



April 1, 2021

The Hon. Phil Mendelson
Chairman
Council of the District of Columbia
The John A. Wilson Building
1350 Pennsylvania Avenue N.W.
Washington, DC 20004

Dear Mr. Chairman:

I write to follow up on the Committee of the Whole March 19, 2021, hearing on the report, [Measuring What Matters: More and Better Data Needed to Improve D.C. Public Schools](#), to provide additional information based on the questions of Councilmembers. I ask that this correspondence be made a part of the hearing record.

The Office of the D.C. Auditor (ODCA) greatly appreciates the questions posed by you and other members of the Council. In response to Council questions, several important commitments were made by the Bowser Administration education leaders—commitments I look forward to the Committee and Council following up on in the next several weeks including during FY 2022 budget deliberations.

First, Interim State Superintendent Shana Young made clear that the administration agrees with the importance of course data and expects to begin collecting course data from all of our D.C. public schools, though I don't believe a timeframe was provided. She acknowledged and we agree that this is an enormous task and will be a very significant undertaking. In terms of Committee oversight, it will be important to be sure there is sufficient funding to accommodate the collection of course data. Because our report documents that the District currently does not have a comprehensive statewide system and does not use longitudinal data, it is important to learn from the Office of the State Superintendent of Education (OSSE) how they anticipate collecting, retaining, and making accessible the breadth of course data that will be collected. Our report recommended purchase of an off-the-shelf Student Information System designed for State Education Agencies (SEAs) and we anticipate the need for significant capital funding for such capacity. Whatever plan OSSE has for collecting course data should ensure these features of a Statewide Longitudinal Data System (SLDS): portability, interoperability, and accessibility.

Collecting course enrollments, grades, and credit is and has been a critical need in the District. Although it is a large undertaking, state SLDS initiatives have paved the way for the District. As we document in the audit, the SLDS Forum of states and districts (the Forum) created course mapping standards based on their work in the field and these standards can now be used by any agency. All states and territories agreed to collect these data as a condition of receiving State Fiscal Stability Fund (SFSF) allotments under the American Recovery and Reinvestment Act, including the District, which committed in writing

in 2010 to finish the student teacher and course links within a year. OSSE repeated this commitment in their 2010 Race to the Top grant application and then again in their 2012 SLDS grant application. Required reporting on use of these recovery funds were reflected in Interim Progress Reports (IPRs). These unpublished reports provided a choice of status for each data element: Operational, In Progress, Planned, and Not Planned. We cite in the report that in 2017 the IPRs for the 47 active grantees, including D.C. and several territories, found that 85% were operational or in-progress for student course data. Obviously, the District would not have been included in the majority since we are only discussing this collection now despite the earlier commitments.

Second, Ms. Young committed to sharing two sets of data currently collected but not currently shared publicly: teacher data and post-secondary student data collected by the National Student Clearinghouse. We look forward to the Committee and the public receiving the currently unpublished data sets.

What follows are responses and other comments on points made in the Executive's presentation listed by topic. We also include new analyses responding to three questions raised by Councilmembers during the hearing on the topics of current longitudinal data use capability, student progress and gaps on the National Assessment of Educational Progress (NAEP), and student mobility.

Throughout the latter half of the hearing, Deputy Mayor for Education Paul Kihn, Ms. Young, and Executive Director of the Public Charter School Board Michelle Walker-Davis shared additional helpful information in response to Councilmember questions. Many of these responses confirmed the findings of the data audit, but other responses require clarification. Ms. Young repeated descriptions of student data that OSSE shares with local education agencies (LEAs), but these descriptions do not pertain to statewide longitudinal data. What she described were an LEA's own student record data for each year, often made accessible to the LEA for the purpose of error-checks, plus aggregate and not student-level data over time. We provide more information on these responses below.

Early Warning System

OSSE testimony asserted that they successfully completed all their SLDS FY12 grant outcomes and included a December 2020 letter they secured from the NCES SLDS Grant Program saying as much. Importantly, one of the FY12 grant outcomes was to have been an Early Warning System (EWS). In agency comments published in the audit OSSE claimed to have created a pilot EWS for some LEAs several years ago but retired it after concluding that LEAs themselves would be better positioned for this work. Ms. Young expanded on this comment in the hearing by acknowledging that OSSE had not created a *statewide* EWS and was not planning to do this, asserting that it is more useful to have LEAs and schools develop their own multi-tiered systems of support (MTSS) as they are most closely connected to student need. We believe this additional information is worth correction precisely because OSSE as our State Education Agency (SEA) is the only entity that can produce a meaningful EWS for the District as a whole. In addition, an MTSS is not the same as an EWS in purpose or content.

In the agency's FY19 performance oversight responses OSSE provided this definition: "MTSS is a data driven decision-making framework for establishing the social, culture, academic, and behavioral supports needed for a *school* to be an effective learning environment for all" (emphasis added). A school or LEA could add the information provided in an EWS to their MTSS if they so choose, but the MTSS requires different and additional data at the school level to help identify students for additional supports.

An EWS is designed to predict which *students* are on track to be college and career ready and to graduate from high school and uses statewide, longitudinal data. Several Councilmembers noted that a robust EWS needs course grades or enrollments and further, that LEAs do not have the data needed to develop their own EWS because of the high degree of student mobility across LEAs. A single LEA simply does not have the needed data to develop an EWS.

Interactive data tools

In response to Councilmember questions Ms. Young expressed interest in investing and creating more interactive data tools. As our report notes, OSSE had such tools previously but they were dismantled and replaced with static pdf reporting. LearnDC and the DC CAS Explorer were tools that were part of the District's Race to the Top innovations. The CAS Explorer provided detailed test score comparisons by strand, student subgroup, year, grade, school, LEA, and sector. The LearnDC provided an interactive comparison tool of school student subgroup aggregates similar to STAR.

It is encouraging that OSSE is again planning interactive tools and they could usefully look to their own prior work as well as to other state examples. Part 4 of the audit outlines the importance of stakeholder engagement in building a sustainable data system and provides specific recommendations for implementing that work using best practices from the federal Department of Education's SLDS grant program.

Unfulfilled data request

A question was raised about the failure of the Executive to provide data from SY 2018-19, a point made in the audit and in the ODCA written testimony. We include here the correspondence that clarifies our repeated requests for the full six years of data. Our initial information request included in the original data sharing agreement signed by both the Deputy Mayor and the State Superintendent specified data from 2013 through 2019, also described as the "six most recent years of data." An initial agreement was signed on June 14, 2019. OSSE shared data with ODCA primarily in August and September of 2019 (the fall after completion of the 2018-19 school year) and could have completed the data request at that time but chose not to. ODCA requests for these data continued to be denied through the first quarter of 2020. OSSE provided incomplete and largely unusable data from 2012, which had not been requested.

In response to the Councilmember questions on this denial of data, Ms. Young referred to a meeting with the federal Department of Education regarding the Family Educational Rights and Privacy Act (FERPA) which was not implicated in the school year data request. As stated in ODCA's performance oversight response in February 2020 and repeated in the audit on page 59, "In recent weeks we have experienced a District government agency under audit using its own regulatory status in a manner that has hindered the ongoing audit. The Office of the State Superintendent of Education, with the tacit approval of the Deputy Mayor for Education, has withheld information requested as part of the education data audit mandated by the D.C. Council. In the interest of completing the audit this spring we have chosen to forego use of ODCA's subpoena authority to secure the information and will report the refusal to respond to a legitimate data request as a finding in the audit."

We include as Attachment A:

- February 10, 2020, letter from D.C. Auditor Patterson to Deputy Mayor for Education Paul Kihn requesting adherence to the audit data-sharing agreement following OSSE's refusal to provide the SY18-19 data.
- February 13 Kihn letter to Patterson declining to provide data.
- February 13 Patterson email response.
- February 20 Kihn email declining to provide the data, erroneously claiming a "FERPA violation" and confusing federal law and a data sharing agreement.
- February 20 Patterson email explaining the distinction between federal law and the data sharing agreement and noting ODCA's decision to forego issuing a subpoena and including the failure to provide data as an audit finding.

Burden claim

Deputy Mayor Kihn claimed that it took more than 100 hours to fulfill ODCA data requests and that they shared more than 60 data files and repeated the claim that the District has an SLDS. An actual SLDS, however, would have provided the same amount of data in a few files in a matter of days.

Student electronic transfer records are not statewide student longitudinal data

In response to Councilmember questions about data provided to LEAs, Ms. Young referred to electronic records of students enrolling in new schools and LEAs. What she described are school transfer records that schools receive from sending schools when a student enrolls. These are "snapshots" of information and not part of an SLDS. With an SLDS, no school or LEA would have to request or wait for records and then insert the limited information in their own records. An SLDS includes interactive data views for all enrolled students, including all years of relevant data for each student, plus analytic capacities. Her response also included that OSSE has this type of record for former Washington Metropolitan High School students and these would be available for any new school in which these students enroll. Student transfer records were not at issue in the audit. Rather, the audit questioned the extent to which OSSE has created an SLDS that would enable accurate, longitudinal tracking and monitoring of students, particularly the District's most vulnerable students, and this is work that the District has yet to accomplish.

Missing exit codes and real time enrollment data

As discussed on page 42 of the audit, approximately 80% of end of year exit codes were missing in the data ODCA received from OSSE. At one point in the hearing Ms. Young referred to the "exit code option," reinforcing the audit finding that OSSE does not require the codes in practice despite OSSE guidance articulating the requirement. Councilmembers asked a variety of questions about accurate, up to date enrollment data both in this hearing and in prior OSSE performance oversight hearings. Importantly, if exit codes and dates were required to be entered and corrected in real time to keep enrollment records accurate by the 5th of every month, as the D.C. Code requires, the system would have accurate audited enrollments every month without the need for additional manual audits. Other states set their systems to require the capture of these codes and build in quality audit checks. OSSE has this capacity and they describe the few elements that do have these controls, but other fields including exit codes continue, in practice, to be optional.

