

**Leaving Children Behind:  
The Underfunding of D.C. Public Schools Building  
Repair and Capital Budget Needs**



**A Parents United for the D.C.  
Public Schools Civic Leader  
Advisory Committee Report**

**July 2003**

## Preface

The following report was prepared for Parents United for the D.C. Public Schools and a special Advisory Committee of Civic Leaders by the Washington Lawyers' Committee for Civil Rights and volunteers at the firm of Sidley, Austin, Brown and Wood LLP.

Parents United is a citywide parent organization established in 1980 to support quality public education in the District of Columbia. Over the years it has issued a series of reports on a range of school finance and school reform issues. Its most recent report, *D.C. Public School Funding: Myth v. Reality*, was released in February 2003. The Washington Lawyers' Committee serves as counsel to Parents United. Ronald Flagg, Patrick Linehan, and Rebecca Riley, of Sidley Austin Brown & Wood LLP, are the primary authors of this report. Rod Boggs of the Washington Lawyers Committee and Iris Toyer of Parents United took the photographs contained in the report.

Parents United would like to express its deep appreciation to following individuals who served as members of its Civic Leader Advisory Committee:

Maudine R. Cooper---President of the Greater Washington Urban League. Ms. Cooper has served in this position since 1990. Previously she served in a number of senior positions in the D.C. Government, including a term as Director of the D.C. Office of Human Rights and the Office of Minority Business Opportunities. She has also served on numerous governmental commissions and task forces.

Ronald S. Flagg---Mr. Flagg is a partner in the law firm of Sidley Austin Brown & Wood LLP. He is a longtime District resident and a leader in community service. Between 1991 and 1994 he served as Executive Director of the Mayor's Management Advisory Committee. He is the parent of three children attending the D.C. public schools.

James O. Gibson---Senior Fellow at the Center for the Study of Social Policy. Mr. Gibson has a long history of involvement in issues of urban policy, civil rights and community development. He previously served as: a founding Director and President of the D.C. Agenda, Director of the Equal Opportunity Program at the Rockefeller Foundation and President of the Eugene and Agnes E. Meyer Foundation.

James W. Jones---A Director of the Hildebrandt International, a management consulting firm serving the legal industry. Prior to joining Hildebrandt, Mr. Jones was managing partner at the law firm of Arnold & Porter. He currently serves as chair of the Pro Bono Institute and Chair of the Board of the Eugene and Agnes E. Meyer Foundation.

Richard W. Snowdon, III---Partner in the law firm of Trainum, Snowdon & Deane. Over the past twenty years, Mr. Snowdon has served in a series of position focusing on key policy issues in the District of Columbia. These have included membership on: the Committee on Strategies to Reduce Chronic Poverty; the D.C. Advisory, Local Initiative Support Committee [LISC]; the Mayor's Blue Ribbon Committee on Promotion of Arts and Economic Development; and Board of Directors of For Love of Children [FLOC].

## **INTRODUCTION AND EXECUTIVE SUMMARY**

This Report analyzes the current status of the District's efforts to modernize its crumbling school buildings. Five years ago, following an assessment of each of the District's school facilities, it was widely recognized that the physical condition of the District's schools was disastrous. After decades of failing either to build new schools or even to make the minimal repairs necessary to maintain the existing buildings, students in our Nation's Capital attended public schools which impaired their education and, at times, threatened their health and safety. To its credit, the D.C. Public School System ("DCPS") faced up to these longstanding problems in a reasonable and rational way – in consultation with experts and community members, it developed a Facility Master Plan to modernize our schools over a 10-15 year period. Consistent with the Master Plan, DCPS has completed modernization of four schools and is nearing completion of the modernization of six more schools.

Now, however, just two years into implementation of the Master Plan, funding cuts threaten to halt this modernization plan. The FY 2004 Budget and Financial Plan sent by the Mayor and Council to Congress provides far less funding than is needed to maintain, much less modernize, our city's schools. Most ominously, the Proposed Budget for FY 2007 proposes a paltry \$21 million in capital funds for DCPS and calls for no capital funding whatsoever for FY 2008 and 2009. The Proposed Budget also calls for a reduction in DCPS's maintenance budget for FY 2004 from \$44 million to \$17 million.

