

To whom it may concern,

As you know, there is much to celebrate in the achievements of DC's schools, students, and teachers over the past several years. As you also know, we have a great deal of work ahead of us to ensure that DC's education systems serve all students and families well. This work is vast and varied, ranging from increasing food, housing, and financial security for students and families to equitable provision of educational resources. One important part of that work is to address any and every impediment to student success, including those related to our current system of education governance.

This memo asks the council to pass legislation that clarifies the role of OSSE to act as a State Education Agency (SEA), independent of the local executive, to monitor and enforce federal and state policies and to support local education agencies (LEAs) more effectively.

Specifically, it calls for reconsideration of the "DC State Education Agency Independence Amendment Act of 2021," B24-0080 and additional provisions requiring:

- Appointment of the State Superintendent of Education by the State Board of Education with confirmation by the Council (the most important issue being independence from the Mayor). OSSE would remain subject to Council oversight (pending election of a state legislature under statehood).
- Clarification of OSSE's authority and responsibility to collect, audit, and verify data from local education agencies (LEA). including the responsibility to create and maintain a statewide longitudinal data system.
- Clarification of OSSE's authority and responsibility to monitor and enforce LEA compliance with federal civil rights laws and policies and state laws and policies.

What problems would this address?

- The Mayor's appointment of the regulator of the school systems headed by the executive and other mayoral appointees constitutes a conflict of interest and prevents independent state oversight of local education agencies.¹ *The State Superintendent of Education should be appointed by a state-level elected body (the SBOE) or official (under DC statehood, potentially a governor).*
- Education-related data collection and sharing has been compromised in the past, eroding public trust.² OSSE does not have the robust data systems needed to provide sufficient information to measure the status of public education in DC.³ *As the SEA, OSSE should be empowered to collect and audit whatever data it deems necessary for oversight and district and school improvement independent of influence of regulated entities and their executive officers.*

¹ As former Councilmember Mary Che argued in 2021, "In no other state does the state-level oversight body report to the head of a school system it oversees." Che suggested that the current structure creates a conflict of interest that compromises the work of the state education agency. See

https://lms.dccouncil.gov/downloads/LIMS/46557/Hearing_Record/B24-0080-Hearing_Record1.pdf, 13.

² See several examples cited in Ruth Wattenberg. 2023. "[You Can't Fix What You Can't Face. How Our Education Governance System Is Failing Us.](#)" *Washington City Paper*. 26 May.

³ Office of the District of Columbia Auditor. 2021. [Measuring What Matters: More and Better Data Needed to Improve D.C. Public Schools.](#)

- Monitoring and enforcement of federal civil rights laws such as the Individuals with Disabilities Education Act is insufficient, with the burden of initiating enforcement of compliance falling on affected students and families. As Karla Reid Witt testified before the State Board of Education in March 2023, “Before charter schools, DCPS owned special education. Now everyone owns it, which means no one owns it.”⁴ *As the SEA, OSSE should have clear authority to proactively monitor and enforce federal civil rights law and state policies, not only in response to a complaint issued by a student or family.*

When the council last considered the issue of OSSE’s independence in hearings for bills 24-80 and 24-101 in 2021, critics raised objections, but these objections were either unfounded or do not outweigh the benefits of the good governance practice of independent state-level oversight.

