



**DC Council Committee on the Whole and Committee on Education joint hearing on B23-717, the “Expanding Equitable Access to Great Schools Act of 2020”; B23-642, the “African American and Cultural Studies Inclusion Amendment Act of 2020”; and B23-818, the “Child Enrollment Preference Amendment Act of 2020”**

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**Ramin Taheri, Director, Education Reform Now-DC**

Good afternoon, Chairman Mendelson, Chairperson Grosso, and members of the DC Council. My name is Ramin Taheri, and I am a Ward 6 resident and the father of two students in DC Public Schools. I am also the director of Education Reform Now-DC, a non-profit organization that fights to ensure that all students, particularly students of color and students from low-income families, receive a high-quality public education. My testimony today is focused on our support of B23-717, the “Expanding Equitable Access to Great Schools Act of 2020,” a bill that represents a step toward righting historical wrongs related to segregation.<sup>1</sup>

On the same day in 1954 that the Supreme Court decided in *Brown v Board of Education* that “separate but equal” schools were unconstitutional, it also ruled in *Bolling v. Sharpe* that segregated public schools in the District of Columbia denied Black students due process of law.<sup>2</sup> These landmark legal decisions were foundational in

<sup>1</sup> In addition to B23-717, ERN-DC supports the spirit and intent of B23-642, the “African American and Cultural Studies Inclusion Amendment Act of 2020.” For far too long, our Black students have had to endure a public education system that whitewashes American history and erases the rich and significant contributions of African Americans to the United States. We note, however, that the DC State Board of Education is currently reexamining social-studies standards, and we should consider how this legislation could affect those efforts. In addition to a focus on African American studies, ERN-DC urges our education leaders to consider ways to utilize procurement policies and other methods to incentivize the adoption of culturally responsive curricula across all subjects.

We also support the intent of B23-818, the “Child Enrollment Preference Amendment Act of 2020,” because it allows for a two-generational model of learning, an important evolution in a more modernized public education system.

<sup>2</sup> See “History - *Brown v. Board of Education* Re-enactment,” available online at: <https://www.uscourts.gov/educational-resources/educational-activities/history-brown-v-board-education-re-enactment>.

establishing education as a civil right in America. They did not, however, immediately lead to integrated public schools in DC or elsewhere in the country, nor did they ensure that all public schools would receive equal funding. Today, our nation’s public schools tend to reflect the stark segregation present at the neighborhood level, where racial isolation, socioeconomic separation, and concentrated poverty are the norm.<sup>3</sup> This is true in DC, where our stubbornly segregated schools and neighborhoods translate into unequal access to social capital, housing-based wealth, and educational opportunity. These ills can be traced directly to redlining, racially-restrictive covenants, and the actions of real-estate professionals, citizens associations (white homeowner groups), and the courts in furthering segregation in our city.<sup>4</sup> It is incumbent upon our current leaders to advance policies that repair the harm done by their historic predecessors, and to make DC more just and equitable for all of its residents.

To her credit, Mayor Bowser has begun to put in place some preliminary steps to address issues of inequitable access and opportunity in DC’s public schools. Nearly two years ago, the mayor’s Cross-Sector Collaboration Task Force released its final report,<sup>5</sup> calling for, among other things, the development of policies designed to increase socioeconomic diversity in schools and, specifically, improve access to highly-rated, in-demand schools for students designated as “at-risk.”<sup>6</sup> As a result, in the current lottery to determine seats for academic year 2020-21, DCPS launched a pilot program giving students with this designation a preference at the Stevens School, a newly-renovated facility that will serve students at the pre-K-3 and pre-K-4 grades.<sup>7</sup>

These are encouraging and laudable developments, but we can—and should—do more. B23-717, which would authorize a voluntary at-risk preference for public charter schools, could be a significant step in the right direction. As noted by the DC Policy Center, at-risk students tend to be excluded from schools already serving lower

<sup>3</sup> Meatto, K. (May 2, 2019). “Still Separate, Still Unequal: Teaching about School Segregation and Educational Inequality.” *The New York Times*, available online at: <https://www.nytimes.com/2019/05/02/learning/lesson-plans/still-separate-still-unequal-teaching-about-school-segregation-and-educational-inequality.html>.

<sup>4</sup> Prologue DC, “Mapping Segregation in Washington, DC,” available online at: <http://mappingsegregationdc.org>.

<sup>5</sup> Final Report of the Cross-Sector Collaboration Task Force (November 9, 2018), pp. 24-26, available online at: <https://dme.dc.gov/sites/default/files/dc/sites/dme/publication/attachments/CSCTF%20Report2018.pdf>.

