

**A REVIEW AND ASSESSMENT OF THE USE, IMPACT, AND ACCOMPLISHMENTS OF FEDERAL APPROPRIATIONS PROVIDED TO IMPROVE THE EDUCATION OF CHILDREN IN THE DISTRICT OF COLUMBIA**

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**HEARINGS**

BEFORE A

SUBCOMMITTEE OF THE  
COMMITTEE ON APPROPRIATIONS

UNITED STATES SENATE

ONE HUNDRED ELEVENTH CONGRESS

FIRST SESSION

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**SPECIAL HEARINGS**

SEPTEMBER 16, 2009—WASHINGTON, DC

SEPTEMBER 29, 2009—WASHINGTON, DC

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**WEDNESDAY, SEPTEMBER 16, 2009**

U.S. SENATE,  
SUBCOMMITTEE ON FINANCIAL SERVICES  
AND GENERAL GOVERNMENT,  
COMMITTEE ON APPROPRIATIONS,  
*Washington, DC.*

The subcommittee met at 10:05 a.m., in room SD-192, Dirksen Senate Office Building, Hon. Richard J. Durbin (chairman) presiding.

Present: Senators Durbin, Landrieu, Alexander, and Collins.

OPENING STATEMENT OF SENATOR RICHARD J. DURBIN

Senator DURBIN. Good morning. I'm pleased to convene this hearing before the Senate Appropriations Subcommittee on Financial Services and General Government, which includes the District of Columbia. The subcommittee's jurisdiction spans an array of responsibilities in Federal departments and agencies, as well as the Federal payments to the District of Columbia. We're here today to review the use and impact of Federal appropriations provided to improve the education of children in the Nation's capital.

I welcome my distinguished ranking member, Senator Susan Collins, Senator Alexander, and other colleagues who will join us during the course of this hearing.

While past hearings in this subcommittee and other committees have focused on various other aspects of Federal funds for the District, this may be the first time in the last 6 years that the Senate has brought together in one forum the key officials of the various education fund recipients and entities, such as the public schools, public charter schools, and the private school Opportunity Scholarship Program (OSP). My objective in this hearing is simple: review and take stock of whether there's a reliable accountability for the use of Federal funds, and if the investment of those funds has succeeded in accomplishing the stated congressional intent, "to improve the quality of education and students' educational achievement, as demonstrated by measurable outcomes of initiatives and programs."

Now that Congress has invested close to \$350 million in special Federal payments to support education of District of Columbia children over the past 6 years, over and above the Federal grant funds available to the District, it's time for an honest appraisal. What difference have these resources made? How do we measure the difference? What progress has been made, in terms of the educational achievement of the children in the District of Columbia? What results can clearly be pointed to? What's on the horizon?

For decades, the D.C. school system has been plagued with persistent problems, from lagging student academic performance to the condition of school facilities to dysfunctional management. These are not problems unique to the District of Columbia. We find them across America, in many of the cities I represent in Illinois. Sadly, this system has failed many of the children in the District of Columbia, as other systems fail as well.

Public school students in the District chronically perform well below national average. By the time they reach the eighth grade, only 12 percent of D.C. students are proficient in reading, and 8 percent—8 percent—are proficient in math, according to the National Assessment of Educational Progress. Only 9 percent of D.C. students go on to graduate from college within 5 years. That's why Congress got involved, to try to lend some help to these children.

Beginning with the fiscal year 2004 appropriation, Congress has provided a stream of funding for a three-sector approach to school improvement. Congress has provided a total of \$272.5 million, through fiscal year 2009, in directly appropriated Federal funds designated for school improvement in the District of Columbia. These funds are apportioned among public schools, public charter schools, and for the voucher program.

For fiscal year 2010, another \$75.4 million is included in the Senate bill reported from this committee in early July. Of the proposed funding, \$42.2 million is for public schools, \$20 million is specified for charter schools, and \$13.2 million is for the voucher schools. Of this latter amount, \$1 million is for administration, and another \$1 million is provided to cover costs of administering the D.C. CAS test to voucher students. These appropriated funds are separate from, and in addition to, Federal funds provided to the District's State Education Office.

I believe that Mayor Fenty's decision to assume control of the District public schools, 2 years ago, was the right decision. I have confidence that Chancellor Michelle Rhee is capable of accomplishing significant gains. She has an exciting agenda, and set a goal to make the District the highest performing urban school district by 2014. Over the last 2 years, progress has been made to streamline bureaucracy, recruit new principals, and raise test scores, but there's still a long way to go.

I also strongly support high-quality charter schools that provide parents and students with another option outside the neighborhood schools. There are currently 57 public charter schools operating on 99 campuses in the District, enrolling more than 28,000. That's over 35 percent of all District students. Many of these schools are exemplary. The KIPP Academies in the District perform consistently at a higher level than the average D.C. public school. But, there are also some charter schools that are not doing well. Any

charter schools that are not performing at least as well as the average public school should be improved or closed. Federal funding for charter schools should support the expansion of high quality charter schools in the District, and the improvement of schools that are capable of doing better.

Now let me address the D.C. Opportunity Scholarship Program. Congress established this program as a 5-year pilot in the year 2003. The purpose was to give parents expanded opportunities for enrolling their children in higher performing schools. I am not opposed to the concept, but I want to make sure that children receiving vouchers are enrolled in schools that are safe, taught by teachers who are qualified, and receive a better education than is available in public schools.

The Department of Education studied the voucher program, and I didn't find the results that encouraging. There were no gains for students in the voucher program in math, no statistically significant gains for boys, students who come from failing schools, or for those who started off scoring poorly on the test. Only modest gains for students in reading; 3 months of reading gains over 3 years of the program.

Now, most parents would not give those results high marks. Students in the District need and deserve better. I think it's time to ask whether investing \$13 or \$14 million a year for the program that provides only minimal academic progress for its 1,700 students is the best use of funds. The President and Secretary Duncan have proposed allowing current students to remain in the program. I agree with that approach, but have asked for a higher level of accountability.

I've suggested that voucher students take the same test as public school students and charter school students, so we can compare their progress. This was hotly debated in the Senate Appropriations Committee. There are three other voucher programs in America—in Cleveland, in Milwaukee and in New Orleans. As of this year, every one of those voucher programs will have their students taking the same test as the students in public schools. This is not a radical idea. It's one that's been embraced in all of the other communities that have voucher-type programs.

I've also suggested that the schools be subject to review to make sure that the buildings are safe. Is that too much to ask? When I offered that amendment initially, it was rejected by the Senate Appropriations Committee. Now it's part of our appropriation.

And the third request, that the teachers in the voucher schools have—at least in critical subjects—have college degrees. That was another amendment I offered that was rejected when the voucher program was created. It is now part of the law.

And all of those things I've just outlined are part of the voucher programs in all three of these other communities. Why would the District of Columbia be any different? It shouldn't be. We should hold them to that same high standard.

I've also suggested the Secretary of Education report to Congress on the quality of participating schools, so that we can be sure students are truly receiving a superior education. It is unacceptable for my staff to contact the agency of the D.C. government and ask for a general report of the names and addresses of voucher schools,

and the number of students—not their names—but the number of students in each school, and what the tuition is at each school, and whether each school has teachers with college degrees, whether the buildings have been inspected to be safe, and to be told by the District of Columbia, “This is confidential information, we’re not going to share it with you.”

Well, our staff has gone to work on this, and they’ve gone out looking for these schools. We sent letters directly to these voucher schools, and said, “Tell us this information that the D.C. government won’t tell us.” We had responses from all but five schools. The thing that’s curious is, for the last school year there are 389 missing students. After the schools reported all the students—the voucher schools reported all the students—it doesn’t reach the number 1,700. That’s about \$3 million worth of D.C. opportunity scholarships unaccounted for. Are we to guess that there are 389 voucher students in the five schools that didn’t report?

I think there has to be accountability here. There is in every other State and city where there’s a voucher program. Why wouldn’t we have it in the Nation’s capital?

We continue to send our staff out to take photographs of some of these so-called schools. I have to tell you, I hope there’s inspection going on by the District of Columbia, because in some of these schools the reported number of students in these storefronts is way beyond what appears to be even the capacity of the building.

These are fundamental and basic questions we shouldn’t be afraid to ask, and this hearing is hopefully going to get into them. Federal funding has helped improve education in the District of Columbia. The funding has helped leverage important reforms and provided many options for parents, but all of these systems need to have sustained improvement, and I’m optimistic they can.

As for the voucher program, I believe the Department of Education study makes it clear that there’s still significant unresolved issues about the effectiveness of the program, and questions about its administration, which we’ll discuss.

Before turning to Senator Collins for opening remarks, I note the subcommittee has received written submissions from several organizations and individuals. Senator Frank Lautenberg has submitted a statement, and I ask unanimous consent these statements be part of the record. Without objection, they will be.

[The statements follow:]

PREPARED STATEMENT OF SENATOR FRANK R. LAUTENBERG

As members of the Senate Appropriations Committee, we have a responsibility to ensure that the programs we fund are open, effective, and accountable. Unfortunately, the DC Opportunity Scholarship program has not met any of these standards.

Since its implementation in 2004, the DC voucher program has been unable to prove any significant increase in academic achievement by voucher students. Reports conducted by the U.S. Department of Education have repeatedly found that the program is particularly ineffective for students that come from a “school in need of improvement.” These voucher students, whom the program is meant to target, have not shown statistically significant gains in either math or reading achievement when compared to students in public schools. Furthermore, a 2007 GAO report detailed several serious problems in some of the participating Opportunity Scholarship schools, including unsuitable learning environments, teachers without bachelor’s degrees, and a lack of occupancy permits.



The 2007 GAO report also discussed an alarming lack of accountability in this program. Not only is the voucher program not accountable to Congress or the taxpayers, it isn't even accountable to the parents of the students. Although the Washington Scholarship Fund compiles an annual directory to help parents select schools, it did not collect, omit, or incorrectly report information that would have helped parents evaluate the quality of these schools, such as the percentage of teachers who had a bachelor's degree. Even more disturbing, the 2007 GAO Report found that Federal tax dollars were spent on private schools that do not even charge tuition.

This type of mismanagement is unacceptable. We can no longer justify taking millions of dollars away from the children of the DC public school system—and the academic programs they have to do without—in order to fund this ineffective program. At a time when budgets are tight, our first priority must be improving and strengthening public schools, which educate the overwhelming majority of students.

The DC public school system, and its leader Michelle Rhee, has a tough task ahead of them. The continuation of the DC voucher program is doing nothing to improve education in the District of Columbia, and very well may be harming it in the long run.

Thank you Mr. Chairman.

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PREPARED STATEMENT OF SENATOR JOE LIEBERMAN

Thank you, Mr. Chairman and Senator Collins for giving me this opportunity to testify this morning on the subject of Federal appropriations to improve the education of children in the District of Columbia. As Chairman of the Senate Homeland Security and Governmental Affairs Committee—which has jurisdiction over the District of Columbia—I am deeply invested in Federal efforts to improve educational opportunities for all children in our Nation's Capitol. In this regard, I am particularly interested in the Opportunity Scholarship Program (OSP) and hope to work with this subcommittee to enact a 5-year reauthorization that will allow current and new students to continue to benefit from the program. I also hope we can reinstate the 216 children who were promised a scholarship and had that promise revoked.

Mr. Chairman, for the past several years, this subcommittee has supported a three-pronged initiative, first begun under the leadership of Mayor Tony Williams, to fund education reform in the District of Columbia. Pursuant to this initiative, beginning in 2004 Congress appropriated, in equal amounts, new funds for DC public schools, DC public charter schools, and the Opportunity Scholarship Program (OSP), a program that offers disadvantaged students in the District the opportunity to attend a local private school. Starting last year, fewer dollars were appropriated to the OSP program than to DC public schools or charter schools.

I believe that this is money well spent—on all three prongs. For years the DC public school system has been beset with problems. Though the District has amongst the highest per pupil expenditure in the Nation, students attending its public schools score at the bottom on national proficiency tests. DC Chancellor Michelle Rhee, with the backing of Mayor Adrian Fenty, has moved aggressively to turn around failing schools in the District. She is getting results, and has my full backing.

Though our schools face many challenges, we have a very strong public school charter system in the District. Around 38 percent of students in DC public schools are attending public charter schools—this fact speaks to the success of the charter movement in the District. As a strong and longtime proponent of charter schools, I continue to support the District's charter schools.

Let me be clear: Each dollar appropriated to the OSP program is a dollar well spent. I strongly urge this Subcommittee to provide funds for the program so that it may continue in full force. I'd like to submit for the record an article written by Dr. Patrick Wolf, the principal investigator for the Department of Education's study on the OSP program, which was published in the a recent issue of Education Next. Dr. Wolf reports that the OSP program resulted in statistically significant improvements in reading. In fact, when compared to all other similarly studied education innovations, I quote, "the reading impact of the DC voucher program is the largest achievement impact yet reported." Again I quote from Dr. Wolf: "the DC voucher program has proven to be the most effective education policy evaluated by the Federal Government's official education research arm so far." Dr. Wolf's study, conducted under the auspices of the Department of Education's Institute of Education Sciences, also found a high level of parental satisfaction with the OSP program.

Mr. Chairman, to date, there is no education program that has gotten better results when studied under these rigorous methods. In the OSP authorizing statute

Congress specifically mandated that an evaluation be conducted “using the strongest possible research design for determining the effectiveness of the programs funded.” Let me repeat; we asked for the strongest research design possible, and that is what we have in the IES study by Dr. Wolf. We ought to pay attention to the results of that congressionally mandated study.

I will continue to support the reform efforts of Chancellor Rhee, and have every confidence that she will continue to bring about change to improve the performance of DC public schools. But this is a slow, multi-year process. In the meantime, many District schools are still failing our most disadvantaged children. We should use every means at our disposal to provide the best education possible to all children, and the OSP program has clearly been successful in helping to fulfill that goal.

Mr. Chairman, and Senator Collins, this subcommittee has included language in this year’s and last year’s appropriations bill, accompanying funding for the OSP program, to require that any participating schools have a valid certificate of occupancy, and that core subject matter teachers hold 4-year bachelor’s degrees. I support these provisions and we have included them in the reauthorization bill I recently introduced with Senators Collins, Feinstein, Byrd, Voinovich, Ensign and Alexander. Our bill, S. 1552, the SOAR Act, also continues the requirement that the program be evaluated using the strongest possible research design, and requires that all participating students be given a nationally norm-referenced test.

On the subject of testing, the Chairman has recommended that OSP students take the same test as students in DC public schools. I note that when the program was first authorized, the District of Columbia public schools were using the same nationally norm-referenced test, the SAT–9 test, as was administered to students in the OSP program. Subsequently, DC public schools changed to use a curriculum-based test, the DC–CAS test. I know Chairman Durbin still has some concerns on this issue. In addition, although we have a congressionally mandated ongoing evaluation of the OSP program, I understand Senator Durbin would also like to evaluate individual schools participating in the OSP program. I believe we can work together to address the Chairman’s concerns in a way that does not encourage some schools to cherry pick the best students, and does not discourage other schools from participating in the OSP program. Should Congress continue the OSP program, as I hope we do, we want to ensure that we don’t enact provisions that would cause some of the best schools to drop out of the program, or that would result in unintended incentives for schools to shy away from those students most in need.

Finally, I would like to work with this subcommittee on the matter of the 216 children who were initially promised a voucher to attend private school this year, and subsequently had that offer withdrawn. Though the school year has already started, I know that many of these families still hold out hope that decision will be reversed so they may seek the educational opportunities they believe will be best. I might note that 93 percent of the 216 students are now assigned to attend a DC Public School that is designated as in need of improvement, corrective action, or restructuring under No Child Left Behind. They are assigned to schools where on average only 36 percent of the students are proficient in reading or math. These students had their offer of a voucher revoked at a time when many of the charter schools had closed their application process and when the out-of-boundary process was also closed. Hence, their options for educational choice were even more limited than they would have been had they never applied for the voucher. We must redress this situation.

In sum, I firmly believe this subcommittee should continue to fund the full District reform effort, including the OSP program. Furthermore, the OSP program should continue to be open to new students as space permits.

Thank you, Mr. Chairman, for this opportunity to testify.

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[From Education Next, Fall 2009]

#### LOST OPPORTUNITIES

(By Patrick J. Wolf)

#### LAWMAKERS THREATEN D.C. SCHOLARSHIPS DESPITE EVIDENCE OF BENEFITS

School choice supporters, including hundreds of private school students in crisp uniforms, filled Washington, D.C.’s Freedom Plaza last May to protest a congressional decision to eliminate the city’s federally funded school voucher program after the next school year. That afternoon, President Obama announced a compromise proposal to grandfather the more than 1,700 students currently in the District of

Columbia Opportunity Scholarship Program, funding their vouchers through high school graduation, but denying entry to additional children. Both program supporters and opponents cite evidence from an ongoing congressionally mandated Institute of Education Sciences (IES) evaluation of the program, for which I am principal investigator, to buttress their positions, rendering the evaluation a Rorschach test for one's ideological position on this fiercely debated issue.

School vouchers provide funds to parents to enable them to enroll their children in private schools and, as a result, are one of the most controversial education reforms in the United States. Among the many points of contention is whether voucher programs in fact improve student achievement. Most evaluations of such programs have found at least some positive achievement effects, but not always for all types of participants and not always in both reading and math. This pattern of results has so far failed to generate a scholarly consensus regarding the beneficial effects of school vouchers on student achievement. The policy and academic communities seek more definitive guidance.

The IES released the third-year impact evaluation of the Opportunity Scholarship Program (OSP) in April 2009. The results showed that students who participated in the program performed at significantly higher levels in reading than the students in an experimental control group. Here are the study findings and my own interpretation of what they mean.

#### *Opportunity Scholarships*

Currently, 13 directly funded voucher programs operate in four U.S. cities and six states, serving approximately 65,000 students. Another seven programs indirectly fund private K–12 scholarship organizations through government tax credits to individuals or corporations. About 100,000 students receive school vouchers funded through tax credits. All of the directly funded voucher programs are targeted to students with some educational disadvantage, such as low family income, disability, or status as a foster child.

Nineteen of the 20 school voucher programs in the United States are funded by state and local governments. The OSP is the only federal voucher initiative. Established in 2004 as part of compromise legislation that also included new spending on charter and traditional public schools in the District of Columbia, the OSP is a means-tested program. Initial eligibility is limited to K–12 students in D.C. with family incomes at or below 185 percent of the poverty line. Congress has appropriated \$14 million annually to the program, enough to support about 1,700 students at the maximum voucher amount of \$7,500. The voucher covers most or all of the costs of tuition, transportation, and educational fees at any of the 66 D.C. private schools that have participated in the program. By the spring of 2008, a total of 5,331 eligible students had applied for the limited number of Opportunity Scholarships. Recipients are selected by lottery, with priority given to students applying to the program from public schools deemed in need of improvement (SINI) under No Child Left Behind. Scholars and policymakers have since questioned the extent to which SINI designations accurately signal school quality because they are based on levels of achievement instead of the more informative measure of achievement gains over time.

The third-year impact evaluation tracked the experiences of two cohorts of students. All of the students were attending public schools or were rising kindergartners at the time of application to the program. Cohort 1 consisted of 492 students entering grades 6–12 in 2004. Cohort 2 consisted of 1,816 students entering grades K–12 in 2005. The 2,308 students in the study make it the largest school voucher evaluation in the United States to employ the “gold standard” method of random assignment.

METHODOLOGY NOTES

If one's purpose is to evaluate the effects of a specific public policy, such as the District of Columbia Opportunity Scholarship Program (OSP), then the comparison of the average outcomes of the treatment and control groups, regardless of what proportion attended which types of school, is most appropriate. A school voucher program cannot force scholarship recipients to use a voucher, nor can it prevent control-group students from attending private schools at their own expense. A voucher program can only offer students scholarships that they subsequently may or may not use. Nevertheless, the mere offer of a scholarship, in and of itself, clearly has no impact on the educational outcomes of students. A scholarship could only change the future of a student if it were actually used.

Fortunately, statistical techniques are available that produce reliable estimates of the average effect of using a voucher compared to not being offered one and the average effect of attending private school in year 3 of the study with or without a voucher compared to not attending private school. All three effect estimates—treatment vs. control, effect of voucher use, and impact of private schooling—are provided in the longer version of this article (see “Summary of the OSP Evaluation” at [www.educationnext.org](http://www.educationnext.org)), so that individual readers can view those outcomes that are most relevant to their considerations.

I have presented mainly the impacts of scholarship use in this essay. Those impacts are computed by taking the average difference between the outcomes of the entire treatment and control groups—the pure experimental impact—and adjusting for the fact that some treatment students never used an Opportunity Scholarship. Since nonusers could not have been affected by the voucher, the impact of scholarship use can be computed easily by dividing the pure experimental impact by the proportion of treatment students who used their scholarships, effectively rescaling the impact across scholarship users instead of all treatment students including nonusers. I focus here on scholarship usage because that specific measure of program impact is easily understood, is relevant to policymakers, and preserves the control group as the natural representation of what would have happened to the treatment group absent the program, including the fact that some of them would have attended private school on their own.

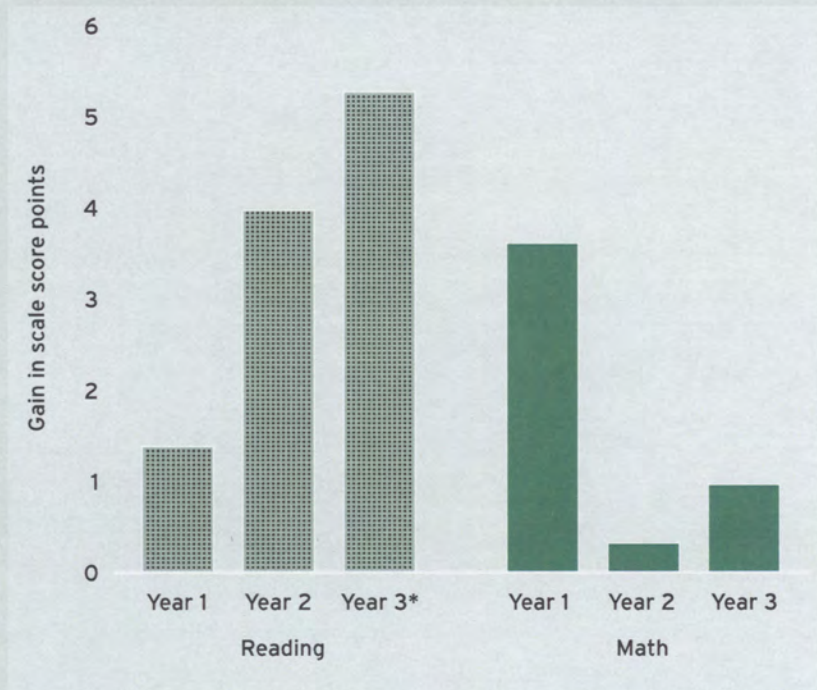
*Voucher Effects*

Researchers over the past decade have focused on evaluating voucher programs using experimental research designs called randomized control trials (RCTs). Such experimental designs are widely used to evaluate the efficacy of medical drugs prior to making such treatments available to the public. With an RCT design, a group of students who all qualify for a voucher program and whose parents are equally motivated to exercise private school choice, participate in a lottery. The students who win the lottery become the “treatment” group. The students who lose the lottery become the “control” group. Since only a voucher offer and mere chance distinguish the treatment students from their control group counterparts, any significant difference in student outcomes for the treatment students can be attributed to the program. Although not all students offered a voucher will use it to enroll in a private school, the data from an RCT can also be used to generate a separate estimate of the effect of voucher use [see Methodology Notes].

Using an RCT research design, the ongoing IES evaluation found no impacts on student math performance but a statistically significant positive impact of the scholarship program on student reading performance, as measured by the Stanford Achievement Test (SAT 9). The estimated impact of using a scholarship to attend a private school for any length of time during the 3-year evaluation period was a gain of 5.3 scale points in reading. That estimate provides the impact on all those who ever attended a private school, whether for 1 month, 3 years, or any length of time in between (see Figure 1). Consequently, the estimate should be interpreted as a lower-bound estimate of the 3-year impact of attending a private school, because many students who used a scholarship during the 3-year period did not remain in private school throughout the entire period. The data indicate that members of the treatment group who were attending private schools in the third year of the evaluation gained an average of 7.1 scale score points in reading from the program.

## Hard Evidence (Figure 1)

*The impact of the program on the reading scores of those students who used the scholarship to attend a private school for any period of time grew each year of the program, reaching a statistically significant level in year 3. In math, however, no statistically significant program impacts were detected.*



\*Statistically significant at the 95 percent confidence level

SOURCE: Wolf et al., "Evaluation of the DC Opportunity Scholarship Program: Impacts After Three Years," National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education, 2009, Figure 3-3

What do these gains mean for students? They mean that the students in the control group would need to remain in school an extra 3.7 months on average to catch up to the level of reading achievement attained by those who used the scholarship opportunity to attend a private school for any period of time. The catch-up time would have been around 5 months for those in the control group as compared to those who were attending a private school in the third year of the evaluation.

Over time, in my opinion, the effects of the program show a trend toward larger reading gains cumulating for students. Especially when one considers that students who used their scholarship in year 1 needed to adjust to a new and different school environment, the reading impacts of using a scholarship of 1.4 scale score points (not significant) in year 1, 4.0 scale score points (not significant) in year 2, and 5.3 scale score points (significant) in year 3 suggest that students are steadily gaining

in reading performance relative to their peers in the control group the longer they make use of the scholarship. No trend in program impacts is evident in math.

What explains the fact that positive impacts have been observed as a result of the OSP in reading but not in math? Paul Peterson and Elena Llaudet of Harvard University, in a nonexperimental evaluation of the effects of school sector on student achievement, suggest that private schools may boost reading scores more than math scores for a number of reasons, including a greater content emphasis on reading, the use of phonics instead of whole-language instruction, and the greater availability of well-trained education content specialists in reading than in math. Any or all of these explanations for a voucher advantage in reading but not in math are plausible and could be behind the pattern of results observed for the D.C. Opportunity Scholarships. The experimental design of the D.C. evaluation, while a methodological strength in many ways, makes it difficult to connect the context of students' educational experiences with specific outcomes in any reliable way. As a result, one can only speculate as to why voucher gains are clear in reading but not observed in math.

#### *Student Characteristics*

The OSP serves a highly disadvantaged group of D.C. students. Descriptive information from the first two annual reports indicates that more than 90 percent of students are African American and 9 percent are Hispanic. Their family incomes averaged less than \$20,000 in the year in which they applied for the scholarship.

Overall, participating students were performing well below national norms in reading and math when they applied to the program. For example, the Cohort 1 students had initial reading scores on the SAT-9 that averaged below the 24th National Percentile Rank, meaning that 75 percent of students in their respective grades nationally were performing higher than Chart 1 in reading. In my view, these descriptive data show how means tests and other provisions to target school voucher programs to disadvantaged students serve to minimize the threat of cream-skimming. The OSP reached a population of highly disadvantaged students because it was designed by policymakers to do so.

#### *Did Only Some Students Benefit?*

Several commentators have sought to minimize the positive findings of the OSP evaluation by suggesting that only certain subgroups of participants benefited from the program. Martin Carnoy states that "the treated students in Cohort 1 were concentrated in middle schools and the effect on their reading score was significantly higher than for treated students in Cohort 2." Henry Levin likewise asserts that "the evaluators found that receiving a voucher resulted in no advantage in math or reading test scores for either [low achievers or students from SINI schools]."

The actual results of the evaluation provide no scientific basis for claims that some subgroups of students benefited more in reading from the voucher program than other subgroups. The impact of the program on the reading achievement of Cohort 1 students did not differ by a statistically significant amount from the impact of the program on the reading achievement of Cohort 2 students, Carnoy's claim notwithstanding. Nor did students with low initial levels of achievement and applicants from SINI schools experience significantly different reading gains from the program than high achievers and non-SINI applicants. The mere fact that statistically significant impacts were observed for a particular subgroup does not mean that impacts for that group are significantly different from those not in the subgroup. For example, Group A and Group B may have experienced roughly similar impacts, but the impact for Group A might have been just large enough for it to be significantly different from zero (or no impact at all), while Group B's quite similar scores fell just below that threshold.

From a scientific standpoint, three conclusions are valid about the achievement results in reading from the year 3 impact evaluation of the OSP:

1. The program improved the reading achievement of the treatment group students overall.
2. Overall reading gains from the program were not significantly different across the various subgroups examined.
3. Three distinct subgroups of students—those who were not from SINI schools, students scheduled to enter grades K–8 in the fall after application to the program, and students in the higher two-thirds of the performance distribution (whose average reading test scores at baseline were at the 37th percentile nationally)—experienced statistically significant reading impacts from the program when their performance was examined separately. Female students and students in Cohort 1 saw reading gains that were statistically significant with reservations due to the possi-

bility of obtaining false positive results when making comparisons across numerous subgroups.

Why examine and report achievement impacts at the subgroup level, if the evidence indicates only an overall reading gain for the entire sample? The reasons are that Congress mandated an analysis of subgroup impacts, at least for SINI and non-SINI students, and because analyses at the subgroup level might have yielded more conclusive information about disproportionate impacts for certain types of students.

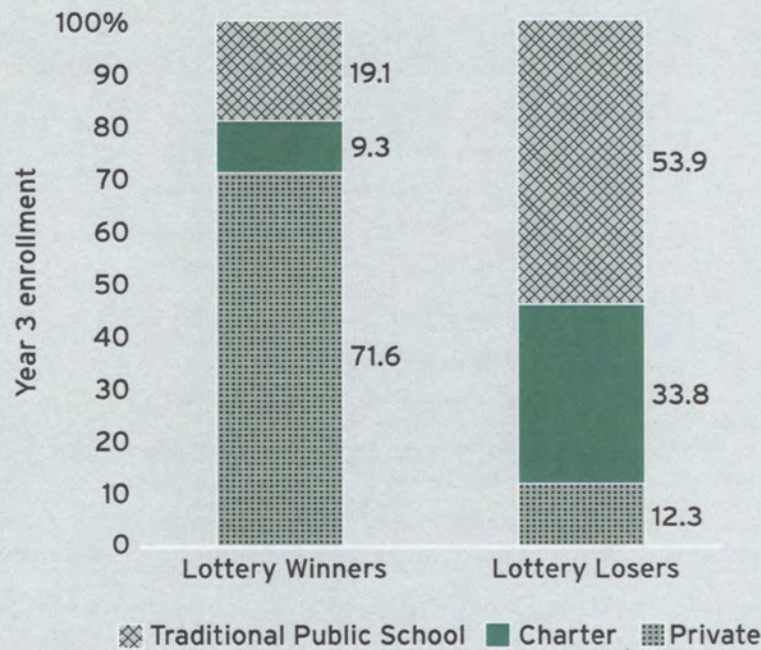
#### *Expanding Choice*

The OSP facilitates the enrollment of low-income D.C. students in private schools of their parents' choosing. It does not guarantee enrollment in a private school, but the \$7,500 voucher should make such enrollments relatively common among the students who won the scholarship lottery. The eligible students who lost the scholarship lottery and were assigned to the control group still might attend a private school but they would have to do so by drawing on resources outside of the OSP. At the same time, students in both groups have access to a large number of public charter schools.

The implication is that, for this evaluation of the OSP, winning the lottery does not necessarily mean private schooling, and losing the lottery does not necessarily mean education in a traditional public school. Members of both groups attended all three types of schools—private, public charter, and traditional public—in year 3 of the voucher experiment, although the proportions that attended each type differed markedly based on whether or not they won the scholarship lottery (see Figure 2). In total, about 81 percent of parents placed their child in a private or public school of choice three years after winning the scholarship lottery, as did 46 percent of those who lost the lottery. The desire for an alternative to a neighborhood public school was strong for the families who applied to the OSP in 2004 and 2005.

## Making the Best of It (Figure 2)

Nearly half the students who lost in the scholarship lottery nonetheless attended schools of choice.



**SOURCE:** Wolf et al., "Evaluation of the DC Opportunity Scholarship Program: Impacts After Three Years," National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education, 2009, Table 2-7

These enrollment patterns highlight the fact that the effects of voucher use reported above do not amount to a comparison between "school choice" and "no school choice." Rather, voucher users are exercising private school choice, while control group members are exercising a small amount of private school choice and a substantial amount of public school choice. The positive impacts on reading achievement observed for voucher users therefore reflect the incremental effect of adding private school choice through the OSP to the existing schooling options for low-income D.C. families.

### Parent Satisfaction

Another key measure of school reform initiatives is the perception among parents, who see firsthand the effects of changes in their child's educational environment. Whenever school choice researchers have asked parents about their satisfaction with schools, those who have been given the chance to select their child's school have reported much higher levels of satisfaction. The OSP study findings fit this pattern. The proportion of parents who assigned a high grade of A or B to their child's school was 11 percentile points higher if they were offered a voucher, 12 percentile points



higher if their child actually used a scholarship, and 21 points higher if their child was attending a private school in year 3, regardless of whether they were in the treatment group. Parents whose children used an Opportunity Scholarship also expressed greater confidence in their children's safety in school than parents in the control group.

Additional evidence of parental satisfaction with the OSP comes from the series of focus groups conducted independently of the congressionally mandated evaluation. One parent emphasized the expanded freedom inherent in school choice:

"[The OSP] gives me the choice to, freedom to attend other schools than D.C. public schools . . . I just didn't feel that I wanted to put him in D.C. public school and I had the opportunity to take one of the scholarships, so, therefore, I can afford it and I'm glad that I did do that." (Cohort 1 Elementary School Parent, Spring 2008)

Another parent with two children in the OSP may have hinted at a reason achievement impacts were observed specifically in reading:

"They really excel at this program, 'cause I know for a fact they would never have received this kind of education at a public school . . . I listen to them when they talk, and what they are saying, and they articulate better than I do, and I know it's because of the school, and I like that about them, and I'm proud of them." (Cohort 1 Elementary School Parent, Spring 2008)

These parents of OSP students clearly see their families as having benefited from this program.

#### *Previous Voucher Research*

The IES evaluation of the DC OSP adds to a growing body of research on means-tested school voucher programs in urban districts across the nation. Experimental evaluations of the achievement impacts of publicly funded voucher and privately funded K–12 scholarship programs have been conducted in Milwaukee, New York City, the District of Columbia, Charlotte, North Carolina, and Dayton, Ohio. Different research teams analyzed the data from New York City (three different teams), Milwaukee (two teams), and Charlotte (two teams). The four studies of Milwaukee's and Charlotte's programs reported statistically significant achievement gains overall for the members of the treatment group. The individual studies of the privately funded K–12 scholarship programs in the District of Columbia and Dayton reported overall achievement gains only for the large subgroup of African American students in the program. The three different evaluators of the New York City privately funded scholarship program were split in their assessment of achievement impacts, as two research teams reported no overall test-score effects, but did report achievement gains for African Americans; the third team claimed there were no statistically significant test-score impacts overall or for any subgroup of participants.

The specific patterns of achievement impacts vary across these studies, with some gains emerging quickly, but others, like those in the OSP evaluation, taking at least three years to reach a standard level of statistical significance. Earlier experimental evaluations of voucher programs were somewhat more likely to report achievement gains from the programs in math than in reading—the opposite of what was observed for the OSP. Despite these differences, the bulk of the available, high-quality evidence on school voucher programs suggests that they do yield positive achievement effects for participating students.

#### CONCLUSIONS

School voucher initiatives such as the District of Columbia Opportunity Scholarship Program will remain politically controversial in spite of rigorous evaluations such as this one, showing that parents and students benefited in some ways from the program. Critics will continue to point to the fact that no impacts of the program have been observed in math, or that applicants from SINI schools, who were a service priority, have not demonstrated statistically significant achievement gains at the subgroup level, as reasons to characterize these findings as disappointing. Certainly the results would have been even more encouraging if the high-priority SINI students had shown significant reading gains as a distinct subgroup. Still, in my opinion, the bottom line is that the OSP lottery paid off for those students who won it. On average, participating low-income students are performing better in reading because the federal government decided to launch an experimental school choice program in our nation's capital.

The achievement results from the D.C. voucher evaluation are also striking when compared to the results from other experimental evaluations of education policies. The National Center for Education Evaluation and Regional Assistance (NCEE) at the IES has sponsored and overseen 11 studies that are RCTs, including the OSP

evaluation. Only 3 of the 11 education interventions tested, when subjected to such a rigorous evaluation, have demonstrated statistically significant achievement impacts overall in either reading or math. The reading impact of the D.C. voucher program is the largest achievement impact yet reported in an RCT evaluation overseen by the NCEE. A second program was found to increase reading outcomes by about 40 percent less than the reading gain from the DC OSP. The third intervention was reported to have boosted math achievement by less than half the amount of the reading gain from the D.C. voucher program. Of the remaining eight NCEE-sponsored RCTs, six of them found no statistically significant achievement impacts overall and the other two showed a mix of no impacts and actual achievement losses from their programs. Many of these studies are in their early stages and might report more impressive achievement results in the future. Still, the D.C. voucher program has proven to be the most effective education policy evaluated by the federal government's official education research arm so far.

The experimental evaluation of the District of Columbia Opportunity Scholarship Program is continuing into its fourth and final year of studying the impacts on students and parents. The final evidence collected from the participants may confirm the accumulation of achievement gains in reading and higher levels of parental satisfaction from the program that were evident after three years, or show that those gains have faded. Uncertainty also surrounds the program itself, as the students who gathered on Freedom Plaza in May currently are only guaranteed one final year in their chosen private schools. What will policymakers see as they continue to consider the results of this evaluation? The educational futures of a group of low-income D.C. schoolchildren hinge on the answer.

Senator DURBIN. Senator Collins.

STATEMENT OF SENATOR SUSAN COLLINS

Senator COLLINS. Thank you, Mr. Chairman.

Mr. Chairman, let me first thank you for holding this important oversight hearing. We do need accountability, transparency, and oversight. That is the only way we're going to be able to determine what the impact of the Federal investment that we've made is producing. So, I completely support your efforts to get as much data and information as possible. That's absolutely critical.

The key leaders involved in transforming the District of Columbia's education system are here today to discuss their visions and their plans for fixing the city's broken school system. Many, like Chancellor Michelle Rhee, are working night and day to reform D.C.'s schools, always with a relentless focus on what is best for the students. And that has to be our concern and our motivation.

There is, as the chairman has indicated, much work to be done. According to the Federal Department of Education, the District's per-pupil expenditures are the third highest in the Nation, but that large investment is bearing little fruit. The Department of Education's National Assessment of Education Progress ranks the District's schools dead last in the Nation. That is a disgrace, that in the capital city of our great Nation we are so failing the students who live here.

According to 2007 data, only 14 percent of fourth graders are reading and calculating at a proficient level. For eighth graders, only 8 percent are reading at a proficient level, while 12 percent are proficient at math. D.C.'s students' SAT scores are some of the lowest in the Nation. The D.C. graduation rate, as the chairman's indicated, is less than 50 percent, compared to a national average graduation rate of nearly 70 percent. If past is prologue, only 9 percent of D.C. students entering the ninth grade will complete a college degree.

These low standings and poor test scores stand in stark contrast to the amount of per-pupil spending in the District. According to the information I have, the District spent \$15,500 per pupil last year. That's far greater than the national average of \$9,600. Compared to the rest of the country, the District is spending \$6,000 more per student, and getting a fraction of the results.

It's so troubling to me that one-third of the public schools in the District have no art or music education programs. Many school facilities remain open even though they are run down or perhaps even unsafe. And that's why I support the chairman's insistence that, no matter where these students are going to school, there should be inspections to make sure they're in safe facilities.

And we've seen the results of these educational failures. It contributes to the very high adult illiteracy rate in the District.

Mr. Chairman, I've cited these grim statistics, not because I think this is hopeless; I'm not pessimistic about the future, or our ability to change these schools—but because I want this hearing to be a clarion call for action. This dire situation demands our urgent attention, and I know that every one of us here is united toward the common goal, even if we may disagree about how to get here.

I support the Chancellor's ambitious plans. I'm eager to hear more details and what she needs to accomplish her goals.

D.C. charter schools are offering an alternative. It's very telling to me that 28,000 students and parents have chosen charter schools because they're so dissatisfied with their neighborhood schools. I think that's an impressive figure, given that the first charter school was established in the District only about a dozen years ago. But, the chairman's right, those schools should be providing us with information. We need more transparency.

And, as the chairman has indicated, almost 2,000 low-income D.C. schoolchildren are participating in the federally funded program to use scholarships to attend 58 different private schools throughout the city. Now, I don't think that vouchers are a panacea. And in some areas of the country, they're not appropriate at all. But, in this case, they do provide an innovative way to offer children in the District better educational opportunities, and that is why I support them.

I've talked to parents who have told me how the opportunity scholarships have changed the lives of their children and of their families.

We have had the first evaluation. I view it more favorably than does my friend and colleague. I think it is significant that there have been gains in reading, of 3 months. That's a significant change. And unlike the voucher programs in many other cities, we see tangible results. I will also say that it takes awhile, that you don't see these results overnight, that the first year is usually a transition year, where you don't see the gains.

So, I think all of us have the same goals. Let's get there together. When youngsters lose a chance to receive a good education, to receive even a decent education, we are consigning them to a lifetime of limited choices and poor opportunities, and I can't live with that for the capital city of our country. And that's why I support the three-pronged approach. Let's improve our public schools, let's support our charter schools, and let's give the opportunity for D.C.

scholarships to private schools so that we can give a better education to more of the students in this city.

Thank you, Mr. Chairman.

Senator DURBIN. Thank you, Senator Collins.

Senator Alexander, do you have an opening statement?

I'm sorry, Senator Landrieu. I didn't see you come in. I apologize.

Senator LANDRIEU. That's perfectly fine, and I do have just a few comments.

STATEMENT OF SENATOR MARY L. LANDRIEU

Senator LANDRIEU. First, I want to begin by thanking you, Mr. Chairman and the ranking member, for your excellent opening statements. Very thoughtful, very passionate, and both very, very encouraging.

And I know if there's any subcommittee that can take this on and structure in a way that can unite us in our common goal to—as the—both of you just said—to give every child a fighting chance for a decent education as quickly as we can possibly do it, this subcommittee can. And the Senators—Senator—no one has taken a greater interest or spent more time. I happen to sit next to Senator Durbin in the Appropriations Committee, so I am an expert on this subject because I hear what he says both on and off the record, and I know this is of great concern to him, and I so admire his leadership.

So, I'm going to submit the rest of my statement for the record. But—I would like to submit for the record the excellent documentation presented on behalf of the charter schools in the District of Columbia that have only second in number to the city of New Orleans, where we're experiencing tremendous gains in opportunities through choice, Senator Durbin, in public school choice, in terms of outstanding test scores, parental satisfaction, the ability to repeal or take back charters if they're not working, so the accountability that you spoke about seems to be there, but we could also improve.

But, I am concerned about the building issue, always have been, for charter schools, the restriction on public buildings for charter schools, and their safety, and—et cetera.

So, I'm not going to take more time, because I want to hear the panel. I'll submit my statement to the record.

But, I just want to thank you both for your attention and your support.

Senator DURBIN. Without objection, your statement will be included. Thank you, Senator Landrieu.

Senator Alexander.

STATEMENT OF SENATOR LAMAR ALEXANDER

Senator ALEXANDER. Thanks, Senator Durbin.

I, too, want to thank you for the hearing. And I know your deep interest in this, and strong feelings about it. And I think the more oversight we have, the more accountability we have, the more likely these programs are to succeed. So, I welcome this. And I think we should have them regularly. I don't know how often that is, but I think this is a very good thing. I thank you for it, and I thank you for the way you're approaching it.

And I thank Senator Collins for her statement. And I know of Senator Landrieu's pioneering work in New Orleans on charter schools.

I would say these things, quickly. On the test, which was the subject of Senator Durbin and my having a spirited discussion in the Appropriations Committee, I hope some of you will talk about the Stanford Achievement Test that the voucher students take—the opportunity scholarship takes. As I understand it, it was required by the U.S. Department of Education at the time this program was started, and it was the test the D.C. schools were using at the time, and then the D.C. schools changed their test. But, let's put that to the side for the moment.

I know the charter schools work, because I've seen them work, and I've been in—I was with Secretary Arne Duncan the other day, who I—I don't think President Obama's made a better appointment than Arne Duncan, the Secretary of Education. I went with him to a charter school in Memphis, where I'd visited 5 years ago, and these were kids who were least likely to succeed. They were taken from failing schools, all minority kids. I went in there on the Easter holidays, and they were in school; 8th graders taking 10th grade AP biology tests. Nobody else in the State was doing that—taking those courses during Easter weekend. Last week, when Secretary Duncan and I were there—they're all graduating this year. So, they're great success stories.

So, the question is, Are they working here? That's what we're here to try to find out—not whether they're good ideas or bad ideas. And I think voucher programs can work, in appropriate places.

We have our biggest pilot program—it's something we call American higher education. You know, we spend \$18 or \$20 billion a year on what we call—on Pell grants, those are vouchers—and we have \$75 billion in student loans, those are vouchers, and they follow students to Catholic University, American University, Brigham Young, all sorts of schools. And they not only provide opportunity, they've provided what is inarguably the greatest system of higher education in the world. So, I've always wondered, if it works so well in higher ed, why don't we try it more often in elementary and secondary education?

So, the question is not whether vouchers are good or bad idea, but whether the opportunity scholarship is working here.

So, I really do appreciate, Senator Durbin, your having the hearing, and I'm interested in learning as much as I can today.

I thank the witnesses for coming.

Senator DURBIN. Thank you very much.

I welcome the first panel. And I would like, at this point, to introduce Michelle Rhee, the Chancellor of the D.C. public schools. I understand she has some scheduling challenges, so we are going to try to move quickly through the panel and direct our questions to you.

Chancellor, please proceed.

**STATEMENT OF MICHELLE RHEE, CHANCELLOR, DISTRICT OF COLUMBIA PUBLIC SCHOOLS**

Ms. RHEE. Good afternoon, Chairman Durbin, Ranking Member Collins, and members of the subcommittee.

I'm honored to testify today about the use of Federal funds to support education reform in the District of Columbia public schools.

Beginning in June 2007, with less than 15 percent of students on grade level in math and reading, and with 70 percent of our children living in poverty, Mayor Fenty set an ambitious goal for our Nation's capital, to address poverty through the education of the city's children. With a great sense of urgency, and as part of the city's larger plans, DCPS aims to create an entire school district in which academic achievement matches or exceeds that of the suburbs.

Data indicates that, despite facing sobering statistics of low performance, individual schools in urban districts have accomplished proficiency rates of 90 percent or greater, even in the poorest of neighborhoods and the most challenging of circumstances.

With Federal support, we are moving quickly, but intentionally, to accomplish this goal on a District-wide scale. Our ambition is backed by more than just a belief in justice in education for all children, regardless of race, socioeconomic circumstance, or individual learning needs. It is backed by the researched best practices that have narrowed racial achievement gaps in other cities, and we have begun to do so for the first time in our Nation's capital.

Also understanding that nobody has yet definitively solved the problems of urban education, we are adding targeted innovations to these practices, strategically attacking the most persistent challenges to student achievement from every viable angle.

**DCPS ACHIEVEMENTS**

Federal funds have been well spent in the last 2 years. For the second year in a row, DCPS students have achieved significant gains on our annual standardized test, the D.C. Comprehensive Assessment System, or the DC-CAS. Such gains are unusual in the second year of a new administration, especially after significant first-year gains, so we are pleased that in 2009, continuing the trend of District-wide achievement in 2008, our principals and teachers drove growth across all grade levels, and in both reading and mathematics.

In just 2 years, students have narrowed the achievement gap in secondary math by 20 percentage points, from a 70-percent gap to a 50-percent gap. And the gap has also narrowed across all grade levels and subject areas. In fact, virtually every subgroup of students increased proficiency rates this last year, including our students with special education needs, English language learners—ELLs—and economically disadvantaged students. ELL students, in fact, are outperforming the District as a whole in elementary reading now—elementary math and secondary math, with 20 percent gains in secondary reading over 2 years.

When Mayor Fenty took over the schools in 2007, only one-third of our students were on grade level in reading and mathematics. Today, this ratio has moved to one-half. Of course, the fact that only one-half of our students are proficient is not cause for celebra-

tion. But, given where we once were, this is evidence of progress and cause for hope.

I would like to highlight just a few priorities that Federal funding has supported in 2009 with \$40 million, and that we have requested for 2010 with \$42.2 million. I will be happy to answer any questions afterward about the more detailed documents previously submitted.

In anticipating District needs for 2009, we were cognizant of the significant front-end support that would be necessary to turn the District from 15 percent proficiency to 90 percent proficiency in future years. Projected in 2007, before a thorough assessment of the school system was complete, we are pleased that the majority of the reforms we anticipated for 2009 progressed as planned, some even ahead of schedule.

#### JUMP START FUNDING

Our 2009 initial request also included additional Federal support to jumpstart the system, and we have actualized these plans in a number of ways.

First, principal recruitment and training. We've replaced 46 principals in the 2008–2009 school year, and 20—another 26 in the 2009–2010 school year. That means we've had a turnover of about one-half of the principals in the system over the course of this last 2 years.

The second is new school programs in high-need areas. We've added programs and access to early childhood education, adding Reggio Emilia programs that are similar to Montessori. We've added the schoolwide application model, or SAM model, to improve the delivery of special education services. And we also used Federal funds to hire turnaround partners for failing schools.

After discovering 27 disconnected data systems holding student information when we arrived in 2007, with 2009 Federal funds, as planned, we continue to overhaul our student information system with upgrades that will allow us to engage parents more fully in their students' progress.

#### DCPS REFORM

And also, obviously, one of the cornerstones of the reform, as we've stated in 2007, is to retain and attract the highest quality educators in every school, so incenting high achievement amongst our educators is a top priority.

Once we conducted an accurate data analysis about the state of the system, we adjusted our spending strategy to advance the priorities we had outlined in our projection, while also addressing related post-assessment needs. For example, we discovered inequities in resource allocation to students. This—some came from data, and some came from students themselves. Elementary school students in one of our poorest wards politely inquired to me whether it would be possible for them to have a music teacher, while school music programs in other more affluent wards flourished.

Obesity rates are highest in our low income neighborhoods, yet many schools in these neighborhoods did not have physical education teachers. Students with mental health challenges were in

schools without counselors, but with oversized—but we had an oversized central office staff.

We addressed these inequities immediately by revising the way school budgets were constructed, adopting a comprehensive staffing model to ensure that all students had access to art, music, and physical education teachers, as well as librarians, counselors, and full-time nurses.

One grandmother had recently moved her academically struggling grandson from a charter school to Plummer Elementary School, which received the full comprehensive school model as a high-need school. Happy about the help her grandson is receiving, she shared her experience with us. From her quote, “The principal got the reading specialist to come to our house, the psychologist came to our house. He got a math tutor. The school makes you feel wanted.”

Federal funds helped to expand this equity throughout the comprehensive school model, and other ways, including theme schools for more parents when their neighborhood school is failing, and increasing instructional time to address the 70 percent achievement gap we discovered in some schools and subject areas.

We are grateful for the Federal funds that have been brought to us at this point, and now, beginning the 2009–2010 school year, we are entering an exciting new phase in which the hard work of the past 2 years is now hitting schools and classroom instruction, where our focus belongs.

I know I’m running out of time, and we want to get to the questions, so I just want to highlight a few things that the 2010 money will be used for.

#### PROPOSED USE OF REQUESTED FUNDING

First, there’s a lot of discussion these days about how—what the right way to evaluate teachers is. And we really believe in holding teachers accountable, and using student achievement gains and test scores as one part of the way that a teacher should be evaluated. But, it should not be the only lens through which we look at teacher effectiveness. So, we’re putting in place, this year, an incredibly comprehensive and new model for the evaluation of teachers, which will include a value-added assessment of how much gains in academic achievement a certain teacher sees in a given academic year, taking into account where their specific students started when they got them at the beginning of the year, and where they ended up when they left them at the end of the year.

We also are adding what we call master educators to the system, and these will be federally funded, as well. The way that this works is, we had teachers who were coming to us and saying that they didn’t trust the way the principals were evaluating them. They either had personal issues with the principal, or some people would say, “Look, I—my principal was a high school gym teacher, and I teach pre-K autistic kids.” You know, “My principal isn’t able to evaluate my practice particularly well.”

So, our master educators are 36 educators that we have recruited from across the country. They will be going into every single classroom of every single teacher across the city. There will be grade-level and subject-area experts, who are external from the school,



who will be able to do a peer evaluation of the teachers. So, that's something that we're really proud of.

#### DCPS INITIATIVES

A number of the other initiatives in 2010 will be turning around failing schools; using data to drive decisions in instructions; creating innovative incentives for students to excel in school; providing one-on-one support to students who need academic intervention; ensuring equity so that students in all wards have the resources they need; expand and improve early childhood education; and attract and reward strong principals and teachers.

I have put the rest of my testimony on record, so I'm happy to take any questions.

Senator DURBIN. And it will be part of the permanent record. Thank you very much.

[The statement follows:]

#### PREPARED STATEMENT OF MICHELLE RHEE

Good afternoon, Chairman Durbin, Ranking Member Collins, and members of the Committee. I am honored to testify today about the use of Federal funds to support education reform in the District of Columbia Public Schools.

Beginning in June, 2007 with less than 15 percent of students on grade level in math and reading<sup>1</sup> and with 70 percent of our children living in poverty, Mayor Fenty set an ambitious goal for our Nation's capital: To address poverty through the education of our city's children.

With a great sense of urgency and as part of the city's larger plans, DCPS aims to create an entire school district in which academic achievement matches or exceeds that of the suburbs. Data indicates that despite facing sobering statistics of low performance, individual schools in urban districts have accomplished proficiency rates of 90 percent or greater, even in the poorest of neighborhoods and the most challenging of circumstances.

