

**Public Education in the District of Columbia:
The Need to Ensure Equal Access to a
High Quality Education for All Children**

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**Public Education in the
District of Columbia:
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Access to a High-Quality
Education for All Children**

Briefing Report
D.C. Advisory Committee to the
U.S. Commission on Civil Rights

Letter of Transmittal

D.C. Advisory Committee to
the U.S. Commission on Civil Rights

Martin Dannenfelser, *Staff Director*

The District of Columbia Advisory Committee submits this briefing report, *Public Education in the District of Columbia: The Need to Ensure Equal Access to a High-Quality Education for All Children*, as part of its responsibility to advise the Commission on civil rights issues in the District of Columbia. Ten members of the Committee approved this report; one member did not respond.


In October of 2008, the Education Subcommittee of the Advisory Committee held a public hearing that featured public officials, academic experts, and other community leaders with a stake in the condition of the public education system. Among those testifying was D.C. school chancellor Michelle Rhee and former Mayor Anthony Williams. This report presents findings from that hearing as well as information gathered by the education subcommittee in subsequent months.

The Education Subcommittee's inquiry into the condition of public education in the District of Columbia has highlighted a number of chronic problems. Despite decades of reform efforts, many children in the District of Columbia continue to pass through the school system without receiving a good education. The low quality of public education in the District is having a disparate impact on minority students and specific student populations, including English language learners and special education students. The current reforms under way in the District hold promise for improving the quality of education available to all students and appear to be yielding improvement, judging by recent test scores. However, past reform efforts did not solve persistent problems. School choice policies are benefiting D.C. children and have the potential to improve equal access to educational opportunities, but officials must take steps to ensure that all students benefit.

The D.C. Advisory Committee recognizes the need for more inquiry and investigation into civil rights issues affecting education in the District, including gathering more input from the public. The Committee urges District officials and other policymakers to continue to be vigilant about improving the condition of public education in the District and to implement policies to ensure that all children—regardless of race or background—have an opportunity to receive a good education.

The Committee believes this report will help the public better understand the important need to ensure equal access to a high-quality education for all children living in the District of Columbia.

Sincerely,


Winona Lake Scott
Vice-chair

**District of Columbia State Advisory Committee
to the U.S. Commission on Civil Rights**

Bruce E. Fein, Chairperson

Cassandra Q. Butts

Kevin P. Chavous

Virginia Ford

Sonia P. Gutierrez

Vernon Dexter Ingram II

Daniel P. Lips

Ted G. Loza

Alan K. Palmer

Denyse Sabagh

James J. Sandman

Winona M. Lake Scott

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Summary of Report and Findings

In October of 2008, a subcommittee of the District of Columbia Advisory Committee (DC SAC) convened a public briefing to gather information from the former Mayor, government officials, education specialists, and community advocates on the issues of civil rights, school choice, and education in the District of Columbia.¹

The purpose of this briefing was to examine the past and present condition of public education in D.C. schools and consider whether D.C. students—and particular student populations, including ethnic minorities, children with disabilities, and English language learners—have equal access to high-quality educational opportunities.

This report presents an overview of the information gathered from the briefing. The following is a brief summary of the Advisory Committee's findings. In addition to an overview of this hearing, this report also presents a brief update of important developments that have occurred over the past year since the hearing.

- First, despite decades of reform efforts, many children in the District of Columbia continue to pass through the public school system without receiving a high-quality education. Outcome measures such as test scores and graduation rates reveal that many children are not receiving a good education in D.C. public schools. Recent DC and national test scores reveal some improvement in student learning.
- Second, the low quality of public education in the District is having a disparate impact on minority students and specific student populations, including English language learners and special education students.
- Third, the current reforms underway in the District hold promise for improving the quality of education available to all students; however, past reform efforts did not ensure that all children have equal access to a quality education.
- Fourth, school choice policies like charter schools, opportunity scholarships, and out-of-boundary placements benefit D.C. children and are helping to equalize access to quality educational opportunities for students throughout the community. However, District officials and other policymakers must ensure that that specific student populations, including English language learners, special education students, and low-income children benefit from choice options.
- Fifth, experience suggests that District officials and other policymakers must be vigilant to ensure that all children—regardless of race or background—have an opportunity to receive a high-quality education.

