



COUNCIL OF THE DISTRICT OF COLUMBIA  
THE JOHN A. WILSON BUILDING  
1350 PENNSYLVANIA AVENUE, NW  
WASHINGTON, DC 20004

VINCENT C. GRAY  
CHAIRMAN

July 8, 2008

Honorable Adrian M. Fenty  
Mayor of the District of Columbia  
1350 Pennsylvania Avenue, NW, Suite 327  
Washington, DC 20004

Dear Mayor Fenty:

As you know, I am very troubled by the recent decision-making regarding expenditure of school modernization funds. As a product of the District of Columbia Public Schools, I am a firm believer in public education and was a strong supporter of the change in school governance because of the potential to effect positive change on behalf of our children. I am fully committed to ensuring that our children have the modern and safe public schools they deserve, an important factor in my oversight efforts.

You and I were two of the co-introducers of Bill 16-250, the "School Modernization Financing Act of 2006". This legislation effectively doubled the amount of funding that is provided on annual basis to our school modernization effort and for the first time elevated the issue of school modernization to the top of the City's policy agenda. I have twice supported a waiver from the legal requirement that funds from the Public School Capital Improvement Fund "shall only be spent in accordance with an approved Facilities Master Plan (MFP)". When the Fiscal Year 2009 proposed budget was presented with cuts to school modernization funding, it appeared the City's commitment to school modernization as a top priority might be fading. I restored \$18.1 million in annual local funding for FY09 and restored an additional \$12.6 million beginning in FY10. In total, I restored \$222.8 million in school modernization funds that were proposed to be cut in the proposed six-year capital plan.



As the Councilmember from Ward 4 for six years, you can clearly appreciate the important role the Council plays in providing oversight to Executive agencies. I believe the Council's responsibility in this regard is critically important to ensure good, effective government. In fact, during my recent oversight of OPEFM school modernization contracts, I filed two disapproval

resolutions on contracts for Keystone Plus Construction Corporation (CA 17-493) and BDC Construction, LLC (CA 17-494), because I believed the fees awarded in these contracts were excessive. The disapproval resolution prompted OPEFM to renegotiate these contracts, saving almost \$1 million, which will now be available for other school modernization projects.

In June, OPEFM submitted 13 school modernization contracts to the Council totaling \$81,222,886 and two reprogrammings totaling \$124,631,677. I quickly scheduled a public roundtable on June 25, 2008 to have a public discussion of these contracts and reprogrammings. The stated purpose of the roundtable was to, "examine the status of the forthcoming Facilities Master Plan, the public input process for the MFP, the facility needs related to changing curriculum, and organization of pre-K through 8<sup>th</sup> grades and school closings". The notice further stated that, "The roundtable will also examine OPEFM procurement practices, the effect of these practices on the schedule and costs of current projects, and specific questions on 13 OPEFM contracts currently pending before the Council." My goal was to have a public discussion of these important issues, and then, based upon information gaps being filled in, withdraw my approval resolutions and put the contract ratifications on the agenda for a vote at the July 1, 2008 legislative meeting.

I requested the attendance of Chancellor Michelle Rhee, Deputy Mayor for Education Victor Reinoso, and Executive Director of the Office of Public Education Facilities Modernization Allen Lew. I was informed that both Chancellor Rhee and Deputy Mayor Reinoso were unavailable because of prior commitments.

Not surprisingly, Mr. Lew who implements, but does not make, certain policy decisions, was unable to answer the Council's questions on the policy rationale behind the Pre-K to 8<sup>th</sup> grade initiative or decisions to de-fund capital projects at certain schools that the public has had some reason in the last several years to believe would be moving forward this year or next. Schools such as Eastern and Ballou High Schools; McFarland Middle School; Cooke, Randle Highlands, and Thomas Elementary Schools, have had active design programs, been authorized in the Capital Improvement Program, and been the hope of their communities. Councilmember Barry requested that the Executive provide the Council with a list of when each of the schools whose capital budgets were being de-funded could expect to have funding restored. Despite repeated requests, the Executive has not provided the Council with this information, but only a general statement.

On July 2, 2008, I received a letter from Mr. Lew that elevated my concerns that the school modernization process was not under control. The letter listed contract work for 14 schools, and stated that "the work necessary to complete these schools and make them age-appropriate cannot proceed" due to the Council's ongoing review of contracts. This was very strange, because the Council has no request to approve contracts for six of these schools (Brightwood, Noyes,