With Federal support we are moving quickly but intentionally to accomplish this goal on a district-wide scale. Our ambition is backed by more than a belief in justice in education for all children, regardless of race, socioeconomic circumstance or individual learning needs. It is backed by the researched best practices that have narrowed racial achievement gaps in other cities and have begun to do so for the first time in our Nation's capital.

Also understanding that nobody has yet definitively solved the problems of urban education, we are adding targeted innovations to these practices, strategically attacking the most persistent challenges to student achievement from every viable angle.

#### POSITIVE SIGNS

Federal funds have been well spent in the past 2 years. For the second year in a row, DCPS students have achieved significant gains on our annual standardized test, the D.C. Comprehensive Assessment System, or D.C. CAS. Such gains are unusual in the second year of a new administration, especially after significant first-year gains. So we are pleased that in 2009, continuing the trend of district-wide achievement in 2008, our principals and teachers drove growth across all grade levels and in both reading and math.

#### GAINS AMONG NCLB SUBGROUPS

In just 2 years, students have narrowed the achievement gap in secondary math by 20 percentage points, from 70 percent to 50 percent, and the gap has narrowed across all grade levels and subject areas. In fact, virtually every subgroup of students increased proficiency rates this year, including our students with special education needs, English Language Learners (ELLs), and Economically Disadvantaged students. ELL students are outperforming the district as a whole in elementary reading, elementary math, and secondary math, with 20 percent gains in secondary reading over 2 years.

<sup>1</sup>National Assessment of Educational Progress, 2007.

When Mayor Fenty took over the schools in 2007, only one-third of our students were on grade level in reading and math. Today, this ratio has moved to one-half. Of course, the fact that only half our students are proficient is not cause for celebration; but given where we once were, this is evidence of progress and a cause for hope.

I would like to highlight just a few priorities that Federal funding has supported in 2009 with \$40 million, and that we have requested for 2010 with \$42.2 million. I will also be happy to answer any questions afterward about the more detailed documents previously submitted.

#### USE OF FEDERAL FUNDS IN 2009

In anticipating district needs for 2009 we were cognizant of the significant front-end support that would be necessary to turn a district from under 15 percent proficiency to over 90 percent proficiency in future years. Projected in 2007 before a thorough assessment of the school system was complete, we are pleased that the majority of the reforms we anticipated for 2009 progressed as planned, some even ahead of schedule (such as right-sizing the school district by closing under-enrolled schools). Our 2009 initial request also included additional Federal support to jump start the system, and we have actualized these plans in a number of ways:

—*Principal Recruitment and Training.*—After a nationwide aggressive principal recruitment campaign and competitive selection process that included community panels of the top candidates, we replaced 46 principals for the 2008–2009 school year and 26 in 2009–2010. We revamped our new principal orientations to better reflect adult learning and launched the Principals Academy to provide regular professional development support as well as the sharing of best practices among principals.

—*New School Programs in High Need Areas.*—We added a variety of programs backed by researched best-practices in 2008–2009 and 2009–2010. We expanded access to Early Childhood Education adding Reggio Emilia programs (similar to Montessori), added the Schoolwide Applications Model, or SAM, to improve the delivery of special education services. We also used Federal funds to turn around failing schools through partnerships with organizations that have successfully accomplished this in other districts.

—*Improved Data Reporting.*—After discovering 27 disconnected data systems holding student information—systems that did not communicate with one another—we found severe problems with DCPS data integrity, one of the most significant and unnecessary challenges we face. With 2009 Federal funds, as planned we continued to overhaul our student information system with upgrades that will allow us to engage parents more fully in students' progress.

We also began the process of creating a School Scorecard “a school report card” which we look forward to releasing in 2010. The Scorecard will contain the school performance data that parents and families prioritized in an extensive engagement process. This is a large step we have taken to increase transparency, accountability and parent engagement in reforms.

—*Incenting High Achievement.*—One of the cornerstones of reform we stated in 2007 is to retain and attract the highest quality educators to every school. In part this means providing competitive salaries, as well as rewards for results in student achievement gains. Our negotiations with the Washington Teachers Union continue in 2009, and we remain hopeful that we will achieve the goals projected in 2007 regarding teacher compensation. As we do, we can reward our hardworking and successful teachers and exit those from the system who, despite significant support, are either unable or unwilling to achieve student growth.

#### *Increasing Equity in Distribution of Resources in 2009*

Of course, once we conducted an accurate data assessment about the state of the system, we adjusted our spending strategy to advance the priorities we had outlined in our projection while also addressing related post-assessment needs. For example, we discovered inequities in resource allocation to students. Some came from data, and some from students themselves. Elementary school students in one of our poorest wards politely inquired whether it would be possible to have a music teacher while school music programs flourished in more affluent wards. Obesity rates are highest in our lowest-income neighborhoods, yet many schools in these neighborhoods did not have PE teachers. Students with mental health challenges were in schools without counselors but with oversized central office staff.

We addressed these inequities immediately by revising the way school budgets were constructed, adopting a Comprehensive Staffing Model (CSM) to ensure that all students had access to art, music, and PE teachers, as well as librarians, coun-

selors and nurses. One grandmother had recently moved her academically struggling grandson from a charter school to Plummer Elementary School, which received the full CSM model as a high-need school. Happy about the help her grandson is receiving, she shared her experience with us. “The principal got the reading specialist to come to our house. The psychologist came to our house. He got a math tutor. The school makes you feel wanted.”

Federal funds helped to expand equity through the CSM and other ways, including themed schools for more parents when their neighborhood school was failing, and increasing instructional time to address the 70 percent achievement gap we discovered in some schools and subject areas.

We are grateful for the Federal funds that have brought us to this point. Now at the beginning of the 2009–2010 school year, we are entering an exciting new phase in which the hard work of the past 2 years is now hitting schools and classroom instruction, where our focus belongs.

#### PLANS FOR REQUESTED FEDERAL FUNDS FOR 2010

As submitted to this body in June of this year, plans for 2010 Federal spending will fuel programs and strategies to continue expanding education equity, tailor the best practices that are effective in other districts to the needs of DCPS, and apply innovative solutions to the most stubborn challenges in urban education.

Teacher quality support represents the greatest funding request in 2010 of the \$42.2 million in 2010.

#### *Federal Funds To Improve Teacher Quality*

Children have been capable of doing their jobs through decades of systemic failure to educate them according to their rights and capabilities. The data is indisputable: Children from every background and circumstance have faced heartbreaking realities in the District of Columbia, and despite them they have learned to read, write, and do arithmetic.

They have not done it, however, without excellent teachers. The most important reforms we can make are those that retain, support and attract the people who move children from potential to achievement. The more teachers we have who are empowered to achieve these results, the faster DCPS will become a system that exits children with the skills they need to graduate from college, find employment, and move the next generations beyond poverty in the District of Columbia.

Without high quality educators the achievement gap will not close and DCPS children will not be educated according to the rights this Nation provides them. We must support a cadre of teachers that is singularly focused on student achievement, give them clear direction about what good teaching looks like, and reward them when they accomplish the gains we are asking them to reach with students.

#### *Compensation (\$10 Million)*

The school systems that most desperately need our Nation’s highest performers often have the most difficulty retaining, attracting and supporting such professionals through compensation that drives results. But with Federal support, a public school system could soon be able to compete with the private sector for attracting and retaining the best. In 2010, \$10 million of Federal dollars can support the first overhaul of human capital strategy with the use of incentive pay.

This is part of a wider strategic reform landing in schools this fall, which includes a new Teaching and Learning Framework aligned to a new performance assessment. Together they set clear expectations about what good teaching looks like and empower teachers to meet those expectations. The Framework and assessment are supported with a federally backed 400 percent increase in professional development, as well as a new master educator model to implement them both.

#### *Master Educators (\$2.8 Million)*

Assessing high-quality teaching effectively is one of the most challenging pursuits in education, and we sought input from teachers to create their new assessment as well as the master educator position. Through this process teachers expressed their concern about being assessed by only one person, as they felt that principals could use factors unrelated to performance to evaluate them unfairly. They wanted:

- An unbiased third party, separate from school politics and other factors, to assess their work.
- The assurance that the person assessing a teacher’s work would have expertise in his or her content area. For example, it would not be appropriate or helpful for a former PE teacher to be evaluating a special education teacher.
- Regular observations of classroom practice, rather than assessments based on a single observation, which has occurred in the past.

We have incorporated these priorities in the master educator role, recruiting content area experts who have faced and overcome teachings toughest obstacles. As a result, teachers are beginning to share their confidence that their work will be assessed through a fair and transparent process.

No public school district has yet accomplished this kind of overhaul in the way it attracts, recognizes and rewards its educators, who are the most powerful hope we have to address poverty through education in this country. With Federal support, our Nation's capital can be the first.

*Other 2010 Initiatives*

In addition to Federal funding to support teacher quality in 2010, we have prioritized a number of other critical initiatives to:

- turn around failing schools;
- use data to drive decisions and instruction;
- create innovative incentives for students to excel in school;
- provide one-on-one support to students;
- ensure equity so that students in all wards have the resources they need;
- expand and improve early childhood education; and
- attract and reward strong principals.

VISION MOVING FORWARD

The mayor and I both look back at the past 2 years of reform with gratitude for the hard work from tireless people across the city, work that has resulted in significant growth even before the deepest reforms have hit the system. With the shared effort of students, parents, teachers, principals, counselors, librarians and other school staff, concerned citizens and volunteers, business leaders willing to donate their funds and services, employees of city and Federal Government and agencies, and the members of this committee, we have begun to move what had not been moved for decades. We will continue to need this investment, whether of funding or of labor, of this dedicated community of people.

In order to continue on this promising but challenging path in 2010 and beyond, we must continue to believe in the potential of all children in D.C. to achieve at the same levels we expect from students in the suburbs, and we must continue to embrace our shared responsibility as adults to make it happen.

With a renewed respect for our students and what they can achieve, I look forward to continuing on this challenging path with confidence and hope. Thank you for hearing my testimony today. I welcome your questions.

Senator DURBIN. Josephine Baker is the executive director with the District of Columbia Public Charter School Board.

Thank you very much for joining us. Please proceed.

**STATEMENT OF JOSEPHINE BAKER, EXECUTIVE DIRECTOR, DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD**

Ms. BAKER. Good morning, Chairman Durbin and members of the subcommittee.

I'm Josephine Baker, executive director of the District of Columbia Public Charter School Board. I'm pleased to come before you today to discuss the use and impact of Federal appropriations provided to improve the education of children in the District of Columbia. We appreciate the support of the Federal Government in helping charter schools contribute to the reform of public education in the District of Columbia.

The D.C. Public Charter School Board was created in 1997, and is currently the only authorizer of public charter schools in the District of Columbia. The board began authorizing schools in 1998, and has since developed a comprehensive accountability system and oversight process that has become a model for authorizers throughout the United States. It provides important feedback for schools as they strive to meet the diverse needs of their students, and it informs parents and policymakers about how effectively students are being served in each school.

The Public Charter School Board's performance and accountability standards and measurements are used to ensure high quality charter schools and eliminate nonperforming schools.

Starting this month, we are taking charter school accountability one step further with the implementation of our performance management framework (PMF). The PMF, supported by a newly developed information technology infrastructure, will facilitate the evaluation of charter school performance based on common measures across all schools. The PMF will improve the public charter schools' ability to define high-, medium-, and low-performing and at-risk schools, and to clearly communicate the expectations, rewards, and consequences to schools, families, and communities. The key objective is to drive high-achieving schools to full potential, mediocre schools to high-achieving levels, and to eliminate low-performing schools.

The Public Charter School Board is the first authorizer to implement this model for charter school accountability, and it was developed with funding from the Dell and Gates Foundation. The new developed technology structure is being implemented with funds from the Walton Foundation.

In school year 2009–2010, D.C. public charter schools expect to serve about 38 percent of all public school children in the District of Columbia. Since 2004 we have seen significant growth in the number of charter schools, from 22 schools to 57 schools today, on 99 campuses, offering an array of programs and specialties. During this time, the student population has grown from 10,019 to approximately 28,000 for this current school year. You will see a growth chart in your packet.

[The information follows:]

#### TABULATED GROWTH DATA

Year	2004	2005	2006	2007	2008	2009	2010E
# of Schools .....	22	26	34	37	56	60	57
# of Campuses .....	29	35	43	57	82	94	98
Student Population .....	10,019	11,439	12,915	14,580	21,866	25,568	28,043
# of Employees .....	8	11	12	14	19	23	24
Students/Emp .....	1,252	1,040	1,076	1,041	1,151	1,112	1,168
Schools/Emp .....	2.8	2.4	2.8	2.6	2.9	2.6	2.4
Campuses/Emp .....	3.6	3.2	3.6	4.1	4.3	4.1	4.1

#### ANNUALIZED PERCENTAGE INCREASE

[In percent]

Year	2004	2005	2006	2007	2008	2009	2010E
# of Schools .....	N/A	18	31	9	51	7	-5
# of Campuses .....	N/A	21	23	33	44	15	4
# of Students .....	N/A	14	13	13	50	17	10
# of Employees .....	N/A	38	9	17	36	21	4

DC PUBLIC CHARTER SCHOOL BOARD—FISCAL YEAR 2010 FEDERAL PAYMENT FOR PUBLIC CHARTER SCHOOLS PROPOSED SPENDING PLAN  
 (Spending plan by category)

Fund amount	Managing organization	Fiscal year 2009 amount	Variance
\$4,500,000	OSSE	\$4,500,000	
1,750,000	OSSE	3,250,000	(\$1,500,000)
750,000	OSSE	750,000	
5,000,000	OSSE		5,000,000
2,000,000	OSSE	3,500,000	(1,500,000)
14,000,000		12,000,000	2,000,000
600,000	OSSE	600,000	
600,000	OSSE	600,000	
1,750,000	OSSE	5,000,000	(3,250,000)
145,000	PCSB		145,000
130,000	PCSB		130,000
450,000	PCSB		450,000
400,000	PCSB		400,000

**Facilities:**

Revolving Direct Loan Fund: These funds will be used to provide public charter schools with low interest loans to assist them with facilities acquisitions and renovation.  
 City Build Initiative: City Build is a joint neighborhood revitalization and education initiative that aims to build strong communities by providing quality school choices to strategic neighborhoods. The ultimate goal of City Build is to attract and retain residents to strengthen DC communities. These funds will provide grants to support the development of quality public charter school facilities in targeted DC neighborhoods.  
 Facilities Technical Assistance Program (F-Tap): This program will provide public charter schools with support in the areas of new facility project planning and real estate finance. Support may be provided in the form of small grants to fund planning and pre-construction, and/or to qualified firms to provide direct technical support to schools.  
 \$5 million to help restore facilities funding  
 Public Facility Grant Support: These funds will be provided to cover the costs of renovating public facilities leased to public charter schools.

**Total facilities**

**Charter school quality:**

Sector Support Grants: These funds will support uses that will enhance the quality of new and existing schools through: innovative human capital initiatives; performance measurement tools; school improvement activities; and improved school governance.  
 Innovative Incentive Fund: This fund will provide competitive grants to schools to adopt or implement an evidence-based model, program, or promising practice that will increase student achievement.  
 Replication Fund: The purpose of this fund is to induce existing Charter Management Organizations and entrepreneurial education initiatives to expand within and into the District charter sector by providing growth capital, program start-up grants, and/or investments through investment intermediaries.  
 Governance: Funds will be used to assist schools with improving their governance practices  
 Leadership: Funds will be used to provide leadership coaching and/or development  
 NCLB Technical Assistance: The purpose of this funding initiative is to integrate PCSB practices (i.e., reviews and audits) with policy (i.e., corrective action and restructuring policies) to promote and facilitate a process for systemic reform within public charter schools. The goals of the project are to reduce the number of schools in improvement (as defined by NCLB) and increase the capacity of charter schools to effectively implement school-based management models. The initiative is designed to provide charter schools with a balanced and comprehensive approach to meeting the standards for school performance without imposing unrealistic, uninformed, and  
 Incentives for high performing schools per result of the Performance Management Framework

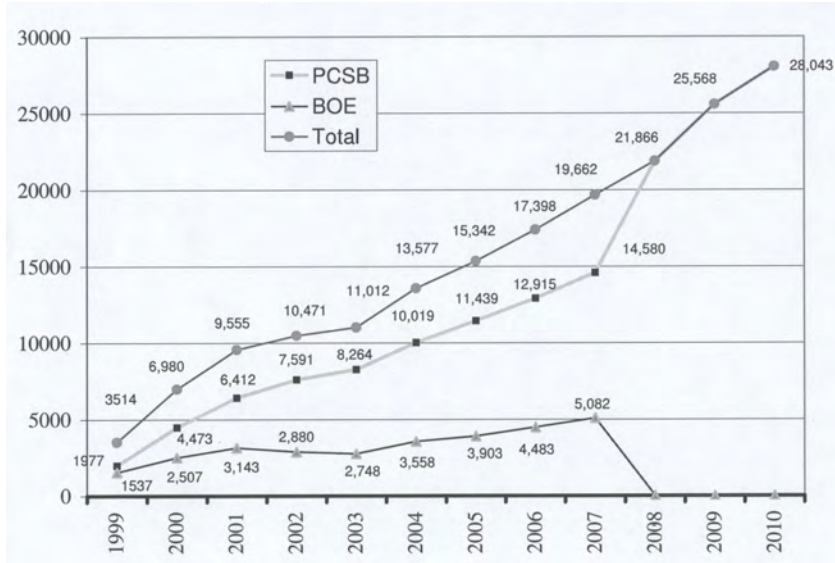
Financial Workshops—Platform: Funds will be used to develop as many as five (5) financial workshops to address the five fiscal management criteria outlined in the July 2008 edition of the PCSB fiscal policy handbook. One additional workshop would be created to address audited financial statements and guideline. The first workshop would be Accounting and Budget Processing which would focus on how planning, assessment, and budgeting are linked to achieve a school's vision and goals.	125,000	PCSB .....	.....	125,000
Financial Systems Support: Funds will be used to aid in the improvement of certain operational capacities of selected charter schools. The services of auditors, CPAs, financial consultants, etc. would be obtained to assist the schools with monitor actual revenues and expenditures, long term financial planning process, development of internal controls and grants management.	100,000	PCSB .....	.....	100,000
Total charter school quality .....	4,300,000	.....	6,200,000	(1,900,000)
Unmet needs: Special Needs Compliance and Service: To provide technical assistance and professional development to schools, including but not limited to complying with local and Federal mandates, managing related services and providers, facilitation of shared itinerant service providers, and development of a clearinghouse for current research on innovative special education and ELL practices.	550,000	OSSE .....	650,000	(100,000)
Flexible Funds: These grants will be provided to campuses that have not received a prior "flexible funds" grant to pick from a menu of pre-approved uses. These funds may also be used to provide small competitive grants (\$250-\$1,000) based on proposals crafted at the classroom level.	300,000	OSSE .....	350,000	(50,000)
Charter School Integration: These funds will be used to seed and expand efforts to ensure that the charter school sector is able to access District-funded resources where shortages exist, and to develop increased awareness and participation of charter schools in District-wide initiatives.	225,000	OSSE .....	250,000	(25,000)
Total unmet needs .....	1,075,000	.....	1,250,000	(175,000)
Program administration: OSSE Administration Costs: These funds will be allocated to the Office of Public Charter School Financing and Support within OSSE for the costs associated with administering and overseeing the above programs and funds.	500,000	OSSE .....	550,000	(50,000)
PCSB Administration Costs: These funds will be allocated to the Office of Public Charter School Financing and Support within OSSE for the costs associated with administering and overseeing the above programs and funds.	125,000	PCSB .....	.....	125,000
Total program administration .....	625,000	.....	550,000	75,000
Total .....	20,000,000	.....	20,000,000	.....

**ANNUALIZED AUDITED ENROLLMENT FIGURES PCS**

[Fiscal years 1999-2009]

School year	1998-1999	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10
Fiscal year	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
PCSB .....	1,977	4,473	6,412	7,591	8,264	10,019	11,439	12,915	14,580	21,866	25,568	28,043
BOE .....	1,537	2,507	3,143	2,880	2,748	3,558	3,903	4,483	5,082	.....	.....	.....
Total .....	3,514	6,980	9,555	10,471	11,012	13,577	15,342	17,398	19,662	21,866	25,568	28,043
Annualized growth (#) .....	.....	3,466	2,575	916	541	2,565	1,765	2,056	2,264	2,204	3,702	2,475
Annualized growth (percent) .....	.....	99	37	10	5	23	13	13	13	11	17	10



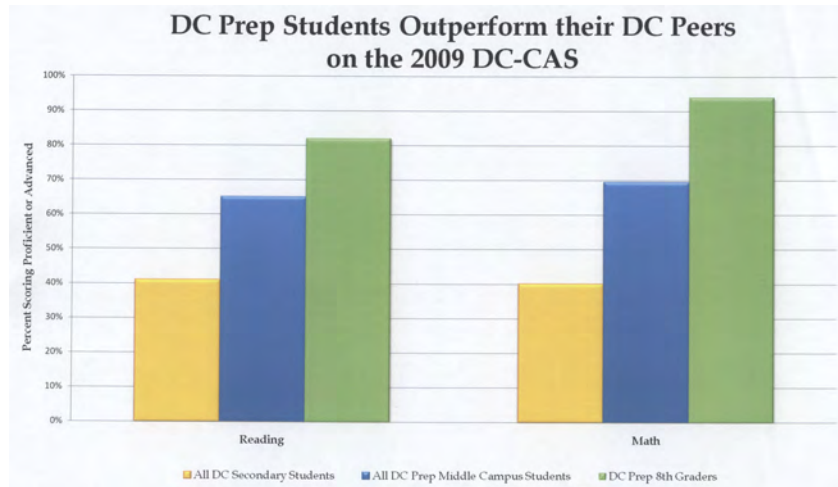


PUBLIC CHARTER SCHOOLS CLOSED SINCE FISCAL YEAR 2004

School name	Authorizer	Year closed	Primary reason for closure	Secondary reason for closure
Southeast Academy	PCSB	2005	Poor academics	None
Sasha Bruce	PCSB	2006	Poor finance/operations	None
New School	PCSB	2006	Poor academics	Poor governance
Jo-Arz	BOE	2006	Poor finance/operations	None
Tri-Community	PCSB	2008	Poor academics	Poor governance
Hope Academy	PCSB	2008	Poor finance/operations	None
Barbara Jordan	BOE	2009	Poor finance/operations	Poor academics
City Lights	BOE	2009	Poor finance/operations	None
MEI Futures	PCSB	2009	Poor academics	Poor finance/operations
ABC	PCSB	2009	Poor finance/operations	None

60 percent of PCS closed since 2004 where closed for financial reasons (ranging from mismanagement funds to insufficient cash balances).  
 40 percent of PCS closed since 2004 where closed for academic/programmatic reasons.

Ms. BAKER. We have seen a remarkable difference in the proficiency of students who have stayed in charter schools longer than those who are new to charter schools. For example, D.C. Prep eighth grade students outperform their peers on the DC-CAS city-wide. Many charter schools receive students who are several years below grade level and, in a short time, have brought these students to grade level.



Use of Federal funds, of course, is very important to the charter community. The majority of the Federal appropriation is directed to schools through the D.C. office of the State superintendent. The Public Charter School Board oversees how schools spend these funds appropriately. Since 2004, D.C. public charter schools have used their Federal appropriations on facilities financing, Federal grants that were designated for unmet needs, and school quality and program administration.

[The information follows:]

**SUMMARY OF FEDERAL PAYMENT ALLOCATION FOR DC PUBLIC CHARTER SCHOOLS**  
 [Fiscal years 2004–2009]

	Fiscal year 2004	Fiscal year 2005	Fiscal year 2006	Fiscal year 2007	Fiscal year 2008	Fiscal year 2009	Total
<b>Facilities Financing:</b>							
Direct Loan Fund .....	\$6,000,000	\$2,750,000	\$3,960,000	\$6,000,000	\$2,500,000	\$3,500,000	\$24,710,000
Credit Enhancement Fund .....	4,970,500	2,000,000	1,980,000	3,500,000	5,000,000	4,000,000	1,980,000
City Build .....	2,000,000	3,896,000	1,980,000	1,050,000	2,500,000	4,000,000	21,450,500
Charter School Incubator Initiative .....							3,896,000
Charter School Facilities Fund .....							7,030,000
Co-Location/Public Facilities .....							2,500,000
Special Facilities .....							500,000
Facilities Technical Assistance Program .....							
Subtotal Facilities Financing .....	12,970,500	8,646,000	9,900,000	10,550,000	10,000,000	12,000,000	62,066,500
<b>Unmet Needs and School Quality:</b>							
College Preparatory Program .....	2,000,000		396,000				2,000,000
College Access .....			247,500				396,000
Medicaid Billing .....			297,000				247,500
Tuancy .....			1,485,000				297,000
Data Collection .....							297,000
Flexible Funds .....					350,000	350,000	2,185,000
Special Programs .....					100,000		100,000
School Improvement .....					500,000		500,000
Charter Integration .....					300,000	250,000	550,000
Revolving Loan Fund .....					1,000,000		1,000,000
DC PCS Association .....	100,000						100,000
Special Needs Compliance and Services .....						650,000	650,000
Sector Support Grants .....						600,000	600,000
Innovation Incentive Fund .....						600,000	600,000
Replication Fund .....						5,000,000	5,000,000
Incentive Awards .....		2,000,000		870,000	400,000		3,270,000
Quality Initiative .....				1,000,000			1,000,000
Subtotal, Unmet Needs and Quality .....	4,100,000	2,722,500	2,722,500	1,870,000	2,650,000	7,450,000	18,792,500
Administration and Rescission:							
Administrative Expenses .....		150,000	247,500	450,000	350,000	550,000	1,747,500

Federal Rescission .....	29,500	104,000	130,000	130,000	.....	.....	399,500
	29,500	254,000	377,500	580,000	350,000	550,000	2,141,000
Total .....	13,000,000	13,000,000	13,000,000	13,000,000	13,000,000	20,000,000	83,000,000

Ms. BAKER. D.C. charter schools have used most of the appropriations on facilities, because the limited funds they have received from the city have been insufficient to allow schools to find affordable buildings in D.C.'s real estate market. Schools have made good use of the unmet-needs designation of Federal grants for a variety of initiatives, including special-needs compliance, school improvement, college access and college prep programs, truancy, data collection, and technical assistance and professional development to school leaders for compliance with local and Federal mandates. We've seen significant results over the past 5 years—students' progress on standardized tests, improved student outcomes for graduation rates—88 percent in 2008—and college acceptance of 80 percent in 2009. I would also say that the college attendance rate is extremely high, and—in the 80s, as well.

Enhanced and improved facilities with state—with the state-of-the-art technologies and green space labs are also part of the improvement.

Improved responsibilities for stewardship of Federal dollars. The oversight process that we use clearly does follow how schools do spend their money. For 2010, Federal charter school funding will be spent in four areas: facilities, charter school quality, unmet needs, and program administration. Again, a spending plan is included in our packet.

As in the past the plan is for a majority of the request be used by OSSE to provide facilities financing, including low-interest loans to assist schools with facilities and renovation.

I see my time is about out. I would just say that we do appreciate your support, with—which indeed helps charter schools in continuing to be pacesetters, inspiring a collective rise in the quality of all public schools so that D.C. students and families will have difficulty choosing between many great school options.

Thank you for the opportunity in sharing this testimony, and I'll be happy to take your questions.

Senator DURBIN. Thank you, Ms. Baker.

[The statement follows:]

#### PREPARED STATEMENT OF JOSEPHINE BAKER

Good Morning Chairman Durbin and members of the subcommittee. I am Josephine Baker, executive director of the District of Columbia Public Charter School Board (PCSB). I am pleased to come before you today to discuss the use and impact of Federal appropriations provided to improve the education of children in the District of Columbia. We appreciate the support of the Federal Government in helping the charter schools contribute to the reform of public education in the District of Columbia.

#### ROLE OF PCSB AND GROWTH OF CHARTER SCHOOLS

The D.C. Public Charter School Board was created in 1997 and is currently the only authorizer of public charter schools in the District of Columbia. The board began authorizing schools in 1998, and has since developed a comprehensive accountability system and oversight process that has become a model for authorizers throughout the United States. It provides important feedback for schools as they strive to serve the diverse needs of their students, and it informs parents and policy makers about how effectively students are being served in each school. The board's current accountability system includes:

- Self-study reviews for first-year schools; program development reviews for schools after the first year; special education quality reviews, compliance reviews and financial management reviews for all schools; high school transcript

- reviews; and preliminary charter reviews for schools entering the fifth year of operations.
- Standardized test score analysis and NCLB report cards.
- Quarterly charter school leaders' meetings, and communications with school leaders, as needed, on local and Federal policy updates.
- Ongoing review of performance outcomes dictates board actions, which could include approval to expand, or sanctions leading to charter revocation.

#### OVERSIGHT AND ACCOUNTABILITY

The Public Charter School Board's performance and accountability standards and measurements are used to ensure high quality charter schools and eliminate non-performing schools. Starting this month, we are taking charter school accountability one step further, with the implementation of our new Performance Management Framework (PMF). The PMF, supported by newly developed information technology infrastructure, will facilitate the evaluation of charter school performance, based on common measures across all schools. These measures include absolute student achievement as well as student growth performance measures and indicators of readiness for high school and college, and non-academic measures, including governance, compliance with local and Federal laws, and financial management. Additionally, the framework measures achievement of mission-specific goals at each school.

The PMF will improve the PCSB's ability to define high, medium, low-performing and at-risk schools and to clearly communicate the expectations, rewards and consequences to schools, families and communities. This framework will allow the board to make clear judgments about school performance and better manage the portfolio of public charter school offerings. The key objective is to drive high-achieving schools to full potential, mediocre schools to high-achieving levels, and to eliminate low-performing schools. In addition, the PCSB will provide struggling schools with targeted support and allow high performing schools more freedom. The PCSB's previous accountability system was comprehensive but more focused on individualized evaluations of each charter school's annual performance.

Results of the review will be publicly available in fall 2010 and will provide the community with a comprehensive view of public charter schools' academic, fiscal, and governance performance. The Public Charter School Board is the first authorizer to implement this model for charter school accountability and it was developed with funding from the Dell and Gates foundations. The newly developed technology structure is being implemented with funds from the Walton Foundation.

#### GROWTH OF CHARTER SCHOOLS

D.C. public charter schools expect to serve 38 percent of all public school children in the District of Columbia. Since 2004 we have seen significant growth in the number of charter schools from 22 schools to 57 schools today on 99 campuses offering an array of programs and specialties. During this time, the student population has grown from 10,019 to approximately 28,043 for the current school year. We will have audited enrollment figures in January 2010. (See attached growth data and audited enrollment charts—Attachments A and B.)

The oldest of the charter schools has completed 12 years of operation. Many have made remarkable progress over time. Schools with unique missions such as Latin, bilingual, public policy, performing arts, and math, science and technology, are showing their value as students move on to other charter schools and college. We have also seen a remarkable difference in the proficiency of students who have stayed in charter schools longer between those that are new to charter schools. Many charter schools accept students who are several years below grade level and in a short time have brought the students to grade level. Others have struggled to progress in their start-up years, and must make significant progress in a short period of time in order to keep their charters. Several others have had their charters revoked, or closed voluntarily, because of poor academic and or financial performance.

#### USE OF FEDERAL FUNDS SINCE 2004

The majority of the Federal appropriation is directed to schools through the D.C. Office of the State Superintendent (OSSE). The PCSB oversees how schools spend those funds appropriately. Since 2004, D.C. public charter schools have used their Federal appropriations on facilities financing, Federal grants designated for unmet needs and school quality and program administration. (See the attached chart detailing the allocation—Attachment D.) D.C. charter schools have used most of their appropriations on facilities because the limited funds they receive from the city has been insufficient to allow schools to find affordable buildings in D.C.'s real estate

market. Schools have made good use of the unmet needs designations of Federal grants for a variety of initiatives including special needs compliance, school improvement, college access and college prep programs, truancy, data collection, and technical assistance and professional development to school leaders for compliance with local and Federal mandates.

#### RESULTS

We have seen significant results over the past 5 years.

- Student progress on standardized tests. In 2009, 79 percent of secondary schools showed reading gains of up to 26 points and 71 percent of secondary schools improved math scores by as much as 39 points. Sixty-one percent of elementary schools had reading gains of up to 29 points, while 57 percent of elementary schools had math gains of up to 33 points.
- Improved student outcomes on graduation rates (88 percent in 2008) and college acceptance (80 percent in 2009).
- Expansion of high performing schools to allow more children to attend.
- Enhanced and improved facilities with state-of-the-art technologies, green space and labs. A number of schools have built beautiful buildings in the middle of areas targeted for revitalization.
- Improved delivery of special education services.
- Improved responsible stewardship of Federal dollars.
- More effective information management which impacts operations and instructional efficiencies.
- Since 2004, 10 charter schools have closed for either poor academic performance or poor financial management and operations. Sixty percent of those schools closed for financial reasons ranging from mismanagement of funds to insufficient cash balances. The other 40 percent were closed because of low academic performance. (See attached list of charter school closed—Attachment E.) A total of 20 schools have closed since charter schools were first created in the District of Columbia.

#### PLANS FOR FISCAL YEAR 2010 FUNDS

In fiscal year 2010, Federal charter school funding will be spent in four areas: facilities, charter school quality, unmet needs and program administration. (See attached proposed spending plan—Attachment F.) As in the past, the plan is for a majority of the request to be used by OSSE to provide facilities financing including low interest loans to assist schools with facilities acquisitions and renovation. A portion of the facilities financing will be spent on a City Build Initiative, a joint neighborhood revitalization and education initiative that builds strong communities that will support quality school choices in targeted neighborhoods. Additionally, some of the facilities funding will be made available through grants to cover the costs of renovating public facilities leased to public charter schools.

The funds allocated to charter school quality will support enhancement of new and existing schools through teacher quality initiatives and to enhance leadership of school principals, performance measurement tools, school improvement activities, and improved school governance. Some of the funds will provide competitive grants to schools to adopt or implement an evidence-based model program that will increase student achievement. There are funds set aside for replication of high achieving schools by providing growth capital and program start-up grants. In addition, a portion of the funding will be allocated to No Child Left Behind technical assistance to help reduce the number of schools in improvement and increase the capacity of schools to implement school-based management models.

The funds set aside for unmet needs will cover special needs compliance and service including complying with local and Federal mandates. It will also create a flexible funds grant that will provide small competitive grants based on proposals crafted at the classroom level. These funds will allow for more charter school integration and ensure that the charter school sector is able to access District-funded resources where shortages exist.

Lastly, a small amount is set aside at both the State and authorizer level for program administration to oversee and administer these programs.

We appreciate your support which helps charter schools in continuing to be pace setters, inspiring a collective rise in the quality of all public schools, so that D.C. students and families will have difficulty choosing between many great school options. Thank you for the opportunity to share this testimony and I am happy to take your questions.



## ATTACHMENT A

## TABULATED GROWTH DATA

Year	2004	2005	2006	2007	2008	2009	2010E
# of Schools .....	22	26	34	37	56	60	57
# of Campuses .....	29	35	43	57	82	94	98
Student Population .....	10,019	11,439	12,915	14,580	21,866	25,568	28,043
# of Employees .....	8	11	12	14	19	23	24
Students/Emp .....	1,252	1,040	1,076	1,041	1,151	1,112	1,168
Schools/Emp .....	2.8	2.4	2.8	2.6	2.9	2.6	2.4
Campuses/Emp .....	3.6	3.2	3.6	4.1	4.3	4.1	4.1

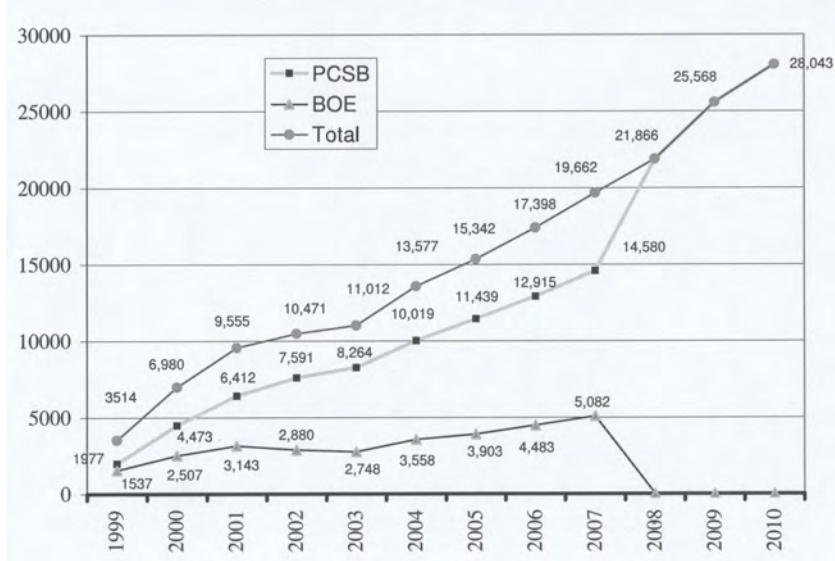
## ANNUALIZED PERCENTAGE INCREASE

[In percent]

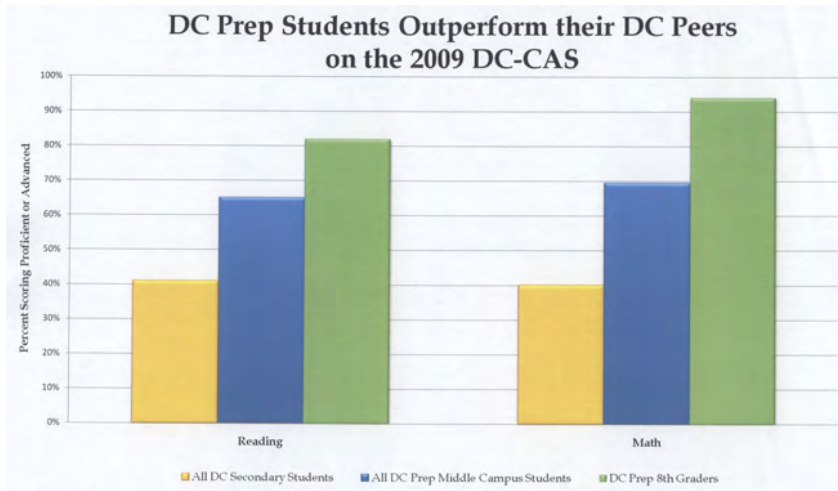
Year	2004	2005	2006	2007	2008	2009	2010E
# of Schools .....	N/A	18	31	9	51	7	-5
# of Campuses .....	N/A	21	23	33	44	15	4
# of Students .....	N/A	14	13	13	50	17	10
# of Employees .....	N/A	38	9	17	36	21	4

**ATTACHMENT B—ANNUALIZED AUDITED ENROLLMENT FIGURES PCS**  
 [Fiscal years 1999–2009]

School year	1998–1999	1999–00	2000–01	2001–02	2002–03	2003–04	2004–05	2005–06	2006–07	2007–08	2008–09	2009–10
Fiscal year	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
PCSB .....	1,977	4,473	6,412	7,591	8,264	10,019	11,439	12,915	14,580	21,866	25,568	28,043
BOE .....	1,537	2,507	3,143	2,880	2,748	3,558	3,903	4,483	5,082	.....	.....	.....
Total .....	3,514	6,980	9,555	10,471	11,012	13,577	15,342	17,398	19,662	21,866	25,568	28,043
Annualized growth (#) .....	.....	3,466	2,575	916	541	2,565	1,765	2,056	2,264	2,204	3,702	2,475
Annualized growth (percent) .....	.....	99	37	10	5	23	13	13	13	11	17	10



ATTACHMENT C



ATTACHMENT D—SUMMARY OF FEDERAL PAYMENT ALLOCATION FOR DC PUBLIC CHARTER SCHOOLS  
 [Fiscal years 2004–2009]

	Fiscal year 2004	Fiscal year 2005	Fiscal year 2006	Fiscal year 2007	Fiscal year 2008	Fiscal year 2009	Total
<b>Facilities Financing:</b>							
Direct Loan Fund .....	\$6,000,000	\$2,750,000	\$3,960,000	\$6,000,000	\$2,500,000	\$3,500,000	\$24,710,000
Credit Enhancement Fund .....	4,970,500	2,000,000	1,980,000	3,500,000	5,000,000	4,000,000	1,980,000
City Build .....	2,000,000	3,896,000	1,980,000	1,050,000	2,500,000	4,000,000	21,450,500
Charter School Incubator Initiative .....	2,000,000		1,980,000				3,896,000
Charter School Facilities Fund .....							7,030,000
Co-Location/Public Facilities .....							2,500,000
Special Facilities .....							500,000
Facilities Technical Assistance Program .....							
Subtotal Facilities Financing .....	12,970,500	8,646,000	9,900,000	10,550,000	10,000,000	12,000,000	62,066,500
<b>Unmet Needs and School Quality:</b>							
College Preparatory Program .....	2,000,000		396,000				2,000,000
College Access .....			247,500				396,000
Medicaid Billing .....			297,000				247,500
Tuancy .....			1,485,000				297,000
Data Collection .....				350,000			297,000
Flexible Funds .....				100,000			2,185,000
Special Programs .....				500,000			100,000
School Improvement .....				300,000			500,000
Charter Integration .....				1,000,000			1,000,000
Revolving Loan Fund .....							100,000
DC PCS Association .....	100,000						650,000
Special Needs Compliance and Services .....							600,000
Sector Support Grants .....							600,000
Innovation Incentive Fund .....							5,000,000
Replication Fund .....				870,000			3,270,000
Incentive Awards .....				1,000,000			1,000,000
Quality Initiative .....							
Subtotal, Unmet Needs and Quality .....	4,100,000		2,722,500	1,870,000	2,650,000	7,450,000	18,792,500
<b>Administration and Rescission:</b>							
Administrative Expenses .....		150,000	247,500	450,000	350,000	550,000	1,747,500

Federal Rescission .....	29,500	104,000	130,000	130,000	.....	399,500
	29,500	254,000	377,500	580,000	350,000	2,141,000
Total .....	13,000,000	13,000,000	13,000,000	13,000,000	20,000,000	83,000,000

**ATTACHMENT E—PUBLIC CHARTER SCHOOLS CLOSED SINCE FISCAL YEAR 2004 1 2**

School name	Authorizer	Year closed	Primary reason for closure	Secondary reason for closure
Southeast Academy .....	PCSB	2005	Poor academics	None
Sasha Bruce .....	PCSB	2006	Poor finance/operations ..	None
New School .....	PCSB	2006	Poor academics	Poor governance
Jo-Arz .....	BOE	2006	Poor finance/operations ..	None
Tri-Community .....	PCSB	2008	Poor academics	Poor governance
Hope Academy .....	PCSB	2008	Poor finance/operations ..	None
Barbara Jordan .....	BOE	2009	Poor finance/operations ..	Poor academics
City Lights .....	BOE	2009	Poor finance/operations ..	None
MEI Futures .....	PCSB	2009	Poor academics	Poor finance/operations
ABC .....	PCSB	2009	Poor finance/operations ..	None

160 percent of PCS closed since 2004 where closed for financial reasons (ranging from mismanagement funds to insufficient cash balances).  
 240 percent of PCS closed since 2004 where closed for academic/programmatic reasons.

**ATTACHMENT F—DC PUBLIC CHARTER SCHOOL BOARD—FISCAL YEAR 2010 FEDERAL PAYMENT FOR PUBLIC CHARTER SCHOOLS PROPOSED SPENDING PLAN**

[Spending plan by category]

Facilities:	Fund amount	Managing organization	Fiscal year 2009 amount	Variance
Revolving Direct Loan Fund: These funds will be used to provide public charter schools with low interest loans to assist them with facilities acquisitions and renovation.	\$4,500,000	OSSE .....	\$4,500,000	.....
City Build initiative: City Build is a joint neighborhood revitalization and education initiative that aims to build strong communities by providing quality school choices to strategic neighborhoods. The ultimate goal of City Build is to attract and retain residents to strengthen DC communities. These funds will provide grants to support the development of quality public charter school facilities in targeted DC neighborhoods.	1,750,000	OSSE .....	3,250,000	(\$1,500,000)

**ATTACHMENT F—DC PUBLIC CHARTER SCHOOL BOARD—FISCAL YEAR 2010 FEDERAL PAYMENT FOR PUBLIC CHARTER SCHOOLS PROPOSED SPENDING PLAN—**  
**Continued**  
 (Spending plan by category)

	Fund amount	Managing organization	Fiscal year 2009 amount	Variance
Facilities Technical Assistance Program (F-Tap): This program will provide public charter schools with support in the areas of new facility project planning and real estate finance. Support may be provided in the form of small grants to fund planning and pre-construction, and/or to qualified firms to provide direct technical support to schools.	750,000	OSSE	750,000	
\$5 million to help restore facilities funding	5,000,000	OSSE		5,000,000
Public Facility Grant Support: These funds will be provided to cover the costs of renovating public facilities leased to public charter schools.	2,000,000	OSSE	3,500,000	(1,500,000)
<b>Total facilities</b>	<b>14,000,000</b>		<b>12,000,000</b>	<b>2,000,000</b>
<b>Charter school quality:</b>				
Sector Support Grants: These funds will support uses that will enhance the quality of new and existing schools through: innovative human capital initiatives; performance measurement tools; school improvement activities; and improved school governance.	600,000	OSSE	600,000	
Innovative Incentive Fund: This fund will provide competitive grants to schools to adopt or implement an evidence-based model, program, or promising practice that will increase student achievement.	600,000	OSSE	600,000	
Replication Fund: The purpose of this fund is to induce existing Charter Management Organizations and entrepreneurial education initiatives to expand within and into the District charter sector by providing growth capital, program start-up grants, and/or investments through investment intermediaries.	1,750,000	OSSE	5,000,000	(3,250,000)
Governance: Funds will be used to assist schools with improving their governance practices	145,000	PCSB		145,000
Leadership: Funds will be used to provide leadership coaching and/or development	130,000	PCSB		130,000
NCLB Technical Assistance: The purpose of this funding initiative is to integrate PCSB practices (i.e., reviews and audits) with policy (i.e., corrective action and restructuring policies) to promote and facilitate a process for systemic reform within public charter schools. The goals of the project are to reduce the number of schools in improvement (as defined by NCLB) and increase the capacity of charter schools to effectively implement school-based management models. The initiative is designed to provide charter schools with a balanced and comprehensive approach to meeting the standards for school performance without imposing unrealistic, uninformed, and	450,000	PCSB		450,000
Incentives for high performing schools per result of the Performance Management Framework	400,000	PCSB		400,000
Financial Workshops—Platform: Funds will be used to develop as many as five (5) financial workshops to address the five fiscal management criteria outlined in the July 2008 edition of the PCSB fiscal policy handbook. One additional workshop would be created to address audited financial statements and guideline. The first workshop would be Accounting and Budget Processing which would focus on how planning, assessment, and budgeting are linked to achieve a school's vision and goals.	125,000	PCSB		125,000

Financial Systems Support: Funds will be used to aid in the improvement of certain operational capacities of selected charter schools. The services of auditors, CPAs, financial consultants, etc. would be obtained to assist the schools with monitor actual revenues and expenditures, long term financial planning process, development of internal controls and grants management.	100,000	PCSB .....	.....	100,000
Total charter school quality .....	4,300,000	.....	6,200,000	(1,900,000)
<b>Unmet needs:</b>				
Special Needs Compliance and Service: To provide technical assistance and professional development to schools, including but not limited to complying with local and Federal mandates, managing related services and providers, facilitation of shared itinerant service providers, and development of a clearinghouse for current research on innovative special education and ELL practices.	550,000	OSSE .....	650,000	(100,000)
Flexible Funds: These grants will be provided to campuses that have not received a prior "flexible funds" grant to pick from a menu of pre-approved uses. These funds may also be used to provide small competitive grants (\$250-\$1,000) based on proposals crafted at the classroom level.	300,000	OSSE .....	350,000	(50,000)
Charter School Integration: These funds will be used to seed and expand efforts to ensure that the charter school sector is able to access District-funded resources where shortages exist, and to develop increased awareness and participation of charter schools in District-wide initiatives.	225,000	OSSE .....	250,000	(25,000)
Total unmet needs .....	1,075,000	.....	1,250,000	(175,000)
<b>Program administration:</b>				
OSSE Administration Costs: These funds will be allocated to the Office of Public Charter School Financing and Support within OSSE for the costs associated with administering and overseeing the above programs and funds.	500,000	OSSE .....	550,000	(50,000)
PCSB Administration Costs: These funds will be allocated to the Office of Public Charter School Financing and Support within OSSE for the costs associated with administering and overseeing the above programs and funds.	125,000	PCSB .....	.....	125,000
Total program administration .....	625,000	.....	550,000	75,000
Total .....	20,000,000	.....	20,000,000	.....

Senator DURBIN. Gregory Cork is the CEO and executive director of the Washington Scholarship Fund.

Please proceed.

**STATEMENT OF GREGORY M. CORK, PRESIDENT AND CHIEF EXECUTIVE OFFICER, WASHINGTON SCHOLARSHIP FUND**

Mr. CORK. Thank you, Senator.

Good morning, Chairman Durbin, Ranking Member Collins, and distinguished members of the subcommittee.

My name is Gregory M. Cork, and I'm president and chief executive officer of the Washington Scholarship Fund, the nonprofit organization that administers the D.C. Opportunity Scholarship Program, otherwise known as the OSP.

It's my honor and privilege to appear before you today to discuss the profoundly positive impact of the OSP on the lives of the low-income D.C. students and families served through this landmark program.

I'm particularly grateful for this opportunity to sit alongside others from the D.C. education community who share a commitment to providing District children with genuine educational access and to addressing whatever challenges stand in the way of affording D.C. children the best possible education. We're supporters of options, after all, whatever works—whatever education works for a child and his or her family.

Simply stated, Mr. Chairman, the OSP has been a success, and of indisputable and lasting value to program participants. In fact, since the OSP's inception in 2004, several independent reports have confirmed that the program is working for low-income students—D.C.—low-income D.C. students and families.

In April of this year, the U.S. Department of Education released the latest in a continuing series of evaluation reports prepared by DOE's Institute of Education Sciences. This much-anticipated report builds on previous positive findings and confirms what parents and the OSP have known for years: OSP students are performing at higher academic levels than their peers who are not in the program, and are better off, by virtually every important measure, in their chosen schools.

Taken together, the DOE reports to date reflect that the OSP, as intended, is serving the District's most economically and educationally disadvantaged students and families, and shows that the choices afforded by the OSP are not only improving students' academic performance, but redefining their futures.

Also this year, the School Choice Demonstration Project, formerly within Georgetown University's School of Public Policy and now operated through the University of Arkansas, released its fourth and final report on the OSP. Once again, this report, using focus groups of low-income scholarship families to learn about their experiences in the program, showed that families are extremely satisfied with the OSP and the schools they have chosen, and with being given opportunities, in most cases for the first time ever, to choose schools they judged to be the best fit for their children.

According to the report, scholarship parents have "moved from the margins to the center of their child's academic development," and are finding improved safety in their chosen schools, stricter



discipline, smaller classes, values-based environments, enhanced curriculum, and effective support services such as tutoring and mentoring.

Perhaps most compelling: for the parents in the School Choice Demonstration Project study, participation in the OSP is providing benefits to families that “transcend their children’s education.” The report states that for most parents the OSP is an opportunity to lift the next generation of their family out of poverty.

Turning to WSF’s administration of the OSP, pursuant to the Choice Act, I’d like to highlight the fact that, in its implementation of the OSP since 2004, WSF has met each of the Choice Act’s or the authorizing statute’s three central priorities.

First, the OSP has prioritized students coming from schools identified as in need of improvement (SINI), or otherwise known as SINI schools. If not for the OSP, 86 percent of scholarship students would be attending D.C.’s lowest performing schools; that is, those in need of improvement, corrective action, or restructuring, as designated under No Child Left Behind.

Second, the OSP has served the needs of the lowest income D.C. families. To be initially eligible for the OSP, as the subcommittee knows, a family must be at or below 185 percent of the Federal poverty level, or about \$40,790 for a family of four in 2009, and must be at or below 200 percent of the poverty level, or about \$44,100, for a family of four in 2009, for their second and subsequent years of OSP participation. The—~~notwithstanding~~ the eligibility requirements, the average income of participating families in the 2008–2009 school year was only \$24,312, far below the eligibility requirement.

Third and finally among the priorities outlined in the statute, WSF has provided students and families with the widest range of educational options. In the course of WSF’s administration of the OSP, 78 of the 86 nonpublic schools in the District of Columbia, or about 80 percent, participated in the program.

Regarding WSF’s sound fiscal management of the OSP, I should emphasize that WSF received clean A–133 audits for each of the first 4 years of the OSP’s implementation—that is, 2005 through 2008—and fully anticipates a clean A–133 audit for the program’s fifth year, 2009.

In closing, Mr. Chairman, I’d like to add that it’s been my great privilege to serve as WSF’s president and CEO for the past 2-plus years. What we and our families together have accomplished through the OSP doubtless will resonate along the generational arcs of many hundreds of low-income D.C. families, families who, frankly, in the absence of the OSP, would have had few, if any, genuinely promising educational options.

I truly believe that education, after all, is everything. It is my great hope that we, as a city and a society, will continue to explore every available means of providing real educational opportunity to all of our children, regardless of their means or where they came from.

