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A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to amend, on an emergency basis, the District of Columbia School Reform Act of 1995 to allow a public charter school to offer priority in enrollment to any students who were previously enrolled in the facility where that charter school will operate in the preceding school year, and to grant the Attorney General the authority to dissolve a nonprofit corporation organized for the purpose of operating a public charter school if the charter for the public charter school has been revoked, non-renewed, or relinquished.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Public Charter School Priority Enrollment Emergency Declaration Resolution of 2015”.

Sec. 2. (a) On October 27, 2014, D.C. Superior Court Judge Neal Kravitz, in a civil case filed on behalf of the District of Columbia by its Office of the Attorney General (“OAG”) ruled that Dorothy I. Height Community Academy Public Charter School (“CAPCS”) had engaged in a pattern of fiscal mismanagement and violated the SRA as a result of the CAPCS Board’s breach of its fiduciary duties. Based on this litigation the Public Charter School Board “PCSB” staff made the PCSB that there was a pattern of fiscal mismanagement because CAPCS paid two different entities for the same services over the course of at least two years; and unreasonable

38 amount of money was paid to Community Action Partners and Charter School Management LLC
39 (“CAPCSM”) pursuant to the management agreement given the services that were performed;
40 and staff finds that CAPCS was in violation of the SRA for breach of its fiduciary duties for
41 permitting these payments to have occurred.

42 (b) Subsequently, on December 15, 2014 the PCSB voted to initiate charter
43 revocation procedures on CAPCS for fiscal mismanagement; on January 27, 2015 the PCSB held
44 a public hearing at CAPCS Amos 5 campus; on February 12, 2015 the PCSB held a Special
45 Board Meeting to vote on charter revocation for CAPCS and postponed the vote; and on
46 February 19, 2015 in a Special Meeting the PCSB voted to revoked the charter for CAPCS
47 effective June 30, 2015.

48 (c) After the vote to revoke the charter of CAPCS was taken, the Deputy Mayor
49 for Education released a joint facilities plan in collaboration with Friendship Public Charter
50 Schools, DC Bilingual Public Charter School, and the Chancellor of the DC Public Schools to
51 provide continuity of education for students who are currently enrolled at one of CAPCS
52 campuses or enrolled in the online program. For this plan to successfully ensure that current
53 CAPCS students that would like to continue in the current facility where they enrolled there
54 needs to be a temporary safeguard in place that creates priority enrollment. Specifically, a public
55 charter school that operates in a facility where a public charter school whose charter has been
56 revoked may give preference in enrollment to students enrolled in the previous school during the
57 school’s first year of operation in that facility. Therefore CAPCS,

58 (d) It is the intent of the Council that this preference in enrollment is only for
59 current CAPCS students who wish to enroll in one of the new operating charters that take over
60 the current CAPCS buildings within the preceding school year. This emergency will allow for

61 their enrollment to be prioritized for the first year of operation under the newly authorized
62 charter.

63 (e) The mandatory dissolution provision will provide the Office of the Attorney
64 General (OAG) with the power to involuntarily dissolve a nonprofit organization operating a
65 public charter school, including the relinquishment of its current assets, if the school has its
66 charter revoked, relinquished or non-renewed by a public chartering authority. This emergency
67 fix is needed in order to address the possibility of a non-profit organization in the event that
68 CAPCS refuses to voluntarily dissolve as required by the School Reform Act (D.C. Code § 38-
69 1802.13a) after having its charter revoked by PCSB on February 19, 2015. If CAPCS Inc. is not
70 dissolved, students across the four CAPCS campuses would not have by right access to the two
71 new Friendship campuses.

72 Sec. 3. The Council of the District of Columbia determines that the circumstances
73 enumerated in section 2 constitute emergency circumstances making it necessary that the “Public
74 Charter School Priority Enrollment Emergency Declaration Resolution of 2015” be adopted after
75 a single reading.

76 Sec. 4. This resolution shall take effect immediately.