

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To direct the Office of the State Superintendent of Education to establish a performance framework to review whether a DCPS school is fulfilling the educational needs of its students, to allow for the creation of turnaround plans for underperforming schools, and to authorize and govern the establishment of Innovation Schools within DCPS; and, to amend the District of Columbia School Reform Act of 1995 to direct the Public Charter School Board (“PCSB”) to review the performance of charter schools and to authorize the PCSB to review student performance when making revocation and renewal decisions.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Individual School Accountability Act of 2013”.

TITLE I. DCPS SCHOOL PERFORMANCE

Sec. 101. Short title.

This title may be cited as the “DCPS School Performance Review Act of 2013”.

Sec. 102. Annual performance review.

(a) By January 1, 2015, the Office of the State Superintendent of Education (“OSSE”) shall establish a performance framework under which to evaluate annually each school within District of Columbia Public Schools (“DCPS”) (“performance framework”). The performance framework shall consist of specified standards and benchmarks that OSSE deems critical in determining whether a DCPS school is fulfilling the educational needs of the students and the

1 District. At a minimum, the performance framework shall include metrics based on the  
2 following:

- 3 (1) Student academic achievement and growth on Districtwide assessments;
- 4 (2) Attendance rates; and
- 5 (3) Graduation rates, as applicable.

6 (b) OSSE may establish a separate performance framework for special education schools  
7 and other schools within DCPS for which the performance framework established pursuant to  
8 subsection (a) of this section is not appropriate.

9 (c) Beginning October 1, 2016, and every October 1 thereafter, OSSE shall make publicly  
10 available the results of its annual evaluations of the preceding school year for each DCPS school  
11 pursuant to the performance framework.

12 Sec. 103. Underperforming schools

13 (a) OSSE shall designate any school that substantially fails to meet the performance  
14 metrics set forth within the applicable performance framework as an underperforming school and  
15 shall provide DCPS with notice of such designation.

16 (b) If a school is designated by OSSE as an underperforming school for two consecutive  
17 years, the Chancellor of DCPS (“Chancellor”) shall either:

18 (1) Initiate the creation of a turnaround plan for the school pursuant to section  
19 104; or

20 (2) Designate the school as a DCPS Innovation School pursuant to the  
21 requirements set forth in this Act.

22 Sec. 104. Turnaround plans.

1 (a) A turnaround plan shall be a guiding document for how a school will achieve or make  
2 substantial progress toward achieving the performance metrics set forth by OSSE in the  
3 performance framework within three years. At minimum, a turnaround plan shall include:

4 (1) Measurable annual goals for the indicators included in the performance  
5 framework;

6 (2) A strategic plan and associated timeline to achieve those goals;

7 (3) A school budget, including a proposed spending plan; and

8 (4) A process to evaluate implementation of the turnaround plan.

9 (b) Notwithstanding any regulation to the contrary, the Chancellor may take the  
10 following actions if included in an approved turnaround plan:

11 (1) Expand, alter, or replace the curriculum and program offerings at a school;

12 (2) Reallocate the funds in the school's budget;

13 (3) Provide additional funds to a school;

14 (4) Expand the school day or school year or both of a school;

15 (5) For an elementary school, add prekindergarten classes, if the school does not  
16 already have such classes;

17 (6) Require the principal and all administrators, teachers, and staff to reapply for  
18 their positions in the school, with full discretion vested in the Chancellor regarding consideration  
19 of and decisions on rehiring based on the reapplications;

20 (7) Provide increased opportunities for teacher planning time and collaboration  
21 focused on improving student instruction; and

22 (8) Take steps to better align teaching staff with the educational needs of the  
23 students at a school.

1 (c)(1) Unless the Chancellor elects to convert an underperforming school to an  
2 Innovation School pursuant to this Act, within 45 days of OSSE designating a school as  
3 underperforming for the second consecutive year, the Chancellor shall select and convene a  
4 stakeholder group to assist with the development of a turnaround plan. The stakeholder group  
5 shall consist of at least 5 and not more than 13 members and shall include:

- 6 (A) An administrator from the school, who may be the principal;
- 7 (B) At least one teacher from the school;
- 8 (C) At least one parent of a student in the school; and
- 9 (D) At least one member of the DCPS central office staff.

10 (3) Meetings of the stakeholder group shall be open to the public.

11 (4) Within 60 days of its initial meeting, the stakeholder group shall provide the  
12 Chancellor with a draft turnaround plan. The Chancellor shall make the draft turnaround plan  
13 publicly available within 7 days of receipt.

14 (d)(1) Within 60 days of receiving the draft turnaround plan from the stakeholder group,  
15 the Chancellor shall:

- 16 (A) Develop a final turnaround plan;
- 17 (B) Submit the plan to OSSE for comment; and
- 18 (C) Make the final plan publicly available.

19 (2) In developing the final turnaround plan, the Chancellor may:

- 20 (A) Accept the draft turnaround plan as submitted by the stakeholder  
21 group; or

1 (B) Modify the draft turnaround plan as submitted by the stakeholder  
2 group; provided that the Chancellor must provide the stakeholder group with a written  
3 explanation for any substantial changes to the draft turnaround plan.