Thank you again, Mr. Chairman, for permitting me to address the subcommittee regarding WSF’s work in service to OSP students and families, who have benefited tremendously from the educational opportunities afforded them by this groundmaking pro-

gram. I look forward to continuing this discussion with the subcommittee, and would be pleased to take any questions you have—you might have now.

Senator DURBIN. Thank you, Mr. Cork.  
[The statement follows:]

PREPARED STATEMENT OF GREGORY M. CORK

INTRODUCTION

Good morning, Chairman Durbin, Ranking Member Collins, and distinguished members of the subcommittee: My name is Gregory M. Cork, and I am president and chief executive officer of the Washington Scholarship Fund (“WSF”), the non-profit organization that administers the D.C. Opportunity Scholarship Program (the “D.C. OSP” or the “OSP”).

It is my honor and privilege to appear before you today to discuss the profoundly positive impact of the D.C. OSP on the lives of the low-income D.C. students and families served through this landmark program. I am particularly grateful for this opportunity to sit alongside others from the D.C. education community who share a commitment to providing District children with genuine educational access, and to addressing whatever challenges stand in the way of affording D.C. children the best possible education.

The D.C. School Choice Incentive Act of 2003 (the “Choice Act”), the D.C. OSP’s authorizing legislation, was enacted in January 2004 as part of a \$40 million “three-sector” education reform package that allocated equal funding to traditional D.C. public schools, to D.C. public charter schools, and to the D.C. OSP. The Choice Act—designed “to assist low-income parents to exercise choice among enhanced public opportunities and private educational environments”—targets D.C.’s lowest-income families (those at or below 185 percent of poverty), with a specific priority on students attending D.C. “schools in need of improvement” (“SINI” schools). A critical element of the Choice Act is the law’s mandate for a rigorous Federal evaluation, which measures the OSP’s impact in terms both quantitative (i.e., students’ academic progress) and qualitative (i.e., participating families’ satisfaction with the program).

The results of the Federal evaluation, conducted by the U.S. Department of Education’s (“DOE”) Institute of Education Sciences (“IES”), have established that students participating in the D.C. OSP are making real and significant academic gains. The IES and other independent studies also report that parents are overwhelmingly satisfied with the schools they have chosen for their children and with the scholarship program itself, and that they see marked improvements in their children’s attitudes towards school, approaches to homework, and general learning habits. These same studies further report that OSP parents are learning to evaluate schools not just on criteria related to safety, but also on the content of the schools’ academic programs—that is, OSP parents are meaningfully participating in their children’s educations, and they are making good choices on behalf of their children. Indeed, according to these reports, parents view the D.C. OSP as a way to lift the next generation of their families out of poverty.

Overall, in its implementation of the D.C. OSP since 2004, WSF has met each of the three priorities set forth in the Choice Act: Through the OSP, WSF has prioritized and served students coming from schools identified as in need of improvement; targeted resources toward the lowest-income D.C. families; and provided students and families with the widest range of educational options.

ELIGIBILITY FOR AND FUNDING OF THE D.C. OSP

Under the Choice Act, scholarships of up to \$7,500 per year are awarded by lottery to eligible students for tuition, transportation, and other academic-related fees to attend non-public schools in the District. To be initially eligible for OSP scholarships, parents or guardians must be D.C. residents and they must be at or below 185 percent of the Federal poverty level (about \$40,793 for a family of four in 2009). Families renewing their scholarships must be at or below 200 percent of the Federal poverty level (\$44,100 for a family of four in 2009) for their second and subsequent years of OSP participation.

The Choice Act allocates annually about \$12.1 million directly to scholarships. Financial support for WSF to operate the program is capped at 3 percent of the funding authorized under the Federal statute (or about \$362,000 for the OSP’s administration in 2008–2009).

## D.C. OSP STUDENTS, FAMILIES, AND PARTICIPATING SCHOOLS

Nearly 20 percent of eligible District students applied for OSP scholarships in the program's first 4 years of operation. Key data on OSP students, families, and schools for the past school year (2008–2009) include:

- The average income for participating families was \$24,312.
- The average family size of scholarship users was a single mother with two children.
- Of the 1,716 students participating during the 2008–2009 school year, 1,050 lived in D.C.'s most economically-challenged Wards (5, 7, and 8).
- If not for the OSP, 86 percent of scholarship students would be attending D.C.'s lowest performing schools (Schools In Need of Improvement, Corrective Action or Restructuring, as designated under No Child Left Behind).
- The average K–12 scholarship award was \$7,000—just below the \$7,500 cap.
- The average tuition for OSP students at participating schools was \$6,000 for grades K–8 and \$9,668 for high school.

## INDEPENDENT REPORTS CONFIRM THAT THE D.C. OSP IS WORKING FOR LOW-INCOME D.C. STUDENTS AND FAMILIES

*The U.S. Department of Education's Institute of Education Sciences' Evaluation of the D.C. OSP: Impacts After Three Years (April 2009)*

This much-anticipated report released by the U.S. Department of Education—the latest in the continuing series of IES evaluation reports—builds on previous positive findings and confirms what parents in the D.C. OSP have known for years: D.C. OSP students are performing at higher academic levels than their peers who are not in the program, and are better off by virtually every important measure in their chosen schools.

The DOE report offers the most unambiguous academic proof yet that the D.C. OSP is working for low-income D.C. students and families. Overall, scholarship students are performing at statistically higher levels in reading—over 3 months ahead of their peers who did not receive scholarships. In addition, the report shows that some scholarship students are as many as 2 years ahead in reading compared to their peers without scholarships.

The report also finds that using a scholarship significantly increases parents' satisfaction with their children's schools in every measurable area. About 75 percent of scholarship parents give their children's schools an "A" or "B" grade, and view their chosen schools as safer and more orderly.

The DOE reports to date reflect that the D.C. OSP, as intended, is serving the District's most economically and educationally disadvantaged students and families—and shows that the choices afforded by the OSP are not only improving students' academic performance, but redefining their futures.

*The School Choice Demonstration Project's Fourth and Final Report on the D.C. OSP (January 2009)*

The latest report on the D.C. OSP by the School Choice Demonstration Project (formerly within Georgetown University's School of Public Policy and now operated through the University of Arkansas) shows that families are extremely satisfied with the program and the schools they have chosen, and with being given opportunities—in most cases for the first time ever—to choose schools they judge to be the best fit for their children.

The latest report is the fourth and final publication compiled by the School Choice Demonstration Project, which uses focus groups of low-income scholarship families to learn about their experiences in the program. According to the report, scholarship parents have moved "from the margins to the center of their child's academic development," and are finding improved safety in their chosen schools, stricter discipline, smaller classes, values-based environments, enhanced curriculum, and effective support services such as tutoring and mentoring. "I was looking for a different environment for [my child]," explains one parent involved in the report. "My thing was he will follow Sally and Sally [is] not into her work, [in private school] he will follow John who gets better grades and that's exactly what's happening now."

The report states that "[p]erhaps the single most consistent response voiced in the focus groups was the high levels of satisfaction reported by each subgroup and cohort. Even in situations where parents complained or expressed disappointment with some aspect of their experience . . . they still gave the program high marks."

According to the School Choice Demonstration Project report, D.C. OSP parents cite many factors that contribute to their satisfaction with the program, including noticeable improvements in their children's attitudes about learning, better dispositions toward school, and more productive homework and learning habits. Says one

parent in the report, “[My child] is doing good in school, and she says ‘Mommy I want to continue . . . and when I finish I want to go to a university.’ She’s very interested in college. She starts to do her homework, and she’s doing it on the computer . . . she’s learning, learning, learning.”

For the parents in the School Choice Demonstration Project study, participation in the D.C. OSP is providing benefits to families that “transcend their children’s education.” According to the report, “[f]or most parents, [the D.C. OSP] is an opportunity to lift the next generation of their family out of poverty.”

#### WSF’S ADMINISTRATION OF THE D.C. OSP

##### *Meeting the Choice Act’s Priorities*

As noted, in its implementation of the D.C. OSP since 2004, WSF has met each of the three priorities set forth in the Choice Act:

The D.C. OSP has prioritized students coming from schools identified as in need of improvement (“SINI” schools):

—If not for the D.C. OSP, 86 percent of scholarship students would be attending D.C.’s lowest-performing schools (Schools In Need of Improvement, Corrective Action or Restructuring, as designated under No Child Left Behind).

The D.C. OSP has served the needs of the lowest-income D.C. families:

—As indicated, all families must be at or below 185 percent of the Federal poverty level (\$40,793 for a family of four in 2009) to be initially eligible for the D.C. OSP, and must be at or below 200 percent of the poverty level (\$44,100 for a family of four in 2009) for their second and subsequent years of OSP participation.

—The average income of participating families in 2008–2009 was \$24,312—far below the eligibility requirement.

WSF has provided students and families with the widest range of educational options:

—In the course of WSF’s administration of the D.C. OSP, 78 of the 86 non-public schools in the District (80 percent) participated in the program.

##### *Fiscal Management and Internal Controls*

WSF received clean A–133 audits for each of the first 4 years of the D.C. OSP’s implementation—2005, 2006, 2007, and 2008. WSF anticipates a clean A–133 audit for the program’s fifth year, 2009.

Further, WSF has implemented the financial processes, procedures, and controls necessary to maintain compliance with all Federal and generally accepted accounting standards, rules, and regulations, and with apposite recommendations made by government agencies. WSF also has fortified its financial infrastructure and IT security protocols—e.g., by installing upgraded financial software, updating written financial policies and procedures, and augmenting accounting staff.

#### DISTRICT FAMILIES, LAWMAKERS, AND OTHER RESIDENTS WANT THE D.C. OSP TO CONTINUE

Nearly 20 percent of eligible District students applied for OSP scholarships in the program’s first 4 years of operation, reflecting high demand for the program from D.C.’s low-income families.

In 2009, District Mayor Adrian Fenty once again asked Congress for continued funding of the three-sector education reform initiative that includes the D.C. OSP.

In June 2009, seven D.C. City Council Members asked Secretary Duncan and Mayor Fenty to continue the D.C. OSP.

President Obama has expressed his support for continuing the D.C. OSP in service to the low-income District students who already have benefited from participation in the program.

A July 2009 poll of D.C. residents found that 74 percent have a favorable view of the D.C. OSP, and that 79 percent of parents with school-age children oppose ending it.

#### WHAT FAMILIES AND STUDENTS SAY ABOUT THE D.C. OSP

“This program works. I believe every parent should have the opportunity to send their child where they feel they should go. I want to make sure my children can get the best educations offered, making sure they can get the best out of life.”—Malcolm Jordan, OSP Parent

“My kids’ educations mean the world to me. You saw what happened with Obama, right? I’m looking for the next President right here, right Donae? Right Dayonte? This should have been here when I was in school; I would have been so much more

today. In fact, I'm thinking about going back to school myself."—Anquanette Williamson, OSP Parent

"Today, I wouldn't know where he'd be, but looking at today, I'm proud and I'm glad at where he's at right now. The scholarship program has helped us tremendously."—Radcliffe Fairclough, OSP Parent

"The scholarship has made me feel more secure in my child's education. Her going to a good school will open doors for her in the future . . . This would not have been possible without the scholarship."—Linda Bernard, OSP Parent

"He has become inspired, gained self-esteem, and he's proud of his school. He is very smart and [the teachers at Sacred Heart] recognize his learning style. Not all children learn the same way. It's important that the environment they are learning in is best for their needs."—Patricia William, OSP Parent

"It has affected me in a good way, and without the scholarship, I wouldn't be here at St. John's. This experience keeps me humble because without it, I don't have to see my mom struggle to give me a good education. I'm getting one, and this has helped me for the better."—Zachary Tanner, OSP Student

"If I didn't have the scholarship, it would be hard on [my father]. The scholarship gives me a chance to go to a good school with a good education. I appreciate the scholarship."—Guillermo Aburto, Jr., OSP Student

"How are they going to take the scholarship away from me and my friends? They didn't ask us. I don't understand, because the scholarship has helped me."—DeCarlos Young, OSP Student

"I like the teachers. They actually care about the students and they are there to help. I like how diverse and challenging it is."—Fullumusu Bangura, OSP Student

"My private school offers an atmosphere where students strive to succeed because of their surroundings. I strive to make killer grades every quarter and turn in all of my work because it is expected of me and because I have support from my friends and classmates to do so."—Sanya Arias, OSP Alumna (2009), St. Johns University (2013)

#### CONCLUSION

Mr. Chairman, again, it is an honor and a privilege to address the subcommittee regarding WSF's work in service to D.C. OSP students and families, who have benefited tremendously from the educational opportunities afforded them by this groundbreaking program. I look forward to continuing this discussion with the subcommittee, and would be pleased to take any questions you have at this time.

Senator DURBIN. Chancellor Rhee, your personal life story, about your becoming an accidental educational expert, is a great story. It's about Teach For America and your taking over a failing classroom, and showing dramatic results, and then committing your life to education. And so, this challenge that you've taken—the District of Columbia—is consistent with your life's work, and your goals are the right goals.

What we've heard here is parents and students voting with their feet, and leaving the D.C. public schools. We have seen the increased enrollment in charter schools, and the interest and support of voucher schools. And though I'm going to leave to Senator Collins to question some of the numbers, which obviously are in contrast between what she has presented and what you've presented, if I were to say, "All right, I want to take your position. I believe in public education first. And I don't think we ought to walk away from our responsibility to public education." What could you say in response to the parents who say, "But, public education is failing?" How soon do you really believe that public education in the District of Columbia will reach a level of at least equality, if not superiority over, the charter schools in the District of Columbia?

Ms. RHEE. So, I think we are well on our way. If you look at the gains that we've seen over the last 2 years, they have been incredibly significant. And I think that they have outpaced the gains that the District has seen in, you know, the 10 years prior to us coming in. So, we feel like we're heading in the right direction.

## DCPS TRI-SECTOR APPROACH

But, if the question is, you know, “How much longer do we need before I can honestly say that we—you know, I believe that we are serving all children well, and that we have the highest performing urban school district in the country?” I think that is going to be a longer time horizon. And what the Mayor and I talk about is probably 5 more years, by the end of his second term. And that’s part of the reason why I continue to support so vehemently the tri-sector approach. You know, it’s counter to what I think most urban superintendents believe. They, you know, usually like to, kind of, be a little defensive, and try to maintain their market share and that sort of thing. But I believe that part of my job is to try to make sure that every single school-age child in the city gets an excellent education. And I’m not really as concerned with what kind of school, whether it’s a private school, a D.C. charter school, or DCPS school. As long as they’re in an excellent school, getting a great education, then I’m happy.

## SCHOOL VOUCHERS

I don’t believe that vouchers are the answer to our urban education problems. For a variety of reasons. You know, with \$7,500, you can’t buy yourself admission to a lot of the best private schools in the city. And just because you have a \$7,500 voucher doesn’t mean that a private school has to accept you into their school. And so, for that reason, vouchers aren’t going to be the end-all/be-all solution to the public education problems.

That said, I will tell you that, on a regular basis, I have parents from wards 7 and 8, which are our highest-poverty wards, which also are the home of our lowest-performing schools, who come to me—and they’ve done everything that a parent should. They say, “I’ve looked at all of the data, I know that my neighborhood school and the schools surrounding it are not performing at the level that I want it to. So, I participated in the out-of-boundary process, and I went through the lottery, and I didn’t get a slot at one of the schools I wanted.” So, they look at me and they say, “Now what? What are you going to do?”

And I cannot look those parents in the eye right now, at this point, and offer every single one of them a spot in a school that I think is a high-performing school. And I think, until we’re able to do that, which again I think is on that 5-year time horizon, then I believe that we do need to have choice for our families, and I think they do have to have the ability to participate, either to move into a charter school or to use the opportunity scholarships.

Senator DURBIN. Mr. Cork, this chart—I’m sure you can’t see, because it’s so far away—it’s hard enough for me to see it—but it shows, since fiscal year 2004, that we have put about \$348 million into added Federal contributions for the D.C. Public Charter and Opportunity Scholarships Programs. And the amount going to the program that you administer has been in the range of \$13 to \$14 million—Federal tax dollars—to benefit some 1,700 students and their families.

I’m troubled. When we contacted your office and said, “Send us”—not the names of the students. We’re not asking you to violate

any confidentiality. But, "Send us the names and addresses of the schools that participate in the voucher program; how many students you acknowledge are part of that program in each of the schools—just by number; how many of the teachers in each of the schools have college degrees; how many of the schools have been judged safe, in terms of the fire safety code, for example, by the District of Columbia"—that you declined, and said, "I won't provide that information."

So, we said, "Well, if Mr. Cork won't provide it, the District won't provide it, we'll go to the Department of Education. They'll give it to us." They don't have it, either. Can you imagine that? Thirteen or fourteen million dollars a year that we're spending on your program, and we can't even get basic information about how many students are in each school? Something that basic?

And so, we took what information we had, and we went out on our own, contacting each school and saying, "Will you volunteer the same information?" All but five schools responded. We added up the number of students they said attended, under your program, last school year—2008–2009. We came up short just under 400 students, unaccounted for. That's about \$2 to \$3 million being sent to your program for students we can't find. I don't think they're all in those five schools.

I don't understand how you can expect us to send Federal taxpayers' dollars to your program, and you refuse to cooperate with even the most basic information. So, my question to you is, Why won't you give us that information, if the schools will volunteer it? Second, have you visited all of these schools? Do you know that they are in safe buildings, that they actually operate as they say they do?

I'm going to show you some pictures, in the second round of questions, of what is supposedly a D.C. opportunity scholarship school, with scores of students. You're going to find it hard to believe that there are students going to school in some of these places.

So, tell me about your supervision and management of this program, and why you don't think it's any of our business to know how many students are in each of your schools.

Mr. CORK. First, fortunately, I had lasik surgery. I can make out the chart.

Senator DURBIN. Congratulations.

Mr. CORK. We—first, I should say that we very much appreciate the Federal Government's provision of these funds toward what is a very worthy program.

You've outlined several issues. I would like to break them down, if I may.

First, you did request information from our office a couple of months ago. We provided information in regard to every point you cited. The one item of information we were unable to respond to at the time was the identification of students in participating schools—

Senator DURBIN. By number.

Mr. CORK. Right. Well, I should say, Senator Durbin, that we continue to be fully willing to comply with all of your information requests, and are happy to provide information about schools, insofar as the schools themselves are willing to cooperate in that, as

well. I think what we did was defer to the schools, because we have a longstanding agreement, that is approved by the Department of Education, with the schools, that guards very carefully the confidentiality of student-specific information.

Senator DURBIN. Really? And so, the Department of Education has given you permission to deny to Congress the information about how many students under your program, by number, are in each school. Is that what you're saying?

Mr. CORK. No, I did not say that DOE has given us permission to deny you anything, and, in fact, we will comply fully with your information request.

Senator DURBIN. Why did it take 2 months?

Mr. CORK. I simply said that we have agreements with the schools to be very careful about the private information of participating students.

Senator DURBIN. Well, you're talking in circles. Why wouldn't you provide me with the information—and this subcommittee—with the information about the number of students in each school?

Mr. CORK. As I understand it, you sent the same information request to the schools, and—

Senator DURBIN. Yes.

Mr. CORK [continuing]. They provided you the information you sought.

Senator DURBIN. Yes, after you refused to provide it.

Mr. CORK. And we specifically said, in our letter to you, that we would defer to the schools on their willingness to give you student-specific information.

Senator DURBIN. Doesn't work this way. I'm not going to send any money to your program unless you can give me the basic information.

Mr. CORK. And, Senator, we're happy to provide information about the number of enrollees in certain schools.

I should say, the concerns have always been about, for example, a school that has very few students enrolled, providing the number of students enrolled in that school essentially might be tantamount to providing the specific identities of the students.

Senator DURBIN. I'm sorry, you can't take the Federal money and then refuse to give us the information.

And let me ask you, have you visited all of the D.C. opportunity scholarship schools?

Mr. CORK. I want to emphasize again, we're happy to comply with all of your requests, and will follow up with your staff.

So, yes, we do visit schools on a regular basis. And the goal is to visit each school—every school once every 2 years. We often have opportunity to visit each of the schools in a school year.

Senator DURBIN. In a second round of questions, I'm going to show you some pictures of your schools, and I'm going to ask you about the number of students in these storefronts, townhouses, and apparently very small settings.

Senator COLLINS.

Senator COLLINS. Thank you, Mr. Chairman.

Mr. Cork, I'm a supporter of the D.C. scholarship program. I don't think it should be capped; if anything, I think it should be expanded. But, I've got to tell you that I completely agree with the



chairman that you cannot impede our ability to see whether Federal funds—we're not talking about D.C. money or private money—are being used appropriately.

Surely you, as the administrator of this program, should be able to tell us how many students there are in each school. We're not seeking the identities of those students, we are simply trying to get the aggregate numbers. So, I encourage you to be more forthcoming so that we can do our job in evaluating the expenditure of Federal funds. Otherwise, we don't know if the money is being lost to fraud. What if there's a storefront that's pretending to be a school, and Federal money is going to it? If you're not visiting each of those schools, or if we can't get an accounting, there may be out-and-out fraud involved. And I say this as someone who's working very hard to extend what I believe to be a worthwhile program.

Chancellor, I just want to follow up on some of the questions that Senator Durbin started asking you, and also to talk about some conflicting data.

#### DCPS THREE SECTOR APPROACH

First, from what I understand from your exchange with Senator Durbin, but just to get you very clearly on the record, you do support the reauthorization of the D.C. scholarship program as part of the three-pronged strategy?

Ms. RHEE. Yes, both the Mayor and I continue to support the tri-sector approach. But I will also reiterate that I absolutely agree with a number of the things that Senator Durbin has brought up as concerns around accountability. I do believe that it is going to be necessary, in the long term, over the course of the next 5 years, for us to be able to do apples-to-apples comparisons of how the various programs are doing. And that necessitates all of the participants, and all of the students, taking the same test.

Senator COLLINS. And that's a great lead-in to my next question. But first let me say on the record that the reason that I think it would be a tragedy if this program were eliminated at this point—maybe 10 years from now we can eliminate it in good conscience—but, at this point 84 percent of the students would be returned to failed schools. And we just cannot consign them to going to failed schools.

#### DCPS TESTING DATA

Let me talk to you about the data, because it is important that we be able to assess how students are doing in the three different settings. The Department of Education, the Federal Department of Education, uses the National Assessment of Education Progress test to determine reading and math proficiency of fourth and eighth graders. And according to that assessment, only 14 percent of D.C.'s fourth graders are reading at a proficient level. Yet the DC-CAS test indicates that 49 percent of the fourth graders are proficient in reading. That is a huge difference, and makes it extraordinarily difficult for us to understand what's going on.

Ms. RHEE. Yeah.

Senator COLLINS. So, why is there such a difference?

Ms. RHEE. Okay.

Senator COLLINS. And second, why does the District use a test that does not meet the No Child Left Behind standards?

Ms. RHEE. So, to answer that question first, actually our test does meet the No Child Left Behind standards. We actually have one of the most rigorous tests—standardized tests of any State in the country.

Senator COLLINS. We have letters from the Federal Department of Education saying that it does not meet the standards. Are those letters—

Ms. RHEE. No, those—

Senator COLLINS [continuing]. Out of date?

Ms. RHEE. Actually, no, they're—they are referring to different things. For example, there is a letter that was written to the OSSE, the Office of the State Superintendent of Education, specifically about read-aloud accommodations for special education students. That had nothing to do with our test. What that had to do with was the fact that too many of the children in the District, across all the sectors actually, were using the read-aloud accommodation, so we have actually stepped that down, according to the U.S. Department of Education's plan. But, again, that has nothing to do with the validity of the test.

The second piece was about a—the science test. And again, what happened was—there's no problem with the validity of the actual test. What the U.S. Department of Education was saying was that there was an unclear mandate about how we were going to ensure that all of the ninth graders were taking a science test.

So, it's about the administration of the test, and how that had occurred over prior years; and none of those things from the Department of Education questioned the actual validity of those tests.

Senator COLLINS. I want to pursue this further, but I'm concerned about—

Ms. RHEE. Okay. I'm going to—

Senator COLLINS [continuing]. Getting an explanation of the difference. But, let me just say, I don't read the Department's June 25, 2009, letter that way. So, perhaps you could go through this—

Ms. RHEE. Okay.

Senator COLLINS [continuing]. Letter for the record and provide us with—

Ms. RHEE. Sure.

Senator COLLINS [continuing]. Your explanation, because it seems to say very clearly that there are outstanding issues with the District of Columbia's general assessments in reading, language arts, and mathematics, and it goes through other issues. But—

Ms. RHEE. Yeah. Let me—

Senator COLLINS [continuing]. Explain—

Ms. RHEE [continuing]. Let me address the NAEP issue.

Senator COLLINS [continuing]. The disparity.

Ms. RHEE. Sure. So, first of all, this is actually one of the arguments for the use of a standard national test. Because right now you have 50 different States, with 50 different sets of standards and 50 different tests. And if you look at any of the 11 urban school districts that participate in TUDA, which is taking the NAEP ex-

amination, you'll see wide discrepancies between how they perform on the NAEP and how they perform on their own State test. So, that's an issue and one of the reasons why I think we need to standardize this.

The main, I think, discrepancy, though, is because that data that we have—the last time that we have NAEP data is from 2007. We will be receiving our 2009 NAEP data in October for the math scores, November for the reading scores, and that new NAEP data will give you an assessment of how the District of Columbia schoolkids have grown over the last 2 years since the Fenty administration has taken control of the schools.

So, the 2007 NAEP data was actually an assessment of the prior 2 years, from 2005 to 2007.

Senator COLLINS. Thank you.

Senator DURBIN. Senator Alexander.

Senator ALEXANDER. Thanks, Senator Durbin.

Mr. Cork, one reason private schools are private is so that they don't have to put up with all the meddling that the Federal Government, the teachers unions, the State government, and the local governments sometimes impose on schools in the name of well-meaning efforts, and there's a natural resistance from nonpublic schools to providing a lot of information.

But, if all Senator Durbin's asking for is how many students do you have, and whether your school is safe, I mean, I'd be happy to join with him and ask that of you, and of the 59 schools, to provide the information. I think that's a reasonable request. I think maybe there was some feeling that, "Well, if they ask these questions, then they're going to ask more questions, and after a while it's just going to be—getting to be a burdensome interference." But, I don't think that's the intent, here. I think the intent, here, is—I hope—is simply to say, "We want to make sure that the charter schools are working, that the vouchers are—money's being properly spent, as we decide whether we continue to spend that money," which I very much hope that we do.

Second, Mr. Cork, are all of the 59 schools that opportunity scholarship students attend accredited?

Mr. CORK. There's not an accreditation—as I understand it, there's not an accreditation process, per se, in the District. Certainly, the authorizing statute requires that schools be operating lawfully.

I want to emphasize that we are perfectly willing to provide all information regarding safety. And no one could want the schools to be safe more than we do, on behalf of our families.

Senator ALEXANDER. But, how do you determine whether they're a real school or not a real school?

Mr. CORK. We rely on—for example, on the issues of safety, we rely on the District of Columbia—

Senator ALEXANDER. No, I mean on issues of whether they're learning.

Mr. CORK. Well, as to whether students are learning in the schools their families have chosen for them—

Senator ALEXANDER. Right.

Mr. CORK [continuing]. The results of the evaluation are indicating that they're making substantial progress. The school's also

required to provide parents, on an annual basis, with comparisons of their child's academic achievement with others in the school.

Senator ALEXANDER. So, the parent can choose any place that calls itself a school?

Mr. CORK. It can choose any educational—nonpublic educational institution that's operating lawfully in the District, yes. The choice is the parents', given the scholarship funds.

#### DCPS TESTING

Senator ALEXANDER. Ms. Rhee, I'd like, on the—well, one other question. Is it not true that, when this program started, the U.S. Department of Education required the Stanford Achievement Test as a part of its evaluation?

Mr. CORK. Yes, as I recall, at that time—

Senator ALEXANDER. And is it not true that, at that time, the District of Columbia was using that test, itself?

Mr. CORK. I would defer to Chancellor Rhee, but, yes, as I understand it, at that—

Senator ALEXANDER. So, it was the same test then, and then the District changed, for—

Ms. RHEE. That's correct.

Senator ALEXANDER [continuing]. Good reasons, I'm sure. So, that's how we got in this—

Ms. RHEE. Yes.

Senator ALEXANDER [continuing]. Situation.

Ms. RHEE. I think the original intention was always for the students to be taking the same test. The issue was just that D.C. changed the test that it—

Senator ALEXANDER. Yeah.

Ms. RHEE [continuing]. Took.

Senator ALEXANDER. But, isn't it possible that the test tests what's being taught in your curriculum, which might be a different sort of curriculum that—for example, one thing might be taught in the third grade in Sidwell Friends, and in the fourth grade in—or second grade in one of your schools, and that might make a difference?

Ms. RHEE. You know, if you look across national standards, particularly at the tested grades, you don't see a tremendous amount of variance from one State to another. And certainly there would be a tremendous amount of overlap, in terms of the tested standards on the Stanford 9 and on the DC-CAS.

That said, there are some differences, and that's why I do think it's important—and I do believe it was the original intention of all of the participants—to have kids taking the same test. But, I think, in all fairness, in order to do that apples-to-apples comparison, you have to have the students taking the same test.

Senator ALEXANDER. I'd like to ask—thank you—I'd like to ask you to look down the road a little bit, 5 years from now. Some people have said—and this is my last question—that one way to think of a “public education system” is that it's the responsibility of the community to provide an educational opportunity for every student. And that could be at any lawfully operating accredited educational institution. It might be a church school, it might be a private school, it might be a school operated by the government, it might

be a school chartered by the government, might be any one of a number of different kinds of schools. But, the job of the chancellor might be simply to make sure that every child within the District of Columbia had that opportunity.

Would it be a good system for the District of Columbia, 5 or 10 years from now, to have a single chancellor for every child in the school district, and let that chancellor look among the array of schools, which might be public charter schools, private charter schools, schools where private—that are private, where vouchers are perhaps available—and be responsible for ensuring that every child has a good educational opportunity, rather than simply operating a certain number of the schools which those children attend?

#### DCPS REFORMS

Ms. RHEE. Well, I certainly think that's one direction that we could potentially head. I would want to make sure, though, that in moving to that kind of a structure, that we could still maintain a broad base of schools, and also competition between the schools, which I think is incredibly important.

For me, you know, as it pertains to the various sectors, we had a huge effort to close down low-performing schools, and to restructure low-performing schools. I've closed about 30 schools overall. When I got to this position there were 144 schools. Now, you know, we've closed down more than 15 percent of those schools. The charter school network is also looking at how to aggressively hold schools that are not performing accountable.

I think, on the private school side, with the vouchers, though we certainly can't close down a private school, we can certainly ensure that, as Federal dollars are potentially being utilized for tuition, that we are only allowing the Federal dollars to be used in schools that are meeting certain standards. Because I don't think we want choice for choice sake. I think we want choice so that children can opt into better situations that ensure their learning is going on.

Senator ALEXANDER. Thank you.

Thank you, Mr. Chairman.

Senator DURBIN. Mr. Cork, I'm going to show you some photographs, here, of some of your schools, the ones that did not respond.

And incidentally, one of the reasons you stated in your letter, why you couldn't tell us about the number of students, was, the schools, and I quote you, "were considering participation in the program expressed concern about the disclosure of the number of the students." Yet all but five of them made the disclosure, voluntarily. So, I don't think that that really is a good argument.

This is the best photograph we can give you, based on Marianne driving by with her small camera, of Bridges Academy. They tell us that 87 of their 153 students are voucher recipients—more than 50 percent of the student body. That's over \$650,000 in Federal funds going to this building. I know, from their Web site, the school was founded over 20 years ago, but I can't tell you what the test scores are at this school. Are you—have you visited this school?

Mr. CORK. I have not personally visited that school. I know several of our staff have, Senator.

Senator DURBIN. And what kind of report have they given you about the school and its competency to teach 87 students?

Mr. CORK. I want to emphasize, before I move to your question, Senator, that no school will receive Federal funds this year that does not have a certificate of occupancy issued by the District of Columbia—

Senator DURBIN. Okay, that's good.

Mr. CORK [continuing]. Indicating its safety.

Senator DURBIN. That's good.

Mr. CORK. We couldn't support more fully that policy.

Senator DURBIN. Even though the amendment was defeated when the program was created, we now generally agree it's a good idea. Go ahead.

Mr. CORK. I think it's a great idea. I knew nothing about that, but I think it's a wonderful idea to ensure the safety of students.

Now, as to Bridges, I can only speak anecdotally and from secondhand reports, that actually the school is described as quite good, and that parents seem very satisfied with the school and the progress of their students at the school.

Senator DURBIN. So, do you have reports for each of these schools, that are available for public inspection?

Mr. CORK. We do have reports on each of the schools, we share with the Department of Education on a regular basis actually, yes.

Senator DURBIN. Are they available for public inspection?

Mr. CORK. I—yeah, we'd—we're happy to make them available to you, and anybody else who wants to see them, certainly.

Senator DURBIN. So, the next one I want to show you is the Academy for Ideal Education. This was one of the schools highlighted in the 2007 Government Accountability Office (GAO) report for operating without a certificate of occupancy, so there was a question about safety. On this one because of Marianne's photographic skills, we show one entrance to this school. I can't tell you how much Federal funding this school receives each year through the vouchers, because the school has not disclosed that. They haven't responded to us. Can you tell us how many voucher students are in the Academy for Ideal Education?

Mr. CORK. Senator, I don't have that information directly before me. I—it is a participating school, I know that. I'd be happy to provide the specific number.

[The information follows:]

WASHINGTON SCHOLARSHIP FUND—DC OPPORTUNITY SCHOLARSHIP FUND

[As of October 14, 2009]

Participating school	Students placed in schools for the 2009–2010 school year
Academia de La Recta Porta .....	30
Annunciation School .....	15
Archbishop Carroll High School .....	125
Beauvoir—The National Cathedral Elementary School .....	1
Blessed Sacrament Elementary School .....	5
Bridges Academy .....	75
Calvary Christian Academy .....	105
Clara Muhammad School .....	14
Cornerstone School .....	47

## WASHINGTON SCHOLARSHIP FUND—DC OPPORTUNITY SCHOLARSHIP FUND—Continued

[As of October 14, 2009]

Participating school	Students placed in schools for the 2009–2010 school year
Dupont Park Seventh Day Adventist School .....	78
Edmund Burke School .....	3
Emerson Preparatory School .....	5
Episcopal Center for Children .....	1
Georgetown Day School .....	2
Georgetown Visitation School .....	5
Gonzaga College High School .....	4
Holy Redeemer Catholic School .....	60
Holy Trinity School .....	7
Kingsbury Day School of Kingsbury Center, Inc. ....	2
Kuumba Learning Center (MLK Campus) .....	8
Metropolitan Day School .....	32
Monroe School .....	1
Muhammad University of Islam .....	13
Nannie Helen Burroughs School .....	41
National Cathedral School .....	1
National Presbyterian School .....	1
Naylor Road School .....	86
New Macedonia Christian Academy .....	2
Our Lady of Victory School .....	19
Preparatory School of DC .....	16
Roots Activity Learning Center .....	22
Sacred Heart School .....	80
San Miguel Middle School .....	6
Sheridan School .....	1
Sidwell Friends School .....	2
St. Ann's Academy .....	48
St. Anselm's Abbey School .....	3
St. Anthony Catholic School .....	51
St. Augustine School .....	99
St. Francis Xavier Academy .....	72
St. John's College High School .....	10
St. Peter's Interparish School .....	9
St. Thomas More Catholic School .....	94
Washington Jesuit Academy .....	10
Washington Middle School For Girls (ARC) .....	8
Total .....	1,319

Senator DURBIN. Now—but, keep in mind, after we added up all those voluntarily disclosed students there's a shortage of 384 students, about \$3 million worth of voucher students, unaccounted for, in all of the schools that self-reported. So, of the five schools failing to report, including the Academy for Ideal Education, we're looking for 384 students that we sent you money for. So, there are some accountability questions here.

Mr. CORK. We have a very comprehensive, very detailed database that keeps close track, student by student, family by family, of everyone participating in the program. We're happy to provide you with detailed information about all of the students.

Senator DURBIN. Without disclosing their identities, we want to see that.

Mr. CORK. Absolutely, Senator, we're happy to give you that.  
[The information follows:]

D.C. OPPORTUNITY SCHOLARSHIP FUND—STUDENTS PLACED IN SCHOOLS FOR THE 2009–2010  
SCHOOL YEAR

[As of October 14, 2009]

Participating school and grades of 2009–2010 OSP students	Number of OSP students placed
Academia de La Recta Porta .....	30
4th Grade .....	2
5th Grade .....	4
6th Grade .....	2
7th Grade .....	3
8th Grade .....	4
9th Grade .....	5
10th Grade .....	4
11th Grade .....	5
12th Grade .....	1
Annunciation School .....	15
1st Grade .....	2
2nd Grade .....	2
3rd Grade .....	1
4th Grade .....	4
5th Grade .....	2
6th Grade .....	2
8th Grade .....	2
Archbishop Carroll High School .....	125
9th Grade .....	35
10th Grade .....	36
11th Grade .....	24
12th Grade .....	30
Beauvoir—The National Cathedral Elementary School .....	1
2nd Grade .....	1
Blessed Sacrament Elementary School .....	5
5th Grade .....	1
6th Grade .....	1
7th Grade .....	2
8th Grade .....	1
Bridges Academy .....	75
Kindergarten .....	1
1st Grade .....	8
2nd Grade .....	11
3rd Grade .....	10
4th Grade .....	9
5th Grade .....	10
6th Grade .....	10
7th Grade .....	7
8th Grade .....	9
Calvary Christian Academy .....	105
1st Grade .....	7
2nd Grade .....	14
3rd Grade .....	14
4th Grade .....	8
5th Grade .....	16
6th Grade .....	16
7th Grade .....	14
8th Grade .....	16
Clara Muhammad School .....	14
1st Grade .....	1
2nd Grade .....	2
3rd Grade .....	4
4th Grade .....	4
5th Grade .....	3
Cornerstone School .....	47
1st Grade .....	2
2nd Grade .....	5
3rd Grade .....	2
4th Grade .....	6
5th Grade .....	10



D.C. OPPORTUNITY SCHOLARSHIP FUND—STUDENTS PLACED IN SCHOOLS FOR THE 2009–2010  
SCHOOL YEAR—Continued  
[As of October 14, 2009]

Participating school and grades of 2009–2010 OSP students	Number of OSP students placed
6th Grade .....	8
7th Grade .....	5
8th Grade .....	9
Dupont Park Seventh Day Adventist .....	78
Kindergarten .....	1
1st Grade .....	7
2nd Grade .....	8
3rd Grade .....	4
4th Grade .....	5
5th Grade .....	12
6th Grade .....	6
7th Grade .....	12
8th Grade .....	10
9th Grade .....	12
10th Grade .....	1
Edmund Burke School .....	3
8th Grade .....	1
9th Grade .....	1
11th Grade .....	1
Emerson Preparatory School .....	5
9th Grade .....	4
11th Grade .....	1
Episcopal Center for Children .....	1
4th Grade .....	1
Georgetown Day School .....	2
9th Grade .....	1
12th Grade .....	1
Georgetown Visitation School .....	5
9th Grade .....	2
11th Grade .....	2
12th Grade .....	1
Gonzaga College High School .....	4
9th Grade .....	1
10th Grade .....	1
11th Grade .....	1
12th Grade .....	1
Holy Redeemer Catholic School .....	60
1st Grade .....	5
2nd Grade .....	7
3rd Grade .....	13
4th Grade .....	10
5th Grade .....	6
6th Grade .....	7
7th Grade .....	7
8th Grade .....	5
Holy Trinity School .....	7
2nd Grade .....	1
4th Grade .....	2
7th Grade .....	2
8th Grade .....	2
Kingsbury Day School of Kingsbury Center, Inc. ....	2
3rd Grade .....	1
10th Grade .....	1
Kuumba Learning Center (MLK Campus) .....	8
3rd Grade .....	1
4th Grade .....	2
5th Grade .....	2
6th Grade .....	3
Metropolitan Day School .....	32
Kindergarten .....	1
1st Grade .....	4

D.C. OPPORTUNITY SCHOLARSHIP FUND—STUDENTS PLACED IN SCHOOLS FOR THE 2009–2010  
SCHOOL YEAR—Continued  
[As of October 14, 2009]

Participating school and grades of 2009–2010 OSP students	Number of OSP students placed
2nd Grade .....	6
3rd Grade .....	7
4th Grade .....	9
5th Grade .....	5
Monroe School .....	1
7th Grade .....	1
Muhammad University of Islam .....	13
3rd Grade .....	1
5th Grade .....	2
6th Grade .....	5
7th Grade .....	1
8th Grade .....	4
Nannie Helen Burroughs School .....	41
1st Grade .....	3
2nd Grade .....	6
3rd Grade .....	7
4th Grade .....	6
5th Grade .....	10
6th Grade .....	9
National Cathedral School .....	1
5th Grade .....	1
National Presbyterian School .....	1
6th Grade .....	1
Naylor Road School .....	86
1st Grade .....	9
2nd Grade .....	11
3rd Grade .....	13
4th Grade .....	14
5th Grade .....	10
6th Grade .....	11
7th Grade .....	11
8th Grade .....	7
New Macedonia Christian Academy .....	2
2nd Grade .....	2
Our Lady of Victory School .....	19
1st Grade .....	1
3rd Grade .....	1
4th Grade .....	4
5th Grade .....	4
6th Grade .....	1
7th Grade .....	3
8th Grade .....	5
Preparatory School of DC .....	16
2nd Grade .....	1
3rd Grade .....	4
4th Grade .....	2
5th Grade .....	1
7th Grade .....	1
8th Grade .....	1
9th Grade .....	6
Roots Activity Learning Center .....	22
2nd Grade .....	4
3rd Grade .....	5
4th Grade .....	3
5th Grade .....	2
6th Grade .....	1
7th Grade .....	3
8th Grade .....	4
Sacred Heart School .....	80
Kindergarten .....	3
1st Grade .....	9

D.C. OPPORTUNITY SCHOLARSHIP FUND—STUDENTS PLACED IN SCHOOLS FOR THE 2009–2010  
SCHOOL YEAR—Continued  
[As of October 14, 2009]

Participating school and grades of 2009–2010 OSP students	Number of OSP students placed
2nd Grade .....	9
3rd Grade .....	11
4th Grade .....	9
5th Grade .....	15
6th Grade .....	12
7th Grade .....	6
8th Grade .....	6
San Miguel Middle School .....	6
6th Grade .....	2
7th Grade .....	2
8th Grade .....	2
Sheridan School .....	1
5th Grade .....	1
Sidwell Friends School .....	2
10th Grade .....	1
11th Grade .....	1
St. Ann's Academy .....	48
1st Grade .....	5
2nd Grade .....	3
3rd Grade .....	5
4th Grade .....	6
5th Grade .....	9
6th Grade .....	10
7th Grade .....	7
8th Grade .....	3
St. Anselm's Abbey School .....	3
8th Grade .....	1
10th Grade .....	1
12th Grade .....	1
St. Anthony Catholic School .....	51
1st Grade .....	7
2nd Grade .....	4
3rd Grade .....	13
4th Grade .....	6
5th Grade .....	5
6th Grade .....	5
7th Grade .....	4
8th Grade .....	7
St. Augustine School .....	99
1st Grade .....	6
2nd Grade .....	8
3rd Grade .....	14
4th Grade .....	13
5th Grade .....	16
6th Grade .....	16
7th Grade .....	13
8th Grade .....	13
St. Francis Xavier Academy .....	72
Kindergarten .....	2
1st Grade .....	4
2nd Grade .....	10
3rd Grade .....	9
4th Grade .....	7
5th Grade .....	8
6th Grade .....	11
7th Grade .....	13
8th Grade .....	8
St. John's College High School .....	10
9th Grade .....	2
10th Grade .....	2
11th Grade .....	4

D.C. OPPORTUNITY SCHOLARSHIP FUND—STUDENTS PLACED IN SCHOOLS FOR THE 2009–2010  
SCHOOL YEAR—Continued  
[As of October 14, 2009]

Participating school and grades of 2009–2010 OSP students	Number of OSP students placed
12th Grade .....	2
St. Peter's Interparish School .....	9
1st Grade .....	1
3rd Grade .....	2
4th Grade .....	1
5th Grade .....	3
7th Grade .....	1
8th Grade .....	1
St. Thomas More Catholic School .....	94
1st Grade .....	10
2nd Grade .....	11
3rd Grade .....	14
4th Grade .....	10
5th Grade .....	15
6th Grade .....	11
7th Grade .....	11
8th Grade .....	12
Washington Jesuit Academy .....	10
6th Grade .....	3
7th Grade .....	2
8th Grade .....	5
Washington Middle School For Girls (ARC) .....	8
6th Grade .....	3
7th Grade .....	1
8th Grade .....	4
Total Students Placed .....	1,319

Senator DURBIN. The last one I want to show you is the Kuumba Learning Center, which is in a townhouse. They did not respond to our request for information. They report 10 of their 40 students receive vouchers, which means about \$75,000 a year, and they don't have a Web site. Have you visited this school?

Mr. CORK. Senator, no, I have not personally visited that school.

Senator DURBIN. Has your staff inspected this school?

Mr. CORK. I—by memory—yes, I'm informed that, yes, staff have visited that school.

Senator DURBIN. I just think you need to provide better access to information. The voucher programs around the United States, some of them, have open Web sites, which provide this information about the performance. We have this information on the charter schools. I mean, and why there would be an exception created for voucher schools, I don't know.

Now, let me quickly add, in defense of—the Washington Archdiocesan schools made complete disclosure. They gave us exactly what we wanted, in detail. So, we have a good idea, going in, what they're doing. And there are other learning schools that—in your program that couldn't cooperate—we couldn't ask for any better cooperation. But, there is a quadrant, or—I shouldn't say "quadrant"—a cadre of these voucher schools really are going unaccounted for, and there are students missing in this program. About \$3 to \$4 million worth of students missing in the accountability for this program. That is unacceptable, that 20 percent of the amount of money we send to you we can't link up with actual students. As

Senator Collins said, how could I, in good conscience, ask for more money to be sent to your program without that kind of detailed information?

Mr. CORK. Senator, we can and will account for every dollar of Federal funds provided for the program.

Also, we—I agree about the Archdiocese, and the only concern we have is about the confidentiality and the protection of our students. Otherwise, we will share whatever information the subcommittee requests.

Senator DURBIN. Senator Collins.

Senator COLLINS. Mr. Chairman, I noticed that Senator Lieberman was here briefly, and I'm willing to forgo my questions if he intends to testify for us.

Senator DURBIN. I saw him there. I'm sorry. He's a senior member. I'd better be more sensitive to those things.

Senator COLLINS. I will just ask a couple of more questions, then.

#### DCPS TRI-SECTOR APPROACH

Chancellor, how important is the three-pronged approach to improving education in the District to the budget of the District? If it were to be terminated, or if one part of it were to be terminated, whether it's the D.C. opportunity scholarships or the charter schools, what would be the impact on D.C.'s budget?

Ms. RHEE. Well, I certainly think that if any one sector of the tri-sector—or the current tri-sector approach were to suddenly disappear, that we would be able to provide, you know, capacity to take additional students on. Clearly, on the charter school side, we'd have a little more difficulty with that. But, we certainly have enough school buildings, et cetera. I do—I can't attest to the total impact that it would have financially, but the money for the charter schools, all the per-pupil expenditures do flow directly through the city, so the budget wouldn't really change dramatically—

Senator COLLINS. Well, except D.C. would have to come up with the money.

Ms. RHEE. D.C. already—

Senator COLLINS. This is millions of—

Ms. RHEE. D.C. already—

Senator COLLINS [continuing]. Of dollars. No, but it's—

Ms. RHEE. The charter—

Senator COLLINS [continuing]. Federal money that you are spending now.

Ms. RHEE. Oh, I'm sorry. If—you were saying if the Federal money—

Senator COLLINS. Exactly.

Ms. RHEE [continuing]. Disappeared.

Senator COLLINS. That's correct.

Ms. RHEE. Well, I think that—well, certainly, speaking from our vantage point, if we were to stop receiving the Federal funds, I do think that it would have a pretty significant impact on our ability to move forward with the reforms as aggressively as we have been over the last 2 years.

Senator COLLINS. Ms. Baker, talk to us more about the level of interest in charter schools in the District. Do you have the capacity

to accommodate all of the students that would like to attend charter schools in the city?

Ms. BAKER. I would say that there is a capacity. But, of course, because it is a program of choice, parents often have a particular school that they would prefer to enroll a child. If that school is oversubscribed then, of course, they are not going to be able to get into that school. Sometimes they will make a second choice.

So, there is—there are seats, yes. Whether or not parents are, again, interested in going to where those seats do occur is, of course—could be, indeed, an issue. But, in the process, I think that, because of the accountability systems that we do have, and the upgrade of that system, parents are going to find that there are going to be more and more schools that maybe get less press, but nevertheless are providing substantial educational opportunities for children. And we are trying to make sure that we get that kind of information out to the general parent public.

Senator COLLINS. What percentage of the District schoolchildren are now enrolled in charter schools?

Ms. BAKER. We do not have our final count for this year, but it's anticipated that it will be about 38 percent.

Senator COLLINS. Thank you.

Thank you, Mr. Chairman.

Senator DURBIN. Senator Alexander.

Senator ALEXANDER. Thank you, Mr. Chairman.

#### CHARTER SCHOOLS

Mr. Cork, I think I asked you earlier, do you know how—well, let me ask this question of any member of the panel.

There is an accreditation process for elementary and secondary schools, correct?

Ms. BAKER. There is for charters. The law requires that—

Senator ALEXANDER. For public schools. But for independent schools. I mean, Sidwell Friends, or a school like that, or a Catholic school, there is an accreditation process—

Ms. BAKER. I don't know. I can't speak—

Ms. RHEE. Not a—

Senator ALEXANDER. Is there not?

Ms. RHEE. Not a D.C. specific one. Independent—

Senator ALEXANDER. But, generally speaking—

Ms. RHEE. Independent schools can be accredited through national—

Senator ALEXANDER. If they choose—

Ms. RHEE. Yeah.

Senator ALEXANDER. If they choose to.

Ms. RHEE. Yes.

Ms. BAKER. But the charter schools are required to become accredited, and there is no—in the law, there is no time given, so we have sort of created that.

Senator ALEXANDER. And by—accredited by whom?

Ms. BAKER. There's a list of organizations that is in the law, and then, if there are additional organizations that come forward, then we investigate whether or not they meet the criteria for—

Senator ALEXANDER. So, you can go to national accrediting associations and use some of those to determine whether the—

Ms. BAKER. Well, the school does this. The school does this—

Senator ALEXANDER. The school may do this.

Ms. BAKER. The school will do it. And they—we do inquire—or, we keep tabs on who has begun the accreditation process, because it does take 2 to 3 years. They cannot—no accreditation organization will even begin the process until the school has been in—

Senator ALEXANDER. Yeah.

Ms. BAKER [continuing]. Existence 3 years.

Senator ALEXANDER. Yeah.

Now, we—Mr. Cork, do we not know whether any of these 59 independent or private schools are accredited or not?

Mr. CORK. Well, Senator Alexander, I believe that, on the oversight and quality-of-schools issue, the Federal statute that authorizes the OSP requires us to put in place a comprehensive oversight system. And we do have one.

We have a school agreement, with each school, that requires the school to provide certain information to parents, as specified in the authorizing statute. At the end of each year, the school is required to provide reports to each parent about the school's compliance with those requirements, as outlined in the statute. We do make school visits regularly and comprehensively, with—

Senator ALEXANDER. So, you do your own accrediting.

Mr. CORK. I can't call it an "accreditation" process—

Senator ALEXANDER. Well, I mean, you decide whether a school is a storefront or an attic or a school.

Mr. CORK. Well, Senator, I'm informed, for example, that each of the Archdiocese schools is accredited by the—

Senator ALEXANDER. That's what I would think.

Mr. CORK [continuing]. The Middle States accrediting body.

Senator ALEXANDER. So, how many of the 59 are Archdiocese schools?

Mr. CORK. I'd have to provide you that information.

Senator ALEXANDER. Ten, 20, 30?

Mr. CORK. Oh, I'm sorry, participating through the Archdiocese?

Senator ALEXANDER. Uh-huh.

Mr. CORK. Twenty.

Senator ALEXANDER. Twenty. About one-half the students.

Mr. CORK. And I should—

Senator ALEXANDER. About one-half the students are maybe going to 20 Archdiocese schools that are accredited by some accrediting institution.

Mr. CORK. The Archdiocese has a very heavy concentration of students—

Senator ALEXANDER. Yeah.

Mr. CORK [continuing]. So, yes, they're going to the accredited—

Senator ALEXANDER. Well, is—I mean, what I'm getting at—let me go over to Ms. Rhee.

#### DCPS TRI-SECTOR APPROACH

Ms.—as I hear you, Ms. Rhee, you're saying that, for the next few years, you support the three-pronged approach, here, to help children have educational choices, the extra support for the schools

that you're directly—supervise; the charter schools and the voucher program? Do I—did I hear that correctly?

Ms. RHEE. Yes, I—both the Mayor and I both support the continuation of the tri-sector approach, but we do also believe that accountability is necessary—

Senator ALEXANDER. Right.

Ms. RHEE [continuing]. For all three sectors, which means that we do believe that the private schools that are receiving Federal dollars through the vouchers should be held to a certain standard, in terms of levels of student achievement.

Senator ALEXANDER. And, in your view, that would be the same test that your students take?

Ms. RHEE. I think that's one measure that we should look at.

Senator ALEXANDER. What would other measures be?

Ms. RHEE. Well, I think—I absolutely am aligned with Senator Durbin on this one, that basic safety has to be taken into account, that we should be looking at student growth, and that we should also be looking at teacher quality.

