



**Creating a High
Quality Education
Continuum**

SCHOOL REUSE PROCESS

June 2017



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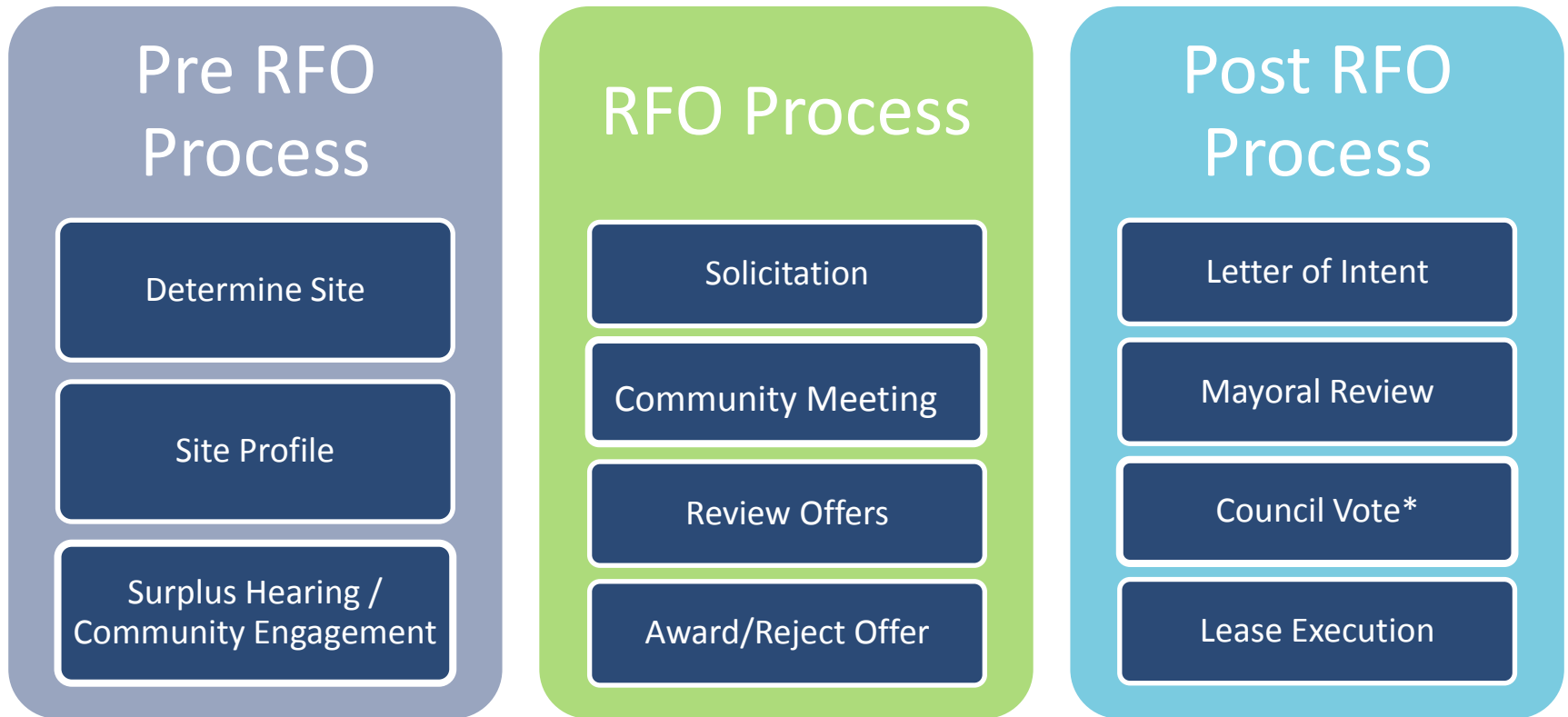
- Brief History of School Reuse
- Current School Reuse Process
- Questions and Answers
- Survey/Feedback



Brief History of School Reuse

- D.C. Code [§ 38-1802.09](#) states that the Mayor shall give the right of first offer to purchase, lease, or otherwise use a surplus school facility to an eligible entity which since 2014 are public charter schools and charter school incubators.
- Prior to 2007, surplus school buildings typically were sold. Today buildings typically are leased for a 25 year term with a 25 year renewal to public charter schools. For public charter incubators, buildings are typically leased for 20 years or less.
- In 2007 D.C. Council granted former Mayor Adrian Fenty control over DCPS and Chancellor Michelle Rhee closed 27 schools prompting for the need for a clear, transparent process.