Ongoing data collection issues

Councilmembers asked about data that continues to be collected in an inappropriate manner. There are four important data elements that meet this description: attendance data; high school graduation data, including the 9th grade cohort data used for graduation rate calculations; high school dropout data; and teacher data, including early childhood teacher data. While there have been improvements in a fifth element this year—the discipline data collection—this collection needs continued close monitoring. The audit recommends improvements in the collection of all these elements.

Student subgroup data can and should be disaggregated

Questions were raised about disaggregating student data. While it is true that at the school level sharing subgroup level data can often be a FERPA privacy concern, it is possible to share much more data disaggregated at the District, sector, and LEA level than is currently the case. It is possible to share these data longitudinally, rather than as static snapshots over time, so that education stakeholders in the District can transparently see pathways and gaps as students progress. These types of disaggregations are also a perfect output to be coordinated with investments in interactive data tools at the District level. The public should be able to see progress over time for students in the District by race-ethnicity, socioeconomic status, and disability status without implicating privacy concerns.

Our next set of analyses are in direct response to Councilmember questions on three different topic areas including current longitudinal data use capability, student progress on NAEP, and student mobility. The analyses that follow aim to be both responsive to Council questions but also meaningful and actionable for the District's many education stakeholders.

Current longitudinal data use capability

These new analyses and demonstration products are in response to Councilmember inquiries about the extent to which the District can use the student level data available right now to create products that are typical in other states, like an EWS. We created three demonstration products to illustrate some of what is possible in the District right now. Notably, we were constrained in our longitudinal use of these data by only having three reliable years of student level data (2015-16, 2016-17, and 2017-18). Had we received the requested data from school year 2018-19 these products could have been extended and more valuable. Nonetheless, OSSE has access to 2018-19 data and can both produce and build on this work after doing the data cleaning and linking work that ODCA has already completed for the three years included here.

The three demonstration products build on one another. The first product, the Teacher Longitudinal Student Data View, provides every teacher with three prior years of information about their incoming students. The second demonstration product, the Early Warning System, uses the same type of information shown in the teacher view, in combination with student data through high school, to create an estimated likelihood that an incoming 9th grader is on track for success in high school. The final demonstration data product, the High School Feedback Report, shows for each high school, the characteristics of incoming students, current students, and prior students to provide actionable information about the context of access, opportunities, resources, and outcomes for all high schools in the District.

We based these examples on best practices from other states. However, in each of those states these products were created in collaboration with LEA and school practitioners, families, and students. We hope that these example products can help begin the conversation with each of these important groups to learn what is most valuable in D.C. Due to the noted data limitations, these examples are starting points to build on. The usefulness of accessible data for teachers will improve with course, credit, and grade information. Similarly, the precision of predicted probabilities will also improve with courses, credits, and grades. The High School Feedback Reports can grow to include school climate survey results, and advanced course access, enrollment, and completion, for example. Therefore, while needed stakeholder engagement work does need to begin and move forward, those conversations should build on and refine the data use modeled here, rather than potentially decrease it.

Teacher Longitudinal Student Data View

We created three rudimentary demonstration longitudinal data products that could be available every year, to all educators in the District. These products build on one another in content and use. The first is a Teacher Longitudinal Student Data View. This product shows key data for each individual student in a teacher's class for the most recent three grade levels including at-risk status, Individualized Education Program (IEP) information, Section 504 information, English Language Learner information, student mobility in the last three years, homelessness at any point in the last three years, attendance and discipline information, PARCC math and ELA test scores, proficiency levels, and subclaim levels.

The demo teacher longitudinal student view data product shown is an example of what is possible to provide to every teacher at the beginning of the year for every student in their class who has three consecutive years of enrollment in any D.C. public school. If a student only has one prior year of D.C. public school enrollment, the data view would simply show one instead of three years. We created this demo for an incoming 9th grade student, to illustrate their prior 6th, 7th, and 8th grade trajectories for their 9th grade teacher. Although the demo can be completed for almost any grade level of student, we focused our demonstration data products on the transition to high school, as substantial evidence shows that this transition can be especially difficult and can be improved by preparing systems, schools, and teachers for their incoming students.

While other states have interactive data tools that allow teachers to produce these reports for all of their students, often beginning in the summer before school starts, this interactive capacity has not yet been created in the District. Therefore, until this feature is implemented, OSSE would need to coordinate with LEAs to get the correct student reports to each school for distribution to teachers.

Demo Teacher Longitudinal Student Data View

Name of incoming 9th grade student
age
gender
race-ethnicity

2018-19 SCHOOL YEAR: 8th GRADE

At-Risk Status: (Not considered at-risk, considered at risk)
IEP: (Type, Services Hours Level, Test Type, Accommodations)
Section 504: (Category, Services, Test Accommodations)
ELL: (Status, ACCESS scale score and composite proficiency)
Mobility: (Midyear, Between Year, Non-Matriculation)
Homelessness: (At Any Point in the Year)

Attendance: (Chronically Absent, Truant)
Discipline: (Days Suspended Out-of-school)

PARCC Math Test: (Type/Subject, Score, Proficiency Level)
PARCC ELA/ENG Test: (Type/Subject, Score, Proficiency Level)

8th Math Subclaims (for standard math, not Algebra I or Geometry):
Radicals/exponents, functions, Pythagorean Theorem
Irrational numbers, volume, scatter plots
Justify solutions and analyze/correct others' reasoning
Represent and solve problems using symbols and tools

8th ELA Subclaims:
Read/analyze fiction, drama, and poetry
Read/analyze non-fiction history, science, and arts
Use context to determine the meaning of words and phrases
Compose well-developed writing using details from texts
Compose writing using rules of standard English

2016-17 SCHOOL YEAR: 6th GRADE

At-Risk Status: (Not considered at-risk, considered at risk)
IEP: (Type, Services Hours Level, Test Type, Accommodations)
Section 504: (Category, Services, Test Accommodations)
ELL: (Status, ACCESS scale score and composite proficiency)
Mobility: (Midyear, Between Year, Non-Matriculation)
Homelessness: (At Any Point in the Year)

Attendance: (Chronically Absent, Truant)
Discipline: (Days Suspended Out-of-school)

PARCC Math Test: (Type/Subject, Score, Proficiency Level)
PARCC ELA/ENG Test: (Type/Subject, Score, Proficiency Level)

6th Math Subclaims:
Ratios/concepts, negative numbers, graphing, algebra
Area, volume, statistics
Justify solutions and analyze/correct others' reasoning
Represent and solve problems using symbols and tools

6th ELA Subclaims:
Read/analyze fiction, drama, and poetry
Read/analyze non-fiction history, science, and arts
Use context to determine the meaning of words and phrases
Compose well-developed writing using details from texts
Compose writing using rules of standard English

2017-18 SCHOOL YEAR: 7th GRADE

At-Risk Status: (Not considered at-risk, considered at risk)
IEP: (Type, Services Hours Level, Test Type, Accommodations)
Section 504: (Category, Services, Test Accommodations)
ELL: (Status, ACCESS scale score and composite proficiency)
Mobility: (Midyear, Between Year, Non-Matriculation)
Homelessness: (At Any Point in the Year)

Attendance: (Chronically Absent, Truant)
Discipline: (Days Suspended Out-of-school)

PARCC Math Test: (Type/Subject, Score, Proficiency Level)
PARCC ELA/ENG Test: (Type/Subject, Score, Proficiency Level)

7th Math Subclaims:
Proportions, operations with rational numbers, algebra
Circumference, area, volume, statistics, probability
Justify solutions and analyze/correct others' reasoning
Represent and solve problems using symbols and tools

7th ELA Subclaims:
Read/analyze fiction, drama, and poetry
Read/analyze non-fiction history, science, and arts
Use context to determine the meaning of words and phrases
Compose well-developed writing using details from texts
Compose writing using rules of standard English

PARCC Levels for Meeting Grade-Level Expectations: 1=Not yet met; 2=Partially met; 3=Approaching; 4=Met; 5=Exceeded
Subject Subclaim Levels for Meeting Grade-Level Expectations: 1=Not yet met; 2=Nearly met; 3=Met or exceeded
IEP Services Hours Levels: 1=#-# hours; 2=#-# hours; 3=#-# hours; 4=#-# hours

Early Warning System

The next demonstration data product uses all of the information in the Teacher Longitudinal Student Data View and more, including student data through high school to create predicted probabilities of a successful middle school to high school transition, or an “on track for high school” probability. Early Warning Systems can focus on a number of critical points in student careers, with on-track to high school and on-track to graduation being the two most popular. Councilmember Janeese Lewis George specifically asked about how many students are on track to graduate. Unfortunately, without the 2018-19 data we cannot answer this question, but we do have sufficient data to create an on-track to high school early warning system and show that here.

To create these probabilities, we study early high school grade students in 2016 (specifically those in their second or sophomore/10th grade year of high school) and observe their 4-year graduation and college enrollment outcomes through the fall of 2018. In addition, we observe the successful high school graduates who are promoted to the next grade and meet a Level 3 “approaching grade-level college and career readiness” on both their high school math and English tests. Together, these characteristics are what we define as being on track for high school success in the very beginning of high school.

Then we look at 2016 8th graders, and all their student-level 2016 data, and follow them into high school, i.e. longitudinal data use, through 2017 and 2018. Again, 2018 was the last year of data made available to us. We find that 34% of these 2016 8th grade students (or cohort) reached this on-track status by their second year in high school in 2018.

Then we run the EWS model that estimates which combinations of those 2016 8th grade school outcomes and experiences increased or decreased their likelihood to reach this on-track status later in 2018. We find, as prior research also shows, that higher 8th grade test scores increase a student's future on-track chances, while other school experiences and outcomes lower their chances. These are: chronic absenteeism, truancy, suspensions, and midyear school transfers. We also account for each student's 8th grade at-risk, special education, and English learner status.

We check the model's ability to accurately predict the on-track outcomes for these students based on this 8th grade data. Specifically, we test the model's ability to help us to predict whether a student is more or less likely than the average student to be on-track by the second year of high school. That is, whether their probability is higher or lower than the mean 34% probability for the entire cohort.