Senator ALEXANDER. Uh-huh. Well, I'm trying to align myself with Senator Durbin, too, so that he'll put more money in for the Opportunity Scholarship Program.

I want to make sure that, say, for the next 5 years—and I agree that in—you know, in life I've learned to look ahead 3 or 5 years, instead of—

Ms Rhee: That's right.

Senator ALEXANDER [continuing]. 15 or 20, and then we can look—you know, after 3 or 5 years, we can see where we are, and what—

Ms. RHEE. That's absolutely—and that's—

#### OPPORTUNITY SCHOLARSHIP PROGRAM

Senator ALEXANDER [continuing]. Kind of form we might be. So, a more accountable—well, the proper accountability for the independent or private schools that D.C. opportunity scholarship students choose to attend would be important, in your view, for the next 3 to 5 years.

Ms. RHEE. Absolutely. And I've been very clear, with the opportunity scholarship advocates, on the fact that I think that, you know, 5 years from now, we will potentially be in a very, very different place as a school district.

Senator ALEXANDER. Yeah.

Ms. RHEE. I will be in a different position to offer these families better options. And so, I'm looking at it in the shorter term.

Senator ALEXANDER. Well, would—I would like to invite you to suggest—if you think of other measures of accountability that the independent or private schools ought to have in order to receive D.C. opportunity scholarship students for the next 5 years, I would appreciate having that. And one of my own thoughts is—I'd like to know, Mr. Cork—and maybe I can just get this from the Web site myself—but what measures of accountability, other than your own investigations, these 59 schools have. For example, if the schools—if the Catholic schools are accredited by some accrediting institutions, it would be helpful to know that. If the other schools are not,



or are, be helpful to know whether they are, and why they are, or why they are not.

Thank you, Mr. Chairman.

Senator DURBIN. Thank you very much.

Mr. CORK. I was going to say, but we have a great partnership with the Archdiocese, we'll be happy to provide you further information about what constitutes accreditation.

[The information follows:]

ATTACHMENT A—D.C. OPPORTUNITY SCHOLARSHIP PROGRAM  
 [Accreditation of participating schools (2009–2010 school year)]

2009–2010 OSP participating schools	Middle States Association <sup>1</sup>			Assoc. of Christian Schools Intl? <sup>2</sup>	General Conf of Seventh-Day Adventist? <sup>2</sup>	Assoc. of Independent Schools of Maryland	Intl. Christian Accrediting Assoc.	National Assoc. for the Education of Young Children	Nativity/Miguel Network of Schools	Special Education
	CES	CSS	CIWA							
Academia De La Recta Porta Intl. Christian Day School				In Progress				✓		
Adventureland School	✓									
Annunciation Catholic School		✓								
Archbishop Carroll High School										
Beauvoir—National Cathedral Elementary School	✓					✓				
The Bishop John T. Walker School for Boys										
Blessed Sacrament School	✓									
The Bridges Academy										
Calvary Christian Academy							✓			
Capitol Hill Day School										
Clara Muhammad School										
Cornerstone School	✓			In Progress						
Dupont Park Adventist School	✓		✓		✓					
Edmund Burke School										
Emerson Preparatory School										
The Episcopal Center for Children										
Georgetown Day School	✓		✓							
Georgetown Visitation Preparatory School		✓								
Gonzaga College High School	✓	✓								
Holy Redeemer Catholic School	✓									
Holy Trinity School	✓									
Howard University Early Learning Programs										
Kingsbury Day School	✓		✓							
Kuumba Learning Center										
Little Flower Montessori School										
Lowell School										
Metropolitan Day School										
The Monroe School										
Muhammad University of Islam										
Nannie Helen Burroughs School	✓									
National Cathedral School	✓		✓							

TJC<sup>3</sup>







**ATTACHMENT B—D.C. OPPORTUNITY SCHOLARSHIP PROGRAM—Continued**  
 [Published enrollment benchmarks: 2004–2005 through 2008–2009]

	2008–2009		2007–2008		2006–2007		2005–2006		2004–2005	
	September placements	June enrollment	September placements	June enrollment	September placements	June enrollment	September placements	June enrollment	September placements	June enrollment
Participating schools										
Washington Science and Technology Academy .....					6	8	8	5	7	
Total .....	1716	1618	1903	1792	1802	1718	1705	1648	1017	978

Mr. CORK. We do have in place—I was—as I was saying, we have in place a whole set of accountability measures to ensure that these schools are operating legally in the District, and are financially responsible. And I'm happy to elaborate on that if you would like.

Senator ALEXANDER. Mr. Chairman, I hope you would—I was trying to do such a good job in encouraging accountability that I forgot to say that the principal investigator of the D.C. Opportunity Scholarship Program said that the D.C. voucher program has proven to be the most effective education policy evaluated by the Federal Government's official education research arm, so far. So that's a plus, and it's a feather in its cap.

Senator DURBIN. Unless my colleagues have any further questions of the Chancellor, she had a scheduling issue, and I'd like to allow her, if she wants, to leave. I do have a couple of other questions for those two other members.

Ms. Baker, I just don't want to let you off the hook this easily. Chancellor Rhee, thank you for being with us today.

Ms. RHEE. Absolutely. Anything else that you need from me?

Senator DURBIN. We'll be back probably with some written questions.

Ms. RHEE. Okay. Thank you.

Senator DURBIN. And so, Ms. Baker, I just got a report from my staff that your charter school board has closed 10 schools over the last 6 years.

Ms. BAKER. Right. Ten of them, yes, and—when we look at the list—

Senator DURBIN. Six were for financial reasons; four, for academic reasons.

Ms. BAKER. I'm sorry, six were for financial—yes, among other—

Senator DURBIN. Yes. At the bottom of the page, here, I think—

Ms. BAKER. Yes. Yes.

Senator DURBIN. In this part of your testimony.

And so, Mr. Cork, how many voucher schools have you closed over the last 5 years?

Mr. CORK. We haven't closed the schools ourselves, of course. We have prohibited Federal funds from being expended on at least one school, as I recall.

Senator DURBIN. One school?

Mr. CORK. This—as I was saying a moment ago, we have in place a school oversight process, under which we delineate triggers that raise our concerns about the school's financial responsibility. And when those are—when those triggers occur, we look into the school's financial situation, and, one case at least, have been—have been forced to tell a school that they could not participate further in the program.

Senator DURBIN. As you described it, the oversight of these voucher schools is basically by your agency, as I understand it. Is that correct?

Mr. CORK. It's—no. We have an oversight—we participate in an oversight process that includes, primarily, for example, the issuance, by the District of Columbia, of certificates of occupancy (COO). We've worked very closely with the Department of Con-

sumer and Regulatory Affairs in sharing information that leads to the issuance of COOs. We rely on the District to let us know whether certificates of occupancy have been legally issued. And we—

Senator DURBIN. So, this one school that we had here that failed to provide a certificate of occupancy in 2007, what happened? You let it continue to operate?

Mr. CORK. I—this might be the school, as I recall, that actually had a certificate of occupancy; the GAO said it did not, and we were able to provide it for them later on.

I think that, in some instances, it was simply a matter of clerical recordkeeping. But, again, I do want to assure the subcommittee that no Federal dollars will be permitted to go to schools that do not have certificates of occupancy.

Senator DURBIN. Now, let's go to the next level, which is more complex, and that is whether they are academically performing as we might expect them to. And four out of the D.C. public charter schools have been closed because they didn't meet the academic criteria.

So, in the last 5 or 6 years of this program, from what you've said, none of the schools participating in the D.C. voucher program were suspended from the program for academic reasons.

Mr. CORK. It's—we don't make determinations about policy around education. We permit parents full—to have access to full information about the schools available to them, participating in the program.

Senator DURBIN. And what would that full information include?

Mr. CORK. It—we have a school—a participating school directory that provides information about location—often, for example, proximity to the family's home will determine part of the—

Senator DURBIN. I'm trying to get to the educational aspect of this. I understand that—location and safety of the building. I'm trying to move it to the next level.

Mr. CORK. Okay.

Senator DURBIN. What do you tell a parent about, for example, the Kuumba Learning Center? Do they know in advance that your agency has reviewed whether or not this is a good academic institution? Do they have—

Mr. CORK. The first thing we do is, we very much encourage parents who are making educational choices to go visit the school themselves, and investigate precisely what the school's mission is, how it operates, who the teachers are, who the leadership is. And I should say, in many, many cases the parents take that opportunity themselves. It's been actually quite gratifying to see parents become more educated—

Senator DURBIN. This is all well and good, but I'm trying to get to the point where—for example, if—in the public school sector, I have a grandson who lives up in Montgomery County. He's headed for high school next year. His grandfather just went to the Web site, on the Montgomery County schools, and looked at test scores. And I'm, you know, naturally, giving his father all the advice he'd ever want about what he should do with my grandson.

But, what I'm trying to get to is, since we are sending you millions of dollars in Federal funds, what rigors, what standards, are



you setting for academic performance, for the schools that participate in the program?

Mr. CORK. I—first, I should say, the evaluation, which is a very rigorous one, has—is the chief mechanism through which our students' academic process be engaged. We couldn't be more supportive of that. We're all about results and accountability. We agree that the academic progress of these students is critical as to whether or not this program should even be here. I'm happy to say that, actually. We saw the evaluation as indicating that there really are substantial academic gains taking place.

As to determining what academic standards should be implemented by schools, we are not in a position to do that. And, in fact, the statute makes it clear that that is none of our business, as the administrators of the program—

Senator DURBIN. And so—

Mr. CORK [continuing]. To set academic policy for participating schools.

Senator DURBIN. I think you've made your position clear, and I won't dwell on it, other than tell you that we are now living in a world of accountability, under No Child Left Behind—and it's controversial—but, we are being told it'll be a different standard when it comes to voucher schools. And I think that that really is something we ought to question. Either we are being too tough on public schools, too tough on charter schools, and you're right, or, frankly, they're right, and we're not doing a good enough job to determine which schools are good and which aren't. I mean, to take the average test scores of the voucher schools is not fair. There are some schools, I'm sure, that are doing much better than others. And to deal with these average test scores doesn't tell us whether or not the Federal investment in voucher program is being well spent. We just don't know.

Mr. CORK. I have great faith in the evaluators' methodology. But, again, I would defer to them in determinations about whether these—there's academic progress.

Senator DURBIN. Can I ask one last question of Ms. Baker? I guess I can, because I'm the chairman. And what I found, in visiting charter schools in Chicago, was encouraging. There are good ones and bad ones. There are some very good ones, and not so good ones.

But, what really troubled me was kind of the proprietary mindset. I said to them, "Do you get together? Do the principals and teachers of charter schools come together to discuss results and best practices?" And the answer was basically, "No, not much. We kind of do our own thing."

So, do you have your charter schools come together to talk about why KIPP knocks the ball out of the park, and others don't? I mean are you working toward a best-practices model, here?

Ms. BAKER. We definitely are. And I think that, through the collaboration that we continue to foster—we left a meeting, this morning in our conference room, it will continue tomorrow with a different set of schools—we do this at least quarterly—there are other opportunities for schools to actually meet together, based on common needs, to talk about what's working for them, demonstrations of the things that are happening in the school that can be shared,

and possibly—of course, KIPP is a model unto itself. It also has a support system that some charter schools don't have. And so, I think that there are other models that are independent, single-school models that share, who are very collaborative within their schools as well as outside of their schools.

Senator DURBIN. Thank you.

Senator Collins? Senator Alexander. We're, incidentally, on a rollcall. And if—Senator Alexander, do you have a question? Are you finished?

Senator ALEXANDER. Well, I have—

Senator DURBIN. Former Secretary of Education, Senator Alexander?

Senator ALEXANDER. The only—did—I just want to—Ms. Baker, did you say that all the charter schools are accredited?

Ms. BAKER. I did not. I said that they must become accredited.

Senator ALEXANDER. Must become accredited.

Ms. BAKER [continuing]. Accredited. And they must do it—they cannot begin the accreditation process until they have been open for at least 3 years.

Senator ALEXANDER. Right. So, the goal is that the children are attending accredited—

Ms. BAKER. Yes.

Senator ALEXANDER [continuing]. Not accredited by you, but by accredited association.

Ms. BAKER. Definitely.

Senator ALEXANDER. So, my question would be, Mr. Cork—and maybe, since we're toward a vote, you could answer it later—then why shouldn't that also be true—if we're going to try to persuade Senator Durbin and others to—interested in accountability—to extend the program for 5 years, why shouldn't that also be true of schools that voucher students attend?

Mr. CORK. We certainly will leave it to the legislature to determine whether accreditation is a requirement.

Senator DURBIN. Remember that.

Thank you very much. I want to thank this panel.

And I'm going to ask my colleagues if they want to go vote and come back. I will stick with this and try to elicit the testimony from some of the members of the panel.

Well, this may get a little fractured. But, thank—Ms. Baker and Mr. Cork, thank you for your testimony. We may be sending you some written questions.

And I'm going to invite the next panel up, and at least allow them to testify. And if we can—if we can't do a handoff, we may have to recess the subcommittee hearing. So, we'll try our best to do that.

So, thank you both very much.

Mr. CORK. Thank you very much.

Senator DURBIN. So, we're facing up to five votes on the floor, which is not good news for the next panel, but I do want to welcome them, nevertheless.

Mary Levy's here. She's with the Washington Lawyers' Committee for Civil Rights and Urban Affairs. Robert Cane is here, Friends of Choice in Urban Schools. Patricia Weitzel-O'Neill is here, Superintendent of Schools for the Archdiocese of Washington.

And Anthony Williams, Chairman and President of D.C. Children First.

So, if you would each take your place at the table, I'm going to ask—

Mayor Williams, welcome back.

Ms. Levy, please proceed.

**STATEMENT OF MARY LEVY, PROJECT DIRECTOR, WASHINGTON LAWYERS' COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS**

Ms. LEVY. Good morning. I—is it now on? Thank you.

The statement I'm giving is not from the Washington Lawyers' Committee for Civil Rights. My project was eliminated, due to lack of funding, so it is a personal statement.

I am here because I have studied the D.C. public schools for 30 years as an education finance lawyer and as a parent whose children went through the system. I have worked on formulating and monitoring most of the major legislation and the reform plans that have been put in place over the last 20 years.

In response to your invitation and the questions there, on the subject of the Federal payment for reforms, I have put, in my testimony, a table that shows the total amount, in the context of the total spending and enrollment of the D.C. public schools.

I can tell you, from my study of the school system's documents, that the money was used for reforms, and good reforms, and that it enabled the school system to pursue those reforms without having to cut into allocations for the local schools. And for that, we are very grateful.

In terms of student outcomes, it's too early to tell. We really only have 1 year. The first year of any new administration, they don't have a chance to put into place anything that would make much of a difference, other than intensive test preparation, and I—if the scores go down, they shouldn't be blamed; and if they go up, they don't get the credit. So, we only have that 1 year. And I think, at this point, what we have to look at is what they're doing.

On that subject, the reforms since 2007 are a mix of enhancements and of elimination of most of what was going on in the system before. I have read the reports of the Government Accountability Office, and I agree with them. Their findings match my own observations and my judgment.

There's a table, attached to my testimony, that goes reform by reform, and talks about progress and also cautions. That table is a work in progress as events evolve and as I learn more about what's going on, which is not always easy.

The major activities and progress and cautions, I've put in my written testimony. I would cite that the GAO is right about the strategy of workforce replacement. I myself find this worrisome. I think that good people come in, but good people are also leaving, and this is unfortunate. It's been going on for 20 years, and that can be damaging.

We've had substantial increases in the money available to the school system on a per-pupil basis. It's gone up by about 25 percent over the last 5 years. A lot of the increase has gone into local schools, no question about that. But, it's very unevenly allocated.

There are differences of thousands of dollars in per-pupil spending, from—among schools with similar populations.

We have seen, in the terms of governance, the elimination of micromanagement, the elimination of divided authority, which really has been a problem. But, we've also eliminated almost all the checks and balances, and the only oversight comes from the D.C. Council, which is not really prepared or set up to do the kind of oversight that's necessary.

I will close with my graphic, which is in the testimony, of the cycle of change. This is what's happened over 20 years of continuous motion, but ultimately we haven't seen progress. And it's the same chain of events every time, in the past, where we start with the new leader; he found such a terrible mess, nothing is right; there's a shakeup; most of what's old goes, including some of the good reforms; and then we get the glowing reports of progress. And that's where we are now. We're at the 6 o'clock position.

What has followed, in the past, has been implementation, lack of funding, poor management, disillusion, and it's time to get a new superintendent. This usually happens in 3 years. And—it's been a problem. I just pray that it's going to be different this time.

Senator DURBIN. Thank you very much.

[The statement follows:]

PREPARED STATEMENT OF MARY M. LEVY

My testimony today is based on my experience as an education finance lawyer and my study of the District of Columbia Public Schools (DCPS) over a period of 30 years. During that time as an analyst and a DCPS parent, I have done annual analyses of budget, expenditures, and staffing; participated in drafting most of the major legislation and school reform plans for DCPS; studied and wrote reports on DCPS governance, demographics, policies, and educational outcomes; and served in local school PTAs and citywide parent organizations. In response to your letter of invitation to testify:

*The Use and Impact of the Special Federal Appropriations ("Federal Payment").*—Below is a table showing the amount of the Federal payment each year since fiscal year 2006 in the context of enrollment change and all other DCPS spending. According to DCPS documents, funds were used for reform initiatives such as principal training, early childhood education expansion, literacy improvement, and supplemental allocations to schools receiving students from school closings. This funding enabled pursuit of these and other reform initiatives, while maintaining or improving per student funding at local schools. We are very grateful for this.

*Progress To Improve Student Outcomes.*—Outcomes such as test scores, attendance, dropout/graduation, and progress to work or post-secondary education may ultimately be affected by all reforms actually instituted. However, we have only 1 full year of reforms actually implemented; it is too early to determine their effect, in addition to which the quality of the data needed is quite problematic. At this point we can only judge the progress and quality of the work so far done.

*Reforms Instituted or Planned Under the Fenty Administration.*—These activities are a mix of enhancements and strong measures to eliminate the status quo in DCPS, including some swings to opposite extremes and reversions to earlier policies discarded as ineffective. Almost everyone in the District agrees that dramatic change in DCPS is necessary, but there is strong disagreement on specifics and strategies, most of it in good faith. Swings to opposite extremes arise partly from a backlash to years of frustration with practices such as the protection of incompetent or abusive teachers, bureaucratic ineptitude and insensitivity, and fragmented authority with multiple veto points that impeded needed reform. Such reaction is completely understandable—but not necessarily a guide to effective reform that actually improves student outcomes.

I have read and agree with the reports of the Government Accountability Office. The GAO findings on all subjects covered match my observations and experience.

**DCPS OPERATING BUDGET: TOTAL FUNDS**  
 [Data re-analyzed for year-to-year comparability]

Description	Fiscal year 2006 actual expenditures	Fiscal year 2007 actual expenditures	Fiscal year 2008 actual expenditures	Fiscal year 2009 approved budget	Fiscal year 2010 budget request act
<b>Local funds:</b>					
Formula base per pupil .....	\$7,692	\$8,002	\$8,322	\$8,770	\$8,770
DCPS Appropriation .....	\$561,162,811	\$554,335,056	\$583,177,010	\$562,109,000	\$510,881,000
<b>Federal:</b>					
Stimulus—State stability replacing local funds .....					\$50,616,000
Stimulus—IDEA Title I .....					\$17,583,000
Special Federal payment .....	\$11,728,185	\$16,034,683	\$17,056,411	\$40,000,000	\$42,200,000
All other Federal grant funding fiscal year 2010 only .....	\$126,297,515	\$131,896,131	\$111,672,727	\$124,670,675	\$120,506,000
Private grants .....	\$5,703,874	\$8,216,280	\$6,194,008	\$3,784,000	\$3,784,000
Fees, sales, reimbursements .....	\$3,450,251	\$13,893,945	\$6,072,339	\$3,671,000	\$4,005,000
<b>Total</b> .....	\$708,342,636	\$724,376,095	\$724,172,495	\$734,234,675	\$749,575,000
<b>LEA Functions Transferred Out of DCPS: Facilities maintenance (OPEFM 2008)</b> .....	\$30,167,905	\$31,185,380	\$36,880,556	\$38,305,841	\$32,822,339
<b>TOTAL DCPS LEA</b> .....	\$738,510,541	\$755,561,475	\$761,053,051	\$772,540,516	\$782,397,339
<b>EXCLUDED FOR PURPOSE OF COMPARABILITY</b>					
<b>D.C.-Wide Functions Transferred Out of DCPS:</b>					
Non pub tuition, spec ed transport, att fees .....	\$219,466,489	\$223,424,903	\$248,083,712	\$238,860,319	\$254,221,582
SEA functions/pass throughs (OSSE 2008) .....	\$32,856,580	\$51,089,534	(1)	(1)	(1)
Federal grant carryover/advance (budget only) (estimate of re-appropriation) .....				\$30,338,325	\$30,000,000
Audited enrollment .....	Oct. 5, 2005	Oct. 6, 2006	Oct. 7, 2007	Oct. 5, 2008	Projected
DCPS (excludes special ed tuition students) .....	55,298	52,645	49,422	45,190	44,681
Local + Stabilization Per Pupil DCPS LEA .....	\$10,148	\$10,530	\$11,800	\$12,439	\$12,567
<b>Total Per Pupil DCPS LEA</b> .....	\$13,355	\$14,352	\$15,399	\$17,095	\$17,511
<b>Increase in UPSF base (percent)</b> .....		4.0	4.0	5.4	
<b>Increase in local per pupil (percent)</b> .....		3.8	12.1	5.4	1.0
<b>Increase in total per pupil (percent)</b> .....		7.5	7.3	11.0	2.4

<sup>1</sup> Transferred.

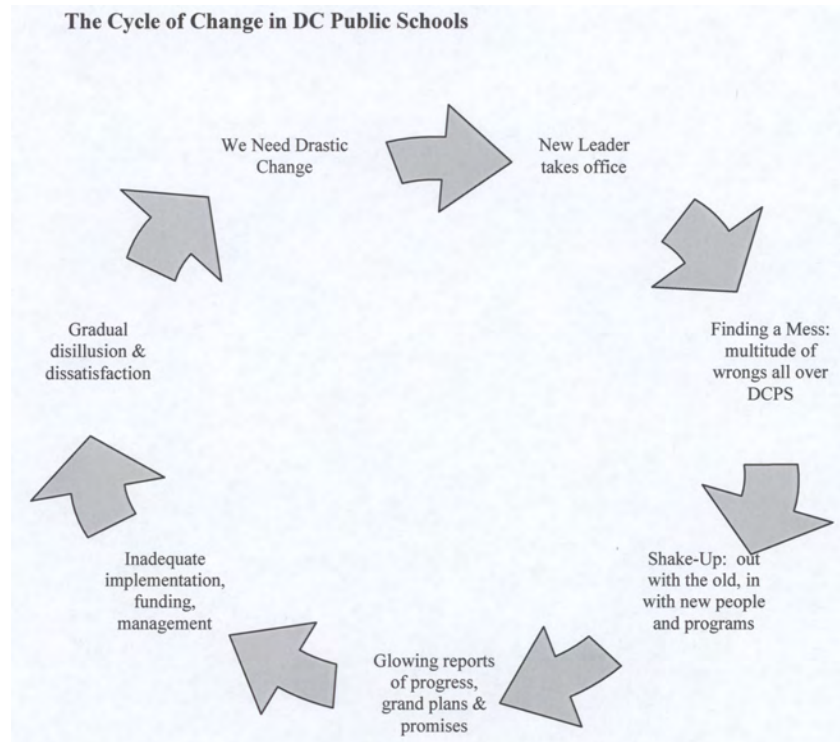
Sources: Fiscal years 2006-2009: D.C. congressional budget submissions; fiscal year 2010 final requested budget, September 2009.

Attached to this testimony is a table summarizing activities, progress, and cautions line by line. The major results, in my view, are:

- An increase in already high staff turnover at all levels, a “workforce replacement” strategy that could bring good new staff but could also drive away effective principals and teachers;
- Expansion of professional development, especially at the local school level, and increasing attention to instructional practice;
- Limited progress in special education, so far not adequate to satisfy court decrees, Department of Education strictures, and having no impact on the enormous cost of private placements, transportation and attorneys’ fees;
- Substantial per student funding increases, but unevenly allocated to local schools;
- A serious lack of timely and transparent budget information;
- Major facilities improvements, but a problematic plan for future work and continued under-funding of maintenance;
- Elimination of micro-management and divided authority, but also of checks and balances and non-observance of rules seen as impeding progress; and
- Shrinkage of input and influence of parents and community in key decisions.

Some of these changes are good and necessary, for example attention to effective instructional practices, replacement of ineffective principals, elimination of excess space, and major facilities improvements. Others, however, are unfortunate, for example, the dismissal or resignation of effective principals, ongoing instability at all levels of the workforce, and the shrinkage of parent and community input into important policy and budget decisions. And some are inadequate so far to the need, especially in special education.

I close with a graphic of the repeated cycle of change—20 years of continuous “reform” of the D.C. public school system. These are cycles of motion but ultimately not progress, as frequent changes in leadership throw out effective past reforms instead of building on them. We have seen different actors, different sets, but the same movie with the same ending, over and over. We pray that it will be different this time.



ATTACHMENT 1.—ANALYSIS OF REFORM EFFORTS IN DCPS 2007–2009

*Background: Some Unique Circumstances in the District of Columbia*

State and city combined: no separate State control or oversight. Structurally, the District of Columbia has a State takeover.

Congressional control: potential intervention.

Charter schools: 60, on 96 campuses, compete with DCPS for 72,000 total public education students.

Serious ongoing enrollment decline: over 7 percent last year. Charter competition, gentrification, drop in births.

Unusually weak civic capacity.

Area	Activity	Progress	Cautions
Student outcomes: tests, dropout/graduation, truancy, college-going, satisfaction.	All efforts combined .....	Too early to tell .....	Data quality still problematic
Academic framework .....	Standards ..... Aligned curriculum ..... Professional development .....	Largely done well, prior and current administration ..... Pacing guides (only) ..... Major expansion, including reading and math coaches at all schools.	Curriculum not yet done; staff recently replaced School staff give mixed reviews to central PD
Teachers/principals .....	Aligned tests ..... Test preparation ..... Principal replacement (principals serve at-will) .....	D.C. CAS in place ..... Big expansion ..... About 61 percent in 2 years .....	Test security (self-monitor) Limited educationally Annual average over years about 23 percent; no time to build quality; dismissals unrelated to evaluations; some good ones leaving Half of new teachers gone in 2 years; many under-prepared
	Teacher recruitment .....	Many applicants, good credentials .....	
	Teacher replacement (after 2 years, just cause required).	Many replaced .....	Frequent reports of low morale; some good ones leaving; 27 percent of teachers have only 1–2 years of experience
Programs .....	Teacher evaluation (current system ineffective) ..... Early Childhood (D.C. long a national leader in availability). General instructional improvements .....	New system under development ..... Continued expansion .....	Quality concerns: pupil/staff ratios; developmental appropriateness
	Special programs .....	Expansion of targeted instruction, professional development. STEM, art integration, world cultures, IB planned at selected schools.	Schools chosen, but most not yet implemented
	Middle school grades .....	Replacement of some middle schools by preK–8 schools.	Lack of usual middle school course offerings, guidance counselors
	High schools ..... Athletics (badly underfunded for years) .....	Restructuring (NCLB) ..... New fields and facilities, substantially increased funding.	Course offerings thin
Special education .....	Reduce assessment backlog ..... Service improvements (seriously inadequate for decades). Compliance with court decrees and Dept of Education rules.	Substantial progress ..... Attempted, outcomes unclear .....	Large numbers of new referrals coming in Enormous cost of private placements, transportation and attorneys fees still rising Inadequate to satisfy requirements
Wrap-around (social) services .....	Inclusion ..... Social workers, psychologists (apart from special education).	Limited ..... Expanded efforts ..... Substantial expansion .....	Too early to tell effects



Management systems .....	Integration of services from other city agencies .....	Expansion, still increasing .....	Some loss of services to same families in health, housing, day care, due to city budget cuts
Procurement .....	Improved .....	Improved .....	
Personnel-payroll .....	New PeopleSoft—no complaints heard .....	New PeopleSoft—no complaints heard .....	
Information .....	Little change apparent .....	Little change apparent .....	
Budget transparency (steady decline over 25 years) .....	Central office staff replacement .....	Employees now at-will. Many replaced. New evaluation systems.	Information not timely, fails to answer many basic questions; no budget book—only tables
Resources: budget, expenditures, staffing .....	Funding .....	Substantial increases in per pupil funding, largely directed to classroom and instruction.	Dismissals unrelated to evaluation; some good officials leaving
Equity .....	Equity .....	Art, music, PE, librarians required at all schools .....	
Facilities: responsibility now shared with separate Office of Facilities Modernization (OPEFM) .....	Master Facilities Plan .....	Extends improvements to all schools by shifting focus to classroom improvements (Phase 1).	Large differences in per student funding unrelated to student need; basis (staffing plan) strongly favors small schools and is often not even followed
OPEFM .....	Modernizations, renovations, major repairs .....	Substantial progress, enabled by big increase in funding.	Postpones many systems renovations and real modernization to Phases 2 and 3
OPEFM .....	Maintenance .....	Better .....	Cost overruns and concentration on Phase 1 may cause OPEFM to run out of money before underlying systems are replaced
DCPS .....	Excess space .....	Closed/consolidated 27 schools .....	Significantly underfunded and provided to some extent by long-term bond funding
Parent/community involvement .....	Communication .....	Better in second than in first year .....	Several million square feet of excess space remain, largely unused; significant number of very small schools in too-big buildings
	Participation and input into policy, budget, and other key decisions.	Less than in previous administrations .....	Substance is often thin, general, and details not made public
Governance and accountability .....	System accountability: D.C. Council and OSSE .....	No micro-management of the executive .....	Many staff, parents, community most closely involved with DCPS feel excluded and do not buy into the results
	School accountability: DCPS central .....	NCLB measures, primarily test scores; school wide performance bonuses; principal dismissals.	No independent oversight except D.C. Council, which is not set up for close oversight. OSSE is responsible for Federal grants oversight, but is in a conflict of interest, since both DCPS and OSSE are controlled by the Mayor.
	School staff accountability: DCPS central, principals .....	New evaluation process and instrument in preparation; stringent measures anticipated.	Unintended consequences of over-emphasis on reading and math testing Staff often report feeling under-supported and over-threatened

Area	Activity	Progress	Cautions
	Local school autonomy ..... Checks and balances .....	Diminished, with promises of later increase ..... Almost none. Protects effective reforms, unpopular changes.	Heavily centralized, top-down control constrains good principals and teachers, sometimes results in arbitrary treatment at individual school level Potential protection for fad reforms, mistakes, ineffective implementation, arbitrary decisions

ATTACHMENT 2.—THE DISTRICT'S NEW PUBLIC SCHOOL GOVERNANCE LAW—  
SUMMARY OF IMPACT AND ISSUES

*Effects*

The Home Rule Charter provisions on education have been eliminated. The D.C. Council and mayor have complete authority to change the governance of public education through the normal legislative process.

The Board of Education as a governing body for DCPS is abolished, and its powers and functions taken by the mayor and council. The council has authority to pass laws setting DCPS policy, but for at least a short time will not be able to change budget details—only the amounts allocated to major programs (instruction, facilities, administration, etc.

The board has become a State Board of Education, with authority over a number of city-wide educational policy decisions, such as academic standards, teacher qualifications, graduation requirements, school accreditation, and parent involvement policies. The board cannot hire, fire, or oversee any schools or the State Superintendent of Education, who will continue to report to the mayor. Following the November 2008 elections, board members will be all-elected, one per ward and one at-large. The council, however, can change this system or abolish the board altogether.

DCPS is a city agency, operating under the same rules as agencies such as the Police Department or the Department of Health, unless and to the extent that the mayor and council explicitly create exceptions.

DCPS will operate as a local school district only, with its existing Federal grants authority and similar State functions moved to the Office of the State Superintendent of Education.

Facilities construction and renovation are controlled by a separate authority reporting to the mayor; the authority will approve and authorize decisions with significant impact on the educational program, including planning and design.

Oversight as well as policy and operations will be in the hands of the mayor and council. In its structure, this takeover is more like a State takeover of a local district elsewhere than a mayoral takeover. When a mayor takes over a school system, the State education department continues to do oversight and retains authority to set rules. When the State itself takes over a school district, power is exercised by the governor, State superintendent, State board and State legislature.

Constituent problems will be dealt with through an Ombudsman, but also by council members.

*Structural Issues.*—The structure may outlast the individuals stepping into it by many years. Structural concerns expressed by citizens:

- The council's role, since it has some budget authority and the ability to make policy and operating decisions through legislation, could lead to politicization of school decisions, for their becoming fodder in deal-making. In addition, will council members, with all their existing State and local responsibilities have the time and capacity to make well-informed appropriate decisions? Elsewhere, even in cities with mayoral takeovers, city councils do not have line-item budget or policy-making authority.
- The existing conflict of interest, whereby DCPS in its State role oversees itself and its competitors, the charter schools, will not be eliminated, but will be moved to the level of the mayor. Elsewhere in the country, State and local controls are separate. With the advent of dozens of charter schools as separate local education agencies, the District has become like a State.
- Independent oversight and checks and balances are lacking. Only the council will have the power of oversight. Information will be created and controlled solely by those operating the system. Elsewhere in the country, State superintendents and State departments of education oversee and exercise considerable power over local districts, whether controlled by school boards or mayors, and elected school boards answer to the voters only for education issues.
- The only procedure to ensure parent and community input and influence on policy decisions is a requirement that the mayor set up a process including quarterly public meetings. There are no requirements for public information.
- Continued control of DCPS' day-to-day fiscal operations by the city's CFO will maintain the existing confusion and lack of accountability for financial performance and may discourage good superintendents and school system CFOs from coming here. The CFO must have full access to financial information and the ability to investigate and halt payment for cause, but budget and education cost accounting systems and personnel are the prerogative of the Superintendent everywhere else in the country.
- The facilities authority as described in the bill disconnects facilities decisions from the educational system that the facilities are supposed to serve. Moreover,

it could easily become another bureaucracy that slows work and diffuses accountability. Long ago, the District had a similar system, which was changed because it did not serve education.

Senator DURBIN. Well, we're in a mess. We have five rollcalls, which will have us anchored on the floor for the next hour and a half, which means that we can't, at this point, continue the hearing.

And so—I don't know that we can recess it until this afternoon, because Senator Collins can't return, and my schedule is not very good, either. So—we could try to reconvene, because I really want to hear your testimony, if it's okay. If someone can't return, and wants to submit a written testimony, we'll make it part of the record. But, we're coming back. We're not stopping at this point, because there's still a lot of this story that needs to be told, and I want to give you each a chance to do it.

I hope you understand. We didn't know this was coming. And I think the first panel was valuable, and this panel is equally valuable.

So, I promise that we will reconvene. I apologize, on behalf of the subcommittee, for the inconvenience of bringing you all the way here, and making you sit through this, and then not being able to provide your testimony. And we will work with you to find a day that works for the remaining members of the panel.

Is that okay?

Senator COLLINS. Yes. My—

Senator DURBIN. Thank you.

Senator COLLINS [continuing]. Apologies, as well.

#### SUBCOMMITTEE RECESS

Senator DURBIN. I'd like to blame somebody, but since I'm in leadership—

Senator COLLINS. I was going to point that out, but—

Senator DURBIN. The subcommittee will stand recessed—

Senator COLLINS. Thank you.

Senator DURBIN [continuing]. And we'll be back.

[Whereupon, at 11:50 a.m., Wednesday, September 16, the subcommittee was recessed, to reconvene subject to the call of the Chair.]

## MATERIAL SUBMITTED SUBSEQUENT TO THE HEARING

[CLERK'S NOTE.—The following testimonies were received by the Subcommittee on Financial Service and General Government for inclusion in the record.]

### PREPARED STATEMENT OF THE SECULAR COALITION FOR AMERICA

I want to thank Senator Durbin and the other members of the Committee for this opportunity to submit written testimony as you consider whether or not to reauthorize the D.C. Opportunity Scholarship Program.

The Secular Coalition for America is the leading organization promoting the viewpoints of nontheistic Americans and their Federal policy concerns. Headquartered in Washington, DC, and founded in 2005, our mission is to increase the visibility of and respect for nontheists in the United States, and to protect and strengthen the secular character of our government as the best guarantee of freedom for all Americans. We are members of the National Coalition for Public Education, which is a coalition of civil rights, civil liberties, labor and education groups which fights against voucher programs. While the Secular Coalition for America opposes voucher programs and other revenue shifting measures which pay for religious education, we take no position on the use of vouchers for secular private education.

### THE D.C. OPPORTUNITY SCHOLARSHIP PROGRAM INVOLVES AN INAPPROPRIATE USE OF GOVERNMENT FUNDS TO SUPPORT RELIGION

One of the most dearly held principles of religious liberty is that government should not compel any citizen to furnish funds in support of a religion with which he or she disagrees, or even a religion with which he or she does agree.<sup>1</sup>

According to a U.S. Department of Education report published in March 2009, 82 percent of students whose tuition is paid for by the District of Columbia voucher program attend faith-based schools.<sup>2</sup> Only 22 percent of students in the D.C. program attend a school that charges non-voucher students more than the \$7,500 the District of Columbia pays for a voucher student to attend the school.<sup>3</sup> Thus, for most students a voucher covers the cost of all instruction provided by the school, non-religious and religious instruction alike.

For some schools it is even difficult to identify what part of the curriculum could be characterized as “non-religious”. As an example, one school that receives taxpayer funds pursuant to the District of Columbia voucher program, the Ambassador Baptist Church Christian School, states on its Web site that the school’s “primary mission and goal . . . is to train the students in the knowledge of God and the Christian way of life and to provide them with an excellent educational experience . . . God’s truth is infused throughout the curriculum and is reinforced in chapel each week.” Other schools that receive taxpayer funds include the New Macedonia Christian Academy which boasts about delivering “a high quality Christian education to our students while instilling a strong Christ-centered academic foundation” and the Dupont Park School, which encourages “each student to develop a personal relationship with God.” For such schools worship and religious doctrine are so intertwined with academic life as to be indistinguishable. There is no separation of non-religious and religious education.<sup>4</sup>

<sup>1</sup> Virginia Statute for Religious Freedom, 1789.

<sup>2</sup> U.S. Department of Education, *Evaluation of the D.C. Opportunity Scholarship Program: Impacts After Three Years* (March 2009) xxi.

<sup>3</sup> U.S. Department of Education, *Evaluation of the D.C. Opportunity Scholarship Program: Impacts After Three Years* (March 2009) ix.

<sup>4</sup> Students are directly affected by this lack of separation of non-religious and religious education and the absence of an opt-out provision to allow students to forgo religious instruction,

Continued

## THE D.C. VOUCHER PROGRAM SHOULD NOT BE REAUTHORIZED

The Secular Coalition opposes the use of government funds for religious purposes, including vouchers for religious schools. We agree with the founders of the United States that no individual taxpayer should be required to pay for the propagation of another's religion. This fundamental protection should certainly preclude taxpayer subsidization of religious organizations by supporting the religious education—and indoctrination—of a fellow citizen's child. Safeguarding every American's freedom of conscience is the very purpose of the Establishment Clause contained in the First Amendment of the U.S. Constitution.

When religious schools are privately funded, they have an undisputed right to include religious content in their curriculum. However, once taxpayer dollars enter the equation, it is imperative for the government to avoid funding religious activity.

We oppose the Scholarships for Opportunity and Results Act of 2009 and other legislative efforts to reauthorize the D.C. Opportunity Scholarship Program.

## PREPARED STATEMENT OF THE AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS

On behalf of the American Association of School Administrators, representing more than 13,000 school superintendents and local educational leaders, we urge you to oppose private school vouchers. In a time when every Federal dollar matters and funding for critical public school funding such as title I is under threat, now is not the time to continue the diversion of scarce taxpayer dollars to private schools.

A recent Institute of Education Sciences evaluation of the private school vouchers in the District of Columbia found no academic difference—in English or math—for the target population of students, those who originally attended schools failing to make Adequate Yearly Progress (AYP). Additionally there was no difference for boys in either English or math regardless of the AYP status of their original public school. It is clear, after an independent government evaluation, that the pilot program in the District of Columbia has not demonstrated results and therefore should not be continued.

Private schools are not held to the same accountability standards as public schools. They are not required to have the same level of transparency and reporting to the public and are not subject to the requirements of No Child Left Behind or the Individuals with Disabilities Education Act. As congressional expectations of public school districts continue to rise, it is inequitable to not have the same expectations for private schools receiving Federal dollars.

Vouchers are poor public policy, inherently flawed in permitting the inequalities found in the private markets, and lacking public oversight. Furthermore, touted as a "school choice" option for parents, this program actually leaves the choice of which students are admitted to the schools not the parents. Vouchers have demonstrated a consistent lack of political viability, losing by a margin of 2-to-1 in 12 State elections over a 36-year period. They create an unsustainable increase in Federal, State and local taxes.

With limited Federal dollars we must invest available funding into the public school districts that help a largest percentage of children and are subject to Federal requirements. It is the children left behind by vouchers who are at the greatest risk. Scarce taxpayer dollars should be focused on interventions to improve education for all students, rather than diverting funds to let a select few out of the public system.

Once again, we urge you to focus on the education that affects the majority of school children in the District and no longer continue sending taxpayer dollars to private schools through the expired and failed private school pilot program. If you have any questions, please do not hesitate to contact us.

## PREPARED STATEMENT OF THE AMERICAN FEDERATION OF TEACHERS

The American Federation of Teachers (AFT) appreciates the opportunity to share its views on the "Opportunity Scholarship Program," which provides private school vouchers in Washington, DC.

The AFT, on behalf of its more than 1.4 million members, strongly opposes reauthorization of or funding for new students to participate in the expired private school voucher pilot program. This position, while specific to the program at hand,

worship and indoctrination. More than 8 percent of the children who leave their voucher schools do so because "religious activities at the private school make the child uncomfortable," according to the 2008 U.S. Department of Education Report. U.S. Department of Education, *Evaluation of the D.C. Opportunity Scholarship Program: Impacts After Two Years* (June 2008) 23.

is consistent with a core principle: Taxpayer funds should be used to support our Nation's public schools. Private schools, which are ancillary to the public school system, should not be supported with public funds. This position is not new, nor is the decades-long discussion about the viability and suitability of vouchers. We believe that government's time and energy would be better spent focusing on strengthening and improving the public schools that are its responsibility. Instead of spending public dollars on vouchers for some students, funds should be invested in public school programs that have been proven to work, and that will help ensure all students receive a rich, rigorous education that prepares them for college or the workforce after high school. These proven programs include lowering class sizes to allow teachers to spend more time with individual students, adopting reading programs with a record of effectiveness, offering after-school programs for students, making available wraparound services to meet students' noninstructional needs, and providing high-quality early childhood education. In addition, school buildings need to be repaired and modernized so children have access to technology and can learn in a safe, healthy and comfortable environment.

The D.C. voucher program, like other private school voucher plans, is a flawed policy that lacks accountability, and diverts attention and resources from efforts to improve our public schools.

The program was established as a 5-year experimental pilot that expired at the end of fiscal year 2008. The fiscal year 2009 omnibus appropriations bill provided one additional year of funding, but specified that no further funds would be provided unless the program is reauthorized by Congress and approved by the D.C. City Council. The fiscal year 2010 financial services appropriations bill as reported by the committee provides funding only for students already receiving a voucher.

The voucher program has proven to be flawed and ineffective, and there is no justification for continuing it for any new students. Several Federal reports released in 2007, 2008 and 2009 have clearly documented the problems with the program and its lack of effectiveness.

According to three congressionally mandated evaluation reports, vouchers have not resulted in increased achievement for the students formerly attending schools in need of improvement—the very students the program was primarily intended to assist. The 2007 and 2008 reports revealed no statistically significant differences overall in reading or math between D.C. private school voucher students and their peers attending D.C. public schools. The 2009 report likewise found no overall difference in math scores. While there was some improvement in reading scores, there was no significant difference in reading for students coming from schools in need of improvement or students who entered the program in the lower third of test score distribution.

The evaluations also found that the voucher program had no impact on student motivation and engagement, on students' satisfaction with their school, or on whether students viewed their school as safe and orderly. Also, voucher students were less likely to have access to important services such as programs for English language learners, special programs for students with learning problems, counselors, tutors and after-school programs.

In addition, a number of accountability problems with the program were documented in a report issued by the U.S. Government Accountability Office in 2007. According to the report, for example, students from schools in need of improvement (the group given priority in the statute) were underrepresented in the program, and Federal tax dollars were spent on tuition at private schools that did not charge tuition. Some participating schools employed teachers who lacked a bachelor's degree; some failed to meet basic requirements for operating legally in the District of Columbia.

The AFT believes it is clear that the evidence does not support reauthorizing the program or providing funding for any new students. We now have an opportunity in the District of Columbia to make a real difference in the city's public schools, where the majority of students are educated. Resources and attention should be focused on that goal rather than on funding private school vouchers.

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#### PREPARED STATEMENT OF THE CENTER FOR INQUIRY

The Center for Inquiry strongly urges you to oppose legislation that would reauthorize the expired Washington, DC private school voucher pilot program. All four of the Federal studies that have analyzed the program concluded that the program is ineffective, leaving no justification for its continuation. Rather than extending the voucher program, Federal funding should be spent in more useful ways that would serve all students in Washington, DC.

The 5-year pilot program was authorized to provide private school vouchers worth up to \$7,500 to approximately 1,700 students, at an annual cost of \$14 million. Though the program was scheduled to expire in 2008, the fiscal year 2009 omnibus appropriations bill provided one additional year of funding (for the 2009–2010 school year) to allow for a smooth transition for students currently participating in the program. That appropriation stipulated that no additional funding would be available until Congress thoroughly examined the program and, by reauthorization, designated that the program warranted continued funding. Given the program's ineffectiveness, demonstrated conclusively and consistently as described below, and inappropriateness, given the disproportionate funding allocated to relatively few students while the needs of the majority of D.C. public school students go unmet, it is clear that there is no justification for extending the program.

Despite proponents' claims 6 years ago that the voucher program would permit students from "schools in need of improvement" (SINI) to attain greater levels of academic achievement, all three of the congressionally mandated Department of Education studies have concluded that the voucher program has had no effect on the academic achievement of these students.<sup>1</sup>

Furthermore, the 2007 U.S. Government Accountability Office (GAO) Report found that students from SINI schools are actually "underrepresented" in the program.<sup>2</sup> Having failed to improve the academic achievement of the students the program targeted, the voucher program has proven unworthy of reauthorization.

These Federal studies further found that the voucher program had no effect on student safety, satisfaction, motivation, or engagement.<sup>3</sup> And, they revealed that many of the students in the voucher program were less likely to have access to key services—such as ESL programs, learning support and special needs programs, and counselors—than students who were not part of the program.<sup>4</sup> Perhaps that is why students with physical or learning disabilities are underrepresented in the program compared to the public schools.<sup>5</sup> The program's inability to improve the school experience of students in the voucher program further demonstrates that the program is not worthy of reauthorization.

In addition to the lack of academic evidence supporting the program, the GAO Report also documented several accountability shortcomings in the program. Examples include Federal taxpayer dollars funding tuition at private schools that do not even charge tuition, schools that lacked city occupancy permits, and schools employing teachers without bachelor's degrees.<sup>6</sup> Also, some of the information provided to parents regarding the private schools, including information that "could have significantly affected parents' choice of schools," was "misleading," "incorrect," and "incomplete."<sup>7</sup>

That the program is expiring should come as no surprise to voucher proponents—the 5-year expiration date was clear when the program was created. Furthermore, the end of the program does not necessarily mean that students will have to leave their voucher school. The WSF provided privately-funded scholarships to students before the Federal voucher program was established and it continues to provide such scholarships now. And, with help from voucher supporters, it is sure to raise even more money in the future.

The Center for Inquiry believes that instead of sending Federal money to private schools, money should instead be invested in the public schools. We also note that despite receiving public money, the participating private schools are not subject to all Federal civil rights laws, and do not face the same public accountability standards, including those in the No Child Left Behind (NCLB) Act, that all public schools face. We also believe this program continues to raise problems under the First Amendment of the Constitution.

<sup>1</sup>U.S. Department of Education, *Evaluation of the D.C. Opportunity Scholarship Program: Impacts After Three Years* (April 2009), [http://ies.ed.gov/ncee/pubs/20094050/pdf/20094050\\_1.pdf](http://ies.ed.gov/ncee/pubs/20094050/pdf/20094050_1.pdf); U.S. Department of Education, *Evaluation of the D.C. Opportunity Scholarship Program: Impacts After Two Years* (June 2008), <http://ies.ed.gov/ncee/pdf/20084024.pdf>; U.S. Department of Education, *Evaluation of the D.C. Opportunity Scholarship Program: Impacts After One Year* (June 2007), <http://ies.ed.gov/ncee/pdf/20074009.pdf>.

<sup>2</sup>U.S. Government Accountability Office, District of Columbia Opportunity Scholarship Program: *Additional Policies and Procedures Would Improve Internal Controls and Program Operations*, Pub. No. 08–9 at 26 (Nov. 2007) (GAO Report), <http://www.gao.gov/new.items/d089.pdf>.

<sup>3</sup>2009 U.S. Department of Education Report at xxvi, xviii, 35, 40, 44–45, 49–50; 2008 U.S. Department of Education Report at 42–43, 50, and 57; and 2007 U.S. Department of Education Report at xix and 1–4.

<sup>4</sup>2009 U.S. Department of Education Report at xxii, and 17; 2008 U.S. Department of Education Report at xvii, and 16; 2007 U.S. Department of Education Report at 21.

<sup>5</sup>GAO Report at 30.

<sup>6</sup>*Id.* at 22–23, 33–35.

<sup>7</sup>*Id.* at 36.



The Center for Inquiry believes the objective evidence does not support the reauthorization or continued funding of the only federally funded school voucher program. Therefore, we urge you to oppose reauthorization of the D.C. voucher program.

Thank you for your consideration of our views on this important issue.

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PREPARED STATEMENT OF THE AMERICAN ASSOCIATION OF UNIVERSITY WOMEN

Chairman Durbin, Ranking Member Collins, and members of the subcommittee thank you for the opportunity to submit testimony for the hearing “A Review of Federal Appropriations for District of Columbia Education.”

The American Association of University Women is a membership organization founded in 1881 with approximately 100,000 members and 1,000 branches nationwide. AAUW has a proud 128-year history of breaking through barriers for women and girls and has always been a strong supporter of public education. Today, AAUW continues its mission through education, research, and advocacy.

The American Association of University Women remains committed to ensuring strong academic principles and closing the achievement gap for all children, while standing firmly by the belief that the country should provide an excellent education for all children, not private school vouchers for a few. While AAUW supports funding for District of Columbia public schools and charter schools, we strongly oppose the D.C. Opportunity Scholarship Program.

AAUW believes a strong, free public education system is the foundation of a democratic society, and has long opposed diverting public funds to private or religious elementary and secondary schools. The 1937 AAUW legislative program called for “free public instruction of high quality available to all, since popular education is the basis for freedom and justice,” and in 1955 stated “universal education is basic to the preservation of our form of government and to the well-being of our society.” Today, AAUW’s 2009–2011 Public Policy Program clearly states AAUW’s “. . . opposition to the use of public funds for nonpublic elementary and secondary education.”<sup>1</sup>

While AAUW supports innovative techniques to improve America’s schools, we believe voucher proposals fly in the face of our Nation’s commitment to public education. AAUW does not oppose public school choice programs, which allow students to choose a public school in their school district. However, in many areas of the country the notion of “private school choice” is misleading because there are few, if any, private schools or because the only private schools are religiously affiliated and not the appropriate denomination for the family.

From AAUW’s perspective, regardless of the constitutionality of certain voucher programs, such schemes are not sound education policy.

AAUW OPPOSES VOUCHERS

Private and religious schools are not required to observe Federal nondiscrimination laws, such as title IX. In fact, voucher proposals often contain language specifically intended to circumvent civil rights laws, and many proponents insist voucher funding does not flow to the school but instead to the parent or student precisely to avoid any civil rights obligations. This specificity in language allows private institutions to discriminate on the basis of religion, gender, disability, and language proficiency. Further, private and religious schools can reject a student based on the school’s own admissions criteria and discriminate against a student in access to classes, guidance counseling, extracurricular activities, and other aspects of education.

Private and religious schools are not held to the same accountability and testing standards established in the No Child Left Behind Act (NCLB). Such schools do not have to hire “highly qualified” teachers, adhere to NCLB testing requirements and Adequate Yearly Progress, or disaggregate or publicly release student achievement results.

Funding for NCLB is woefully inadequate, and the additional diversion of needed resources would further diminish public schools’ ability to meet mandated accountability standards and address achievement gaps among students. President George W. Bush’s budget for fiscal year 2009 allotted only \$24.7 billion for NCLB—nearly

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<sup>1</sup>American Association of University Women (June 2009). 2009–11 AAUW Public Policy Program. Retrieved July 9, 2009, from [http://www.aauw.org/advocacy/issue\\_advocacy/principles\\_priorities.cfm](http://www.aauw.org/advocacy/issue_advocacy/principles_priorities.cfm).

\$15 billion below the authorized amount. Over the course of its existence, NCLB has been underfunded to the tune of over \$85 billion.<sup>2</sup>

Our country's public schools already face teacher shortages, overcrowded classrooms, and increased accountability without adequate funding. Diverting critical resources from the school systems that educate 90 percent of America's students is not a fiscally sound investment.<sup>3</sup>

Private and religious school voucher programs weaken the public school system by diverting these already scarce funds that could otherwise be used for needed teacher training, smaller class sizes, expanded support services, and improved facilities.