¹ The mission of the U.S. Commission on Civil Rights is to study, analyze, and report on civil rights issues in the United States as well as the implementation of civil rights laws. To assist with this mission, the Commission has appointed Advisory Committees in each state and the District of Columbia to support the Commission's work through fact-finding, investigative, and information dissemination.

Background: Education, Civil Rights, and the Mission of the DC SAC

Many have called public education the civil rights issue of the twenty-first century. More than fifty years have passed since the Supreme Court ruled in the landmark case *Brown v. Board of Education of Topeka (1954)*² that segregation in public education on the basis of race denied children equal educational opportunities. In the decades that followed, federal and state policymakers have enacted laws designed to ensure equal access to a quality public education for all children, including Title VI of the Civil Rights Act of 1964.

Despite significant legislative progress toward guaranteeing the right of all children to a quality public education, the nation has not delivered on the fundamental promise of equal opportunity for all children. Nationally, test scores and graduation rates reveal that millions of children continue to pass through our nation's public schools without receiving a good education.

In 2008, the D.C. Advisory Committee of the U.S. Commission on Civil Rights voted to undertake a project investigating civil rights issues in the District of Columbia public schools. On October 16, 2008, the Committee held a public briefing to gather information from government officials, education specialists, and community advocates on the issues of civil rights and public education in the District of Columbia. The public briefing focused on three basic questions: 1) Do all children—regardless of race or background—have equal access to a quality public elementary and secondary education? 2) Do low-quality public educational opportunities have a disparate impact on specific student populations, including minorities, English language learners, special education students, and economically-disadvantaged children? 3) What policy remedies and actions should District officials and other policymakers take to ensure equal access to a good public education for all children? This report presents an overview of the information gathered during the briefing.

The Condition of Public Education in the District

A focus of the October 2008 public briefing was to gather information about the current condition of public education in the District of Columbia. Among the people who testified at the briefing were D.C. Public Schools Chancellor Michelle Rhee, employees of the D.C. Public Schools system and the Office of the State Superintendent of Education, community leaders, and education experts. There was widespread agreement that the D.C. public school system is failing to provide enough children with a good education. Outcome measures such as test scores reveal that a majority of the children in the District's schools are not mastering basic skills in elementary and secondary education.

- The District of Columbia Public Schools (DCPS) system is one of the lowest performing school districts in the nation. According to School Chancellor Michelle

² *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954).

Rhee, as of October 2008, DCPS was the only school district that was on high-risk status with the U.S. Department of Education.³

- Only 9 percent of Washington D.C. ninth graders will graduate from college within five years. Only 12 percent of District eighth graders are proficient in reading, and only 8 percent are on grade level in math, according to the 2007 National Assessment of Educational Progress examination.⁴
- The poor performance in D.C. public schools has lasting consequences for the community. According to Casey Lartigue, an education researcher and consultant, 37 percent of D.C. residents are level 1 readers, which is typically considered to be about the 3rd grade reading level.
- D.C. schools have more incidence of violence and crime than most school systems. According to the U.S. Departments of Justice and Education, the percentage of students in grades 9 through 12 who “reported being threatened or injured with a weapon on school property in the previous 12 months” was 12 percent in 2005.⁵ This was the highest rate in the nation.
- D.C. public schools are low-performing despite the fact that the District invests considerably in its public education system. Former Mayor Anthony Williams pointed out that, despite being one of the top 10 districts in terms of funding in the United States, the results have been “abysmal.”
- Multiple experts testifying at the briefing, including Chancellor Rhee and Ms. Erin McGoldrick, Chief of Data and Accountability of DCPS, pointed out that District students have made impressive gains on the 2008 Comprehensive Assessment System (CAS) test. Elementary and Secondary student performance increased by 8 and 11 percentage points in reading and math. These gains have narrowed the achievement gap. In 2009, these initial academic gains were seen in the District of Columbia’s scores on the 2009 NAEP mathematics exam. According to the Washington Post, “the District led the nation in fourth-grade improvements and was one of just 15 states with increases in eighth-grade scores.”⁶

³ Michele Rhee, testimony, Briefing before the U.S. Commission on Civil Rights, Washington, DC, Oct. 8, 2008.

