



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 B25-218, the "Work Order Integrity Amendment Act of
2023" and School Readiness

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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, Chairwoman Janeese Lewis-George and the Committee on Facilities and Family Services, for this opportunity to provide testimony on behalf of the Washington Lawyers' Committee.

All DC students deserve to attend safe and healthy school environments, and the District owes that to our young people. Although there have been many improvements to DC public school buildings over the years, the inequities in physical school conditions experienced by students of color and lower-resourced students have persisted for decades in DC schools. These poor school conditions are not distributed equally across the District; students in Wards 4, 5, 7, and 8, who are predominantly students of color, are more likely to experience crumbling school infrastructure, lengthy delays in any repairs, and, when repairs are completed, they are shoddy. The District's inability to maintain its schools in a safe condition impacts students' academic success and sends a message to young people in DC that they are not valued nor worth investing in.

We are grateful for Chairwoman Lewis-George's and the Council's commitment to improving school facilities by introducing the Work Order Integrity Amendment Act and holding this hearing to discuss school readiness. This bill and public hearing is particularly important following the DC Auditor's 2022 report on DGS' work order management system that exposed the faulty system DGS uses to manage the maintenance of all District-owned buildings, including DCPS buildings.¹ While this legislation is an essential step towards reforming DGS's maintenance system, we ask that this Committee continue robust routine oversight of DGS maintenance of DCPS and continue efforts to improve DGS's maintenance system. One important next step that we urge this Committee to consider is developing a protocol for addressing DGS's lack of preventative maintenance for DCPS buildings.

¹ 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/>.

Students and School Communities Want Safe Learning Environments in Schools

This Committee will hear directly from impacted students and parents, who 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. We have heard complaints of filthy bathrooms with no soap or toilet paper, broken bathroom sinks falling out of the wall, and broken locks on bathroom stall doors. The students mentioned experiencing extreme cold or hot temperatures in classrooms that cause nosebleeds or trigger asthma attacks, making it difficult to focus on school work. Generally, students desire a safe and comfortable learning environment to be at their best academically, and at a minimum, that requires “schools that are clean and fixed.”

Some school communities, like Whittier Elementary School, Langley Elementary School, Burroughs Elementary School, and Langdon Elementary School, have organized and spoken out about the poor conditions they face in their schools, to name a few. Part of Whittier’s building is nearly a hundred years old, and this school has yet to be modernized. These school communities have noted health and safety concerns like leaks, falling bricks on the exterior of the building, sewage backups and flooding near early childhood classrooms, broken heating and air conditioning equipment, radiator explosions, and boilers breaking down. Even this limited list demonstrates serious safety concerns for students and staff in school buildings. These school communities and many others have been advocating tirelessly for the District to remedy these problems. Still, the District has yet to come up with a long-term solution. These communities have repeatedly testified at DC Council hearings about repeated requests for repairs that are seemingly fixed but break shortly after repairs are made. Year after year, they must advocate for emergency repairs during the beginning of the school year when air conditioners are often broken and again during the cold weather season when boilers and radiators are malfunctioning, leaving classrooms with no heat. These are clear examples of DGS’s inability to maintain schools properly and support our request for the Council’s increased oversight of DGS operations and the need for a preventative maintenance process.

The Work Order Integrity Amendment Act undoubtedly eradicates a problem within DGS’s work order system. Still, the District must do more to fix DGS’s maintenance system and ensure students and staff are safe in DCPS buildings. Parents, teachers, and students should not have to take to social media, speak to local news outlets, and advocate before the Council 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 across the city deserve healthy and safe schools to flourish, and the District should proactively ensure this.

