



Government of the District of Columbia Advisory Neighborhood Commission 4B

[DRAFT] RESOLUTION #4B-22-1102

Calling for Urgent School Building Repairs at Whittier Elementary School and Legislative Changes to Ensure Timely School Modernizations Adopted November 28, 2022

Advisory Neighborhood Commission 4B takes note of the following:

- Whittier Elementary School (6201 5th Street, NW) is a neighborhood Science, Technology, Engineering, and Math (STEM) school in Ward 4. The school serves students from PreK3 through Grade 5, exposing them to hands-on STEM activities and challenges throughout the academic school year and beyond, pioneering new self-exploration discoveries, and helping students be contributors to their community. Whittier Elementary School is a Title One school, with a significant population of historically disadvantaged students.
- Whittier Elementary School's facility was built in 1926. Expansions occurred in 1931 (eight rooms) and 1937 (auditorium). The school building is old and in severe disrepair. For years, the roof has leaked, causing a collapsed ceiling in 2018, pooling water on all floors, peeling and bubbling paint, squishy and stained walls, damaged classroom materials, displaced students from classrooms to common areas, and raising severe risk of mold. While the collapsed ceiling in 2018 resulted in Whittier Elementary School being placed on the stabilization projects list for a full roof replacement in the summer of 2019, that replacement was not completed until October 2020 and the [renovated roof continues to leak](#), leading to emergency roof repair bidding just two years after completion.
- Whittier Elementary School is inaccessible to both teachers and students. Some teachers have faced challenges due to the lack of an elevator or chair lift in the building. Some students who require the use of wheelchairs have been turned away from the school due to inability to access the school due to the lack of an elevator or chair lift in the building and lack of a ramp to access the building. The lack of accessibility raises concerns under the Americans with Disabilities Act and contravenes DC Public Schools policy regarding non-discrimination. See DC Public Schools, "[Notice of Non-Discrimination](#)" (accessed Nov. 27, 2022) ("District of Columbia Public Schools (DCPS) does not discriminate

(including employment therein or admission thereto) on the basis of actual or perceived race, color, disability, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, family status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an interfamily offense, or place of residence.”). While an elevator is currently under construction, these challenges have existed since the school building opened, and other schools also do not meet accessibility requirements. Whittier Elementary School should be accessible to the whole community.

- Advisory Neighborhood Commission 4B approved [Resolution 4B-19-1002](#), Calling for Accelerated Modernization of Whittier Education Campus at the Commission’s October 28, 2019, meeting (attached). At the time, Whittier Elementary School was ranked 11 on the Capital Improvement Plan¹ for schools to be modernized starting in Fiscal Year 2024. See Planning Actively for Comprehensive Education Facilities Amendment Act of 2016, [DC Code § 38-2803\(d\)\(3\)](#) (describing objective criteria for prioritizing major construction and capital improvements, including facility condition and equity). The Resolution noted the longstanding building issues related to health, safety, and accessibility, calling on the Mayor and the DC Council (1) to fund a full modernization of Whittier Education Campus, with a design phase proceeding in Fiscal Year 2020, and with full modernization and construction taking place in Fiscal Year 2021 and Fiscal Year 2022; and (2) to reconsider the school facility Capital Improvement Plan scoring criteria to address the limited impact of Phase 1 modernizations on the need for school modernizations, to adequately ensure compliance with the Americans with Disabilities Act, and to ensure robust consideration of equity.
- The Commission received a [response from DC Public Schools](#) to its Resolution (attached), which noted, in its entirety: “DC Public Schools (DCPS) is committed to continuing the full modernization program based on the Planning Actively for Comprehensive Education Facilities Amendment Act of 2016, [DC Code § 38-2803\(d\)\(3\)](#) (PACE) list and available swing space. DCPS is actively working through the PACE list to accommodate the next series of schools based on available capital funding and available swing space.” School modernization (PACE) rankings are difficult to find and not transparent, including some DC Public Schools’ resources relying on [failed Google Drive links](#).