Private school vouchers do not raise student achievement. A recent study conducted by the National Center for Education Statistics of the U.S. Department of Education compared the effectiveness of public schools to that of private institutions. After controlling for critical demographic factors (parents' income, education level, number of books in household), NCEES found that public schools perform as well as, and even better in a few instances, than private schools.<sup>4</sup> A 2001 GAO study confirmed that the official evaluations of Cleveland's and Milwaukee's voucher programs found no differences in the achievement of voucher students compared to public school students, despite built-in applicant screening advantages for private schools.<sup>5</sup>

Vouchers are taxpayers' dollars spent according to the policies of a private school board—not the decisions of a democratically elected and publicly accessible school board. Private and religious schools are not required to meet basic accountability provisions, such as open meetings and records laws, or to publicly release test scores, dropout rates, and other basic information. Because private schools are not accountable to the public at large, taxpayers lose public oversight for the expenditure of their tax dollars.

Vouchers disproportionately help families with children already in private schools or those who have never attended public schools at the inception of the Cleveland "Scholarship and Tutoring Program," 39 percent of students used their vouchers to continue their attendance in private or religious schools, and another 40 percent were attending school for the first time.<sup>6</sup>

#### VOUCHER PROPOSALS UNPOPULAR IN PUBLIC OPINION POLLS AND BALLOT INITIATIVES

A 2001 poll conducted by the National School Boards Association and Zogby International revealed that voters preferred strategies to invest in public education like reducing class size (27 percent), improving teacher quality (27 percent), and increasing teacher training (23 percent) over voucher schemes (13 percent).<sup>7</sup>

A 2006 Phi Delta Kappa/Gallup poll found that 71 percent of Americans would prefer improving existing public schools over "finding an alternative to the existing public school system."<sup>8</sup>

In November 2007, Utah voters rejected a voucher proposal that would have made vouchers available to all students. This marked 11 out of 11 tries that voucher State ballot initiatives have been decisively rejected by voters.<sup>9</sup> In most cases, the \$3,000

<sup>2</sup>National Education Association (February 4, 2008). *Funding Gap: No Child Left Behind*. Retrieved April 27, 2009, from <http://www.nea.org/assets/docs/fundinggap.pdf>.

<sup>3</sup>National Center for Education Statistics (2007). *The Condition of Education 2007*. Retrieved December 4, 2007, from <http://nces.ed.gov/pubs2007/2007064.pdf>. The 90 percent statistic is derived from this table, which shows total private school enrollment at 9.7 percent.

<sup>4</sup>National Center for Education Statistics (July 2006). *Comparing Private Schools and Public Schools Using Hierarchical Linear Modeling*. Retrieved December 4, 2007, from <http://nces.ed.gov/nationsreportcard/pdf/studies/2006461.pdf>.

<sup>5</sup>U.S. Government Accounting Office (August 2001). *School Vouchers: Publicly Funded Programs in Cleveland and Milwaukee*. GAO-01-914 Retrieved December 5, 2007, from <http://www.gao.gov/new.items/d01914.pdf>.

<sup>6</sup>Schiller, Zach and Policy Matters Ohio (September 2001). *Cleveland School Vouchers: Where the Students Come From*. Retrieved December 5, 2007, from <http://www.policymattersohio.org/voucherintro.html>.

<sup>7</sup>National School Board Association/Zogby International Poll (September 25, 2001). *School Vouchers: What the Public Thinks and Why*. Retrieved December 5, 2007, from <http://www.nsba.org/MainMenu/Advocacy/FederalLaws/SchoolVouchers/VoucherStrategyCenter/NSBAAdvocacyToolsonVouchers/NSBANationalpollonschoolvouchers.aspx>.

<sup>8</sup>Phi Delta Kappa/Gallup Poll (September 2006). *The 38th Annual Phi Delta Kappa/Gallup Poll on the Public's Attitudes Toward Public Schools*. Retrieved December 5, 2007, from [http://www.eric.ed.gov/ERICWebPortal/custom/portlets/recordDetails/detailmini.jsp?\\_nfpb=true&\\_&ERICExtSearch\\_SearchValue\\_0=EJ758062&ERICExtSearch\\_SearchType\\_0=no&accno=EJ758062](http://www.eric.ed.gov/ERICWebPortal/custom/portlets/recordDetails/detailmini.jsp?_nfpb=true&_&ERICExtSearch_SearchValue_0=EJ758062&ERICExtSearch_SearchType_0=no&accno=EJ758062).

<sup>9</sup>National School Boards Association (November 7, 2007). *Utah Voters' Defeat School Vouchers*. Retrieved January 2, 2008, from <http://vocuspr.vocus.com/vocuspr30/Newsroom/>

voucher would not cover even half of private school tuition which is estimated to be as much as \$8,000 annually. The initiative was defeated by a 25 percentage point margin with every county in the State voting against the voucher proposal.<sup>10</sup>

#### DISTRICT OF COLUMBIA SCHOOL VOUCHER PROGRAM

In 2003, a private school voucher program was created for the District of Columbia school system; it was intended as a 5-year pilot research project scheduled to expire in 2008. This represents the first time in history that Federal dollars have been used to fund private school vouchers. In the 109th Congress, several attempts to expand the program were proposed. While many of these attempts were thwarted, Congress did approve expanding eligibility for families already enrolled for the first 2 years of the program from 185 percent of the Federal poverty level to 300 percent of FPL, turning what was pitched as a program to subsidize tuition for low-income families into a program that funds private education for middle-class families that often could afford the tuition anyway. With these precedents laid, voucher proponents have been emboldened to further divert taxpayer dollars to pay for private education. The program, which currently receives \$14 million, provides vouchers of up to \$7,500 a piece to about 1,700 students.

While implemented, the District of Columbia private school voucher “pilot” program has not performed in the ways the law was intended. A 2005 report found that fewer than 75 of the more than 1,300 students who received vouchers came from public schools that were determined to be most in need of improvement by Federal law.<sup>11</sup> At the same time, more than 200 students who received vouchers were already enrolled in private schools. The unfortunate irony is that the number of students already in private schools receiving vouchers is almost three times the number of students coming from schools in need of improvement—the students who were purportedly the target of the program.<sup>12</sup>

Although the program expired in 2008, it was funded by the fiscal year 2009 Appropriations Act for one additional year. The current version of fiscal year 2010 Financial Services and General Government Appropriations Act (S. 1432) is similar to the budget request proposed by President Obama, which would fund the program until students currently receiving vouchers graduate from high school. The bill includes \$12.2 million for the program, limits the program to those students who received scholarships in the 2009–2010 school year, and includes an additional \$1 million for new testing requirements. The bill also includes important provisions from the fiscal year 2009 Appropriations Act that require schools to have certificates of occupancy and ensure that core subject teachers have bachelor’s degrees.

While AAUW’s general concerns about vouchers as discussed above apply to this program, we are especially troubled that most of the private schools that receive funding under the program do not have to follow title IX. Title IX is the Federal civil rights law prohibiting sex discrimination in education programs and activities that receive Federal financial assistance. The only private schools in the program that have to comply with title IX are schools that receive Federal money in addition to the voucher funding. While commonly known for creating opportunities for women and girls in athletics, title IX affects all areas of education. It has made it possible for women to pursue careers as lawyers, doctors, mechanics, scientists, and professional athletes. Because schools that participate in this voucher program are exempt from title IX, they can discriminate based on gender. This means schools can base admissions decisions on gender, limit opportunities for girls to play athletics, and base curriculum on outdated gender stereotypes. By exempting schools under this program from title IX, the voucher program creates an environment that is not only ripe for gender discrimination, but has no protections in place should that discrimination occur.

In addition to civil rights concerns, the D.C. voucher program has not been shown to improve academic achievement. In April 2009, the Department of Education re-

Query.aspx?SiteName=NSBANew&Entity=PRAsset&SF\_PRAsset\_PRAssetID\_EQ=108422&XSL=PressRelease&Cache=False.

<sup>10</sup> Crawford, Grigs (November 7, 2007). *Taxes, Stem Cell Funding, School Vouchers Rebuffed in Ballot Measure Voting*. Retrieved December 5, 2007 from <http://www.cqpolitics.com/wmspage.cfm?parm1=5&docID=news-000002623685>.

<sup>11</sup> People for the American Way Foundation (February 2005). *Flaws and Failings: A Preliminary Look at the Problems Already Encountered in the Implementation of the District of Columbia’s New Federally Mandated School Voucher Program*. Retrieved December 5, 2007, from [http://site.pfaw.org/site/PageServer?pagename=report\\_flaws\\_and\\_failings](http://site.pfaw.org/site/PageServer?pagename=report_flaws_and_failings).

<sup>12</sup> People for the American Way Foundation (February 2005). *Flaws and Failings: A Preliminary Look at the Problems Already Encountered in the Implementation of the District of Columbia’s New Federally Mandated School Voucher Program*. Retrieved December 5, 2007, from [http://site.pfaw.org/site/PageServer?pagename=report\\_flaws\\_and\\_failings](http://site.pfaw.org/site/PageServer?pagename=report_flaws_and_failings).

leased a new report which found no improvement in academic achievement for those students receiving vouchers from public schools in need of improvement—the target audience of the voucher program.<sup>13</sup> An earlier report from June 2008 found that “after 2 years, there was no statistically significant difference in test scores in general between students who were offered an OSP [Opportunity Scholarship Program] scholarship and students who were not offered a scholarship.” In addition, while “the Program had a positive impact on overall parent satisfaction and parent perceptions of school safety . . . [s]tudents had a different view of their schools than did their parents.” Overall, student satisfaction was unaffected by the voucher program.<sup>14</sup>

In addition, a November 2007 GAO report revealed numerous problems with the District of Columbia voucher program, including a lack of detailed fiscal policies and not adhering to procedures for making scholarship payments. The report also found that many of the participating schools conducted classes in unsuitable learning environments taught by teachers lacking bachelor’s degrees. In many cases, parents were not informed of these deficiencies.<sup>15</sup>

AAUW will continue to urge Congress and the Obama Administration to end the D.C. voucher program—a program which does not work and has already expired. AAUW believes the appropriate strategy for improving our Nation’s schools is to direct resources toward improving public schools, rather than diverting public funds into private institutions.

Thank you for the opportunity to submit testimony.

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PREPARED STATEMENT OF PEOPLE FOR THE AMERICAN WAY

On behalf of the hundreds of thousands of members of People For the American Way, we urge you to focus scarce Federal resources on programs that will create opportunity for all public school students and not just a select few. Accordingly, we oppose the experimental D.C. private school voucher program, which has failed to provide any significant improvement in the educational attainment of the enrolled students. Furthermore, this program continues to undermine fundamental constitutional principles as well as the core accountability requirements of the No Child Left Behind Act.

As a civil rights organization dedicated to protecting core constitutional principles, People For the American Way opposes the D.C. private school voucher program because it is a blatant infringement upon the separation of church and State and fails to adequately protect the civil rights of all students. The D.C. private school voucher program federally funds and permits private institutions to discriminate against students and staff based upon religion, gender, and limited English proficiency. Notably, this program even allows private schools to discriminate against students by picking and choosing which students to educate; public schools on the other hand must educate every child. The end result is the undermining of the diversity upon which this country flourishes.

Claims that funding of the voucher program is necessary to ensure increased funding for the D.C. public school system is a ruse created by the previous Administration to move an ideological agenda. Throughout the tenure of the experimental D.C. private school voucher program, D.C. public and charter schools could have utilized the nearly \$70 million in funds allocated to the voucher program for critical school safety measures and repairs. Instead, this funding was used to support a program that has consistently been found to have “no significant impact on student achievement.” In fact, the most recent study by the U.S. Department of Education in 2009<sup>1</sup> revealed that there were no significant differences in reading or math for D.C. private school voucher students who came from schools identified as in need of improvement (SINI). This same study further found that the program may not

<sup>13</sup>U.S. Department of Education, Institute of Education Statistics (April 2009). *Evaluation of the D.C. Opportunity Scholarship Program: Impact After Three Years*. Retrieved April 3, 2009 from <http://ies.ed.gov/ncee/pubs/20094050/pdf/20094050.pdf>.

<sup>14</sup>U.S. Department of Education, Institute of Education Statistics (June 2008). *Evaluation of the D.C. Opportunity Scholarship Program: Impacts After Two Years Executive Summary*. Retrieved June 16, 2008 from <http://ies.ed.gov/ncee/pdf/20084024.pdf>.

<sup>15</sup>U.S. Government Accounting Office (November 2007). *District of Columbia Opportunity Scholarship Program: Additional Politics and Procedures Would Improve Internal Controls and Program Operations*. GAO-08-9 Retrieved December 5, 2007, from <http://www.gao.gov/new.items/d089.pdf>.

<sup>1</sup>“Evaluation of the D.C. Opportunity Scholarship Program: Impacts After Three Years,” Institute of Education Sciences, U.S. Department of Education, Mar. 2009, <http://ies.ed.gov/ncee/pubs/20094050/pdf/20094050.pdf>.

be reaching enough SINI students, the top priority for the voucher program upon its creation, when compared with other student groups. Uplifting SINI students was the purported reason for the support of some Senators when the program was initially funded and failing on this point alone should be reason enough for the program's elimination. D.C. public school students deserve better.

For the reasons outlined above, People For the American Way opposes the D.C. private school voucher program. The evidence is clear that it has not proven to be an effective educational tool. To the contrary, this program has actually hindered the improvement of our public educational system. Federally funding such programs symbolizes a deprioritization of the public schools and their students.

While we believe that there are more appropriate ways to phase out the current D.C. private school voucher program, we applaud President Obama's recognition that taxpayer-funded private school voucher schemes are ineffective and not the answer. The Appropriations Committee has already agreed with the President in reporting a bill where no new students can be admitted to the program. We hope that you will continue to support our public school students and phase out the D.C. private school voucher program.

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#### PREPARED STATEMENT OF AFRICAN AMERICAN MINISTERS IN ACTION

On behalf of thousands of clergy members, pastors, and African American community leaders within the African American Ministers In Action (AAMIA) network of People For the American Way, I write in opposition to the D.C. private school voucher program. As pastors, community leaders, and civically engaged citizens of faith, we stand against any measure or legislation that does not significantly uplift and improve our communities. The D.C. private school voucher program is one such measure.

From the very beginning, AAMIA has stood against the D.C. private school voucher program. By displacing funding, the D.C. private school voucher program has not only diverted taxpayer money from meeting the critical school safety, repair, and other needs of our congregants and parishioners, but has also failed to provide any significant academic improvements to our children's education. In fact, the most recent study by the U.S. Department of Education in 2009<sup>1</sup> revealed that there were no significant differences in reading or math for D.C. private school voucher students who came from schools identified as in need of improvement (SINI).

Additionally, the D.C. private school voucher program is an infringement upon the separation of church and State that fails to adequately protect the civil rights of all students and staff. The program federally funds and permits private institutions to discriminate against students and staff based upon religion, gender, limited English proficiency, and disability. It even allows merit-based discrimination; while public schools must educate every child, private schools can pick and choose. Hence, those students most in need will continue to be left behind. This has already been shown to occur in evaluations of the D.C. voucher program.<sup>2</sup>

We ask you, as the Appropriations Committee did during its July markup, to make "school choice" a decision to choose what is best for our public schoolchildren, our communities and our schools. Supporting the voucher program means agreeing to fund private institutions that are unaccountable to the standards of the No Child Left Behind Act. Hence, not only do we have financial unaccountability, but academic as well while our public schools continue to fall into disrepair. This is unacceptable.

As faith leaders we must oppose any legislation that ignores and exacerbates the concerns of our communities. Federally funded voucher programs like the D.C. program symbolize the government's deprioritization of the public schools and therefore its students. Funding for D.C. public school students should not be leveraged against the continuation of an ideological agenda to promote adequate Federal funding of private schools. This is not the role of the Federal Government. Thus, we ask

<sup>1</sup>"Evaluation of the D.C. Opportunity Scholarship Program: Impacts After Three Years," Institute of Education Sciences, U.S. Department of Education, Mar. 2009, <http://ies.ed.gov/ncee/pubs/20094050/pdf/20094050.pdf>.

<sup>2</sup>"District of Columbia Opportunity Scholarship Program," U.S. Government Accountability Office, Nov. 2007, <http://www.gao.gov/new.items/d089.pdf>.

"Evaluation of the D.C. Opportunity Scholarship Program: Impacts After Three Years," Institute of Education Sciences, U.S. Department of Education, Mar. 2009, <http://ies.ed.gov/ncee/pubs/20094050/pdf/20094050.pdf>. "Flaws and Failings: A Preliminary Look at the Problems Already Encountered in the Implementation of the District of Columbia's New Federally Mandated School Voucher Program," People For the American Way Foundation, Feb. 2005, [http://site.pfaw.org/site/PageServer?pagename=report\\_flaws\\_and\\_failings](http://site.pfaw.org/site/PageServer?pagename=report_flaws_and_failings).

you to continue on the path charted by the July-reported bill and stand for our communities by supporting the phase out of a program that ignores the real concerns of the D.C. public school students and District residents.

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PREPARED STATEMENT OF AMERICANS UNITED FOR SEPARATION OF CHURCH AND STATE

Americans United for Separation of Church and State (Americans United) submits this testimony to the Subcommittee on Financial Services and General Government of the United States Senate Appropriations Committee for the hearing entitled: "A Review and Assessment of the Use, Impact, and Accomplishments of Federal Appropriations Provided to Improve the Education of Children in the District of Columbia." Though the hearing will focus on D.C. public school reform, charter schools, and the voucher program, this testimony will solely focus on the D.C. voucher program. In particular, we hope to explain why the D.C. voucher program has not only failed to improve education in the District of Columbia, but has actually served as a detriment to the system.

Americans United is a non-partisan organization founded in 1947 by a broad coalition of religious, educational, and civic leaders that is dedicated to preserving the separation of church and State as the way to ensure religious liberty for all Americans. Since our inception, we have opposed the funneling of public money to private and religious schools through mechanisms such as private school vouchers and tuition tax credits.

We opposed the D.C. voucher program at its inception for various reasons: because vouchers do not improve the education of participants in the program, undermine the public school system, and offend the principles of church-State separation by primarily funding religious private schools. Now that the voucher program has been in place for several years, there are studies and evidence proving each of these predictions true.

THE HISTORY OF THE PROGRAM

The D.C. voucher program was created as an experimental 5-year pilot program in 2004. The program was created against the wishes of D.C. citizens, the District's only congressional representative, and the majority of elected officials in the District of Columbia. The Republican-led U.S. House of Representatives passed the program by just one vote (209–208), on an evening when many representatives who oppose vouchers were attending a presidential primary debate in Baltimore and when the vote was held open for an unusually long 40-minute period. The vote was not a completely partisan vote, as 14 Republicans, along with 194 Democrats, opposed the bill.

The full Senate did not vote on the issue. Indeed, the voucher language was pulled from the D.C. Appropriations bill because it was clear the measure would not pass with the language. The program only passed in the Senate when it was later added to the conference report of a \$280 billion omnibus appropriations bill.

THE D.C. VOUCHER PROGRAM HAS FAILED TO IMPROVE EDUCATIONAL OPPORTUNITY

During its pilot phase, the voucher program has proven ineffective and has not improved the educational achievement of D.C. students. First, this voucher program has not improved student achievement. To the contrary, reports issued by the Department of Education in 2007, 2008, and 2009 all demonstrate that the target group of students (students from "schools in need of improvement") showed no improvement in reading or math achievement as compared to students who did not participate.<sup>1</sup> These three studies also revealed that the voucher program had no effect on student reports of school safety, satisfaction, motivation, or engagement.<sup>2</sup> And, they revealed that many of the students in the voucher program were less likely to have access to key services—such as ESL programs, learning support and spe-

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<sup>1</sup> U.S. Department of Education, *Evaluation of the D.C. Opportunity Scholarship Program: Impacts After Three Years* xviii, xxvi, xxiv–xxx, 35, and 40 (April 2009), [http://ies.ed.gov/ncee/pubs/20094050/pdf/20094050\\_1.pdf](http://ies.ed.gov/ncee/pubs/20094050/pdf/20094050_1.pdf); U.S. Department of Education, *Evaluation of the D.C. Opportunity Scholarship Program: Impacts After Two Years* 34–38 (June 2008), <http://ies.ed.gov/ncee/pdf/20084024.pdf>; U.S. Department of Education, *Evaluation of the D.C. Opportunity Scholarship Program: Impacts After One Year* xviii, xx, 44, and 46, (June 2007), <http://ies.ed.gov/ncee/pdf/20074009.pdf>.

<sup>2</sup> 2009 *U.S. Department of Education Report* at xxvi, xviii, 35, 40, 44–45, 49–50; 2008 *U.S. Department of Education Report* at 42–43, 50, and 57; and 2007 *U.S. Department of Education Report* at xix and 1–4.

cial needs programs, and counselors—than students who were not part of the program.<sup>3</sup>

A November 2007 United States Government Accountability Office (GAO) Report<sup>4</sup> was also critical of the D.C. voucher program. The study found that “accountability and internal control were inadequate.”<sup>5</sup> For example, Federal tax dollars were paid to private schools that did not even charge tuition and on schools that employed teachers who lacked bachelor’s degrees.<sup>6</sup> The report also found that parents were given “incomplete,” “inaccurate,” and even “misleading” information about the private schools their children attended.<sup>7</sup> Furthermore, the study concluded that the voucher program has not met its goal of serving students in schools in need of improvement: less than one-quarter of the students offered vouchers under the program were from these schools.<sup>8</sup>

#### D.C. VOUCHERS UNDERMINE PUBLIC SCHOOLS

Public schools are open and non-discriminatory in their acceptance of all students, and are the unifying factor among the diverse range of ethnic and religious communities in our society. Public schools are the only schools that must meet the needs of all students. They do not turn children or families away. They serve children with physical, emotional, and mental disabilities, those who are extremely gifted, and those who are learning challenged, right along with children without special needs.

Vouchers undermine this vital function, however, by placing some of the most motivated students into private schools, leaving the students who are most difficult to educate behind in the public schools. The D.C. voucher program also diverts desperately needed resources away from the public school system to fund the education of the few voucher students. The government would better serve our children by using these funds to make the public schools stronger and safer.

On all counts—improving achievement, using funds effectively, providing opportunities for students in schools in need of improvement, and improving public schools—the D.C. voucher program has failed.

#### THE D.C. VOUCHER PROGRAM VIOLATES THE CONSTITUTIONAL STANDARDS SET FORTH IN *ZELMAN*

On June 27, 2002, the Supreme Court decided *Zelman v. Simmons Harris*,<sup>9</sup> which held that the Cleveland, Ohio, private school voucher program does not violate the United States Constitution. The *Zelman* decision, however, does not mean that all school voucher programs are constitutional. *Zelman* makes clear that voucher programs must meet strict requirements in order to satisfy the U.S. Constitution.<sup>10</sup> And, the D.C. voucher scheme, which differs from the Cleveland program in significant ways, does not meet those standards.

#### *The D.C. Voucher Program Allows Government-Funded Discrimination*

First, unlike the Ohio voucher scheme, the D.C. scheme permits religious schools to discriminate on the basis of religion in hiring and on the basis of gender in admission.<sup>11</sup> A central principle of our constitutional order, however, is that “the Constitution does not permit the State to aid discrimination.”<sup>12</sup>

In addition to raising constitutional concerns, federally subsidized religious discrimination raises significant public policy concerns. When funding any school, whether public or private, the government should not surrender the longstanding principle of equal treatment for all—all students should be treated the same regardless of sex and all teachers the same regardless of religion. Taxpayer money should not fund programs that harm the fundamental civil rights of students and teachers.

<sup>3</sup>2009 *U.S. Department of Education Report* at xxii, and 17; 2008 *U.S. Department of Education Report* at xvii, and 16; 2007 *U.S. Department of Education Report* at 21.

<sup>4</sup>U.S. Government Accountability Office, *District of Columbia Opportunity Scholarship Program*, (Nov. 2007), <http://www.gao.gov/new.items/d089.pdf>.

<sup>5</sup>*Id.* at 36.

<sup>6</sup>*Id.* at 22–33, 33, 34.

<sup>7</sup>*Id.* at 36.

<sup>8</sup>*Id.* at 23–24, 26, 28.

<sup>9</sup>536 U.S. 639 (2002).

<sup>10</sup>Thirty-seven States have church/State provisions that are even stricter than the U.S. Constitution and some States also have education specific provisions. Therefore, voucher schemes are likely to violate a State’s constitution even if they do not violate the U.S. Constitution. See e.g., *Bush v. Holmes*, 919 So. 2d 392 (Fla. 2006).

<sup>11</sup>*Compare* Ohio Rev. Code §3313.976 (A)(6) with Public Law 108–199 Stat. 3 (2004); see also *Zelman*.

<sup>12</sup>*Norwood v. Harrison*, 413 U.S. 455, 465–66 (1973).

*The D.C. Voucher Program Does Not Give Parents a Wholly Genuine and Independent Choice of Schools*

The fundamental holding in *Zelman* is that a voucher program that includes religious schools must “provide genuine opportunities for . . . parents to select secular educational options for their school-age children.”<sup>13</sup> Vouchers may only go to religious schools if they are chosen “by way of the deliberate choices of numerous individual recipients.”<sup>14</sup> It appears, however, that the D.C. system does not meet this requirement.

According to recent congressional testimony by the Headmaster of Sidwell Friends School, the Washington Scholarship Fund (the administrator of the D.C. program) does not allow parents to choose among all participating schools but rather has directed students to certain schools.<sup>15</sup> Thus, the choice of schools appears to be in the hands of the Washington Scholarship Fund and not the parents. As a result, parents do not have a wholly independent and private choice of schools.

*The D.C. Voucher Program Provides an Incentive To Attend Religious Schools*

The D.C. program also is distinguishable from the Cleveland voucher scheme and proves constitutionally suspect because it provides an incentive to attend private religious schools. *Zelman* permitted the voucher scheme in Cleveland because it found that the program did not use financial incentives to skew students towards religious schools.<sup>16</sup> This is because any student choosing to accept a voucher was required to copay a portion of the private school tuition. (The Cleveland vouchers were capped at the either 75 percent or 90 percent of the school tuition (depending on the family income) or \$2,500, whichever was less.) Attending a private school (with a copay), therefore, would be more costly than attending a public school (for free). In fact, the Court concluded that there was a disincentive to go to a religious school because attending the secular public school would cost a family nothing, but attending a religious school would, in all cases, require a copay.<sup>17</sup> The D.C. scheme, however, does not require a copay. Thus, in some instances, students attend private religious schools at no additional cost because the \$7,500 voucher covers the entire tuition. Thus, D.C. parents can get a free religious education at taxpayer expense. Unlike the Cleveland program, therefore, there is no disincentive to attend the private religious school.

Furthermore, in *Zelman*, although a copay was required, the copay that schools could charge was capped for students below the poverty level. Thus, for those priority students, attending private religious schools would cost about the same as attending a private secular school even though religious schools are traditionally much less expensive than secular private schools. In the District of Columbia, there is no copay cap. For D.C. students accepting a voucher, therefore, there is an incentive to choose a religious private school over a secular private school. The \$7,500 voucher may cover tuition at a traditionally less expensive religious private school, but is unlikely to cover the tuition at a secular private school. Thus, attending a religious school will cost a parent less (with little or no copay) than attending a secular private school (with a large copay). The incentive to attend a religious school is highlighted by the fact that approximately 75 percent of all students in the program attend private religious schools.<sup>18</sup> Because the structure, unlike the structure in *Zelman*, sets up an incentive to attend religious schools, the program is constitutionally suspect.

The D.C. voucher program has not improved the D.C. school system and has not improved the educational achievement of D.C. voucher participants. Furthermore, the program is constitutionally suspect. The Federal Government should be funding public schools rather than funneling taxpayer funds to private schools that lack accountability, religious liberty, and civil rights standards.

<sup>13</sup> *Zelman*, 536 U.S. at 655. This point was recently reaffirmed by the Ninth Circuit in *Winn v. Arizona Christian Sch. Tuition Org.*, 562 F.3d 1002, 1015–1018 (9th Cir. 2009), which held that a voucher scheme was unconstitutional because parents did not have “true choice” about which schools their children can attend with the State aid.

<sup>14</sup> *Zelman*, 536 U.S. at 652.

<sup>15</sup> *The D.C. Opportunity Scholarship Program: Preserving School Choice for All: Hearings Before the Senate Committee on Homeland Security and Government Affairs*, 11th Congress (May 13, 2009) at 177:45–178:35, [http://hsgac.senate.gov/public/index.cfm?FuseAction=Hearings.Hearing&Hearing\\_ID=0358fc7c-ce9e4008-b0d0-f0131a10dc43](http://hsgac.senate.gov/public/index.cfm?FuseAction=Hearings.Hearing&Hearing_ID=0358fc7c-ce9e4008-b0d0-f0131a10dc43).

<sup>16</sup> *Zelman*, 536 U.S. at 653–54.

<sup>17</sup> *Id.*

<sup>18</sup> 2008 U.S. Department of Education Report at 14.



## PREPARED STATEMENT OF THE NATIONAL COALITION FOR PUBLIC EDUCATION

The National Coalition for Public Education (NCPE) submits this testimony to the Financial Services and General Government Subcommittee of the U.S. Senate Committee on Appropriations for a hearing entitled: "A Review and Assessment of the Use, Impact, and Accomplishments of the Federal Appropriations Provided to Improve the Education of Children in the District of Columbia." Although this hearing will focus on D.C. public school reform, D.C. charter schools, and the D.C. Opportunity Scholarship Program, this testimony will focus solely on the voucher program.

The National Coalition for Public Education is comprised of more than 50 education, civic, civil rights, and religious organizations devoted to the support of public schools. Founded in 1978, NCPE opposes the funneling of public money to private and religious schools through such mechanisms as tuition tax credits and vouchers. A list of the members of NCPE is attached.

We strongly believe that the D.C. voucher program should not be reauthorized. The three Federal Department of Education studies<sup>1</sup> and the 2007 Government Accountability Office (GAO) study<sup>2</sup> prove that the program is not improving student achievement, access to student resources, student motivation, or student perceptions of safety. Rather than continuing to spend millions of dollars on a program that has proven ineffective and that is geared towards only helping a small fraction of D.C. students, we believe that the money should be redirected to programs that help improve public education for all students in the District.

We acknowledge that some advocates may be able to point to some students who have gone to exemplary schools and seen improvement from the program. But according to government studies, these students are, unfortunately, the exception rather than the rule. First, according to the GAO study, only 3 percent of the students in the program attended the elite D.C. schools that cost \$20,000 or more a year. The reason students can attend these schools is not so much the \$7,500 voucher as it is the additional \$12,500-plus they receive in scholarships from private programs or the private school itself. A more complete examination of the program, such as the GAO in 2007, shows that some children in the program were being sent to schools without occupancy certificates and to schools where over half the teachers lack bachelor's degrees. Surely this is not a program that is serving the students well. Second, the studies show that the voucher program is not causing significant gains in academic achievement, increasing educational resources, or improving the school environment to justify continuing the program.

## THE HISTORY OF THE PROGRAM

The D.C. voucher program was created as an experimental 5-year pilot program in 2004. The program was created against the wishes of D.C. citizens, the District's only congressional Representative, and the majority of elected officials in the District of Columbia. The Republican-led U.S. House of Representatives passed the program by just one vote (209–208), on an evening when many Representatives who oppose vouchers were attending a presidential primary debate in Baltimore and when the vote was held open for an unusually long 40-minute period. The vote was not a completely partisan vote, as 14 Republicans, along with 194 Democrats, opposed the bill.

The full Senate did not vote on the issue. Indeed, the voucher language was pulled from the D.C. Appropriations bill because it was clear the measure would not pass with the language. The program only passed in the Senate when it was later added to the conference report of a \$280 billion omnibus appropriations bill.

## THE VALUE OF PUBLIC SCHOOLS

Open and non-discriminatory in their acceptance of all students, American public schools are a unifying factor among the diverse range of ethnic and religious communities in our society. Public schools are the only schools that must meet the needs of all students. They do not turn children or families away. They serve children with physical, emotional, and mental disabilities, those who are extremely gifted and those who are learning challenged, right along with children without special needs.

<sup>1</sup> The 2007 Report can be found at <http://ies.ed.gov/ncee/pdf/20074009.pdf>. The 2008 Report can be found at <http://ies.ed.gov/ncee/pdf/20084024.pdf>. And, the 2009 Report can be found at [http://ies.ed.gov/ncee/pubs/20094050/pdf/20094050\\_1.pdf](http://ies.ed.gov/ncee/pubs/20094050/pdf/20094050_1.pdf).

<sup>2</sup> The GAO Report can be found at <http://www.gao.gov/new.items/d089.pdf>.

Vouchers undermine this vital function, however, by placing some of the most motivated students into private schools, leaving the students who are most difficult to educate behind in the public schools. The D.C. voucher program also diverts desperately needed resources away from the public school system to fund the education of the few voucher students. The government would better serve our children by using these funds to make the public schools stronger and safer.

Public schools are not failing. Rather, they are striving to respond to the swift, substantive changes in society and the calls for reform. We, as citizens, must create an environment of support so public schools can continue to change and improve. We must shift from bashing public schools to empowering continual public school improvement. Only then can we create the public will and motivation to accomplish for true reform.

#### STUDENTS FROM "SCHOOLS IN NEED OF IMPROVEMENT"

The purpose of the D.C. voucher program was to improve the learning environment and academic achievement of D.C. students who attend "schools in need of improvement" (SINI). Yet the GAO study shows that such students are underrepresented in the program. Furthermore, the Department of Education reports issued in 2007, 2008, and 2009 show that these students perform no better in math or reading than their counterparts in the D.C. school system. The evidence is clear that the program is not serving its main purpose.

#### ACADEMIC ACHIEVEMENT

Another goal of the voucher program is to improve student academic achievement, but studies show the program has failed to reach that goal. Again, the Department of Education reports analyzing the D.C. voucher program issued in 2007, 2008, and 2009 all found that the voucher program is not significantly improving student achievement.

First, as already explained, the Department of Education studies of the D.C. program have found that students from SINI schools, which are the students targeted by the program, have shown no improvement in reading or math due to the voucher program.

Minor increases in reading achievement found by the 2009 study did not apply to the key students in the program. Students who had attended SINI schools before entering the program and students who were in the lower third of test score performance before entering the program did not improve in reading. These students, of course, are the very students who proponents of the program purport it would help. Yet, the studies show that they are not improving academically.

The two subgroups of students who showed the most improvement in reading were students for which Federal Government intervention is the least justifiable: students who did not come from SINI schools and students who were in the top two-thirds of the test score distribution when they entered the program.

Second, the studies have concluded that the D.C. program has had no impact on the math achievement of students overall or of any of the ten subgroups of students in the study.

Furthermore, the Department of Education reports also found that many of the children who left the D.C. voucher program did so because the voucher schools did not provide the academic support they needed: of the students who left the voucher program in the first year, 45 percent stated that it was because the "child did not get the academic support he/she needed at the private school." The number shot to 54 percent in the second year and was at 39 percent in the third year.

Finally, the 2007 GAO Report also found that many of the voucher schools examined in its study were not accredited, and there is no evidence they submitted documentation proving educational soundness.

#### ACADEMIC ATMOSPHERE

Proponents of the voucher program argue that the voucher program permits students to attend schools that are safer, provide better resources, and create a better learning environment. All of the federally administered studies, however, prove this theory wrong.

Although all three Department of Education studies show that parents believe that students in the voucher program are safer at school than those who did not participate, students have reported that participating in the program has had no impact on their actual school experience with dangerous activities.

Participation in the voucher program has also had no impact on student motivation and engagement. The 2008 and 2009 Department of Education studies have found that participating in the program has no statistically significant impacts on

students' aspirations for the future, frequency of doing homework, time spent reading for fun, engagement in extracurricular activities, or attendance or tardiness rates.

The voucher program also fails to offer participating students greater educational resources. In fact, the Department of Education studies show that students participating in the program are actually less likely to have access to ESL programs, learning support and special needs programs, tutors, counselors, cafeterias, and nurse's offices than students not in the program. And, the 2009 study shows that students in the program have no increase in access to before- and after-school programs.

Furthermore, the voucher program does not provide participating students with better teachers than are available at the public schools. To the contrary, the GAO Report found that, at some schools, less than half of the teachers had even obtained a bachelor's degree. And, the 2009 Department of Education study revealed that the students participating in the voucher program rated their teacher's attitude no better than students who did not participate in the program. In addition, this study found that the student-teacher ratio for those students participating in the program was no better than those who were not in the program.

Again, proponents' claims are not supported by the Federal studies.

#### LACK OF OVERSIGHT, ACCOUNTABILITY, AND INTERNAL CONTROLS

The 2007 GAO Report found troubling facts about the operation of voucher program. First, the GAO found that the grant administrator had not ensured that the participating schools adhered to the rules of the program or D.C. laws. For example, the administrator permitted schools to participate—and allowed students to attend schools—even though they lacked a valid D.C. occupancy certificate, failed to submit required financial data, and failed to submit required annual reports on operational reports with basic information on curriculum, teachers' education, and school facilities. Indeed, some participating schools failed to submit information on accreditation or educational soundness, yet voucher students were directed to and attended those schools.

The grant administrator also paid tuition for students to schools that actually did not charge tuition and made disbursements to other schools without requiring them to submit the proper paperwork.

The GAO report also criticized the grant administrator for providing inaccurate, misleading, and incomplete information to parents about the participating schools. Indeed, the administrator incorrectly reported information on some schools that could have significantly affected parents' choice of schools, such as the percentage of teachers who had at least a bachelor's degree and tuition rates.

#### STUDENT ACCESS TO VOUCHERS

This voucher program does not provide school "choice" to students. To the contrary, it provides private schools with the opportunity to obtain Federal funding to enroll the students of their choice. Indeed, the participating private schools can maintain their admission standards even for voucher students. So only those who meet the schools requirements, including academic testing, will be admitted to the school. Religious schools can also reject students based on gender. Thus, even students who qualify for a voucher may never be able to use that voucher if a private school does not accept them into its school.

Thus, it is no surprise that certain groups of students have less access to voucher schools than others. For example, students with special needs often cannot find a private school that can serve them: The Department of Education reports show that a significant number of students had to reject their vouchers because they were unable to find a participating school that offered services for their learning or physical disability or other special needs. Indeed, in the first year of the program, 21 percent of the students who rejected a voucher did so for this reason, 17 percent rejected it for this reason in the second year, and 16 percent rejected it for this reason in the third year.

High school students also have less access to voucher schools: For the school year 2005–2006, only about 70 openings were available at the high school level.

And, according to the GAO Report, students seeking non-religious schools also have a limited number from which to choose, since most participating private schools were Catholic or Protestant, and these schools offered the most openings. Indeed, in the third year of the program, 82 percent of students in the program attended a faith-based school.

Furthermore, the 2008 study revealed that 8 percent of the students who left their voucher school did so because religious activities at the private school made

the student uncomfortable. And 2 percent of students didn't even accept a voucher because they did not want to attend a school that provided religious instruction.

#### DISCRIMINATION

Religious schools that participate in the program are allowed to discriminate in admission on the basis of gender and in hiring on the basis of religion. A central principle of our constitutional order, however, is that "the Constitution does not permit the State to aid discrimination." *Norwood v. Harrison*, 413 U.S. 455, 465-66 (1973).

In addition to raising constitutional concerns, federally subsidized religious discrimination raises significant public policy concerns. When funding any school, whether public or private, the government should not surrender the longstanding principle of equal treatment for all—all students should be treated the same regardless of sex and all teachers the same regardless of religion. Taxpayer money should not fund programs that harm the fundamental civil rights of students and teachers.

#### FUNDING RELIGIOUS SCHOOLS

Many of the members of our coalition object to taxpayer funds going towards religious education. Though the religious groups in our coalition value religious education and recognize that parochial schools can serve a valuable role for many children, they also recognize that because most parochial schools either cannot or do not wish to separate the religious components of the education they offer from the academic programs, these schools must be funded by voluntary contributions, not taxation. One of the most dearly held principles of religious liberty is that government should not compel any citizen to furnish funds in support of a religion with which he or she disagrees, or even a religion with which he or she does agree. The D.C. voucher program, however, violates that central tenet: it uses taxpayer money to fund primarily religious education. Indeed, approximately 82 percent of the students participating in the program attend religious schools. Parents certainly may choose such an education for their children, but no taxpayer should be required to pay for another's religious education.

Religious organizations and schools that rely on voluntary participation and contributions are likely to flourish. Government funds, however, threaten to shift religious schools' monetary source from the followers of their religion to the government treasury. And, with that shift, they also risk losing their religious identity, teachings, and message. To remain healthy, a religious school should follow the dictates of its adherents rather than the dictates of a government uninterested in its religious mission. To do this, they must reject government funding.

#### CONCLUSION

NCPE is committed to supporting public school education for all students in the District of Columbia. The D.C. voucher program, however, undermines public schools and generally does not significantly improve the academic resources, environment, or academic achievement for students—whether participating or not participating in the program. If Congress wants to improve education in the District, it should focus on programs that have proven results and that improve education for all students—not a select few.

Thank you for the opportunity to submit testimony on this important issue.

The National Coalition for Public Education (NCPE) is comprised of more than 60 education, civic, civil rights, and religious organizations devoted to the support of public schools. Founded in 1978, NCPE opposes the funneling of public money to private and religious schools through such mechanisms as tuition tax credits and vouchers.

American Alliance for Health Physical Education, Recreation and Dance—AAHPERD; American Association of Colleges for Teacher Education—AACTE; American Association of School Administrators—AASA; American Association of University Women—AAUW; American Civil Liberties Union—ACLU; American Federation of State, County, and Municipal Employees—AFSCME; American Federation of Teachers—AFT; American Humanist Association—AHA; American Jewish Committee—AJC; American Jewish Congress—AJCongress; Americans for Democratic Action—ADA; Americans for Religious Liberty—ARL; Americans United for Separation of Church and State—AU; Anti-Defamation League—ADL; ASPIRA Association, Inc.; Association of Educational Service Agencies—AESA; Association for Supervision and Curriculum Development—ASCD; Baptist Joint Committee for Religious Liberty—BJC; Center for Inquiry; Center for Law and Education—CLE; Child Welfare League of America, Inc.—CWLA; Children and Adults with Attention Deficit/Hyperactivity Disorder—CHADD; Council for Exceptional Children—CEC;

Council of Chief State School Officers—CCSSO; Council of the Great City Schools—CGCS; General Conference of Seventh-Day Adventists; Hadassah; International Reading Association—IRA; The Interfaith Alliance—TIA; Jewish Council for Public Affairs—JCPA; Labor Council for Latin American Advancement—LCLAA; Leadership Conference on Civil Rights—LCCR; League of Women Voters—LWV; Mexican American Legal Defense and Educational Fund—MALDEF; NA'AMAT USA; National Alliance of Black School Educators—NABSE; National Association for Bilingual Education—NABE; National Association for the Advancement of Colored People—NAACP; National Association of Elementary School Principals—NAESP; National Association of Partners in Education—NAPE; National Association of School Psychologists—NASP; National Association of Secondary School Principals—NASSP; National Association of State Boards of Education—NASBE; National Association of State Directors of Special Education—NASDSE; National Black Child Development Institute—NBCDI; National Committee for Public Education and Religious Liberty—National PEARL; National Council of Jewish Women—NCJW; National Education Association—NEA; National Education Knowledge Industry Association—NEKIA; National Parent Teacher Association—National PTA; National Rural Education Advocacy Coalition—NREAC; National Rural Education Association—NREA; National School Boards Association—NSBA; National Urban League—NUL; New York City Board of Education—NYCBOE; Northwest Religious Liberty Association—NRLA; People For the American Way—PFAW; Presbyterian Church (USA), Washington Office—PCUSA; School Social Work Association of America—SSWAA; Secular Coalition for America; Service Employees International Union—SEIU; Union for Reform Judaism—URJ; Unitarian Universalist Association of Congregations—UUAC; United Automobile Workers—UAW; United Church of Christ, Justice and Witness Ministries; United Methodist General Board of Church and Society—UMC—GBCS; Women of Reform Judaism—WRJ.

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PREPARED STATEMENT OF THE NATIONAL SCHOOL BOARDS ASSOCIATION

The National School Boards Association (NSBA), representing 95,000 local school board members across the Nation through our State school boards associations, urges you to voice opposition to continued funding of the expired Washington, DC, private school voucher program during the hearing of the Appropriations Subcommittee on Financial Services and General Government scheduled for Wednesday, September 16, 2009. The hearing aims to examine the impact of Federal funding on improving the education of students in Washington, DC.

The \$14 million a year pilot program currently provides vouchers worth up to \$7,500 each for approximately 1,700 students. This funding has not produced effective student outcomes based on research that has repeatedly shown that the voucher program has failed to raise the achievement of students, particularly those who are low performing. Created as a 5-year pilot program, it expired in 2008. The fiscal year 2009 omnibus appropriations bill provided an additional year of funding (for the 2009–2010 school year) to allow current students to smoothly transition out of the voucher program. The legislation stipulated that additional funding would not be available unless Congress decides to reauthorize it and the D.C. City Council approves it. Given the program's ineffectiveness (as outlined in more detail below), and the disproportionate funding allocated to relatively few students despite the unmet needs of the D.C. public schools, NSBA believes extending the voucher program is not warranted and that such funding should be redirected to public schools to improve the performance for all students.

When Congress created the voucher program in 2003, the goal was to raise student achievement with a priority for students who attend "schools in need of improvement" (SINI) under the No Child Left Behind Act (NCLB). However, all three of the congressionally mandated Department of Education studies have concluded that the voucher program has had no significant effect on the overall academic achievement of these students.<sup>1</sup> In fact, a 2007 U.S. Government Accountability Of-

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<sup>1</sup>"Evaluation of the D.C. Opportunity Scholarship Program: Impacts After Three Years," Institute of Education Sciences, U.S. Department of Education, April 2009; "Evaluation of the D.C. Opportunity Scholarship Program: Impact After Two Years," Institute of Education Sciences, U.S. Department of Education, June 2008; "Evaluation of the D.C. Opportunity Scholarship Program: Impact After One Year," Institute of Education Science, U.S. Department of Education, June 2007.

rice (GAO) report found that students from SINI were underrepresented in voucher schools.<sup>2</sup>

In all 3 years (2007, 2008 and 2009), the studies found no significant impact on math achievement of students who were in voucher schools compared to their peers in public schools. In years one and two, no significant impact was found on reading achievement. In year three, the study showed the reading achievement of some students improved, but it is noteworthy that students coming from SINI schools and those who entered the voucher program in the lower third of the test-score distribution showed no improvement in reading<sup>3</sup>—the very group the program intended to help. The two groups of students who showed the most improvement in reading were students for which Federal Government intervention is the least justifiable: students who did not come from SINI schools and students who were already high performing when they entered the program.

In addition, all three studies found that participating in the voucher program had no impact on student safety, satisfaction, motivation or engagement.<sup>4</sup> Students attending voucher schools also have less access to key services such as English-as-a-second-language programs, special needs services, school nurses, counselors, cafeteria, after school programs and tutors.<sup>5</sup>

Not only does the experimental program lack academic evidence to support its continuation, the 2007 GAO report documented numerous accountability shortcomings, including Federal taxpayer dollars paying tuition at private schools that do not even charge tuition, schools that lacked a city occupancy permit, and schools employing teachers without bachelor's degrees.<sup>6</sup> It also noted that children with physical or learning disabilities are underrepresented compared to public schools.<sup>7</sup>

A continuation of this failed program will not support Congress' goal to invest in what works in education. Now is not the time to divert funding from public schools, which are increasingly held accountable for student achievement under the escalating requirements of NCLB. Private schools are not held to the standards and accountability under NCLB. More support is needed for public schools as educators and policymakers look to raise academic standards, teacher quality and graduation rates to ensure our students are competitive in the 21st century global economy. They also must respond to increasing demands for services for students with special needs and limited English proficiency who generally do not meet the admission standards of private school.

NSBA believes the objective evidence does not support the continued funding of the only federally funded school voucher program. We urge you to voice your opposition to funding the Washington, DC voucher program.

<sup>2</sup>“District of Columbia Opportunity Scholarship Program,” U.S. Government Accountability Office, Nov. 2007.

<sup>3</sup>“Evaluation of the D.C. Opportunity Scholarship Program: Impacts After Three Years,” Institute of Education Sciences, U.S. Department of Education, April 2009.

<sup>4</sup>2009 *U.S. Department of Education Report* at xxvi, xviii, 35, 44–45, 49–50; 2008 *U.S. Department of Education Report* at 42–43, 50, and 57; 2007 *U.S. Department of Education Report* at xix and 1–4.

<sup>5</sup>2009 *U.S. Department of Education Report* at xxii and 17–18; 2008 *U.S. Department of Education Report* at xvii and 16; 2007 *U.S. Department of Education Report* at 21.

<sup>6</sup>2007 *GAO Report* at 22, 33–35.

<sup>7</sup>2007 *GAO Report* at 30.

**A REVIEW AND ASSESSMENT OF THE USE, IMPACT, AND ACCOMPLISHMENTS OF FEDERAL APPROPRIATIONS PROVIDED TO IMPROVE THE EDUCATION OF CHILDREN IN THE DISTRICT OF COLUMBIA**

**TUESDAY, SEPTEMBER 29, 2009**

U.S. SENATE,  
SUBCOMMITTEE ON FINANCIAL SERVICES  
AND GENERAL GOVERNMENT,  
COMMITTEE ON APPROPRIATIONS,  
*Washington, DC.*

The subcommittee met at 10:30 a.m., in room SD-192, Dirksen Senate Office Building, Hon. Richard J. Durbin (chairman) presiding.

Present: Senators Durbin, Alexander, and Collins.

OPENING STATEMENT OF SENATOR RICHARD J. DURBIN

Senator DURBIN. Good morning. I'm pleased to reconvene this hearing before the Senate Appropriations Subcommittee on Financial Services and General Government.

I apologize for the inconvenience on September 16, when we last gathered, and floor votes made it necessary to postpone the completion of the hearing. I'm glad to see that most of the witnesses were able to return today.

I welcome my distinguished ranking member, Senator Collins, and other colleagues, who will join us on the dais later.

Ms. Levy, Mr. Cane, Dr. Weitzel-O'Neill, thank you for taking the time to appear. I also want to thank Mr. Cork for returning, as well, to testify on a few additional questions.

Former Mayor Anthony Williams was here for the last hearing, and I'm sorry that he couldn't testify, but without objection, his written statement will be made part of the record of this hearing. [The statement follows:]

PREPARED STATEMENT OF ANTHONY WILLIAMS, FORMER MAYOR, DISTRICT OF COLUMBIA

Chairman Durbin, Ranking Member Collins, and other distinguished members of the subcommittee, my name is Anthony Williams and it is an honor to be before you today. I have sat in this seat more than a dozen times during my service as mayor of the District of Columbia, and while it's a bit different not to be the person responsible for spending the funding under discussion today, I have the same passions today as in 2003 when we began with you a discussion on what was then a speculative, bold idea: That the Federal Government ought to invest in educational reform in the Nation's capital.

I think it's useful to review briefly how the three-sector education initiative evolved and what sort of challenges we faced in 2003. At first, it was hard to rally people to look at education reform across public, public charter, and private schools. Everyone, understandably, was focused on their sector, their school, or their child. But I quickly earned some recruits along the way, including Kevin Chavous, then-chairman of the Council's Committee on Education, and soon enough there was a critical mass of civic leadership who thought the District could, indeed, become the locus of unprecedented educational reform.

To no one's surprise, though, it was an uneven start. Our public schools had not caught the "reform bug" yet and the ability to change from within needed considerable prodding. However, the funds provided by this subcommittee make possible some good programs, including important summer school initiatives. As is well known, my able and dynamic successor, Adrian Fenty, had better luck than I did in taking control of the schools, pushing the reset button at DCPS, and along with his innovative and brave Chancellor, Michelle Rhee, has since earned the District national attention as they try to fix decades of neglect and dysfunction in DCPS. They have my enthusiastic support and encouragement. I know they have yours, too.

Our public charter school movement, though very promising and innovative in 2003, was still fledgling and there were some who thought this "newfangled" way of educating our children had probably peaked. We now know that was far from accurate. The District of Columbia's public charter school movement is a national model. Parents have responded to their innovation and responsiveness by enrolling thousands upon thousands of more children in public charter schools. Six years of funding from this subcommittee has been spent well and made a profound impact in public charter schools' ability to secure adequate physical space for classrooms. The subcommittee should take a bow in having helped this along.

This subcommittee also launched the D.C. Opportunity Scholarship Program, the first federally funded voucher program for K-12 students. I continue to support this program strongly, and have done what I can to help it survive and will continue to protect it as long as necessary. When I hear the public discourse about healthcare reform, I can't help but think about the public discourse on the Opportunity Scholarship Program. Opponents have muddied the waters with misrepresentation of the facts and non sequiturs.

This subcommittee insisted that the scholarship program have a robust evaluation component so that after 5 years, everyone could rationally discuss whether or not children using the program fared better. So the Department of Education did just that: They funded an independent evaluation that shows two undisputable facts: (1) Children in the program earned better test scores with educational choices and (2) parents are remarkably happy with their children's educational settings. I hear lots of rhetoric that "vouchers don't work" and, Mr. Chairman, I believe that is profoundly inaccurate.