The dire need to fix the District's school facilities remains. We do not need a blue ribbon panel or a legislative study to address this critical problem. We already

have a carefully constructed Master Plan to modernize our schools over the next 10-15 years, and a maintenance budget request from DCPS for FY 2004 that would maintain them in a minimally sufficient way in the meantime. It is now simply a matter for our lawmakers to fund these plans.

## **HISTORICAL PERSPECTIVE: YEARS OF NEGLECT**

The physical deterioration of DC's public schools is by no means a new issue. The average DC public school building is now over 65 years old. In 1989, Parents United undertook a comprehensive investigation and analysis of information about the physical state of the D.C. public schools. Finding severe deterioration and disrepair in the school buildings, it waged a multifaceted campaign that resulted in a one-time contribution of \$12 million in funding from Congress to repair D.C.'s deteriorating public schools. An average of \$18 million was spent annually on school facilities between 1990 and 1996. This represented less than \$300 per student, and was one of the lowest rates of any school district in the country. Most of these funds were being used for emergency repairs due to aging infrastructure. "There was not enough money spent to stem the tide of continued deterioration, let alone address the decay that had already occurred."<sup>1</sup> Moreover, during this period there was no strategic plan to end the downward slide in District school facilities; the District had last adopted a master plan for school facilities in 1967.

In March 1992, Parents United instituted a lawsuit in D.C. Superior Court<sup>2</sup> alleging that the District was in repeated violation of the D.C. Fire Code.<sup>3</sup> After a bench trial, the Court's June 10, 1994 Order found thousands of life-threatening violations including: defective fire doors, exposed wiring, breached ceilings, defective alarm systems, and serious electrical problems. In total, the court found 5,695 fire code

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<sup>1</sup> "Facility Master Plan Overview: The Case For A New Generation Of Schools," page i-8, District of Columbia Public Schools (May 2001)(hereafter referred to as "DCPS Master Plan Overview").

<sup>2</sup> *Parents United v. Kelly*, Civil Action No. 92-3478 (KKC).

<sup>3</sup> See generally D.C. Code §§ 6-701 *et seq.* (2001).

violations throughout the District's public schools, the vast majority of which the Court deemed life-threatening. The Court ordered the D.C. Government to fix these violations and ordered the D.C. Fire Department to inspect all DCPS schools periodically and to file reports detailing its findings. The result was temporary and sporadic fixes, individual schools and sometimes the entire system shut down, but ultimately an out of court settlement that promised DCPS a consistent share of the city's capital funding.

In 1998, the U.S. Army Corps of Engineers conducted an assessment of each of the District's operating public school facilities. At that point, there had been no significant capital improvements since 1980 and no new school had been built during that period. In 1998, there were more than 20,000 open work orders, and seventy-percent of the schools were deemed in poor physical condition, meaning that most systems and components had exceeded their useful life expectancy and the building needed to be modernized or replaced. In the DCPS's own words, the state of the public school facilities "had reached an all-time low."<sup>4</sup>

Roofs were leaking, windows needed to be replaced, boilers were failing, plumbing, wiring and heating systems were old and unreliable. Many of the floors, walls, and ceilings were in poor condition, and people often avoided the use of the bathrooms altogether. There were very few schools in the District of Columbia with working science laboratories.<sup>5</sup>

## **THE DC PUBLIC SCHOOLS FACILITY MASTER PLAN**

Facing up to these conditions, in the FY 1999 budget, the District approved for the first time in a generation capital projects that would modernize or replace school buildings. Over the course of the next two years DCPS developed a Facility Master

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<sup>4</sup> DCPS Master Plan Overview at i-8.

Plan (“Master Plan”), which was approved by the Board of Education in early 2001.

