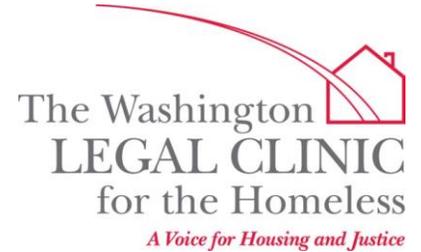


True Reformer Building
1200 U Street, NW
Washington, DC 20009
(202) 328-5500
www.legalclinic.org
@washlegalclinic



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**Public Comment before the
D.C. State Board of Education
Submitted by Attorneys Caitlin Cocilova and Will Merrifield
Washington Legal Clinic for the Homeless**

January 15, 2020

Good evening SBOE Board Members. My name is Caitlin Cocilova, and I am an attorney at the Washington Legal Clinic for the Homeless. The Legal Clinic envisions – and since 1987 has worked towards – a just and inclusive community for all residents of the District of Columbia, where housing is a human right and where every individual and family has equal access to the resources they need to thrive. On a personal note, I am a soccer coach at Strong John Thomson Elementary School; a former legal representative for kids in delinquency and school suspension proceedings; and daughter, granddaughter, niece, cousin, and friend to several teachers and school staff in DC and beyond. I am here today to share thoughts on and oppose the proposed imminent closure of the Washington Metropolitan Opportunity Academy (“Wash Met”).

I first learned about the proposed Wash Met closure in the [November 29, 2019 DC Register](#) and subsequently attended both of the community meetings on December 9 and December 12, 2019 (my colleague Will Merrifield also attended the second meeting). As an attorney focused on land use, observing these meetings left both myself and my colleague with more questions than answers: What does DCPS and the DC government want with the Wash Met land? Will it be put through surplus and disposition, in which they’ll give it to a private entity through a 99-year lease? Are they planning to sell it to Howard? Is the school to be transformed into a charter, since the elementary building was never updated to sufficiently house middle and high schoolers? Could it somehow be part of a land swap deal with developers at McMillan Park down the street or with any of the entities popping up along U Street and in Shaw? The process for closure seemed more conclusory than collaborative, and the future plans are opaque.

Accordingly, we oppose this school closure for the following reasons:

I. DCPS is using the same tactics to close Wash Met that are used by landlords, management companies, and owners to displace people from housing.

DCPS has stated Wash Met should be closed due to low enrollment, underutilization of facility space, and low rates of student engagement. These assertions do not paint the full picture. We see the same tactics used with tenants and homeowners being pushed out of buildings by private and public landlords in order to make changes within their neighborhoods.



First, DCPS names Wash Met's low enrollment, and the school being the smallest opportunity academy, as a justification for closure. However, at the time of the meetings in December, about 40 high school students, of the 157 total students, were transferred out of Wash Met in 2019 due to an understanding that the school would be transitioning primarily to a middle school. Transfers equal lower enrollment, but not by choice. This is like landlords evicting tenants before selling and redeveloping a property so they can say less people were displaced as a result of their actions. We saw this in Ward 5 with residents at [Brookland Manor](#) being evicted for owing as low as \$25 in rent just prior to the redevelopment of the property: The less tenants remaining at the start of development, the less tenants that are counted as displaced *because of* the development if they don't return. It should be noted that in the case of Wash Met, low class sizes may actually be more beneficial for students in need of additional supports. When asked at the community meetings what the magic number for enrollment is to keep the school open, DCPS did not provide a response.

Second, DCPS has said Wash Met underutilizes its building space, only using 32% of the building for programming. Yet the Wash Met building was never converted from an elementary building to a building suitable for middle and high school students: There is no auditorium besides the small cafetorium, no library, and classrooms that are too small for the size of the students. This is like landlords purposefully not providing proper maintenance to their buildings in order to constructively force certain people out, often just before a planned redevelopment. We saw this with [slumlord Sanford Capital](#) in the Congress Heights neighborhood: Sanford allowed units to go into disrepair so tenants would leave before Sanford would have to either sell the building to tenants exercising their legal right to purchase it (i.e. TOPA) or negotiate away the tenants' rights through a buy-out agreement that would cost Sanford money; the less tenants remaining, the less people they would have to pay to leave.