Some base more specious arguments against the OSP on the GAO report from a couple of years ago. As Mayor of the District for 8 years, programs under me were the subject of dozens of GAO reports. The report made some recommendations for improvement in program management that were implemented happily by the program operator. The subcommittee is right to continue looking at issues pertaining to school participation in the OSP and various compliance issues. But please don't lose sight of the basic fact that the program is fulfilling its basic mission and advancing the educational lives of thousands of low-income children.

No one, including Chancellor Rhee, feels that the D.C. OSP undermines public education in the city. In fact, she and Mayor Fenty both support the three sector initiative. They believe in initiatives and policies that put children first and that focus on what works for low-income families. I believe that some of the opposition to the D.C. OSP comes from a latent feeling among a few people who just don't think low-income families can (or should be able to) choose wisely among educational options for their children. I have met countless mothers and fathers and grandparents who, with the leg up provided by D.C. OSP, have rescued their children and grandchildren from lives with iffy futures and literally changed their families' whole outlook on life.

Basically, Mr. Chairman, I think the adage, "If it's not broken, don't fix it" applies here. My city has embraced the three sector initiative. All three sectors are doing well and parents' confidence in the future is increasing. A recent poll sponsored by a coalition of local organizations, including D.C. Children First, found that 74 percent of respondents (the same number who favor public charter schools) said they favor or strongly favor the Opportunity Scholarship Program. Support for the program is even higher—over 80 percent—for parents with school-aged children.



Our Mayor, a majority of the City Council, and a broad array of civic leaders support what this subcommittee has done, so I urge you not to complicate the political balance we have crafted and to renew all three sectors. I support the bi-partisan reauthorization bill put forth by Senator Lieberman enthusiastically and hope that the Congress will pass it.

Everyone knows that the District has a “special,” some say “peculiar,” others say “maddening” relationship with the Federal Government. I think it’s a combination of all three. I think you should look at the three sector funding initiative in that light—namely, something that makes sense in the context of the “special” relationship between Congress and the capital city. Those who would argue for or against vouchers as an expression of national policy ought to take leave from the question at hand and work with the Congress, Mayor and City Council, Chancellor, parents, and other District leaders on renewing the three-sector program—because it’s working, it’s making a difference in children’s lives, and it deserves not be caught in a national food fight over ideology.

Mr. Chairman, K–12 education in the District of Columbia, though it has a long way to go, is undergoing a transformation worthy of its status as a world capital. Our Mayor is aggressively changing the status quo in public schools. Our public charter schools represent the templar for the other cities. The D.C. Opportunity Scholarship Program is giving greater voice and empowerment to low-income families with proven success for children. Thank you for making this possible . . . and keep it going.

Senator DURBIN. I mentioned earlier, in my first hearing, that we’re focusing on the special Federal appropriated payments for school improvement in the District of Columbia. It may be the first time since 2004 that we’ve really brought together in one forum the key officials for public schools, charter schools, and the Opportunity Scholarship Program.

The objective today is simple, and that’s to determine whether or not we are, in fact, having a positive impact on the education of students in Washington, DC, based on the new and additional Federal investments.

I believe that Federal funding has helped improve education in the District of Columbia and leverage important reforms. But, we know that more needs to be done, and I’m optimistic that we can achieve those goals.

As for the voucher program, I believe the Department of Education study makes it clear that there are still unresolved issues about the effectiveness of the program, and questions about the administration, which we’ll discuss today.

Now that Congress has invested close to \$350 million in special Federal payments to support D.C. children over the past 6 years—over and above, incidentally, the Federal grant funds available to the District—it’s time for an honest appraisal. Have those resources made a difference? How do we know that? What progress has been made? What results have been demonstrated? And, what lies ahead?

I look forward to hearing the perspectives of these issues from our panelists. And before turning to Senator Collins for her opening remarks, I note the subcommittee has received a statement and additional materials for the record from Senator Joe Lieberman, chairman of the Senate Committee on Homeland Security and Government Affairs, who was at our last hearing and, unfortunately, didn’t get a chance to testify. Both Senator Collins and I have apologized to him profusely and will make it up to him somehow, but he was kind enough to care enough and show up, and I wish we could have had his testimony in person. His statement was included and printed in the September 16 hearing.

Senator DURBIN. Senator Collins.

STATEMENT OF SENATOR SUSAN COLLINS

Senator COLLINS. Thank you. Thank you, Mr. Chairman. Mr. Chairman, I'll be brief, because I gave an extensive statement at our hearing on September 16.

The bottom line for me is, the District of Columbia has failed its children for many years by denying them the chance for a good education, thereby relegating them to lives of limited choices and lost opportunities.

I know that the chairman shares my belief that the schools in our Nation's capital should be a model of excellence and successful innovation for the rest of the country, and that is our goal. I believe that the three sector education initiative helps bring us closer to that goal, though we have a long ways to go.

As the chairman's indicated, Senator Lieberman, with whom I've introduced a bill that several of our colleagues, including Senator Alexander, have cosponsored, to extend the D.C. Opportunity Scholarship Program, attempted to testify last time, can't be here today. So, I just want to quote one phrase, or one section, of his testimony, which has been submitted for the record. He said, "Each dollar appropriated to the program is a dollar well spent, and I strongly urge the subcommittee to provide funds for the program, to allow it to continue in full force."

Regarding the Opportunity Scholarship Program, Senator Lieberman noted, "This program is helping disadvantaged students in the District. As such, it is not the whole solution to improving educational opportunity in our Nation's capital, but it should be part of the solution."

I would also note that, at our last hearing, Chancellor Rhee indicated her support for a continuation of the three sector approach. And I think we should follow her advice, as well.

Finally, Mr. Chairman, I'd like to enter into the record a letter that I received from the chairman of the board and members of the executive committee of the Washington Scholarship Fund that is dated September 21, 2009. The letter accounts for all 1,716 D.C. OSP students and the schools that they attended during fiscal year—or school year 2008–2009.

[The information follows:]

WASHINGTON SCHOLARSHIP FUND,  
SEPTEMBER 21, 2009.

The Honorable RICHARD J. DURBIN,  
*Chairman, Subcommittee on Financial Services and General Government, Committee on Appropriations, United States Senate, Washington, D.C.*

DEAR SENATOR DURBIN: Thank you once again for permitting the Washington Scholarship Fund (WSF) to testify at the hearing of the Subcommittee on Financial Services and General Government on September 16.

This letter is signed by the Chairman of the Board of WSF and by all members of its Executive Committee, in addition to its President and CEO. We are doing so because we want to express to you and to all members of the Subcommittee our confidence that Federal taxpayer monies dedicated to the Opportunity Scholarship Program (OSP) have been thoughtfully and prudently stewarded.

We would like to note as well that our student tracking and scholarship payment accounting processes have been carefully developed through our close work with the U.S. Department of Education's (DOE's) Office of Innovation and Improvement (OII) and Institute of Education Sciences (IES) in connection with IES's administration of the federally-mandated evaluation of the OSP on these matters. These processes

have been further developed and refined in response to recommendations made to WSF by the U.S. Government Accountability Office (GAO) in connection with its audit of the OSP on these matters, conducted in 2006 and 2007. We are confident in the integrity and accuracy of our student tracking and scholarship payment accounting processes, and are mindful of and committed to honoring our fiduciary obligations as the administrator of the OSP and as the steward of federal funds.

Pursuant to your request, we have attached to this letter an accounting as of September 30, 2008, of the OSP students placed in each school participating in the OSP for the 2008–2009 school year (please refer to Attachment A). As you will see, this accounting reports that 1,716 OSP students were placed in these schools as of the beginning of the last school year.

We will quickly acknowledge that there may well be differences between the information contained in the attachment and that shared with you by the schools from which you have gathered OSP student enrollment data directly.

Why might that be the case?

First, a school may have provided student enrollment data as of a point in the school year other than September 2008. If schools provided data as of June 2009, their reported number of OSP enrollees would likely be lower than the number reported in our attachment because of natural attrition during the school year. Students might leave a school because their family has moved out of the District, because their family has moved within the District and found a different school more convenient, or because of a host of other personal, financial or like reasons. As of June 2009, our records show that 1,625 students were enrolled in participating schools, a reduction in total enrollment of 91 students.

Second, a school may have provided student enrollment data as of September 2009, the beginning of the 2009–2010 school year. If they did so, the number of students reported by a school may be lower, reflecting in part the decision of the U.S. Department of Education to prohibit 216 eligible students from using their scholarships for the current school year.

Third, a school may have provided student enrollment data based on the number of students for whom an OSP payment was made and that number may be higher or lower than the number reported in our attachment. Why would that happen? In our experience, some eligible OSP students discontinue enrollment at a school during the course of the school year, and some students begin enrollment after the beginning of the school year. These inflows and outflows of students are typical of the dynamic movement of student populations over the course of any given school year in all schools, whether traditional public, public charter, or non-public. For students using their OSP scholarships for only part of the school year, tuition payments are prorated so that the participating school is paid only for the days during which the student is actually enrolled at the school. Because of student inflows and outflows during the course of the school year, the total number of students for whom scholarship payments (whether full or partial) are made during the course of the school year may well differ from the total OSP student enrollment at the beginning of the school year.

Based on the information you have gathered directly from OSP schools, you said at the hearing that you believed that there were 389 fewer OSP students in the program than the 1,716 students reported at the beginning of the 2008–2009 school year and that those 389 students were thus “unaccounted for.” We believe that the 389-student difference between the opening enrollment of 1,716 and the information provided to you by individual schools is in fact “accounted for” by at least three factors:

- You said that five or more schools had not provided you with enrollment information. While we do not know which schools did not report to you, it is likely that a very significant proportion of what you regard as the 389 “unaccounted for” students—perhaps as many as 300 or more—were in fact enrolled at these schools during the 2008–2009 school year.
- For the reasons outlined above, schools might have provided OSP student enrollment information as of the end of the 2008–2009 school year or at any of varying points in time over the course of the 2008–2009 school year. Given the natural attrition that occurs during the course of the school year, the aggregate number of OSP students enrolled at the end of the school year will be less than the number of students enrolled at the beginning of the school year, accounting, in our view, for a portion of the seeming 389-student difference you cite.
- And we believe that one or more schools may have reported OSP student enrollment for the current 2009–2010 school year. Given the likely decline in 2009–2010 school year due in part to the decisions of the Department of Education, such number is likely to be less than the enrollment figures for the beginning

of the 2008–2009 school year, accounting again for a portion of the seeming 389-student difference.

For these reasons, we believe that the 389 “unaccounted for” students are, in fact, “accounted for” since they are either enrolled in the schools that did not report school enrollment to you or since they represent the natural decline in overall enrollment between the beginning of the school year (1,716 students) and the end of the school year (1,625 students). Our confidence in this matter is based on the fact that our school payment records carefully document the schools and the students to and for whom payments are made.

Regardless of the source of any differences between the enrollment information you have received from schools and the enrollment information we have provided to you, we want to assure you that we can and will fully document any discrepancies in the information provided by any particular school and the information provided in this letter.

Most importantly, let us restate what we said at the outset of this letter. We are fully confident that WSF has prudently stewarded the Federal dollars applied to this program. We stand ready to resolve any and all discrepancies in the data that give rise to any concern in this regard.

Finally, you and your fellow Subcommittee members broached several other important issues and questions at the September 16 hearing. We will address each of these issues and questions the Subcommittee raised at the hearing in a further letter.

We very much would appreciate the opportunity personally to meet with you and your staff to review together all relevant information concerning the Opportunity Scholarship Program and to address and resolve any and all of questions and concerns relating to the Program and our administration of it that you or other members of the Subcommittee may have. We of course will be available to meet with you at any time convenient to you.

Thank you, Senator Durbin, for engaging with us on these important matters. We look forward to working closely with you and your staff in further service to the low-income families the Federal government serves through the D.C. Opportunity Scholarship Program.

Sincerely,

JOSEPH E. ROBERT, JR.,  
*Chairman and CEO, J.E. Robert Companies, WSF Chairman.*  
C. BOYDEN GRAY,  
*Former U.S. Ambassador to the European Union, WSF Vice Chairman.*  
LAWRENCE C. NUSSDORF,  
*President and COO, Clark Enterprises, Inc., WSF Treasurer.*  
GEORGE VRADENBURG,  
*President, Vradenburg Foundation.*  
CURTIN WINSOR III,  
*Chairman, Bank of Georgetown.*  
GREGORY M. CORK,  
*President and CEO, Washington Scholarship Fund.*

ATTACHMENT A.—ACCOUNTING OF D.C. OPPORTUNITY SCHOLARSHIP PROGRAM—2008–2009  
SCHOOL YEAR

Schools	Number of OSP Students Placed in Schools, Sep- tember 30, 2008
Academia de La Recta Porta .....	28
Academy for Ideal Education (two campuses) .....	84
Ambassador Baptist Church Christian School .....	57
Annunciation School .....	22
Archbishop Carroll High School .....	141
Beauvoir School .....	1
Blessed Sacrament Elementary School .....	4
Bridges Academy .....	94
Calvary Christian Academy .....	128
Clara Muhammad School .....	20
Cornerstone Beulah Christian Academy (two campuses) .....	48
Dupont Park Seventh Day Adventist School .....	92

ATTACHMENT A.—ACCOUNTING OF D.C. OPPORTUNITY SCHOLARSHIP PROGRAM—2008–2009  
SCHOOL YEAR—Continued

Schools	Number of OSP Students Placed in Schools, September 30, 2008
Edmund Burke School .....	5
Georgetown Day School .....	3
Georgetown Visitation School .....	3
Gonzaga College High School .....	4
Holy Redeemer Catholic School .....	80
Holy Trinity School .....	6
Howard University Early Learning Programs .....	1
Kingsbury Day School of Kingsbury Center, Inc. <sup>1</sup> .....	
Kuumba Learning Center .....	14
Learning, Life, and Leadership Christian Academy .....	13
Lowell School .....	1
Metropolitan Day School .....	22
Monroe School .....	1
Muhammad University of Islam .....	9
Nannie Helen Burroughs School .....	54
National Cathedral School .....	1
National Presbyterian School .....	3
Naylor Road School .....	101
New Macedonia Christian Academy .....	2
Our Lady of Victory School .....	18
Preparatory School of D.C. ....	10
Randall Hyland Private School of D.C. ....	2
Roots Activity Learning Center .....	26
Sacred Heart School .....	98
San Miguel Middle School .....	6
Sheridan School .....	1
Sidwell Friends School .....	2
St. Ann's Academy .....	62
St. Anselm's Abbey School .....	3
St. Anthony Catholic School .....	57
St. Augustine School .....	143
St. Francis Xavier School .....	87
St. John's College High School .....	13
St. Peter's Interparish School .....	10
St. Thomas More Catholic School .....	110
Washington Jesuit Academy .....	12
Washington Middle School For Girls .....	14
Grand Total .....	1,716

<sup>1</sup>This school placed their first OSP student for the 2008–09 school year after September 30, 2008.

Senator COLLINS. You, Mr. Chairman, raised some very important questions about the accountability of those funds, so I'm pleased that the board has answered those questions in this letter.

Thank you, Mr. Chairman.

I would ask your permission to have my entire statement be included in the record.

Senator DURBIN. Without objection, Senator Collins. The entire statement will be included. And, without objection, the entry that she wishes to add to the record will be included.

[The statement follows:]

PREPARED STATEMENT OF SUSAN COLLINS

Good morning. Mr. Chairman, thank you for convening the second half of our hearing to review the impact of the federal three-sector education initiative for the District of Columbia.

I will be brief, since my statement from September 16th is already included in the hearing record. For many years, the District of Columbia has failed its children

by denying them the chance to receive a decent education, thereby relegating them to lives of limited choices and few opportunities. Mr. Chairman, the schools in our nation's capital should be a model of excellence and successful innovation for the rest of the country. With that goal at the forefront, starting in fiscal year 2004, we designed a three-sector education initiative to provide federal resources to improve the educational opportunities for children in the District of Columbia. Since that time we have provided over \$330 million in federal funds to support the three-sector education initiative in D.C. This is above and beyond the federal education formula funds that the District receives.

Mr. Chairman, I believe that this three-sector initiative has been a success. I was impressed by Chancellor Rhee's unqualified support for the continuation of the initiative when she testified before our subcommittee on September 16th. Recently, the principal investigator for the D.C. Opportunity Scholarship Program reported that the reading effects of the D.C. OSP show the largest achievement impact of any education policy program yet evaluated in a randomized control trial by the U.S. Department of Education. We should all be proud of these results, and lean on that evidence as reason enough to reauthorize this important program.

Senator Lieberman was unable to appear before the subcommittee today, but he has been a leader in the efforts to reauthorize the three-sector education initiative in the District of Columbia. His statement has been made a part of the record, and I would like to briefly quote from it: ". . . each dollar appropriated to the program is a dollar well spent and I strongly urge this subcommittee to provide funds for the program to allow it to continue in full force." Regarding the D.C. OSP, Senator Lieberman notes that "this program is helping disadvantaged students in the District. As such, it is not the whole solution to improving educational opportunity in our Nation's capital, but it should be part of the solution."

Mr. Chairman, I believe that we should take careful notice of Senator Lieberman's comments since he is the Chairman of the program's authorizing committee. Indeed, this past May, we held a hearing in the Homeland Security and Governmental Affairs Committee to review the impact of the D.C. OSP. Based on the compelling witness testimony and the impressive results of the independent evaluation of its positive effects, he and I began work on a bill to reauthorize the D.C. OSP for 5 years. Together with Senators Feinstein, Voinovich, Byrd, Ensign, and Alexander, he and I have recently introduced that bill. It is our hope that the D.C. OSP can continue to provide excellent educational opportunities for thousands of D.C. students.

Mr. Chairman, I would like to enter into the record a letter from the Chairman of the Board and members of the Executive Committee of the Washington Scholarship Fund, dated September 21, 2009. The letter accounts for all 1,716 D.C. OSP students and the schools they attended during school year 2008–2009. I understand that, historically, WSF does its "head count" in late September or early October to give schools enough time to finalize their enrollments, and WSF has usually released OSP student numbers soon thereafter. I understand that WSF does not yet have the numbers for the current 2009–2010 school year. Therefore, I would like WSF to provide information about the placement of the 1,716 D.C. OSP students for the current school year as soon as it becomes available.

Finally, I would like to note that on September 17—the day after our hearing—the Department of Education selected WSF to administer the D.C. OSP for the 2009–2010 school year. This award followed a competitive process and is the sixth continuous award that WSF has received to implement the D.C. OSP.

Mr. Chairman, thank you for reconvening this hearing and I look forward to hearing from our witnesses.

Senator DURBIN. Senator Alexander, thank you for joining us again. Do you want to make an opening comment?

STATEMENT OF SENATOR LAMAR ALEXANDER

Senator ALEXANDER. Only to say, I'm here because I appreciate the way you conducted the last hearing, you and Senator Collins, and I thought you—

Senator DURBIN. You were surprised—

Senator ALEXANDER. No, I didn't say that.

I didn't say that. I just was impressed. Let's say that.

And, I'm glad you and Senator Collins are doing this. Just to make one point, it seemed to me that the line of questioning that the chairman was making was to try to make sure that the schools

that the Opportunity Scholarship Program children attended were good schools and that somebody was checking to make sure of that. And, I think that's a line of inquiry I'd like to hear more about today.

I looked up the law for private schools which said that the private schools in the District has to require information—it has to give the superintendent of public schools information about the amount of instruction, character of the instruction, qualifications of the staff, et cetera. So, Chancellor Rhee, who says she'd like to continue this three-pronged approach for 5 years—I mean, that's one check. A second check would be the charter schools, the charter school board apparently works hard on that. And then there's the accreditation process, which, my experience says, is not as extensive for K through 12 schools as it is for higher education, but at least it's an option that's out there. And the charter schools are all required to at least be in the process of accreditation.

So, I'm interested to see where we come down on the very good questions you were asking about. How do you make sure that all the schools they're attending are good schools?

Thank you for holding this hearing.

Senator DURBIN. Thanks, Senator Alexander.

Mary Levy, former director, Public Education Reform Project of the Washington Lawyer's Committee for Civil Rights and Urban Affairs will testify first. She is going to be followed by Robert Cane, executive director of the Friends of Choice in Urban Schools, Dr. Patricia Weitzel-O'Neill, superintendent of schools for the Archdiocese of Washington, and Greg Cork, executive director of the Washington Scholarship Fund.

Ms. Levy had a chance to testify last time, but because she's been kind enough to return, I'm going to give her a moment, if she'd like, to highlight some of her remarks, or add anything to her previous testimony, before we entertain the others.

**STATEMENT OF MARY LEVY, PROJECT DIRECTOR, WASHINGTON LAWYERS' COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS**

Ms. LEVY. Thank you, and good morning.

I've been studying the D.C. public schools, and especially their finances and staffing, for 30 years. As a parent of children now graduated, and as a lawyer who specializes in education finance, I'll just give a 1-minute summary of what I said before.

We're very grateful for the Federal payment. It has enabled the school system to pursue reforms that need to be pursued without having to cut into the classroom, and we thank you.

It's too early to know what the outcomes are for student achievement. The reforms are a mix; some enhancements and a lot of just wiping out whatever was there.

And I've read the Government Accountability Office (GAO) reports. They agree with my own observations. And, yes, there is a strategy of workforce replacement, which I think has some worrisome consequences. I would say that I've been to this movie before. We have different actors, different sets, but it's the same plot. I just hope that the ending is different this time.

Senator DURBIN. Thank you.

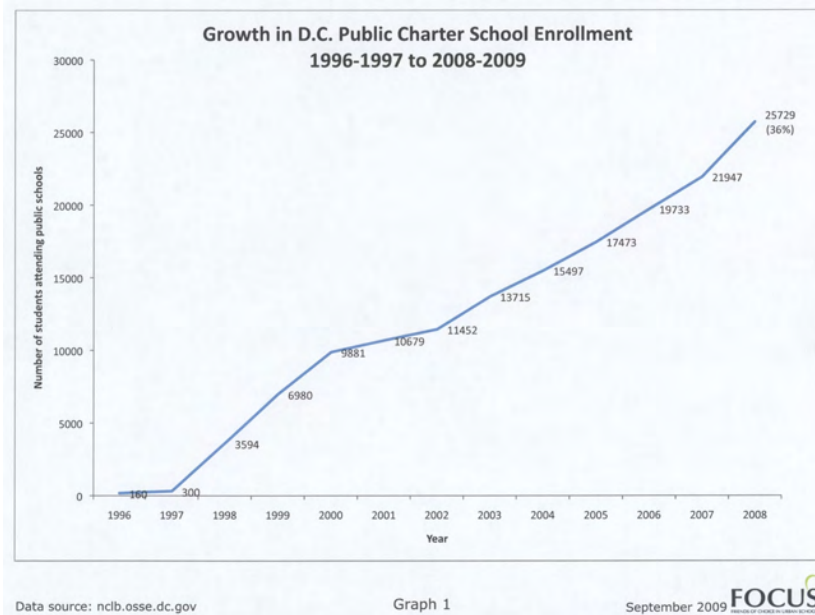
Mr. Cane?

**STATEMENT OF ROBERT CANE, EXECUTIVE DIRECTOR, FRIENDS OF CHOICE IN URBAN SCHOOLS**

Mr. CANE. Thank you, Mr. Chairman, Senator Collins, and Senator Alexander.

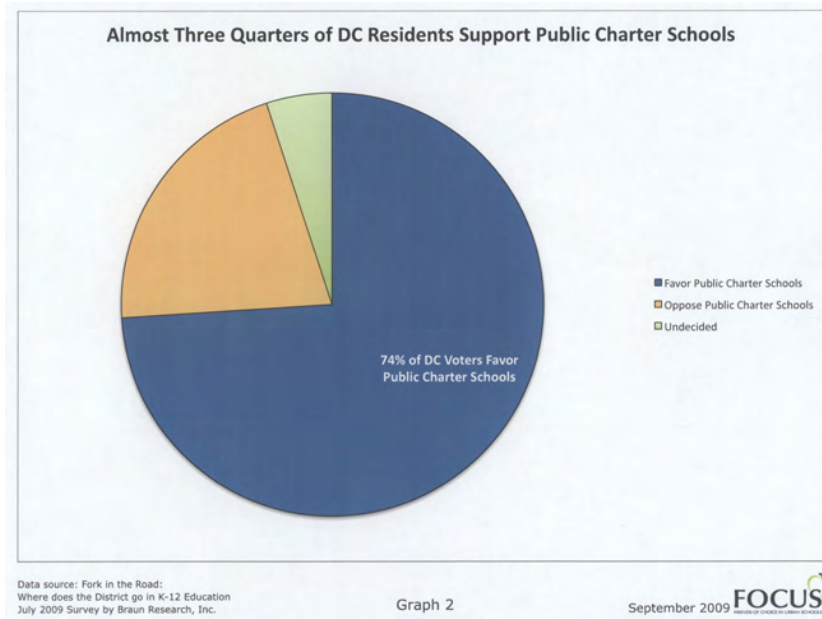
My name is Robert Cane. I'm executive director of Friends of Choice in Urban Schools. Focus has been in nonprofit in the District of Columbia since 1996, and our mission is to provide advocacy, technical assistance, and other support to the D.C. public charter schools. And, thank you for the opportunity to testify.

I want to make four points today. I think they're fairly straightforward. And I'd like to make them in connection with these graphs that you see over here and you have in your packet.



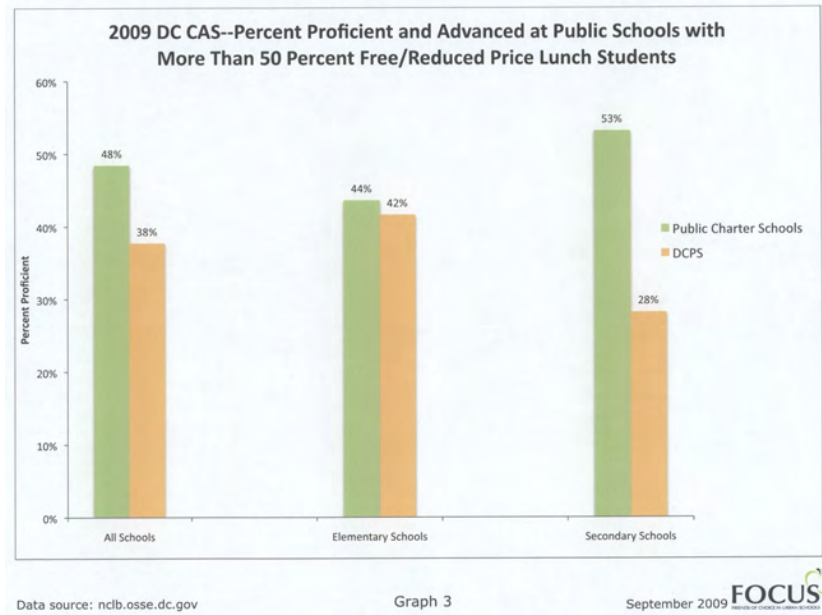
The first point I want to make is that the District of Columbia's public charter schools are wildly popular with the families of the District of Columbia and the general public. This graph shows the astonishing growth of the public charter schools from two campuses and 160 students, in 1996, to almost 26,000 students; during the last school year, 36 percent of all the public school students in the District of Columbia. And that's second only to New Orleans. Our schools are now on 99 campuses. It should be noted that 96 percent of the students in the District's public charter schools are Black or Latino, and 80 percent are economically disadvantaged. Although we've grown so much, many of our charter schools have extensive waiting lists. Capital City Public Charter School, which was the first public school visited by President Obama after his election, had 1,350 applications, this school year, for 45 places. And they're not alone.



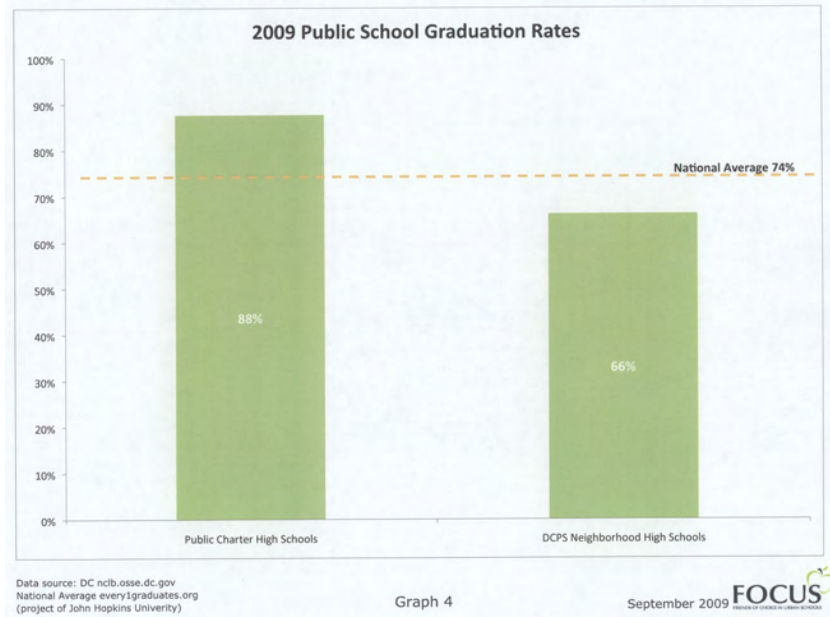


The second graph, which we don't need to spend any time on, but in a recent survey, it showed that three-quarters of the voters of the District of Columbia support the public charter schools.

The next point I'd like to make is that, although everybody knows, and everybody says, correctly, that we have a long way to go, the public charter schools have made significant progress in student academic performance, and are ahead of the curve when it comes to school reform.

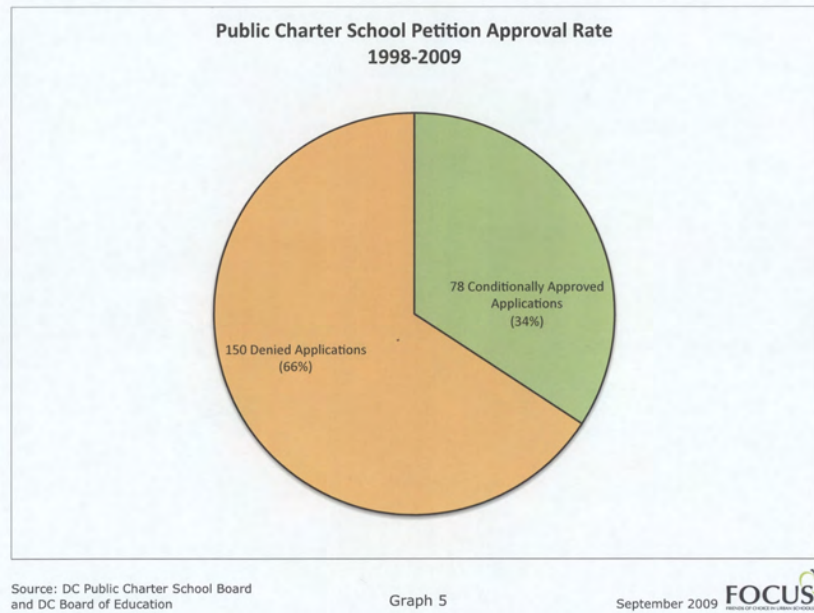


This graph shows that the public charter schools have improved students' performance on standardized tests, especially at the secondary level, which is the column on the right. And it should be noted that disadvantaged and African-American students are nearly—in secondary schools—are nearly twice as likely to score “proficient” or “advanced” as their peers in the school system neighborhood schools.

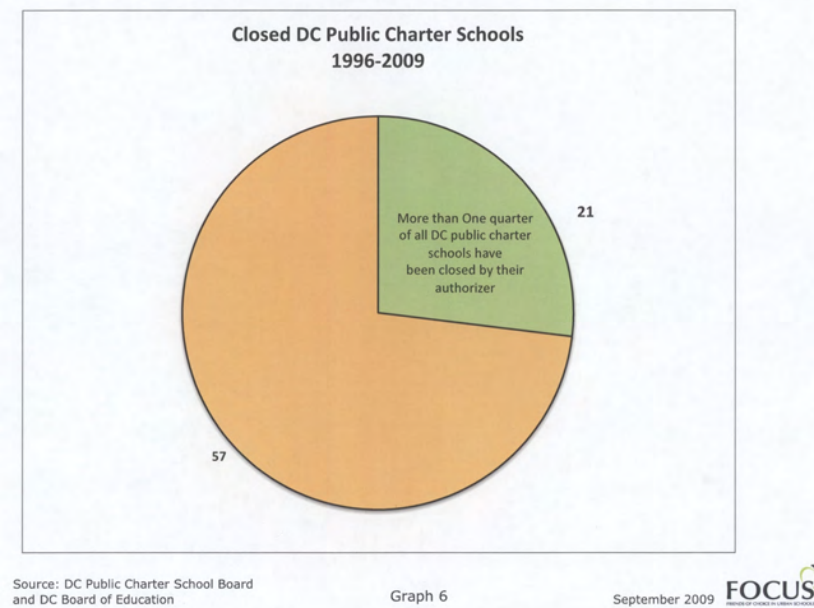


The next graph shows the public charter school graduation rate, which is a very important statistic. And you'll see on the left, that the charter school rate approaches 90 percent, which is well above the national average for graduation. And please keep in mind that the national average includes many schools that are much wealthier than the D.C. schools; suburban schools and other—and schools from other areas worlds apart from the District of Columbia.

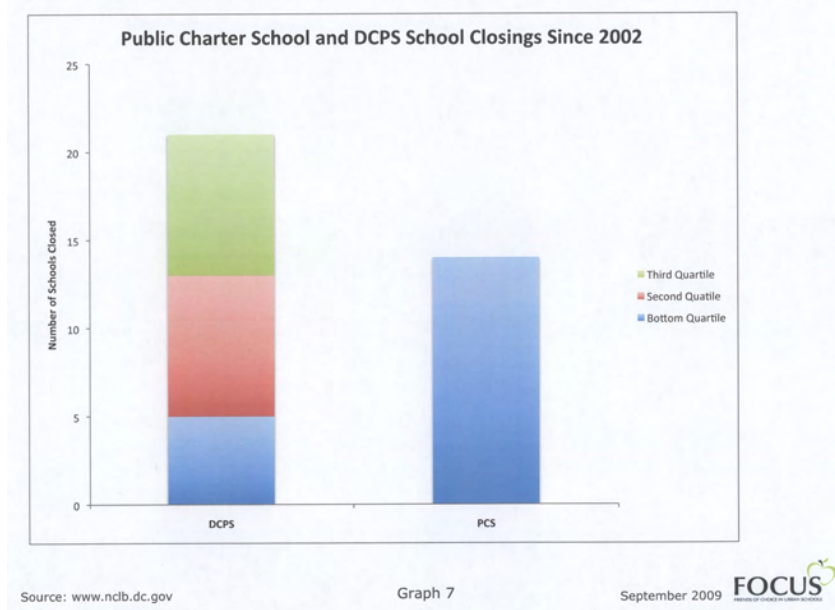
The next point I'd like to make—come on, Vanna—the next point I'd like to make has to deal with everybody's favorite subject, which is accountability. The dwindling number of people in the District of Columbia who oppose the public charter schools like to tell reporters, and anyone else who'll listen, that anybody can open up one of these charter schools and that, once they're open, they're not held to account by anyone. And these are outright falsehoods. And I have a couple of graphs that demonstrate what the facts are.



This graph you have before you shows that two-thirds of all the applications for charters—that is, to start charter schools—since 1996 have been denied, and only 34 percent have been approved to open.

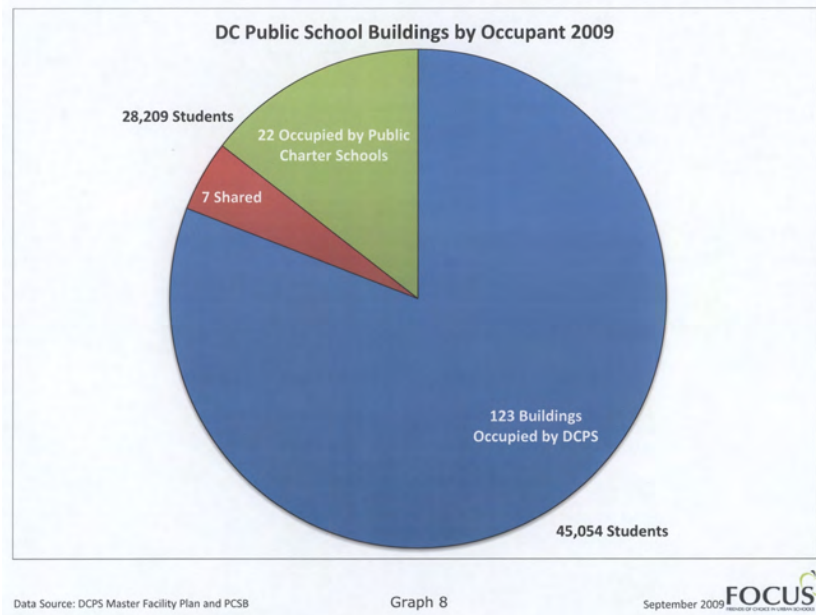


The next graph shows that, of those schools that have opened, more than one-quarter have been closed by their charter authorizer. And we had some discussion about these closers last week.

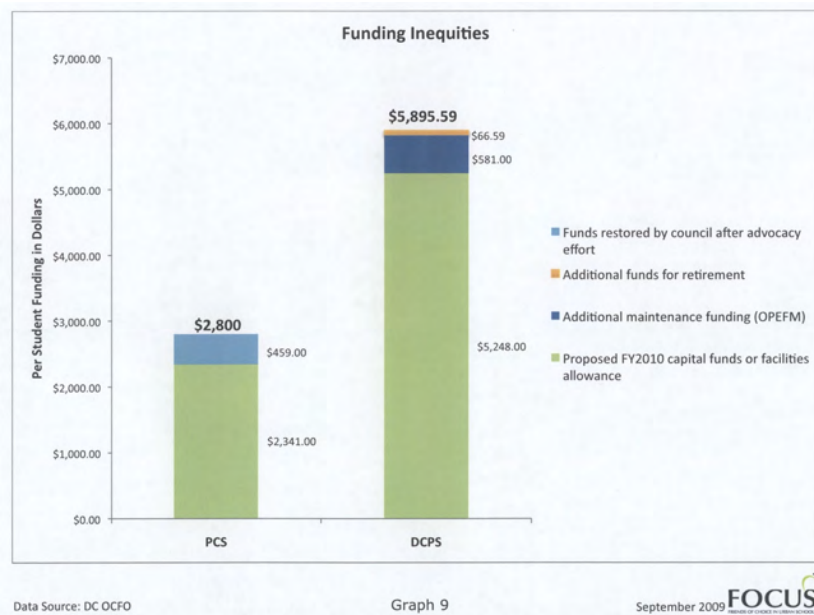


And the next graph, I think, is extremely telling, and that is that 100 percent of all the public charter schools in the District of Columbia that have been closed, regardless of the stated reason for the closure, have been in the bottom quartile of academic performance. So, that means that the charter authorizers—we now just have one, the Public Charter School Board—are closing the right schools: the schools that are not performing. And we expect further closures this year and in coming years. And this is as it should be.

Our belief is that the only true accountability in public education is taking away the right to operate, for people who aren't doing the job. And this is the great advantage of the public charter schools. And it's interesting, and very desirable, that this brand of accountability is now being adopted by the city-run public schools.



The final point I wish to make is that the D.C. government seems to have taken the wrong message from the success and popularity of the public charter schools. This graph shows that the government provides one school building for every 366 DCPS kids, and one for every 1,045 public charter school kids. Buildings, getting access to unused, abandoned school buildings has been a problem, certainly for the 11 years that I've been doing this job.



And the final graph shows the huge per-student funding advantage that the D.C. government gives to the school system. You may have questions about this later, but I think you can see the school system funding is on the right, and the public charter school funding is on the left. And, I wish I could explain why the D.C. government has failed to respond in a positive way to the great and success and popularity of the public charter schools, but I can't. But, I can say that it's bad public policy to treat public charter school students and their families differently than DCPS students and their families. It's also morally indefensible and unkind to children from some of the District's most vulnerable communities.

Senator DURBIN. Mr. Cane, before you go further I'm a little confused by your graph 9.

Mr. CANE. Uh-huh.

Senator DURBIN. You're not suggesting that for the D.C. public schools that the annual cost per student is \$5,895, are you?

Mr. CANE. No. This relates to facilities funding outside the uniform per-student funding formula. The uniform per-student funding formula provides operating expenses. And there's a legal requirement that similarly situated students in the charter schools and DCPS students be funded at the same level. This is funding beyond that; for capital, and in the case of DCPS, for—

Senator DURBIN. Thank you.

Mr. CANE [continuing]. Some other things.

Senator DURBIN. Thanks for that clarification.

Mr. CANE. Thank you.

I'm going to wrap up, here, Mr. Chairman and members of the subcommittee.

But, I want to say that the District of Columbia, through its public charter schools, has been a leader in public school reform since

1996. The great changes being made at DCPS since Michelle Rhee came on the scene are very much in this tradition and welcome.

We appreciate the Senate's ongoing interest in these reforms, and hope it will continue.

Thank you, very much.

Senator DURBIN. Thank you, as well.

[The statement follows:]

#### PREPARED STATEMENT OF ROBERT CANE

Thank you Mr. Chairman and members of the subcommittee. My name is Robert Cane, and I've been executive director of Friends of Choice in Urban Schools since 1998. FOCUS supports D.C.'s burgeoning public charter school movement through advocacy and technical assistance.

I'd like to make four simple points today about D.C.'s public charter schools:

- The public charter schools are wildly popular with D.C. families and the public at large;
- There's a good reason for this popularity: The public charter schools have improved the academic performance of the District's most disadvantaged students;
- D.C.'s public charter school leaders must perform for their students or they will be sent packing; and
- D.C.'s public charter schools have succeeded in spite of inequitable funding and poor access to abandoned school buildings.

#### POPULARITY

If you'll refer to graph #1 you'll see the astonishing growth of D.C.'s public charter schools—from 160 kids on two campuses in 1996 to nearly 26,000 on 98 campuses last school year. Of these students, 96 percent are black or Latino and around 80 percent come from economically disadvantaged homes.

Public charter school enrollment represents 36 percent of all public school students in the District of Columbia, second only to New Orleans. And we're still growing, with another 2,000 students expected this year. Many of the public charters have extensive waiting lists. For example, Capital City PCS, recently held up as a model for the Nation by President Obama, last spring received 1,350 applications for just 45 places. And Two Rivers PCS took in 1,116 applications for 38 places.

The public charter schools are equally popular with the public at large. A recent opinion poll showed that 74 percent of D.C. residents support the public charters [graph #2].

#### IMPROVED ACADEMIC PERFORMANCE

As you know, educating inner city youth is a huge challenge, and D.C.'s public schools have struggled for decades to make headway. But even though no charter school leader would claim victory in this battle, it is clear that the public charters have made significant progress and are ahead of the curve when it comes to school reform.

Graph #3 shows that the public charter schools have improved their students' performance on standardized tests, especially at the secondary level. In fact, disadvantaged and African American secondary school students are nearly twice as likely to score proficient or advanced on these tests as their peers in DCPS neighborhood schools. And graph #4 demonstrates that the charters' graduation rate, which is approaching 90 percent, significantly exceeds the national average, even though the average includes wealthy suburbs and other areas a world apart from the District.

#### ACCOUNTABILITY

The dwindling number of those who oppose D.C.'s public charter schools like to tell reporters that anyone can open one of these schools and that once they're open they are not held to account.

These are outright falsehoods. Graph #5 shows that fully two-thirds of all applications for a charter have been denied. Graph #6 shows that of the 78 schools chartered since 1996 more than a quarter have lost their right to operate. And graph #7 shows that 100 percent of these closed schools were in the bottom quartile of student academic achievement.

More schools likely will lose their charters at the end of this school year. This is as it should be; the only true accountability in public education—and the great advantage of the public charter schools—is the ability to send packing those who are



failing to produce results. This brand of accountability is now beginning to be adopted by the city-run schools.

INEQUITABLE TREATMENT OF PUBLIC CHARTER SCHOOLS AND THEIR STUDENTS

Judging by its actions, the D.C. government appears to have taken the wrong message from the popularity and performance of the public charter schools. Graph #8 shows the continuing problem of inequitable access to public school buildings: one for every 366 DCPS kids and for every 1,045 public charter school students. And graph #9 shows the huge per-student funding advantage the government gives to DCPS. This is despite the fact that D.C. law requires that students in both types of public school receive the same number of tax-payer dollars.

We do not know why the D.C. government has failed to respond in a positive way to the great success of the public charter schools. We can say, however, that it is bad public policy to treat public charter school students and their families differently than DCPS students and their families, not to mention morally indefensible and unkind to children from some of the District's most vulnerable communities. We hope this school year will bring a change in this long-standing practice.

Mr. Chairman and members of the subcommittee, the District of Columbia, through its public charter schools, has been a leader in public school reform since 1996. The great changes being made at DCPS since Michelle Rhee came on the scene are in this tradition and are most welcome. We appreciate the Senate's ongoing interest in these reforms and hope it will continue.

Thank you.

Senator DURBIN. Dr. Weitzel-O'Neill.

**STATEMENT OF PATRICIA WEITZEL-O'NEILL, Ph.D., SUPERINTENDENT OF SCHOOLS, ARCHDIOCESE OF WASHINGTON**

Dr. WEITZEL-O'NEILL. Good morning, Senator Durbin, Ranking Member Collins, Senator Alexander.

I am Patricia Weitzel-O'Neill. I'm the superintendent for the Catholic schools in the Archdiocese of Washington, and have been participating in the Opportunity Scholarship Program since its inception in 2004.

I'd like to thank you for the invitation to speak on behalf of the Archdiocese of Washington in support of continuing the Three Sector Initiative legislation and the Opportunity Scholarship Program.

And I thank you, Senator Durbin, Ranking Member Collins, and all members of this subcommittee, for providing the appropriations for this program for these 5 years.

As a result of your provision for this program, you have made it possible for the recipients to attend safe, stable, and excellent schools. And, as you know from the testimony, 87 percent of these students would have been in failing schools in the District of Columbia without your good wisdom to fund these appropriations.

Today, I'm proud to confirm that the Archdiocese of Washington has supported this program fully by providing seats for approximately 900 to 1,000 students each year in the 20 participating Catholic schools, schools that are all accredited by the Middle States Association and have certificates of occupancies and adhere to our policies for excellence, which require all teachers to have bachelor's degrees, particularly those who are teaching in core subject areas, or the equivalent international degrees.

During this time, our student outcomes are measured, for all students, by the nationally normed TerraNova Assessment, and our Opportunity Scholarship students have participated in the rigorous research conducted by the Department of Education requiring them to take a second test: the Stanford-9.

Graduation is the norm in our schools, and it is the expectation. Fifty-two of the eighth graders—OSP students—graduated this past year. Over the last 2 years, 39 students graduated from Archbishop Carroll High School, and this year we have 122 students enrolled at Carroll, with 30 expected to graduate this spring. That means 69 students will have graduated from high school this spring. And of those 39 who have, 38 have been accepted to colleges and universities throughout the United States. And the acceptance rate at Archbishop Carroll High School is 98 percent. This is a program that works. And the students' success is the data and the testimony that stands for this program.

Today, I'd like to comment on the contribution of Catholic education, highlight some of the Archdiocesan support for accountability and accountability measures, and summarize why it is imperative for this legislation to be authorized.

We ask you, as stewards of the Nation's capital, to recognize that the home of the U.S. Congress is only as strong and vibrant as the educational choices provided for all of its citizens. No government should allow the right to choose a quality education to be cut short by the limits of personal income or the lobbying of unions.

As you know, Catholic education has a well-deserved and national reputation for excellence, spanning nearly 300 years. And many of you, your colleagues in Congress, and some of our country's most famous leaders, are graduates of Catholic education, including you, Senator Durbin, as well as Vice President Biden, Speaker of the House Pelosi, Congressman Boehner, the late Tim Russert, and the late Senator Kennedy. You're all evidence of the call to service and commitment to others that the Catholic education provides for this country. In fact, who among us in this room can say that they have not been touched by someone who has received a Catholic education and that person has helped to change your life? The graduates of Catholic schools live out the social justice mission of serving others as leaders and outstanding contributors to our country.

So, when it comes to accountability, the reason we are successful is because Catholic schools throughout the country and in the Archdiocese of Washington fully support accountability measures in education. And as the superintendent, I fully support the need to monitor, report, and compare measures for student outcomes. It is understood that this may require additional testing with the Opportunity Scholarship students to ensure they are benefiting from our quality education and we are wisely spending the taxpayer dollars.

However, we need to share with you some of the reasons why we're currently unable to do this ourselves. That is, these concerns that we have do not preclude our participation but, rather, we'd like to help inform the discussion on how the methodology is constructed.

Today, we are looking forward to the passage of the Scholarship for Opportunity and Results (SOAR) legislation, sponsored by Senator Lieberman, and co-sponsored by Senator Collins, Senator Alexander, and others.

And recently I have had the opportunity to work with Chancellor Rhee, and look forward to working with Chancellor Rhee and the

Department of Education so that we can design the best model to meet the research needs of the public, and support the education of all of our children.

In conclusion, the Archdiocese of Washington has a proud history and longstanding commitment to serving all students. In fact, in 2004 this Archdiocese joined Mayor Anthony Williams and stepped up in support of the Opportunity Scholarship Program.

We made seats available, and the Archdiocese and our parishes have subsidized every Opportunity Scholarship student in our schools, making up the difference between tuition revenue and cost, as we do for all students in all of our schools. Why? Because the program only pays for tuition and fees, not the total cost.

We also know that research, both internally and externally, has demonstrated continued growth and mastery in reading, language arts, and growth in math, as well, especially for those students who remain in the program for 3 years. It takes time to change.

Parents, students, citizens, the majority of the D.C. council, favor this program. And just 2 weeks ago, we heard Michelle Rhee say how important it was that this program continue, and that she and Mayor Fenty support this program. Why? Because the District of Columbia is not capable of absorbing these students if the program were to end in June 2010. Given the status of the D.C. schools, the enormous deficit the city faces, the current cuts just announced 2 hours after her testimony 2 weeks ago, DCPS will not be able to provide equitable and quality education for these students who are currently growing and succeeding in our schools.

In fact, President Obama noted to Secretary Duncan, quote, “To use only one test when deciding what ideas to support with your precious tax dollars, it’s not whether the idea is liberal or conservative; what matters is, does it work?” And we know this program works.

So, on behalf of the Opportunity Scholarship students and their families, I strongly urge this subcommittee and Congress to support the SOAR legislation.

We are called by our commitment to social justice, and therefore, we must recognize that the 8,000 families who’ve applied for this program over the past 4 years are families who have a right to choose a quality education. And it should not be limited by their income. They are certainly, as we know, not limited in ability.

For any child, but particularly for a child coming from a marginal life of poverty, success depends on more than academics and test results. We know what comes when a child develops a sense of self-worth: Dignity, respect, and self-confidence. This is the dignity of choice through scholarship. This is the culture of respect and hope that our schools provide for these children: Hope for the future, hope for the District of Columbia, and hope for the Nation. As Archbishop Donald Wuerl stated, “It is difficult to envision what political advantage would outweigh—in the scale of human lives”—children’s lives—“these young people, their future, their hope. In making political choices, the faces, futures, and hopes of the kids must come first.”

This must be about the children, not the adults. Children, and their families deserve and need these Opportunity Scholarship. And today I say to you, the children are depending upon you, and

we hope that you'll move forward and support the SOAR legislation.

Thank you very much.  
[The statement follows:]

PREPARED STATEMENT OF PATRICIA WEITZEL-O'NEILL, PH.D.

Thank you, Senator Durbin and members of the subcommittee for the opportunity to speak on behalf of the Archdiocese of Washington in support of the D.C. Opportunity Scholarship Program and on behalf of the nonpublic educational sector in support of continuing the legislation that supports the three-sector initiative as approved by Congress 5 years ago. The Opportunity Scholarship Program has afforded over 1,700 children each year the right to choose to change the course of their futures. I am proud to confirm that the Archdiocese of Washington has supported this program by providing seats for approximately 900 to 1,000 students each year, in the academically rich, welcoming and safe environments provided by our schools.

A HISTORY OF EXCELLENT SCHOOLS

As you know, Catholic education has a well-deserved national reputation of excellence and service spanning nearly 300 years. Many of you, your colleagues in Congress, and some of our country's most outstanding leaders are products of Catholic education, including Senator Durbin, Senator Landrieu, the late Senator Kennedy, as well as Speaker of the House Pelosi, Congressman Boehner and so many others. You are all evidence of the call to service and commitment to others that Catholic education has provided to this country. In fact, who among us has not been touched by someone who was educated in a Catholic school and has made a difference in our lives? Quite simply the graduates of Catholic schools live out the social justice mission of serving others as they become contributing members of society.

Catholic education has a rich history in our Nation's capital, where the first Catholics arrived in this region in 1634, and by the late 1700s, the first Catholic schools were flourishing and had established the foundation for education in what is now the District of Columbia.

Since those early days, there has been a deep commitment by the Catholic Church to ensure all children have access to a quality education. In 1799, the Sisters of the Visitation at Georgetown Visitation offered a weekly Saturday school to any girl who wanted to learn, including slaves, even though it was illegal at the time to teach a slave to read. Today this school serves Opportunity Scholarship students. In 1813, Father William Matthews, the pastor of St. Patrick's, not only supported Catholic education, but also joined the board of trustees for the fledgling D.C. public schools. For 31 years, he worked tirelessly to raise money and establish a public school system. Fr. Matthews recognized that we all share in the responsibility of educating children and part of that responsibility is to not inhibit or preclude options.