The Master Plan endeavors to *modernize*, not just *renovate*, the District’s public schools. *Renovations* would merely bring the schools to their original state when new, which for DCPS buildings means 1890, 1920 or 1960. Schools built during these earlier eras did not provide access for children with disabilities, space for community meetings or activities, and many lacked libraries, cafeterias and space for physical education, art and music. None of the schools constructed in these earlier times was built to use the technology of the late 20<sup>th</sup> century, much less the 21<sup>st</sup> century. In order to develop the Master Plan, DCPS, with the professional support of a nationally recognized designer of schools, developed new standards for state-of-the-art schools for the District based on current educational practice, research and technology. DCPS has also engaged well-known national and local architects to design individual schools.

Under the Master Plan, modernization of the District’s school buildings is to take place in successive groups or tiers of 10 schools over a 10- to 15-year period. One elementary school from each ward was selected for modernization in the first group. Criteria for selection in the first group included size, condition, crowding, age, and geographical balance. The initial group of elementary schools selected for modernization included Barnard, Cleveland, Key, Miner, Noyes, Oyster,<sup>6</sup> Patterson, Randle Highlands and Thomson. In addition, Kelly Miller Middle School is also in the initial modernization group. The second group of ten schools scheduled for

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

<sup>6</sup> The modernization of Oyster Bilingual Elementary School was financed by an innovative public/private partnership. Oyster opened its new building to students in September 2001.

modernization is currently in the “design phase” or “bidding phase.”<sup>7</sup> In the design phase, the entire school site is redesigned to meet current educational program requirements. All ten schools in this phase are slated to be in construction over the next twelve months. The third group of ten schools scheduled for modernization is currently in the “feasibility study phase.”<sup>8</sup> During the feasibility study phase, a detailed analysis of each site is developed, including the creation of options for resolving the challenges within constraints of budget, historic preservation, and other factors. Budgets are developed using a uniform budgeting formula.

While the modernization program outlined above serves as the cornerstone of the Master Plan, because not all schools can be modernized simultaneously, capital improvements must move forward on three other tracks as well:

The Component Replacement Program. The component replacement program will replace failed building systems, including roofs, boilers, windows, and other discrete building systems or components. As new buildings are built and schools are modernized, this program will be replaced by a Lifecycle Replacement Program.

The Small Capital Project Program. This “small cap” program will make necessary health, safety, and quality of life improvements to schools waiting their turn for modernization.

Mandates. Mandates are projects required for compliance with federal legislation. These include the asbestos program, ADA accessibility improvements, and the removal of underground storage tanks.

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<sup>7</sup> These schools are: Birney, Brightwood, Cooke, Thomas, Walker Jones and Wheatley Elementary Schools; Sousa and Hardy Middle Schools; Woodson Senior High School; and Luke C. Moore Academy. McKinley High School, Bell Multicultural High School, Lincoln Multicultural Middle School and Phelps Career and Technical High School constitute another phase in the modernization program.

<sup>8</sup> These schools are Ross, Smothers, Slowe and Turner Elementary Schools; Kramer and MacFarland Middle Schools; Deal and Terrell Junior High Schools; and Anacostia and Cardozo Senior High Schools.



One of the root causes for the deplorable state of the DCPS building inventory is a chronic underfunding of maintenance and operations. In response, the DCPS is developing a comprehensive maintenance plan to enable accurate budgeting for future fiscal years and to shift from an emergency mode of operations into predictive and preventative maintenance. While the small cap program will continue to be funded in the capital budget request, a substantial share of deferred work is not capital-eligible and will need to be funded from the maintenance portion of DCPS's annual operating budget.

Appendix I to this Report shows on a school-by-school basis the status of facility improvements in DC Public Schools as of 2003. Modernization of Key, Miner, Oyster and Randle Highlands has now been completed, and modernization of the other six schools in this first group is on schedule for completion by 2004. The results of DCPS' initial modernization efforts are impressive: schools that are safe, sound, educationally appropriate, architecturally inspiring and efficient to operate. For example, the photographs on the following pages show the results of modernization at Miner Elementary School. The photographs show a state-of-the-art school facility of which any public school system could be proud. The results of completed modernization efforts at other District schools are similarly impressive. Schools that have been rebuilt have seen an influx of students. Within months of reopening all are at full capacity. Waiting lists are an emerging trend.