School Reuse Process



*Council vote required for leases longer than 20 years on District owned property.

Community engagement throughout the process 

Determine Site

Pre RFO Process

Determine Site

Site Profile

Surplus Hearing

- A reuse site must be declared surplus before it can be reused by a charter school.
- The DME initiates the surplus process; the Council later approves the surplus resolution. (A site is not surplus until Council approves the surplus resolution. The RFO takes place prior surplus approval.)
- The 2014 update to DC Code creates a pre-surplus designation called “excess”.
- DC Code §38-2803: A school site is labeled excess after it has been identified as vacant without a plan for reuse or significantly underused for two consecutive years without plan for reuse.
- The DME annually posts the list of sites designated as excess at www.dme.dc.gov in conjunction with the Master Facilities Plan Annual Update.

Pre RFO Process

Determine Site

Site Profile

Surplus Hearing

- A Site Profile is created using the following data:
 - Population projections
 - Nearby Enrollment
 - Nearby Capacity
 - Nearby Utilization Rates
 - Nearby Academic Programs
- DME compiles data to:
 - Inform the surplus hearing with the community
 - Include it in the Request for Offers

Site Profile – Sample Data

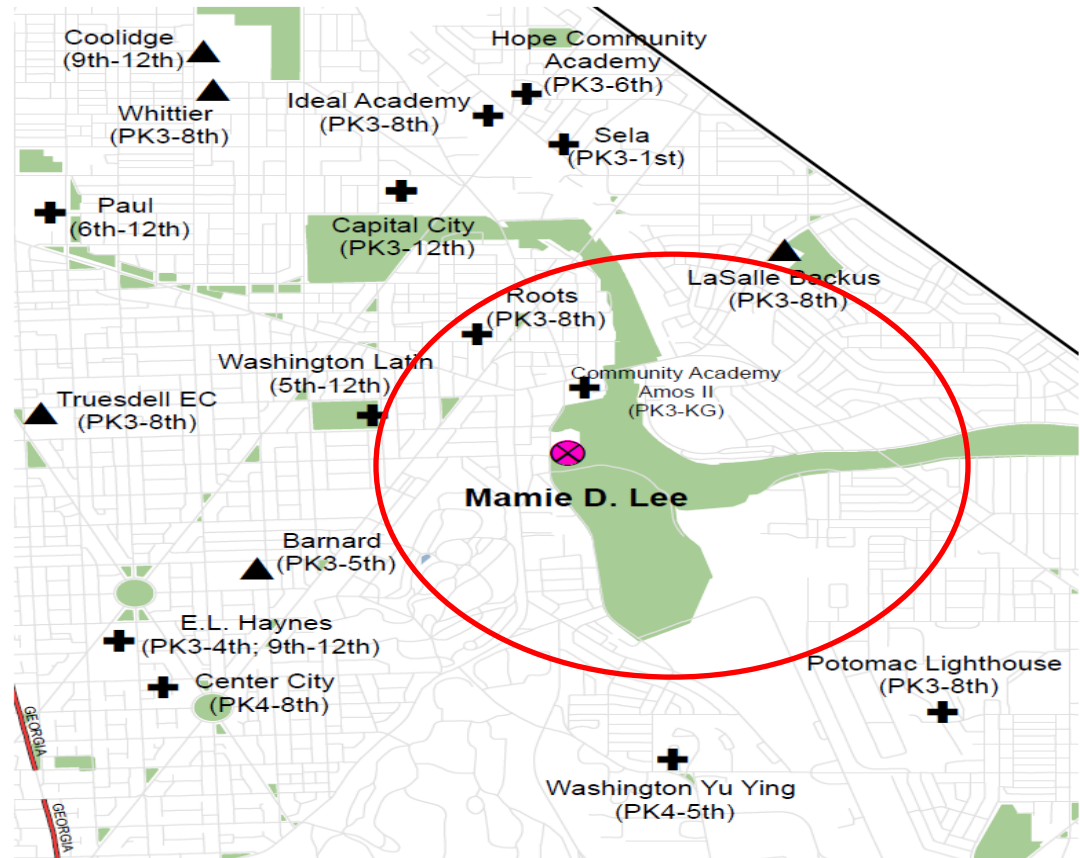
Pre RFO Process

Identify Site

Site Profile

Surplus Hearing

Example:



Surplus Hearing

Pre RFO Process

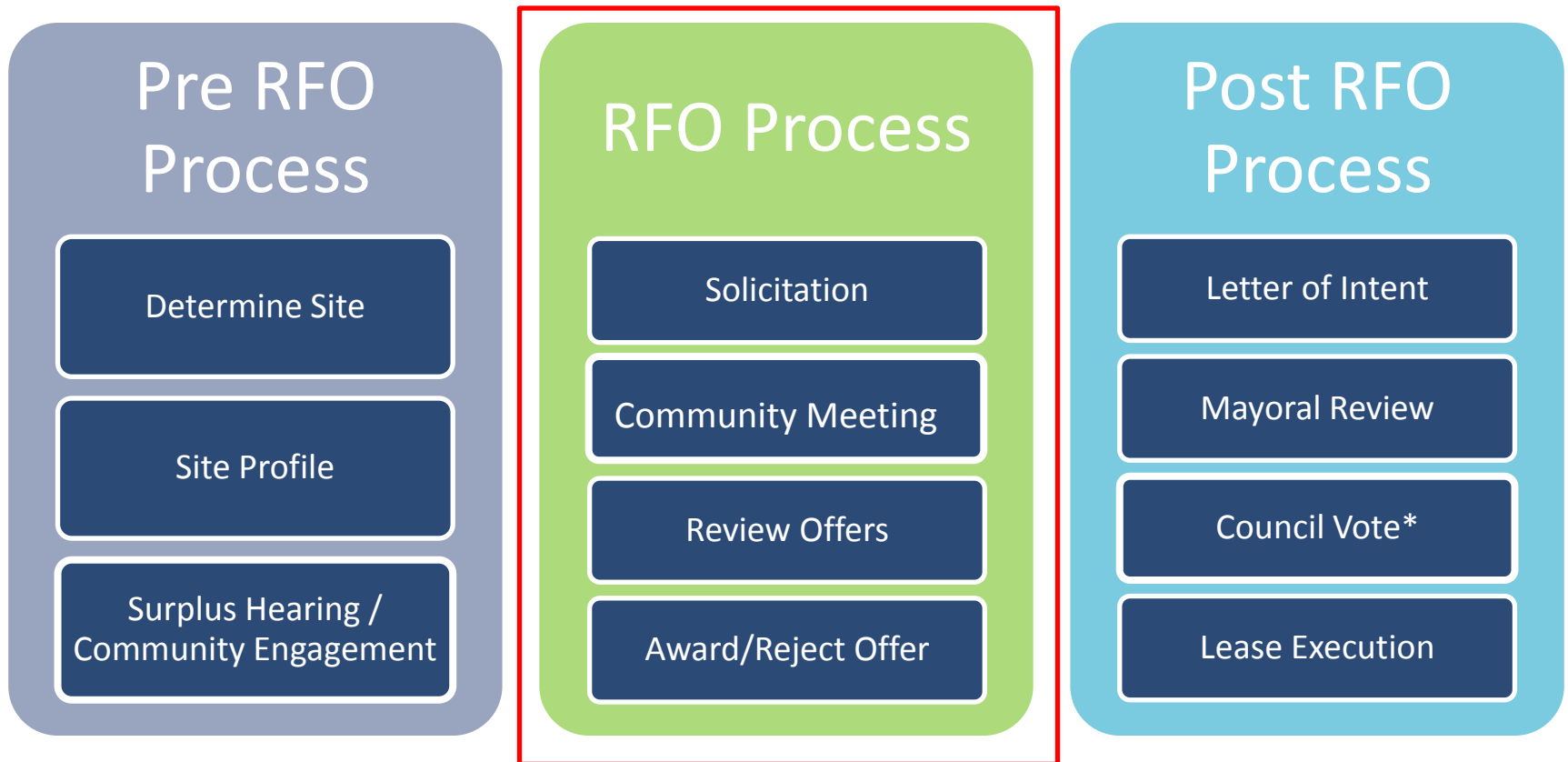
Identify Site

Site Profile

Surplus Hearing

- DC Code [§10-801](#) requires a public hearing on the surplus designation of any site prior to seeking Council approval of the surplus school.
- There is no requirement that the surplus hearing happen prior to the Request for Offers, however, DME has adopted it as best practice.
- The Site Profile is shared at the surplus hearing for community input.
- Community input compiled at the surplus hearing shapes the Request for Offers through DME's office.