4 (e) OSSE may comment on a final turnaround plan as submitted by the Chancellor.

5 Sec. 106. Accountability; implementation of turnaround plan.

6 (a) The Chancellor shall be responsible for ensuring that a school satisfactorily  
7 implements its turnaround plan and shall:

8 (1) In consultation with the school's principal, review at least annually:

9 (A) Implementation of a school's turnaround plan; and

10 (B) Progress in achieving the performance metrics set forth in OSSE's  
11 performance framework; and

12 (2) Submit a written report of the review required by this subsection to OSSE by  
13 the deadline established by OSSE.

14 (b) OSSE shall annually review the reports submitted by the Chancellor pursuant to  
15 subsection (a). As part of the annual review:

16 (1) If OSSE determines that a DCPS school has met the annual goals set forth in a  
17 turnaround plan, and has also met the requirements of the performance framework, it shall  
18 remove the designation of underperforming for the upcoming school year and the school may  
19 elect to no longer operate under the turnaround plan.

20 (2) If OSSE determines that a school has met the annual goals set forth in a  
21 turnaround plan but is still considered underperforming based on the performance framework,  
22 implementation of the turnaround plan shall continue.

1 (3) If OSSE determines that a DCPS school has not met one or more of the goals  
2 in its turnaround plan, but has shown significant progress, OSSE may:

3 (A) Direct continued implementation of the turnaround plan; or

4 (B) Direct the Chancellor to make modifications to the turnaround plan to  
5 address deficiencies identified by OSSE.

6 (4) If OSSE determines a DCPS school has substantially failed to meet the goals  
7 in its turnaround plan, OSSE shall direct the Chancellor to make modifications to the turnaround  
8 plan to address deficiencies identified by OSSE.

9 (c) If OSSE determines that after three years a DCPS school has substantially failed to  
10 meet the goals in its turnaround plan and is still considered underperforming pursuant to the  
11 performance framework, OSSE shall issue a report to DCPS explaining its findings and shall  
12 direct the Chancellor to take any of the following actions upon consultation with the school  
13 community:

14 (1) Convert the school to a DCPS Innovation School pursuant to this Act;

15 (2) Reconstitute the school;

16 (3) Contract with an independent organization or public charter school to manage  
17 the school; or

18 (4) Close the school permanently.

19 Sec. 107. Establishment of DCPS Innovation Schools.

20 (a) Pursuant to the requirements of this Act, the Chancellor may establish Innovation  
21 Schools within DCPS for the purpose of improving school performance and student achievement  
22 through increased autonomy and flexibility.

1 (b) An Innovation School shall be considered a public school within DCPS and may be  
2 operated either by the Chancellor directly or in partnership with an external organization.

3 (c) The Chancellor may establish an Innovation School:

4 (1) As the result of the conversion of a DCPS school that has been designated as  
5 underperforming by OSSE pursuant to this Act; or

6 (2) At the discretion of the Chancellor.

7 **Sec. 108. Powers and responsibilities of an Innovation School.**

8 (a) An Innovation School shall:

9 (1) Be free and open to all District residents; provided, that DCPS shall establish a  
10 method for selecting students when requests for enrollment exceed capacity;

11 (2) Receive an annual appropriation based on the same methodologies for  
12 determining the appropriation for a traditional DCPS school;

13 (3) Administer all Districtwide assessments and be subject to the performance  
14 framework established by OSSE pursuant to this act;

15 (4) Have the authority to seek and accept private, public grants and donations to  
16 offset any additional costs of development and implementing the innovation plan;

17 (5) Establish its own curriculum, budget, schedule and calendar, staffing policies  
18 and procedures; and

19 (6) Shall maintain the health and safety of all students attending such school.

20 (b) Upon designation as an Innovation School, and as long as the public school continues  
21 to be designated as an Innovation School, the school may be exempt from:

22 (1) Any District municipal regulations specified in the Innovation School's  
23 performance plan required under section 110; provided, that such waiver is granted by OSSE

1 pursuant to the State Education Office Establishment Act of 2000 (D.C. Law 13-176; D.C.  
2 Official Code § 38-2601); and

3 (2) Provisions of a collective bargaining agreement; provided, that such  
4 exemptions be based on obtaining the approval of at least a majority of the members of the  
5 collective bargaining unit who are employed at the school as determined through a secret ballot  
6 vote of the members of the collective bargaining unit at that school; provided further, that if an  
7 Innovation School seeks to amend its performance plan, and the revisions include changes to a  
8 collective bargaining agreement, those changes shall be subject to approval in the same manner  
9 as provided in this paragraph prior to becoming effective.

10 Sec. 110. Innovation School performance plan.

11 (a) Prior to the establishment of an Innovation School the Chancellor shall submit to  
12 OSSE an Innovation School performance plan (“performance plan”).