Third, DCPS has said low rates of student engagement, including comparatively low attendance and student survey ratings, justify closing the school. This again does not answer all of the questions: What transportation assistance is given to students coming across the city to attend school? Why are students choosing to travel over an hour to attend school? What needs to change in their neighborhood schools and communities in order for them to receive the supports they need to thrive there? How many students completed the survey? What questions were asked and how were they worded? When was the survey given to students? Was the dissatisfaction because of facilities? Can the dissatisfaction be fixed if the school is provided additional resources and implementation support? Were staff also given a survey to voice any concerns? What were their responses? For example, at the December 12 community meeting, a special education teacher at Wash Met shared that they don't have enough capacity to fulfill the hourly requirements needed to satisfy their students' IEPs – a decision made at the hands of DCPS, outside of the internal control of Wash Met. Could a lack of satisfaction have to do with a lack of staff capacity? This is reminiscent of landlords and developers creating incomplete narratives based on public perceptions of particular neighborhoods while, in reality, the landlords/developers have the means to control the situation. For example, [public housing](#) has consistently received a bad reputation for low quality units, when housing authorities are the ones with control over maintenance and have consistently failed to make the proper repairs. This has allowed for the demolition and privatization of public housing, occurring both locally and nationwide, to seem inevitable and inherently positive, both by residents and members of the public.

II. DCPS made the initial decision to close Wash Met without input from students, teachers, staff, or students' families.

Prior to the November DCPS letter to Wash Met staff, no one in the school was consulted about the proposed closure at the end of the year (at least not publicly); yet, DCPS has been treating this proposal as a definite, both through the representatives' statements and actions. According to a response at the December 9 public meeting, DCPS did not consider any alternatives to closure, such as moving the program as a whole

to a different location. Additionally, Chancellor Ferebee briefly attended both meetings but did not stay to hear from or respond to public comments, sending a clear message to attendees about how much their views would be valued and incorporated into any plans for the school. (Chancellor Ferebee attended separate [listening sessions](#) at Wash Met, but those were closed to individuals currently at the school.) As noted in DCPS's [summary of feedback](#) from the public meetings in December, out of the 45 written responses they received, 42 disagreed with the proposed closure, 1 was undecided, and just 2 agreed with the closure but requested changes to the plan.

III. Wash Met is adjacent to Howard's campus, offering access to educational resources, mentors, and partnerships.

Due to its proximity to Howard University, Wash Met's location offers prime access to role models, mentors, perspectives on future college opportunities, and productive educational partnerships. The same DC Register that listed information about the proposed Wash Met closure also included a solicitation by the Department of Employment Services for \$3 million worth of grants in workforce development solutions. If qualified, why couldn't Howard apply for a grant like this to partner with Wash Met on programs meant to develop a skilled workforce? In fact, Howard may already be amenable to such a partnership: At the December 12 public meeting, a representative from Howard strongly opposed the closure, voicing concern about sending Wash Met students back to the neighborhood schools that sent them to Wash Met in the first place. Alternative experiential experiences are beneficial for any student and particularly for those for whom a day-long classroom setting is not always manageable or productive. We need to view education, employment, and economic development in the same lens. Same with housing – the better prepared our Wash Met students are for the future, the more likely they are to have a fighting chance at surviving in a local economy that has people who make six figures qualifying for housing supports. DC has a \$15.5 billion budget; it should be used wisely and first and foremost for basic needs, not for luxuries. We should also be utilizing on-hand resources, like proximity to a renowned HBCU, to promote connectivity within communities.