⁴ The District of Columbia’s profile on the National Assessment of Educational Progress is available at: <http://nces.ed.gov/nationsreportcard/states/> (last accessed May 5, 2009).

⁵ U.S. Department of Education, Institute of Education Sciences, “Indicators of School Crime and Safety: 2007,” Table 4.2, at http://nces.ed.gov/programs/crimeindicators/crimeindicators2007/tables/table_04_2.asp (last accessed May 5, 2009).

⁶ *Washington Post*, “D.C.’s Progress Report,” October 15, 2009.

The Disparate Impact on Specific Student Populations

Given the mission of the U.S. Commission on Civil Rights, the D.C. Advisory Committee's education subcommittee is focused on investigating whether the state of public education is having a negative, disparate impact on particular student populations, including ethnic minorities, English language learners, special education students, and economically-disadvantaged children. Unfortunately, information gathered during the briefing confirms that this remains the case.

D.C. Public Schools Chancellor Michelle Rhee outlined the basic failure of the D.C. Public School System in clear terms:

“Public education is supposed to be the great equalizer in our country. It is supposed to be the thing that ensures that it doesn't matter if you're black or white, rich or poor. We have public schools so that every child can have an equal chance in life to be successful. So, if you work hard and do the right thing, you should be able to live the American dream.

“That's not the reality we have in Washington, D.C. today. The reality that we have in Washington, D.C. today is that if a child lives in Tenleytown or in Georgetown versus in Anacostia, they get two wildly different educational experiences. That impacts their life chances and their life outcomes long term, so much so that – it's a statistic that's often used – of 3rd graders who are not on grade level, 80 percent of them will never catch up. We do projections on how many prisons to build in this country based on third grade reading levels. So, we've set up a public education system where by third grade, your life chances are determined for you. That is exactly counter to what this country stands for.”

The following is an overview of specific information about the disparate impact of the D.C. education system on selected student populations.

A “staggering” achievement gap persists: Nationally, an achievement gap continues to divide minority children and their peers in the classroom. But it is more pronounced in Washington, D.C. According to Erin McGoldrick, Chief of Data and Accountability for D.C. Public Schools, the achievement gap in the District is “staggering,” with white students outscoring African-American students by 67 scale points.⁷ The biggest gap for another state was much lower -- 38 points. For example, on the 2007 NAEP examination, 74 percent of white students in D.C. scored “proficient” in Grade 4 reading compared to just 9 percent and 15 percent for black and Hispanic students respectively.

English language learner (ELL) students at risk: Evidence gathered at the briefing suggests that English language learners are negatively affected by the condition of the D.C. public school system. Approximately 8.6 percent of the total DCPS population is identified as English language learners. The top five languages spoken by ELL students

⁷ NAEP reading and math tests are graded on a 500 point scale.

are: Spanish, Chinese, Vietnamese, French, and Amharic. About three-fourths of ELL students are Spanish speaking.

According to Ms. Aryan Rodriguez of the D.C. Office of Human Rights, the District has taken a number of legal steps, including the passage of the D.C. Language Access Act, to provide “greater access and participation and public services, programs and activities, to the District’s limited and non-English proficient community.”⁸ This act and federal guidelines under the laws such as No Child Left Behind are intended to ensure that ELL students have equal access to a quality education.

However, according to Don Soifer, an education researcher and District resident, ELL students remain at risk in the District’s schools: “According to U.S. Department of Education data, only 2.5 percent of English learners in DCPS attained proficiency in English in 2005-06, the most recent year for which results are available. That means that English learners in our public schools are currently much more likely to drop out of school than to ever become proficient in English, and that most likely will never achieve proficiency.” Mr. Soifer added that the District’s ELL reclassification rate was particularly low when compared to other states, including California and Texas (9 or 10 percent) and Florida and New Jersey (with 33 percent reclassification).

