

AN ACT
D.C. ACT 22-597

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 24, 2019

To establish the District of Columbia Education Research Practice Partnership to support evidence-based ongoing improvement in District public schools, to require the Mayor to draft and issue a Notice of Invitation for an education partnership, to set forth certain requirements to be included in the Notice of Invitation, to establish the review process for responses received to the Notice of Invitation, to establish an Advisory Committee, and to require the District of Columbia Auditor to undertake an audit of District public-school data-management and data-collection policies.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “District of Columbia Education Research Practice Partnership Establishment and Audit Act of 2018”.

TITLE I. DISTRICT OF COLUMBIA EDUCATION RESEARCH PRACTICE PARTNERSHIP.

Sec. 101. Short title.

This title may be cited as the “District of Columbia Education Research Practice Partnership Establishment Act of 2018”.

Sec. 102. Definitions.

For the purposes of this title, the term:

- (1) “Advisory Committee” means the body established pursuant to section 105.
- (2) “DCPS” means the District of Columbia Public Schools.
- (3) “LEA” means the local education agency, which is DCPS or any individual public charter school or group of public charter schools operating under a single charter.
- (4) “OSSE” means the Office of the State Superintendent of Education.
- (5) “Partnership” means the District of Columbia Education Research Practice Partnership formed pursuant to this act and which is an independent, non-governmental entity.
- (6) “PCSB” means the Public Charter School Board.

Sec. 103. Establishment of District of Columbia Education Research Practice Partnership.

(a) The District of Columbia Education Research Practice Partnership shall consist of an independent, non-governmental entity selected through the competitive process as established in section 104 and subject to a master research services agreement entered into with the District pursuant to subsection (c) of this section.

(b) The Partnership shall conduct independent education-related research that will support improvement in the District's public schools, and shall publicly report the findings of the research, and will also benefit the Council's legislative and oversight responsibilities.

(c)(1) Within 60 days of the independent, non-governmental entity being chosen pursuant to section 104, the District shall enter into a master research services agreement ("Agreement"), encompassing data collection, sharing, ownership, and confidentiality, with the chosen independent, non-governmental entity for the purpose of enabling the Partnership to carry out its purposes.

(2) The Agreement also shall set forth in broad terms the general scope of services and the process for developing research projects. The Agreement shall not direct the research agenda or any specific research projects.

(3) The Agreement shall be updated at least once every 5 years or as needed.

Sec. 104. Notice of Invitation for an education research practice partnership.

(a)(1) No later than 90 days after the effective date of this act, the Mayor shall draft a Notice of Invitation ("Notice") for an education research practice partnership for the purpose of receiving proposals from an independent, non-governmental entity that shall be responsible for conducting education research.

(2) The independent, non-governmental entity may be a university, college, nonprofit organization, or a combination of organizations joined for this purpose.

(b)(1) Prior to issuance of the Notice, the Mayor shall transmit to the Council a proposed resolution to approve the proposed Notice for a 45-day period of Council review. If the Council does not approve the proposed Notice, in whole or in part, within this 45-day review period, the proposed resolution shall be deemed disapproved.

(2) If the Council disapproves the proposed resolution, the Council may include recommendations for revisions that should be made to the Notice before it is re-transmitted to the Council for approval.

(3) Once the Notice is approved by the Council, the Mayor shall issue it within 30 days. The final Notice issued by the Mayor shall be substantially similar to the proposed Notice approved by the Council.

(c) The Notice, at a minimum, shall require:

(1) A commitment to the Partnership that shall be for no less than 10 years;

(2) An estimate of the initial start-up cost to establish the Partnership and the annual costs needed to operate the Partnership;

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(3) Identification of potential sources of funding, including funds contributed by the applicant entity, funds anticipated from named private sources, and funds, if any, needed from the District for the initial start-up costs and annual operations of the Partnership;

(4) A description of the entity's current staffing level and a staffing plan for how the entity will fulfill the responsibilities of the Partnership, including how the entity plans to increase staffing capacity, whether the researchers conducting research for the Partnership will be full-time dedicated staff, and whether they shall be required to log a certain number of billable hours or be required to be faculty at the entity;

(5) Demonstration that the entity has the capacity and expertise to collect, maintain, store, clean, de-identify, use, interpret, translate and publish any data provided to it in a safe, secure, accountable, and confidential manner, consistent with relevant federal and local laws and regulations, including section 438 of the Family Educational Rights & Privacy Act of 1974, approved August 21, 1974(88 Stat. 571; 20 U.S.C. § 1232g *et seq.*) and its implementing regulations, 34 C.F.R Part 99;

(6) An explanation of internal review processes to ensure the validity of research methods and outcomes;

(7) Examples of other educational research done in collaboration with either the District government or another government entity, including whether and how the entity and government partner jointly arrived at the research questions, provided interim deliverables, communicated in a meaningful way throughout the life of the project, adjusted the course of the project as needed in response to stakeholder feedback, provided results in multiple formats aligned with stakeholder need, and ensured that the work was useful and productive for the government partner, and, if not useful, what measures were taken to rectify the usefulness of the products either in the short or long term, and evidence of how this work intentionally built capacity for both researchers and government partners;

(8) An explanation of what processes are in place or would be in place to ensure accountability and transparency of Partnership work and independence with regard to funders, the public, and government entities; and

(9) An explanation of what processes are in place or would be in place to collaborate effectively with a large and diverse advisory committee designed to be a partner in all research work.

