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 Board shall consist of 7 members, appointed by the Mayor, with the advice and consent of the Council. Members shall be selected so that 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. --** Where a vacancy occurs in the membership of the Board for reasons other than the expiration of the term of a member, the Mayor shall appoint, with the advice and consent of the Council, an individual to serve in the vacant position, 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.

**(4)** Repealed.

**(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. 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 [§ 2-531 et seq.].

**(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 [§ 38-271.01 et seq.] ("Pre-k act") are met, in accordance with that chapter.

**HISTORY:** (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; Sept. 24, 2010, D.C. Law 18-223, § 4082, 57 DCR 6242.)

#### **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).

D.C. Law 18-223 rewrote the lead-in language of subsec. (a)(2); rewrote subsec. (a)(3); repealed subsec. (a)(4); and, in subsec. (d)(1), deleted ", 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" following "necessary".

#### **Emergency legislation. --**

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 of section, see § 4082 of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

For temporary (90 day) addition of section, see § 4052 of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) amendment of § 4052 of Act 19-383, see § 2 of the District of Columbia School Reform Extension of Time Emergency Amendment Act of 2012 (D.C. Act 19-410, July 24, 2012, 59 DCR 9137).

For temporary (90 day) amendment of § 4052 of Act 19-385, see § 3 of the District of Columbia School Reform Extension of Time Emergency Amendment Act of 2012 (D.C. Act 19-410, July 24, 2012, 59 DCR 9137).

For temporary (90 day) addition of section, see § 4052 of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

#### **Legislative history of Law 17-9. --**

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

#### **Legislative history of Law 17-108. --**

For Law 17-108, see notes following § 38-1802.07.

#### **Legislative history of Law 17-202. --**

For Law 17-202, see notes following § 38-202.

#### **Legislative history of Law 17-353. --**

For Law 17-353, see notes following § 38-102.

**Legislative history of Law 18-223. --**

For Law 18-223, see notes following § 38-103.

**Short title. --**

Short title: Section 4081 of D.C. Law 18-223 provided that subtitle I of title IV of the act may be cited as the "Public Charter School Board Membership Selection and Staff Compensation Clarification Amendment Act of 2010".

**Effective dates. --**

Section 103(b) of Div. J, title I, of Pub. L. 108-447, provided: "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. --**

Section 346(d) of Pub. L. 108-335, 118 Stat. 1352, the District of Columbia Appropriations Act, 2005, provided:

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

D.C. Law 17-9 was repealed by section 4043(b) of D.C. Law 17-20.



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*D.C. Code § 38-1802.14a*

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Current through laws in effect as of April 23, 2015 and through DC Act 20-592.

Division VI. Education, Libraries, and Public Institutions.  
Title 38. Educational Institutions.  
Subtitle IV. Public Education -- Charter Schools.  
Chapter 18. District of Columbia School Reform (Public Charter Schools).  
Subchapter II. Public Charter Schools.

D.C. Code § 38-1802.14a (2015)

**§ 38-1802.14a. Charter schools admissions task force.**

**(a)** There is established a task force that shall study providing a neighborhood preference in charter school admissions for the 2013-2014 school year. The task force shall consist of:

**(1)** The following 5 government officials, or their designees:

- (A)** Chairman of the Public Charter School Board;
- (B)** Chairman of the Council of the District of Columbia;
- (C)** State Superintendent of Education;
- (D)** Deputy Mayor for Education; and
- (E)** Chancellor of the District of Columbia Public Schools; and

**(2)** The following nongovernment members:

- (A)** Two representatives from charter support organizations;
- (B)** A representative from the education department of a national research organization;
- (C)** A representative from a national charter school organization;
- (D)** Two charter school leaders selected by the Public Charter School Board Chair; and
- (E)** A labor representative.

**(b)** The task force shall:

- (1)** Be chaired by the Chairman of the Public Charter School Board, or his or her designee;
- (2)** Meet at an agreed to location as often as determined necessary by the Chairman of the task force;
- (3)** Explore the feasibility of offering a neighborhood preference in charter school admissions for the 2013-2014 school year; and
- (4)** By September 1, 2012, submit a report to the Council of its findings, which shall include:

(A) Consideration of the various ways in which a neighborhood preference can be designed, including:

- (i) The pros and cons of a weighted lottery;
- (ii) Setting aside of a certain percentage of new seats;
- (iii) A geographically limited preference; and
- (iv) A preference based on rankings in a city-wide application process;

(B) A definition of neighborhood for the purpose of setting boundaries in admissions;

(C) An examination of models that are being used in other jurisdictions and evaluation of their applicability to the District; and

(D) Recommendations based on its findings.