Chronic problems in special education: Panelists asked to discuss the condition of special education in D.C. schools highlighted chronic problems. The District has both a higher rate of students placed in special education and a higher rate of due process complaints than average. In addition, the District has a far higher percentage of students placed in private schools (25 percent compared to an average of 2 percent), which imposes a considerable financial cost on the District’s budget (approximately \$200 million annually).⁹ Chancellor Rhee called special education “an incredibly complicated problem and one that I think has been vexing for the superintendents and school district administrators in this city for a long time.” The problem of compliance with federal special education guidelines is highlighted by the *Blackman-Jones*¹⁰ class action lawsuit and consent decree. While this DC SAC briefing did not gather information about the performance of D.C. special education students, there was general concern that D.C.

⁸ For more information about the D.C. Language Access Act, see: The District of Columbia Office of Human Rights, “Language Access Program,” at: <http://ohr.dc.gov/ohr/cwp/view,a,3,q,636135.asp#1> (last accessed May 5, 2009).

⁹ Under the federal Individuals with Disabilities Education Act (IDEA), state and local education agencies receive federal funding to serve children with disabilities and are required to provide eligible students with a “free and appropriate public education.” One way that states and local education agencies can ensure that a child receives a FAPE is by allowing the child to be placed in a private school. The District of Columbia has a high private school placement rate compared to other states and school districts. For more information on the Individuals with Disabilities Education Act (IDEA), see Nance Lee Jones and Richard N. Apling, “The Individuals with Disabilities Education Act (IDEA): Overview of P.L. 108-446,” Congressional Research Service,” May 5, 2005.

¹⁰ *Blackman v. District of Columbia*, Civil Action Nos. 97-1629 (PLF) and 97-2402 (PLF) (D.D.C.). The consent decree imposes a number of procedural requirements for the prompt resolution of special education claims and the prompt implementation of administrative decisions requiring schools to take action.

public schools need to provide better educational opportunities for special education students.

Education Reform Efforts: History and Today

The October briefing included presentations about current and past reform efforts in the District. For example, the Committee welcomed D.C. School Chancellor Michelle Rhee as its first presenter. She discussed Mayor Fenty's and her current school reform initiatives.

Chancellor Rhee presented a sobering picture of the D.C. public school system. Beyond the aforementioned evidence of low academic achievement, she highlighted the chronic problems in school governance and operations. For example, Chancellor Rhee pointed out that a transcript analysis revealed that hundreds of children had repeated the same classes, since some schools assigned students to classes even if they had already taken and passed them. She also pointed out that, before her tenure, no personnel at the central office had received a performance evaluation.

To address these and other problems, Chancellor Rhee explained that she was working to fundamentally reform the governance and culture of DCPS. For example, Chancellor Rhee highlighted her current effort to reform teacher compensation by offering the teachers' union the opportunity to enter into a choice-based compensation system in which teachers could receive a larger salary if they give up tenure rights. Under this option, teachers could choose to essentially double their salary if they met incentive bonus targets. Under this system, the most effective teachers could earn as much as \$131,000 per year. Importantly, Rhee pointed out that the additional compensation package would be funded by external dollars (that is, privately raised funds) for the first five years, not the District government.

She also outlined other strategies for improving students' academic achievement. For example, she highlighted the Capital Gains project, a partnership with Harvard University, to provide monetary incentives to encourage students to improve attendance and academic achievement. She also discussed initiatives to prevent high school dropouts by identifying at-risk youths before high school and providing remediation. She also highlighted the need to provide remedial services to students who may be placed in special education.