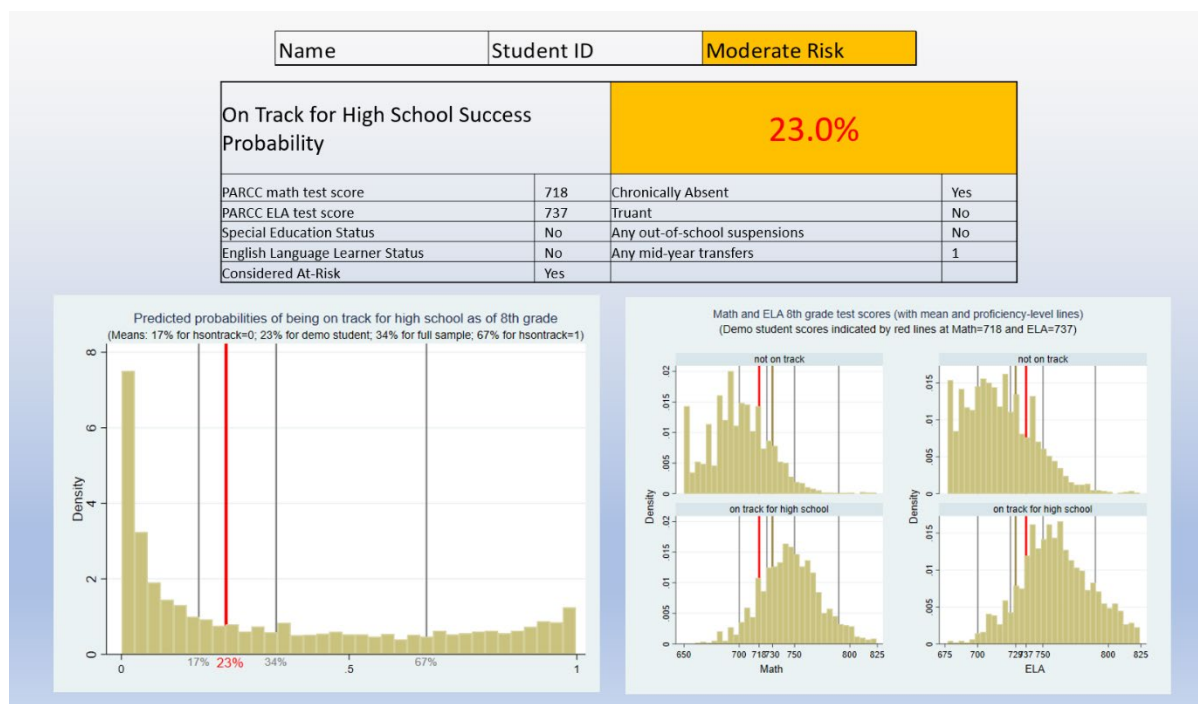
Here is the value of an early warning system: Without knowing these 8th grade outcomes and experiences for any incoming 9th grade student, there is only a 50/50 chance of correctly guessing whether any given student is on track for success in high school. This model accurately predicts whether a student is more or less likely (than average) to be on track—over 90% of the time. That is, for over 90% of the 2016 8th grade students, the model accurately predicted their probabilities of being on track or behind. To be sure, educators do have some data to make better than a random guess. However, prior research also shows that practitioners often make incorrect guesses based on demographic data alone, or insufficient data, and these guesses can actually stymie a student's trajectory. Importantly, what the District needs to create is a robust early warning *system* is not just a model that predicts a yes or no on-track status accurately, but also predicts distinct probabilities correctly AND ties a system of supports and resources to those probabilities as needed. These systems also typically involve significant training and engagement as well.

Finally, we use the weights the model generates for each of the 8th grade school outcomes and experiences combined, and we apply those to current 8th grade students and all their relevant data in order to calculate each of their probabilities for being on track in high school.

We demonstrate this with an imaginary student with plausible data that resemble real students in the District. These synthetic characteristics, experiences and outcomes are listed in the demonstration view on the following page.

We calculate this imaginary student's probability of being on track for high school success as 23%, which is lower than the average of 34% by a large enough distance to raise concern—even though, viewed separately, their 8th grade outcomes and experiences may not have seemed like a cause for concern. In fact, the second graph included in the demonstration early warning system below shows that this student's test scores are fairly close to the middle of the distribution making it even more likely that they may have not been targeted for additional resources. Further, their LEA and high school would not have these individual probabilities to summarize across all of their current and incoming students in order to appropriately allocate staff and other resources.

These estimates can be created using existing data through 2019. And the resulting weights can be calculated for the 2019 8th grade students already in high school even if they are currently in distance learning or hybrid settings. The same is true for other grades as well. The models can be created for any definition of on-track status at any grade level, and the weights can be applied to any students approaching those grades.



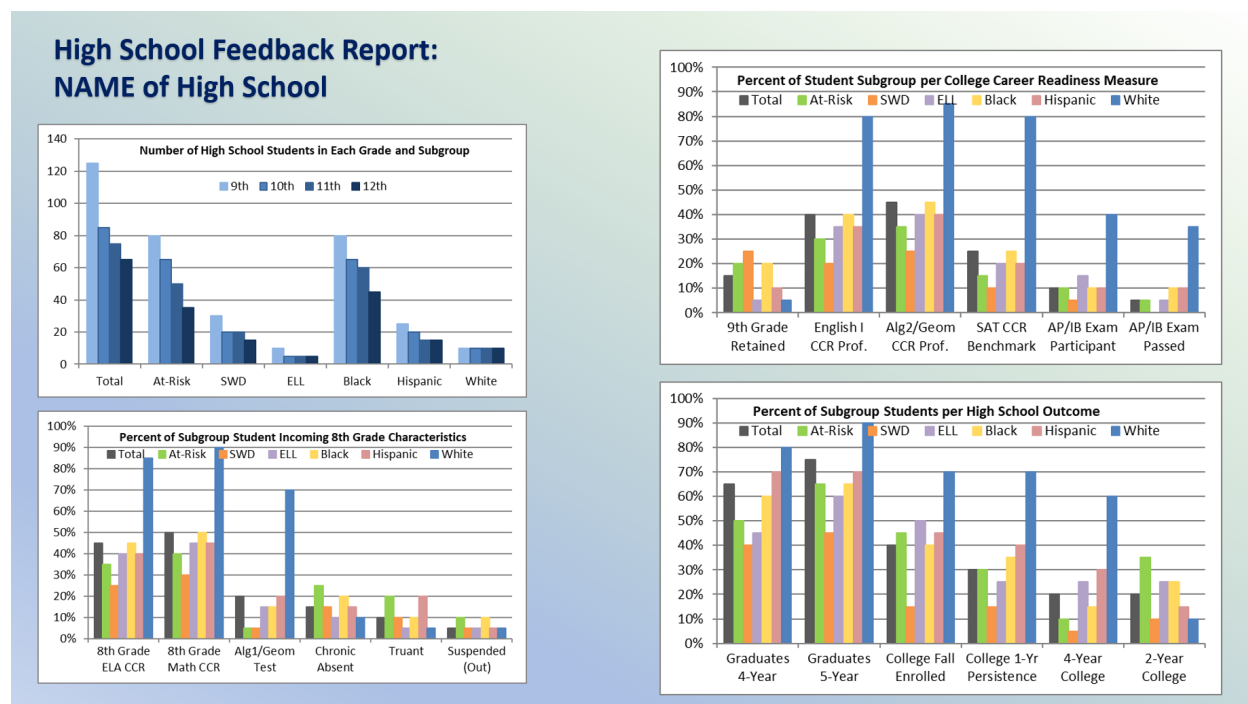
High School Feedback Report

High School Feedback Reports are one of the most in-demand data products produced by state education agencies for LEAs and schools. The reports use longitudinal data to track student experiences and outcomes from before high school to post high school graduation or exit. If they cleaned, aligned and linked more years of data than we had available to us for our audit, OSSE could create high school feedback reports that show this type of longitudinal data use. The demonstration below is limited by only having access to three years of usable data. Nonetheless, this example allows education practitioners and policymakers in the District to see the landscape of high school experiences and outcomes in one place to assist with oversight and continuous improvement purposes.

These four graphs were selected to show the characteristics and experiences of incoming students in each high school, followed by the current experiences and outcomes, and the outcomes of students who exit each high school. All of the graphs show the largest student subgroups across the city; however, these are an initial example and in future could include more subgroups and the intersection of multiple subgroups, for example, Black students who are and are not considered at-risk. The first two graphs show incoming student characteristics and student characteristics across each high school grade. The third graph goes further to disaggregate outcomes like 9th grade retention and test score proficiency by student subgroup. The fourth graph shows college enrollment and other outcomes for each of these same subgroups of students who have graduated from the high school.

These are snapshot perspectives used as a demonstration. Other states track high school cohorts longitudinally to provide similar information for these cohorts across their high school trajectory. Another common and useful addition is a comparison to similar schools and the state average for each characteristic or outcome. In addition, other states often include additional data from high school climate surveys, equitable access to advanced courses within each school, and staffing resources. These

feedback reports can also include aggregated early warning system probabilities to show the proportion of students in each high school who are on track for high school success and on track for high school graduation.