**HISTORY:** (Apr. 26, 1996, 110 Stat. 1321 [251], Pub. L. 104-134, § 2214a, as added Sept. 20, 2012, D.C. Law 19-168, § 4052, 59 DCR 8025.)

#### **NOTES:**

##### **Effect of amendments. --**

The 2012 amendment by D.C. Law 19-168 added this section.

##### **Temporary legislation. --**

Section 2 of D.C. Law 19-202 amended Section 2214a(a)(4) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; to be codified at D.C. Official Code § 38-1802.14a(a)(4)), by striking the phrase "September 1, 2012," and inserting the phrase "December 15, 2012," in its place.

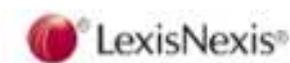
Section 4(b) of D.C. Law 19-202 provided that the act shall expire after 225 days of its having taken effect.

##### **Emergency legislation. --**

For temporary addition of section, see § 4052 of the Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

##### **Legislative history of Law 19-168. --**

Law 19-168, the "Fiscal Year 2013 Budget Support Act of 2012," was introduced in Council and assigned Bill No. 19-743. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.



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*D.C. Code § 38-1802.15*

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

D.C. Code § 38-1802.15 (2015)

**§ 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.

**HISTORY:** (Apr. 26, 1996, 110 Stat. 1321 [253], Pub. L. 104-134, § 2215.)

**NOTES:****Prior Codifications.** --

1981 Ed., § 31-2853.25.



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## Budget Narrative File(s)

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\* **Mandatory Budget Narrative Filename:**

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## Budget Narrative

Charter School Program (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 \$20,169,837.40. As such, the following pages provide an annual breakdown for this five year budget narrative per category. The primary purpose of the grant is to provide subgrants or, as applicable, grant-supported direct loans, directly to public charter schools.

All subgrant awards are adjusted for inflation over the five year life of the grant. Each year, a portion of the CSP funds will provide additional incentives funds to new charter schools seeking to attract, recruit, admit, enroll, serve and retain educationally disadvantaged students.

The primary subgrant to be provided with CSP funds will be three (3) year **Start-Up Grants for Newly Approved Charter Schools**. Each new charter school authorized by the District of Columbia Public Charter School Board (PCSB) will be awarded three (3) years of start-up funding: Planning Year 1, Implementation Year 1, and Implementation Year 2. In order to support and improve academic outcomes for educationally disadvantaged students, OSSE will make available additional incentive funds that will be available during each year of funding. In Year 1 (2016-2017) of the requested five (5) year SEA grant, OSSE intends to award four Planning Year subgrants with incentives for a total of \$1,100,000. In Year 2, OSSE intends to award four Planning Year subgrants with incentives totaling \$1,125,000 (4 x \$230,000 plus \$205,000 in incentive funds) and four Implementation Year 1 grants with incentives totaling \$1,360,000 (4 x \$265,000 plus \$300,000 in incentive funds). In Year 3, OSSE intends to award four Planning Year subgrants with incentives totaling \$1,150,000 and eight Implementation subgrants (four Implementation Year 1 and four Implementation Year 2) with incentives totaling

\$2,750,000. In Year 4, OSSE intends to award four Planning Year subgrants with incentives totaling \$1,175,000 and eight Implementation subgrants (four Implementation Year 1 and four Implementation Year 2) with incentives totaling \$2,800,000. In Year 5, the final year of the CSP grant, OSSE intends to award four Planning Year subgrants plus incentives totaling \$1,200,000 and eight Implementation subgrants (four Implementation Year 1 and four Implementation Year 2) plus incentives totaling \$4,050,000.