In addition to Chancellor Rhee, other officials from DCPS testified at the briefing and highlighted new strategies to improve the quality of education in District schools. Erin McGoldrick of DCPS discussed efforts to improve the District's data system. In Ms. McGoldrick's view, before Chancellor Rhee's tenure, the data collection system was essentially broken since there were essentially no achievement data in the student information system. She pointed out that many students were not aware of high school graduation requirements. Reforming the District's data system would provide students and school officials with better information to help make sure students stay on track to graduate. Ms. McGoldrick stated that the leadership of DCPS was embracing a culture of

“urgency” and “aggressiveness” to reform the District’s schools. She and Chancellor Rhee pointed to recent test scores gains on the Comprehensive Assessment System test as reason for believing that aggressive reforms hold promise for future improvement.

In 2009, more evidence has become available suggesting that D.C. schools are improving under Chancellor Rhee’s leadership. D.C. students scored higher on the 2009 NAEP mathematics gains in both 4th grade and 8th grade.¹¹ According to the Washington Post, “the District led the nation in fourth-grade improvements and was one of just 15 states with increases in eighth-grade scores.”¹² The forthcoming release of the 2009 NAEP reading assessment (due early in 2010) will provide another measure of whether D.C. students are improving academically.

History Provides Reason for Caution about Reform Efforts: Unfortunately, current optimism should be tempered by a realistic understanding of past reform efforts in D.C. public schools. Mr. Casey Lartigue, an education researcher and consultant, presented a brief history of school reform efforts in Washington, D.C. Mr. Lartigue pointed out that historically the D.C. public school system has failed to deliver on its original mission statement of teaching poor children reading, writing, grammar, arithmetic and mathematics. He pointed to repeated alarms sounded by politicians and reform efforts undertaken by elected leaders to improve the city’s school system. In 1920, for example, a U.S. Senator spoke about a “crisis” in the local public school system. A 1947 report by the D.C. superintendent declared that D.C. had “one of the sorriest school systems in the country.” Similar declarations were regularly issued by elected officials, education researchers, and D.C. media outlets in the decades that followed.

Mr. Lartigue pointed out that, like today, the District has undertaken a series of significant education reform efforts in recent decades. For example, in the 1990s, both Mayor Marion Barry and Mayor Anthony Williams organized commissions and led transformation efforts of the D.C. public school system. But the various commissions, reform plans, and transformation blueprints have been unable to fix the chronic problems in D.C. public schools. Mr. Lartigue cautioned that present optimism about current reform efforts should be tempered by a realistic understanding of the failure of past reform initiatives.

School Choice Strategies for Improving Access to Educational Opportunity

One of the questions that the October 2008 briefing sought to ask was whether school choice policies hold promise for ensuring equal access to educational opportunities in the District of Columbia. The briefing featured a panel that included former Mayor Anthony Williams and local authorities on school choice policies.

Over the past decade, the District of Columbia has become a national leader in offering families the ability to choose their children’s schools through its charter schools,

¹¹ *Washington Post*, “D.C.’s Progress Report,” October 15, 2009.

¹² *Ibid.*

opportunity scholarship program, and out-of-boundary placements. These options are benefiting District families and hold promise for leveling opportunities. However, it is important to ensure that specific student populations, including ELL and special education students, benefit from choice options.

Charter Schools: Since the 1990s, the District has seen a variety of new public charter schools open. Charter schools are public schools that operate free from many limitations affecting traditional public schools but are held accountable to the terms of their performance agreements. Brian Jones, a member of the D.C. Public Charter School Board, presented an overview about the condition of charter schools in the District.

During the 2009-10 school year, enrollment in D.C. charter schools was nearly 28,000 students—or approximately 38 percent of the total enrollment in the D.C. public school system.¹³ At the hearing, Mr. Jones pointed out that the District has one of the strongest charter school laws in the nation according to the non-profit Center for Education Reform, which tracks charter school laws and regulations.¹⁴ Mr. Jones pointed to encouraging evidence that public charter schools were providing a quality education to many students. At 15 public charter high schools in the District, 83 percent of graduating students were accepted to college, and these students earned \$11 million in scholarship funds. The District's charter schools had a graduation rate of 91 percent—far higher than the rate of traditional public schools.