## Miner Elementary School



## Miner Elementary School



## FULLY FUNDING THE DC PUBLIC SCHOOL FACILITY MASTER PLAN

DCPS estimates that more than \$2 billion will be required to address the DCPS facility needs that have been identified.<sup>9</sup> Nearly every other urban school district in the country faces a similar challenge. However, unlike the District, most urban school districts throughout the United States are able to fund their school renovation and modernization through a combination of state and local funds. Because of the District's unique governance structure, this financing arrangement is not available.

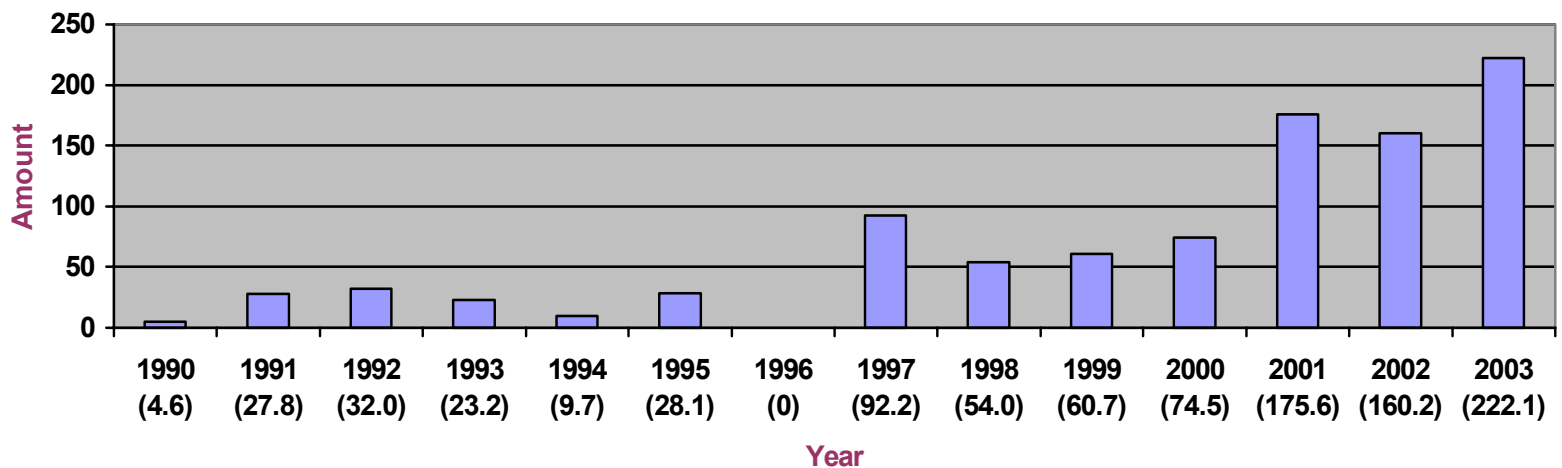
The magnitude of the \$2 billion financial commitment required by the Master Plan can be put into perspective by reviewing the pattern of DCPS capital expenditures between FY 1990 and FY 2003 set forth in the chart below. As the chart shows, an average of only \$18 million was provided annually for school facilities between 1990 and 1996 – with *no capital funds at all provided in FY 1996*. At \$18 million of annual capital expenditure, it would take over 100 years to “modernize” the District's public schools (not even accounting for inflation and also ignoring the fact that, by year 100, the schools modernized originally would then again be in disrepair). In 1997, capital expenditures increased to \$92.2 million, thanks to \$60 million derived from federal sources.<sup>10</sup> In the FY 1999 budget, capital projects to modernize or replace school buildings were approved for the first time in 20 years and, from FY 2001 through FY 2003 capital expenditures for DCPS have exceeded \$100 million annually.