In 1858, St. Augustine School was established to serve the black community, 4 years before public education became mandatory for black children in our Nation's capital. In 1949, 5 years before the landmark Supreme Court decision in *Brown v. Board of Education* ended desegregation in public schools, Archbishop Patrick O'Boyle integrated the Catholic schools in our Nation's capital. In 1951, Archbishop O'Boyle opened Archbishop Carroll High School—the first integrated high school in the city to open as an integrated school and the high school that has served Opportunity Scholarship students since the program was initiated. Today, 21 Catholic schools continue this legacy of faith, hope and learning for thousands of children throughout our capital city.

Today, on behalf of our school families I come to ask for your support for the Opportunity Scholarship Program so that the Archdiocese of Washington and other nonpublic schools may continue to serve those families most in need in the District of Columbia. We are proud to be part of this innovative three-sector initiative to improve education for every child in the District of Columbia and we ask you, as stewards of the Nation's capital, to recognize that the home of the U.S. Congress is only as strong and vibrant as the educational choices provided for all its citizens. No government should allow the right to choose a quality education to be cut short by the limits of personal income. In fact, just the other night in his remarks to the joint session of Congress, President Barack Obama stressed that we the citizens of this country “do better when there is choice and competition.” The archdiocese's commitment to the Opportunity Scholarship Program is about providing the opportunities for all families in the District of Columbia to exercise their right to choose the best education for their children.

## PROGRAM HISTORY—AN OVERVIEW OF HOPE

When the Opportunity Scholarship Program was proposed 5 years ago, the Archdiocese of Washington committed up to 1,000 seats for the low-income families the program would serve. We did this out of concern that enough seats might not be available once the program was approved. We opened our doors, welcomed the children, adjusted our staffing, increased our financial support for those schools and have successfully educated these children. As the program administration took shape, the schools adjusted to the Federal regulations and reports, and the children and families worked to adapt to new surroundings and higher expectations. After 4 years the program is working and the students have proven themselves capable, committed, enthusiastic and grateful for the new-found hope for a brighter future. As one recently put it, “The D.C. Opportunity Scholarship Program has changed my life and has made me the successful young man standing before you now. I credit this program greatly for my success.”—Ronald Holassie, Archbishop Carroll High School student, June 2009

The best measure of success for our high schools is graduation and the percentage of graduates who are accepted to colleges and universities. At Archbishop Carroll High School, over 98 percent of all seniors are accepted to college. Only 48 percent of D.C. public high school students even graduate. Since 2007, 38 out the 39 OSP students who have graduated from Archbishop Carroll have been accepted by multiple college and universities.

The individual stories of success are many. In 2008, Opportunity Scholar Tiffany Dunston was the class valedictorian. She is now a sophomore at the University of Syracuse. Current Opportunity Scholar Ronald Holassie serves as the deputy youth mayor for the District of Columbia. Others are excelling in debate, drama, music, athletics and academic programs that rest on the shoulders of a very dedicated and highly qualified faculty. It is our hope and expectation that these success stories will continue, so long as Congress lets them.

This past year 879 OSP students were enrolled in Catholic schools: of these students, 94 percent were African American and 80 percent were non-Catholic. After 3 years, research shows that “the OSP had a positive impact overall on parent’s reports of school satisfaction and safety.” (IES Report, April 2009). Our parents recognize the significant changes in their children’s personal and academic growth as they flourish in new communities where no distinctions are made regarding one’s scholarship status. During this short time we have witnessed 8th grade scholarship students graduate yearly and move to their high school of choice, with most continuing in Catholic high schools.

All 21 Catholic schools in the District of Columbia participated in the Opportunity Scholarship Program this past year, except for the Joseph P. Kennedy Institute, which is an ungraded school serving persons with disabilities and operated by Catholic Charities. All full-time teachers hired to work in Catholic schools possess bachelor’s degrees or the international equivalent and many more have earned master’s degrees as well as the PhDs and the EdDs. We are extremely proud of our faculty and their commitment to the vocation of teaching in Catholic schools.

All Catholic school buildings have certificates of occupancy, and all provide safe, secure and welcoming learning environments.

## OPPORTUNITY SCHOLARSHIPS, TUITION AND COST

This program was initiated with the requirement that the scholarship would pay only for tuition and fees. Yet, in reality, tuition at participating parish-based Catholic schools does not cover the cost of educating a child. Therefore, at the outset and as the program grew, the archdiocese and all nonpublic schools have had to face the issue of increasing costs. The Archdiocese of Washington and parishes supporting schools have had to subsidize the difference between scholarship revenue and cost. On the average, the Catholic Church of Washington has contributed about \$3,000 for each OSP student in an archdiocesan-supported elementary school. The deficit is greater at the high school level, where it costs \$13,000 per student to be educated at Archbishop Carroll High School, yet the scholarship’s amount has remained at \$7,500.

The archdiocese has chosen to support the Opportunity Scholarship students, just as the church has chosen to support all students who attend our schools. We do this through the generosity and commitment of donors, parishioners and the wider community in the Archdiocese of Washington. This is the legacy of Catholic schools in the District of Columbia.

This is about the opportunity for low income families (average income under \$24,000) to exercise their right to choose a quality education for their children. It is not about money—the money does not go to the schools or parishes or arch-

diocese. The check is made out to the families and allows them the dignity to decide where their children will go to school and then with this scholarship, to pay for their children's education just as more fortunate families pay for their children.

Yet the reality must be addressed. Without Congressional support, there is little chance that the large number of students who are now dependent upon these scholarships will be able to continue in these schools past June 2010, the end date of the program. Losing these scholarships will profoundly harm these children by forcing them from their schools; create abrupt enrollment loss in several participating schools, thereby de-stabilizing the schools for the future; and have an immediate and significant financial impact on the District of Columbia.

Grandfathering the current students is not enough. With the loss of OSP students currently in the eighth grade or seniors in high schools, schools will experience significant decreases in enrollments and tuition revenues as there will be no new OSP students. The archdiocese and the schools do not have the funds to provide scholarships for the many poor students who would have replaced the graduating students if the program continued.

Without the new legislation, 86 percent of these OSP students will have to return to schools that have failed to make adequate yearly progress as measured by No Child Left Behind. Research has indicated that a return to these environments will set these children back academically at least a year and surely undo the significant gains achieved to date. Moreover, as the program ends and large numbers of OSP students transfer out of their schools, these schools will be endangered and may have to close as enrollments decrease and tuition to cover student costs disappears. As 1,700 displaced OSP students crowd public schools city-wide, this exodus will cost \$25 million plus \$54 million in lost funds allocated annually to the three sectors—a total cost of \$79 million. With a projected \$800 million shortfall predicted for next year, it is unlikely the District of Columbia will be able to meet the need.

#### ACADEMIC GROWTH AND ACHIEVEMENT

After 3 years of study, Patrick Wolf, the lead researcher for the U.S. Department of Education's outcomes analysis, recently reported that "the D.C. voucher program has proven to be the most effective education policy evaluated by the Federal Government's official education research arm so far" (Wolf, Hoover Institute). Based on the trends within the data, he expects the positive gains in scores to continue to increase. The study has not yet been completed.

The major study for the Department of Education by the Institute for Education Sciences found that after 3 years students offered scholarships and those using their scholarships had significantly higher levels of reading achievement than students not offered scholarships. ("The Evaluation of the D.C. Opportunity Scholarship Program: Impacts After Three Years," presented by the Institute of Education Sciences for the Department of Education, March 2009.) Students who have been in the program the longest have the most improvement and are reading at a level of 1.5 years ahead of those not offered scholarships. The study also found, consistent with the previous first and second year studies, that the D.C. Opportunity Scholarship Program had a positive impact on parents' perceptions of school safety and on parental satisfaction.

Although criticism continues regarding the lack of statistically significant gains in the math scores, Dr. Wolf and others have noted that OSP students' math scores are in fact improving and that these improvements are not happening by chance alone. Further experts from Harvard suggest that "private schools boost reading scores more than math scores for a number of reasons, including greater content emphasis on reading, the use of phonics . . ." (Hoover Institute, August 2009). It is my opinion, based on my experience in our schools, and as witness to conscious instructional decisions, that no child can achieve significant gains in math unless he or she can read. The students coming into this program arrived reading below grade level and the focus of all interventions has been on reading and language skills. It is the goal of our inner city schools that all students read at grade level by grade three. In fact, ACT has noted that if children are literate at grade eight they will succeed in high school and beyond. Literacy is one of the most important measures of future success (ACT press release, Preparation by Eighth Grade Critical to College and Career Readiness, December 10, 2008).

Academic success is a hallmark of Catholic education and is continuously reviewed in all Catholic schools by multiple measures of assessment. These outcome measures are shared with parents and used by teachers to improve instruction and achievement. All parents receive reports and participate in discussions regarding assessment results and next steps to support the students.

All archdiocesan elementary schools annually measure academic growth and achievement for all students. The Terra Nova is the standardized assessment used by the archdiocese to measure concepts, processes and objectives derived from national standards. The test was normed from a national cross section of more than 300,000 students in both 2000 and 2007 and the Terra Nova is standardized with a random sample based on geographic region, school size, socioeconomic status and ethnicity within public, parochial and private schools (CTB/McGraw Hill, 2009). Analysis of these results focuses only on our student data, employing internal peer student comparisons and working to align test results with archdiocesan academic standards.

In keeping with the archdiocesan commitment to measuring academic success and creating a culture of academic accountability, the Archdiocese of Washington will employ a hierarchical linear growth model for analysis beginning this academic year. This approach allows all schools to track student progress based on established growth targets. The target scores are composite scores based on national norms, grade levels and local characteristics. Allowing for continuous instructional improvement, this state-of-the-art model provides the most accurate data necessary for the archdiocese to measure student progress over a span of time and in the context of each individual student's performance. These measures will be used to analyze test results for all students, including the OSP students.

The Archdiocese of Washington fully supports accountability in education and unequivocally supports the need to monitor and report student outcomes with the Opportunity Scholarship Program. This would mean including additional testing to ensure that OSP students are not only receiving a quality education but that taxpayer money is being spent wisely and appropriately. However, we cannot support these measures without openly discussing the reasons why we are currently unable to do this and our concerns regarding the potential burden placed on students and schools to meet these requirements. These concerns are not meant to preclude our participation, rather to inform and help develop the best process to measure and monitor student achievement.

While the Catholic schools have undertaken many steps to assure accountability, we do not participate in a uniform common exam, simply because the cost is prohibitive and Federal guidelines exclude Catholic schools from using Federal funds to support development of accountability measures. As such, funding for resources to pay for common exams will be necessary in new legislation. The archdiocese welcomes the opportunity to compare our results with other populations. In fact, the Catholic Schools Office for the archdiocese has been actively seeking ways to compare all students, not just OSP students, to students in their local jurisdictions. Currently we are waiting for a proposal from CTB/McGraw Hill (author of the Terra Nova) on building a conversion scale that would allow our students' Terra Nova scores to be statistically equated to the DC-CAS and the State of Maryland assessment, the MSA. (Both State-based assessments are designed by CTB/McGraw Hill and normed to State standards particular to D.C. and Maryland.)

In addition to the Terra Nova, all archdiocesan OSP students currently take the Stanford Achievement Test—Version 9 (SAT-9). This data is used for the academic achievement research and analysis conducted by the Department of Education's Institute of Educational Sciences. This was the test of choice for the District of Columbia schools at the start of the Opportunity Scholarship Program. This is a nationally normed test and the data has been used to compare the treatment and control groups and has required all OSP students and control group students in D.C. public schools to take a second standardized test each year.

As the Opportunity Scholarship Program moves forward, the archdiocese recognizes the need to participate in the continued research protocols designed to assess learning outcomes. I have spoken with Chancellor Michelle Rhee, and agree with her regarding the need for both of us to be consulted by the research provider as the design and delivery of all research protocols are developed. I support an assessment of the academic value added by participating schools on a school-by-school basis based on the appropriate testing of participating eligible students using an agreed upon assessment protocol for both the nonpublic and public schools. These assessments would be based on the strongest possible research design and would, to the extent possible, test students under conditions that yield scientifically valid results. This suggests that OSP students' test scores be compared to the scores of DCPS students who attend the school that the OSP students would have attended based on his or her home address.

Our concerns with administering the DC-CAS to our OSP students are two-fold. First, if the DC-CAS is the test of choice, all analysis must control for the reality that the DC-CAS is aligned to District of Columbia Public School standards; standards not shared by the archdiocese. Our curriculum is aligned to the archdiocesan

standards. DC-OSP students would need to be provided the same preparation materials, coaching and time as the DCPS students. Second, administering the DC-CAS to our OSP students would place a potential burden on them in relation to their classroom work time, with a potential of almost 20 days of testing. We will need to examine how to monitor testing and ensure the best use of taxpayer dollars and student time.

Our Catholic schools will participate in the research required by new legislation and understand the importance of comparing OSP students to those in schools they are not attending. We agree that we must ensure that the program is successful as defined by ensuring a safe school environment, parent and student satisfaction and the ability to provide an education that allows students to consistently be prepared for high school and beyond. We look forward to the passage of the SOAR (Scholarship for Opportunity and Results) legislation and the opportunity to work with Chancellor Rhee and the Department of Education to design the scientific model that best meets the research needs of the public, and yet supports the education of all children in the District of Columbia.

Finally, as we look at the achievements measured by the Department of Education and the lead researcher's comments, we must note that Dr. Wolf has referenced the fact that when a student transfers from one school to another, it takes at least a year for the child to adjust to his or her new surroundings. During that time, it is anticipated that the child's test scores will drop. If the program does not continue, close to 1,700 students will be set back after 4 to 5 years of verifiable growth measured by standardized testing.

#### CITIZENS OF THE DISTRICT OF COLUMBIA SUPPORT THIS PROGRAM

Over 8,000 D.C. families have applied for scholarships since the program began in 2004, with 3,000 children served. In July 2009, a survey of 1,001 registered D.C. voters demonstrated that more than 80 percent of District parents of school-aged children support the program. These families know that the chancellor and mayor are working to improve the public schools but they also know, as Michelle Rhee has noted, that "despite the progress of the last 2 years, the situation remains dire when less than half of our students can read, write and do math at grade level" (Washington Post, July 24, 2009). It is very difficult for families to transfer to schools that are successful and many lose out on the lotteries for seats at public charter schools or successful public schools (i.e. Janey Elementary). The Chancellor also acknowledged that although vouchers won't solve all problems, they are an important part of the "choice dynamic" and at this time the voucher program "continues to make sense" (Washington Post, July 24, 2009).

The D.C. Council agrees with the Chancellor and the several thousand families that rallied in front of the Wilson Building in support of this popular program. On June 22, 2009, the majority of Council members of the District of Columbia sent a letter to U.S. Education Secretary Arne Duncan and Mayor Fenty expressing support for the continuation of the Opportunity Scholarship Program. After citing the success of the program, the seven council members stated: "We believe we simply cannot turn our backs on these families because doing so will deny their children the quality education they deserve."

It is time for the Congress to accept the facts and recognize that failure to support Opportunity Scholarships would put the future on hold for the children and families of the District of Columbia. Passing this legislation now will only cost a few million dollars compared to the billions spent on welfare and stimulus packages. Investing now will make a difference.

The statistics are indisputable. While the per-student cost in the D.C. public schools is the third highest in the United States, test scores continue to be among the lowest in the Nation. Ninety of 123 public schools are under some form of Federal notice to improve while the majority of the District's teenage public school students attend schools that meet the District's own definition of "persistently dangerous" due to the number of violent crimes. Today many of these schools hinder opportunity and do not ensure access to competitive education in the future. The Chancellor is to be commended for the leadership and vision she has brought to the public schools. It is our sincere hope that she will continue to be empowered to bring about the much needed changes and continued improvement in all public schools. We support her work and the work of the charter schools. Together we all provide options for our families and the Chancellor must be given the time and support necessary to improve these schools for all children. Until that time, we need the Opportunity Scholarships and the funding provided for both the public schools and the charter schools as outlined in the legislation.



In an address to Congress, President Barack Obama noted, “good education is no longer just a pathway to opportunity—it is a prerequisite . . . to ensure that every child has access to a complete and competitive education—from the day they are born to the day they begin a career.” The Opportunity Scholarship Program is providing “a pathway to opportunity” and the right to choose a good school for the poor children in the Nation’s capital. And just as our country has historically provided Federal funding for students to attend Catholic colleges and universities, with such programs as the Pell Grants, the National Defense Education Act, the GI Bill and the TAG program here in the District of Columbia, we also should make the same opportunities possible for students in elementary and high school.

Neither public nor charter nor Catholic schools can educate everyone effectively. Each student is unique and has unique learning needs. Catholic schools exist for the purpose of meeting specific needs and expectations as described in our teaching mission statements, just as public schools exist to meet the unique needs and expectations for an educated and informed public. Without programs like the Opportunity Scholarship Program, we endanger both missions, and the potential for families to choose a public, charter or nonpublic school. As the current administration works to improve education in the District of Columbia, the added expense of a sudden influx of over 1,000 students will become an unnecessary burden, while Catholic and nonpublic schools will become the exclusive right and privilege of the wealthy. This leaves the future generation of D.C. residents weakened and denies the opportunity for access to success to both those students who need and deserve a great public, charter or Catholic (nonpublic) school.

#### CONCLUSION

The Archdiocese of Washington has a proud history demonstrating our commitment to serving the students in the District of Columbia. In 2004, this archdiocese stepped up in support of a new program, made seats available, and participated in extensive reviews and research. The program covers only tuition and fees, not the total cost per pupil. The archdiocese and the parishes have subsidized every Opportunity Scholarship student attending our schools. We do this because we are committed to making a difference in the lives of the children.

The research both internally and externally has demonstrated continued growth and mastery in reading, language arts and subsequently growth in math and other subjects. Parent reports testify to the overwhelming satisfaction of families and the significance of safe and secure environments, where each child is respected and honored. The students have lobbied, rallied and testified before the D.C. City Council and here in the halls of Congress. The students want to continue in this program. The D.C. City Council has written to the Secretary of Education asking for his support.

Our schools have complied with all regulations and look forward to continuing the research based on testing and comparative methodologies. The District of Columbia is not capable of absorbing these students, given the status of the schools and the enormous deficit the city faces. The funds requested to support this program are very little when compared to the billions of dollars in new Federal grants recently released (July 24, 2009) by Secretary Duncan as part of the American Recovery and Reinvestment Act (ARRA). These are funds that may make a difference in the future, but will go to adults, not to families—not to children. The cost of this program is a drop in the famous stimulus bucket and yet it is the program that works. President Obama noted that he expected Secretary Duncan to “use only one test when deciding what ideas to support with your precious tax dollars. It is not whether an idea is liberal or conservative, but whether it works.” This is the one successful program that logic and reason requires everyone to support.

On behalf of all Opportunity Scholarship students and the families in the District of Columbia, I strongly urge Congress to support the Opportunity Scholarship Program as a part of the three-sector initiative and described in the SOAR legislation proposed by Senator Lieberman. As noted in this testimony, we are called by our commitment to social justice to recognize that the 8,000 families who have applied over the past 4 years are families whose right to choose a quality education for their children is limited by income, not by ability. Unlike the majority of Congress or the Secretary of Education and the President of this country, they do not have the means to choose the best neighborhoods with the best public schools, or the best private schools. For any child, but particularly for a child coming from a life of poverty, success depends on more than book learning. It comes when a child develops a deep sense of self worth, dignity, respect and self confidence. This is the dignity of choice through scholarships. This is the culture of hope that our schools provide for these

children. Hope for the future. Hope for the District of Columbia. Hope for the country.

As Archbishop Donald W. Wuerl has written, "It is difficult to envision what political advantage would outweigh—in the scale of human lives—these young people, their future and their hope. In making political choices, the faces, futures and the hopes of these kids must come first."

The children and their families need the Opportunity Scholarship Program. All who have been entrusted with the responsibility for the future of this program must vote to fully fund the legislation. The children are depending upon you.

Thank you.

Senator DURBIN. Mr. Cork.

**STATEMENT OF GREGORY M. CORK, PRESIDENT AND CHIEF EXECUTIVE OFFICER, WASHINGTON SCHOLARSHIP FUND**

Mr. CORK. Good morning, Chairman Durbin, Senator Collins, and Senator Alexander.

My name is Gregory M. Cork. I'm president and CEO of the Washington Scholarship Fund, the organization that administers the D.C. Opportunity Scholarship Program, otherwise known as the OSP.

Thank you for permitting me to further address the subcommittee today regarding WSF's administration of the OSP.

The subcommittee has raised important questions and issues about the program, and I am eager to engage you on these issues and to address each of them.

WSF shares your goals, Senator Durbin, to provide low-income District students and families the best possible chance at a quality education and a rewarding future.

First, I want to assure the subcommittee that every dollar of Federal funding applied to the OSP, and every OSP student, and every OSP check, and every OSP school, is fully accounted for. We respectfully ask that the subcommittee sit down with us and engage us in a productive dialogue toward resolving and questions you might have about the OSP or our administration of it.

Following the subcommittee's September 16 hearing, we provided you with OSP student data and explained why there might be differences between this information and the information you gathered directly from OSP schools. Further, we provided you with thorough information and documentation in response to your written requests from this past Thursday, September 24. Collectively, the information and documentation we provided you reflect: One, that our OSP Scholarship payment processes and all of our other systems, procedures, and controls are meticulous and in full accordance with the Federal OSP authorizing statute; two, that the information that we provide to OSP families is detailed and useful; three, that WSF exercises sound oversight over OSP schools, meets with them regularly, and has close and productive relationships with them; four, that the vast majority of our participating schools are accredited or are in the process of receiving accreditation; and five, that our processes for handling scholarship payments, including when a student leaves or enters a school during the school year, are explicit, comprehensive, and even impressive in their attention to our role as stewards of Federal dollars.

We are confident that our administration of the OSP is sound. But, perhaps more important, external validation of the quality

and value of the OSP, and WSF's administration of the program, is well documented and utterly reliable.

The federally mandated evaluation of the OSP has demonstrated that there have been real academic gains for OSP students and that OSP families are thoroughly satisfied with educational options they've never been given before.

WSF has received clean A-133 audits for the first 4 years of our administration of the program, and we fully expect a fifth clean audit for 2009, the fifth year of the program.

The School Choice Demonstration Project's focus group study reports that this program has met low-income families' educational and social needs and expectations in unprecedented ways. As the project noted in its focus group report, "Parents give WSF a lot of credit for the way the OSP has been managed and the care and attention they've received from WSF staff." They cite WSF as playing an extremely important, if not indispensable, role in supporting their transition from underperforming to higher functioning schools.

And the U.S. Government Accountability Office, the GAO, in its year-long audit of the OSP, found not a hint that Federal dollars were being applied in anything other than a responsible manner. In fact, in close cooperation with GAO, WSF has implemented the GAO recommended procedural mechanisms that have helped WSF provide yet further quality service to OSP students and families.

Most important, Senator Durbin and members of the subcommittee, the success stories of our families abound. And I encourage the subcommittee to ask participating parents directly about their experiences in the program.

I'm honored that one of our parents, Ms. Anquanette Williamson, has joined me here today. She's fighting for an educational experience that's best for her children. Ms. Williamson wanted a safe environment for her kids, Dayonte who's a sixth grader, and Donae, in first grade, both at the same OSP school. She wanted good academics, and she wanted a convenient location. And she wanted Dayonte, the first of her children in the OSP, to be challenged.

Since he's been an Opportunity Scholar, Dayonte hasn't gotten straight A's yet, but there have been improvements in his grades each year. Ms. Williamson says that Dayonte is—and I quote her here—"more interested in school and more engaged with his teacher. His teacher stays on top of him." She also really likes that she can be so directly involved in her children's educations. And she has been, as all of us at WSF know.

Better, Ms. Williamson says this, "This should have been here when I was in school. I would have been so much more, today. In fact, I'm thinking about going back to school, myself."

Here's what we at WSF ask: Why shouldn't all low-income District residents, while they await the very promising, but likely years away reforms for D.C. public schools, get the same shot Ms. Williamson and her kids are getting through the OSP?

We understand that local support is critical to the OSP. WSF could not be more gratified by Mayor Fenty's and Chancellor Rhee's support of the OSP as they work toward, not only good, but great public education system in the Nation's capital. Meanwhile, we also appreciate the support of the District City Council members, a ma-

jority of whom have endorsed the OSP in a letter to Secretary Duncan and Mayor Fenty.

I'd like to acknowledge that with us today here in the room is former City Council member Kevin Chavous, who's been a tireless champion of the Three Sector Education Reform Initiative and of the Opportunity Scholarship Program, directly.

And finally, as you noted, Senator, former Mayor Williams was not able to be here today. But, at his request, I am going to read just one statement from his prepared testimony that I think particularly illustrates why so many D.C. leaders are fighting for this program. Says former Mayor Williams, "K to 12 education in the District of Columbia, though it has a long way to go, is undergoing a transformation worthy of its status as the world capital. Our Mayor is aggressively changing the status quo in public schools. Our public charter schools represent the templar for the other cities. The D.C. Opportunity Scholarship Program is giving greater voice and empowerment to low-income families, with proven success for children. Thank you for making this possible, and keep it going."

Thank you, very much. I'd be happy to answer your questions now.

Senator DURBIN. Mr. Cork, I asked my staff for a copy of your statement, and I don't believe we received one—that you just made for the record. If you'd be kind enough to share it with us, if you have additional written copies of what you just read?

Mr. CORK. Happily. Yes.

[The statement follows:]

PREPARED STATEMENT OF GREGORY M. CORK

Good morning, Chairman Durbin, Ranking Member Collins, and distinguished members of the subcommittee: My name is Gregory M. Cork. I am president and CEO of the Washington Scholarship Fund (WSF), the organization that administers the D.C. Opportunity Scholarship Program (the OSP).

Thank you for permitting me further to address the subcommittee today regarding WSF's administration of the OSP. The subcommittee has raised important questions and issues about this program, and I am eager to address each of these.

WSF shares your goal, Senator Durbin: To provide low-income District students and families the best possible chance at a quality education and a rewarding future.

First, I want to assure the subcommittee that every dollar of Federal funding applied to the OSP, and every OSP student, and every OSP check, and every OSP school is fully accounted for. We respectfully ask that the subcommittee sit down with us and engage us in a productive dialogue toward resolving any questions you might have about the OSP and WSF's administration of it.

Following the subcommittee's September 16 hearing, we provided you with OSP student data and explained why there might be differences between this information and the information you have gathered from OSP schools. Further, we have provided you with thorough information and documentation in response to your written requests from this past Thursday, September 24. Collectively, the information and documentation we have provided you reflect:

- That our OSP scholarship payment processes and all of our other systems, procedures, and controls are meticulous and in full accordance with the Federal OSP authorizing statute;
- That the information we provide to OSP families is detailed and useful;
- That WSF exercises sound oversight over OSP schools, meets with them regularly, and has close and productive relationships with them;
- That the vast majority of our participating schools are accredited, or are in the process of receiving accreditation;
- And that our processes for handling scholarship payments—including when a student leaves or enters a school during the school year—are explicit, com-

prehensive, and even impressive in their attention to our role as stewards of Federal dollars.

Second, we are confident that our administration of the OSP is sound. But perhaps more important, external validation of the quality and value of the OSP, and WSF's administration of the program, is well-documented and utterly reliable:

- The federally mandated evaluation of the OSP has demonstrated that there have been real academic gains for OSP students, and that OSP families are thoroughly satisfied with educational options they've never been given before.
- WSF has received clean A-133 audits for the first 4 years of our administration of this program, and we fully expect a fifth clean audit for 2009, the fifth year of the program.
- The School Choice Demonstration Project's focus group study reports that this program has met low-income families' educational and social needs and expectations in unprecedented ways. As the project noted in its focus group report, parents "give [WSF] a lot of credit for the way the OSP has been managed, and the care and attention they have received from WSF staff," and cite WSF as playing "an extremely important, if not indispensable, role in supporting their transition" from under-performing to higher-functioning schools.
- And the U.S. Government Accountability Office (the GAO), in its year-long audit of the OSP, found not a hint that Federal dollars were being applied in anything other than a responsible manner. In fact, in close cooperation with the GAO, WSF has implemented the GAO-recommended procedural mechanisms that have helped WSF provide yet further quality service to OSP students and families.

Third, most important, the success stories of our families abound, and I encourage the subcommittee to ask participating parents directly about their experiences in the program.

Among these parents is Anquanette Williamson, who is fighting for an educational experience that's best for her children. Ms. Williamson wanted a safe environment for her kids—Dayonte, who's a sixth grader, and Donae, in first grade, both at the same OSP school. She wanted good academics and she wanted a convenient location—and she wanted Dayonte, the first of her children in the OSP, to be challenged.

Since he's been an Opportunity Scholar, Dayonte hasn't gotten straight A's yet, but there have been improvements in his grades each year. Ms. Williamson says that Dayonte is—and I quote—"more interested in school and more engaged with his teacher. His teacher stays on top of him." She also really likes that she can be so directly involved in her children's educations—and she has been, as all of us at WSF know.

Better, Ms. Williamson says this: "This should have been here when I was in school. I would have been so much more today. In fact, I'm thinking about going back to school myself."

Here's what we at WSF ask: Why shouldn't all low-income District residents—while they await the very promising but likely years-away reforms for D.C. Public Schools—get the same shot Ms. Williamson and her kids are getting through the OSP?

Finally, and on this count, we understand that local support is critical to the OSP. WSF could not be more gratified by Mayor Fenty's and Chancellor Rhee's support of the OSP as they work toward not only a good—but a great—public education system for the Nation's Capital. Meanwhile, we also appreciate the support of the District's City Council members, a majority of whom have endorsed the OSP in a letter to Secretary Duncan and Mayor Fenty.

Mr. Chairman, I now welcome the opportunity to engage you and the subcommittee in a constructive dialogue around your questions and what's best for low-income D.C. families seeking a quality education for their children.

UNITED STATES SENATE,  
COMMITTEE ON APPROPRIATIONS,  
*Washington, DC, September 24, 2009.*

Mr. GREGORY M. CORK,  
*President and Chief Executive Officer, Washington Scholarship Fund, Washington, D.C. 20036.*

DEAR MR. CORK: I am writing to invite you to testify at a hearing before the Senate Appropriations Subcommittee on Financial Services and General Government to examine and evaluate the use and impact of Federal appropriations provided to improve the education of children in the District of Columbia.

The hearing is scheduled for Tuesday, September 29, 2009, at 10:30 a.m. in Room SD-192 of the Dirksen Senate Office Building. The Subcommittee has received your

written testimony from September 16, 2009, and I would appreciate having additional information about the Opportunity Scholarship Program as outlined below by Monday, September 28, at 3 P.M.

- The number of voucher students in each participating school, tuition, and total enrollment, for each year of the program, at three points during the school year: beginning, middle, and end.
- Which participating schools are accredited, and by what accrediting body.
- Records of all school visits, including dates and times, over the life of the program.
- The information the Washington Scholarship Fund supplies to parents on each participating school.
- The handling of scholarship money for a student who drops out of a participating school during the school year.

I ask that your oral testimony be limited to no more than 5 minutes, to allow ample time for dialogue. Your written testimony may contain additional details and will be included in the hearing record in its entirety.

If you have any questions regarding the hearing, please contact Marianne Upton at (202) 228-6374. I look forward to your participation in this hearing.

Sincerely,

RICHARD J. DURBIN,

*Chairman, Subcommittee on Financial Services and General Government.*

WASHINGTON SCHOLARSHIP FUND,  
SEPTEMBER 28, 2009.

The Honorable RICHARD J. DURBIN,  
*Chairman, Subcommittee on Financial Services and General Government, Committee on Appropriations, United States Senate, Washington, D.C. 20510-6025.*

DEAR SENATOR DURBIN: By this letter, the Washington Scholarship Fund (WSF) wishes to provide information and documentation addressing the additional questions and issues raised by you and your colleagues at the September 16 hearing before the Subcommittee on Financial Services and General Government and in subsequent correspondence. This letter responds to your request for additional information of September 24, supplements my September 21 letter, and responds to inquiries raised by Subcommittee members on September 16.

There is compelling external validation that the D.C. Opportunity Scholarship Program (the OSP) has been of immense value to low-income District families, in terms of both academic achievement and parental satisfaction. As you are aware, several studies of the OSP—most notably, the Federally mandated evaluation of the program undertaken by the Department of Education's Institute of Education Sciences (IES)—have found very positive evidence of significant academic performance improvement and that OSP parents are overwhelmingly satisfied with the program. In the initial years of the program, participants in the OSP have substantially benefited from improved: Academic achievement; parental engagement; classroom discipline and safety; student motivation; and parental satisfaction.

Dr. Patrick Wolf, the independent evaluator of the OSP, concluded that in its initial years the program has “met a tough standard for efficacy in serving low-income inner city students.”

Over the initial 5-year OSP authorization period, WSF has taken more than 8,000 applications from low-income District families, many with children in failing schools, seeking Opportunity Scholarships. To date, more than 2,600 students from low-income families have been able to use an Opportunity Scholarship in a District private school. For 2008–2009, the average income for participating families was just \$24,312. And 86 percent of scholarship students come from the attendance zones of D.C.'s lowest performing schools (Schools In Need of Improvement, Corrective Action or Restructuring, as designated under No Child Left Behind).

We are encouraged by the progress of the OSP to date and by the extent to which those on all sides of the political divide are committed to working in good faith on this issue. We strongly believe that the sole focus should be on the education of the children of the District of Columbia. We were impressed by Chancellor Michelle Rhee's statement to this Subcommittee that “part of my job is to try to make sure that every single school-age kid gets an excellent education and I'm not really as concerned with what kind of school—whether it's a private school, a D.C. charter school, or a DCPS school—as long as they are in an excellent school getting a great education, then I'm happy.” We share Chancellor Rhee's pragmatic focus on “what works” for the children of the District of Columbia and are pleased that she agrees that the Opportunity Scholarship program continues to have an important role in the current “tri-sector approach.”

Of course, we also recognize that there is room for improvement in any program; thus, we welcome a dialogue about possible changes that could further improve the academic achievement of OSP students and result in higher participation by quality schools. Toward that end, this letter addresses the questions and issues raised by the Subcommittee in the following five areas: (1) OSP student enrollment data, (2) the handling of scholarship money for students who withdraw from a participating school during a school year, (3) WSF's responsibilities for oversight of participating schools, (4) school accreditation, and (5) WSF's dissemination of information concerning academic standards.

#### *Student Enrollment*

At the September 16 hearing, you requested that WSF provide you with a list of OSP scholarship payments, by student (but not by name) and by school, for the 2008–2009 school year. Attachment A to this letter is a list of OSP payments for the 2008–2009 school year by unique student identification number. The list includes students who did not attend a school for the entire school year, and thus would have received only partial scholarships at one or more schools. This is the most accurate method of measuring yearly student participation in the OSP.<sup>1</sup> From Attachment A, each OSP dollar expended can be traced to a specific student and to a specific school.

Your letter of September 24 also requested the number of OSP students in each participating school for each year of the program, at three points during the year (beginning, middle, and end). For informational purposes, WSF has traditionally compiled two “snapshots” of student enrollment each school year, in late September and late June and we provide these “snapshots” of school enrollment for the past two school years in Attachment B.<sup>2</sup> These discrete data points serve as benchmarks as to the number of students being served in the program and as gauges of the net attrition that has taken place during the school year. These snapshots are subject to subsequent reconciliations to reflect the inflows and outflows of students over the course of the school year, as discussed in our September 21 letter, and also will not include students who enroll after late June each year. Thus, any review of the expenditure of Federal funds on the Opportunity Scholarship program should be based on the detailed data set forth in Attachment A, instead of the “snapshot” data in Attachment B.

#### *Repayment of Scholarship Funds for Mid-Semester Student Withdrawals*

Your September 24 information request asks for information on the handling of scholarship money for students who withdraw during a school semester. Attachment C is an excerpt from our Program Policies and Procedures Manual setting out our detailed procedures for making scholarship payments and recovering from the schools the appropriate amounts when a student withdraws mid-semester. As set forth in the Manual at page 3, all tuition and fees (except up-front fees, such as books) “are pro-rated to the day” for withdrawing students.

When a student withdraws mid-semester, the school is required to repay a pro rata amount of tuition for the semester, calculated on the basis of the ratio of the days the student was enrolled during the semester to the total number of days in that school's semester. The formula used is—

Amount of tuition refunded =

<sup>1</sup>Upon its completion of its program audit, conducted in 2006 and 2007, the U.S. Government Accountability Office (GAO) instructed both WSF and the program evaluators to report final school-year enrollment figures based on the number of students who received a scholarship payment—whether full or partial—during the course of a school year. Consequently, the final year-end attendance figure for a given school per GAO measures will typically be higher than the enrollment figure for the beginning of the school year, as it reflects normal enrollment shifts as students enroll in a school after the year has started, leave a school before the end of the school year, or switch schools within the program and therefore receive payments at more than one school in a single school year (effectively resulting in some students being “counted twice” for enrollment purposes—i.e., once for each school at which the student was enrolled during the school year). For the 2008–2009 school year, full or partial OSP scholarship payments were made for a total of 1,721 students.

<sup>2</sup>Despite diligent efforts, we unfortunately are not yet able to submit this information for the first 3 years of the program, but will submit this information to the Subcommittee as promptly as possible. Similarly, your September 24 letter also requested total enrollment and the tuition for each participating school for the 5 years of the program. This information was submitted for the 2008–2009 school year in my letter to you of July 29, 2009, but we have not yet been able to compile this information for prior school years. We will, of course, submit this information to the Subcommittee as soon as possible. Please note that our information about total enrollment in each participating school comes from the schools themselves and that we have this information only on an annual basis, not at three different points during the year.

$$(\text{Amount of tuition Paid}) - \left[ \frac{(\text{\# of semester days that have passed as of the date of withdrawal})}{\text{\# of total days in the school's semester}} \times (\text{tuition amount up to \$7,500}) \right]$$

The same formula is used to determine the allocation of any fees for ongoing programs, such as before-school or after-school programs.

#### *WSF's Responsibilities for School Oversight*

Under the D.C. School Choice Act (as recently amended), WSF currently has oversight responsibilities with respect to participating schools in the following areas:

- Financial responsibility of participating schools. See D.C. Code § 38–1851.04(b)(1)(H).
- The commitment of participating schools to a policy of non-discrimination. See D.C. Code §§ 38–1851.04(b)(1)(G) & 38–1851.07(a).
- The commitment of participating schools to charge equal tuition to OSP students. See D.C. Code §§ 38–1851.04(b)(1)(G) & 38–1851.06(a)(1).
- The commitment of participating schools to provide information about OSP students' academic progress to the independent evaluator (this information does not go to WSF). See D.C. Code §§ 38–1851.04(b)(1)(G) & 38–1851.10(a).
- The commitment of participating schools to provide annual reports to parents about (a) their own child's academic achievement, (b) the aggregate academic achievement of other OSP students at the school in the same grade or level, (c) the aggregate academic achievement of all students at the school in the same grade or level, and (d) information about the safety of the school. See D.C. Code §§ 38–1851.04(b)(1)(G) & 38–1851.09(c).
- The obligation of participating schools to have valid certificates of occupancy issued by the District of Columbia and to have only teachers with 4 year bachelor's degrees teaching OSP students in the core subject matter areas. See Omnibus Appropriations Act of 2009, Public Law 111–8, Title IV, Division D (District of Columbia appropriations).

Outside these areas of oversight entrusted to it by statute, WSF currently has no authority to decline to allow a parent to use a scholarship for the "District of Columbia private elementary or secondary school of their choice." See D.C. Code § 38–1851.06(a)(1).

An important management tool that WSF has used to carry out its oversight obligations under the statute is a detailed school agreement, which sets out all of a participating school's obligations under the statute and contractually obligates the school to comply with each of these requirements. See Attachment D. Each school leader is required to sign a school agreement in each year of the school's participation in the OSP and to provide appropriate documentation (such as copies of a valid certificate of occupancy).

WSF's School Oversight Program has established policies, procedures, and controls for each of the elements that contribute to the coordinated implementation of the OSP. The key documents capturing these policies, procedures, and controls are provided here as attachments, as follows:

- School visit procedures (Attachment E).
- School payment procedures, as discussed above (Attachment C).
- Financial controls governing Federal funds (Attachment F).

If a problem arises through these control mechanisms or is reported through other channels to WSF, we will investigate the issue and determine whether the school is discharging its obligations under the statute. To date, the participation of one school has been terminated due to WSF's concerns about the school's financial responsibility and WSF has worked closely with other schools where financial concerns existed in order to ensure that Federal funds were not being placed at jeopardy. In addition, WSF has notified two schools this year that they do not qualify for participation in the OSP due to their failure to obtain valid certificates of occupancy.

Your September 24 information request also requests information about the records of all school visits, over the 5 years of the program. A listing of the school visits over the past 3 years is attached as Attachment G; we have not yet been able to assemble earlier records of school visits but will do so as soon as possible (some visits were handled through a contractor in the earliest days of the program, so it may not be possible to assemble a comprehensive listing of school visits over the life of the program). A copy of the form used to gather information during school visits is submitted as Attachment H. We will also be supplying the Subcommittee with copies of records of all school visits; however, as we know the Subcommittee



has expressed its concern that it not be provided with identifiable information about specific students, it is important that we review these forms prior to providing them to the Subcommittee. Once this review is completed, we will promptly submit the forms (with confidential information redacted).

#### *Accreditation*

Members of the Committee raised questions concerning District of Columbia laws concerning accreditation of private schools and concerning the number of schools participating in the OSP that are accredited. District of Columbia law does not require private schools to be accredited. However, at present, in order for school attendance to be acceptable under the District's compulsory attendance law, a private school must either (a) be accredited (or in the process of becoming accredited) by one of a list of approved educational accreditation organizations or (b) submit proof acceptable to the Superintendent of Education as to the amount of instructional time, the character of the instruction, and the qualifications of the staff. See D.C. Code of Municipal Regulations, Chapter 21 §2100.<sup>3</sup>

Based on our research and information provided by the schools, it appears that of the 54 schools currently participating in the 2009–2010 OSP, 39 are accredited, 5 are in the process of seeking accreditation, and 10 are not accredited. Thus, at present 72 percent of the schools participating in the program are either accredited or in the accreditation process. Attachment I sets forth, as requested in your September 24 information request, which participating schools are accredited and by which accreditation bodies. In addition, Attachment J sets forth a summary of academic information (such as student-teacher ratios, average class size, and the percentage of teachers with advanced degrees).

#### *Academic Standards*

The purpose of the authorizing statute is to afford low-income District residents the options to choose from expanded and better educational opportunities. Under the authorizing statute, WSF is not currently authorized to exclude a private school that OSSE allows to operate from participation in the OSP. However, in order to help OSP families choose the best school for their children, WSF provides families with a wide range of information on participating schools, including information on areas that are widely accepted as instrumental in contributing to a child's academic growth and achievement. In addition, WSF strongly encourages each parent to personally visit the schools they are considering for their children.

Your September 24 information request asks for "[t]he information that the Washington Scholarship Fund supplies to parents on each participating school." The annual School Directory provides detailed information to families about each participating school, including information on the facilities, curriculum, faculty and staff, transportation options, and the mission of the school. See Attachment K (2008–2009 School Directory). In addition, each family is provided with a booklet on "How to Use Your Scholarship" that provides practical advice and information to assist the parents.

It is important to note, however, that the written information provided in the School Directory has been only the beginning point for WSF's communications with parents. During the 2008–2009 school year, WSF had a staff of eight case managers whose primary duties were communicating with parents, in order to equip them with a detailed base of knowledge about the educational options for their children. During the last school year, these WSF staffers had more than 25,000 telephone conversations in addition to in person meetings with parents, to help them to make the best educational choices for their children.

The School Choice Demonstration Project Report on "Family Reflections on the District of Columbia Opportunity Scholarship Program," states that parents "give [WSF] a lot of credit for the way the OSP has been managed, and the care and attention they have received from WSF staff," and cite WSF's communications as playing "an extremely important, if not indispensable, role in supporting their transition" from under-performing to higher-functioning schools.

#### *Conclusion*

Again, we wish to emphasize our commitment to the low-income children and families of the District, and our gratification at the tremendous progress made by OSP students and the deep satisfaction of their parents with the program. Indeed,

<sup>3</sup>We understand that the Office of the State Superintendent of Education issued a notice of proposed rulemaking on August 7, 2009, asking for public comments on the elimination of the requirement of accreditation or proof concerning the academic instruction.

the OSP has received more external validation than any school choice program in the nation.

We look forward to exploring every means by which to continue both this critical education reform initiative and the vigorous review that measures program results and validates the program's authorization.

We hope the information provided herein and the attachments to this letter are helpful toward addressing the questions and issues raised by you and your colleagues at the September 16 hearing. Again, we very much would appreciate the opportunity personally to meet with you and your staff, at any time convenient to you, to review together all relevant information concerning the OSP and to address and resolve any and all questions and concerns that you or other members of the Subcommittee may have.

Sincerely,

GREGORY M. CORK,  
*President & CEO, Washington Scholarship Fund.*

Attachments are being retained in the subcommittee files.

Senator DURBIN. Thank you very much.

And let me say, at the outset, that I thought that Superintendent Rhee was very forthcoming and honest in her appraisal of the current state of D.C. public schools. And what she said—she told me privately, and said it publicly—she could not look a parent in the eye, in Washington, DC, and say, “Sending your children to public schools is a better outcome, or a better choice.” And she felt that she has a glide path to improve the D.C. public schools over the next 5 years, and I hope that she’s correct. I thought that that was a very honest admission on her part, and it’s the reason why we are coming together and envisioning this continued relationship of the three different sectors of education in the District of Columbia.

But, also, at the same time, I think we have a special responsibility, in Congress—since we have a special relationship with the District of Columbia—to account for the money spent and to ask if it’s being spent well. And there hasn’t been enough of that. Some of this has, unfortunately, become a matter of faith and, too often, a matter of political ideology. And that isn’t fair to the kids, nor to the taxpayers. And that’s the reason for the hearing, is to ask these questions and to try to come up with the right answers so that we have that on the record.

I thank you, Mr. Cork, and I believe my staff has said that the information that you provided this morning, they’ve gone through, and there is an accounting for the children that you said, last time, were—some questions over it. I won’t go through the whole lead-up to that, but we didn’t have the information; you wouldn’t provide it. When we tried to gather it, there were some missing pieces. And now, I think the pieces are there, as best we can determine, and the kids are accounted for.

But, I want to go to a point that Mr. Cane raised, here. Under the public charter school experience in the District, they have turned down two out of three applicants to become charter schools. Thirty-four percent have been approved. Mr. Cork, how many schools have you turned down, in the Washington Scholarship Program, that wanted to become part of this, but you felt were not good enough to offer a quality education to children under your program?

Mr. CORK. As I’ve emphasized so far, no one can be more concerned about the quality of the academics in the schools participating in the OSP. To date, our experience has been that the vast majority of these schools are wonderful schools. During the course

of the program, two schools have not been permitted to participate, and for—typically, for various reasons. Finance is one of them. We do require detailed financial information from schools; and if they can't provide it, we don't let them participate.

Senator DURBIN. So you're saying, out of 59 schools that have participated in the program, 2 have been disqualified for financial reasons.

Mr. CORK. One was disqualified after beginning participation, others have not been permitted in the program at the outset.

Senator DURBIN. What percentage did you turn down, that applied to be part of the program? Mr. Cane says they turn down two out of three.

Mr. CORK. As a percentage—as I said, there were two schools that were not permitted to participate.

Senator DURBIN. Two out of 59.

Mr. CORK. Well, there have been different numbers of schools participating each year, but, as I recall, two have not been permitted to participate.

Senator DURBIN. That's a significant difference. That at least, their board would decide that two out of three really don't measure up to the standards that they think are acceptable for the children, and that, in the circumstances with your schools, that there were only two.

So, let me go to the next question. And that is this—I think—I hope I quote you correctly, Mr. Cane.

Mr. CORK. Mr. Durbin, we have carried out our oversight responsibilities over our schools very thoroughly during the course of this program. We're talking a lot about what we've done to date, and we've done an excellent job in carrying out—discharging our responsibilities under the statute. Now, we're happy to talk about what we can do better, going forward. We want—

Senator DURBIN. Mr. Cork, you've been—

Mr. CORK [continuing]. We want to help you make the schools better.

Senator DURBIN. Mr. Cork, I wish, when I went to school, I could grade myself. But, that isn't how it worked. The teachers graded me. And you would like to grade yourself as "excellent." Let's wait and see what comes out at this hearing, all right?

Two out of 59 schools were turned down, as opposed to two out of three for charter schools.

Mr. Cane, you said, "only true accountability is taking away the right to operate from nonperforming schools." I don't know if I have you quoted accurately. Is that—

Mr. CANE. That's correct.

Senator DURBIN [continuing]. Pretty close to what you said?

Mr. CANE. That's correct.

Senator DURBIN. And so, after you have turned down two out of three schools that want to be charter schools, you have an ongoing review of the performance of the charter schools that are part of your program?

Mr. CANE. The short answer is "yes." The way that this works is—please remember that those applying to open charter schools are not already schools. These are community members who come together, and most of them simply do not have the skills—the skill

set among them to lead the charter authorizers to think that they can run a good school. And then, after—those who do survive this rigorous application process are then subject to a great deal of monitoring by the charter authorizer of the D.C. Public Charter School Board now. And if they do not measure up over time, then they will be closed down; their students will be shifted to another charter school or otherwise gotten into school.

Senator DURBIN. And more than a quarter of all D.C. public charter schools have been closed over this 13-year period of time.

Mr. CANE. Yes.

Senator DURBIN. Because they didn't measure up.

Mr. CANE. That's right, sir.

Senator DURBIN. All right. And in terms of accreditation—and I think Senator Alexander alluded to this earlier—do you require accreditation, or an effort toward accreditation, to be part of the D.C. public charter schools?

Mr. CANE. The School Reform Act, which is the D.C. charter school law, requires that all public charter schools be accredited.

Senator DURBIN. Is it a—one common accreditation, or are there different forms of accreditation?

Mr. CANE. The bill—the law, rather—lists six or seven different accrediting entities, and then the public charter school board has the authority, under the law, to add entities. But, as a practical matter, the vast majority of the schools get accredited by the Middle States Accrediting Association.

Senator DURBIN. Ms. Weitzel-O'Neill, you've said that all of the schools in the Archdiocese are accredited.

Dr. WEITZEL-O'NEILL. Yes. The Archdiocese requires that all of our schools are either in the process, if they're a newer school—or, if not a newer school, then get—they are accredited. So, for instance, we have—St. Patrick's, out in Rockville, it's now working towards its accreditation. It's about 5 years old. But, all schools are required. But, it's required by the Archdiocese of Washington.

I think what's important is that nonpublic schools—private schools—and I think Senator Collins alluded to this earlier—do not have the oversight that we do in the State of Maryland. So, my schools, in the State of Maryland, have much more oversight by Nancy Grasmick's office—the State education office—than we do in the District of Columbia. The District of Columbia does not require our nonpublic schools to be accredited.

Senator DURBIN. And, Mr. Cork, can you say that all of the voucher schools, the 59 voucher schools, are either accredited or in the process of being accredited?

Mr. CORK. Senator, as Dr. Weitzel-O'Neill noted, we don't have—the District of Columbia has the authority to determine whether a school can be opened, and we've worked very closely with the schools participating in the program, and performed our oversight over them. You asked about accreditation. The majority of the schools participating in our program are accredited.

Senator DURBIN. All the public schools are accredited, all the charter schools are accredited, all the Archdiocesan schools are accredited, and you say a majority of the voucher schools are accredited. What are we to make of the schools, which are receiving voucher scholarship money, that are not accredited?

Mr. CORK. Many of the schools are excellent schools. Our staff visit our schools regularly, and report that—

Senator DURBIN. No, you said your staff visited the schools once every 2 years. That was your testimony last week.

Mr. CORK. Actually, that is not the limit of our—

Senator DURBIN. I asked you about an onsite visit and you—I can pull out the transcript, but you said, “once every 2 years.”

Mr. CORK. No. We’re required to visit at least every 2 years. But our staff—our staff made 25,000 phone calls last year, Senator Durbin, on behalf of our families. Two families—our staff are in schools every single day. We have direct, personal, productive relationships with school leaders and—

Senator DURBIN. Well, that’s—

Mr. CORK [continuing]. With our families.

Senator DURBIN [continuing]. A little different than your earlier testimony. But, I want to—

Mr. CORK. As far as accreditation goes, it is not required by the District of Columbia. We cannot require the schools to be accredited to participate.

Senator DURBIN. So, when you testified—

Mr. CORK. We encourage accreditation.

Senator DURBIN. Excuse me, sir.

You testified that, when it came to the information that you provide to parents about the voucher schools, you provide—you were meticulous—that was in—I wrote it down, because we don’t have your statement—but you said you were meticulous—detailed, and useful information. So, do you disclose to the parents of potential voucher school students that the schools they’re about to send their kids to are not accredited?

Mr. CORK. We do disclose that to them, yes.

Senator DURBIN. You tell them that in advance.

Mr. CORK. Yes. We talk with the parents very thoroughly about their options, about every school, what might be best for their children. And, in fact, we’ve found that parents are the best people to make that choice, Senator Durbin. It’s about their kids. And we trust them. We rely on them. We provide them all the information that a parent needs to make the best decision for their child.

Senator DURBIN. Well, I’m going to turn it over to my colleagues, here, but it appears, in District of Columbia here, we have different standards: standards for the public schools, standards for the charter schools, voluntary standards accepted by the Archdiocesan schools, but when it comes to voucher schools, it’s a little different situation, here.

Mr. CORK. The District—

Senator DURBIN. Excuse me, sir.