Mr. Jones noted that not all D.C. charter schools were high-performing. He pointed out that 18 charter schools made federal adequate yearly progress standards under No Child Left Behind, while 42 schools did not. Mr. Jones explained that the Board now has the authority to initiate charter revocations at any point in the life of a charter school, a measure that he says has led to a new midyear school closure. He stated that accountability, flexibility, diversity, and excellence are the reasons why charter schools provide a beneficial option to D.C. students.

In December of 2008, the Washington Post published an analysis of the test scores of charter schools and traditional public schools in the D.C. school system. The Post reported that an analysis of recent national test results for economically-disadvantaged students found that “D.C. middle-school charters scored 19 points higher than the regular public schools in reading and 20 points higher in math. On the city's standardized tests, the passing rate for charter middle schools was 13 percent higher on average.”¹⁵ It is important to note that these comparisons do not account for differences in students' background characteristics or students' relative improvement over time; therefore, observers should not draw a conclusion that charter schools are necessarily providing a better education than the traditional public schools. A 2009 report published by Stanford

¹³ Bill Turque, “Charter School Enrollment in the District is Up Again,” *Washington Post*, Oct. 16, 2009.

¹⁴ For more information, see Center for Education Reform, at: http://www.edreform.com/templates/dsp_cLaw.cfm?stateID=2&altCol=2 (last accessed May 5, 2009).

¹⁵ Dan Keating and Theola Labbé-DeBose, “Charter schools make gains on tests,” *Washington Post*, Dec. 15, 2008.

University compared the performance of charter schools and traditional public schools in sixteen states and D.C. In the District of Columbia, students attending charter schools did not make statistically significant gains in reading or mathematics achievement relative to public school students, who took the same standardized tests.¹⁶

Opportunity Scholarships: Another choice option for District families is the D.C. Opportunity Scholarship program. As a result of the federal School Choice Incentive Act passed in 2004,¹⁷ D.C. families that meet income guidelines are eligible to receive a federally-funded scholarship worth \$7,500 to attend a private school of choice. During the 2008-09 school year, more than 1,700 children attended private schools through this program. At the time, the average family income for a participating family was less than \$23,000 according to the Washington Scholarship Fund.

Former Mayor Anthony Williams, who supported the creation of the scholarship program, testified about the benefits of private school choice options at the briefing. He explained that he believed creating more choice in education would provide healthy competition for public schools, which would raise overall school quality. He also explained that, as a child, he benefited from the choice his adoptive parents made to send him to a private school. This educational opportunity—along with the GI Bill—gave him an opportunity to succeed in life.

The federal legislation included a provision for a federal evaluation of the scholarship program's impact. Former Mayor Williams pointed to this evaluation as one of the important aspects of the program: "One of the reasons why I got on board with it was because for the first time, you're doing a study that's trying to answer your question, which is to say, for a cohort of kids and families, what are the real deltas, what are the real differences between the regular public schools, the charter schools, and the parochial schools." In his testimony, former Mayor Williams explained that a new federal evaluation of the Opportunity Scholarship program's impact was due in spring of 2009.

On April 3, 2009, the U.S. Department of Education released the results of the third-year evaluation of the program.¹⁸ The evaluation found a statistically significant positive effect for the treatment group in reading. Specifically, students who had been offered vouchers were performing at statistically higher levels in reading -- approximately three months of additional learning. The report also found that families who had been offered a voucher were more satisfied with their children's school and safety.

¹⁶ Center for Research on Education Outcomes, "Multiple Choice: Charter School Performance in 16 States," Stanford University, June 2009.

¹⁷ For more information, see: U.S. Department of Education, "D.C. School Choice Incentive Program," at <http://www.ed.gov/programs/dcchoice/legislation.html> (last accessed May 5, 2008).

¹⁸ Patrick Wolf *et al.*, "Evaluation of the DC Opportunity Scholarship Program: Impacts After Three Years," U.S. Department of Education, Institute of Education Sciences, March 2009, at <http://ies.ed.gov/ncee/pubs/20094050/pdf/20094050.pdf> (April 9, 2009) (last accessed May 5, 2008).