School Reuse Process (Step - 2)



*Council vote required for leases longer than 20 years on District owned property.

Community engagement throughout the process 

Request for Offer Timeline

RFO Process

Solicitation

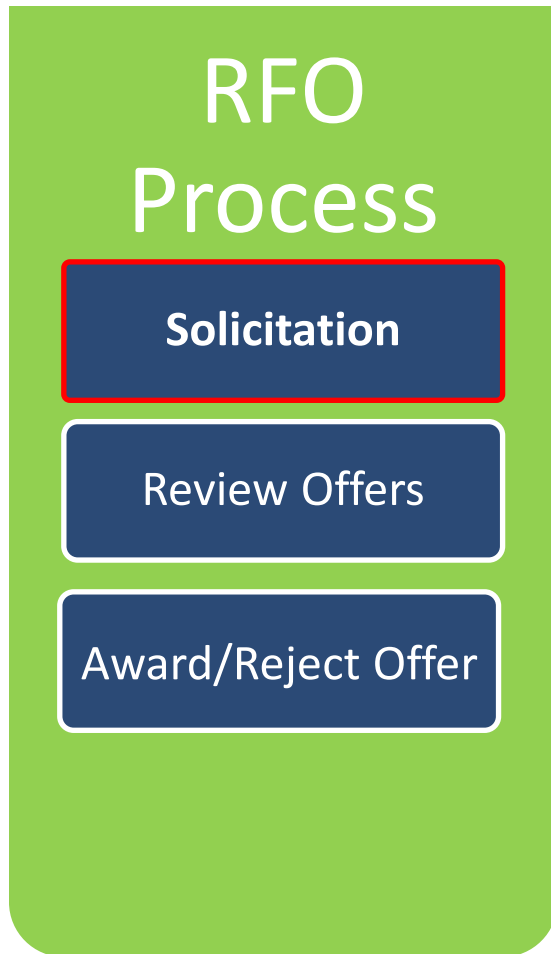
Review Offers

Award/Reject Offer

Timeline

- RFO posted for 30 days by DME
- RFO is typically reviewed for 30-60 days by DME
- Unsolicited offers may be received for 30 days - 12 months after the RFO closes
- Once award is made, no unsolicited offers are accepted

Request for Offer Process



- The Right of First Offer process begins with the release of a Request for Offers (RFO) solicitation from DME.
- The RFO includes the Site Profile, input from community engagement from the surplus hearing, site specific data, and the District’s goals for the site as determined by the DME.
- Only Eligible Applicants are able to submit offers in the RFO.
 - Eligible applicants include charter LEAs and charter incubators
 - Eligible Applicants may partner with third parties at anytime to submit an offer. Example: Mamie D. Lee – Bridges & Briya partnering with Mary’s Center.

Community Engagement

RFO Process

Solicitation

Review Offers

Award/Reject Offer

- After the offers have been submitted on the RFO, the DME hosts a second community meeting and gives charter applicants an opportunity to present their offer to the community.
- Community input is considered in the review process and weighted in the scoring rubric.
- Charter community engagement is not limited to DME meetings. Charters are encouraged to attend ANC and other community meetings.

