



WASHINGTON LAWYERS' COMMITTEE
FOR CIVIL RIGHTS AND URBAN AFFAIRS

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The Washington Lawyers' Committee for Civil Rights and Urban Affairs
Before the Council of the District of Columbia
Committee on Facilities and Family Services
Public Hearing on the Department of General Services Performance Oversight

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My name is Marja Plater and I am a Senior Counsel and the John E. Nolan Youth Justice Counsel at the Washington Lawyers' Committee for Civil Rights and Urban Affairs (Washington Lawyers' Committee). The Washington Lawyers' Committee works to eradicate discrimination and systemic racial injustice through policy advocacy and litigation. Thank you Chairperson Janeese Lewis-George and the Committee on Facilities and Family Services for this opportunity to provide testimony on behalf of the Washington Lawyers' Committee.

Students are required to attend school in DC and are entitled to do so in a safe, healthy, and supportive environment that is conducive to learning. Yet, several school buildings throughout the District are in deplorable conditions, which interferes with students' ability to get an education. These poor school conditions are not distributed equally across the District; students in Wards 4, 5, 7, and 8, who are majority students of color, are more likely to experience crumbling school infrastructure, non-functioning bathrooms, and lengthy delays in any repairs. The District's inability to maintain its schools in a safe condition sends a message to young people in DC that they are not valued nor worth investing in.

In this testimony, I will: 1) share some students' and school communities' perspectives and experiences with these poor school conditions, 2) show how poor school conditions negatively impact students' education, especially Black and Brown students, and 3) highlight the persistent problems the Department of General Services (DGS) has maintaining District of Columbia Public School (DCPS) buildings. We are grateful for Chairperson Lewis-George's and the Council's dedication to improving school facilities and we ask that this effort continues by conducting robust and routine oversight of DGS's maintenance of DCPS buildings and analyzing in detail the process for prioritization of school repairs and modernizations.

Students and School Communities Want Safe Learning Environments in Schools

This Committee will hear directly from impacted students and parents, all of whom deserve safe and healthy school environments. Many of the students and school communities we have spoken to report that the current conditions of many schools fail to provide such safe and healthy schools. For instance, young people at Black Swan Academy complained of filthy bathrooms with no soap or toilet paper, broken bathroom

sinks falling out of the wall and broken locks on bathroom stall doors. Some even mentioned the schools closing early due to bathrooms not working or going home to use the bathroom during the school day because of how uncomfortable they were with using the bathroom in these types of conditions at school. They mentioned extreme cold or hot temperatures in classrooms that cause nosebleeds or trigger asthma attacks and make it difficult to focus on school work. They also expressed concerns about finding rat droppings in lockers and classrooms. Generally, students expressed a desire for a safe and comfortable learning environment for them to be at their best academically and at a minimum that requires “schools that are clean and fixed.”

Some school communities have organized and spoken out about the poor conditions they face in their schools, like the Whittier Elementary School community. Part of Whittier’s building is nearly a hundred years old and this school has yet to be modernized. This school is plagued with problems like leaks, falling bricks on the exterior of the building, sewage backups and flooding near early childhood classrooms, and broken heating and air conditioning equipment with a radiator exploding this past fall. Even this limited list of some of the problems at Whittier demonstrates serious safety concerns for students and staff in the building. The Whittier Parent Teacher Organization and school community has been advocating tirelessly for the District to remedy these health and safety concerns at Whittier but to no avail. They have testified in DC Council hearings about repeated requests for repairs that are seemingly fixed but then break shortly after repairs are made. Recently, DGS conducted a “winter blitz” during the winter 2022 school break to address repairs including a sewage pump near the early childhood classrooms that by January 6 was broken yet again. This is a clear example of DGS’ inability to properly maintain schools and supports our request for the Council’s increased oversight of DGS operations.

Families at Langley Elementary School have also been staunch advocates for improving the physical conditions of the school. Similar to Whittier, this school has not been modernized. The Langley community has complained about major problems with the conditions of the bathrooms. There are missing ceiling tiles in some bathrooms; the cafeteria lacks a working bathroom, which leaves students and staff no place to wash their hands, and the lack of access to bathrooms on the first floor.¹ They report pest control issues with rodents and roaches throughout the building.² They also had similar complaints about work order requests not being resolved timely with requests remaining open for months without any understanding as to why.³ In large part due to their persistent advocacy, Langley’s roof and some bathrooms were repaired, funds were allocated for HVAC upgrades, and an elevator was installed.

¹ Testimonies of Maria Olmedo-Malagon (Langley parent and PTO Vice President) & Emily Thomas deWolf (Langley parent), before DC Council Committee of the Whole Budget Oversight Hearing March 2, 2022.

² *Id.*

³ *Id.*

While those improvements are welcome, parents, teachers, and students should not have to take to social media, speak to local news outlets, and advocate before the Council in order to get the District to pay attention to the conditions at their schools, nor should resources only be distributed to school communities with the resources to organize and advocate. Students deserve healthy and safe schools so that they can flourish.

