



**Public Hearing on
Bill 22-131
“Education Professional Development Contracting Authority Clarification Amendment Act of 2017”**

**Testimony of
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State Superintendent**

Before the
Committee of the Whole
The Honorable Chairman Phil Mendelson
Council of the District of Columbia

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John A. Wilson Building
Room 123
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004

Good afternoon Chairman Mendelson, members, and staff of the Committee of the Whole. My name is Hanseul Kang, and I am the State Superintendent at the Office of the State Superintendent of Education (OSSE). I am pleased to testify before you today regarding Bill 22-131, "Education Professional Development Contracting Authority Clarification Amendment Act of 2017," which would provide an exemption from the competition requirements in the Procurement Practices Reform Act of 2010 (PPRA) for professional development training, services and goods valued at \$25,000 or less and made under the contracting authority of DC Public Schools or OSSE.

OSSE is committed to following all procurement laws, policies, and processes. We agree with the Council that quality procurement processes are essential for good governance and ensure that the taxpayer's dollar is used wisely and fairly. OSSE recognizes and greatly values our partnership with the Office of Contracts and Procurement (OCP) in providing consistent and dedicated service that supports OSSE in sustaining, accelerating, and deepening the progress being made in DC education. Providing our students and families with an excellent education is a fundamental part of building pathways to the middle class in the District of Columbia.

In today's testimony, I will outline some background on the projected impact on OSSE of the professional development procurement exemption. I will also provide some recommendations that can balance OSSE's need to be nimble when procuring professional development services to better support educators, yet help us be good stewards of government resources.

Background on Professional Development at OSSE

As you are aware, our primary role in the District of Columbia is to support Local Education agencies (LEAs) and their schools with resources that help them improve outcomes for students. This is also outlined in our obligations under the federal Every Student Succeeds Act (ESSA) and the Individuals with Disabilities Education Act. Research has shown that effective, relevant, and supportive professional development activities are important to improving student achievement. One of the most significant concerns heard from teachers and school leaders is the need for timely professional development that addresses real needs in the field.

The proposed bill would exempt from competition professional development training, services, and goods valued at \$25,000 or less which support principal, teacher, and student achievement at DCPS and OSSE. OSSE's primary concern is the identification and delivery of large-scale professional development that OSSE delivers to Local Education Agencies throughout the District. OSSE appreciates the proposed exemption but would respectfully request re-consideration of placing a limit on exemptions for professional development services. Due to a combination of timeliness concerns and the specific qualitative nature of such procurements, OSSE believes that a full professional development exemption would allow the flexibility to implement some of our most promising initiatives that serve our students well.

Examples of Potential Impact of Exemption

I would like now to draw attention to some important contracts that may be affected by the proposed bill.

Restorative Justice Project

One area of work that would fall under the proposed exemption is OSSE's restorative justice project. OSSE has funded the Restorative D.C. project since the 2014-15 school year. This partnership between

LEAs, OSSE, and SchoolTalk Inc. uses restorative justice practices that focus on keeping students in school through relationship building and problem solving rather than traditional punishment, such as suspension or expulsion. Participating schools have observed a significant shift in school culture marked by a greater sense of safety, belonging, and community. In addition, we have seen a significant decrease in suspensions and expulsions which means more students are attending school and learning. In our most recent round of public engagement forums on the ESSA state plan, stakeholders were pleased with the implementation of this program and hoped that it would be expanded to more schools over the next year.

OSSE is committed to supporting this important work. In order to add schools next year, under this legislation, OSSE would have to rebid this contract and risk a break in services and the loss of the successful partnership with SchoolTalk. Continuity of services and programs, including working with a consistent provider, can be especially important when supporting struggling schools.

Learning Support Network

Another area of work with demonstrated success that would fall under the proposed exemption is the support OSSE provides to struggling schools through the Learning Support Network, as required by the Elementary and Secondary Education Act (ESEA). The Learning Support Network provides instructional supports and training for teachers, such as on-site coaching and peer networking, to provide them the resources needed to keep students engaged in the classroom throughout the District's most struggling schools. Because the schools served by this program can change annually, we need the flexibility to accommodate these changes in scope.