- Objection: OSSE independence may result in “push back on accountability and choice reforms.”⁵ *Response: OSSE independence enhances accountability through independent, state-level oversight and leaves the local-level systems intact. The potential push back lies only in what is revealed by increased accountability, which is currently unknown.*
- Objection: OSSE independence “puts student progress at risk [and the current system] avoids dysfunctional political fights... has a clear line of accountability... clear financial responsibility... [and] OSSE can collaborate with other agencies.”⁶ *Response: Under OSSE independence, the Mayor remains responsible for the local education systems performance and voters can hold the Mayor accountable. Elected bodies, the SBOE and Council, would be responsible for holding OSSE accountable for its performance. There is ample evidence that mutual reporting to the Mayor is not determinative of successful collaboration (see DCPS and DGS), nor is an absence of mutual reporting to the mayor determinative of inability to collaborate (see OSSE and SBOE).*
- Objection: some variation of “this is the wrong time,” often in relation to COVID.⁷ *Response: It is always a good time to strengthen our systems of accountability for school and district improvement and supports, no less when we respond to the challenges posed by the COVID pandemic.*
- Objection: OSSE’s oversight would be duplicative of PCSB oversight.⁸ *Response: Local district leaders including the PCSB, individual charter boards, the DME, and the DCPS Chancellor should continue to perform oversight of the institutions over which they have authority and OSSE should provide state-level, independent oversight as SEAs do in other states.*
- Objection: OSSE Independence would make the agency “weaker and less efficient... including OSSE being subjected to votes [by the SBOE] before doing its job...”⁹ *Response: Like bills 24-80 and 24-101, the proposal here adds only one additional authority to the SBOE, to appoint the*

⁴ Karla Reid-Witt. 2023. “[Testimony of Karla Reid-Witt: State Board of Education.](#)”

⁵ Duncan Chaplin testimony https://lims.dccouncil.gov/downloads/LIMS/46557/Hearing_Record/B24-0080-Hearing_Record1.pdf p, 35.

⁶ Abe Clayman testimony https://lims.dccouncil.gov/downloads/LIMS/46557/Hearing_Record/B24-0080-Hearing_Record1.pdf p, 51.

⁷ See, for example, Allison Fansler testimony, https://lims.dccouncil.gov/downloads/LIMS/46557/Hearing_Record/B24-0080-Hearing_Record1.pdf p, 67.

⁸ Allison Fansler testimony, https://lims.dccouncil.gov/downloads/LIMS/46557/Hearing_Record/B24-0080-Hearing_Record1.pdf p, 67.

⁹ Jess Giles testimony, https://lims.dccouncil.gov/downloads/LIMS/46557/Hearing_Record/B24-0080-Hearing_Record1.pdf p, 69.

Superintendent, and does not change any other statutory duties of the SBOE. The Superintendent would retain responsibility for the day-to-day operations of the SEA. More clearly defined responsibilities in data collection and monitoring and enforcement would make OSSE stronger, not weaker.

- Objection: “the current governance structure ensures alignment.”¹⁰ Response: *The structure remains intact for local-level alignment. In terms of local and state alignment, alignment by demonstrated success, mutual agreement on evidence, or negotiated parameters is far more valuable than alignment by top-down fiat.*
- Objection: “How does this improve student learning?”¹¹ Response: *Better data collection and integrity is essential for improving the systems that shape student learning and proactive monitoring and enforcement of federal and state laws will help students get the services they need even if an attorney does not represent them.*

Objections to the prior OSSE independence bills came primarily from representatives of entities that favor the status quo and do not wish to be subject to independent oversight. The premise of this proposal is that independent oversight is vital for holding local education agencies accountable to compliance with federal law and state policies and providing vetted and appropriate supports.

There are several other aspects of DC’s education governance that deserve your urgent attention,¹² but I believe OSSE’s independence is a critical priority with high potential for impact on student outcomes and one that has received considerable consideration by the council in the recent past. The status quo denies DC the benefits of state-level oversight and support, disadvantaging our system relative to every other state. Our students deserve the protection, accountability, and support of an empowered, independent SEA.

¹⁰ Paul Kinh testimony, https://lims.dccouncil.gov/downloads/LIMS/46557/Hearing_Record/B24-0080-Hearing_Record1.pdf p, 93.

¹¹ Jessica Sutter testimony, https://lims.dccouncil.gov/downloads/LIMS/46557/Hearing_Record/B24-0080-Hearing_Record1.pdf p, 122.

¹² See the SBOE’s March 2023 Education Governance Report.