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<sup>9</sup> DCPS Master Plan Overview at i-12.

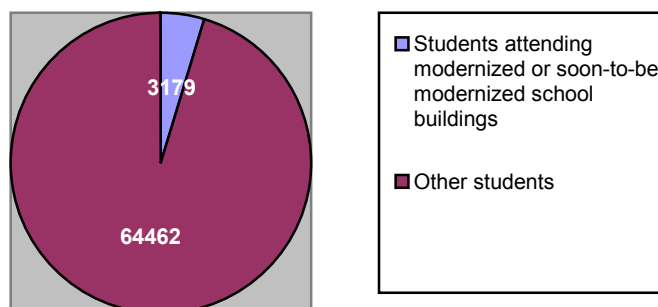
<sup>10</sup> *Id.*

**DCPS Capital Funding 1990-2003**  
(in millions)



**IMPLEMENTATION OF THE MASTER PLAN HAS ONLY JUST BEGUN AND  
BUDGET CUTS WOULD CONDEMN THOUSANDS OF STUDENTS TO CONTINUE  
TO ATTEND DECREPIT SCHOOLS**

As described above, the increased levels of capital funding in the last few years have permitted DCPS to complete or nearly complete modernization of 10 schools. Although this is a significant achievement, it is only the beginning of the effort and financial commitment required to overcome decades of disinvestment and neglect in District school facilities. As depicted in the chart below, less than 5% of total DCPS students attend schools where modernization is completed or nearly so, while over 95% of DCPS students attend schools awaiting modernization.



It must be emphasized that most of the schools that have not yet been modernized are in decrepit condition and should be modernized immediately. In particular, ten schools are currently in the design stages and are slated for ground-breaking ceremonies this year, with another ten entering the initial design phase. The Master Plan, in grouping schools as described above, simply gives recognition to the fact that not all of the schools in dire need of modernization can, as a practical matter, be modernized or replaced at the same time. However, this phased approach to modernizing schools over a 10-15 year period requires that funding be provided for the entire period; the premature cutting of funds for this program will condemn thousands of students to remain in badly deteriorating and often unsanitary and unsafe school buildings.

To illustrate these points, the following pages contain photographs from four schools that are not even within the first three groups of 30 schools slated for modernization -- Stanton Elementary School, Raymond Elementary School, Coolidge Senior High School and Roosevelt Senior High School. These photographs illustrate the types of problems that exist in many of the District's school buildings. These examples are only a small indication of the disrepair that continues to plague an overwhelming majority of D.C. public school buildings. Most schools are still in need of significant repairs to bathrooms, doors, windows, roofs, and heating and cooling systems. Structural hazards continue to threaten student safety. The prevalence of these substandard learning conditions signals that, despite the good start in modernization that DCPS has made in recent years, the current physical state of DCPS schools continues to present an educational crisis.



**Coolidge Senior High School**



## Coolidge Senior High School





## Stanton Elementary School



## Stanton Elementary School



## Raymond Elementary School





## Raymond Elementary School



## Roosevelt Senior High School



## Roosevelt Senior High School





## THE PROPOSED BUDGET JEOPARDIZES SCHOOL MODERNIZATION

The foregoing pictures permit only one conclusion: schools such as Raymond, Stanton, Coolidge and Roosevelt, and the dozens of other DC public schools in a similar state of physical deterioration must be modernized or replaced as soon as possible -- precisely what is called for by the DCPS Master Plan. Full funding for the Plan -- that is, the funding necessary to modernize the District's schools -- requires over \$200 million in capital funds for DCPS annually for the next six years and beyond. While actual capital expenditures for DCPS in FY 2001 and FY 2002 were not at this level (in FY 2003 capital expenditures reached \$222 million), they at least have been sufficient to permit DCPS to complete or nearly complete modernization of 10 schools and move an additional 20 into the design/bidding and feasibility study phases.