As DCPS Chief Operating Officer Patrick Davis stated on a [recent podcast](#) about school modernization, "Schools in any sort of urban environment are often anchors for that community. We want to understand a little better about how our school buildings interact with the communities and how they interact with us." If that's true, closing down Wash Met in this fashion, this quickly, is not the way to do it and falls counter to what DCPS, itself, claims as a goal. Furthermore, according to this Board's [2019 Resolution on Priorities](#) from last spring, "SBOE understands that public policy decisions create trade-offs and unintended consequences; that the full extent of the consequences, positive and negative, becomes clearer upon implementation and over time; and that these policies should be reviewed and researched." The closure of Wash Met is one of those public policy decisions; however, the consequences can no longer be deemed "unintended" should this closure move forward. This is far from DC's first proposed closure, and it is well-known how the community feels and how students, their families, and school staff will be affected.

Based on the information that has been granted to the public, and the compiled feedback from listening sessions, it is clear that the public consensus is to not close Wash Met at the end of this year. The only entities putting forth a narrative that closure will be beneficial is DCPS, but the data and information they are using to justify the closure is unsubstantiated, not detailed enough to be meaningful, and inconclusive. If DCPS has additional information that better justifies a reorientation of its programs, we are open to considering such information in our analysis; yet, the late disclosure of such information must and will be taken into consideration.

Citations for Links

“November 29, 2019 Register”

<https://www.dcregs.dc.gov/Common/DCR/Issues/IssueDetailPage.aspx?issueID=792>

“Brookland Manor”

As the nation’s capital booms, poor tenants face eviction over as little as \$25 (by Terrence McCoy, Washington Post, Aug. 8, 2016)

https://www.washingtonpost.com/sf/local/2016/08/08/as-the-nations-capital-booms-poor-tenants-face-eviction-over-as-little-as-25/?utm_term=.a0874e1af84c

“slumlord Sanford Capital”

Mice, bedbugs, broken heaters: What it takes for D.C. to sue a landlord for neglect (by Abigail Hauslohner and Jonathan O’Connell, Washington Post, Jan. 8, 2016)

https://www.washingtonpost.com/local/dc-politics/mice-bedbugs-broken-heaters-what-it-takes-for-dc-to-sue-a-landlord-for-neglect/2016/01/08/3f7dbc40-b630-11e5-9388-466021d971de_story.html

“public housing”

Nearly One-Third of the City’s Public Housing Stock is At Risk of Becoming Uninhabitable: D.C.’s Housing Authority says it needs \$343 million in fiscal year 2019 for critical repairs. (by Morgan Baskin, City Paper, Dec. 20, 2018)

<https://www.washingtoncitypaper.com/news/housing-complex/article/21038117/nearly-onethird-of-the-citys-public-housing-stock-is-at-risk-of-becoming-uninhabitable>

“listening sessions”

Washington Metropolitan High School: Proposed Closure Community Feedback (DCPS, Jan. 14, 2020)

https://dcpsplanning.files.wordpress.com/2020/01/wash-met-feedback-summary_1.14.2020.pdf

“summary of feedback”

Proposal to Close Washington Metropolitan High School (DCPS, Dec. 9, 2019 and Dec. 12, 2019)

https://dcps.dc.gov/sites/default/files/dc/sites/dcps/release_content/attachments/CommunityMeetingNotes%E2%80%933WashingtonMetropolitanHighSchoolClosureProposal.pdf

“recent podcast”

Modern Schools for a Modern World (The Podcast @ DC, Dec. 16, 2019)

https://soundcloud.com/user-768286365/modern-schools-for-a-modern-world?mc_cid=a084878e40&mc_eid=cdc9835b5d

“2019 Resolution on Priorities”

State Board of Education Resolution on Establishment of Priorities, SR 19-5 (SBOE, March 20, 2019)

https://sboe.dc.gov/sites/default/files/dc/sites/sboe/page_content/attachments/SR19-5%20Establishment%20of%20Priorities%20FINAL%20AMENDED%20SIGNED.pdf