¹ It is extremely difficult to even find the list of schools scheduled for modernization. Commissioners have found this information in [past DC Council oversight documents](#), but the priority list for school modernizations should be readily available on the DC Public Schools’ [“School Modernizations”](#) webpages, which is incomplete and outdated in many aspects, including [missing documents for all active School Improvement Teams across the District](#), [requiring Google Drive access for facility condition assessments](#), and an empty [School Improvement Team and community meetings calendar](#), and a nonexistent [sustainability page](#).

- Advisory Neighborhood Commission 4B approved [Resolution 4B-22-0202](#), Calling on DCPS to Allocate FY 2023 Funding to Build Swing Space in Ward 4 at the Commission’s February 28, 2022, meeting. The Resolution called for adequate funding to construct or lease a new Ward 4 satellite swing space location to be utilized by Truesdell, Whittier, and LaSalle-Backus Elementary Schools over the next decade. While the Commission did not receive a response to this Resolution, swing space was funded in the District’s Fiscal Year 2023 budget, preventing further delay of the modernization projects at these schools and ensuring in-ward swing space (in spite of [efforts by some Councilmembers to delay modernization of these schools](#)).
- Whittier Elementary School continues to face severe accessibility, health, and safety issues with regard to their school building, including:
 - [non-compliance with the Americans with Disabilities Act](#), including an elevator that is still under construction and lack of an outdoor ramp to access the building;
 - [leaking roof](#), including in the school’s kitchen and growing wall and ceiling cracks and water running down the stairway when it rains (see, e.g., Work Order #682392; Work Order #716924; Work Order #716925);
 - malfunctioning temperature control (HVAC) equipment, including instances where children and teachers had to wear coats all day because of lack of heat;
 - [a burst radiator](#), resulting in removal of the radiator and lack of heat in the building;
 - [falling bricks from the building façade](#), including around the early childhood education entrance and the playground area (see, e.g., #658840)
 - [sewage backup and plumbing issues](#), impacting early childhood education spaces with the smell of sewage in class and water backup in the bathroom drain (see, e.g., Work Order #724642);
 - broken water fountains (see, e.g., Work Order #715195);
 - non-working bathrooms on and entire floor of the building (see, e.g., Work Order #725178);
 - [PreK doors that will not lock](#) (see, e.g., Work Order #722263);
 - broken lights in the gymnasium (see, e.g., Work Order #725145); and

- uninstalled Smart Boards.
- Advisory Neighborhood 4B Commissioners have received email communications from the Whittier Elementary School community over October and November 2022, calling for immediate modernization of the school to remedy accessibility, health, and safety concerns. The school's Parent Teacher Organization hosted a "Rally for Your Rights" on November 4, 2022, to highlight building code violations, the school's leaking roof, HVAC issues, plumbing issues, and falling bricks from the building façade, and a "Call to Action Rally" on November 17, 2022, to call for urgent modernization. Commissioner Jocelynn Johnson (4B03) and Commissioner Palmer (4B02) have attended protests and testified before the DC Council and DC Public Schools, including as recently as this month, as well as advocated to the DC Council, regarding the need for repairs (including mold and lead testing and remediation) and modernization.
- Chancellor Lewis D. Ferebee responded to the Whittier Elementary School community in a November 8, 2022, letter (attached), noting Whittier's modernization occurs according to the Planning Actively for Comprehensive Education Facilities Amendment Act and will occur in school years 2025 to 2027, despite calls for more urgent action. The Letter also stated, "DCPS and the Department of General Services (DGS) continue to perform preventive maintenance at Whittier, respond to maintenance requests as they are received, and complete small capital projects. The roof repair over the multipurpose room and lead paint abatement were completed earlier this calendar year, and the elevator project is slated to be completed by the end of calendar year 2022." As noted above, the District Department of General Services has failed to provide timely repairs. And modernization by 2027 fails to take into account these longstanding accessibility, health, and safety issues that warrant urgent attention.
- While the DC Council has acted on Advisory Neighborhood Commission 4B's [Resolution 4B-21-0904](#), Calling for District Department of General Services to Provide Online Dashboard to Track Status of DC School Facilities, approved at the Commission's September 27, 2021, meeting, to improve transparency of reporting with regard to the Department's processing of work orders, the problems persist and it is clear existing legislation is insufficient to ensure accessible, healthy, and safe school buildings. See [District Department of General Services Work Order Dashboard](#); see also [B24-1054](#), Work Order Integrity Amendment Act of 2022 (requiring school-level staff member approval before marking a repair request as complete) (under DC Council review); [B24-0920](#), Back-to-School Safely Emergency Amendment Act of 2022 (emergency legislation requiring DC Public Schools to report on the readiness of their facilities for in-person learning) (expired).