RFO Process

Solicitation

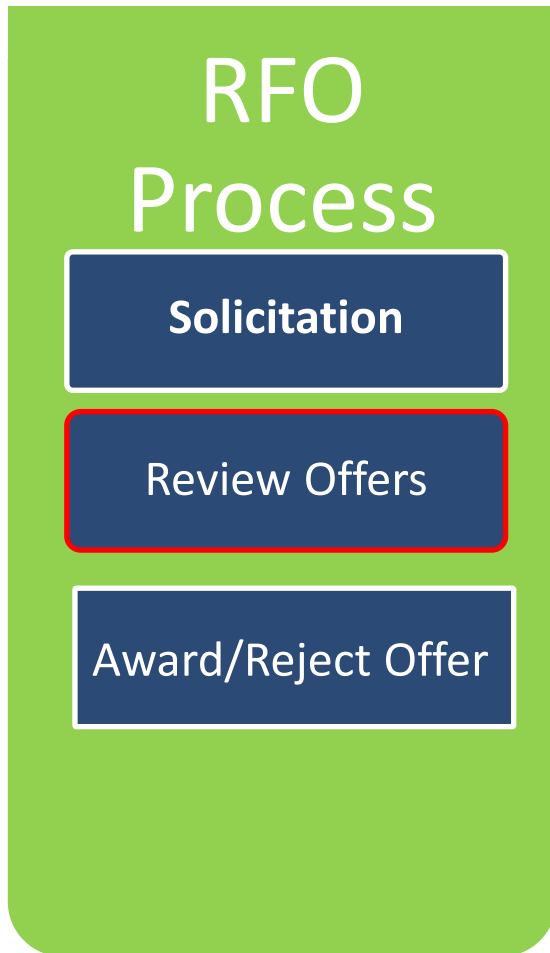
Review Offers

Award/Reject Offer

DC Code [§ 38-1802.09](#) outlines the following Preferences:

1. An existing tenant [in a lease] that is a public charter school that has occupied all, or substantially all, of the facility or property
2. An applicant that the Public Charter School Board has determined to be high-performing and financially sound.

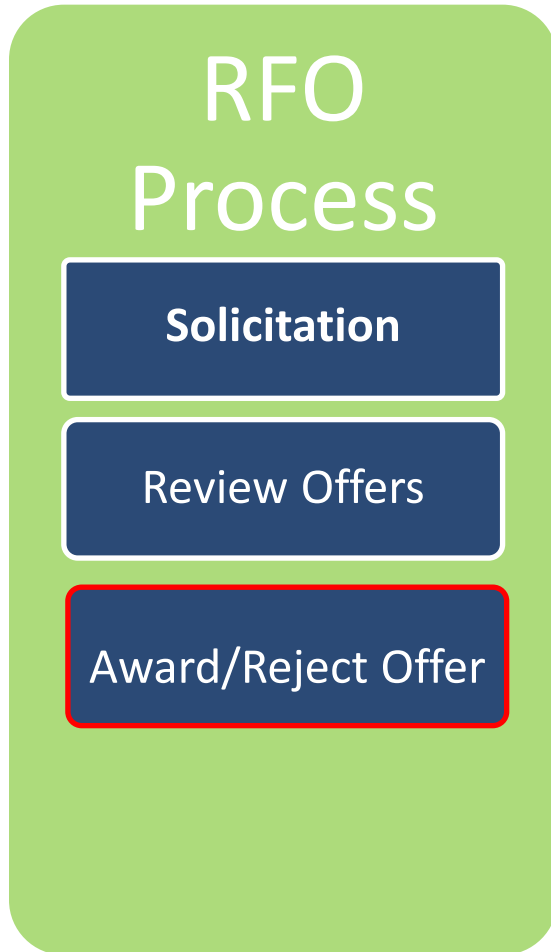
Review Offers – Rubric



Offers are scored by rubric in the RFO.