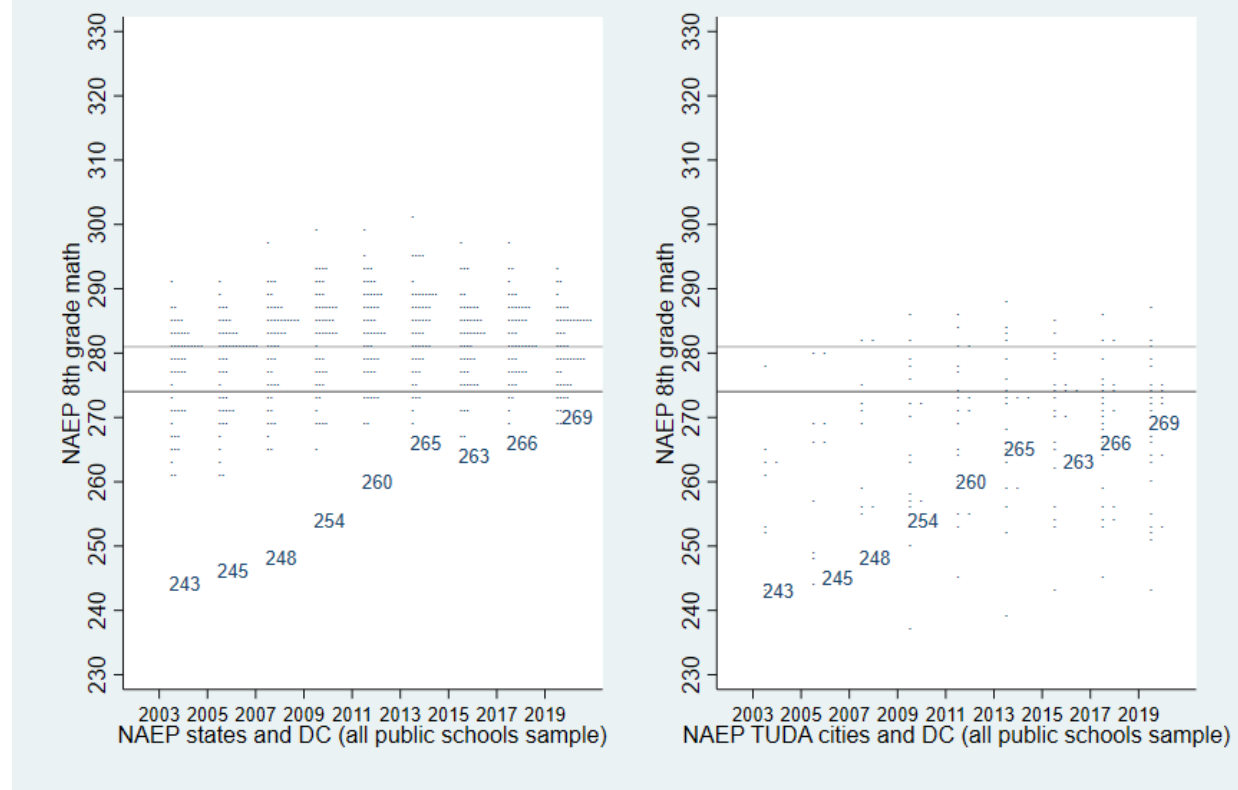
Progress on the National Assessment of Education Progress (NAEP)

The NAEP graphs depicted below were created using publicly available NAEP data for the entire country and the District and are in direct response to Councilmember Mary Cheh’s questions in the hearing about both progress on NAEP and gaps.

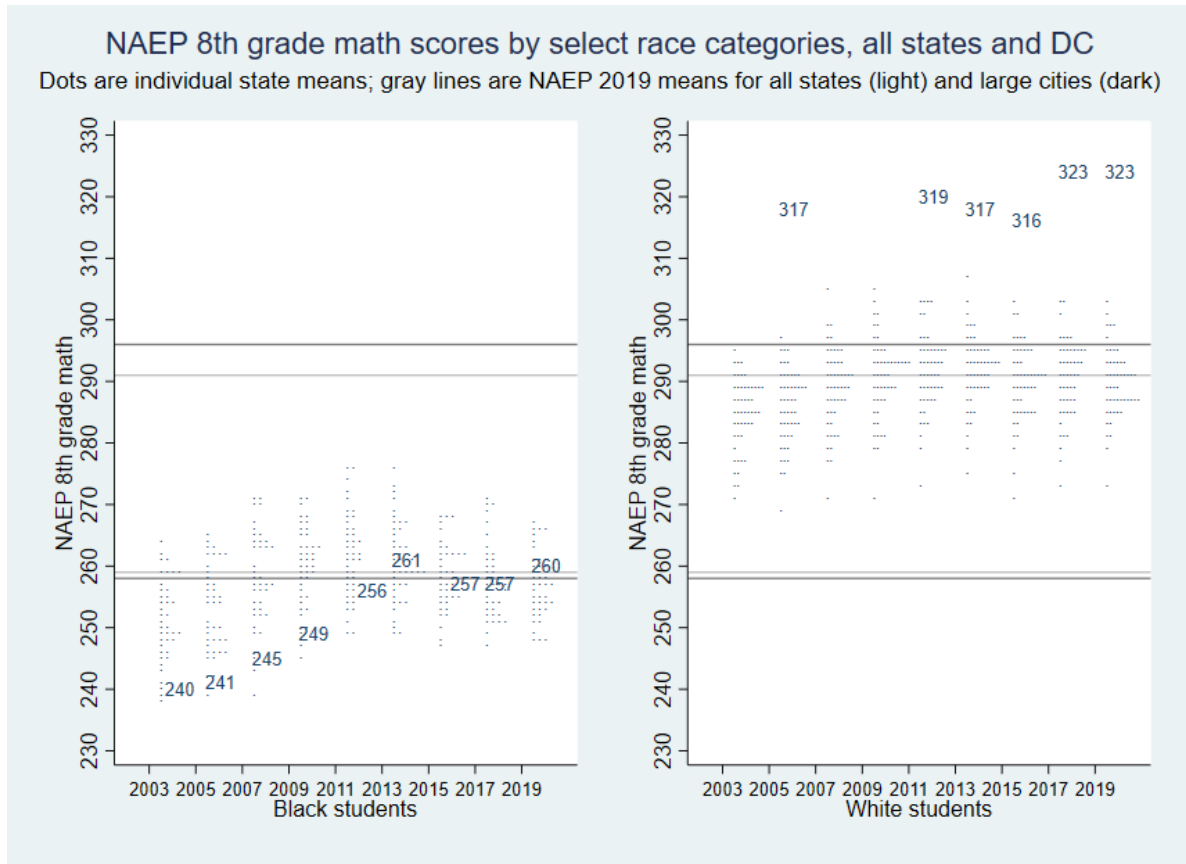
Each graph shows two critical national averages depicted as horizontal lines—the national mean of students across all states (light gray line) and the national mean of students in large cities across the country (dark gray line), not limited to only the Trial Urban District Assessment (TUDA) cities. All graphs focus on 8th grade math scores. We chose 8th grade to leverage the parental education variable available for 8th grade scores and unavailable for 4th grade. Given the significant limitations with the free and reduced-price lunch variable, described further below, parental education provides important and valid variation to track in the District.

Importantly, the first set of graphs show that the 8th grade math District average is below both national means – that of students across all states and the mean of students in large cities. The graph on the left shows District scores highlighted in addition to all state scores, shown as dashes. The graph on the right shows District scores overlaid on top of all TUDA district scores, shown as dots. Here again, we focus on District-wide NAEP scores overlaid on TUDA scores to show a valid, representative sample of all public-school students in the District including those in charter schools.

NAEP 8th grade math scores, all states and all other TUDA cities, with DC (not DCPS only) annual mean scores
Dots are state or TUDA city means; gray lines are NAEP 2019 means for all states (light) and all large cities (dark)



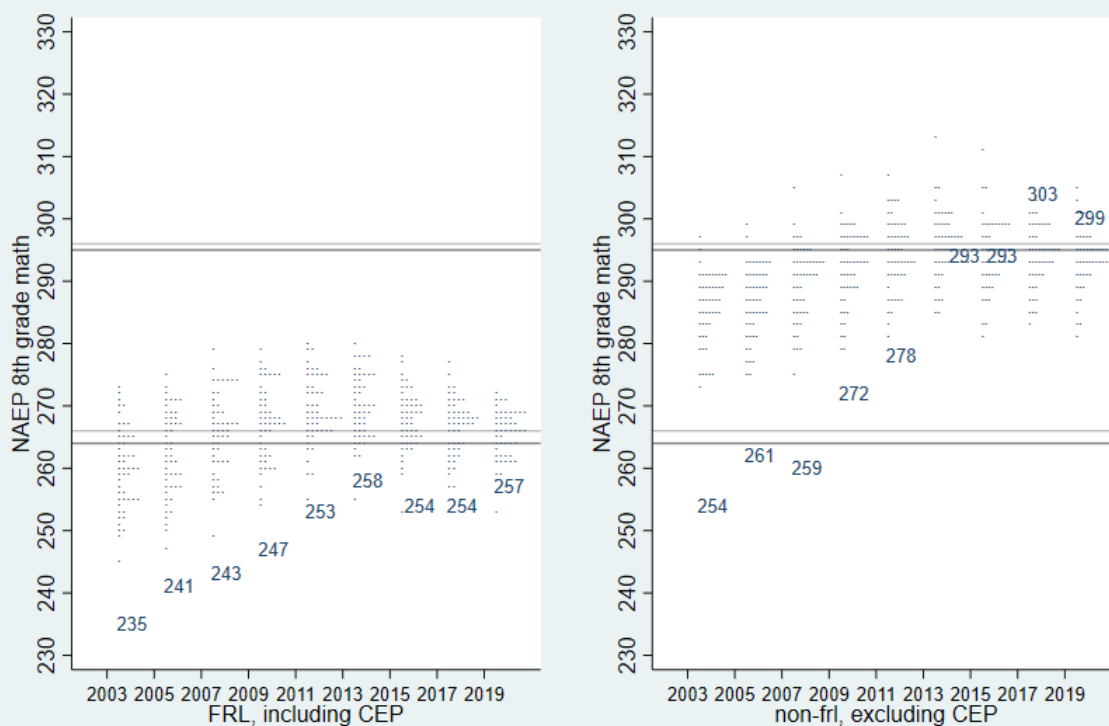
The next three sets of graphs show only NAEP scores and viewed together present a holistic look at gaps in test scores in the District. The first set of graphs below shows 8th grade math scores for Black students (on the left) and white students (on the right). Eighth grade math test scores for Black students in the District are approximately the same as both national means for Black students; however, white students in the District have an average 8th grade math score substantially above both national means for white students. Notably, the Black-white test score gap is unchanged at 63 points in both 2011 and 2019.