- The Whittier Elementary School community has advocated for years for modernization of its school building and timely completion of school repairs. The District government has responded with piecemeal and incomplete repairs, failing to address the lack of accessibility and risking the health and safety of the school’s children and teachers. Timely modernization would have and still could save money on these inadequate and piecemeal repairs. See [Resolution 4B-19-1002](#), Calling for Accelerated Modernization of Whittier Education Campus (Oct. 28, 2019) (“While it may be possible to engage in temporary fixes, Advisory Neighborhood Commission 4B believes full modernization is necessary for the health and safety of students and faculty, to ensure a fully accessible and Americans with Disabilities Act-compliant facility, and in the District’s financial interest. Given the breadth of problems with the Whittier Education Campus facility, the District will save money by modernizing the building promptly rather than engaging in temporary fixes that may not fully address the problems and where the facility will ultimately be modernized.”).

RESOLVED:

- That Advisory Neighborhood Commission 4B calls on the District Department of General Services to timely complete school building work orders at Whittier Elementary School and report on the status and completion of these work orders to the Commission and the DC Council.
- That Advisory Neighborhood Commission 4B calls on DC Council to exercise additional oversight of the District Department of General Services to ensure timely completion of school building work orders, including at Whittier Elementary School, and to ensure the quality of the final work product for small repairs and larger capital projects to prevent emergency repairs being immediately necessary like at Whittier Elementary School.
- That Advisory Neighborhood Commission 4B calls on DC Council to exercise additional oversight of the District Department of General Services to ensure a process for mold testing and remediation at Whittier Elementary School in light of the years and years of roof leaks that substantially increase the risk of mold in the building.
- That Advisory Neighborhood Commission 4B calls on the DC Council’s Committee of the Whole, the Deputy Mayor for Education, and DC Public Schools leadership to reconsider the school facility Capital Improvement Plan scoring criteria to adequately ensure compliance with the Americans with Disabilities Act, and to ensure robust consideration of equity. Action needs to be taken to correct for disparities in school modernizations: only the schools in Ward 3 are fully modernized, leading to concerns about the equity element of the Capital Improvement Plan process.

- That Advisory Neighborhood Commission 4B calls on the Mayor and the DC Council to adequately fund school modernizations based on need and for timely modernization of schools based on revised criteria that includes compliance with the Americans with Disabilities Act and robust consideration of equity.
- That Advisory Neighborhood Commission 4B calls on DC Public Schools to immediately update its "[School Modernizations](#)" webpages to include an easily accessible and understandable schedule for school modernizations and to update all incomplete existing webpages. Having a complete list of modernized schools and the schools scheduled for modernization will ensure [transparency and accountability as to equity in school modernizations](#).

FURTHER RESOLVED:

That the Commission designates Commissioner Jocelynn Johnson, 4B03, and Commissioner Erin Palmer, ANC 4B02, to represent the Commission in all matters relating to this Resolution.

FURTHER RESOLVED:

That, in the event the designated representative Commissioners cannot carry out their representative duties for any reason, the Commission authorizes the Chair to designate another Commissioner to represent the Commission in all matter relating to this Resolution.

FURTHER RESOLVED:

That, consistent with DC Code § 1-309, only actions of the full Commission voting in a properly noticed public meeting have standing and carry great weight. The actions, positions, and opinions of individual commissioners, insofar as they may be contradictory to or otherwise inconsistent with the expressed position of the full Commission in a properly adopted resolution or letter, have no standing and cannot be considered as in any way associated with the Commission.

ADOPTED by voice vote at a regular public meeting (notice of which was properly given, and at which a quorum of X members was present) on November 28, 2022, by a vote of X yes, X no, X abstentions.