

COUNCIL OF THE DISTRICT OF COLUMBIA COMPREHENSIVE PLANNING AND UTILIZATION OF SCHOOL FACILITIES ACT OF 2013

The Issues:

- **The current system of building utilization leaves many public school buildings vacant or in limbo when better uses are available.**

Many of the District's traditional public school buildings sit vacant, unused, or underutilized, even as other educational institutions, like public charter schools, are ready to use them. Providing access to these unused educational facilities to demonstrated, high-quality charter school operators is one avenue to improve educational options for District's families.

Researchers have noted that the District government often ignores its own law regarding under-utilized school buildings.

- **The law designed to ensure that school buildings do not sit empty is ignored.**

Researchers have described the District of Columbia law designed to identify and transfer under-utilized school buildings as "one of the strongest in the country," but they have observed that "the Washington D.C. government often ignores it."¹ This is because there is no mechanism that forces DCPS to account for its decision of whether or not to make a vacant building available or that holds the Department of General Services accountable for its responsibility to dispose of surplus school buildings.

Under this Act:

- **Each year, the Chancellor will submit an Educational Facilities Plan to establish DCPS facilities needs.**

Failure to adhere to the District's law regarding vacant school buildings can be challenged in Superior Court. The District must show cause as to why it has not made a challenged building available for surplus.

The Act requires the Chancellor to create a plan that will, among other things, describe what facilities the DCPS will need for classroom instruction, swing space and administrative space. For each vacant DCPS building, the Chancellor must either release it as a surplus school property or request that the Department of General Services designate it as "intended for DCPS use." The Department will only designate a property as "intended for DCPS use" if the Chancellor has proven that the property is needed for future classroom instruction, swing space, or administrative space based on enrollment projections or planned construction.

- **Surplus school facilities are made available to educational institutions ready to meet students' needs.**

Under this Act, the Department of General Services will make surplus school properties available to educational institutions for lease or purchase. Public charter schools and other educational institutions that currently occupy surplus buildings, along with high-performing and financially sound public

charter schools, will be among those granted a three-year right of first offer for surplus school properties. This right of first refusal ensures that publicly funded school buildings are available for educating public school students.

- **If the Chancellor or the Department of General Services does not comply with this Act, a court may intervene.**

The PCSB may challenge DCPS's failure to properly surplus buildings in the Superior Court. The Chancellor or the Department of General Services must show good cause why the Court should not require the Department to sell or lease a surplus school facilities. This show-cause requirement provides an opportunity for the public to hold the Chancellor and the Department of General Services accountable for complying with this Act.

¹ Nelson, Smith, *Whose School Buildings Are They, Anyway?*, 12(4) EDUCATION NEXT (Fall 2012), available at <http://educationnext.org/whose-school-buildings-are-they-anyway>.