Studies Show Students that Attend Schools in Disrepair Negatively Impacts Educational Outcomes Especially for Students of Color

It is well established that the poor condition of school buildings correlates with poor educational outcomes and disproportionately impacts students of color. In fact, in a 2014 Dear Colleague letter, the U.S. Department of Education Office for Civil Rights (US DOE) reinforced its position that unequal access to safe and appropriate school facilities violates children’s civil rights. Specifically, the US DOE stated, “[s]tructurally sound and well-maintained schools can help students feel supported and valued. Students are generally better able to learn and remain engaged in instruction, and teachers are better able to do their jobs, in well-maintained classrooms that are well lit, clean, spacious, and heated and air-conditioned as needed. In contrast, when classrooms are too hot, too cold, overcrowded, dust-filled, or poorly ventilated, students and teachers suffer.”⁴ A variety of aspects of the school learning environment can be linked to lower test scores and school attendance including conditions inside the school building like air quality, temperature and humidity levels, lighting, and on school grounds like exposure to school bus exhaust fumes.⁵ Yet, as the US DOE highlights, disparities persist in access to educational resources – including safe and appropriate school facilities. Low-income students and students of color are more likely to attend schools in poor physical condition.⁶ Inadequate school facilities and the connection to educational outcomes disproportionately affect students of color and disadvantaged students.⁷ Conversely, studies show that improving school conditions can directly improve student performance.⁸ The US DOE implored schools to ensure that all students have equal

⁴ Office for Civil Rights, U.S. Dep’t. of Educ., Dear Colleague Letter: Resource Comparability, (October 1, 2014), available at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-resourcecomp-201410.pdf>.

⁵ Alejandro Vazquez-Martinez, et al., “Unsafe School Facilities Reinforce Educational Inequities Among Marginalized Students,” (September 2, 2021), available at <https://www.brookings.edu/blog/brown-center-chalkboard/2020/09/01/unsafe-school-facilities-reinforce-educational-inequities-among-marginalized-students/>; Gracye Cheng and Steve English, et al., “Facilities: Fairness and Effects, Evidence and Recommendations Concerning the Impact of School Facilities on Civil Rights and Student Achievement,” (July 27, 2011), available at <http://www.21csf.org/csf-home/publications/ImpactSchoolFacilitiesCivilRightsAug2011.pdf>.

⁶ Gracye Cheng and Steve English, et al., *supra* note 5.

⁷ *Id.*

⁸ Mary Filardo, et al., “How Crumbling School Facilities Perpetuate Inequality,” (April 29, 2019), available at <https://kappanonline.org/how-crumbling-school-facilities-perpetuate-inequality-filardo-vincent-sullivan/>.

access to these resources regardless of their race, color or national origin in accordance with federal law.⁹

Poor conditions in DCPS buildings affect students' access to education particularly lower-resourced students and students of color. Overall, the DCPS school population consists of predominantly Black and Latinx students, comprising 57% and 21% of the population respectively.¹⁰ As noted above, the majority of DGS open work orders for DCPS are in Wards 4, 5, 7 & 8, where many schools have high populations of students of color and less affluent students.¹¹ Black and Brown students in DC are more likely to be subjected to poor school conditions. Addressing long-standing failures of DGS to maintain DCPS school buildings is not only an issue of the health and safety of students in school, but it is also a matter of racial and economic equity.

DGS is Unable to Adequately Maintain Safe DCPS School Buildings

The safety of DCPS school buildings depends on DGS' ability to make timely and effective repairs. We appreciate Chairperson Lewis-George and the DC Council for recognizing the importance of DGS's role in keeping DCPS schools safe by enacting specific legislation to oversee DCPS school repairs and maintenance. Focusing primarily on mitigating the spread of COVID-19 in schools, the Protecting Our Children Emergency Amendment Act of 2021 directed DGS to create a public dashboard that tracks DCPS HVAC work orders and recent inspections of HVAC units in addition to reporting this information directly to the Council.¹² Before the 2022 school year, the Council enacted the Back-to-School Safely Emergency Act of 2022, demanding that by August 2022, DGS report to the Council all open HVAC work orders that were listed on the dashboard including contingency plans for any malfunctioning HVAC units and rank the conditions of the units and provide a report to the Council for the schools with the lowest ranking HVAC systems.¹³ This bill also required DGS to report to the Council in closed-door briefing sessions the conditions of doors and locks, public address systems, fire alarm systems, and surveillance systems in DCPS schools. In the 2023 Budget Support Act, the Council expanded the DGS dashboard to include all open work orders in DCPS schools and by October 1, 2023, DGS must post all open work orders for the Department of Parks and Recreation.¹⁴ Chairperson Lewis-George, this Committee, and the Council as a whole's commitment to overseeing the DGS's maintenance of DCPS school buildings is an important and necessary step in ensuring DC students are safe.

⁹ Office for Civil Rights, U.S. Dep't. of Educ., *supra* note 4.