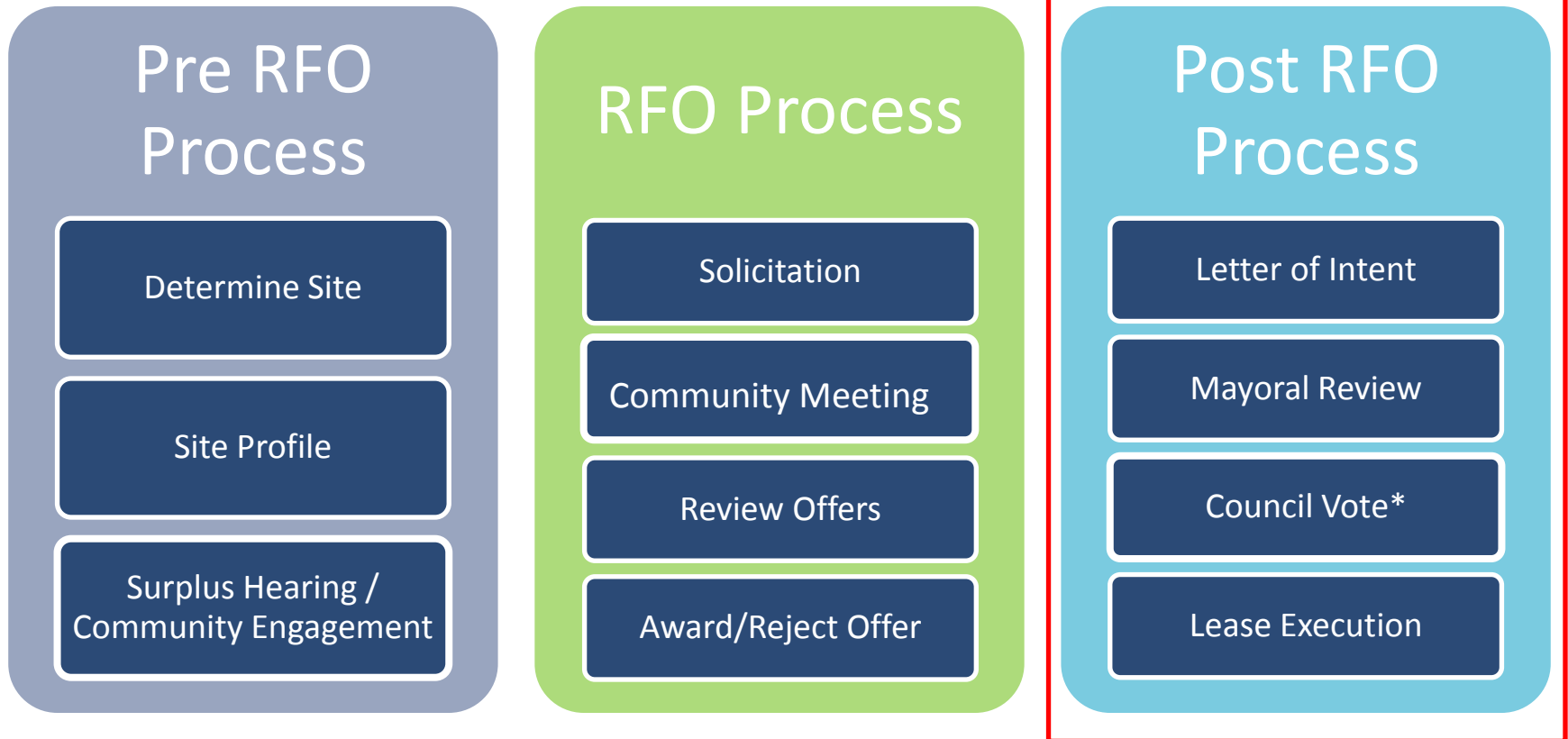
- Sample Rubric below:
 - Local Education Authority (LEA) Performance - 25 Points
 - Financial Feasibility - 25 Points
 - Project Vision and Implementation Plan- 20 Points
 - Demonstration of how the Respondent will meet Identified Needs and Provide Equitable Service - 15 Points
 - Community Engagement and Access 15 Points

Award/Reject Offer



- Review panel convened with representatives from the Deputy Mayor for Education, the Office of Planning, Department of General Services, and Deputy Mayor for Planning and Economic Development, when needed.
- Review Panel submits recommendation to the DME and the Mayor for award.
- Mayor provides final approval of award.

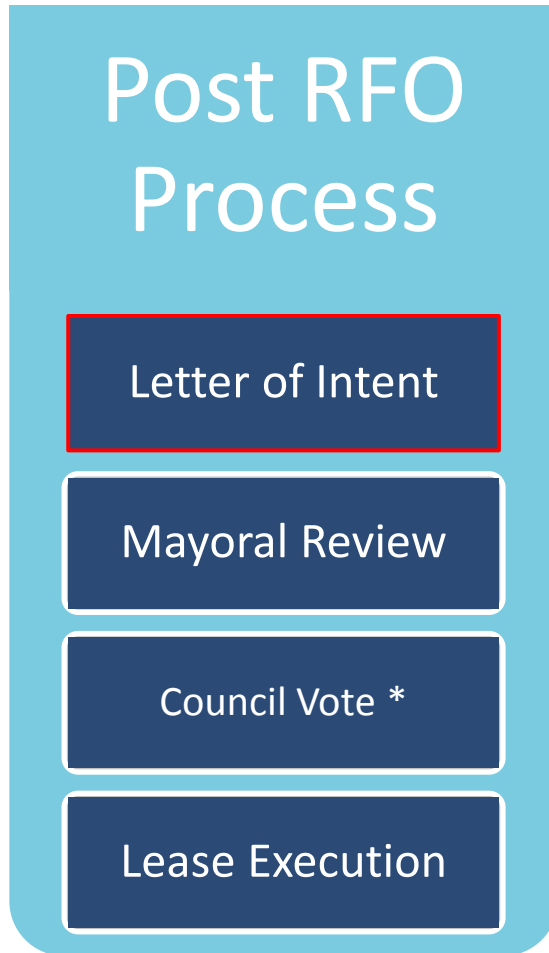
School Reuse Process (Step - 3)



*Council vote required for leases longer than 20 years on District owned property.