Attending Schools in Disrepair Has been Linked to Poor Educational Outcomes

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 US 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. Teachers are better able to do their jobs in well-maintained, well-lit, clean, spacious, and heated and air-conditioned classrooms as needed.”²

In contrast, when classrooms are too hot, too cold, overcrowded, dust-filled, or poorly ventilated, students and teachers suffer.”³ Various aspects of the school learning environment are linked to lower test scores and attendance, including conditions inside the school building, like air quality, temperature, humidity levels, lighting, and exposure to school exhaust fumes on school grounds.⁴ Yet, as the US DOE highlights, disparities in access to educational resources—including safe and appropriate school facilities—persist. Low-income students and students of color are more likely to attend schools in poor physical condition.⁵ Inadequate school facilities and the connection to educational outcomes disproportionately affect students of color and disadvantaged students.⁶ Conversely, studies show that improving school conditions can directly enhance student performance.⁷ The US DOE implored schools to ensure that all students have equal access to these resources in accordance with federal law, regardless of their race, color, or national origin.⁸

Poor conditions in DCPS buildings affect students’ access to education, particularly lower-resourced students and students of color. The DCPS school population consists of predominantly Black and Latinx students, comprising 57% and 21% of the

² 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>.

³ *Id.*

⁴ 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>.

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

⁶ *Id.*

⁷ 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/>.

⁸ Office for Civil Rights, U.S. Dep’t. of Educ., *supra* note 4.

population, respectively.⁹ As noted above, most 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.¹⁰ This data demonstrates that Black and Brown students in DC are more likely to be subjected to poor school conditions when compared to their white peers, who are more heavily concentrated in schools east of the river. 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 Maintain Safe DCPS School Buildings Adequately and Requires Robust Oversight

School communities have complained about the poor maintenance of DC public schools for years. With the significant health concerns the COVID-19 pandemic presented, DC public schools' conditions became front and center. The DC Auditor's 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 supposed completed 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.

The safety of DCPS school buildings depends on DGS's ability to make timely and effective repairs. We appreciate Chairwoman Lewis-George and the DC Council for recognizing the importance of DGS's role in keeping DCPS schools safe by enacting the Work Order Integrity Amendment Act, which requires DCPS to verify DGS completed repairs in their system before a work order request is closed. This bill directly addresses one of the significant problems with DGS's work order management system noted in the DC auditor's report and is a necessary step in ensuring DC students are safe.

We are equally grateful that Chairwoman Lewis-George has championed oversight of school conditions, by also convening this hearing to discuss school readiness for the 2023-2024 school year and preparation for the winter season. In light of the DC auditor's report and Chairwoman Lewis-George's July 2023 letter¹¹ detailing her observations from site visits to DCPS schools this summer, it is clear that more should be done to improve the transparency of DGS maintenance of DCPS school buildings and to track the safety of schools prior to re-opening each school year. We ask that Chairwoman Lewis-George continue to expand the efficacy of DGS's work order management system

⁹ See DCPS at a Glance: Enrollment, available at <https://dcps.dc.gov/page/dcps-glance-enrollment>.

¹⁰ 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.

¹¹ Letter from Councilmember Janeese Lewis-George to Delano Hunter & Lewis Ferebee, (July 12, 2023).

by requiring that DCPS and DGS staff and contractors be appropriately trained on the Salesforce system and that DGS regularly update the public work order dashboard to ensure its accuracy. Additionally, rather than relying on DGS's "summer and winter blitz" approach to emergency repairs, which has proven every year to be inadequate to guarantee schools are safe for students and staff to return after breaks, we need an investment in a lasting solution. We request that this Committee and the Council commit to developing a preventative maintenance protocol for DGS that will incorporate a school readiness checklist (similar to the one created by Chairwoman Lewis-George), an assessment of all schools, and a process for addressing priority repairs prior to re-opening of schools every year. We also continue to urge this Committee to conduct 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

Now, more than ever, DC's young people deserve to know that this city is invested in them. DC's young people are being criminalized daily in the media, yet the District fails to create and maintain schools that are clean, healthy, and safe places to learn. The District must invest in developing a robust system to maintain school buildings and grounds and equitably prioritize modernization efforts. DC young people's right to an education in a safe learning environment can no longer be ignored.