(c) The Notice shall state a deadline for responses, which shall be no greater than 60 days from the date of issuance of the Notice.

(d)(1) All proposals received through the Notice process shall be reviewed by a 6-person review panel, which shall be comprised of 3 representatives chosen by the Mayor and 3 representatives chosen by the Chairman of the Council.

(2) No later than 30 business days after the proposal deadline, the review panel shall meet to initiate review of all the proposals received in a timely manner.

(3) At least 2 of the representatives chosen by the Mayor and at least 2 of

the representatives chosen by the Chairman of the Council shall select and approve the independent, non-governmental entity.

Sec. 105. Advisory Committee establishment.

(a)(1) The Advisory Committee shall be established to provide intellectual guidance from diverse perspectives to the research projects of the Partnership. Additionally, the Advisory Committee shall help formulate Partnership policy.

(2) The initial Advisory Committee shall be comprised of 21 members consisting of the institutional members appointed pursuant to subsection (b)(1) of this section and the non-institutional members appointed pursuant to subsection (b)(2) of this section. Subsequently, the Advisory Committee shall be comprised of the institutional members appointed pursuant to subsection (b)(1) of this section and the non-institutional members appointed pursuant to subsection (c)(1) of this section.

(3) To be eligible for appointment, members of the Advisory Committee (both institutional and non-institutional) shall have the ability to contribute substantive expertise to the research process related to student learning, educational improvement, and urban education policy. Members shall be actively involved in practice, policy, or research on education improvement.

(4) Except as provided in subsection (b)(3) of this section, the term of non-institutional members shall be 3 years.

(5) A person who works for the Partnership or is a direct employee of a non-government organization that provides funding to the Partnership shall not be eligible for membership on the Advisory Committee.

(6) The Advisory Committee shall meet no later than 45 days following the appointment of the first 6 non-institutional members made pursuant to subsection (b)(2) of this section.

(b)(1) The Advisory Committee shall include the following institutional members:

- (A) A representative of the Council appointed by the Chairman of the Council;
- (B) A representative of the Deputy Mayor of Education appointed by the Deputy Mayor of Education;
- (C) A representative of OSSE appointed by the State Superintendent of Education;
- (D) A representative of DCPS appointed by the Chancellor of DCPS;
- (E) A representative of the PCSB, appointed by its Executive Director;
- (F) A head of a school, principal, or educational leader from a public charter school LEA elected by other public charter LEAs through a process organized by the PCSB;
- (G) A representative of the Washington Teachers' Union;

(H) A representative of the Council of School Officers; and
(I) A representative of the State Board of Education appointed by the Board's President.

(2) The remaining 12 non-institutional members on the initially appointed Advisory Committee shall be comprised of parents, representatives from education-related nonprofit organizations, current teachers and current principals from both education sectors, and other education stakeholders, of whom 6 shall be appointed by the Mayor and 6 shall be appointed by the Chairman of the Council.

(3) The initial term for the non-institutional Advisory Committee members shall be as follows:

(A) Two of the initial members appointed by the Mayor and 2 of the initial members appointed by the Chairman of the Council shall serve a one-year term.

(B) Two of the initial members appointed by the Mayor and 2 of the initial members appointed by the Chairman of the Council shall serve a 2-year term.

(C) The remaining initial members appointed by the Mayor and Council Chairman shall each serve a 3-year term.

(c) The Advisory Committee shall adopt by-laws, which shall at a minimum:

(1) Establish a process for appointing or reappointing members of the Advisory Committee following the initial appointments and for filling vacancies;

(2) Address the extent to which Advisory Committee meetings are open to the public;

(3)(A) Establish the process by which the Advisory Committee elects its chairperson or co-chairpersons and their term;

(B) Require that, if the Advisory Committee elects co-chairpersons, at least one of the co-chairpersons shall be one of the individual, non-institutionalized members.

(4) Establish attendance requirements and whether there are term limits.

(d) The Advisory Committee shall meet formally at least 6 times a year.

Sec. 106. Responsibilities of the Partnership.

(a) Upon creation of the Partnership, and every 5 years thereafter, the Advisory Committee, in consultation with the Partnership, shall establish a 5-year research agenda.