<sup>6</sup> Students are designated as “at-risk” if they qualify for Temporary Assistance for Needy Families or the Supplemental Nutrition Assistance Program; were identified as homeless or in foster care; or are high school students at least one year older than the expected age for their grade. We note that this term is deficit-based and is worth reconsidering; it is a designation for weighted-funding and not an indication of the ability of our students to achieve success.

<sup>7</sup> Austermuhle, M. (November 19, 2019). “In New Pilot Program, At-Risk Students Will Get DCPS Lottery Priority.” *The DCist*, available online at: <https://dcist.com/story/19/11/19/in-new-pilot-program-at-risk-students-will-get-dcps-lottery-priority/>.

percentages of such students, largely because sibling preferences have the effect of maintaining the status quo with respect to the demographic makeup of a school.<sup>8</sup> Using data collected from 12 public charter schools with long waitlists and low percentages of at-risk students, the DC Policy Center simulated lottery results using an at-risk priority, finding that such a preference would both improve the chances for at-risk students to match at a school they ranked highly *and* increase socioeconomic diversity—at the school offering the preference and at other schools across DC.<sup>9</sup> This is the true promise of public school choice—decoupling educational opportunity from residential address, dismantling a system of public education wherein the wealthy are able to hoard opportunity by choosing to live in an exclusive neighborhood. Because many families do not enjoy the freedom to relocate their homes simply to gain access to a particular school, public school choice can help level the playing field. But choice itself is often insufficient, necessitating affirmative measures, like the preference contemplated by B23-717.

Some critics of this approach might say that such a preference will benefit only a small segment of the at-risk student population, that B23-717 does not provide a systemic solution. This is true—an at-risk preference will not itself transform all of our public schools into perfect models of socioeconomic integration. But it is a false choice to suggest that we should do nothing at all if we're unable to do something that will comprehensively redress pervasive and pernicious patterns of segregation. This legislation will benefit many students and families.

Others suggest, rightly, that some highly-rated schools now serving low percentages of at-risk students may not be equipped or prepared to adequately serve all students. At ERN-DC, we believe strongly that every child can learn, and we therefore know that school leaders will need to pair the at-risk preference with meaningful outreach to neighborhoods with low-income families and a sound plan to ensure these students receive the support they need to thrive at school. Moreover, this Council must provide additional support to these school leaders by fully funding the at-risk weight in the UPSFF to .37 so that schools serving a greater number of these students have the resources they need to provide each child who enters their doors, regardless of their needs, whatever is necessary to put them on a path to success.

Critics of B23-717 may also say that diversity or integration, in of itself, is not necessary and certainly not sufficient to meet the needs of at-risk students and families. To be sure, there is nothing magical about placing a student from a low-income family next to

<sup>8</sup> Coffin, C. (July 21, 2020). "At-risk priority in D.C.'s common lottery: Potential implications for access and diversity." DC Policy Center, available online at: <https://www.dcpolicycenter.org/publications/at-risk-priority/>.

<sup>9</sup> *Id.*

a student from an upper-income family; indeed, as EmpowerK12 has shown through its analysis of “bold performance” schools, there are numerous examples in DC of public schools that serve large percentages of at-risk students—and serve them well.<sup>10</sup> But to deprive at-risk students of any meaningful chance to gain entry into some of the most highly-rated, in-demand public schools is simply wrong and serves only to perpetuate a broken, inequitable system. B23-717 is not a panacea, but neither is it pointless or inconsequential.

Finally, some critics may argue that B23-717 treats students unequally and therefore unfairly, preferencing at-risk students over others seeking to enroll at highly-rated schools. But B23-717 is about equity, not equality; equal treatment is not necessarily fair treatment. We must actively seek to mitigate the harms of longstanding injustices or they will simply continue to fester. These students need and deserve a preference—it’s only fair.<sup>11</sup>

In closing, ERN-DC strongly supports B23-717, and encourages DCPS to continue to expand the at-risk priority throughout its schools, because it is the right thing to do. The bill will not only improve access for at-risk students to highly-rated, in-demand schools, but it also advances the very promise of public school choice, which seeks to detach a child’s destiny from his or her residential address.

Thank you for allowing me to testify today. I welcome any questions the Committees may have.

<sup>10</sup> See 2019 Bold Performance Schools, EmpowerK12, available online at: <https://empowerk12.org/bold-performance-schools#>.

<sup>11</sup> ERN-DC also questions whether the current notion of “at risk” adequately addresses the needs of other economically disadvantaged students not now captured by the definition, such as undocumented students or students with incarcerated parents, for example. The Mayor and the DC Council should explore expanding the definition to include more students who may need additional support.