Despite this promising empirical evidence, the future of the D.C. Opportunity Scholarship Program (DCOSP) is uncertain. In 2009, Congress included legislative language in the Omnibus Appropriations Act requiring that the DCOSP be reauthorized by Congress. In the spring of 2009, the Department of Education notified parents of students who had recently been informed that they would be newly admitted to the scholarship program that those scholarships were no longer available. In June 2008, seven members of the D.C. Council sent a letter to the Mayor and Education Secretary Arne Duncan challenging this decision. As of January 2010, the D.C. Opportunity Scholarship program appears likely to be slowly phased out over time, with no new students receiving scholarships unless Congress reauthorizes the program or the Department of Education reverses its decision.¹⁹

Out-of-Boundary Placements: Another choice option available to District families is the out-of-boundary placement system, which allows families to apply to attend a school in a zone outside of their neighborhood. According to Abigail Smith, Chief of Transformation Management of DCPS, parents have the option of naming up to three schools that they are interested in applying for out of their boundary. School placements are supposed to be awarded through a randomized computer selection process. In all, approximately 45 percent of the students attend D.C. public schools through the out-of-boundary system. However, Smith pointed out that the vast majority of these students access out-of-boundary placement through an informal process, which essentially means that a parent negotiates a child's placement in an under-enrolled school.

Ms. Smith noted a number of problems with the out-of-boundary system. She argued that the fundamental problem was excessive demand for the highest performing schools: "the schools that parents really want to get into because they're our highest performing schools. They don't have space, because they fill up with their neighborhood kids because the schools are high quality and so the parents are choosing their schools." She also said that lower-income families may have less access to the out-of-boundary process, such as online access, and that challenges remained to ensure that schools follow the formal process and that all families, particularly non-English language speaking families, understand and can participate in the process.

The Promise and Challenge of School Choice: Panelists at the briefing highlighted the promise of school choice policies, but they also urged caution and oversight over implementation to ensure that specific student populations benefit from new opportunities. Former Mayor Anthony Williams spoke about the benefits of choice and competition:

So, from my point of view as a Mayor, this is why I think choice is so important, because it really gets at very aggressively and in a concerted way improving educational delivery and therefore improving our economy. I think it's also important, as a corollary to that, to look at choice in education, because I think competition is good. I am fundamentally a Democrat. I always will be a

¹⁹ *Washington Post*, "A Plea to Mr. Duncan," July 10, 2009.

Democrat. But I believe that competition with certain constraints, within certain parameters, is good.

A great example, before I moved, I lived here in the city, there was one supermarket in this area. The supermarket was horrible: the service was lousy, the supplies were lousy, I think they restocked this thing about every 40 years. It was a horrible situation until, hello, a new store was brought in, there was competition, and all of a sudden the amenities improved, the cleanliness, everything about this store improved.

Abigail Smith of DCPS also spoke about the benefits of choice and competition: “I think that we probably can all agree is that the ultimate goal is that all of our children, regardless of what zip code they happen to be born into, regardless of what circumstances they have, ought to have access to a high quality education and ought to have access to a high quality public education.” But Ms. Smith continued that figuring out what this choice looks like is the tricky part. And she and other panelists highlighted that choice also presents a challenge—that is, that policymakers ensure that all children can access and benefit from choice options.

Among the potential problems of choice that were highlighted during the panels were the following. First, there was concern that charter schools may be informally discouraging some students, particularly special education and ELL students, from enrolling in their schools. Second, there was also a concern that economically-disadvantaged families and the parents of ELL students may be less likely to benefit from choice options such as the out-of-boundary system. Panelists agreed that District officials should take steps to promote equal access to choice options and prevent actions that discourage specific student populations from benefiting from choice.

The Findings of the D.C. Advisory Committee

The information gathered at the October 2008 public briefing leads the D.C. Advisory Committee to reach the following findings:

1. Despite decades of reform efforts, many children in the District of Columbia continue to pass through the public school system without receiving a high-quality education.

Outcome measures such as test scores and graduation rates reveal that many children are not receiving a quality education in D.C. public schools. Unfortunately, test scores show that only a small percentage of D.C. students are mastering basic skills in reading and mathematics.