It’s a little different situation, in terms of accreditation. And I don’t understand why—if this is a common standard, why it wouldn’t apply to the voucher schools, as well.

Mr. CORK. I don’t understand, either, Senator. We’re happy to talk about new policies that might address this. In fact, as I believe—the charter schools have 3 years to receive accreditation in order to—is that correct?

Mr. CANE. It’s actually longer. You can’t even start the accreditation process until you’ve been in business for 3 years.

Mr. CORK. Right. So, maybe we could discuss a new policy around private schools in the District, but I cannot legislate that myself. I'm happy to talk about our experience, what we see with our schools, to work, together with you, toward a policy that's best for the kids. We want quality schools for our kids. That's the bottom line. And we'll do whatever we have to do to make sure that happens.

Senator DURBIN. I'll get into some specific schools after the others have had a chance.

Senator COLLINS.

Senator COLLINS. Thank you, Mr. Chairman.

Mr. Cork, let me follow up on the accreditation issue, because it is an important issue. The Catholic schools are all accredited. The charter schools—the public charter schools are either accredited or in the process of being accredited. Let me ask you, in a straightforward way, would you support a change in the law to require that the D.C. Opportunity Scholarship schools be accredited, or in the process of obtaining accreditation if they're a brand new school, in order to participate in the program?

Mr. CORK. I think that process is worth considering. And so, yes, I would answer your question, but I would say that I'd want to see several things put in place to make it a fair process. I would want the reviewers to be experts in oversight, and to make sound—

Senator COLLINS. Well, that's part of the—

Mr. CORK [continuing]. Right, right—

Senator COLLINS [continuing]. Accreditation process.

Mr. CORK [continuing]. Right. That—

Senator COLLINS. That's their established process.

Mr. CORK. And I would want it to be fair to the schools, such that they'd have sufficient time to go through the process.

Senator COLLINS. Superintendent, do you think that would be a good change in the law, for us to require—given the fact that we're putting Federal funds—that the D.C. Opportunity Scholarship schools be—

Dr. WEITZEL-O'NEILL. Yes.

Senator COLLINS [continuing]. Accredited?

Dr. WEITZEL-O'NEILL. Yes, I do. And I think empowering Michelle Rhee's office, as the chancellor of education for the District of Columbia, would be a good thing.

Senator COLLINS. I thought your point was very interesting, about the difference in Maryland versus the District. And I don't see the reason for that difference. I don't see the need to treat the Opportunity Scholarship schools differently. It seems to me accreditation ensures a certain level.

Dr. WEITZEL-O'NEILL. I think part of the issue has been the revolving door of the superintendency and chancellor, as noted by my colleague here, that we've seen this movie before. And the lack of having sustained leadership at the District of Columbia level has been part of why the rules are not clear. And I would suggest that the most important thing is that Michelle Rhee succeed and continue, and that we support her in what she needs to do, as opposed—and make sure that she's able to hold people accountable and that the unions don't keep pushing her back and push her out,

as they did with the other superintendents. We have to support Michelle.

Senator COLLINS. I certainly agree with that.

Superintendent, let me ask you about another issue that we've been contemplating, and that is, how do you do comparisons among the students in the public charter schools, the students in the D.C. Opportunity schools, and the D.C. public schools, so that we can assess the three sectors?

Now, you gave one excellent example, and that is, we can look at graduation rates. And I so commend the Catholic schools' experience with achieving high graduation rates.

Dr. WEITZEL-O'NEILL. Thank you.

Senator COLLINS. That is real progress for these students. And even more impressive is the high rate of college acceptance.

Dr. WEITZEL-O'NEILL. Thank you.

Senator COLLINS. That really is heartening to me, and that suggests that we're making a real difference. So, graduation rates are something that, across the board, we can look at. But, we don't want to wait until senior year to assess—

Dr. WEITZEL-O'NEILL. I agree.

Senator COLLINS [continuing]. What's going on.

Dr. WEITZEL-O'NEILL. I agree.

Senator COLLINS. So, that brings up the issue that Senator Durbin has, understandably, brought up many times, and that is looking at testing so that periodically we can assess how these students are doing in the three different sectors.

Now, you mentioned that you're administering two nationally normed reference tests to all of your D.C. Opportunity Scholarship Program students.

Dr. WEITZEL-O'NEILL. Yes.

Senator COLLINS. And personally, I think the D.C. schools ought to be using a nationally normed test, rather than the DC-CAS test. But, that's an issue upon which reasonable people can differ. So, help us figure this out. What is a fair way of assessing the effectiveness through testing? Is there a way—well, first let me say, should we require all students, regardless of whether they're in the public charter school or the D.C. Opportunity schools or the D.C. public schools, to take the DC-CAS test, or is there a way to compare the test that you give—is there a way to convert them?

Dr. WEITZEL-O'NEILL. Yes.

Let me just say quickly, for the sake of everyone present—and Senator Alexander, you can chime in, because I know you know about testing, but there are two kinds of tests right now. Five, 6 years ago, everyone in the United States took a nationally normed test. The nationally normed reference tests are the TerraNova or the Stanford. And that allows you to rank order your students. You create—everyone who takes the test that year, their scores are rank ordered. You decide where the 50th percentile is. And what we used to do is report what proportion of students were above that proficiency level, which was always the 50th percentile. That's what everybody did. And we used these nationally normed tests, which is why, 5 years ago, the District was using the Stanford test, known as the Stanford-9. This year, they now have a Stanford-10.

So, that was chosen to do the comparison because it takes into account the variability of what you're teaching in your schools.

No Child Left Behind changed the landscape of testing dramatically. Every jurisdiction, every State—and the District is considered a State, in this case—was required to establish their own standards and their own standard reference-based test. So, a criterion referenced-based test is what you have with the DC-CAS. These tests are designed—and they're very, very good tests—they're very good tests for educators, parents, and children, because the parent is compared to himself or herself, not anybody else. What matters is my child, Maggie, doing better at the end of 1 year than she was at the start of the year. How close is she to the criteria that was set? But it's set for those schools, according to their standards.

The struggle Catholic schools are having right now across the United States is that we cannot afford the cost of creating norm-referenced tests for our students, based on our standards. So, we are still using these nationally normed tests. And in a place like Archdiocese of Washington, my archbishop would like to see a comparison, just as Senator Durbin, of how our students are doing compared to the kids in the State of Maryland, where a lot of our schools are, and in the District of Columbia. The only way I can do that now is to, hopefully, find funding for CTB/McGraw-Hill to create a scale. And that scale—a conversion scale—would allow us to convert our TerraNova test scores to the equivalent test score on the DC-CAS or the Maryland State assessment. Both tests—and this is the part that's interesting—all these tests are made by CTB/McGraw-Hill or Pearson. So, there's basically two companies that are really winning on No Child Left Behind.

So, we have a proposal in to CTB/McGraw-Hill. We're trying to find out how much it would cost. We really want to do this. If we can't—and with the Opportunity Scholarship Program—I have met with Michelle Rhee, and we both agree that we can work together to develop some scientific methodology that would allow us to compare gross scores for the students in both populations.

Senator COLLINS. Thank you. That would be very helpful.

Thank you, Mr. Chairman.

Senator DURBIN. Senator Alexander.

Senator ALEXANDER. Thank you, Mr. Chairman.

Thanks, to the witnesses. This is a very interesting testimony.

Dr. O'Neill, so you're saying that, rather than have all the kids in the private—in the Opportunity Scholarship schools take the same test that D.C. schools give, that you'd rather find a way that you and Dr. Rhee might be able to work together, to find—

Dr. WEITZEL-O'NEILL. Yes.

Senator ALEXANDER [continuing]. A way to convert your scores, so that we could have some information about that—or others could—parents could.

Senator COLLINS. Yes. I think one of my concerns is that, first of all, the standards that we have in our Catholic schools are the standards based more or less on the Maryland State standards and the Indiana standards—

Senator ALEXANDER. Yeah.



Dr. WEITZEL-O'NEILL [continuing]. And we've created them. So, what our children are required to know and be able to do at the end of third grade in math may look different than what's going on in the D.C. charter—

Senator ALEXANDER. Right.

Dr. WEITZEL-O'NEILL [continuing]. School or the public school. So, what they're tested on would be different.

Senator ALEXANDER. Yeah.

Dr. WEITZEL-O'NEILL. And so, that puts the kids in our—the OSP child to—maybe at a disadvantage. But, more importantly, the cost of preparing these students to take a criterion-referenced test—

Senator ALEXANDER. Yeah.

Dr. WEITZEL-O'NEILL [continuing]. Which is a very lengthy, time-intensive test—also will increase the cost of testing, and more importantly, it will take these students out of class time, when they could—

Senator ALEXANDER. So, there's a cost issue—

Dr. WEITZEL-O'NEILL. There's cost—

Senator ALEXANDER [continuing]. That is a—

Dr. WEITZEL-O'NEILL [continuing]. And time.

Senator ALEXANDER [continuing]. That is a real obstacle to—

Dr. WEITZEL-O'NEILL. If the Federal Government can come up with the funding, it wouldn't—

Senator ALEXANDER. So, if we—

Dr. WEITZEL-O'NEILL. As long as we don't have to come up with the funding.

Senator ALEXANDER. So, would you say, if Senator Durbin wants you to take another test, he ought to pay for it? Would that be what you'd—

Dr. WEITZEL-O'NEILL. Yeah.

Senator ALEXANDER [continuing]. You'd respectfully say?

Dr. WEITZEL-O'NEILL. Yeah. You know, you would need to pay for it.

Senator ALEXANDER. We're pretty—

Dr. WEITZEL-O'NEILL. I can tell you, we don't have the funding.

Senator ALEXANDER. We're pretty good, here in Congress, at coming up with good ideas for State and local groups, and not paying for it.

Now, I thought Senator Durbin—you know, I'm a big supporter of kids having choices. I mean, when I moved here, the Secretary of Education, we looked all around, and our kids chose the best school we could, you know, and the two of them are in the Opportunity Scholarship Program. So did President Clinton and Hillary, and so did President and Mrs. Obama. And, you know, we—I'd like to reduce the number of times that that decision is affected just by how much money you have. But, I thought Senator Durbin's line of questioning about accreditation was worth pursuing.

And, Dr. O'Neill, you've had experience, now, with—do you use the middle States?

Dr. WEITZEL-O'NEILL. Yes, sir. And I've served on visiting teams and—

Senator ALEXANDER. Is that a useful exercise for you? Put aside the D.C. Opportunity Program for a moment. Or is it a waste of time?

Senator ALEXANDER. Oh, no. It is a very useful exercise.

Senator ALEXANDER. It's a peer—it's basically, your peers—

Dr. WEITZEL-O'NEILL. It's peer—

Senator ALEXANDER [continuing]. Coming in and looking—

Dr. WEITZEL-O'NEILL [continuing]. They're—it—

Senator ALEXANDER [continuing]. You over and—

Dr. WEITZEL-O'NEILL. Yeah. It is peer review. But, for instance, when a school is undergoing middle States accreditation, they spend a year in self-examination.

Senator ALEXANDER. Yeah.

Dr. WEITZEL-O'NEILL. And they look at everything in their school. They prepare the report. A visiting team of five to six people spend 4 or 5—3 to 4 days in the school, depending on the size of the school, come out with a report, make recommendations to the leadership in Philadelphia—

Senator ALEXANDER. Yeah.

Dr. WEITZEL-O'NEILL [continuing]. And your school is either accredited—you also get visits—interim visits. So, for instance, St. Thomas More, in ward 8, which is in the—

Senator ALEXANDER. So, you think it's a useful—

Dr. WEITZEL-O'NEILL. Yeah.

Senator ALEXANDER [continuing]. Useful process.

Dr. WEITZEL-O'NEILL. Absolutely.

Senator ALEXANDER. And, in your opinion, would it be reasonable if—for D.C. Opportunity—for us to require that—

Dr. WEITZEL-O'NEILL. I think it would be very reasonable.

Senator ALEXANDER [continuing]. Children who attend D.C. Opportunity—that use D.C. Opportunity Scholarships to attend accredited schools—or schools that are in the process of being accredited?

Senator ALEXANDER. Exactly. And I would say the other accrediting system that's fabulous is the southern States accrediting agency.

Senator ALEXANDER. Now, so—while Senator Durbin and Senator Collins are here—the way I read the law, though, we may be blaming you and Mr. Cork—or, we may be blaming the D.C. Opportunity for a program—something we ourselves have done—we, in Congress. Because, as I read the law, private schools aren't required to be accredited. Is that right, Dr. O'Neill?

Dr. WEITZEL-O'NEILL. At this point in time—

Senator ALEXANDER. Yeah.

Dr. WEITZEL-O'NEILL [continuing]. No, we're not required—

Senator ALEXANDER. But, no, you're not required to be accredited.

Dr. WEITZEL-O'NEILL. But, we, as the Archdiocese

Senator ALEXANDER. But, you chose to be.

Dr. WEITZEL-O'NEILL. Yeah.

Senator ALEXANDER. Is that correct?

Dr. WEITZEL-O'NEILL. Yes.

Senator ALEXANDER. But, private schools in the District of Columbia, under the law, have to be approved by the board of education or the chancellor—

Dr. WEITZEL-O'NEILL. Yes.

Senator ALEXANDER [continuing]. But not by an accrediting association. So, you're not required to do that. And, as I read the law, it might be that—if I were a parent, and I wanted to go to a school, and Senator Durbin and Collins and I all say, "Well, the school is not accredited," I would read the law and say, "This is to enable me to attend," quote, "the school of their choice." In other words, it doesn't say anything, Senator Durbin, about accreditation. In fact, it says the parent is the chooser.

So, what we've got today is a situation, if I'm reading it right—and then I'd like to ask you, Mr. Cork, if you want to comment on this—where the law says that private schools in the District of Columbia do not have to be accredited. What they do have to do, is be approved by the board of education or the chancellor. They have to be approved by them. There are some specific requirements of what that is. And that's it. And it looks to me like it says that, if I'm a parent, that I can take my child to a school of my choice, without any requirement of accreditation. Is that the way you read it?

Mr. CORK. I share your understanding, Senator Alexander. And you're right, it's all about a parent's choice.

Senator ALEXANDER. Yeah. It's about a parent's choice. That was the wisdom of Congress, 5 years ago. Now, the wisdom of Congress might now be that, having looked at it for 5 years, and Senator Durbin raising some good questions, maybe we ought to change that and say that we think that accreditation is not optional for private schools—

Mr. CORK. Yeah. And—

Senator ALEXANDER [continuing]. To participate. But, today it is optional, under the law we passed, if I'm reading the law right.

Mr. CORK. That's right. Now, we are willing to talk with you, as I said; we want to sit down and talk about what would be the best policy, going forward. Absolutely.

Senator ALEXANDER. Well, Senator Collins asked you the question—or, don't you think it would be better if you'd just go ahead and—my recommendation to you would be that, over the next few years, that you just say, "Yes, that's a pretty good requirement. Most of our schools are accredited, or are in the process of being accredited, and we'll seriously consider doing that, because that would earn the support and confidence of the people who are providing a lot of the money."

Mr. CORK. Absolutely.

Senator ALEXANDER. That would be my recommendation.

Mr. CORK. Yeah. Personally, I think accreditation is a great idea, going forward.

Senator ALEXANDER. Yeah.

Mr. CORK. Now, remember too though that meanwhile over these past 5 years we have worked very closely with our families to make sure they have full information to make the best decisions for their kids. We—again, we want nothing more than to have our participating students in good schools.

Senator ALEXANDER. Well, we have—Senator Durbin, we—you know, we have—we have Pell—this may have been an oversight by Congress that's caused this problem. We have—you know, we have Pell grants for higher education. We require the colleges and universities to be accredited. We did not require that for these schools.

Thank you for the time.

Senator DURBIN. Senator Alexander, you're correct, some of us were hoping to have standards included in the voucher schools, like college degrees and the same test, and that they would pass at least an inspection of their buildings. And those amendments were all defeated when I offered them as part of—

Senator ALEXANDER. Well, that's already in the requirement for the—

Senator DURBIN. It's in there because I included it in this year's appropriation.

Senator ALEXANDER. But I mean, as I read the requirements, the private school in the District has to go before the board of education. There are some very specific things—

Senator DURBIN. Oh, no, I'm not questioning that. I'm just saying that—I don't quarrel with what you conclude, that the law that we passed could be better. There were some of us who suggested that at the time, too.

I'd like to ask Ms. Weitzel-O'Neill—I want to make sure I understand what you said. And you talked about conversion of test scores, and so forth. I thought I understood that the Archdiocesan schools were prepared to take the same test as—

Dr. WEITZEL-O'NEILL. We have—

Senator DURBIN [continuing]. The public charter schools.

Dr. WEITZEL-O'NEILL. We are prepared, and have been. The Opportunity Scholarship students currently take the same test as the D.C. children who were in the lottery. Starting 5 years ago, the Stanford-9 was the standardized test all D.C. children took.

Senator DURBIN. Then my question wasn't—

Dr. WEITZEL-O'NEILL. We all agreed to the same test.

Senator DURBIN. Then my question isn't clear. That you're prepared—

Dr. WEITZEL-O'NEILL. And the DC-CAS—am I prepared to have the Opportunity Scholarship students take that test? Absolutely, if that is the wisdom and choice of the—and as long as we can work closely with Michelle Rhee. As she and I have both pointed out, we understand the difficulties this will create for the children, but we would hope that we could work this out in a way that would make it possible.

Senator DURBIN. And can I say publicly here—and I'll stand by this—that we need to take that into consideration.

Dr. WEITZEL-O'NEILL. Absolutely.

Senator DURBIN. When you convert over to another test, I can understand that there could be some periods of time, here, for adjustment and reevaluation.

Dr. WEITZEL-O'NEILL. Absolutely.

Senator DURBIN. And so, I think there should be fairness on both sides.

Dr. WEITZEL-O'NEILL. Thank you.

Senator DURBIN. But I think, a common test gives us a better standard norm to measure against. And that is what has happened in the other three cities with voucher schools, and I think it should happen here.

Dr. WEITZEL-O'NEILL. And I would just comment that, in the other cities what is unique is that there are shared standards because of the State relationship to everyone. Unfortunately, the Archdiocese of Washington crosses State lines. And so, it's a little weird for us.

The second thing—and then I would just mention, because it would make a difference—and this is just a suggestion—but, since No Child Left Behind has splintered every State in such a way that all of our tests are different—everyone has a different test—we need these conversion scales so that these comparisons can be made for all different kinds of legislation. As you invest money in education in this country, and until Arne Duncan gets that national test and national standard set up, it's very difficult for us to make comparisons, because everybody has their own separate test in their own world. Yet, the conversion scale is mathematically possible.

And in fact, Senator, you may be familiar, but when the SAT changed, they created the conversion scale. So, if you and I applied to go back to college today, our SAT scores from not so long ago would be compared to the young people today. And their scores are way higher than ours, because it's a different test. But, there's a conversion scale that would make us feel really good about how our test scores are today. So, it works. Higher education's been using conversion scales when they change their tests. I think it's—again, as Senator Alexander pointed out, higher education has given us some very good models to look at.

Senator DURBIN. Thank you.

Mr. CORK, I'm going to ask you to revisit the Kuumba Learning Center with me, here. This is one I asked you about last time, and how frequently that that school was visited, and you said, "Once every 2 years." Today, you've said something different. Whatever the standard is, I need for you to clarify something. When you sent us the information on the voucher schools across the District of Columbia, you said every one of them had 100 percent of teachers with at least a bachelor's degree. And when it came to the Kuumba Learning Center in your directory—school directory for the D.C. Opportunity Scholarship Program, teachers with bachelor's degree or higher: 25 percent.

Mr. CORK. First, I want to clarify, I didn't say the school is visited only every 2 years. Our policy is that they are visited at least on a biennial basis. As I said, our staff are in the schools every single day, on the phone with the schools, present in the schools, and have close and productive working relationships with—I went to Kuumba, by the way, last week. I would send my kids there. I think it's a great school.

Senator DURBIN. Okay. Can you answer my question? You say that 100 percent of their teachers have college degrees here; you directory says 25—

Mr. CORK. You know what we found out? We found out that some schools, where the instructors had graduate degrees, they

didn't report them as having bachelor degrees, because they were being that specific about it. Now, the requirement that the schools have 100 percent of teachers having bachelor's degrees if they teach core subjects is new.

Senator DURBIN. It is——

Mr. CORK. And we are going to enforce it. If a school doesn't have 100 percent of those teachers with bachelor's degrees, they're not going to be in the program. We're not going to let them in. Now, as to——

Senator DURBIN. That's what the law requires you——

Mr. CORK [continuing]. As to specifically what's going on at Kuumba right now, I'm happy to work to clarify whatever questions you have, to determine whether they do have that 100-percent rate. Again, the figure you cited, I don't know if it's accurate. I suspect it's not.

Senator DURBIN. And let me—I'll just say that—on the question of bachelor's degrees, you said 25 percent in your directory, and now say 67 percent. So, I don't think the discrepancy goes to bachelor's degrees. It's a pretty significant discrepancy between what you put in you directory and what you reported to us. I'd like to clarify it.

Now, let me ask you about Bridges Academy. I don't know if we have a photo of Bridges Academy. Bridges Academy, again, you say has 100 percent college degrees. And then, in the directory, 79 percent.

Mr. CORK. You might as well take that picture down. It's the wrong school. Bridges has a brand new, sparkling facility that's absolutely gorgeous, and has for 2 years. I apologize if that was taken from our Web site. That is not the school.

And again, your question was specifically what, Senator?

Senator DURBIN. 100 percent versus 79 percent.

Mr. CORK. Again, we will clarify with you the precise—if that's wrong, I apologize for that. But, let me emphasize, you've required that 100 percent of the teachers have bachelor's degrees to be in the program. If they don't, they won't be in the program.

Senator DURBIN. We asked you earlier for records of school site visits over the life of the program, and you furnished us some charts, and you indicated that data for the earlier years was difficult to gather, since you relied on a contractor, in the earlier years, to visit the schools. Is that true?

Mr. CORK. Actually, yes, there were others doing site visits during the early going, when—there are 5 months to get the program up and running. We had a lot of people participating with us and doing all the things we needed to do.

Senator DURBIN. And do you know the name of the contractor that was involved?

Mr. CORK. I wasn't here at the time, but yeah. Fight for Children, here in the District, was administering that part of the program at the time, and site visits were conducted by them. We took them over, once we got up and running, and had the full staffing necessary to do it regularly.

Senator DURBIN. Can I ask you about the Academy for Ideal Education? Are you familiar with that school?

Mr. CORK. I am. They're not participating in the program.

Senator DURBIN. Why?

Mr. CORK. Because they don't have a certificate of occupancy.

Senator DURBIN. When did you discover that?

Mr. CORK. We've been in process with them for months. We've been working with them, and with the department of consumer and regulatory affairs, to try to determine what the issues were, and see whether one could be issued. But, apparently, they've not been able to secure a COO. So they're not going to be in the program.

Senator DURBIN. They had 84 of their 101 students on vouchers in the last school year?

Mr. CORK. Well, they're not going to have any of the Opportunity Scholarship kids now.

Senator DURBIN. They had 84 of their 101 students on vouchers in the last school year?

Mr. CORK. I don't know the specific numbers. I'd have to look at my records.

Senator DURBIN. It seems to me that if a school is heavily voucher school, it would merit more investigation and oversight. Is that a fair conclusion? I mean, Sidwell Friends and other day schools and the like may not require this type of onsite investigation, with one or two students. But, if you have a school that has an overwhelming percentage of its students on vouchers, I would hope that there would be more oversight, on behalf of your agency.

Mr. CORK. We provide you with documentation of our very rigorous school oversight procedures. There are certain triggers that result in us going to look further into a school. If there's an increase in enrollment, or more voucher kids are using, for a given year, we do. And we do go to the school and closely scrutinize what's going on there when we see any number of triggers tripped.

Senator DURBIN. How do you ensure the fiscal solvency of the schools?

Mr. CORK. We require audits from each school, when they participate in the program. And if they don't have financial audits conducted by outside parties, then we require a full set of financial documentation that demonstrates financial responsibility.

Senator DURBIN. I want to ask about one of your schools, the Ambassador Baptist Church Christian School. In the documentation you provided me in July for this school, you listed a total student body of 53 students for the last school year. Last week, your letter noted that there were 57 students receiving vouchers. We're trying to reconcile the differences in numbers here.

I've also been informed that this school is not operating this year. So, last year the school was educating only voucher students, and this year it's closed. What is the situation with this school?

Mr. CORK. As I understand it, Ambassador closed because of financial problems.

Senator DURBIN. That's it?

Mr. CORK. That's the extent of my knowledge, Senator. I'm happy to provide you with further information, once I've gathered it.

Senator DURBIN. I have a tough time reconciling—"25,000 phone calls," and "we're on top of this every day" with some of the answers that you're giving me.

Mr. CORK. You've identified two schools, Senator.

Senator DURBIN. Well, I should, because they've been closed. I mean, it really is a question.

Mr. CORK. No, one has been closed.

Senator DURBIN [continuing]. It's rare—excuse me—

Mr. CORK. One has been closed.

Senator DURBIN [continuing]. It's rare, that your schools are closed. And I'm asking you the circumstances, and you can't give them to me.

Mr. CORK. Well, you would think you would want a school that was having financial issues closed.

Senator DURBIN. Yes.

Mr. CORK. I mean—we didn't close the school, by the way. We're not permitted to close schools. But, the school did close, and so, it's no longer in the program.

The majority of our schools are excellent schools. I would send my own children to most of our schools.

Senator DURBIN. Mr. Cork, I'm going to have to work with my colleagues, here, to see if there will be a reauthorization of this program. And it's possible there will be. But, there will be rules at least consistent, for your program, with the public and charter schools. I mean, we've got to demand the same standards, for the sake of the children and their families, of your schools that we do of other schools, or question whether we should require them of public schools, or charter schools.

You didn't write this law, and I didn't vote for this law, because I thought it was wide open, with opportunities for misuse and for exploitation. And some of those have come out during the course of this hearing. But, in fairness to the many students who are getting good educations through this program, we have got to tighten this up. And there's going to have to be more accountability from your agency too, when this is all over. I mean, there's a lot of money passing through your agency into the District of Columbia, and I think it's important that these dollars be accounted for, whether they're in District of Columbia, Illinois, Maine, whatever they may be. And I know that today you've had a little different attitude in your testimony. And that's up to you. You can do it however you wish. But, at the end of the day, we need the answers to these questions.

Mr. CORK. And we want to work with you, Senator. We want to sit down with your staff and go through every question you have. We're confident in our information. We know we can answer every question. We can, and we have, accounted for every single dollar. We take that responsibility very, very seriously.

Senator DURBIN. Thank you.

Senator COLLINS.

Senator COLLINS. Thank you.

Superintendent, you mentioned the unusual situation that the Archdiocese crosses State lines, or crosses the District line. I'm curious whether the children who are enrolled in the Catholic schools in the District of Columbia follow a Maryland curriculum rather than a D.C. curriculum. Do you have the same curriculum?

Dr. WEITZEL-O'NEILL. We have the—

Senator COLLINS. Curricula?



Dr. WEITZEL-O'NEILL. The Archdiocese of Washington has a curriculum based on the Archdiocesan standards, which we created 5 years ago, with everyone else. And ours is a combination of the best of the Indiana standards and the Maryland State standards. At that time, those were the two best sets of standards in the country, we thought, and fit with our high expectations in our schools. On all of our schools—in fact, I'm meeting with the principals this afternoon to talk about how we use data in the classroom to make decisions and to better report our outcomes to our parents. So, we're all—we all work together, yes.

Senator COLLINS. The point that I'm trying to get at is, the DC-CAS test is geared to the D.C. curriculum.

Dr. WEITZEL-O'NEILL. Yes.

Senator COLLINS. And your curriculum is more like Maryland's standards, correct?

Dr. WEITZEL-O'NEILL. Yes.

Senator COLLINS. So, what I'm wondering is whether the test that would be more appropriate for your schools in the District would be the Maryland test.

Dr. WEITZEL-O'NEILL. The Maryland State assessment?

Senator COLLINS. Yes.

Dr. WEITZEL-O'NEILL. Yeah. And that, too, is criterion referenced to the standards in the State of Maryland. And since we're probably closer to that than we are to the standards in the District. But, the reality is, all of these tests, the criteria are based on standards; and the local standards are, in fact, based on national standards. So—

Senator COLLINS. Right.

Dr. WEITZEL-O'NEILL [continuing]. It takes a lot of work and a lot of analysis to get to this point, where you can factor out all the variability. So, yes, we can do the comparisons if this is what is mandated. It will be much more tedious and much more time-consuming for everyone involved.

And our hope is—whether we do the DC-CAS or not, whatever happens, our real hope is, is that we'll have, for our purposes, that scale that will allow us to convert our TerraNova and compare it to the Maryland State assessment and the DC-CAS, and share with our parents, and the public, how our children perform in our schools compared to the public schools in both jurisdictions.

Senator COLLINS. And that's what we want to see, also—

Dr. WEITZEL-O'NEILL. Absolutely.

Senator COLLINS [continuing]. Because we are investing millions of dollars. And it's an investment that I support. But we've got to be able to assess the impact of that investment on the students that we're serving. And—

Dr. WEITZEL-O'NEILL. We—

Senator COLLINS [continuing]. I know you share that goal.

Dr. WEITZEL-O'NEILL. Absolutely. And we have looked very carefully at the Opportunity Scholarship students who have been with us over the course of at least 3 years, and we've compared their growth to the students who were not participating in the scholarship, but have been at our schools on a continuous basis. And the rate of growth, the rate of change, is absolutely the same as it is for the children who are not. So, we've seen a change of 12 percent

in math in both those students who are in the program and those students who are not in the program. So, the growth line is going in the same direction. Our goal is to have every Opportunity Scholarship student at the highest point of literacy by eighth grade, because all of the research shows, if you are literate by eighth grade, you will succeed in high school and you will succeed in college. And that's the college examination folks that have put all that data together.

Senator COLLINS. Thank you.

Dr. WEITZEL-O'NEILL. Those are the best measures of success.

Senator COLLINS. Thank you.

Ms. Levy, I have to say that I was a little worried about your testimony, because, as you pointed out, you've been an advocate and an expert on D.C. schools for 30 years. And yet, I detected a weariness, almost, and a lack of optimism.

Ms. LEVY. Uh-huh.

Senator COLLINS. So, you talked about that you've seen this movie before, that the players are different, and the terrain's a little different, and you hope the outcome will be different. That was a pretty pessimistic assessment, to me, and it worries me, because we can't have the outcome be the same. That's why I'm such a strong supporter of the D.C. public charter schools and of the Opportunity Scholarship Program.

But, talk to me a little more about what you see happening with D.C. public schools, because after all, we still have an awful lot of children who are going to the D.C. public schools, and are you encouraged or discouraged by the steps that are being taken by Michelle Rhee? What reforms do you think will make the biggest difference in D.C. public schools?

Am I reading you wrong? Are you actually brimming with optimism that this is going to turn around? I've asked you several questions, but I—

Ms. LEVY. Yes.

Senator COLLINS [continuing]. I'd like you to talk further.

Ms. LEVY. I am neither optimistic nor pessimistic. I'm in a wait-and-see mode, because I have seen most of these reform attempts before. And it all depends on how they're implemented. I almost feel like I never want to hear another good idea again. If we could just take a mediocre idea, and do it well, that would suffice. It's discouraging to see good ideas, that have been effective elsewhere, adopted, implemented poorly, and then abandoned. Or, the other thing that happens is, they're adopted, they're implemented, they work, and still the next superintendent throws them out.

Senator COLLINS. So—

Ms. LEVY. And that's—we have had continual turnover—

Senator COLLINS. Too much of a revolving door.

Ms. LEVY [continuing]. Continual change. We have fired teachers over and over again. We have fired principals over and over again. We have reconstituted dozens of schools. And it's created more disruption. And I'm talking about the past. I'm not saying that it won't work this time. But, I can only wait and see.

And I am discouraged by a couple of things. I am discouraged by the fact that it is almost impossible to find out where the money is going. That should not be. We used to know better. It's never

been great, but it's always been better than it is right now. I am worried that the continual emphasis on replacing the workforce will cause our good teachers and good principals to leave. We are losing them. And there's a history that 50 percent of the new teachers we hire are gone 2 years later. That's just not a way that we can continue to operate. That's the source of pessimism.

The source of—I won't say "optimism," but—hope is that—we do need better teachers, we do need better principals, we do need adequate funding. And right now the D.C. public schools are very well funded.

Senator COLLINS. Thank you.

Mr. Cane, my final question, I'll ask of you.

The charter school movement in the District appears to have been extraordinarily successful, in terms of parental satisfaction and demand for slots in the charter schools. Help me better understand your ability to accommodate all of those parents who want their children to go to charter schools. Are there waiting lists? Are you capped in the number of students that are allowed into the charter school program, the way that the D.C. Opportunity Program is capped?

Mr. CANE. Well, we're not capped. The number of charter schools we can open a year is capped at 20, but we've never, ever come anywhere close to that. So, for all intents and purposes, we have no caps.

We have any number of schools—I can't give you the exact number—with waiting lists, some of them very significant. We have schools that have trouble filling up, especially in their first year or two.

I've been expecting, for 4 or 5 years, that the interest in charter schools would level off, and it simply has not done so. I'm surprised that we're at 36 percent, going to 38 percent. Fortunately, as long as we have, you know, good new schools coming in and bad schools going out, we'll be able to accommodate these students. But, I can't tell you that—I mean, at the moment, I don't know how many more students we could accommodate.

Senator COLLINS. Thank you, Mr. Chairman.

Senator DURBIN. Thank you.

Ms. Weitzel-O'Neill, I'd like to make a general observation—and not specific, but general observation—about what I've seen. Graduation rates are good. The higher the graduation rate, the better, because it means the student didn't drop out. College admission is good. It shows that the student still has ambition, and is advancing, and has been given an opportunity to learn at a higher level. But, I can just tell you that it doesn't tell the whole story. We have open enrollment at community colleges in Illinois. Two out of three of the students who are accepted at community colleges in Illinois are not performing at 12th grade level. They have to take remedial and transition courses in reading and math. We're going to try to teach them the high school courses in community college now, and they are going to take loans out and apply for Pell Grants to get a high school education. That's the sad reality.

So, all of the things you've said are good, but they don't tell the whole story, and the whole story is still challenging for all of us. And I don't pick on Archdiocesan schools, or any schools, but I

think we have to have some honesty about those who are college students today. Some are in good schools, well prepared to become college students, and will earn a bachelor's degree, or go beyond that. Others may not. And that reflects, I think, the challenge that we all face in every State and here, obviously, in the District of Columbia.

Mr. Cane, when I take a look at charter schools—and I believe in charter schools—I'm glad you're in business, and I'm glad you're offering an alternative. And clearly, what you've shown us is that the parents, and others, support you in that effort. You have schools that are good and some that are not as good. Some that are extraordinarily good. And I look at the charter schools and wonder what is being learned in the process.

In Chicago and in other parts of my State, when a school is failing, they try to reconstitute it. If they can't, they close the school. They don't turn the kids away, obviously, but they bring in a whole new team, to try to start over and see if they can make a difference. And, to my satisfaction and sometimes amazement, they do it; taking the same, quote, "students falling behind," and turning them around because they've got a new team of teachers and a new team of administrators, principals, and the like, that really do connect up, and things move forward.

When you take a look at the results in your charter schools, and you see—and I won't name names—but you see a wide variation in all of your charter schools here. Tell me how you look at this, in terms of the charter school movement. Are you developing a best-practices model that is going to be part of all the charter schools in the District of Columbia? Do they sit down and compare notes and talk to one another about what works and what doesn't? Are you looking for certain things, when it comes to teachers and administrators, realizing that, in the failing schools, those aren't there, but in those that succeed, you can find them? Do you ask why the KIPP schools are off the chart? Can you give me some explanation?

Mr. CANE. Well, I think if you looked into the high-performing schools and compared them to each other, they undoubtedly have certain characteristics in common, but they also have very, very different approaches to educating the kids. I think what we too often forget is that schooling doesn't go on in school systems, it goes on in individual school buildings. And there are different ways to skin this cat. So, KIPP is highly successful. No one will argue with that. E.L. Haynes is highly successful, but doesn't look, in many ways, anything like KIPP.

The Public Charter School Board, which is the authorizer and the monitor of these schools, and makes the decision on who opens and who closes, is, right now, in the process of trying to do what you suggested; in other words, they're trying to look at all these different schools in the same way, I guess, in the hopes of being able to more easily decide who's succeeding and who's failing, and what works and what doesn't, which if they don't go too far on that is okay. But, I think it's very important to remember that someone will come along, in a year or two, who may, down the road, perform better than KIPP with its students, and doesn't desire to do any of the things that KIPP is doing.

Look, we know that the schools that are doing well have a longer school day, they have a longer school year. They provide enrichment activities, like chess. They grind their teachers into dust, you know, making them work 20 hours a day. I mean, this is the reality. This is very difficult work. I believe that most people are not going to be able to hack it in—whether it's in public charter schools or DCPS or elsewhere. That's why it's so important that we keep this stream of new people with bright ideas coming in, and kicking out the people whose bright ideas didn't work. But, we do all need to remember how extremely difficult this is.

Senator DURBIN. So, I went to these Catholic schools for 19 years. They don't claim me sometimes, based on my votes. But, I went to Catholic schools for 19 years, and my impression, at least in the elementary level, was that there was a pretty standard education that was offered at Catholic schools. And there were certain things we did that maybe other schools didn't do. I have no way of comparing, but you know, they just continued using a model that they considered to be a good model, and I think it ended up, at least in my case, with pretty good results.

Now, you're dealing with some experimentation here. You have charter schools that may come to you and say, "We've got a better idea than KIPP. We've got a better idea than anybody. And we want to try this experiment in education." So, how do you decide whether this experiment is worth risking these children on such an experiment?

Mr. CANE. Well, first of all, thank goodness, I don't decide. You had Josephine Baker in here at the last hearing, and her board and staff make this decision. But, my organization focus is heavily involved in this, because we're the only people in the District of Columbia who have a formal program to help people apply for charter schools. And so, we see all of these wildly enthusiastic people with great vision and all that sort of thing coming to us every year. I think we've had 16 or 18 people asking for our help this year. And we will turn away all but two or three of those, because, although we don't make a decision on that, we get to decide who we're going to help, and we're only going to help people design schools and go through this process if we're confident that they're going to have good schools when they come out the other end. Many of these people do not—after we tell them that they don't have what it takes, many of these people decide—most of them decide not to apply. Those who do, either with our help or on their own, then have to go through an extremely rigorous application process; a 125-page application, very, very high standards. Once the application is submitted they go through a grueling interview process with the Public Charter School Board, a technical review, then they have to go through a public hearing, and then a decision is made about whether they're going to be the one out of three that makes it through that process.

Senator DURBIN. I guess what I'm driving at—and I'm glad you do just that, with that kind of rigor, determining whether or not you want to put the stamp of approval as a D.C. charter school on this new approach.

When I look at my State, particularly at the city of Chicago, whether it's in the public school area or the charter school area,

there are a lot of flowers blooming. And they look a lot different. There are some military academies in the public school system. And there are some that focus on arts. And in the charter schools, we have—I've visited charter schools that are just—San Miguel is now a charter school. It's read, read, read. And they just never stop reading. I've been to other schools that try to deal with the whole student—you know, physical education, what they're eating—as part of the education. They all have different kinds of approaches to this. And I'm wondering—there's value to it, I'm sure, because we can do a lot better in education in America. But, I'm wondering if we're ever going to come to a conclusion as to what really is the right model and approach, or is this going to continue to be a blossoming array of opportunities? That's a pretty philosophical question, but I'll let you weigh in.

Mr. CANE. Let me answer very philosophically. We're never going to get there. It's always going to be—partly it's about improvement, but, you know, in the worst school systems, at the worst time, there have always been individual schools that have done extremely well. And many school systems around the country have decided, "Okay, well it's working at this school, let's make everybody do it." And then, to their chagrin, they find that it doesn't work.

The reason that I'm working on public school reform in the charter schools is that I believe so strongly in what goes on in each individual school, and I don't believe that I or anyone else has the wisdom to decide that there's this one way and it's going to work for everybody. In fact, I think that's counterproductive. So, the public charter schools—I'm not saying that the DCPS can't reform. And I'm pulling for them to reform. But, I think that the fastest way to get reform is to find people who are willing to sacrifice themselves for a good idea and go into these schools and run them.

Senator DURBIN. All right, my last question. I know I'm getting off into the clouds here a little bit. But, if KIPP came in tomorrow and said, "We want to open a third charter school," you wouldn't say, "Wait a minute. We've got to try a new approach. We've got to experiment." You're going to say, "Great. You folks know how to do this, and you've proven it over and over." There's something going on there, at some of the best charter schools, that clearly needs to be replicated, that I hope my grandson is going to find, and others in the District of Columbia are going to find, when they go to charter schools.

Mr. CANE. You know, KIPP doesn't have any trouble getting the Public Charter School Board to allow it to open new campuses. However, the reason there aren't more KIPP schools here and around the country, and the reason that some KIPP schools have failed, hard as that is to believe, is because it's so difficult to find school leaders and teachers who believe in this, who can do this in the right way. So, you know, KIPP has a philosophy about how to do education that works for KIPP, but it doesn't even work for everybody that KIPP hires.

Senator DURBIN. Do you have Teach for America teachers in charter schools?

Mr. CANE. There are a lot of Teach for America teachers in charter schools.

Senator DURBIN. And in the——

Mr. CANE. KIPP uses them.

Senator DURBIN [continuing]. Public schools, as well?

Ms. LEVY. Oh, yes.

Senator DURBIN. And, Ms. Weitzel-O'Neill, when I came and visited——

Dr. WEITZEL-O'NEILL. Holy Redeemer?

Senator DURBIN [continuing]. Holy Redeemer school, there were Notre Dame students——

Dr. WEITZEL-O'NEILL. Yes.

Senator DURBIN [continuing]. Who appeared to be in a similar type of commitment, that they were like Teach for America——

Dr. WEITZEL-O'NEILL. ACE teachers from Notre Dame, from the Alliance for Catholic Education, yes.

Senator DURBIN. And is it—it sounds to be a similar, parallel-type program, in terms of teachers.

Dr. WEITZEL-O'NEILL. Yes. There are a number of Catholic colleges and universities—in fact, they're meeting in Chicago, this Friday; I will be with them——

Senator DURBIN. Good for them.

Dr. WEITZEL-O'NEILL [continuing]. Talking about how to provide—at Loyola—that kind of support to our schools, because I think we all know that the quality of an educational system, the quality of a school is only as good as the quality of the teachers. And so, the teacher education programs are critical to the future of our schools.

But you know, the comment that you were making earlier, I couldn't help but think—I spent 20 years in higher education—as long as we continue to research how people learn, how people learn best, and in what environments, there will always be new ideas and a quest to continuously improve how we do education so that the children get absolutely the best and the most out of that time in the classroom.

Senator DURBIN. The problem with education is, everybody's an expert.

Dr. WEITZEL-O'NEILL. Oh, that is true.

Senator DURBIN. And I would say that there's also—when you reach advanced age status, like myself, you reflect on what worked for you—spelling, phonics, diagramming sentences, and——

Dr. WEITZEL-O'NEILL. Which is why the scores in language and reading have improved in all of our OSP children, because it is the first and most important thing we focus on, because if you can't read, you can't do math, you can't do anything else.

Senator DURBIN. So, let me ask you—and this is kind of stepping back and taking a look—but, you know, when we talk about the voucher schools, D.C. Opportunity Scholarships, chances are 50 percent we're talking about Catholic schools.

Dr. WEITZEL-O'NEILL. Yes.

Senator DURBIN. That's one-half the students.

So, I visited the Redeemer——

Dr. WEITZEL-O'NEILL. Holy Redeemer.

Senator DURBIN. Holy Redeemer. I ought to get that right. And——

Dr. WEITZEL-O'NEILL. And met some great kids.

Senator DURBIN. And also visited—is it the Shaw charter schools?

Dr. WEITZEL-O'NEILL. Yes.

Senator DURBIN. And—which had formerly been Catholic elementary schools, and—

Dr. WEITZEL-O'NEILL. Center City—they were our Center City schools, yes, sir.

Senator DURBIN. Shaw was another school I visited.

Dr. WEITZEL-O'NEILL. Yes.

Senator DURBIN. Center City I visited.

Dr. WEITZEL-O'NEILL. Yes.

Senator DURBIN. And they converted over to become charter schools.

Dr. WEITZEL-O'NEILL. Yes, sir.

Senator DURBIN. Okay.

Now, can you give me an—well, I don't know if this is a matter of public record. You don't have to answer this. What does the Washington Archdiocese put into, what does it contribute to, its K through 12 education of students each year?

Dr. WEITZEL-O'NEILL. Well, in the District of Columbia—I think I actually have that number with me—just in providing supplement to what it actually costs—for the schools that are in the District of Columbia, the subsidy this year from the Archdiocese of Washington will be about \$1.6 million. That is on top of the Archdiocesan tuition assistance that we provide for our families in the District.

Senator DURBIN. Do you know how much that might—

Dr. WEITZEL-O'NEILL. This year, the tuition assistance in the District of Columbia is probably about \$1 million or \$1.5 million, out of \$4 million across the Archdiocese.

Senator DURBIN. And so, I would say somewhere in a range of \$3 million, a little—

Dr. WEITZEL-O'NEILL. Yes.

Senator DURBIN [continuing]. Is being put in by the D.C.—

Dr. WEITZEL-O'NEILL. That is put in by the Catholic Church—

Senator DURBIN [continuing]. Washington Archdiocese.

Dr. WEITZEL-O'NEILL [continuing]. And our donors, funders and the people who support and believe in the tradition we've established of serving others, and particularly those who really want to see our schools continue to—so, we are there to offer the choice to these families.

Senator DURBIN. And the D.C. Opportunity Scholarship brings about a little more than \$6 million—

Dr. WEITZEL-O'NEILL. Yes.

Senator DURBIN [continuing]. Into the Archdiocesan schools, through this assistance.

Dr. WEITZEL-O'NEILL. Yes.

Senator DURBIN. So, clearly the—

Dr. WEITZEL-O'NEILL. It's clearly tuition revenue, as—it is what the parent is able to pay, because the parent has a scholarship, just like a scholarship from the Knights of Columbus.

Senator DURBIN. And so, the question being asked in Chicago and other places, and I'm sure being asked by some here, is, what's the future of Catholic education—



Dr. WEITZEL-O'NEILL. Oh, yes.

Senator DURBIN [continuing]. In Washington?

Dr. WEITZEL-O'NEILL. That's what we're talking about on Friday.

Senator DURBIN. Yes. And clearly some of your schools have now moved from being Catholic elementary schools in the Archdiocese to becoming charter schools.

Dr. WEITZEL-O'NEILL. Yes, sir.

Senator DURBIN. And I met with—

Dr. WEITZEL-O'NEILL. Mary Anne Stanton.

Senator DURBIN [continuing]. Who had your job before, didn't she?

Dr. WEITZEL-O'NEILL. No.

Senator DURBIN. What—

Dr. WEITZEL-O'NEILL. She was the executive director of the Center City School.

Senator DURBIN. But, she had—but, she also—

Dr. WEITZEL-O'NEILL. She was in charge of 1 school—or, the 12 schools, excuse me—

Senator DURBIN. Okay.

Dr. WEITZEL-O'NEILL [continuing]. At one time, 16.

Senator DURBIN. So, would you like to tell us—

Dr. WEITZEL-O'NEILL. Tell you what happened?

Senator DURBIN. No, you don't have to do that. But, if you could just tell us—

Dr. WEITZEL-O'NEILL. I have a PowerPoint—no.

Senator DURBIN. Do you have a vision that there will be more Catholic elementary schools moving toward the Center City model charter school status?

Dr. WEITZEL-O'NEILL. No, I don't. That is not my vision. I think it's very important that we have charter schools, public schools, nonpublic schools, and particularly parochial schools. I think it's important to the economy, to business, and to the politics of every city, that there are choices for the families when they come to those cities. Our families are different. Our children are different. The needs are different. And as you know, our parents believed in parental choice, and you made sacrifices, and I made sacrifices so that our children can go to Catholic schools. But, we do have families who can't afford to make any more sacrifices than they already make teaching two jobs, and so forth. Just like the young who you met at Holy Redeemer whose mother's in the military, and he can't afford it without the Opportunity Scholarship.

But, I think the future, really, is for us to work, as we are now, to provide as much opportunity for assistance to those who need it, and to do a better job of financing Catholic education, and to share with everybody the truth. I'll tell you, 5 years ago, when we were working on this legislation, Senator Durbin, the most frustrating thing for me was, everybody thought it only cost \$4,500 to educate a child in our Catholic schools, because that was the tuition. And we always have had our tuition less than the cost so that all families could come. We have to think—we're all working now, across the United States—Notre Dame, everyone—to come up with better ways of doing this.

Senator DURBIN. And when I asked Ms. Stanton about the difference between being a Catholic elementary school and now being

a D.C. charter school, she pointed out several things. Special education was one of them. She said, “We have more resources. We can deal with children who have special needs in a better way, in the D.C. charter system.” But, she also pointed to one obvious thing—when you speak of sacrifice: Teachers are paid better in the charter school system and in the public school system than they’re paid in many Catholic schools. So, there’s a sacrifice being made. And—

Dr. WEITZEL-O’NEILL. By Catholic schoolteachers.

Senator DURBIN. Very much so.

Dr. WEITZEL-O’NEILL. Absolutely.

Senator DURBIN. Right at the heart of the issue—

Dr. WEITZEL-O’NEILL. Always has been.

Senator DURBIN [continuing]. At the heart of the issue.

Dr. WEITZEL-O’NEILL. Always has been.

Senator DURBIN. And at some point, some of them reach the point where they can’t do it anymore. I mean, that is one of the realities. And I won’t second-guess what you’re about, because I know you have an important mission and some hard decisions that have to be made, as we all do, on a regular basis.

Dr. WEITZEL-O’NEILL. Well, I thank you for giving us the opportunity to have the conversation with you today, because I think what we’re looking at is the future of the lives of the children in the District of Columbia, and the opportunity for them to succeed in an environment, as you said, that is different from the charter schools. We are Catholic schools. And in the most recent survey, in November, of our families in the District of Columbia, the three reasons they choose our schools is, first, because they’re safe and secure. That means the children have self-respect, discipline. You could feel it when you walked into Holy Redeemer.

Senator DURBIN. I could hear it.

Dr. WEITZEL-O’NEILL. And the second thing is that—

Senator DURBIN. What I—

Dr. WEITZEL-O’NEILL [continuing]. Academic excellence. But, third, these families want a Christian value-based education, so the whole child—not—I’m not talking about nutrition now—but, the whole child—their soul, their spirit, their love for life, and their willingness and wanting to give back to others—blooms and grows in these schools. We can’t take that choice away from families.

Senator DURBIN. I understand what you’re saying. I asked Ms. Stanton that question directly, what was the difference from being a Catholic schoolteacher to being a charter schoolteacher, when it came to religion?

Dr. WEITZEL-O’NEILL. And they cried.

Senator DURBIN. And she said, “We teach values here in these charter schools, too. You know, we think”—

Dr. WEITZEL-O’NEILL. Yes, but they’re—

Senator DURBIN. It’s different. I understand.

Dr. WEITZEL-O’NEILL. It’s very, very different. And the teachers who have returned to our Catholic schools, and the families who have returned to our Catholic schools, will tell you it’s very, very different.

Senator DURBIN. Ms. Levy, last question for you.

Ms. LEVY. Yes.

Senator DURBIN. So, what do you think of this proposal that's before the D.C. public schools now, in terms of the teachers being given an option of going on some probationary status for a year and then being rewarded or paid based on performance?

Ms. LEVY. I think we don't have the tools to measure performance at this point. It's been a great disappointment, in the past, that—you know, for many years, the union had a veto power over changing performances. In the mid 1990s, we got rid of that and said the school system has to decide how to evaluate teacher performance. And they put in a couple of new systems, which weren't really so new and didn't do a good job of evaluating, and that's where we are.

A few weeks ago, a new system was unveiled. I haven't even had a chance to look at it. But, that is the most critical tool we need. And until we have it, teachers cannot believe that they will be treated fairly. And that's a problem, and it's the kind of thing that drives good teachers away.

Senator DURBIN. As I understand, though, it's voluntary. The teachers can stay in the current system, with tenure and cost-of-living adjustments, or decide to opt in to this performance-based system. That's the way I understand it. Is that the way you understand it?

Ms. LEVY. That was the proposal, but it didn't apply to newly hired teachers. The other problem with it, of course, is that I do not see any way that the cost could be sustained. It was to be done with private money, and right now the school system, for the next fiscal year that begins in a couple of days, is putting \$50 million in stimulus money to replace local funds. I don't know how they're going to sustain that when the stimulus funds run out. And that's without a teacher pay increase at all. So, I think we have to look at financial reality, as well as the evaluation system.

Senator DURBIN. In my position, I'm not critical of other government leaders who have budget problems.

We all face challenges.

I want to thank all those who are here today for coming back and participating in this. This is not the last of these hearings. I think we have been remiss, on Capitol Hill, of not coming together more frequently to ask questions, to make sure that we improve the laws that we have, to enforce the laws that we have, and to hold one another to high standards.

I thank you all for being here.

The record will be open for a week, and we may send some questions your way, which I hope you can respond to in a timely fashion.

Thank you.

#### CONCLUSION OF HEARINGS

Senator DURBIN. This meeting stands recessed.

[Whereupon, at 12:20 p.m., Tuesday, September 29, the hearings were concluded, and the subcommittee was recessed, to reconvene subject to the call of the Chair.]