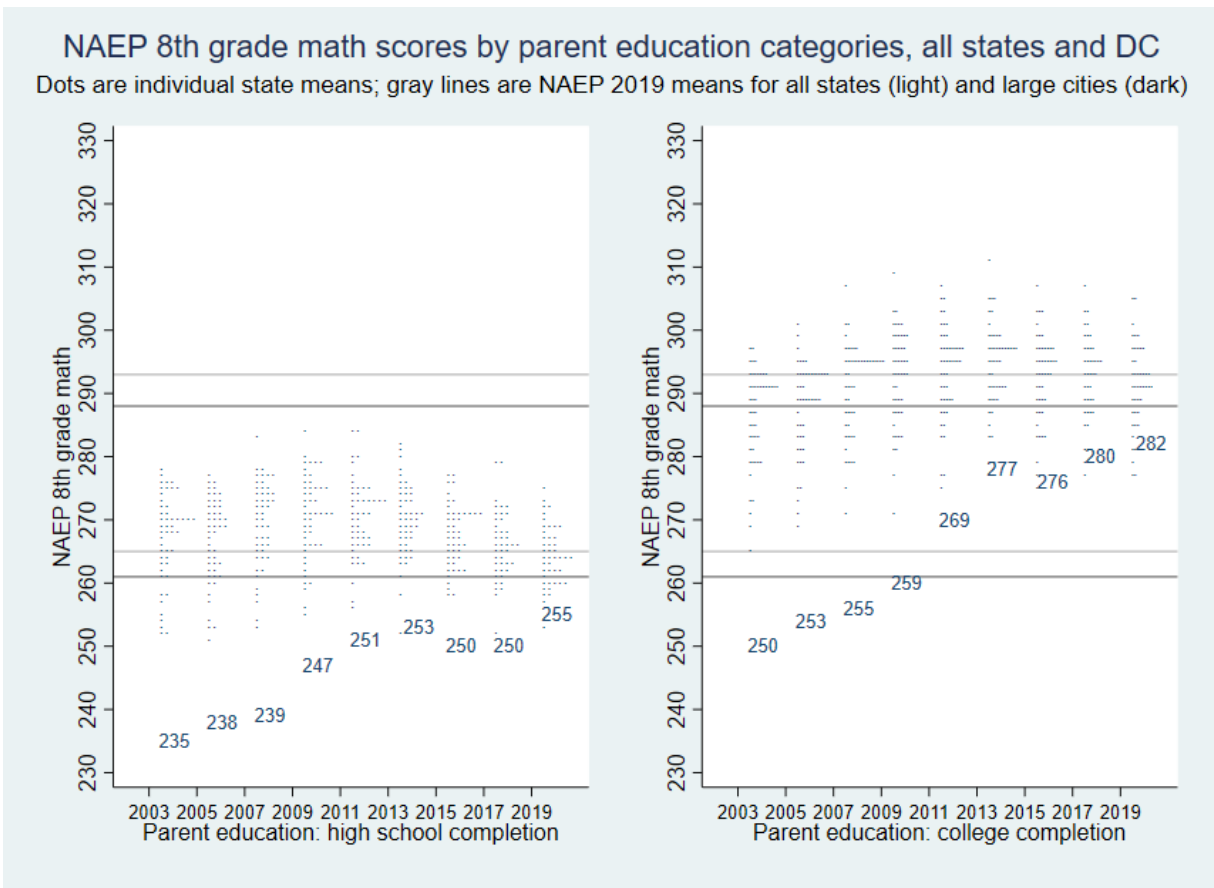
While we can create these graphs using NAEP’s free and reduced-price lunch indicator the utility of these data is fundamentally changed by the implementation of the food stamp program’s community eligibility program (CEP) and should not be used alone to determine gaps or make inferences about subgroup population progress. Therefore, we suggest a focus on gaps and progress between students whose parents have completed high school and those who have completed college as a more reliable metric over time and a proxy for socio-economic status.

NAEP 8th grade math scores by FRL/CEP student/school status, all states and DC

Dots are individual state means; gray lines are NAEP 2019 means for all states (light) and large cities (dark)



In the last set of NAEP graphs, we use the parent education variable, available for 8th grade NAEP test takers, which indicates either high school or college completion. District students whose parents completed high school have increased test scores over time; however, they are still below both national means for students across the country whose parents completed high school. The same also is true for District students whose parents completed college; while these test scores have increased, they are also below both national means. The gap between test scores for these two groups of students—those whose parents have completed college and those whose parents' highest degree is high school—has increased over time from 18 points in 2011 to 27 points in 2019.



Student mobility

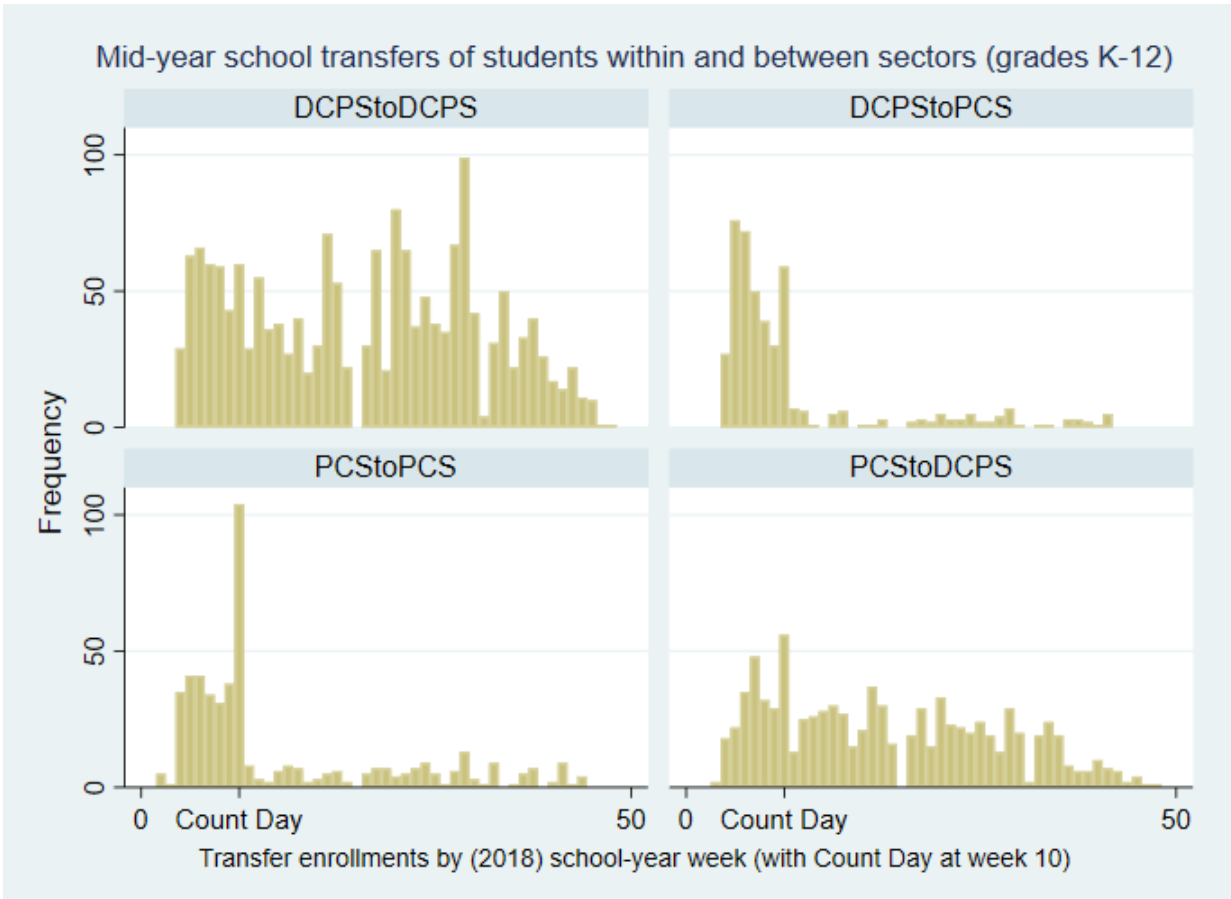
This new analysis responds to Councilmember Cheh’s questions about the prevalence of student mobility in the District. Importantly, the topic of student mobility was also covered in detail in our last education audit, [Enrollment Projections in D.C. Public Schools: Controls Needed to Ensure Funding Equity](#), which found that schools serving greater proportions of at-risk and Black students experienced higher year-to-year student mobility than schools serving lower proportions of at-risk and Black students. The audit also found that virtually all charter schools experienced a net loss of students mid-year and for DCPS, the net change for most schools was positive and was largest for schools serving large proportions of at-risk students. The current audit builds on these findings by using student level data rather than the aggregate data used earlier, to show mid-year mobility across every week of the school year. In addition, this audit finds that student mobility is associated with negative impacts on individual student test score growth for District students. This adds to a plethora of evidence showing the negative impacts of mobility on student engagement, attendance, behavior, and high school graduation.¹

¹ Center for Research on the Education of Students Placed At Risk, Johns Hopkins University, [Patterns of Urban Student Mobility and Local School Reform](#), October, 1996. 2. Gasper, DeLuca, and Estacion, [Switching Schools: Revisiting the Relationship Between School Mobility and High School Dropout](#), American Educational Research Journal, 2012. 3. Lleras and McKillip, [When children move: Behavior and achievement outcomes during elementary school](#), Journal of Educational Research, 2017. 4. Workshop on the Impact of Mobility and Change on the Lives of Young Children, Schools, and Neighborhoods, [School Mobility in the Early Elementary Grades: Frequency and Impact From Nationally-Representative Data](#), June, 2009.

In the District, we found that when students are observed for a full year, either from one fall to the next or one spring to the next—approximately 25% of first grade through eleventh grade students change schools either within that school year or between the two adjacent years. That means one in four students changes schools every year in D.C., on average. This translates to three school moves on average per student as they move through grades one through 11. In states whose schools have the most common grade span and with normal mobility otherwise (moving from elementary to middle school for example) most would move twice (5th-6th and 8th-9th). Importantly, across both audits, we found that student mobility is higher for students considered at-risk and Black students, meaning those subgroups transfer more than three times on average throughout their compulsory education career.

Combined, the two audit analyses of student mobility focus on District and sector-wide trends and patterns in three different types of mobility: midyear mobility before count day, midyear mobility after count day, and year-to-year mobility excluding needed moves from elementary to middle school, for example. OSSE does produce and report a wealth of information annually on one of these types of mobility: midyear mobility post count day by month, at the school, LEA, and District levels. These data are critical for continued monitoring and oversight; however, they are also just one part of the mobility landscape.