In addition to the Planning and Implementation subgrants, OSSE will use CSP funds for **Dissemination Grants** and **Dedicated Direct Loan Funds for New Charters**. These projects fall in the “Other” category of the Budget. OSSE proposes to run at least two Dissemination Grant competitions to promote the dissemination of information about high-quality charter schools among the DC charter sector. OSSE is requesting a waiver from Section 5202(d)(2) so that high-quality charter schools that have effectively disseminated best practices and produced improvement in their partner schools can be eligible to receive the Dissemination Grant more than one time during the CSP period. A total of \$1,824,705.88 is allocated for this purpose. The third element in the “Other” category is the infusion to OSSE’s existing Direct Loan fund to support new charter schools. In order to support new charter schools that are less likely to be able to access favorable terms on the open market, OSSE is proposing to infuse \$1,824,705.88 into our existing direct loan program, with the same permissible use requirements, but accessible only to current (and possibly former) CSP start-up grant recipients.

In the “Contractual” category, the funds are designated to procure an evaluator three times over the CSP grant beginning in Year 1. The evaluator will work with OPCSFS staff to finalize an 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. A small portion of the “Contractual” budget will support the use of external peer reviewers to review and score Dissemination grant applications.

The “Travel” category designates OPCSFS staff to attend trainings and conferences related to public charter schools, including the CSP Project Directors Workshop and the National Charter School Conference.

Finally, in order to support this work, OSSE will employ high-quality staff to ensure grant initiatives and objectives are completed. OSSE has allocated a percentage of dollars that the grant will absorb for the salaries of identified personnel. The associated “Fringe Benefit” category is assigned the dollars necessary to cover a specified percentage of the identified salaries. Supplies and equipment will also be used by staff to carry out grant objectives and provide training and technical assistance for subgrantees. Staff will also support a training series, in conjunction with PCSB and other partners, that will ensure that new charter schools are aware of and able to access all supports available to them in the District of Columbia.

The budget for this project is designed to maximize the dollars available to public charter schools to increase student achievement through the creation of high-quality public charter schools and to support educationally disadvantaged students. 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 overarching outcome of increasing student achievement through high-quality public charter schools.

U.S. DEPARTMENT OF EDUCATION  
SUPPLEMENTAL INFORMATION  
FOR THE SF-424

**1. Project Director:**

Prefix: Miss	First Name: Katherine	Middle Name:	Last Name: Cox	Suffix:
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Address:

Street1:	810 First Street NE
Street2:	
City:	Washington
County:	
State:	DC: District of Columbia
Zip Code:	20002
Country:	USA: UNITED STATES

Phone Number (give area code)	Fax Number (give area code)
	

Email Address:



**2. Novice Applicant:**

Are you a novice applicant as defined in the regulations in 34 CFR 75.225 (and included in the definitions page in the attached instructions)?

Yes  No  Not applicable to this program

**3. Human Subjects Research:**

a. Are any research activities involving human subjects planned at any time during the proposed Project Period?

Yes  No

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

Yes Provide Exemption(s) #:  1  2  3  4  5  6

No Provide Assurance #, if available:

c. If applicable, please attach your "Exempt Research" or "Nonexempt Research" narrative to this form as indicated in the definitions page in the attached instructions.

	Add Attachment	Delete Attachment	View Attachment
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**U.S. DEPARTMENT OF EDUCATION  
BUDGET INFORMATION  
NON-CONSTRUCTION PROGRAMS**

OMB Number: 1894-0008  
Expiration Date: 04/30/2014

Name of Institution/Organization

DC Office of the State Superintendent of Education

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						
2. Fringe Benefits						
3. Travel	4,000.00	4,000.00	4,000.00	4,000.00	4,000.00	20,000.00
4. Equipment	2,000.00		2,000.00		2,000.00	6,000.00
5. Supplies	1,500.00		1,500.00		1,500.00	4,500.00
6. Contractual	63,000.00		63,000.00		63,000.00	189,000.00
7. Construction						
8. Other	1,829,882.35	3,214,882.35	4,629,882.36	4,704,882.35	4,779,882.35	19,159,411.76
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs*	0.00	0.00	0.00	0.00	0.00	0.00
11. Training Stipends						
12. Total Costs (lines 9-11)						

**\*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  %.

(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  %.

Name of Institution/Organization DC Office of the State Superintendent of Education	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.	
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**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						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

**SECTION C - BUDGET NARRATIVE (see instructions)**