Finally, OSSE also provides services on a smaller scale that meet real and timely needs in the school community, such as trauma-informed intervention training, nonviolent crisis prevention training, and training on addressing child exploitation/human trafficking. It is critical that OSSE be able to be responsive a timely manner to issues as they arise in our schools and provide appropriate training, supports and interventions. It is also critical that OSSE be able to ensure that these very complex and detailed trainings on often sensitive subject matters be provided by high quality vendors.

Procurement Exemptions

In order to provide such impactful trainings, both OSSE and DCPS, need the flexibility to be able to respond and adapt quickly to diverse and changing needs or new developments. A confluence of various procurement requirements makes it challenging to provide timely and high quality professional supports to teachers and schools. Accordingly procurement by standard competitive means is not practical for these contracts for a number of reasons.

First, there are impacts of alignment between the school year and the fiscal year which drives procurement. With a few exceptions, the school year typically runs from August to June. In order to have supports fully in place for teachers and students, planning work begins in January and needs to be completed by July, when teachers begin professional development for the upcoming school year. Further, partnerships with key vendors must be in place by August in order for services to be available in the fall.

Unfortunately, the District's fiscal year does not align with the school year; while school support starts in July and student services start in August, our fiscal year does not start until October. In addition, a competitive procurement can take 9 months, and we cannot begin a procurement process until funds for the fiscal year are certified as available in full by OCFO.

These misalignments mean that it is very difficult for OSSE and DCPS to be ready to fully serve leaders, teachers and students each fall, in a manner that is responsive to the current needs of the schools. Currently, a competition exemption in the PPRA exists for “professional development trainings that support principal, teacher, and student achievement pursuant to the District of Columbia Public Schools Master Education Plan.” We believe that it is likely that this exemption was created due to an understanding of the above challenges.

Additionally OSSE requires the necessary flexibility to conduct critical analysis of programs to find the one that provides the best return on investment and includes the key components necessary to address the range of the District’s overall needs and a school’s individual needs. Some of the smaller contracts would fall under the District’s small purchase procedures which require the contract is awarded to the “fair and reasonable” priced bid. This does not allow OSSE to consider any subjective factors such as whether or not an offeror is able to provide trainings that can actually address the immediate needs of educators in serving students.

Finally, having to compete certain contracts will limit OSSE’s ability to be nimble and scale up trainings that are working in one school to schools across the District, as illustrated by the example of Restorative Justice. This program was increased from impacting one school to impacting several once it was determined to be successful.

In fact, the District is not the only jurisdiction that recognizes this need to be flexible and provide an exemption from the competitive process for professional development trainings and school improvement services. For example, in Ohio, a school district can purchase services (other than food services), textbooks, and educational materials without competitive bidding.¹ In West Virginia, LEAs may purchase training activities, along with a number of other items or services without obtaining competitive bids or advertising.² Hawaii has determined there may be situations by which procurement by competitive means is either not practicable or not advantageous to the State and has approved a number of requests to procure professional development trainings outside of the competitive process.³

Closing

It is the prerogative of the Council to provide spending and procurement oversight, and that role is vital. OSSE is required to submit any contract over \$1 million that would fall under the limited exemption to Council for approval. OSSE’s expenditures are still subject to review, approval, and processing in conformity with specifications outlined in the scope of work and DC procurement laws and rules.

In closing, it is important to emphasize once more that OSSE is only requesting a limited exemption from the competition requirements of the District’s procurement process for professional development services. In addition, having this exemption in place does not prohibit OSSE from competing such professional development training contracts, but rather provides OSSE with the necessary flexibility to provide supports and trainings to schools that address their immediate needs.

¹ Ohio School Boards Competitive Bidding Fact Sheet:

<http://www.ohioschoolboards.org/sites/default/files/OSBACompetitiveBiddingFactSheet-3.pdf>

² “Purchasing Policies and Procedures Manual for Local Education Agencies.” West Virginia Department of Education, Office of School Finance. Available at:

https://wvde.state.wv.us/finance/files/Policies/Policy8200_with_Cover.pdf

³ Example of granted request: <https://www.hawaii.edu/oprpm/exempt/pdf/PLTW.pdf>

OSSE remains committed to being transparent and efficient stewards of public funding and greatly appreciates the Chairman's leadership in introducing this bill and for providing me with the opportunity to testify today. I am happy to answer any questions or concerns that you may have for me.