(b)(1) Upon the initiation of a research project, the Partnership shall inform the Advisory Committee and seek feedback.

(2) Following receipt of Advisory Committee feedback, the Partnership and the appropriate agency or LEA (or agencies or LEAs) shall enter into or update a Memorandum of Understanding ("MOU") for the research project, which shall address data collection, sharing, ownership, access, security, and confidentiality, consistent with the master research services agreement required in section 103.

(3) The Mayor and LEAs, as applicable, shall give the Partnership access to all available data needed for the research project.

(c)(1) During the early stages of analysis, the Partnership shall present its research project at an Advisory Committee meeting to obtain feedback. At each meeting of the Advisory Committee, the Partnership shall update the Advisory Committee on its current research projects and shall present any findings that the Partnership has found as a result of its research, including interim and final research findings.

(2) Prior to the release of final research findings by the Partnership, the Partnership shall obtain feedback from the Advisory Committee on final research results in order to inform the public release of the findings to ensure that they are in a digestible and user-friendly format and to ensure relevance to educators, decision-makers, and the public.

(d)(1) The Partnership shall notify the Mayor, the Council, and the public if:

(A) An MOU on a research proposal cannot be agreed to within 4 months of receiving Advisory Committee feedback;

(B) The MOU materially affects the research proposal initially sought by the Partnership; or

(C) The Mayor, LEA, or other appropriate agency has not complied with an MOU.

(2)(A) The notice required under this subsection shall take the form of publication on the Partnership's website and letters to the Mayor and Council.

(B) When the MOU proposal is materially different from the research proposal initially sought by the Partnership, the notice shall include an explanation of those changes.

(e) The Partnership shall transmit a copy of each of its research reports to the Mayor and to the Council.

(f) The Partnership shall publish an annual report and submit a copy of the report to the Council. The report shall explain each research proposal for which an MOU could not be obtained or for which material changes were made by the MOU, and describe each instance in which the Mayor, LEA, or other appropriate agency did not comply with an MOU.

(g) The 5-year research agenda and final research reports of the Partnership are public documents and shall be posted on the Partnership's website.

TITLE II. EDUCATION DATA AUDIT.

Sec. 201. This title may be cited as the "Education Data Audit Act of 2018".

Sec. 202. (a) No later than 180 days after the effective date of this act, the District of Columbia Auditor shall initiate an audit of data-management and data-collection practices of public local education agencies, including the Office of the State Superintendent of Education, the Office of the Deputy Mayor for Education, and the Public Charter School Board.

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(b) The Auditor shall issue a report to the Mayor and Council on data-management and data-collection practices and policies of the entities described in subsection (a) of this section.

TITLE III. FISCAL IMPACT STATEMENT; EFFECTIVE DATE.

Sec. 301. Fiscal impact statement.

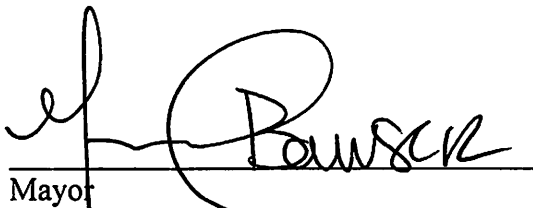
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 302. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 24, 2019



COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, DC, 20004

Docket No. B22-0776

ITEM ON CONSENT CALENDAR

ACTION & DATE

FIRST READING CC, Dec 4, 2018

VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED

ABSENT

GRAY AND MCDUFFIE

ROLL CALL VOTE - Result

Council Member	Aye	Nay	NV	AB	Council Member	Aye	Nay	NV	AB	Council Member	Aye	Nay	NV	AB
Chmn. Mendelson	X				Gray				X	Silverman	X			
Allen	X				Grosso	X				T. White	X			
Bonds	X				McDuffie				X	Todd	X			
Cheh	X				Nadeau	X								
Evans	X				R. White	X								
X - Indicate Vote					AB - Absent					NV - Present, Not Voting				

CERTIFICATION RECORD

Secretary to the Council

1-9-19

Date

Docket No. B22-0776

ITEM ON CONSENT CALENDAR

ACTION & DATE

FINAL READING, Dec 18, 2018

VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED

ABSENT

ROLL CALL VOTE - Result

Council Member	Aye	Nay	NV	AB	Council Member	Aye	Nay	NV	AB	Council Member	Aye	Nay	NV	AB
Chmn. Mendelson	X				Gray	X				Silverman	X			
Allen	X				Grosso	X				T. White	X			
Bonds	X				McDuffie	X				Todd	X			
Cheh	X				Nadeau	X								
Evans	X				R. White	X								
X - Indicate Vote					AB - Absent					NV - Present, Not Voting				

CERTIFICATION RECORD

Secretary to the Council

1-9-19

Date