Community engagement throughout the process 

Post RFO Process – Exceptions



- After the RFO award is made by DME, the transaction is transferred to the Department of General Services (DGS) to begin lease negotiations.
- DGS negotiates the terms of the lease with the successful offeror.
- A lease requires Council approval if:
 - It is longer than 20 years.
- A lease does not require Council approval if:
 - It sits on federal land
 - The lease is with an Incubator or co-location
 - The lease is less than 20 years

Letter of Intent

Post RFO Process

Letter of Intent

Mayoral Review

Council Vote*

Lease Execution

- DGS negotiates the Letter of Intent (LOI) to solidify the terms of the lease before Council approval.
- DGS transmits the LOI with proposed legislation in what is called a “Council Package” to begin the Council approval process.
- A lease of District property that is longer than 20 years is considered a disposition that requires legislative action and Council Approval. Less than 20 years does not require legislative action.

Mayoral Review

Post RFO Process

Letter of Intent

Mayoral Review

Council Vote*

Lease Execution

- The “Council package” is submitted to the Office of Policy and Legislative Affairs (OPLA) within the Mayor’s office
- After OPLA review, the “Council package” requires signoff by City Administrator, General Counsel, and Mayor’s Chief of Staff
- Then OPLA transmits the “Council package” to the Office of the Secretary for the Mayor’s signature before a Council vote.

Post RFO Process

Letter of Intent

Mayoral Review

Council Vote*

Lease Execution

- DC Code [§10-801](#) requires that the Council Package include the following:
 - **Clean Hands Certificate**
 - **Tax Certifications**
 - **Fiscal Impact Statement**
 - **Economic Impact**
 - **Surplus Declaration**
 - **Legal Sufficiency**

Post RFO Process

Letter of Intent

Mayoral Review

Council Vote

Lease Execution

- After Mayor's signoff, the proposed legislation is filed by OPLA with the Council's Office of the Secretary which starts the clock for active review.
- On behalf of the Mayor, the Chairman of the Council introduces the proposed legislation and circulated to Councilmembers by the Secretary.
- DC Code § 10-801 - Council has **90 days** for active review. If no action is taken, the legislation is deemed **NOT** approved.

Post RFO Process

Letter of Intent

Mayoral Review

Council Vote

Lease Execution

- Typically the school disposition and surplus resolution requires:
 - A Council hearing is required and is open to the public.
 - Two Council votes at separate legislative meetings.
- After approval, the legislation is sent to Mayor for signature and lastly to Congress for 30-day passive approval.
 - If Congress does not act, the legislation is deemed approved after 30 days.
- For more details see: [how a bill becomes law DC](#)

Post RFO Process

Letter of Intent

Mayoral Review

Council Vote

Lease Execution

- Council is typically in Recess:
 - Winter: Nine business days preceding December 31st
 - Spring: Nine business days following Easter
 - Summer: July 15th through September 19th

Lease Execution

Post RFO Process

Letter of Intent

Mayoral Review

Council Vote*

Lease Execution

- DC Code [§ 38-1802.09](#) requires a lease terms of 25 years with a 25 year renewal. In instances with new market tax credits the initial term may be longer. For incubators, the term is 20 years or fewer.
- Rent is based on an independent third party appraisal. Rent credits are often given for capital improvements through negotiations with DGS.
- DGS executes leases with the charter school or incubator on behalf of the Mayor.

Possible Timeline**

Pre RFO Process

60 Days after the Site is Determined

RFO Process

60-90 Days Depending on the complexity of the Reuse Site

Post RFO Process

180-240 Days Depending on Council Process, Federal Land Use and/or Lease Negotiations

*Council vote required for leases longer than 20 years on District owned property.

** This timeline is an estimate. Each school is unique and timelines may shift based on the Reuse Site characteristics.



Community engagement throughout the process

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Opportunities for Community Engagement



*Council vote required for leases longer than 20 years on District owned property.

Community engagement throughout the process 

Feedback/ Questions

For additional information visit the DME website at www.dme.dc.gov

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