13 (b) At minimum, the performance plan shall include:

14 (1) A statement as to why designation as an Innovation School would enhance the  
15 school’s ability to improve school performance and student achievement;

16 (2) A description of the changes the school would implement, including in areas  
17 such as:

18 (A) Curriculum;

19 (B) Student assessments;

20 (C) Student promotion and retention;

21 (D) School calendar and class scheduling; and

22 (E) Faculty recruitment, employment and compensation;



1 (3) A description of the improvements in academic and non-academic  
2 performance that the school expects to achieve;

3 (4) A proposed budget and staffing plan for the school that supports the  
4 prescribed enrollment plan for the school;

5 (5) A description of how the school will meet the needs of its students, including  
6 compliance with all special education laws and the delivery of services for students who have  
7 special needs or are English Language Learners;

8 (6) A description of the school governance structure and the roles and  
9 responsibilities and expectations of the administration, staff, faculty, and management; and

10 (7) A list of any municipal regulations or provisions of the collective bargaining  
11 agreement from which the school is seeking an exemption pursuant to section 108(b).

12 Sec. 111. Annual review; revocation.

13 (a) OSSE shall annually review the performance of an Innovation School to determine:

14 (1) Compliance with the school's performance plan; and

15 (2) Whether or not the school is meeting the metrics set forth under the applicable  
16 performance framework.

17 (b) After five years, OSSE shall determine if the school has substantially met the terms of  
18 its performance plan.

19 (1) If OSSE determines that the school has substantially met the terms of its  
20 performance plan, the Chancellor may continue operating the school as an Innovation School.

21 (2) If OSSE determines that the school has not substantially met the terms of its  
22 performance plan, the school may lose its designation as an Innovation School

1 (c) Notwithstanding subsection (b), OSSE may revoke a school's designation as an  
2 Innovation School at any time if OSSE finds substantial non-compliance with the school's  
3 performance plan or applicable performance framework.

4 (d) If at any time an Innovation School loses its designation as an Innovation School, the  
5 school shall revert to a traditional DCPS school or close at the discretion of the Chancellor.

6 Sec. 112. Rulemaking.

7 By January 1, 2015, the State Superintendent of Education shall promulgate regulations  
8 pursuant to section 3(b)(11) of the State Education Office Establishment Act of 2000, effective  
9 October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(b)(11), necessary for the  
10 implementation of this title.

## 11 TITLE II. CHARTER SCHOOL PERFORMANCE

12 Sec. 201. Short title.

13 This title may be cited as the "Charter School Performance Review Act of 2013".

14 Sec. 202. Annual performance review for public charter schools.

15 The District of Columbia School Reform Act of 1995 (110 Stat. 1.321-107; D.C. Official  
16 Code § 38-1802.11(a)(1)) is amended as follows:

17 (a) Section 2211(a)(1) (D.C. Official Code § 38-1802.11(a)(1)) is amended as follows:

18 (1) Subparagraph (C) is amended by striking the word "and" at the end of the  
19 sentence.

20 (2) Subparagraph (D) is amended by striking the period at the end of the sentence  
21 and inserting "; and" in its place.

22 (3) A new subparagraph (E) is inserting to read as follows:

1           “(E) Shall review annually the performance of each public charter school, based  
2 on a performance framework set forth by the eligible chartering authority or, if the eligible  
3 chartering authority elects, as established by the Office of the State Superintendent pursuant to  
4 the Individual School Accountability Act of 2013.”.

5           (b) Section 2212 (D.C. Official Code § 38-1802.12) is amended as follows:

6           (1) Subsection (c) is amended by striking the phrase “subsection (b) of this  
7 section,” and inserting the following phrase in its place: “subsection (b) of this section, subject to  
8 such conditions or requirements that are consistent with the School Reform Act as the eligible  
9 chartering authority shall specify,”.

10          (2) Subsection (d)(5) is amended by striking the phrase “Board of Education”  
11 wherever it appears and replacing it with the phrase “eligible chartering authority”.

12          (c) Section 2213 (D.C. Official Code § 38-1802.13) is amended as follows:

13          (1) Subsection (a) is amended as follows:

14               (A) Paragraph (1) is amended by striking the word “or” at the end of the  
15 sentence.

16               (B) Paragraph (2) is amended by striking the period at the end of the  
17 sentence and replacing it with “; or”.

18               (C) A new paragraph (3) is added to read as follows:

19                       “(3) Has failed to meet minimum performance levels established by the  
20 eligible chartering authority on Districtwide assessments.”

21          (2) Insert a new subsection (d) to read as follows:

1                   “(d) The eligible chartering authority may order a closure of an individual campus  
2 of a charter school for the same reasons and using the same procedures as it does for revocation  
3 of a school’s charter.”

4                   TITLE III. GENERAL PROVISIONS

5                   Sec. 301. Fiscal impact statement.

6                   The Council adopts the fiscal impact statement in the committee report as the fiscal  
7 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,  
8 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

9                   Sec. 302. Effective date.

10                  This act shall take effect following approval by the Mayor (or in the event of veto by the  
11 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as  
12 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
13 24, 1973 (87 Stat. 813: D.C. Official Code § 1-206.02(c)(1)) and publication in the District of  
14 Columbia Register

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