Similar to OSSEs midyear mobility reporting, we also focus our new analysis here on these midyear moves, arguably the most disruptive school moves for individual students, their peers, and schools. However, we include both before and after count day mobility in the analysis. In sum, there are many students affected by midyear moves and while both DCPS and charter sectors have students transfer out of their schools throughout the year, transfers into schools after count day are concentrated in DCPS. More specifically, in the graph below for 2018, 891 students are transferred from PCS to DCPS schools throughout the year, with 649 of those transfers occurring post count day. Alternatively, 92 DCPS students transfer to PCS schools post count day and 216 students transfer from one PCS school to another post count day.



What follows are LEA-level student transfers in and out of each LEA, both pre and post count day and the associated percentages of students these transfers represent relative to the total 2018 K-12 students enrolled in each LEA. In addition, we share a table of total transfer counts and percentages across the District and by sector. These data show that while midyear transfers vary significantly by LEA, all LEAs could begin to address these highly disruptive moves. From a data system perspective, best practice is to record each student exit with the appropriate date and code and provide compliance documentation regarding the details of the transfer. With this information in addition to LEA level data, as shown below, the District could work toward both continued oversight of these midyear student moves and continuous efforts to support them to lessen the negative impact for students, their peers, and schools. Again, OSSEs annual reporting on these post count day midyear moves can be leveraged for this work.

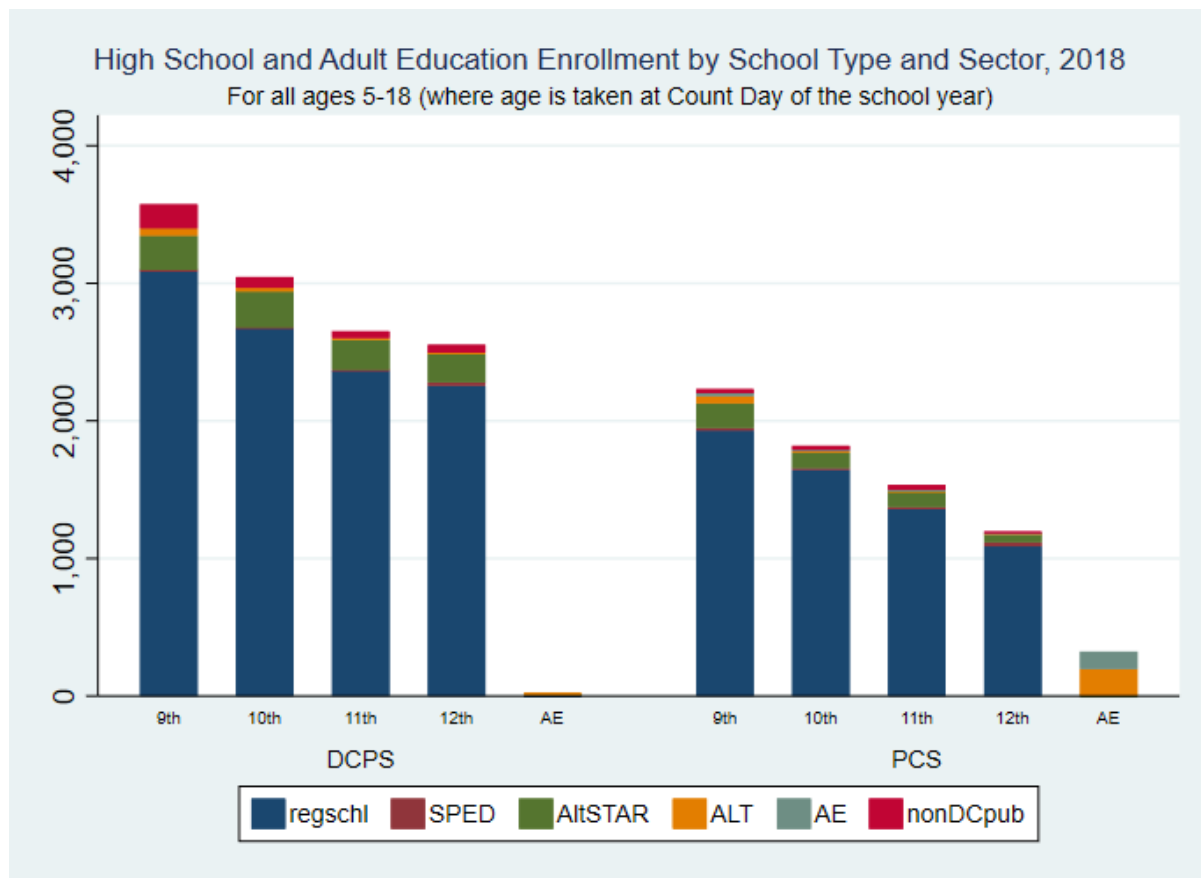
Transfers as Percentages of K-12 Students					
LEA Name	Total K-12 enrollment 2018	School Transfers Out		School Transfers In	
		Pre-Count Day	Post Count Day	Pre-Count Day	Post Count Day
District of Columbia Public Schools	44,478	1.7%	3.0%	1.5%	4.1%
Bridges PCS	280	1.4%	2.9%	4.6%	1.1%
Capital City PCS	910	0.5%	1.0%	2.0%	0.2%
Cesar Chavez PCS for Public Policy	1,217	2.7%	5.1%	1.6%	2.1%
DC Bilingual PCS	348	1.7%	0.9%	1.4%	0.3%
DC Prep PCS	1,408	1.3%	1.5%	3.1%	0.6%
E.L. Haynes PCS	1,051	1.2%	2.1%	2.1%	0.2%
Eagle Academy PCS	596	1.3%	1.8%	0.8%	0.2%
Early Childhood Academy PCS	161	3.7%	1.2%	0.0%	0.0%
Friendship PCS	3,638	1.6%	2.6%	0.9%	0.4%
Hope Community PCS	590	0.7%	1.9%	0.7%	0.2%
Cedar Tree Academy PCS	112	6.3%	2.7%	0.9%	0.0%
Howard University Middle School of Mathematics and Science PCS	290	3.4%	2.1%	0.0%	0.3%
Perry Street Preparatory PCS	272	2.2%	1.8%	1.1%	1.1%
IDEA PCS	318	1.6%	10.7%	2.2%	7.2%
Ideal Academy PCS	242	2.1%	4.5%	4.1%	0.8%
KIPP DC PCS	5,041	1.9%	1.7%	2.2%	0.4%
Latin American Montessori Bilingual PCS	297	0.0%	0.0%	1.0%	0.0%
Mary McLeod Bethune Day Academy PCS	305	0.3%	4.6%	2.6%	1.3%
Maya Angelou PCS	185	1.6%	5.9%	9.7%	29.2%
Meridian PCS	529	2.1%	0.9%	0.2%	0.0%
Paul PCS	710	2.0%	4.2%	2.5%	0.1%
Roots PCS	73	0.0%	1.4%	1.4%	0.0%
SEED PCS of Washington, DC	374	2.1%	7.2%	1.9%	0.5%
St. Coletta Special Education PCS	238	0.0%	1.3%	0.8%	2.1%
Elsie Whitlow Stokes Community Freedom PCS	280	0.4%	0.4%	1.1%	0.4%

Thurgood Marshall Academy PCS	394	1.8%	5.1%	1.3%	1.3%
Two Rivers PCS	641	1.1%	1.6%	3.6%	1.6%
Washington Latin PCS	702	0.0%	0.4%	0.6%	0.0%
Washington Mathematics Science Technology PCHS	244	3.7%	6.1%	1.2%	2.0%
City Arts & Prep PCS	417	1.2%	3.4%	1.0%	0.0%
Achievement Preparatory Academy PCS	822	1.5%	2.6%	1.9%	0.2%
Center City PCS	1,294	0.8%	2.0%	1.3%	0.1%
Excel Academy PCS	536	3.4%	4.7%	1.5%	0.6%
Washington Yu Ying PCS	457	0.2%	0.2%	0.0%	0.2%
National Collegiate Preparatory PCHS	277	2.2%	7.2%	4.3%	0.4%
Inspired Teaching Demonstration PCS	358	0.6%	0.3%	1.4%	0.0%
Shining Stars Montessori Academy PCS	154	5.8%	0.0%	1.9%	0.0%
Richard Wright PCS for Journalism and Media Arts	285	1.4%	6.7%	2.1%	2.5%
Basis DC PCS	593	0.5%	0.8%	1.7%	0.0%
Creative Minds International PCS	320	1.6%	1.3%	5.0%	0.3%
DC Scholars PCS	407	2.0%	1.5%	0.7%	0.0%
Mundo Verde Bilingual PCS	484	0.6%	0.6%	2.9%	0.2%
Ingenuity Prep PCS	349	0.6%	2.0%	0.3%	0.3%
Sela PCS	126	2.4%	0.0%	0.0%	0.0%
Somerset Preparatory Academy PCS	371	0.3%	5.9%	3.5%	0.5%
Lee Montessori PCS	89	2.2%	1.1%	4.5%	0.0%
Democracy Prep Congress Heights PCS	570	1.9%	3.9%	1.9%	0.2%
Harmony DC PCS	106	12.3%	2.8%	1.9%	0.9%
District of Columbia International School	791	0.0%	1.5%	2.4%	0.1%
Monument Academy PCS	125	6.4%	12.0%	1.6%	5.6%
Washington Global PCS	207	6.8%	5.8%	2.9%	3.9%
Kingsman Academy PCS	257	1.6%	8.2%	7.4%	14.8%
The Children's Guild DC PCS	381	1.3%	3.1%	1.0%	1.8%
Breakthrough Montessori PCS	40	5.0%	0.0%	7.5%	0.0%
Goodwill Excel Center PCS	504	0.6%	2.2%	0.4%	3.2%
Rocketship DC PCS	450	4.4%	4.4%	5.6%	1.6%