Unfortunately, the District government's proposed FY 2004 Budget and Financial Plan (hereafter "Proposed Budget") now pending before Congress provides far less funding than is needed to rebuild the city's schools. The Proposed Budget includes capital budgets for DCPS for a six-year period, FY 2004 to FY 2009. As the table below indicates, the Proposed Budget for each year falls well below the amounts requested by DCPS as necessary to implement the Master Plan. Most ominously, the Proposed Budget for FY 2007 proposes a paltry \$21 million and calls for *no capital funding whatsoever for FY 2008 and 2009*.

### MAYOR'S PROPOSED DCPS CAPITAL BUDGET FY04-FY09 (Dollars are in millions)

	FY04	FY05	FY06	FY07	FY08	FY09
DCPS Request	\$313	\$401	\$372	\$294	\$314	\$320
Mayor's Proposed Budget	\$168	\$173	\$149	\$21	\$0	\$0
Difference (shortfall):	(\$145)	(\$228)	(\$223)	(\$273)	(\$314)	(\$320)

Source: Mayor's FY2004 Proposed Budget and Financial Plan, 2004-2009 Capital Appendices.

The shortfalls between the DCPS requests and the Proposed Budget amounts for FY 2004-FY 2006 and the virtual elimination of capital funding for DCPS in subsequent years severely impair the modernization of DC public schools that is so desperately required. Although the Proposed Budget funds the next two rounds of modernization projects (but only these two rounds), it fails to fund essential health and safety work, including asbestos abatement, compliance with the Americans With Disabilities Act, and critical heating, ventilation and air conditioning projects. Moreover, the Proposed Budget's de minimis funding for FY 2007 and *elimination of a DCPS capital budget* for 2008 and FY 2009 precludes even a ratcheting down of the modernization program's current rate of ten schools per year. Indeed, with the drastically reduced capital funding under the Proposed Budget, DCPS is now forced to consider abandoning the modernization program altogether and returning to the piecemeal projects of the past to attempt to ensure that its aging school houses can continue to operate in compliance with health and safety codes. Given that the average D.C. public school is over 65 years old, with many schools built more than a century ago, this "band-aid" approach will condemn District children to continued dilapidated schools and end DCPS's current progress toward the high-quality educational space envisioned by the adoption of the Master Plan.

To make matters worse, in addition to the substantial reductions in the proposed six-year capital budget, the Proposed Budget also calls for a reduction in DCPS's maintenance budget for FY 2004 from \$44 million to \$17 million. This portion of the DCPS operating budget serves as the source of funding for the performance of day-to-day maintenance in the District's schools, as well as for the performance of its most



urgent school building repairs, such as fire damage, asbestos abatement, and critical heating and ventilation problems. Left with less than one-half of the funding it requested as necessary to these functions, DCPS will likely have to eliminate more than half of the most necessary anticipated school building maintenance for FY 2004. This significant funding shortfall impairs DCPS's ability to respond rapidly to threats to our children's health and safety and will likely eliminate DCPS's ability to respond to less dire facility problems, thus continuing the downward slide of our school buildings.

### **CONCLUSION: OUR CHILDREN DESERVE BETTER**

DCPS has responded to the horrendous conditions of District school buildings by developing a Facilities Master Plan and beginning its implementation. Proposed funding cuts now threaten this Plan and will condemn tens of thousands of District students to dilapidated schools for another generation. As the Master Plan itself concluded in 2001:

No child deserves to be in a classroom that doesn't have adequate electricity for computers, or lighting to read their assignments, poor indoor air quality, or inadequate space to partake in typical educational activities. Children shouldn't have to suffer discomfort due to excessive heat or cold, or to use a restroom that has broken fixtures with no running water. Our students deserve to be housed in buildings that are bright and inviting, in good condition and appropriate for the educational needs of today's curriculum.<sup>11</sup>

The vision embodied in the Master Plan is not unreasonable, much less extravagant. It is a vision simply of a clean and inviting physical learning environment. It is what the District's children deserve. We must not fail to carry out that Plan.

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<sup>11</sup> DCPS Master Plan Overview at i-13.

# **APPENDIX**