2. The low quality of public education in the District has a disparate impact on achievement test scores of minority students and specific student populations, including English language learners and special education students.

Unfortunately, specific student populations, including minorities, ELL students, and children with disabilities are the least served in the D.C. public school system. D.C. has a staggering achievement gap, with white students outperforming their minority peers. English language learners remain at risk in the D.C. public school system. The District has one of the smallest reclassification rates for ELL students of any community.²⁰ An ELL student is more likely to drop out than to become proficient in English in D.C. schools. Ensuring that special education students receive a quality and appropriate education remains a chronic problem of D.C. schools.

3. Current reforms under way in the District hold promise for improving the quality of education available to all students; however, past reform efforts did not ensure that all children have equal access to a quality education.

Under Mayor Fenty, School Chancellor Michelle Rhee and the administrators of the DCPS system are undertaking significant reform efforts geared to improve the quality of public education in the District. These reforms are intended to improve teacher quality and better the public schools, providing a competitive option for D.C. families. Recent test scores on the DC Comprehensive Assessment System and the 2009 NAEP examination suggest that public school performance is improving. However, experience suggests caution. Past reform efforts have failed to deliver lasting improvement.

4. School choice policies like charter schools, opportunity scholarships, and out-of-boundary placements benefit D.C. children and have the potential to equalize access to quality educational opportunities for students throughout the community.

The growth of school choice options—charter schools, the D.C. Opportunity Scholarship program, and out-of-boundary placement—is providing families from across the community with expanded opportunities to provide their children with a quality education. Experience is showing that charter schools, Opportunity Scholarships, and out-of-boundary placements are popular options for D.C. families. Moreover, there is reason to believe that these choice options are creating positive competition for the public school system. However, District officials and other policymakers must ensure that that specific student populations, including English language learners, special education students, and low-income children, benefit from choice options.

5. District officials and other policymakers must be vigilant to ensure that all children—regardless of race or background—have equal opportunities to receive a quality education.

There is widespread agreement among the Committee and those testifying that ensuring that all children have equal access to a quality public education is the civil rights issue of our time. Our goal should be a system of public education delivery where every child has the opportunity to reach his or her potential regardless of their race, background, or neighborhood.

²⁰ The reclassification rate is the rate at which English-learner students are reclassified as fluent in English.

Opportunities for Further Inquiry and Investigation

During the course of the briefing, the Committee recognized many opportunities for future inquiry. Panelists highlighted other important issues—such as school violence, truancy, and adult education—that are worthy of future focus. Moreover, further investigation about the D.C. schools' compliance with federal civil rights statutes was also identified as a topic worthy of additional inquiry. Finally, the Committee would benefit from seeking additional perspectives about each of the issues examined during the October 2008 briefing, especially as current reform efforts move forward.

One important issue is the public's view about the quality of public education in the District. The Committee recognizes that more public voices should be included in future discussions about civil rights and education in the District. The Committee will consider holding additional public briefings to allow more District residents to make their opinions known and voice concerns about potential civil rights issues or problems.

Conclusion

Many people have called public education the civil rights issue of our time. The D.C. Advisory Committee's initial gathering of information about the condition of public education in the District of Columbia has highlighted a number of chronic problems.

Despite decades of reform efforts, many children in the District of Columbia continue to pass through the school system without receiving a good education. The low quality of public education in the District is having a disparate impact on minority students and specific student populations, including English language learners and special education students. The current reforms under way in the District hold promise for improving the quality of education available to all students; however, past reform efforts did not solve persistent problems. School choice policies are benefiting D.C. children and have the potential to improve equal access to educational opportunities, but officials must take steps to ensure that all students benefit.

The D.C. Advisory Committee recognizes the need for more inquiry and investigation into civil rights issues affecting education in the District, including gathering more input from the public. The Committee urges District officials and other policymakers to continue to be vigilant about improving the condition of public education in the District and to implement policies to ensure that all children—regardless of race or background—have an opportunity to receive a good education.