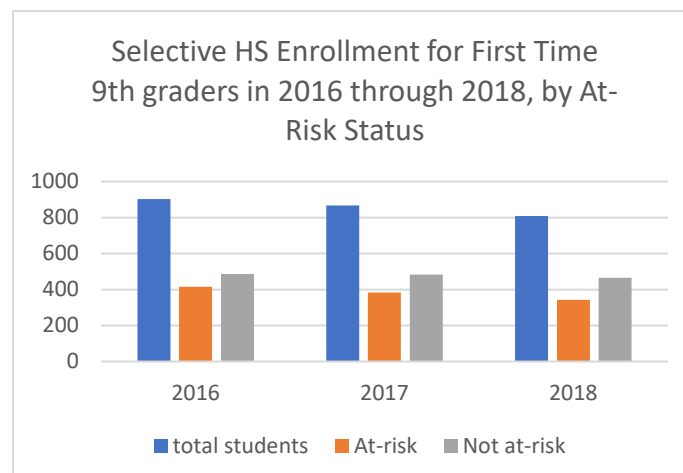
Washington Leadership Academy PCS	210	3.3%	1.9%	0.5%	1.4%
Sustainable Futures PCS	45	2.2%	15.6%	17.8%	8.9%

	Total Transfers of K-12 students					Transfers as percentages of K-12 students			
	School Transfers Out		School Transfers In			School Transfers Out		School Transfers In	
	Pre Count Day	Post Count Day	Pre Count Day	Post Count Day	Total k-12 enrollment 2018	Pre Count Day	Post Count Day	Pre Count Day	Post Count Day
Total counts and student-weighted mean percentages	1,293	2,196	1,293	2,196	76,949	1.7%	2.9%	1.7%	2.9%
DCPS counts and student-weighted mean percentages	767	1,355	656	1,835	44,478	1.7%	3.0%	1.5%	4.1%
PCS counts and student-weighted mean percentages	526	841	637	361	32,471	1.6%	2.6%	2.0%	1.1%
Percentage of transfers out by pre-and post-countday	37%	63%							
Total transfers out as a percentage of K-12 students	4.5%								

School moves in high school are particularly detrimental and increase the likelihood of dropping out, especially for students already considered at-risk. While high school enrollment does typically decrease across grades the attrition in the District's public high schools is notable, and again there are important differences by sector. First, though, it is important to note that the audit found high 9th grade retention rates. For example, in 2017-18, 18.2% of 9th graders were retained in 9th grade, therefore any differences between freshman and seniors is, in part, driven by an increase in 9th graders due to retention rates. The graph below shows that in 2018 there were 28% fewer seniors than freshman in DCPS high schools. In PCS high schools there were 46 percent fewer seniors than freshman in 2018. Further, there are substantially fewer students enrolled in alternative PCS high schools as seniors than as freshman in 2018 which in large part reflects the challenges faced by these schools that are designed for students struggling in regular high school settings. The number of freshmen through senior students in alternative DCPS high school settings in 2018 were relatively consistent.



Finally, as noted in the audit, attrition of students considered at-risk, and subsequent high school mobility, is also of concern in DCPS selective high schools, which in this analysis include, Benjamin Banneker High School, Columbia Heights Education Campus, Duke Ellington School of the Arts, McKinley Technology High School, Phelps Architecture, Construction, and Engineering High School, and School Without Walls High School. In these high schools, we see net transfers out of these schools each year, for a total 10.4% of the student cohort by 2018. Students considered at-risk represent most of these transfers. In the first year, close to half (46.1%) of the new 9th grade students enrolled in selective high schools were considered at-risk. Of these students, 17.5% transferred to regular high schools by 2018.



Mr. Chairman, we hope these additional responses to the Committee of the Whole discussion on the education data audit are useful to you and colleagues in your ongoing oversight. Please let us know if you have any questions.

Thank you.

Sincerely yours,

A handwritten signature in blue ink that reads "Kathleen Patterson". The signature is written in a cursive, flowing style.

Kathleen Patterson
D.C. Auditor

cc: D.C. Councilmembers

Attachment

**Attachment to ODCA Addendum Testimony for
Committee of the Whole Hearing**

March 19, 2021



February 10, 2020

Paul Kihn
Deputy Mayor for Education
The John A. Wilson Building
1350 Pennsylvania Avenue N.W.
Washington, DC .20004

By email and messenger

Dear Deputy Mayor Kihn:

I write to follow up on recent email communication concerning the ongoing request by the Office of the D.C. Auditor for SY2018-2019 student data to ask you to direct the Office of the State Superintendent of Education to provide the requested data.

I enclose the latest series of emails in which I repeated the request, to which General Counsel Betsy Cavendish responded. I repeat the request to you in this more formal manner since you supervise the State Superintendent of Education and are a party to the current agreement.

I include in this request the Educational Data Access and Use Agreement that you signed on June 6, 2019, and direct your attention to page 3, IV. Scope of Services a. Responsibilities of the District parties which states that the District Parties will provide data elements "from school years 2013-14 through 2018-19." The SY data became available this past fall and we have repeatedly requested the information verbally, in person, in telephone conversations, and in writing.

Thank you.

Sincerely yours,

A handwritten signature in blue ink that reads "Kathy Patterson". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Kathy Patterson
D.C. Auditor

Cc: Betsy Cavendish, General Counsel, EOM
Hanseul Kang, State Superintendent of Education

Enclosures

Patterson, Kathy (ODCA)

From: Patterson, Kathy (ODCA)
Sent: Thursday, February 6, 2020 6:22 PM
To: Cavendish, Betsy (EOM); Kihn, Paul (EOM)
Cc: Kang, Hanseul (OSSE); Forman, SarahJane (OSSE)
Subject: RE: Request for data

Betsy – please go to the bottom of the chain and see the highlight that explains why we deleted 18-19 from the original appendix and that it WAS included in the scope of work. The report we are drafting will contain all the relevant policy and practice points without the year's data, but it will be a stronger product if it has three solid years of data (including 18-19) on which to base trends. That's got to be in everyone's best interest. The data-sharing agreement at issue with OSSE is the first one, on enrollment, not the one on the data audit, if that makes any difference. Again, I appreciate your promptness and your point that you can't direct anyone! That's the DME's job, per DC Code 38-191...

Thanks.

Kathy

Kathleen Patterson | D.C. Auditor
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717 14th Street NW 9th Floor
Washington D.C. 20005
Direct: (202) 727-8982 | Office: (202) 727-3600
Email: kathy.patterson@dc.gov
Website: dcauditor.org

From: Cavendish, Betsy (EOM) <betsy.cavendish@dc.gov>
Sent: Thursday, February 6, 2020 5:57 PM
To: Patterson, Kathy (ODCA) <kathy.patterson@dc.gov>; Kihn, Paul (EOM) <Paul.Kihn@dc.gov>
Cc: Kang, Hanseul (OSSE) <hanseul.kang@dc.gov>; Forman, SarahJane (OSSE) <sarahjane.forman@dc.gov>
Subject: RE: Request for data

Hi, Kathy – sorry for the hour delay; I've been immersed in something else and away from email. As I understand it:

OSSE has already provided 6 years of data, from 2012-13 to 2017-18. (1- 2012-13, 2- 2013-14, 3- 2014-15, 4- 2015-16, 5- 2016-17, 6- 2017-18). The history on this is:

1. The audit engagement is for 6 years.
2. The original documentation request OSSE responded to was for 6 years, from 2013-14 to 2018-19. Because OSSE did not yet have 2018-19 data, ODCA asked OSSE to provide 2012-13 data as well.
3. The final actual data request stated 6 years from 2012-13 to 2017-18.

Betsy Cavendish
General Counsel, Mayor Muriel Bowser
202-724-7681
Betsy.Cavendish@dc.gov



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From: Patterson, Kathy (ODCA)
Sent: Thursday, February 06, 2020 5:00 PM
To: Cavendish, Betsy (EOM); Kihn, Paul (EOM)
Cc: Kang, Hanseul (OSSE); Forman, SarahJane (OSSE)
Subject: RE: Request for data

Betsy – Six years have NOT been provided and we have a data-sharing agreement in place.

Appreciate the quick response.

Kathy

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Washington D.C. 20005
Direct: (202) 727-8982 | Office: (202) 727-3600
Email: kathy.patterson@dc.gov
Website: dcauditor.org

From: Cavendish, Betsy (EOM) <betsy.cavendish@dc.gov>
Sent: Thursday, February 6, 2020 4:58 PM
To: Patterson, Kathy (ODCA) <kathy.patterson@dc.gov>; Kihn, Paul (EOM) <Paul.Kihn@dc.gov>
Cc: Kang, Hanseul (OSSE) <hanseul.kang@dc.gov>; Forman, SarahJane (OSSE) <sarahjane.forman@dc.gov>
Subject: RE: Request for data

Hi, Kathy,

Received – I am not really in a position to direct anyone but here's how I understand what the status is: OSSE believes there were breaches of our data sharing agreement, and we understand you disagree. We have decided to take the

matter to US Dept. of Education for a resolution, and you and your team are involved with this course of action. Until OSSE gets guidance from US Dept of Education, no additional data beyond the six years already provided will be produced. Eyes wide open, we know that you may have a finding in the report about the failure to provide this last year's worth of data and we regret all negative findings. While the data sharing agreement is in dispute, OSSE will look to its regulator to ensure that it complies with all of its responsibilities as the State Education Agency.

I am copying Superintendent Kang and GC Forman in case they have anything to add.

Best, Betsy

Betsy Cavendish
General Counsel, Mayor Muriel Bowser
202-724-7681
Betsy.Cavendish@dc.gov



<http://mayor.dc.gov/>

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From: Patterson, Kathy (ODCA)
Sent: Thursday, February 06, 2020 3:44 PM
To: Kihn, Paul (EOM); Cavendish, Betsy (EOM)
Subject: Request for data

Dear Paul and Betsy:

Would one or both of you please direct OSSE to provide the SY18-19 data we have been waiting for in order to complete our education data audit? I include, below, the last two requests to Superintendent Kang, neither of which has prompted a response. The data-sharing agreement extends to April 15, 2020.

Thank you for your consideration.