¹⁰ See DCPS at a Glance: Enrollment, available at <https://dcps.dc.gov/page/dcps-glance-enrollment>.

¹¹ DGS Public Work Order Dashboard, available at <https://dgs.dc.gov/service/dgs-public-work-order-dashboard>, last reviewed February 27, 2023.

DGS Public Work Order Dashboard, *supra* note 8.

¹² Protecting Our Children Emergency Amendment Act of 2021, D.C. Act 24-190.

¹³ D.C. Act 24-544.

¹⁴ Fiscal Year 2023 Budget Support Emergency Act of 2022, D.C. Act 24-470, Section 1028(e).

School communities have complained about the poor maintenance of DC public schools for years and with the significant health concerns the COVID-19 pandemic presented, DC public schools' conditions became front and center. DGS is tasked with building, maintaining, and sustaining District-owned and leased properties including DCPS buildings. Last spring Chairman Mendelson requested that the Office of the District of Columbia Auditor analyze DGS's processes for handling DCPS school maintenance in response to receiving repeated complaints of backlogged maintenance needs, repeated fixes of the same repairs, and reported repairs going unfixed for DCPS schools. On November 28, 2022, the DC Auditor released a report exposing the faulty work order system DGS utilizes to manage the maintenance of all District-owned buildings including DCPS buildings.¹⁵ The report revealed several systemic problems with DGS's system, including a lack of a quality control system, incomplete documentation of work order costs, inconsistent photo documentation of repairs, lack of a preventative maintenance system, and failure to complete work orders within the mandatory timeframe. According to the report, it takes DGS on average 55 days to complete work orders. Over 60% of high-priority work orders – which are issues that present a potential health or safety risk – are not completed within the mandatory 10 days.

This recent legislation and auditing have increased transparency of the school facilities' conditions and exposed DGS's inefficient system. DGS's August 2022 data reported to the Council was not easy to analyze and noted an overwhelming majority of schools' HVAC systems were in fair-good condition, which is inconsistent with the many teachers' and students' reports. The auditor's report shows that DCPS work orders are a significant portion of all DGS work order requests making up over 40% of the total requests – almost half of DGS' total portfolio.¹⁶ The auditor reviewed work order requests from January 1, 2020 through December 31, 2021, and in that short period, eight schools were in the top 20 for the highest number of work orders.¹⁷ Browne Education Campus had the most with over 849 work order requests mainly for lighting, lock and door, and heating problems; Eastern High School with 507 work order requests mainly for lock and door, cooling, and lighting problems; Tyler Elementary School with 503 requests for primarily cooling, pest control, and lock and door issues; Columbia Heights Education Campus with 501 requests mainly for lock and door, cooling, and heating issues; Lasalle-Backus Elementary School with 482 requests mainly for lock and door, heating, and cooling problems, Roosevelt High School with 480 requests mainly for lock and door, building structural, and interior painting and wall issues; Takoma Education Campus with 463 requests primarily for building structural, lighting, interior painting and wall issues; and lastly Anacostia High School with 429 requests with the majority for faucet, lock and door and toilet issues.¹⁸ As of February 27, the DGS work order

¹⁵ D.C. Auditor's Report, "Multiple Failures in DGS Management of Work Orders," (November 28, 2022) available at <https://dcauditor.org/report/dgs-management-work-orders/>.

¹⁶ *Id.* at 9.

¹⁷ *Id.* at 10.

¹⁸ *Id.*

dashboard shows that schools in Wards 4, 5, 6, 7, and 8 have the most open work order requests with Ward 4 and Ward 8 leading with 1,935 and 1,818 respectively.¹⁹ Most of the current open work order requests for DCPS buildings involve interior services, including locks and doors, HVAC services, and plumbing.²⁰

We are grateful that Chairperson Lewis-George has championed the issue of school conditions, especially in Ward 4, but we urge this Committee and the Council to increase oversight of DGS's maintenance of DCPS schools and make a commitment to prioritizing the safety and appropriateness of school facilities. This may require an in-depth analysis of DGS operations building upon the data from the DC Auditor's report, an analysis of investments and allocation of resources for DGS, including their contractors, and an analysis of the investments and allocation of resources for DCPS. This Committee may also want to consider conducting a detailed review through an equity lens of how all decisions are made concerning school repairs and renovations, including funding and prioritization of those repairs and renovations.

Conclusion

Far too many young people in DC, especially students of color, are forced to sit in classrooms with unbearable conditions when they are simply trying to get an education. Young people in the District deserve to attend schools that are clean, healthy, and safe places to learn. To ensure this, the District must invest in developing a robust system to maintain school buildings and grounds, and equitably prioritize modernization efforts. We urge this Committee and the Council to increase oversight of DGS's maintenance of DCPS schools and make a commitment to prioritizing the safety and appropriateness of all school facilities. Our young people's right to an education in a safe learning environment can no longer be ignored.

¹⁹ DGS Public Work Order Dashboard, *supra* note 11.

²⁰ *Id.*