Kathy

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Email: kathy.patterson@dc.gov
Website: dcauditor.org

From: Patterson, Kathy (ODCA)
Sent: Friday, January 31, 2020 4:09 PM
To: Kang, Hanseul (OSSE) <hanseul.kang@dc.gov>
Cc: Kihn, Paul (EOM) <Paul.Kihn@dc.gov>; Cavendish, Betsy (EOM) <betsy.cavendish@dc.gov>; Seshasai, Karuna (EOM) <karuna.seshasai@dc.gov>; Mendelson, Phil (COUNCIL) <PMENDELSON@DCCOUNCIL.US>; Grosso, David (Council) <dgrosso@DCCOUNCIL.US>; Young, Shana (OSSE) <shana.young@dc.gov>; Lamury, Rebecca (OSSE) <rebecca.lamury@dc.gov>; Rubinstein, Gwen (OSSE) <gwen.rubinstein@dc.gov>; Roth, Erin (ODCA) <erin.roth@dc.gov>; Bellanca, Amy (ODCA) <Amy.Bellanca@dc.gov>; Forman, SarahJane (OSSE) <sarahjane.forman@dc.gov>; Meyers, Sara (OSSE) <Sara.Meyers@dc.gov>
Subject: RE: ODCA-OSSE data sharing

Dear Hanseul,

Thank you for the update on contacts with the US Department of Education and for sharing your correspondence from CCSSO and ECS detailing their understanding of FERPA. You did not respond to my inquiry on whether we will be receiving SY2018-19 data under our current MOA. Please let me know if you will share the data so that we can complete our data audit.

For the record as I have stated previously we do not agree with your characterization that we are noncompliant with our current MOAs. We are in compliance.

I will ask my general counsel to be in touch with Sarah Jane on setting up the meeting with the USDE. Please copy me on correspondence with USDE concerning ODCA and our respective agreement drafts. Thanks.

Have a good weekend.

Kathy

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Email: kathy.patterson@dc.gov
Website: dcauditor.org

From: Patterson, Kathy (ODCA)
Sent: Thursday, January 23, 2020 4:59 PM
To: Kang, Hanseul (OSSE) <hanseul.kang@dc.gov>; Young, Shana (OSSE) <shana.young@dc.gov>
Cc: Forman, SarahJane (OSSE) <sarahjane.forman@dc.gov>; Bellanca, Amy (ODCA) <Amy.Bellanca@dc.gov>; Cavendish, Betsy (EOM) <betsy.cavendish@dc.gov>; Paul Kihn (Paul.Kihn@dc.gov) <Paul.Kihn@dc.gov>
Subject: ODCA data request follow-up

Dear Hanseul – I write to follow up on exchanges between our respective general counsel, Amy Bellanca and Sarah Jane Forman. Sarah Jane emailed yesterday that we would NOT be receiving the SY2018 -19 data we have been requesting in order to complete the education data audit now underway. She indicated that other OSSE staff had directed that we not receive the data until we sign a newly drafted MOA though the current MOA remains in force. Amy's response to that email is included below, explaining the background on the request for six years of data including SY18-19.

Is it the case that OSSE is declining to provide the duly requested and now-available data? Please be advised that an OSSE decision declining to provide the information will become a finding in the data audit. Because we want to complete this work in a timely manner, I will not pursue the information via subpoena.

Thank you for providing clarification.

Kathy

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Website: dcauditor.org

From: Bellanca, Amy (ODCA)
Sent: Wednesday, January 22, 2020 5:42 PM
To: Forman, SarahJane (OSSE) <sarahjane.forman@dc.gov>
Subject: OSSE / Urban MOA

Sarah Jane – I went back to ask Erin about whether Urban has a current MOA with OSSE that includes similar 2018-19 school year data to that which we have requested. See the attached MOA (effective from May 2019 – Feb 2023), which includes 2018-19 data, and was provided by Sara Meyers to Erin in July 2019. The MOA is also referenced on Urban's website.

Also, regarding the six years of data – we only received five years of data within our request. Our Appendix I refers to "data for school years from 2013-14 through 2017-18". We acquiesced and removed the 2018-2019 data from Appendix I because Sara Meyers indicated it was not available at the time of the MOA signing. Further, Article IV SCOPE OF SERVICES in the MOA clearly states that the District will provide us with "data elements from school years 2013-2014 through 2018-2019."

I hope we can work this out. Thanks. Amy



Office of Deputy Mayor for Education

John A. Wilson Building | 1350 Pennsylvania Ave, NW, Suite 307 | Washington, DC 20004

Kathleen Patterson
DC Auditor
Office of the DC Auditor
717 14th Street, NW 9th Floor
Washington, DC 20005

Dear Kathy,

Thank you for your letter of 10 February and for your continued outreach and cooperation on the data audit. In your letter you specifically raise the question about your recent request for SY18-19 data, to include as part of your review. You also include email communication on this matter as attachments.

Your letter and emails, in my view, present an incomplete view of this recent request. My understanding is as follows.

In our initial MOU drafting, we understood you required six years of data, ending in SY18-19. This requirement was incorporated into the final MOU.

As we began our work, we collectively realized with your office that we did not have SY18-19 data, and therefore we agreed with your office to provide six years of data ending in SY17-18. To this end, your data request for the six years of data ended in SY17-18, and we did indeed put in all the time and effort required to provide six years of data. As you know, responding to your request has required literally hundreds of hours of staff time across multiple agencies.

Your overall timeline for this audit has extended, as you have shared with us, and coincidentally we now have data for SY18-19 — though not in a format required for transmission. Because your audit has gone longer than anticipated, you are now, therefore, asking for a seventh year of available data.

This request for a seventh year of data also comes at a time when we have collectively agreed with your office to FERPA discussions with the Department of Education, after OSSE's finding that your office was out of compliance with FERPA (a finding you dispute).

With kind regards,



Paul Kihn
Deputy Mayor for Education



From: Patterson, Kathy (ODCA)

Sent: Thursday, February 13, 2020 1:33 PM

To: Kihn, Paul (EOM) <Paul.Kihn@dc.gov>

Cc: Cavendish, Betsy (EOM) <betsy.cavendish@dc.gov>; Seshasai, Karuna (EOM) <karuna.seshasai@dc.gov>; Kang, Hanseul (OSSE) <hanseul.kang@dc.gov>

Subject: RE: Letter on FY18-19 Data

Paul – OSSE has alleged (and we dispute) that we are out of compliance with terms of the MOA associated with enrollment work. **No one** has claimed heretofore that we are out of compliance with FERPA. If that were the case the federal Dept of Education would have been notified as would the students whose privacy was breached. That has not occurred on my watch. I respectfully request that you correct that statement in your letter.

With regard to the **data** MOA -- not at issue except for the Executive's current non-responsiveness -- we will report that DME and OSSE refused to provide the originally requested SY18-19 data..

Thank you.

Kathy

Kathleen Patterson | D.C. Auditor

Office of the D.C. Auditor

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From: Kihn, Paul (EOM) <Paul.Kihn@dc.gov>

Sent: Thursday, February 20, 2020 5:35 PM

To: Patterson, Kathy (ODCA) <kathy.patterson@dc.gov>

Cc: Cavendish, Betsy (EOM) <betsy.cavendish@dc.gov>; Seshasai, Karuna (EOM) <karuna.seshasai@dc.gov>; Kang, Hanseul (OSSE) <hanseul.kang@dc.gov>

Subject: Re: Letter on FY18-19 Data

Hi Kathy –

Sorry for taking a few days to get back to you. I wanted to confirm that my understanding as I shared in my letter is correct, and I think it is. OSSE's perspective is that ODCA has not complied with the terms of the written agreement with OSSE, and therefore is in violation of an important FERPA mandate – that authorized representatives enter into, and abide by, a written agreement for sharing student data. In OSSE's compliance monitoring of the Enrollment Projections Data Sharing Agreement between OSSE and ODCA, OSSE found ODCA to be out of compliance with the agreement. The identified non-compliance would be a FERPA violation because FERPA requires OSSE to enter into written agreements with authorized representatives, and adherence to these written agreements is a basic requirement of FERPA. In other words, if a data sharing partner violates the terms of a data sharing agreement, they have violated FERPA.

One of the reasons this matters so much to us is that OSSE can be held liable for non-compliance of its data sharing partners. The Department of Education could hold OSSE responsible for ODCA's noncompliance, and find that OSSE violated FERPA if OSSE were to continue to share student information even after OSSE knew or should have known of noncompliance by a data sharing partner.

Because you dispute the OSSE findings of noncompliance, which is clearly your right, OSSE has engaged the Department to provide guidance as the regulatory agency. I am very pleased that we are going to engage in this discussion together to get to a good resolution for all of us, and OSSE is continuing to work with the Department's Privacy Technical Assistance Center to schedule the conversation. If the Department shares your office's perspective on OSSE's finding of non-compliance, of course I will be glad to provide relevant and clarifying correspondence.

On the SY18-19 data, I hope you will take this all into account, along with the fuller context I described in my letter, in your reporting.

I hope this helps clarify. Please let me know if you have any additional questions or concerns.

Paul Kihn
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From: Patterson, Kathy (ODCA)
Sent: Thursday, February 20, 2020 6:23 PM
To: Kihn, Paul (EOM) <Paul.Kihn@dc.gov>
Cc: Cavendish, Betsy (EOM) <betsy.cavendish@dc.gov>; Seshasai, Karuna (EOM) <karuna.seshasai@dc.gov>; Kang, Hanseul (OSSE) <hanseul.kang@dc.gov>
Subject: RE: Letter on FY18-19 Data

Paul: FERPA guidance *recommends* agreements. FERPA does not require them. There remains no nexus between the alleged noncompliance and the data request.

As we stated in our performance Q&A:

34. Please identify any statutory or regulatory impediments to your agency's operations.

Response: In recent weeks we have experienced a District government agency under audit using its own regulatory status in a manner that has hindered the ongoing audit. The Office of the State Superintendent of Education, with the tacit approval of the Deputy Mayor for Education, has withheld information requested as part of the education data audit mandated by the D.C. Council. In the interest of completing the audit this spring we have chosen to forego use of ODCA's subpoena authority to secure the information and will report the refusal to respond to a legitimate data request as a finding in the audit.

Kathy

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she/her/hers
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